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Ministry of Agriculture and Food Industry of Republic of Moldova

draft

Labor Management Procedures (LMP)

for

**Agriculture, Governance, Growth and
Resilience Investment Project (P170035)**

UCIMPA

Unitatea Consolidată pentru
Implementarea și Monitorizarea
Proiectelor în domeniul Agriculturii

Consolidated Agricultural Projects Management Unit (CAPMU)

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Acronyms and abbreviations

AGGRIP	Agriculture Governance, Growth and Resilience Investment Project
AIPA	MAFI's Agency for Interventions and Payments in Agriculture
CAPMU	Consolidated Agricultural Projects' Management Unit
ESHS	Environmental, Social, Health and Safety
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Framework
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
IPF	Investment Project Financing
LC	Labor Code of Republic of Moldova
LMPs	Labor Management Procedures
MACP	Moldova Agriculture Competitiveness Project
MAFI	Ministry of Agriculture and Food Industry
MCA	Moldova Millennium Challenge Account
NGOs	Non-governmental organizations
OHS	Occupational Health and Safety
SDA	Sustainable Development Account Moldova
SEA	Sexual exploitation and abuse
SH	Sexual harassment
SLI	State Labor Inspectorate
WB	World Bank
WUAs	Water User Associations

1. Introduction

1.1. Project Description

The Government of the Republic of Moldova has initiated discussions with the World Bank (WB) for the launch of Moldova Agriculture Governance, Growth and Resilience Investment Project (AGGRIP/the Project), aimed at supporting inclusive development, market orientation and climate resilience of Moldova's agriculture sector. The new Project would support interventions focusing on the following components and subcomponents:

Table 1: Project's components and activities

Component 1 – Enhancing Sector Governance and Agriculture Knowledge Management	
<i>Sub-component 1.1: Enhancing functionality of the payment agency</i>	
In Moldova, public support to farmers is managed by a stand-alone payment agency – the Agency for Payment and Interventions in Agriculture (AIPA) – which was created in 2010. The sub-component will focus on providing financial support for the procurement of a wide range of services and goods, with the objective of enhancing AIPA's prospects for compliance with strict EU fiduciary requirements and an eventual accreditation as a payment agency for pre-accession funding. The project will support solutions to current staffing weaknesses by providing technical assistance on the drafting of necessary legislation and regulations for an institutional reform that would allow for greater financial autonomy and ability to attract and retain qualified staff. The digitalization deep dive at AIPA would commence with a project-supported assessment of business process from a digital optimization perspective, to be followed by the development and implementation of specific e-transformation packages integrated in the broader GoM e-governance agenda. Last but not least, AIPA and its territorial offices will receive support for upgrading technical means necessary to provide an effective working environment, facilitation of digitalization, and transportation means for improved field monitoring.	
<i>Sub-component 1.2: Enhancing food quality and safety systems</i>	
This sub-component would build up on past and on-going Moldova Agriculture Competitiveness Project (MACP) efforts aimed at enhancing human, institutional and technical capacity of the country's food safety management system, as well as ensuring regulatory harmonization with EU requirements. The sub-component would set out to address remaining regulatory and institutional support needs for several essential elements of the on-going dialogue between the Moldova food safety authorities and the EU. This dialogue is particularly salient regarding animal husbandry practices and production of food of animal origin. The EU regulations in these fields demand some of the highest standards in the world and consequently compliance by Moldova to these rigors represents a continuous challenge underlined by a lengthy and complex process with substantial financial efforts.	
<i>Sub-component 1.2.1: Regulatory and institutional support</i>	On the institutional side, the project would support activities aimed at strengthening the capacity of MAFI and the Food Safety Agency (FSA) by providing training to staff involved in food safety policy formulation and management activities. A particularly salient area of the FSA competencies relates to inspections, so the project would support the necessary institutional actions towards ISO17020 accreditation. The Project would also provide support for increasing awareness about and technical understanding of the emerging, EU-aligned food safety, animal health and welfare legislation and regulations among private sector entities. The Project would support systemic reviews for specific product lines and elaboration of necessary action plans (including monitoring of residues in milk and meat) for achieving acceptance to the EU markets.
<i>Sub-component 1.2.2: Technical enhancements for food safety management</i>	On the technical side, the project would support investments that are aimed at strengthening the technical functionality of the country's food safety management institutions. The Project would support the institution of state services by providing essential office and connectivity equipment, veterinary kits, and transportation means to operationalize an emerging

	network. Also, the Project would support the procurement of additionally necessary equipment for expanding the current testing capacity of the Republican Center for Veterinary Medicine and support the accreditation in new methods (determination of groups of substances and active substances). This activity will focus on supporting the finalization of the modules related to the country's phytosanitary registry – probably the most exhaustive and salient registry of data related to agriculture and food industry. In addition, the Project would focus on efforts aimed at verifying and cleaning data in some of the most important data registries hosted and managed by the FSA.
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Sub-component 1.3: Enhancing Access to Agricultural Knowledge

Systems for the generation and effective dissemination of essential advice on agricultural productive, processing and marketing aspects are key pre-requisites for increasing the competitiveness of the Moldovan farmers, as well as an essential prerequisite for efficient and timely absorption of public support (and in the future EU pre-accession funds).

<i>Sub-component 1.3.1: Agricultural Knowledge Management</i>	<p>The current department in charge of agriculture knowledge management in MAFI is set to undergo a profound transformation. According to existing plans, it will become a separate autonomous entity – the Center for Agricultural Consultancy (CAC) – tasked with carrying out the leadership and management of agriculture knowledge systematization and dissemination.</p> <p>The sub-component will focus on providing support for the establishment and operationalization of the CAC by financing necessary technical assistance and equipment. The implementation of the sub-component would build on an initial comprehensive assessment of the existing agricultural knowledge management gaps and establish specific pathways for institutional and technical enhancements.</p>
<i>Sub-component 1.3.2: Fostering Excellence in Veterinary Services</i>	<p>As a distinct subset of public agricultural knowledge management delivery, the proposed activity would aim to catalyze increased excellence in the formation of veterinarian professionals and delivery of veterinary services.</p> <p>The sub-component would support activities related to the establishment of three centers of veterinary excellence that would serve as outlays for channeling top-tier knowledge and best-practice services to animal farmers, provide an improved didactic and apprenticeship basis for the country's veterinary students, and serve as outlays in continuous education opportunities to practicing veterinarians (including for the cadre of state veterinarians). A reference center of excellence would be established based on the country's only veterinary medicine department in a higher education institution – the Technical University of Moldova. As the centerpiece of the country's veterinary medicine education, the department is best placed (both conceptually and spatially) to host such an entity and create functional mechanisms for delivering on the above-mentioned elements. Two other regional centers of excellence would be established in collaboration with agricultural technical colleges (or if found feasible with local authorities in partnership with private entities) which present a good starting point for developing the functionalities of regional veterinary excellence specialized by predominant type of animal husbandry in the respective regions.</p> <p>The sub-component will provide financing for a range of specialized technical assistance, equipment and consumable for the establishment and operationalization of the veterinary centers. The mix of specialized veterinary medicine equipment will strike a balance between teaching/training needs and service delivery needs. To ensure agility of</p>

service delivery the sub-component would fund essential portable equipment and transportation means for each excellence center. The complexity of educational and training activities envisaged in the reference excellence center will require more sophisticated equipment for surgery and basic laboratory analysis. The regional excellence centers will be equipped for more routine types of training and services, relying on the reference center for more complex needs.

Component 2 – Fostering Value Chain Development for Growth

Subcomponent 2.1: Matching Investment Support for Fostering Growth

The activities of the sub-component would focus on enabling dairy and livestock producers to increase productivity, improve adherence to production standards, and enhance market-ready quality. Dairy requires higher degrees of commercialization and industrialization of commercial farms, away from the currently dominating household systems. More specifically, financed activities will include:

- Initiatives piloting the establishment of new commercial dairy farms in line with best regional/global practices in herd management, nutrition, climate resilience and green production (a mix of matching grant and hire-purchase or lease-pay arrangement for a portion of the investment).
- Initiatives aiming to modernize existing commercially oriented dairy and meat farms.
- Initiatives aiming to promote effective up-stream integration of farmers into processor-driven value chains.
- Initiatives supporting the emergence and functionality of local cooperation units for joint set up and operation of various productive infrastructure elements – collection, pre-processing, slaughtering, pasture management, and fodder production.
- Initiatives supporting alignment to EU market requirements and access thereof for dairy- and meat-based products (including needed certification).

The activities of the sub-component would also focus on enabling crop farmers to increase productivity, improve adherence to production standards, and enhance market-ready quantity and quality in the vegetables and niche products space. More specifically, financed activities will include:

- Initiatives aiming to modernize existing commercially oriented operations for value addition.
- Initiatives aiming to promote effective up-stream integration of farmers into processor-driven value chains.
- Initiatives supporting the emergence and functionality of local cooperation units for joint set up and operation of various productive infrastructure elements – collection, storage, pre-processing,
- Initiatives supporting alignment to EU market requirements and access thereof for fresh produce and processed products (including needed certification).

Subcomponent 2.2: Capacity Building and Business Development Support

This sub-component would support technical assistance and capacity building activities for participating livestock and crop farmers in formulating business and marketing plans, setting up and further developing productive partnerships, providing consulting and training on value chain integration, etc. The principal delivery mechanism of assistance to producers will be through local business development agents drawing on local and international expertise. Local business development agents will receive specific coaching related to the requirements of the AGGRI Project, as well as EU pre-accession instruments relevant to the implementation of the project. Costs to farmers related to access to business development services would be covered as eligible expenditures against matching investment grants. The sub-component would also support more generic technical assistance activities aimed at increasing awareness about the proposed project's funding opportunities and the broader EU pre-accession agenda, strengthening the capacity of product/farmer associations to represent the interests of member farmers; play a pro-active role in encouraging technological and climate smart innovation; and support the development of interlinkages between applied research and practicing farmers.

Component 3 – Strengthening Resilience through Irrigation Services

Moldova's agriculture sector is highly vulnerable to climate change risks. Expanding the availability of irrigation services to interested farmers is a growing necessity, not only in water intense cultivation of fruits and vegetables, but more frequently, in the cultivation of field and fodder crops.

In the past decade, Moldova has had a positive dynamic in the establishment of a legal and regulatory framework for the functioning of Water User Associations for Irrigation (WUAI's), with some 35 WUAI's now registered, and 27

having taken in operation and management of irrigation infrastructure assets from the State Water Agency. While some of the assets/systems have benefited from recent rehabilitation (funded by the Moldova Millennium Challenge Account (MCA)), many still remain in disrepair and the WUAI would benefit from public support for rehabilitation to enable greater up-take, more efficient use of water and electricity, and introduction of more productive and profitable cropping patterns.

