



**REPUBLIC OF TURKEY
MINISTRY OF TRANSPORT
AND INFRASTRUCTURE**

LABOR MANAGEMENT PROCEDURES

for

IMPROVING RAIL CONNECTIVITY IN TURKEY PROJECT

FINAL DRAFT

ANKARA, March, 2020



1. OVERVIEW OF LABOR USE ON THE PROJECT

The Ministry of Transport and Infrastructure is a government ministry office of the Republic of Turkey, responsible for transport, information and communication services in Turkey.

DG Infrastructure Investments (AYGM) within the Ministry of Transport and Infrastructure (MoTI), through article 485 of the Presidential Decree No.1 dated July 10, 2018, has been authorized to be responsible for design and construction of public railways, logistics centers, ports, airports, as well as construction and operation of rail and road connections to major ports, airports, industrial facilities, organized industrial zones, mining areas. The tenders and contracts in scope of works of DG Infrastructure Investments (AYGM) are subject to the Public Procurement Law No. 4734 and Public Procurement Contracts Law No. 4735 Law, respectively. All of the tenders and post-tender procedures and works are carried out within the framework of these laws.

General Directorate of Infrastructure Investments (AYGM) with detailed, solid organizational structure and institutionalization; has 228 (excluding Regional Directorate DLH Marmaray) personnel (225 of which are technical staff) and consists of 13 departments. The Railways Construction Department and The Railways Survey Project Department are the main departments related to the planned Projects in the context of this work.



The project aims to increase rail freight efficiency in Turkey; by improving last-mile connectivity (LMC), enhancing the operational efficiency of logistics centers and strengthening institutional capacity. The project is developed around three main components: (i) Component I – Construction of two strategic railway branch lines. This component includes two main branching lines, Cukurova Region & Iskenderun Bay railway connection & Filyos Port/Industrial Zone railway connection, as well as projects to be selected from the list of 212 potential LMCs, (ii) Component II – Design & Consultancy. This component includes survey, design & feasibility studies for the 122 potential LMCs identified by the Ministry as well as supervision of the construction works under Component I, (iii) Component III – This component will include the following activities through consulting services: 1) establishment of the Project Implementation Unit; 2) institutional capacity building for the MoTI to strategically build, maintain and operate branch lines; 3) further assessment of the regulatory environment for rail logistics and the operating efficiency of logistics centers, This component will include the following activities through consulting services: 1) establishment of the Project Implementation Unit; 2) institutional capacity building for the MoTI to strategically build, maintain and operate branch lines; 3) further assessment of the regulatory environment for rail logistics and the operating efficiency of logistics centers, uniformizing railway standards; 4) introduction of best practices to strengthen MoTI' s capacity for regulating and modernizing logistic centers and creating enabling environment for private sector participation.

(“Project”) is developed by AYGM, which will be responsible for construction of the **two strategic railway branch lines**. AYGM, through bidding procedures, will select contractor(s).

Principles and procedures presented in this labor management procedure will also apply to any additional railway lines (last mile connections) financed under this Project. Labor management procedure may be updated during project implementation to reflect any changes in the project and/or legal changes.



Number of Project Workers

The exact number of project workers which will be engaged in relation to the Project is, currently, not known yet. The bidding documents for the construction of sub-projects (Cukurova Region & Iskenderun Bay railway connection and Filyos Port/Industrial Zone railway connection) are still in the process of preparation. It is estimated that LMC Consultancy(Filyos and Cukurova) tenders will be announced in 2020; and Construction(Filyos and Cukurova) tenders will be announced in 2021. The number of construction phase workers estimation, based on experience gained from the similar projects undertaken in Turkey and Worldwide. Total number of workers for the construction of the new sub-projects (Cukurova Region & Iskenderun Bay railway connection and Filyos Port/Industrial Zone connection) would be roughly 250-320 persons.(not including direct workers). It is not expected that any single construction site would ever have more than 170 persons at the time. The main construction crews would include the following:

