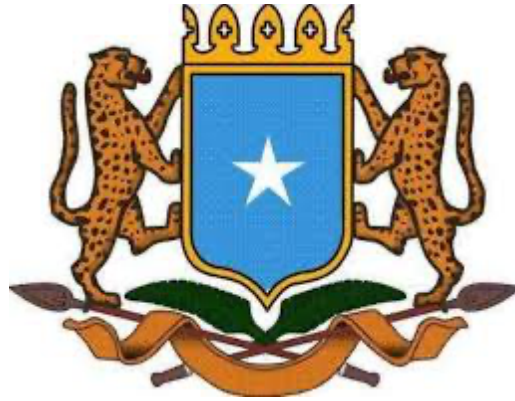


FEDERAL GOVERNMENT OF SOMALIA



MINISTRY OF LABOR & SOCIAL AFFAIRS (MoLSA)

**SOMALIA SHOCK-RESPONSIVE SAFETY NET FOR HUMAN
CAPITAL PROJECT- (P171346) – Third AF**

LABOR MANAGEMENT PROCEDURES (LMP)

NOVEMBER 2023

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LIST OF ACRONYMS

ACLED	Armed Conflict Location & Event Data Project
Af	Additional Financing
EHSg	Environment Health and Safety Guidelines
ESSs	Environment and Social Standards
E&S	Environment and Social
ESF	Environment and Social Framework
ESMP	Environment and Social Management Plan
ESS	Environmental and Social Standards
EHS	Environmental Health and Safety
ESF	Environmental Social Framework
FGS	Federal Government Somalia
C-ESMP	Construction Specific Environment Managing Plans
CoC	Code of Conduct
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
GO	Grievance Officer
IDPs	Internally Displaced Persons
ILO	Information Labor Organization
LMP	Labour Management Plan
MoLSA	Federal Labor Ministry and Social Affairs
MDA	Ministries Department Agency
M&E	Monitoring and Evaluation
OHS	Occupational Health and Safety
PDO	Project Development Objectives
SDM	Service Delivery Mechanism
SEA	Sexual Exploitation Abuse
SEAH	Sexual Exploitation and Harassment
SNHCP	Somalia Shock Responsive Safety Net for Human Capital
USR	Unified Social Registry
WFP	World Food Program
WBG	World Bank Group

CHAPTER 1: INTRODUCTION

1.1 Project Information

The Baxnaano program was launched in late 2019 and is administered by the Ministry of Labor and Social Affairs (MoLSA) on behalf of the FGS. Baxnaano provides support to poor and vulnerable beneficiaries through two windows: (i) Regular window – An unconditional cash transfer program which covers 200,000 chronically poor and vulnerable households (approximately 1.3 million individuals) with focus on households with children aged under five years, currently active in 25 districts across all Federal Member States (FMS) and Somaliland and (ii) Shock response window – The window is expected to support a total of 598,000 households (3.59 million individuals) with temporary emergency cash transfers, 338,000 drought affected households supported under SNHCP and 260,000 locust affected households supported under Shock Responsive Safety Net for Locust Response Project

A first AF approved on June 17, 2021, increased the duration of Baxnaano support for the same beneficiary cohort to ensure that efforts at improving human capital could be maintained. A second AF approved on June 22, 2022, supported a response to the urgent food security needs of poor and vulnerable populations affected by the prevailing drought crisis which began in late 2021. The Project comprises three components which finance (i) nutrition-linked unconditional cash transfers, (ii) delivery systems and institutional capacity building, and (iii) project management, monitoring and evaluation (M&E), and knowledge management. In this Af, component 4 will establish new pilot on Service Delivery Mechanism (SDM) and health and nutrition co-responsibility cash transfer (H&N Cct).

The Federal Government of Somalia (FGS) has requested third additional financing that will serve two key purposes to respond to urgent crisis needs. First, the AF draws upon US\$ 60 million in CRW “last resort financing” to provide emergency cash transfers to 145,000 drought affected poor and vulnerable households. SNHCP aims to provide support to a total of 338,000 drought affected households of which existing financing support was available for 193,000 households which have already received or are in process of receiving ECTs. This AF will provide support to the remaining 145,000 drought affected households and enable the project to achieve its target. Second, a restructuring will invest in key building blocks for resilience to future crises: expanding the Unified Social Registry (USR) nationwide and investing in health and nutrition as well as economic inclusion interventions in urban areas

1.2 Objectives of LMP

The LMP identifies the main labor requirements and risks associated with the Project and helps the Borrower to determine the resources necessary to address project labor issues. The LMP sets out the way in which Project workers will be managed, in accordance with the requirements of national law (Somali Labour Code 1972) and World Bank Environment and Social Standard (ESS2) and ESS4, and addresses the way in which ESS2 applies to different categories of

project workers. The LMP will specifically detail below listed labor provisions with regards to Somalia Shock Responsive Safety Net for Human Capital Project (SNHCP) project

- The plan identifies labor requirements in line with applicable Federal Government of Somalia (FGS) and Federal Member States (FMS) laws, standards and sets out the procedures for addressing labor conditions and risks associated with (SNHCP) in line with the World Bank Environmental and Social Standard (ESS) 2 on Labor and Working Conditions (ESS2) and ESS4 on Community Health and Safety clauses that detail cases of labor influx and spread of communicable diseases.
- The LMP sets out policies and procedures for avoiding and managing these risks in relation to the activities of the project labor force.
- The LMP identifies the main labor requirements and risks associated with the project, and helps the Borrower determine the resources necessary to address project labor issues.
- The LMP provides an overview of Labor use in relation to the project, assesses the potential Labor risks based on type of work and worker and provides for appropriate mitigation measures, sets out the roles and responsibilities for implementing the LMP in line with the project structure for implementing the (SNHCP), establishes a dedicated grievance mechanism for project workers.

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. The Project will ensure compliance with national law (Somali Labour Code 1972) requirements. In order to meet the objectives of the ESS2, the Labor Management Procedures (LMP) details the rules and procedures in place under the SNHCP component 1, related to the contractual arrangements for the staff hired under this project, either by WFP directly, or by its contracted partners.

CHAPTER 2: OVERVIEW OF LABOUR USE ON THE PROJECT

2.1 Labor Use on the Project

Three categories of staff will be employed under the SNHCP component 1 i): WFP staff-engaged directly by WFP; ii) staff of the NGOs contracted by WFP – engaged through third party to perform work related to core function; iii) staff of the service providers (mobile network operators such as Hormuud and TELESOM), contracted by WFP as primary suppliers.

The overall, the main activities for the **WFP staff employed** on this project will be to:

- Coordinate the project and conduct the consultations with the Government, UNICEF and the World Bank;
- Contract partners and manage contracts;
- Oversee and follow up on the implementation of the activities, including participating in community consultations;
- Train partners and provide them with necessary material for the project (including the programme cards for beneficiaries);
- Monitor the project;
- Transfer the cash entitlements to beneficiaries;
- Reconcile accounts;
- Receive and handle complaints and give feedback when applicable; and
- Report to the government and the World Bank.

The main **activities for NGO staff** will be to:

- Conduct the community consultations and community targeting;
- Issue the programme cards to beneficiaries;
- Following the prescribed procedures delivering SIM cards to identified beneficiaries who don't possess a matching number;
- Top up the programme entitlement cards on a quarterly basis; and
- Monitor the project and report to WFP.

The main activities **for service provider staff** will be to;

- verify and validate beneficiary phone numbers to ensure that they match the names of the principal household recipients as registered in SCOPE;
- Issue new Sim-cards to the household's principal recipients who do not have Sim cards and those that have non-matching records;
- Create a platform (online portal) for WFP to transfer the monetary entitlements directly to the beneficiaries.

Direct workers Engaged by WFP will be as detailed below.

Staff position	Base	Responsibility
Senior Programme Policy Officer, P5 (STP),	Mogadishu	Project leader: <ul style="list-style-type: none"> - Provide technical and managerial oversight to the SNHCP project. - Oversee operations and day to day management - Oversee all the specificity related to SCOPE-registration, enrolment, top up, timely cash distribution, security of distribution, reporting and reconciliation. - Partner management and oversight of all the steps of cash transfer. - Ensure that Social Management Plan is implemented.
Social Protection Officer – NOC	Mogadishu	<ul style="list-style-type: none"> - Liaison with Government; - coordination and implementation - Support field offices with implementation of the project. - Liaise with partners and oversee day to day implementation.
Programme Associates (FT-6) x 5	Field Offices in Somalia	<ul style="list-style-type: none"> - Provide specialized project management support to safety net programme - Support partners with implementation of cash transfer - prepare a range of reports and data analysis - Undertake all aspects of SCOPE registration - Work closely with the government
Programme Associates (SC-6) x2, Transfer Management Team	Nairobi	<ul style="list-style-type: none"> - Coordinate biometric registration & validation of safety net beneficiaries in SCOPE; - Support WFP Area Offices to plan and deliver transfers through the SCOPE platform; - Coordinate with Area Offices and Finance Unit to ensure timely disbursement
Gender and Protection officer	Nairobi	<ul style="list-style-type: none"> - Oversight and technical guidance over implementation of gender and protection aspects of the project; - Coordination and implementation of training of CPs and other staff on protection and gender requirements of this project. - Act on monitoring reports, follow-up, escalate and report on protection related incidents and/or concerns.
Programme monitors (6 persons – 1 per State)	Somalia/ Somaliland	<ul style="list-style-type: none"> - Undertake regular monitoring as per WFP standards and established protocol; - Undertake regular reporting;

In addition to the above listed staff who will be working full time on this project, other regular WFP staff will also be substantially involved in the SNHCP, both for overall supervision and guidance, participation in consultations, and support for implementation. This will be the case, in particular, for the Somalia Head of Programme, Deputy Country Director, Social Protection Officer, Head of Finance, Head of Budget, Communications Officer, Accountability to Protected Populations Officer, Heads of Area Offices as well as Heads of Programmes in the area offices.

