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LABOR MANAGEMENT PROCEDURES

FOR

SOCIAL ENTREPRENEURSHIP, EMPOWERMENT AND COHESION IN REFUGEE AND HOST COMMUNITIES IN TURKEY PROJECT

Ankara

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Revised



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Project Background

The proposed project of 39.5 Million EUR aims to support women and youth within refugee and host communities' transition into sustainable economic opportunities and increased social cohesion through the microgrant support provided by the selected five Development Agencies (DAs) covering 11 provinces (Adana, Mersin, Gaziantep, Adiyaman, Kilis, Mardin, Hatay, Osmaniye, Kahramanmaraş, Diyarbakir, and Sanliurfa), where vulnerable refugee reside the most. The project (i) expands economic opportunities for mostly women refugee and host communities through support for social enterprises and vital livelihoods facilities; (ii) improve social cohesion among refugees and host communities through enterprise



development and participatory engagement in livelihoods facilities.

1. OVERVIEW OF LABOR USE ON THE PROJECT

The Ministry of Industry and Technology (MoIT) will be the implementing agency of the project. MoIT has the mandate to determine policies toward science, technology and innovation in line with industrial, economic, social development and national security policies and strategies. Through Development Agencies (DAs) and other financing mechanisms, MoIT provides financial and technical support to entrepreneurs and SMEs.



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MoIT employed a total number of 3,945 employees (headquarters and provincial directorates) in 2018. Table 1. shows the distribution of employees according to HQ and local level staff employed between 2016-2018. MoIT technical staff are civil servants.

Table 1. Total Number of MoIT Employees (2016-2018)

Year	2016	2017	2018
Headquarters	1,418	1,506	1,848
Provinces	1,883	1,899	2,097
Total	3,301	3,405	3,945

Source: MoIT, September 2019

MoIT will establish a dedicated project team (PT) for the purposes of project management and coordination and appoint a dedicated Project Coordinator. The PT will collaborate with the staff of several MoIT departments. It is expected that MoIT will also engage consultants for technical work (e.g. social entrepreneurship, gender, environmental and social). Most direct workers shall be skilled staff who will carry out coordination, technical and administrative work.

For the implementation of Component 1¹ and Component 2² of the Project, MoIT will delegate its responsibilities to five regional DAs (Cukurova, Dicle, Dogu Akdeniz, Ipekyolu and Karacadag). Development agencies will act as implementing agencies of the project. Consistent with their mandate, DAs provide technical and financial resources for enterprise development and the overall development of the entrepreneurship ecosystem in the regions they serve. DAs which have their own governance structure, have vast experience in providing financial support to a range of state and non-state institutions (private sector entities, NGOs, public entities, universities, professional establishments, local administrations and cooperatives) adapted to local contexts.

Through signing subsidiary agreements with MoIT, DAs will assign staff for the sound implementation of project activities in their area/provinces of operation. Each DA will appoint a Project Manager and other

¹ Social Entrepreneurship for Women in Refugees and Host Communities

² Community livelihoods-related facilities in refugee and host communities



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relevant staff to ensure the management, technical, fiduciary, communications and safeguard issues are administered properly.

As of September 2019, the aforementioned DAs have a total of 260 personnel including managers, experts, and support staff. The distribution of personnel employed according to project DAs is provided in the Table 2. below.

Table 2. Total Number of Staff in DAs within Project Scope

Development Agency	# of Staff Employed
Cukurova DA	50
Dicle DA	67
Dogu Akdeniz DA	52
Ipekyolu DA	47
Karacadag DA	44
Total	260

Source: MoIT, September 2019

Based on a Call for Proposals process DAs will appoint qualified Community Implementing Partners (CIPs), with experience of incubation and acceleration support services, grant-making, community development and institutional capacity building. Selected CIPs will carry out project activities directly with the refugee and host community beneficiaries in specific project locations. CIP responsibilities will include training and mentoring activities for incubation and acceleration, disbursing grants to new and existing social entrepreneurs and post-creation supporting services (included under Component 1) and the community mobilization/decision-making and social cohesion activities envisaged under Component 2. The exact number of CIP staff that will be assigned to deliver project tasks is currently unknown, however CIPs will be engaged through a contractual arrangement.

DAs will also work with local authorities (i.e municipalities) in their provinces to ensure local coordination of all project activities and to implement Component 2B, which will address gaps in livelihoods facilities in local communities. DAs will adopt a ‘guided project support’ mechanism to channel funds to local authorities to carry out these activities. Municipalities and other local authorities will thus implement



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Component 2B (to establish childcare facilities, kitchens/workshops etc.) using government systems under the technical oversight of the DAs and will administer/maintain these facilities.

Project Workers

It is expected that Project will engage the following categories of project workers as defined by ESS2: Labor and Working Condition:

Direct workers: In this Project, direct workers are:

- Staff from the MoIT (civil servants) that are involved in the project as a part of the project team (PT)
- External consultants for technical issues (eg. social entrepreneurship, gender, environmental and social issues) that shall be engaged by the MoIT and DAs
- Development agencies' staff who will be designated to implement provincial base activities under the sub projects in their area of operation. Development agencies staff do not have a status of civil servants.³ They have a public worker status with open-ended contract regulated by the Turkish Labor Code 4857.

MoIT staff who will work in the PT are civil servants. MoIT staff are regulated by the Civil Servant's Act No. 657 . For civil servants involved in project operations, regardless of whether they work full time or part time, terms and conditions of their existing contracts or appointments in the public sector shall apply. When engaging external consultants, provisions of national employment legislation shall apply, in parallel with compliance with requirements of this labor management procedure. These consultants may be hired under time-bound contracts, some of them on part - time basis, with specific definition of assigned tasks and responsibilities.

The estimated number of direct workers in the MoIT Project Team is 10, while each DA is anticipated to assign about 2-3 experts for the sub projects. The total number of direct workers, including technical consultants is expected to be between 25 – 30 people.

³ Law on the establishment and duties of development agencies (Law No. 5449), Article 18: "Services of the Agency shall be carried out by the experts and support personnel employed pursuant to the provisions of Labour Legislation".



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It is estimated that women would represent approximately 30 percent of direct workers, and those would likely be technical and administrative staff. All direct workers will be above the age of 18 years.

Contracted workers will include:

- Staff/experts of CIPs contracted by the DAs. These contracted workers will include specialized experts and trainers who have knowledge in working with refugees, women, and who have vast experience in areas such as community engagement, grant management and social cohesion and entrepreneurship. It is estimated that 5 – 8 CIPs will be engaged in the project, however the number of experts/trainers to be hired by the CIPs is not yet known. It is estimated that the total number of CIP contracted workers will be between 50 – 60. CIP contracted workers will carry out project implementation activities under Components 1 and 2. It is estimated that women would constitute about 10-20 percent of CIP workers.
- Workers engaged by the civil works construction contractors' companies to carry out the construction, refurbishing and rehabilitation works under the Component 2. It is estimated that the majority of the contracted workers will be unskilled and semi-skilled construction labor. At this moment the exact number of contracted workers is not known. It is estimated that the project shall engage a total of approximately 200-500 workers in eleven provinces over 3 years. It is expected that individual construction activity shall not engage more than 30 construction workers per construction/rehabilitation site. Taking into account the nature of construction works, and historical employment of women in the construction sector in Turkey, it is estimated that women would represent about two percent of contracted construction workforce, mainly in administrative, technical and supporting roles (food catering and maintenance).
- Contracted workers also include any potential sub-contractors companies engaged by the construction contractors companies.
- **Primary supply chain workers** may be workers of firms providing construction materials for minor civil works. This labor management procedure will include provisions on primary supply chain workers, in case, it will be established during implementation and procurement process that some firms meet the ESS 2 definition of the primary supply chain workers.

Community workers as provided in the ESS2 definition, will not be engaged in the project activities.



