FRIT II – IMPROVING MUNICIPAL SERVICES IN REFUGEE AFFECTED AREAS IN TURKEY (P169996)

LABOR MANAGEMENT PROCEDURE FOR ILBANK

FEBRUARY 2020
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<th>Description</th>
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<td>Annex 2</td>
<td>Worker Grievance Form - Sample</td>
</tr>
</tbody>
</table>
Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR</td>
<td>Community Relations</td>
</tr>
<tr>
<td>DMA</td>
<td>District Meter Areas</td>
</tr>
<tr>
<td>EBRD</td>
<td>European Bank for Reconstruction and Development</td>
</tr>
<tr>
<td>ESHS</td>
<td>Environmental and Social Health Safety</td>
</tr>
<tr>
<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
</tr>
<tr>
<td>ESS 2</td>
<td>The World Bank Environmental and Social Standard 2 – Labor and Working Conditions</td>
</tr>
<tr>
<td>FRIT</td>
<td>Facilities for Refugees in Turkey</td>
</tr>
<tr>
<td>FRIT II</td>
<td>The Improving Municipal Services in Refugee Affected Areas in Turkey</td>
</tr>
<tr>
<td>GBV</td>
<td>Gender Based Violence</td>
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<td>GIIP</td>
<td>Good International and Industry Practices</td>
</tr>
<tr>
<td>GRM</td>
<td>Grievance Redress Mechanism</td>
</tr>
<tr>
<td>H&amp;S</td>
<td>Health and Safety</td>
</tr>
<tr>
<td>HR</td>
<td>Human Resources</td>
</tr>
<tr>
<td>IFC</td>
<td>International Finance Cooperation</td>
</tr>
<tr>
<td>ILBANK</td>
<td>İller Bankası A.Ş.</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labor Organisation</td>
</tr>
<tr>
<td>OHS</td>
<td>Occupational Health and Safety</td>
</tr>
<tr>
<td>PPE</td>
<td>Personal Protective Equipment</td>
</tr>
<tr>
<td>SCADA</td>
<td>Supervisory Control and Data Acquisition</td>
</tr>
<tr>
<td>Soc</td>
<td>Social</td>
</tr>
<tr>
<td>SPD</td>
<td>Standard Procurement Documents</td>
</tr>
<tr>
<td>TA</td>
<td>Technical Assistance</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WWTP</td>
<td>Waste Water Treatment Plan</td>
</tr>
</tbody>
</table>
1 Introduction

This Procedure describes the requirements with regard to labor and working conditions applicable during the pre-construction, construction and operation phases of the Improving Municipal Services in Refugee Affected Areas in Turkey, which will be financed by the World Bank and implemented by ILBANK. It aims to promote fair and equitable labor practices for the fair treatment, non-discrimination and equal opportunity of workers in all sub-projects which are listed in the table below. It aims to protect project workers' rights and ensure the management and control of activities that may pose labor-related risks.

This procedure describes the requirements and expectations in terms of compliance, reporting, roles and responsibilities, monitoring and training with respect to labor and working conditions. This procedure is adopted by ILBANK and will be apply to all project workers. It describes how ILBANK will comply with the requirements of World Bank Environmental and Social Standard 2, “Labor and Working Conditions”, and with Turkish labor, employment and occupational health and safety laws.

This procedure assess potential labor risks and impacts and describes how they will be mitigated. ILBANK will use reasonable efforts to require project contractors, or other intermediaries procuring labor, to apply this labor management procedure.

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

The following table provides summary of the sub-projects' descriptions to which this Labor Management Procedure will be applied.

Table 1.1 Summary of the Projects' Descriptions

<table>
<thead>
<tr>
<th>Target Area</th>
<th>No.</th>
<th>Project Descriptions - Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-project 1: Adana</td>
<td>1-1</td>
<td>Kozan Imamoglu Yedigoze Drinking Water Transmission Line</td>
</tr>
<tr>
<td></td>
<td>1-2</td>
<td>Yedigoze Water Treatment Plant</td>
</tr>
<tr>
<td></td>
<td>1-3</td>
<td>Kozan Pinargozu Drinking Water Transmission Line and Network</td>
</tr>
<tr>
<td>Sub-project 2: Kahramanmaraş</td>
<td>2-1</td>
<td>Kahramanmaras Northern Districts Integrated Solid Waste Project</td>
</tr>
<tr>
<td></td>
<td>2-2</td>
<td>Kahramanmaraş (Centrum) Drinking Water Project</td>
</tr>
<tr>
<td></td>
<td>2-3</td>
<td>Kahramanmaras (Centrum) Sewerage Project</td>
</tr>
</tbody>
</table>
## Labor Management Procedure for Ilbank for Improving Municipal Services in Refugee Affected Areas in Turkey

### Target Area

<table>
<thead>
<tr>
<th>No</th>
<th>Project Descriptions - Projects</th>
</tr>
</thead>
</table>
| 2-4 | Ceyhan Basin Wastewater Treatment Plants  
      Construction of 4 WWTPs including collector lines:  
      - Ekinozu WWTP and Collectors  
      - Caglayancerit WWTP  
      - Andirin WWTP and Collectors Goksun WWTP and Collectors |
| 2-5 | Elbistan Drinking Water Network Project |
| 2-6 | Elbistan Drinking Water Transmission Line |

### Sub-project 3: Kayseri

<table>
<thead>
<tr>
<th>Sub-project</th>
<th>No</th>
<th>Project Descriptions - Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-1</td>
<td>Kayseri Wastewater Treatment Plant</td>
<td></td>
</tr>
</tbody>
</table>

### Sub-project 4: Konya

<table>
<thead>
<tr>
<th>Sub-project</th>
<th>No</th>
<th>Project Descriptions - Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-1</td>
<td>Aksehir Water Supply Project</td>
<td></td>
</tr>
<tr>
<td>4-2</td>
<td>Ilgin Wastewater Treatment Plant</td>
<td></td>
</tr>
<tr>
<td>4-3</td>
<td>Çumra Wastewater Treatment Plant</td>
<td></td>
</tr>
</tbody>
</table>

### Sub-project 5: Osmaniye

<table>
<thead>
<tr>
<th>Sub-project</th>
<th>No</th>
<th>Project Descriptions - Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-1</td>
<td>Osmaniye (Centrum) Drinking Water Project</td>
<td></td>
</tr>
<tr>
<td>5-2</td>
<td>Osmaniye (Centrum) Sewerage Project</td>
<td></td>
</tr>
</tbody>
</table>
2 Overview of the Labor Use for the Project

2.1 Number of Project Workers

It is expected that Projects will engage the following categories of project workers as defined by ESS 2. The anticipated number of project workers is provided as well.

