Draft

**Kyrgyz Republic**

 **Regional Electricity Market**

**Interconnectivity and Trade (REMIT) Multiphase Programmatic Approach (MPA)**

**LABOR MANAGEMENT PROCEDURES**

 **(LMP)**

2025

Bishkek

# TABLE OF CONTENTS

[1.0. INTRODUCTION 4](#_Toc206441828)

[1.1. Objectives of LMP 4](#_Toc206441829)

[2.0. OVERVIEW OF LABOR USE IN THE PROJECT 5](#_Toc206441830)

[2.1. Number of project workers 6](#_Toc206441831)

[2.3. Characteristics of project workers 6](#_Toc206441832)

[2.4. Timing of Labor Requirements 7](#_Toc206441833)

[2.5. Workers under contract 7](#_Toc206441834)

[2.6. Migrant workers 7](#_Toc206441835)

[3.0. ASSESSMENT OF KEY POTENTIAL LABOR RISKS 8](#_Toc206441836)

[3.1. Project activities 8](#_Toc206441837)

[3.2. Key Labor Risks 8](#_Toc206441838)

[3.3. Risks associated with certain categories of workers 9](#_Toc206441839)

[3.4. Risks related to occupational health and safety 10](#_Toc206441840)

[4.0. BRIEF OVERVIEW OF LABOR LEGISLATION and ESS2: TERMS AND CONDITIONS 11](#_Toc206441841)

[4.1. National Labor Legislation 11](#_Toc206441842)

[4.2. ESS2 AND GAPS IN GOVERNMENT REGULATION 15](#_Toc206441843)

[4.3. Key differences between national legislation and the World Bank's ESS2 regarding working conditions and non-discrimination in employment relations 16](#_Toc206441844)

[5.0. BRIEF OVERVIEW OF LEGISLATION KG: HEALTH AND SAFETY AT WORK 20](#_Toc206441845)

[5.1. Legislative framework in the field of labor protection. 20](#_Toc206441846)

[5.2. Enforcement of health and safety legislation 22](#_Toc206441847)

[5.3. Liability for violation of labor laws 23](#_Toc206441848)

[6.0. RESPONSIBLE STAFF 23](#_Toc206441849)

[7.0. POLICIES AND PROCEDURES 25](#_Toc206441850)

[7.1. Occupational Health and Safety 25](#_Toc206441851)

[7.2. Recruitment 27](#_Toc206441852)

[7.3. Equality and Non-discrimination 27](#_Toc206441853)

[7.4.Child and Forced Labor 27](#_Toc206441854)

[7.5. Gender Based Violence and Sexual Harassment 27](#_Toc206441855)

[7.6. Trade Unions and Collective Bargaining 28](#_Toc206441856)

[8.0. AGE OF EMPLOYMENT 29](#_Toc206441857)

[9.0. TERMS AND CONDITIONS 29](#_Toc206441858)

[10.0. GRIEVANCE REDRESS MECHANISM (GRM) 29](#_Toc206441859)

[11.0. CONTRACTOR'S MANAGEMENT 37](#_Toc206441860)

[11.1. Monitoring of contracts 37](#_Toc206441861)

[APPENDICES: 38](#_Toc206441862)

[APPENDIX 1. Code of Conduct 38](#_Toc206441863)

[APPENDIX 2. To the Code of Conduct form: 40](#_Toc206441864)

[APPENDIX 3. Sample complaint form 41](#_Toc206441865)

**LIST OF ABBREVIATIONS**

AA - Aiyl Aymak

BR&C - Building Regulations and Codes

СС- Civil Code
ESF - Environmental and Social Framework
ESS - Environmental and Social Standard

ESMP - Environmental and Social Management Plan
GBV - Gender-Based Violence
GRM - Grievance Redress Mechanism

GRS - WB Grievance Redress Service

IA - Implementing Agency

KG – Kyrgyz Republic

LC - Labor Code

LMP - Labor management procedures

LGB - Local Government Bodies

M&E - Monitoring and evaluation

MoE - Ministry of Energy

NEGK- National Electric Grid of Kyrgyzstan

OHS - Occupational and health and safety

PIU - Project implementation unit

PL - Power line
PPE - Personal Protective Equipment

RLP - Regulations (instructions) on labor protection

SR&R - Sanitary rules and regulations
SEA -Sexual exploitation and abuse
SH - Sexual harassment

TS - Transformer Substations

WB - World Bank

# 1.0. INTRODUCTION

The energy sector has been a key driver that fueled economic growth in Central Asian for years following independence from the Soviet Union and will continue to play a key role as the region seeks to transition towards cleaner, greener and inclusive economic growth. The locations of the proposed interventions for establishing a robust regional electric grid will be in 4 Central Asian countries like Kyrgyz Republic, Republic of Kazakhstan, Republic of Tajikistan, Republic of Uzbekistan. The proposed Regional Electricity Market Interconnectivity and Trade (REMIT) MPA project is structured to mirror the evolution from limited bilateral trade today to a full fledge regional electricity market in Central Asia in 3 phases/components. Most of the interventions at this stage are targeted for construction/augmentation/modernization/digitization of existing transmission network including domestic network for which feasibility studies are underway to achieve the objective. This project addresses the environmental and social aspects through the World Bank’s Environmental and Social Framework. One of the Standards – ESS2 relates to Labor and Working Conditions and expects the Borrowers to develop Labor Management Procedures (LMP).

The proposed Project (MPA1) consists of the three components as follows:

(i) Component 1: Pilot regional electricity market;

(ii) Component 2: Improvement and digitalization of regional interconnectivity; and

(iii) Component 3: Improvement of the favorable environment and institutional capacity.

The currently identified sub-projects under phase-1 provides for the reconstruction of substations "Kristall" and "Torobaeva", as well as the reconstruction/construction of the Kristall-Yulduz power transmission line. The implementation of these measures will increase the capacity of the energy system, use available resources more efficiently, and also reduce the frequency of accidents caused by equipment overload.

The direct positive effect of the project will be to meet the growing demand for energy in the region through more efficient use of available cheap energy sources, increasing the capacity of the Kristall and Torobaeva substations, as well as the capacity of the Kristall-Yulduz power line.

## 1.1. Objectives of LMP

These procedures for managing labor procedures ((LMP) Are designed to meet the environmental and social requirements of the World Bank's Environment and Social Framework. One of the standards, ESS2, deals with labor relations and working conditions. In this project, ESS2 applies to project workers, including full-time and part-time workers, temporary, seasonal workers and migrants, and does not apply to government employees.

The LMP enables the project management to identify the main requirements and risks associated with human resources and to understand what resources are needed to address the related staffing issues. An LMP is a living document that is created early in project preparation and updated throughout the project development and implementation process. Accordingly, this document details the types of workers likely to be involved in and in the management of the project. These procedures will determine the management of project workers in accordance with the requirements of national legislation and ESS2. Requirements for compliance with good manufacturing practice and health and safety principles will also be included in the Contractor's tender documents. Contractors will have to comply with the requirements LMP in accordance with the project's manpower management procedures, which will be monitored PIU and its relevant specialists throughout the project implementation process.

# 2.0. OVERVIEW OF LABOR USE IN THE PROJECT

According to the ESS2, the entire workforce is divided into the following categories:

* direct workers,
* contract workers,
* community workers
* key supplier employees.

The LMP applies to project workers as understood under the ESS2. Given The LMP is intended for staff and workers directly employed by the PIU to carry out project-related tasks (direct workers) and contract workers (salaried workers). Other workers (such as community workers and key supplier workers) should not be involved.

**Table 1. Categories of workers**

| Type of workers | WB ESS 2 Definitions | Situation in the project | Categories of workers corresponding to the project |
| --- | --- | --- | --- |
| Direct workers | People employed or engaged directly by the Borrower to work specifically in relation to the project | A project implementation unit will be established at NESC to provide ongoing management and oversight of the project implementation in the field. | Yes |
| Contract workers | Hired or engaged by a third party to carry out work related to the main functions of the project, regardless of the location of its implementation | It is envisaged that two main categories of contract workers will be involved:Consulting service providers that will provide support to PIU NEGKs.Construction contractors will be hired by PIU NEGK to carry out construction work on subprojects (at each relevant site). | Yes |
| Community workers | People employed or engaged in providing community labor – relevant where projects are designed and conducted for the purpose of fostering community-drivendevelopment. | It is assumed that this category of workers will not be required to implement the project. | No |
| Primary supply chain 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. | It is assumed that this category of workers will not be required to implement the project. | No |

Two different types of workers are expected to be involved in this project: direct labor (PIU staff) and salaried labor (the majority of project staff).

## 2.1. Number of project workers

Direct employees. The exact total number of direct workers is currently about 8 people, but will be confirmed later.

It is also currently unknown how many contract workers will be hired. Contract workers may be individual consultants hired to perform various tasks specified in the project, including consultants on ecology, sociology, etc.

 **Employment of staff and contract workers within the project**

During project implementation, PIU's immediate staff will work full-time year-round for the duration of the project. Additional experts/consultants will be engaged as required. The exact work schedule of contract workers will be known later, but it can be noted that they will be hired to work at project sites for clearly defined periods of time. These may be construction workers. In addition, these may be consultants in environmental science and sociology, and since the NEGK staffing table does not provide for these positions, they will be hired on a contract basis.

Unskilled workers may also be hired on a contract basis.

## 2.3. Characteristics of project workers

Given the nature of the project's workforce (mainly semi-skilled and unskilled construction workers) and the nature of the labor market in Kyrgyzstan, it is likely that the workforce, especially low-skilled workers, will be predominantly male. Women are expected to make up about 5-10% of the workforce and are likely to be technicians (engineers) and/or office staff (cleaners, etc.). The core team of skilled workers is expected to be from Kyrgyzstan and will move as needed. Where possible, unskilled labor will be recruited locally. In the event that a foreign contractor wins the tender for the work, foreign workers will be employed on the project. All workers must be over 18 years of age.

