



**BLUEING THE BLACK SEA (BBSEA)
GEF REGIONAL PROJECT**

**LABOR MANAGEMENT PROCEDURE
(LMP)**

DRAFT

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LIST OF ABBREVIATIONS

BBSEA	Blueing the Black Sea
BSC	Black Sea Commission
BSEC	Organization of the Black Sea Economic Cooperation
BSEC PERMIS	Permanent International Secretariat of the Organisation of the Black Sea Economic Cooperation
BSEC SG	Organization of the Black Sea Economic Cooperation Secretary General
BSTDB	Black Sea Trade Development Bank
CMA	Common Maritime Agenda
EHS	Environmental Health and Safety
EHS GS	Environmental Health and Safety Guidelines
ESMF	Environmental and Social Management Framework
ESHS	Environmental, Social, Health and Safety
ESMP	Environmental and Social Management Plan
ESS	World Bank Environmental and Social Standards
GC	Governance Council
GEF	Global Environment Facility
GFCM	General Fisheries Commission for the Mediterranean
GRS	Grievance Redress System
ILO	International Labor Organization
LC	Labor Code
LDC	Labor Dispute Commission
LMP	Labor Management Procedure
LS	Labor Safety
NGO	Non-Governmental Organization
OHS	Occupational Health and Safety
PDP	Personal Data Protection
PPE	Personal Protective Equipment
PIU	Project Implementation Unit
RSC	Regional Steering Committee
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SMEs	Small and Medium Enterprises
ToT	Trainings of Trainers
UNDP	United Nations Development Program
WB	World Bank
WHO	World Health Organization

1. INTRODUCTION

1.1. Labor Management Procedure

The Labor Management Procedure document aims to promote fair and equitable labor practices for the fair treatment, non-discrimination, and equal opportunity of project workers. It aims to protect project workers' rights and to ensure the management and control of activities that may pose labor-related risks.

This procedure describes the requirements and expectations in terms of compliance, reporting, roles, and responsibilities, monitoring and training with respect to labor and working conditions. This procedure is adopted by BSEC and will be apply to all project workers. It describes how Blueing the Black Sea (BBSEA) GEF Regional Project will comply with the requirements of World Bank Environmental and Social Standard 2 (ESS 2), "Labor and Working Conditions", and with labor, employment and occupational health and safety laws of Georgia, Moldova, Turkey, and Ukraine.

This is a living document and will be updated further as and when more information becomes available.

1.2. Background

The Black Sea is a nearly enclosed and zonally elongated basin that has a limited interaction with the Aegean Sea through the Turkish Straits System. The Black Sea is bordered by Ukraine, Romania, Bulgaria, Turkey, Georgia, and Russia. It is supplied by a number of major rivers such as Danube, Dnieper, Don, Rioni, Kodori and Inguri Chorokh, Kizilirmak, Yesilirmak, Sakarya, Southern Bug and Dnister. Other than those, many other countries' watersheds drain into the Black Sea. The Black Sea is highly sensitive to anthropogenic impacts due to the huge catchment area and almost landlocked nature.

The environmental quality of the Black Sea has been declining significantly, with peak nutrient pollution causing eutrophication, plastics, and marine litter. The climate change is likely to exacerbate erosion, flooding, and environmental quality of the Black Sea. The most significant process causing degradation of the Black Sea has been the massive eutrophication by nitrogen and phosphorus compounds, coming largely from agricultural, domestic, and industrial sources. Sewage discharge and oil pollution pose a threat to human health and in some cases hamper the development of sustainable tourism and aquaculture.

Addressing pollution issues will continue to be a major challenge for the sustainable development of the Black Sea in a post-COVID era. Prevention and reduction of water pollution is important for human health and for healthier natural habitats. Against this background, the World Bank and its partners have engaged into planning a regional approach to respond to the pollution challenge – the **Blueing the Black Sea GEF Regional Project** ('the Project'). It will build on existing analytical works on pollution that will help to identify innovative finance and business models that reduce the degradation of coastal and marine resources, providing strong evidence.

BBSEA-GEF Regional Project is one of the initiatives supporting the Common Maritime Agenda (CMA) and its seven signatory countries: Bulgaria, Georgia, Republic of Moldova, Romania, Russian Federation, Ukraine, and Turkey. And project includes pilot national level activities in Georgia, Republic of Moldova, Turkey, and Ukraine.

1.3. Project Overview

The Project aims to strengthen economic, technical and communication tools to promote regional collaboration and private sector engagement for pollution prevention in the Black Sea. The long-term project objective is to improve environmental health of the Black Sea and increase social and economic benefits for the population. The project has three indicative components.

Component 1. Improvement of national and regional frameworks for pollution prevention and reduction: Good policy and institutional frameworks at the national and regional levels are an indispensable basis for further developing the blue economy in the region. Despite the policies and governance in place, increasing economic activities and energy demand in the Black Sea region will further lead to a deterioration of water quality in the Black Sea. This component will address the pollution prevention and reduction by policy and institutional approach of public sector. The component will build on the cost of inaction analysis to inform the region and national government the impact of inaction towards pollution and draws the key policy and intervention planning and their implementation which will be articulated in the regional pollution reduction policy framework and the draft of national pollution reduction and circular economy plans.

Component 2. Addressing pollution through public-private partnership and innovative financing: This component will look at establishing a momentum and incentives to reduce pollution and invest in pollution reduction technology, innovation, and finance. The project will support the development of sustainable business standards and guidelines in agriculture, aquaculture, tourism, shipping, and water management would be developed based on international best practices. Models from investments into nature-based solutions will be also used.

The Project will include capacity building in banking and innovative financing through trainings on green technology investments, focusing on pollution reduction and prevention targeting regional financial/investment organizations and relevant banks / investors at national level. Eco-Innovation Challenge will be organized, engaging public agencies, local authorities, private sector, and youth programs from the Black Sea region to promote eco-sustainable business practices, innovation and finance supporting pollution reduction.

Component 3. Project Management: This component will aim to ensure the project efficiency and efficacy through the establishment of a satisfactory monitoring and management system as well as the maintenance of the project's participation and consultation mechanisms.

2. OVERVIEW OF LABOR USE IN THE PROJECT

It is expected that Project will engage direct and contracted (including workers engaged in grant projects) workers. The number of workers to be involved in the project could not be estimated at this stage. It is not expected that project would engage primary supply chain workers and community workers.

Direct workers will include:

- a) BSEC staff assigned to work on the project, and
- b) Technical consultants engaged by BSEC.

BSEC is a multilateral agency and terms and conditions of their staff are regulated by the Regulations for the Staff of the Permanent International Secretariat of the Organization of the Black Sea Economic Cooperation, which is disclosed on BSEC website. These regulations, which are aligned with the requirements of ESS2, will continue to apply to BSEC staff. Technical consultants funded under the project will be hired following World Bank procurement procedures.

Contracted workers may include employees of firms hired to carry out technical and policy studies, training and capacity building activities, and workers of firms and organizations engaged to carry out grant – funded activities.

Direct workers: The anticipated staff roles in the project are as follows:

- BBSEA Executive/Project Manager
- Operations Specialist/Program Officer,
- Innovation Officer,
- Communication Expert,
- M&E specialist,
- IT Expert,
- Procurement Officer,
- Financial Officer,
- Environmental Expert,
- Social Expert,
- A Trainee

Project staff will be embedded in BSEC PERMIS located in Istanbul.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

3.1. Project Activities

The Project will be composed of three components, and six subcomponents. The indicative activities of the project are as follows:

Component 1. Improvement of national and regional frameworks for pollution prevention and reduction

Subcomponent 1.1: Cost of Inaction Analysis:

- Quantitative analysis of cost of inaction
 - Fact-finding of the water pollution through secondary data collection and literature reviews;
 - The analysis on market costs of water pollution
 - The non-market health impacts of water pollution
 - Recommendations for legislative and administrative reforms at national and municipal levels,
 - Regional engagements for improved pollution control and coordination between multi-stakeholders in the sector.

Subcomponent 1.2: Development of national plans for pollution reduction and circular economy:

- Development of national plans for pollution reduction and circular economy
- Supporting cost-effective coordination and harmonization of agreed actions
- Facilitating the regional dialogue with strengthened regional cooperation between the BSC, BSEC, GFCM and enhance BSEC performance

Component 2. Addressing pollution through public-private partnership and innovative financing

Subcomponent 2.1 Adoption of sustainable business standards and guidelines in agriculture, aquaculture, tourism, shipping and water management:

- Adopting sustainable business standards in key sectors such as agriculture, aquaculture, tourism, shipping and water management
- Organizing awareness raising campaigns and capacity building trainings to the stakeholders
- Organizing trainings of trainers (ToT) and set-of workshops targeting Small and Medium Enterprises (SMEs)

Subcomponent 2.2 Green and clean in banking sector for assessing and supporting the pollution reduction and prevention investment plan:

Developing pollution reduction and prevention investment guidelines

- Capacity building trainings on green technology investments to regional financial/investment organizations such as the BSTDB and or the BSEC Business Council and relevant banks / investors at the national level.
- Organizing training workshops in project proposal preparation in four beneficiary countries.

Subcomponent 2.3 Eco-Innovation Challenge:

Organizing this Eco-Innovation Challenge and grants

Subcomponent 2.4 Preparation of investments:

Supporting the preparation of investments through identification and selection of viable solutions and locations

Component 3. Project Management

3.2. Key Labor Risks

The overall social impact of the project is expected to be positive leading to sea pollution reduction, enhancement of business standards in sectors such as agriculture, aquaculture, tourism and shipping, and empowerment of local communities and NGOs to participate in local pollution prevention activities. Social impacts are expected to be minimal, localized, and reversible, since the project activities are designed to generate positive results for pollution reduction and to strengthen policy coordination around Black Sea sustainable management.

The project will not finance any large civil works; therefore, impacts will be temporary, reversible, and easily managed with mitigation measures included in ESMF and sub-projects E&S documents. The project activities within the Component 1 are mainly of technical assistance type, and will include different types of studies and assessments. Grant funded activities within Component 2 will be small scale, and are not expected to cause any labor influx risks. SEA/SH risk was assessed as low based on the assessment carried out for the countries contexts and the specific nature of project activities.

The project will not finance activities involving child and forced labor. These risks and impacts will be part of the exclusion list.

- It is anticipated that labor risks will be mainly associated with OHS issues related to small grants such as small scale civil/installation works.. Health and safety risks may include impacts such as dust, noise, temporary traffic disruptions.
- OHS risks related with the COVID-19 pandemic, may include risks associated with organization of meetings with the civil society and stakeholders.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

4.1. Legislation Overview Table

Theme	Georgia	Moldova	Turkey	Ukraine
Employment Contracts	<p>The Labor Law of Georgia, Article 12:</p> <ul style="list-style-type: none"> - Oral or written, fixed-term or open-ended contracts. - More than three months employment requires written contract. - contract shall cover the core terms as listed in the article. 	<p>The Labor Law of Moldova, Article 30 and Article 58 regulates concluding both collective and individual employment contracts in writing.</p>	<p>The Labor Law of Turkey, Article 8:</p> <ul style="list-style-type: none"> - written form is required for employment contracts with a fixed duration of one year or more. - no specific format and content suggested for contracts in the Law. 	<p>The Labor Law of Ukraine, Article 24: requires written employment agreement. However, it does not prohibit verbal agreements.</p> <p>Article 29: employer is obliged to inform an employee about the rights, responsibilities, working conditions, benefits & compensations, OHS, etc.</p>
Wages and deductions	<ul style="list-style-type: none"> - Remuneration and regularity of payments determined in employment contracts. If not, payments should be made in monthly basis as per the Law. - Deductions should not exceed 50 per cent of the remuneration. 	<p>The amount and form of remuneration in Moldova is determined by the individual labor contract. The wage is paid at least monthly.</p> <p>The total amount of deductions cannot exceed 50 percent from the wage to be paid to the employee.</p>	<p>The amount of wage must be in employment contract.</p> <p>Article 38: The employer shall not exercise wage deduction penalty other than reasons specified in the employment contract.</p> <p>Deductions shall not exceed two daily wages in a month or two days' earning.</p>	<p>Forms and systems of remuneration is provided in the agreement.</p> <p>Deductions from the wages can be made only in cases provided by the legislation. The total amount of all deductions shall not exceed 20 percent, and in some cases; 50 percent of the monthly salary.</p>
Minimum Wage	<p>The Labor Code does not provide a minimum wage. There is the presidential decree (President Order No 351, dated 4 June 1999) that sets out 20 GEL as a minimum monthly wage.</p>	<p>The Government of Moldova sets the guaranteed minimum wage, established at MDL 2775 (approx. 155 USD) as of May 2019.</p>	<p>Under Article 39 of the Labor Law of Turkey, the minimum wage is determined and revised by the related commission of the Ministry of Family, Labor and Social Services at least once every two years.</p>	<p>Minimum wage is guaranteed by the law. The amount of the minimum wage is set by the government at least once a year and may not be lower than the subsistence level for persons of working age.</p>
Working Hours	<p>The standard weekly working hours should not exceed 40 hours a week. The Labor Law does not explicitly state that the working day is 8 hours.</p>	<p>The Moldovan Labor Law envisages a regular 40-hours work week. Working hours are distributed within the limits of a week, as a rule, in regular intervals and it makes 8 hours per day within five days with two days off.</p>	<p>Duration of work will not exceed 45 hours per weeks (9 hours per day). Where hours are not equally distributed across the week, the daily working time may not exceed 11 hours per day.</p>	<p>The regular working time cannot exceed 40 hours per week. Daily working time is regulated according to the working week times; a five-day working week, max 8 hours; a six-day working week, max 7 hours.</p>

