



REPUBLIC OF TÜRKİYE  
MINISTRY OF TRANSPORT  
AND INFRASTRUCTURE

**AYEM**  
Altyapı Yatırımları Genel Müdürlüğü

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CONSULTANCY INC.



**DİVRİĞİ – ERZİNCAN – ERZURUM – KARS – GEORGIA BORDER  
(BTK) RAILWAY LINE REHABILITATION PROJECT  
LABOR MANAGEMENT PROCEDURES  
CNR-ETMIC-LMP-001  
(Rev.05)**

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 2 / 40



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<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 3 / 40

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<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 4 / 40

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>4</b>
<b>ABBREVIATIONS &amp; DEFINITIONS</b> .....	<b>5</b>
<b>1 INTRODUCTION</b> .....	<b>6</b>
1.1 Project Overview.....	6
1.2 Description of Labor Management Procedures.....	7
<b>2 OVERVIEW OF PROJECT WORKFORCE</b> .....	<b>8</b>
2.1 Categorization of Project Workers.....	8
2.2 Number of Project Workers: .....	8
2.3 Characteristics of Project Workers .....	9
2.4 Timing of Labor Requirements .....	9
<b>3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS</b> .....	<b>10</b>
<b>4 LEGAL FRAMEWORK</b> .....	<b>12</b>
4.1 Brief Overview of Labor Legislation: Terms and Conditions .....	12
4.2 Brief Overview of Labor Legislation: Occupational Health and Safety.....	18
4.3 World Bank Requirements.....	23
<b>5 ROLES AND RESPONSIBILITIES</b> .....	<b>24</b>
5.1 ETMIC sub-unit of the PIU.....	24
5.2 Supervision Consultant.....	24
5.3 Construction Contractor.....	25
<b>6 POLICIES AND PROCEDURES</b> .....	<b>26</b>
6.1 MONITORING AND REPORTING .....	27
<b>7 AGE OF EMPLOYMENT</b> .....	<b>29</b>
<b>8 TERMS AND CONDITIONS</b> .....	<b>30</b>
<b>9 WORKERS GRIEVANCE MECHANISM</b> .....	<b>32</b>
<b>10 CONTRACTOR MANAGEMENT</b> .....	<b>35</b>
<b>11 PRIMARY SUPPLY WORKERS</b> .....	<b>36</b>
<b>APPENDIX-1 CODE OF CONDUCT</b> .....	<b>37</b>

## ABBREVIATIONS & DEFINITIONS

<b>AIIB</b>	Asian Infrastructure Investment Bank
<b>AYGM</b>	Directorate General of Infrastructure Investments
<b>CLO</b>	Community Liaison Officer
<b>CoC</b>	Code of Conduct
<b>CRF</b>	Complaint Register Form
<b>E&amp;S</b>	Environmental and Social
<b>EHS</b>	Environmental Health and Safety
<b>ESF</b>	Environmental and Social Framework
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ESMP</b>	Environmental and Social Management Plan
<b>ESS</b>	Environmental and Social Standards
<b>ETMIC</b>	Eastern Türkiye Middle Corridor Railway Development Project
<b>GBV</b>	Gender-Based Violence
<b>GIIP</b>	Good International Industry Practices
<b>GM</b>	Grievance Mechanism
<b>GRS</b>	Grievance Redress Service
<b>IIP</b>	World Bank's Inspection Panel
<b>ILO</b>	International Labor Organization
<b>LM Plan</b>	Labor Management Plan
<b>LMP</b>	Labor Management Procedures
<b>MoTI</b>	Ministry of Transport and Infrastructure
<b>No.</b>	Numbered
<b>OHS</b>	Occupational Health and Safety
<b>PAP</b>	Project Affected Parties
<b>PIU</b>	Project Implementation Unit
<b>RF</b>	Resettlement Framework
<b>SEA</b>	Sexual Exploitation and Abuse
<b>SEP</b>	Stakeholder Engagement Plan
<b>SGK</b>	Social Security Institution
<b>SH</b>	Sexual Harassment
<b>SPD</b>	Standard Procurement Documents
<b>TCDD</b>	Turkish State Railways
<b>WB</b>	World Bank
<b>WGM</b>	Workers' Grievance Mechanism

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 6 / 40

## 1 INTRODUCTION

### 1.1 Project Overview

The Eastern Türkiye Middle Corridor Railway Development Project (ETMIC) aims to improve logistics efficiency along the Divriği-Kars-Georgia border railway line and to enhance the operational resilience of Türkiye's national railway network.

The project, financed by World Bank (WB), Asian Infrastructure Investment Bank (AIIB) and Islamic Development Bank (IsDB) is developed around two main components:

Component 1 – Rehabilitation and Modernization of the Divriği-Kars-Georgia Border Railway Line and Component 2 – Project Management.

#### **Component 1: Rehabilitation and Modernization of the Divriği-Kars-Georgia Border Railway Line**

This component aims to rehabilitate and modernize the existing 667 km railway line between Divriği and the Türkiye-Georgia border. It includes comprehensive design and construction works to renew railway infrastructure and superstructure, electrify the line, and install advanced signaling systems compliant with EU standards. The project will significantly enhance the line's cargo capacity, increasing it from 750,000 tons per year to 20 million tons per year, while improving resilience to climate hazards through updated engineering standards and the integration of a Distributed Acoustic Sensing (DAS) early-warning system.

##### Sub-component 1.1: Design, Infrastructure and Superstructure Works

The major portion of the budget will be allocated to detailed engineering design and extensive civil works. This includes the renewal of 143 km of railway, electrification of the entire line, installation of a European Train Control System, and construction of new sidings and extension of existing ones. Additional improvements include tunnel clearance and drainage works, construction of bridges and controlled level crossings, and station renovations. These enhancements will not only increase capacity and speed but also significantly reduce GHG emissions by transitioning from diesel to electric trains.

##### Sub-component 1.2: Design Supervision and Construction Supervision Services

This sub-component comprises of supervision services, ensuring high-quality implementation of the design and construction works. It includes oversight of the procurement process and the supervision of the entire project execution to guarantee robust construction standards and adherence to resilience measures against climate and natural hazards. This component will enhance the project's overall efficiency and effectiveness, ultimately delivering a modernized, higher-capacity railway line that meets international standards and supports Türkiye's strategic logistics and environmental goals.

#### **Component 2: Project Management**

This component focuses on the mobilization of a specialized firm to manage the project. It covers various aspects such as construction, engineering, social and environmental monitoring, citizen engagement, and results monitoring and evaluation. The objective is to ensure seamless project implementation under the Project Implementation Unit (PIU), enhancing project management capacity and ensuring that all project activities align with the intended outcomes and sustainability goals.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 7 / 40

## Implementation Arrangements

The implementation of the project will be carried out by Türkiye's Ministry of Transport and Infrastructure (MoTI) through the Directorate-General of Infrastructure Investments (AYGM). AYGM will coordinate the preparation and implementation of all project components. After the completion of the construction works, the project will be handed over to The Republic of Türkiye Directorate General of State Railways (TCDD) and the operational activities will be performed by TCDD.

A PIU has already been established under AYGM for the ongoing World Bank-financed Rail Logistics Improvement Project – P170532 (RLIP). For this Project, an ETMIC-dedicated PIU sub-unit will be established under this PIU. Among other specialists the ETMIC sub-unit will be staffed by social development specialist, gender specialist and organizational health and safety specialist who will be responsible for the implementation and monitoring of this LMP.

### 1.2 Description of Labor Management Procedures

The Project is being prepared under the World Bank's Environment and Social Framework (ESF). In accordance with Environmental and Social Standard #2 (ESS2) on Labor and Working Conditions, this Labor Management Procedures (LMP) have been prepared setting out the ways in which project workers will be managed in accordance with the requirements of national law and ESS2.

This LMP identifies the main labor requirements and risks associated with the Project and helps the project team to determine the resources necessary to address project related labor issues. AYGM prepared this LMP which will apply to all project workers including consultants.

This LMP should be read together with other plans and procedures prepared for the Project, including the ESCP, ESMP, RF and SEP.

This LMP will be amended or updated as necessary if national laws change. The contractors are required to fulfill the provisions of national legislation and the additional requirements of ESS2 by adopting this LMP and preparing their own Labor Management Plans (LM Plans) and OHS Plans accordingly.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 8 / 40

## 2 OVERVIEW OF PROJECT WORKFORCE

### 2.1 Categorization of Project Workers

For effective organization and adherence to regulations, the Project is expected to engage different worker categories. Proper classification of workers is crucial as it delineates their entitlements, obligations, and legal safeguards. Worker classification can be intricate, primarily revolving around who remunerates the worker and who governs the specifics of their tasks. Project workers are categorized as follows, in accordance with ESS2:

- **Direct Workers:** Those directly employed or engaged by AYGM under a contracted relationship. AYGM has explicit control over their work, working conditions, and treatment. They receive direct payment from AYGM and are subject to day-to-day instructions and control. Examples include individuals employed by ETMIC sub-unit of the PIU for supervision, monitoring, evaluation, or community engagement related to the project.
- **Contracted Workers:** Individuals employed or engaged by a contractor or subcontractor to perform tasks or provide services related to the project's core functions. The contractor/subcontractor exercises control over their work, working conditions, and treatment.
- **Primary Supply Workers:** Individuals employed or engaged by a primary supplier supplying goods and materials to the project. The primary supplier has control over their work, working conditions, and treatment.
- **Community Workers:** Individuals engaged in providing community labor as a contribution to the project. No community workers will be involved in the project activities.