**Direct Workers:** Direct workers will include ILBANK (Borrower's) employees in supervising and technical roles, who will work directly in relation to the project. ILBANK employees are civil servants, therefore ESS2 provisions on OHS, prohibition of child and forced labor will apply to ILBANK staff. They will remain subject to the terms and conditions of their existing public sector employment agreement. The estimated number of direct workers would not likely exceed 5 staff from technical and financial departments of each Regional Directorate and/or General Directorate of ILBANK. It is estimated that the direct workers would include current ILBANK’s employees from related Regional Directorate of ILBANK who will be assigned to work on the Project.

It is expected that ILBANK would also include independent consultants, who are specialized in certain disciplines (such as design review, construction supervision, social safeguards, and environmental assessment and community relations). These consultants are hired under individual contracts, with specific definition of the assigned tasks and responsibilities. The World Bank’s Procurement Guidelines will be implemented during the selection of consultancy services.

A certain number of staff of municipalities who will benefit from the project will also be engaged in the overall supervision of construction works. Most of the municipal staff are civil servants.¹

**Contracted workers:** Contracted workers are workers hired by the project construction contractors, and their sub-contractors. They would be engaged during the following phases of the project:

- pre-construction phase which covers review of technical designs, project documents and procurement of project goods and materials,
- construction phase which covers construction activities, installation and pre-commissioning,
- commissioning phase which covers operational activities of all sub-projects and handing over to the related municipalities.

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¹ Municipalities of Osmaniye and Kahramanmaraş and Water and Sewage Administration of Adana, Kayseri, Kahramanmaraş and Konya. Municipalities have a right to employ civil servants, contracted personnel, permanent workers and temporary work positions. These are determined by the Regulation on Norm Staff Principles and Standards of Municipalities and Affiliated Organizations and Local Administration Unions published in the Official Gazette dated November 27, 2011 and numbered 28125 issued by the Ministry of Interior.
It is estimated that the approximate total number of workers for the construction of all projects would be 300-500 employees for the construction term. It is not expected that any single construction site would ever have more than 100 persons at the time considering the dimensions of the projects.

An overview of the requirements and characteristics of project workers to be engaged under the Project is given (as estimation) in the Table 2.1 below. The exact number of project workers (for each projects which are presented in Table 1.1) which will be engaged in relation to the construction of the project is, currently, not known yet.

Table 2.1 Overview of the Project Workers

<table>
<thead>
<tr>
<th>Workers Type</th>
<th>Number of Workers</th>
<th>Residents</th>
<th>Foreign Workers</th>
<th>Staff Under 18</th>
<th>Timing of Engagement</th>
<th>Type of Job or Skills</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILBANK staff</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>2019-2024</td>
<td>Technical &amp; Financial &amp; Cost Benefit Analysts Staff</td>
</tr>
<tr>
<td>Supervision Consultants</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists</td>
</tr>
<tr>
<td>Beneficiary Kahramanmaraş Municipality</td>
<td>10-20</td>
<td>10-20</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists Controller, Former</td>
</tr>
<tr>
<td>Beneficiary Municipality Osmaniye</td>
<td>10-20</td>
<td>10-20</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists Controller, Former</td>
</tr>
<tr>
<td>Beneficiary Water and Sewage Administration Kahramanmaraş</td>
<td>10-20</td>
<td>10-20</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists Controller, Former</td>
</tr>
<tr>
<td>Beneficiary Water and Sewage Administration Kayseri</td>
<td>10-20</td>
<td>10-20</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists Controller, Former</td>
</tr>
<tr>
<td>Beneficiary Water and Sewage Administration Konya</td>
<td>10-20</td>
<td>10-20</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists Controller, Former</td>
</tr>
<tr>
<td>Beneficiary Water and Sewage Administration Adana</td>
<td>10-20</td>
<td>10-20</td>
<td>0</td>
<td>0</td>
<td>2020-2024</td>
<td>Technical Staff: Project Manager/Engineers: E&amp;Soc., HS Specialists Controller, Former</td>
</tr>
<tr>
<td>Project Construction Contractor's staff</td>
<td>300-500</td>
<td>45-47.5 percent from the local area</td>
<td>5-10 percent international, 45-47.5 percent from other parts of Turkey</td>
<td>0</td>
<td>2020-2022</td>
<td>Skilled/Unskilled/Semi-skilled Labor &amp;Technicians/Engineers</td>
</tr>
</tbody>
</table>

**Community Workers:** Community workers will not be engaged under the Project.

**Primary suppliers:** Primary supply workers will be workers of firms who on ongoing basis, provide directly to the project goods or materials essential for the core functions of the project.
Migrant Workers: It is expected, that the project will require a combination of local workers from nearby settlements and workers from other parts of Turkey, and possibly from another country (though the likelihood is low). The previous experience with the water transmission lines and wastewater treatment plant utilities projects show that the contractors and subcontractors might probably hire workers from different regions of Turkey; these “internal migrants” would be workers who already have experience working on water transmission lines and/or construction of wastewater treatment plant in different parts of the country. Foreign “migrant” workers are likely to be management and technical staff (for welding, installing WWTP, etc.). The number of migrant workers would depend on decisions made by contractors. Based on previous experience the distribution could be about 5-10 percent international, 45-47.5 percent from other parts of Turkey, and 45-47.5 percent from the local area.

2.2 Characteristics of Project Workers

Workers under the age of 18 will not be engaged by the Project. Turkish law prohibits anyone under 18 from performing work in very hazardous industries (according to industry hazard classes), and construction is considered very hazardous under the existing industry classification.

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

Considering the nature of the project workforce (mostly unskilled and semi-skilled construction labor) and characteristics of labor force market in Turkey, it is not expected that the number of female workers will be high. It is estimated that women would represent about 0.5 percent of the workforce, and those would likely be technical (engineering) and/or staff working in the operation offices. All workers will be over 18 and would likely average 20-50 years old.

It is anticipated that construction workers will stay at rental houses near the construction area, in small construction camps. The accommodation standards shall be aligned with Turkish labor and OHS regulations, World Bank ESS2 requirements and IFC/EBRD Workers Accommodation Guideline.

2.3 Timing of Labor Requirements

It is expected that the pre-construction and construction phases of the Projects would last between 32 and 36 months. It is expected that each sub-project would have the main crew, which is described below. However, it could be enlarged depending on the task or location if any additional resources required.

