

The Government of Somaliland



Ministry of Education and Science

**SOMALILAND EDUCATION FOR HUMAN CAPITAL
DEVELOPMENT PROJECT**

LABOUR MANAGEMENT PROCEDURES

28th of December 2023

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ABBREVIATIONS AND ACRONYMS

CBO	Community-Based Organization
CEC	Community Education Committee
CoC	Code of Conduct
CPD	Continuous Professional Development
EGRA	Early Grade Reading Assessment
EOC	Emergency Operations Coordinator
ERP	Emergency Response Plan
ESC	Education Sector Committee
ESF	Environment and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSP	Education Sector Strategic Plan
GBV	Gender-based Violence
GEMS	Geo-enabling Initiative for Monitoring and Surveillance
GER	Gross Enrolment Rate
GM	Grievance Mechanism
GRS	Grievance Redress Service
GS	Government of Somaliland
IDA	International Development Association
IDPs	Internally Displaced Persons
ILO	International Labor Organization
IP	Implementing Partner
LMP	Labour Management Procedures
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MESAF	Ministry of Employment, Social Affairs and Family
MICT	Ministry of Information and Communication Technology
MOES	Ministry of Education & Science
MoECC	Ministry of Environment and Climate Change
MoEM	Ministry of Energy and Minerals
MoFD	Ministry of Finance Development
MoHD	Ministry of Health Development
MoPND	Ministry of Planning and National Development
MoPWLH	Ministry of Public Works, Land and Housing
MoWD	Ministry of Water Resource Development
NGO	Non-governmental Organization
PAD	Project Appraisal Document
PCU	Project Coordination Unit
PDO	Project Development Objective
PHO	Public Health Officer
POM	Program Operation Manual
PPE	Protective personal equipment
PSC	Project Steering Committee
RCRF	Recurrent Cost and Reform Financing
RPF	Resettlement Policy Framework
SAC	Social Accountability Committees
SDG(s)	Sustainable Development Goal(s)
SEA	Sexual Exploitation and Abuse
SEHDP	Somalia Education for Human Development Project
SEP	Stakeholder Engagement plan
SLNEP	Somaliland National Education Policy
SMP	Security Management Plan

SOPs	Standard Operating Procedures
TA	Technical Assistance
TOR	Terms of Reference
TPDP	Teachers Professional Development Program
TTL	Task Team Leader
UNICEF	United Nations Children’s Fund
VAC	Violence Against Children
VMGs	Vulnerable and Marginalized Groups
WBG	World Bank Group

EXECUTIVE SUMMARY

Background

1. More than a million children in Somaliland, aged between 6 and 18 years, are reportedly out of school, according to the United Nations Children’s Fund (UNICEF, 2022)¹. Due to the absence of an enabling environment including schooling infrastructure, many students do not have the opportunity to attend school in the country, with a 24 percent average primary school enrolment rate that dips to lower levels in hard-to-reach, parts of the country. Somaliland has 52.7% poverty rate among the highest in Sub-Saharan Africa.²
2. The World Bank Group (WBG) proposes to support the education sector in Somaliland by focusing on increasing access to basic education in the lowest enrolment rate regions and districts, with an emphasis on girls, and improving teacher quality. The proposed project will be implemented over a period of five years (2023 to 2027), in the two targeted districts of Oodwayne and Xuddun organized around four components, which are described further below, and financed by an International Development Association (IDA) Credit of US\$3 million.
3. The project aims to ‘increase access to primary education in underserved areas, with a focus on girls, and improve quality of instruction.’ Project interventions will focus on: (i) building core systems to sustainably deliver, measure, and improve education outcomes; (ii) increasing the supply of schools with a focus on promoting gender and geographic equity and quality; (iii) fostering effective teaching and assessment practices through training, coaching, and technology-based solutions; and (iv) ensuring inputs are learning-focused, especially in terms of making the schooling environment and learning materials more learner friendly and aligned with teaching needs. The overall project will have four components as presented in the following Table E1. However, initially Somaliland will participate in Component 2 only.

Table E1: Project components summary

#	Component	Description
1.	Systems building	focus on the establishment and strengthening of capacity and institutional systems at the Ministry of Education and Science (MoES) at the national and local levels, to establish an effective education system with a strong stewardship role for the National Government
2.	Expansion of access to quality schooling for the disadvantaged	provide out-of-school children from disadvantaged backgrounds with access to good quality schooling opportunities at no cost to their families
3.	Enhanced instruction quality	leverage the high levels of internet and mobile telephony connectivity in Somaliland to provide a low marginal-cost, blended instructional model that enables teachers (both existing and those recruited under the project) to deliver learner-focused education.
4.	Project management	At the Government of Somaliland’s level, the Project will finance the establishment of a Steering Committee, a Technical Committee and a Project Implementation Unit (PIU). The Project component of Somaliland will be managed by a dedicated PIU staff, who will comprise of a Project Coordinator, a Financial Management Specialist, a Procurement Specialist, a Communication Specialist, a M&E Specialist, an Environmental Safeguards Specialist, a Social Safeguards Specialist, and a GBV Specialist, as well a Gender Specialist.. Funds will also be provided for office equipment and furniture to adequately resource project staff to manage implementation.

Project beneficiaries

¹ See <https://www.unicef.org/somalia/media/3766/file/Somaliland%20Brief%202022.pdf>.

² World Bank, 2019.

4. The project will benefit approximately 8,320 primary school-aged students in Somaliland, given the possibility of operating in two shifts a day, at least 50 percent of whom will be girls, in the selected 2 target districts. Benefits will accrue through improved access to new schools in close proximity to communities enabling children to attend school. The project targets the areas with the lowest access rates to maximize benefits from investments. Component 2 will directly benefit these students through establishment of new schools, provision of teachers and school grants for teaching and learning materials, and support for poor households to send their children to NSA schools free of charge.

5. Nationally, students, teachers and communities will benefit from improved system performance and a greater focus on learning outcomes of students.. In total, it is expected that the project will benefit approx. 750 teachers in Somaliland.