Sub-component 3.1: Rehabilitation of Irrigation Infrastructure.

The sub-component would support the rehabilitation of existing primary and secondary irrigation infrastructure for which technical designs and plans currently exist. There are several command areas under large-scale pumped systems, operated and managed by WUAI, for which feasibility and technical design work has been carried out in the past few years, as part of the mandate of the Sustainable Development Account Moldova (SDA), under its post-MCA assistance phase. These rehabilitation projects would represent large ticket-items that would require significant financing and planning, for which there could be an economic justification for public funding. The participating WUAI would be expected to contribute to the public investment through matching investment funds and and/or assets.

<p><i>Sub-component 3.1.1: The Rehabilitation of the “Tudora” CIS</i></p>	<p>The sub-component would finance the range of necessary activities for the rehabilitation of the “Tudora” CIS and its interconnection with the “Caplani” CIS¹. The “Tudora” CIS is currently non-functional, while the “Caplani” CIS is partially functional through abstraction of water from the nearby Caplani Lake. The two CISs are based in the Nistru River basin in the southeastern part of the country, which represents one of the four distinct agri-climatic regions of Moldova, characterized by a steady and increasingly frequent deficit of precipitation. The two schemes are currently managed by the “Irig-Com” WUAI, for which the transfer of operation and management of the irrigation infrastructure was completed in March of 2020. The WUA exhibits a lot of dynamism and encompasses members that understand the value of irrigation services and are ready to be meaningful contributors to the rehabilitation works. The WUAI has already initiated the development of technical project documentation for a two-phase approach to the rehabilitation of the systems: (i) the rehabilitation of the “Tudora” CIS collection station, construction of an adduction pipeline, and the rehabilitation of the existing water storage reservoir and (ii) the rehabilitation of the transit pumping station and the construction pipeline to the “Caplani” CIS. The first phase is now nearing completion and is ready for implementation. The sub-component will finance the completion of the technical design of the second phase of the rehabilitation project and capital investments required for the functional rehabilitation of irrigation infrastructure in the proposed command area.</p>
<p><i>Sub-component 3.1.2: The Rehabilitation of the “Tetcani” CIS</i></p>	<p>The sub-component would finance the range of necessary actions for updating the feasibility and carry out the technical design for the rehabilitation of the “Tetcani” CIS and its interconnection with the “Corjeuti” CIS². It foresees the rehabilitation of the existing infrastructure of the “Tetcani” CIS, including the rehabilitation of two pumping stations for intaking water from the Prut River. This would eliminate dependence on water abstraction from a reservoir on the Vilia River (a Prut River tributary), a shallow and unreliable source of water for irrigation. These upgrades will also create preconditions for the interconnection of the “Corjeuti” CIS which was not foreseen by the initial feasibility study. The two CISs' rehabilitation will bring into the irrigated circuit about 1,900</p>

¹ Tudora and Caplani are communities in the Stefan Voda district in Southeastern Moldova.

² Tetcani and Corjeuti are communities in the Briceni district.

	hectares of fertile land in which field crops, fruits and vegetables dominate the production landscape. The two schemes are currently managed by the “Irigare-Nord” WUAI, for which the transfer of operation and management of the irrigation infrastructure was completed in March of 2020. The sub-component will finance the necessary feasibility updates and technical design works required for the future rehabilitation of the two CISs.
<i>Sub-component 3.1.3: The Rehabilitation of the “Etulia” CIS</i>	The sub-component would finance the range of necessary activities for the feasibility and design of the partial rehabilitation of the “Etulia” CIS ³ . The service area is in the southern-most part of the country, one of the four distinct agri-climatic regions of Moldova, characterized by the hottest and driest climate, and devastating impacts of frequent droughts. The scheme relies on abstracting water from the Cahul Lake (fed by the Danube) and will require the rehabilitation of existing pumping and repumping stations, lining of an existing channel with geomembrane (1.6 kilometers), replacing an existing channel with a pipeline (15.3 kilometers), and the construction of 2 new repumping stations and 2 storage reservoirs. The CIS is operated and managed by the “Altin-Su” WUAI which received a contractual mandate for the management of an irrigated command area of nearly 2,700 hectares in March 2020. At their initiative, the WUAI invested in the preparation of a technical design for the rehabilitation of the CIS. The planned rehabilitation of the CIS will bring into the irrigated circuit approximately 3,500 hectares of fertile land in which field crops and fruit production (the area boasts 1,500 hectares of perennial plantations) dominate the landscape. The sub-component will finance the necessary feasibility work required for the future rehabilitation of two CISs.

Sub-component 3.2: Strengthening the enabling environment.

The sub-component will provide support for the establishment of a propitious environment for the rehabilitation of targeted CISs; for creating conditions for maximizing up-take of irrigation services by farmers; and for enabling an effective public institutional response. More specifically:

- The sub-component will finance costs associated with contract management, technical supervision, and safeguards associated with the rehabilitation of the CISs.
- The sub-component will focus on expanding participating WUAI institutional development efforts by providing training for transparent and inclusive governance and efficient management, optimizing operation of the irrigation schemes (including at on-farm level), improving up-stream linkages with agro-meteorological services, disseminating knowledge on risk management practices, etc. In addition,
- The sub-component will support on-going GOM efforts to advance institutional and policy reforms in the irrigation services space and strengthen technical capacities in MAFI and the State Water Agency “Apele Moldovei”.

Component 4 – Contingent Emergency Response Component (CERC)

This is an unfunded contingency component that can be activated in case of an eligible emergency event. Following such an event, the Government of Republic of Moldova may request the WB to reallocate uncommitted project funds to support an emergency response. Eligible emergency and/or crisis is any natural or man-made event that has caused, or is likely to cause imminently, a major adverse economic and/or social impact to the country. The activities financed by the CERC will be demand- and event-driven and will be detailed in a GOM Action Plan of Activities, which together with an official declaration of a specific emergency by the GOM represent the two obligatory conditions for triggering the component. The definition of an eligible emergency and a positive list of

³ Etulia is a community in the Gagauzia Atonomous Territorial Unit and the Cahul district.

activities will be included in the project's legal documents, and the mechanics of the decision-making process and implementation of the will be reflected in the CERC Operational Manual, part of the overall POM.

<u>Supply of Essential Inputs.</u>	The CERC component could support initiatives that would ensure supply and distribution of essential inputs for both agricultural production and processing. Moldova is importing all its fuel from regional suppliers and rising prices and uncertainties related to domestic stocks of diesel fuel may persist long enough to significantly affect all field works in 2022 and beyond. While the situation is dynamic and there are significant levels of uncertainty, the component could provide funding for dedicated supply of diesel fuel to farmers. Fertilizer and seed supply chains have also been disrupted by the conflict, as both Ukraine and Belarus are important suppliers. The component could put in place mechanisms for bulk procurement of the most essential fertilizers and seeds, followed by distribution to eligible farmers and subsequent agronomic advisory support.
<u>Compensatory Support to Producers and Processors</u>	Many producers and processors have lost significant market share due to the war in Ukraine, particularly, for exports of food to Belarus and Russia, and other destinations to the East (at least by rail and road transportation). This affects many agricultural producers, particularly growers of apples, plums, and table grapes, as well as producers of meat and canned goods (two of the main non-wine export items to these markets). Should the situation persist, the impacts of these disruptions could lead to stoppage of operations, loss of jobs, loss of capital, bankruptcies, etc. The component could formulate mechanisms for partial compensation of losses to allow these entities to continue operation while they search for alternatives in routing their products and/or identify alternative coping strategies. The component could also put in place mechanisms that either guarantee and/or subsidize credit to farmers and processors to facilitate access to finance and maintain operations.

Component 5 – Project Management

This component will finance costs related to project implementation and coordination across various government agencies. MAFI will play the leading role in implementing the proposed project, while relying on its departments, sub-divisions, and subordinated agencies to provide technical support for implementation. Of these, the Consolidated Agricultural Projects' Management Unit (CAPMU), directly responsible to MAFI, will carry out a range of fiduciary, coordination and supporting functions to ensure efficient project implementation in relation to the MAFI's obligations on social and environmental safeguards, procurement, financial management and other country-specific requirements such as monitoring and evaluation. MAFI's AIPA would play a key role in the project's set-up for the implementation of the matching investment grant schemes.

The Sustainable Development Account Moldova (SDA) would provide a key technical coordination role in the implementation of Component 3, to ensure swift and efficient implementation of the activities related to irrigation.

1.2.Purpose of Labor Management Procedures

- These Labor Management Procedures (LMPs) are prepared for the Moldova Agriculture Governance, Growth and Resilience Investment Project in accordance with the requirements of the WB's Environmental and Social Framework and in particular with Environmental and Social Standard 2 (ESS2).
- The LMPs reflect the commitment of Government of Republic of Moldova as the Borrower to develop and implement labor management procedures for project workers in all identified categories (direct workers, contracted workers, primary supply workers) to ensure compliance with the ESS2.

- LMPs will comply with relevant national laws, regulations and standards for labor and working conditions and World Bank's ESS2, and where there are differences the more stringent provisions will be applied.
- LMPs will be included in the Environmental and Social Management Framework (ESMF) and adopted not later than thirty (30) days after effectiveness and shall be applied throughout Project implementation.
- The LMPs identify the main labor requirements and risks associated with the Project and help the Borrower to determine the resources necessary to address labor issues. LMPs are initiated prior to hiring of relevant worker force and are reviewed and updated throughout the development and implementation of the Project.

1.3.Objectives of the Labor Management Procedures

The objectives of these procedures are to:

- Promote fair and equitable labor practices for fair treatment, non-discrimination and equal opportunity of workers;
- Protect workers' rights and promote healthy, safe and secure work conditions;
- Prevent the use of all forms of forced labor and child labor;
- Provide project workers with accessible means to raise workplace concerns;
- Ensure the management and control of activities that may pose labor-related risks at workplaces.

2. Overview of Labor Use within the Project

2.1.Type of Workers

In line with requirements of ESS2, the term "Project's workers" refers to:

1. *Direct workers*: People employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project;
2. *Contracted workers*: People employed or engaged through third parties to perform work related to core functions of the project, regardless of location;
3. *Primary supply workers*: People employed or engaged by the Borrower's primary suppliers;
4. *Community workers*: People employed or engaged in providing community labor.