It is expected the civils works contractor will mobilize separate crews for each major component.
Three main crews in Adana, will responsible for the construction of water transmission and networking lines and WWTP. Each crew will be composed of teams to complete specific jobs, such as land-clearing, foundation (WWTP) excavation, welding and cutting pipes, foundation installation, land restoration, and tree-cutting-if needed, electrical system installation

Six main crews in Kahramanmaraş, will responsible for the construction and rehabilitation of water transmission and networking lines, construction sewerage, and waste segregation, WWTP. Each crew will be composed of teams to complete specific jobs, such as land-clearing, foundations (sewerage, WWTP and waste segregation) excavation, welding and cutting pipes, foundations installation, land restoration, and tree-cutting-if needed, electrical system installation

One main crew in Kayseri, will responsible for the construction of WWTP. Team to complete specific jobs, such as land-clearing, foundations (WWTP) excavation, welding and cutting pipes, foundations installation, land restoration, and tree-cutting-if needed, electrical system installation

Three main crew in Konya, will responsible for the construction of water transmission line and wastewater treatment plants. Team to complete specific jobs, such as land-clearing, excavation, welding and cutting pipes, land restoration, and tree-cutting-if needed

Two main crews in Osmaniye, will responsible for the construction of network lines and sewerage. Each crew will be composed of teams to complete specific jobs, such as land-clearing, foundations (sewerage) excavation, welding and cutting pipes, foundations installation, land restoration, and tree-cutting-if needed, electrical system installation

About forty percent of the workers will be unskilled laborers. The rest will be semi-skilled and skilled positions such as managers, engineers, forepersons, drivers and equipment operators, and electrical workers. Majority of unskilled labor is likely to come from local communities, while other workers including managerial and technical staff are expected to come from other parts of Turkey. In the early stage of foundations’ construction unskilled workers will be engaged. Once the land is cleared and foundations are constructed, more skilled labor will be employed and mobilized to install the mechanical and electrical equipment.

During pre-commissioning and commissioning phases the WWTP and SCADA system, the local – municipalities’ representatives to be notified and involved in the process to prepare handing over the systems.
3 Assessment of Key Potential Labor Risks

3.1 Project Activities

The sub-projects are located mostly in the southern part of Turkey, the cities of Adana, Kahramanmaraş, Osmaniye, Konya and Kayseri. The sub-projects are detailed in Table 1.1. The sub-projects will involve construction and rehabilitation of drinking water, sewage and storm water networks and distribution lines, construction of integrated solid waste facilities, WWTPs, water reservoirs, pumping stations, collector lines and associated access roads. Construction of this type of projects typically includes the following activities:

1. Clearance of right of way (checking of other services presence, e.g. natural gas line, electrical lines, old transmission/distribution/network lines, etc.);
2. Construction of access roads (wherever required);
3. Land-clearing;
4. Earthworks;
5. Erection of solid waste facilities, if covers in the sub-project;
6. Erection of waste water treatment plant, if covers in the sub-projects;
7. Construction of pump station, relief valve, water reservoirs (wherever required);
8. Rehabilitation of transmission lines and network lines (wherever required);
9. Welding and coating of pipes for transmission and network lines;
10. Transporting material to the working area;
11. Bringing electrical services (wherever required);
12. Construct fire hydrants and firefighting system installation;
13. Reinstatement and revegetation of impacted areas;
14. Installing security bars, fences, safety nets, labels, safety signs; and
15. Establishment of work camps and area for storage and preparation.

3.2 Key Labor Risks

It is assessed that key labor risks would be associated with health and safety risks related to the construction activities of the sub-projects such as exposure to physical, chemical and biological hazards during construction activities such as: use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery. As the construction activities will involve hazardous
work, persons under the age of 18 will not be employed by the Project. Many workers will be exposed to occupational health and safety hazards, primarily including but not limited to:

- Working at height
- Electrocutions and arc fault burns (use of or faulty electrical devices, such as cable plugs, cords, hand tools,)
- Electrical works
- Exposure to chemicals (as paints, solvents, lubricants, and fuels)
- Chain saws and tree fall during timber cutting
- Travel and working on steep and treacherous terrain.
- Traffic accidents.
- Excavations hazards
- Lifting of heavy structures
- Accidents with exposed rebars
- Exposure to construction airborne agents (dust, silica and asbestos)
- Ergonomic hazards during construction
- Environmental hazards (snakes, wasps, bees, etc.)
- Welding hazards (fumes, burns and radiation)
- Steel erection (towers) hazards.
- Lack of awareness on occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices;
- Use of rotating and moving equipment;

In general, excessive overtime working hours is a potential labor risk in the construction sector in Turkey. There is a potential risk that due to project limited time period and seasonal restrictions of construction works, contracted workers may perform overtime time hours above the annual limit set by the Labor Law. Mitigation of this risk is described in the Terms and Conditions section.

The Improving Municipal Services in Refugee Affected Areas in Turkey was screened as low on gender-based violence (GBV) risk. The sub-projects do not expect to have labor influx risks as about 50% of the workforce will be hired locally. Majority of the workforce will be Turkish. However, if other labor risks arise during project implementation, ILBANK will develop procedures to prevent further impacts.
4 Brief Overview of Labor Legislation: Terms and Conditions

Below is the overview of the key aspects of National Labor Code (Turkish Labor Law-4857) with regards to ESS2 terms and conditions of work.

4.1 Labor Legislation

Labor relations are governed by the provisions of the Turkish Labor Law (4857 numbered).

4.2 Forced Labor and Child Labor

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

Art. 80 of the Penal Code penalizes human trafficking and Art. 117 penalizes violation of the freedom to work and labor.

Turkey has ratified the ILO Convention No. 29 on Forced Labor and ILO Convention No. 105 on the Abolition of Forced Labor.

Turkish Labor Law sets the minimum age at which a child can be employed as well as the conditions under which children can work (Article 71, Chapter 4). The minimum employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds.

According to Turkish Labor Law, Article 73, Boys under the age of eighteen and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.

4.3 Wages and Deductions

A labor agreement (employment contract) will determine the form and amount of remuneration. Turkish Labor Law Article 32-62, the Wages and its remuneration section is described wage payment and deduction. Remuneration will be paid at least once a month. The minimum wage limit is regulated by the Turkish Labor Law, Article-39.
4.4 Working Hours

According to the Turkish Labor Law, Article-63, duration of work will not exceed 45 hours per weeks (9 hours per day). This does not include time for meal breaks. Where hours are not equally distributed across the week, the daily working time may not exceed 11 hours per day.