Contracted Workers: The following is a list of staff of the NGOs contracted by WFP - engaged through third party to perform work related to core function. It is expected that each district will have one partner implementing the project, subject to variation based on coverage capacity.

NGOs contracted by WFP

Staff position**	Base	Responsibility
Programme Manager	Somalia	<ul style="list-style-type: none"> - Overall planning, directing and overseeing the operations - Maintaining work systems, procedures, and policies that enable and encourage the optimum performance of people and other resources. - Attend meetings with key stakeholders - Leading the people/Staff - In charge of reporting to WFP on the overall implementation of the project.
Administration and Finance officer	Somalia	<ul style="list-style-type: none"> - Dealing with all administration and finance matters related to the project activities and reporting
Field officer/s	Somalia	<ul style="list-style-type: none"> - In charge of direct implementation of the project at field level
Field Monitor/s	Somalia	<ul style="list-style-type: none"> - Monitoring, implementation, Reporting and overall supervision of activities at Field Level
SCOPE Registrar/s	Somalia	<ul style="list-style-type: none"> - In charge of Biometric registration of targeted selected HHs under the project,
Office -field security Guard/s	Somalia	<ul style="list-style-type: none"> - Support security and safety for office staff, assets and during registration, top up and field operations.

Primary supply Workers: Financial Service Providers -Staff of the service provider (Hormuud and Telesom), contracted by WFP as primary service provider for mobile money transfer.

Financial Service Providers

WFP LO Finance	Nairobi	<ul style="list-style-type: none"> - Oversee the operations - Verification of payments - Real time transfer to beneficiaries through Hormuud portal system - Oversee planning and timely disbursements - Oversee reporting and reconciliations. - Any issue raised by their agent address and resolve with WFP
	Mogadishu/Hargeisa	<ul style="list-style-type: none"> - Coordinate all branch operations - Issuance of SIM cards to WFP AOs - Mobilising resources - Provide feedback for any technical issues - Ensuring payment portal is functional whenever required
WFP TMT	Districts	<ul style="list-style-type: none"> - Oversee operations; - Oversee planning and timely disbursements; - Oversee reporting and reconciliations.
WFP HOA ,	Districts	<ul style="list-style-type: none"> - Oversee the project financial transactions; - Plan and ensure timely disbursements;

CHAPTER 3: ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Given the nature of project infrastructure development-related activities in an environment of fragility, conflict and violence, it is anticipated that there will be several key labor risks as discussed in sub sections below:

5.1: Key Labor Risks

The key labor risks which anticipated for the project are:

- Failure of WFP, NGOs and Financial Service Providers engaged on the project to comply with national laws and ESS2 on terms and conditions of employment. This might trigger labor disputes where workers dispute over limited employment opportunities, labor wages/rates and delays of payment, discrimination in labor recruitment, disagreement over working conditions (particularly overtime payments and adequate rest breaks), and health and safety concerns about the work environment.
- Security risks from the Al Shabab and communal conflict, which could threaten the life, health and safety of project workers. With Al-Shabaab still in control of parts of the country and their attacks frequently targeting government and other strategic infrastructure and persons in urban areas, the security risk for the project workers is substantial.
- Gender-based violence / Sex Exploitation and sexual harassment, as well as transmission of HIV/AIDs. Covid 19 and other communicable diseases, among project workers and between project workers and local communities. Sexual harassment, exploitation and abuse: there are several concerns on the potential for GBV, increased risk of abuse and exploitation for vulnerable women workers, increased risk of sexual exploitation and violence of persons involved in the labor related activities. Thus, all staff and contracted workers should sign a code of conduct outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of such actions.
- Recruitment and employment Labor discrimination against vulnerable and disadvantaged groups, including IDPs, unemployed youth, women, minority clans and ethnic minorities persons with disabilities, persons with HIV/AIDs, LGBTQ persons.
- Lack of access by project workers to worker grievance mechanism to address workplace related complaints, including workplace sexual harassment.

Anticipated Labor management risks and mitigation measures are highlighted in **Table 3-1**:

Table 3-1: Detailed Project Labor Risk Analysis

	Labor Risk	Magnitude, extent, timing, likelihood, and significance of these risks
1.	Security Issues i.e Attack by Alshabab	<ul style="list-style-type: none"> ○ Communal conflict, could threaten the life, health and safety of project workers. ○ Security risks, including possible abuses, to project workers and local communities arising out of activities of security personnel engaged by the project to protect project property and personnel. ○ The Presence of security personnel, who can provide protection but can also abuse their positions of power and status to perpetrate SEAH/GBV risks.
2.	GBV Incidences	<ul style="list-style-type: none"> ○ Male workers transporting goods related to the project (e.g. truck drivers), who can perpetrate SEAH/GBV risks on routes and at truck stops associated with the project, even if not on the project site. ○ Poorly designed or maintained physical spaces on project sites and in worker accommodation for example bad lighting in and around grounds and access routes could harbor perpetrators ○ Informal workers, whose informality means they may either be more vulnerable to SEAH/GBV risks due to lack of contracts or that potential perpetrators may go unidentified due to lack of background checks
3.	Labor Discrimination against vulnerable and disadvantaged groups including IDPs, unemployed youth, women, minority clans and ethnic minorities	<ul style="list-style-type: none"> ○ The Project may result to discrimination against vulnerable and disadvantaged groups including IDPs, unemployed youth, women, minority clans ○ Project may fail to hold sensitization meetings on resources planning and conflict resolution mechanisms. ○ The contracts with third parties may fail to include non-exclusion requirements as part of the monitoring system.
4.	Grievances from contractual workers This could result from delay in payment of wages, uncomfortable working conditions, work areas and work design.	<ul style="list-style-type: none"> ○ The PCUs may fail to prepare the Grievance Redress Mechanism (GRM) to address labor grievances. ○ Constituted Grievance Redress Committees may fail to be inclusive ○ Awareness creation for the workers on their rights and obligation may not be properly undertaken ○ Supervise of labor activities by government entities.

Table 5.2 below presents Labor and Working conditions (ESS2) and Community Health and Safety Risks analysis of a labor risks and suggested mitigation.

Table 3-2: Labor and Working conditions (ESS2) and Community Health and Safety Risks – ESS4

Risk	Analysis	Mitigation
ESS2		
Terms and conditions of employment	<p>The Labor Code 1972 stipulates that remuneration must be adequate in view of the quality and quantity of the work delivered, and must be non-discriminatory in regard to age, gender and other aspects.</p> <p>The ESS2 provides for the promotion of fair treatment, non-discrimination, and equal opportunity of project workers.</p>	<p>Project workers will be provided with information and documentation that is clear and understandable regarding their functions, terms and conditions of employment. The information and documentation will set out their rights under national Labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur</p> <p>-The documentation will be translated into Somali and read out to workers who may not be literate</p> <p>-The workers will be provided with accessible and safe means to raise workplace concerns. This will be done through the workers’ GM under ESS2 and project grievance mechanism as well as formation and joining of collective bargaining bodies</p>
Labor disputes	<p>The contractor and primary suppliers will have workers who will be involved in the construction aspects of SNHCP. Potential Labor disputes may arise due to interpretation, application and/or breach of collective bargaining agreement (CBA), individual contract regarding conditions of employment, variation or change of job descriptions (JD), fringe benefits, hours of work, and wages either negotiated or of already agreed terms. Labor disputes may also arise due to disagreements amongst the workers.</p>	<p>The project shall adhere to the requirements proposed in the project LMP including:</p> <ul style="list-style-type: none"> • Fair terms and conditions shall be applied to all project workers (guided by relevant laws) • The project shall have GMs for project workers (direct workers, contracted workers, primary suppliers) to promptly address their workplace grievances. • The project shall respect the workers’ right to join Labor unions and freedom of association
Discrimination of employment based on gender, disability or ethnicity	<p>The risk of discriminating based on gender, disability and ethnicity/clannism in recruitment exists especially at the local level during the construction component of the project.</p> <p>There is also a risk of bias in the recruitment of workers.</p>	<p>Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. These provisions will be enshrined in the Code of Conduct that will be signed between the WFP and MoLSA</p> <p>The CoC, to be signed by all workers, is aimed at preventing and addressing harassment, intimidation and/or exploitation.</p> <p>-Employees and workers (through a separate Workers’ GRM) will equally have unfettered access to the GM channel to raise their concern</p>