- Two earth works (cut & fill & load & compact & soil improvement etc.) for railway and highway substructure) crews – It is estimated that about 25 to 30 workers would be employed in each crew. It is estimated that most or all workers are likely to be from local and regional labor force.
- Two railway superstructure & track works crews– It is estimated that about 25 to 30 workers would be employed in each crew. It is estimated that most or all workers are likely to be from local and regional labor force.
- Two engineering structures (bridges etc.) & highway superstructure crews – It is estimated that 25-30 workers would be employed in each sites crew. It is expected that, most or all workers are likely to be from local and regional labor force.
- Two construction (Stations) crews– About 25-35 workers would be employed in each crew. It is expected that, most or all workers are likely to be from local and regional labor force.



- Two E&M crews- About 20-30 workers would be employed in each crew. It is expected that, most or all workers are likely to be from local and regional labor force.
- Maintenance and repair crew – About 5 people will be employed in each crew to maintain and repair areas as soon as possible after the completion of works of previous crews.

Timing of labor requirements: It is expected that the construction phase of the sub-projects (Cukurova Region & Iskenderun Bay railway connection and Filyos Port/Industrial Zone railway connection) would last approx. 24 months. It is estimated that there will be four main crews responsible for the construction of each sub-projects. (Cukurova Region & Iskenderun Bay railway connection and Filyos Port/Industrial Zone railway connection), and each made up of teams to complete specific jobs; such as excavation, various methods of ground works, earth compaction, engineering structures works, multilayered railway track superstructure construction consisting of: the rails, which support and guide the train wheels, the sleepers (with their fastenings such as rail clips, shoulder, pads) which distribute the loads effected by the rails and retain the distance between them (gauge), ballast& sub-ballast formations, rail tamping, rail lubrication, detensioning of rails, rail welding, rail grinding works ; multilayered road superstructure construction consisting of: the asphalt courses, the base and sub-base courses of road; all substructure and superstructure works of station constructions; electrification-signalization works. About thirty percent of the workers will be unskilled laborers; with semi-qualified and qualified positions such as managers, engineers, foreman, technicians, excavator-motor grader-soil compacters-loader-dump trucks-finisher- rail tamping machine-ballast distributor machine etc. operators, railroad turnout-welding and electrification-signalization workers. Majority of unskilled labor is likely to come from local communities, while other workers are expected to come from other parts of Turkey, and managerial and technical staff from the contractor's home country.



It is expected that Project will engage the following categories of project workers as defined by ESS2:

Direct workers: Direct workers would likely include project managers and supervisors who are AYGM technical staff. AYGM staff are civil servants. Project implementation will be led by a Project implementation unit (PIU), comprising of professional staff and consultants. The PIU will be responsible for all day-to-day management and coordination needs of the project, including safeguards, and M&E. Direct workers would likely include Head of Departments and Supervisors (civil engineers, technicians, electric engineers, etc.). The estimated total number of direct workers would not likely exceed 30 staff from the Railway Construction Department, Railway Survey & Project Department and relevant departments and individual specialists. It is estimated that the direct workers would include current AYGM employees from different departments who will be assigned to work on this Project. It is expected that direct workers would also include independent consultants, who are specialized in certain disciplines (such as social safeguards and environmental subjects, etc.). Consultants do not have the status of the civil servants and Labor Code shall apply to their terms of employment.

Civil servants involved in project operations, regardless of whether they work full time or part time, will continue to work under terms and conditions of their existing contracts or appointments in the public sector. ESS2 provisions on occupational health and safety, and prohibition of child and forced labor shall apply to civil servants engaged in the project.

Contracted Workers: Contracted workers would be hired under construction contractor(s). As the Bidding includes two construction of sub-projects (Cukurova Region & Iskenderun Bay railway connection and Filyos Port/Industrial Zone railway connection); there is probability that two



separate contracts will be awarded. One contractor will construct the Cukurova Region & Iskenderun Bay railway connection and another one the Filyos Port/Industrial Zone railway connection. Each contractor might need engagement of multiple subcontractors. The subcontractors' workforce will be also considered as contracted workers. It is estimated that the Project would engage between 250 and 320 contracted workers. Contracted workers will be accommodated in "worker camps", meeting the requirements of labor legislation of Turkey.