It is expected that both direct and contracted workers will include skilled and technical personnel who will benefit from the accommodation facilities at the construction sites.

Although ESS2 applies to all Project workers regardless of their type of employment contract—full-time, part-time, temporary, or seasonal—and whether they are migrant workers or not, these three categories of Project workers reflect the differing degrees of control and influence that AYGM has over their employment conditions. In addition, the requirements of ESS2 differ regarding the type of Project worker involved. Therefore, Sections 1 to 10 of this LMP set out the requirements for direct and contracted workers and Section 11 sets out the requirements for primary supply workers.<sup>1</sup>

### 2.2 Number of Project Workers:

It is estimated that approximately 225 people—25 of them will be direct workers and 200 of them will be contracted workers—will work during the construction phase of the project and 35 people—15 of them will be direct workers and 10 of them will be contracted workers—during

<sup>1</sup> ESS2 does not seek to interfere in the relationship between the government and its civil service employees. The civil servants who are working in connection with the Project will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement unless there has been an effective legal transfer of their employment or engagement to the Project. However, AYGM is expected to provide reasonable and necessary measures to cover the OHS requirements of ESS2—which are mostly covered by national legislation—for its civil servants.



<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 9 / 40

the operation phase. Since the project is a linear project, the 225 people who will work during the construction phase will not work in just one area, will disperse along the line.

### 2.3 Characteristics of Project Workers

Direct workers, mostly AYGM staff, are civil servants per national legislation. Civil servants must be above 18 and citizens of the Turkish Republic. Project consultants, expected to be specialists, are also anticipated to be citizens of the Turkish Republic and above 18. Direct workers will primarily engage in policy development, capacity development, forestry service, communication activities, and project management. 20 out of the 25 direct workers are expected to be civil servants and the rest of them will be hired as individual consultants.

The composition of contracted workers will vary based on the activity, with construction activities expected to involve predominantly male workers above the age of 18.

### 2.4 Timing of Labor Requirements

Direct workers are engaged from the project's inception and work full-time throughout the project life cycle. Contracted workers are recruited on an activity basis, with the assumption of full-time employment during the implementation of their respective activities.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 10 / 40

### 3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The primary labor risks associated with the project will stem from the construction activities. All other project activities are categorized as "soft activities." Should any additional labor risks emerge or if there are alterations to the identified risks during project implementation, the ETMIC sub-unit of the PIU will update LMP accordingly.

The mitigation measures for the following labor risks are addressed in Section 6.

#### **Occupational Health and Safety**

The primary OHS risks are expected during the construction phase and include accidents, injuries, and illnesses resulting from various factors such as moving equipment, noise, vibration, electricity contact, exposure to solid particles or chemical sprays, welding, industrial vehicle operation, site traffic, working environment temperature, ergonomic factors, work at heights, illumination, air quality, fire, explosions, and exposure to corrosive, oxidizing, and reactive chemicals. Additionally, risks related to the general understanding and implementation of OHS requirements, including the lack of behavior adoption according to risk and resistance to using personal protective equipment, are also identified.

Potential OHS risks during the operational phase are train accidents, noise and vibration, chemical hazards, ergonomic issues and workplace stress.

#### **Working Hours**

Excessive overtime working hours pose a potential risk in the construction sector in Türkiye. Due to the limited time frame of the project and seasonal restrictions on construction work, there is a potential for contracted workers to exceed the weekly limit set by the Labor Law.

#### **Child Labor**

Risks related to child labor are not expected within the project, as child labor is primarily associated with agricultural seasonal workers who typically travel with their families.

#### **Forced Labor**

The risk of forced labor is not anticipated.

#### **Migrant Workers**

Migrant Workers / Seasonal Workers may be employed for construction work.

#### **Labor Influx**

Given the number of project workers, scale and geographical scope of the project, labor influx may be expected which may lead to increased risk of social conflict, illegal behavior, influx of additional population, burden on and competition for public service provision, communicable diseases and burden on local health services, gender-based violence, local inflation of prices, pressure on accommodation and rents, traffic and related accidents.

#### **Sexual Exploitation and Abuse / Sexual Harassment (SEA/SH)**

The Project is a large infrastructure project planned to be implemented across five provinces including in hard-to-reach areas. The duration of works is expected to be 5 years. The wide construction area and the long duration of works may lead to SEA/SH risk which is also assessed as moderate by the World Bank. Since this is a moderate SEA/SH risk project, an SEA/SH action plan will be prepared (standalone or as a part of the ESMP) by the AYGM before the bidding of the works and will get no-objection from the World Bank.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 11 / 40

### **Epidemics and Pandemic**

Risks associated with the emergence of new epidemics/pandemics will persist.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 12 / 40

## 4 LEGAL FRAMEWORK

Türkiye ratified the following ten fundamental conventions of the International Labor Organization (ILO), incorporating them into its national legislation. These conventions are essential components of the country's legal framework and are briefly described below:

- Forced Labor Convention, 1930 (No. 29)
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- Equal Remuneration Convention, 1951 (No. 100)
- Abolition of Forced Labor Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labor Convention, 1999 (No. 182)
- Occupational Health and Safety (OHS) Convention, 1981 (No. 155)
- Promotional Framework for Occupational Health and Safety Convention, 2006 (No. 187)

**The Labor Law (No. 4857)** serves as the cornerstone in the regulation of worker relations and the safeguarding of the workforce. This comprehensive law encompasses various provisions addressing key aspects such as the principle of equal treatment, employment contracts, their types and termination, wages and payment protocols, penalties for wage reductions, regulations on overwork, work on holidays, holiday pay, annual paid leaves, working hours, compensation work, break periods, regulations on working age, the prohibition of employing children, and provisions for work and breastfeeding leave during maternity. In essence, the Labor Law No. 4857 covers a wide spectrum of crucial elements pertaining to the employment relationship and the well-being of the workforce.

The intent of the **Unions and Collective Bargaining Law (No. 6356)** is to outline the procedures and principles governing the formation, administration, functioning, oversight, and organization of worker and employer unions and confederations. Additionally, the law aims to facilitate the negotiation of collective bargaining agreements between workers and employers, allowing them to mutually determine their economic and social standing, as well as working conditions. The law further seeks to establish mechanisms for the peaceful resolution of disputes and provides provisions for the utilization of strikes and lockouts when necessary.

**The Occupational Health and Safety Law (No. 6331)** oversees the responsibilities, powers, duties, rights, and commitments of both employers and employees with the aim of establishing and enhancing OHS in workplaces. The law encompasses various aspects, including the overall accountability of employers, principles for mitigating risks, regulations on OHS services and their support, roles of occupational physicians and safety experts, classification of hazards, risk assessment, control measures, measurement and research, emergency preparedness, firefighting and initial aid procedures, evacuation protocols, the entitlement to abstain from work in hazardous conditions, registration and reporting procedures for work-related accidents and occupational diseases, health monitoring, communication of risks to employees, employee training, soliciting and incorporating employee opinions, delineating employee responsibilities, and the potential role of an employee representative.

### 4.1 Brief Overview of Labor Legislation: Terms and Conditions

#### Types of Employment Contracts

As per the Turkish Labor Law, the main categories of employment contracts are: definite (fixed term) and indefinite (open-ended), full time and part time contracts, continuous and transitory

<b>LABOR MANAGEMENT PROCEDURES</b>	<b>CNR-ETMIC-LMP-001</b>	
Rev.05	September 2024	Page 13 / 40

contracts; seasonal; employment contracts with or without trial periods; provisional employment contracts and team employment contracts. Employment which lasts only up to 30 days is transitory; and employment which requires a longer period is continual. If employment is transitory, provisions of the Obligations Act shall apply on certain matters as defined by the Labor Law.

Article 5 of the Labor Law embraces the principle that all employees should be treated equally. Accordingly, employers cannot treat temporary and agency workers or part-time workers differently from the permanent employees unless justifiable grounds exist for the different treatment.

### **Wages and deductions**

Article 32 of the Labor Law defines “wage” in general terms, as the amount of money to be paid in cash by an employer or by a third party to a person in return for work performed by him. Without discrimination, each employee has a right to demand remuneration for the work they conduct. The salary of an employee cannot be lower than the minimum wage amount which is determined by the state and redefined two times every year. There is a national minimum wage that applies to all employees in Turkey. Under Article 39 of the Labor Law, the minimum wage is determined and revised by the related commission of the Ministry of Labor and Social Security at least once every two years.

Pursuant to Article 34 of Labor Law any worker whose wage is not paid within twenty days as of the date of wage payment except for a force major may abstain from fulfilling his/her working liability. Even if the non-fulfilment of working liabilities for this reason based on personal decisions of workers gains a collective character numerically, this shall not be considered as a strike. The highest interest rate applied for deposits shall be applied for wages not paid on due date.

The labor contracts of such workers shall not be terminated, new workers shall not be admitted in their places and their works shall not be assigned to other persons for not working due to this reason.

Pursuant to Article 38 of Labor Law, the employer shall not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or labor contract.