## 2.4. Timing of Labor Requirements

The Project will commenced in 2025 and to be completed in 2028, approximately three years. Consultancy services workers will be required on an intermittent basis for the project duration. Civil works contracted workers will be required, as per the need. The construction season typically lasts from March to November but can vary depending on the weather conditions. It will be up to the PIU and sub-contractors to mobilize their labor force to coincide with the works required and the season. The core team of workers will be located in a region and undertake all of the works in that region before relocating to another region. The order that the regions will be visited, and the timing of the construction is currently unknown. This section will be updated when specific Project timeframes have been confirmed.

## 2.5. Workers under contract

The estimated contract structure for the project, indicating the number and types of contractors/subcontractors and the likely number of project workers to be hired or engaged by each contractor/subcontractor, is currently unknown. If necessary, this information will be updated in the present LMP.

## 2.6. Migrant workers

It is envisaged that some of the labor force will be Kyrgyz, but where special skills are required, or where the winning contractor is from another country, international migrants will be used. If a foreign contractor wins the tender, foreign workers will be employed. All foreign workers hired must have the necessary qualifications and permits and visas in accordance with the Kyrgyz Republic's legislation. They must have the same rights and working conditions as local workers, including pay, labour protection and social security. The project must take into account issues of cultural adaptation and prevent discrimination and conflicts related to the presence of foreign workers. They are also subject to the KR's occupational safety legislation. A written employment contract must be concluded with foreign workers in accordance with the provisions of the Labor Code of the Kyrgyz Republic. Employers are required to withhold and pay taxes and contributions in accordance with the law. And Employers are also required to provide foreign workers with safe working conditions, occupational safety training, and medical examinations.

# 3.0. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

## 3.1. Project activities

Currently identified works on the reconstruction of substations will be carried out in the Jalal-Abad region, in the city of Tash-Kumyr, the village of Suzak, Suzak region, as well as the reconstruction/construction of the Kristall-Yulduz line in the Aiyl aimak of Uch-Korgon, Aksy region.

The project provides for the reconstruction and technical re-equipment of two substations: (PS "Kristall" and PS "Torobaeva") using existing sites.

Restoration of the Kristall substation. The outdated material and technical base of the substation cannot cope with the growing load and short circuit currents, which poses a safety threat. To improve safety, reliability and ensure further integration into the network, a complete refurbishment is necessary, modernization of the control and communication system of the Torobaeva substation. The 40-year-old relay protection and automation devices of the line are outdated and vulnerable to climate and seismic risks. The modernization will improve operational reliability and safety.

The existing Kristall-Yulduz cross-border line is under near maximum load, which limits the ability to export additional electricity and causes reliability problems due to damaged wires. Reconstruction/construction of the Kyrgyz section (17.9 km) of the Kristall (KR) - Yulduz (UZ) cross-border line and replacement of wires with high-power wires, as well as the use of an optical grounding cable (OGC) will improve performance, communications and safety.

## 3.2. Key Labor Risks

The main laborrisks are expected to be related to health and safety risks associated with project activities.

* Risk of electric shock when working with live equipment.
* Risk of accidents.
* Falls from heights: during equipment installation, work on towers and power line supports.
* Impact from heavy objects: when moving transformers, cables, structures.
* Cuts, burns, bruises: when working with tools and materials.
* Exposure to hazardous substances: oils, dielectric fluids containing toxic components (old equipment may contain PCBs).
* Noise and vibration: prolonged exposure can lead to hearing loss and general fatigue.
* Working in extreme weather conditions: heat, cold, rain - increase the risk of hypothermia or heat stroke.

All construction workers, especially local and migrant workers, may be vulnerable to projects that do not provide adequate working conditions, some of the main risks may include

* Performing hazardous work, such as working at heights or in confined spaces, using heavy machinery or hazardous materials
* Lack of awareness among workers of health and safety requirements such as the use of personal protective equipment (s) PPE) and safe working practices in the workplace.
* Lack of common understanding and fulfilment of health and safety requirements
* Failure to provide a contract or other appropriate documentation explaining the rights of workers
* Confiscation of personal documents or passports
* Lack of or insufficient pay (often related to overtime or night work)
* Excessive working hours and/or lack of breaks and rest time
* Unsuitable housing
* Possibility of accidents or emergencies, depending on the industry or location

Security guards and day laborers are often among the most vulnerable workers in the workplace because they do not have the same access to training or representation and may feel compelled to work long hours without adequate compensation. Local workers may be poorly educated or unaware of their rights in the workplace. This may affect the well-being of workers or their ability to file a complaint in court if necessary.

Migrant workers or out-of-town workers, including skilled professionals, required to carry out the project may require housing on or near the property. There is a risk that the housing provided to workers will be unsuitable (for example, unsanitary, lacking sufficient amenities or too small for the number of workers).

Construction work can negatively affect the health and safety of builders.

The following hazards were identified as potentially significant to the works:

General health and safety risks associated with work (e.g. work at height, use of scaffolding, lifting, confined spaces, electrical work, etc.).

Ergonomic risks associated with carrying/lifting heavy materials and equipment

* Exposure to excessive and persistent noise and dust
* Exposure to hazardous materials, including asbestos
* Handling of hazardous materials and wastes
* Road traffic accidents

Workers are at minimal risk of human rights violations and harassment.

Hazardous materials, such as potential asbestos materials in existing older buildings will be treated in accordance with the procedure laid down in the Environmental and Social Management Framework (ESMF) and Site-Specific Environmental and Social Management Plans (ESMPs), ensuring the safety of workers and the public.

## 3.3. Risks associated with certain categories of workers

All contractors will be required to enter into formal contracts with their employees that comply with the ESS2 standard.

During work, the main risks will be "normal" health and safety risks. As the construction work will involve hazardous operations, no one under the age of 18 will be employed to work on the project, except possibly office or other non-construction work.

Risks associated with labor inflows and associated gender-based violence (GBV) and the risk of child labor. Such risks are assessed as low, given that the PIU will be guided by the Labor Code of the Kyrgyz Republic, which prohibits the use of forced labor (Article 10 of the Labor Code). However, contracts with contractors will necessarily include a clause prohibiting the use of forced and child labor, and PIU employees responsible for supervising the work of the relevant contractors will monitor and provide reports confirming the absence of the use of forced and child labor.

When using the labor of women, adolescents, students of vocational schools undergoing industrial training, it is necessary to comply with the established standards of maximum permissible loads when lifting and moving heavy objects, as well as when performing work under the influence of heavy and harmful (dangerous) production factors in accordance with the following regulatory documents: Decree of the Government of the Kyrgyz Republic № 548 dated December 2, 2005; Civil Code (СС) of the Kyrgyz Republic № 158 dated March 24, 2000; СС of the Kyrgyz Republic № 314 dated July 2, 2001; СС KR № 225 of 04/05/2004.

The legislation of the Kyrgyz Republic allows persons who have reached the age of 16 to work. In exceptional cases, with the consent of the representative body of the organization's employees or the authorized state body in the field of labor, a person who has reached the age of 15 may be hired.

Students who have reached the age of 14 may enter into an employment contract with the written consent of one of their parents (guardian, custodian) or the guardianship and custody authority for light work that is not harmful to their health and does not interfere with their education, during their free time from school.

The consent of the parents (guardian, custodian) must be given in writing, and the parents (guardian, custodian) must sign the employment contract together with the minor (Article 14 of the Labor Code of the Kyrgyz Republic).

The project is assessed as having a moderate risk of gender-based violence (GBV). There are no prerequisites indicating that the project will have an impact on gender-based violence and harassment (s) SEA) or that the project is located in a place where SEA is common. However, there are gender differences at the community level and this will need to be taken into account during construction.

Risk mitigation measures SEA/SH are included in this LMP. However, if other work-related risks arise during project implementation, the IA will develop procedures to prevent further exposure.

## 3.4. Risks related to occupational health and safety

Health, safety and health risks. All contractors performing work on the reconstruction or replacement of equipment at substations or power lines work under the Project will be required to follow workforce management procedures, including procedures to create and maintain safe working conditions in accordance with ESS2 requirements. Under the Environmental and Social Management Plan (ESMP), all contractors working on sites will be required to ensure that workers use personal protective equipment, provide safety training and take other preventive measures.

**Risks related to working conditions**. The workers will be employed by the PIU (consultants coordinating certain aspects of the project) and by the Contractor directly or indirectly (through contracts with consultants or service providers). Current practice shows that construction subcontractors enter into employment contracts with their employees, providing for a one-time payment for the provision of a certain type of service or performance of a certain work, and the period of hiring workers is limited to several months.

**Risks associated with overtime**. One risk is that, due to established practice, some of the hours worked will not be taken into account and workers will not receive any compensation for overtime work. In accordance with the Labor Code of the Kyrgyz Republic, with the consent of the employer, direct employees will be provided with additional hours of rest on other days as compensation for overtime work (Article 174). To reduce this risk, the project will provide direct workers with information about their rights and establish a grievance mechanism for all project workers.

# 4.0. BRIEF OVERVIEW OF LABOR LEGISLATION and ESS2: TERMS AND CONDITIONS

## 4.1. National Labor Legislation

The right to occupational safety and health is enshrined in the Constitution of the Kyrgyz Republic. According to article 42 of the Constitution of the Kyrgyz Republic, citizens of the Kyrgyz Republic have the right to freedom of work, control over their ability to work, choice of profession and occupation, security and working conditions that meet safety and hygiene requirements, and the right to receive wages not lower than the minimum subsistence level established by law.

