

THE KYRGYZ REPUBLIC

State Tax Service and National Statistical Committee Tax Administration and Statistical System Modernization Project (P163711)

LABOR MANAGEMENT PROCEDURES (LMP)

December 2019

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Abbreviations and Acronyms

EHS	Environment, Health and Safety General Guidelines
ESF	Environmental and Social Framework
ESS	Environmental and Social Standards
GFP	Grievance Focal Point
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
H&S	Health and Safety
GoKR	Government of the Kyrgyz Republic
LC	Labor Code
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
NGO	Non-governmental organization
NSC	National Statistical Committee
OHS	Occupational and Health and Safety
PMU	Project Coordination Unit
PMU	Project Management Unit
STS	State Tax Services
WB	World Bank

Introduction

Background

1. The Kyrgyz Republic National Development Strategy for 2018-2040 (Vision 2040) identifies tax administration and statistical reforms as priority reform areas and emphasizes the need for timely and reliable data in advancing the country's economic wellbeing, social welfare, governance and sustainability. As part of Vision 2040, the GoKR aims to reduce the share of the shadow economy and improve domestic resource mobilization to finance social and economic priorities. To achieve this objective, the GoKR's Medium-Term Development Program "Unity, Trust, Creation" for 2018-2022 (MTDP), which operationalizes the Vision 2040, seeks to comprehensively reform the country's tax administration with a view to increasing the effectiveness of tax collection and lowering the compliance burden of taxpayers. Similarly, Vision 2040 emphasizes the pivotal role of digital transformation in the reform processes and sets out the compulsory inclusion of a digital agenda in all conceptual and strategic frameworks. Since data lies at the core of evidence-based policymaking and digitalization, the national statistical system must face the challenge of the digital transformation in data collection and processing. Vision 2040, furthermore, emphasizes the increased need for quality statistical data and analysis in several policy areas, ranging from healthcare to forests, biodiversity, and agriculture.

Project Description

2. This project has been designed by the authorities of the Kyrgyzstan Republic and close collaboration of the Kyrgyz Republic State Tax Service and the National Statistical Committee. It includes five components. Component 1 and Component 2 will finance activities aimed to modernize tax administration in Kyrgyz Republic with a view to improving effectiveness of tax collection and reducing compliance burden for taxpayers. Component 3 and Component 4 will finance activities supporting modernization of the national statistical system of the Kyrgyz Republic with a view to improving effectiveness of national statistical system in measuring socio-economic indicators and achievement of Social Development Goals.

Component 1. STS Institutional Development

3. The component will support initiatives to reduce the compliance burden for taxpayers and, with process changes, will limit the requirement for face-to-face meetings with STS staff and allow taxpayers to communicate with the STS through a variety of channels. The component will aim to generate quick wins through improvements in taxpayer services that affect a wide range of taxpayers, such as improvements to the STS website, online taxpayer cabinet and others. It will also support the following areas: (i) enhancing the strategic focus and performance of STS management (including, attention to integrity, and change management); and (ii) improving human resource management and staff capacity which are necessary to support a modern tax administration that is aligned with international good practices. It will involve institutional and

organizational development aimed at strengthening executive, managerial and technical capacity and will involve introduction of an enhanced monitoring system to assist in the management of STS performance. The component will also support strengthening of the STS internal control and integrity function to improve accountability of the STS. The component will enhance the skills of the STS management in managing significant change as the organization transitions to a modern tax administration.

Component 2. STS Operational Development

4. The activities within this component will support modernization of the STS operational functions by implementing new streamlined business processes within the STS and enhancing the existing tax administration IT system. This component involves a comprehensive, deep and systematic business process reengineering and will require significant changes to the way STS operates to align with international good practice. The modernized business processes will reduce the need for face-to-face interaction between tax inspectors and taxpayers. The enhancement of the tax administration IT system will increase its compliance and responsiveness to the information needs of the STS and taxpayers. Activities in this component will enable lowering compliance costs for taxpayers and increasing operational effectiveness and efficiency of the STS. In turn, these will lead to improved collection of taxes, which the STS administers, at national and subnational levels.

Component 3. NSC Institutional Development

5. A number of regulations guiding NSS activities will need to be modified in line with the new Law on Official Statistics. Further digitalization in data collection will require reforming the NSC organizational structure. It will be important to strengthen the top level of the system, where the main methodological work predominantly takes place, survey mechanisms are developed, and macro and sectoral indicators are calculated. This will also require improvements in relevant business processes in the NSC and the national statistical system by introducing a Generic Statistical Business Process Model (GSBPM). Imminent digitalization and rapidly advancing statistical methodologies require significant investment in and continuous upgrade of the statistics cadre. This will involve a broad range of activities: from developing contemporary curricula to meeting needs of the NSC and other agencies in new skills and improving curricula in the university programs by adding courses in statistics, to providing continuous training to all levels of NSC staff and statisticians from line ministries and agencies who work at the rayon and the national levels. Special attention will be paid to the training needs of staff of Ayil Okmotus (local self-governments).