In addition; working environment, workplaces and accommodation places will be in line with all requirements covered by Article 26-28 of the Environmental and Social Standard 2. Labor and Working Conditions, Section D: Occupational Health and Safety (OHS) requirements of The World Bank Environmental and Social Framework

Community workers: Community workers will not be employed in relation to this Project.

Migrant workers: It is expected, that the project will require a combination of local workers from nearby villages and workers from other parts of Turkey and possibly from another country. The previous experience with the railway line projects shows that the contractor and subcontractors will probably hire employees from different regions of Turkey; these "internal migrants" would be workers who already have experience working on earthworks and railway-road superstructure construction in different parts of the country. Based on previous experience the distribution could be about, 40 percent from other parts of Turkey, and 60 percent from the local area.

Taking into account the nature of the road and railway construction projects and characteristics of labor force market in Turkey, it is not expected that the number of female workers will be high. It is estimated that women would represent about 10 percent



of the workforce, and those would likely be technical (engineer-technician) and/or staff working in the operation offices and camps (cooks, cleaners etc.). Based on previous experience, all workers will be over 18 and would likely average 30-50 years old.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities

Construction of two strategic railway branch lines. It consists of Cukurova Region & Iskenderun Bay railway connection and Filyos Port/Industrial Zone connections.

Cukurova railway is located in south of Turkey in Adana and Hatay Provinces and it consists of two main lines with a total length of approximately 36 km crossing and includes five station buildings – Erzin station is already existing and will be expanded and the rest of the stations will be built from scratch.

The Filyos railway will be constructed in Caycuma district of Zonguldak province, located in the western part of the Black Sea region of Turkey. Filyos railway consists of 12 km of railway and 4,55 km of road, also including a bridge over Filyos creek.

Construction of this type of projects typically includes the following activities:

- ✓ Earth works (Cut and Fill soil works, soil grading, soil compacting, soil stabilization etc.)
- ✓ Mapping, geodesy and topographical works
- ✓ Construction of Engineering Structures(bridges etc.)
- ✓ Superstructure of Railway layers (sub-ballast, ballast layers, sleepers with their fastenings and railway track settlements)
- ✓ Rail tamping, rail welding, rail detensioning, rail lubricating, rail grinding, railway turnout installation works;
- ✓ Construction of Superstructure of Road layers (sub-base, base layers, asphalt courses)
- ✓ Construction of Stations (all rough and finishing construction works of stations)
- ✓ Electrification & Signalization & Telecommunication works



Key Labor Risks

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

- Exposure to chemicals (asphalt fumes, pulverized silica, rail lubricants, fuels, solvents, paints)
- Welding hazards (Aluminum Thermite welding fume emissions, burns and radiation)
- Excavations, earth works hazards vibration
- Vibration of heavy construction equipment
- Dust, Noise, Fall hazards
- Traffic accidents
- Lifting of heavy materials(rails, sleepers,etc...)
- Accidents with exposed rebars
- Ergonomic hazards during construction
- Environmental hazards (insects, wasps, bees, etc..)
- Electrocutions and arc fault burns
- Electrical works

No other labor risks are considered to be significant. Based on the experience with construction projects in Turkey, it is assessed that overtime hours may be a potential labor risk. This risk shall be addressed with specific provisions in this labor management procedure. The Project is assessed as Low on gender-based violence (GBV) risk. The ongoing projects of AYGM did not experience any labor influx issues or issues related to



the presence of migrant workers. However, if other labor risks arise during project implementation, AYGM will develop procedures to prevent further impacts.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Types of Employment Contracts

As per the Turkish Labor Law(4857:Law No), the main categories of employment contracts are: definite (fixed term) and indefinite (open-ended), full time and part time contracts, continuous and transitory 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 Code.

Article 5 of the Turkish Labor Code 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 Code 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 Code(4857), the minimum wage is determined and revised by the related commission of the Ministry of Family, Labor and Social Services at least once every two years.