The deductions to be made from worker's wages as penalties should be immediately informed to the worker along with reasons thereof. Such deductions from worker wages shall not exceed two daily wages in a month or two days' earnings of the worker in wages paid per piece or per the amount of work performed.

Such deductions shall be deposited with the account of the Ministry of Labor and Social Security within one month as of the deduction for utilization for the training and social services of the workers, in one of the banks established in Turkey and entitled to accept deposits, to be nominated by the Ministry. Every employer shall be obliged to keep a separate account of such deductions at the business.

### **Working hours**

According to the Labor Law, the working period shall be maximum forty-five hours a week in general aspect. Unless otherwise agreed, such period shall be applied by equally assigning it to working days of the week.

The normal weekly working period may be differently assigned to working days of the week, on the condition that it does not exceed eleven hours a day, upon agreement of the parties. In this case, the average weekly working period of the worker shall not exceed normal weekly working period within a period of two months. The compensation period may be increased by up to four months through collective labor contracts (Article 63).

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 14 / 40

The workers shall be informed of the starting and ending times of daily working periods as well as of break times.

Starting and ending times of the working period may be arranged differently for workers, according to the nature of the work. (Article 67).

### **Periods reckoned as working period**

According to the Labor Law, the following periods shall be reckoned within the daily working period of the workers. The periods spent on the way, in cases where the workers are sent by the employer from their workplace to any other places to work.

- c) Free periods of the worker spent at the workplace, being available for working at any moment but waiting for any possible work, without working.
- d) Periods spent by the worker for being sent by the employer to another place, or being made occupied at the house or office of the employer or any place relating to the employer, without performing his/her main job.
- e) The periods of breast-feeding female workers to be specified for breast feeding.
- f) Periods elapsing for collective and regular transport of workers from and to their workplaces which are distant from their settlement area for any kind of work requiring collective transport such as construction, maintenance or repair and modification of railways, roads and bridges. (Article 66)

### **Overtime hours and overtime payment**

As per Article 41 of the Labor Law, works which exceed forty-five hours a week are defined as overtime. An employer may request employees to work overtime. The employee's consent shall be required for overtime work. Total overtime work shall not be more than two hundred and seventy hours in a year.

Employees under age of 18, pregnant women, and breastfeeding mother cannot be required to work overtime.

### **Weekly rest day and rest breaks**

The employees are allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked up to 45 hours on the days preceding the weekly rest day. By law, employers do not have the right to deduct this weekly rest from the employees' salaries. Additionally, Article 68 of the Labor Law states that employees are entitled to a rest break, the duration of which varies depending on the working hours. Each employee is entitled to 15 minutes of break for jobs lasting up to four hours; 30 minutes of break for jobs lasting up to 7.5 hours, and one hour of break for jobs lasting more than 7.5 hours. Arrangements for breaks will be made according to the local traditions and requirements of the work.

Such breaks shall be at minimum level, and applied uninterruptedly.

However, such periods may be applied intermittently by reaching an agreement, considering the climatic and seasonal conditions and local traditions as well as the nature of the work.

Breaks may be used by workers at the same time or at different times at a workplace.

Breaks shall not be reckoned within working period. (Article 68)

### **Annual Leaves**

The minimum leave period according to the length of service of the employee has been set in the Labor Law as follows;

- 1 to 5 years (included) - 14 working days

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 15 / 40

- 5 to 15 years - 20 working days
- 15 years (included) or longer - 26 working days

The Law stipulates that paid annual leave may not be less than 20 days for employees over the age of 50. Employees are also provided to the right to take up to 4 days leave without pay, on the condition that the employee provides documentary evidence that s/he is spending his/her annual leave at a place other than where the workplace is located.

Employees engaged in seasonal or other occupations which, owing to their nature, last less than one year are not entitled to paid annual leave.

Paid leaves for civil servants have been defined in the Law (No:657) as; who have served for less than 10 years have 20 days of annual leaves and those who have served for more than 10 years have the right of 30 days annual leave.

### **Labor disputes**

The Labor Law includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of a labor agreement or other aspects of work. (Article 20 of Labor Law; Article 91 of Labor Law regulates “the application to the Ministry of Labor and Social Security for workers’ rights arising from their debt owed.; Article 50-51-52 of Law No. 6356 on Trade Unions and Collective Bargaining Agreements regulates “rights of application to the High Board of Arbitration and Private Arbitrator for workers labor disputes”; Article 3 of Law on Labor Courts numbered 7036 regulates “conciliation procedure”.

The employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not valid to justify the termination shall be entitled to lodge an appeal against that termination with the labor court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time.

The burden of proving that the termination was based on a valid reason shall rest on the employer. However, the burden of proof shall be on the employee if he claims that the termination was based on a reason different from the one presented by the employer.

The court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month. (Article 20)

If the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him in work, compensation to be not less than the employee’s four months’ wages and not more than his eight months’ wages shall be paid to him by the employer.

In its verdict ruling the termination invalid, the court shall also designate the amount of compensation to be paid to the employee in case he is not re-engaged in work.

The employee shall be paid up to four months’ total of his wages and other entitlements for the time he is not re-engaged in work until the finalization of the court’s verdict. If advance notice pay or severance pay has already been paid to the reinstated employee, it shall be deducted from the compensation computed in accordance with the above-stated subsections. If term of notice has not been given nor advance notice pay paid, the wages corresponding to term of notice shall also be paid to the employee not re-engaged in work.

For re-engagement in work, the employee must make an application to the employer within ten working days of the date on which the finalized court verdict was communicated to him. If

<b>LABOR MANAGEMENT PROCEDURES</b>	<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024
	Page 16 / 40

the employee does not apply within the said period of time, termination shall be deemed valid, in which case the employer shall be held liable only for the legal consequences of that termination. (Article 21).

Termination of an employment contract: Under the Labor Law, employers can terminate contracts in two ways: (i) showing a valid reason (Art. 18-19) or (ii) breaking the contract for a just cause. Employees who have completed 6 months of employment in a workplace that has at least 30 workers, can benefit from certain protections under the Labor Law, protecting the worker from arbitrary termination of his/her contract. In order for the termination of an employment contract to be valid, a written notice must be given to the employee and legal notice periods must be respected. However, in certain cases, employers can terminate the employment relationship on the basis of a just cause (for reasons of health, for immoral, dishonorable or malicious conduct or other similar behavior, force majeure). In these cases, the employer is not obliged to comply with the legal notice periods and can terminate it immediately. For further details, please see, Labor Law, Art. 24-26.

### **Severance payment**

Upon termination of the employment contract, employees are entitled to a severance payment on the condition that the employee has completed at least one year of continuous employment. This payment is calculated by multiplying the number of years of employment with the employee's monthly salary at termination. If the employer terminates the employment contract under just cause based on health reasons or force majeure, the employer must give severance pay to the employee, if applicable. However, if the employer terminates the employment contract under just cause on grounds of immoral and dishonorable acts of the employee, the employer is not liable to pay severance. If the employee terminates the employment contract for just cause, the employer must pay severance in all cases.

However, where the employee terminates the employment contract at will, without the presence of any cause set out under the Labor Law, the employer is not liable to pay severance to the employee.

### **Freedom of Association**

Employees are free to associate in and join trade unions and discrimination based on such membership is prohibited. (Article 51 of the Constitution, Articles 3, 17, and 25 of the Unions and Collective Bargaining Law and Article 18 of the Labor Law). Trade unions may be established in 20 sectors predefined by the Ministry of Labor and Social Security (Article 5, Unions and Collective Bargaining Law).

Collective agreements are governed by the Unions and Collective Bargaining Law, which regulates trade unions' activities, collective bargaining, and industrial action in both the private and public sectors in 20 activity areas (Articles 1 and 4, Unions and Collective Bargaining Law).

Collective agreements at the sectoral level may only regulate matters related to trainings, OHS, social responsibility, and employment policies (Article 33, Unions and Collective Bargaining Law). Collective agreements at company level may be concluded for one or more workplaces and may cover one or more employers (Articles 33 and 34, Unions and Collective Bargaining Law).

In order to be competent to initiate collective bargaining, trade unions must represent at least three percent of the workers engaged in a given branch of activity, more than 50 percent of workers in the workplace, or 40 percent of the workers in the enterprise to be covered by the collective agreement (Article 41, Unions and Collective Bargaining Law) Their competence is ascertained annually by the Ministry of Labor and Social Security and may be disputed by employers (Article 42, Unions and Collective Bargaining Law).



<b>LABOR MANAGEMENT PROCEDURES</b>	<b>CNR-ETMIC-LMP-001</b>	
Rev.05	September 2024	Page 17 / 40

## **Non-discrimination and Equal Opportunities**

The Constitution guarantees equality before the law and equal legal protection irrespective of a person's language, race, color, gender, political opinion, philosophical belief, religion, or sect membership (Article 10). Employment related discrimination is a criminal offence (Article 122, Criminal Code). The Law on Human Rights and Equality Institution in Türkiye prohibits discrimination based on gender, ethnicity, nationality, skin color, language, religion, philosophical or political opinion, wealth, birth, marital status, health, disability or age (Article 3).

The Labor Law prohibits both direct and indirect discrimination against jobseekers and employees on grounds of language, race, disability, political opinion, philosophical belief, religion, or any employment relationship (Article 5).