According to the Turkish Labor Law, Article-71, the working time of children who have completed their basic education and yet who are no longer attending school shall not be more than seven hours daily and more than thirty-five hours weekly. However, this working time may be increased up to forty hours weekly.

4.5 Rest Breaks

According to the Turkish Labor Law, Article 67, the beginning and ending of the daily working time and rest breaks shall be announced to workers at the establishment. Depending on the nature of activity, the beginning and ending times of work may be arranged differently for employees.

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

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

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

According to the Turkish Labor Law, Article 46, the employees working in establishments covered by this Act shall be allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked on the days preceding the weekly rest day as indicated in Article 63. For the unworked rest day, the employer shall pay the employee’s daily wage, without any work obligation in return.

4.6 Leaves

According to the Turkish Labor Law, Article 53, Employees who have completed a minimum of one year of service in the establishment since their recruitment, including the trial period, shall be allowed to take annual leave with pay. The length of the employee’s annual leave with pay shall not be less than;
a. Fourteen days if his length of service is between one and five years, (five included),

b. Twenty days if it is more than five and less than fifteen years,

c. Twenty-six days if it is fifteen years and more (fifteen included).

For employees below the age of eighteen and above the age of fifty, the length of annual leave with pay must not be less than twenty days. The provisions of this Act on annual leave with pay are not applicable to employees engaged in seasonal or other occupations which, owing to their nature, last less than one year.

**According to the Turkish Labor Law, Article 55,** National holidays, weekly rest days and public holidays which coincide with the duration of annual leave may not be included in the annual leave period.

**According to the Turkish Labor Law, Article 74,** In principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement. In case of multiple pregnancy, an extra two-week period shall be added to the eight weeks before confinement during which female employees must not work. However, a female employee whose health condition is suitable as approved by a physician’s certificate may work at the establishment if she so wishes up until the three weeks before delivery. In this case the time during which she has worked shall be added to the time period allowed to her after confinement.

If the female employee so wishes, she shall be granted an unpaid leave of up to six months after the expiry of the sixteen weeks, or in the case multiple pregnancy, after the expiry of the eighteen weeks indicated above. This period shall not be considered in determining the employee’s one year of service for entitlement to annual leave with pay.

Female employees shall be allowed a total of one and a half hour nursing leave in order to enable them to feed their children below the age of one. The employee shall decide herself at what times and in how many instalments she will use this leave. The length of the nursing leave shall be treated as part of the daily working time.

### 4.7 Overtime Work

**According to the Turkish Labor Law, Article 41,** Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. In cases where the weekly working time has been set by contract at less than forty-five hours, work that exceeds the average weekly working time done in conduction with the principles stated above and which may last only up to forty-five hours weekly is deemed to be work at extra hours. In work at extra hours, each extra hour shall be remunerated at one and a quarter times the normal hourly rate for workers who work less than 45 hours a week. If the employee who has worked overtime or at extra hours so wishes, rather than receiving overtime pay he may use, as free time, one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour.
worked. The employee shall use the free time to which he is entitled within six months, within his working time and without any deduction in his wages. The employee’s consent shall be required for overtime work. Total overtime work shall not be more than two hundred seventy hours in a year. Overtime work and its methods shall be indicated in a regulation to be issued.

4.8 Labor Disputes

The Labor code of Turkish includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of a labor agreement or other aspects of work. Such disagreement will be resolved in compliance with the Law on Mediation in Civil Disputes, numbered 6325, and According to the Turkish Labor Law, Article 20, The employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not valid to justify the termination shall be entitled to lodge an appeal against that termination with the labor court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period. The burden of proving that the termination was based on a valid reason shall rest on the employer. However, the burden of proof shall be on the employee if he claims that the termination was based on a reason different from the one presented by the employer. The court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month.

The Turkish Labor Law applies to direct workers and contracted workers, including foreign workers who are employed on full-time basis.

4.9 Freedom of association

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

According to Article 10 of the Turkish Constitution, ‘everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. The article also states that ‘men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality’.

Article 5 of the Labor Law of Turkey regulates the prohibition of discrimination in employment. According to that article ‘no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his/her employment contract due to the employee’s sex or maternity’. The same article also serves as a base for the principle of equal pay for equal value of work by stating that ‘differential remuneration for similar jobs or for work of equal value is not permissible’.

4.11 Collective Dismissal

Labour Law 4857 Article 29.- When the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, he shall provide the union shop-stewards, the relevant regional directorate of labour and the Public Employment Office with written information at least 30 days prior to the intended lay-off. A collective dismissal occurs when,

a) in establishments employing between 20 and 100 employees, a minimum of 10 employees; and
b) in establishments employing between 101 and 300 employees, a minimum of 10 percent of employees; and
c) in establishments employing 301 and more workers, a minimum of 30 employees, are to be terminated in accordance with Article 17 on the same date or at different dates within one month.
5 Brief Overview of Labor Legislation: Occupational Health and Safety

The Law of Turkish on Occupational Health and Safety (numbered 6331) provides for provisions on occupational health and safety, and applies to direct and contracted workers, including foreign workers. It is also governed by Labor Law (numbered 4857).

The overview below provides key aspects of legislation which relates to the items set out in ESS2, paragraphs 24 to 30.

- Anyone in the project has right to stop activity until unsafe act/condition is properly resolved.
- All potential hazards to project workers’ health and life will be identified for construction activity (Risk Assessment to be prepared and shared with workers).
- Any party who employs workers will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and without risk to health. This will include use of appropriate measures related to chemical, physical and biological substances and agents.
- Whenever avoidance of health and safety hazards is not possible, appropriate protective measures will be provided. These measures include controlling the hazard at source using protective solutions and providing adequate personal protective equipment (PPE) at no cost to the project/sub-projects worker.
- Any party who employs workers for the project, the employer, will assign health and safety specialist(s) at construction sites. The employer is obliged to assign health and safety specialist, according to workplace’s hazard class, according to legislative requirement. Besides legislative required OHS specialist, each construction site will be appointed the dedicated OHS specialist(s) (at least C class).
- Project workers will receive OHS training at the beginning of their employment, as induction, and on a regular basis thereafter, to cover legislative requirement. Training will cover the relevant aspects of OHS associated with daily work, including the ability to stop work without imminent danger and respond to emergency situations. Training records will be kept on file. These records will include a description of the training, the number of hours of training provided, training attendance records, and results of evaluations.

The employer to ensure the safety and health of workers in every aspect related to the work. The employer take measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means and to ensure that the measures are adjusted taking account of changing circumstances and aim to improve existing situations (The Law of Turkish on Occupational Health and Safety, Article 4).
The employer to carry out a risk assessment or get one carried out (The Law of Turkish on Occupational Health and Safety, Article 4 and 5).