ESS2 applies to project workers including full-time, part-time, temporary, seasonal and migrant workers.

In the context of the above-mentioned, it is expected that Project will engage the following categories of project workers as defined by ESS2:

Direct workers: In this category are included the Project's implementation entities: MAFI⁴ and CAPMU. In the scope of this Project implementation MAFI will delegate the fiduciary duties and responsibilities to the CAPMU that was created by Government Decision on September 29, 1999. CAPMU will hire additional external consultants/specialists from AIPA and SDA to undertake specialized assessment and planning tasks associated with supervision of project resources provided as matching grants to eligible beneficiaries, land acquisition if any and community engagement for efficient use of water resources, engineering and technical supervision activities. Also, staff of other governmental institutions or NGOs acting as Project partners may also be considered as within this category, including WUAs.

CAPMU is currently managing all WB/IDA projects in the agriculture and rural sectors and has been the key agency responsible for coordinating preparation of the projects. Generally, CAPMU will have the fiduciary responsibilities (disbursement, financial management, procurement management, project monitoring & evaluation, environmental and social aspects), particularly will monitor the application of ESSs of the WB during project implementation, including ESS2 and will play a liaison role between the Government of Republic of Moldova and WB.

CAPMU will assigned a dedicated team for AGGRIP implementation, including the environmental, health and safety and social specialists, according to the Project's implementation needs, after all implementation and institutional arrangements will be finally agreed.

In parallel, AIPA would manage the dispensing, monitoring, and implementation supervision of project resources provided as matching grants to eligible beneficiaries. AIPA would apply rigorous review of documentary evidence and monitor the execution of the grants (and ensuing investments) to ensure efficiency and compliance with agreed procedures, particularly in relation to eligibility of receipt of grants and eligibility of expenditures.

Other consultants/specialists will be contracted as mentioned above according to the Project's implementation needs.

Contracted Workers (people employed or engaged by third parties to perform work related to core functions of the project): Contracted workers would be hired under the design, supply, installation and technical supervision contracts. Each Contractor might need engagement of multiple subcontractors. The subcontractors' workforce will be also considered as contracted workers. Migrant workers are not expected to be employed, but considering the considerable number of refugees from Ukraine in Moldova, can be expected the involvement of the refugees as contracted workers. Also, some internal migrants, i.e. workers from other regions of Moldova may be employed as construction workers outside their area of residence.

There is no intent to use voluntary community labor for implementation of activities planned under the Project. Community members to be engaged by the Contractors in the construction works will be managed as "contract workers".

⁴ Where government civil servants are working in connection with the project, whether full time or part time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to such government civil servants, except for the provisions of paragraphs 17 to 19 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).

At the stage of the AGGRIP preparation it is not expected the engagement in the implementation of the Project's activities of primary supply workers as defined under ESS2.

2.2. Number and Characteristics of Project Workers

Number of Project Workers: It is estimated that a total of 50-100 (to be specified) construction workers may be employed for the performance of the minor civil works planned under the components 2 and 3 of the Project. An estimated number of over 50 persons (to be specified) will be hired either as individual consultants or staff of consulting companies to provide technical assistance services (trainings, capacity buildings, development of the documents related to resettlement, design development etc.) under the component 1, 2 and 3 of the Project.

Direct Workers. Total number of CAMPU employees, including the consultants and specialist contracted from SDA and AIPA, dedicated to this project, is estimated at about 20-25 persons. The WUAs' workers to be involved in the Project implementation is estimated at about 10-15 persons.

Contracted Workers. The exact number of project contracted workers, to be employed, is not defined at this stage. However, it is estimated that the total number of contracted workers to be involved would be less than 100 persons for the implementation of the components 1, 2 and 3 of the Project.

Considering the nature of the project works and the previous experience in the projects implemented by CAPMU, it is expected that the number of female workers will not exceed 25% of the total number of workers involved in the implementation of the Project.

The civil works Contractors will can hire the construction workers for undertaking civil works for rehabilitation of CISs, including managerial staff, technical staff, skilled and unskilled workers (manual digging if necessary, drivers of special vehicles, users of welding equipment, etc.). This aspect will be taken into account in the information activities regarding Occupational Health and Safety (OHS), LMPs, including Grievance Redress Mechanism (GRM) for workers and Gender Based Violence (GBV) aspects, training performed by the Contractors for all workers and monitoring of the implementation of the LMPs and Environmental and Social Management Plans (ESMPs).

2.3. Timing of Labor Requirements

The direct workers will be hired on a full-time or on part-time basis for the entire Project period. Other experts/consultants will be hired on demand basis throughout the Project implementation period. The time input of contracted workers will be defined at a later stage. However, it is clear that they will be engaged depending on the implementation of various project components and sub-components on specific time slots.

The establishment of the labor timing and sequencing of the contracted workers is ongoing. This section can be filled once the sequencing of labor of the contracted workers, the implementation and procurement plans are finalized.

3. Assessment of Key Potential Labor Risks and Mitigation Measures

3.1. Project Activities

The Project's activities that will involve the direct and contracted workers are comprised of the components 1, 2 and 3. The involved workers in the implementation of the component 4 of the Project will be identified after the adopted decision to start the activities related to some emergency.

The component 1 will include the technical assistance activities, such as: (i) capacity building to MAFI and their regional departments for further knowledge transfer to the farmers; (ii) strengthening access to knowledge using specifically digital tools; (iii) the creation of several centers of veterinary excellence allowing farmers to access quality animal health services on a regular basis; (iv) promotion of the innovation and digitalization in several priority areas including the establishment of an agrarian registry with the associated digitalization of essential agricultural processes/services (ex. E-certification for quality and safety, accessing subsidies, filing of tax returns, etc.), the traceability in the feed and food chains, genetic enhancements of the dairy herd and proliferation of climate resilient crop cultivation and animal husbandry technologies and practices; (v) the rehabilitation of the veterinary medicine laboratory and several regional Food Safety Agency offices for improvement and streamline of the services provided to the farmers and food operators, including with the application of a single point of access for both phyto-sanitary and animal safety/health processes.

The component 2 will support investments in the establishment of commercial farms and/or expansion of existing production to meet market demand and quality requirements, while providing jobs and increased revenues to rural inhabitants. More specifically, activities to be financed will include: (i) piloting initiatives for the establishment of new or the modernization of existing commercial dairy farms in line with best regional/global practices in herd management, nutrition, climate resilience and green production; (ii) expanding partnership initiatives for milk collection and storing between dairy farmers and processors (including digital service support for linkages); (iii) supporting the emergence of localized producer groups (cooperatives) for setting up milk & meat processing and fodder production facilities; and (iv) supporting public food safety processes for regularizing and improving milk testing for key pathogens. Also, this component will be directed to the following activities: (i) technical assistance for eligible value chain analyses; (ii) the identification of and development support for potential productive partnership/cluster arrangements (including partnerships with processors); (iii) a matching grant facility for productive partnerships; and (iv) the development of a matching grant financing mechanism for start-up clusters (including the possibility of providing matching investment grants to processors).

Under the components 3 of this Project will be financed rehabilitation of primary and secondary irrigation infrastructure of three existing WUAs and broaden access to existing large-scale pumped systems of eligible WUAs.

3.2.Key Labor Risks

Table 2: Anticipated key risks

Potential risk	Description
Labor and OHS risks for direct workers	<p>It is expected that the labor risks associated with the direct workers will be low, given the fact that Project implementing entities have high awareness of national labor legislation and the provisions of the Moldovan Labor Code (LC). Moreover, the type of work to be carried out by the direct workers does not entail high vulnerability to abuse of labor rights or OHS risks.</p> <p>The OHS risks can be specifically for office works, such as: repetitive work, like computer use; sitting for long periods; poorly designed workstations; lifting, handling and moving office equipment and supplies; tripping on objects on the floor or power cords; workplace bullying, harassment and occupational violence; work-related stress and mental exhaustion/professional burnout; exposure to contracting the COVID-19 contagion at the workplace, while travelling to work, during work-related travel to an area with local community transmission, as well as on the way to and from the workplace, with potential for grave consequences including severe illness and death, and passing on infection to families.</p>
Unfair and discriminatory participation based on gender and social norms	<p>The WUAs' workers will be involved in the activities of component 3 of the Project (according to the law no. 171 of 09-07-2010 regarding water user associations for irrigation the WUAs' staff are employed according to Labor Code of Republic of Moldova). Also, the female-headed farms can benefits planned under component 2 of the Project and will be involved in the management of the Project activities implementation. The formal agricultural work and business ownership tends to be a male dominated activity with women traditionally working in domestic care and informal roles. However, the female-headed farms or households as members or as potential members of WUAs, also the female-head farms potentially beneficiaries of other Project activities, can be limited to participate in the decision making or to the planned investments due to lack of the financial and technical capacity and due to their financial vulnerability. Their participation in the development of agricultural and livestock business activities should be promoted through access to information, technical and financial support.</p>
Occupational Health and Safety (OHS)	<p>OHS risks related to the small construction activities under the components 2 and 3 of the Project, such as exposure to physical, chemical and biological hazards during construction activities, including use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery. The workers will be exposed to occupational health and safety hazards, primarily including, but not limited to: Lack of awareness on occupational health and safety requirements such as the use of personal protective equipment and safe workplace practices; Electrical works; Exposure to chemicals (as paints, solvents, lubricants, and fuels); Excavations hazards; Lifting of heavy structures; Exposure to construction airborne agents (dust, silica and asbestos); Welding hazards (fumes, burns and radiation).</p>