Risk	Analysis	Mitigation
		-The social specialist will routinely and periodically supervise and monitor the contractor’s approach and actions to ensure that no cases of discrimination occur or if they occur, they are addressed immediately through the appropriate channels.
Insecurity	The main security threats associated with the project include attacks on workers (direct, contract, community and suppliers) and theft of project materials and equipment. Further, banditry within the project’s right of way corridor may pose a threat to the implementation of the project.	All workers and ministry staff involved in the field operations shall be oriented on security threats and guidance provided in the project Security Management Plan. -
GBV/SEAH	Labor influx and the movement of the project workers from one location to another especially during fiber construction may result in GBV and SEA such as unwelcomed sexual advances, abuse between project workers and the community. There is also a risk of SH among the workers.	The project shall adhere to the measures proposed in the GBV Action Plan and Stakeholder Engagement Plan (SEP). A GBV Service Provider will be recruited to be responsible for all aspects of prevention and management of GBV. The mitigation measures will include: <ul style="list-style-type: none"> • Sensitize project workers and beneficiary communities on GBV/SEAH • Sensitize communities and project workers on GBV/SEAH and the referral pathways • All project personnel to be sensitized on GBV/SEAH as well as the beneficiary communities • The CoC, to be signed by the workers contains provisions on GBV/SEAH

CHAPTER 4: BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The provisions of the Labor Code apply to all employers, employees and work force under SNHCP as discussed in chapter 3 project. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation. The public service or public institutions are in addition governed by the Civil Service Law (Law Number 7/96) adopted in 1996. Below is the list of relevant provisions of the Labor Code with regard to terms and conditions of employment.

1) Content of individual contract of employment (Article 46 of the Labor Code)

- Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedures for suspension or termination of contract.

2) Notice for termination of contract (Article 50 of the Labor Code)

- Either of the contracting parties may terminate a contract of employment by giving written notice as under:
 - Not less than ten days in the case of manual workers;
 - Not less than 30 days in the case of non-manual workers: Provided that no notice need be given in case the duration of contract does not exceed one month.
- The Law for the Somali Civil Servants No.11. Article 22: Termination of Person under Service Trial, the head of the Department together with the labor commission can terminate from work a new employee within the period of his/her service trial if firmly proved that his/her work performance in the effective and shall have no right.

2) Minimum wages (Article 72 of the Labor Code).

- Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of article 71), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labor Commission, and with the approval of the Council of Secretaries.
- The Law for the Somali Civil Servants No.11. Article 85: Arrangements of Government Workers Basic Salaries. The basic salaries for the Civil servants of the Government shall be arranged, determined and set up by special Committee composed of members from the ministry of labor and Development of workers, the central Bank and the National Civil Servant commission of the Government.

4) Hours of work (Article 85, 86 of the Labor Code).

- The normal hours of work of a worker shall not exceed eight a day or 48 a week.
- Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.

5) Weekly rest (Article 96 of the Labor Code)

- Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
- Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

6) Annual leave (Article 97 of the Labor Code)

- Workers shall be entitled to 15 days' leave with pay for every year of continuous service.
- An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

7) Fringe benefits (Article 73 of the Labor Code)

- Any employer shall provide (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.

8) Deductions from remuneration (Article 82 of the Labor Code)

- No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.

9) Death benefit (Article 53 of the Labor Code)

- In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

10) Expecting and nursing mothers (Article 91 of the Labor Code)

- A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

11) Nursing breaks (Article 92 of the Labor Code)

- A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.
- 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.

12 The Law for the Somali Civil Servants No.11, Article 86: Work Contract

- Any person to be employed for Government service shall enter an agreement of contract with the institution that takes the person which its period shall be based on the institution's need but can however be renewed.

CHAPTER 5: BRIEF OVERVIEW OF LABOR LEGISLATIONS: OCCUPATIONAL HEALTH AND SAFETY

5.1 Occupational Health and Safety (OHS)

The Labor Code covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labor Code with regard to OHS. The labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace. The Labor code is not explicit on OHS provisions as detailed in ESS2 para 27.

Protection against possible risks (Article 101)

All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:

- Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health.
- Take suitable measures to prevent contamination of work-places from toxic gases, vapours, dust, fumes, mists and other emanations;
- Provide sufficient and suitable toilet and washing facilities, separate from men and women workers;
- Provide an adequate supply of drinking water easily accessible to all workers;
- Maintain fire-fighting appliances and staff trained in their use;
- Provide the necessary safety appliance adapted machinery and plant;
- Maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
- Provide suitable installations for the removal of refuse and drainage of residual waters;
- Take the necessary precautions in his establishment to protect the life, health and morality of the workers;
- Ensure that his staff receive the necessary instructions for the prevention of industrial accident, occupational diseases and other risks inherent in their occupations;
- Post in conspicuous parts of the work places notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
- Supply the workers with the apparatus and instruments (personal protective equipment) to guard against the risks inherent in the work;
- Take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

Notification of industrial accidents and occupational diseases (Article 102)

The employer shall immediately notify the competent labor inspectorate of all accidents resulting in injury of death and occupational diseases.

Medical facilities (Article 103)

Every undertaking normally employing more than ten workers at the single centre shall maintain a first-aid chest.

Conveyance of Injured and sick workers (Article 104)

It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Medical Examination (Article 95)

- Children and young persons under the age of 18 shall not be employed.
- Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
- Where a person is found to be medically unfit to continue his/ her job, his/ her contract of employment shall be automatically dissolved.

5.2 Workers Organisations

Below is the list of provisions of Labor Code with regard to worker's organizations.

Organization and purpose (Trade Unions) (Article 9 and 10)

- The organization of labor unions shall be free.
- Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union.
- Every person is free to join a trade union within the framework of his occupation.
- A trade union shall be established by a notarial act. It shall have a minimum of 50 members.

Freedom of association (Article 15)

It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association and more particularly to:

- Make the employment of a worker subject to the condition that he shall not join a labor union or shall relinquish trade union membership;
- Cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.

It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labor union.

Rights of trade union (Article 25)

A trade union shall have the rights to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal actions arising out of such contracts or based on the law.

5.3 Occupational Health and Safety (OHS) Inspection and Enforcement

OHS Labor Inspectors have the power to enter to carry out their duties, the Inspectors of Labor must have made for them identification cards to verify that:

- They are Labor Inspectors.
- This Labor Code authorizes them to inspect work premises according to the terms that the code mandated.
- Therefore, for them to become acquainted with the conditions of work and of the workers, the Inspectors of Labor can enter at any proper time, without warrant or prior notification, any premises where work is undertaken or wherever employees are at work at the time or are receiving training/education or wherever data of any kind about employees is stored, that is not a currently inhabited house.
- Labor inspectors have authority to inspect work sites in accordance with the code, advice the employers about employees' rights and the employees about their work responsibilities.

5.4 The World Bank Environmental and Social Standards (ESS)

The World Bank Environmental and Social Framework sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity.

The Environmental and Social Standards set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing.

The World Bank's Environmental and Social Framework (ESF) requires the Bank and Borrowers to better manage environmental and social risks and impacts of projects and to improve development outcomes.

5.5 ESS2: Labor and Working Conditions

ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

The LMP provides and an overview of labor use in relation to the project, assesses the potential labor risks based on type of work and worker and provides for appropriate mitigation measures, sets out the roles and responsibilities for implementing the LMP in line with the project structure for implementing the SNHCP, establishes a dedicated grievance mechanism for project workers.

3.3 Key Gaps between National Legislation and World Bank ESS 2

The Borrower will ensure that the GAPS detailed in Table 5 below are addressed during project implementation stage. The WFP and MoLSA project workers will follow provisions of this LMP and establish and implement a worker-specific grievance mechanism, which is aligned with the project’s worker grievance mechanism and the provisions of ESS2 paras 21-23, to handle all work place complaints among workers, including workplace sexual harassment.

Table 5-1 below gives the summary of World Bank Requirements and Key Gaps with FGS Legal Requirements:

Table 5-1: Summary of World Bank Requirements and Key Gaps with FGS Legal Requirements

ESS & Topic	Major WB Requirements	Key FGS legal framework	GAP between FGS Legal Framework and ESS 2 Provisions	GAP filling Measure
Working Conditions and management of Labor relations	<ul style="list-style-type: none"> -Provides for Written Labor management procedures -Non-discrimination and equal opportunity. -Worker’s organizations -Elaborate Labor management procedures 	<ul style="list-style-type: none"> -Provides for Witten employment contract requires including procedures and employment conditions Labor 	<ul style="list-style-type: none"> - No provision for Labor management procedures 	<ul style="list-style-type: none"> - LMP developed for the project Terms and conditions in the LMP are consistent with national Laws, the LMP will address the GAPS in Grievance Redress Mechanisms and matters related to Terms and Conditions of Employment
Worker Specific Grievance Mechanism for Workers to Raise workplace related complaints, including workplace sexual harassment.	<ul style="list-style-type: none"> -Worker grievance mechanism must be established and implemented for direct and contracted workers. -Provides for grievance procedures, including the person to whom grievances should be addressed; and, Measures will be put in place to make the grievance mechanism easily accessible to all such project workers 	<ul style="list-style-type: none"> -- Provides for federal Alternative Dispute Resolution Commission, Committee of Inquiry and Labor courts Labor code article 134 to 137, on labor dispute resolution provides for resolution of dispute through the district labor inspector, central labor inspector and finally competent regional courts Civil Service law article 41 provides that an official may file an appeal before the supreme court according to law against any 1. final administrative decision concerning him, or against any unfavoured decision 	<ul style="list-style-type: none"> - No Provision for elaborate easily accessible at no cost dispute resolution mechanism as provided in the ESS 2 para 21 	<ul style="list-style-type: none"> Prepare Worker Specific Grievance Mechanism for workers (Direct workers) as per this LMP.
Occupational Health and safety	<ul style="list-style-type: none"> -detailed procedure required for every project. -Requirements to protect workers, train workers, documents incidents, 	<ul style="list-style-type: none"> -Focus is on Employer’s, Employee’s and the Director’s Duties in Respect of Occupational Accidents, Injury 	<ul style="list-style-type: none"> -No detailed procedure specific to every project. - Requirements to protect workers, train workers, train 	<ul style="list-style-type: none"> -Prepare site specific OHS plan for the project as provide in the ESMF -Prepare training plan for