Key project activities

6. It is anticipated that the Project will support the construction of approximately 26 (2x13) schools in 2 selected districts although the details of the construction works are still unclear (Component 2). It is anticipated that the schools are likely to be one storey buildings using locally available materials with 2 to 4 classrooms. Thus, while the list of exact school infrastructure investments to be supported have not yet been finalized, based on the preliminary consultations with the GoSL (through the MoES) and consultations with key stakeholders in the Somaliland education sector, priority investments are likely to include: (i) new school construction; (ii) construction of staff rooms for use by teachers; (iii) construction of storage facilities and IT server rooms; (iv) mounting and installation of IT equipment; (v) construction of ablution facilities for use by school-going children and teachers; and (vi) refurbishment of MoES offices at the national and local levels.

7. Other key interventions with labour implications include the provision of low marginal-cost, blended instructional model that will enable teachers (both existing and those recruited under the project) to deliver learner-focused education. It is anticipated that about 750 teachers will benefit from this training in Somaliland.

Labour management procedures (LMP)

8. This LMP lays out the project's approach to meeting national requirements, as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specifically "Environmental and Social Standard 2 (ESS2): "Labour and Working Conditions" and Environmental and Social Standard 4 (ESS4): "Community Health and Safety." The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labour and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project.

9. The ESS2 recognizes the centrality of fairness, non-discrimination and equal opportunity among workers. Also, protection of workers since construction sites may attract child and forced labour. ESS2 requires the Borrower to develop an LMP which sets out how project workers will be managed, in accordance with the requirements of national law and ESS2. The procedures outline how the LMP will apply to different categories of project workers including direct workers, and the way in which the Borrower will require contractors to manage their workers. The purpose of the LMP in relation to ESS4 is to describe how the Project Implementation Unit (PIU), will manage all project workers in relation to the associated risks and impacts that would impact the surrounding communities.

10. Before the implementation of activities on the ground, the government of Somaliland will oversee the development of two Environmental and Social Management Plans (ESMPs) per district. A standard (base) ESMP will be developed with environmental and social mitigation activities for school construction, while a different standard ESMP will be developed to take care of possible

environmental and social risks occurring during school operation and maintenance activities. Both ESMPs should be developed at the initiation of the project. Sample TORs for OHS requirements are provided in Annex 4.

11. The standard construction ESMP will then be modified/enhanced based upon the subproject screening (and any other additional activity) and be used as a requirement for construction contractors (including a base for their C-ESMP). Similarly, the standard operation phase ESMP will also be modified/enhanced based upon the actual conditions (design, location, services, etc.) of an individual school prior to the end of construction. These standard ESMPs will be presented to the World Bank for review and clearance and will help ensure consistency and adequacy (completeness, details) among individual schools/subprojects.

Legal and policy framework

12. The Somaliland Constitution makes the following provisions on Labour in Article 20: The conditions of work of the young and women, night working and working establishments shall be regulated by the Labour Law. All employees have a right to payment appropriate to the work they undertake and are free to enter into agreements with their employers on an individual or collective basis. Forced labour is prohibited. The State shall endeavor to create understanding and clear rights between employees and employers and shall accordingly introduce a law in this respect. The State shall promote the support systems, insurance and safety of employees and shall strengthen the relevant responsible bodies. Further, the right to form trade unions is part of the right to freedom of association but is specifically mentioned in Article 22(1) of the International Covenant on Civil and Political Rights (ICCPR). This right is also covered by ILO Conventions, such as the freedom of association and Protection of the Right to Organise Convention 1948 and the Right to Organise and Collective Bargaining Convention 1949. Social security, pension and special allowances: (i) social security, compensation for service- incurred death, illness or injury, pensions and other related benefits, subsistence allowance for special services shall be established by separate laws; (ii) until otherwise provided by law, the benefits referred to the preceding paragraph, shall continue to be governed by the existing laws and the time of entry into force of this law.

13. The Somaliland Labour (Amendments & Additions) Law, No. 31/2020 which was gazette in 2021 is the law governing all aspects of labour and working conditions for all private entities in the country. The law covers the contract of employment, terms and conditions, remuneration, and OHS, trade unions and labour authorities. This Law applies to all project workers. The law is broadly consistent with the ESS2, although there is a significant gap in the enforcement aspects of the legislation.

14. Civil Servants: The main law governing the conditions of employment of civil servants is the 1996 Somaliland Civil Service Law No. 7/96. This Law, which was issued under the 1993 Somaliland National Charter (which did NOT allow for the use of any post-1969 Somali Republic Dictatorship era legislation), therefore, as stated in its preamble, it was based on the 1962 Civil Service Law. The 1962 law was subsequently amended many times and the last pre-1991 Somali Republic Civil Service Law was Law No. 5 of 2/2/1980 which purported to cover all public employees (including public industrial workers) and which was no longer applicable to Somaliland. The 1996 Somaliland Civil Service Law covers permanent civil servants and does not apply to local government employees and to members of the armed forces or the police and corrections corps (see Article 2). The law No. 7/96 has been recently amended and approved by the Cabinet and Parliament with the support of CSSP.

15. Local Government Employees: Article 59(4) of the Regions and Districts Law (Law No. 22/2002, as amended) states that local government (and water agencies) employees shall have a separate law which shall be prepared by the Ministry of Interior and approved by the “Councils”. The last pre-1991 Regulations, which specifically addressed separately local government employees, were the Local Government Regulations 1973 - Decree No. 4 of 15 July 1973, which were slightly amended by Decree No. 116 of 5 September 1974. The Somaliland 1997 Interim Constitution and the

final 2000 Constitution both included a provision which allows the continued use of pre-1993 Somali Republic laws, which are not in conflict with the Somaliland Constitution, fundamental human rights and freedoms and Sharia until new laws are promulgated. Separate laws govern the employment conditions of the Armed Forces; Police, the Corrections Corps and Immigration Services; and the Judiciary and the Prosecution Service.

16. Somaliland Labour/Employment Law stipulates that all employment contracts must include: (i) the nature and duration of the contract; (ii) the hours and place of work; (iii) the remuneration payable to the worker; and (iv) the procedure for suspension or termination of contract. Furthermore, all contracts must be submitted to the competent Labour Inspector for pre-approval. In regards to OHS standards, the employer is obligated to provide adequate measures for health and safety, protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances ensuring workers' health and safety. The Law further forbids work for children below the age of 15, but allows employment of children between the age of 15-18, but employment has to be compatible with proper protection, health and the moral of children.

17. The Labour Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions. The Code stipulates the right to equal pay for the same work as men and paid maternity leave. Women are entitled to 14 weeks of maternity leave at half pay.