Component 4. NSC Data Development

6. The NSC recognizes the need for improvement of statistical infrastructure that will enable management of large data warehouses, collection of data via electronic means and secure transmission, storage, and dissemination of the data in open data formats. This will involve, among other activities, the following: analyses and changes in the data collection process to reduce the respondent burden; introduction of indicators for Sustainable Development Goals (SDGs) into statistical practice; greater reliance on administrative data and modern approaches

to data collection; conduct of regular censuses; update of statistical registers; and, improvement in the statistical databases and computation methodologies in the main areas of statistics. These, in turn will require, among other changes, improvements in municipal statistics, and the development of a single data warehouse in the NSC which would include administrative and big data, where possible. Improving data dissemination in an open and user-friendly format as well as building capacity in the NSC to analyze data and present to users with metadata, basic manipulation tools, and explanations is another goal of the project within this component. To reach these goals and complete the activities, a significant investment will be needed in the technical capacity and physical infrastructure of the NSC to collect, process and store statistical reporting, survey and census data by procuring new equipment, data transmission means, and statistical software. Improvement in administrative data collection requires a well-functioning NSS with the NSC at the center. This is not a technical matter but an issue of interagency collaboration.

Component 5. Project Management

7. This component will finance costs associated with project management, including monitoring and evaluation and results assessment. It is expected that the project will have two Project Management Units (PMUs)—at the STS and at the NSC, with some coordination required in areas such as project progress and financial reporting, and preparation of disbursement applications.

Purpose of the LMP

8. This project addresses the environmental and social aspects through the World Bank's Environmental and Social Framework. One of the Standard- ESS 2- relates to Labor and Working Conditions and expects the Borrowers to develop labor management procedures (LMP). The LMP enables identify main labor requirements and risks associated with it and help the Borrower to determine the resources necessary to address labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project. Accordingly, this document details out the type of workers likely to be deployed by the project and the management thereof.

Overview of Labor Use in the Project

9. ESS2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. The LMP applies to **project workers** as defined by ESS2¹. The focus of this LMP is on workers engaged by potential work as service providers (**contracted**

¹ The term "project worker" refers to: (a) 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 (direct workers); (b) people employed or engaged through third parties to perform work related to core functions of the project, regardless of location (contracted workers); (c) people employed or engaged by the Borrower's primary suppliers (primary supply workers); and (d) people employed or engaged in providing community labor (community workers). ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

workers) and staff directly employed in the PMUs to perform project related tasks (**direct workers**). The labor of other workers (such as community workers and primary supply workers) are not expected.

Type of Workers

Direct workers

10. Two Project Management Units (PMUs) will be established to carry out such key functions as coordination, fiduciary, monitoring and evaluation, and reporting. The PMUs will involve the staff responsible for:

- overall project responsibilities: Financial Management, Procurement, Monitoring and Evaluation, Environmental and Social Risk management;
- technical responsibilities to support institutions or departments involved in project components implementation.

These direct workers are PMU staff.

Contracted Workers

11. Other workers will be engaged for potential work and service provision to support IT-upgrades, trainings and other activities as required during project implementation. Some contracted workers might also perform functions as part of the PMUs if necessary.

Number of Project Workers

12. Direct Workers. The exact total number of direct workers is currently not known but will be clarified when project implementation begins. The overall tentative number of direct workers, subject to update, is approximately 15 people.

13. Contracted Workers. The number of project contracted workers who will be employed are not known as of now. This will become known as and when project implementation begins. The contracted workers can be part of firms or individual consultants, for example for such activities as IT coordination. The tentative number of contracted workers, subject to update, is over 30 people.

Timing of Labor Requirements

14. The direct workers at PMU will generally be required full time and around the year for the project duration. Other experts/consultants will be hired on demand basis throughout the project period. Timing for involvement of contracted workers will be known at later stages, however it is clear that they will be engaged, depending on implementation of various sub-components on specific time slots.