ESS & Topic	Major WB Requirements	Key FGS legal framework	GAP between FGS Legal Framework and ESS 2 Provisions	GAP filling Measure
	emergency preparation, addressing issues. -Monitoring OSH performance - Right of worker to remove self from dangerous work situation without fear of reprisal?	and Diseases - provides for Compensation, Offences and Specific Laws and Regulations - Labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace	workers, document incidents, emergency preparation. -It's not explicit on provisions of ESS2 para 27 as paraphrased in the comment	workers, document incidents and emergency preparation for the site provide in the ESMF. -Adhere to provisions of the LMP which conforms to the provisions of ESS2 para 27 as paraphrased in the comment
Category of workers	Specifies these following categories of workers; direct workers, contracted workers, and primary supply workers.	The framework does not categories workers	No reference to community and Primary supply workers	-Screening and monitoring measures will be introduced for primary suppliers as per this LMP.
Prohibiting discrimination against persons with disabilities, persons with HIV/AIDs, LGBTQ persons and other vulnerable populations?	Provides under ESS 2 Para 13 that decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements.	Provides non-discriminatory on account of race, colour, sex, sexual orientation or gender identity, language, religion, political or other opinion, nationality or national extraction, ethnic or social origin, disability, pregnancy, mental status, age or human immuno-deficiency virus (HIV) status or political or trade union activities”	FGS is not explicit on persons of LGBTQ	Provision of LMP on non-discrimination will be complied with, additionally GRM will provide specialized channels/ specific measures for vulnerable workers, to enable them access grievance redressal arrangements appropriately

3.4 ILO Fundamental Conventions Ratified by Somalia

Somalia has been a member of the International Labor Organization (ILO) since 1960. The country has ratified below listed fundamental conventions of ILO:

Forced Labor Convention (1930/no. 29). The key objective of the Convention is to suppress the use of forced labor in all its forms. It defines forced labor as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’. The Convention has been in force in Somalia since 1960.

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87): Article 2 of the convention provides that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. Article 3 provides that workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. Article 3 further provides that public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Right to Organize and Collective Bargaining Convention, 1949 (No.98): The convention provides under article 1 Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection shall apply more particularly in respect of acts calculated to—

- (a) Make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) Cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2 provides that workers’ and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Discrimination (Employment and Occupation) Convention, 1958 (No.111): The convention provides that each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Worst Forms of Child Labor Convention, 1999 (No.182): The convention provides worst forms of child Labor comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory Labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The convention requires that each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

The Freedom of Association and Protection of the Right to Organize Convention (1948) No 87: Article 3 (1) Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. Somalia ratified the Convention in 2014.

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98): Article 1 Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency. Somalia ratified the Convention in 2014.

Convention concerning Forced or Compulsory Labor (ILO No. 29): Article I Each Member of the International Labor Organization, which ratifies this Convention, undertakes to suppress the use of forced or compulsory labor in all its forms within the shortest possible period. Article 5 1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labor for the production or the collection of products which such private individuals, companies or associations utilize or in which they trade. The Convention has been in force in Somalia since Nov 18th, 1960.

ILO Convention 182 on Worst Forms of Child Labor. Ratification of this Convention makes a country commit itself to taking immediate action to prohibit and eliminate the worst forms of child labor. Some predefined worst forms of child labor include sale of a child, trafficking of children, forced or compulsory labor, commercial exploitation of children, prostitution or the production of pornography, and work by its nature that is likely to harm the health, safety and morals of children. The Convention was ratified by Somalia in 2014.

Occupational Safety and Health Convention, 1981 (No.155): The Conventions provides that each Member shall, in the light of national conditions and practice, and in consultation with the most representative organizations of employers and workers, formulate, implement and

periodically review a coherent national policy on occupational safety, occupational health and the working environment. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The Convention provides that each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national program.

Further, the convention provides that each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programs on occupational safety and health by taking into account the principles set out in instruments of the International Labor Organization (ILO) relevant to the promotional framework for occupational safety and health.

Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

3.5 Institutional Framework for Labor

The Federal Labor Ministry and Social Affairs (MOLSA) is responsible for labor policy and regulatory frameworks at the Federal level. Currently, there are 160-170 staff at the federal level, but there is no clear job assignment and distribution of roles and responsibilities. The State Labor Ministry in each State is in charge of implementation of the labor code, including the labor inspection. While 5 States have labor ministries, only Puntland has three labor inspectors under the minister. Others have no functioning labor inspection. While the new government established under the new Provisional Constitution is still nascent, there are significant gaps in the implementation of the Labor Code.

The Department of Legal and Labor Relation under the FGS Ministry of Labor and Social Affairs is responsible for the implementation of the labor Laws. It has five sections, namely: Child Labor, Foreign Employment, Trade Union and Industrial Relation, Recruiter's License/Permit and Labor Migration.

Below is the list of relevant provisions of the Labor Code on the institutional arrangements of labor authorities.

- 1) Central Labor Authority (Article 106)

- The FGS Ministry of Labor is the Central Labor Authority for the purposes of implementing the labor Code.
- The Central Labor Authority, through the Legal and Labor Relations Department, shall ensure compliance with the provisions of this Code.
- The Head of the Labor Department shall have the rank of Central Labor Inspector.

2) District labor inspectorates (Article 107)

- A district labor inspectorate shall have jurisdiction in the district and shall have its office in the district headquarters concerned. It shall be headed by an official having the rank of district labor inspector who shall be appointed by the Secretary

3) Duties of district labor inspectors (Article 108)

- The district labor inspector shall ensure strict compliance with the provisions of this Code or regulations made hereunder; and mediate in labor disputes falling within his competence.

4) Power of inspectors (Article 110)

- The Central Labor Inspector and district labor inspector shall have the power to:
 - a) enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
 - b) interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder;
 - c) require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.

5) Individual labor disputes (Article 134)

- An individual labor dispute shall be submitted by any of the parties to the competent district labor inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

6) Collective labor disputes (Article 135, 136, 137)

A collective labor dispute arising at the district, firm or factory level shall be submitted to the competent district labor inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

Note that, the Federal Member States have duplicated the hierarchical at the FGS Labor Ministry and Social Affairs (MOLSA) in terms of management and institutional arrangements as listed above.

CHAPTER 6: POLICIES AND PROCEDURES

6.1 Labor Procedures

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The following measures, highlighted will be followed and monitored 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
- 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.
- Unskilled labor will be preferentially recruited from the surrounding communities, with a goal of at least 50 percent.
- Employees will be informed (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers before the expected release date of the coming termination.
- 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.
- Normal working time will 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; this shall prevail upon all the project workers.

A summary of indicative procedures to develop and implement the LMP policies is provided below.

Occupational health and safety (OHS): Pursuant to the relevant provisions of the Labor Code known as Act No. 31 of 1972: Private Sector Employees Law (Law No. 31/2004), ESS2

(including WBG Environmental, Health and Safety Guidelines (EHSGs), and WB standard procurement documents), MoLSA and WFP will manage the project in such a way that project workers are properly protected against possible OHS risks. As provided in the ESMF appendix 1, OHS risks associated with construction of fiber cables and communication towers will include but not limited to; Expose community members to medical wastes related to Health and nutrition activities under component 1 of the project.

Labor disputes over terms and conditions of employment:

To avoid labor disputes, fair terms and conditions will be applied for all direct and contracted project workers (guided by relevant laws). The project will also establish and implement grievance redress mechanisms for all direct and contracted project for project workers in line with ESS2, to promptly address their workplace complaints, including workplace sexual harassment. Further, the project will respect the workers’ right of labor unions and freedom of association, as set out in the *Private Sector Employees Law (Law No. 31/2004)*.

Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7: The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the *Private Sector Employees Law (Law No. 31/2004)* on gender equality in the workplace, which will include provision of maternity and sick leave also provisions of civil service law Law No. 7/96. The contracts with third parties will include these requirements which will also be part of the monitoring system.