18. Article 25 (Discipline 1): No official shall be subject to disciplinary proceedings except in accordance with the provisions of this chapter (2). Without prejudice to any civil or criminal proceedings to which he/she may have rendered himself/herself liable, an official who ceases to fulfil or violates any of the provisions of this law or regulations made hereunder shall be dealt with: a) By a ministerial Disciplinary Board, or b) By a National Disciplinary Board.

19. Article 26 (Ministerial Disciplinary Board 1): As and when required, a Ministerial Disciplinary Board may be established and convened by: a) Director General or other official in executive control of a Unit; b) Head of Somaliland Mission abroad; c) Regional Governor/mayor. For trial of officials subordinate to them for offences. 2. The Board shall consist of three members including the Chairman who shall be the Director General or other official in executive control of a Unit, Head of Somaliland, Diplomatic Mission Abroad or the Regional Governor/Mayor, as the case may be, or an official holding a post in Division A, Grade A5, or above delegated by any of them. The other two members shall be officials in a grade not lower than that of the offending official and in no case lower than Division C grade C7. 3. The board shall have the power to try offences committed by officials other than the officials triable by the National Disciplinary Board.

20. Article 27 (National Disciplinary Board 1): The National Disciplinary Board for the Civil Service shall consist of a President and nine members appointed for a period of two years by the President on the proposal of the commission, approved by the Council of Ministers. 2. Five members shall constitute the quorum for meetings of the Board, where there is an even number of votes, the president shall have the casting vote. 3. Where a member of the Board has brought the charge in his capacity as superior official, he shall not participate in the proceeding as a member of the Board. 4. The board shall have the power to impose penalties as set out in paragraph 1 of Article 28. 5. All decisions of the board relating to (g and h) in paragraph 1, of article 28, shall be subject to the confirmation of council of Ministers.

Application of the LMP

21. The LMP will be administered to the different categories of project workers as summarized in Table E2.³ It is notable that the exact labour use (including the number of project workers, their

³ ESS2 applies to project workers including full-time, part-time, temporary, seasonal and migrant workers.

characteristics and timing of workforce mobilization) will be determined during the implementation of each subproject.

Table E2. Description of project workers

#	Category	Description
1.	Direct workers	Include MoES staff at the national Government and local levels, consultants hired in the PIU, and supervision consultants for the various works including ICT for online learning. These will also include the school workers (teachers, administration and other workers).
2.	Contracted workers	Skilled staff of the primary contractors (construction companies hired to deliver on the project), skilled workers engaged by sub-contractors (e.g. heavy machine operators), and unskilled community members engaged by the contractors (e.g. host community members and IDPs, including female workers).
3.	Primary supply workers	Workers hired to supply essential school construction materials such as aggregates and building blocks on an ongoing basis for the project or the equipment needed for ICT
4.	Community workers	Members of the CECs who will provide leadership in land identification, oversight during the construction of the schools, recruitment of female teachers, oversight on schools management, and follow-up on learners and members of social accountability committees. Although these members will not be remunerated by the project, OHS including security and GBV/SEA measures will apply.
5.	Civil servants	Government civil servants (including national, local and district education officers in the ministries and departments) will remain subject to the terms and conditions of their existing public sector employment, although OHS including security and GBV/SEA measures will apply.

Anticipated labor and OHS risks

22. There will be minimal sensitive environmental features that might be impacted by the project since the project does not involve major construction activities. However, there are potential OHS risks related to the construction of the schools and the other amenities and ICT installation. To manage these risks, the government will oversee the implementation of ESMPs at two levels: one for school construction and the other for management of E&S risks during school operation and maintenance activities. Table E3 presents an analysis of the labour and OHS risks.

Table E3. Project risk analysis

#	Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)
Labour and working conditions (ESS2)		
1.	Terms and conditions of employment	The Labour Code 1972 stipulates that remuneration must be adequate in view of the quality and quantity of the work delivered, and must be non-discriminatory regarding age, gender and other aspects. The ESS2 provides for the promotion of fair treatment, non-discrimination and equal opportunity of project workers.
2.	Labour disputes	The contractor and primary suppliers will have workers who will be involved in the construction of schools and other amenities, and installation of ICT equipment. Potential labour disputes may arise due to interpretation, application and or breach of collective bargaining agreement (CBA), individual contract regarding conditions of employment, variation or change of job descriptions (JD), fringe benefits, hours of work, and wages negotiated or of already agreed terms. Labour disputes may also arise due to disagreements amongst the workers and between workers and the contractors, primary suppliers and community workers.
3.	Occupational health and safety	There are significant OHS risks during the small-scale school construction and rehabilitation works planned under this project. They include risks of working from height due to unsecured scaffolding, loose equipment risks and subsequent falls, trips and slips. Other risks can potentially emanate from moving equipment, noise and vibration, building collapses, exposure to asbestos, risks from using electricity, possible exposure to COVID-19 disease, and airborne dust. In addition, there is

#	Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)
		potential exposure to building hazards such as asbestos containing materials, lead based paint, etc., working in high temperature environments and potential safety and health risks due to man-made (fires, etc.) or natural disasters.
4.	Discrimination of employment on the basis of gender, disability or ethnicity	Discrimination on the basis of gender, disability and clannism in recruitment exists especially at the local level during the construction of schools and offices. There is also a risk of bias in the recruitment of teachers, project staff and workers in supported schools.
5.	Use of child labour	The Labour Code 1972 prohibits work for children below the age of 15 years and makes special provisions for workers aged 18 years and below. However, risk of child labor is still expected during construction.
6.	Use of forced labour	There is a minor risk of forced labour being used during the recruitment of more female teachers to join the workforce and in the construction of schools and MoES offices. In addition, community level labour may be provided through force by parents/guardians and/or community leadership.
Occupational health and safety (ESS4)		
1.	Labour influx	There is likely to be internal movement of people from areas outside the project district to provide labour, deliver goods and provide services (such as construction of schools, installation of equipment and training). Such movements may result in increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviour and crime, including GBV cases.
2.	Spread of diseases in communities, including HIV/AIDS and COVID-19 through project activities	The implementation of the project in schools and in government offices may lead to increased risk of HIV infections through interactions between and among workers and learners in the supported schools and offices. Additional safety measures will be required by both the construction contractors, as well as any maintenance contractors and community-based school education committees (or any other school operators) during the length of the coronavirus pandemic as part of efforts to limit virus transmission, including where work is carried out on school sites. This is in addition to putting in place concrete measures to limit COVID-19 transmission in schools at the time of operation of the schools, including following WBG and Somaliland government guidelines to combat the spread of the pandemic. ⁴
3.	Management of e- waste from the equipment and Personal Protective Equipment (PPE) during construction	All workers will be required to use PPEs (including gloves and masks) which will need to be disposed in line with the provisions of Ministry of Health Development (MoHD) and WHO. There will also be e-waste from materials used by the project that would require appropriate disposal.
4.	Insecurity	The main security threats associated with the project include attacks on workers (direct, contractor, community and suppliers) and supported schools as well as possible theft of project materials and equipment. Some target districts suffer periodic community conflict which may be exacerbated through siting of schools or use of outside contractors etc. Insecurity may limit access for implementation and monitoring of the project.
5.	Traffic related hazards	There are risks associated with traffic and road safety hazards during the operation phase in relation to the collection, supply and delivery of materials and equipment for the project.
6.	Fire risk and other risks including	Without provisions for fire safety, there is a risk of fire outbreaks at schools and MoES facilities during construction/renovation works especially in the use of