The section on health and safety at work is also contained in the Labor Code of the Kyrgyz Republic, adopted in a new edition dated January 23, 2025 № 23. It establishes the employer’s responsibilities for ensuring labor protection, carries out state regulation of labor protection, and also establishes the employee’s responsibilities for ensuring labor protection. The employee is guaranteed labor protection, training and education, sanitary and hygienic conditions, medical care, hygiene, as well as therapeutic and preventive care. The Code regulates the establishment and operation of occupational safety and health services, the investigation and recording of industrial accidents and occupational diseases, and the payment of benefits and compensation for special working conditions On 1 August 2003, the Kyrgyz Law on Labor Protection was adopted, which regulates relations between employers and employees and aims to create working conditions that safeguard the life and health of workers at work.

The law establishes the main directions of state policy in the field of labor protection, as well as the principles of state management of labor protection. On the one hand, it provides access for officials of state bodies managing labor protection and social insurance, representatives of public control bodies to conduct inspections of labor conditions and safety in organizations, investigate industrial accidents and occupational diseases. For their part, workers are obliged to undergo preliminary (on entering employment) and subsequent periodic medical examinations, training and periodic instruction in occupational safety and health (art. 12), and to participate in health-improving activities organized by a health-care institution if they are paid for by the employer art. 16).

The Ministry of Labor, Social Protection and Migration of the Kyrgyz Republic bears the main responsibility for supervision and control over the implementation of labor legislation.

The main legal acts are the Kyrgyz Labor Code of 23 January 2025, the Kyrgyz Law on Labor Protection of 2003, and some other regulations such as

- Law of the Kyrgyz Republic dated 08/02/2016 № 160 "On industrial safety of hazardous production facilities").

- Sanitary norms of the KR 01/12/2018 "Occupational safety in construction", approved by order of the State Agency for Architecture, Construction and Housing and Communal Services under the Government of the Kyrgyz Republic dated July 23, 2018 № 15-normative legal act.

- Technical Regulations "On the safety of construction of buildings and structures for various purposes.".

- "General standard instructions on occupational health and safety for workers in the construction industry, the building materials industry and housing and communal services", approved by order of the State Commission under the Government of the Kyrgyz Republic for Architecture and Construction dated November 13, 2000 № 112.

- "Safety rules for the construction of power lines and electrical installation work", approved by order of the Ministry of Energy of the Kyrgyz Republic dated August 3, 2023 № 01-13/160.

The above rules, as well as the requirements of the current state standards and the regulatory documents of the Kyrgyz Republic regulate the safety of personnel performing construction, electrical installation and commissioning work in the energy and electrical industries.

With regard to working conditions and professional activities, the Constitution of the Kyrgyz Republic provides every citizen with the following:

- Right to safe work. The use of child and forced labor is prohibited (Article 28);

- Right to rest. Every person has the right to rest. This right is ensured by establishing a maximum working time, providing annual paid leave and weekly days off, as well as providing other conditions provided for by law (Article 42);

- Right to health care. Every person has the right to health care (Article 43);

- Right to social protection. Citizens are guaranteed social security in the event of old age, illness, disability, as well as loss of a breadwinner in cases and in the manner prescribed by law (Article 44).

**Labor Code of the Kyrgyz Republic (LC)** as amended on January 23, 2025, № 23 is the main legal document regulating all issues of labor relations in the Kyrgyz Republic. The Code regulates laborand other relations directly related to labor, ensures the protection of the rights and freedoms of all participants in laborrelations, and establishes minimum guarantees of labor rights and freedoms. Article 9 of this Code prohibits discrimination and guarantees all citizens equal rights to work; Discrimination in labor relations is prohibited. It is prohibited to establish distinctions, refuse to hire, or provide any benefits that may lead to a violation of equal opportunities in the world of work, depending on beliefs, social or property status.

The Labor Code of the Kyrgyz Republic provides protection against unjustified dismissal; the right to promote employment and social protection from unemployment; the right to work in conditions that meet safety requirements, sanitary standards and hygienic rules; ensures the right to remuneration for work in accordance with the employment contract, but not lower than the minimum wage established by law; ensures the right to rest and the right to compensation for harm to health caused to an employee in connection with the performance of his work duties; establishes state guarantees to ensure the rights of employees and employers, the implementation of state supervision and control over their compliance. The functions of monitoring and supervision of compliance with labor legislation and labor protection are carried out by the Service for Control and Supervision of Compliance with Labor Legislation under the Ministry of Labor, Social Protection and Migration of the Kyrgyz Republic.

**Forced and child labor**

Article 10 of the Labor Code of the Kyrgyz Republic prohibits forced labor, that is, being forced to perform work under threat of any violent influence, and the use of the worst forms of child labor. According to the definition given in the Code of the Kyrgyz Republic on Children, this is work that, due to its nature or the conditions of its implementation, can cause harm to the health, safety or morals of children.

In accordance with the labor legislation of the Kyrgyz Republic, persons who have reached the age of 16 are allowed to work. However, in exceptional cases, it is allowed to hire 15-year-old teenagers with the consent of the representative body of the organization’s employees or the authorized government body in the field of labor. Pupils who have reached the age of 14 may also conclude an employment contract, but only with the written consent of one of the parents (guardian, trustee) or the guardianship authority. They can perform light work that does not harm their health and does not disrupt the educational process in their free time from school.

The legislation establishes restrictions on the length of the working day for minors. For workers aged 14 to 16 years, the duration of daily work (shift) cannot exceed 5 hours, and for workers aged 16 to 18 years - 7 hours. For pupils in general education schools and educational establishments in primary and secondary vocational education who combine study with work, the maximum duration of work is 2.5 hours for adolescents aged 14 to 16 and 3.5 hours for young people aged 16 to 18.

**Salaries and deductions**

The form and amount of remuneration are established by agreements and collective agreements. The monthly salary of an employee who has worked the standard working time during this period and fulfilled the labor standards (work duties) cannot be lower than the minimum wage established by law. The minimum wage does not include additional payments and allowances, bonuses and other incentive payments, as well as payments for work in conditions deviating from normal, for work in special climatic conditions and in areas exposed to radioactive contamination, other compensation and social payments (Article 154).

Wages are paid at least once a month (Article 157). In addition, the employer is obliged to compensate for damage caused to the health or property of the employee in connection with his work activities, and in the event of the death of the employee, compensation is paid to his family. For certain reasons, deductions are allowed, but their amount should not exceed 50 percent of the salary due to the employee (Article 161).

**Working hours**

The normal working week is 40 hours. For persons under 18 years of age, shortened working hours are allowed. The number of hours per day and days per week is determined in the contract between the employer and the employee (Article 90). The employer is obliged to provide women with children under the age of one and a half years with additional breaks for feeding the child lasting 30 minutes 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 request of the woman, the additional break may be combined with a break for rest and lunch or transferred to the beginning or end of the working day (work shift) in a summarized form with its corresponding reduction art. 309). The conditions and procedure for providing breaks are established by the employment contract. Article 304 prohibits the employment of pregnant women and women with children under three years of age in overtime and weekend work, as well as sending

**Rest time (breaks)**

Types of rest time include (Article 109)

* breaks during the working day (shifts);
* daily (inter-shift) rest;
* days off (weekly uninterrupted rest);
* non-working holidays;
* vacation.

During the working day, the employee is given a break for rest and food. The time and duration of the break are determined by the internal labor regulations, shift schedule or individual employment contract, collective agreement between employer and employee (Article 110).

**Vacation**

In addition to holidays, employees are granted annual paid leave of at least 28 days. Employees under 18 years of age and employees with disabilities are granted annual paid leave of 30 days.

Some categories of persons have the right to unpaid leave, which is also stipulated in the employment contract. When the employment contract is terminated, employees are paid monetary compensation for unused vacation or they can use it in the last days of work. Women are granted maternity leave upon their application; The employee is granted additional unpaid parental leave until she reaches the age of three upon her application. Parental leave may be taken in full or in parts by the child's father, grandparents, other relative or guardian caring for the child.

**Overtime**

Work outside normal working hours may be done either at the initiative of the employee (part-time) or at the initiative of the employer (overtime) (Article 98).

Overtime is paid for the first 2 hours of work at least one and a half times the amount, and for subsequent hours - at least twice the amount. The specific amounts of overtime pay may be fixed by collective agreement or employment contract. At the request of the employee, overtime work, instead of increased pay, can be compensated by providing additional rest time, but not less than the duration of overtime work. Work outside normal hours performed on a parttime basis is paid according to hours worked or output art. 174).

**Labor discipline**

All employees are required to obey management and its representatives, carry out their orders relating to production activities, as well as orders and instructions brought to their attention by official orders or announcements.

For violation of labor discipline, that is, failure or improper performance by an employee of the labor duties assigned to him, the manager The PIU is authorized to impose the following disciplinary sanctions:

* + warning;
	+ a reprimand;
	+ dismissal.

A written explanation must be sought from the staff member before disciplinary action is taken.

The employer's order to apply a disciplinary sanction, indicating the reasons, is announced to the employee against signature.

If within a year from the date of application of the disciplinary sanction the employee is not subjected to a new disciplinary sanction, then he is considered not to have been subjected to disciplinary punishment.

A disciplinary sanction may be appealed in accordance with the procedure established for the consideration of individual labor disputes.

 **Labor disputes**

Labor disputes are recognized as "unsettled disagreements between the employer and the employee on the application of legislation and other regulatory legal acts of the Kyrgyz Republic on labor, as well as working conditions provided for by employment contracts and collective agreements" (Article 356).

Individual labor disputes are considered by labor dispute commissions, authorized bodies of state supervision and control over compliance with labor legislation, and courts. An employee, at his discretion, has the right to apply for resolution of a labor dispute to the labor dispute commission, authorized bodies of state supervision and control over compliance with labor legislation, or directly to the court. In cases where no labor dispute commission has been established in the organization, the dispute is to be examined directly by the authorized State supervisory and monitoring bodies for compliance with labor legislation or in court art. 412).