<p>Night shifts</p>	<p>Article 28 regulates night shifts. Working at night (night is considered to be between 22:00 and 6:00) is prohibited for minors, pregnant women, women who recently gave birth, nursing mothers. Consent is required for official caregivers of children under the age of 3, for persons with disabilities.</p>	<p>Article 103 regulates night shifts. Working at night is performed from 22:00 till 6:00. Working time at night is reduced for one hour.</p>	<p>Article 69: For the purposes of working life, “night” means the part of the day beginning not later than 20.00 hours and ending not earlier than 6.00 hours and lasting not longer than 11 hours in any case.</p>	<p>Night work is starting from 22:00 to 6:00. Working time at night is reduced for one hour. Night work is paid at the increased amount indicated by the general, branch (regional) agreements and collective agreements, but not less than additional 20 percent of the salary for each hour of work at night.</p>
<p>Overtime Work</p>	<p>There is no limitation as to the maximum overtime per week. Instead of overtime compensation payment, additional leave days can be provided but no later than 4 weeks after the work has been performed, unless that is impossible due to reasonable factors in place. The law does not explicitly provide what should be an increased pay rate for overtime.</p>	<p>At employer’s request, employees can perform overtime work up to 120 hours during the calendar year. In exceptional cases, this limit can be extended to 240 hours with the agreement of both parties. The overtime work is paid at 1.5 the amount of the regular hourly rate for the first two hours of overtime work and at 2 times the regular rate for the subsequent hours.</p>	<p>Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. Overtime pay may be used, as free time, one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour worked. Total overtime work shall not be more than two hundred seventy hours in a year.</p>	<p>The law allows overtime work only in the exceptional cases listed in article 62. Overtime work of one employee shall not exceed 4 hours in total for every two consecutive days and 120 hours in total per year. Remuneration for overtime work is paid in double amount. It is not allowed to provide a day off as compensation for overtime work.</p>
<p>Weekly rest days and breaks</p>	<p>The Labor Law sets a requirement of a minimum of 12-hour rest between working days or shifts. In addition, there is a requirement for a minimum weekly rest; 24- hour uninterrupted rest period in a seven-day period; or if the parties agree, the employee may have two 24 -hour rest in a row (effectively 48 hours) in a 14-day work period.</p>	<p>The duration of the daily break, that is the time between the end of the working program and the start of the work program the following workday cannot be less than the double duration of the daily working time. Weekly rest is granted for 2 consecutive days, usually Saturday and Sunday.</p>	<p>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</p>	<p>Employees shall be granted a break for rest lasting not more than two hours per day, and this period not included to the working time (Art. 66 of the LC). The duration of the weekly uninterrupted rest shall be at least forty-two hours (Art. 79 of the LC). Working during rest days is prohibited. Engaging employees to work during rest days is allowed only with permission of the trade union of the enterprise in exceptional cases provided (Art. 71 of the LC). If the employees are required to work on rest days , they have the right to</p>

				another day off or a monetary compensation in double amount (Art 72 of the LC).
Leaves	The law sets a minimum of 24 paid working days per year as annual leave. Additional 15 calendar days could be taken as unpaid leave. An employee shall have the right to request leave after having worked for 11 months. By agreement between the parties, an employee may be granted leave even before the said period elapses.	The right to annual leave is guaranteed to all employees. Any employee who works based on an individual labor contract shall benefit from the right for annual rest leave which can be used after the first six months of employment. All the employees are entitled to be paid annual rest leave, with duration of minimum 28 calendar days.	Employees who have completed a minimum of one year of service in the establishment since their recruitment, including the trial period, shall be allowed to take annual leave with pay.	Employees are entitled to at least 24 calendar days of paid annual leave after working for an employer for six continuous months. Before the expiration of this six-month period, employees can take paid annual leave on a pro-rata basis for the time they have been employed.
Minimum Age of Employment and Child Labor	The minimum employment age is 16 years . Children under the age of 16 can work with the consent of their legal representative or custodian, given it does not harm them in any way and does not hold minors from acquisition of education. Children under the age of 14 can enter into employment only in connection to sports, arts, culture and performance of certain advertising work.	Article 46 of the Labor Code sets the minimum age for employment at 16 and article 255 sets the minimum age for employment in hazardous work at age 18.	The minimum employment age is 15 , but in certain cases of vocational training, mild work may be allowed for 14-year-olds.	The minimum age for a person to be employed is 16 years. Children who have reached the age of 15, as an exception, can be employed upon parent's consent. Moreover, employment of children is allowed upon reaching the age of 14 with a parent's consent.

<p>Forced labor</p>	<p>The Labor Code prohibits forced labor. Georgia ratified the ILO Forced Labor Convention, and the convention is currently in force. Law of Georgia on Combating Human Trafficking explicitly sets out prohibition of human trafficking and provides preventive measures as well as actions to be taken against trafficking across the country.</p>	<p>The Constitution forbids forced labor and the exploitation of minors. (11, 12) b) issuing an order about the notice of the liquidation of the enterprise or reduction of the number of employees or staff, which is made two months prior to the liquidation or reduction.</p>	<p>The Labor Law does not cover forced labor issues. The Constitution of the Republic of Turkey, Article 18 prohibits forced labor. The Turkish Penal Law, Article 80 penalizes human trafficking and Article 117 penalize violation of the freedom to work and labor. Turkey has ratified the ILO Convention No. 29 on Forced Labor and ILO Convention No. 105 on the Abolition of Forced Labor.</p>	<p>Ukraine ratified the ILO Forced Labor Convention, which provides that the illegal exaction of forced or compulsory labor shall be punishable as a penal offence, and it shall be an obligation to ensure that the penalties imposed by law are adequate and are strictly enforced. The use of forced labor is also prohibited by the Constitution of Ukraine with exceptions defined.</p>
<p>Labor Disputes</p>	<p>The law defines the procedure for individual disputes as conciliation and states that it must be resolved under conciliation procedures between the parties, implying direct negotiations between an employee and employer.</p>	<p>The Labor Law includes provisions that allow workers to resolve individual and collective disputes between the employer and the employee(s) over the terms and conditions of a labor agreement or other aspects of work, including occupational and labor safety.</p>	<p>The Labor code of Turkish includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of a labor agreement or other aspects of work.</p>	<p>The Labor Law of Ukraine regulates how to resolve individual and collective disputes between the employee(s) and the employer.</p>
<p>Collective dismissal</p>	<p>Labor Law regulates collective dismissal. In the event of collective redundancies employers shall first launch consultations with employee unions. The employer must notify in writing the Ministry of Labor, Health, and Social Affairs of Georgia and the employees whose labor agreements are terminated, at least 45 calendar days before retrenchment.</p>	<p>Article 88. Procedure of dismissal in case of enterprise liquidation, reduction of the number of workers or staff: The employer has the right to dismiss employees in connection with the enterprise's liquidation or reduction of the number of workers or staff.</p>	<p>Labor Law regulates collective dismissals. Collective terminations an economic, technological, structural, or similar nature necessitated by the requirements of the enterprise, the labor unions, the relevant regional directorate of labor and the Public Employment Office shall be informed at least 30 days prior to the intended lay-off.</p>	<p>An employer shall consult with a trade union no later than three months from the date of the decision. In case of a planned collective dismissal the employer shall notify the territorial body of the State Employment Service of Ukraine two months prior to any dismissal. Employees shall be personally notified no later than two months prior to dismissal.</p>

<p>Freedom of association</p>	<p>Article 5 – The right to organise with a view to ensuring or promoting the freedom of workers and employers to form or join local, national or international organisations the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom.</p>	<p>Article 9. Fundamental rights and responsibilities of the employee: free association in trade unions, including creation of trade-union organizations and joining them for the protection of the labor rights, freedom and legitimate interests.</p>	<p>Act No. 6356 on Trade Unions and Collective Labor Agreements: Any person who completes 15 years of age and who is considered as a worker in accordance with the provisions of this Law may join a workers' trade union. No one shall be forced to be a member or not to be a member of a trade union.</p>	<p>Article 40 1. The employee and the employer may form associations and/or access other associations without any prior permission.</p>
<p>Non-discrimination</p>	<p>Labor discrimination is prohibited with Article 2, Article 3 and Article 4 of the Labor Law</p>	<p>Discrimination among labors is prohibited with the Article 8 of Labor Law.</p>	<p>Article 5 of the Labor Law of Turkey regulates the prohibition of discrimination in employment.</p>	<p>Law 785 - VIII of 12 November 2015 Equality of labor rights of the citizens of Ukraine forbids any discrimination in the sphere of labor.</p>
<p>Termination of an employment contract and Severance payment</p>	<p>The employer has an obligation to issue a prior written notice of 30 calendar days and make severance payment of at least one month's salary within 30 calendar days after terminating the contract. The employer may issue a prior written notice of 3 calendar days', however in this case the severance payment would be in the amount of at least two months' salary payable within 30 calendar days after terminating the contract.</p>	<p>Article 287 (1) The worker, who concluded an individual labor contract with the employer – physical person, is obliged to inform him about the to resignation not less than seven calendar days before it. Article 287 (3) Cases of payment and the sizes of severance pay at the termination of the individual labor contract, other payments and indemnifications are determined by the parties of the contract.</p>	<p>In the case of valid reason for termination, a written notice must be given to the employee respecting the legal notice periods. Employers can also terminate the employment relationship on the basis of a just cause (for reasons of health, for immoral, dishonourable or malicious conduct or other similar behavior, force majeure). In these cases, the employer is not obliged to comply with the legal notice periods and can terminate it immediately.</p>	<p>Termination initiated by employee: the notice period is two weeks. Termination due to changes in organization of production and labor - at least 2 months prior to termination. The employee should be noticed personally. Termination due to unsatisfactory passing of probation period - 3 days prior to termination. The employee shall be notified in the written form.</p>

4.2. Labor Rights and Working Condition Legislations of Project Beneficiary Countries

4.2.1. Employment contracts

Georgia: According to the Labor Law of Georgia, Article 12, an employment contract shall be made in writing or verbally for a definite or indefinite period of time, also with set terms for the fulfilment of the work. An employment contract shall be in writing if labor relations last for more than three months shall be concluded in a language understandable for the parties. The core terms of the employment contract are; the date on which the employment commences and duration of the contract, working time and rest time, place of employment, position and job description, remuneration and terms of payment; overtime and relevant remuneration rates, paid and not paid holidays.

Article 11 regulates the pre-contractual relationship and requires that the employer shall provide the candidate employee with the information about the work to be performed, the type of employment contract (written or oral) and terms (fixed or open-ended, the working conditions, legal rights of the employee as part of the employment relationship and remuneration.

Moldova: According to the Labor Law of Moldova, Article 30, the collective labor contract, legal act regulating labor and other social relations at the enterprise, concluded in written form between employees and the employer by their representatives.

According to Article 58, the individual labor contract is concluded in writing. If the individual labor contract has not been made in writing, it is concluded for an indefinite term and generates legal consequences since the day, when the worker has been admitted to work by the employer or other official of the enterprise.

Turkey: According to the Labor Law of Turkey, Article 8, written form is required for employment contracts with a fixed duration of one year or more. In cases, where no written contract has been made, the employer is under the obligation to provide the employee with a written document, within two months at the latest, showing the general and special conditions of work, the daily or weekly working time, the basic wage and any wage supplements, the time intervals for remuneration, the duration if it is a fixed term contract, and conditions concerning the termination of the contract. This subsection shall not apply in the case of fixed term contracts whose duration does not exceed one month.

According to Turkish 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; employment contracts with or without trial periods; provisional employment contracts and team employment contracts. Employment which lasts only up to 30 days is transitory; and employment which requires a longer period is continual.

Ukraine: According to the Labor Law of Ukraine, Article 24, an employment contract shall be concluded in writing. However, it does not prohibit conclusion of the employment agreement in verbal form. The employment agreement may contain additional benefits for workers in addition to those basic benefits provided in the in the legislation (Article 91).