⁴ Guidelines from the WBG on the response to COVID-19 globally is to be found at this URL: <https://www.worldbank.org/en/who-we-are/news/coronavirus-covid19>

#	Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)
	exposure to paint, asbestos materials	electric hand drills. Fires can start from ignitable materials, cigarette smoking in non-designated places or malfunctioning electrical connections.
7.	GBV/SEA	Labour influx and the movement of the project staff (contractors, suppliers and PIU team) from one location to another especially during monitoring and the delivery of equipment and materials to schools may result in GBV and SEA such as unwelcomed sexual advances, abuse between project workers, learners and workers in schools. There is also a risk of SH among the workers.

23. The risk of GBV, SEA and sexual harassment, is currently assessed as High, based on the existing high rates of GBV in the country, extending from conflict and shocks such as droughts, floods and other climate-related challenges, and social norms that entrench gender inequalities in Somaliland. The risk categorization is influenced further by the project's scope and focus (which will be in predominantly rural sites), the proposed scope of works, and the absence of appropriate institutional structures to manage risks, weak mitigation, monitoring and reporting systems and low absorption capacity.

24. The construction activities to be implemented by the project (MoES) offices, schools and other amenities) will be guided by an Emergency Response Plan (ERP) that will be developed by the PIU team with the support of the Environment Specialists, Occupational Safety and Health Officers, Public Health Officers (PHOs), Contractors and MoHD. The PIU will designate an officer to serve as the Emergency Operations Coordinator (EOC) who will be the main contact for the MoES in an emergency. During school operations, all schools will be encouraged to appoint someone to be responsible for emergency issues. The designated persons will have direct contact with the MoES officer responsible for EOC.

Labour institutional framework

25. The Ministry of Employment, Social Affairs and Family (MESAF) is responsible for labour policy and regulatory frameworks. The Labour Ministry is in charge of implementing the Labour Code, including labour inspection. Others have no functioning labour inspection. While the new government established under the Somaliland Constitution is still nascent, there is a significant gap in the implementation of the Labour Code. Given more than two decades of civil war and conflict, the government is developing its capacity to address diverse issues including labour. The MESAF has been recently developing labour and social protection policies.

Key policies and procedures

26. The policies and procedures outlined in the LMP include: (i) recruitment and replacement; (ii) occupational health and safety procedure; (iii) labour influx; (iv) management of GBV/SEA; (v) project management within COVID-19 context where necessary; (vi) age of employment; (vii) contractor management; (viii) community workers; and (ix) primary supply workers. The Somaliland Government, as well as contractors, and all project workers will follow these procedures in ensuring the full accomplishment of the objectives of ESS2, ESS4 and the national labour laws. The procedures will be reviewed from time to time and amended accordingly. It is notable that due to the limited capacity on labour management in Somaliland, the project will provide additional technical support through consultancy services, on need basis.

27. All project workers will sign a code of conduct (CoC) that will stipulate their key responsibilities and entitlements. The CoC will be translated into Somali language. And for those not able to read and/or write, the CoC will be read out to them before they sign. In addition, there will be an abbreviated CoC (focusing on behaviour at work) that will be printed and pasted in common areas for ease of reference. There will be continuous sensitization sessions for workers and communities on the social impacts and mitigation measures.

Grievance management

28. A grievance structure will be established for project workers (direct workers and contracted/supply workers), as required in ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. For civil servants, the government established mechanisms of resolving conflict and grievances at the workplace will be utilized. However, when an aggrieved direct worker wishes to escalate his/her issues or raise concerns anonymously and/or to a person other than his/her immediate supervisor/hiring unit, the worker may raise the issues with the PIU or use the Project GM. Where contractors have an existing grievance system, their direct workers should use such a mechanism, but this mechanism should be made known to the PIU as part of the documentation submitted on labour management.

29. The project will have several channels for complaints and grievances including email, phone calls, texts, and letter writing, and toll-free line that will also be accessible to all workers. Information on the project GM will be made available to workers at all worksites, government offices (both regional and district) and community level (schools and chief's office, for instance) to ensure that all workers have adequate information on how to lodge a complaint and to whom it should be directed. Confidentiality and whistle blower protection will be assured when handling workers' grievances (although admittedly it would be difficult to resolve the issue if the worker remains anonymous throughout the process).

Implementation of the LMP

30. The PIU will be responsible for the overall project management and coordination, including compliance with safeguards requirements such as those contained herein. The PIU will engage consultants, as necessary, with expertise in environmental, social, OHS issues, public health, security, GBV and will work closely with other government officers including the Labour Inspectorate, and Safety and Health Officers. The social and environmental specialists on the PIU will be responsible for promoting the implementation of the LMP and OHS requirements within the project.

31. The cost of implementing this LMP is estimated at \$75,600. This is the cost of development of management plans, monitoring expenses, capacity building of relevant staff and management of the workers' GM. It does not cover costs related to contractors' OHS plan (i.e., C-ESMP) implementation, and the purchase and installation of emergency equipment at schools, such as fire alarm systems.

1 INTRODUCTION

1.1 Background

1. More than a million children in Somaliland, aged between 6 and 18 years, are reportedly out of school, according to the United Nations Children’s Fund (UNICEF, 2022)⁵. Due to the absence of an enabling environment including schooling infrastructure, many students do not have the opportunity to attend school in the country, with a 24 percent average primary school enrolment rate that dips to lower levels in hard-to-reach, parts of the country. Somaliland has 52.7% poverty rate among the highest in Sub-Saharan Africa.