Pursuant to Article 34 of Law No: 4857 (Turkish Labour 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 Law No: 4857 (Turkish Labour Law) The employer shall not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or labour 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' earning 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 Family, Labour and Social Services 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 Turkish Labour 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 labour contracts (Article 63)

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 Turkish Labour 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)

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

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 under the age of 18 or 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 code of Turkey 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 The Ministry of Family, Labour and Social Services 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 labour 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 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 Code, 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 Code, 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 Code, 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 Code, the employer is not liable to pay severance to the employee.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY (OHS)

Legislative Framework

The Ministry of Family, Labour and Social Services 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 labour 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 Family, Labour and Social Services, whereas the performance of certification exams was delegated to the Measuring, Selection and Placement Centre (ÖSYM).

The Occupational Safety and Health Law (No. 6331; 2012 (OSH Law) was published in the Official Gazette in 2012. Before 2012, occupational safety and health issues were regulated in the Labour Law, related regulations and some other general laws. The OSH 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.

The ultimate aim of the OSH 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 OSH 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 OSH 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 OSH Law also regulates workers' right to abstain from work in cases of serious or imminent danger. The OSH 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. Relevant Ministries and organizations took part in the preparation of this legislation, and their opinions were taken into consideration.

“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.
- ✓ 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.

Encountering a fatality or an accident with a serious injury

Pursuant to Article 14 of Law No: 6331 (The Law on Occupational Health and Safety);

(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.

(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 regards this article shall be defined by the Ministry following the receipt of approval from the Ministry of Health.

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

Requiring OHS Plans for Contractors As A Part Of Contractual Procedure

Article 10 of “Regulation On Occupational Health And Safety In Construction Works” specifies the necessity of OHS plan in Construction works.

Requiring Emergency Response Plan (Fire, Earthquake, Accidents) As A Part Of Contractual Procedure

“Regulation on Emergency Situations at Workplaces.” define the rules and procedures for an emergency plan in the workplace, including preparation, prevention, protection, evacuation, fire fighting, first aid and related issues work to be done.

In this context; Pursuant to “Regulation On Occupational Health And Safety In Construction Works”; contractors should provide the requirements of “Regulation on Emergency Situations at Workplaces.”