The employer to take appropriate measures to ensure that workers other than those who have received adequate information and instructions are denied access to areas where there is life-threatening and special hazard (The Law of Turkish on Occupational Health and Safety, Article 4).

The workers’ obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer (The Law of Turkish on Occupational Health and Safety, Article 4).

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

The employer to provide occupational physicians and occupational safety specialists (The Law of Turkish on Occupational Health and Safety, Article 8).

The employer to assess the foreseeable emergency situations which could arise and identify those that might possibly and potentially affect workers and work environment considering the work environment, substances used, equipment and environmental conditions present in the workplace and take measures to prevent and limit adverse effects of emergency. The employer to conduct measurement and assessments to afford protection, to prepare emergency plans (The Law of Turkish on Occupational Health and Safety, Article 11).

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

The employer will provide medical checks and health surveillance to workers. Workers to be employed in enterprises classified as hazardous and very hazardous shall receive a medical report before employment. The employer to cover all expenses related to the surveillance (The Law of Turkish on Occupational Health and Safety, Article 4 and 15).

The employer will develop and implement reporting system for any accidents, diseases and incidents. Every accident will be reported to the employer, investigated and relevant measures will be designed to avoid the accident in the future. Also, remedies for adverse impacts such as occupational injuries, disabilities and diseases will be provided (The Law of Turkish on Occupational Health and Safety, Article 14).
The employer to inform the workers and workers’ representatives about the safety and health risks and protective and preventive measures, their legal rights and responsibilities, workers designated to handle first aid, extra-ordinary situations, disasters, fire-fighting and the evacuation (The Law of Turkish on Occupational Health and Safety, Article 16).

The employer to ensure that each worker receives safety and health training. This training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a changed risks and repeated periodically if necessary (The Law of Turkish on Occupational Health and Safety, Article 17).

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

The Law on OHS, 6331 numbered, defines basic requirements and general principles of occupational safety for jobs that are hazardous, very hazardous and less hazardous (The Law of Turkish on Occupational Health and Safety, Article 9). The list of such jobs is provided in the ordinance of Government of Turkey. According to the mentioned list, the construction works for waste water treatment plant, drinking water transmission and network lines, sewage system and electrical works are generally considered to be inherently very hazardous, waste segregation (non-hazardous) work is considered as hazardous.

The law imposes a general obligation on employers to provide employees with a safe and healthy working environment and to inform workers of the potential risks their jobs may present to their health and safety. Measures that must be taken include, but are not limited to, training and information campaigns as well as adoption of relevant preventive measures. The law includes requirements for organizing and managing health and safety programs, providing emergency care and services, and responding to accidents. Other requirements include controlling access to hazardous workplaces, providing personal protective equipment at no charge to workers, and medical examinations (The Law of Turkish on Occupational Health and Safety, Article 9-10-11).

Also, the Law on Labor Safety includes provisions that allow employee to take part in consultation process regarding health and safety issues, provide recommendations and raise concerns related to risks and hazards (The Law of Turkish on Occupational Health and Safety, Article 25). However, there is no specific requirement related to grievance mechanism, which may allow workers to communicate their complaints to the employer. This can be considered as a gap between Turkish legislation and ESS2. The grievance mechanism is further discussed in this document (see section 9).
ILBANK will provide overall project supervision, monitoring and management of sub-projects including monitoring of labor and OHS related issues. Supervision consultant will carry out this function on behalf of ILBANK.

The ILBANK will be responsible for the following:

- Implement this Labor Management Procedure to direct workers (including consultants), contracted workers and primary suppliers' workers (if any).
- Ensure that project contractors responsible for the construction of the sub-projects adopt this Labor Management Procedure and Occupational Health and Safety Plan before the construction stage.
- Appoint a OHS specialist responsible for the supervision OHS measures implementation, in line with ESS2 and Turkish OHS laws and regulations.
- Make sure supervision consultants hired by ILBANK and municipalities will also appoint OHS specialist responsible for the supervision OHS measures implementation, in line with ESS2 and Turkish OHS laws and regulations.
- Monitor that the project contractors are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Procurement Documents, and in line with ESS2 and national labor and OHS law.
- Monitor implementation of project contractors’ labor management procedures.
- Maintain records of recruitment and employment process of direct workers.
- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law.
- Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation and Occupational Health and Safety Plan.
- Monitor training of the project workers, as required according to The Law of Turkish on Occupational Health and Safety,
- Ensure that the grievance mechanism for project workers is established and monitor its implementation, and
- Monitor implementation of the workers Code of Conduct.

The Supervision Consultant(s) will carry out their task on a daily/monthly/defined basis, on the behalf of the Employer (ILBANK), if applicable. The Supervision Consultant(s) to employ qualified experts for such oversight and report on contractors’ performance to ILBANK on a monthly basis.
Municipality of Osmaniye and Metropolitan Municipality of Kahramanmaraş and Water and Sewage Administration of Adana, Kayseri, Kahramanmaraş and Konya shall establish Municipality Project Implementation Units (PIUs) to manage subprojects implementation. The PIUs will be primarily staffed by municipal/utility employees with the skills and qualifications to carry out fiduciary functions, as well as technical/contract management supervision with support from the supervision consultants. In general, municipalities/utilities have staff on hand who can manage all aspects of subproject implementation. PIUs that will be responsible for effective management of the subprojects as described in the project financing agreements, between ILBANK and the respective municipalities/utilities. ILBANK will prepare and evaluate the tender documents for the investment and technical assistance (TA) components, with representation from the respective municipalities on the evaluation committees. However, the municipalities/utilities will be the contracting authorities for relevant sub-projects. Therefore, municipalities and utilities, with the assistance of the supervision consultants shall:

- Implement this labor management procedure to direct workers (including consultants), contracted workers and primary suppliers' workers (if any)
- Ensure that project contractors responsible for the construction of the sub-projects adopt this labor management procedure and occupational health and safety plan before the construction stage,
- Monitor that the project contractors are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Procurement Documents, and in line with ESS2 and national labor and OHS law,
- Monitor implementation of project contractors’ labor management procedures,
- Maintain records of recruitment and employment process of direct workers,
- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law,
- Monitor that occupational health and safety standards are met at work places in line with national occupational health and safety legislation and Occupational Health and Safety Plan,
- Monitor training of the project workers, as required according to the National Law on Occupational Health and Safety,
- Ensure that the grievance mechanism for project workers is established and monitor its implementation, and
- Monitor implementation of the workers Code of Conduct.