According to Article 29, before an employee starts the work, the employer is obliged to inform an employee about rights, obligations, working conditions, benefits and compensations, dangerous and harmful production factors as well as the possible consequences of their impact; to familiarize an employee with the internal labor rules and collective agreement; to indicate employee's workplace, and provide with the necessary means of work; and to instruct the employee on OHS, industrial sanitation and fire protection.

The main types of employment agreements are a) open-ended employment agreement (for indefinite term); b) fixed-term employment agreement; c) employment agreement for a temporary work

(temporary or seasonal work). As a rule, employment agreements are usually concluded for an indefinite term.

The essential terms of employment include system and amount of remuneration, benefits, working hours, establishment, or cancellation of part-time work, multiple of positions, change of ranks and names of positions etc. The employer is obliged to notify the employee about change in the essential terms of employment not later than two months before its introduction (Art. 32 of the LC). If the essential terms of employment are amended, and the employee does not agree to continue the work under new conditions, the employment agreement may be terminated (Art. 36 of the LC).

4.2.2. Minimum wage

Georgia: The Labor Code does not provide a minimum wage. There is the presidential decree (President Order No 351, dated 4 June 1999) that sets out 20 GEL as a minimum monthly wage.

Moldova: The Government of Moldova sets the guaranteed minimum wage, established at MDL 2775 (approx. 155 USD) as of May 2019.

Turkey: There is a national minimum wage that applies to all employees in Turkey. Under Article 39 of the Labor Law of Turkey, the minimum wage is determined and revised by the related commission of the Ministry of Family, Labor and Social Services at least once every two years.

Ukraine: Minimum wage is guaranteed by the law (Labor Law of Ukraine, Article 95). The amount of the minimum wage is set by the government at least once a year and may not be lower than the subsistence level for persons of working age. The minimum wage is subject to indexation.

4.2.3. Wages and deductions

Georgia: Remuneration and regularity of payments are generally agreed and determined by the parties of the employment contract. However, in the absence of such agreement, the law determines that remuneration should be paid once in a month (Article 41).

The employer may deduct from an employee's remuneration any overpayments or other amounts payable by the employee to the employer, in accordance with the employment contract. However, such deductions should not exceed 50 per cent of the remuneration (Article 43). The employer will pay full compensation to the employee for work-related damage that caused any deterioration to the employee's health and will cover the subsequent, necessary treatment costs (Article 45.6).

Labor Law amendments of 2020 set a requirement for employers to ensure equal pay for women and men for equal work performed (Article 4.4).

Moldova: The amount and form of remuneration in Moldova is determined by the individual labor contract. The wage is paid at least monthly. The employers usually deduct the income tax and the health and social insurance contributions automatically from the wages and transfer them to the fiscal authorities. The total amount of deductions cannot exceed 50 percent from the wage to be paid to the employee.

Turkey: According to the Labor Law, 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.

According to Article 34, the wages should be paid in twenty days. The highest interest rate applied for deposits shall be applied for wages not paid on due date. According to Article 38, the employer shall

not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or employment 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.

Ukraine: According to the Labor Law of Ukraine, Article 94, the wage is calculated in monetary form. The collective agreement, as an exception, may provide for partial payment of a salary in kind not exceeding 30 percent of the whole salary per month.

The wages may consist of basic wage, additional wage payments, and other incentive and compensation payments. Forms and systems of remuneration, labor standards, rates, tariffs, salary schemes, bonuses, rewards and other incentive, compensation and guarantee payments are often provided in the collective agreement.

According to Article 15, the salary is to be paid regularly within the time limits established by the collective agreement or regulatory act of the employer, but not less frequently than twice a month for a period not exceeding sixteen calendar days, and not later than seven days after the end of the period for which the payment is made.

According to Article 127, deductions from the wages can be made only in cases provided by the legislation. Deductions are to be made monthly until the full repayment of the debt. The total amount of all deductions shall not exceed 20 percent, and in cases separately provided by the legislation of Ukraine; 50 percent of the monthly salary (Article 128).

According to Article 110, the employer shall notify the employee about the total amount of the salary with a breakdown by type of payment; the amount and grounds of deductions; the amount of the actual salary to be paid. Deductions that are not prescribed by law are prohibited.

4.2.4. Working hours

Moldova: The Moldovan Labor Law, Article 95 envisages a regular 40-hours work week. According to Article 98, working hours are distributed within the limits of a week, as a rule, in regular intervals and it makes 8 hours per day within five days with two days off.

Turkey: According to the Turkish Labor Law, Article 63, working time is 45 hours maximum weekly. This does not include time for meal breaks. Where hours are not equally distributed across the week, the daily working time shall not exceed 11 hours per day. In this case, the average weekly working period of the worker shall not exceed normal weekly working period within a period of two months.

According to Article 67, 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.

Ukraine: According to Labor Law of Ukraine, Article 50, the regular working time cannot exceed 40 hours per week. Before the public holidays and non-working days, the duration of the last working day is reduced by one hour (Article 53).

According to Article 56, *Part-time work* may be established by agreement of the parties or at the initiative of the employer. An employer is obliged to establish part-time work at the request of a pregnant woman, a woman who has a child under the age of 14 or a disabled child.

4.2.5. Night works

Georgia: Article 28 defines the night-time as the period between 22:00 and 6:00. Working at night is prohibited for minors, pregnant women, women who recently gave birth, nursing mothers. **Moldova:** Article 103 regulates the night work. Night work is the work performed from 22:00 to 6:00. Duration of working hours at night reduced with one hour. Women having children aged three to six (children - invalids under the age of sixteen), persons combining holidays on childcare, the employees, who are taking care of the sick member of the family, on the basis of the medical conclusion, can perform night work only with their written approval.

Turkey: Article 69. For the purposes of working life, “night” means the part of the day beginning not later than 20.000 hours and ending not earlier than 6.00 hours and lasting not longer than 11 hours in any case. A In establishments where operations are carried on day and night by alternating shifts of employees, the alternation of shifts must be so arranged that employees are engaged on night work for not more than one week and are then engaged on day work the following week. Alternation of work on night and day shifts may also be carried out on a two-week basis. **Ukraine:** According to Article 54, night work is considered as a work starting from 22:00 to 6:00. Working time at night is reduced for one hour. The following categories of employees are prohibited to be engaged in work at night: i.) pregnant women and women with children under the age of 3; ii.) minor employees; iii.) other categories of employees provided by law.

According to 108, night work is paid at the increased amount indicated by the general, branch (regional) agreements and collective agreements, but not less than additional 20 percent of the salary for each hour of work at night.

4.2.6. Overtime work and overtime payment

Georgia: There is currently no limitation as to the maximum overtime per week. Overtime is considered to be the time in which the work is performed by the employee based on the agreement between the parties during the period which goes beyond the normal weekly working hours, such as 40 hours and 48 hours in sectors regulated by the secondary regulation, as well as 36 and 24 respectively for minors (with a maximum of 2 hours per day and 4 hours per week), and is subject to compensation on hourly basis at an increased pay rate, subject to the agreement of the parties but together with the monthly remuneration payable after the performance of the overtime work.

According to Article 27, instead of overtime compensation payment, additional leave days can be provided but no later than 4 weeks after the work has been performed, unless that is impossible due to reasonable factors in place. The law does not explicitly provide what should be an increased pay rate for overtime.

It is prohibited to request overtime for the following categories of employees without their consent: pregnant women, women who recently gave birth, persons with disabilities, minors, persons who have children younger than 3 years old, legal representatives of care takers of persons with disabilities.

Moldova: An employer can order overtime work in case that is related to national defense or emergencies. Normally, at employer’s request, employees can perform overtime work up to 120 hours during the calendar year. According to Article 104, in exceptional cases, this limit can be extended to 240 hours with the agreement of both parties. Employers must keep a record of the work performed outside the normal working hours.

The overtime work is paid at 1.5 the amount of the regular hourly rate for the first two hours of overtime work and at 2 times the regular rate for the subsequent hours.

Turkey: According to the Turkish Labor Law, Article 41, 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 270 hours in a year. Employees under age of 18, pregnant women, and breastfeeding mother cannot be required to work overtime.

Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. In cases where the weekly working time has been set by contract at less than forty-five hours, work that exceeds the average weekly working time done in conduction with the principles stated above and which may last only up to forty-five hours weekly is deemed to be work at extra hours. If the employee who has worked overtime wishes, rather than receiving overtime pay, she/he may use, as free time, one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour worked. The employee shall use the free time to which she/he is entitled within six months, within his/her working time and without any deduction in her/his wages.

Ukraine: The Labor Law of Ukraine prohibits the overtime work and allows overtime work only in the exceptional cases listed in Article 62.

According to Article 65, overtime work of one employee shall not exceed 4 hours in total for every two consecutive days and 120 hours in total per year. The employer is obliged to keep records of overtime work of each employee. According to Article 106, remuneration for overtime work is paid in double amount. It is not allowed to provide a day off as compensation for overtime work.

4.2.7. Weekly rest day and rest breaks

Georgia: The Labor Law of Georgia, Article 24 sets a requirement of a minimum of 12- hour rest between working days or shifts. In addition, there is a requirement for a minimum weekly rest; 24-hour uninterrupted rest period in a seven-day period, or if the parties agree, the employee may have two 24 -hour rest in a row (effectively 48 hours) in a 14-day work period.

Additional breaks are available for vulnerable groups such as nursing mothers and mothers with children under 12 months, who may benefit from additional one hour break per day. This time is to be deemed as working time and is subject to regular remuneration.

Moldova: According to the Labor Law of Moldova, Article 107, the duration of the daily break, that is the time between the end of the working program and the start of the work program the following workday cannot be less than the double duration of the daily working time. Weekly rest is granted for 2 consecutive days, usually Saturday and Sunday.

Employees are entitled to a lunch break of at least half an hour each workday. Meal breaks, with the exceptions specified in the collective labor contract or entity internal regulations, shall not be included in the working time.

Turkey: According to the Turkish Labor Law, Article 46, the employees shall be 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 on the days preceding the weekly rest day as indicated in Article 63. For the unworked rest day, the employer shall pay the employee's daily wage, without any work obligation in return.

According to the Turkish Labor Law, Article 68, employees shall be allowed a rest break approximately in the middle of the working day fixed with due regard to the customs of the area and to the requirements of the work in the following manner.

a. Fifteen minutes, when the work lasts four hours or less, b. Half an hour, when the work lasts longer than four hours and up to seven and a half hours (seven and a half included), c. One hour, when the work lasts more than seven and a half hours.

These are minimum durations, and the full period must be allowed at each break.

Ukraine: Employees shall be granted a break for rest lasting not more than two hours per day, and this period not included to the working time (Art. 66 of the LC). The start and end times are set by the internal rules at the enterprise.

The duration of the weekly uninterrupted rest shall be at least forty-two hours (Art. 79 of the LC). Employees, working a five-day working week are granted two days off per week, and those working six-day per week – one day.

Working during rest days is prohibited. Engaging employees to work during rest days is allowed only with permission of the trade union of the enterprise in exceptional cases provided (Art. 71 of the LC).

If the employees are required to work on rest days, they have the right to another day off or a monetary compensation in double amount (Art 72 of the LC).

4.2.8. Leaves

Georgia: The Labor Law of Georgia, Article 31 sets a minimum of 24 paid working days per year as annual leave. Additional 15 calendar days could be taken as unpaid leave. Leave does not include a period of temporary disability, and maternity leave. There are around 13 public holidays determined by Labor Law and if work falls under these days, they must be deemed as overtime work for employees (Article 30). According to Article 32, an employee shall have the right to request leave after having worked for 11 months. By agreement between the parties, an employee may be granted leave even before the said period elapses.

Paid maternity and childcare leave is granted for 126 calendar days to women or 143 days in the event of complications or multiple births. Additional 604 calendar days may be requested as parental leave, of which 57 calendar days should be paid. Parental leave can be used by either the mother or the father of the child.

Moldova: The right to annual leave is guaranteed to all employees. Any employee who works based on an individual labor contract shall benefit from the right for annual rest leave which can be used after the first six months of employment. All the employees are entitled to be paid annual rest leave, with duration of minimum 28 calendar days. The leave does not include a period of temporary disability, and maternity leave. In addition, employees may request up to 120 calendar days of unpaid leave with a justification and agreement from the employer. Article 124. Maternity leave and partially paid holiday on child nursing (1) women employees and women apprentices, and the wives in the care of the employees, are granted maternity holidays, including prenatal holiday with a duration of 70 calendar days and postnatal holiday with a duration of 56 calendar days (in cases of the complicated births or births of two or more children - 70 calendar days), with payment of grants as stipulated in par.