**Appeals**

The Law "On the Procedure for Considering Citizens' Appeals" (№ 67 of May 4, 2007) contains legal norms regarding established channels of information through which citizens can send complaints, applications and appeals. Article 8 establishes the time frame for consideration of appeals - 15 days from the date of receipt of appeals that do not require additional consideration or verification, and 30 days from the date of receipt of appeals that require additional study.

## 4.2. ESS2 AND GAPS IN GOVERNMENT REGULATION

**Environmental and social standards (ESS) World Bank: Standard 2**

The World Bank's working conditions are set out in the ESS2 standard. Implementing agency and their contractors/subcontractors must promote healthy employee-management relations and ensure safe and healthy working conditions. The main objectives of ESS2 are to:

• ensuring safe and healthy working conditions;

• ensuring fair treatment, non-discrimination and equal opportunities for project workers;

• providing protection to Project workers, including vulnerable groups such as women, the

disabled, children (of working age under the ESS2) and migrant workers;

•contract workers, as appropriate;

• preventing the use of forced or child labor in any form;

• compliance with the principles of freedom of association and collective negotiation by project workers in accordance with the provisions of national legislation;

• providing Project workers with accessible means for discussion

•problematic issues arising in the course of their work.

ESS2 covers project workers, including full-time and part-time workers, temporary, seasonal workers and migrants. If the project employs civil servants (full-time or part-time), their terms of employment will be governed by a valid agreement or employment contract with the relevant government agency, unless they are officially transferred to the project. ESS2 does not apply to civil servants.

**Working conditions and** Two different types of workers are expected to be involved in this project: direct labor (PIU staff) and salaried labor (the majority of project staff).

 **labor management:**

PIU will develop and implement internal procedures for project workforce management. It will determine how to manage project workers in accordance with the requirements of national legislation and the ESS2. It will also consider how to apply the ESS2 to the different categories of project workers, including direct and contract workers.

Project workers will be provided with clear and understandable information and documentation on their terms of employment. Such information/documentation will set out their rights under national law and the requirements of the ESS (including the right to contract), such as rights related to working hours, wages, overtime, compensation and benefits. This information will be provided on first recruitment and when significant changes are made to working conditions.

More information about the World Bank's environmental and social standards can be found at:

[www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards](http://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards)

<http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>

## 4.3. Key differences between national legislation and the World Bank's ESS2 regarding working conditions and non-discrimination in employment relations

Table 2. Comparative table of World Bank requirements and regulatory requirements of the Kyrgyz Republic regarding working conditions and non-discrimination in labor relations.

|  | WB requirements | Key requirements/gaps in the regulatory framework of the Kyrgyz Republic |
| --- | --- | --- |
| 1. ESS2 (work and working conditions) includes provisions on equal opportunities and non-discrimination in employment relationships.
 | * Working conditions, labor relations, and non-discrimination:- Written procedures for labor management- Recruitment conditions- Prevention of discrimination and equal opportunity- Freedom of association and collective bargaining- Labor management procedures including contractor ESMPs
 | * Mandatory written labor contracts that include recruitment procedures and conditions.
* There is no legal requirement for labor resource management plans.
* The legislation of the Kyrgyz Republic contains provisions on non-discrimination and equal opportunities.
* In accordance with Article 9 of the Labor Code of the Kyrgyz Republic, everyone has equal opportunities to exercise their labor rights and freedoms. No one may be restricted in their labor rights and freedoms or receive any advantages in exercising them on the basis of gender, race, nationality, language, origin, property or official status, age, place of residence, religion, political beliefs, membership or non-membership in public associations, criminal record (except for restrictions provided for by legislation in the field of labor relations), as well as other circumstances not related to the employee's business qualities and the results of their work. Unequal pay for equal work is not allowed. Differences, exceptions, preferences, and restrictions that are determined by the requirements of a specific type of work established by law or are due to the special care of the state for persons in need of increased social and legal protection are not considered discrimination. Persons who believe that they have been subjected to discrimination in the field of labor have the right to apply to the court with a corresponding claim for the restoration of violated rights, compensation for material damage, and compensation for moral damage.
* However, there are no specific procedures to ensure the implementation of these principles in practice, especially in projects involving contractors.
 |
| B. Protection of labor resources  | * Child labor is prohibited (children under 14 years of age).
* Forced labor is prohibited.
 | * Child labor is prohibited (children under 14 years of age).
* Forced labor is prohibited.
 |
| C. Grievance submission mechanism | * Grievance mechanism (GM) for employees should be developed and implemented.
* Anonymous grievances are accepted.
 | * Labor Code regulates individual labor disputes (Chapter 42)- Law on Citizen Appeals governs grievance registration but may not allow anonymous complaints (Article 9)- No dedicated grievance mechanism for workers under individual labor contracts
 |
| D. Occupational health and safety  |  Occupational health and safety (OHS):- Development of safety instructions per job type- Emergency action plans- Accident reporting- Worker training- OHS monitoring | * Individual and detailed procedures for individual projects are not developed.
* Requirements for occupational safety, employee training, and official accident reporting are defined in the legislation of the Kyrgyz Republic.
* Emergency response plans are developed only in case of an emergency.
 |
| E. Category of workers | * Defines categories of workers.
 | * In accordance with the legislation of the Kyrgyz Republic, categories of workers are not directly classified as provided for in the World Bank's ESS2 standard (e.g., direct workers, contract workers, subcontractors, community workers, and workers of primary suppliers).
 |
| F. Minimum age of workers  |  | * In accordance with the labor legislation of the Kyrgyz Republic, persons who have reached the age of 16 are allowed to work. However, in exceptional cases, it is allowed to hire 15-year-old teenagers with the consent of the representative body of the organization’s employees or the authorized government body in the field of labor. Pupils who have reached the age of 14 may also conclude an employment contract, but only with the written consent of one of the parents (guardian, trustee) or the guardianship authority. They can perform light work that does not harm their health and does not disrupt the educational process in their free time from school.
* The legislation establishes restrictions on the length of the working day for minors. For workers aged 14 to 16 years, the duration of daily work (shift) cannot exceed 5 hour.
 |
| Employee Code of Conduct | Employee Code of Conduct is required. | Code of Ethics for State and Municipal Employees of the Kyrgyz Republic. |
| Initial training for workers  | Safety trainings and instructions for contractors are provided. | Safety trainings and instructions for contractors are provided. |
| Worker rights at the community level | The labor relations management procedures establish conditions enabling community workers to file project-related grievances. |  |

In case of conflict, the provisions of the World Bank's ESS2 will prevail. Each contractor is required to comply with this LMP. Although Kyrgyz law permits this, contractors must hire people over the age of 18 with the appropriate qualifications, as the work can be hazardous to their health and safety. Recruitment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with regard to any aspect of the employment relationship, such as recruitment and recruitment, compensation (including wages and benefits), working conditions and employment regulations, access to training, appointment, promotion, dismissal or retirement, and disciplinary practices. All workers will be required to consult the Code of Conduct and sign it see. (Annex 1), and information on the Code of Conduct will be included in the induction briefing and there will be regular re-instruction.

# 5.0. BRIEF OVERVIEW OF LEGISLATION KG: HEALTH AND SAFETY AT WORK

Labor protection is a wide range of rules, norms, legislative acts, standards, instructions that must be observed at work, regardless of the organizational and legal form of activity, and the main task is the prevention and prevention of occupational injuries, occupational diseases and minimizing social consequences. In other words, the main task of labor protection is to ensure socially acceptable risk at every workplace. The national labor legislation of Kyrgyzstan defines labor protection as a system for preserving the life and health of workers in the process of work, including legal, socio-economic, organizational, technical, sanitary and hygienic, treatment and preventive, rehabilitation and other measures. Legal measures for occupational safety and health consist of a system of legal regulations setting standards for safe and healthy working conditions and legal means of ensuring compliance with them.

The Kyrgyz Republic has an appropriate legislative framework regulating the rights and obligations of both employers and employees. The basis is the Labor Code of the Kyrgyz Republic, the Law of the Kyrgyz Republic "On Labor Protection" and other regulatory legal acts containing labor law norms, as well as local regulations adopted in specific organizations.

## 5.1. Legislative framework in the field of labor protection.

The basis of the labor protection system is the constitutional norm on the right to freedom of labor. In accordance with Art. 42 of the Constitution of the Kyrgyz Republic, everyone has the right to security and working conditions that meet safety and hygiene requirements. Thus, this constitutional norm, forming the basis of the labor protection system, ensures the sustainability of the entire labor protection system of the Kyrgyz Republic. The most important regulatory legal act of labor law is the Labor Code of the Kyrgyz Republic in the new edition of 2025, the purpose of which is to establish state guarantees of labor rights and freedoms of citizens, create favorable working conditions, regulate all public relations included in the subject of labor law, and which is the basis for development of all current labor legislation. Along with the norms of the Labor Code, the system of labor legislation also includes certain special laws regulating certain types of labor relations.

The legislation of the Kyrgyz Republic on healthcare is based on the Constitution of the Kyrgyz Republic and consists of the Law "On Healthcare" and other regulatory legal acts of the Kyrgyz Republic adopted in accordance with it. Regulates relations in the field of healthcare between state bodies, local governments, legal entities and citizens of the Kyrgyz Republic; extends its effect to citizens of the Kyrgyz Republic, foreign citizens and stateless persons permanently or temporarily residing in the territory of the Kyrgyz Republic, in the manner and under the conditions provided for by this Law and legislation in the field of healthcare.

