

**Republic of Moldova**

**Ministry of Infrastructure and Regional Development**

**Ministry of Finance**

**State Road Administration**

**Custom Service of the Republic of Moldova**

**Labor Management Procedure (LMP)**

**for**

**Moldova Rural Connectivity Project (P180153)**

**February 2024**

## 1 Table of Contents

<b>Acronyms and abbreviations .....</b>	<b>3</b>
<b>2 Introduction.....</b>	<b>4</b>
2.1 Project Background.....	4
2.2 Project Activities and labor management procedures.....	5
<b>3 Overview of labor use on the project.....</b>	<b>8</b>
3.1 Type of Project Workers.....	8
3.2 Timing of Labor Requirements.....	10
3.3 Contracted Workers .....	11
<b>4 Assessment of key potential labor risks .....</b>	<b>12</b>
4.1 Project activities.....	12
4.2 Key Labor Risks .....	12
<b>5 Brief overview of labor legislation: Terms and Conditions .....</b>	<b>16</b>
<b>6 Brief overview of labor legislation: Occupational Health and Safety .....</b>	<b>19</b>
<b>7 Responsible Staff.....</b>	<b>20</b>
<b>8 Policies and Procedures .....</b>	<b>23</b>
<b>9 Age of Employment .....</b>	<b>Error! Bookmark not defined.</b>
<b>10 Terms and Conditions.....</b>	<b>Error! Bookmark not defined.</b>
<b>11 Grievance Mechanism for Workers.....</b>	<b>26</b>
11.1 Grievance Log.....	30
11.2 Roles and Responsibilities for GRM .....	31
11.3 Monitoring and reporting on the GRM implementation. ....	31
<b>12 Contractor Management .....</b>	<b>32</b>
<b>13 Community Workers.....</b>	<b>33</b>
<b>14 Primary Supply Workers .....</b>	<b>34</b>
<b>Annex 1: Grievance Registration Form .....</b>	<b>35</b>
<b>Annex 2: WB Form for reporting an incident/accident.....</b>	<b>37</b>

Acronyms and abbreviations

BCP	-	Border cross point
CERC		Contingent Emergency Response Component
CS	-	Custom Service
ECA	-	Europe and central Asia
EIA	-	Environmental impact assessment
ESF	-	Environmental and Social Framework
ESHS	-	Environmental, Social, Health and Safety
ESIA	-	Environmental and social impact assessment
ESMP	-	Environmental and Social Management Plan
ESS	-	Environmental and Social Standard
ESS	-	Environmental and Social Standard
EU	-	European Union
FS	-	Feasibility Study
GBV	-	Gender Based Violence
GN	-	Guidance Note to ESS2
GRM	-	Grievance Redress Mechanism
IBRD	-	International Bank for Reconstruction and Development
ISM	-	State Labor Inspectorate
LMP	-	Labor Management Procedure
LPA	-	Local public administration
M&E	-	Monitoring & Evaluation
NGO	-	Non Governmental organization
NMT	-	Non-Motorized Transport
OHS	-	Occupational Health and Safety
OHSP	-	Occupational Health and Safety Plan
OIP	-	Other interested party
PAP	-	Project affected Person
PDO	-	Project Development Objective
EPIU	-	Environment Project Implementation Unit
PIU	-	Project Implementation Unit
PPE	-	Personal protective equipment
RAP	-	Resettlement Action Plan
RPF	-	Resettlement Policy Framework
SEP	-	Stakeholder Engagement Plan
SIMC	-	Social Implementation Monitoring Committee
SRA	-	State Road Administration
WB	-	World Bank

## 2 Introduction

### 2.1 Project Background

The Project is being prepared under the World Bank's Environment and Social Framework (ESF), which came into effect on October 1, 2018, replacing the Bank's Environmental and Social Safeguard Policies. Under the ESF, all World Bank Borrowers have agreed to comply with ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The project recognizes the significance of, and adopts the relevant ESSs, for identifying and assessing as well as managing the environmental and social risks and impacts associated with this investment project. One of the Standards – ESS2 relates to Labor and Working Conditions and expects the Borrowers to develop labor-management procedures (LMP). The LMP identifies the main labor requirements and risks associated with the project and help the Borrower to determine the resources necessary to address labor issues. The LMP is a living document, which is initiated early in project preparation stage and is reviewed and updated throughout the development and implementation of the project. The LMP identifies key aspects of labor planning and management.

The LMP will enable different project-related parties, staff of the project implementing unit, contractors and sub-contractors and project workers, to have a clear understanding of what is required on a specific labor issue. Where relevant information is not available, this should be noted and the LMP should be updated as soon as possible. In preparing and updating this LMP, PIU refer to the requirements of national law and ESS2 and the Guidance Note to ESS2 (GN).

The draft LMP was disclosed and consulted in the same time with other Project documents.

The public consultation was organized in Giurgiulesti, Zagarancea, Leuseni mayoralties for Component B and Napadeni village for Component A: in the middle of Corridor 8. This was done to bring the progress of preparing preliminary ESIA & C8 ESMP to the public and also to provide the identified main environmental & social possible impacts and mitigation measures proposed. Also, it presented specific information about the Project. Also, SEP, RPF, and LMP were discussed and explained the GRM process, stakeholder future involvements, and Project contribution.

According to WB and national requirements, the draft of LPM, was published on the websites of SRA on January 22, 2024, and MCS on January 24, 2024, and also on the websites of respective mayoralties or social networks for participation on meetings and soliciting comments and suggestions. Summary hard copies of these documents were accessible to the public and at the offices of local authorities of the Project area. The disclosure period for the drafts of the documents is 30 days.

Stakeholder engagement is formally ensured through public hearing meetings to be held after the disclosure period with the involvement of all stakeholders. The records of these public consultations, announcements, minutes lists of attendees, etc. will be presented to the WB who will file them in their operational portal for their records. The records including minutes should be made publicly available at the local head office for the resident's information in a format appropriate for disclosure (ie. without any personal data).

The participants/stakeholders in public hearings were from:

- SRA
- MCS
- LPAs (mayors and members of local councils, cadastral engineers etc.)
- Social institutions
- Business
- Potential PAPs
- Social services
- Population

A non-technical summary in Romanian was published on the SRA and MCS websites on January 22-24, 2024.

<https://www.asd.md/comunicate-de-presa/proiecte-de-documente-pe-aspecte-sociale-si-de-mediu-privind-proiectul-de-conectivitate-rurala-moldova/>

<https://customs.gov.md/ro/articles/consultarea-publica-a-proiectelor-de-documente-1891-ro>

Also, the draft of LMP, was disclosed at the same time in English.

The mayors used their network to communicate with the local population to spread the information and inviting for public hearings.

During the public meetings no specific comments on LPM or subjects covered by the document was expressed.

## **2.2 Project Activities and Labor Management Procedures**

The project activities will respond to these challenges under the following four components:

### **Component A: Linking local communities with economic opportunities (US\$ 77.8 million)**

- A.1: Upgraded local road links to national and international corridors: This subcomponent will include: (i) road upgrading along three local corridors for enhanced access and increased climate resilience; and (ii) new road safety improvements along those same corridors;
- A.2: Community inclusion & accessibility: This subcomponent will include: (i) Community requested complementary works; and (ii) Non-Motorized Transport (NMT) infrastructure along and adjacent to Project road corridors. The approach to identifying community requested works will be linked to the Project's citizen engagement activities and Stakeholder Engagement Plan. Examples of community

requested works include sidewalks, development of public green space, rehabilitation of public parking at amenity sites (monuments, parks, public services buildings), and ; and

- A.3: Safer roads for Moldova: This subcomponent will include: (i) remediation of road safety “black spots” (6 locations) for reducing known risks of road crash fatalities; and (ii) road safety educational and informational campaigns. For the avoidance of doubt, the location of “black spots” selected for remediation is outside the corridors selected under Component B.