Turkey: According to the Turkish Labor Law, Article 53, employees who have completed a minimum of one year of service in the establishment since their recruitment, including the trial period, shall be allowed to take annual leave with pay. The law also defines the length annual leave according to the year of employment. According to the Turkish Labor Law, Article 55, national holidays, weekly rest days and public holidays which coincide with the duration of annual leave may not be included in the annual leave period.

According to the Turkish Labor Law, Article 74, in principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before and eight weeks after the confinement. In case of multiple pregnancy, an extra two-week period shall be added to the eight weeks before confinement during which female employees must not work. After the birth, when the paid leave period is over, a working mother may apply for six months unpaid leave and this does not affect the annual leave allowance. She may request breaks in the working day amounting to 1 hour and 30 minutes per day for breastfeeding.

Ukraine: According to the Law, employees are entitled to at least 24 calendar days of paid annual leave after working for an employer for six continuous months. Before the expiration of this six-month period, employees can take paid annual leave on a pro-rata basis for the time they have been employed. If an employee does not take the holiday for one year, the holiday can be carried over to the next year.

In case of dismissal of an employee he/she receives a monetary compensation for all unused days of the annual vacation and the additional vacation for employees with children.

4.2.9. Minimum Age for Employment and Child Labor

Georgia: The minimum employment age is 16 years. Children under the age of 16 can enter into an employment agreement with the consent of their legal representative or custodian, given it does not harm them in any way and does not hold minors from acquisition of education. Children under the age of 14 can enter employment only in connection to sports, arts, culture and performance of certain advertising work (Article 10). However, the law does not require employers to carry out additional risk assessment of working conditions for persons from 16 to 18 years and to implement additional protection measures.

Persons below the age of 18 are prohibited to be engaged in hazardous, harsh and harmful work and night work. Minors are prohibited from being employed in work relating to gambling, nightclubs, erotic or pornographic products, pharmaceutical and toxic substances.

Moldova: Article 46 of the Labor Code sets the minimum age for employment at 16 and article 255 sets the minimum age for employment in hazardous work at age 18. In certain cases, children age 15 can work with parental or legal authorization if the work will not interfere with their education, health or development. Government Decision No. 562 establishes a list of 32 jobs, including construction, agriculture, food processing, and textiles, prohibited to persons younger than age 18. Employing children under age 18 in a hazardous industry can lead to fines and imprisonment.

Turkey: The Labor Law of Turkey, Article 71 sets the minimum age at which a child can be employed as well as the conditions under which children can work. The minimum employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds. According to Article 73, boys under the age of eighteen and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels. The law prohibits anyone under 18 from performing hazardous work.

Ukraine: The Labor Law of Ukraine, Article 188 sets that the minimum age for a person to be employed is 16 years. Children who have reached the age of 15, as an exception, can be employed upon parent's consent. Moreover, employment of children is allowed upon reaching the age of 14 with a parent's consent. Children have a possibility to perform light work that does not harm their health and does not disrupt the learning process and also shall be fulfilled in their free time. However, the law does not clearly define the categories of light work. The Ukrainian law does not provide for the possibility of employing children under 14 years old. The exploitation of children who have not reached the employment age by using their labor is prohibited (Article 150 of the Criminal Code of Ukraine).

4.2.10. Forced Labor

Georgia: The Labor Law of Georgia, Article 2 prohibits forced labor. In addition, Georgia ratified the ILO Forced Labor Convention, and the convention is currently in force. Law of Georgia on Combating Human Trafficking explicitly sets out prohibition of human trafficking and provides preventive measures as well as actions to be taken against trafficking across the country. The Criminal Law of

Georgia lists different categories of trafficking as criminal offences and sets punishment ranging from 3 to 20 years imprisonment depending on specifics and circumstances of the offence.

Moldova: The Constitution forbids forced labor and the exploitation of minors. (Article 44)

Turkey: Turkish Labor Law does not cover forced labor issues. However, the Constitution of the Republic of Turkey, Article 18 prohibits forced labor. “No one shall be forced to work. Forced labor is prohibited. Work required of an individual while serving a sentence or under detention provided that the form and conditions of such labor are prescribed by law; services required from citizens during a state of emergency; and physical or intellectual work necessitated by the needs of the country as a civic obligation shall not be considered as forced labor”.

Article 80 of Turkish Penal Law penalize human trafficking and Article 117 penalize violation of the freedom to work and labor. Turkey has ratified the ILO Convention No. 29 on Forced Labor and ILO Convention No. 105 on the Abolition of Forced Labor.

Ukraine: Ukraine ratified the ILO Forced Labor Convention, which provides that the illegal exaction of forced or compulsory labor shall be punishable as a penal offence, and it shall be an obligation to ensure that the penalties imposed by law are adequate and are strictly enforced.

The use of forced labor is also prohibited by the Constitution of Ukraine.

No employer shall be entitled to require an employee to perform work that is not covered by the employment agreement. Article 265 of the Labor Law provides for the penalty (fine) for each violation of this rule by the employer.

4.2.11. Labor disputes

Georgia: The law defines the procedure for individual disputes as conciliation and states that it must be resolved under conciliation procedures between the parties, implying direct negotiations between an employee and employer. If a party opts for this procedure, it should notify the other one in writing about initiation of conciliation procedure, along with statement of grounds for potential dispute and nature of claims. Third parties, such as employee representatives may get involved in this process in due course. Failure in reaching an agreement within 14 calendar days since the initial notification will enable the party to refer the dispute to court. (Article 62). However, the conciliation procedure does not prevent employees to use available judicial mechanisms to protect their labor rights.

Moldova: The Labor Code of Moldova includes provisions that allow workers to resolve individual and collective disputes between the employer and the employee(s) over the terms and conditions of a labor agreement or other aspects of work, including occupational and labor safety (Articles 288, 357-361). The disagreements and disputes may be solved through conciliation. A conciliation commission should be set not later than three days from the registration of the labor dispute and conflict. The commission should notify the parties in writing within five days from reaching an agreement on how to settle the dispute. If the parties do not agree with the recommendations of this commission, the conflict shall be settled in court.

Turkey: The Labor Law of Turkey includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of an employment agreement or other aspects of work. Article 91 of Labor Law regulates “the application to the Ministry of Family, Labor and Social Services for workers’ rights arising from their debt owed. Article 50-51-52 of Law No. 6356 on Trade Unions and Collective Bargaining Agreements regulates “rights of application to the High Board of Arbitration and Private Arbitrator for workers labor disputes”. Article 3 of Law on Labor Courts numbered 7036 regulates “conciliation procedure”.

Ukraine: The Labor Law of Ukraine regulates how to resolve individual and collective disputes between the employee(s) and the employer.

Individual labor disputes are considered by labor dispute commissions (LDC) and courts of general jurisdiction. LDCs are created in companies with 15 or more employees and members are elected at a general meeting of the labor collective. An employee may apply to LDC or directly to the court for a labor dispute settlement. In case of LDC's absence at a particular enterprise, a labor dispute is to be considered directly by the respective court. An LDC decision can be appealed in a local court of general jurisdiction. However, certain categories of labor disputes must be considered directly by the courts (e.g., when a company has no LDC and in cases of wrongful dismissal).

Collective labor disputes are considered by either conciliation commission (a body intended to develop a solution that can satisfy the parties to a collective labor dispute and shall be comprised of representatives of the parties) or labor arbitration board (a body consisting of specialists, experts and others appointed by the parties, which rules on the substance of a labor dispute).

Both the decision of a conciliation commission and ruling of a labor arbitration board shall be binding.

4.2.12. Collective Dismissal

Georgia: Collective redundancy is defined as termination of employment agreement for 30 days by the employer which is not caused due to employee's behavior or by the expiry of the employment agreement and if at least 10 employees are made redundant (where there are between 20-100 employees in place) or not less than 10% are made redundant where there are more than 100 employees.

In the event of collective redundancies employers shall first launch consultations with employee unions. The employer must notify in writing the Ministry of Labor, Health, and Social Affairs of Georgia and the employees whose labor agreements are terminated, at least 45 calendar days before retrenchment. The redundancies become effective after 45 calendar days since the notification date (Article 49).

Moldova: Article 88. Procedure of dismissal in case of enterprise liquidation, reduction of the number of workers or staff (1) The employer has the right to dismiss employees in connection with the enterprises liquidation or reduction of the number of workers or staff, b) issuing an order about the notice of the liquidation of the enterprise or reduction of the number of employees or staff, which is made two months prior to the liquidation or reduction. In case of reduction of the number of workers or staff of the enterprise, are informed only the persons, whose workplaces are reduced; c) offers to the employee simultaneously with the notice on dismissal in connections with reduction of the number of employees or staff of the enterprise, another workplace at the enterprise; f) granting to the employee, subject to dismissal, one working day a week with preservation of the average wages, for searching another job; g) presenting to the employment agency the information regarding the employees subject to dismissal, two months before the dismissal; i) informing the trade-union bodies of the enterprise and the corresponding branch, not less than three months before the reorganization or liquidation of the enterprises, and conducting with them negotiations regarding the observance of the rights and interests of the employees. **Turkey:** According to the Labor Law 14857 Article 29, when the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, she/he shall provide the union shop stewards, the relevant regional directorate of labor and the Public Employment Office with written information at least 30 days prior to the intended lay-off. A collective dismissal occurs when,

- a) between 20 and 100 employees, a minimum of 10 employees; and
- b) between 101 and 300 employees, a minimum of 10 percent of employees; and

- c) employing 301 and more workers, a minimum of 30 employees, are to be terminated in accordance with Article 17 on the same date or at different dates within one month.

Ukraine: The Law defines collective dismissal as a one-time dismissal or series of dismissals following a decision by the employer, if

- 10 or more employees have been dismissed from a company employing 20 to 100 workers over a period of one month or
- 10% or more of the company's workforce have been dismissed from a company employing 101 to 300 workers over a period of one month or
- 20% or more of the company's workforce have been dismissed, irrespective of the total number of staff in 3 months time.

According to Labor Law of Ukraine, an employer shall consult with a trade union no later than three months from the date of the decision on liquidation or other decision, which entails a reduction the number of employees. In case of a planned collective dismissal of employees due to changes in the organization of production and labor, including liquidation, reorganization or re-profiling, reduction of the number of staff, the employer shall notify the territorial body of the State Employment Service of Ukraine two months prior to any dismissal. Employees shall be personally notified about planned dismissal no later than two months prior to dismissal.

Ukrainian legislation provides for the possibility to create a special commission to take measures to prevent fast growth of unemployment during the mass dismissal of employees.

4.2.13. Freedom of Association

Georgia: Article 40 1. The employee and the employer may form associations and/or access other associations without any prior permission. 2. The association of employers and the association of employees may develop their own charters and regulations, form management bodies, elect representatives, and conduct their activities. 3. The association of employers and the association of employees may form and associate with federations and confederations. Each of such associations, federations, and confederations may access the international association of employers and the international association of employees. (Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013)

Moldova: Article 9. Fundamental rights and responsibilities of the employee i) free association in trade unions, including creation of trade-union organizations and joining them for the protection of the labor rights, freedom, and legitimate interests.

Turkey: Workers and public servants have different union legislation. Workers were covered by the Unions and Collective Agreements Law No. 6356 (dated on 07.11.2012, Official Gazette No. 28460). There are four types of collective agreements regulated by local law: workplace collective bargaining agreement, enterprise collective agreements, group collective agreements and framework agreements. A workplace agreement is created for a workplace, while an enterprise level agreement is created for more than one workplace in the same industry, owned by the same employer. A group collective agreement can be created between a trade union and an employers' union for workplaces in the same industry, owned by different employers.

Ukraine: Article 5 – The right to organise with a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. Right to organize is also guaranteed by the Law of Georgia on Public Service, according to which all public servants are equal before the law; the exercise of legal rights, freedoms and legal interests of any citizen of Georgia

involved in official legal relations may not be restricted or obstructed, irrespective of their race, colour, language, sex, age, nationality, origin, place of birth or residence, property or social status, religion or faith, national, ethnic or social origin, profession, marital status, health status, disability, sexual orientation, gender identity and expression, affiliation with political or other associations, including trade unions, political or other views, or other characteristics (Article 9 - Equality before the law).

4.2.14. Non- Discrimination

Georgia: The Labor Law of Georgia prohibits discrimination among workers according to race, skin colour, language, ethnic or social affiliation, nationality, origin, property or titular status, employment status, place of residence, age, gender, sexual orientation, disability, health status, religious, public, political, or other affiliation (including affiliation to trade unions), marital status, political or other opinions. The article defines harassment in the workplace (including sexual harassment) is a form of discrimination. Article also states that employers shall ensure equal remuneration of female and male employees for equal work performed.