Security risks: The security situation in Somalia remains volatile and characterized by entrenched conflict between Al- Shabaab and the FGS, FMS and associated groups. Between 1st January 2021 and 1st August 2022, the Armed Conflict Location & Event Data Project (ACLED) recorded 4,090 incidents of battles, explosions/remote violence and violence against civilians, causing 5,520 fatalities. The Security Risk Assessment Management Plan (SRAMP) Security Risk Assessment (SRA) provides an overview understanding of the current situation across Somalia (FMS) from a political and security perspective. Proposed interventions in addressing security challenges are indicated below;

- Screening out extremely high-risk areas, with a phased approach allowing reassessments and potential integration of areas where the situation improves over time;
- Risk management measures for moderate to substantial risk areas which remain volatile.
- Measures to scale down and or delay interventions in volatile areas with increasing risks informed by reassessments.

Gender-based violence (GBV) and Sexual harassment, exploitation and abuse (SEA/SH) among project workers and between project workers and members of local communities: As detailed in SNHCP Sexual Exploitation And Abuse/Sexual Harassment Prevention And Response Action Plan, GBV is widespread in Somalia, and considered to be a major obstacle to

equality, peace and development in the country. Despite the lack of comprehensive and reliable national population based GBV prevalence data, information that does exist indicates that GBV is common in the lives of women and girls across the life course in Somalia, with some forms of GBV endemic.

The plan further provides that some forms of GBV are normative in Somalia, including Female Genital Mutilation (FGM), child marriage and some intimate partner violence behaviors, in particular a man's use of physical violence to discipline or control his wife under certain circumstances.¹ Other normative forms of GBV in Somalia include cultural practices of abduction and forced marriage and widow inheritance.² The extent to which each type of GBV is practiced and normative varies across regions of the country, and there are indications of apparent shifts in beliefs and attitudes that support FGM, child marriage and intimate partner violence within Somalia, as discussed in more detailed in the next section.

¹ International Alert/CISP (2015) The Complexity of Sexual and Gender-Based Violence: Insights from Mogadishu and South

² Norwegian Country of Origin Information Centre (2018) Somalia: Marriage and divorce, Landinfo, Oslo.

CHAPTER 7: AGE OF EMPLOYMENT

The SNHCP project implementing team will ensure that:

- SNHCP will only engage persons with a minimum age of eighteen (18) years and this will be enforced during recruitment of workers
- WFP and respective NGO and financial service providers will verify identity and 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.
- Liaise with labor inspectors/ concerned authorities, and conduct announced and unannounced inspection visits to work sites (related to the project).
- If a person under the minimum age of 18 is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

The process of age verification. Verification of the age shall be undertaken prior to the engagement of labor and be documented. Below is indicative age verification means that could be used in Somalia context where official ID system is broadly unavailable:

- Check the birthday on official documents such as birth certificate, national ID or other credible records, where available.
- Obtain written confirmation from the medical practitioner, parents or guardian; or
- Inquire with the local community leader, community action group or with other credible community sources.

CHAPTER 8: TERMS AND CONDITIONS

Provision of written individual contract of employment. A written individual contract of employment shall be provided to workers that specify the following: (a) name of workers; (b) address, occupation, age and sex of workers; (c) employer’s name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedure for suspension or termination of contract. Depending on the origin of the employer and the employee, employment terms and conditions will be communicated in a 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.

Notice for termination of contract. Either of the contracting parties may terminate a contract of employment by giving written notice as under: (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers. No notice needs to be given in case the duration of contract does not exceed one month. For other field staff who may be found in breach of confidentiality or falsifying information. Termination should be forthwith even if contractual period were more than one month.

Minimum Wages. While the mechanism to set the official minimum wage by the presidential decree (Labor Code, Article 72) is not currently functioning, the market rate is available for each job type in different locality. The fair market rate will be identified and applied for project workers.

Hours of Work. The normal hour of work of a project worker shall not exceed 8 hours a day or 48 a week. Hours worked in excess of the normal hours of work shall not exceed 12 hours a week and shall entitle a worker to a proportionate increase in remuneration.

Rest per week. Every worker shall be entitled to one day’s rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week. Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

Annual leave. Workers shall be entitled to 15 days’ leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

Maternity leave. A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks’ maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

Nursing breaks. A female worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

Deductions from remuneration. No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing. The employer shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

Death benefit. In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

Treatment of injured and sick workers. It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Collective Bargaining Agreements. A collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the representatives of one or more employers, on the other hand. Where collective agreements exist between the employer and project workers, such provisions will be applied, where relevant.

CHAPTER 9: WORKERS' GRIEVANCE REDRESS PROCEDURE

As provided by ESS 2 para 21 to 23, a grievance mechanism 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 reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. The worker grievance mechanism as discussed in this LMP is separate from the general project GRM.

The objective of this procedure is to ensure that, in line with ESS2, a grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns, including in relation to workplace sexual harassment.

The LMP provides that workers can submit complaints about sexual harassment from other workers under the ESS2 grievance mechanism, workers can also submit complaints about sexual harassment from other workers through the general project GRM. Furthermore, persons from local communities who have complaints about SEA/SH/GBV in relation to project workers, are to use the general project GRM presented as a separate instrument.

The procedure is listed below.

1. WFP sign code of conduct with the provisions of the Labor Act for contracted workers who will comply with community meetings resolutions on applicable rules
2. WFP and NGO induct the employee on the applicable workers' grievance redress mechanism. Induct all project workers to be aware of their rights. All records of induction shall be kept and made available for inspection by the MoLSA, WFP or the World Bank.
3. In case of violation, the aggrieved employee must capture and present the details of the grievance to the person they report to or the supervisor's superior in case of conflict of interest.
4. The supervisor will verify the details and seek to address the matter within the shortest time up to 48 hours.
5. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found.
6. Where no resolution is found, the employee can escalate the matter to the sector specific institutions or courts who will resolve the matter between employer and employee. The Supreme Court's decision is final.
7. Where the formal courts are not accessible, do not exist in an area, or cannot render a judgment, the matter shall be reported to and handled by the WFP and MoLSA, for example through the Project Grievance Redress Mechanism (GRM).

8. The Contractor shall keep records of all proceedings of grievance redress that are within its jurisdiction and furnish the WFP and MoLSA as part of the periodic progress reporting.
9. All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the SNHCP GBV/SEA Action Plan referral pathways and complaints resolution mechanism.
10. In case of risk of retribution, the employee may immediately escalate to the court system or to the WFP and MoLSA as noted under. If confidentiality is requested, the WFP and MoLSA will ensure it to avoid any risk of retribution, including in its follow-up actions.

Resourcing of the Labour GRM is already provided for under Component 3 of the SNHCP (Project Management, Monitoring and Evaluation, and Knowledge Management) who will coordinate GRM activities for SNHCP. The component is financing the payments to the GRM officer as well as the GRM operational costs as required. The mechanism can be scaled up as appropriate proportional to the nature and scale of the potential risks, magnitude of complaints and grievances and span of geographical coverage.

Reporting Channels and Grievance Mechanisms provided by WFP:

WFP has several informal and formal bodies and mechanisms in place for its staff to raise workplace related concerns and grievances, report cases of suspected misconduct, fraud etc.

Besides, WFP has a comprehensive disciplinary process in place to address all breaches of WFP regulations, rules and administrative issuances to protect the integrity and efficiency of the Programme. All staff have an obligation to report misconduct (or suspicions of misconduct) to their immediate supervisor, the Deputy Country Director/Country Director or The Office of Inspections and Investigations (OIGI), to collaborate with investigators, and to maintain confidentiality.

The following bodies/ reporting channels are available to all categories of staff:

- **The Office of the Ombudsman (OMB)** Staff may contact the Ombudsman for help on any issue related to work to get a different perspective outside of the formal channels. Issues may relate to conditions of employment, managerial practices, professional and staff relations, administration of benefits, interpersonal issues and standards of conduct. If a solution cannot be found to an issue through informal mediation, the OMB can provide information on how to proceed through more formal channels.
- **The Office of the Inspector General (OIG)** OIGI carries out investigations in WFP in response to complaints from employees, counterparts, implementing partners, UN agencies, and others. Reports may be made through several sources, including personal visits, phone calls, emails and letters. In addition, the Office operates a **dedicated Hotline**, which allows for confidentiality in the receipt of complaints. Cases of SEA

may be reported through the dedicated Hotline or to the designated PSEA Focal Points at the country or field office levels, or his/her alternate. WFP Somalia has nominated PSEA focal points in all its field offices, in the CO in Mogadishu and in the Liaison Office in Nairobi.

- **The Ethics Office** The Ethics Office Advises employees and management on standards of conduct and ethical matters, conflicts of interest (gifts, awards, hospitality, outside activities including speaking engagements, board memberships, publications, and more), political activities, pre- and post-employment issues. It administers the *Whistle-blower Protection Policy* to enable employees to report misconduct and cooperate with duly authorized audits, investigations and proactive integrity reviews (PIRs) without being subject to retaliation. It also administers the *Annual Conflicts of Interest and Financial Disclosure Programme (ADP)* for the purpose of helping to identify and address personal conflicts of interest.

CHAPTER 10: CONTRACT MANAGEMENT

10.1 Key Procedures

The SNHCP will promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions, this will be achieved by conforming to procedures discussed below.

10.2 Recruitment and Replacement Procedure

The objective of this procedure is to ensure that the recruitment process and placement of direct and contracted workers is conducted in a manner which is non-discriminatory and employees are inducted to all essential work-related matters.

The procedure is listed below.