Assessment of Key Potential Labor Risks

This section describes the following risks, based on available information:

15. **Labor risks associated with contracted workers at subproject level.** There is non-existence of construction activities under most the proposed project components and no major risks are envisaged. All contractors will be required to have a written contract with their workers materially consistent with objective of ESS2.
16. **Labor risks including labor influx and associated Gender-Based Violence (GBV), and child labor** are considered low to negligent given that the PMU's adherence to the national labor code which prohibits forced labor (article 10, Labor Code). Nonetheless, the contractors will be required in the contract to commit against the use of forced labor, PMU staff in charge of contractor supervision will monitor and report the absence of forced labor.
17. **Occupational Health and Safety (OHS) risks** are low. These risks relate to proper handling of equipment, long-centenary activities and disposal of IT-equipment.
18. **Employment Risks.** Workers will be hired by the PMU, either directly as project staff or indirectly as part of contracts with Consultants or service providers. The practice shows that civil works subcontractors do practice a labor contract with a lump-sum payment for a certain type of service or scope of work. Where the duration of labor will be limited to several months.
19. **Overtime work risks.** There is a risk that the current practice of unaccounted working hours and lack of compensation for overtime will continue. According to Labor Code of KR with the employer concurrence, the direct workers will receive other rest hours in another day as compensation for overtime (Article 174). The project will seek to address the risk through informing Direct Workers their rights and establishing a Grievance Redress Mechanisms for all project workers.

Brief Overview of National Legislation

National labor legislation: Terms and conditions

20. The legislation of the Kyrgyz Republic on labor protection is based on the Constitution of the Kyrgyz Republic and consists of the Labor Code, the Law on labor protection and other regulatory legal acts of the Kyrgyz Republic.
21. The Constitution of the Kyrgyz Republic on labor conditions and occupational safety provides everyone the right to:
 - Safe labor. Using forced and child labor shall be prohibited. (Article 23);
 - The right to rest. Everyone shall have the right to leisure. Establishing maximum working time, paid annual leaves, weekly days off, and other conditions prescribed by law, shall ensure this right. (Article 44);
 - Protection of health. Everyone shall have the right to health care. (Article 47); and

- Social security. Everyone shall be guaranteed social security in old age, in the time of sickness, invalidity and loss of ability to work, or loss of a guardian in instances and order prescribed by law. (Article 53).

22. Labor Code of the Kyrgyz Republic No. 106 dated August 4, 2004 is the fundamental legislative act aimed to regulate all labor matters arising in the Kyrgyz Republic. This Code governs employment relationships and other relations, directly related, directed to protection of the rights and freedoms of the parties of employment relationships, establishment of the minimum guarantees of the rights and freedoms in the sphere of work. Article 9 of the Code prohibits discrimination and guarantees that all citizens have equal rights to work; discrimination in labor relations is prohibited. Any differences, non-admission or preference, denial of employment, regardless of nationality, race, gender, language, religion, political beliefs, social status, education, property, leading to a violation of equality of opportunities in the field of labor, are prohibited.

Wages and deductions

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

24. Employer can pay workers at least once per month (Article 157). Employers also must pay for work-related damage to health or property, and families are compensated in case of death. Deductions are allowed for specific reasons but may not exceed 50 percent of the amount owed to the employee. (Article 161).

Working hours

25. The standard work week is 40 hours, with less allowed for those under 18. The number of hours per day, and days per week, is established in the contract/agreement between the employer and employee (Article 90).

26. For pedagogical workers of educational organizations, a reduced working time of no more than 36 hours per week is established (Article 379). Depending on the position and (or) specialty, the teaching staff of educational organizations, taking into account the peculiarities of their work, the duration of working hours (norms of hours of teaching work at a wage rate) is determined by the Government of the Kyrgyz Republic. Teachers are allowed to work part-time, including in a similar position, specialty (Article 379).

27. Employers must provide women with children up to 18 months with additional thirty-minute breast feeding time every three hours a day, and mothers with two or more children with additional one-hour time-off a day. Upon the worker request, additional time offs are summed with lunch and rest break, or summed and used at the beginning or end of the working days

(shifts) in accordance with reduced working hours (Article 309). Details of time off are established in contracts/agreements.

28. Article 304 prohibits overtime, weekend work, and business trips for women who are pregnant or who have children under three years of age. For women with children between three and 14 years of age, overtime and business trips are allowed, but only if the woman agrees.

Rest time (breaks)

29. Types of rest time are (Article 109):

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

30. The employees must be granted a rest and meal break during the workday. Time and duration are regulated by internal work rules, shift schedules, or by an individual employment contract or a collective agreement between the employer and employee (Article 110).

Leaves

31. In addition to national holidays, employees have to receive at least 28 calendar days of paid leave per year, with workers under 18 years of age and disabled employees. receiving 30 days.