Moldova: The Labor Law of Moldova, Article 8, prohibits the discrimination in the sphere of labor. Within the framework of labor relations operates the principle of equality of all employees. The article states that any direct or indirect form of discrimination of the employee on the basis of sex, age, race, nationality, creeds, political convictions, social origin, place of residence, physical, intellectual or mental disability, memberships of trade unions or participation in trade-union's activity, and also on other criteria which have not been connected to professional qualities of the worker are forbidden.

Turkey: According to Article 10 of the Turkish Constitution, 'everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds. The article also states that 'men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality'. Article 5 of the Labor Law of Turkey regulates the prohibition of discrimination in employment. According to that article 'no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his/her employment contract due to the employee's sex or maternity'. The same article also serves as a base for the principle of equal pay for equal value of work by stating that 'differential remuneration for similar jobs or for work of equal value is not permissible'.

Ukraine: According to Article 2.1 Equality of labor rights of citizens of Ukraine, Any employment discrimination, in particular violation of the principle of equal rights and opportunities, direct or indirect restriction of the rights of workers depending on race, skin color, political, religious and other convictions, floor, gender identity, sexual orientation, ethnic, social and foreign origin, age, the state of health, disability, suspicion or disease availability HIV/AIDS, marital and property status, family obligations, the place of residence, membership in labor union or other consolidation of citizens, participation in strike, the address or intention of appeal to the court or other bodies behind protection of the rights or provision of support to other workers in protection of their rights of the message on the possible facts of the corruption or connected with corruption offenses, other violations of the law of Ukraine "About prevention of corruption", and assistance to person in implementation of such message" is forbidden, on the language or other signs which are not connected with kind of work or conditions of its accomplishment.

4.2.15. Termination of an employment contract and Severance Payments

Georgia: The employer has an obligation to issue a prior written notice of 30 calendar days and make severance payment of at least one month's salary within 30 calendar days after terminating the contract. The employer may issue a prior written notice of 3 calendar days', however in this case the severance payment would be in the amount of at least two months' salary payable within 30 calendar days after terminating the contract. Accrued but unused annual holiday shall be paid to the employee in the event of termination of the contract (Article 48).

Moldova: Article 287. Termination of the individual labor contract

(1) The worker, who concluded an individual labor contract with the employer – physical person, is obliged to inform him about the resignation not less than seven calendar days before it.

(2) The employer is obliged to inform the worker about the forthcoming work release item f) art.82 and art. 86 in writing, under signature not less than seven calendar days before it.

(3) Concrete terms of submitting the information stipulated in paragraph (2), and also the cases of payment and the sizes of severance pay at the termination of the individual labor contract, other payments and indemnifications are determined by the parties of the contract.

Turkey: Under the Labor Law, employers can terminate contracts in two ways: (i) showing a valid reason (Article 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 Law, 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, dishonourable or malicious conduct or other similar behavior, force majeure). In these cases, the employer is not obliged to comply with the legal notice periods and can terminate it immediately. For further details, please see, Labor Law, Article 24-26.

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 dishonourable 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.

Ukraine: The general notice period for termination of a labor agreement (at the initiative of an employee) concluded for an indefinite period of time is 2 (two) weeks (the term may be reduced in case of impossibility of an employee to continue the work). This notice shall be made in writing (Article 38). The notice period does not apply if parties agree on consensual termination.¹

The notice periods for termination at the initiative of an employer are established as follows:

¹ Art. 8 of the [Resolution of the Plenum of the Supreme Court of Ukraine "On the practice of consideration of labor disputes by courts"](#)

- termination due to changes in organization of production and labor, including liquidation, reorganization, bankruptcy, or restructuring of an entity and staff redundancy): at least 2 months prior to termination. The employee should be noticed personally (Art. 49-2 of the LC).
- termination due to unsatisfactory passing of probation period: 3 days prior to termination.
- Ukrainian legislation does not provide with specific notice period, which applies to termination due to other reasons such as absence, systematic non-performance of duties etc.
- Such termination of employment shall be conducted within 1 month from the date of establishment of such grounds.

The employee shall be notified in the written form (Article 28).

Severance payment will be paid in the amount that is not less than an average monthly salary upon termination of the employment contract on the grounds of (Art. 44 of the LC):

Severance payment will be paid in the amount provided by the collective agreement, but not less than 3-months average salaries upon termination of the employment contract on the grounds of violation of labor legislation, collective or employment agreement by the owner or their authorized body (Article 44).

The amount of the severance payment does not vary in accordance with duration of employee's service.

At the date of termination of employment, an employer shall provide an employee with all relevant payments. An employer shall notify an employee in writing on the accrued amounts that should be paid to employee upon his/her dismissal before providing of such payment (Article 116). In case of violation of such obligations, a company shall pay employee's average salary during the entire period of delay (Article 117).

4.2.16. Personal Data Protection

Georgia: Article 17 – A data controller shall be obliged to take appropriate organizational and technical measures to ensure protection of data against accidental or unlawful destruction, alteration, disclosure, collection, or any other form of unlawful use, and accidental or unlawful loss.

Article 4-b data may be processed only for specific, clearly defined, and legitimate purposes. Further processing of data for purposes that are incompatible with the original purpose shall be inadmissible

Moldova: Article 29. Confidentiality of personal data

1. Controllers and third parties who have access to personal data must ensure the confidentiality of those data, except where:
 - a. processing relates to data which are voluntary and manifestly made public by the personal data subject.
 - b. personal data are rendered anonymous.

Turkey: Article 6 – (1) Data relating to race, ethnic origin, political opinions, philosophical beliefs, religion, sect or other beliefs, appearance and dressing, membership of association, foundation or trade-union, health, sexual life, criminal conviction and security measures, and biometrics and genetics are special categories of personal data.

(2) It is prohibited to process special categories of personal data without obtaining the explicit consent of the data subject

Ukraine: Under Ukrainian law, the main elements of personal data are a person's name, nationality, education, family status, religion, health condition, address, and date and place of birth. The Labor Code prohibits an employer from requesting information from candidates regarding their nationality, political party membership, origins, place of residence and other documents not required by law.

Considering that, under the PDP Law, a company must obtain express consent from each employee before transferring his or her personal data to any third parties, unless otherwise required by law, Ukrainian employers normally prefer to obtain their employees' consent for collecting, storing and other processing of their data as well.

Companies that process personal data are responsible for ensuring the protection of processed data from any illegal processing and access, including by designating an employee to perform these functions.

4.2.17. Sexual Harassment

Georgia: Organic Law of Georgia No 7177, Article 4 describes sexual harassment as a form of discrimination. Violation of the principle of prohibition of discrimination is covered under Article 78, stating that direct discrimination and indirect discrimination, harassment and sexual harassment in the workplace shall result in a warning, or a fine in accordance with the procedure established by Article 77(1), in triple the amount of a respective fine.

Moldova: Labor Law of Moldova, Article 10 - Rights and obligations of the employer states that employer shall take measures for prevention of sexual harassment on workplace, and also on prevention of prosecution for giving in competent authority of the claim to discrimination.

Turkey: Turkish Labour Code (Law no. 4857) provides for the equal treatment principle and prohibits discrimination at work (Art. 5). It also protects employees from sexual harassment in the workplace by providing rights to rightful termination and to claim compensation (Art. 24-26)

Ukraine: The Code of Labour Laws of Ukraine dated 10 December 1971 contains general provisions prohibiting discrimination in the workplace, including discrimination based on gender. The term sexual harassment is defined by Ukrainian legislation as any act of a sexual nature, expressed verbally (i.e., threats, intimidation, obscene remarks) or physically (i.e., touching, patting), humiliating or offending individuals who are in a relationship of labor, administrative, financial or other subordination. This term was introduced into Ukrainian legislation in 2005 by the Law of Ukraine "On ensuring equal rights and opportunities for women and men" (No. 2866-IV dated 08 September 2005). In 2017, the law was amended by the term "gender-based violence" and other terms to ensure equal protection of rights for women and men.

5. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH & SAFETY (OHS)

5.1. Country Legislations on Occupational Health and Safety Table

Country Legislations on Occupational Health and Safety

Georgia	The Constitution of Georgia establishes a fundamental right to safe working conditions. Georgia's Law on Labor Safety (2019 "LS") defines general principles of basic requirements and preventive measures that are related to occupational health and safety (OHS) at the workplace, the existing and anticipated risks, prevention of accidents and occupational diseases, training, informing, and consulting of the employees, and their equal engagement in the occupational health and safety protection issues.
Moldova	The Moldovan Labor Code as well as the Law on Occupational Health and Safety (OHS) (2008) set the framework for occupational health and safety in Moldova. Several Government orders and decisions detail how these are to be implemented and outline the list of hazardous industries and occupations in the country.
Turkey	The Law of Turkey on Occupational Health and Safety (numbered 6331) provides for provisions on occupational health and safety, and applies to direct and contracted workers, including foreign workers. It is also governed by Labor Law (numbered 4857).
Ukraine	The basic law in the field of labor protection is the Law of Ukraine "On labor protection", which determines basic provisions on realization of constitutional right of workers on protection of their life and health in the course of labor activity, on adequate, safe and healthy working conditions, governs the relations between the employer and the worker on safety issue, and occupational health, and establishes single procedure for the organization of labor protection in Ukraine.
ILO Standards and ESS 2 Requirements	Measures relating to OHS are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working. Such measures consider the requirements of ESS2 and national law requirements on OHS and workplace conditions as they apply to the project. Additional guidance on the management of OHS issues according to Good International Industry Practice (GIIP) is provided in the EHSGs.

5.2. Occupational Health & Safety (OHS) Legislations

5.2.1. Responsibilities of the Employer

Georgia: To ensure due compliance with OHS, the employer is required to carry out risk assessment, which aims to identify hazards at the workplace and associated preventive measures. The employer is required to carry out risk assessment at all stages of work process, in order to eliminate or reduce possible risks, and should update the risk assessment document on regular basis. Risk assessment documents should be kept duly by the employer. The employer is required to develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and without risk to health. This also includes use of appropriate measures related to chemical, physical and biological substances and agents, and obligation to carry out periodic control of safety conditions and checking the status of technical equipment.

Employers are obliged to assign safety officers in the workplace. A workplace with fewer than 20 employees may have one of the existing employees to additionally cover the health and safety compliance functions, provided that they have undertaken a certified training. Workplaces with 20 to 100 employees are required to employ at least one safety officer. As for the workplaces with over 100 employees, the law requires at least two safety officers.

Subject to the size of the workplace, the employer is also responsible to provide the following information to its employees and employee representatives on: a) occupational risks and hazardous industrial factors which are specific to the workplace and which may potentially cause impact on health of employees and measures taken by the employee for prevention purposes; b) emergency

situations, evacuation plans and activities to be carried out in the event of increased danger, as well as procedures and measures to be followed during accidents and fire; c) prohibitions on entering the premises, remaining in the premises or carrying out work, which may pose risk for life and/or health of employees.

Employers can restrict access to workplace to the employee who is under the influence of alcohol, drug or psychotropic substances.

Moldova: Article 198 of the Labor Code envisages that each business entity or organization should have internal regulations that outline, among other things, the occupational health and safety provisions of the organization. Articles 9 and 10 of the Law on OHS makes the employers responsible for ensuring the health and safety of the employees, for identifying and preventing work-related risks, for informing and training staff on the risks and organizational OHS provisions. The employer must provide the necessary means and equipment and adapt the working environment to prevent and minimize the occupational risks. Article 11 mandates the employer to assign at least one trained individual within the organization responsible to ensure the compliance with the OHS provisions. The employer may set a collective OHS committee made up of both employee and employer's representatives to supervise the OHS arrangements in the workplace. In case of emergencies, the employer must take immediate action to provide emergency response and evacuation of workers from the premises/site (Article 12 of the OHS law).

Turkey: Any party who employs workers will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment, and processes under their control are safe and without risk to health. This will include use of appropriate measures related to chemical, physical and biological substances, and agents.

Any party who employs workers for the project, the employer, will assign H&S specialist(s) at construction sites. The employer is obliged to assign H&S specialist, according to workplace's hazard class, according to legislative requirement. Besides legislative required OHS specialist, each construction site will be appointed to dedicated OHS specialist(s) (at least C class).

The employer to ensure the safety and health of workers in every aspect related to the work (The Law of Turkish on Occupational Health and Safety, Article 4). The employer to carry out a risk assessment or get one carried out (The Law of Turkish on Occupational Health and Safety, Article 4 and 5).

The employer to conduct measurement and assessments to afford protection, to prepare emergency plans (The Law of Turkish on Occupational Health and Safety, Article 11).

The employer to act and give instructions to enable workers to stop work and/or immediately to leave the workplace and proceed to a place of safety (The Law of Turkish on Occupational Health and Safety, Article 12).

