



# **GOVERNMENT OF SOMALILAND**

## **ENHANCING PUBLIC RESOURCE MANAGEMENT PROJECT**



### **LABOUR MANAGEMENT PROCEDURES (LMP)**

**July 2023**

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**ABBREVIATIONS AND ACRONYMS**

CoC	Code of Conduct
CSO	Civil society organization
CSSP	Civil Service Strengthening Project
DRM&PFMCSP	Domestic Revenue Mobilization and Public Financial Management Capacity Strengthening Project
EHS	Environmental Health and Safety
EOC	Emergency Operations Coordinator
ERP	Emergency Response Plan
ESF	Environment and Social Framework
ESS	Environment and Social Standards
EU	European Union
FMS	Financial Management Specialist
G2B	Government to Business
G2C	Government to Citizen
GBV	Gender-based Violence
GM	Grievance Mechanism
GoSL	Government of Somaliland
GPE	Government Public Enterprise
GRS	Grievance Redress System
HRMIS	Human Resource Management Information System
ICCPR	International Covenant on Civil and Political Rights
ICT	Information, Communication Technology
ILO	International Labour Organization
ITAS	Integrated Tax Administration System
JNA	Joint Needs Assessment
JSC	Joint Steering Committee
LG	Local Government
LMP	Labour Management Procedures
LTO	Large Taxpayer Office
M&E	Monitoring and Evaluation

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MDAs	Ministries, Departments and Agencies
MOFD	Ministry of Finance Development
MTFF	Medium Term Fiscal Framework
NDP	National Development Plan
NEP	National Employment Policy
OAG	Office of the Auditor General
OHS	Occupation Health and Safety
P&G	Pay and Grading
PDO	Project Development Objective
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
PROFR	Prosperity for Revenue
RDP	Reconstruction Development Plan
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SERP	Enhancing Public Resource Management Project
SLFMIS	Somaliland Finance Management Information System
SMP	Social Management Plan
SMS	Short Messaging Service
SWP	Safe Work Procedure
TA	Technical Assistance
TNA	Training Needs Assessment
ToR	Terms of Reference
TPU	Tax Policy Unit
TRA	Threat Risk Assessment
UN	United Nations
WBG	World Bank Group
WHO	World Health Organization

## 1.0. INTRODUCTION

### 1.1. Background

1. Somaliland’s development history has evolved from more than three decades of grassroots peace building and state building. Over time, a resilient institutional structure has taken shape, in which modern and traditional institutions, religious authorities, the private sector, and civil society have worked together to ensure peace, stability and the delivery of basic services. Somaliland has enjoyed relative peace and institutional building. Since 2001, Somaliland has successfully held seven nationwide elections, including three presidential elections, three local council elections, and two parliamentary elections. The international observers have declared these elections to be credible according to international standards and “reasonably free and fair”.

2. The Government of Somaliland (GoSL) and the international community formally began their partnership in 2006 when the United Nations (UN) and the World Bank (WB) conducted a Joint Needs Assessment (JNA). The goal of the JNA was to foster development cooperation based on consultative and locally driven priorities. The JNA process resulted in the Reconstruction and Development Program (RDP, 2007-2010), and a series of documents intended to guide the development initiatives in Somaliland. These international community-led efforts encouraged the GoSL to produce the Vision 2030 alongside Somaliland’s first National Development Plan (NDPI, 2011- 2016) and subsequently the second National Development Plan (NDPII, 2017-21) and third National Development Plan (NDPIII, 2022 -2026).

3. However, much remains to be done to realize the Somaliland vision 2030, which outlines the path to stable, democratic, and prosperous Somaliland and summarizes the steps required to gradually transition from humanitarian aid to recovery and development across five key pillars of the NDPII. Throughout the years, the GoSL and internal development partners have engaged in various multi-donor funding instruments, such as the Somaliland Development Fund (SDF). These instruments culminated in the identification and prioritization of development funds destined for Somaliland. It also brought together the GoSL and partners to support Somaliland’s development goals, fill critical funding gaps and helped to strengthen cooperation, transparency, and principles of aid effectiveness<sup>1</sup>.

4. The Enhancing Public Resource Management Project (SERP) is a successor to the Domestic Revenue Mobilization and Public Financial Management Capacity Strengthening Project (DRM&PFMCSP) under which a key challenge stemmed from the fact that capacity building efforts were not structured within the broader civil service reform agenda. As a result, there were no structured PFM capacity building assessments against a core competency framework.

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<sup>1</sup> SERP PAD4759

## 1.2. Project Description

### 1.2.1. Project Development Objective (PDO)

5. The project development objective (PDO) is to strengthen institutional capacity, accountability, and transparency in public resource management across participating entities.

### 1.2.2. Project Beneficiaries

6. The ultimate project owner, lead implementing agency and beneficiary is the Ministry of Finance Development (MOFD) and the Somaliland citizens. The project will directly benefit the Accountant General's Office (AGO), Office of the Auditor General (OAG), Public Accounts and Economic Committees of the House of Representatives, Good Governance, Civil Service Commission, National Tender Board (as it transitions into a semi-autonomous Procurement Authority), Central Bank, Inland Revenue and Customs departments, all Government Ministries, Departments and Agencies (MDAs), Local Governments (LGs) and Government Public Enterprises (GPEs). These institutions will benefit from strengthened institutional capacity, accountability, and transparency in public resource management.

### 1.2.3. Project Components

#### COMPONENT 1: Public Financial Management

7. The objective of this component is to strengthen budget preparation, execution and oversight for Somaliland.

#### Subcomponent 1.1: Support Essential Budget Execution Functions

8. This subcomponent aims to strengthen the budget execution functions of Somaliland. It will:
- a. Strengthen and update the legal and internal control frameworks and business processes, especially to recognize the inter-governmental fiscal relations, improve risk management, eliminate cumbersome and duplicate processes, and enhance the quality, comprehensiveness, and transparency of reporting. Capacity will be enhanced by providing classroom and on-the-job support to implement the revamped controls and business processes.
  - b. Strengthen the functionalities, usage, and security of the SLFMIS, a primary tool for budget management and financial reporting for public disclosure and management decision making.
  - c. Support the implementation of fundamental procurement reforms to improve controls, accountability, and transparency. These reforms include strengthening the national tender board, taking into account the fiscal and staffing implications, its roles and responsibilities and the need to sensitize stakeholders, automating the procurement function, building capacity of civil servants and conducting periodic procurement reporting.
  - d. Improve monitoring and oversight by strengthening internal and external audit and the public accounts committee of the House of Representatives. The subcomponent will (i)

support internal auditors' capacity building as well as establish and operationalize audit committees to improve follow-up on audit recommendations (ii) support external audit capacity building to conduct audits as per international standards and on time; and (iii) strengthen the process and capacity of Public Accounts Committees to improve quality, frequency and reporting of parliament oversight of public finance.

### **Subcomponent 1.2: Strengthen PFM in the Health and Education Sectors**

9. This subcomponent aims at strengthening planning, budgeting and controls in the health and education sectors, thus creating the enabling environment for effective service delivery. It will support Somaliland to (a) provide due recognition to the health and education plans in their medium term fiscal frameworks (MTFFs) and thereby improve budget allocations to these sectors; (b) develop guidelines and build capacity to improve bottom-up planning and budgeting; (c) provide the capacity and automated tools for enhancing cash management practices at the sector level, with a view to ensuring a timely and adequate cash flow, and (d) improve compliance with rules by building the capacity of internal auditors, audit committees and procurement committees in these sectors.

### **Subcomponent 1.4: Improve Budget Preparation and Transparency**

10. This subcomponent aims to improve the credibility of Government of Somaliland by strengthening budget preparation, which is also climate and gender informed, and budget analysis. It will also support the establishment of a medium-term fiscal framework that is underpinned by considerations on climate adaptation and climate risk mitigation activities, linkages to reliable revenue forecasting, and other key budget preparation processes.

11. Enhance budget transparency and public participation, which is key to increase confidence in all levels of government. It will focus on building capacity and practices to (i) prepare and publish budget documentation (including developing citizen versions of key documents and conducting related outreach, and generating feedback through social media, radio, tv shows), (ii) engage with citizens (for example through hearings targeting CSOs, private sector, vulnerable populations, etc.), and (iii) improve parliamentary oversight of the budget.