Potential risk	Description
Labor Influx	Due to small construction and rehabilitation works there will be a small number of workers on site for short periods of time. Thus, there is no substantial labor influx during the construction period.
Forced Labor	The planned civil works under the Project are small scale. Thus, the risk of forced labor is not expected. Nonetheless, the contracts signed with Contractors will include the requirements on prohibition of use the forced labor, and Project staff in charge of Contractors supervision will monitor and report the absence of forced labor.
Child Labor	Risk of child labor is assessed as low-moderate and preventable. There is some risk of opportunistic involvement of child labor on family farms during school holidays due to shortages of labor and since the project involves voluntary community labor in minor construction contexts. However, incidents of child labor have not been reported on previous project activities and are likely isolated and non-harmful contributions to family livelihoods, if any, rather than systematic and exploitative industrial activities. The construction activities will involve hazardous work and therefore persons under the age of 18 will not be eligible for employment under the Project. The Project's activities will be supervised and inspected in order to monitor and prevent risk of child labor.
Informal work	There may be some risk of local workers failing to receive equitable benefits from participation in labor arrangements if their participation in the provision of unskilled labor is not formally contracted but occurs through undocumented arrangements. This risk is readily mitigated by ensuring that all labor arrangements involve clear contracts and remuneration between the Contractors and the employees through written labor contracts.
Road-traffic safety	The construction and rehabilitation works will require to brought to the sites the necessary, materials, equipment and machinery using the existing public roads and country roads near agricultural lands and farms. The accessibility on country roads is difficult due to their poor condition. The Contractors will develop Environmental and Social Management Plan (C-ESMP) that will include a traffic management plan, and road-traffic safety plan in order to ensure the safety materials and equipment transport for all roads' users, community members and workers.
Gender based violence	<p>Risk of gender-based violence (GBV) is assessed as low and preventable risk. Incidents have not been reported on previous project activities.</p> <p>Therefore, the GBV aspect in the Project implementation will focus on prevention of GBV (physical violence - such as slapping, kicking, hitting, or the use of weapons; emotional abuse - such as systematic humiliation, controlling behavior, degrading treatment, insults, and threats; sexual violence etc.) between the project workers, between the project workers and the community.</p>
Sexual Exploitation, Abuse and Harassment	The activities planned under the Project are small scale and localized on agricultural lands outside the populated area of the localities and there are no anticipated movements of workers to local areas or other circumstances that would increase risk of sexual exploitation and abuse and sexual

Potential risk	Description
	harassment (SEA/SH). These risks are estimated to be low and mitigable by complying with the Code of Conduct by all Project's workers and operation of a grievance mechanisms respecting confidential grievances. A suggested Code of Conduct to ensure compliance with requirements to combat Sexual Exploitation, Abuse and Harassment is provided in Annex 1 to these LMPs.
Increased risk of communicable diseases and burden on local health services:	<p>Due to small workers groups on every site, the risk to contract COVID-19 contagion at the workplace can be mitigable, following the necessary regulation and procedures to prevent the spread of COVID 19.</p> <p>A guide on COVID-19 Considerations in Construction/Civil Works is attached as Annex 2 to this LMPs.</p>

3.3.Risk Mitigation Measures

The implementing entities will ensure that GBV risks are adequately prevented and mitigated. The prevention measures will include: Code of Conduct for all employees to be included in labor contracts (A suggested Code of Conduct to ensure compliance with requirements to combat Sexual Exploitation, Abuse and Harassment is provided in Annex 1 to these LMPs), GBV-sensitized grievance mechanism drawing on the existing national referrals system, awareness raising of all employees and community members on GBV risks and mitigation measures. Also, all Project sites will be subject to a site-specific OHS risk assessment and management plans which will be described, with mitigation measures, in a site-specific Environmental and Social Management Plan (ESMP). The site-specific ESMPs will be prepared based on E&S risk screening. The ESMPs will identify specific risks, including OHS risks, at the project location.

E&S risk screening will be carried out for all sub-projects that will imply civil works. All sub-projects where significant risks are identified, will have a sub-project ESMP which will include OHS measures as needed.

The Contractors responsible for the civil works will be required to prepare a OHS plan and traffic management plan for site works as part of Contractor's ESMP, including (a) assessment of risks including work accidents, hazardous substances, risks associated with the location; risks related to site camps etc.; (b) measures to ensure safe working around construction machinery; (c) measures to ensure safe working at heights; (d) measures to ensure safe handling of hazardous materials; (e) personal protection equipment to be provided, including type and number; (f) location, facilities and layout of site camps; (g) first aid provisions on site; and (h) accident and emergency procedures including location of relevant health facilities.

Also, the implementation entities and Contractors/Consultants will implement the latest Covid-19 protection guidelines and good practice (as per Annex 2 of these LMPs) and if other labor risks arise during Project implementation, the implementing entities will develop relevant procedures to prevent potential impacts.

4. Brief Overview of Labor Legislation: Terms and Conditions

This section sets out the key aspects of national labor legislation, regarding the working terms and conditions.

The overview focuses on legislation, which relates to the items set out in ESS2, paragraph 11 (i.e. wages, deductions and benefits). The LC will be applied in relation to all project workers.

A brief overview of the legislation in terms of wages, deductions and benefits is summarized below:

- *Wages and Deductions*

The amount and form of remuneration in Moldova is determined by the individual labor contract. The wage is paid at least monthly. The Government of Moldova sets the guaranteed minimum wage of MDL 3500 (approx. 183 USD) as of April 01, 2022⁵. 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.

- *Working Hours*

The Moldovan LC envisages a regular 40-hours work week (Art. 95 of the LC). The work is set at up to 24 hours per week for individuals aged up to 16 and 35 hours per week for those aged 16-18, as well as for individual working in hazardous sectors of the economy. The daily duration of the working time for the individuals with severe disabilities is established according to the medical certificate, within the limits of the normal daily working time. However, this category of individuals is entitled to benefit of a working time reduced up to 30-hours per week, without diminishing of salary rights and other rights provided by the legislation in force (Art. 96 of the LC).

- *Rest Breaks*

Employees are entitled to a lunch break of at least half an hour each workday. The exact duration of the lunch break rest is stipulated in the collective labor agreement or the internal regulations of the entity. Meal breaks, with the exceptions specified in the collective labor contract or entity internal regulations, shall not be included in the working time. 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 (Art. 107 of the LC). Weekly rest is granted for 2 consecutive days, usually Saturday and Sunday.

- *Leaves*

The right to annual leave is guaranteed to all employees. The work year for which the annual rest leave is granted constitutes 12 calendar months from the date of employment of the employee (Art. 113 of the LC). All the employees are entitled to be paid annual rest leave, with duration of minimum 28 calendar days. In the same time, the duration of annual leave is calculated proportionally to the time worked in a work year by multiplying the duration of leave for one month by the number of full months worked in the respective work year (Art. 114¹ of the LC). The leave is granted to employees after the expiration of 6 months of work at the respective unit and does not include a period of temporary disability, and maternity leave.

⁵ Government Decision no. 142/2022

In addition, employees may request up to 120 calendar days of unpaid leave with a justification and agreement from the employer. The employees engaged in short-term or seasonal works, upon termination of the individual employment contract, will benefit of an allowance established by Government for unused leave days (Art. 281 of LC).

- *Overtime Work*

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 240 hours during the calendar year (Art. 104 of the LC). 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.

- *Labor Disputes*

The LC 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 (Art. 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.

- *Discrimination*

Moldova has made substantial progress to improve its legislative framework on nondiscrimination in recent years, but that there are outstanding issues relating to the legal definition giving expression to "equal pay for work of equal value". Few complaints relating to discrimination are brought forward in practice, indicating shortcomings in the implementation and enforcement of relevant laws. In particular, it is reported that decisions on discrimination cases issued by the courts commonly do not include proper assessments of evidence, do not follow national law and do not apply international legal principles relating to equality. Overall, both by global and regional standards, Moldova performs relatively well on measures of gender equality in employment. However, the Moldovan Equality Council and international observers have raised concerns regarding the prevalence of gender discrimination, particularly in relation to pregnancy and maternity. Also, the National Trade Union Confederation (NTUC) reported frequent cases of employers denying employment to pregnant women, since such employment was associated with additional benefits payable after childbirth. The Equality Council and the ILO have also reported discrimination issues in relation to Roma persons, persons with disabilities, older workers and on the basis of health status and language.

- *Sexual Harassment*

Sexual Harassment is defined in Article 173 of the Criminal Code of Moldova, LC and Law No. 5 of 09-02-2006 regarding ensuring equal opportunities between women and men. Sexual harassment is defined as *"any form of physical, verbal, or nonverbal behavior that violates the dignity of a person or creates an unpleasant, hostile, degrading, or humiliating atmosphere in order to induce sexual intercourse or other unwanted sexual acts through threats, coercion or*

blackmail". According to article 173 of the Criminal Code, such conduct is punished by a fine in the amount of 650 to 850 conventional units or community service for 140 to 240 hours, or imprisonment for up to three years.

- *Violence against Women*

Moldova's national legislation covers gender equality, domestic violence, sexual harassment, sexual and physical assault, marital rape, mandatory reporting and sex-disaggregated data collection. Domestic violence and marital rape were criminalized by means of an amendment to the Criminal Code in 2010. The Law on Preventing and Combating Family Violence (2007) tackles domestic violence, covering responsibilities for the police, judiciary, probation services, legal aid, health, social protection and victims' rights to counselling for physical, psychological and social rehabilitation. It also establishes procedures for the creation of centers for the rehabilitation of victims.

The Parliament approved on October 14, 2021 the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). By ratifying the Convention, the Moldovan authorities duly undertake to prosecute violence against women, allocate resource to ensure the operation of crisis centers, 24/7 hotline, shelters for victims of violence, provide psychological and legal assistance, and other measures.

There is currently an emergency telephone line (0 8008 8008): accessible 24/24 hours a day, offering victim counseling services, information in conditions of anonymity and confidentiality, managed by the International Center "La Strada".⁶

Overall progress in the area includes the following improvements in legislation:

- Act No. 196/2016, which introduces emergency restriction orders by amending Act No. 45-XVI of 2007 on Preventing and Combating Domestic Violence, in 2016;
- Act No. 71/2016, which: (i) prohibits of the use sexist language by amending the Law on the Press, the Law on Advertising and the Audiovisual Code; (ii) establishes a minimum quota of 40 per cent for the representation of women candidates on the electoral lists of political parties by amending the Electoral Code; and (iii) introduces paternity leave for a period of 14 days by amending the Labour Code, in 2016.
- Institutional and policy framework were improved aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:
 - National strategy on preventing and combating violence against women and domestic violence (2018–2023) and the action plan for its implementation (2018–2020);
 - National strategy for preventing and combating trafficking in human beings (2018–2023) and the action plan for its implementation (2018–2020);
 - National programme on sexual and reproductive health and rights (2018–2022);
 - Third national human rights action plan (2018–2022);
 - National programme on the implementation of Security Council resolution 1325 (2000) on women and peace and security (2018–2021) and the national action plan for its implementation.

⁶ <http://lastrada.md/>

5. Brief Overview of Labor Legislation: Occupational Health and Safety

The Moldovan LC 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. Overall, the Moldovan OHS legislation is extensive, and generally, in line with the provisions set out in ESS2, paragraphs 24 to 30, the main challenge being the implementation and enforcement of these provisions.

- ***Employers' Obligations***

Article 198 of the LC 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 work place. In case of emergencies, the employer must take immediate action to provide emergency response and evacuation of workers from the premises/site (Art. 12 of the OHS law).

- ***Employees' Rights and Obligations***

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.