The main purpose of the Law "On Health Care" is to ensure the implementation of constitutional human rights to health protection and a favorable environment in the field of health care. Decree of the Government of the Kyrgyz Republic dated April 11, 2016 № 201 "On approval of acts in the field of health care" contains sanitary and epidemiological rules and regulations - acts establishing criteria for the safety and (or) harmlessness of environmental factors to humans and requirements for ensuring favorable conditions his life. Sanitary rules and regulations apply to industrial enterprises and designed buildings, structures and enterprises under construction. They regulate many aspects related to the sanitary protection zone of the enterprise. They establish maximum permissible levels of emissions of harmful and dangerous substances into the atmosphere and the environment, ensuring the safety of enterprises associated with emissions into the environment; quality of drinking water and water supply sources; the state of atmospheric air in working areas, sanitary protection zones and populated areas near enterprises; labor safety.

Law of the Kyrgyz Republic "On indexation of the amount of compensation for damage caused to an employee by injury, occupational disease or other damage to health in the performance of labor duties caused by the fault of the employer, taking into account rising prices for consumer goods and services" № 93 of June 30, 2016. The procedure for indexing the amount of compensation for damage caused to an employee by injury, occupational disease or other damage to health in the performance of work duties caused by the fault of the employer taking into account the rise in prices for consumer goods and services, it was approved by Decree of the Government of the Kyrgyz Republic dated February 9, 2017 № 90. Laws of the Kyrgyz Republic containing standards on labor protection: "On ensuring timely payment of wages, pensions, benefits and other social payments", "On trade unions", "On collective agreements", "On promoting employment", "On social partnership in the field of labor relations", "On the minimum wage -List of industries, works, professions and positions with harmful and dangerous working conditions in which the use of women’s labor is prohibited (approved by Decree of the Government of the Kyrgyz Republic dated March 24, 2000 № 158, as amended on September 27, 2012);

- List of industries, works, professions and positions with harmful and dangerous working conditions in which the use of labor by persons under 18 years of age is prohibited (approved by Decree of the Government of the Kyrgyz Republic dated July 2, 2001 № 314);

- Lists № 1, 2 industries, works, professions, positions and indicators giving the right to preferential pension provision (approved by Decree of the Government of the Kyrgyz Republic dated July 1, 1996, as amended on October 27, 2007);

-Rules for the free distribution of milk and other equivalent food products to workers with hazardous working conditions, List of chemicals for which milk is provided free of charge;

-Regulations on the free distribution of soap, detergents and disinfectants to employees (approved by Decree of the Government of the Kyrgyz Republic dated June 25, 1997 № 374, as amended on March 22, 2006);

-Regulations on remuneration applied under special conditions;

-A standard list of work for which bonuses may be established to the official salaries of employees in special conditions (approved by Decree of the Government of the Kyrgyz Republic dated April 27, 2015 № 258, as amended on August 27, 2007);

-Regulations on the procedure for providing benefits for temporary disability, pregnancy and childbirth (approved by Decree of the Government of the Kyrgyz Republic dated September 18, 2018 № 434).

All employers carrying out industrial activities with more than 50 employees are required to create a labor protection service or introduce the position of a labor protection specialist, regardless of their form of ownership. In order to ensure compliance with labor protection requirements, each enterprise is obliged to develop and approve regulations, instructions and other acts on labor protection, organize briefings on labor protection issues, training and testing of workers’ knowledge.

Labor safety instructions are a regulatory act that establishes labor safety requirements when performing work in industrial premises, on the territory of an enterprise, on construction sites and in other places where this work is carried out or job responsibilities are performed. Occupational safety instructions can be developed for workers in positions (chief accountant, economist, personnel manager, etc.), individual professions (fasteners, turners, electric welders, electricians, electricians, cleaners, laboratory assistants, etc.), as well as for certain types of work (high-altitude work, installation, adjustment, repair work, testing, etc.).

The instructions for employees should contain the following sections:

- general health and safety requirements (including job responsibilities of employees);

- health and safety requirements before starting work;

- health and safety requirements during work;

- occupational safety requirements in emergency situations;

- occupational safety requirements on completion of work.

If necessary, additional sections can be included in the instructions.

In addition to basic legislation, Kyrgyzstan has a whole layer of regulatory documents relating to occupational health and safety issues. These include sanitary rules and regulations, building codes and regulations, standards for the content of harmful substances (maximum permissible concentrations and levels), as well as regulatory and methodological documents on certain issues establishing specific requirements for labor protection at hazardous production facilities.

In the electric power industry, these are by-laws and Rules approved by the Ministry of Energy of the Kyrgyz Republic:

-Safety regulations for the operation of electrical installations;

-Rules for organizing work with personnel at enterprises and energy production institutions;

-Rules for the use and testing of protective equipment used in electrical installations, technical requirements for them;

-Safety rules for the construction of power lines and electrical installation work;

-Rules for organizing work with personnel at enterprises and institutions of energy production, etc.

## 5.2. Enforcement of health and safety legislation

State supervision and control over compliance with labor legislation and labor protection is carried out by the Service for Control and Supervision of Compliance with Labor Legislation under the Ministry of Labor, Social Protection and Migration of the Kyrgyz Republic, authorized to exercise supervision in all organizations, regardless of their organizational and legal forms and forms of ownership, as well as for individuals subject to this legislation. The service carries out its activities in cooperation with executive authorities, state supervisory and control bodies, as well as with local governments, the prosecutor's office, associations of trade unions, employers and other public organizations.

The main implementers of the main tasks and powers of the Service are state labor inspectors for legal issues and labor protection. When carrying out supervision, state labor inspectors have the right: - to freely visit employers at any time of the day or night for the purpose of checking them; - demand from employers and their representatives and receive free of charge from them documents, explanations, information necessary for the implementation of supervisory and control functions; - investigate industrial accidents in the prescribed manner; - present employers and their representatives with mandatory orders to eliminate identified labor safety violations restoring the violated rights of workers, bringing those responsible for these violations to disciplinary liability or removing them from office in the prescribed manner.

## 5.3. Liability for violation of labor laws

Persons guilty of violating labor legislation and other regulatory legal acts containing labor law norms are brought to disciplinary, administrative and criminal liability in the manner established by the Code of the Kyrgyz Republic on Offenses. The Code establishes the principles and grounds for liability for committing offenses, determines which acts are offenses, the procedure for considering cases about them, the types of punishments and additional legal consequences for their commission.

# 6.0. RESPONSIBLE STAFF

As per the project’s ESMF, PIU will manage the Project under direct supervision of NEGK. PIU will ensure the Project’s compliance with LMP. The PIU will directly supervised by the NEGK and will report to responsible staff within the NEGK appointed by the Director. The PIU’s Social Specialist will be responsible for the overall management and implementation of the LMP. S/he, on a weekly basis, will coordinate the project activities including relations with direct employees, contractors and suppliers.

Establish and maintain a project team (PIU) (within NEGK JSC) with qualified personnel and resources to support the management of environmental, social, health, and safety risks and impacts of the project, including a social specialist, an environmental specialist, and, where possible, a health and safety specialist, and a stakeholder relations specialist.

 All resource requirements for unskilled work for the Project will be handled at the site-level office, by the site manager with assistance from the Social specialist and the Personnel specialist , as required.

The site manager will have responsibility of the on-site implementation of the labor management procedures, particularly in relation to the Project’s locally sourced skilled and unskilled workers and for keeping all relevant HR records. Specific requirements on resourcing, particularly for occupational health and safety, training of workers, or engagement and management of workers/contractors/subcontractors will be reflected in the site-specific ESMPs. Admin staff, specialist employment law advisers and consultants may also be required on an ad hoc basis.

The PIU Social Development Specialist performs the following duties related to LMP implementation:

-Supports the implementation of this personnel management procedure;

-Supports contractor compliance with the HR procedure and the development of detailed health and safety plans/briefings (prior to commencement of site works) and on a project-by-project basis;

-ensures that contracts with contractors are prepared in accordance with the project's LMP and ESMP.

- Carries out appropriate monitoring - ensures that contractors comply with their obligations and health and safety requirements in respect of contractors‘ and subcontractors’ employees as set out in Kyrgyz law and agreements between PIU and contractors;

- Monitors contractors for compliance with personnel management procedures;

- Ensures compliance of safety and health standards at the workplace of project employees with the requirements of ESS 2 and Kyrgyz Republic safety and health legislation;

- Ensures that a grievance mechanism is developed and implemented, and that workers are informed of its purpose and how to use it;

- Conducts regular monitoring and reports on the effectiveness of the labor protection system;

- Monitors compliance with the Employee Code of Conduct by employees and contractors of the PIU.

- Ensures compliance with labor management procedures and OSH requirements. If the number of employees (core + contractual) exceeds 50, contractors must develop their own Occupational Health and Safety Regulations (OHS guidelines) and OHS plans.

- Ensures that every worker employed by the contractor/subcontractor knows the phone number, email address and website where they can file a complaint with the PIU.

- Ensures that all contractor and subcontractor employees understand and sign the Code of Conduct prior to commencement of work; monitors compliance with this Code.

Contractors shall:

- Comply with the requirements of national legislation and this LMP;

- Keep records of the recruitment and follow-up of contract workers;

- Explain to contract workers their job responsibilities and working conditions in an accessible manner;

- Implement a system to ensure regular monitoring and reporting of industrial relations, health and safety issues.

If possible, a social specialist can combine the work of an occupational health and safety specialist.

# 7.0. POLICIES AND PROCEDURES

The Project aims to oversee the activities of contractors and their workers in a way that complies with the laws of KG and ensures fair conditions employment and the health, safety and welfare of the contracted workforce. NEGK and the PIU will work with their contractors to:

* Ensure effective contractor oversight systems are in place;
* Coordinate between the contractors and local communities on matters relating to the recruitment of community workers;
* Encourage contractors, subcontractors and suppliers to adopt principles and practices that are aligned with and complement NEGK’s and WB’s policies and procedures for managing human resources and safeguarding worker rights, including no use of child or forced labor;
* Provide guidance to subcontractors and suppliers on sustainable policies and the importance that their employees also understand such policies;
* Minimize risks associated with occupational health and safety, injury or occupational illness;
* Manage any accidents, incidents, emergencies or grievances is an effective manner, notifying and cooperating with the authorities where relevant; and
* Identify ways to mitigate adverse impacts on local communities during construction works. Monitoring implementation of the Worker Code of Conduct.