1. Hiring entity submits a recruitment plan to the MoLSA and WFP for review and approval. The following details will be shown;
 - Number of staff required
 - Intended working condition
 - Intended locations of staff
 - Job specifications in terms of qualification and experience
2. Hiring entity publishes the job invitation in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for the hiring of workers from local communities) to ensure all potential candidates have access to the information, including women, actively addressing risks of nepotism.
3. Shortlist and recruit candidates ensuring the following;
 - As much as possible, 50% shortlisted candidates are women.
 - As much as possible, 50% engaged employees are women.
 - Screen off candidates under the age of fifteen years.
4. On recruitment, ensure a contract of employment is signed voluntarily, for both direct and contracted workers.
5. Before commencement of work, hiring entity will ensure employee is inducted on the essential work-related issues as listed in appendix B, which include the following;
 - Key Job Specifications
 - Terms and Conditions of Employment
 - Special Codes of Conduct
 - Disciplinary Procedures
 - Workers' Grievance Mechanism

- Freedom to join and participate fully in Workers Association activities or Trade Union
 - Emergency Preparedness
6. Maintain all such employment records available for review by the MoLSA and WFP, the World Bank, or Regulatory Authority.

10.3 Occupational Health and Safety Procedures

The objective of the procedure is to achieve and maintain a healthy and safe work environment for all project workers and the host community in line with national law and ESS2.

1. WFP together with MoLSA will develop and maintain an occupational health and safety management system that is consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety which can be found at

<http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf>.

2. WFP together with MoLSA appoints an appropriately qualified and experienced Safety Health and Environmental Officer whose responsibilities is to advise the employer on Health and Safety related issues.
3. WFP together with MoLSA provides preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances informed by TRA and SWP.
4. WFP together with MoLSA provides for appropriate training/induction of project workers and maintenance of training records on occupational health and safety subjects including TRA and SWP.
5. WFP together with MoLSA documents and reports on occupational accidents, diseases and incidents.
6. WFP together with MoLSA provides emergency prevention and preparedness and response arrangements to emergency situations including and not limited to;
 - Workplace accidents
 - Workplace illnesses
 - Flooding
 - Fire outbreak
 - Disease outbreak
 - Labor unrest and
 - Security

7. WFP together with MolSA to comply with all requirements of applicable occupational Health and Safety legislation and Environmental legislation including WB EHS guidelines.
8. WFP together with MolSA shall maintain all such record for activities related to the safety health and environmental management for inspection by the World Bank.

10.4 Procedure for Non-Discrimination and Equal Opportunity

In accordance with ESS 2, this procedure ensures that decisions relating to the employment or treatment of primary supply workers will not be made on the basis of personal characteristics. It will be based on the principle of equal opportunity and fair treatment. The objective of this procedure is to ensure that recruitment and treatment of Project workers is based on the principle of equal opportunity and fair treatment.

Procedure

The WFP together with MolSA will apply the following guidelines when dealing with workers.

1. there will be no discrimination with respect to any aspects of the employment relationship, such
 - Recruitment and hiring;
 - Compensation (including wages and benefits);
 - Working conditions and terms of employment;
 - Access to training;
 - Job assignment;
 - Promotion;
 - Termination of employment or retirement;
 - Or disciplinary practices
2. harassment, intimidation and/or exploitation will be prevented or addressed appropriately
3. Special measures of protection and assistance to remedy discrimination or selection for a particular job will not be deemed as discrimination.
4. vulnerable Project workers will be provided with special protection on security risks under the project, these include:
 - Women
 - Persons with disabilities
 - IDPs
 - LGBTQ persons
 - Persons from ethnic/clan minorities
 - Persons from religious minorities
 - Persons with HIV/AIDs or serious illness

CHAPTER 11: PRIMARY SUPPLIERS WORKERS

Primary supply workers are employees of suppliers who on an ongoing basis, provide goods and services to the Project. Although suppliers may be sub-contracted by other implementers, the PCU has oversight on the implementation of the LMP requirements in this category.

The objective of the procedure is to ensure that labor related risks, especially child and forced labor as well as serious safety issues to the Project from primary supply workers are managed in line with the requirements of ESS2.

The procedure is detailed below.

1. Procure supplies from legally constituted supplier. The legal registration ensures that the company is legally obliged to comply with all applicable labor laws in Somalia, which makes it possible to assume mainstreaming of the labor laws within the supplier's firm. This will include ensure evidence of Certificate of incorporation
2. Make a physical check on the supplier's labor management system, including;
 - Occupational safety and health
 - Any past work related environmental or occupational incidents
 - Age restrictions (18 and above)
 - Employment is voluntary
3. Where a significant risk of child or forced labor or serious safety issues in relation to primary suppliers has been identified, this section sets out the procedure for monitoring and reporting on primary supply workers.

CHAPTER 12: Monitoring, Reporting and Budget

12.1 Monitoring and Reporting

Monitoring and reporting: The PCUs shall report on the status of implementation of the above policies and procedures on a quarterly basis. The PCUs will closely monitor labor and OHS performance of the project and report to the World Bank on a quarterly basis.

Fatality and serious incidents: In the event of an occupational fatality or serious injury, the PCUs shall report to the World Bank as soon as it becomes aware of such incidents and inform the MoLSA and WFP in accordance with national reporting requirements, typically within 24 hours for a fatality, 48 for a serious injury. Corrective actions shall be implemented in response to project-related incidents or accidents.

12.2 Budget for Implementation of LMP Activities

Table 13-1 below provides an indicative budget developed for implementing the LMP

Table 12-1: Indicative Budget for LMP Activities Implementation

Item	Estimated Budget (USD)/ per Annum
Implementation of OHS Provisions	5,000
Implementation of Workers Grievance Redress Mechanism	5,000
Travel expenses of staff on LMP activities	20,000
Training Cost on LMP Provisions	20,000
Stakeholder Consultations on LMP Matters	50,000
Sub Total 1	100,000
Contingency Item 10%	10,000
GRAND Total	110,000

ANNEXES

Annex 1: Guidelines on Code of Conduct

Guideline on Code of Conduct

A satisfactory code of conduct will contain obligations on all project workers that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the ministries, the location and the project sector or to specific project requirements. The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

- Received a copy of the code.
- Had the code explained to them.
- Acknowledged that adherence to this Code of Conduct is a condition of employment; and
- Understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities

DOs

1. Wear always prescribed and appropriate personal protective equipment on site.
2. Wash hands, always sanitize and observe social distancing and follow WHO and the government SOPs and updated guidelines.
3. Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever and shortness of breath.
4. Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
5. Treat women, children and elderly men, vulnerable persons, persons from the minority communities and persons with disabilities with respect regardless of race, color, language, religion, or other status.
6. Report any violations of this code of conduct to workers' representative, HR or grievance redress committee. No employee who reports a violation of this code of conduct in good faith will be punished in any way, and
7. Comply with all labor legislative and regulatory requirements.

DON'Ts

1. Expose other people to the risk of infection in any form including risks of occupational health and safety.
2. Leave personal protective equipment lying within the project site.
3. Come to work if you or any of your family members has any symptoms of COVID-19 (cough, fever and shortness of breath). Report immediately to your supervisor if you or family member has any of these signs.
4. Make unwelcome sexual advances to any person in any form.
5. Have sexual interactions unless full and unequivocal consent is given and there is no form of material or other coercion, and
6. Use alcohol or narcotics during working hours.

Annex 2 : Sample CoC

Suggested CoC Template on the Company Headed Paper

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

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

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

REQUIRED CONDUCT

Contractor’s Personnel shall:

- 1) Carry out his/her duties competently and diligently
- 2) Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person
- 3) Maintain a safe working environment including by:
 - Ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health
 - Using appropriate measures relating to chemical, physical and biological substances and agents
 - Wearing required personal protective equipment
 - Following applicable emergency operating procedures.
- 4) Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health
- 5) Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children
- 6) Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel.
- 7) Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- 8) Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- 9) Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage.

- 10) Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH).
- 11) Report violations of this Code of Conduct.
- 12) Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor’s Personnel or the project’s Grievance Redress Mechanism.

RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR’S PERSONNEL:

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

Name of Contractor’s Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

Behaviors constituting Sexual Exploitation and Abuse (SEA) and behaviors constituting Sexual Harassment (SH)

Sexual exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or 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 and abuse also includes sexual relations with a child, in any context, defined as:

Child - a “human being below the age of eighteen years”.

Examples of acts of sexual exploitation and abuse;

- Sexual assault (defined as “any unwanted or forced sexual act committed without consent”) or threat thereof. Sexual assault can occur either against a person’s will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes:
 - 1) actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing).
 - 2) threats of physical aggression.
 - 3) emotional coercion; and/or
 - 4) Psychological blackmailing.

- Unwanted touching of a sexual nature
- Demanding sex in any context
- Making sex a condition for assistance
- Forcing sex, forcing someone to have sex with anyone
- Forcing a person to engage in prostitution or pornography
- Refusing to use safe sex practices
- Videotaping or photographing sexual acts and posting it without permission
- Alleging or threatening to allege that anyone already has a history of prostitution on legal papers
- Name-calling with sexual epithets
- Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful.
- Telling someone that they or anyone else are obliged to have sex as a condition for anything.