Discrimination based on gender and maternity is prohibited, unless justified by biological reasons or the nature of the job (Article 5, Labor Law). The Labor Law forbids termination of employment on grounds of race, color, sex, marital status, family responsibilities, pregnancy, birth, religion, or political opinion (Article 18).

Article 6 of the Law on Human Rights and Equality Institution in Türkiye specifically covers job advertisements, selection criteria, recruitment, and promotions. The law lays down and extends the principle of equal treatment to access to employment, vocational training, promotion, and working conditions, and to access all types and all levels of vocational guidance, vocational retraining, including practical work experience.

Workers who have been discriminated against are entitled to financial compensation amounting to up to their four monthly wages (Article 5, Labor Law).

## **SEA/SH in the workplace**

Turkish law prohibits sexual harassment. Provisions of the Constitution, Criminal Code, Law of Obligations, Civil Code, and Labor Law all prohibit harassment.

The Labor Law entitles employees to immediately terminate their employment contracts if they are subject to harassment. Protection from harassment is not limited to sexual harassment but also includes the protection of the employee's dignity and honor, in which case the employee may be entitled to demand immediate termination of the employment relationship. Employees are entitled to severance pay and all other acquired rights when the employment contract is terminated on these grounds (Articles 24 and 25, Labor Law). Furthermore, employers must take the necessary actions to protect employees from both psychological and sexual harassment (Article 417, Law of Obligations).

## **Collective Dismissal**

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

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

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 18 / 40

## Forced Labor and Child Labor

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

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

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

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

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

Türkiye has ratified the United Nations (UN) Convention on the Rights of the Child, which protects children from economic exploitation and from performing any work that is likely to be hazardous, interfere with their education, or harm their health or physical, mental, spiritual, moral, or social development.

## 4.2 Brief Overview of Labor Legislation: Occupational Health and Safety

The Ministry of Labor and Social Security is the main responsible organization in this field, in collaboration with other ministries and stakeholders, and is responsible for developing, implementing and enforcing legislation. The two most relevant units of the Ministry are the Directorate General of Occupational Safety and Health, and the Department of Guidance and Inspection. The Directorate General develops legislation of occupational safety and health in collaboration with other stakeholders, while Department of Guidance and Inspection perform inspections in terms of compliance with occupational safety and health legislation, and also for labor relations and management issues.

The Occupational Safety and Health Law includes all workplaces and workers, including civil servants, workers at private enterprises and the self-employed workers; regardless of the number of employees or the kind of work. Providing occupational safety and health services is the responsibility of the employer. The employer, in accordance with legal requirements can provide the services by establishing an occupational safety and health unit in the workplace.

The education, training and placement of occupational physicians, OSE’s and other health personnel is conducted under the authority of the Ministry of Labor and Social Security, whereas the performance of certification exams was delegated to the Measuring, Selection and Placement Centre (ÖSYM).

The Occupational Health and Safety Law (OHS Law) (No. 6331; 2012) was published in the Official Gazette in 2012. Before 2012, occupational safety and health issues were regulated in the Labor Law, related regulations and some other general laws. The OHS Law applies to all jobs and workplaces in both the public and private sector, regardless of their field of activities or number of workers, and covers all employees, interns, employers and their representatives.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 19 / 40

The ultimate aim of the OHS Law is to prevent occupational diseases and accidents, and other physical and mental health problems of the workers related to work and the work environment. The OHS Law defines the main stakeholders namely employees, employers and the State, and their duties and responsibilities in working life. The Law also defines the basic terminology related to work life such as workplace, hazard, risk, occupational disease, occupational accident, prevention, safety and health unit, occupational safety and health professionals and their responsibilities. According to the OHS Law, the employer should perform risk assessment and has the responsibility of taking all necessary measures to ensure occupational safety and health.

Article 4 of the Law defines the duties, authority and responsibilities of the employer and workers. As per Article 4, the employer has a duty to ensure the safety and health of workers in every aspect related to work. In this respect the employer shall take the measures necessary for safety and health protection of workers, including provision of necessary organization, designating safety and health staff, informing and training of workers, carrying out risk assessment, implementing measures related to occupational safety and health in accordance with the legislation, etc.

As indicated in Article 6 of the Law, in order to provide occupational safety and health services the employer shall designate workers as occupational safety expert, occupational physician and other health staff, meet the need for means of space and time to help designated people or organizations fulfil their duties, ensure cooperation and coordination among the occupational safety and health staff, etc. The OHS Law also regulates workers' right to abstain from work in cases of serious or imminent danger. The OHS Law refers to secondary legislation to for a description of further details to ensure an effective implementation of the Law.

### **Secondary Legislation**

A series of secondary legislation have been adopted to explain the details of relevant laws. Other regulations that can be evaluated within the context of the Project are (but not limited to);

- Regulation on the Use of Personal Protective Equipment in Workplaces: The purpose of this regulation is to determine the procedures and principles regarding the features, supply, use and other matters of personal protective equipment to be used in cases where the prevention or adequate reduction of risks in the workplace cannot be achieved by collective protection or work organization or working methods based on technical measures.
- Regulation on the Procedures and Principles of Employee's Occupational Health and Safety Training: The purpose of this regulation is to regulate the procedures and principles of occupational health and safety training to be given to employees.
- Regulation on Occupational Health and Safety in Construction Works determines the framework for the minimum occupational health and safety requirements for construction works.

There are also more regulations such as on "noise control", "dust control" or "control of chemicals" where the permissible limits were defined, and some organizational ones such as regulation on "shift work", "occupational hygiene measurements, test and analysis", etc.

### **Policies (according to OHS Directive of MoTI)**

- Prevention of occupational risks
- Protection of health and safety
- Elimination of risk and accident factors
- Training, informing, obtaining opinions and participation of all employees and their representatives on occupational health and safety.

<b>LABOR MANAGEMENT PROCEDURES</b>	<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024
	Page 20 / 40

- To determine the general principles and other issues related to the working conditions of persons who need special protection due to their age, sex and special circumstances.

### **Identification of Potential Hazards to Protect Workers, Particularly from Life Threatening Ones and Implementation of Preventive and Protective Measures**

Per articles 4, 6 and 22 of OHS Law, employers are under the obligation to: (1) take the measures necessary to protect the health and safety of workers, including prevention of occupational risks, and provide relevant trainings; (2) monitor and check compliance with the undertaken OHS measures and ensure that nonconforming situations are eliminated; (3) carry out a risk assessment or have one carried out; (4) take into consideration a worker's capabilities as regards health and safety when assigning tasks to the worker; (5) take appropriate measures to ensure that workers, who have not received adequate information and instructions, are denied access to areas where there is a life-threatening or special hazard; (6) appoint occupational safety experts, occupational physicians, and other medical personnel; (7) provide the requisite equipment; and (8) establish an OHS unit; all employers with more than 50 employees are required to establish an OHS committee.

### **Training of Project Workers and Maintenance of Training Records**

Workers and workers' representatives have to be informed about OHS risks and preventive measures relating to their work, as well as their rights and responsibilities (Article 16, OHS Law). Furthermore, employers shall make sure that employees are trained in safety and health before they start working or when changes are made to the type of work carried out or to the technologies or the equipment used. Additionally, workers, who have had an occupational accident or disease, shall receive additional training on causes of the accident or disease, ways to protect themselves, and safe working methods. Similarly, workers who have been absent from work for any reason over six months, shall undergo retraining before resuming work. Time spent on trainings shall be reckoned as worktime. Therefore, if the time allocated for trainings exceeds weekly working hours, hours worked in excess of weekly working hours shall be considered overtime (Article 17, OHS Law).

Contracted workers may not perform hazardous work until they provide proof that they have received the requisite training (Article 17, OHS Law).

The employer shall ensure that the employees participate in the OHS training programs and that the participation is recorded and maintained with the Training Participation Report (Article 5, Regulation on the Procedures and Principles of Employee's OHS Training).

### **Documentation and Reporting of Occupational Accidents, Diseases, and Incidents**

Pursuant to Article 14 of Occupational Health and Safety Law;

(1) The employer shall;

- keep a list of all occupational accidents and diseases suffered by his workers and draw up reports after required studies are carried out.
- investigate and draw up reports on incidents that might potentially harm the workers, work place or work equipment or have damaged the work place or equipment despite not resulting in injury or death.

(2) The employer shall notify the Social Security Institution of the following situations within a prescribed time as follows:

- Within three work days of the date of the accident.
- Within three work days after receiving the notification of an occupational disease from health care providers or occupational physicians.

<b>LABOR MANAGEMENT PROCEDURES</b>	<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024
	Page 21 / 40

(3) Occupational physicians or health care providers shall refer workers who have been pre-diagnosed with an occupational disease to health care providers authorized by the Social Security Institution.

(4) Occupational accidents referred to health care providers shall be notified to the Social Security Institution 6 within ten days at most and authorized health care providers shall notify the Social Security Institution of the occupational diseases within the same period of time.

(5) The procedures and principles as regard this article shall be defined by the Ministry following the receipt of approval from the Ministry of Health.