The project contractors, will be responsible for the following in addition to the legislative requirements and ILBANK’s Labor Management Procedure:

- Employ or appoint qualified social, labor and occupational safety experts to implement project specific labor management procedure, occupational health and safety plans, and to manage sub-contractors’ performance,
- Adopt labor management procedure and occupational health and safety plan which will apply to contracted and sub-contracted workers. These procedures and plans will be submitted to the ILBANK for review and approval before the contractors mobilize for the pre-construction phase,

- Supervise its sub-contractors’ compliance with labor managements procedures and occupational health and safety plans,

- Maintain records of recruitment and employment process of contracted workers,

- Monitor employment process of sub-contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law,

- Communicate clearly job description and employment conditions to contracted workers,

- Develop, and implement workers’ grievance mechanism and address the grievance received from the contracted and sub-contracted workers,

- Have a system for regular review and reporting on labor, and occupational safety and health performance,

- Deliver regular induction (including social induction) and legislative required Health and Safety training to employees,

- Ensure that all contractors and sub-contractor workers understand and sign the Code of Conduct prior to the commencement of works.
7 Policies and Procedures

This section outlines main policies and procedures to be followed during pre-construction and construction phase of the project. This section will be updated and amended as needed, after construction contract have been awarded.

ILBANK has in place Human Resource Policy and Occupational Health and Safety regulations in accordance to national law. ILBANK has published a corporate level Regulation on Human Resource Policy (dated January 4, 2013 in the Official Gazette numbered 28518) is in line with national laws and regulations. The HR Policy defines the employee personnel rights including working hours, leaves (maternity, social events, unpaid), financial rights, working conditions, promotions etc. The policy allows for equal opportunity and employment rights. As ILBANK is a government agency no one under the legal age (18 years) is permitted to work within the institution thus no child labor related issues will exist. As a government agency, ILBANK is subject to the national law on OHS of the Ministry of Family, Labor and Social Security. Employees of the ILBANK are civil servants.

The contractors, including sub-contractors, will adopt the labor management procedures. The principles and procedures presented below represent minimum requirements but are not an exhaustive list of requirements.

As specified in Labor Code of Turkey, the employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be developed by the contractors and monitored by ILBANK and consultants, if applicable, to ensure fair treatment of all employees:

- As per Labor Code requirements, recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, gender, and other grounds included in the Labor Code
- Applications for employment will be considered in accordance with the application procedures established by the project contractors, including sub-contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- Unskilled labor will be preferentially recruited from the affected communities, settlements and municipalities.
• Employees will be informed at least one month before their expected release date of the coming termination. According to Turkish Labor Law numbered 4857 for all dismissals including collective redundancy in line with Article 29 of the Law.

• The contracted workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer (‘Contractors’).

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

• In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties with understanding the documentation.

• While communication language related problems are not expected, attention should be given to ensuring coordination between different sub-contractors and means to address any language differences.

• Foreign workers, migrants, will require residence permit, which will allow them to work in Turkey.

• ILBANK will include in contracts that all project contractors (and sub-contractor) personnel must be of the age of 18 years or more.

ILBANK employees may be expected to carry out field visits and inspections of construction activities. It is not expected that direct project workers would carry out activities with high health and safety risks. National law on OHS in place require ILBANK staff to use adequate personal protective equipment (PPE) during the works on site. This include high visibility vests, helmets, eye protection, and safety boots (depending on weather and work activities' risks, extra PPE could be added).

The provision of specific equipment is not required.

ILBANK will set the traffic management requirements applicable for ILBANK vehicles used during the project implementation. This includes provision of first aid kits in the vehicles, periodic inspection of vehicle and fleet, requirements to the drivers to assure safety during the driving according to traffic and driving requirements in Turkey (Highways Traffic Law - Law No. 2918).

The main health and safety risks will be encountered by the Project construction contractors’ and sub-contractors’ workforce. All parties that submit proposals for the work will have to demonstrate capability to manage health and safety risk and provide corresponding documentation. After the contract award, the project contractors are required to adopt and provide the labor management procedures and occupational health and safety plan in line with the ESMF. The contractors will ensure that occupational health and safety plans are implemented by sub-contractors.

ILBANK will include into the bidding documents specific OHS standard requirements that all contractors and sub-contractors will meet under this project. The standards will be consistent with local regulations, World Bank Environmental and Social
Framework, World Bank Group Environmental and Health Safety General Guidelines and GIIP (Good International and Industry Practices). The following OHS standard requirements should as a minimum be included in the OHS Plan to be prepared by the contractors:

- Risk Assessment Procedure;
- Work permitting for hazardous work (working at heights, hot work, work on energized lines, work within confined spaces);
- Golden rules for life threatening works;
- Emergency response procedure;
- Fall prevention and working at heights;
- Excavations safety, Ladders and scaffolders safety; welding and cutting safety; Cranes, Derricks, and forklifts safety; power and hand tools safety;
- Respiratory prevention to chemical and airborne hazards (including dust, silica and asbestos); Electrical safety (hazardous energies control, lock out tag out, energy verification, safe distance work, wiring and design protection, grounding, circuit protection, arc fault protection, Electrical safety, PPE and dielectric tools); hazards communication; Noise and vibration safety; Steel erection safety; fire safety; material handling safety; concrete and masonry safety;
- Construction PPE;
- OHS training;
- Refuse to work policy.

In addition, occupational health and safety plans, will among other issues also include the following: the construction contractors will define an OHS accountability matrix for all staff including Project manager, contract manager, OHS staff, foremen, and all employees with clear roles and OHS responsibilities.

Contractors shall appoint adopt its own OHS staff that will be responsible for the implementation and supervision of the OHS program.

Contractors will provide a safe workplace; therefore, a risk assessment will be completed before starting any construction activities, and safety measures will be implemented in accordance with applicable safety standards.

PPEs and other preventive measures will be provided at no cost for employees.

All employees will strictly follow Golden rules for life threatening works (OHS rules that cannot be broken in any circumstances), which will be enforced under contractual matrix of consequences.
There will be a construction OHS committee with representatives of employees, ILBANK, contractors and all sub-contractors.

Bi-weekly OHS meetings will be conducted to discuss preventive measures, deviations and non-compliances, accidents and corrective actions.

Contractors will conduct internal OHS surveys and audits to verify compliance of OHS practices. Non-compliances will be documented and reported to ILBANK. A time frame for a corrective action will be set and followed up.

Daily OHS briefings, toolbox talks, will be conducted before the commencement of the works highlighting the hazards and preventive measures from each job.