2. The World Bank Group (WBG) proposes to support the education sector in Somaliland by focusing on increasing access to basic education in the lowest enrolment rate regions and districts, with an emphasis on girls, and improving teacher quality. The proposed project will be implemented over a period of five years (2023 to 2027), in the two targeted districts of Oodwayne and Xuddun organized around four components, which are described further below, and financed by an International Development Association (IDA) Credit of US\$3 million. The project design includes systemic interventions in the areas of access, quality, system building and management, as well as targeted interventions to be implemented in predetermined locations to address some of the most pressing needs in education.

3. The project is aligned to the Government of Somaliland’s Education Sector Strategic Plan (ESSP). The project will specifically support the attainment of four of the country’s priorities under the ESSP:

- i. Strengthen management capacities and systems at Federal and State levels, including improving fiduciary mechanisms and increasing budget allocations to the education sector;
- ii. Support learners and strengthen societal resilience among communities affected by natural disasters and conflict;
- iii. Continue expanding access to education for children, adolescents and youth, especially those from marginalized communities such as pastoralists, Internally Displaced Persons (IDPs), and the urban poor; and
- iv. Improve the quality of learning outcomes, especially at early grade levels, and to ensure the market relevance of learning opportunities.

1.2 Project Description

4. The Project Development Objective (PDO) statement: *‘increase access to primary education in underserved areas, with a focus on girls, and improve quality of instruction.’* The PDO Level indicators include:

- i. Gross Enrolment Rate (GER) at primary level in target districts, by gender (percent).
- ii. Number of students enrolled in project-supported schools, by gender (number).
- iii. Number of teachers certified after successfully completing teacher professional development program, by gender (number).
- iv. Establishment of a national system for measuring student learning outcomes (yes/no).

5. The project will support the implementation of high potential, short-term interventions that

⁵ See <https://www.unicef.org/somalia/media/3766/file/Somaliland%20Brief%202022.pdf>.

can rapidly increase schooling opportunities with a focus on the most disadvantaged communities residing in rural areas specifically girls. The project proposes to leverage Somaliland’s high level of mobile connectivity, specifically its penetration into rural areas to test innovative approaches to enhancing teacher quality through Teachers Professional Development Program (TPDP) and Continuous Professional Development (CPD). The project will also support the development of essential foundations for any intervention to be successful/sustainable in Somaliland, i.e. a robust system for regularly and reliably collecting data on sector outcomes. The project will also focus on building systems to systematically and regularly collect information on the achievements of student learning.

6. Project interventions will focus on: (i) building core national GS systems to sustainably deliver, measure, and improve education outcomes; (ii) increasing the supply of schools with a focus on promoting gender and geographic equity and quality; (iii) fostering effective teaching and assessment practices through training, coaching, and technology-based solutions; and (iv) ensuring inputs are learning-focused, especially in terms of making the schooling environment and learning materials more learner friendly and aligned with teaching needs.⁶ The project will have four components. These components are, Component 1 “Systems building”, Component 2 “Expansion of access to quality schooling for the disadvantaged”, Component 3 “Enhanced instruction quality”, and Component 4 “Project management”. However, at this stage Somaliland will only participate in interventions of Component 2, and Project will finance establishment of PIU under Component 4, as described below.

Component 2: Expansion of access to quality schooling for the disadvantaged: this component will provide out-of-school children from disadvantaged backgrounds in Somaliland, with access to good quality schooling opportunities at no cost to their families. An estimated overall 8,320 additional children, at least 50 percent girls will be enrolled in primary school in 2 targeted districts in Somaliland, namely in Oodwayne and Xuddun. These districts are selected on priority of having the lowest enrolment rates, accessibility from a security perspective, presence of demand-side interventions, and equal distribution across the area. Beneficiary communities in the targeted districts will be selected based on the findings of a needs survey, initiated prior to project launch, to identify communities that meet objective criteria, specifically those with the highest need in terms of out-of-school children. Approximately 13-14 new schools are planned to be built per each district in Somaliland. All schools will be designed with functioning WASH facilities. About 750 qualified teachers will be hired to provide instruction to approximately 8,320 pupils in Somaliland who will be enrolled in the new schools.

Component 4: Project management: At the Somaliland level, the Project will provide finance for office equipment and furniture to adequately resource project staff to manage implementation. At the Government of Somaliland’s level also, the Project will finance the establishment of a Steering Committee, a Technical Committee and a Project Implementation Unit (PIU). The Project component of Somaliland will be managed by a dedicated PIU staff, who will comprise of a Project Coordinator, a Financial Management Specialist, a Procurement Specialist, a Communication Specialist, a M&E Specialist, an Environmental Safeguards Specialist, a Social Safeguards Specialist, and a GBV/SEAH/Gender Specialist.

7. Project preparation will focus on specific interventions and design aspects to promote girls’ enrollment and completion of basic education. Based on initial analysis, the project will focus on the following areas: (i) systematically monitor girls’ participation including on new enrollment; (ii) ensure gender and disability friendly elements in the civil works for schools that will be constructed; (iii)

⁶ Details on the project components can be found in the Project Appraisal Document (PAD)

prioritize recruitment of female teachers and their training to increase the proportion of female teachers in the system; and (iv) identify and address constraints to women joining the teaching profession in the country.

8. The project proposes to phase in access to education in the country with a focus on underserved areas. Given the low capacity at both national and local levels a phased approach will enable intensified support to the targeted districts to enhance quality of implementation and lower the risk from working with a larger number of low-capacity institutions at once.

1.3 Project Beneficiaries

9. The Project will benefit students in primary schools (grades 1-8) in the 2 selected disadvantaged districts of Oodwayne and Xuddun. While the project supports country-wide policy and system development, such as the platforms for teacher development and Early Grade Reading Assessment (EGRA), the focus will be on the educationally most disadvantaged parts of the country through Component 2 of the project to create supply of schooling opportunities with quality. The 2 districts will be identified using districts with data indicating that they have a primary gross enrolment rate below 10 percent. This criterion meets necessary requirements in areas that include technical correctness, equity and fairness, as well as project financing feasibility. Furthermore, this criterion ensures the greatest geographic coverage of this project, reducing the risk of perceived regional bias. However, it is notable that some districts may not be accessible to civil works execution, supervision, and/or utilization due to security concerns. Identification of these districts has been made by the Ministry of Education and Science, (MoES) in consultation with the local education officials and specified in the Project Operations Manual (POM), with regular updates indicated by the MoES on an evolving basis. The estimated number of classrooms to be rehabilitated in each district will depend on surveys that will be conducted as part of the project pre-implementation activities. However, number of classrooms per each school will range between 2 to 4.