Ukraine: An employer is responsible for ensuring safe and harmless working conditions (Art. 153 of the LC). Upon concluding an employment agreement, the employer shall inform the employee on the working conditions and the presence of dangerous and harmful production factors at the workplace that have not yet been eliminated, the possible consequences of their impact on health and the employee's rights to receive benefits and compensation.

An employer is responsible for ensuring safe and harmless working conditions (Art. 153 of the LC). Upon concluding an employment agreement, the employer shall inform the employee on the working conditions and the presence of dangerous and harmful production factors at the workplace that have not yet been eliminated, the possible consequences of their impact on health and the employee's rights to receive benefits and compensation.

Working conditions, technological processes, machines, mechanisms, equipment and other means of production, collective and individual protection used by an employee, as well as sanitary conditions shall meet the labor protection requirements.

An employer shall implement relevant safety measures to prevent occupational injuries and provide with sanitary and hygienic conditions to prevent occupational diseases.

The employer shall organize (1) regular medical examination of employees, who perform heavy work, work under harmful or dangerous working conditions, and (2) annual compulsory medical examinations of persons under the age of 21 at its own expense.

5.2.2. Employees' Rights and Obligations

Georgia: Employees are responsible for reporting the unsafe situations to employers, including accidents and they are granted a right to report to occupational safety officer, labor inspectorate or employee representative if occupational health and safety regulations are not duly complied with (LS Article 10.1).

Employees have a right to refuse to perform task or instruction assigned by the employer, which is in contradiction with law, or which due to breach of occupational safety and health regulations may trigger risk for employees. Employees are entitled to leave the workplace in the event of danger. (LS Article 10.1). It is forbidden to dismiss an employee from their job, or to place them in a less advantageous position compared to other employees if such employees exercise rights of reporting or leaving the workplace during the threat of danger (LS Article 10.2).

Moldova: Employees have the right and obligation to inform the employer of any emerging hazard or malfunctioning equipment as well as make suggestions on how to improve the OHS rules at the workplace. Employees have the right to refuse to work if the working place does not meet the OHS requirements. They are entitled to be informed and trained about the occupational risks and be provided the required protective gear by the employer at the employer's expense.

Turkey: Anyone in the project has right to stop activity until unsafe act/condition is properly resolved. All potential hazards to project workers' health and life will be identified for construction activity (Risk Assessment to be prepared and shared with workers).

Workers to be employed in enterprises classified as hazardous and very hazardous shall receive a medical report before employment.

Ukraine: The employees are obliged to: a) to take care of personal safety and health, as well as the safety and health of others in the process of performing any work or during stay on the territory of the enterprise; b) know and comply with the requirements of regulations on labor protection, rules for handling machines, mechanisms, equipment, and other means of production, use the means of collective and individual protection; c) to undergo preliminary and periodic medical examinations.

5.2.3. Training of employees and provision of personal protective equipment (PPE)

Georgia: The employer is responsible to provide OHS training to employees in language understandable to them on general principles of health and safety as set out by the law; working procedures, equipment, machinery and manual and instructions for the use and repair of work equipment; emergency situations and evacuation plans and their implementation activities; existing threats and risks and on measures to be taken with regards to overcoming such situations.

The training must be provided to employees at the start of their employment, but before they commence work; in the event when employee is placed on another job; prior to the launch of new technological process and work methodology, as well as the use of new machinery and/or before the change in the production process; as part of the continuous training process, which requires conduct of training repeatedly.

The law does not explicitly require the employer to maintain training records. Trainings on occupational health and safety are delivered at employer's expense, and the time spent in training counts as working hours.

Moldova: Training workers in the field of labor safety

(1) The purposes of training workers in the field of labor safety are mastering the knowledge and skills formation in the given area.

(2) Training workers in the field of labor safety is performed in the way established by the Ministry of Labor and Social Protection after consulting the corresponding trade unions. (Article 239)

Turkey: Project workers will receive OHS training at the beginning of their employment, as induction, and on a regular basis thereafter, to cover legislative requirement. Training will cover the relevant aspects of OHS associated with daily work, including the ability to stop work without imminent danger and respond to emergency situations. Training records will be kept on file. These records will include a description of the training, the number of hours of training provided, training attendance records, and results of evaluations.

The employer to 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 changed risks and repeated periodically if necessary (The Law of Turkish on Occupational Health and Safety, Article 17).

Ukraine: Upon employment and in the course of work, workers shall receive, at employer's expense, instructions, and training on OHS, on provision of first aid to accident victims, and on safety rules in case of accidents.

Employees engaged in high-risk jobs shall annually undergo special training at the expense of the employer and check their knowledge of the relevant legal acts on labor protection.

The training on OHS includes a) instructions; b) training on OHS, on provision of first aid to accident victims, and on rules of conduct in case of accidents; c) special training for high-risk jobs.

The employer shall provide free of charge special clothing, special footwear, and other personal protective equipment (PPE) to employees, working under harmful and dangerous working conditions, as well as performing of work related to pollution or in adverse temperature conditions. In addition, such PPE are to be provided to employees, who are involved in work related to the elimination of the consequences of accidents, and natural disasters.

In instances when the PPE is dysfunctional, without employee's responsibility, the employer is obliged to replace PPE at their own expense. If the employee purchases PPE at their own expense, the employer is obliged to reimburse such expenses.

Training of the employees on how to act in emergency situations is mandatory and is carried out during working hours at the expense of the employer.

5.2.4. Preventive and protective measures

Georgia: Whenever avoidance of health and safety hazards is not possible, the employer shall provide appropriate protective measures. These measures include controlling the hazard at source using protective solutions and providing adequate personal protective equipment (PPE) at no cost to the employee.

At all stages of work the employer should assess risk and take necessary steps to eliminate or reduce risks to health by: a) making sure that the existing risks are being avoided; b) evaluating those risks and threats, which cannot be avoided; c) making sure that the risk factors are eliminated or reduced; d) given the possibility, replacing the risk factors with safe or less dangerous factors; e) elaborating a

consistent safety policy of the preventive measure; f) adapting working environment to provide safe conditions for workers; g) ensuring uninterrupted and proper functioning of protection and control system; h) equipping the employees/other persons present at the workplace with necessary effective individual protection gear free of charge to protect their life or health, and ensure they are clean and in proper technical operational mode; i) ensuring preventive and periodic medical check-up of the employees; and j) restricting those employees from entering workplace who are under alcohol or drug influence (LS Article 6)

Turkey: Whenever avoidance of health and safety hazards is not possible, appropriate protective measures will be provided. These measures include controlling the hazard at source using protective solutions and providing adequate personal protective equipment (PPE) at no cost to the project/sub-projects worker.

The employer to inform the workers and workers' representatives about the safety and health risks and protective and preventive measures, their legal rights and responsibilities, workers designated to handle first aid, extra-ordinary situations, disasters, firefighting, and the evacuation (The Law of Turkish on Occupational Health and Safety, Article 16).

The employer to provide occupational health and safety services including activities related to the protection and prevention of occupational risks (The Law of Turkish on Occupational and Safety, Article 5, 6 and 7).

Measures that must be taken include, but are not limited to, training and information campaigns as well as adoption of relevant preventive measures. The law includes requirements for organizing and managing health and safety programs, providing emergency care and services, and responding to accidents. Other requirements include controlling access to hazardous workplaces, providing personal protective equipment at no charge to workers, and medical examinations (The Law of Turkish on Occupational Health and Safety, Article 9-10-11). Also, the Law on Labor Safety includes provisions that allow employee to take part in consultation process regarding health and safety issues, provide recommendations and raise concerns related to risks and hazards (The Law of Turkish on Occupational Health and Safety, Article 25).

Ukraine: In Ukraine, the State emergency service carries out monitoring and forecasting of emergencies for the purpose of emergency prevention. In case of emergencies and accidents at the enterprise, the employer provides urgent measures to evacuate workers, provide first aid to victims, localize, and eliminate accidents or fires, eliminate their consequences, if necessary, he involves external emergency services, professional rescue services, fire departments.

The employers develop and approve instructions on the appropriate actions in the event of a threat or emergency. Moreover, there is a list of specific requirements to adopt plans and procedures regarding fire safety (evacuation plans).

The employers develop and approve instructions on the appropriate actions in the event of a threat or emergency. Moreover, there is a list of specific requirements to adopt plans and procedures regarding fire safety (evacuation plans).

5.2.5. Provision of workers' insurance in instances of injuries, fatalities, disability and disease

Georgia: LS Article 5.9 requires the employer to provide workers with insurance against accidents at employer's expense. This obligation applies only to workers who are employed in heavy, hazardous, and dangerous works, as pre-defined by law issued by the Minister of Labor. The provision does not specify the instances as to accidents, fatalities, disabilities, or injuries and is limited to accidents only. Accident is defined as an accident which took place during the working process or in connection to the working processes and which resulted in a health injury to the worker or a third person, limitation or loss of work ability, fatality case or declaration that the worker or other persons are missing. The

employee is entitled to compensation for the damage as a result of the accident at a workplace, including professional injury. (LS Article 10.1.e) However, the employer is exempted from liability, if the accident at the workplace was caused by circumstances which could not have been considered in advance or if it were beyond the control of the employer, or because of the predictable circumstances, which could not be prevented despite employer's attempts (LS Article 5.13).

Turkey: The Law on OHS, 6331 numbered, defines basic requirements and general principles of occupational safety for jobs that are hazardous, very hazardous, and less hazardous (The Law of Turkish on Occupational Health and Safety, Article 9). The law imposes a general obligation on 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 employer shall;

- a) keep a list of all occupational accidents and diseases suffered by his workers and draw up reports after required studies are carried out.
- b) investigate and draw up reports on incidents that might potentially harm the workers, workplace or work equipment or have damaged the workplace or equipment despite not resulting in injury or death.

The employer shall notify the Social Security Institution of the following situations within a prescribed time as follows:

- a) Within three workdays of the date of the accident.
- b) Within three workdays after receiving the notification of an occupational disease from health care providers or occupational physicians.

Social Security Institution (SSI, SGK): The Social Security Institution is an associated institution of the Ministry with financial and managerial rights. Article 60 of the Main Constitution of Turkey indicates the "right to social security for everyone". Article 60 also charges the state with the duty to take necessary measures and establish the organization for provision of social security. Social Security and General Health Insurance Law N. 5510 and Law

Ukraine: All employees are subject to mandatory state social insurance against accidents at work and occupational diseases that may cause disability. The Social Insurance Fund of Ukraine provides the financial support to the insured persons.

The following categories of workers are subject to state social insurance against accidents at work and occupational diseases: employees working under the employment agreement and contract, civil agreement, and on other grounds provided by law, at enterprises, institutions, organizations, regardless of ownership; persons who are detained in prisons and are involved in labor activity.

Employees working under difficult and harmful working conditions are to be provided with free of charge medical and preventive nutrition, milk, carbonated salt water. Moreover, they are entitled to paid health breaks, reduction of working hours, additional paid leave, increased wages and other benefits and compensations provided in the manner prescribed by law.

Enterprises that use work of disabled persons are obliged to create relevant working conditions and implement recommendations of the medical and social expert commission.

5.2.6. Reporting of occupational accidents, diseases, and incidents

Georgia: The employer is responsible to record accidents, instances of professional diseases and dangerous accidents and provide such information to employees or their representatives upon request (LS Article 5.1). Initially the reporting obligation of accidents rests with employees, who are responsible to notify the employer of the accident immediately along with any relevant material

information about the accident. The employer is then obliged to take immediate necessary measures in order to prevent further threat to health and life; preserve the workplace where the accident took place for formal investigation purposes unless it is necessary to take measures to further protect life and health of workers or to prevent serious economic loss. During the first 24 hours from the accident, the employer should notify the relevant authorities including respective trade unions and employee representatives; law enforcement bodies (police) and Labor Inspectorate in cases of medium, severe, fatal, and mass accidents.

The employer also has the responsibility to keep a log of accidents and occupational diseases at workplaces.

In addition, the employer should keep evidence about medium gravity accidents, severe, fatal, and massive accidents, which should contain data required for accurate description of accident if consequences of accident show up at a later stage.

Turkey: Every accident will be reported to the employer, investigated and relevant measures will be designed to avoid the accident in the future.

The employer will develop and implement reporting system for any accidents, diseases, and incidents. Every accident will be reported to the employer, investigated and relevant measures will be designed to avoid the accident in the future. Also, remedies for adverse impacts such as occupational injuries, disabilities and diseases will be provided (The Law of Turkish on Occupational Health and Safety, Article 14).

The employer to cover all expenses related to the surveillance (The Law of Turkish on Occupational Health and Safety, Article 4 and 15). The employer will develop and implement reporting system for any accidents, diseases, and incidents.