### **Component B: Facilitating trade and expanding Solidarity Lanes (US\$ 18.0 million)**

- B.1: Solidarity Lane road access to BCPs (Ungheni & Leuseni): This subcomponent will include: (i) constructing a new access road to the Ungheni bridge; (ii) upgrading the access road to the Ungheni BCP facility; (iii) upgrading the access road to the Leuseni BCP; and
- B.2: Solidarity Lane customs facilitation and BCP Upgrades (Galati/Giurgiulesti/Leuseni): This subcomponent will include: (i) BCP traffic organization and electronic queuing on the Moldovan side of the Giurgiulesti BCPs; (ii) works for expanding the capacity of the existing parking / waiting facility in Giurgiulesti and providing basic services (toilets, water supply points) to truckers; (iii) procurement and installation of scanning equipment and software at the Giurgiulesti-Galati BCP facility; (iv) expansion of the Ungheni BCP facility; and (v) expansion of the Leuseni BCP facility.

### **Component C: Building delivery capacity and project management support (US\$ 4.2 million)**

- C.1: Project audit and supervision structure: This subcomponent will finance: (i) annual project audits; and (ii) Supervision Engineers for overseeing all civil works.
- C.2: Incremental operating costs, project management, staff development, and support to SRA’s corporatization: This subcomponent will include: (i) salary top-ups for staff in each PIU in accordance with Moldova’s civil service regulations; (ii) consultancy support to each PIU (including 1 social and 1 environmental specialist); and (iii) incremental operating costs for each PIU; and (iv) consultancy support for enabling SRA’s transition to a corporatized entity that operates under commercial principles.

**Component D: Contingent Emergency Response Component (CERC) (US\$ 0 million):**

Given the inherent uncertainty created by the ongoing war in Ukraine, this zero-dollar component is designed to provide swift response in the event of an emerging crisis or emergency. The Government of Moldova would be able to request the World Bank to reallocate Project funds to address an eligible crisis or emergency needs that may materialize. The activities financed by the CERC will be demand- and event-driven and will be detailed in a GoM Action Plan of Activities, which together with an official declaration of a specific emergency by the GOM represent the two obligatory conditions for triggering the component. The definition of an eligible emergency and a positive list of activities will be included in the project's legal documents, and the mechanics of the decision-making process and implementation of the Project will be reflected in the CERC Operational Manual, part of the overall POM

The purpose of the LMP, outlined in the World Bank's ESS2, is to facilitate planning for the project and will help to identify the resources necessary for management of labor and working conditions in line with the ESS2 and address risks and impact related to labor and working conditions in the project. The labor management procedures will help to identify the different types of project workers that are likely to be involved in the project and set out the ways of meeting the requirements of ESS2 that apply to the different types of workers. The LMP will set out a systematic approach to the management of labor issues in the project and reflect the requirements of national law and requirements of ESS2.

The LMP will:

- Review of national Laws and Policies related to labor environment in the Republic of Moldova and how national legislation applies to the different categories of workers and identify and propose measures to bridge gaps between national legislation and policies and ESS2
- Promote fair and equitable labor practices for fair treatment, non-discrimination and equal opportunity of workers.
- Protect workers' rights and promote healthy, safe and secure work conditions including vulnerable workers such as women & persons with disabilities, migrant workers, as appropriate.
- Ensure the management and control of activities that may pose labor-related risks at workplaces.

### 3 Overview of labor use on the project

#### 3.1 Type of Project Workers

In line with ESS 2 requirements, the term “project worker” refers to:

- **Direct workers** – are people employed or engaged directly by the Borrower and PIU (including the project proponent and the project implementing agencies) to work specifically in relation to the project; examples of direct workers may include persons employed or engaged by the Borrower’s project implementation unit to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project.
- **Contracted workers** – are people employed or engaged through third parties to perform work related to core functions of the project, regardless of location;
- **Primary supply workers** – are people employed or engaged by the Borrower’s primary suppliers
- **Community workers** – are people employed or engaged in providing community labor

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

Community workers and primary supply workers will not be involved in the project. Thus, it is expected that project will engage the following categories of project workers as defined by ESS2:

**Direct Workers.** The estimated number of direct workers from PIUs SRA and CS team would be 12 staff members (6 persons in each PIU)

Additionally, at least total number of 5 to 15 consultants (short& long term) will be hired to support the implementation, coordination, supervision and reporting on various activities of the project.

**Contracted Workers.** Contracted workers would be hired under the design, supply, installation and technical supervision contracts. Each contractor might need engagement of multiple subcontractors. The subcontractors’ workforce will be also considered as contracted workers.

The exact number of project contracted workers, to be employed, is not defined at this stage. However, it is estimated that the total number of contracted workers to be involved would be less than 1000 persons (It is expected that total number of contracted workers will be 150: approximately 60 persons for contract on Roads (3 corridors \*11 contracts), CS building/extending – 40 workers each, 50 workers on construction/extension of connecting roads to BCP).

Considering the nature of the project works, it is not expected that the number of *female workers* will be high. It is estimated that women would represent less than 10 percent of the workforce, and those would likely be technical (engineer-technician) and/or staff working in the operation offices. Based on national experience, all workers will be over 18 years old. The unskilled laborers may be expected to be involved in the project works /the construction works (CS buildings, road construction).



Promoting women's employment and creating an inclusive environment in road project construction and custom/border rehabilitation is important. The measures that will improve the better chance of involvements of women in this Project are:

- ✓ Develop specialized training programs tailored to women, focusing on construction skills, safety measures, equipment operation, and managerial roles. Offer these programs both to existing employees and to recruit new female workers.
- ✓ Explicitly state and enforce policies against discrimination and harassment and adoption of a formal code (s) of conduct and raise awareness regarding the Workers GRM and measures for addressing SEA/SH and GBV cases.
- ✓ Ensure fair hiring practices, equal pay for equal work, and opportunities for advancement regardless of gender.
- ✓ Offer flexible schedules or part-time options to accommodate women who may have caregiving responsibilities. This can attract more women to the workforce and retain them in the long run.
- ✓ Provide support services such as childcare facilities or subsidies, transportation options, and health services to facilitate female participation in the workforce.
- ✓ Conduct regular workshops and awareness programs among all employees to promote gender sensitivity, respect, and understanding in the workplace.
- ✓ Actively encourage and support women to take on leadership roles within the project. This can be achieved through leadership development programs and targeted career advancement opportunities.
- ✓ Regularly monitor gender-specific data and evaluate the effectiveness of implemented measures.
- ✓ Engage with local communities to encourage and support the participation of women in the workforce, collaborating with local organizations or authorities to create support networks.
- ✓ Encourage and support women-owned businesses as suppliers or subcontractors for the project, promoting economic empowerment within the community.
- ✓ Integrating these measures into the Project not only promotes gender equality but also enhances the overall work environment, contributing to greater productivity and inclusivity within the project.

The local population may be hired temporary as *the skilled or unskilled laborers* in their regions (Soroca, Floresti, Cahul, Ungheni, Cantemir, Calarasi, Hancesti areas).

Migrant international workers are expected to be employed especially on Road rehabilitation/construction sub-projects (corridors). This information results from the experience of other road projects implementation in Moldova.

Some local migrants coming seasonally from abroad may be hired locally.

Primary supply workers will not be involved directly in the project. They can be hired by the Construction companies who will perform the construction works.

Thus, it is expected that project will engage the following categories of project workers as defined by ESS2:

***Direct workers:*** In this category are included beneficiary entity- SRA & CS (the beneficiary of the project) thru the Project Implementation Units (PIUs) .

PIUs will be involved in all stages of project design and implementation: procurement design, preparation of bidding documents (especially technical specifications and ToRs), evaluation of bids and selection of contractors, engineering design, construction, installation, testing, commissioning, and quality control.

The technical supervision activities and M&E aspects are in the process of determining of roles to be supported by PIUs.