6. Responsible Institutions and Staff

State Labor Inspectorate (SLI) is an administrative authority subordinate to the Ministry of Labor and Social Protection. SLI coordinates at the national level the observance of normative acts in the field of labor relations and safety and health at work place. Also, SLI exercises state control over compliance with legislative acts and other normative acts in the field of labor relations at enterprises, institutions and organizations, with any type of ownership and legal form of organization, at natural persons who employ employees, as well as in the central and local public administration authorities.

The CAPMU will have the overall responsibility for the implementation of all labor related aspects of the Project, including LMPs implementations. A Project Management Team of CAPMU (detailed in the point 2.1 of this document) is already in place and helping to implement the ongoing MACP. Both the MAFI and the WB team expect the same CAPMU to continue with the implementation of the AGGRIP. As mentioned above, the CAPMU will hire the environmental, health and safety and social safeguards specialists to monitor the enforcement of the WB's Environmental and Social Safeguards Standards. Alternatively, the functions may be reallocated to the existing consultants. The CAPMU Executive Director will be responsible for implementing the LMPs concerning the direct workers and will ensure that

relevant requirements of this LMPs are included in the Project Operations Manual, Bidding Documents and Contracts for all further contracted works.

The CAMPU will be responsible for the following aspects of the LMPs:

- Implementing the LMPs;
- Ensuring that the contractors/the consultants/WAUs/land owners comply with the LMPs;
- Monitoring that the contractors meet the labor and OHS obligations toward the contracted and subcontracted workers, as required by the Moldovan legislation in force and ESS2;
- Monitoring the implementation of the developed LMPs and ESMPs by Contractors and Sub-contractors;
- Monitoring compliance with occupational health and safety norms at all workplaces in line with the national occupational health and safety legislation;
- Monitoring and implement training on LMPs and OHS for Project workers (if necessary);
- Ensuring that the grievance redress mechanism for Project workers is established and implemented and that workers are informed of its purpose and how to use it;
- Address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH) and GBV.

The Contractors/Consultants/ Supervision consultants (contracted workers) will be responsible for the following:

- To obey the requirements of the national legislation and the LPMs;
- To employ or appoint qualified environmental, social, occupational health and safety expert(s) to manage ESHS issues;
- To prepare and implement their labor management procedure (Contractor's LMP) and Contractor's ESMP (including OHS provisions), which will apply to the contracted workers including sub-contractors and primary supply workers who work on the Project. These procedures and plans will be submitted to the CAPMU for review and approval before the Contractors is allowed to mobilize the teams to the site;
- To ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the CAPMU;
- To ensure safety of site equipment, laborers and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures;
- To maintain records of recruitment and employment of contract workers (including subcontractors) with age verification to avoid child labor;
- To provide induction and regular training to contract workers on environmental, social, and occupational health and safety compliances. The Contractors/Consultants will be fully responsible to ensure that their workers know and are trained on their obligations with respect to GBV, safe disposal of wastes, reporting of communicable diseases (including COVID 19), if they contract any, use of equipment, GRM procedures and the working conditions under the project;
- To require the primary supplier to identify and address risks of child labor, forced labor and serious safety issues for primary supply workers. To communicate clearly the job description and the employment conditions to all workers to be involved in the Project's works and activities;

- To have a system for regular review and reporting on labor, and occupational safety and health performance;
- To comply with the provisions of the GRM dedicated for workers;
- To ensure that all contracted and subcontracted workers understand and sign the Codes of Conduct prior to the commencement of works, take all other measures to prevent the risks of sexual exploitation and abuse (SEA)/sexual harassment (SH) as specified in the Contractor's LMP/ESMP and supervise compliance with such measures;
- Report to the CAPMU on labor welfare and occupational health and safety performance.

When the Contractor(s) are known, these LMPs can be updated, to include additional details about the companies, hired workforce and other, as necessary.

The WUAs and land owners (community workers) will be responsible for the following:

- To comply with the provisions of this LMPs and OHS national requirements during this Project implementation;
- To monitor and to ensure that no child labor and forced labor to be used by employed community workers for planned works under the Project;
- To inform the employed community workers on the OHS and labor requirements;
- To inform the community workers on Project's GRM for workers.

7. Policies and Procedures

This section sets out information on OHS, reporting and monitoring and other general project policies related to the management of project-related labor pool.

All the contractors under the Project will have to comply with the Moldovan OHS legislation and the LC, as well as the provisions set under the WB's ESS2. The Contractors/Consultants will have to prepare or adjust their internal regulations, in case they do not comply with the current legislation. They will also make them known and available to their staff and workers. The internal regulations of the Contractors will cover the following aspects:

- *Non-discriminatory Nature of Employment*

All the workers hired under the Project, whether direct, contracted or sub-contracted, will be employed based on the principles of non-discrimination. As per Article 8 of the Moldovan LC, any discrimination based on gender, age, race, ethnicity, political option, social origin, residence, handicap, status or trade union activity, as well as other criteria not related to his/her professional qualities, shall be prohibited.

- *Terms of Employment*

All workers will have **written contracts** describing terms and conditions of work, including but not limited to the anticipated duration of the contract (if any); the place of work, or where the work is mobile, the main location; housing and accommodation provisions and payment required, if any; provisions regarding food and payment required, if any; hours of work, rest breaks, leave entitlements, and other related matters; rules relating to overtime and overtime compensation; 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 (GN 10.1 of the ESS2). Workers will sign the employment contract in two originals. The terms and conditions of employment will be available at the work sites. Every worker, when employed, will be briefed on the contents of the contract; the internal regulations of the institution; the work safety and OHS arrangements at the work place. All employees will be informed about the possibility to request a copy and to study these internal documents in more detail.

- ***Employee Rights and Obligations***

The Moldovan legislation specify, among others, that the employees have the right to a safe working environment; lunch breaks and rest days; timely payment of wages and salaries; the right to appeal to employers, trade unions and authorities in case of labor disputes; the right to associate freely.

- ***Occupational Safety and Health***

According to national legislation, the obligations of the employer are to provide a healthy work environment; the obligation to assign an individual who will be responsible for the OHS arrangements at work and on site; describe and explain the main risks of the work involved to the employee; train the employees and workers on the OHS arrangements at the enterprise; provide appropriate protective equipment, clothing and gear to mitigate the potential risks; record and report the work incidents on site; ensure that first-aid help is available on site and have emergency and evacuation protocols in place and explain to the staff and workers for emergency cases.

- ***Sexual Exploitation and Abuse/Sexual Harassment***

Contractors are required to address the risk of gender-based violence by providing training and awareness raising sessions for the workers to refrain from any unacceptable conduct towards local community members, particularly women. Moreover, the Contractors are obliged to inform their workers about the legal consequences and punishment by law of sexual harassment and gender-based violence.

In addition, the above statement, each of the Contractor and construction companies shall include GBV prevention to their labor management plans and Code of Conduct on preventing sexual exploitation and abuse / sexual harassment.

- ***General requirements at Workplaces***

According to the Government Decision of the Republic of Moldova no. 80 of February 09, 2012 regarding the minimum safety and health requirements for temporary or mobile sites, the Contractor must provide workers with good hygiene standards, with fresh drinking water, clean beds, enough blankets, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightening protection, separate cooking and eating areas. The recreation and / or accommodation rooms must be equipped with a sufficient number of tables and chairs, corresponding to the number of workers. If there is no room for recreation and / or accommodation, other facilities must be made available to workers so that they can use them during work interruption.

• *Useful References*

A complete labor guide for employers and contractors is available on the website of Moldovan Labor Inspectorate at: <https://ism.gov.md/ro/content/ghid-pentru-angajatori>. Article 199 of the LC provides the minimum structure of the internal regulations of an enterprise. Sample internal regulations for contractors can be found by following the link: <http://editurastatistica.md/sites/default/files/2019/Regulament%20intern%20L.S.%20Editura%20de%20Imprimate%20STATISTICA.pdf>

8. Age of Employment

According to Art. 46 paragraph (2) of the LC, the legal age of employment is 16 years old. Work of persons under the age of 18 years old is not allowed during night (Art. 103 para.5), overtime work (art. 105 para.1), during rest days (Art. 110 para. 3) and national holidays (Art. 111). Manual lifting and carrying by minors of weights exceeding the maximum standards established for them is not permitted in accordance with art. 255 of the LC.

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, the relevant supervisor will take the required actions to terminate responsibly the employment of the child, considering the best interest of the child and apply relevant warnings and remedies to ensure contractor compliance.

9. Terms and Conditions

The terms and conditions of employment applied to all the types of project workers shall be governed by the internal regulations of contractors and suppliers in line with the Moldovan LC and other national labor-related legislation. These terms and conditions will be clearly mentioned in the written contracts for all type of workers, whether full-time or part-time, and be made known to project workers prior to contract signature.

The working hours are 40 per week for all workers. The number of weekly overtime hours and the payment of overtime shall be governed by the provisions of the Moldovan LC, which is in line with the ESS2.

There is no project-wide collective labor agreement.

Table 3: Gap Analysis between World Bank ESS 2 and legislation of the Republic of Moldova related to labor and workers / employees' rights

Labor related risk	WB ESS 2	Provision in the legislation of Moldova	Gap in the national legislation	Action to be taken under the Project
Health and safety	To promote safety and health at work.	Law 186 on H&S	Adequate provisions exist in the national legislation to impose clear requirements	LMP is applicable to all entities involved in the Project

Discrimination at the workplace	To promote fair treatment, non-discrimination and equal opportunity of Project workers.	Provision on equal pay for equal work in the LC. Art. 8 LC on non-discrimination	Adequate provisions exist in the national legislation to impose clear requirements	LMP and law requirements should be strictly complied with.
Sexual harassment at the workplace	To protect Project workers, including vulnerable workers such as women, persons with disabilities, children, migrant workers, contracted workers, community workers and primary supply workers.	Art. 173 of the Criminal Code; Law no. 71/2016, which amended Law no. 121 on Ensuring Equality, the LC, Law no. 140 on the State Labour Inspectorate, the Press Law and Broadcasting code.	Adequate provisions exist in the national legislation to impose clear requirements.	The Code of Conduct available in these LMPs should be applied by all entities involved in Project implementation.
Use of child labor and forced labor	To prevent the use of all forms of forced labor and child labor.	The legal age of employment is 16; minors aged 15 can be hired with written consent of parents/tutors	There is a gap related to age of employment. In practice, minors may be found working at agri-enterprises either on school vacation and rarely during school hours.	Under this project the age of employment is 18. During site visits the issue should be monitored. Activities that involve significant risk of child or forced labor will not be financed under the Project
Freedom of association	To support the principles of freedom of association and collective bargaining of Project workers in a manner consistent with national law.	Art. 357-361 of LC	The national legislation adequately covers the issue.	
Lack or limited information	To provide Project workers with accessible means to raise workplace concerns.	Law on access to information. Law on transparency in the decision-making.	The national legislation adequately covers the issue. Generally, in practice public authorities incur penalties for failure to comply to this requirement.	SEP developed under the Project.