## **COMPONENT 2: Domestic Revenue Mobilization**

12. The objective of this component is to support the DRM priorities of Somaliland to strengthen their inland revenue systems and capacity. In summary, the operation will support selected tax policy, administration, and taxpayer education and facilitation reforms, with gender and citizen engagement as cross-cutting reform measures. Support will also be provided for selected customs reforms, in active collaboration with DPs, particularly the FCDO PROFR project.

### **Subcomponent 2.1: Improve Tax Policy Capacity**

13. This subcomponent aims to strengthen tax policy capacity in Somaliland. This subcomponent includes: (a) establishing the Tax Policy Unit (TPU); (b) supporting the TPU to conduct a problem-driven analysis and reform of tax instruments; (c) drafting regulations or guidance notes for the new laws; (d) preparing quarterly and annual revenue performance reports and disclosing them



online; and (e) recording tax expenditures to prepare annual reports for submission to the legislature along with the annual budget documents. These activities will include the preparation of achievable revenue-raising strategies and targets in support of the medium-term budget framework.

### **Subcomponent 2.2: Improve Inland Revenue and Selected Customs Administration Systems and Capacity**

14. This subcomponent will strengthen tax administration systems and capacity in Somaliland. To this end, this subcomponent will finance activities for:

- (a) Modernization and automation including (i) development and implementation of a ‘fit for purpose’ Integrated Tax Administration System (ITAS), by building on the support provided by the DRM&PFMCSP and the FCDO PROFR projects, which will be interfaced with the SLFMIS, (ii) procurement of necessary ICT equipment and infrastructure; and (iii) development and implementation of ICT strategies and training to facilitate the adoption of the ITAS by both staff and taxpayers.
- (b) Capacity building activities which will include extensive training involving: (i) a TNA; (ii) development and implementation of a medium-term training plan; (iii) initiation of a scholarship program; (iv) a requirement for DRM officials to complete the DRM training course; (v) planning for, and establishment of a Revenue Academy; (vi) strengthening of the Large Taxpayer Office (LTO), including its re-tooling, people capacity, and organizational structure, building on the support provided by the ended PROFR project; and (vii) a plan for establishment of the Somaliland Revenue Authority.
- (c) Taxpayer education and facilitation activities which will focus on communication and training involving: (i) development and implementation of a taxpayer orientation and communication program including expansion of the DRM Training Course to a broader audience; (ii) proactive disclosure of revenue performance and forecasting reports; (iii) holding of tax forums; (iv) development of communication strategies for taxpayer engagements as well as taxpayers’ access to information about turning revenue into public services; (v) monitoring of compliance with the taxpayer service charter; (vi) conducting taxpayer perception surveys; and (vii) monitoring of facilitation and grievance redressal helpdesk services.

### **COMPONENT 3: Public Sector Management.**

15. The objective of this component is to support the enhancement of systems, staff skills, and effectiveness of civil service management to improve government capacity to deliver services to citizens. CSSP II will address most of the challenges and SERP will complement those efforts by focusing on the expansion of key government administrative services to local governments.

#### **Subcomponent 3.1: Strengthen the Capacity of Central and Line MDAs**

16. This subcomponent aims to strengthen central and line MDAs in Somaliland to enable them to deliver their mandates. This will be achieved through:

- (a) Strategic staffing and capacity development of central MDAs. Determining minimum and critical staffing needs, while taking into account wage bill and fiscal sustainability implications of staffing decisions. Targets for ensuring women are given equal opportunities to serve in the civil service will also be set and monitored, implementation capacity development plans and other priorities underpinned by assessments; and strengthening institutional mandates, and legal and policy frameworks.
- (b) Supporting improvement of selected priority government online administrative services. Specifically, the subcomponent aims to improve access to such services by selected line MDAs in at least three of Somaliland's regions through citizen access points, while also enhancing timeliness and accountability. The pilot access points will be created using existing infrastructure and office space to provide universal access to selected Government-to-Business (G2B) and Government-to-Citizen (G2C) services<sup>2</sup>. These centers will provide a bridge from offline to online service delivery, and enable access to services to those without connectivity, devices, digital literacy, or who prefer face-to-face interaction. The subcomponent will also support the design and piloting of an operational model of decentralized service delivery in at least three regions (Awdal, Togdheer and Sool).

### **Subcomponent 3.2: Implement P&G, Pension, and Other Civil Service Management Systems and Policies.**

17. This subcomponent will support the implementation of the following systems and policies, the foundations of which have been supported under CSSP I and II:

- (a) **HRMIS.** support will be provided to Somaliland, drawing from the ongoing support under CSSPII, for continuous payroll cleaning. HRMIS users will receive continuous training.
- (b) **HRM policies and regulations.** The subcomponent will also support: (i) assessment of the performance and application of existing civil service management policies, regulations, procedures, and guidelines; and (ii) implementation of the improvements identified.

### **COMPONENT 4: Integrated Governance Support.**

18. A joint approach across the different aspects of public resource management is necessary to achieve the objectives of improved information sharing, harmonized reporting, and more sustainable reforms. This component outlines the way in which PFM, DRM and PSM come together to support financial governance reforms and change management to guide the process.

#### **Subcomponent 4.1: Interconnectivity of public finance and HR systems**

19. This subcomponent will support improvements in the horizontal interoperability between the SLFMIS, ITAS, HRMIS and pensions system in Somaliland. It will establish platforms to securely

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<sup>2</sup> For example licenses, registration of properties, issuance of certificates, etc.

exchange solutions; and build related capacity to ensure the sustainability of the interoperability framework and the interconnectivity of systems.

#### **Subcomponent 4.2: Human resource management in PFM and DRM**

20. This subcomponent will provide the broader structural reforms necessary to support the professionalization of PFM and DRM included in Components 1 and 2 for Somaliland.

It will entail support to structured capacity building that is underpinned by functional reviews to establish suitable positions and organizational structures in PFM and DRM, and a skills gap analysis performed against the required competences. The subcomponent will also support job evaluations and development of job descriptions for PFM and DRM staff. This will help set uniform structures of pay levels for PFM and DRM staff. Female participation in capacity building will be a critical area and will be monitored closely. Moreover, for sustainability, in-country training institutions will be strengthened.

#### **Subcomponent 4.3: Change management to support DRM and PFM systems and civil service reform**

21. This subcomponent will facilitate the transitions being supported in the project. It entails development and implementation of a change management strategy to establish a shared vision and priorities among key stakeholders, garner their ownership for reform, and assist leaders/managers in key MDAs to help recognize and effectively and timely respond to implementation challenges. The strategy will identify the reforms to be addressed and include an assessment of existing power dynamics, the readiness for change and commitment of leadership. It will also identify vested interests, reasons for their reluctance to change, and mitigation measures. Finally, to address the issues identified, a communications strategy and related action plan will be developed and implemented. To complement this work, advisory support will be provided to selected leaders in impacted MDAs to help them implement the reforms.

#### **COMPONENT 5: Project Management, Coordination, and Support in Delivery.**

22. This component will support the management, coordination, and M&E of project activities. It will also support innovative approaches for mobilizing teams to help with the implementation and delivery of project activities under Components 1 to 3. This component will fund the following subcomponents:

##### **Subcomponent 5.1: Project Management**

23. This subcomponent will support the project coordination unit: (a) to liaise the overall coordination of the project; and (b) provide support services to implementing agencies in procurement, financial management etc. Project management staff salaries, allowances, training, and basic facilities for managing the project will be funded under the project.

##### **Subcomponent 5.2: Results Monitoring and Impact Evaluation**

24. This subcomponent will support results monitoring through (a) capacity development for regular M&E at different implementation levels of the project, including writing and disseminating reports on implementation progress; (b) an independent M&E specialist for

verification of results, qualitative assessment of progress, and improvement of government capacity on M&E; and (c) a rigorous impact evaluation of capacity improvement interventions at both the institutional and employee levels, to determine changes to work performance and improvement of capacities/skills outcomes. This is required because the project builds on progress made by on-going reforms delivered through other World Bank operations in Somaliland, including significant implementation of institutional and employee capacity building interventions.

### **1.3. Environmental and Social Aspects**

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

## 2.0. OVERVIEW OF LABOUR USE ON THE PROJECT

26. ESS 2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. The Concept Stage envisaged that the project would include direct workers (employees of MOFD PIU) as well as contracted workers (consultants and technical advisors). This section describes the following, based on available information:

### 2.1. Type of Workers

#### Direct Workers

27. A project implementation unit (PIU) will be established to carry out such key functions as coordination, fiduciary, monitoring and evaluation, and reporting. The PIU will be led by the project coordinator.