The Project has adopted the World Bank’s Environmental and Social Framework to guide it towards achievement of appropriately high levels of environmental and social performance throughout the Project’s life cycle. ESS2 is applicable to this Project and its requirements have been duly incorporated into this LMP. It sets out requirements in regard to the following topics:

* Working conditions and management of worker relationship
* Terms and conditions of employment
* Nondiscrimination and equal opportunity
* Worker’s organizations
* Child labor and minimum age
* Forced Labor
* Grievance mechanism
* Occupational health and safety
* Contracted workers

## 7.1. Occupational Health and Safety

An Environmental and Social Management Plan (ESMP) will be prepared for each eligible facility or sub-project that adequately identifies the predicted health and safety hazards and control measures applicable to the specific site. It will be the PIU’s responsibility to prepare ESMPs which will include an occupational health and safety plan.

The PIU will manage the interface between the different contractors working at each site during the construction phase of the Project. The PIU will also be responsible for monitoring contractors’ health and safety performance and enforcing WB and Kyrgyz legal standards. The PIU will conduct regular inspections to ensure contractors correctly manage their own and their subcontractors’ health and safety procedures.

At each Project site, contractors and subcontractors are required to:

• Appoint a competent person (or people) to coordinate the management of OHS within the company

• Provide appropriate training, information and PPE to workers on site

• Convene regular formal safety meetings for all workers and undertake daily toolbox talks focusing on key hazards and risks identified for that day

• Prepare risk assessments and methodology statements for any non-routine work activities that arise

• Submit a monthly environmental and social health and safety (ESHS) report to both the PIU and NEGK (including any accidents, incidents or fatalities that occurred during the previous month and including an incident report for any lost-time accidents or fatalities).

## 7.2. Recruitment

It is anticipated that all project work will be contracted by PIU to subcontractors. Each contractor and subcontractor will be independently responsible for hiring their own laborers and will be required to provide sex-disaggregated statistics for collection and monitoring by the PIU.

Contractors will be encouraged to train and hire more workers from the local community. The expected ratio between skilled and unskilled labor will be 70/30. The ratio of non-local to local labor will be approximately 60/40, with almost all unskilled labor being performed by members of the local community.

In addition, gender specific measures will be considered; these may include (a) specific gender integration trainings for energy companies, or (b) other technical trainings aimed at women with the necessary technical profile so that they can be hired by companies and/or have better opportunities for advancement in these companies (e.g. as auditors, technicians, etc.).For this purpose, the GDF was developed.

## 7.3. Equality and Non-discrimination

Any potential employee, male or female, and from local communities or migrant workers who are over 18 years of age and are qualified and are physically fit to undertake a job, will be considered for that position. Potential workers will be assessed on their qualification for the job only as per Article 1, paragraph 14 of the Labor Code of Kyrgyzstan. All workers from local communities and migrant workers will be treated equally and with respect and no forms of gender-based violence, sexual harassment or other forms of discrimination or abuse will be tolerated on the Project.

## 7.4.Child and Forced Labor

The Project has a zero-tolerance policy for any form of child or forced labor and will undertake monitor and enforcement of this policy commitment.

Although Kyrgyz’s Labor Code of the Kyrgyz Republic permits the hiring of persons from the age of 14 years’ old, the Project will not employ anyone under the age of 18 years’ old due to the potentially hazardous nature of the Project works.

## 7.5. Gender Based Violence and Sexual Harassment

GBV and SH are type of violence or harassment, which can be physical or psychological, directed at a person because of their biological sex, gender identity, or predetermined ideas of what it means to be a woman or a man. It could occur between workers from the same company, workers from different companies or suppliers, workers and community members, local governments and workers, or in a worker’s family or personal relations. It could also be identified in the project’s supply chain.

GBV and SH can happen at any phase of a project but is most likely to occur during the construction phase, when the workforce will be largest and where accommodation facilities in the community are relied upon.

To prepare the project for any such instances PIU and contractors should undertake a GBV/SH risk assessment to plan their preventions. Such assessment may include following:

Increase understanding of GBV/SH risks among leadership and within company culture through targeted training and consultations.

· Include GBV/SH actions when developing communication policies and codes of conduct.

· Include GBV/SH impacts and investigation procedures in grievance mechanisms in accordance with the following provisions:

**Zero tolerance policy:** Organizations participating in the partnership adopt a zero tolerance policy toward SEA/SH, which means a commitment to investigate all complaints and take action.

**Complaint mechanisms:** Confidential and safe channels are established for victims or witnesses to report complaints.

**Independent investigations:** Investigations are conducted by specially trained independent experts or external consultants to ensure objectivity.

**Protection of victims and witnesses:** Protection from retaliation, confidentiality, and support for victims are ensured.

**Reporting and measures:** Disciplinary measures are taken based on the results of investigations, and recommendations are developed to prevent similar incidents in the future.

Include measures to address risks of gender-based violence/sexual violence during recruitment and performance appraisal processes in the Contractor Code of Conduct.

· Provide training and awareness-raising on GBV/SH prevention and response during worker inductions and regular refresher training.

· Work with contractors to identify ways to address GBV/SH in procurement processes, contract selection and along the supply chain.

· Design worksites and service delivery locations such as to restrict potential GBV/SH hotspots.

· Incorporate KPI’s for GBV/SH into regular reporting.

Responses to GBV/SH allegations should follow a survivor centered approach. Trained professionals should be brought in to manage any allegations of on such issues and all parties involved should be made aware of the safety issues involved in dealing with said aspect . To facilitate PIU reporting of such incidences all such incident shall be well documented as per requirement of GRM (sensitive nature). In the reporting to WB, no personal information should be disclosed, and the privacy and safety of the survivor should be protected at all times.

## 7.6. Trade Unions and Collective Bargaining

Freedom of association will be respected and the Project will not raise barriers to employees seeking membership to a trade union in accordance with Law of the Kyrgyz Republic, 16 October 1998 N 130 On Trade Unions (In the wording of the Law of the Kyrgyz Republic of 4 August 2004 N 105). Should workers for some reason not be able to obtain trade union representation, the Project will allow for there to be employee participation on issues that affect them.

# 8.0. AGE OF EMPLOYMENT

The minimum age for employment on the Project will be 18 based on the dangerous nature of some of the construction tasks. Workers will be required to provide proof of age upon recruitment and regular labor monitoring will be undertaken to check that no workers are under the age of 18.

Should underage workers be identified, they will be asked to stop work, and their situation addressed on a case-by-case basis in coordination with the HR responsible from the relevant contractor, the worker, and their parents, as relevant. The Project will attempt to find a solution between all parties that does not leave the worker worse off.

# 9.0. TERMS AND CONDITIONS

Terms and conditions of employment for skilled workers will be negotiated on a case-by-case basis depending on the nature of the work to be performed. For semi-skilled and unskilled workers, terms and conditions such as working hours, PPE and holiday pay will be standardized and clearly stated in the contracts. At a minimum, all contracts will comply with the Labor Code of the Kyrgyz Republic.

Labor contracts will be provided to employees, both permanent and temporary. They will define the disciplinary process to be followed by the Project and specify the possible actions or behaviour that may result in disciplinary action and the possible consequences. If any formal action is taken against an employee, the employee will be informed in writing of the charge, invited to a meeting to discuss the matter, and informed of the right to be accompanied or represented at that meeting.

Labor contracts also include information on the employee grievance mechanism (discussed in the next section) to respond to valid grievances related to working conditions or allegations of workplace discrimination, gender-based violence and harassment (GBV) or bullying and condition of mandatory compliance of Code of Conduct placed at Appendix-1.

# 10.0. GRIEVANCE REDRESS MECHANISM (GRM)

In accordance with the requirements of the World Bank's Social and Environmental Standard 10 (ESS 10), a Grievance Redress Mechanism (GRM) has been developed for the Project. The GRM is a process for receiving prompt and objective information, assessing, reviewing, addressing, resolving and resolving grievances (applications, proposals, complaints, requests and positive feedback) related to Project implementation. The GRM will optimize the process of receiving, addressing and resolving grievances that may arise in connection with the implementation of Project activities. A feedback mechanism will also be implemented as one of the main tools for preventing social risks/conflicts.

The objectives of the GRM are to:

* Register, verify, review, monitor and respond to complaints or appeals received related to social, environmental and any other issues related to the Subproject activities;
* Come to mutually agreed/agreed solutions that satisfy the (sub)project and those affected by it, and resolve any complaints and appeals on the spot, in consultation with the stakeholder;
* Facilitate the local development process while maintaining transparency, and establish a degree of accountability to applicants;
* Establish feedback;
* Enable vulnerable individuals and/or groups to express their views.

According to **ESS2** and the **Labor Management Plan (LMP)**, contractors must:

 Develop and implement their own employee complaint mechanism:

* Simple, understandable, accessible to every employee;
* Does not require complaints to be filed through official legal channels;
* Guarantee confidentiality and protection from reprisals;
* Provide for the possibility of submitting anonymous complaints (if provided for in the project plan);
* Be transparent and traceable, with registration and recording of complaints.

 Appoint a person responsible for handling complaints at the contractor level.

Periodically report to the PIU (project management unit) on the number of complaints and measures taken.

**Grievance resolution process**

Detailed information on the levels and timelines and persons responsible for review of appeals and complaints is provided in the matrix of review of appeals and complaints.