Ukraine: Upon receiving information about occupational accidents, diseases, and incidents from either the work administrator, or the health care institution, or a victim, or members of their family or their authorized representative, the employer is obliged to notify within 2 hours (by use of any means of communication) and not later than on the next working day (in writing), the following agencies:

- territorial body of the State labor service;
- the Social Insurance Fund;
- the head of the primary trade union organization;
- the authorized body or Supervisory Board of the enterprise (in case of its formation);
- the State emergency service in case the accident occurred as a result of a fire.
- If an accident and/or an occupational disease is subject to special investigation, employer is obliged to notify the required agencies.:

The employer shall keep records of accidents and/or occupational diseases.

5.2.7. Provision of facilities

Georgia: The law on facilities and accommodation for workers is limited to general obligation of the employer to cover all the costs associated with the occupational health and safety and hygiene at workplace (LS Article 7). The law does not require separate facilities for men and women, and it does not address the requirements for workers' accommodation.

Turkey: The Turkish legislation, Occupational Health and Safety at Construction Regulation, 05.10.2013 dated and 28786 official gazette, Attachment 4, Article 53-67, provide that project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest.

Ukraine: The basic requirements for the arrangement of working and non-working areas are provided by the “General rules on employer’s labor protection of workers” (the Order of Ministry of Emergencies of Ukraine). The design and strength of buildings intended to be used as workplaces shall meet their purpose, in particular to ensure: good working condition of equipment and protective devices in work areas; regular cleaning of work places and equipment; the possibility of regular monitoring and checks of the protective equipment and devices. The evacuation routes, emergency exits and approaches should be free. The level of fire safety in working areas, shall comply with the rules of fire safety in Ukraine. Employees shall be provided with sufficient level of breathable air in enclosed work areas. The article 28 describes conditions of restrooms and accommodation requirements.

5.2.8. Collaboration and consultations with project workers on OHS

Georgia: Article 9 of the law is dedicated to consultations and participations of employees in the issues of occupational health and safety. The employer has to make sure that employees and/or their representative are involved in the resolution of the issues, by holding consultations with them and granting employees with the right to bring up an issue of concern. The law recognizes the right of employees to elect a representative in order to participate in consultations on occupational safety and health. I (LS Article 5.8)

Turkey: Article 18 - There are two main parties in working life, namely workers and the employers, and working life deals with the relationships between these parties. From time to time, the interests of these parties are in conflict, such as economic benefit or commercial interests. Based on the position of the parties, employers aim to maximize their benefits, while employees aim to earn higher wages. Both parties have their organizations. Under these circumstances the government plays a key role in regulating and coordinating the relations between the two parties. Therefore, a “tripartite collaboration” is key in conducting occupational safety and health activities. The major role of the government is to develop laws and regulations and to implement them. Nevertheless, all the key policies related to the issue are negotiated between the three partners, i.e. Trade Unions, Employers’ Associations and the Government.

Ukraine: Concerning the employer’s obligation to consult workers on OSH, as foreseen in the EU Directive 89/391/EEC, Ukrainian OSH legislation does not provide workers or workers' representatives with specific responsibility for the safety and health of workers in a balanced way (i.e., in parity with the employer), or are consulted in advance and in good time by the employer, on:

- The designation of the workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment, as well as regarding their activities.
- The information concerning the workers designated to implement measures for first aid, firefighting and evacuation of workers, as well as regarding the measures itself.
- The information concerning: the assessment of occupational risks; protective measures to be taken and, if necessary, the protective equipment to be used; a list of occupational accidents resulting in a worker being unfit for work for more than three working days; and reports on occupational accidents suffered by his workers.
- The information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job.
- The enlistment, where appropriate, of the competent services or persons outside the undertaking and/or establishment, that will organize and maintain the functioning of the OSH services.
- The planning and organization of OSH training for workers

6. RESPONSIBLE STAFF

The regional project will be coordinated by BSEC. BSEC will administer project activities via the following institutional structure, which includes a Governing council / Regional Project Steering Committee, a Consultative Committee, and a Project Implementation Unit. The BSEC will be responsible for the overall coordination of the three components and will inter alia: (a) oversee the preparation of annual operating plans; (b) prepare supervisory and other reports, as required by the GEF and the World Bank. The Project Operational Manual (POM) will detail the roles and responsibilities of the agencies involved in the Project's implementation. The BSC will provide technical support to the BSEC as needed.

Provisional outline highlighting the key bodies and their functions

- **Governing council / Regional Project Steering Committee** (political level/ formation – Tier 1) – representatives of the eligible countries and BSEC SG – political guidance and oversight
The RSC will be comprised of representatives of the relevant national ministries providing policy level and strategic guidance, ensuring linkages to sectoral policies and programs, assisting in the resolution of any inter-sectoral conflicts, and debating and suggesting improvements in project strategy and operations, among other issues. For a more efficient use of resources, the RSC will meet at the margin of appropriate governance meetings of the BSEC or of the CMA.
- **Governing Council** (technical level/formation – Tier 2) – BSEC & National agencies. BSEC will enter into implementation arrangement with each national agency for the execution of national level activities in Georgia, Moldova, Turkey and Ukraine. The national agencies include the Ministry of Environmental Protection and Agriculture of Georgia, Ministry of Agriculture, Regional Development and Environment in Moldova, the Ministry of Environment and Urbanization and the Ministry of Agriculture and Forestry in Turkey and the Ministry of Energy and Environment Protection in Ukraine. The national agencies will provide technical guidance for the overall implementation of the project in consideration of the RSC observation and in support of the project implementation unit.
- **Consultative committee** – WB + other relevant (regional) organizations with mandates to address marine pollution (BSC; UNDP; European Commission) and business organisations and Bank(s) (BSTD); BBSEA Special Envoy – technical guidance and identification of concrete projects.
- **PIU** – BSEC Secretariat (professional, administrative, support staff): Innovation officer, communication team (x2), operations officer/program officer, IT officer, BSEC Executive, Procurement and financial officer, all-round officer (trainee).

PIU will be responsible for coordination, supervision and monitoring of project implementation, as well as procurement and financial management and monitoring, including approving and tracking the distribution of funds.

PIU will be responsible for the following:

- Oversee the implementation of this LMP,
- Engage project contractors and consultants to ensure proper coordinating in implementing this LMP,
- Ensure that contractors prepare their labor management procedures (Contractor's LMP) that comply with this LMP and Contractor's ESMP (including Occupational Health and Safety provisions),

- Monitor that contractors/sub-contractors are meeting obligations towards contracted workers as included in the Contractor's LMP and ESMP and the applicable Procurement Documents, and in line with ESS2 and national labor and OHS laws,
- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law,
- Ensure that the grievance mechanism for project workers is established and implemented and that workers are informed of it,
- Monitor implementation of the workers Code of Conduct, trainings on Code of Conducts and SEA/SH prevention,
- Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation, ESS2 OHS requirements, Occupational Health and Safety Plan, and WHO and WB guidelines on COVID-19 prevention,
- Monitor the project financially through progress payments during the implementation process of grant supported activities and releasing the grant to recipients of the project financing based on the progress payments,
- Monitor the implementation of the project workers' grievance mechanism, including a mechanism to report SEA/SH cases,
- In instances of severe, fatal, and mass accidents, inform the law enforcement bodies, Labor Inspectorate and the World Bank.

7. POLICIES AND PROCEDURES

This section outlines labor management procedures, OHS, reporting and monitoring and other policies and procedures to be adopted by implementing entities in each beneficiary country. Policies and procedures will apply to all project workers, consultants and contracted workers engaged in the project activities.

Project management institutions and contractors are subject to apply the labor management policies and procedures presented below. All national contractors under this project must comply with the national OHS legislation and the Labor Code in the country in which they operate. Moreover, the contractors must follow the provisions set under the World Bank's ESS2. The contractors will have to apply LMP, national laws, and WB standards in their internal procedures.

This section will be updated and amended as needed, after grant contracts have been awarded.

7.1. Employment Policies and Procedures

All contractors will prepare the contractor LMP in line with this project LMP, national laws, and WB ESS2 requirements. The contractors must announce their positions and commitments on the following topics:

- Forced and Child labor
- Non-discrimination
- Gender equality
- Labor and working conditions
- Grievance Mechanism

The LMP should be distributed to all project workers and the contractors will organize training sessions to ensure all workers are aware of the project's labor policies and procedures.

Forced and child labor: The minimum age for employment under the project is 18 years. Therefore, the Contractors will not hire individuals less than 18 years. They will be required to verify the age of all workers. If a child under the minimum age is discovered working under the project, PIU will take

following measures; remove the child from the situation, warn the responsible contactor and work with them for preparing a corrective action plan. PIU will closely monitor the implementation of the plan. The contracted workers will not pay any hiring fees. If any hiring fees including agency fee, application fee, are to be incurred, these will be paid by the Employer ('Contractor').

Non-discrimination: All the workers hired under the project, whether direct, contracted or sub-contracted, will be employed based on the principles of non-discrimination. Any discrimination based on gender, sexual orientation, age, race, ethnicity, political option, social origin, residence, disability, status or trade union activity, as well as other criteria not related to his/her professional qualities, shall be prohibited. 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.

Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH): Sexual exploitation is 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 (UN Glossary on Sexual Exploitation and Abuse 2017, pg. 6). Sexual abuse is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (UN Glossary on Sexual Exploitation and Abuse 2017, pg. 5). Sexual harassment is any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Project workers are prohibited to commit any acts of SEA/SH. Project workers are required to sign a Code of Conduct at the start of employment. Project workers will receive a training on the Code of Conduct and prevention of SEA/SH.

Gender Equality: All contractors and project management institutions will support GEF Gender Equality Policy and Guidelines by putting efforts to mainstream gender and promote gender equality and the empowerment of women in their project activities. It is estimated that women would represent around 15 percent of the overall project workforce, whereas a higher women representation among project's direct workers and women in decision-making mechanisms is encouraged. The contractors are responsible for providing working conditions to increase the number of female workers.

Recruitment: Recruitment procedures must be transparent, public and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, gender, and other grounds included in the Labor Management Procedure Document and World Bank ESS2 standards. The contractor will consider following:

- The recruitment calls will comply with gender equality, non-discrimination, and equal opportunity requirements.
- Employment applications will be considered in accordance with the application procedures established by the contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- The contractors will announce employment opportunities to the local communities and groups via the most appropriate channels and develop job adverts in the corresponding language and clear and inclusive wording.
- Merit-based employment is needed; however, the contractors may prioritize candidates from local communities and disadvantaged groups such as women and the disabled.

Terms of Employment: All project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of national LMP's. This

information and documentation will be provided at the beginning of the working relationship, and when any material changes, to the terms or conditions of employment occur.

Information provided to workers at the start of employment is normally covered by relevant provisions of national law. Documents and contracts include information on the following, as appropriate:

- The name and legal domicile of the employer;
- The workers' name;
- The workers' job title;
- The date employment began;
- Where the employment is not permanent, the anticipated duration of the contract;
- The place of work, or where the work is mobile, the main location;
- Housing and accommodation provisions and payment required, if any;
- Hours of work, rest breaks, leave entitlements, and other related matters;
- Rules relating to overtime and overtime compensation;
- The levels and rules relating to the calculation of salary, wages, and other benefits, including any rules related to timing of payment and deductions;
- The length of notice that the worker can expect to give and receive on termination of employment;
- The disciplinary procedures that are applicable to the worker, including details of representation available to the worker and any appeals mechanism;
- Details of grievance procedures, including the person to whom grievances should be addressed; and
- Any collective bargaining arrangements that apply to the worker.

When employed, every worker will be verbally briefed on the contract's contents, the institution's regulations, the work safety, and OHS arrangements at the workplace. The terms and conditions of employment will be available at the work sites.

Depending on origin of the employer and employee the contracts will be developed in corresponding language understandable for both parties.

The contractors will provide payslips to the contracted workers every month. The payslips must include the following information:

- Hourly / daily rate
- Working days
- Overtime hours / days
- Period

Right to Organize: All workers under this project are free to join a union. No worker will face discrimination, miss treatment, and punishment because of being a union member regarding any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion, or termination of employment.

Worker Accommodation: In case of providing accommodation for the project activities, the contractors are responsible for delivering good hygiene standards, fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightning protection, separate cooking and eating areas in the accommodation services. The contractors will be liable to comply with "Workers' Accommodation: processes and standards A guidance note" by IFC and the EBRD

7.2. Occupational Health and Safety Policies and Procedures

OHS Plans: It is anticipated that labor risks will be mainly associated with OHS issues associated with small grants. To mitigate the OHS risks, all institutions, companies, contractors, and subcontractors will meet OHS standard requirements consistent with local regulations, WB EHS guidelines, and GIIP (Good International and Industry Practices). The following OHS standard requirements should, as a minimum, be included in the OHS Plan to be prepared by the contractors.