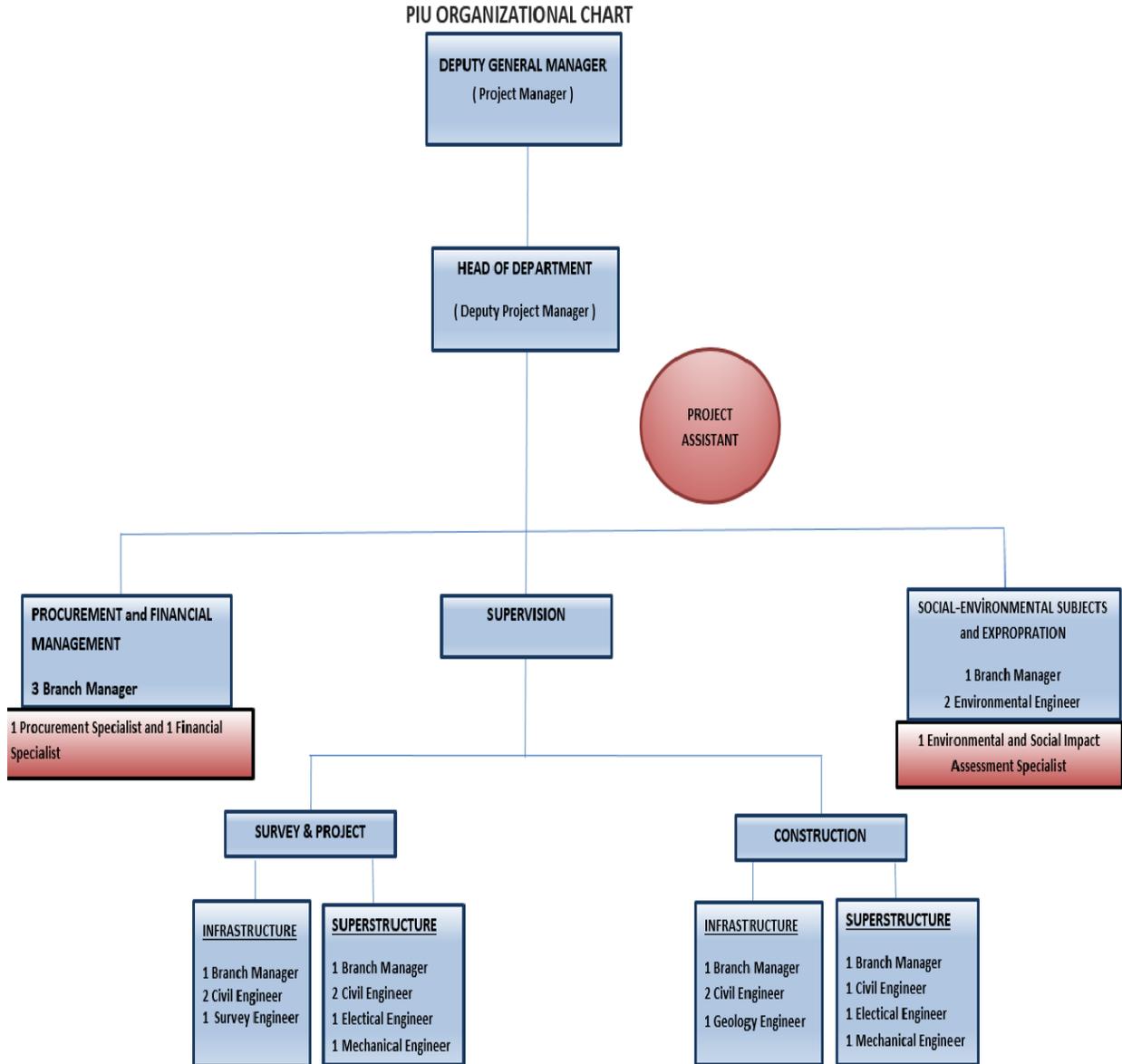
5. RESPONSIBLE STAFF

AYGM will carry out implementation of “Improving Rail Connectivity In Turkey” projects through Project Implementation Unit (PIU), comprising of professional staff (Railway Construction Department as well as other relevant departments of AYGM) and consultants. The PIU will be responsible for all day-to-day management and coordination needs of the project, including safeguards.



A social specialist experienced in labor, resettlement and OHS issues, , and World Bank regulations will be hired. Some of the technical staff required during the course of the Project will be assigned internally by AYGM, either by means of permanent or temporary basis until the completion of relevant tasks under the Project whilst they undertake their current responsibilities.

The draft organizational chart of the project implementation unit will be as in the following template.



AYGM PIU will be responsible for the following:

- ✓ Implement this labor management procedure to direct workers
- ✓ Ensure that contractor(s) responsible for the construction of the railway lines prepare their labor management procedure, in compliance with this labor



- management procedure, and occupational health and safety plan.
- ✓ Monitor that the Contractor are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and national labor code
 - ✓ Maintain records of recruitment and employment process of direct workers
 - ✓ Monitor implementation of contractors' labor management procedures
 - ✓ Monitor that occupational health and safety standards are met at work places in line with national occupational health and safety legislation, ESS2 and Occupational Health and Safety Plan
 - ✓ Monitor training of the project workers on OHS, social induction, GBV awareness, Code of Conduct
 - ✓ Responsible for implementing workers Code of Conduct.
 - ✓ PIU will provide an effective grievance mechanism for workers to raise workplace issues and concerns. In other words; PIU will be the main body for receiving and addressing workers' grievances.