***Contracted Workers:*** Contracted workers would be hired under the design, civil works, supply, installation, and technical supervision contracts. Each contractor might need engagement of multiple subcontractors. The subcontractors' workforce will be also considered as contracted workers. Also, the Construction Supervision Consultants – Project Managers (Companies and individuals).

Vulnerability characteristics of each category of workers, including refugees who may be engaged for employment, will need to be assessed to understand specific challenges and identify relevant support and/or differentiated measures to prevent harms and/or further exacerbate their vulnerability.

### **3.2 Timing of Labor Requirements**

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

The direct workers (PIU staff) will be hired on a full-time (or parttime depending of allocated time and tasks) basis for the entire project period. Other experts/consultants will be hired on demand basis throughout the project implementation period. The time input of contracted workers will be defined at a later stage, and they will be engaged depending on the implementation of various project components and sub-components on specific time slots.

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

Construction season typically lasts from March-April to October-November but can be somewhat longer or shorter depending on weather conditions. The Contractor can work on some civil works (inside building works for Custom buildings) even during winter period. The work hours should not exceed 8 hours a day, with the provision of at least 1 hour for the rest, this is applicable for sub-contractors and suppliers' employees.

Timing and duration of the employment of contracted workers will be known at later stages, however they will only be engaged for the duration of respective sub-components which will unlikely extend more than 24 months for road contracts. For BCP infrastructure construction this can be longer. This will be determined at a later stage of the Project when FS and technical designs will be ready. The working contracts with employees need to be signed in accordance with labor legislation of Republic of Moldova..

### **3.3 Contracted Workers**

Given the extensive scope and geographical dispersion of these contracts, along with the specialized qualifications required for the design work, it is anticipated that the awards will predominantly go to established and reputable national companies or to international firms that either have a current operational base in Moldova or are committed to establishing one if successful in their bid. These companies are expected to adhere to and function within the regulatory environment of Moldova, which includes compliance with local Labor and Occupational Health and Safety (OHS) regulations.

Should Contracts be awarded to multiple entities forming a Joint Venture or association, each company shall be bound by these LMP.

## 4 Assessment of key potential labor risks

### 4.1 Project activities

The project will provide a combination of investments in connectivity and rural roads rehabilitation on at least three main corridors, road safety, upgrade border crossing physical capacity and improve key roads level crossings by construction of short section of new access road, upgrading of an existing road and expansion the capacity of existing parking, technical assistance and support for specific regulatory and institutional reforms. Except the construction of a short (1 km) new access road to Ungheni bridge and a short (0.5 km) road widening in Leuseni, the proposed activities are essentially road rehabilitation and maintenance within the "Right of Way" (ROW) areas.

Project works may require minor relocation of public utilities such as gas, electricity, water, sanitation networks and temporary restrictions in access to public facilities or businesses during rehabilitation works. Mitigation of these potential risks will be undertaking according to the RPF provisions. The project also involves the financing of extension works selected by local communities to enhance the benefits of local roads such as parking, sidewalks, greenspaces and other small works involving small amounts of equipment, small-scale construction and rehabilitation of activities on available public land,

The project includes also a Contingent Emergency Response Component (CERC) with a provisional zero-amount budget, which will allow for rapid reallocation of credit/loan proceeds from other components during an emergency under streamlined procurement and disbursement procedures. This component allows the Government to request the Bank to re-categorize and reallocate financing from other project components to cover emergency response and recovery costs. The CERC will be established and managed in accordance with the provisions of the Bank Policy and Bank Directive on Investment Project Financing.

### 4.2 Key Labor Risks

#### 4.2.1 Risks for Direct workers

It is expected that the labor risks associated with the direct workers will be low, given the fact that project implementing entities have high awareness of national labor legislation and the provisions of the national Labor Code. Moreover, the type of work to be carried out by the direct workers does not entail high vulnerability to abuse of labor rights or OHS risks.

#### 4.2.2 Risks for contracted workers

Labor risks for *Contracted workers* include: There are three main categories of risk:

- **Community health and safety.** The risk is associated with the potential for unprotected worksites, management of traffic and labor management. While a substantial number of jobs will be created, it is not expected that the Project area will experience substantial labor

influx as most of the skills required by contractors can be sourced locally in Moldova but will be transported to other regions. External workers, expat and national, will be accommodated at existing housing in the area towns houses that are normally rented out for such purposes, which has been prior practice by Construction companies in similar projects. There will be no encouraged dedicated camps established for worker accommodation in the project. Even that, we cannot exclude the foreign or local companies will intend to open work camps. Specific requirements to manage risks associated with labor influx, related to interaction between project workers and local communities, such as communicable diseases and gender-based violence, are managed through contractual requirements, code of conduct and training set out in Project documents. These procedures are guided by national legislation and ESS2 and ESS4. These requirements will be dealt with through the PIU and workers codes of conduct for contractor staff. In the site-specific ESMPs and construction ESMP will also cover management of risks related to community health and safety and will propose mitigation measures.

- **Occupational health and safety.** The risk may be accidents of falling into ditches or heights, bridges, culverts, collapsing of deep excavations like deep trenching, etc. The risks assessment will be developed for each subproject and updated during the implementation of the project. Mitigation measures will be placed for all identified risks in the OHS Plan. Specific requirements to manage health risks associated with interaction of project workers and local communities, such as communicable diseases and gender-based violence, are managed through contractual requirements, code of conduct, awareness raising, and training set out in this document. These procedures are guided by national legislation and ESS2 and ESS4.
- **Labor influx.** Construction activities under the project will result in job creation but it is not expected that the Moldova and subprojects areas will experience any substantial foreign labor influx. Thus, PIUs will minimize the risk of labor influx by requesting contractors to prioritize recruitment of unskilled local labor in the project areas consequently, minimum labor camps will be established. However, the project Contractors will recruit external workers with specialized skills, who will be accommodated in local hotels or houses. This has been a practice by other Contractors in previous and similar projects (civil construction, water, sanitation, roads). Labor risks including labor influx and associated Gender-Based Violence (GBV), and child labor are considered low given the small size of subproject construction works and the adherence to the national labor code which prohibits forced labor (article 10, Labor Code). Our national authorities as police, migration office, SRA, MCS, border police will be regularly present on site for monitoring. Also, on daily basis the Construction Supervision Consultant will monitor the presence on site and GRM procedure. Since civil works to be supported under the project will be very small in scale and prioritized by Project and together with local communities themselves, the risk of forced labor is expected to be small. Nonetheless, the contractor will be required in the contract to commit against the use of child and forced labor, introduce mitigation measures against GBV, and Project staff in charge of contractor supervision will monitor and report the absence of forced labor.

There will be site specific ESMPs and OHSPs, prepared by the environmental and social specialists, H&S consultants, which the contractor must comply with and it will indicate all risks and mitigation measures for all the identified social and labor risks. The main labor risks associated with the project are assessed to be related to the potentially hazardous work environment, the associated risk of accidents for workers engaged in the project and the community and labor influx.

The PIU will ensure that GBV risks are adequately mitigated and addressed. The prevention measures will include but will not be limited to: Code of Conduct for all employees, GBV-sensitized grievance mechanism, awareness raising of all employees and community members on GBV risks and mitigation measures. This SEA/SH-responsive GRM and development of referral service will be prepared according to international best practice and national legislation. On 17.11.2022 Law no. 316 for the amendment of some normative acts (ensuring the rights of victims in the case of crimes regarding sexual life and family violence) - Law no. 316/2022. Through this law, amendments and additions were made, among others, to the Criminal Code of the Republic of Moldova. After the entry into force of Law no. 316/2022, art. 173 CP RM has the following content: "Article 173. Sexual harassment (1) Sexual harassment, i.e. the pretense of a sexual act or other action of a sexual nature through physical, verbal or non-verbal behavior, if this creates an unpleasant, hostile, degrading, humiliating, discriminatory or insulting atmosphere for the victim, carried out taking advantage by the state of dependence of the victim or by threat, provided that the deed does not meet the elements of rape or non-consensual sexual acts, is punishable by a fine in the amount of 500 to 650 conventional units or by unpaid community service from 120 to 180 hours, or by imprisonment for up to 2 years. (2) The same act knowingly committed against a minor is punishable by imprisonment from 3 to 7 years"

**However, if other labor risks arise during project implementation, the implementing entities will develop relevant internal instructions and procedures to prevent potential impacts.**

*Child & Forced Labor/Minimum Age for workers according to Labor Code of Republic of Moldova*

Taking in consideration the presence of possible hazardous work, persons under the age of 18 WILL NOT BE EMPLOYED by the Project.