### **Emergency Prevention and Preparedness and Response Arrangements to Emergency Situations**

Employers ought to designate a sufficient number of persons adequately trained in and equipped for prevention, protection, evacuation, firefighting, first aid, and other related issues considering the size and specific hazards of the undertaking, nature of the activities, number of employees, and other persons present in the workplace. The number of such workers and their training and equipment available to them shall be adequate and employers shall arrange emergency drills and trainings and make sure that the rescue teams are available to respond at all times (Article 11, OHS Law).

In the event of a serious, imminent and unavoidable danger, employers shall take appropriate actions, cease operations and instruct their employees to leave the workplace and move to a safe place. Employers may ask only workers, who are adequately trained and equipped and specially assigned, to resume work. In the event of a serious and imminent danger, employers shall ensure that all employees are able to take the appropriate actions to avoid the consequences of such danger if their immediate supervisors cannot be contacted (Article 17, OHS Law).

### **Remedies for Adverse Impacts, Such as Occupational Injuries, Deaths, Disabilities and Diseases**

Employees incapacitated for work due to an injury, work-related injury, disease or occupational disease are entitled to (1) a daily temporary incapacity allowance during the period of temporary incapacity to work; and (2) if appropriate a permanent incapacity benefit. Furthermore, survivors of insurance holders who died due to a work accident or an occupational disease are entitled to specific benefits (Articles 16, 17, 18, 19 and 20, Social Insurance and General Health Insurance Law).

If a work accident or an occupational disease was the employer's or employees' fault, the Social Security Institution (SGK) shall collect from the employers the sum of benefits it had paid to the insurance holders or their survivors (Article 21, Social Insurance and General Health Insurance Law). Employees are entitled to a disability pension under specific conditions, when permanent disability occurs (Article 26, Social Insurance and General Health Insurance Law).

### **OHS Risks Which May Be Specific to Female Workers**

In Türkiye, women may not be employed to perform underground or underwater work in e.g., mines, sewers, and tunnels (Article 74, Labor Law). Only women over 18 may work nightshifts, the duration of which may not exceed 7.5 hours and they must be provided with safe transportation to their homes after nightshifts (Article 72 of the Labor Law and Articles 1 and 5 of the Regulation on Working Conditions at Night for Female Workers). Furthermore, pregnant and breastfeeding employees are prohibited from working at night from the beginning of pregnancy until one year after they give birth (Article 9, Regulation on Working Conditions at Night for Female Workers). Also, according to the Regulations on Overtime and Extra Hours, pregnant and breastfeeding employees may not be required to work overtime (Article 8). The Law does not have a balanced representation of women on OHS committees.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 22 / 40

## **Procedures to Establish and Maintain a Safe Working Environment**

Per Articles 4, 6 and 22 of OHS Law, employers are under the obligation to, among other things take the measures necessary to protect the health and safety of workers, including prevention of occupational risks, and provide relevant trainings, monitor and check compliance with the undertaken OHS measures and ensure that nonconforming situations are eliminated, carry out a risk assessment or have one carried out, take into consideration a worker's capabilities as regards health and safety when assigning tasks to the worker, take appropriate measures to ensure that workers, who have not received adequate information and instructions, are denied access to areas where there is a life-threatening or special hazard, appoint occupational safety experts, occupational physicians, and other medical personnel, provide the requisite equipment, and establish an OHS unit. Additionally, all employers with more than 50 employees are required to establish an OHS committee.

## **Right and Responsibility to Report Unsafe Situation, Right to Leave the Workplace and Prohibition of Retaliation for Reporting**

Workers exposed to a serious, imminent and unavoidable danger are entitled to refuse to work, to leave the workplace and seek shelter in a safe space. They should not be placed at any disadvantage as a result of their decision (Article 13, OHS Law).

Workers exposed to a serious and imminent danger should immediately report it to the OHS committee or, in the absence of the committee, to the employer. If the committee or employer believes that there is existence of a risk, the employees may leave the job until necessary mitigation measures have been taken. Employees may terminate employment if the employer fails to take the necessary measures (Article 13, OHS Law).

## **Collaboration and consultations with project workers on OHS**

According to the Article 16 of OHS Law, employers have to ensure that contractors inform their workers about OHS risks and measures, as well as their rights and responsibilities. Two or more employers sharing a workplace shall cooperate in implementing OHS measures and maintaining occupational hygiene (Article 23, OHS Law).

Article 10 of "Regulation on Occupational Health and Safety in Construction Works" specifies the necessity of OHS plan in Construction works.

The law does not require a balanced representation of women in OHS committees.

## **Facilities for Workers**

Provisions applying to the workplace apply also to all premises used by reason of the nature and execution of the work and organized under the same management, including all facilities annexed to the establishment, such as rest rooms, nurseries, cafeterias, dormitories, bathrooms, rooms for medical examination and nursing, places for physical and vocational training and courtyards, as well as company vehicles (Article 2, Labor Law). Canteens and other food facilities should be provided in establishments with at least 150 employees (Article 115, Labor Law).

## **Standards for accommodation of construction workers**

According to Regulation on OHS in Construction Works (Appendix-4:59-65); accommodation places for workers:

- should be non –flammable
- should be away from hazards created by the construction work
- have heating, cooling and ventilation systems, electrical installations and lighting systems
- have sufficient width and sufficient number of tables and chairs, enough bedsteads, beds, blankets, a recreation room

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 23 / 40

- have an adequate shower, toilet, washbasin and cleaning equipment etc.

### System for Regular OHS Review

Per Articles 4, 10 and 17 of OHS Law, Employers have to carry out regular risk assessments and take appropriate measures to ensure that only workers who have received adequate information and instructions have access to areas where there is a life-threatening or special hazard.

### 4.3 World Bank Requirements

The Environmental and Social Standard ESS2 on Labor and Working Conditions within the World Bank's ESF acknowledges the significance of maintaining positive worker-management relationships and fostering project development through fair treatment of workers and the provision of safe and healthy working conditions. The existing national legislation in Türkiye already adequately addresses working conditions, worker relationship management, workforce protection, and occupational health and safety, satisfying the stipulations of ESS2. Therefore, these aspects will not be reiterated in this LMP. Instead, the LMP will focus on additional requirements of ESS2 applicable throughout the project life cycle, including:

- **Categorization of Project Workers:** Differentiating between direct, contracted, and primary supply workers and applying ESS2 requirements to each category accordingly.
- **Risk Assessment and Mitigation:** Evaluating risks arising from interactions between project workers and local communities and implementing proper mitigation measures, including the adoption of a formal code of conduct.
- **Documentation for Project Workers:** Providing clear and understandable documentation outlining the terms and conditions of employment at the commencement of the working relationship. For workers who may face challenges in reading or understanding the documentation (e.g., migrant workers), terms and conditions will be explained orally and documented through meeting records or notices on workers' bulletin boards.
- **Workers' Grievance Mechanism:** Establishing a Workers' Grievance Mechanism (WGM) for all direct and contracted workers, informing them about it during recruitment, displaying relevant information on noticeboards, and implementing measures to protect workers from reprisals for using the WGM. The mechanism will be easily accessible to all project workers.
- **Occupational Health and Safety (OHS) Measures:** Incorporating OHS measures that adhere to both national legislation and ESS2. Consideration will be given to the General Environmental Health and Safety Guidelines (EHS) and, when applicable, industry specific EHS Guidelines and other Good International Industry Practices (GIIP).
- **Reporting of Occupational Fatalities or Serious Injuries:** Mandating that in the event of an occupational fatality or serious injury, contractors must promptly report to AYGM and AYGM will, in turn, report to the World Bank upon notification by the contractor. Similar reporting obligations extend to subcontractors and primary suppliers.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 24 / 40

## 5 ROLES AND RESPONSIBILITIES

### 5.1 ETMIC sub-unit of the PIU

A PIU has already been established under AYGM for the ongoing World Bank-financed Rail Logistics Improvement Project – P170532 (RLIP). For this Project, an ETMIC-dedicated PIU sub-unit will be established under this PIU. Among other specialists the ETMIC sub-unit will be staffed by social development specialist, gender specialist and occupational health and safety specialist who will be responsible for the implementation and monitoring of this LMP (for detailed description of the ETMIC sub-unit please see ESMP). The social development specialist, gender specialist and the organizational health and safety specialist will remain in the position throughout the Project life cycle and their roles and responsibilities regarding the implementation, monitoring and reporting of LMP are listed in below.

- Monitoring contractor compliance with LMP, ESMP, and bidding documents.
- Ensuring compliance with Environmental and Social Standard ESS2 and national labor and OHS laws.
- Overseeing training for project workers on OHS and other required topics.
- Monitoring the effective establishment and operation of the WGM for project workers.
- Monitoring and reporting on the WGM.
- Ensuring OHS standards at all workplaces align with national legislation, ESS2, and the OHS Plan.
- Verifying that the Contractor adopts the Project's LMP and prepares its own Labor Management Plan (LM Plan) before commencing work at the construction site.
- Ensuring the Contractor maintains records for the recruitment and employment processes of direct workers.
- Identifying and monitoring potential risks related to child labor, forced labor, and safety issues for primary supply workers.
- Notifying the World Bank of any serious incident within 48 hours and submitting the incident investigation report within 15 days.
- Creating and implementing a procedure to document project-related incidents, such as occupational injuries and illnesses.
- Monitoring the implementation of the Code of Conduct (CoC).
- Monitoring LMP-related activities under relevant subcomponents.
- Preparing reports on LMP-related activities and delivering them to the World Bank.