The PIU will have the following responsibilities:

- overall project responsibilities for Financial Management, Procurement, Monitoring and Evaluation, Safeguards;
- technical responsibilities to support institutions or departments involved in project components implementation; and
- support services (office administrator, driver).

PIU staff will be hired for the implementation of this project and they will be sourced from the civil servants.

#### Contracted Workers

28. Contracted workers are expected to be hired/appointed on this project in form of individual consultants and technical advisors. Consulting firms will also be hired and will be expected to deploy their consultants.

### 2.2. Number of Project Workers

29. Direct Workers: Total number of PIU staff is estimated at 6, but will be clarified when project implementation begins

30. Contracted Workers: The number of contracted workers on the project is not known as of now. This number will become known as the implementation progresses.

### 2.3. Characteristics of Project Workers

31. The PIU will be led by the project coordinator and will consist of a financial management (FM) specialist and an assistant financial management specialist, a procurement specialist and an assistant procurement specialist, a monitoring and evaluation specialist, a communications specialist, and administrative staff for support.

32. Specialists/consultants will be hired by MOFD to support ministries, departments and agencies involved in the project components implementation.

**2.4. Timing of Labour Requirements**

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

### 3.0. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

This section describes the following, based on available information:

**34. Labor risks associated with contracted workers at subproject level.** There is no construction activity under most of the project components and therefore no major risks are envisaged. However, in case incidental minor renovation works arise, they will be undertaken by local contractors and as much as possible, contracted workers will be hired locally. All contractors will be required to have a written contract with their workers, materially consistent with objective of ESS2, in particular about child and forced labour, following procedures as specified in the World Bank's Procurement Regulations.

**35. Labour risks including labour influx and associated Gender-Based Violence (GBV) and child labour** are considered low given the non-existence of planned construction works. Nonetheless, in case of contractors for minor incidental renovation works will be required in the contract to commit against the use of forced labour, and the MOFD PIU staff in charge of the contractor supervision will monitor and report the absence of forced labour.

**36. Occupational Health and Safety (OHS) risks** are low since there are no planned construction works. However all contractors that might be hired for incidental renovation works will be required to develop and implement written labour management procedures, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors will be required under the Environmental and Social Management Plan (ESMP) to ensure workers will use basic safety gear, receive basic safety training and other preventive actions as provided in the Project's Environmental and Social Management Framework (ESMF).

**37. Employment Risks.** Workers will be hired by the MOFD PIU, either directly as project staff or indirectly as part of contracts with consultants or service providers.

**Overtime work risks.** There is a risk that the current practice of unaccounted working hours and lack of compensation for overtime will continue. According to the labour law of Somaliland, workers are entitled to overtime payment and not allowed to work more than 48 hours per week, while Friday is a rest day. The project will seek to address the risk through informing direct works of their rights, and establish a grievance redress mechanism for them.

#### 4.0. BRIEF OVERVIEW OF NATIONAL LEGISLATION

##### Overview of Somaliland's National Labor Code

The Constitution of the Republic of Somaliland (2001) provides the legislative framework for labor issues. The Somaliland Private Sector Employees Law<sup>3</sup> of Somaliland ( Labor Code) (Law Number No. 31/2020) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and condition, remuneration, occupational health and safety, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas. The Labor Code is applicable to all types of workforces of the project. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation (see Section III on the institutional framework). The public service or public institutions are in addition governed by the Civil Service Law (Law No. 97/2022).

The new SERP project will benefit from the existing resources “government staff” who were instrumental during the implementation of the DRM&PFM project, such government staff will be applied to the Civil Service Law (Law No:97/2022), which contains 12 Chapters, and 78 Articles.

Below is the list of relevant provisions of the Labor Code with regard to terms and conditions of work.

##### **1. Content of individual contract of employment (Article 27 of the Labor Code):**

- There must be a written individual contract of employment which shall specify at least the following: (a) name and address of the employee, (b) full name, address, occupation, age and sex of workers; (c) nature and duration of contract; (d) hours and place of work; (e) salary and allowances payable to the worker; (f) amount of Festival ( Eid) Bonus and overtime payments to pay to the worker; (g) procedures for suspension , termination and renewal of contract, (h) Severance pay and employment compensation ( insurance); and job description of the worker .
- Upon signing the employment Contract, the employer is required to submit an original copy of the signed contract to the Labor Department Office for approval and registration.

The Civil Service Law: Chapter 5. Government Employees is based on Appointment

Any person to be employed for Government service shall recruited and appointed by the Civil Service Commission, and then head of the concerned Government Institution places the appointed person to the post appointed. However, persons employees to government works may be removed in accordance with the procedures and grounds provided under the Civil Service Law and Regulations

##### **2. Notice for termination of contract (Article 29, 44 and 45 of the Labor Code)**

According to the Private Sector Employees Law, Either of the contracting parties may

<sup>3</sup> The Somaliland Private Sector Employment Law ( the Labor Code), Law No.31/2022 has amended and replaced the previous Somaliland Private Sector Employees Law, Law No.31/2010



terminate a contract of employment by giving written notice:

- a) not less than six weeks in the case of fixed contract, or
  - b) not less than 30 days in the case of indefinite Contract,
  - c) 90 days when the worker is a foreigner and if the term of the Contract is one year or more
- Provided that no notice need be given in case of probation contract and that he employer is entitled to, based on prescribed grounds and disciplinary procedures, terminate the employee without giving a notice to the employee.

In the case of civil Servants, Civil Service Law provides termination of government employees

- Termination of Person under Service Trial: According to Article 34, of the Civil Service Law, Labor Commission can terminate from work a new employee within the period of his/her service trial if firmly proved that he/she fails or unable to undertake work performance and shall have no right.
- Termination of government employees after the Service trail period. Government employees appointed after passing the service trail can be terminated on grounds provided under the Article 60 of the Somaliland Civil Service Law.

### **3. Minimum wages (Article 23 (8) of the Labor Code).**

- Basic salary or wage of the worker must be based on his/her work and the living cost in the place of work.

Regarding civil servants, Basic salary of civil servants are provided in Article 37 of Somaliland Civil Service Law, Law No.97/2022. Civil servants of the Government are entitled to a basic salary and allowances based their respective grades and qualifications, and as **shall be determined by the applicable Pay Grading Structure Regulations.**

### **4. Hours of work (Article 11, 12 and 13 of the Labor Code).**

- The normal hours of work of an employee shall not exceed 8 hours a day, if weekly working days are 5 days or 9 hours a day if the weekly working days of the employee are 5 days, and 48 hours 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 1.25 per cent of the normal remuneration.
- Night work. Under the Labor Code, night work is defined any work between 10: 00 pm to 6:00 am. Women are. Not allowed to work a night work

### **5. Rest Days and Public Holidays (Article 14 and 15 of the Labor Code).**

- Every worker shall be entitled to one day's rest each week, which should normally fall on Friday.

- Workers shall also be entitled to rest day on 12 public holidays provided in the Law.

#### **6. Annual leave (Article 16 and 17 of the Labor Code )**

- Workers shall be entitled to 30 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. However, the employee shall get his/her first annual leave, when he/she service 11 months.

#### **7. Deductions from remuneration (Article 23) Labor Code**

- No deductions shall be made from remuneration of the employee, except deductions permitted by a law or ordered by Court or payable under written agreement between the Employer and Employee. .

#### **8. Death benefit (Article 26 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.

#### **9. Family Responsibility Leave ( Article 22 of Labor Code )**

- Worker is entitled to 3 days leave with pay, if the employee get married, or one the employee's close family dies; or his spouse has delivered a baby.

#### **10. Maternity Leave (Article 18 of the Labor Code )**

- A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 4 months maternity leave with full pay.

#### **11. Nursing breaks (Article 19 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

### **4.1. Relevant International Instruments**

38. The ILO's Governing Body has identified eight conventions as "fundamental" and these are applicable to employers and employees in Somaliland:<sup>4</sup>

- i. Freedom of Association and the Right to Organize, 1948 (No. 87);
- ii. [Right to Organise and Collective Bargaining Convention, 1949](#) (No. 98);
- iii. [Forced Labour Convention, 1930](#) (No. 29);

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<sup>4</sup>It is however notable that Somaliland has no legal standing to be part of the international bodies such as ILO.