**Based on current conditions in the sector it is assessed that the risk of child or forced labor is negligible, and already managed through national legislation and WB requirements. However, child labor will be mitigated through certification of laborer age. This will be done using national identification documents, passports and birth certificates. The Contractors will report periodical the lists and number of staff, the number of their sub-contractors' workers and their employment practices (i.e., local and foreign employees, hiring conditions, wages, labor and working conditions, hours of work, health monitoring etc.).**

In the event an employee is injured at work or dies as a result of an accident in the workplace, the incident will be handled according to the applicable laws including the Labor Code of Republic of

## **SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)**

Moldova (inform Police and Labor Inspection, create a Company group of inspection etc.). All contractors will be required to have a written contract with their workers materially consistent with objective of ESS2 and in compliance with this LMP, in particular about child and forced labor, following the requirement in the Bank's Standard Procurement Document (SPD). A major accident/incident has to be reported to PIU by Contractor and to ESIRT to the WB. A template for the PIU to report significant incidents to the World Bank (within 24 hours) is provided in Annex 2.

## 5 Brief overview of labor legislation: Terms and Conditions

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

The provisions provided in Labor Code of Republic of Moldova is harmonized with ILO policies and ESS2 so no gaps were discovered.

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

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

### **Salary wages and deductions**

The amount and form of remuneration in Moldova is determined by the individual labor contract. The wage is paid at least monthly.

The government is re-examining the guaranteed minimum wage in the real sector on the basis of the annual summary increase in the consumer price index and the rate of increase in labor productivity at national level.

The employers usually deduct the income tax and the health and social insurance contributions automatically from the wages and transfer them to the fiscal authorities. The total amount of deductions cannot exceed 50 percent from the wage to be paid to the employee.

### **Working Hours**

The Moldovan Labor Code envisages a regular 40-hours work week (Art. 95 of the Moldovan Labor Code) 35 hours per week for individual working in hazardous sectors of the economy. The daily duration of the working time for the individuals with severe disabilities is established according to the medical certificate, within the limits of the normal daily working time (art. 100). However, this category of individuals is entitled to benefit of a working time reduced up to 30-hours per week (Art. 96).

### **Rest Breaks**

Employees are entitled to a lunch break of at least half an hour each workday. The exact duration of the lunch break rest is stipulated in the collective labor agreement or the internal regulations of the entity. Meal breaks, with the exceptions specified in the collective labor contract or entity internal regulations, shall not be included in the working time. The duration of the daily break, that is the time between the end of the working program and the start of the work program the following workday cannot be less than the double duration of the daily working time (Article 107). Weekly rest is granted for 2 consecutive days, usually Saturday and Sunday.

### **Leave (annual, paid, unpaid)**



The right to annual leave is guaranteed to all employees. Any employee who works based on an individual labor contract shall benefit from the right for annual rest leave which can be used after the first six months of employment. All the employees are entitled to be paid annual rest leave, with duration of minimum 28 calendar days. The leave does not include a period of temporary disability, and maternity leave. In addition, employees may request up to 120 calendar days of unpaid leave with a justification and agreement from the employer. Short-term and seasonal contracts are not clearly covered in the Moldovan Labor Code and practically, those employees do not benefit from annual leaves.

*The recent changes (July 2023) in Labor Code included paternity leave provisions.* Paternity leave is granted under the conditions provided by this article to ensure the effective participation of the father in the care of the newborn or adopted child. The father of the newborn child benefits from the right to paternity leave for up to 15 calendar days. The father of the adopted child benefits from the right to paternity leave for up to 15 calendar days pursuant. The paternity leave can be granted in full or divided into up to 3 fractions, during the first 12 months after the birth of the child. A fraction of leave is at least 5 calendar days. The employee benefits from paternity leave based on the request submitted at least 5 days before each fraction of leave, unless the periods of the fractions have been previously established with the employer. In the case of fathers who have adopted children, paternity leave is granted on the basis of a written request, during the first 12 months from the day the adoption was approved. A copy of the court decision approving the adoption and a copy of the child's birth certificate are attached to the application. Paternity leave is granted based on a written request, during the first 12 months after the birth of the child. A copy of the child's birth certificate is attached to the application. In case of total or partial coincidence of the paternity leave with the medical leave, based on a written request of the employee, the unused paternity leave in full or in part is extended. During the period of paternity leave, the employee benefits from a paternal allowance which cannot be lower than the average monthly income insured for the respective period and which is paid from the state social insurance budget. The employer is obliged to encourage employees to take paternity leave. In cases in which the employer creates situations with the effect of disadvantaging employees who take paternity leave are considered cases of **discrimination** on the part of employers and are sanctioned according to the law.

### *Overtime Work*

An employer can order overtime work in case that is related to national defense or emergencies. Normally, at employer's request, employees can perform overtime work up to 120 hours during the calendar year. In exceptional cases, this limit can be extended to 240 hours with the agreement of both parties (Article 104). Employers must keep a record of the work performed outside the normal working hours. The overtime work is paid at 1.5 the amount of the regular hourly rate for the first two hours of overtime work and at 2 times the regular rate for the subsequent hours.

### *Labor Disputes*

## **SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)**

The Labor Code of Moldova includes provisions that allow workers to resolve individual and collective disputes between the employer and the employee(s) over the terms and conditions of a labor agreement or other aspects of work, including occupational and labor safety (Articles 288, 357-361). The disagreements and disputes may be solved through conciliation. A conciliation commission should be set not later than three days from the registration of the labor dispute and conflict. The commission should notify the parties in writing within five days from reaching an agreement on how to settle the dispute. If the parties do not agree with the recommendations of this commission, the conflict shall be settled in court.

## **6 Brief overview of labor legislation: Occupational Health and Safety**

The Moldovan Labor Code as well as the Law on Occupational Health and Safety (OHS) (2008) set the framework for occupational health and safety in Moldova. Several Government orders and decisions detail how these are to be implemented and outline the list of hazardous industries and occupations in the country. Overall, the Moldovan OHS legislation is extensive, and generally, in line with the provisions set out in ESS2, paragraphs 24 to 30, the main challenge being the implementation and enforcement of these provisions.

Its actual implementation and enforcement have proven to be lacking, particularly in terms of enforcement of safety and OHS regulations. This may particularly concern the hygiene, accommodation and employment rights of the seasonal workers who may not be residents of the locality where the minor works occur.

### **Employers' Obligations**

Article 198 of the Labor Code envisages that each business entity or organization should have internal regulations that outline, among other things, the occupational health and safety provisions of the organization. Articles 9 and 10 of the Law on OHS makes the employers responsible for ensuring the health and safety of the employees, for identifying and preventing work-related risks, for informing and training staff on the risks and organizational OHS provisions. The employer must provide the necessary means and equipment and adapt the working environment to prevent and minimize the occupational risks. Article 11 mandates the employer to assign at least one trained individual within the organization responsible to ensure the compliance with the OHS provisions. The employer may set a collective OHS committee made up of both employee and employer's representatives to supervise the OHS arrangements in the work place. In case of emergencies, the employer must take immediate action to provide emergency response and evacuation of workers from the premises/site (Article 12 of the OHS law).

### **Employees' Rights and Obligations**

Employees have the right and obligation to inform the employer of any emerging hazard or malfunctioning equipment as well as make suggestions on how to improve the OHS rules at the workplace. Employees have the right to refuse to work if the working place does not meet the OHS requirements (especially if it's dangerous and safety measures are not provided). They are entitled to be informed and trained about the occupational risks and be provided the required protective gear by the employer at the employer's expense.