- Risk Assessment Procedure
- Emergency response procedure
- Lifting of heavy materials
- Respiratory hazards safety
- Noise safety; fire safety; material handling safety; concrete and masonry safety
- PPE
- OHS training

Risk Assessment: All contractors are required to develop risk assessment analysis to identify hazards and OHS risk at the workplace. The contractors will develop risk management plans, including Risk Assessment Procedures, to mitigate OHS risks. The procedure should aim to establish and maintain a safe working environment, including that workplaces, machinery, equipment, and processes under their control are safe and without health risk. The Contractors must keep the training records.

All contractors will employ health and safety specialists at construction sites.

OHS Trainings: The employer is responsible for providing OHS training to employees in language understandable to the workers before the work is commenced on:

- General principles of health and safety.
- Working procedures, equipment, machinery, and manual and instructions for the use and repair of work equipment.
- Emergencies and evacuation plans, and their implementation activities.
- Existing threats and risks and also on measures to be taken with regards to overcoming such situations.

PPE: The employer will provide special clothing, footwear, and other personal protective equipment (PPE) to employees free of charge. Such PPE is to be delivered to employees involved in work related to the elimination of the consequences of accidents and natural disasters. When the PPE is dysfunctional, the employer is obliged to replace PPE at their own expense without the employee's responsibility. If the employee purchases PPE at their own expense, the employer is obliged to reimburse such costs.

Refuse to Work Policy: Employees have a right to refuse to perform tasks or instructions assigned by the employer, creating health and safety risks for the employees. Employees are entitled to leave the workplace in the event of danger. The contractors will not dismiss an employee from their job or place them in a less advantageous position than other employees if such employees exercise the rights of reporting or leaving the workplace during the threat of danger.

All contractors are obliged to take appropriate protective measures whenever avoidance of health and safety hazards is not possible. These measures include controlling the hazard at source using protective solutions and providing adequate personal protective equipment (PPE) at no cost to the project/sub-projects worker.

The employer to cover all expenses related to the surveillance (The Law of Turkish on Occupational Health and Safety, Article 4 and 15). The employer will develop and implement reporting system for any accidents, diseases, and incidents.

Reporting: The contractors will develop and implement a reporting system for any accidents, diseases, and incidents. Every accident will be rerecorded, investigated and relevant measures will be designed to avoid the accident in the future. Also, remedies for adverse impacts such as occupational injuries, disabilities, and diseases will be provided. The Contractors will record work accidents, occupational diseases, and incidents that may create risk on H&S.

The Contractors are obliged to inform the Bank within two business days (48 hours) 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, or security incident, accident, or circumstance).

In case of an incident regarding occupational health and safety, the employer has to make sure that employees and/or their representatives are involved in resolving the issues by holding consultations with them and granting employees the right to bring up a matter of concern. The contractors will develop a mechanism for workers to select their representatives in order to participate in consultations on occupational safety and health.

COVID-19: The contractors shall take all necessary measures against Covid-19 and any other pandemics that may risk the workers' health in line with WHO guidance, WB requirements, and national regulations. In order to do so, the contractors are obliged to take the actions below. These actions frame the minimum standards.

- To identify workers, those with underlying health issues or who may be otherwise at risk that may be at risk from COVID-19.
- To provide an adequate number of protective equipment, such as masks and hygiene products, free of charge. The contractors shall replace the equipment frequently in line with WHO guidelines.
- To provide a hygienic, clean, and spacious working environment where workers may obey social distance rules.
- To check and record temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site; Providing daily briefings and written documents focusing on COVID-19 specific considerations including cough etiquette, hand hygiene, and distance measures.
- To prevent 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 isolating such worker for 14 days.
- To prevent 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.
- To ensure handwashing facilities supplied with soap, disposable paper towels, and closed waste bins exist at key places throughout the site, including entrances/exits to work areas, toilets, canteen or food distribution, or provision of drinking water. Alcohol-based sanitizer (if available, 60-95% alcohol) can also be used.

The Contractor shall comply with restrictions, announcements, guidance of the national governments, the World, and WHO.

8. AGE OF EMPLOYMENT

The minimum age for employment on this project is 18. The project contractors are required to verify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or driver licenses.

If a child under the minimum age (18 years) is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

9. TERMS AND CONDITIONS

There are differences in labor rights and working conditions between the four beneficiary countries. This section aims to set the principles on terms and conditions and provide guidance on local Labor Management Procedures where details will be given. The main principles on defining terms and conditions are;

- Do not set binding and singular terms on conditions on the topics which are regulated in the national laws,
- Use international standards on the terms on condition that are not highly regulated in the national laws,
- Zero tolerance on highly critical issues such as child labor and non-discrimination.

The terms and conditions are as follows,

- The wages will be paid monthly unless the nature of the work agreement does not allow monthly payment. The salaries will be paid in the first day of the following month.
- The weekly working hours for Turkey are 45 hours, but it is 40 hours in Georgia, Moldova, and Ukraine. For the project, the contractor and subcontractors will comply with the national law of the country they operate in.
- Work exceeding weekly working hours is considered overtime. Total overtime work shall be in line with national laws. The remuneration ratio for the overtime will be determined in each worker's contract; however, the rate cannot be lower than 1.5 of the agreed hourly rates.
- Nightshift application for the project will be determined accordingly with the national laws.
- The contractor must provide a minimum of uninterrupted 24 hours weekly rest for all workers each week; however, the contractors are encouraged to increase weekly rest to 48 hours a week. The national laws will regulate daily rests. The implementation of the daily rests must be included in the workers' contracts.
- Paid annual leave days will be regulated in the workers' agreements, and the number of leave days will be in line with the national laws. The workers can use annual leave days after the first six months of their employment.
- Employing forced or child labor is strictly forbidden for the project, and it is a valid reason to terminate the agreement.
- The contractors must issue a prior written notice of a minimum of 30 calendar days before the worker contract termination. If the national law where the contractor operates defines a more extended notice period, the contractor must comply with the national law. The amount of severance and notice payments will be regulated in accordance with the national regulations. The workers shall be paid all statutory payments (such as wages, severance payment, unused annual leave, social insurance) before the termination of the employment contract.

10. GRIEVANCE MECHANISM

A grievance mechanism will be provided for all project workers including contracted and subcontracted workers (and, where relevant, their organizations) to raise workplace concerns. Project workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all project workers. During project implementation the grievance mechanism will be adapted to be able to receive complaints related to SEA/SH.

The contractor shall develop this grievance mechanism and ensure all project workers, including workers of the grantees whose salaries are paid by Project budget, are informed about the mechanism and have access to grievances channels regardless of their position, employment status, duration of their service, or status. The contracted workers will have grievance channels to report cases of SEA/SH.

The purpose of the Grievance Mechanism:

The Project will have a transparent and unbiased workers' grievance mechanism to:

- identify labor issues and concerns as early as possible to address them timely and proactively
- continuously improve employee engagement
- ensure compliance with ESS2

The Principles

The workers grievance mechanism will be described in staff induction trainings, which will be provided to all project workers. The mechanism will be based on the following principles:

- Any worker including subcontracting workers can express concerns, complaints, and grievances at any time, without fear of retribution and retaliation.
- All grievances will be treated in a fair and respectful manner.
- The process will be transparent and allow workers to express their concerns and file grievances.
- There will be no discrimination against those who express grievances, and any grievances will be treated confidentially.
- Anonymous grievances will be treated equally as other grievances whose origin is known.
- Management will treat grievances seriously and take timely and appropriate action in response.
- When a grievance is received, PIU will ensure to confirm its receipt within five (5) business days. At this time, the complaint will also be provided information about response times, next steps and a contact within the team.
- The process (receive, investigate and resolve) will be consistent and transparent.
- All grievances will be documented to the mechanism, including those received by supervisors, project managers, or any management staff
- Personal information about the affected stakeholders will be treated as confidential. PIU will respect other confidentiality requests as needed. Anonymous grievances shall be allowed.
- Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of "suggestion/complaint boxes", and other means as needed. The mechanism will include a

dedicated hotline directly connected to the project management that enables workers to call or send messages.

- The grievance mechanism will be established by the beginning of the project implementation and will be maintained over the life of the project.
- The Project workers' grievance mechanism will not prevent workers from calling legal actions.

The Elements of the Mechanism:

- A procedure to receive grievances such as comment/complaint form, suggestion boxes, email, a telephone hotline or face-to-face interactions;
- A software to record and track grievances to enable monitoring the response rates, open grievances, quality of responses, etc. The software shall generate access to the lenders and beneficiaries as well as project management.
- stipulated timeframes to respond to grievances;
- a responsible department to receive, record and track resolution of grievances:
- a procedure to report grievances related to harassment in the workplace, gender-based violence

The Process

The Grievance Mechanism will be managed in five stages:

Stage 1 - Feedback received: Workers can convey their feedbacks (concerns / complaints / suggestions, etc.); verbally during, via website, suggestion box, email, call or official correspondence etc. In either way, the Contractor will ensure that it is documented, incorporated, and responded to as needed.

Stage 2 - Grievance logged: When a grievance is identified, it is officially registered and given a unique identification number. It is categorised based on the type of complaint and its severity. An initial response is sent to the person(s) who raised the grievance, acknowledging their feedback and describing the next steps in the grievance process, time estimates for these steps and a contact person. Response time for this stage is five (5) days.

Stage 3 - Investigation and resolution: The Employer (PIU or Contractor) will investigate grievances and their surrounding circumstances. These investigations will be undertaken in a timely manner. The results of these investigations will be reviewed, and a resolution will be proposed. The development of the resolution may involve consultation with the person(s) involved and in some cases with an independent third party. The proposed resolution will then be formally communicated to all parties.

Stage 4 - Resolution: If the resolution is accepted by all parties, it is implemented, and the grievance is closed. If the resolution is not accepted, it will be reconsidered, and a revised resolution may be proposed. The affected person(s) may choose to pursue external remedies at any time, including if an agreed resolution cannot be found.

Stage 5 - Monitoring & Evaluation: After the resolution has been implemented, it will be monitored, and its effectiveness will be evaluated. All parties will be notified that the resolution has been implemented and will have the opportunity to provide feedback on the grievance process and its implementation.

In addition to the workers' grievance mechanism, there will be a separate mechanism for the local project affected people as per ESS10 requirements. Therefore, two separate grievance mechanisms will be implemented during the projects.

Grievance mechanism will be adapted during project implementation to include a confidential mechanism which will be able to receive SEA/SH complaints. This grievance mechanism will follow the World Bank Guidance Note on Grievance Mechanisms for SEA/SH.

11. CONTRACTOR MANAGEMENT

Project contractor will use the Bank's 2021 Standard Procurement Documents for solicitations and contracts, including labor and occupational, health and safety requirements. The procurements will not contradict the national laws of four beneficiary countries and shall comply with the World Bank ESS2.

As part of the selection process for the design and construction contractors, who will engage contracted workers, PIU may review the following information:

- Information in public records, for example, corporate registers and public documents related to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Business licenses, registrations, permits, and approvals;
- Documents related 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;
- Worker payroll records, including hours, worked and payment received;
- Identification of safety committee members and records of meetings; and
- Copies of previous contacts with the contractors and suppliers, showing the provisions and terms reflecting ESS2.

PIU assigned staff and/or consultants will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) under terms of references that are agreeable to the Bank. This may include periodic audits, inspections, and/or spot checks of project locations or worksites 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 related to grievances received and their resolution;
- c) reports related to safety inspections, including fatalities and incidents and implementation of corrective actions;
- d) records related to incidents of non-compliance with the national law; and
- e) records of training provided for contracted workers to explain labor and working conditions and OHS provisions under the project.

PIU will incorporate the requirements of ESS2 into contractual agreements with Contractor(s), together with appropriate non-compliance remedies. The non-compliance remedies will be established during the bidding process and determined during contract negotiations with third parties (Contractor(s) and sub-contractors). This labor management procedure will be updated periodically to reflect non-compliance remedies.

12. COMMUNITY WORKERS

Community workers will not be involved under the project's works.

13. PRIMARY SUPPLIERS

The category of primary supply chain workers will not be engaged in the Project.

ANNEX 1 - Sample Code of Conduct

CODE OF CONDUCT FOR PROJECT WORKERS

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

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, labourers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “**Contractor’s Personnel**” and are subject to this Code of Conduct.

This Code of Conduct identifies the behaviour that we require from all Contractor’s Personnel.

Our 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.

REQUIRED CONDUCT

Contractor’s Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. maintain a safe working environment including by:
 - a. ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
 - b. wearing required personal protective equipment;
 - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
 - d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and 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 sexual harassment including unwelcome sexual advances, requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;
7. not engage in sexual exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. 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. not engage in rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes

penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;

9. not engage in sexual assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and sexual exploitation, and sexual abuse (SEA);
11. report violations of this Code of Conduct; and
12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress] Mechanism].

RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR'S PERSONNEL:

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

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____