### 5.2 Supervision Consultant

The Supervision Consultant will oversee labor and safety performance on a daily basis, on behalf of the Employer (AYGM).

- Conduct periodic weekly site visits.
- Supervise the compliance of contractors with the LMP,
- Supervise whether contractors' WGM is working effectively in compliance with ESS2,
- Review the contractors' monthly labor, working conditions and OHS performance reports,
- Prepare non-compliance reports and send to ETMIC sub-unit of the PIU monthly,
- Notify the ETMIC sub-unit of the PIU about any serious incident within 24 hours of the occurrence of the incident and support ETMIC sub-unit of the PIU to review the incident investigation report.



<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 25 / 40

### 5.3 Construction Contractor

The Contractors will be responsible for the following:

- Adopting and implementing own LM Plan on the basis of this LMP and preparing/implementing subproject OHS Plans.
- Contracting and managing labor forces according to LMP terms and conditions.
- Employing or appointing qualified OHS specialists.
- Submitting the LM Plan to ETMIC sub-unit of the PIU for review and approval before mobilization.
- Supervising subcontractor compliance with the LMP.
- Maintaining records of recruitment and employment processes for contracted workers.
- Monitoring subcontracted worker employment processes in compliance with LMP and national labor legislation.
- Clearly declaring terms of reference and working conditions to contracted workers.
- Ensuring all contracted workers are issued written contracts with job description, working hours, wages, rights and obligations, Code of Conduct etc.
- Establishing and implementing the WGM for workers and addressing complaints.
- Establishing a system for regular review and reporting of labor and OHS performance to ETMIC sub-unit of the PIU.
- Providing OHS and on-the-job training to workers.
- Ensuring workers understand and sign the CoC before commencing work.
- Documenting specific incidents and notifying ETMIC sub-unit of the PIU promptly in case of serious incidents.
- Preparing an incident investigation report with root cause analysis and corrective action plan within 10 days and sending it to ETMIC sub-unit of the PIU.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 26 / 40

## 6 POLICIES AND PROCEDURES

Contracts with contractors will incorporate clauses mandating compliance with national labor and OHS legislation, this LMP, Environmental and Social Standards (ESSs), and EHS Guidelines. Contractors undertaking construction projects will adopt this LMP and develop own LM Plan for their operations. The adopted LMP, known as the contractor's Labor Management Plan (LM Plan), will undergo review and approval by ETMIC sub-unit of the PIU before the commencement of civil works. The Contractor's LM Plan will encompass the CoC presented in Appendix-1. The Contractor assumes responsibility for creating awareness and providing training to all workers regarding the principles and procedures outlined in this LMP, the CoC, and the WGM. Access to the WGM, customized for all project workers will be extended to all contracted workers. In the event contractors engage subcontractors, they are obligated to include these provisions in their subcontracts.

All project workers will receive written contracts containing job description, working hours, wages, rights and duties, CoC etc. prior to start working.

**OHS:** The OHS legislation in Türkiye fulfills ESS2 requirements through the ratification of international OHS conventions and their incorporation into the national legal system. However, there is a gap in field audits and worker adherence to OHS measures. To address this, OHS specialists will conduct weekly field audits to observe the implementation of OHS measures at sites, ensuring alignment with national OHS legislation. Moreover, all contracts between AYGM and contractors/subcontractors will include a provision explicitly stating that continuous violation of OHS measures will result in contract cancellation. Contractors/subcontractors are required to incorporate this provision into their employment contracts with workers, specifying that continuous violation of OHS measures will lead to termination of employment.

Additionally, contractors/subcontractors will take into account the EHS Guidelines, industry specific EHS Guidelines, and other GIIPs. This comprehensive approach aims to enhance OHS practices and compliance throughout the Project.

**Non-Discrimination and Equal Opportunity:** As outlined in Labor Law No 4857, the employment of project workers will adhere to the principles of non-discrimination and equal opportunity. No form of discrimination will be tolerated concerning any aspect of the employment relationship, encompassing recruitment, compensation, working conditions, terms of employment, access to training, promotion, or termination of employment. The engagement of all workers will be grounded in the principles of non-discrimination and equal opportunity.

**Forced Labor:** In accordance with Article 18 of the Constitution of the Republic of Türkiye, which declares that "No one shall be forced to work. Forced labor is prohibited," the occurrence of forced labor is not foreseen in the Turkish employment sector. Moreover, workers will receive training on this matter, and awareness will be heightened through the establishment of the WGM.

**Working Hours:** In the construction activities falling within the project's scope, the risk of exceeding working hours in violation of Law No 4857 will be regulated through the WGM and regular audits. Clauses stipulating termination of the contractor's contract in case of persistent non-compliance will be incorporated into the contractual agreements to control the risk of overworking.

**Labor Influx:** To eliminate the risks that may arise from interaction between project workers and local communities, the contractor will prepare a Labor Influx Management Plan and a Workers' Camp Management Plan prior to commencement of works and submit to ETMIC sub-unit of the PIU for approval based on the Good International Industry Practice. The works will not commence until these plans are cleared by ETMIC sub-unit of the PIU. These plans will

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 27 / 40

involve sensitization and awareness campaigns among the project workers and the local community, including but not limited to Code of Conduct and grievance mechanism.

**Sexual Exploitation and Abuse / Sexual Harassment and Gender-Based Violence (GBV):** National legislation expressly prohibits SEA, SH, and GBV, accompanied by legal sanctions. While the risk for SEA/SH and GBV is considered moderate for the Project activities, Contractors, Subcontractors, and workers are mandated to adhere to the CoC and the following principles:

- Foster a culture of respect and high standards of ethical behavior across the project
- Establish and maintain standards aimed at preventing SEA/SH, GBV, and other forms of misconduct.
- Provide a safe and trusted environment for those affected by SEA/SH and GBV to step forward to report incidents and concerns, with the assurance that they will be treated with confidentiality, respectfully and consistently (please refer to Section 10).
- Provide protection for those affected, as well as whistle-blowers and/or witnesses within their institutions, and take appropriate measures against any form of retaliation.
- Maintain robust policy frameworks and clear institutional mechanisms (including public grievance mechanism and WGM) that address how incidents and allegations will be handled should they arise.
- Provide effective training programs so all staff understand the requirements and standards of behavior expected of them as project workers.

**Trainings:** Training sessions will be conducted as needed for all Contractors, Subcontractors, and Project workers to ensure understanding and application of the CoC and the stated principles. Each worker is required to sign the CoC, indicating that they have received, understood, and acknowledged it as a mandatory condition of employment. The CoC will be prominently displayed in a readily accessible location for the community and project-affected individuals.

## 6.1 MONITORING AND REPORTING

### General Reporting Requirements

The construction contractors will prepare and send monthly implementation reports to ETMIC sub-unit of the PIU. These monthly implementation reports will include data and statistics related to labor and working conditions and OHS, i.e. number of workers engaged in the Project activities, trainings provided, statistics about Workers' Grievance Mechanism, OHS incidents including near-misses. The reports will also cover the activities and workers of subcontractors. The level of detail to be included in these reports will be further provided in the Project Operations Manual to be prepared by ETMIC sub-unit of the PIU.

The supervision consultants will also prepare and send monthly non-compliance reports to ETMIC sub-unit of the PIU.

ETMIC sub-unit of the PIU will consolidate the monthly non-compliance reports and implementation reports and incorporate them into the Environmental and Social Monitoring Reports (ESMRs) to be sent to the World Bank quarterly.

### Incident Reporting Requirements

Following the provisions of Article 14, which pertains to the "Registration and Notification of Work Accidents and Occupational Diseases" as outlined in Law No 6331, employers are mandated to report occupational accidents to the SGK within three workdays of the incident.

Additionally, occupational diseases, as reported by health service providers or the workplace doctor, must be communicated within three workdays from the date of discovery. In addition,

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 28 / 40

within the context of the Project, the contractor will also notify the ETMIC sub-unit of the PIU within 24 hours of the occurrence of the OHS-related incident. Subsequently, the ETMIC sub-unit of the PIU will inform the World Bank within 48 hours of becoming aware of the incident. If the accident occurs at a subcontractor's worksite relevant arrangements will be made through the contracts so that the contractor can notify the ETMIC sub-unit of the PIU within the 24 hours of the occurrence of the OHS-related incident.

It is the responsibility of the contractor/subcontractor to prepare a root-cause report along with a corrective action plan, submitting it to the ETMIC sub-unit of the PIU within 10 days of the accident. The ETMIC sub-unit of the PIU will review the report and, if necessary, request revisions, forwarding the finalized report to the World Bank within 15 days of the incident.

If the World Bank or the ETMIC sub-unit of the PIU considers it necessary, they may request corrective action plans for incidents other than OHS accidents, following the same timeline for root-cause reports in such instances.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 29 / 40

## 7 AGE OF EMPLOYMENT

All individuals participating in the Project must have official employment status and be registered with the Social Security Institution (SGK). Consequently, workers are required to provide their work permits or national identification cards, enabling contractors to verify their age.

The minimum age for employment on the Project is set at eighteen.