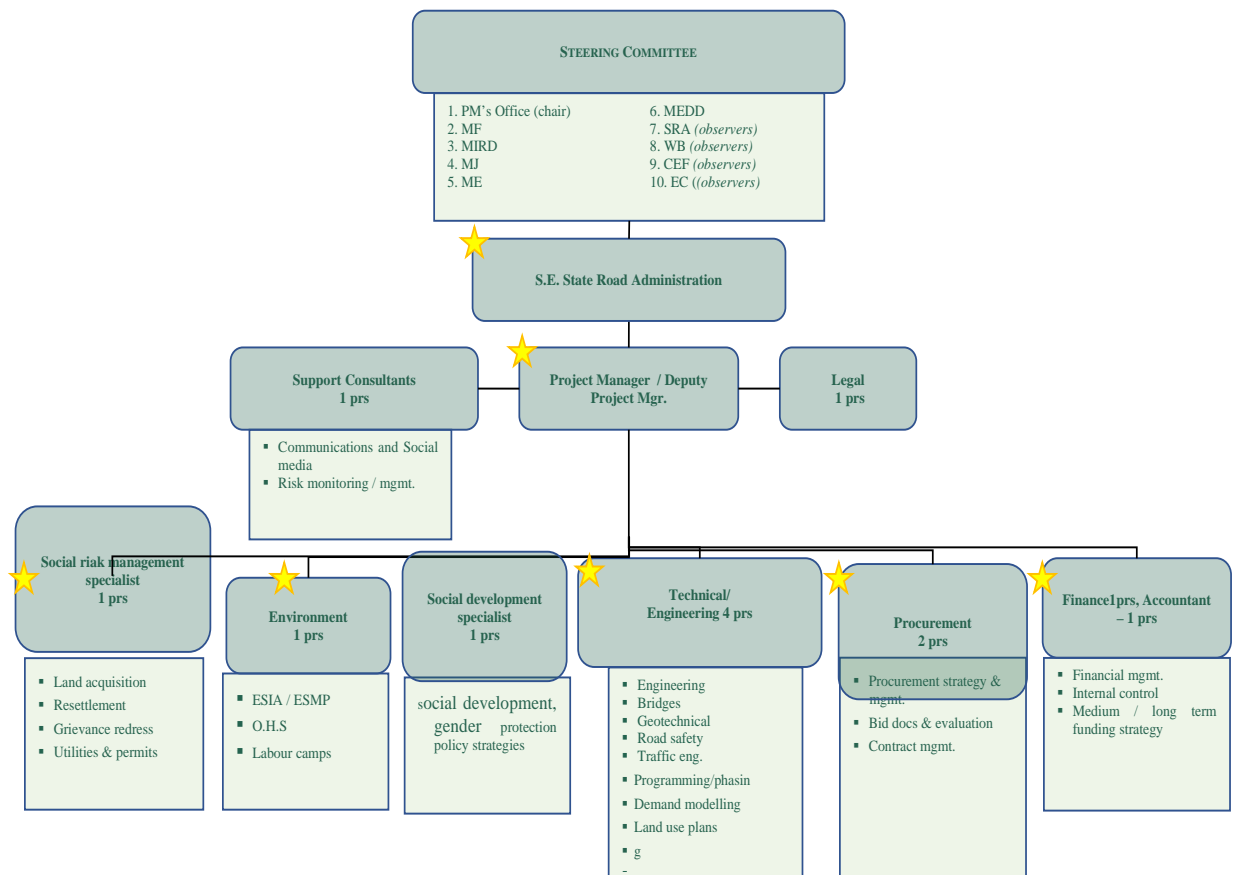
## 7 Responsible Staff

The Project will entail two Implementing Agencies – the Moldova Custom Service (MCS) under the Ministry of Finance and the State Roads Administration (SRA) under the Ministry of Infrastructure and Regional Development.– and the day-today-the implementation will be ensured by the Project Implementation Units under the SRA and MCS.

The overall responsibility for the implementation of all aspects of the project lies with the PIU’s Project Director who will include also the implementation of the labor management procedures concerning the direct workers.

The PIU staff under the SRA will be formed of **six permanent staff**, Director, Legal advisor and Expert on financial management and chief accountant, Procurement Specialist, and Environmental and Social specialists (part-time).

PIU institutional arrangement chart for the LMP implementation across project's components.



In context of this LMP implementation, the staff assigned by PIU’s will be responsible for the following:

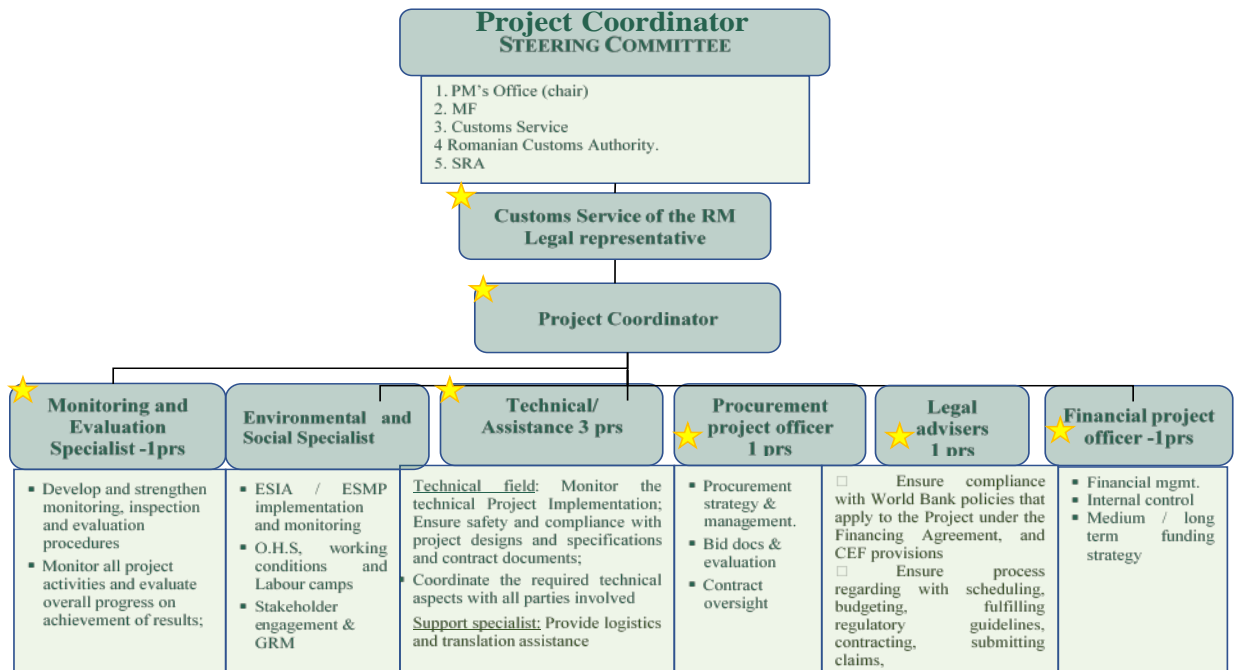
- Implementing the LMP;
- Ensuring that the contractors comply with the LMP;

**SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)**

- Monitoring that the contractors meet the labor and OHS obligations toward the contracted and subcontracted workers, as required by the Moldovan legislation in force and ESS2;
- Monitoring contractors and sub-contractors' implementation of labor management procedures and ESMPs;
- Monitoring compliance with occupational health and safety norms at all workplaces in line with the national occupational health and safety legislation;
- Monitoring and implement training on LMP and OHS for project workers;
- Ensuring that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it;
- Have in place a system for regular monitoring and reporting on labor and occupational safety and health performance.

The SRA and Investments department acting as a PIU will do the same for roads and BCP civil works infrastructure.