**Table 3. Matrix for managing complaints and complaints**

| To whom the complaint is filed  | Form of submission  | Grievance procedure  | Complaint resolution time  |
| --- | --- | --- | --- |
| FIRST / LOCAL LEVEL Territorial division of NEGKAddress: Tel: Email address: Representative responsible for maintaining the grievance log GRMRequired to be indicated in all information materials/messages/The exact addresses of the structures subordinate to the NEGK will be announced later. However, these addresses will be published on the NEGK website, on notice boards in NEGK departments, on notice boards in aiyl okmotu, and printed in project brochures for general use. |  OrallyIn writingIn electronic format | 1. Registration in the complaints log with the date, time, name of the complainant; 2. Territorial NEGK representative registers a complaint; 3- The complaint is being considered and feedback is provided to the applicant within 5 days; 4. If the complaint is not upheld, the complaint is forwarded to second central level.  | 5 days  |
| SECOND / CENTRAL LEVEL Project Implementation Unit - PIU to the complaints commission (CC)Address: Tel: Email address: Social specialist responsible for keeping the GRM log.The exact addresses of the structures subordinate to the NEGK will be announced later. However, these addresses will be published on the NEGK website, on notice boards in NEGK departments, on notice boards in aiyl okmotu, and printed in project brochures for general use. | OrallyIn writingIn electronic format  | 1. Social specialist PIU registers complaints/suggestions in the Complaints log; 2. Maintains and monitors the complaints process and responses to them; 3. Complaints Commission (CC) consists of: a representative of the NEGK, PIU one local community leader;4. The complaint is being considered by the CC within 14 days5. Consideration of a complaint may require additional verification of the issue, including the collection of additional documents;6. Monthly social specialist PIU reports on the status of work with complaints in management of NEGK and the World Bank. 6. Complaint at this level maximum must be allowed. 7. If the applicant is dissatisfied, he can contact the WB GRS or to the judicial system of the Kyrgyz Republic | 14 days Then according to the legislation of the KR it is considered within 30 days |
| WB Grievance Redressal Service (GRS) or the judicial system of the KR | In writingIn electronic format  | At any time, at the discretion of the complainant, he or she may refer the matter to the independent Inspection Panel of the World Bank, which determines whether harm has been caused or is likely to be caused as a result of the World Bank's failure to comply with its policies and procedures. Complaints received are promptly reviewed with a view to resolving issues related to the project.In addition, the project's GRM does not preclude recourse to the courts at any time in accordance with the laws of Kyrgyzstan. The complaint review process is described in the Complaints Matrix. | as soon as possible |
| Comments | In writing | The applicant has the right to immediately appeal to the Court of the Kyrgyz Republic directly, where the stated complaints are resolved in accordance with the legislation of the Kyrgyz Republic |  |

**First / Local Level**: The first step in the grievance process will be an oral or written appeal to the local NEGK territorial unit. The complainant has the right to submit a grievance or appeal on a matter related to the project activity verbally or in writing to the responsible person from the NEGK territorial unit. The complaint or appeal shall be registered in the complaints review log. The term for consideration of complaints by the commission is 5 working days. If the complaint is not satisfied at the first level, the complaint will be considered at the central level.

**Second / Central level**: if the complainant is not satisfied with the decision of the responsible person of the NEGK territorial subdivision, the representative will submit the complaint or appeal in writing to the complaints commission (CC) in the PIU with the conclusion and supporting documents prepared at the local level. The received documentation will be registered in the grievance and appeal log by the PIU Social Specialist. At this level, the Project Social Specialist will be in direct contact with the complainant. The PIU will determine the validity of the grievance, notify the complainant that assistance will be provided. A response will be provided within 14 working days, during which time meetings and discussions will be held with the claimant. The project will assist the complainant at all stages to resolve the complaint and ensure that it is dealt with in the best way possible. If resolution of the complaint requires special verification (review), additional materials or other measures, the timeframe for resolution may be extended, but not more than 30 calendar days, in accordance with the Law of the Kyrgyz Republic "On the Procedure for Consideration of Citizens' Appeals" No. 67 of May 4, 2007. Anonymous complaints will also be considered by the Project and appropriate measures will be taken.

At any time, at the discretion of the complainant, he or she may refer the matter to the independent Inspection Panel of the World Bank, which determines whether harm has been caused or is likely to be caused as a result of the World Bank's failure to comply with its policies and procedures. Complaints received are promptly reviewed with a view to resolving issues related to the project.

In addition, the project's GRM does not preclude recourse to the courts at any time in accordance with the laws of Kyrgyzstan. The complaint review process is described in the Complaints Matrix.

**Figure1. Grievance redress scheme**

The complaint closed

problem solved / complaint resolved?

The final resolution shall be based on outcome of Court order/GRS resolution

Third level: WB Grievance Redressal Service (GRS)

or the Court of the Kyrgyz Republic

**Statements and complaints**

Local level

Territorial division of NEGK

(5 days)

The complaint closed

problem solved / complaint resolved?

Central level

Complaints commission (CC) PIU

(14 days)

**Complaint Registration Log**

All incoming complaints, requests and suggestions are subject to registration in the Complaints Registration Log. Information from the log is copied and included in the electronic database. The electronic database should contain, at a minimum, up-to-date information on the date of submission, registration number, nature of the issue, responsible person, period for resolution of the complaint and feedback (positive or negative). The specialist will track the progress of the complaint by its registration number. Provisions for unhindered access and confidentiality on sensitive issues, especially those related to **SEA/SH**, have also been included in the GRM to avoid fear and retribution for filing a complaint. The Contractor will be responsible for developing personnel procedures, health and safety plans and **SEA/SH** protocols that will apply to its own employees and the employees of subcontractors working on the Project. These procedures and plans will be submitted to the PIU for review and approval before contractors are allowed to mobilize to the construction site.

In addition to seeking resolution of their grievances through the GRM, communities and individuals affected by a World Bank (WB)-supported project such as this operation can also file complaints with the Grievance Redress System (GRS) established by the World Bank. The GRS ensures that complaints received are promptly addressed to resolve project-related issues.

**GRM for project workers**

All direct and contractual workers will be offered a Grievance Redress Mechanism (GRM) through which they can raise concerns with management. All employees will be informed of this mechanism upon recruitment, as well as of the safeguards in place to protect them from any retaliatory action that may be taken against those who access this mechanism. Necessary steps will be taken to ensure that the Grievance Redress Mechanism is available to all project workers to meet the requirements of ESS 2.

The GRM for workers of a specific project **is not** an alternative/substitute for legal mechanisms for receiving and considering complaints. It is designed to solve problems and find solutions to labor complaints without appealing to higher authorities. However, in accordance with the legislation of the Kyrgyz Republic, all workers have the right to file complaints through judicial/legal mechanisms. The complaint mechanism proposed by the Project does not prevent workers from using judicial procedures.

**Monitoring and reporting of complaints**

The PIU will be responsible for:

* Analysis of qualitative data on the number, content and status of complaints, and inclusion of complaints in the project database;
* Monitoring unresolved issues and proposing measures to solve them;
* Prepare GRM reports as part of the project progress reports submitted to the World Bank. Regular reports (quarterly, semi-annually, annually) submitted to the World Bank should include a GRM section that provides updated information on the following:
* Status of GRM implementation (procedures, training, public awareness campaigns, budgeting, etc.);
* Qualitative data on the number of complaints received (applications, proposals, complaints, requests, positive responses) indicating the number of complaints resolved;
* Quantitative data on the types of complaints and responses provided, issues and queries that remained unresolved;
* Level of satisfaction with the measures taken (reaction);
* Checking whether any corrective actions have been taken.

**WORLD BANK GRIEVANCE REDRESSAL SERVICE**

Communities and individuals who believe they are being adversely affected by a World Bank-supported project may file complaints with existing project-level services or with the World Bank’s Complaint Redress Service (GRS). The GRS ensures that complaints are addressed in a timely manner to resolve project-related issues. Affected communities and individuals may also file a complaint with the World Bank’s independent Inspection Panel, which determines whether harm has occurred or is likely to occur because the World Bank has failed to comply with its policies and procedures. Complaints may be filed at any time after the issue has been brought to the attention of the World Bank and the Bank has had an opportunity to respond.

Project workers may submit complaints through existing grievance mechanisms offered at the project level or directly to the World Bank’s Grievance Redress Service (GRS). The GRS will review complaints received as quickly as possible to resolve project-related issues. Project workers may submit complaints to the World Bank’s independent Panel of Experts, which will then determine whether harm has been or could be caused by the World Bank’s failure to comply with its own policies and procedures. Complaints may be submitted to the Panel of Experts at any time after concerns have been brought to the attention of the World Bank and after Bank management has had an opportunity to take appropriate action.

Information on how to file a complaint with the World Bank's Grievance Redress Service is available at <http://www.worldbank.org/en/projectsoperations/products-and-services/grievance-redress-service>. Information on how to file a complaint with the World Bank's Inspection Panel is available at [www.inspectionpanel.org](http://www.inspectionpanel.org).

**Handling complaints requiring special attention**

Taking into account the Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) Standards that the World Bank requires all World Bank-financed projects to comply with, these standards will be followed and projects will be required to take measures to raise awareness on SEA/SH prevention and control. All project staff and contractors will be informed of their understanding of SEA/SH risk management and prevention principles at all stages of project implementation.

Appendix 1 contains the Code of Conduct that is mandatory for project employees.

GRM will ensure that the complaints mechanism is accessible, confidential and that complainants do not have to fear reprisals. Complaints will be dealt with promptly and all responsible persons will be held accountable.

SEA/SH problems require some additional measures:

* The gender aspect will be taken into account when hiring new social workers.
* Social workers will be informed about SEA/SH issues.

Employee training will include the following information on SEA/SH:

* Definition of violence against women in national and international documents;
* Types of violence (physical, sexual, economic, emotional);
* Types of punishments provided by law;

A complaints mechanism should be developed to ensure the confidentiality of personal information.

It is necessary to carry out explanatory work to inform women about this mechanism.