10. The project will benefit approximately 8,320 primary school-aged students, given the possibility of operating in two shifts a day, at least 50 percent of whom will be girls, in the initially selected 2 target districts in Somaliland (districts of Oodwayne and Xuddun). Benefits will accrue through improved access to new schools in close proximity to communities enabling children to attend school. The project targets the areas with the lowest access rates to maximize benefits from investments. Component 2 will directly benefit these students through establishment of new schools, approximately 26 (2x13) with 2-4 classrooms, provision of teachers and school grants for teaching and learning materials, and support for poor households to send their children to Non-State Administered (NSA) schools free of charge.

11. Nationally, students, teachers and communities will benefit from improved system performance and a greater focus on learning outcomes of students. In total, it is expected that the project will benefit approx. 750 teachers in MoES of Somaliland.

1.4 Labour Management Procedures of the World Bank

12. This LMP lays out the project's approach to meeting national requirements, as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specifically "Environmental and Social Standard 2 (ESS2): "Labour and Working Conditions" and Environmental and Social Standard 4 (ESS4): "Community Health and Safety." The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labour and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project.

13. The LMP is to be applied with due consideration to the requirements of national laws, the

interrelatedness of ESS2 with other ESS in general, and ESS4 in particular. ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

14. The LMP sets out the terms and conditions of employment for employing or engaging workers on the project. It also specifies the requirements and standards to be met and policies and procedures to be followed, processes for assessing risks and implementation of compliance measures. The LMP is developed to help avoid, mitigate, and manage risks and impacts in relation to project workers and ensure non-discrimination, equal opportunity, protection, fair treatment, and safe and healthy working conditions. The LMP is a living document to facilitate project planning, preparation, and implementation. It is anticipated that the LMP will be updated as additional information becomes available during project implementation, including in relation to workforce numbers and requirements, timing of project activities, and associated due diligence and social risk management.

15. Before the implementation of activities on the ground, the government of Somaliland will oversee the development of two Environmental and Social Management Plans (ESMPs) per district. A standard (base) ESMP will be developed with environmental and social mitigation activities for school construction, while a different standard ESMP will be developed to take care of possible environmental and social risks occurring during school operation and maintenance activities. Both ESMPs should be developed at the initiation of the project. Sample TORs for OHS requirements are provided in Annex 4.

16. The standard construction ESMP will then be modified/enhanced based upon the subproject screening (and any other additional activity) and be used as a requirement for construction contractors (including a base for their C-ESMP). Similarly, the standard operation phase ESMP will also be modified/enhanced based upon the actual conditions (design, location, services, etc.) of an individual school prior to the end of construction. These standard ESMPs will be presented to the World Bank for review and clearance and will help ensure consistency and adequacy (completeness, details) among individual schools/subprojects.

2 LEGAL AND POLICY FRAMEWORK

2.1. National Legal and Policy Framework

The Constitution of Somaliland

17. The Constitution of the Republic of Somaliland (adopted on 31 May 2001) provides the legislative framework for labor issues. The Somaliland Constitution makes the following provisions the foundational basis on Labour issues in Somaliland. On the legislative front, the legal regime is divided into four categories. Legislation governing private entities and enterprises, legislation governing civil servants, legislation governing the local government officials and legislation governing judiciary, prosecutorial services and the military. The Somaliland Constitution makes the following provisions on Labour in Article 20:

- The conditions of work of the young and women, night working and working establishments shall be regulated by the Labour Law.
- All employees have a right to payment appropriate to the work they undertake, and are free to enter into agreements with their employers on an individual or collective basis. Forced labour is prohibited.
- The State shall endeavor to create understanding and clear rights between employees and employers and shall accordingly introduce a law in this respect.
- The State shall promote the support systems, insurance and safety of employees and shall strengthen the relevant responsible bodies.

18. Further, the right to form trade unions is part of the right to freedom of association, but is specifically mentioned in Article 22(1) of the International Covenant on Civil and Political Rights (ICCPR). This right is also covered by ILO Conventions, such as the freedom of association and Protection of the Right to Organise Convention 1948 and the Right to Organise and Collective Bargaining Convention 1949.

19. Social security, pension and special allowances: (i) social security, compensation for service-incurred death, illness or injury, pensions and other related benefits, subsistence allowance for special services shall be established by separate laws; (ii) until otherwise provided by law, the benefits referred to the preceding paragraph, shall continue to be governed by the existing laws and the time of entry into force of this law.

Brief Overview of Labour Legislation: Occupational Safety and Health (OHS)

20. The Somaliland Labour/Employment Law (Amendments 2020) is the law governing all aspects of labour and working conditions for non-civil servants in Somaliland. The law covers the contract of employment, terms and conditions, remuneration, and OHS, trade unions and labour authorities. This Law applies to all project workers. The law is broadly consistent with the ESS2, although there is a significant gap in the enforcement aspects of the legislation.

21. Somaliland Civil Servants Law No. 7/96 is the main law that governs the conditions of employment of civil servants. This Law, which was issued under the 1993 Somaliland National Charter (which did NOT allow for the use of any post-1969 Somali Republic Dictatorship era legislation), was based on the 1962 Civil Service Law. The 1962 law was subsequently amended many times and the last pre-1991 Somali Republic Civil Service Law was Law No. 5 of 2/2/1980 which purported to cover all public employees (including public industrial workers) and which was no longer applicable to Somaliland. The 1996 Somaliland Civil Service Law covers permanent civil servants and does not apply to local government employees and to members of the armed forces or

the police and corrections corps (see section 2). The law No. 7/96 has been recently amended and approved by the Cabinet and Parliament.