Contractors will document and report to ILBANK all accidents and illness with a day lost or more, fatalities or serious injuries that may happen at work site. There must be on site resources for first aid and for more serious injuries there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured workers.

Contractors will provide the access to the construction site only to authorized personnel and verify if workers are meeting training and accreditation requirements in accordance with training standards and applicable regulatory requirements (i.e. truck drivers, crane and excavator operators must be accredited, as well as electricians, the list of vocational training needs have been detailed in Regulation on The Vocational Training in The Hazardous and Very Hazardous Classes, 13.07.2013 dated and 28706 official gazette number).

Workers must be trained to perform hazardous works such as working at heights, confined, etc. including the legislative requirements of The Regulations on Procedures and Principles of Occupational Health and Safety Training, 15.05.2013 dated and 28648 official gazette number. All workers must complete at minimum an OHS induction to have access to the construction site.

If accommodations are provided for workers, Contractors will ensure that they are provided in good hygiene standards, with fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightening protection, separate cooking and eating areas. There will be separate facilities provided for men and women.

ILBANK and/or Supervision Consultant (on behalf of ILBANK) will conduct periodic supervision of contractors' OHS performance, including site visits, at least monthly. These supervisions will cover compliance with above mentioned standards, accidents, violations of golden rules, recommendations, and progress of ongoing corrective actions. ILBANK will include in the contract(s) as requirement for contractors to report on issues such as number of accidents rates, severity
rates, number of recurring non-compliances, violations of Golden rules, fatalities and serious injuries; and penalties for non-completion.

The ILBANK will review and approve contractors’ safety plans and procedures.

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

According to the national OHS Law, all employers must notify the Ministry within 3 work days after OHS related incidents. Specifically, for any significant environmental or social incidents (e.g. fatalities, lost time incidents, environmental spills etc.), project contractors will inform ILBANK in 3 business days, and ILBANK will inform the World Bank about the incident as soon as they are informed. The incident report including root cause analysis, precautions and compensation measures taken, will be submitted to ILBANK in 30 calendar days and ILBANK will submit the incident report to the World Bank within 30 calendar days of the event.

The contractors will adopt and implement Code of Conduct. The contractors should also submit the Code of Conduct to ILBANK for review and approval. The Code of Conduct will reflect the company’s core values and overall working culture. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to ILBANK.

The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health and safety issues. The information will be included in the contractors’ monthly report and will be reviewed by ILBANK.

In addition, the contractors shall report to ILBANK about any inspections and audits carried out by the respective ministries – the Ministry of Family, Labor, Health and Social Security of Turkey. The findings of the labor audits will be presented to ILBANK and the World Bank, if requested.
8 Age of Employment

Turkish law prohibits anyone under 18 from performing hazardous work, and construction is considered hazardous. Thus, no construction workers under the age of 18 years will be employed. As ILBANK is a government agency no one under the legal age (18 years) is permitted to work within the institution. Therefore, child labor risks are not expected in relation to the project.

The project contractors will be required to verify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or driver licenses.

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

The terms and conditions applying to ILBANK employees are set out in the ILBANK’s Human Resources Policy which provides for the rights of ILBANK employees in line with the Turkish Labor Law (numbered 4857) and Civil Servants Law. These internal labor rules and regulations will apply to ILBANK employees who are assigned to work specifically in relation to the project (direct workers). ESS2 requirements on OHS, and prohibition of child and forced labor shall apply to civil servants.

Terms and conditions of direct workers, who are employed as consultants, are determined by their individual contracts, in line with the Labor Code.

ILBANK employs 2467 employees in total and 1163 of them are members of public sector workers union.

The work hours are 45 per week for direct workers who are ILBANK employees.

All project workers will receive at least one rest day (24 hours) after six consecutive days of work.

The employment contracts between the Employer (construction contractor) and the worker will comply to Turkish legal requirements and shall include the job description, working hours, working conditions, wage level (including payment for overtime). In addition, workers will be provided with drugs and alcohol policy and workers Code of Conduct. A copy of the contract will be signed by both parties and a copy of the employment contract will be provided to the worker. Employer may request employees to work overtime, not exceeding 270 hours per year, as stipulated in the Labor Code. Further, the employee’s consent shall be required for overtime work, in January each year, as required by the Labor Code.

The Project contractors should adopt this labor management procedure as a part of their contract and will set out terms and conditions for the contracted workers. These terms and conditions will be in line, at minimum, with this labor management procedure, Turkish Labor Law (numbered 4857), Occupational Health and Safety Law (numbered 6331) and General Conditions of the World Bank Standard procurements documents.
10 Grievance Mechanism

ILBANK has a grievance mechanism in place which allows its employees to raise workplace related concerns and grievances. For this purpose, there are “Request and Complaint Boxes” in various parts of ILBANK buildings. Additionally, requests, grievances and suggestions can be sent to the Quality Management Unit via the utilization of, ‘Send Message’ and ‘Communication’ sections of the Quality Management website, which is under the responsibility of the Planning, Audit and Quality Section of the Planning and Coordination Department.

The grievance redress mechanism (GRM) will also allow submission of anonymous grievances. The attached grievance form in Annex 2 will be utilized in the project and allow submission of anonymous grievances. In addition, the project GRM will include a channel to receive and address confidential complaints related with Sexual Exploitation and Abuse/Sexual Harassment with special measures in place.

Requests, grievances and suggestions received are evaluated every 30 days and presented to management. The evaluation results are listed internally on the grievance system and can be accessed by employees through their own intranet. The construction contractors will adopt the labor management procedure before the start of civil works, which will also include description of the workers grievance mechanism.

A grievance mechanism will be set up for contracted workers to formally raise their concerns, complaints and grievances and facilitate resolutions in a confidential manner, if needed.

The workers grievance mechanism will include:

- A procedure to receive grievances such as comment/complaint form, suggestion boxes, email, a telephone hotline;
- Stipulated timeframes to respond to grievances;
- A register to record and track the timely resolution of grievances;
- A responsible department to receive, record and track resolution of grievances.

The following table shows the steps of worker grievances management process to be adopted by contractors.