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

The Contractors will be responsible for the following:

- Prepare their own labor management procedures (Contractor's LMP) in line with this labor management procedure, Project ESMP and national labor and OHS laws.
- Employ or appoint qualified social, labor and occupational safety experts to prepare and implement project specific labor management procedure, occupational health and safety plans, and to manage subcontractor performance
- Develop "Occupational Health and Safety Plan" which will apply to contracted and sub-contracted workers. These procedures and plans will be submitted to the Supervision Consultant for review and approval.
- Contractors will supervise their subcontractors' implementation labor managements procedures and occupational health and safety plans
- Maintain records of recruitment and employment process of contracted workers
- Communicate clearly job description and employment conditions to contracted workers



- Have a system for regular review and reporting on labor, and occupational safety and health performance
- Deliver regular induction (including social induction and GBV awareness) and HSE training to employees.
- Ensure that all contractor and sub-contractor workers understand and sign the Code of Conduct prior to the commencement of works

After the bidding process is completed and the Contractors are known, this labor management procedure can be updated to include additional details about companies, as necessary.

6. POLICIES AND PROCEDURES

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

The Contractors will prepare labor management procedures in line with this labor management procedure and national labor and OHS laws. The principles and procedures presented below represent minimum requirements, but are not an exhaustive list of requirements. Turkey is party to a multitude of ILO conventions. National Labor Law includes provisions on non-discrimination, freedom of association, minimum employment age and minimum wage, prohibition of child and forced labor, occupational health and safety and dispute resolution. Risks related to child/forced labor are not foreseen. The following measures will be developed by the contractors and monitored by AYGM and supervision consultant to provide fair treatment of all employees:

- As national Labor Law requirements, recruitment procedures will be transparent, public and non-discriminatory with respect to language, race, sex, political opinion, philosophical belief, religion other grounds such as disability, and ethnicity.
- Applications for employment will be considered in accordance with the application procedures established by the contractors.



- Understandable and comprehensible job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- Workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- Employees will be informed at least two months before their expected release date of the coming termination.
- The contracted workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Contractor.
- Based on origin of the employer and employee; the contracts will be developed in corresponding language clear and lucid for both parties.
- Besides the written documentation, verbal statement of conditions and terms of employment will be provided to workers who may have difficulties with understanding the written documentation.
- Attention should be paid to ensuring coordination between different contractors and means to address any language differences.
- Project workers will adhere to Code of Conduct and will attend mandatory training on OHS and prohibition of harassment and gender-based violence

AYGM has Health and Safety Procedures and Policies which cover all activities under AYGM implementation; including 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, 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.

In regard of two railway branch line construction project, direct project workers (AYGM employees) are expected to carry out construction site visits. It is not expected that direct project workers would carry out activities with severe health and safety risks. The health and safety procedures in place require AYGM staff to use adequate personal protective



equipment (PPE) during the works on construction site (Safety helmets for head protection, safety boots.) The provision of specific equipment is not required. In addition to this; there is provision of first aid kits in the vehicles, and requirements to the drivers to assure safety during the driving.

On the other hand; the main health and safety risks will be encountered by the construction contractors' workforce. Companies that submit proposals for the work will have to demonstrate capability to manage health and safety risk and provide corresponding documentation. After the contract award, the contractors are required to provide their own labor management procedures and occupational health and safety plan in line with the Environmental And Social Management Plan (ESMP) and this labor management procedures (LMP). The contractors will ensure that occupational health and safety plans are implemented by sub-contractors.

AYGM will include specific OHS standard requirements that all contractors and sub-contractors will meet under this project, in the bidding documents. All standards will be compatible with national regulations, and GIIP (Good International and Industry Practices). The following OHS standard requirements should as a minimum be included in the OHS Plan to be prepared by the contractors:

- Risk Assessment Procedure;
- Work permitting for dangerous work (working at heights, hot work, work on energized lines, work within confined spaces);
- Golden rules for life threatening works;
- Emergency response procedure;
- Rail Welding hazards safety (Aluminum Thermite welding fume emissions, burns and radiation)
- Lifting of heavy materials
- Excavations, earth works hazards vibration safety
- Vibration of heavy construction equipment safety
- Fall prevention and working at heights safety
- Ladders and scaffolders safety