22. Local Government Employees: Section 59(4) of the Regions and Districts Law (Law No. 22/2002, as amended) states that local government (and water agencies) employees shall have a separate law which shall be prepared by the Ministry of Interior and approved by the “Councils”. The last pre-1991 Regulations, which specifically addressed separately local government employees, were the Local Government Regulations 1973 - Decree No. 4 of 15 July 1973, which were slightly amended by Decree No. 116 of 5 September 1974. The Somaliland 1997 Interim Constitution and the final 2000 Constitution both included a provision which allowed the continued use of pre-1993 Somali Republic laws, which are not in conflict with the Somaliland Constitution, fundamental human rights and freedoms and Sharia until new laws are promulgated.

23. There are separate laws governing the employment conditions of the Armed Forces; Police, the Corrections Corps and Immigration Services; and the Judiciary and the Prosecution Service. The Somaliland Constitution makes the following provisions on Labour in Section 20:

- The conditions of work of the young and women, night working and working establishments shall be regulated by the Labour Law (2).
- All employees have a right to payment appropriate to the work they undertake, and are free to enter into agreements with their employers on an individual or collective basis. Forced labour is prohibited (3).
- The State shall endeavor to create understanding and clear rights between employees and employers and shall accordingly introduce a law (in this respect) (4).
- The State shall promote the support systems, insurance and safety of employees and shall strengthen the relevant responsible bodies (6). Further, the right to form trade unions is part of the right of freedom of association, but is specifically mentioned in Section 22(1) of the International Covenant on Civil and Political Rights (ICCPR). This right is also covered by ILO Conventions, such as the freedom of association and Protection of the Right to Organise Convention 1948 and the Right to Organise and Collective Bargaining Convention 1949 (footnote 51).
- Social security, pension and special allowances: (i) social security, compensation for service-incurred death, illness or injury, pensions and other related benefits, subsistence allowance for special services shall be established by separate laws; (ii) until otherwise provided by law, the benefits referred to the preceding paragraph, shall continue to be governed by the existing laws and the time of entry into force of this law.

24. Somaliland Labour/Employment Law stipulates that all employment contracts must include: (i) the nature and duration of the contract; (ii) the hours and place of work; (iii) the remuneration payable to the worker; and (iv) the procedure for suspension or termination of contract. Furthermore, all contracts must be submitted to the competent Labour Inspector for pre-approval. In regard to OHS standards, the employer is obligated to provide adequate measures for health and safety, protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances ensuring workers' health and safety.

25. The Law further forbids work for children below the age of 15 but allows employment of children between the age of 15-18, but employment has to be compatible with proper protection, health and the moral of children.

26. The Labour Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions. The Code stipulates the right to equal pay for the same work as

men and paid maternity leave. Women are entitled to 14 weeks of maternity leave at half pay.

27. Section 25 of the Civil Servants Law stipulates that “No official shall be subject to disciplinary proceedings except in accordance with the provisions of this chapter (2)”. Without prejudice to any civil or criminal proceedings to which he/she may have rendered himself/herself liable, an official who ceases to fulfil or violates any of the provisions of this law or regulations made hereunder shall be dealt with: a) By a ministerial Disciplinary Board, or b) By a National Disciplinary Board.

28. Section 26 of the Civil Servants Law under (Ministerial Disciplinary Board 1), stipulates that “As and when required, a Ministerial Disciplinary Board may be established and convened by: a) Director General or other official in executive control of a Unit; b) Head of Somaliland Mission abroad; c) Regional Governor/mayor. For trial of officials subordinate to them for offences. 2. The Board shall consist of three members including the Chairman who shall be the Director General or other official in executive control of a Unit, Head of Somaliland, Diplomatic Mission Abroad or the Regional Governor/Mayor, as the case may be, or an official holding a post in Division A, Grade A5, or above delegated by any of them. The other two members shall be officials in a grade not lower than that of the offending official and in no case lower than Division C grade C7. 3. The board shall have the power to try offences committed by officials other than the officials triable by the National Disciplinary Board”.

29. Section 27 under (National Disciplinary Board 1) stipulates that, “The National Disciplinary Board for the Civil Service shall consist of a President and nine members appointed for a period of two years by the President on the proposal of the commission, approved by the Council of Ministers. 2. Five members shall constitute the quorum for meetings of the Board, where there is an even number of votes, the president shall have the casting vote. 3. Where a member of the Board has brought the charge in his capacity as superior official, he shall not participate in the proceeding as a member of the Board. 4. The board shall have the power to impose penalties as set out in paragraph 1 of Section 28. 5. All decisions of the board relating to (g and h) in paragraph 1, of section 28, shall be subject to the confirmation of council of Ministers”.

30. The Labour Law 2021⁷ covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labour Code with regard to OHS.

31. The Labour Code covers protection against risks to workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to hospitals, among others. Below is the list of relevant provisions of the Labour Code with regard to OHS.

32. Protection against possible risks (Article 101): All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:

- i. maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health;
- ii. take suitable measures to prevent contamination of work-places from toxic gases, vapours, dust, fumes, mists and other emanations;
- iii. provide sufficient and suitable toilet and washing facilities, separate for male and female workers;
- iv. provide an adequate supply of drinking water easily accessible to all workers;

⁷ The Somaliland Labour/Employment Law matters on Health which are contained in Sec. 41 – 45 but this is not yet available in English. However, since the provisions are aligned to the provisions made in the Labour Code 1972, we shall reference this here until we get a translated version (or the text will be amended with the help of the MESAF team).

- v. maintain fire-fighting appliances and staff trained in their use;
- vi. provide the necessary safety appliance adapted machinery and plant;
- vii. maintain machinery, electrical and mechanical plants, instruments and tools in good condition to ensure safety;
- viii. provide suitable installations for the removal of refuse and drainage of residual waters;
- ix. take the necessary precautions in his/her establishment to protect the life, health and
- x. morality of the workers;
- xi. ensure that his/her staff receive the necessary instructions for the prevention of industrial accident, occupational diseases and other risks inherent in their occupations;
- xii. post up in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
- xiii. supply the workers with the apparatus and instruments to guard against the risks inherent in the workplace; and
- xiv. take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during working hours.