The following types of information are provided:

* Self-defense in cases of violence and sexual harassment;
* Hotline numbers;
* Contact information for institutions and organizations where you can apply for support;
* Complaint handling mechanism, privacy policy.

The principle of confidentiality of the complaint’s mechanism should be repeated in all information materials.

The project will use additional mitigation measures proportionate to the risk. The contractor will be responsible for developing personnel management procedures, health and safety plans and SEA/SH protocols that will apply to its employees and the employees of subcontractors working on the project. These procedures and plans will be submitted to the PIU for review and approval before contractors are allowed to commence construction work. All contractors will be required to state in their contracts that they oppose the use of child and forced labor and to implement mitigation measures, and PIU staff responsible for supervising contractors will monitor and report the absence of forced labor and SEA/SH. All personal information and complaints received by the person responsible for handling it will be treated confidentially unless the complainant agrees to disclose their personal information. In particular, confidential questions and complaints related to SEA/SH received from the public will be kept confidential.

The proposed grievance redress mechanism ensures the functionality, transparency and responsiveness of the grievance handling system. NEGK uses the Beneficiary Feedback Mechanism, which is an information system for managing grievances filed by project-affected persons or other members of the project communities. The main objective of the beneficiary feedback mechanism is to obtain prompt, objective information, assess and review grievances (including applications, suggestions, complaints, requests and positive feedback) at all stages of project implementation. In addition, this mechanism strengthens communication with project beneficiaries, provides feedback channels, identifies and resolves problems, increases transparency and accountability. All complaints and appeals from citizens are received in the NEGK corporate system for further processing and control.

# 11.0. CONTRACTOR'S MANAGEMENT

Construction works contracts and other agreements will include provisions relating to industrial relations and health and safety which are in accordance with ESS of the World Bank and the requirements of the legislation of the Kyrgyz Republic.

The PIU will regulate and monitor the performance of contractors with respect to the workers they employ, with particular emphasis on compliance by contractors with contractual agreements (pacts, representations and guarantees) and labor management procedures. This may include periodic audits, inspections and/or spot checks of projects and work sites, as well as contractor documents and reports related to workforce management.

The contractor's verifiable documents and records relating to labor management may include: standard forms of employment contracts or agreements between third parties and contract workers; records of complaints received and decisions taken; reports on safety inspections (including records of fatalities and other incidents and corrective actions); records of non-compliance with national legislation; records of training sessions to familiarise contract workers with occupational safety and health risks and preventive measures.

## 11.1. Monitoring of contracts

All contracts will include labor, health and safety clauses consistent with the World Bank's standard procurement guidelines and Kyrgyz law. Construction and other contracts will include labor, health and safety clauses, as stipulated in the World Bank's standard procurement documents and Kyrgyz law.

The PIU will regulate and monitor the performance of contractors with respect to their contract workers, with particular emphasis on compliance by contractors with their contractual arrangements (agreements, representations and guarantees) and labor management procedures. This may include periodic audits, inspections and/or spot checks of facilities and work sites, as well as any contractor documents and reports related to workforce management.

Documents and records relating to the management of contractors' labor that should be examined could include: standard employment contracts or agreements between third parties and contract workers; records of complaints received and decisions taken; safety inspection reports (including the recording of fatalities and other incidents and the performance of corrective actions); records of non-compliance with national legislation; records of training of contract workers in order to clarify health, safety and hygiene risks and preventive measures.

# APPENDICES:

## APPENDIX 1. Code of Conduct

**Contractor's personnel code of conduct: Form**

We, the Contractor [*indicate the name of the Contractor*] and the Customer [*indicate the name of the Customer*], have concluded a contract for [*specify a description of the Works*]. The work will be carried out on [*indicate the Site and other places where the Work will be carried out*]. Our contract obliges us to take action to address the environmental and social risks associated with the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our efforts to address the environmental and social risks associated with the work we perform. It applies to all our personnel, workers and others working on site or in other places where work is carried out. It also applies to the employees of each subcontractor and any other personnel who assist us in carrying out the work. All such persons are named **"by the Contractor’s staff**" and are required to comply with this Code of Conduct.

This Code of Conduct sets out the rules of conduct that all Contractor personnel must follow.

Our workplace is an environment where unsafe, abusive, harassing or disruptive behaviour is not tolerated, and where all people should feel comfortable voicing their concerns without fear of retribution.

**NECESSARY BEHAVIOR**

The Contractor's staff shall

1. perform their duties conscientiously and competently;

2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including those relating to the health, safety and well-being of the Contractor's personnel and any other persons;

3. maintain safe working conditions by:

(a) Ensuring that workplaces, machinery, equipment and processes under the control of each person are safe and not exposed to health risks;

(b) The use of the necessary personal protective equipment;

(c) The application of appropriate measures in relation to chemical, physical and biological substances and reagents;

(d) Compliance with applicable emergency response procedures.

4. report on situations at work which he considers to be unsafe or a health hazard and refuse to perform work which he considers to pose an immediate and serious danger to his life or health;

5. treat other people with respect and not discriminate against certain groups such as women, people with disabilities, migrant workers or children;

6. not engage in sexual harassment, which means unwanted sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature towards other employees of the Contractor or Customer;

7. not engage in sexual exploitation, which means any actual or tortuous abuse of vulnerability, inequality or trust for sexual purposes, including, but not limited to, obtaining monetary, social or political benefits from the sexual exploitation of another person;

8. not engage in forced sexual relations, that is, actual coercion or coercion of a sexual nature using physical force, under unequal or coercive conditions;

9. not engage in sexual relations with persons under 18 years of age, unless such sexual relations occur in a legal marriage;

10. undergo appropriate training courses, to be provided in accordance with the environmental and social aspects of the Contract, on topics such as occupational health and safety, sexual exploitation and abuse, and sexual harassment;

11. report violations of this Code of Conduct; and

12. not prosecute any person who reports violations of this Code of Conduct to us or the Employer or uses the grievance mechanism provided for contractor personnel or the project grievance mechanism.

**REASONS FOR CONCERN**

If someone witnesses conduct that they believe may constitute a violation of this Code of Conduct or that otherwise causes them concern, they must report it immediately. This can be done in one of the following ways:

Contact [ *indicate the name of a PIU social worker with relevant experience in dealing with cases of sexual exploitation, sexual abuse and sexual harassment or, if the contract does not require the involvement of such a worker, with another person designated by the Client to deal with these matters* ] in writing at the following address [ ] or by telephone [ ], or in person at [ ]; or

2. Call the customer hotline number [ ] *(if available)* and leave a message.

A person's identity will be kept secret unless his/her involvement is suspected under the law of the country. Anonymous complaints or communications may also be filed and dealt with accordingly. We take all reports of possible violations seriously, investigate and take appropriate action. If necessary, we will provide advice and additional information to service providers who can provide assistance to the person affected by the alleged incident.

A person who reports in good faith conduct prohibited under this Code of Conduct will not be subject to any penalty. Such punishment will be considered a violation of this Code of Conduct.

**CONSEQUENCES OF BREACH OF THE CODE OF CONDUCT**

Any violation of this Code of Conduct by contractor personnel may result in serious consequences, including dismissal and possible referral to law enforcement.

ON BEHALF OF THE CONTRACTOR'S EMPLOYEES:

I have received a copy of this Code of Conduct, written in a language I understand. I understand that if I have any questions about this Code of Conduct, I may seek clarification from [*indicate the name(s) of the Client's contact person(s) with relevant experience*].

Full name of the Contractor's employees: [*provide full name*]

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: (day/month/year): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact signed by an authorized representative of the Contractor:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: (day/month/year): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## APPENDIX 2. To the Code of Conduct form:

**Behavior constituting sexual exploitation and abuse (SEA) and behavior and acts constituting sexual harassment (SH)**

The non-exhaustive list below is intended to illustrate the types of behavior that are prohibited.

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

- A contractor employee tells a community member he/she can provide him/her with work related to the facility (such as cooking and cleaning) in exchange for sex.

- A contractor employee connecting households to the electricity grid claims he can connect female-headed households to the grid in exchange for sex.

- A contractor employee raped or otherwise sexually assaulted a community member.

- The Contractor's staff shall refuse access to the site to a person if he/she does not provide sexual services.

- A contractor employee tells a person applying for a contract job that he will only hire him if he has sex with him.

(2) Examples of sexual harassment at work are

* Contractor's staff comments on the appearance of the other Contractor's staff (positive or negative) and their sexual attractiveness.
* When the Contractor's staff complains about remarks made by other Contractor staff about his/her appearance, the other Contractor's staff notes that he/she "asked for it himself/herself" because of the way he/she dresses.
* Unwanted touching of the Contractor's or Customer's personnel by personnel of another Contractor.

An employee of one contractor tells an employee of another contractor that he will receive a salary increase or promotion if he/she sends nude photographs of himself/herself.

## APPENDIX 3. Sample complaint form

|  |
| --- |
| Complaint form |
| Complaint number (to be completed by the Complaint Coordinator): |
| Contact information(can be provided anonymously) | Name(s): |
| Address: |
| Phone: |
| Email: |
|  | By mail:☐ | By phone:☐ | By email:☐ |
| How would you like to be contacted? (Tag one) | ☐ Kyrgyz | ☐ Russian | * Others \_\_\_\_\_\_\_
 |
| Please elaborate on the substance of your complaint/claim. Describe the problem, who it happened to, when and where, how many times, etc. Describe everything in as much detail as possible |
| What solution, if any, do you propose for the complaint/claim? Is there anything you would like the administration or other party/person to do to solve the problem? |
| How did you submit this form to the project? | Website☐ | Email☐ | Guide☐ |
| In person☐ | By phone ☐ | Other (please specify) ☐ |
| Who filled out this form (if not the person above)?  | Name and contact information: |
| Signature |  |
| Name of coordinator designated as responsible |  |