- iv. [Abolition of Forced Labour Convention, 1957 \(No. 105\)](#);
- v. [Minimum Age Convention, 1973 \(No. 138\)](#);
- vi. [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#);
- vii. [Equal Remuneration Convention, 1951 \(No. 100\)](#); and
- viii. [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#).

39. The principles adopted by the GoSL are also covered in the ILO's [Declaration on Fundamental Principles and Rights at Work](#) (1998) (see section 3). In 1995, the ILO launched a campaign to achieve universal ratification of these eight conventions. There are currently over 1,200 ratifications of these conventions, representing 86% of the possible number of ratifications.

40. The ILO's Governing Body has also designated another four conventions as "priority" instruments, thereby encouraging member states to ratify them because of their importance to the functioning of the international labour standards system. These are:

- i. Labour Inspection Convention, 1947 (No. 81);
- ii. Labour Inspection (Agriculture) Convention, 1969 (No. 129);
- iii. Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);  
and
- iv. Employment Policy Convention, 1964 (No. 122).

#### **5.0. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL SAFETY AND HEALTH**

41. Labour Law 2021<sup>5</sup> 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 Labour Code with regard to OHS.

42. Protection against possible risks (Sec 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:

- i. Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health;
- ii. Take suitable measures to prevent contamination of workplaces from toxic gases, vapours, dust, fumes, mists and other emanations;
- iii. Provide sufficient and suitable toilet and washing facilities, separate for men and women workers;
- iv. Provide an adequate supply of drinking water easily accessible to all workers;
- v. Maintain firefighting appliances and staff trained in their use;
- vi. Provide the necessary safety appliances adapted machinery and plant;
- vii. Maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;

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<sup>5</sup>The Somaliland Labour/Employment Law matters on Health which are contained in Sec. 41 – 45 but this is not yet available in English. However, since the provisions are aligned to the provisions made in the Labour Code 1972, we shall reference this here until we get a translated version (or the text will be amended with the help of the MOFD team).

- viii. Provide suitable installations for the removal of refuse and drainage of residual waters;
- ix. take the necessary precautions in his/her establishment to protect the life, health and morality of the workers;
- x. Ensure that his/her staff receive the necessary instructions for the prevention of industrial accidents, occupational diseases and other risks inherent in their occupations;
- xi. Post in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
- xii. Supply the workers with the apparatus and instruments to guard against the risks inherent in the work; and
- xiii. Take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

43. Notification of industrial accidents and occupational diseases (Sec 102): The employer shall immediately notify the competent labour inspectorate of all accidents resulting in injury of death and occupational diseases.

44. Medical facilities (Sec 103): Every undertaking normally employing more than ten workers at the single centre shall maintain a first-aid chest.

45. Conveyance of injured and sick workers (Sec 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.

46. The PIU could also make reference to WBG EHS Guidelines and applicable international conventions, and directives for addressing health and safety issues relevant to any infections that might occur during the project period. These include:

- i. ILO Occupational Safety and Health Convention, 1981 (No. 155);
- ii. ILO Occupational Health Services Convention, 1985 (No. 161);
- iii. ILO Safety and Health in Construction Convention, 1988 (No. 167);
- iv. WHO International Health Regulations, 2005;
- v. WHO Emergency Response Framework, 2017; and
- vi. EU OSH Framework Directive (Directive 89/391).
- vii. WBG EHS Guidelines.

## 6.0. KEY POLICIES, PROCEDURES AND RATIONALE

47. The GoSL, ministries and agencies involved in the implementation of this project will follow the procedures below that will ensure compliance with ESS2, ESS4 and GoSL Labour requirements. These procedures will be reviewed from time to time and amended accordingly. It is notable that the GoSL has an approved National Employment Policy (NEP) which is the main reference document for labour issues in Somaliland.

### 6.1. Recruitment and Replacement Procedure

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

#### 49. Procedures

- i. The agency/contractor submits a recruitment plan to the PIU for review and approval. The following details will be included:
  - Number of staff required;
  - Intended working conditions as in Annex 1;
  - Intended locations of staff; and
  - Job specifications in terms of qualification and experience.
- ii. Contractor publishes the job invitation in the appropriate media (local press or direct invitation for contracted workers) to ensure all potential candidates have access to the information, including women while actively addressing risks of nepotism.
- iii. Shortlist and recruit candidates ensuring the following:
  - As much as possible, 30% shortlisted candidates are women;
  - As much as possible, 30% engaged employees are women; and
  - Eliminate candidates under the age of 15 years.
- iv. On recruitment, ensure a contract of employment is signed voluntarily, with all details listed in Annex 2, for workers.
- v. Before commencement of work, contractor will ensure the employee is inducted on the essential work related issues (listed in Annex 2), which include:
  - Key job specifications;
  - Terms and conditions of employment;
  - Specific codes of conduct;
  - Disciplinary procedures;
  - Workers' GM;
  - Freedom to join and participate fully in workers' association activities or trade union;
  - Key environmental and social aspects of the project and the SMP;
  - GBV/SEA provisions and responsibilities;
  - Occupational and safety measures; and
  - Emergency preparedness.

50. Maintain all such employment records available for review by the PIU, the WB, or Regulatory Authority.

## **6.2. Occupational Health and Safety Procedures**

51. The PIU will manage the project in such a way that project workers are properly protected against possible OHS risks. The participating agencies and contractors will be required to put measures in line with these provisions. Key elements of OHS measures include: (i) identification of potential hazards to workers; (ii) provision of preventive and protective measures; (iii) training of workers and maintenance of training records; (iv) documentation and reporting of occupational accidents and incidents; (v) emergency preparedness; and (vi) remedies for occupational injuries and fatalities. The objective of this procedure is, therefore, to achieve and maintain a healthy and safe work environment for all project workers.

### **52. Procedure**

- i. On procurement for contractors, the PIU will avail the Social Management Plan (SMP) and the proposed contractors OHS plan to the aspiring contractors so that contractors could develop a customized contractors OHS plans which will include sufficient financial and human resources to implement OHS measures
- ii. Contractor provides for appropriate training/induction of project workers and maintenance of training records on OHS subjects including Threat and Risk Assessment (TRA) and Safe work Procedure (SWP).
- iii. Contractor documents and reports on occupational accidents, diseases and incidents to the PIU and WB.

53. Contractor 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;
- Labour unrest; and
- Security.

54. Contractors to comply with all requirements of applicable including GIIP and WB EHS guidelines.

55. Contractors shall maintain all such records for activities related to the safety and health management for inspection by the Labour Inspectorate, PIU and WB.

### **56. OHS Risk Assessment Procedure**

The contractor shall also follow the procedure below to develop efficient risk assessment:

- i. Risk identification: the contractor will identify and characterize risk in the workplace.

- ii. Review all the available risk prevention and mitigation measures and asses their effectiveness
- iii. Asses the legislation framework and see how the workplace conforms to the same
- iv. Assess the availability of a risk matrix on the possibility of the risk occurrence and the severity
- v. Identify the necessary steps in place needed to eliminate the risk or control it using a hierarchy method
- vi. Asses the presence or otherwise of monitoring and review procedures and the effectiveness.

*Table 1: Potential OHS risks at the workplace.*

No	Potential OHS Hazards and Risks	Affected Persons	Control Measures
1	Risk of fire: there is potential risk associated with fire as a result of electrical appliances, user challenges with appliances and mismanagement etc.	All staff	Ensure sufficient fire extinguishers are placed in visible areas and train a number of staff to be fire marshals.
2	Electricity. Unmaintained electric cables, connection lines and naked cables could cause great danger to the workplace	All staff and contractor	<p>Electrical installations shall be of adequate size and characteristics for the power requirements.</p> <p>The cables should have mechanical strength to withstand working conditions in construction activities</p> <p>Electrical distribution should be via an isolator which cuts off current from all conductors. The insulators should be readily accessible and can be locked in the "off" position.</p>
3	Violence at work; this can be occasioned by anyone against a colleague due to arguments or personal differences in the workplace. Failure to have proper channels to address issues and cultural biases can lead to such violence.	All staff	<p>There should be a security personnel at each work station.</p> <p>Staff to be notified about professional working conduct.</p>