The PIU staff under the MCS will be formed of Deputy Director, Project coordinator, Legal advisor, Financial project officer, Procurement project officer, persons for technical assistance, Monitoring and Evaluation Specialist, and Environmental and Social specialists (part-time).



The civil works Supervision Consultant(s) (if envisaged by the project) will oversee labor and safety performance on a daily basis on behalf of the Employer (SRA and MCS). The site-specific ESMPs require the Supervision Consultant to employ qualified experts for such oversight and to report on performance to the PIU monthly.

**The Contractors (Consultants) will be responsible for the following:**

## SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)

- To obey the requirements of the national legislation and the LMP;
- To develop “Occupational Health and Safety Plan”, which will apply to contracted and sub-contracted workers. These procedures and plans will be submitted for review and approval to PIUs.
- Assign or employ a person responsible for the adaption and implementation of the OHS plan to the requirements of the project
- To maintain the records of recruitment and employment process for the contracted workers;
- To communicate clearly the job description and the employment conditions to all contracted workers;
- To have a system for regular review and reporting on labor, and occupational safety and health performance.
- A Grievance Redress Mechanism (GRM) has been detailed within this LMP in line with SEP. The Contractors will be required to comply with the GRM provisions.
- The Contractors will be fully responsible to ensure that their workers know and are trained on their obligations with respect to GBV, safe disposal of wastes and reporting of communicable diseases, if they contract any.
- The contractor will develop and implement a Code of Conduct. The construction contractor should also submit a Code of Conduct for review and approval to PIU. The Code of Conduct will reflect the company’s core values and overall working culture including prohibition of any type of harassment and will include provisions related to SEA/SH and gender-based violence (GBV).
- The Contractors are required to ensure that the assigned workers are adequately trained and briefed with overall safety arrangement, use of equipment, GRM procedures, and the working conditions under the project.

When the contractor(s) are known, these labor management procedures can be updated, to include additional details about the companies, hired workforce and other information, as necessary.

## 8 Policies and Procedures

As set out in the Labor Code, project workers' jobs will be based on non-discrimination laws and equal opportunities. There will be no discrimination regarding any aspects of the employment relationship including recruitment, working conditions compensation, and terms of employment, access to training, promotion or termination of employment. PIUs will incorporate such standardized social clauses in the tender documentation and contract documents so that the potential bidders are aware of the social / labor performance requirement. No major gaps can be found in local legislation because is harmonized mostly with ILO and ESS 2 policies.

No forced and under-aged labor will be engaged by PIU, Contractors, Suppliers, sub-contractor or any stakeholder in any circumstance. Forced labor includes bonded labor, excessive notice period, retaining worker's identity, limitations of freedom of movement and substantial fines, physical punishment, under high unpayable debt or any other condition where the project worker is compelled to work in a non-voluntary basis.

### **Occupational Safety and Health**

All the contractors under the project will have to comply with the Moldovan OHS legislation and the Labor Code, as well as the provisions set under the World Bank's ESS2.

The contractors will have to prepare or adjust their internal regulations, in case they do not comply with the current legislation. They will also make them known and available to their staff and workers. According to national legislation, the obligations of the employer are to provide a healthy work environment; the obligation to assign an individual who will be responsible for the OHS arrangements at work and on site; describe and explain the main risks of the work involved to the employee; train the employees and workers on the OHS arrangements at the enterprise; provide appropriate protective equipment, clothing and gear to mitigate the potential risks; record and report the work incidents on site; ensure that first-aid help is available on site and have emergency and evacuation protocols in place and explained to the staff and workers for emergency cases.

The PIU will guide to:

- Comply with OHS related legislation and other, related applicable requirement.
- Ensure transparent recruitment process that is open with respect to ethnicity, religion, disability or gender.
- Continuously improving the process and efficiency of OHS implementation.
- Make this policy statement available to all interested parties at all Project sites and facilities.
- Under current rules of Moldova, the contractors are required to have at least one occupational health and safety representative for the worksite.

The representative must:

- Conduct regular OHS training to workers.
- Identify any potential hazard.
- In case of an accident, investigate the cause and report the PIU.
- Ensure that all the workers are taking the required safety measures during workhours.
- Ensure availability of first aid box at worksite.

PIU will conduct regular monitoring to ensure proper OHS implementation. The OHS representative will be responsible to provide regular reports to ESS unit of PIU.

### **SEA/SH & Gender Based Violence (GBV)**

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

In addition, the above statement, each of the contractors and construction companies shall include SEA/SH and GBV prevention to their labor management plans.

### **Non-discriminatory Nature of Employment**

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

### **Terms of Employment**

All workers will have **written contracts** describing terms and conditions of work. Workers will sign the employment contract in two originals. The terms and conditions of employment will be available at the work sites. Every worker, when employed, will be briefed on the contents of the contract; the internal regulations of the institution; the work safety and OHS arrangements at the work place. All employees will be informed about the possibility to request a copy and to study these internal documents in more detail.

### **Employee Rights and Obligations**

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

### **General requirements at workplaces**

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



and / or accommodation, other facilities must be made available to workers so that they can use them during work interruption.

***Useful References***

A complete labor guide for employers and contractors is available on the website of Moldovan Labor Inspectorate at: <https://ism.gov.md/ro/content/ghid-pentru-angajatori>. Article 199 of the Labor Code provides the minimum structure of the internal regulations of an enterprise. Sample internal regulations for contractors can be found by following the link:

<http://editurastatistica.md/sites/default/files/2019/Regulament%20intern%20I.S.%20Editura%20de%20Imprimate%20STATISTICA.pdf>

The protection of employees during Covid-19 pandemic

[https://msmps.gov.md/sites/default/files/ghid\\_practic\\_print.pdf](https://msmps.gov.md/sites/default/files/ghid_practic_print.pdf)

<https://www.ilo.org/global/standards/introduction-to-international-labour-standards/lang-en/index.htm>

<https://ilostat.ilo.org/resources/capacity-building-and-technical-assistance/>

## 9 Grievance Mechanism for Workers

ESS 2 requires a grievance mechanism to be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers, and therefore, call for a separate mechanism to address them, as noted in footnote 17 of ESS2.

PIU will provide an effective **grievance mechanism for workers** to raise workplace problems and concerns. The grievance mechanism will be established by the beginning of the project implementation and will be maintained over the project life. PIU will be the main body for receiving, recording and tracking resolution of grievances.

Contractors as employers is also obliged to establish their own internal grievance mechanism. Project's workers shall be informed alternative GRMs in case their issues cannot be settled in an amicable manner by their respective employers and/or in case they do not feel safe in reporting grievances to their employers (such as unsafe working conditions). Also, if he consider in a dangerous unsafe situation with disastrous implications for health or imminent for life when there is no time to notify company managers (overheating of containers with risk of explosion, gas leaks, broken/non-insulated electrical cables, etc.) must be informed that they can call 112 directly without being subsequently penalized by the Company.

Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards and other means, as needed. Also, the GRM will be described in workers' induction trainings, which will be provided to all project workers.

The main monitoring entity for workers will be the Construction Supervision Engineer. In his responsibility will be to monitor how many employees are on site, if they are working in safe conditions, if they are paid by Contractor and are not discriminated for any reasons.

GRM at the Project level is applicable to PIU, Contractors, workers, people living in Project area and will be maintained during the entire period of Project implementation. The GRM will ensure that the all stakeholders can effectively be engaged in the Project design, implementation, provide project staff with practical suggestions/feedback on Project activities allowing them to be more accountable, transparent, and responsive.

This mechanism will follow the following principles:

- Grievances will be treated confidentially, assessed impartially, and handled transparently.
- The submitting and readdressing of the grievances will be free of charge for complainants.
- The PIU will ensure that all project-affected parties will have equal opportunity to submit their grievance in accessible way. The Project beneficiaries may use a range of contact options (telephone number, e-mail address and postal address, etc.). The GRM is accessible to all stakeholders.
- The channels for filling in grievance form should be disclosed on official sources;
  - The PIU will provide an opportunity to submit a grievance anonymously;
  - Affected persons may raise a complain at any time of project related activity.