Any breach of the Regulation on Working Procedures and Principles of Child and Youth Workers will result in the termination of the contract with the respective contractor or subcontractor.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 30 / 40

## 8 TERMS AND CONDITIONS

Direct and contracted workers will be governed by the stipulations of Labor Law No 4857. Consequently, wages, working hours, maximum working hours, annual leaves, and all other rights and benefits outlined in Law No 4857 will be applicable. Additional considerations for employers include:

- Recruitment procedures will adhere to principles of transparency, publicity, and non-discrimination based on ethnicity, religion, sexual orientation, disability, gender, and other criteria specified in Law No 4857.
- A predefined application procedure will be established prior to the commencement of the recruitment process.
- Clear job descriptions, outlining the required skills for each position, will be provided in advance of recruitment.
- All workers, regardless of the duration of their employment (including those hired for a month or less), will have written contracts detailing the terms and conditions of work. The contents of the contract, including the CoC, will be explained to the workers, who will sign the employment contract before commencing their duties. For individuals who may have difficulty understanding written documentation, an oral explanation of the employment conditions will be provided.
- Terms and conditions of employment will be accessible at work sites.
- Unskilled labor will be preferentially recruited from affected communities and nearby settlements.
- Employees will be notified at least one month before the termination of their employment contract.
- Contracted workers will not bear any hiring fees. If hiring fees are incurred, these will be covered by the contractors or subcontractors.
- All migrant workers will have identical working conditions and terms of employment (e.g., remuneration, overtime, working hours, weekly rest, holidays with pay, safety, health, termination of the employment relationship, and any other relevant conditions of work) as non-migrant project workers performing the same type of work.
- Contractor firms will fully adhere to national labor legislation regarding wage payments.
- Terms and conditions of direct workers, who are employed as consultants, are determined by their individual contracts, in line with the Labor Code.
- The work hours are 45 per week for contracted workers. All project workers will receive at least one rest day (24 hours) after six consecutive days of work.
- Employees working over seven and half hours a day are entitled to at least a 60-minute break, employees working less than four hours a day are entitled to 15-minute breaks, while employees working between four and seven and half hours a day are entitled to 30-minute breaks during working hours.
- Employees employed are entitled to a paid weekly uninterrupted 24-hour rest period. The weekly rest is normally on Sunday. However, an employer may determine another day for using the weekly rest, should the nature or organization of work so require.
- The project workers shall have a right to annual, sick, and parental leave as provided in the Labor Law of Türkiye.
- All wages earned, social security benefits, unused leave time, pension contributions and any other entitlements will be paid on or before termination of employment contract. The notice periods shall be compliant with Turkish Labor Law requirements.
- The employment contracts between the contractor and the worker will comply to Turkish legal requirements and shall include the job description, working hours, working conditions, wage level (including payment for overtime). In addition, workers will be provided with drugs and alcohol policy and workers Code of Conduct. A copy of the contract will be signed by both parties and a copy of the employment contract will be

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 31 / 40

provided to the worker. Contractor may request employees to work overtime, not exceeding 270 hours per year, as stipulated in the Labor Law. Further, the employee's consent shall be required for overtime work, in January each year, as required by the Labor Law.

- The Project contractors should adopt this LMP as a part of their contract and will set out terms and conditions for the contracted workers in their Labor Management Plans. These terms and conditions will be in line, at minimum, with this LMP, Turkish Labor Law (No 4857), Occupational Health and Safety Law (No 6331) and General Conditions of the World Bank Standard procurements documents.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 32 / 40

## 9 WORKERS GRIEVANCE MECHANISM

AYGM, currently has a grievance mechanism in place which allows all of its employees to raise workplace concerns. Pursuant to Article 21 of Law No. 657 (Civil Servants Law); Civil servants have the right to file a complaint and file a lawsuit against their institutions. Appeals and complaints (letter of application, petition etc.) are made by submitting the complaints to the next superior in the hierarchy after the employee's direct superior. Applications and complaints are examined and notified to the relevant party as soon as possible.

The complaint must be concluded within 30 days, from date of receipt of the first disciplinary supervisor authorized to decide. Civil Servants who exercise their right to complain cannot be fined for their complaints.

Since ESS2 requires the establishment of Workers' Grievance Mechanism (WGM) for all Project workers, the contractors are also required to establish their own WGMs.<sup>2</sup>

All Project workers will be informed about these WGMs at the time of their recruitment, and their employment contracts will involve detailed information of these WGMs including the ways they can convey their grievances and how these grievances will be recorded, handled, and monitored. The contractors will also ensure that the workers of their subcontractors are aware and can utilize the established WGM. The following principles on which the contractors will base their WGM will also be written in the relevant section of employment contracts:

- **Awareness.** WGM will be introduced to the workers at the workplace, through on-the-job training and other communication tools and participation methods. This introduction will explain the procedure, including the steps to be followed to convey complaints and requests, the channels of reception to be used, etc.
- **Accessibility.** The WGM will be established such that it can be accessed by workers easily, i.e. grievance boxes, e-mail, petition.
- **Anonymity.** Workers will be allowed to submit their requests anonymously and these anonymous grievances will be treated equally with other complaints such as those of known origin.
- **Traceability.** The applications received from different channels of reception will be subject to a standard grievance mechanism operation procedure to be developed by the ETMIC sub-unit of the PIU.
- **Confidentiality.** The identities of complainants (if they do not prefer to be anonymous) will not be disclosed without obtaining their consent and their communication details will not be shared with third persons.
- **Archiving.** All complaints sent from application channels (written, verbal, etc.) will be recorded together with their supporting documents and will not be used for purposes other than the project implementation purposes, nor shall they be shared with third persons.

The WGM will be established according to below procedure:

- **Step 1. Informal discussion:** Managers and workers are encouraged to use informal methods of resolving disagreements or disputes. If employees have a reasonable grievance or complaint regarding their work or the people they work with they should, wherever possible, start by talking it over with their manager. If discussions with line managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure, i.e., a human resources (HR) manager could host an informal meeting or discussion.

<sup>2</sup> for details of the Project GM please refer to the Stakeholder Engagement Plan [SEP] of this Project



<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 33 / 40

- **Step 2. Formal grievance:** If the matter is serious and/or the employee wishes to raise the matter formally, they should set out the grievance in writing to their manager. Where the grievance is against the employee’s manager and the employee feels unable to approach them, the employee should address the grievance to another manager or the HR department. If there is a trade union at the workplace, the employee may wish to ask a union representative for advice and support.
- The contractor will provide appropriate channels to uptake formal grievances for the worker, i.e., e-mail, telephone, suggestion boxes. Especially, suggestion boxes should be placed so that anonymous grievances can be made.
- **Step 3. Grievance hearing:** A designated manager (normally from the HR department, hereafter the “grievance manager”) will call the employee to a meeting, within a determined period after receiving the complaint, to discuss the employee’s grievance. The employee should have the right, upon request, to be accompanied by a colleague or trade union representative at this meeting. After the meeting, the grievance manager will give the employee a decision in writing, within a determined period.
- **Step 4. Appeal:** If the employee is unhappy with the grievance decision and wishes to appeal, then the employee will be invited to an appeal meeting within a defined period and the appeal will be heard by a more senior manager, ombudsman or a grievance committee. The members of grievance committee will consist of at least the grievance manager, employee’s manager (responsible from the work definition of the employee), one manager from the upper management and the aggrieved party/worker representative. The employee will normally have the right, upon request, to be accompanied by a colleague or trade union representative at this meeting. Every effort should be made to secure a resolution in the best interests of the worker(s) and the company. After the meeting, the senior manager, ombudsman or grievance committee will give the employee a decision. This decision is final within the terms of the company’s internal grievance mechanism. If the worker is not satisfied, he or she will have the right to judicial or administrative channels.

If the construction contractors have an already established WGM, they can utilize that WGM provided that it is in line with the principles and procedures described in this section and records regarding the Project are kept separately. The requirements for contractor to establish WGM before the mobilization phase and to operate and maintain throughout the subproject activities will be incorporated in the bid documents.

For any complaint that has been forwarded or directly submitted—given that the contact details of the complainant are provided—the complainant will be informed, within two days that the complaint has been received. If the complaint is conveyed through suggestion boxes—provided that suggestion boxes at workplaces will be opened on a weekly basis—the complainant will be informed within two days after the suggestion box is opened. The social specialist of the Contractor and the relevant staff will investigate within two weeks and try to resolve the complaint. After two weeks, the aggrieved complainant would be given the status of resolution of his grievance.

Contractors will keep the written copies and a written list of complaints submitted to them. In addition, to facilitate analysis, monitoring and reporting, these complaints will be logged into a database, indicating contractor, type of complaint and solution. Contractors will send a copy of this database to the social development specialist of the ETMIC sub-unit of the PIU once a month, within the framework of standard reporting. The social development specialist of the ETMIC sub-unit of the PIU will maintain a master database of all complaints during the Project.

### **Sexual Exploitation and Abuse / Sexual Harassment**

Project WGM will have a dedicated section for grievances related to Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) in case a worker prefers to raise this grievance through WGM as described at the Raising Concerns section of the CoC presented in Annex-1. The

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 34 / 40

process for filing a grievance must be simple and easy to understand and clearly prohibit any kind of reprisal against workers who file grievances, including those relating to sexual harassment. Without adequate safeguards in place, there are risks of stigmatization and reprisals against workers who make allegations of sexual harassment.