	<p>Ergonomic: this include risk associated with poor work station, office design that does not create proper working environment.</p>	<p>All staff</p>	<p>Ensure that chairs, sitting arrangements, laptops and desktops are placed in such a manner to reduce the impact.</p> <p>Create reasonable pathways to enable free movements.</p> <p>Encourage short walks between working meetings and sessions.</p> <p>Respond to staff back pain or eye strain as a result of continuous work, by adjusting the seat.</p> <p>Inform the staff of the need to take care of oneself.</p>
	<p>Mental Illness: this include stress, depression and emotional fatigue.</p>	<p>All Staff</p>	<p>Have an open discussion on mental illness and its impact.</p> <p>Encourage staff especially men to talk and seek assistance.</p> <p>The HR to create a channel of addressing work related fatigue, stress.</p> <p>Organize for periodic talks on mental illness with professional medical advisor.</p>
	<p>Vehicle Accident: This is a risk associated with travel. Due to poor road network and unmaintained roads, poor driving instructions and road sings, the potential of this risk is probable.</p>	<p>All staff</p>	<p>The drivers employed need to be qualified and well trained including defensive driving training, and have adequate experience.</p>

**6.3. Addressing GBV/SEA Cases**

57. A GBV Action Plan has been developed, as part of the Social Management Plan (SMP), to ensure that the project does not have any negative impacts or further perpetuate GBV/SEA (this Plan will complement the implementation of the project GM). The Plan presents operational activities as well as recommendations for GBV/SEA risk mitigation that builds on existing mechanisms in the Ministry of Finance of Finance Development (MOFD), although with the



reminder that the capacity to execute these provisions remains low. The Plan is based on existing protection, prevention and mitigation strategies and measures developed by the WB and coordinated through the MOFD and its partners at the implementation level. A service provider will be recruited to support the implementation of the GBV Action Plan. Requirements for the safe and confidential reporting of cases of GBV/SEA will be inbuilt into the service provider's terms of reference (ToR).

58. To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GM will have a sensitive approach to GBV-related cases, which will be dealt with according to the complainant's informed consent. Where such a case is reported, the complainant will be provided with information about the available services including referral to a GBV/SEA service provider; confidential appropriate medical and psychological support; emergency accommodation; and any other necessary services as appropriate including legal assistance. Staff contacted by a survivor will immediately inform the GBV service provider or refer him/her to a health facility that specializes in free post-GBV health support (within 72 hours of the incident). All staff and GM focal points will be informed that if a case of GBV is reported to them, the only information they will establish is if the incident involved a project worker, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision. If a worker on the project is involved, the incident will be immediately reported to the Project Coordinator who will provide further guidance after consulting with the WB.

**7.0. AGE OF EMPLOYMENT**

59. This project shall not engage any worker less than 18 years of age. The PIU will also ensure that the partner agencies adhere to this requirement. In case of a breach in this provision, the underage employee will be laid off while the contractor will be penalized based on the provisions contained in the contractor's contract.

## 8.0. CONTRACT MANAGEMENT PROCEDURES

60. It is notable that the main form of contractors hired by the project will be those providing technical advisors (TAs) for the various policy, capacity building and establishment of management structures. Each contractor engaged by the project to provide services will be expected to adopt measures outlined in this LMP. The contracts prepared by the Government will include provisions, measures and procedures to be put in place to manage and monitor relevant labour and OHS concerns. Measures required of contractors as part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria. The objective of this procedure is to ensure that the PIU has contractual power to administer oversight and take action against contractor noncompliance with the LMP.

### 61. Procedure

- i. The PIU shall avail all related documentation to inform the contractors about their requirements for effective implementation of the LMP.
- ii. Before submitting a bid for any contract, the contractor shall incorporate the requirements of SMP, SEP and the LMP.
- iii. Contractors will formulate, implement and review contractor specific management plans as required by the SMP and specifically the LMP including:
  - a. OHS plans;
  - b. Labour Recruitment Plan; and
  - c. CoC for employees.
- iv. Contractors will submit progress reports on the implementation of the LMP and allow the PIU access to verify the soundness of the contractor's implementation of the requirements of the LMP. Where appropriate, the PIU may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance with the LMP. The following are some of the major noncompliance areas that contractors need to take note of:
  - Failure to adhere to the minimum age of recruitment;
  - Failure to submit mandatory quarterly progress reports;
  - Failure to provide for inspection specified documentation pertaining to the implementation of the LMP; and
  - Failure to notify and submit incident and accident investigation reports on time.
- v. Contractors will be required to establish GM structures if they recruit staff who are not subject to the civil service terms. These will include identifying focal points and communication channels (for example, WhatsApp, SMS and email) to address workers' concerns on an ongoing basis, and ensure that such channels are adequately resourced (for example, 24-hour staffing of the emergency response call line). Workers shall not be victimized in any way for reporting a grievance.

## 9.0. GRIEVANCE MECHANISM

62. **General Principles:** Typical work place grievances include demands for employment opportunities, labour wage rates, delays of payment, disagreement over working conditions, and health and safety concerns in the work environment. A grievance structure will be established for project workers (direct workers and contracted/supply workers) as required in ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The GM will also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances may request that their names be kept confidential and this should be respected.

63. For civil servants, the government established mechanisms of resolving conflict at the workplace will be utilized. However, when an aggrieved direct worker wishes to escalate his/her issues or raise concerns anonymously and/or to a person other than his/her immediate supervisor/hiring unit, the worker may raise the issues with the PIU project coordinator or use the Project GM (refer to the SEP). The process for civil servants will entail:

- i. In case of a violation, the aggrieved employee will 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;
- ii. The supervisor will verify the details and seek to address the matter within the shortest time, up to 48 hours;
- iii. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found; and
- iv. Where no resolution is found, the employee can escalate the matter to the sector specific institutions, to the project GM (as provided for the SEP) or courts who will resolve the matter between employer and employee. The Supreme Court's decision is final.

64. The following actions will be used to manage complaints for this project among contract workers. Where contractors have an existing grievance system, their direct workers should use such a mechanism, but this mechanism should be made known to the PIU as part of the documentation submitted on labour management. The requirement for a GM system at the workplace will be necessary for a contractor with 10 or more staff engaged in the project.

- i. The contractors will establish a GM committee at the workplace comprised of representatives of the different work streams (management, employees, casuals, etc.) and assign a GM focal point.
- ii. The contacts of the GM focal point will be shared with the staff on recruitment.
- iii. Contractors will induct the employee on the applicable workers' GM and on rights. All records of induction shall be kept and made available for inspection by the PIU and/or the WB.
- iv. Complaints should be sent to the GM focal point at the workplace by email, text, phone, and letter or in person. The complaints should be collated into a complaints form and logged into the register (Annex 5 and 6).
- v. The GM Committee will review the complaint and provide guidance on the course of action and ensure follow-up on previous complaints. Any complaint by workers should be responded to in 7 working days upon receipt. If the complainant is dissatisfied, he/she

can refer to the Project GM or contact the WB Task Team.

- vi. Complaints related to insecurity will be treated in confidence and in case of serious outcomes (including death and serious injuries) the case will be reported to PIU and the World Bank team within 24 hours.
- vii. For complaints raised through alternative means, i.e. those raised through social media, print media or not formally lodged, the committee should deliberate upon them to decide whether to investigate based on the substance and potential impact including reputational risk.
- viii. No disciplinary or legal action or retaliation of any kind, will be taken against any worker raising a complaint in good faith.
- ix. In case of risk of retribution, the employee may immediately escalate to the court system or to the PIU. If confidentiality is requested, the PIU will ensure this is done in order to avoid any risk of retribution, including in its follow-up actions.
- x. A monthly report of complaints and the resolution status should be submitted to the PIU and the WB (as per the reporting format in Annex 7).

**65. Project GM:** the project will have several channels for complaints and grievances including email, phone calls, texts, and letter writing. Information on the project GM will be made available to workers at all levels, government offices and partner agency offices to ensure that all workers have adequate information on how to lodge a complaint and who to direct it to. Confidentiality and whistle blower protection will be assured when handling workers' grievances. It is however notable that it will be difficult to resolve an issue affecting an individual worker if the worker remains anonymous unless the complaint is of a generic nature.

**66. The Workers GM:** this will complement the project GM and workers will report and seek redress from the workers GM in the first instance and in cases where the same is not properly addressed, the worker will seek redress to the project GM. It will have channels including, texts, phone calls, email among others where workers will raise their complains.

**67. National appeal process.** The labour laws provide for the national appeals process that should be utilized by any aggrieved staff if he/she considers the process established by the employer and/or the project to be ineffective and/or unfair. Other measures such as arbitration and mediation could be used depending on the nature of the complaint and the willingness of the parties involved.