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Migrant workers⁴: The project will make efforts to engage local workers as contracted workers. These workers will be Turkish nationals from the project affected regions. The contracted workers may also include Syrian refugees. Syrian refugees are legally permitted to work in Turkey. Currently is it not possible to estimate the percentage of Syrian refugee workforce to be engaged by the contractor companies.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities

The project will support social entrepreneurship in refugee and host communities. Under Component 2, the project will finance refurbishment, rehabilitation and/or small scale construction of facilities including child care facilities, market places, stall facilities, workshops, and kitchens, refurbishment of incubation facilities.

This type of rehabilitation and construction activities may include:

- 1) erection of walls and roofing;
- 2) facade construction;
- 3) waterproofing, electrification, heat insulation and sanitary works (plumbing);
- 4) reinstatement and revegetation of impacted areas;
- 5) demolishing of existing interior structures such as walls and erection of new ones;
- 6) finishing construction works such as paintworks/wallcovering, gypsum plaster, floor covering, etc.;
- 7) interior and exterior decoration works.

The above mentioned civil works are expected to be of small scale. The value of the grants (contracts for facilities) will be between EUR100,000 and EUR 300,000. It is estimated that the project would support about 70 facilities.

Key Labor Risks

It is assessed that key labor risks would be related to health and safety risks associated with the construction, rehabilitation and refurbishment works. These risks may include exposure to physical, chemical and

⁴ Employment of Syrian refugees in social enterprises will be analyzed and associated protection measures included in the ESMF for the project. The workers in social enterprises are beneficiaries of the Project, and not project workers in accordance with ESS2 definition. Local authorities, municipalities are considered beneficiaries of DA activities. Some of the employees of local authorities, municipalities are civil servants, some are term staff.



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electrical hazards during construction activities such as: use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery. As the construction activities may involve hazardous work, persons under the age of 18 will not be employed by the Project. Many workers may be exposed to occupational health and safety hazards, some of which might also cause occupational diseases risks, primarily including but not limited to:

- Work at height
- Electrical works
- Exposure to chemicals (such as paints, solvents, lubricants, and fuels)
- Traffic accidents
- Excavations hazards
- Lifting of heavy structures
- Moving materials and goods
- Slips and trips
- Falling objects
- Exposure to high noise levels and vibration
- Exposure to construction airborne agents (dust, silica and asbestos)
- Exposure to hazardous substances such as cements and solvents;
- Ergonomic hazards during construction.

If project activities are carried out while COVID-19 pandemic is still active, project workers could be exposed to the risk of COVID infection in the workplace. COVID-19 prevention measures will be included in the section on Policies and procedures.

Other potential labor risks on the construction sites can be associated with behavioral habits such as lack of use of personal protective equipment.

In addition, there may be potential risks associated with compliance of construction contractors and sub-contractors; (i) with the Labor Law such as working hours, rest period, overtime, and timely payment of wages, and (ii) with the Occupational Health and Safety Law such as employment of untrained workers,



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provision of insufficient health services, and employment of workers lacking vocational qualification certificate.

The Project was assessed as Low on gender-based violence (GBV) risk. Due to the relatively small size of civil works, the project does not expect labor influx risks and impacts. However, if other labor risks arise during project implementation, MoIT will develop procedures to prevent further impacts. The worker's grievance and project mechanisms will have a separate uptake channel for the sensitive grievances related to sexual exploitation and abuse/sexual harassment in work place. Code of Conduct (attached in this LMP) that promotes good behaviors will be required by all project workers (including contracted workers) to be signed.

Worker camps (accommodation) are not envisioned under the project.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

There are several statutory laws governing labor related issues in Turkey, among which are the Turkish Constitution, Labor Law (No. 4857), Turkish Code of Obligations (No. 6098), Labor Courts Act (No. 7036), Law on Trade Unions and Collective Bargaining Agreements, also known as the "Union Law", (No. 6356), Law on Civil Service Trade Unions and Collective Bargaining Agreements (No. 4688), Occupational Health and Safety Law (No. 6331), Maritime Labor Law (No. 854), Press and Media Labor Law. In addition to the above, there are secondary laws and regulations that include annual leave, working hours, overtime work, minimum wage, female employees and child labor.

Turkey has also ratified majority of the ILO conventions, including but not limited to conventions on equal treatment of employees, gender equality, child labor, minimum wage, forced labor, OHS, right of association and collective bargaining. Turkey is party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the Council of Europe's 1961 European Social Charter, as well as the Revised Social Charter. Labor Law is the main statute regulating the employment relationship. Other primary legislation that also applies to the project includes:

- Occupational Health and Safety Law (No. 6331)



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- Law on Trade Unions and Collective Bargaining Agreements (No. 6356)
- Social Insurance and General Health Insurance Law (No. 5510)
- Law of Obligations (No. 6098)
- Labor Courts Law (No. 7036)
- Law on the Work Permit for Foreigners (No. 6735)
- Civil Servants' Act (No. 657)
- Regulation on Contractors and Sub-contractors

The Regulation on Work Permit for Foreigners under Temporary Protection, adopted on 15 January 2016, regulates the procedures for granting work permits to persons under temporary protection.

Main Labor Code provisions

Types of Employment Contracts

As per the Labor Law, the main categories of employment contracts are: definite (fixed term) and indefinite (open-ended), full time and part time contracts, continuous and transitory contracts; seasonal; temporary; employment contracts with or without trial periods; provisional employment contracts; and team (gang) employment contracts. Employment which lasts only up to 30 days is transitory; and employment which requires a longer period is continual. If employment is transitory, provisions of the Obligations Act shall apply on certain matters as defined by the Labor Code.

Article 5 of the Turkish Labor Code embraces the principle that all employees should be treated equally. Accordingly, employers cannot treat temporary and agency workers or part-time workers differently from the permanent employees unless justifiable grounds exist for the different treatment.

Wages and deductions

Article 32 of the Labor Code defines “wage” in general terms, as the amount of money to be paid in cash by an employer or by a third party to a person in return for work performed by him. Without discrimination, each employee has a right to demand remuneration for the work they conduct. The salary of an employee cannot be lower than the minimum wage amount which is determined by the state and redefined two times every year. There is a national minimum wage that applies to all employees in Turkey. Under Art. 39 of the



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Labor Code, the minimum wage is determined and revised by the related commission of the Ministry of Family, Labor and Social Services twice every year.

Pursuant to Article 34 of Law No: 4857 (Turkish Labor Law) any worker whose wage is not paid within twenty days as of the date of wage payment except for a force major may abstain from fulfilling his/her working liability. Even if the non-fulfilment of working liabilities for this reason based on personal decisions of workers gains a collective character numerically, this shall not be considered as a strike. The highest interest rate applied for deposits shall be applied for wages not paid on due date.

The labor contracts of such workers shall not be terminated, new workers shall not be admitted in their places and their works shall not be assigned to other persons for not working due to this reason.

Pursuant to Article 38 of Law No: 4857 (Turkish Labour Law) The employer shall not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or labour contract.

The deductions to be made from worker's wages as penalties should be immediately informed to the worker along with reasons thereof. Such deductions from worker wages shall not exceed two daily wages in a month or two days' earning of the worker in wages paid per piece or per the amount of work performed.

Such deductions shall be deposited with the account of the Ministry of Labour and Social Security within one month as of the deduction for utilization for the training and social services of the workers, in one of the banks established in Turkey and entitled to accept deposits, to be nominated by the Ministry. Every employer shall be obliged to keep a separate account of such deductions at the business.

Working hours

According to the Turkish Labor Law, the working period shall be maximum 45 hours a week. Unless otherwise agreed, such period shall be applied by equally assigning it to working days of the week.

The normal weekly working period may be differently assigned to working days of the week, on the condition that it does not exceed eleven hours a day, upon agreement of the parties. In this case, the average weekly working period of the worker shall not exceed normal weekly working period within a period of two months. The compensation period may be increased by up to four months through collective labour contracts (Article 63)



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The workers shall be informed of the starting and ending times of daily working periods as well as of break times.