<p>| Table 10-1 Suggested steps of the Contracted Workers ‘Grievances Process' |</p>
<table>
<thead>
<tr>
<th>Grievance Process</th>
<th>Requirement / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receiving and registering of the grievance (by meetings, Request and Complaint Boxes, phone or individual application),</td>
<td>Filling out the complaint form, Ensure that the name of complainant is kept confidential if needed.</td>
</tr>
<tr>
<td>Responding to complaints</td>
<td>Respond to complainant 5 calendar days, and 15 working days for taking corrective action,</td>
</tr>
<tr>
<td>Grievance closure</td>
<td>Grievances are closed within thirty (30) calendar days as of date of application unless an alternative agreement is made with the Complainant. Note that if complaints are not closed within thirty (30) calendar days, the extending circumstances are documented and reported</td>
</tr>
<tr>
<td>If a complaint cannot be resolved</td>
<td>Involve other external experts if relevant, neutral parties or local and regional authorities,</td>
</tr>
<tr>
<td>Reporting</td>
<td>Ensure that all processes are conducted in compliance with grievance process by responsible department (HR) Report the results to employees and management,</td>
</tr>
</tbody>
</table>

The ILBANK and/or Supervision Consultant, if applicable, will monitor the implementation of the workers grievance mechanism, and report these to ILBANK in their monthly progress reports.

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

- The process will be transparent and allow workers to express their concerns and file grievances.
- There will be no discrimination against those who express grievances and any grievances will be treated confidentially.
- Anonymous grievances will be treated equally as other grievances, whose origin is known.
- Management will treat grievances seriously and take timely and appropriate action in response.

Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of “suggestion/complaint boxes”, and other means as needed.

The Project workers’ grievance mechanism will not prevent workers to use other judicial or administrative remedies available under the law.
11 Contractor Management

ILBANK will use the World Bank’s 2017 Standard Procurement Documents (SPD) for solicitations and contracts, and these include labor and occupational, health and safety requirements.

As part of the process to select design and contractor who will engage contracted workers, ILBANK and/or the supervision consultant may review the following information:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Business licenses, registrations, permits, and approvals;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers’ certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers’ enrolment in the related programs (training records, vocational certificates, risk assessments);
- Worker payroll records, including hours worked and pay received;
- Identification of safety committee members and records of meetings; and
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

The contracts with contractors will include provisions related to labor and occupational health and safety, as provided in the World Bank SPD and Turkish legislation. ILBANK use the World Bank’s SPD documents for construction contracts, and the contracts include remedies for noncompliance with labor and other requirements. Remedies include withholding payment, termination of the contract, and forfeiture of all or part of an environmental, social and health and safety performance security.

The ILBANK and/or Supervision Consultant, if applicable, will manage and monitor the performance of Contractor in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations for the sub-projects or work sites and/or of labor management records and reports compiled by contractor.
Contractor’s labor management records and reports shall include:

a) A representative sample of employment contracts or arrangements between third parties and contracted workers;
b) Records relating to grievances received and their resolution;
c) Reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
d) Records relating to incidents of non-compliance with national law; and
e) Records of training provided for contracted workers to explain labor and working conditions and OHS for the project.
12 Primary Supply Workers

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

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

The primary suppliers to the sub-projects shall be companies that manufacture transmission and network water pipes, WWTP utilities, pumps and valves, concrete, safety equipment. These sectors are not known to involve significant risks of child labor and forced labor. If backfilling or reinstatement material is needed, then local quarries also would be considered primary suppliers. Except for the local quarries, it is expected, that the primary suppliers will be large scale national companies.

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

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

- World Bank Environmental and Social Framework
- World Bank Environmental and Social Standard 2 – Labor and Working Conditions
- Turkish Labor Law and associated regulations
- Turkish Occupational Health and Safety Law and associated regulation
Annex 1: Code Of Conduct For Contractor’s Personnel

CODE OF CONDUCT FOR CONTRACTOR’S PERSONNEL

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

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

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

Our workplace is an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor’s Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. maintain a safe working environment including by:
   a. ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
   b. wearing required personal protective equipment;
   c. using appropriate measures relating to chemical, physical and biological substances and agents; and
   d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;

7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;

8. not engage in Rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;

9. not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks

10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation, and Sexual Assault (SEA);

11. report violations of this Code of Conduct; and

12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress] Mechanism].

RAISING CONCERNS

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

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

2. Call [ ] to reach the Contractor’s hotline (if any) and leave a message.

The person’s identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.
There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR’S PERSONNEL:

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

Name of Contractor’s Personnel: [insert name]

Signature: __________________________________________________________

Date: (day month year): ______________________________________________

Countersignature of authorized representative of the Contractor:

Signature: __________________________________________________________

Date: (day month year): ______________________________________________
## Annex 2: Workers Grievance Sample Form

### SAMPLE WORKER GRIEVANCE AND GRIEVANCE CLOSE OUT FORM

#### WORKER Grievance Form

<table>
<thead>
<tr>
<th>Reference No</th>
<th>Name-Surname</th>
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<tbody>
<tr>
<td></td>
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</table>

The complainant shall hold the right to remain anonymous (Although giving name and address is not compulsory, it should be kept in mind that during the feedback process regarding the grievance some problems may occur due to lack of information)

<table>
<thead>
<tr>
<th>Please mark how you wish to be contacted</th>
<th>Please provide details for your preferred communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-mail</td>
<td></td>
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<tr>
<td>Telephone</td>
<td></td>
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<tr>
<td>Mail</td>
<td></td>
</tr>
<tr>
<td>Other</td>
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</tr>
</tbody>
</table>

**Province/Town/Settlement**

**Date**

**Category of the Grievance**

1. Payment Issues (Salary / Overtime / Compensation Etc.)
2. Inappropriate behavior
3. Employment Process
4. HSE, Traffic, Transportation and other risks
5. Working Conditions (working area, catering, heating etc.)
6. Other (Please specify):

**Description of the Grievance** What did happen? When did it happen? Where did it happen? What is the result of the problem?

**What would you like to see happen to resolve the problem?**

**Signature:**

**Date:**
Grievance Close Out Form

<table>
<thead>
<tr>
<th>Grievance closeout number:</th>
</tr>
</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Define immediate action required:</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Define long term action required (if necessary):</th>
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<tbody>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>Compensation Required?</th>
<th>[ ] YES</th>
<th>[ ] NO</th>
</tr>
</thead>
</table>

CONTROL OF THE REMEDIATE ACTION AND THE DECISION

<table>
<thead>
<tr>
<th>Stages of the RemEDIATE Action</th>
<th>Deadline and Responsible Institutions</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
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<td>7.</td>
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<tr>
<td>8.</td>
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</tbody>
</table>

COMPENSATION AND FINAL STAGES

This part will be filled and signed by the complainant after s/he receives the compensation fees and his/her complaint has been remediated.

Notes:

Name-Surname and Signature of the Complainant

Title-Name-Surname and Signature of the Representative of the Responsible Institution/Company

Date…./…./…..