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

service. For information on how to submit complaints to the WB Inspection Panel, visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

## 10.0. RESOURCES FOR THE IMPLEMENTATION OF THE LMP

### 10.1. Management

69. The successful implementation of the LMP for the SERP depends on the commitment of the different ministries and agencies involved in implementation and the capacity within the institutions to apply or use the LMP effectively, and the appropriate and functional institutional arrangements, among others. This section describes the detailed roles and responsibilities of the key institutions involved in the implementation of the project components.

70. The overall implementation and coordination of the project will be led by the MOFD. MOFD will collaborate with all key line ministries. The project will set up a Joint Steering Committee (JSC). The JSC, headed by the MOFD with representatives from the partner ministries and agencies, will provide strategic direction and guidance on high-level policy, risk management and monitoring. It will also facilitate effective relationships across the project. The details of the SERP project governance structures are contained in the project operations manual.

71. A dedicated PIU, inheriting the structure and resources from the predecessor DRM&PFMCSP project, will be used to implement this project. The PIU will be headed by the project coordinator and include a small team of experts from government counterparts: (i) financial management specialist (FMS); (ii) procurement specialist; (iii) M&E specialist; and (iv) communication specialist, among others. The project coordinator will coordinate the implementation of day-to-day administration of the program activities. The PIU will conduct quarterly reviews and a total of five reviews to ensure the effective and timely implementation of project components and activities.

72. The PIU, based at MOFD, will be responsible for technical oversight and support to the partner coordination, and financial and administrative management, program activity monitoring and reporting to the donor. The PIU will be responsible for day-to-day project management activities, including monitoring and reporting on project progress to all the relevant stakeholders. For this purpose, the PIU will organize, at regular intervals, workshops involving representatives of all stakeholders to present project progress and seek stakeholder input. The costs for all these activities are budgeted under the Component 5 and may be adjusted on need basis. The PIU will engage consultants, as necessary, with expertise on social, environment and OHS issues, and will work closely with other government officers including the Labour Inspectorate, and Safety and Health Officers to ensure full implementation of the LMP.

73. The PIU will be responsible for the following tasks:

- i. Undertake the overall implementation of this LMP;
- ii. Engage and manage consultants and contractors in accordance with this LMP and the applicable Procurement Documents;
- iii. Monitor project workers to ensure their activities are aligned to this LMP and the applicable Procurement Documents;
- iv. Monitor the potential risks of child labour, forced labour and serious safety issues at workplaces;

- v. Provide training to mitigate social risks to project workers;
- vi. Ensure that the GM for project workers is established and implemented and that project workers are informed about it;
- vii. Monitor the implementation of the Workers' CoC; and
- viii. Report to the WB on labour and OHS performance, key risks and complaints.

74. The Project Coordinator in the PIU, supported by a hired/appointed specialist will be responsible for promoting the implementation of this LMP and OHS requirements within the project. The Social Specialist will be responsible for the following:

- i. Supervise workers' adherence to the LMP;
- ii. Maintain records of recruitment and employment of project workers (including consultants);
- iii. Provide induction and regular training to project workers on environmental, social and OHS issues;
- iv. Support the development and implementation of the GM for workers (especially technical teams contracted to deliver on specific tasks), including ensuring that grievances received from the workers are resolved promptly, and report the status of grievances and resolutions regularly to the PIU and WB;
- v. Ensure all workers understand and sign the CoC prior to the commencement of project activities and supervise compliance with the CoC; and
- vi. Report to the PIU on labour and OHS performance of the project.

## 10.2. Resources for Implementing LMP

75. The project will set aside funds to ensure that the planned LMP activities are implemented and monitored effectively as part of the implementation of the ESF instruments. The summary budget is presented in the table below.

*Table 2: Summary budget for implementing the ESF Instruments including the LMP*

#	Item	USD
1.	ESF-related travel cost (for the entire project duration)	7,900
2.	ESF-related meetings/workshops/consultations (for the project duration)	12,400
3.	ESF-related media and visibility activity cost (for the project duration)	4,700
4.	GBV Advisor (international consultancy, 2.45 months over three-year period)	31,500
5.	OHS implementation	10,000
6.	Security Management Consultant (local consultancy, 1.2 months over 3-years)	8,600
7.	Labor Management Consultant (local consultancy, 1.2 months over 3-years)	8,600
8.	ESF-related Local Training (for the entire project duration)	15,900
	<b>Total</b>	<b>99,600</b>



**ANNEXES**

**Annex 1. Prequalification Checklist for Contractors**

Project specific pre-qualification process reviews the contractors’ experience on identical or very similar projects doing essentially the same tasks that are anticipated. This includes the contractors’ present capabilities, such as:

- i. Templates of workers’ contracts;
- ii. Templates of workers’ codes of conduct;
- iii. OHS management systems and program;
- iv. Project specific OHS plan;
- v. Safety training provided to management and workers;
- vi. Training to be provided; and
- vii. Inspection processes.

The general conditions of the contract define the overall Labour and OHS responsibilities and requirements for contractors. These provisions are contained in a separate Clause of the contract. In general, these OHS conditions require the contractor to be responsible for initiating, maintaining, and supervising all safety precautions and programs, while complying with all applicable laws and regulations. The details are contained in the table below.

Item	Description	Evidence
OHS work plans and schedules	Contractor’s health and safety policy and a project specific health and safety plan (HASP) addressing all applicable OHS requirements	Policy document
	To the extent possible the plan should include risk assessments for each phase or task of the work	Risk assessment per phase of work
	Detailed schedule of work activities with their bid, with the duration of each work activity shown	Schedule of activities
	The proposed hours of operations and days per week the contractor is allowed to work on the site, which is stipulated in the contract documents	Schedule of work on a weekly and monthly basis (depending on the duration of the project)
Employees	Curriculum Vitae (CVs) of key personnel identified in the specifications	CVs

Item	Description	Evidence
	Written documentation of completion of the contractor’s and sub-contractor’s employees of the completion of all appropriate health and safety training before working on site	Safety training reports
	Hold regular safety meetings to instruct their employees on all project-related safety procedures	Meeting reports
	Provision of appropriate PPEs to employees, provide training on its use and enforce the use of the protective clothing and equipment	Inspection reports
OHS incidents	<p>-Notify the client immediately following any OHS incident, with a detailed written report and to comply with reporting and record-keeping requirements</p> <p>-The prime contractor requirements for accident notification and reporting requirements flow down to subcontractors, so that all incidents that occur during the course of the project are reported and investigated in a timely manner</p>	Incident log and reports
OS&H Pay Items	Pay rates for personnel to work in upgraded levels of PPEs	Detailed pay breakdown for each category of staff
	Provision of a qualified full-time health and safety officer for the duration of the project	Deployment letter for the safety officer
	Establishment and proper functioning of an OHS Committee (as appropriate)	Committee membership and ToRs
	Contractors and personnel attending any required OHS Orientation Training	Training report
	Costs for specific air monitoring, air sampling and analysis required to implement industrial hygiene or air quality monitoring, as may be required by the technical specifications	<p>-Breakdown of costs</p> <p>-Inspection reports</p>

Item	Description	Evidence
Project Specific Hazards Information	Contractors should document the implementation of their health and safety program and address requirements for PPE, chemical hazard communication, performing periodic health and safety inspections, emergency response procedures, tool and equipment inspections, fire protection, vehicle safety, and site security	-Report on the safety program -Inspection and verification reports
Licenses, Certifications and Training Documentation	Copies of all licenses, certifications, and training documents including certificates of insurance indicating the contractor is adequately insured for general liability and workers' compensation	-Verification of the documentation of the various requirements

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**Annex 2: Individual Code of Conduct for Project Workers**

I, \_\_\_\_\_ acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project’s occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV), sexual exploitation and abuse (SEA) and sexual harassment is important. All forms of GBV/SEA/SH are unacceptable in the workplace or when interacting with people including users of services provided by the project.

The organization considers that failure to follow ESHS and OHS standards, or to be involved in GBV/SEA, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV/SEA/SH may be pursued if appropriate.