Starting and ending times of the working period may be arranged differently for workers, according to the nature of the work. (Article 67)

Periods accounted as working period

According to the Turkish Labor Law, the following periods shall be accounted within the daily working period of the workers.

The periods spent on the way, in cases where the workers are sent by the employer from their workplace to any other places to work.

Free periods of the worker spent at the workplace, being available for working at any moment but waiting for any possible work, without working.

Periods spent by the worker for being sent by the employer to another place, or being made occupied at the house or office of the employer or any place relating to the employer, without performing his/her main job.

The periods of breast-feeding female workers to be specified for breast-feeding.

Periods elapsing for collective and regular transport of workers from and to their workplaces which are distant from their settlement area for any kind of work requiring collective transport such as construction, maintenance or repair and modification of railways, roads and bridges. (Article 66)

Overtime hours and overtime payment

As per Article 41 of the Labor Law, works which exceed forty-five hours a week are defined as overtime. An employer may request employees to work overtime. The employee's consent shall be required for overtime work. Total overtime work shall not be more than two hundred seventy hours in a year. Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. Nevertheless, under court precedents, certain employees (for example, high level executives and employees who can fix their work hour schedules themselves and who earn salaries which are higher than market



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standards) are not entitled to request overtime payment where it can be determined that the salary is high enough to include overtime payment.

Employees under age of 18, pregnant women, and breastfeeding mother cannot be required to work overtime.

Weekly rest day and rest breaks

The employees are allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked up to 45 hours on the days preceding the weekly rest day. By law, employers do not have the right to deduct this weekly rest from the employees' salaries. Additionally, Article 68 of the Labor Law states that employees are entitled to a rest break, the duration of which varies depending on the working hours. Each employee is entitled to 15 minutes of break for jobs lasting up to four hours; 30 minutes of break for jobs lasting up to 7.5 hours, and one hour of break for jobs lasting more than 7.5 hours. Arrangements for breaks will be made according to the local traditions and requirements of the work. Such breaks shall be at minimum level, and applied uninterruptedly. However, such periods may be applied intermittently by reaching an agreement, considering the climatic and seasonal conditions and local traditions as well as the nature of the work. Breaks may be used by workers at the same time or at different times at a workplace. Breaks shall not be reckoned within working period. (Article 68)

Leaves

The minimum leave period according to the length of service of the employee has been set in the Labor Law as follows;

- 1 to 5 years (included) - 14 working days
- 5 to 15 years - 20 working days
- 15 years (included) or longer - 26 working days

The Law stipulates that paid annual leave may not be less than 20 days for employees under the age of 18 or over the age of 50. Employees are also provided to the right to take up to 4 days leave without pay, on the condition that the employee provides documentary evidence that s/he is spending his/her annual leave at a place other than where the workplace is located.



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Employees engaged in seasonal or other occupations which, owing to their nature, last less than one year are not entitled to paid annual leave.

Paid leaves for civil servants have been defined in the Law as; 20- 30 days for annual leave, sick leaves up to 36 months, casual leaves (such as birth, death, marriage up to 7-10 days, and sick leave taken to care for a sick relative until 6 months.

Unpaid leaves for civil servants are as follows; maternity leave (until 24 months), leave for training abroad, (until 4 years), military service, leave taken as a result of the spouse's change of job or due the characteristics of his/her job (during the time of employment), optional leave taken upon the request of the employee (until one year), sick leave taken to care for a sick relative (until 18 months). Those civil servants who have served for less than 10 years (included 10 years) have 20 days of annual leaves and those who have served for more than 10 years have the right of 30 days annual leave. The annual paid leave shall not be interrupted by the employer.

Other paid and unpaid leaves or rest and illness leaves granted by the employer within the year shall not be set off from the annual leave.

National festivals, week holidays and general holidays coinciding with the leave period shall not be counted in the leave period in calculating the days of annual paid leave (Article 56).

Labor disputes

The Labor Code does not provide for a workplace grievance mechanism.

The employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not valid to justify the termination shall be entitled to lodge an appeal against that termination with the labor court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time.

The burden of proving that the termination was based on a valid reason shall rest on the employer. However, the burden of proof shall be on the employee if he claims that the termination was based on a reason different from the one presented by the employer.



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The court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month. (Article 20)

If the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him in work, compensation to be not less than the employee's four months' wages and not more than his eight months' wages shall be paid to him by the employer.

In its verdict ruling the termination invalid, the court shall also designate the amount of compensation to be paid to the employee in case he is not re-engaged in work.

The employee shall be paid up to four months' total of his wages and other entitlements for the time he is not re-engaged in work until the finalization of the court's verdict. If advance notice pay or severance pay has already been paid to the reinstated employee, it shall be deducted from the compensation computed in accordance with the above-stated subsections. If term of notice has not been given nor advance notice pay paid, the wages corresponding to term of notice shall also be paid to the employee not re-engaged in work.

For re-engagement in work, the employee must make an application to the employer within ten working days of the date on which the finalized court verdict was communicated to him. If the employee does not apply within the said period of time, termination shall be deemed valid, in which case the employer shall be held liable only for the legal consequences of that termination (Article 21).

Termination of an employment contract

Under the Labor Code, employers can terminate contracts in two ways: (i) showing a valid reason (Art. 18-19) or (ii) breaking the contract for a just cause. Employees who have completed 6 months of employment in a workplace that has at least 30 workers, can benefit from certain protections under the Labor Code, protecting the worker from arbitrary termination of his/her contract. In order for the termination of an employment contract to be valid, a written notice must be given to the employee and legal notice periods must be respected. However, in certain cases, employers can terminate the employment relationship on the basis of a just cause (for reasons of health, for immoral, dishonorable or malicious conduct or other similar behavior, force majeure). In these cases, the employer is not obliged to comply



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with the legal notice periods and can terminate it immediately. For further details, please see, Labor Code, Art. 24-26.

Severance payment:

Upon termination of the employment contract, employees are entitled to a severance payment on the condition that the employee has completed at least one year of continuous employment. This payment is calculated by multiplying the number of years of employment with the employee's monthly salary at termination. If the employer terminates the employment contract under just cause based on health reasons or force majeure, the employer must give severance pay to the employee, if applicable. However, if the employer terminates the employment contract under just cause on grounds of immoral and dishonorable acts of the employee, the employer is not liable to pay severance. If the employee terminates the employment contract for just cause, the employer must pay severance in all cases.

However, where the employee terminates the employment contract at will, without the presence of any cause set out under the Labor Code, the employer is not liable to pay severance to the employee (unless the employee terminated the contract due to factors such as military duty or marriage).

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

The OHS Law No.6331 of Turkey aims to regulate the duties, authority, responsibility, rights and obligations of employers and workers in order to ensure occupational health and safety at workplaces and to improve existing health and safety conditions. The Law applies to all works and workplaces in both public and private sector, employers of these workplaces and their representatives, all workers including apprentices and interns regardless of their field of activity. However, there are several activities and persons which the Law is not applicable to. These are activities of the Turkish Armed Forces, the police and the Undersecretary of National Intelligence Organization, except those employed in workplaces such as factories, maintenance centers, sewing workshops etc., intervention activities of disaster and emergency units, domestic services, persons producing goods and services in their own name and on their own account without employing workers and prison workshop, training, security and vocational course activities within the framework of improvements carried out throughout the enforcement services for convicts and inmates.



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Project workers including direct and contracted workers of the project are subject to this law. The law stipulates and enforces employers to provide employees with a safe and healthy working environment and to inform workers of the potential risks their jobs may present to their health and safety. The overview below provides key aspects of legislation which relates to the items set out in ESS2.