- Respiratory hazards safety (chemicals; asphalt fumes, pulverized silica, rail lubricants, fuels, solvents, paints including dust, silica and asbestos);
- Electrical safety (hazardous energies control)
- Noise safety; fire safety; material handling safety; concrete and masonry safety;
- OHS training;

Besides all these, OHS plans will among other issues also include the following: the construction contractor will define an "OHS RESPONSIBILITY AND ACCOUNTABILITY MATRIX" for all staff including Project manager, contract manager, OHS staff, foremen, and all employees with understandable roles and OHS responsibilities. All Contractors must have its own OHS staff that will be responsible for the implementation and supervision of the OHS program. Contractors will provide a safe work place, thus a risk assessment will be completed before the commence of any construction activities, and safety measures will be implemented in accordance with applicable safety standards. PPEs and other preventive measures will be provided at no cost for employees. All employees will strictly follow Golden rules for life threatening works (OHS rules that cannot be broken in any circumstances), which will be enforced under contractual matrix of consequences. There will be a construction OHS committee with representatives of employees, contractor, AYGM and all subcontractors. Once every two weeks, OHS meetings will be conducted to discuss preventive measures, deviations and non-compliances, accidents and corrective actions. Contractors will conduct internal OHS surveys and audits to verify compliance of OHS practices. Non-compliances will be documented and reported internally. A time frame for a corrective action will be set and followed up. Daily OHS briefings will be conducted before the commencement of the works highlighting the hazards and preventive measures from each job. Contractors will document and report to AYGM all accidents and illness with a day lost or more, fatalities or serious injuries that may happen at work site. There must be on site resources for first aid and for more serious injuries there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured workers. Contractors will control the access to the construction site only to authorized



people and verify if workers are meeting training and accreditation requirements in accordance with AYGM training standards and applicable regulatory requirements. All workers must complete at minimum an OHS induction to have access to the construction site.

If accommodations are provided for workers, Contractors will ensure that they are in safe distance from any hazards created by the construction work, in good hygiene standards, with fresh drinking water, clean beds, enough blankets, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightning protection, separate cooking and eating areas. There will be separate facilities provided for men and women.

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

The supervision consultant will review and approve contractors' safety plans and procedures.

AYGM will inform the Bank within two business days about any incident or accident related to the project which has, or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, health and safety, or security incident, accident or circumstance) as soon as reasonably practicable, but no later than three calendar days after the occurrence of the event. Such events can include strikes or other labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage AYGM will prepare a report on the event and the corrective action and submit to the Bank within 30 calendar days of the event.

The construction contractor will develop and implement Code of Conduct. The



construction contractor should also submit the Code of Conduct to supervision consultant for review and approval. The Code of Conduct will reflect the company's core values and overall working culture including prohibition of any type of harassment. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to gender-based violence (GBV)

The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health and safety issues. The information will be included in the construction contractor's monthly report and will be reviewed by the supervision consultant's team.

7. AGE OF EMPLOYMENT

Turkish law prohibits anyone under 18 from performing arduous or dangerous work. Thus, no construction workers under 18 years will be employed.

The contractors will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, certificate based on the results of a medical examination, national identification card, passport.

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

8. TERMS AND CONDITIONS

The terms and conditions applying to AYGM personnel are set out in the 657- Law on Civil Servants, which provides for the rights of AYGM employee. This Civil Servants Law will apply to AYGM employees who are assigned to work specifically in relation to the project (direct workers). Terms and conditions of any consultants engaged by the AYGM will be subject to the labor law requirements.

The work hours are 40 per week for direct workers who are AYGM personnel.



The Labor Code prescribes for the work week of 45 hours and limits overtime work to 270 hours annually. Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. All project workers will receive at least one rest day (24 hours) after six consecutive days of work. This rest day will be paid.

The contractors' labor management procedure will set out terms and conditions for the contracted workers. These terms and conditions will be in line, at minimum, with this labor management procedure, national Labor Law and General Conditions of the World Bank Standard bidding documents and comparable industry standards.