Annex 3: Risk Mitigation Matrix (WFP)

Annex 1: Risk Mitigation Matrix

After the capacity assessment is completed, specific risk mitigation measures are applied if a partner’s scores reflect weakness in the assessment areas. Below is a table that guide this process.

Risk mitigation linked to Partner Capacity Assessment (PCA)

Possible risks	Observations	Possible mitigation actions where appropriate
Vision and strategy		
Lack of clear mission statement	NGO has vague policy and mission documents.	Work with NGO to finalize mission statement/ help NGO formulate longer-term strategy building on comparative advantages of NGO.
Governance/people management		
Lack of Clear code of conduct	No documentation on staff rules and conduct.	Establish timeline for NGO completion of code of conduct/ Help NGO establish code of conduct based on WFP’s documentation.
Inadequate governance structure and reporting lines	Roles and responsibilities are poorly defined/ unclear reporting lines/ no organigram (INGO- lacking strong connection to HQ).	Establish timeline for NGO completion of code of conduct / Work with NGO to make organigram and roles and responsibilities chart.
Policies and procedures unclear for staff performance reviews and no existing guidance on formal recourse for staff issues	No regular staff assessments are done and/or there is an absence of official guidelines on how to deal with recourse for employee performance issues.	NGOs should have sound hiring processes in place and periodic evaluations of employee performance, as well as official procedures for dealing with employees’ performance issues.
Inadequate Training needs assessment or capacity building of staff	Affecting ability to deliver food assistance.	WFP can provide better opportunities for training and shadow monitoring/ increased field visits/ and help coordinate possible training with nearby INGO with better capacity.
Gender and protection		
Organization lacks gender policy and/or protection policy or guidance	No clear policy in place.	Work with NGO to create policies and have trainings for staff awareness.
Inadequate experience in gender analysis/ gender specific programming	No gender focal points have been appointed/ no previous gender specific programming.	Help find a designated focal point to attend NGO gender/WFP trainings/ couple with INGO, other organization, who is experienced in gender specific

Possible risks	Observations	Possible mitigation actions where appropriate programming.
Inadequate Complaints Feedback Mechanisms (CFM)	The onsite CFM is underused and not known by most beneficiaries/ response time is inadequate.	Help organization set up and monitor a CFM properly/ increase field visits to ensure this is done.
Programme capacity		
Failure or delays in information and communications technology (ICT) systems	Lack of communication in remote areas/ unable to receive necessary updates on programme implementation; Lack of adequate data security mechanisms for sensitive information.	Direct support to partners to improve ICT infrastructure, including provision of hardware, software and training, as appropriate; checks to ensure data security is in place.
Lack of training staff on programme implementation	Quality of partner implementation affected by lack of expertise in new programme modalities (e.g. CBT) and capacity for large-scale roll-out.	WFP can provide training and mentoring as needed or help coordinate training opportunities through INGO partners and Clusters.
Demonstrating results and impact/ poor monitoring and evaluation systems in place	Ineffective/inefficient monitoring and evaluations.	Training on proper monitoring and evaluation procedures as well as possible seconding WFP staff for this.
Financial management		
Inadequate financial management systems in place	Inability to meet WFP reporting and invoice requirements. Delays in submissions.	Training and additional efforts to broaden knowledge of book- keeping and accounting. Internationalise critical functions if necessary (short- term). Ensure handover/training/coaching processes.

Annex 4: Terms and conditions of employment with WFP:

Terms and conditions of employment with WFP:

WFP confirms every recruitment through a contractual letter signed by both WFP and the employee, which stipulates:

- The general terms of employment
- The salary and other payments and entitlements
- Provisions regarding termination
- Social security and leave provision
- Pension arrangements
- Reference to the applicable code of conduct and other related policies attached. The terms of reference are attached

Duties and Obligations of Staff. By accepting an appointment with WFP, staff members undertake to comply with a number of obligations, which are clarified in the "Standards of Conduct for the International Civil Service" contained in the WFP HR Manual. Staff members should conduct themselves with the interests of the Programme alone in view. Consequently, they must subordinate their private interests to those of the Programme and avoid placing themselves in a situation in which their interests might conflict with those of the Programme. They must exercise their functions with integrity, loyalty and impartiality and remain independent of any outside authority in the performance of their duties.

Standards of Conduct:

WFP staff must be committed to the values, principles and standards set forth in the Standards of Conduct for WFP as well as the Standards of Conduct for the International Civil Service. Staff members are expected to take a positive and active approach to upholding the Standards of Conduct as well as to complying with other policies promulgated by the Programme and related to their duties and obligations as international civil servants. (Refer to: <https://icsc.un.org/Resources/General/Publications/standardsE.pdf>)

Managers and supervisors must ensure that working relationship foster harmony. They are in positions of leadership and it is their responsibility to ensure a harmonious workplace based on mutual respect; they must be open to all views and opinions and make sure that the merits of staff are properly recognized.

Harassment, in any shape or form, is not tolerated and no staff shall engage in any form of harassment, **including sexual harassment of fellow Project workers.** International civil servants have the right to a workplace environment free of harassment or abuse. WFP has an internal policy on Protection from Harassment, Sexual Harassment, Abuse of Authority, and Discrimination. WFP is committed to ensuring that all its workplaces are free from abuse, offensive behaviour, harassment, abuse of authority and discrimination. WFP is also committed to promoting a work culture in which every employee understands, and is able to carry out, his/her personal responsibilities for maintaining the dignity of work colleagues. This is enforced through compulsory on-boarding course on joining the organization,

frequent reminders by supervisors and managers on the duty to report on any form of harassment and abuse; regular HR workshops and trainings; gender training; Prevention of Sexual Exploitation and Abuse (PSEA) trainings.

International civil servants are not allowed to abuse their authority or use their power or position in a manner that is offensive, humiliating, embarrassing or intimidating to another person. Any staff or member of public can report on this conduct through numerous channels of complaints available, anonymous letters, incident reports, emails, or through the call centre and regular monitoring. All employees and SEA Focal Points/Alternates are bound to maintain confidentiality of all reported allegations, including the identity of complainant/s and subject/s. OIGI- WFP's Office of Inspections and Investigations will launch an independent assessment of the cases and conduct investigations as required.

Staff association: Freedom of association is a fundamental human right and international civil servants have the right to form and join associations, unions or other groupings to promote and defend their interests. WFP has two recognised Staff Representative Bodies (SRB) to ensure good cooperation with UN common System Staff Associations on matters governing conditions of service with the United Nations and Specialized Agencies. In addition to these formal SRB, separate and informal local welfare staff associations can be created in the local areas to facilitate social events, establish a support network among colleagues, ensure a specific, open channel for communication with local management. In addition, WFP has a peer support network, dedicated professional staff counsellors, an Ombudsman Office etc.

Security and Safety: The WFP Country Director and Representative for Somalia shall allocate requisite staff in accordance with the demands of the services to ensure that the health, well-being, security and lives of all staff, without any discrimination whatsoever, and shall not be subjected to undue risks. WFP takes measures to protect the safety of staff and that of their family members. At the same time, it is incumbent on the staff to comply with all instructions designed to protect their safety. Apart from ensuring all staff are insured medically and have life insurance, staff are also required to undertake UNDSS Safe and Secure Approaches to Field Environments (SSAFE) and BSAFE trainings before going into Somalia. Furthermore, it is mandatory for United Nations system personnel and eligible family members to obtain security clearance for all official travel, regardless of location, and they cannot commence official travel without obtaining it.

Protection from Harassment, Sexual Harassment, Abuse of Authority and Discrimination policy. WFP is committed to working environments that respect the inherent dignity of all persons, affording them the opportunity to reach their fullest potential and empowering them to deliver the best possible results for all the people that WFP serves. WFP is committed to a zero-tolerance approach to abusive conduct. This means that any reports of abusive conduct will be dealt with promptly, justly and effectively in accordance with the applicable regulatory framework and the procedures set out in the WFP Circular. Complaints of harassment or abuse of authority are taken seriously by WFP. Any conduct that is found to constitute harassment or abuse will be dealt with in a manner consistent with

the severity of the infraction, including appropriate administrative or disciplinary measures. This policy also describes mechanisms meant to ensure the responsibilities of WFP as an employer and of each WFP employee, of promoting safe and harmonious workplace environments, and taking action when alerted to potential abusive conduct. Finally, this policy provides guidance for WFP employees on how to seek support and raise concerns regarding any abusive conduct they have experienced or witnessed.

Special Measures for Protection from Sexual Exploitation and Sexual Abuse. Acts of SEA constitute serious misconduct, and are grounds for disciplinary action, including summary dismissal. WFP's zero-tolerance policy is toward SEA committed by its employees or any other personnel associated with the work of WFP regardless of context or operation, or any other form of abuse and exploitation. All employees are expected to follow the core principles set forth in the Code of Conduct and carry themselves in accordance with the highest standards of integrity set out in the United Nations Charter and the applicable Staff Rules and Regulations. WFP provides mandatory training on prevention of harassment and SEA and ethics and standards of conduct to all its staff. WFP has also designated PSEA focal points in all country offices to support senior managers to create an environment that prevents SEA, undertake awareness raising of WFP employees and partners, participate in in-country PSEA networks, and receive complaints and submit reports of SEA to the Office of Inspections and Investigations (OIGI).