The employer is obliged to ensure the health and safety of the employees related to the work performed, including:

- Taking necessary action to prevent occupational risks, including training and information provision, the organization, provision of necessary tools and equipment and making occupational health and safety measures appropriate to the changing conditions.
- Monitoring, controlling and ensuring compliance with occupational health and safety measures taken in the workplace.
- Performing periodic risk assessments.
- Taking into consideration the employee's suitability in terms of health and safety when assigning tasks.
- Taking necessary measures to ensure that employees other than those who are given OHS information and instructions are not allowed to enter the places where there is life and special danger.

Similarly, the employees are obliged not to jeopardize the health and safety of others and perform duties in accordance with the training and support they receive about occupational health and safety and the instructions of the employer. The basic obligations of the employees in accordance with the training and instructions given by the employer are as follows:

- Operate machinery, equipment, tools, equipment, hazardous goods, transportation equipment and other production tools in the workplace in accordance with the rules, to use their safety equipment correctly, and not to remove them arbitrarily.
- Proper use and protection of personal protective gear and equipment provided.
- Immediately notify the employer or employee representative when encountering a serious and imminent danger in terms of health and safety in the machinery, equipment, tools, equipment, facilities and buildings in the workplace and if deficiency in protection measures noticed.



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- Cooperate with the employer and employee representative to eliminate any deficiencies and contradictions determined by the competent authority for inspection.
- Cooperate with the employer and employee representatives to ensure occupational health and safety in their area of duty.

The law stipulates the following on the OHS training of workers:

- The employer shall ensure that each worker receives safety and health training. This training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take account of new or changed risks and repeated periodically if necessary.
- Workers' representatives shall be entitled to appropriate training.
- Workers failing to present documents to prove that they have received vocational training on their job might not be employed in jobs classified as hazardous and very hazardous which require vocational training.
- Workers who have had occupational accident or disease shall receive additional training on reasons for the accident or disease, ways to protect themselves and safe working methods. Furthermore; workers who are away from work for any reason for more than six months shall receive refresher training before return to work.
- Workers from outside undertakings and/or enterprises might not start to be employed in jobs classified as hazardous and very hazardous unless they can present documents to prove that they have received appropriate instructions regarding health and safety risks.
- The employer who is the party to temporary employment relationship shall ensure that the worker receives training on health and safety risks.
- Trainings mentioned in the law may in no circumstances bring financial burden to workers. Time spent on trainings shall be deemed as actual work time. In case the time allocated for trainings exceeds weekly working hours, hours worked in excess of weekly working hours shall be considered as overtime.



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5. RESPONSIBLE STAFF

MoIT will establish a dedicated project team (PT) for the purposes of project management and coordination and appoint a dedicated Project Coordinator. The PT will draw on the staff and capabilities of existing department in charge of coordination of Development Agencies. It is expected that MoIT will also engage consultants for technical work (e.g. social entrepreneurship, gender, environmental and social issues). Most direct workers shall be skilled staff who will carry out coordination, technical and administrative work. The MoIT will delegate its responsibilities for the implementation of Components 1 and 2 to five regional Development Agencies (DAs) - Cukurova Development Agency, Dicle Development Agency, Dogu Akdeniz Development Agency, Ipekyolu Development Agency, and Karacadag Development Agency.

MoIT and Development Agencies will be responsible for the following:

- Apply this labor management procedure to direct workers
- Update this Procedure when necessary in the course of preparation, development and implementation of the Project, as well as in case the domestic legislation changes in any aspects of importance for this Procedure
- Ensure that contractor(s) responsible for the construction and rehabilitation works under Component 2 are compliant with this labor management procedure, national employment, health and safety laws and mitigation measures included in the ESMF
- Ensure that CIPs responsible for the training and facilitation activities under Components 1 and 2 are compliant with this labor management procedure, national employment, health and safety laws and mitigation measures included in the ESMF
- Monitor that the CIPs and construction contractors are meeting obligations towards contracted and sub-contracted workers as included in the grants agreement and General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and national labor code
- Maintain records of recruitment and employment process of direct workers
- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law



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- Monitor compliance of the CIPs and contractors with this labor management procedures
- Monitor that occupational health and safety standards are met at work places in line with national occupational health and safety legislation
- Monitor training of the project workers on OHS
- Develop, and implement workers' grievance mechanism and address the grievance received from the direct, contracted and sub-contracted workers
- Monitor implementation of the workers Code of Conduct

MoIT PT , DAs and local authorities will oversee labor and safety performance related to the small works under Component 2, and the local authorities should monitor at least on a weekly basis. The ESMF requires the MoIT and DAs to employ qualified experts for such oversight and to report on performance on a three-monthly basis.

COVID-19 specific measures

- The MoIT PT should request details in writing from the civil works contractors of the measures being taken to address the COVID-19 risks. The civil works contract should include health and safety requirements, and these can be used as the basis for identification of, and requirements to implement, COVID-19 specific measures. The measures may be presented as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures. The measures may be reflected in revisions to the project's health and safety manual. This request should be made in writing (following any relevant procedure set out in the contract between the MOIT and the contractor).
- In making the request, the PT shall specify the areas that should be covered. This should and take into account current and relevant guidance provided by national authorities, WHO and other organizations.
- The PT should require the contractor to convene regular meetings with the project health and safety specialists (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.



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- Where possible, a senior person should be identified as a focal point to deal with COVID-19 issues. This can be a work supervisor or a health and safety specialist. This person can be responsible for
- coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the local community. It is also advisable to designate at least one back-up person, in case the focal point becomes ill; that person should be aware of the arrangements that are in place.
- The PT, either directly or through the local authorities, may provide support to projects in identifying appropriate mitigation measures, particularly where these will involve interface with local services, in particular health and emergency services. The PT and DAs can play a valuable role in connecting project representatives with local government agencies, and helping coordinate a strategic response, which takes into account the availability of resources. To be most effective, projects should consult and coordinate with relevant Government agencies and other projects in the vicinity.
- Workers should be encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.

The CIPs and Contractors will be responsible for the following:

- Comply with OHS mitigation measures included in the ESMF and this labor management procedure. These measures will apply to contracted and sub-contracted workers.
- Contractors will supervise the sub-contractors' compliance with labor management procedure and ESMF
- Maintain records of recruitment and employment process of contracted workers
- Communicate clearly job description and employment conditions to contracted workers



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- Have a system for regular review and reporting on labor, and occupational safety and health performance
- Deliver regular induction (including social induction) and HSE training to employees.
- Ensure that all contracted and sub-contractor workers understand and sign the Code of Conduct prior to the commencement of works

In instances where project activities are carried out while COVID-19 epidemic is still active in Turkey, following additional measures will be in place. The CIP and Contractors shall identify measures to address the COVID-19 situation and appoint COVID-19 focal point(s) to provide real-time advice on how to deal with emerging issues, and (to the extent feasible) coordinate related activities.

CIP and Contractors shall be responsible for: COVID-19 focal points shall be responsible for:

- Monitoring, supervising, and reporting to DAs and local authorities on health and safety issues relating to COVID-19 (COVID-19 focal point),
- Raising awareness and training of workers in mitigating the spread of COVID-19
- Assessment, triaging and treatment of workers infected with COVID-19
- Implement COVID-19 prevention measures presented in the section on Policies and Procedures

6. POLICIES AND PROCEDURES

For civil servants involved in project operations, regardless of whether they work full time or part time, terms and conditions of their existing contracts or appointments in the public sector shall apply. Policies and procedures for this Project aim to achieve objectives of ESS2 and compliance with national labor and OHS laws.

- All project workers shall have employment contracts in writing, including a description of conditions of employment. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- Workers are entitled to a regular salary, as well as to compensation of salary for periods of absence from work or specific conditions of work such as overtime work, work on holidays, weekend, etc.