The grievance receiving party will ensure that the case is dealt with through a survivor-centric approach respecting confidentiality and anonymity of the person and survivors are referred to service providers. Opinions of experts and consultants can be obtained in the solution to these problems in accordance with the national legislation and World Bank standards.

The protocols and procedures should be based on the following principles:

- All complaints received will be filed and kept confidential. For statistical purposes, cases will be anonymized and bundled to avoid identification of persons involved.
- Criminal cases will be referred to the public prosecutor.

Handling grievances that are sensitive will be treated in full confidentiality. To enable female work force to safely access the WGM, labor trainings will include information on the various channels of the raising grievances and confidentiality of doing so. The gender specialist of the ETMIC sub-unit of the PIU will ensure that contractors provide such training to workers, and to train contractors on how to collect grievances confidentially.

Türkiye already has a national referral system for SEA/SH, and workplace related harassment, bullying, and violence, and there are provisions in both the Labor Law and the Penal Code for this type of behavior that is deemed unacceptable. In addition, psycho-social support is also provided and available for survivors. When necessary, the social expert will refer the survivors to the Ministry of Family and Social Services call center (ALO 183) for SEA/SH, and to the Ministry of Labor and Social Security call center (ALO 170) for workplace-based psychological harassment-mobbing, violence, and bullying, etc. and will have in place mechanisms for confidential reporting with safe and ethical documenting of issues..

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 35 / 40

## 10 CONTRACTOR MANAGEMENT

AYGM will utilize the World Bank's 2021 Standard Procurement Documents (SPD) for solicitations and contracts, incorporating labor and OHS requirements. Throughout the selection process, AYGM may assess the following information:

- Public records, including corporate registers and documents revealing violations of applicable labor laws, such as reports from labor inspectorates and other enforcement bodies,
- Business licenses, registrations, permits, and approvals,
- Documents pertaining to a labor management system, encompassing OHS issues, such as labor management procedures,
- Identification of labor management, safety, and health personnel, along with their qualifications and certifications,
- Workers' certifications, permits, and training required for their designated tasks,
- Records of safety and health violations, and responses,
- Accident and fatality records, along with notifications to authorities,
- Records of legally mandated worker benefits and evidence of workers' enrollment in related programs (training records, vocational certificates, risk assessments),
- Worker payroll records, detailing hours worked and received pay,
- Identification of safety committee members and records of meetings,
- Copies of past contracts with contractors and suppliers, demonstrating the inclusion of provisions and terms reflecting ESS2.

Contracts with contractors will incorporate provisions related to labor and OHS, aligning with the World Bank SPD and national legislation. These contracts will outline remedies for noncompliance with labor and other requirements, including withholding payment, contract termination, and the forfeiture of all or part of an environmental, social, and health and safety performance security.

AYGM will oversee and evaluate the Contractor's performance concerning contracted workers, emphasizing compliance with contractual agreements (obligations, representations, and warranties). This oversight may involve periodic audits, inspections, and/or spot checks at project locations for sub-projects or work sites, as well as scrutiny of labor management records and reports compiled by the contractor. Contractor's labor management records and reports will encompass:

- A representative sample of employment contracts or arrangements between third parties and contracted workers,
- Records related to grievances received and their resolution,
- Reports on safety inspections, including fatalities and incidents, and the implementation of corrective actions,
- Records related to incidents of non-compliance with national law, and
- Records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

<b>LABOR MANAGEMENT PROCEDURES</b>	<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024
	Page 36 / 40

## 11 PRIMARY SUPPLY WORKERS

The primary suppliers to the railway line are expected to be the companies in Türkiye that manufacture railway line construction materials (rails, switches, fastening equipment, electrification equipment, signalization companies etc.). There are no reports indicating risk regarding forced labor or child labor in these sectors are available. Therefore, the risk for forced labor or child labor in primary suppliers is low.

Contractors will be obligated to conduct due diligence procedures to identify significant risks associated with their primary suppliers, particularly related to the exploitation of child or forced labor and exposure of workers to serious safety issues. In cases where foreign suppliers are likely to be engaged, the Contractor must inquire about any accusations or sanctions against the supplier for such issues and their corporate requirements concerning child labor, forced labor, and safety during the procurement process. If any risks associated with child and forced labor, as well as safety, are identified, the Contractor is required to notify the ETMIC sub-unit of the PIU and address these risks, and if possible, avoid engaging with such suppliers.

All purchasing orders and contracts with suppliers will incorporate specific requirements regarding child labor, forced labor, and work safety issues. Given that the majority of primary supply workers will likely be local, essential audits and controls will be implemented to ensure that suppliers provide safe working conditions in compliance with local legislation and ESS2.

AYGM will also identify potential risk of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers and implement a comprehensive monitoring procedure for primary suppliers. This procedure will encompass a series of steps including rigorous supplier qualification and selection, detailed contractual agreements outlining performance metrics and quality standards, initial audits and inspections, regular monitoring and audits and periodic performance reviews. These measures will be designed to ensure that all primary suppliers meet the project's stringent requirements and maintain the World Bank ESF throughout the project duration.

Where there are such significant risks related to child labor, forced labor and serious safety issues, the AYGM will require the primary supplier to identify those risks and take appropriate steps to remedy them. If AYGM fails to ensure remedial action taken, it is expected within reasonable time to shift to primary suppliers that can demonstrate that they are meeting the relevant requirements.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 37 / 40

## Appendix-1 Code of Conduct

### CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL<sup>3</sup>

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

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

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

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

#### Required Conduct

Contractor's Personnel shall:

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

<sup>3</sup> This Code of Conduct (CoC) is adopted from the World Bank Standard Procurement Document, Request for Bids Small Works, March 2021. This CoC will be included by the bidder to the bidding documents and the awarded Construction Contractor will use the version she or he presented in the bidding document and will include this CoC to contracts with its subcontractors.

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 38 / 40

- 7) not engage in Sexual Exploitation which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- 8) not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- 9) not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage,
- 10) complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH),
- 11) report violations of this Code of Conduct, and
- 12) not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Mechanism.

### Raising Concerns

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

- 1) Contractor level:
  - a) Contact [*enter name of the Contractor's Social Expert with relevant experience in handling gender-based violence, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing or in person at this address [*enter the address*] or by telephone at [*enter the phone number*] or by e-mail at [*enter e-mail*]; or
  - b) Drop grievance form/letter to suggestion/complaint boxes at the Work Sites; or
  - c) [*delete if there is not any hotline*] Call [*enter hotline*] to reach the Contractor's hotline and leave a message.
- 2) ETMIC sub-unit of the PIU level:
  - a) Contact [*enter name of the ETMIC sub-unit of the PIU's Gender Specialist*] in writing or in person at this address [*enter the address*] or by telephone at [*enter the phone number*] or by e-mail at [*enter e-mail*]; or
- 3) National level
  - a) For issues regarding Sexual Exploitation, Assault / Sexual Harassment: Call 183 or send a WhatsApp message to +90 501 183 0183 to reach the Ministry of Family and Social Service.
  - b) For issues regarding terms and conditions and occupational health and safety: Call 170 or send a WhatsApp message to +90 850 222 7170 to reach the Ministry of Labor and Social Security.

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

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 39 / 40

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

### **Consequences of Violating the Code of Conduct**

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

### **For Contractor's Personnel**

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

Name of Contractor's Personnel: [*insert name*]

Signature :

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Date : [day/month/year]

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Name of authorized representative of the Contractor for countersignature: [*insert name*]

Signature :

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Date : [day/month/year]

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## **ATTACHMENT 1: Behaviors constituting Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)**

<b>LABOR MANAGEMENT PROCEDURES</b>		<b>CNR-ETMIC-LMP-001</b>
Rev.05	September 2024	Page 40 / 40

## **ATTACHMENT 1 TO THE CODE OF CONDUCT FORM**

### **Behaviors Constituting Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)**

The following non-exhaustive list is intended to illustrate types of prohibited behaviors:

- 1) Examples of sexual exploitation and abuse include, but are not limited to:
  - A Contractor's Personnel tells a member of the community that he/she can get them jobs related to the work site (e.g. cooking and cleaning) in exchange for sex.
  - A Contractor's Personnel that is connecting electricity input to households says that he can connect women headed households to the grid in exchange for sex.
  - A Contractor's Personnel rapes, or otherwise sexually assaults a member of the community.
  - A Contractor's Personnel denies a person access to the Site unless he/she performs a sexual favor.
  - A Contractor's Personnel tells a person applying for employment under the Contract that he/she will only hire him/her if he/she has sex with him/her.
- 2) Examples of sexual harassment in a work context
  - Contractor's Personnel comment on the appearance of another Contractor's Personnel (either positive or negative) and sexual desirability.
  - When a Contractor's Personnel complains about comments made by another Contractor's Personnel on his/her appearance, the other Contractor's Personnel comment that he/she is "asking for it" because of how he/she dresses.
  - Unwelcome touching of a Contractor's or Employer's Personnel by another Contractor's Personnel.
  - A Contractor's Personnel tells another Contractor's Personnel that he/she will get him/her a salary raise, or promotion if he/she sends him/her naked photographs of himself/herself.