32. Leave without pay may also be taken by certain groups of people and may also be covered in contracts. At termination of employment, employees are paid for unused leave, or they may use the leave as their last days of employment.

33. Women are provided maternity leave upon application, the employee is granted additional leave without preserving wages for caring for the child until the child reaches the age of three years. By agreement of the parties, leave to care for a child until he reaches the age of three years may be granted at any time and any duration. Childcare leave can be used in full or in parts also by the child's father, grandmother, grandfather, other relative or guardian who actually cares for the child.

Overtime work

34. Work beyond the normal working hours can be done either on the initiative of the employee (part-time job) or on the initiative of the employer - overtime work (Article 98).

35. Remuneration for overtime work is paid for the first 2 hours of work at least one and a half times, for the next hours - at least twice. The specific amount of overtime pay may be determined by a collective agreement or an employment contract. At the request of the employee, overtime work instead of increased pay can be offset by the provision of additional rest time, but not less than the time worked overtime. Work outside the normal working hours, part-time, is paid depending on the time worked or production (Article 174).

Labor disputes

36. Labor disputes are considered to be “unregulated discrepancies between the employer and employee on the issues of application of legislative and other normative actions on labor of the Kyrgyz Republic and working conditions provided by labor agreement (contract) and collective agreement and contracts” (Article 356).

37. Individual labor disputes are considered by labor dispute commissions, an authorized state body in the field of supervision and control over compliance with labor laws and courts. The employee of his choice may apply for the resolution of the labor dispute to the labor dispute committee or the authorized state body in the field of supervision and enforcement of labor legislation or directly to the court. In cases where the labor dispute commission is not created in the organization, the labor dispute is subject to consideration directly by the authorized state body in the field of supervision and monitoring of compliance with labor legislation or in court (Article 412).

Grievances

38. Law on Appeals of Individuals (from May 4, 2007) contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 8 of the Law sets the timeframes for handling grievances, which is 15 days from the date of receipt that do not require additional study and research, and 30 days for the appeals that need additional study.

Brief overview of national legislation: occupational health and safety

39. The occupational safety issues are addressed in the Constitution of the Kyrgyz Republic. Under Article 42, the citizens of the Kyrgyz Republic have the right to free work, to use their labor capabilities, to choose their occupation and area of activities, the right to safe labor conditions that meet the requirements of safety and hygiene and the right to remuneration for their work and social security not below the living minimum established under the law.

40. The Labor Code of the Kyrgyz Republic, introduced on July 1, 2004, has a section on occupational safety and health (OHS). The Labor Code of the Kyrgyz Republic establishes the obligations of the employer to ensure occupational safety, state regulations on occupational safety and the duties of the employee in the field of OSH. The employee is guaranteed occupational safety, training and instruction, sanitary, welfare and medical services. The Code treats of the issues of the creation and activities of the occupational safety services, investigation and record of occupational accidents and diseases, the award of benefits and compensations depending on the labor conditions.

41. The Law of the Kyrgyz Republic on Occupational Safety which came into force on August 1, 2003 sets the legal framework for the relations between the employers and employees and is aimed at creating labor conditions that meet the requirement of preserving the life and health of the employees at work. The law sets down the guidelines of state policy on occupational safety and the principles of state management of occupational safety.

42. Access of state officials from state bodies on labor protection and social insurance, as well as representatives of public monitoring to check the working conditions and work safety measures at organizations and investigate the accidents at work and professional diseases.

43. Employees, on the other hand, are required to pass initial and periodic tests medical examinations, pass training and periodic in instructions on safety requirements (Article 12), and to carry out medical and health measures that are prescribed by medical institution if paid by employer (Article 16).

ESS2 and POLICY GAP

The World Bank Environmental and Social Standards (ESS): Standard 2

44. The World Bank's stipulations related to labor are outlined in its ESS2. Implementing agency promotes sound worker-management relationships and provides safe and healthy working conditions. Key objectives of the ESS 2 are to:

- Promote safety and health at work;
- Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
- Secure protection of project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;
- Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

45. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. 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 government civil servants.

46. Working conditions and management of worker relationships. PMU will develop and implement internal labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and ESS2. The procedures will address the way in which ESS2 will apply to different categories of project workers including direct workers, and contract workers.

47. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

48. For more details on the WB Environmental and Social Standards, please follow the below links:

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

Policy Gap

49. Comparison of key OHS related World Bank Requirements with Kyrgyz Republic Legal Requirements

ESS & Topic	Major WB requirements	Key requirements/gaps in Kyrgyz Republic legal framework
A. Working conditions and management of labor relations	<ul style="list-style-type: none"> • Written labor management procedures • Terms and conditions of employment • Nondiscrimination and equal opportunity • Worker’s organizations • Elaborate Labor Management Plans including Contractor’s ESMP 	<ul style="list-style-type: none"> • Written employment contract required, including procedures and employment conditions. • Non-discrimination and equal opportunity requirements exist. • No provision for Labor Management Plans.
B. Protecting the work force	<ul style="list-style-type: none"> • Child labor prohibition • Forced labor prohibition 	<ul style="list-style-type: none"> • Child labor prohibited (under 14). • No forced labor is allowed.
C. Grievance mechanism	GRM should be in place for direct and contracted workers	<ul style="list-style-type: none"> • No specific GRM process for employees working with individual employment contracts. • Grievance registration and follow-up procedures are available through the Law on Appeals of Citizens.
D. Occupational Health and Safety	<ul style="list-style-type: none"> • Detailed Procedure required for every project. 	<ul style="list-style-type: none"> • No detailed procedure specific to every project.

	<ul style="list-style-type: none"> • Requirements to protect workers, train workers, document incidents, emergency preparation, addressing issues; and • Monitor OHS performance 	<ul style="list-style-type: none"> • Requirements to protect workers, train workers, document incidents, emergency preparation.
E. Category of workers	Specifies categories of workers	No such classification
F. Minimum age of workers	<ul style="list-style-type: none"> • Minimum age for employment is 14; • A child between 14-18 may be employed or engaged only in certain conditions 	<ul style="list-style-type: none"> • Employment permissible for 14 plus age, but with guardian permission. • 14-18 years are not permitted to work under difficult and unsafe working conditions

Responsible staff

50. PMU coordinators in each agency will supervise daily work of project employees. As specified in the Labor Code, employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures, highlighted in the POM, will be followed by contractors and monitored by the PMU M&E Specialist, to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.

- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- It is noted that language-related problems are not expected, but if they are, interpretation will be provided for workers as necessary.
- Foreign workers will require work permits, which will allow them to work in Kyrgyzstan.
- All workers will be 18 years old or above for civil works.
- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

51. The Contractors will be responsible for the following:

- To obey requirements of the national legislation and this labor management procedure;
- Maintain records of recruitment and employment process of contracted workers;
- Communicate clearly job description and employment conditions to contracted workers;
- Have a system for regular review and reporting on labor, and occupational safety and health performance.

Age of employment

52. The Kyrgyz Republic law prohibits anyone under 18 from performing “unhealthy or heavy” and there are special requirements for leave, work hours, and other conditions of employment. Employer will ensure that no construction workers under 18 years are employed.

53. Contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

Terms and conditions

54. The employment terms and conditions applying to PMUs’ employees will be set out in this document. These internal labor rules will apply to all PMU’s employees who are assigned to

work on the project (direct workers) and contracted workers. Terms and conditions of part-time direct workers are determined by their individual contracts.

55. The precise number of project workers who will be contracted are not known as of now. This will become known as and when implementation begins.

56. In addition to these professionals, the PMU shall hire as many individual consultants as needed to help with the implementation of specific project activities over the course of the implementation.

Grievance mechanism

The Project workers' GM

57. A grievance mechanism (GM) will be provided for all direct workers and contracted workers to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers, will be sufficient to meet ESS2.

58. The project specific GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without escalating to higher stages. Having said that, all employees always have rights, according to Kyrgyzstan legislation, to access judicial/legal grievance management system. The Project workers' grievance mechanism will not prevent workers to use judicial procedure.

59. Direct and contracted workers can submit their grievances to the PMU manager, who will serve as a Grievance Focal Points. The GFPs should promptly respond to the concerns within 10 business days. A reference to this effect will be made in their contracts as well. GFPs will be required to coordinate with relevant departments/organization and persons to facilitate addressing these grievances. If the issue cannot be resolved at the PMU level within 10 working days, then it will be escalated to the Human Resource Departments within NSC and STS, where the response is required within 10 business days. The PMUs are required to keep a written log of all concerns. The option of anonymous feedback will also be allowed. The PMU will keep an anonymous grievance box and will also allow for feedback via STS and NSC websites as well.

World Bank Grievance Redress System

60. The project workers 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 workers 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/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

Contract management

61. Any contracts will include provisions related to labor and occupational health and safety as provided in the World Bank Standard Procurement Documents and Kyrgyz legislation.
62. PMUs will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labor management records and reports compiled by any contractors.
63. Labor management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.