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- Workers shall have a rest period during working hours, weekly rest and annual holidays as prescribed under the law;
- The employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment.
- Recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, race, religion, sex, disability, political beliefs, and other grounds included in the Labor Code
- Applications for employment will be considered in accordance with the application procedures established by the MoIT, DAs, CIPs, and contractors
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post
- Unskilled labor will be preferentially recruited from the affected communities, settlements and municipalities.
- The contracted workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer ('Contractor').
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties with understanding the documentation.
- Working hours of 45 hours per week, and in case of necessity of overtime work, workers will be paid for overtime work as prescribed by the Labor Law
- Project workers will have access to the grievance mechanism as described in Chapter 9 of this Procedure,
- Implementation of measures of protection at work and safety for jobs with increased risk of injury and damage to health, as well as organization of training for workers in such jobs
- Keeping records of workers who are working on tasks with increased risk of injury and harm to health
- minimum age for employment will be 18 years
- compliance with legal notice periods



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Grant agreements with CIPs and contracts with civil works contractors shall contain a provision on the obligation to comply with the current labor, employment and OHS legislation and with this labor management procedure. In case the contractors engage subcontractors, contractors shall be under obligation to build in such a provision in the sub-contracts.

If MoIT and DA determine that CIPs and contractors are violating the prescribed procedures, they shall take contractual measures and inform the competent labor inspectorate, as relevant.

MoIT will inform the Bank promptly about any incident or accident related to the project which has, or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, health and safety, pandemic, social unrest or security incident, accident or circumstance) as soon as reasonably practicable, but no later than 3 business days after the occurrence of the event. Such events can include strikes or other labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage. MoIT will prepare a report on the event and the corrective action and submit to the Bank within 30 calendar days of the event.

MoIT will develop and implement Code of Conduct. The Code of Conduct will reflect the project's core values and overall working culture. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to GBV.

COVID-19 prevention measures

(a) ASSESSING WORKFORCE CHARACTERISTICS

- The Contractors should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations
- This should include a breakdown of workers who reside at home (i.e. workers from the community), and workers who lodge within the local community. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.



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- Consideration should be given to ways in which to minimize movement in and out of site. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
- Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.
- Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.
- Workers from local communities, who return home daily, should be subject to health checks at entry to the site and at some point, circumstances may make it necessary to require them to either use accommodation on site or not to come to work.

(b) ENTRY/EXIT TO THE WORK SITE AND CHECKS ON COMMENCEMENT OF WORK

Entry/exit to the work site should be controlled and documented for both workers and other parties, including support staff and suppliers. Possible measures may include:

- Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
- Training security staff on the (enhanced) system that has been put in place for securing the site and controlling entry and exit, the behaviors required of them in enforcing such system and any COVID - 19 specific considerations.
- Training staff who will be monitoring entry to the site, providing them with the resources they need to document entry of workers, conducting temperature checks and recording details of any worker that is denied entry.
- Confirming that workers are fit for work before they enter the site or start work. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.



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- Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
- Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
- During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
- Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
- Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.

(c) GENERAL HYGIENE

Requirements on general hygiene should be communicated and monitored, to include:

- Training workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular handwashing and social distancing) and what to do if they or other people have symptoms (for further information see [WHO COVID-19 advice for the public](#)).
- Placing posters and signs around the site, with images and text in local languages.
- Ensuring handwashing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where handwashing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.
- Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected (see paragraph (f)).



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(d) CLEANING AND WASTE DISPOSAL

Conduct regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers). This should include:

- Providing cleaning staff with adequate cleaning equipment, materials and disinfectant.
- Review general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
- Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.
- Training cleaners in proper hygiene (including handwashing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).
- Any medical waste produced during the care of ill workers should be collected safely in designated containers or bags and treated and disposed of following relevant requirements (e.g., national, WHO). If open burning and incineration of medical wastes is necessary, this should be for as limited a duration as possible. Waste should be reduced and segregated, so that only the smallest amount of waste is incinerated (for further information [see WHO interim guidance on water, sanitation and waste management for COVID-19](#)).

(e) ADJUSTING WORK PRACTICES

Consider changes to work processes and timings to reduce or minimize contact between workers, recognizing that this is likely to impact the project schedule. Such measures could include:



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- Decreasing the size of work teams.
- Limiting the number of workers on site at any one time.
- Changing to a 24-hour work rotation.
- Adapting or redesigning work processes for specific work activities and tasks to enable social distancing, and training workers on these processes.
- Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE and any additional COVID-19 specific PPE recommended by the national authorities and WHO.).
- Reviewing work methods to reduce use of construction PPE, in case supplies become scarce or the PPE is needed for medical workers or cleaners. This could include, e.g. trying to reduce the need for dust masks by checking that water sprinkling systems are in good working order and are maintained or reducing the speed limit for haul trucks.
- Arranging (where possible) for work breaks to be taken in outdoor areas within the site.
- Consider changing canteen layouts and phasing meal times to allow for social distancing and phasing access to and/or temporarily restricting access to leisure facilities that may exist on site, including gyms.
- At some point, it may be necessary to review the overall project schedule, to assess the extent to which it needs to be adjusted (or work stopped completely) to reflect prudent work practices, potential exposure of both workers and the community and availability of supplies, taking into account Government advice and instructions.

(f) PROJECT MEDICAL SERVICES

Consider whether existing project medical services are adequate, taking into account existing infrastructure (size of clinic/medical post, number of beds, isolation facilities), medical staff, equipment and supplies, procedures and training. Where these are not adequate, consider upgrading services where possible, including:

- Expanding medical infrastructure and preparing areas where patients can be isolated. Guidance on setting up isolation facilities is set out in [WHO interim guidance on considerations for quarantine of](#)



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[individuals in the context of containment for COVID-19](#)). Isolation facilities should be located away from worker accommodation and ongoing work activities. Where possible, workers should be provided with a single well-ventilated room (open windows and door). Where this is not possible, isolation facilities should allow at least 1 meter between workers in the same room, separating workers with curtains, if possible. Sick workers should limit their movements, avoiding common areas and facilities and not be allowed visitors until they have been clear of symptoms for 14 days. If they need to use common areas and facilities (e.g. kitchens or canteens), they should only do so when unaffected workers are not present and the area/facilities should be cleaned prior to and after such use.

- Training medical staff, which should include current WHO advice on COVID-19 and recommendations on the specifics of COVID-19. Where COVID-19 infection is suspected, medical providers on site should follow [WHO interim guidance on infection prevention and control during health care when novel coronavirus \(nCoV\) infection is suspected](#).
- If PPE items are unavailable due to world-wide shortages, medical staff on the project should agree on alternatives and try to procure them. Alternatives that may commonly be found on constructions sites include dust masks, construction gloves and eye goggles. While these items are not recommended, they should be used as a last resort if no medical PPE is available.
- If a worker is extremely ill and unable to breathe properly on his or her own, they should be referred immediately to the local hospital (see (g) below).
- Review existing methods for dealing with medical waste, including systems for storage and disposal (for further information see [WHO interim guidance on water, sanitation and waste management for COVID-19](#), and [WHO guidance on safe management of wastes from health-care activities](#)).

(g) LOCAL MEDICAL AND OTHER SERVICES

Given the limited scope of project medical services, the project may need to refer sick workers to local medical services. Preparation for this includes:

- Obtaining information as to the resources and capacity of local medical services (e.g. number of beds, availability of trained staff and essential supplies).



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- Conducting preliminary discussions with specific medical facilities, to agree what should be done in the event of ill workers needing to be referred.
- Considering ways in which the project may be able to support local medical services in preparing for members of the community becoming ill, recognizing that the elderly or those with pre-existing medical conditions require additional support to access appropriate treatment if they become ill.
- Clarifying the way in which an ill worker will be transported to the medical facility, and checking availability of such transportation.
- Establishing an agreed protocol for communications with local emergency/medical services.
- Agreeing with the local medical services/specific medical facilities the scope of services to be provided, the procedure for in-take of patients and (where relevant) any costs or payments that may be involved.
- A procedure should also be prepared so that project management knows what to do in the unfortunate event that a worker ill with COVID-19 dies. While normal project procedures will continue to apply, COVID-19 may raise other issues because of the infectious nature of the disease. The project should liaise with the relevant local authorities to coordinate what should be done, including any reporting or other requirements under national law.