10. Grievance Redress Mechanism for Workers

CAPMU will develop a Grievance Redress Mechanism (GRM) for further planned activities under AGGRIP. The further GRM will cover the management of settlement of all related to the Project grievances, including the grievances received from Project's workers (direct and contracted). The GRM will be established by the beginning of the Project implementation and will be maintained over the Project life. CAPMU will be the main body for receiving, recording and tracking resolution of grievances.

Information about the existence of the GRM will be readily available to all Project workers through notice boards and other means, as needed. Also, the GRM will be described in workers' induction trainings, which will be provided to all Project workers.

The Contractors will be required to comply with the GRM provisions and to inform their workers, and sub-contractor(s), and display publicly on work-site the information about this GRM.

The GRM for the workers will include:

- A channel to receive grievances such as comment/complaint form, email, a telephone hotline that might also be anonymous;
- Stipulated timeframes to respond to grievances;
- A register to record and track the timely resolution of grievances;
- A responsible person/committee to receive, record and track resolution of grievances.

The mechanism will be based on the following principles:

- The process will be transparent and allow the workers to express their concerns and file grievances.
- There will be no discrimination against those who express grievances and all the grievances will be treated confidentially.

CAPMU will keep abreast of grievances resolutions and will reflect the information and data on received grievances, including those received from the Project workers (respecting the confidentiality of the complainants if requested), in the progress reports to be submitted to WB.

This GRM will not prevent workers to use conciliation procedure provided in the Moldovan Labor Legislation.

The detailed information on GRM for workers, will be included in the contracts' terms and conditions after the completion and adoption of the regulation on GRM operation.

The Project treats sensitive and confidential complaints/grievances, including those related to SEA/SH in line with the WB ESF Good Practice Note on SEA/SH.⁷ For GBV, and particularly for SEA/ SH grievances, there are risks of stigmatization, rejection and reprisals against survivors. The GRM will assist GBV survivors by referring them to GBV Services Provider(s) for support immediately after receiving a complaint directly from a survivor. A green-line is

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<https://thedocs.worldbank.org/en/doc/6325115831653185860290022020/original/ESFGPNSEASHinmajorcivilworks.pdf>

available for women and girls suffering from domestic abuse, victims of trafficking in human beings, victims of sexual exploitation: 0 8008 8008. The list of GBV service providers/ NGOs is available www.stopviolenta.md⁸.

The emergency line 112 service also will redirect all calls coming from women-victims of domestic violence to the Trustline for Women and Girls, in the cases when the beneficiary refuses police intervention or is in a state of crisis and requires emotional support and psychological counselling. The redirection will also happen when the beneficiaries will need information about their rights and the services available to them. This is possible since December 2020, when La Strada and 112 emergency service have signed an agreement of collaboration, under which La Strada have inclusively offered training support and capacity building for the 112 operators in the field of domestic and sexual violence.

Under the Project, the grievances received from the Project's workers will be solved under the GRM that will operate through following three levels:

Level 1. Supervision Consultants for Project civil workers. The supervisors/ Grievance Focal Point(s) will be responsible for collecting grievances from direct workers as well as Contractors' workers. The channels for grievance submission will be disclosed for all direct and contracted workers supporting implementation of civil works and technical assistance activities under the Project. Supervision consultants should ensure that Contractors publish at worksites the information related to the procedure of grievance lodging and resolution.

Level 2. CAPMU. Complainants have the possibility to submit grievance to CAPMU as follows:

By Email: office@capmu.md

Postal address: CAPMU, 50, Capriana st., of. 215, Chisinau, MD-2005

By telephone: (+373 22) 226994; 221142;

Level 3. Ministry of Agriculture and Food Industry. Complainants submit online a grievance on the following link: <https://www.madrm.gov.md/ro/content/peti%C8%9Bii-online>.

Also, a grievance can be submitted using following channels:

Email: cancelaria@maia.gov.md

Postal address: 162, Bd. Ștefan Cel Mare și Sfânt, mun. Chișinău, MD-2005

By telephone: (+373 22) 20-45-08.

The timeline for response will not exceed 30 working days.

CAPMU through the collaboration of all involved parties and authorities mentioned above will coordinate and monitor the responses to all complaints/grievances related to Project implementation.

World Bank Grievance Redress System

⁸ <https://stopviolenta.md/index.php?do=feedback>

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projectsoperations/products-and-services/grievanceredress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

11. Contractor Management

Under the proposed Project, procurement would be carried out in accordance with the WB Procurement Regulations for Investment Project Financing (IPF) Borrowers – Procurement in IPF of Goods, Works, Non-Consulting and Consulting Services, issued on July 1, 2016 and revised on November 1, 2016 and August 1, 2018, according to which all provisions referring to labor and occupational, health and safety requirements of WB's ESSs shall be complied. Also, the Project shall comply with the Moldovan national legislation.

Thus, during the selection process of the design and construction Contractors, who will engage contracted workers, CAPMU 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, code of conduct etc.;
- Identification/evaluation of labor management, safety and health personnel, their qualifications and certifications;
- Workers' certifications/permits/training to perform required work;
- Copies of previous contracts with the contractors and suppliers, showing the provisions and terms reflecting ESS2.

CAPMU will monitor the performance of Contractor(s) in relation to the contracted workers. This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by Contractors. Requirements of this LMPs will be included in the contract provisions and requirements and CAPMU will provide verbal and written warnings where non-conformances are identified and formal application of remedies where works are not back in compliance within stipulated timeframes.

Contractors' labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) reports related to safety inspections, including fatalities and incidents and implementation of corrective actions; (c) records related to incidents of non-compliance with the national law; and (d) records of training provided for contracted workers to explain labor and working conditions, OHS provisions and GRM for workers under the Project.

12. Community Workers

No community workers will be involved under the Project's works/activities.

13. Primary Supply Workers

CAPMU doesn't intend directly to procure any primary supply contracts. The Contractor who subcontracts the supply of materials and equipment for the implementation of project works will be responsible to include the same conditions and specifications on LMPs and Environmental, Social, Health and Safety (ESHS) aspects into its subcontracting agreements.

14. Monitoring and Reporting

The Contractors will report to the CAPMU on monthly basis on the implementation of the Contractor's LMP and Contractor's ESMP. Based on the received information, the implementation entities (CAPMU) will develop and submit biannually the progress report regarding ESHS performance of the Project, including implementation of the LMPs and ESMPs.

15. References

1. World Bank's Environmental and Social Standard2 - Labor and Working Conditions;
2. World Bank's Guidance Note for Borrowers on Environmental and Social Standard2 - Labor and Working Conditions (<https://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>);
3. World Bank's Good Practice Note - Environment & Social Framework for IPF Operations – Road safety;
4. World Bank's Good Practice Note - Environment & Social Framework for IPF Operations Assessing and Managing the Risks of Adverse Impacts on Communities from Project-Related Labor Influx;
5. World Bank's Concept Note on a proposed loan in the amount of \$55.0 million to the Republic of Moldova for an Agriculture Governance, Growth and Resilience Investment Project (P170035);
6. Labor Code of Republic of Moldova no. 154/2003, modified in August and September of year 2022;
7. Law on Occupational Health and Safety no. 186/2008;
8. Government Decision no. 80 of February 9, 2012 regarding the minimum safety and health requirements for temporary or mobile construction sites.

16. Annexes

Annex 1: Code of Conduct to ensure compliance with requirements to combat Sexual Exploitation, Abuse and Harassment

The template provided in this Annex will be used by Contractors and employers involved in the implementation of Agriculture, Governance, Growth and Resilience Investment Project.

1. Introduction

All legal entities and individuals involved in project implementation are committing to ensuring a work environment, which minimizes any negative impacts on the local environment, communities, and its workers. They strongly commit to creating and maintaining an environment in which Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) have no place, and where they will not be tolerated by any employee, sub-contractor, supplier, associate, or representative of the company.

2. Purpose of the Code of Conduct

The purpose of the Code of Conduct is to:

Create a common understanding of what constitutes Sexual Exploitation, Abuse, and Sexual Harassment;

Create a shared commitment to standard behaviour and guidelines for company employees to prevent, report, and respond to SEA and SH, and

Create understanding that failure to comply with policies and commitment to combating sexual exploitation and abuse and sexual harassment will result in disciplinary action, and depending on gravity of such breach, the case will be deferred to relevant state authorities in accordance with provisions of the national legislation.

3. Understanding policy requirements related to Sexual Exploitation and Abuse, and Sexual Harassment

Addressing gender-based violence, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH) more generally in the context of its development work is a priority for the World Bank. The Bank continues to take concerted measures to strengthen its approach to management and prevention of SEA-SH risks.

The strengthened requirements in works procurement are guiding borrowers in the assessment of bidders' responsiveness and competence to comply with specific SEA-SH-related obligations during the bid evaluation process. They also set clear expectations in contract conditions by stipulating obligations to manage GBV/SEA-SH risks that are within the contractors' control. Enhanced procurement documents provide clear, strong basis for borrowers to prevent, mitigate and manage SEA-SH risks and exercise appropriate remedies.

The following definitions are used by the World Bank and operated in projects financed by the institution:

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

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

Sexual exploitation: 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:** 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 (SH)** is any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially-ascribed (i.e., gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private (2015 Inter-Agency Standing Committee Gender-based Violence Guidelines, page 5).

Violence against Women Article 1 of the 1993 UN Declaration on the Elimination of Violence against Women defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Article 2 of the Convention further states that violence against women shall be understood to encompass, but not be limited to, the following: (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced sex work; (c) physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. The term violence against women and girls is also used.

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

Sexual Harassment is defined in Article 173 of the Criminal Code of Moldova and Labour Code of Moldova.

Sexual harassment is defined as “any form of physical, verbal, or nonverbal behaviour that violates the dignity of a person or creates an unpleasant, hostile, degrading, or humiliating atmosphere in order to induce sexual intercourse or other unwanted sexual acts through threats, coercion or blackmail”.

According to article 173 of the Criminal Code, such conduct is punished by a fine in the amount of 650 to 850 conventional units or community service for 140 to 240 hours, or imprisonment for up to three years.