9. GRIEVANCE MECHANISM

AYGM, currently has a grievance mechanism in place which allows all of its employees to raise workplace concerns. With regard to; Personnel, employed in all kinds of positions and status (including workers) who are subject to the Law no. 657;

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.

AYGM will develop and implement a grievance mechanism for project workers including contractors and sub-contractors workforce at work sites. PIU will provide an effective grievance mechanism for workers to raise workplace issues and concerns. In other words; PIU will be the main body for receiving, recording and tracking resolution of grievances.

The workers grievance mechanism will include:



- a procedure to receive grievances such as comment/complaint form, suggestion boxes, email, a telephone hotline;
- stipulated timeframes to respond to grievances;
- a register to record and track the timely resolution of grievances;
- a responsible department(PIU) to receive, record and track resolution of grievances:
- a procedure to report grievances related to harassment in the workplace, gender-based violence harassment

The Supervision Consultant will monitor the contractors' recording and resolution of grievances, and report these to AYGM in their monthly progress reports. The process will be monitored by the GRM Focal Point, a AYGM representative who will be responsible for the project GRM. Depending on the nature of the contracted workers grievances, AYGM may assign a responsibility to the contractor(s) to address grievances arising from the employment relationship between the contractor and contracted workers.

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

The process will be transparent and allow workers to express their concerns and file grievances.

- There will be no discrimination against those who express grievances and any grievances will be treated confidentially.
- Anonymous grievances will be treated equally as other grievances, whose origin is known.
- Management will treat grievances seriously and take timely and appropriate action in response.

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



The grievance mechanism will be established by the beginning of the project implementation and will be maintained over the life of the project.

The Project workers' grievance mechanism will not prevent workers to use conciliation procedure (Law on Labor Courts, numbered 7036 published in the Official Gazette dated 25.10.2017- Article 3) provided in Turkish Labor Legislation.

In addition to the workers' grievance mechanism, there will be a separate mechanism for the local project affected people as per ESS10 requirements. Therefore, two separate grievance mechanisms will be implemented during the projects.

10. CONTRACTOR MANAGEMENT

AYGM will use the Bank's 2020 Standard Procurement Documents for solicitations and contracts, and these include labor and occupational, health and safety requirements.

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

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Business licenses, registrations, permits, and approvals;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrollment in the related programs;



- Worker payroll records, including hours worked and pay received;
- Identification of safety committee members and records of meetings; and
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

The contracts with selected contractors will include provisions related to labor and occupational health and safety, as provided in the World Bank and Turkish Law.

The Supervision Consultant will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties), under terms of references that is agreeable to the Bank. This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors' labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of non-compliance with national law; and (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

The AYGM will incorporate the requirements of ESS2 into contractual agreements with Contractor(s), together with appropriate non-compliance remedies. The non-compliance remedies will be established during bidding process and determined during contract negotiations with third parties (Contractor(s) and sub-contractors). This labor management procedure will be updated periodically to reflect non-compliance remedies.

11. PRIMARY SUPPLIERS

The primary suppliers to the railway line shall be companies in Turkey that manufacture railway line construction materials. These sectors are not known to involve significant risks of child labor and forced labor.



In instances where local suppliers would be engaged, contractors shall be required to carry out due diligence procedure to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing worker to serious safety issues. In instances where foreign suppliers would be contracted, contractors will be required to inquire during their procurement process whether the supplier has been accused or sanctioned for any of these issues and also their corporate requirements related to child labor, forced labor, and safety. If there are any risks related to child and forced labor, and safety identified, AYGEM will prepare the procedures to address these risks.

Annex 1:

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

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

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

This Code of Conduct identifies the 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 any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;
8. not engage in Rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;
9. not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks 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 Sexual Assault (SEA);
11. report violations of this Code of Conduct; and
12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress] Mechanism].



RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR'S PERSONNEL:

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

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____



**REPUBLIC OF TURKEY
MINISTRY OF TRANSPORT
AND INFRASTRUCTURE**

LABOR MANAGEMENT PROCEDURES

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