- The GRM is designed to be responsive to the needs of all complainants, including anonymous ones.
- All grievances, simple or complex, will be addressed and resolved as quickly as possible. The action taken on the grievance will be swift, decisive, and constructive.
- In cases where the aggrieved individuals or group is not satisfied with the outcome of the amicable mechanism, they will always be able to file to the court at any stage in the resolution process;
- All grievances will be registered and documented, and each grievance resolution process and communication will be systematically tracked;
- The channels for filing complaints will be listed in SEP and communicated to the public during the consultations.

The PIU will ensure equal and nondiscriminatory access to grievance mechanisms, but special attention will be given to the local population and most vulnerable groups: people less informed, with limited legal knowledge, the poorest community members, with limited or no access to internet; the Roma people that have the least access to education and the infrastructure required for proper understanding of how to file complaints through conventional channels. The project team will be working together with LPA.

The Social Specialist in PIU will serve as Grievance Focal Point(s) who will register the submitted grievances in the Grievance Log (database) and review within 15 (fifteen) calendar days, including the information verification, cross-checking, and analysis, and follow-up with the complainant, as needed. As necessary, the Grievance Focal Point will involve the other relevant units' specialists in this activity.

*Channels to Make Complaints:* Due to digitalization processes, the project has to provide the extend ways whereby grievances will be received. The suggestions/complaints can be submitted by e-mail, website, online platform, telephone, mail, grievance box on the site etc. The template for grievances will be provided. To make grievance mechanisms accessible to all stakeholders, it is helpful to make the procedures to submit grievances simple and easy to understand and provide an opportunity to submit a grievance anonymously. The channels for filing complaints will be listed communicated to the public during the consultations. The PIU intends to establish the following channels through which stakeholders and PAPs can make complaints/suggestions/compliments regarding Project activities:

- a) In writing:
  - by email: SRA/ MCS
  - letters: SRA/ MCS address /post box where the letters should be sent
  
- b) oral/verbal (which should be recorded in writing by the receiver):
  - by phone
  - verbal complaints addressed to the LPA, SRA, MCS, PIU

**SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)**

c) Both audio and written forms on online Platform.

For GBV, and particularly for SEA/SH complaints, there are risks of stigmatization, rejection and reprisals against survivors. The GRM therefore will have multiple channels through which complaints can be registered in a safe and confidential manner.

	<b>State Road Administration</b>	<b>Custom Service of Moldova:</b>
<b><u>By Email:</u></b>	<i>serviciu@asd.md</i>	<i>callcenter@customs.gov.md</i>
<b><u>Web page:</u></b>	<i>www.asd.md</i>	<i>www.customs.gov.md</i>
<b><u>In writing:</u></b>	Chisinau, Bucuriei str. 12A MD 2004 Republic of Moldova	30, Nicolae Starostenco Street, Chisinau, MD-2065
<b>Social Media:</b>	<i>https://www.facebook.com/asdrum</i>	<i>https://www.facebook.com/ServiciulVamalRM,</i> <i>https://t.me/s/ServiciulVamalRM</i>
<b>Phones:</b>	+373 22 22 11 14	+373 22 574 182 / 574 133
Call center 24/24	+37360477117	+373 22 78-88-88
Mass media (communication)	<b>+37360477004</b>	<b>+373 22 574 211</b>

All the responsible personnel for GRM (local and regional focal points and PIU) have to fill the Grievance/inquiry template record (Annex 1) for GRM Log.

The term of response will not exceed 15 working days. PIU will coordinate and monitor the responses to all complaints. The SRA/MCS will be able to extend the term of addressing grievance up to 20 working days (the complainant will be informed about extension).

The GRM will assist GBV survivors by referring them to GBV Services Provider(s) for support immediately after receiving a complaint directly from a survivor. The list of GBV service

providers/ NGOs is available at [www.stopviolenta.md](http://www.stopviolenta.md). The HYPERLINK <http://lastrada.md/rom/linii-ferbinti> Trust Line for Women - 0 8008 8008 for appropriate GBV and SHE support, will be disclosure during the public consultations. Appropriate GBV and SEA/SH support, will be disclosed during the public consultations.

Addressing complaints related to sexual Exploitation and Abuse and Sexual Harassment is a critical issue, and it's important to prioritize the well-being and safety of survivors while also fostering an environment that prevents such incidents. Apart from general Project GRM the following measures have to be ensured:

- Encourage survivors to report incidents through formal channels, such as Human Resources, management, or law enforcement.
- Ensure that the reporting process is confidential and provides options for anonymous reporting if survivors prefer to remain unidentified.
- Offer immediate support to survivors, including access to counseling and mental health services and/or specialize in trauma support.
- Conduct regular training and awareness programs for all employees and workers to prevent harassment and assault and to foster a culture of respect and inclusivity.
- Include bystander intervention training to empower employees to help prevent such incidents.
- Have clear and comprehensive policies in place to address SHE issues, including steps for investigation and resolution.
- Ensure that consequences for perpetrators are consistent and fair.
- Consider allowing third-party reporting to external organizations or agencies, to avoid internal biases.
- Ensure that survivors are aware of their legal rights and protections, and provide resources to help them navigate the legal process.
- Implement strong non-retaliation policies to protect survivors from reprisals for coming forward.
- Encourage a culture of reporting without fear of negative consequences.
- Foster a supportive community for survivors by connecting them with peer support groups or networks where they can share their experiences and coping strategies.
- Engage in ongoing efforts to change the organizational culture and attitudes towards SHE. This includes leadership modeling appropriate behavior and holding all employees accountable for maintaining a respectful environment.
- Periodically review and improve your SHE policies and procedures based on feedback and changing societal standards.

- Be transparent about the actions taken in response to complaints, while respecting the privacy and wishes of survivors.

## 9.1 Grievance Log

It is important that all complaints, including the anonymous ones, to be recorded in writing and stored in a database. Complaints received should be assigned a number that will help the assigned specialist to track progress via the database. The database should at least contain relevant information on the date of submission, sphere of issue, responsible party, deadline for the problem solving and feedback (positive or negative). The Grievance log will be submitted to the Bank on a quarterly basis for review.

*WB's Grievance Redress Service:* Employees may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Information on how to submit complaints to the WB's GRS is available at <http://www.worldbank.org/GRS>

*The mechanism for addressing complaints will be the following:*

**Stage 1: Receiving the Complaints/proposal/suggestion** (all together named future "complaint") regardless of the form of submission: verbal, written, online, etc. The initial screening of these complaints is conducted by the Social Specialist and is mandatorily recorded in the Grievance Redress Mechanism (GRM) Log. All complaints that meet the admissibility criteria (related to the Project) are transmitted also to the alleged offender to obtain their views/proposals on the complaints or allegations of violations contained therein.

**Stage 2: The screening / reviewing of complaints.** The Social Specialist, in collaboration with other experts, examines and resolves the complaint. This process involves assessing the case to determine if the complaint, individually or in conjunction with others, indicates a consistent pattern that reliably suggests future actions. During it's the review, the Social specialist may propose to Project manager to:

- dismiss a complaint if it is not admissible because is not related with Project directly or indirectly and inform the complainant
- keep a complaint under review and request the other stakeholders concerned and/or the complainant to provide further information within a reasonable time;
- solve the grievance in 15 days and inform the complainant about the decision with explanations.

If the matter falls outside his area of expertise, he will forward a file containing all relevant communications and recommendations to the SRA/MCS and the World Bank for further review and consideration.

All the stages of solving grievances have to be documented and the resolution included in the GRM Log.

The GRM log will be sent to WB on a monthly basis for information.