The definition and provision in the Criminal Code was included as a result of Law No. 71, passed by the parliament in April 2016, which introduced amendments to several existing laws to include coverage of sexual harassment. The term “sexual harassment” and relevant measures to it were incorporated into Law. No. 121 on Ensuring Equality, the Labour Code, Law No. 140 on the State Labour Inspectorate, the Press Law and Broadcasting code.

Also, the notion of “sexist language” was added in the laws enumerated above.

Sexist Language is defined as “expressions and appearances that portray the woman and the man in humiliating, degrading and violent manner, offending their dignity.” The definition can be found in Law 71.

4. Reporting of incidence of sexual harassment

The Moldova legislation provides in Article 212 of Law no. 5 on Equality between women and men that “Employees of public authorities have the right to report in writing the incidence of discrimination based on sex and / or sexual harassment to the gender unit within the public authorities, to the Council for the Prevention and Elimination of Discrimination and Ensuring Equality, to the People's Advocate or directly to law courts, in the manner provided by law”.

Contractors under this project will develop their company-level Code of Conduct. A key element of the Code of Conduct is the sanctions that may be applied if an employee is confirmed as a SEA/SH perpetrator, the sanctions need to be proportional to the violation. Prior to imposition of sanctions, if a worker raises a credible challenge to alleged violation with the Code of Conduct, the worker’s employer should place the worker on administrative leave pending a full and fair review to determine the veracity of said allegation(s). Examples of potential sanctions include the following:

Informal warning;

Formal warning; Additional training;

Loss of up to one week's salary;

Suspension of employment (either administrative leave as above or without payment of salary), for a minimum period of one month up to a maximum of six months;

Termination of employment; and/or,

Referral to the police or other authorities as warranted

A green-line is available for women and girls suffering from domestic abuse, victims of trafficking in human beings, victims of sexual exploitation: 0 8008 8008. The list of GBV service providers/ NGOs is available www.stopviolenta.md⁹.

⁹ <https://stopviolenta.md/index.php?do=feedback>

The emergency line 112 service also will redirect all calls coming from women-victims of domestic violence to the Trustline for Women and Girls, in the cases when the beneficiary refuses police intervention or is in a state of crisis and requires emotional support and psychological counselling. The redirection will also happen when the beneficiaries will need information about their rights and the services available to them.

5. Communicating the Policy

The policy on sexual harassment and its specific contents should be effectively communicated to all staff members, including managers, supervisors, workers, customers, clients, contractors, and any other business contacts, including those who supply and receive goods and services. Effective means of communicating the policy include through newsletters, training manuals, training courses, leaflets, websites, e-mails and displaying anti-sexual harassment posters on notice boards in shared work areas.

Annex 2: COVID-19 Considerations in Construction/Civil Works

This note was issued on April 07, 2020 and includes links to the latest guidance as of this date (e.g. from WHO). Given the COVID-19 situation is rapidly evolving, when using this note it is important to check whether any updates to these external resources have been issued.

1. INTRODUCTION

The COVID-19 pandemic presents Governments with unprecedented challenges. Addressing COVID-19 related issues in both existing and new operations starts with recognizing that this is not business as usual and that circumstances require a highly adaptive responsive management design to avoid, minimize and manage what may be a rapidly evolving situation. In many cases, we will ask Borrowers to use reasonable efforts in the circumstances, recognizing that what may be possible today may be different next week (both positively, because more supplies and guidance may be available, and negatively, because the spread of the virus may have accelerated).

This interim note is intended to provide guidance to teams on how to support Borrowers in addressing key issues associated with COVID-19 and consolidates the advice that has already been provided over the past month. As such, it should be used in place of other guidance that has been provided to date. This note will be developed as the global situation and the Bank's learning (and that of others) develops. This is not a time when 'one size fits all'. More than ever, teams will need to work with Borrowers and projects to understand the activities being carried out and the risks that these activities may entail. Support will be needed in designing mitigation measures that are implementable in the context of the project. These measures will need to consider capacity of the Government agencies, availability of supplies and the practical challenges of operations on-the-ground, including stakeholder engagement, supervision and monitoring. In many circumstances, communication itself may be challenging, where face-to-face meetings are restricted or prohibited, and where IT solutions are limited or unreliable.

This note emphasizes the importance of careful scenario planning, clear procedures and protocols, management systems, effective communication and coordination, and the need for high levels of responsiveness in a changing environment. It recommends assessing the current situation of the project, putting in place mitigation measures to avoid or minimize the chance of infection, and planning what to do if either project workers become infected or the work force includes workers from proximate communities affected by COVID-19. In many projects, measures to avoid or minimize will need to be implemented at the same time as dealing with sick workers and relations with the community, some of whom may also be ill or concerned about infection. Borrowers should understand the obligations that contractors have under their existing contracts (see Section 3), require contractors to put in place appropriate organizational structures (see Section 4) and develop procedures to address different aspects of COVID-19 (see Section 5).

2. CHALLENGES WITH CONSTRUCTION/CIVIL WORKS

Projects involving construction/civil works frequently involve a large work force, together with suppliers and supporting functions and services. The work force may comprise workers from international, national, regional, and local labor markets. They may need to live in on-site accommodation, lodge within communities close to work sites or return to their homes after work. There may be different contractors permanently present on site, carrying out

different activities, each with their own dedicated workers. Supply chains may involve international, regional and national suppliers facilitating the regular flow of goods and services to the project (including supplies essential to the project such as fuel, food, and water). As such there will also be regular flow of parties entering and exiting the site; support services, such as catering, cleaning services, equipment, material and supply deliveries, and specialist sub-contractors, brought in to deliver specific elements of the works.

Given the complexity and the concentrated number of workers, the potential for the spread of infectious disease in projects involving construction is extremely serious, as are the implications of such a spread. Projects may experience large numbers of the work force becoming ill, which will strain the project's health facilities, have implications for local emergency and health services and may jeopardize the progress of the construction work and the schedule of the project. Such impacts will be exacerbated where a work force is large and/or the project is in remote or under-serviced areas. In such circumstances, relationships with the community can be strained or difficult and conflict can arise, particularly if people feel they are being exposed to disease by the project or are having to compete for scarce resources. The project must also exercise appropriate precautions against introducing the infection to local communities.

3. DOES THE CONSTRUCTION CONTRACT COVER THIS SITUATION?

Given the unprecedented nature of the COVID-19 pandemic, it is unlikely that the existing construction/civil works contracts will cover all the things that a prudent contractor will need to do. Nevertheless, the first place for a Borrower to start is with the contract, determining what a contractor's existing obligations are, and how these relate to the current situation.

The obligations on health and safety will depend on what kind of contract exists (between the Borrower and the main contractor; between the main contractors and the sub-contractors). It will differ if the Borrower used the World Bank's standard procurement documents (SPDs) or used national bidding documents. If a FIDIC document has been used, there will be general provisions relating to health and safety. For example, the standard FIDIC, Conditions of Contract for Construction (Second Edition 2017), which contains no 'ESF enhancements', states (in the General Conditions, clause 6.7) that the Contractor will be required:

- to take all necessary precautions to maintain the health and safety of the Contractor's Personnel;
- to appoint a health and safety officer at site, who will have the authority to issue directives for the purpose of maintaining the health and safety of all personnel authorized to enter and or work on the site and to take protective measures to prevent accidents;
- to ensure, in collaboration with local health authorities, that medical staff, first aid facilities, sick bay, ambulance services and any other medical services specified are always available at the site and at any accommodation;
- to ensure suitable arrangements are made for all necessary welfare and hygiene requirements and for the prevention of epidemics.

These requirements have been enhanced through the introduction of the ESF into the SPs (edition dated July 2019). The general FIDIC clause referred to above has been strengthened

to reflect the requirements of the ESF. Beyond FIDIC's general requirements discussed above, the Bank's Particular Conditions include a number of relevant requirements on the Contractor, including:

- to provide health and safety training for Contractor's Personnel (which include project workers and all personnel that the Contractor uses on site, including staff and other employees of the Contractor and Subcontractors and any other personnel assisting the Contractor in carrying out project activities);
- to put in place workplace processes for Contractor's Personnel to report work situations that are not safe or healthy;
- gives Contractor's Personnel the right to report work situations which they believe are not safe or healthy, and to remove themselves from a work situation which they have a reasonable justification to believe presents an imminent and serious danger to their life or health (with no reprisal for reporting or removing themselves);
- requires measures to be in place to avoid or minimize the spread of diseases including measures to avoid or minimize the transmission of communicable diseases that may be associated with the influx of temporary or permanent contract-related labor;
- to provide an easily accessible grievance mechanism to raise workplace concerns.

Where the contract form used is FIDIC, the Borrower (as the Employer) will be represented by the Engineer (also referred to in this note as the Supervising Engineer). The Engineer will be authorized to exercise authority specified in or necessarily implied from the construction contract. In such cases, the Engineer (through its staff on site) will be the interface between the PIU and the Contractor. It is important therefore to understand the scope of the Engineer's responsibilities. It is also important to recognize that in the case of infectious diseases such as COVID-19, project management – through the Contractor/subcontractor hierarchy – is only as effective as the weakest link. A thorough review of management procedures/plans as they will be implemented through the entire contractor hierarchy is important. Existing contracts provide the outline of this structure; they form the basis for the Borrower to understand how proposed mitigation measures will be designed and how adaptive management will be implemented, and to start a conversation with the Contractor on measures to address COVID-19 in the project.

4. WHAT PLANNING SHOULD THE BORROWER BE DOING?

Task teams should work with Borrowers (MAFI/CAPMU) to confirm that projects (i) are taking adequate precautions to prevent or minimize an outbreak of COVID-19, and (ii) have identified what to do in the event of an outbreak. Suggestions on how to do this are set out below:

- CAPMU, either directly or through the Supervising Engineer, should request details in writing from the main Contractor of the measures being taken to address the risks. As stated in Section 3, the construction contract should include health and safety requirements, and these can be used as the basis for identification of, and requirements to implement, COVID-19 specific measures. The measures may be presented as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures. The measures may be reflected in revisions to the project's health and safety manual. This request should be made in writing (following any relevant procedure set out in the contract between the Borrower and the contractor).
- In making the request, it may be helpful for the CAPMU to specify the areas that should be covered. This should include the items set out in Section 5 below and take into

account current and relevant guidance provided by national authorities, WHO and other organizations. See the list of references in the Annex to this note.