I agree that while working on the project I will:

- a. Attend and actively be involved in training courses related to ESHS, OHS, HIV/AIDS, and GBV/SEA as requested by my employer;
- b. Follow my employer’s guidance on prevention of spread of infectious diseases;
- c. Follow my employer’s guidance on security and safety;
- d. Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- e. Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- f. Not participate in sexual contact or activity with children – including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse;
- g. Not engage in sexual harassment - for instance, making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behaviour. For instance, looking somebody up and down, kissing, howling or smacking sounds, hanging around somebody, whistling and catcalls, giving personal gifts, making comments about somebody’s sex life, etc.;
- h. Not engage in sexual favours – for instance, making promises or favourable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behaviour;
- i. Unless there is the full consent by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered “non-consensual” within the scope of this Code; and
- j. Consider reporting through the Reporting Mechanism or to my manager any suspected or actual GBV/SEA by a fellow worker, whether employed by my organization or not, or any breaches of this Code of Conduct.

**With regard to children under the age of 18:**

- a. Wherever possible, ensure that another adult is present when working in the proximity of children.
- b. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- c. Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- d. Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also "Use of children's images for work related purposes" below).
- e. Refrain from physical punishment or discipline of children.
- f. Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- g. Comply with all relevant GoSL legislation, including labour laws in relation to child labour.

**Use of children's images for work related purposes**

When photographing or filming a child for work related purposes, I must:

- a. Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images.
- b. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- c. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- d. Ensure images are honest representations of the context and the facts.
- e. Ensure file labels do not reveal identifying information about a child when sending images electronically.

**Sanctions**

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action, which could include:

- i. Informal warning;
- ii. Formal warning;
- iii. Additional training;
- iv. Loss of up to one week's salary;
- v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
- vi. Termination of employment; and
- vii. Report to the police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met and I will avoid actions or behaviours that could be construed as

GBV/SEA. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS and GBV/SEA issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my on-going employment.

Signature: \_\_\_\_\_ Name \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Annex 3: OHS Requirements for Project Workers**

The MOFD endeavours, in all its projects and operations, to prevent personal injuries, ill health and damage to property. To guarantee this, MOFD shall implement the Pre-Qualification Checklist for all contractors to ensure that the contractors have OHS management systems and program; project specific OHS plan; safety training provided to management and workers; competency, availability and qualifications of safety managers and staff; and OHS inspection processes to be implemented.

This Project Occupational Health and Safety Requirements (here after referred as Plan) have been designed to assist the management of activities and support a risk-based approach to preventing dangerous acts that could lead to injuries or illnesses or serious at MOFD workplace as well as supply of goods and services. The plan will ensure that workers and suppliers will exhibit professionalism in performing their duties effectively and efficiently. The purpose of this plan is to establish a uniform and comprehensive process for prompt investigation and reporting of incidents, property damage, near misses, and significant Environmental, Health and Safety incidents including the spread of Covid-19 infections. This plan is intended to provide the minimum OHS requirements that all service providers/contractors and sub-contractors shall be required to adhere to. It shall be appended to the contracts and the contractors will make necessary adjustment to fit the context as far as that is practicable.

This Plan is a live document that will be reviewed on need basis and updated as necessary.

**National laws, Regulations and other Compliance Requirements**

Project implementation will adhere to the relevant Health and Safety legislation requirements in Somaliland. This should also include the relevant requirements of interested parties that have been identified in the SMP. A check for legal compliance shall be undertaken to ensure that this project is compliant with the legal and other requirements including WB ESF, and WBG EHS Guidelines.

**General Requirements**

Personal Protective Equipment (PPE) includes all equipment or apparel designed to provide workers with a barrier against workplace hazards and exposure. The equipment should protect the head, eyes, face, body, and feet. PPE protects workers/suppliers from the effects of exposure to chemical, physical, and safety hazards.

Project workers who are exposed to work related physical and safety hazards that could cause injury or illness are required to wear PPE. Determining the existence of these hazards is a process referred to as "hazard assessment" and is also known as a "job safety analysis" (JSA) or "job hazard analysis". This process is the critical evaluation of a work site to document the existence of a hazard, the severity of the workplace, and the specific PPE that will be used to protect employees from that hazard. Each hazard assessment must be included in the site specific health and safety plan.

Component Managers will be responsible in ensuring the suppliers and contractor/sub-contractor workers develop project-specific job hazard analysis for tasks they are to conduct and for incorporation in Health and Safety Plans (HASPs).

MOFD will establish safety requirements and improve operational procedures through the use of this document. Preventing workplace injuries is the principle purpose of job hazard analysis. This document will provide a basis for studying and recording each step of a job, identifying existing or potential job hazards (both safety and health), determining PPE requirements and establishing the best way to perform the job to reduce or eliminate these hazards.

At a minimum, HASP shall be developed by contractors. The HASP shall outline the hazards and risks associated with the tasks needed to be performed and include proper control methods including the use of proper PPE and the oversight competent key personnel in place.

**RESPONSIBILITY:** The Project Coordinator and Social Specialists are responsible for all facets of this OHS requirements and have authority to make necessary decisions to ensure success of the project. The Project Coordinator will be authorized to amend these instructions on OHS requirements in consultation with the PIU.

### **Incident Reporting**

Provides the minimum requirements for investigation, reporting and recording of incidents which result in injury or illness to a person, or damage to any property, in order to insure compliance with national regulations and the WBG general EHS guidelines; contract provisions, insurance policy requirements and to prevent recurrence. All incidents (fatal or serious injury) shall be investigated and reported within 24- hours to MOFD and World Bank and recorded pursuant to the requirements of this section. The potential ESH incidents include, but are not limited to:

- i. OHS related incidents like slips, falls from heights;
- ii. Fire emergency;
- iii. Road accidents project affecting project workers; and
- iv. Security risks such as banditry.

### **Incident Investigation**

An investigation should be initiated immediately following any incident. The scene of the incident must be immediately secured so as to not damage or destroy evidence that may be necessary during the investigation. In general, the following information should be gathered and provided in written format using prepared Incident Report Form.

### **Determine the Root Cause**

- i. Conduct root-cause analysis of the incident and identify the sequence of events and factual circumstances. The analysis should identify what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site.
- ii. Recommend actions to be taken to rectify the failure(s) that led to the incident.
- iii. Review the safety procedures and identify the health and safety measures to be taken to minimize the risks of future accidents both to workers and to local residents. Relevant site visits should be carried out to support the analysis. Health and safety representatives of the of the Ministry and implementing partners, as well as other technical counterparts, as necessary, should be interviewed to gain a comprehensive understanding about health and safety management.



- iv. Review the OHS measures in safeguards instruments and plans and recommend enhancements as needed. The assessment should identify the existing procedures for safe performance of project activities and should recommend appropriate procedures should the existing ones have gaps.
- v. Review the capacity of contractors/consultants to implement OHS standards. The assessment should review the training plans for effectiveness and propose improvements to the training and communication program so that workers are adequately guided to safely perform their work.
- vi. Review the existing arrangements for recruiting labour and what type of insurance (life or injuries and occupational health risks) and compensations are provided.
- vii. Review compliance to the Labour Law and other international treaties by implementing partners and contractors as necessary.
- viii. Assess the sufficiency of the measures taken to minimize risk on the public and communicate with them. Recommend improvements as necessary.

### **Determining Corrective Actions**

Once the real root cause and all contributory factors are identified, the next step is to use the Hierarchy of Health and Safety Controls to identify appropriate corrective action. The single most important outcome that results from an incident is the implementation of an affective, high-level safety control that eliminates the possibility of the incident recurring. Develop a response framework and discuss with the Bank, including actions, responsibilities and timelines for implementation, and a Borrower monitoring program. All project workers shall be required to fully abide by the CoC in compliance with the project LMP.

### **Job Safety Analysis**

Once the tasks and general hazards have been identified, the identified hazards will need to be controlled and/or reduced as appropriate.

### **Emergency Response Procedures**

The Emergency Operations Coordinator (EOC) designated by the project coordinator, is the person who serves as the main contact person for MOFD in an emergency. The EOC is responsible for making decisions and following the steps described in this emergency response plan (ERP):

Primary contact:

Name:

Telephone number:

Telephone number:

Email:

Secondary contact:

Name:

Telephone number:

Telephone number:

Email:

Emergency contact numbers

Ambulance:

Police: Hospital:

Fire Brigade:

Traffic Police:

### **Potential emergencies**

The following potential emergencies have been identified in hazard assessments (the list will be expanded during worksite analysis):

- i. OHS-related incidents like slips, falls;
- ii. Fire emergency;
- iii. Road accidents affecting project workers and the public; and
- iv. Security risks like banditry or politically instigated attacks.

Location of emergency equipment:

- i. Fire alarm;
- ii. Fire extinguisher;
- iii. Fire hose;
- iv. Panic alarm button;
- v. PPEs; and
- vi. Emergency communication equipment (satellite phones, radio calls, etc.)