(h) INSTANCES OR SPREAD OF THE VIRUS

WHO provides detailed advice on what should be done to treat a person who becomes sick or displays symptoms that could be associated with the COVID-19 virus (for further information see [WHO interim guidance on infection prevention and control during health care when novel coronavirus \(nCoV\) infection is suspected](#)). The project should set out risk-based procedures to be followed, with differentiated approaches based on case severity (mild, moderate, severe, critical) and risk factors (such as age, hypertension, diabetes) (for further information see [WHO interim guidance on operational considerations for case management of COVID-19 in health facility and community](#)). These may include the following:

- If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.



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- If testing is available on site, the worker should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if testing is available).
- If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.
- Extensive cleaning procedures with high-alcohol content disinfectant should be undertaken in the area where the worker was present, prior to any further work being undertaken in that area. Tools used by the worker should be cleaned using disinfectant and PPE disposed of.
- Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms.
- Family and other close contacts of the worker should be required to quarantine themselves for 14 days, even if they have no symptoms.
- If a case of COVID-19 is confirmed in a worker on the site, visitors should be restricted from entering the site and worker groups should be isolated from each other as much as possible.
- If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.
- Workers should continue to be paid throughout periods of illness, isolation or quarantine, or if they are required to stop work, in accordance with national law.
- Medical care (whether on site or in a local hospital or clinic) required by a worker should be paid for by the employer.

(i) CONTINUITY OF SUPPLIES AND PROJECT ACTIVITIES

Where COVID-19 occurs, either in the project site or the community, access to the project site may be restricted, and movement of supplies may be affected.

- Identify back-up individuals, in case key people within the project management team (PIU, Supervising Engineer, Contractor, sub-contractors) become ill, and communicate who these are so that people are aware of the arrangements that have been put in place.



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- Document procedures, so that people know what they are, and are not reliant on one person's knowledge.
- Understand the supply chain for necessary supplies of energy, water, food, medical supplies and cleaning equipment, consider how it could be impacted, and what alternatives are available. Early proactive review of international, regional and national supply chains, especially for those supplies that are critical for the project, is important (e.g. fuel, food, medical, cleaning and other essential supplies). Planning for a 1-2 month interruption of critical goods may be appropriate for projects in more remote areas.
- Place orders for/procure critical supplies. If not available, consider alternatives (where feasible).
- Consider existing security arrangements, and whether these will be adequate in the event of interruption to normal project operations.
- Consider at what point it may become necessary for the project to significantly reduce activities or to stop work completely, and what should be done to prepare for this, and to re-start work when it becomes possible or feasible.

(j) TRAINING AND COMMUNICATION WITH WORKERS

Workers need to be provided with regular opportunities to understand their situation, and how they can best protect themselves, their families and the community. They should be made aware of the procedures that have been put in place by the project, and their own responsibilities in implementing them.

- It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers (e.g. through training, town halls, tool boxes) that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
- Training of workers should be conducted regularly, as discussed in the sections above, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.



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- Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.
- Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
- Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on handwashing and social distancing, and what to do if a worker displays symptoms.

(k) COMMUNICATION AND CONTACT WITH THE COMMUNITY

Relations with the community should be carefully managed, with a focus on measures that are being implemented to safeguard both workers and the community. The community may be concerned about the presence of non-local workers, or the risks posed to the community by local workers presence on the project site. The project should set out risk-based procedures to be followed , which may reflect WHO guidance (for further information see [WHO Risk Communication and Community Engagement \(RCCE\) Action Plan Guidance COVID-19 Preparedness and Response](#)). The following good practice should be considered:

- Communications should be clear, regular, based on fact and designed to be easily understood by community members.
- Communications should utilize available means. In most cases, face-to-face meetings with the community or community representatives will not be possible. Other forms of communication should be used; posters, pamphlets, radio, text message, electronic meetings. The means used should take into account the ability of different members of the community to access them, to make sure that communication reaches these groups.
- The community should be made aware of procedures put in place at site to address issues related to COVID-19. This should include all measures being implemented to limit or prohibit contact between workers and the community. These need to be communicated clearly, as some measures will have financial implications for the community (e.g. if workers are paying for lodging or using local facilities). The community should be made aware of the procedure for entry/exit to the site, the training



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being given to workers and the procedure that will be followed by the project if a worker becomes sick.

- If project representatives, contractors or workers are interacting with the community, they should practice social distancing and follow other COVID-19 guidance issued by relevant authorities, both national and international (e.g. WHO).

7. AGE OF EMPLOYMENT

The minimum working age of project workers will be 18 years. National law and MoIT's and DAs HR policies do not permit child labor. According to the law, it is prohibited to employ children below the age of 15. It is also forbidden to employ children below the age of 18 for certain hazardous jobs and for jobs that require night shifts.

The contractors will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, certificate based on the results of a medical examination, national identification card, passport. The contracts with civil works contractors and grant agreements with DAs and social enterprises will include provisions on the prohibition of child and forced labor. The trainings for social enterprises provided by CIPs will include awareness sessions on the prohibition of child and forced labor.

If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

8. TERMS AND CONDITIONS

The terms and conditions applying to MoIT personnel are set out in the Law on Civil Servants. This Civil Servants Law will apply to MoIT employees who are assigned to work specifically in relation to the project (direct workers).

- 1) Terms and conditions of DA employees



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The terms and conditions applying to DA personnel are set out in Labor Code and Development Agencies Personnel Regulation. These two regulations will apply to DA employees who are assigned to work specifically in relation to the project (direct workers).

Terms and conditions of consultants (direct workers) are determined by their individual contracts, which are regulated by the Labor Law.

The working hours are 45 per week for direct workers.

The Labor Code will apply to the contracted workers. The Labor Code prescribes for the work week of 45 hours and limits overtime work to 270 hours annually. Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. All project workers will receive at least one rest day (24 hours) after six consecutive days of work. This rest day will be paid.

Wages of contracted workers will be agreed in employment contracts. The wages will be above the national minimum wage and will be in accordance with industry standards.

9. GRIEVANCE MECHANISM

The Grievance Mechanism (GM) is a process that allows any stakeholder to submit a complaint, raise a concern or provide feedback, such as suggestions, inquiries and compliments, regarding the planning, implementation or management of a project.

SEECO has established a transparent and comprehensive GM to receive, evaluate and handle grievances and feedback in compliance with the World Bank's Environmental and Social Standards (ESS). The GM is a key project tool to mitigate, manage, and resolve potential or realized Project impacts, as well as fulfil obligations under international standards and create positive relations with people affected by the Project, employees and other interested parties. Additionally, the GM provides timely input to the PIU on Project challenges and allows for effective identification of issues that need to be addressed.

Therefore, a [Grievance Mechanism Manual](#) has been prepared by the SEECO Project Implementation Unit (PIU) with the purpose of outlining the critical elements of the project-specific stakeholder GM and the separate GM for project workers.

The Labor Act does not have any legal provisions regarding workplace grievance mechanisms. And there are no provisions regarding the possibility for contracted workers to bring grievances to a project sponsor. Therefore, the MoIT PIU is setting up a Grievance Mechanism for project workers, including staff of MoIT,



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DAs and contracted workers. The GM for project workers is being established in line with this procedure and ESS2 (Labor and Working Conditions) requirements as described in Chapter 5.2 of the GM manual. .

Civil Servants Code and its relevant regulation provide for the grievance procedure for civil servants. Pursuant to Article 21 of Law No. 657 (Civil Servants Law); Civil servants have the right to file a complaint and file a lawsuit against their institutions. Appeals and complaints (letter of application, petition etc.) are made by submitting the complaints to the next superior in the hierarchy after the employee's direct superior. Applications and complaints are examined and notified to the relevant party as soon as possible.