## 9.2 Roles and Responsibilities for GRM

The responsibilities for managing the Grievance Redress Mechanism (GRM) system are as follows, subject to periodic updates through consultations with the PIU, SRA/MCS, and World Bank teams. The SRA Investment Department plays a key role in coordinating activities and reporting on the GRM, based on input from the PIU, CS, Ministry, and other involved stakeholders. In cases related to labor grievances, the Construction Supervision Engineer, the State Labor Inspectorate (ISM), and for foreign-specific cases, the General Inspectorate for Migration, may be involved if applicable to following activities:

- Overall management of the GRM system
- Developing and maintaining awareness-building
- Collection of complaints
- Recording complaints
- Notification to the complainant on the receipt and timeline to review a complaint
- Sorting/categorization of complaints
- Thorough review of the issues, including the causal link between project activities and alleged damage/harm/nuisance
- Decision-making based on such examination
- Processing appeals or continuous communication with complainants with the purpose to resolve issues amicably
- Publishing responses to complaints, unless otherwise is requested by complainants due to privacy or other concerns.
- Organization and implementation of information materials and awareness campaigns
- Reporting and feedback on GRM results.

## 9.3 Monitoring and reporting on the GRM implementation.

Policies, procedures and regular updates on the GRM system will be made available for all stakeholders. The SRA/MCS will regularly track and monitor the status of complaints to ensure that all grievances are resolved within the established timeframe. The SRA/MCS will also provide and publish reports available to the World Bank team, and all stakeholders that will contain the following information:

- Status of establishment of the GRM (procedures, staffing, awareness building, etc.);
- Quantitative data on the number of complaints received, the number that were relevant, and the number resolved;
- Qualitative data on the type of complaints and answers provided, issues that are unresolved;
- Time taken to resolve complaints;
- Any issues faced with the procedures/staffing or use;
- Factors that may be affecting the use of the GRM/beneficiary feedback system;
- Any corrective measures suggested/adopted.
- Satisfaction of the complainants with the resolution



## 10 Contractor Management

The project will use the Bank's 2019 Standard Procurement Document for Request for Bids (road works & Customs infrastructure) or other WB Procurement Rules and Procedures for small scale procurement, both will include provisions referring to labor and occupational, health and safety requirements that must comply with the Moldovan national legislation and ESS2.

As part of selection process for the design and construction contractors, who will engage contracted workers, PIU may review the following information:

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

These requirements shall be clearly spelled out in the bidding documents. In addition, bidders shall also present management strategies and implementation plans (MSIPs) or their equivalent for managing labor-related risks as part of their proposals.

PIU and SRA/MCS assigned staff will monitor the performance of Contractor(s) in relation to the contracted workers. This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors.

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



## **11 Community Workers**

No community contribution is expected under the project and no community workers will be involved in the project's minor works.

## **12 Primary Supply Workers**

The project will finance rehabilitation and construction works and the primary suppliers will be suppliers of construction materials, tools and equipment. There are little or no risk of child or forced labor or serious safety issues in relation to primary suppliers under the Project.

The Contractor who subcontracts the supply of materials and equipment for the implementation of project works will be responsible to include the same conditions and specifications on ESHS aspects into its subcontracting agreements. The subcontractors are usually subject to approvals by SRA /MCS PIUs.

## Annex 1: Grievance Registration Form

Reference No: \_\_\_\_\_

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

- I wish to raise my grievance anonymously
- I request not to disclose my identity without my consent
- Contact Information

*Please mark how you wish to be contacted (telephone, e-mail).*

By Telephone: \_\_\_\_\_

By E-mail \_\_\_\_\_

I will follow up the resolution at the website as I want to remain anonymous

Preferred Language for communication:     Romanian     Other (*indicate*)

Description of Incident or Grievance (*What happened? Where did it happen? Who did it happen to? What is the result of the problem? Date of Incident/ Grievance*)

One-time incident/grievance (date \_\_\_\_\_)

Happened more than once (how many times? \_\_\_\_\_)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)**

Please return this form to: PIU.

Annex 2: WB Form for reporting an incident/accident

**Part B: To be completed by Borrower within 24 hours**

B1: Incident Details			
Date of Incident:	Time:	Date Reported to PIU:	Date Reported to WB:
Reported to PIU by:	Reported to WB by:	Notification Type: Email	
Full Name of Main Contractor:		Full Name of Subcontractor:	

B2: Type of incident (please check all that apply) <sup>1</sup>
Fatality <input type="checkbox"/> Lost Time Injury <input type="checkbox"/> Displacement Without Due Process <input type="checkbox"/> Child Labor <input type="checkbox"/> Acts of Violence/Protest <input type="checkbox"/> Disease Outbreaks <input type="checkbox"/> Forced Labor <input type="checkbox"/> Unexpected Impacts on heritage resources <input type="checkbox"/> Unexpected impacts on biodiversity resources <input type="checkbox"/> Environmental pollution incident <input type="checkbox"/> Dam failure <input type="checkbox"/> Other <input type="checkbox"/>

<sup>1</sup>See Annex 1 for definitions

B3: Description/Narrative of Incident
i. What is the incident? ii. What were the conditions or circumstances under which the incident occurred (if known)? iii. Are the basic facts of the incident clear and uncontested, or are there conflicting versions? What are those versions? iv. Is the incident still ongoing or is it contained? v. Have any relevant authorities been informed?

B4: Actions taken to contain the incident			
Short Description of Action	Responsible Party	Expected Date	Status
For incidents involving a contractor:			

**B5: What support has been provided to affected people**

*Incident Types*

The following are incident types to be reported using the environmental and social incident response process:

**Fatality:** Death of a person(s) that occurs within one year of an accident/incident, including from occupational disease/illness (e.g., from exposure to chemicals/toxins).

**Lost Time Injury:** Injury or occupational disease/illness (e.g., from exposure to chemicals/toxins) that results in a worker requiring 3 or more days off work, or an injury or release of substance (e.g., chemicals/toxins) that results in a member of the community needing medical treatment.

**Acts of Violence/Protest:** Any intentional use of physical force, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, deprivation to workers or project beneficiaries, or negatively affects the safe operation of a project worksite.

**Disease Outbreaks:** The occurrence of a disease in excess of normal expectancy of number of cases. Disease may be communicable or may be the result of unknown etiology.

**Displacement Without Due Process:** The permanent or temporary displacement against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection and/or in a manner that does not comply with an approved resettlement action plan.

**Child Labor:** An incident of child labor occurs: (i) when a child under the age of 14 (or a higher age for employment specified by national law) is employed or engaged in connection with a project, and/or (ii) when a child over the minimum age specified in (i) and under the age of 18 is employed or engaged in connection with a project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

**Forced Labor:** An incident of forced labor occurs when any work or service not voluntarily performed is exacted from an individual under threat of force or penalty in connection with a project, including any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. This also includes incidents when trafficked persons are employed in connection with a project.

**Unexpected Impacts on heritage resources:** An impact that occurs to a legally protected and/or internationally recognized area of cultural heritage or archaeological value, including world heritage sites or nationally protected areas not foreseen or predicted as part of project design or the environmental or social assessment.

**Unexpected impacts on biodiversity resources:** An impact that occurs to a legally protected and/or internationally recognized area of high biodiversity value, to a Critical Habitat, or to a Critically Endangered or Endangered species (as listed in IUCN Red List of threatened species or equivalent national approaches) that was not foreseen or predicted as part of the project design or the environmental and social assessment. This includes poaching or trafficking of Critically Endangered or Endangered species.

**Environmental pollution incident:** Exceedances of emission standards to land, water, or air (e.g., from

## **SRA/MCS Labor Management Procedure - Moldova Rural Connectivity Project (P180153)**

chemicals/toxins) that have persisted for more than 24 hrs or have resulted in harm to the environment.

**Dam failure:** A sudden, rapid, and uncontrolled release of impounded water or material through overtopping or breakthrough of dam structures.

**Other:** Any other incident or accident that may have a significant adverse effect on the environment, the affected communities, the public, or the workers, irrespective of whether harm had occurred on that occasion. Any repeated non-compliance or recurrent minor incidents which suggest systematic failures that the task team deems needing the attention of Bank management.