The WFP Policy on Prevention of SEA obliges all employees to report concerns or suspicions of SEA and places the responsibility on managers at all levels to support and develop systems that maintain an environment that prevents SEA. In cases of SEA allegations, staff who receive and/or report and who are not a designated SEA focal point (including call centre operators) must:

Upon consent of the affected person, inform a designated WFP PSEA Focal Point at the field or country level as soon as possible.

Provide accurate information about where to receive assistance e.g. medical/clinical, legal, psychosocial support (address, phone number).

Upon receipt of a complaint or referral, the PSEA Focal Point will ensure that consent has been obtained before reporting the incident to OIGI- WFP's Office of Inspections and Investigations.

The Baxnaano GBV Action Plan details critical measures linked to training and sensitization, response and referral protocols, and accountability procedures to mitigate against Sexual Exploitation and Abuse (SEA).

Annex 5: WFP Occupational Safety and Health Policy (OSH)

WFP Occupational Safety and Health Policy (OSH)

WFP is dedicated to promoting and maintaining the highest degree of physical, mental and social wellbeing of all its employees. Accordingly, it seeks to offer a safe and healthy working environment which contributes to human dignity and self-fulfilment. WFP is committed to the prevention of accidents and injuries arising from, linked to, or occurring in the course of work, by mitigating the hazards and risk of the working environment.

Taking this policy into consideration, Somalia has strict security protocols for movement. The WFP supports the implementation of Safe Food/ Cash Distribution programme in a manner that does not increase the risks faced by beneficiaries, staff or cooperating partners carrying out distribution. Safe distribution trainings are provided to Cooperating Partners (CP) involved in the implementation of programs. To support this effort, the WFP has developed a safe distribution guideline, and an accompanying checklist, that are provided to NGOs establish the basic mechanism for WFP to perform its oversight role. The checklist is designed to document the NGO's consistency and completeness, or the lack of it, in implementing the guidelines. It also provides evidence to WFP of a minimum risk management system being put in place at distribution sites, which could then be measured or verified.

**Annex 6: NGOs and Service Providers contracted under component 1 of
the SNHCP:**

NGOs and Service Providers contracted under component 1 of the SNHCP:

WFP will work with partners, both NGO and other service providers (its financial service provider in particular) to deliver services under the project. Before contracting, WFP ensures that NGO partners through Field Level Agreements (FLA) meet a set of minimum Core Corporate Standards. The FLAs are corporate level legally binding agreements. In this document, please refer to section 6.2.8 on Protection from Harassment, Sexual Harassment, Abuse of Authority and Discrimination policy; section 6.2.9 on Special Measures for Protection from Sexual Exploitation and Sexual Abuse Acts of SEA; and section 7.5 – Zero Tolerance of Child labour, 7.6 – minimum standards for FLAs, 7.7, 7.10 and 7.11 for more details on the legally binding corporate policies that impact labour procedures.

In addition, NGOs working with WFP must be legally registered as a non-governmental, non-profit, non-political organization in the country of the operation. As per FLA clause 16.1, “The Cooperating Partner represents and warrants that it is legally registered as a non-governmental, non-profit, non-political organisation in the country of the Operation, that it has the required legal capacity to enter into this Agreement and implement the Programmes and that it shall comply with any legislation applicable to it”. In Somalia, NGOs must obtain from the Government and share with WFP a certification that the organization is legally registered and authorized to work in the country. These certificates are renewed on a yearly basis by the government.

NGOs contracted by WFP must abide by the national legislation. As per clause 16.9 of the FLA, “The Cooperating Partner shall comply with all laws, ordinances, rules, and regulations bearing upon the performance of its obligations under the Agreement”.

WFP also undertakes a contractual obligation with all its service providers covering issues related to delivery against the clearly specified outputs of the contract. WFP does not have specific clauses in its partnership agreements related to the specific terms of employment of the partner’s staff (except for child labour and sexual exploitation, as per paragraphs 7.6 and 7.7 below, respectively), WFP undertakes partners assessments prior to engaging in a contractual agreement, which are based on both qualitative and quantitative indicators. The template is enclosed in the Annex –2 . T. Key indicators include a) Vision & Strategy; b) Governance and Organizational structure- focusing on people’s management; Gender, Protection and AAP; Programme capacity- Programme Design, Implementation, M& E; Financial Management and Resource Mobilization. The qualitative assessment is focusing on Sustainability; Due Diligence and Registration with the government. WFP also carries out partner performance evaluations at the completion of each Field Level Agreement (FLA). The evaluation measures performance against set indicators in different thematic areas, including sound recruitment procedures, Protection, Gender and Risk Management. NGOs are measured against the expectation that they should have sound hiring processes in place. All FLA contracts are considered for renewal based on satisfactory performance and adherence to all WFP mandatory provisions. In cases where certain issues are identified through the evaluation, improvement and prevention measures are included in the

renegotiation process, or, based on the gravity of the risk, contract is not renewed. Annex 1 details the risk mitigation matrix in place in case areas for improvement are identified.

WFP has a zero tolerance for child labour and while situations where children above the internationally recognized minimum age work under safe, dignified and healthy conditions may be accepted, WFP does not tolerate child labour including for its contracted partners NGOs and others service providers. Failure to comply would lead to termination of partnership or contract with the NGO or contractor (refer to the Annex 2 on Guidance on Prevention on Child Labour in WFP Operations and Programmes.)

As stipulated in the FLAs, by entering into an agreement with WFP, the Cooperating Partner undertakes to adhere to: (i) the standards set out in the Secretary-General's Bulletin Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13); (ii) any minimum operating standards adopted as a result of the Statement of Commitment on Eliminating Sexual Abuse and Abuse by UN and Non-UN Personnel of 4 December 2006; and (iii) any other Protection from Sexual Exploitation and Abuse (PSEA) policy or guideline as may be adopted by WFP, as notified to the Cooperating Partner by WFP from time to time.

The Cooperating Partner shall ensure that its personnel, agents, conform to the highest standards of moral and ethical conduct. Any failure by the Cooperating Partner to take preventive measures against sexual exploitation or abuse, to investigate allegations thereof or to take corrective action, shall constitute grounds for termination of the Agreement.

WFP contractual procedures with Service Providers: Under the mobile money option, WFP has contracted Hormuud and TELESOM under separate contracts. The Hormuud contract also covers Golis in Puntland region and has inter-operable system with the service provider. WFP has conducted a capacity assessment and due diligence as per the procurement standards which includes coverage (geographic and subscription clientele), quality of services and vigorous background reference checks before signing contract with the selected service providers. WFP's contracts with Hormuud and TELESOM explicitly stipulate that the MNO must comply with any applicable law, ordinances, rules and regulations. This includes the Somalia Labour Code detailed below in chapter 8.

The contract also **explicitly forbids child labour and**, through the contract, warrants that neither it, its parent entities (if any), nor any of the service providers' subsidiary or affiliated entities (if any) is engaged in any practice inconsistent with the rights set forth in the Convention on the Rights of the child, including Article 32 which recognizes that "a child should be protected from all work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social".

Sexual exploitation is also clearly prohibited, and, through the contract, the service provider warrants that it has taken all appropriate measures to prevent sexual exploitation or abuse of anyone by its employees or any other persons, engaged and controlled by the service

provider to perform any services. Sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute sexual exploitation and abuse, of such person.

Failure to comply with those obligations constitutes grounds for WFP to terminate the agreement with Hormuud and TELESOM.

Complaints and Feedback Mechanism (CFM) for NGOs and Service Providers:

WFP Somalia has a Complaints and Feedback Mechanism (CFM), as part of the ‘Accountability to Affected Populations’ framework, for all beneficiaries and non-beneficiaries of the project. The CFM, or hotline, which is largely detailed in the SMP, callers can ask questions or lodge complaints and grievances, report issues or wrongdoings related to the programme, which are individually followed up and responded to.

While the CFM is primarily designed for beneficiaries, staff of the Cooperating Partners (CP), and Hormuud and TELESOM as the Service Provider (SP) can use it to report any wrongdoing.

The CFM system is linked to an online case management system where every complaint is registered. All complaints will be logged into the system with details such as case description, complainant information (name, phone where the person can be called back), date, activity, CP etc. Each case registered in the system is assigned to specific WFP staff, who receive an automatic notification by email for follow up – for instance the Head of Programme in a specific WFP office. The staff responsible for taking action records his/her actions in that same system to close the loop, after which the call operators call back the complainants and inform them of the resolution of their issue.

Different risk levels have different process flows and time limits for action, with high risk cases (suspicion of fraud for instance having a shorter timeline for action). WFP’s M&E unit monitors case resolution closely, to ensure that cases are addressed within the defined timeframes. Cases can be closed in the system only after the complainant has confirmed that the issue was actually solved.

Complaints of systemic and egregious exploitative practices such as systemic child labour, forced labour, etc, will be received through the CFM and will be examined by WFP. As they constitute a breach in the contract with WFP, if verified, they would be cause for contract termination.

For other offences such as disputes over awards, working hours, or non-payment, or for issues that require an interpretation or enforcement of Somali law, WFP will refer complainants to the local ministry of labour, which is the counterpart on this project, and WFP will not investigate itself.