The complaint must be concluded within 30 days, from date of receipt of the first disciplinary supervisor authorized to decide. Civil Servants who exercise their right to complain cannot be fined for their complaints.

However, consultants (direct workers) and DA employees cannot use the grievance mechanism available to civil servants. They are covered under a different GM as detailed below.



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9.1 GRIEVANCE MECHANISM FOR DA EMPLOYEES:

The GM for the SEECO project will have separate channels for the submission of complaints/feedback/workplace concerns by Project workers. The GM will work together with existing grievance mechanisms available to civil servants at the Ministry level. Civil Servants Code and its relevant regulation provide a grievance procedure for civil servants. According to Article 21 of Law No. 657 (Civil Servants Law); Civil servants have the right to file a complaint and file a lawsuit against their institutions. Appeals and complaints (letter of application, petition etc.) are made by submitting the complaints to the next superior in the hierarchy after the employee's direct superior. Applications and complaints are examined and notified to the relevant party as soon as possible. The complaint must be concluded within 30 days, from the date of receipt of the first disciplinary supervisor authorized to decide. Civil Servants who exercise their right to complain cannot be fined for their complaints. The Project workers' grievance mechanism will not prevent workers to use the conciliation procedure (Law on Labor Courts, numbered 7036 published in the Official Gazette dated 25.10.2017- Article 3) provided in Turkish Labor Legislation.

9.2. WHO CAN USE THE WORKERS' GM

The Grievance Mechanisms for Project Workers will be established within relevant institutions (MoIT, DAs, CIPs and contractors) to allow all direct and contracted workers to raise workplace related concerns.

MoIT staff who will work in the PIU are civil servants. MoIT staff are regulated by the Civil Servant's Act No. 657. For civil servants involved in project operations, regardless of whether they work full time or part time, terms and conditions of their existing contracts or appointments in the public sector shall apply. When engaging external consultants, provisions of national employment legislation shall apply, in parallel with compliance with the requirements of the labor management procedure prepared for the Project. These consultants may be hired under time-bound contracts, some of them on a –part-time basis, with specific definitions of assigned tasks and responsibilities.

In addition to the workers' grievance mechanism, MoIT also has separate project grievance mechanism defined in its updated Stakeholder Engagement Plan for the wider public as per ESS10 requirements. Therefore, two separate grievance mechanisms will be implemented during the project and reported in the quarterly monitoring reports.



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9.3. MANAGING WORKERS' GM

This section includes an overview of the roles and responsibilities of the workers' grievance mechanism procedure.



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Grievance/ Suggestion Receiving Level	Description	Intake Person	Assessing Body	SEECO Responsible	Action to Be Taken for Addressing the Grievances	Approval Body	Closure	Action to Be Taken in Case of Disagreement	Appeal Authorities
CCs Workers	When a contractor's worker issues a complaint	GM Focal Point of CC	Project Manager and/or the GM Focal Point of CC	GM Focal Point of Related DA and/or GM Focal Point of MoIT/PIU	<ul style="list-style-type: none"> The complaint will be directed to the management of the contractor. The project manager of the CC will be immediately informed about the grievance received. If the grievance can be resolved immediately, the Contractor will identify and take necessary actions. If not, the grievance will be escalated to the GM Focal Point of the CIP and/or the PIU for necessary actions to be identified and taken. If the grievance is repetitive, extensive and high-profile that may jeopardize the Project or the reputation of the Bank then the grievance will be escalated to the PIU and necessary actions to be taken will be identified. The response with appropriate solutions and actions to be taken will be prepared and shared with the complainant. 	Project Manager of CC	If the worker is satisfied with the explanation provided and actions are taken, the Close-Out Form with corrective actions and explanations will be signed by the complainant.	<ul style="list-style-type: none"> In case of disagreement, the complaint will be directed to the PIU. PIU will organize a meeting with the worker to further assess potential corrective actions that can be taken and additional information to be provided, as appropriate. If the worker is still dissatisfied with the recommended additional actions or explanation, s/he will be informed about the appeal process. 	<ul style="list-style-type: none"> CIMER Civil Courts of First Instance Administrative Court Commercial Courts of First Instance Labor Courts Ombudsman
CIPs Workers	When a CIP worker issues a complaint	GM Focal Point of CIP	Project Manager and/or the GM Focal Point of CIP	GM Focal Point of Related DA and/or GM Focal Point of MoIT/PIU	<ul style="list-style-type: none"> If the grievance can be resolved immediately, the Project Manager or the GM Focal Point of the CIP will identify and take necessary actions. If not, the grievance will be escalated to the GM Focal Point of the DA and/or the PIU for necessary actions to be identified and taken. If the grievance is repetitive, extensive and high-profile that may jeopardize the Project or the reputation of the 	Project Manager of CIP	If the worker is satisfied with the explanation provided and actions are taken, the Close-Out Form with corrective actions and explanations will be signed by the complainant.	<ul style="list-style-type: none"> Virtual or face-to-face meetings would be conducted with the worker to discuss, propose and agree on any other correction actions. If an agreement is ensured, the proof documents for the corrective actions 	<ul style="list-style-type: none"> CIMER Civil Courts of First Instance Administrative Court Commercial Courts of First Instance Labor Courts



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					<p>Bank then the grievance will be escalated to the PIU and necessary actions to be taken will be identified.</p> <ul style="list-style-type: none"> The response with appropriate solutions and actions to be taken will be prepared and shared with the complainant. 			<p>taken will be collected and attached to the Grievance Close-Out Form to be signed by the worker.</p> <ul style="list-style-type: none"> If the worker is still dissatisfied with the recommended actions of explanation, s/he will be informed about the appeal process. 	<ul style="list-style-type: none"> Ombudsman
DAs Workers	When a DA worker issues a complaint	GM Focal Point of related DA	Secretary General of DA and/or the GM Focal Point of DA and PIU	GM Focal Point of DA and PIU	<p>In case an answer/corrective action can be taken immediately; the responsible person will take the required corrective action to resolve the grievance and inform the PIU/MoIT about grievance and the corrective action taken. Feedback including explanation and corrective necessary actions to be taken will be shared with the complainant.</p> <p>If not, the grievance will be escalated to the GM Focal Point of the PIU for necessary actions to be identified and taken.</p>	Focal point of the PIU/MoIT	<p>If the complainant is satisfied with the explanation provided and corrective actions taken, the Close-Out Form including the corrective actions and explanations will be signed by the complainant.</p>	<p>If the complainant is not satisfied with the result, the grievance will be conveyed to the PIU/MoIT for further assessment.</p> <ul style="list-style-type: none"> Site visit would be held to collect more information about the issue/dispute, if appropriate. Virtual or face to face meeting would be conducted with the complainant in order to propose another correction action, if possible. Final response will be prepared in line with the additional corrective actions (if any) and submitted to the complainant. <p><i>If agreement is ensured, the proofing documents for the corrective actions taken will be collected and attached to the</i></p>	<ul style="list-style-type: none"> CIMER Civil Courts of First Instance Administrative Court Commercial Courts of First Instance Labor Courts Ombudsman