- CAPMU should require the Contractor to convene regular meetings with the project health and safety specialists and medical staff (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.
- Where possible, a senior person should be identified as a focal point to deal with COVID-19 issues. This can be a work supervisor or a health and safety specialist. This person can be responsible for coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the local community. It is also advisable to designate at least one back-up person, in case the focal point becomes ill; that person should be aware of the arrangements that are in place.
- On sites where there are a number of contractors and therefore (in effect) different work forces, the request should emphasize the importance of coordination and communication between the different parties. Where necessary, the CAPMU should request the main contractor to put in place a protocol for regular meetings of the different contractors, requiring each to appoint a designated staff member (with back up) to attend such meetings. If meetings cannot be held in person, they should be conducted using whatever IT is available. The effectiveness of mitigation measures will depend on the weakest implementation, and therefore it is important that all contractors and sub-contractors understand the risks and the procedure to be followed.
- CAPMU, either directly or through the Supervising Engineer, may provide support to projects in identifying appropriate mitigation measures, particularly where these will involve interface with local services, in particular health and emergency services. In many cases, the CAPMU can play a valuable role in connecting project representatives with local Government agencies, and helping coordinate a strategic response, which takes into account the availability of resources. To be most effective, projects should consult and coordinate with relevant Government agencies and other projects in the vicinity.
- Workers should be encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.

5. WHAT SHOULD THE CONTRACTOR COVER?

The Contractor should identify measures to address the COVID-19 situation. What will be possible will depend on the context of the project: the location, existing project resources, availability of supplies, capacity of local emergency/health services, the extent to which the virus already exist in the area. A systematic approach to planning, recognizing the challenges associated with rapidly changing circumstances, will help the project put in place the best measures possible to address the situation. As discussed above, measures to address COVID-19 may be presented in different ways (as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures). PIUs and contractors should refer to guidance issued by relevant authorities, both national and international (e.g. WHO), which is regularly updated (see sample References and links provided).

Addressing COVID-19 at a project site goes beyond occupational health and safety and is a broader project issue which will require the involvement of different members of a project

management team. In many cases, the most effective approach will be to establish procedures to address the issues, and then to ensure that these procedures are implemented systematically. Where appropriate given the project context, a designated team should be established to address COVID-19 issues, including CAPMU representatives, the Supervising Engineer, management (e.g. the project manager) of the contractor and sub-contractors, security, and medical and OHS professionals. Procedures should be clear and straightforward, improved as necessary, and supervised and monitored by the COVID-19 focal point(s). Procedures should be documented, distributed to all contractors, and discussed at regular meetings to facilitate adaptive management. The issues set out below include a number that represent expected good workplace management but are especially pertinent in preparing the project response to COVID-19.

(a) ASSESSING WORKFORCE CHARACTERISTICS

Many construction sites will have a mix of workers, e.g. workers from the local communities; workers from a different part of the country; workers from another country. Workers will be employed under different terms and conditions and be accommodated in different ways. Assessing these different aspects of the workforce will help in identifying appropriate mitigation measures:

- The Contractor should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g. 4 weeks on, 4 weeks off).
- This should include a breakdown of workers who reside at home (i.e. workers from the community), workers who lodge within the local community and workers in on-site accommodation. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
- Consideration should be given to ways in which to minimize movement in and out of site. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
- Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.
- Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.
- Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to the site (as set out above) and at some point, circumstances may make it necessary to require them to either use accommodation on site or not to come to work.

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

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

- Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
- Training security staff on the (enhanced) system that has been put in place for securing the site and controlling entry and exit, the behaviour required of them in enforcing such system and any COVID -19 specific considerations.
- Training staff who will be monitoring entry to the site, providing them with the resources they need to document entry of workers, conducting temperature checks and recording details of any worker that is denied entry.
- Confirming that workers are fit for work before they enter the site or start work. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.
- Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
- Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
- During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
- Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
- Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.

(c) GENERAL HYGIENE

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

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

(d) CLEANING AND WASTE DISPOSAL

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

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

(e) ADJUSTING WORK PRACTICES

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

- Decreasing the size of work teams.
- Limiting the number of workers on site at any one time.
- Changing to a 24-hour work rotation.
- Adapting or redesigning work processes for specific work activities and tasks to enable social distancing, and training workers on these processes.
- Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE. While as of the date of this note, general advice is that construction workers do not require COVID-19 specific PPE, this should be kept under review (for further information see WHO interim guidance on rational use of personal protective equipment (PPE) for COVID-19).
- Reviewing work methods to reduce use of construction PPE, in case supplies become scarce or the PPE is needed for medical workers or cleaners. This could include, e.g. trying to reduce the need for dust masks by checking that water sprinkling systems are in good working order and are maintained or reducing the speed limit for haul trucks.
- Arranging (where possible) for work breaks to be taken in outdoor areas within the site.
- Consider changing canteen layouts and phasing mealtimes to allow for social distancing and phasing access to and/or temporarily restricting access to leisure facilities that may exist on site, including gyms.
- At some point, it may be necessary to review the overall project schedule, to assess the extent to which it needs to be adjusted (or work stopped completely) to reflect prudent

work practices, potential exposure of both workers and the community and availability of supplies, taking into account Government advice and instructions.

(f) PROJECT MEDICAL SERVICES

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

- Expanding medical infrastructure and preparing areas where patients can be isolated. Guidance on setting up isolation facilities is set out in WHO interim guidance on considerations for quarantine of individuals in the context of containment for COVID-19). Isolation facilities should be located away from worker accommodation and ongoing work activities. Where possible, workers should be provided with a single well-ventilated room (open windows and door). Where this is not possible, isolation facilities should allow at least 1 meter between workers in the same room, separating workers with curtains, if possible. Sick workers should limit their movements, avoiding common areas and facilities and not be allowed visitors until they have been clear of symptoms for 14 days. If they need to use common areas and facilities (e.g. kitchens or canteens), they should only do so when unaffected workers are not present and the area/facilities should be cleaned prior to and after such use.
- Training medical staff, which should include current WHO advice on COVID-19 and recommendations on the specifics of COVID-19. Where COVID-19 infection is suspected, medical providers on site should follow WHO interim guidance on infection prevention and control during health care when novel coronavirus (nCoV) infection is suspected.
- Training medical staff in testing, if testing is available.
- Assessing the current stock of equipment, supplies and medicines on site, and obtaining additional stock, where required and possible. This could include medical PPE, such as gowns, aprons, medical masks, gloves, and eye protection. Refer to WHO guidance as to what is advised (for further information see WHO interim guidance on rational use of personal protective equipment (PPE) for COVID-19).
- If PPE items are unavailable due to world-wide shortages, medical staff on the project should agree on alternatives and try to procure them. Alternatives that may commonly be found on construction sites include dust masks, construction gloves and eye goggles. While these items are not recommended, they should be used as a last resort if no medical PPE is available.
- Ventilators will not normally be available on work sites, and in any event, intubation should only be conducted by experienced medical staff. If a worker is extremely ill and unable to breathe properly on his or her own, they should be referred immediately to the local hospital (see (g) below).
- Review existing methods for dealing with medical waste, including systems for storage and disposal (for further information see WHO interim guidance on water, sanitation and waste management for COVID-19, and WHO guidance on safe management of wastes from health-care activities).

(g) LOCAL MEDICAL AND OTHER SERVICES

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

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

(h) INSTANCES OR SPREAD OF THE VIRUS

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

- If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.
- If testing is available on site, the worker should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if testing is available).
- If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.
- Extensive cleaning procedures with high-alcohol content disinfectant should be undertaken in the area where the worker was present, prior to any further work being undertaken in that area. Tools used by the worker should be cleaned using disinfectant and PPE disposed of.

- Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms.
- Family and other close contacts of the worker should be required to quarantine themselves for 14 days, even if they have no symptoms.
- If a case of COVID-19 is confirmed in a worker on the site, visitors should be restricted from entering the site and worker groups should be isolated from each other as much as possible.
- If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.
- Workers should continue to be paid throughout periods of illness, isolation or quarantine, or if they are required to stop work, in accordance with national law.
- Medical care (whether on site or in a local hospital or clinic) required by a worker should be paid for by the employer.

(i) CONTINUITY OF SUPPLIES AND PROJECT ACTIVITIES

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

- Identify back-up individuals, in case key people within the project management team (implementation entities, Supervising Engineer, Contractor, sub-contractors) become ill, and communicate who these are so that people are aware of the arrangements that have been put in place.
- Document procedures, so that people know what they are, and are not reliant on one person's knowledge.
- Understand the supply chain for necessary supplies of energy, water, food, medical supplies and cleaning equipment, consider how it could be impacted, and what alternatives are available. Early pro-active review of international, regional and national supply chains, especially for those supplies that are critical for the project, is important (e.g. fuel, food, medical, cleaning and other essential supplies). Planning for a 1-2 months interruption of critical goods may be appropriate for projects in more remote areas.
- Place orders for/procure critical supplies. If not available, consider alternatives (where feasible).
- Consider existing security arrangements, and whether these will be adequate in the event of interruption to normal project operations.
- Consider at what point it may become necessary for the project to significantly reduce activities or to stop work completely, and what should be done to prepare for this, and to re-start work when it becomes possible or feasible.

(j) TRAINING AND COMMUNICATION WITH WORKERS

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

- It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers (e.g. through training, town halls, tool boxes) that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
- Training of workers should be conducted regularly, as discussed in the sections above, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.
- Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.
- Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
- Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on handwashing and social distancing, and what to do if a worker displays symptoms.

(k) COMMUNICATION AND CONTACT WITH THE COMMUNITY

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

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

6. EMERGENCY POWERS AND LEGISLATION

Many Borrowers are enacting emergency legislation. The scope of such legislation, and the way it interacts with other legal requirements, will vary from country to country. Such legislation can cover a range of issues, for example:

- Declaring a public health emergency
 - Authorizing the use of police or military in certain activities (e.g. enforcing curfews or restrictions on movement)
 - Ordering certain categories of employees to work longer hours, not to take holiday or not to leave their job (e.g. health workers)
 - Ordering non-essential workers to stay at home, for reduced pay or compulsory holiday
- Except in exceptional circumstances (after referral to the World Bank's Operations Environmental and Social Review Committee (OESRC)), projects will need to follow emergency legislation to the extent that these are mandatory or advisable. It is important that the Borrower understands how mandatory requirements of the legislation will impact the project. Teams should require Borrowers (and in turn, Borrowers should request Contractors) to consider how the emergency legislation will impact the obligations of the Borrower set out in the legal agreement and the obligations set out in the construction contracts. Where the legislation requires a material departure from existing contractual obligations, this should be documented, setting out the relevant provisions.