Training requirements for emergency response:

- i. Type of trainings;
- ii. Frequency of training; and
- iii. Employees trained in the use of emergency equipment.

First Aid Kits

- i. Type of first aid kit with all prerequisite materials,
- ii. Location of first aid kit within the Office and in the contracted delivering vehicles, and
- iii. Transportation for ill or injured employees to the nearest hospital for medication.

First aid attendant (employee trained in first aid)

Name:

Location:

Shift or hours of work:

Communication:

We will communicate our emergency plans to employees in the following way:

- i. Code of conduct;
- ii. Employment contract commitment;
- iii. Tool Box Talks;
- iv. Official notice boards; and
- v. Brochures.

In the event of fatality or a disaster, we will communicate in the following way with the MOFD and World Bank:

- i. Official letter in the contractors headed paper to MOFD, who will transmit the information to the World Bank within 48 hours of the incident;
- ii. Procedures for rescue and evacuation;
- iii. Evacuation route clearly demarcated; and
- iv. No obstruction within the walkways.

All agencies and contractors will be required to have an insurance for the workers - Group Accident Cover and Medical Insurance Cover where possible which have the evacuation channels in case of accidents for the casualties. They should ensure the following:

- i. There are clearly and legible located, copied, and posted building and site maps evacuation routes;
- ii. Mock fire drills and practice evacuation procedures should be done at least 4 times a year;
- iii. All workers must leave the workplace quickly in strict adherence to this evacuation procedure;
- iv. Warning System: the warning system will be tested 4 times a year;
- v. Assembly site is clearly demarcated and legible poster available;
- vi. Site Safety Officer is the person responsible for issuing all clear safety instructions; and
- vii. All workers should be oriented on the shelter in place: in case of emergency, all workers will be provided with the emergency supplies, if any, in the shelter location and which supplies individuals should consider keeping in a portable kit personalized for individual needs.

The contractor will ensure that all accidents claims are paid, and compensation done in an expeditious manner. The contractor will follow the below procedure:

- i. All claims will be reported when and when it occurs together with doctor's note.
- ii. The processor will verify the authenticity of the claim and whether when staff and the benefit is.

- iii. The insurance form will run a verification search with the relevant HR to establish the authenticity of the claim.
- iv. The insurance firm will also ensure the doctor’s note is authentic and hospital records are genuine.
- v. The insurance will only compensate the victim of the immediate family whose name will appear as beneficiary in the HR records.
- vi. In case of a third party, the insurance will ensure the identity of the person is verified and the claim is supported by medical reports that have the claimants name or of his legitimate beneficiary.

Employee emergency contact

#	Employee Name	Designation	Contact person and number	Alternative contact person and number
		Site Foreman		
		Site safety officer		
		Clerk of Work		
		Project coordinator		
		Social Specialist		

**Review Plan**

This ERP will be reviewed and updated on quarterly basis and or as need arises i.e. change of the critical personnel.

**OHS Incident Investigation Form**

**Classification of Accident**

Indicative

Severe

Fatality

Description the accident:

.....  
.....  
.....

Date ..... and ..... Time ..... of  
Accident:.....

.....  
.....

Location ..... of ..... the ..... accident:

.....  
.....  
.....

Source ..... of ..... accident ..... alert:

.....  
.....  
.....

**Investigation**

Date and Time of Investigation:

Names and Status of Investigating Team

Name.....Position.....Sign.....

Name.....Position.....Sign.....

Name.....Position.....Sign.....

Complete accident investigation questionnaire and attach copies to Incident Investigation Form.

**Findings of Investigation Team**

Teams description of event leading up to the accident  
.....  
.....  
.....

Teams Description of the accident itself  
.....  
.....  
.....

Team’s view on the causes of the accident  
.....  
.....  
.....

Recommendation to reduce potential accident (immediate fix)  
.....  
.....  
.....

Date.....No.....Section.....

Root causes:.....

Preventive Action taken:.....

Further Recommendation Preventive actions:.....

Signature.....Date.....

Project coordinator: Comments and Actions to be taken or recommended to higher authority:

Signature.....Date.....

**Incident Report**

The Incident Report should be 1 – 2 pages and include, at a minimum, the following information:

- i. Somaliland , Name of Project, Project Number, Name of TTL and E&S specialists assigned to the team
- ii. Preliminary classification of the incident
- iii. What was the incident? What happened? To what or to whom?
- iv. Where and when did the incident occur?

- v. When and how did we find out about it?
- vi. Are the basic facts of the incident clear and uncontested, or are there conflicting versions? What are those versions?
- vii. What were the conditions or circumstances under which the incident occurred (if known at this stage)?
- viii. Is the incident still ongoing or is it contained?
- ix. Is loss of life or severe harm involved?
- x. Is the Borrower aware of the incident? What is the Borrower's response to date?
- xi. What measures have been or are being implemented by the Borrower/Contractor?

NB: Classifying the incident will guide decisions as to who in the Bank should be informed, and what resources are needed to understand the incident and support the Borrower in addressing the underlying cause(s). Classification must be done as rapidly as possible, so that the Bank is able to respond to the incident within a reasonable timeframe. The incident should be classified within 48 hours of receipt of the information, within 24 hours will be preferable if possible. If it cannot be fully classified due to missing information, then a preliminary classification should be provided and confirmed as details become available. The classification is based on several factors, including the nature and scope of the incident, as well as the urgency in which a response may be required. There are three levels of classification: Indicative, Serious and Severe:

*Indicative:* relatively minor and small-scale localized incident that negatively impacts a small geographical areas or small number of people.

*Serious:* an incident that caused or may potentially cause significant harm to the environment, workers, communities, or natural or cultural resources.

*Severe:* any fatality or incidents that caused or may cause great harm to the environment, workers, communities, or natural or cultural resources.

## Annex 4: World Bank Incident Classifications Guide

## Indicative

- Relatively minor and small-scale localized incident that negatively impacts a small geographical areas or small number of people
- Does not result in significant or irreparable harm
- Failure to implement agreed E&S measures with limited immediate impacts

## Serious

- An incident that caused or may potentially cause significant harm to the environment, workers, communities, or natural or cultural resources
- Failure to implement E&S measures with significant impacts or repeated non-compliance with E&S policies incidents
- Failure to remedy Indicative non-compliance that may potentially cause significant impacts
- Is complex and/or costly to reverse
- May result in some level of lasting damage or injury
- Requires an urgent response
- Could pose a significant reputational risk for the Bank.

## Severe

- Any fatality
- Incidents that caused or may cause great harm to to the environment, workers, communities, or natural or cultural resources
- Failure to remedy serious non-compliance that may potentially cause significant impacts that cannot be reversed
- Failure to remedy Serious non-compliance that may potentially cause severe impacts Is complex and/or costly to reverse
- May result in high levels of lasting damage or injury
- Requires an urgent and immediate response
- Poses a significant reputational risk to the Bank.



**Annex 5: Complaints Reporting Template**

No. of complaints received	Main mode of complaint lodged	type of complaint	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g., spot resolution, 1 day, 7 days, 14 days, 1 month, quarterly, annual	Recommendations for system improvement

Note that this form could be replaced by the remote Geo-enabling Initiative for Monitoring and Surveillance (GEMS), monitoring tool as part of the digitization process of Bank funded projects.

**Annex 6. Complaints Form**

**Complainant's Details**

Name (Dr / Mr / Mrs / Ms)

\_\_\_\_\_

Address \_\_\_\_\_

Mobile \_\_\_\_\_

Email \_\_\_\_\_

Age (in years): \_\_\_\_\_

Which institution or officer/person are you complaining about?

Ministry/department/agency/company/group/person

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you reported this matter to any other public institution/ public official?

Yes  No

If yes, which one?

\_\_\_\_\_

\_\_\_\_\_

Has this matter been the subject of court proceedings?

YES  NO

Please give a brief summary of your complaint and attach all supporting documents [Note to indicate all the particulars of what happened, where it happened, when it happened and by whom]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What action would you want to be taken?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Annex 7: Complaints Log**

Date and complaint from	Complaint (e.g. selection of site workers)	Officer/ department complained against	Nature of complaint/ service issue, e.g. delay	Type of cause – physical (e.g. system failure), human (e.g. inefficient officers, slow, unresponsive) or organization (e.g. policies, procedures, regulations)	Remedy granted	Corrective/ preventive action to be taken	Feedback given to complainant