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								<p><i>Grievance Close-Out Form to be signed by complainant.</i></p> <p><i>If the complainant does not satisfy with the solution, s/he will be informed about the appeal process.</i></p>	
<p>PIU Workers</p>	<p>When a PIU member issues a complaint</p>	<p>GM Focal Point of Funds and Technical Cooperation Department/MoIT</p>	<p>Director and/or the GM Focal Point of the Funds and Technical Cooperation Department at MoIT</p>	<p>PIU Director</p>	<p>In case an answer/ corrective action can be taken immediately, the responsible person will take the legal action to correct the situation and inform the PIU/MoIT about the action. Feedback including explanation and corrective necessary actions to be taken will be shared with the complainant.</p>	<p>PIU Director /MoIT</p>	<p>If the complainant is satisfied with the explanation provided and corrective actions taken, the Close-Out Form including the corrective actions and explanations will be signed by the complainant.</p> <p>If the complaint does not satisfy with the result, s/he will be directed to PIU/MoIT for further assessment</p>	<ul style="list-style-type: none"> • Virtual or face to face meeting would be conducted with the worker in order to propose other correction actions if any • Final response will be prepared in line with the additional corrective actions (if any) and submitted to the complainant • If the agreement is ensured the proof documents for the corrective actions taken will be collected and attached to the Grievance Close-Out Form to be signed by the worker • If the complainant does not satisfy with the solution, s/he is informed about the appeal proses 	<ul style="list-style-type: none"> • CIMER • Civil Courts of First Instance • Administrative Court • Commercial Courts of First Instance • Labor Courts • Ombudsman

Table 3 The Different Stages of Handling Workers' Grievances



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10. GENDER-BASED VIOLENCE ACTION PLAN

As specified in the World Bank’s Good Practice Note on GBV in Major Civil Works, a SEA/SH Prevention and Response Action Plan is recommended for projects with moderate, substantial and high-level SEA/SH risk ratings. Considering the contextual risks and increased GBV incident rates among both refugees and host population women in Türkiye, the SEA&SH risk rating of the Project is assessed as Moderate and therefore an [Action Plan to Prevent Gender-Based Violence](#) is prepared by SEECO PIU to serve as a guidance document for handling SEA/SH risks in project implementation.

The objective of the GBV Action Plan is to address management of SEA/SH risks in SEECO project, by defining necessary protocols and mechanisms to address the SEA/SH risks, identifying SEA/SH risks and relevant mitigation measures, mapping of possible service providers and defining responsible parties and monitoring mechanism for the implementation of this plan.

SEECO PIU has the overall responsibility for the timely and participatory implementation, monitoring and reporting of this action plan while other implementing agencies such as DAs and CIPs will also have roles and responsibilities for handling SEA/SH risks and allegations.

Managing grievances related to sexual exploitation or abuse (SEA), sexual harassment (SH), and other forms of gender-based violence (GBV) requires a different approach than other types of concerns raised through project-level grievance mechanisms due to the topic’s sensitive nature; the potential for survivors to experience stigma, rejection, or harm; and because of the reluctance of many survivors to come forward and report cases. The specific nature of SEA and SH necessitates tailored measures for the reporting and safe and ethical handling of such allegations through grievance mechanisms. In response to this need, the SEECO project will adapt the Project-level grievance mechanism to allow for the uptake of sensitive grievances with dedicated operating procedures and response protocols for SEA/SH related grievances.

SEA/SH grievances in projects are sensitive due to secondary victimization, repeated trauma, and the risk of retaliation against the survivor or other persons reporting such cases. Therefore, the Project-level



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grievance mechanism is structured to be sensitive to the needs of SEA/SH survivors. MoIT represented by the SEECO PIU, its contractors, and sub-contractors involved in MoIT projects/operations has a zero-tolerance policy towards acts of SEA against project beneficiaries and affected communities and prohibits SH of project workers.

While handling SEA and SH complaints, the GM will ensure; (i) referral to survivor-support services (health, psychological, legal aid, etc.), based on the consent, needs, and wishes of the survivor; (ii) linkage to the domestic legal system; and (iii) internal inquiry by the MoIT, its contractors and sub-contractors to determine the likelihood that the allegation relates to the SEECO project.

11. CONTRACTOR MANAGEMENT

MoIT and DAs shall ensure that the contractors are legitimate and reliable entities and that they have procedures established for management of labor in compliance with this Procedure.

Contracts with contractors shall include a provision on the obligation to comply with current legislation on labor and protection at work. During selection of contractors, the DAs can ask to be provided with an insight into additional documentation, including, without limitations, the following:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Business licenses, registrations, permits, and approvals;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrollment in the related programs;



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- Worker payroll records, including hours worked and pay received;
- Identification of safety committee members and records of meetings; and
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

The contracts with selected contractors will include provisions related to labor and occupational health and safety, as provided in the World Bank Standard Bidding Documents and Turkish Law.

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

12. PRIMARY SUPPLY WORKERS

The local authorities will oversee the procurements of goods and materials requirements under the civil works.

Project Contractors for civil works will be responsible for procurement and supply of materials and equipment under the same conditions and specifications on ESHS aspects in its contracting agreements.

The primary suppliers to the sub-projects shall be companies that manufacture construction materials such as cement, bricks, etc. These sectors are not known to involve significant risks of child labor and forced labor in Turkey.

In instances where local suppliers would be engaged, contractors shall be required to carry out due diligence procedure to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing worker to serious safety issues.



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In instances where foreign suppliers would be contracted, contractors will be required to inquire during their procurement process whether the supplier has been accused or sanctioned for any of these issues and their corporate requirements related to child labor, forced labor, and safety. If there are any risks related to child and forced labor, and safety identified, the MoIT will use the World Bank's SPD documents for construction contracts, which covers remedies for non-compliances.



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Annex 1: Sample Code of Conduct

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

All employees, Consultants, Contractors and any 3rd Party acting on behalf of the SEECO Project shall be responsible for compliance with the Code of Conduct and the internal policies and procedures of the SEECO Project. Any person, who believes, suspects or has any question about, in compliance with such rules must speak up and report such matter. Accordingly, such persons, who intend to report, should notify the Grievance Mechanism of the SEECO Project.

This Code of Conduct identifies the behaviour that we require from all Contractor's Personnel. The workplace is an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

The company is committed to ensuring a work environment which minimizes any negative impacts on the local environment, communities, and its workers. The company also strongly commits to creating and maintaining an environment in which Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) have no place, and where they will not be tolerated by any employee, sub-contractor, supplier, associate, or representative of the company. The purpose of this Code of Conduct is to:

1. Create a common understanding of what constitutes Sexual exploitation and abuse, and sexual harassment
2. Create a shared commitment to standard behaviours and guidelines for company employees to prevent, report, and respond to SEA and SH, and
3. Create an understanding that a breach of this code of conduct will result in disciplinary action.

Sexual Exploitation and Abuse (SEA): Is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature.

Sexual Harassment versus SEA: SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff of an organization or company and involves any unwelcome sexual advances or unwanted verbal or physical conduct of a sexual nature. The distinction between the two is important so that agency policies and staff trainings can include specific instructions on the procedures to report each.

Consent: is the choice behind a person's voluntary decision to do something. Consent for any sexual activity must be freely given, ok to withdraw, made with as much knowledge as possible, and specific to the situation. If an agreement is obtained using threats, lies, coercion, or exploitation of power imbalance, it is not consent. Under this Code of Conduct, consent cannot be given by anyone under the age of 18, regardless of the age of majority or age of consent locally. A mistaken belief regarding the age of the child is not a defense. There is no consent when the agreement is obtained through:



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- the use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or misrepresentation
- the use of a threat to withhold a benefit to which the person is already entitled, or
- a promise is made to the person to provide a benefit.

While all forms of violence against a community resident or a co-worker are forbidden, this code of conduct is particularly concerned with the prevention and reporting of sexual exploitation and abuse (SEA) and sexual harassment which constitute gross misconduct, is grounds for termination or other consequences related to employment and employment status.

REQUIRED CONDUCT

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment including by:
 - a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
 - b. wearing required personal protective equipment;
 - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
 - d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation that he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engage in any form of harassment, including sexual harassment and in Sexual exploitation with other Contractor's or Employer's Personnel;
7. In World Bank-financed projects/operations, sexual exploitation occurs when access to or benefit from Bank-financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;
8. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including health and safety matters, and Sexual Exploitation and Abuse / Sexual Harassment);
9. report violations of this Code of Conduct; and
10. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer or who makes use of the [Project Grievance Mechanism].



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RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR’S PERSONNEL:

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

Name of Contractor’s Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of an authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____