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

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

35. Conveyance of injured and sick workers (Article 104): It shall be the duty of the employer to arrange, at his/her own expense, for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

36. The PIU will also make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19 and other infections that might occur during the project period, including:

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

37. Somaliland, like all countries, could be faced by COVID-19 pandemic. Given the understanding that COVID-19 may be here for a long time, it is critical that all project teams continue to take precautions against the pandemic. Protection against possible COVID-19 risks will be managed through:

- i. arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of equipment and materials;
- ii. ensuring that workers or suppliers participate in the application of Infection Prevention and Control (IPC) safety and health measures/guidelines as advised by MoHD including availability of hand wash facilities, water and soap, alcohol-based hand sanitizer, and social distancing;

- iii. training all staff on the signs and symptoms of COVID-19, how it spreads, how to protect themselves (respiratory hygiene, cough etiquette and hand hygiene) and the need to be tested if they have symptoms;
- iv. provision of such information, instructions, training and supervision as is necessary to ensure the safety and health at work of every worker or supplier;
- v. ensuring that all workers and visitors accessing work sites every day or attending meetings are subjected to rapid COVID-19 screening, which may include temperature check and/or other vital signs;
- vi. ensuring that any worker showing symptoms of respiratory illness (cold or cough) and/or who has potentially been exposed to COVID-19 should be immediately removed from work and tested for the virus at the nearest hospital/health facility and self-isolate as required;
- vii. identification by the project management the closest hospital/health facility that has testing facilities in place to refer workers/staff;
- viii. ensuring that persons under investigation for COVID-19 do not return to work at the project site until cleared by test results. During this time, they should continue to be paid their wages; unless the symptoms remain persistent for more than one month;
- ix. putting measures to ensure that if project workers live at home, any worker with a family member who has a confirmed or suspected case of COVID-19 is quarantined from the project site for 14 days (or according to government directives), and continued to be paid wages, even if he/she has no symptoms;
- x. using existing grievance procedures to encourage reporting of co-workers if they show outward symptoms, such as ongoing and severe cough with fever, and do not voluntarily submit to testing;
- xi. mandatory provision and use of appropriate PPEs for all project personnel including workers and visitors;
- xii. avoidance of concentration of more than 15 workers at one location. Where there is a gathering of more than one person, social distancing of at least 2 meters shall be maintained and use of masks as required;
- xiii. restricting the number of people accessing the work areas;
- xiv. fumigation of offices, work areas and project vehicles delivering equipment and materials to schools;
- xv. training of cleaning staff in effective use of PPE, cleaning arrangement and procedures and disposal of waste generated from the MoES offices and schools;
- xvi. encouraging workers to take up the COVID-19 vaccination offered by the government or private entities where possible; and
- xvii. adherence to any other National guidelines on COVID-19 as well as WB guidelines.

2.1. Relevant International Conventions

38. Somaliland is now governed by the International Labour Organization (ILO) since Somalia has ratified a total of 6 out of 8 fundamental conventions. Out of the total 26 conventions foundational, technical and governance ratified, 16 are in force and additional 6 came into effect on 8th March 2021, these include: Tripartite Consultation (International Labour Standards) Convention 1976 (No. 144), Occupational Safety and health Convention (1981) No 155, Promotional Framework for Occupational Safety and Health Convention (2006) (No. 187), Violence and harassment Convention

2019 (No 190), Convention, Migration for Employment Convention (1949) (No. 97), and Private Employment Agencies Convention 1997 (No 181) migration for Employment Convention (Revision) 1949 (No. 97). In addition, the following instruments of the ILO are applicable in Somaliland too:

- i. Freedom of Association and Protection of the Right to Organize (ILO Convention 87);
- ii. The Right to Organize and Collective Bargaining (ILO Convention 98);
- iii. Forced Labour (ILO Convention 29);
- iv. The Abolition of Forced Labour (ILO Convention 105);
- v. The Worst Forms of Child Labour (ILO Convention 182); and
- vi. Discrimination (Employment and Occupation) (ILO Convention 111).

2.2. World Bank Requirements for Labour Management Procedures

ESS2: Labour and Working Conditions

39. The World Bank requirements on labour are outlined in Environment and Social Standard (ESS2) as well as Occupational Health and Safety (OHS). Concerns Environmental and Social risks and impacts on communities are covered in ESS4 of the Environment and Social Framework (ESF).⁸ The ESS2 recognizes the centrality of fairness, non-discrimination and equal opportunity among workers. Also, protection of workers since construction sites may attract child and forced labour. ESS2 requires the Borrower to develop an LMP which sets out the way in which project workers will be managed, in accordance with the requirements of national law and ESS2. The procedures address the way in which the LMP will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers. The WB recognizes that borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly, while providing safe and healthy working conditions. According to ESS2, the main objectives of developing the LMP are to:

- i. Observe health and safety requirements at work;
- ii. Promote fair treatment, non-discrimination and equal opportunity and equal pay for the same work of project workers;
- iii. Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with ESS2) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- iv. Prevent the use of all forms of forced labour and child labour;
- v. Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with the constitution, national laws, international laws and conventions and in line with ESS2; and
- vi. Provide project workers with accessible channels and platforms to raise workplace concerns.

40. OHS concerns have been identified as a potential risks associated with the Project activities. Therefore, in accordance with the requirements of ESS4, this LMP includes measures to address OHS risks. The purpose of the LMP in relation to ESS4 is to describe how the Project Steering Committee (PSC), together with the Project Implementation Unit (PIU), will manage all project workers in relation to the associated risks and impacts that could impact the surrounding community. In general, in the light of deficiencies in Somali legislation, the Project will follow OHS aspects/requirements in WBG EHS General Guideline, especially during the school construction and

⁸ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/esf-training>

rehabilitation of sub-projects planned. The main objectives of this LMP are therefore to:

- i. Identify the different types of project workers that are likely to be involved in the project;
- ii. Identify, analyse and assess the labour-related risks and impacts of the project activities; and
- iii. Set out procedures to meet the requirements of ESS2, ESS4 and applicable national legislation to mitigate the identified risks.

41. Being a fragile state with very limited capacity to enforce and implement labour laws and regulations, implementing the ESS2 will be challenging. There is overwhelming evidence suggesting the fragility of the system and how the lack of or inadequate implementation of ESS2 might evoke extreme cases of patronage, nepotism and discrimination. Given that there could be areas with potential for conflict albeit intermittently, the possibility of children are forced to engage in labour as bread winners or are taken into forced labour, remains a probability. Given the high level of poverty, complicated with elements of state capture by strong and well-placed individuals, potential cases of forced labour remain a possibility. Additionally, natural disasters like floods often bring displacement of huge number of people, which disrupts their production systems, economic livelihoods and social safety nets forcing most of the people to relocate to other areas. These shocks expose some people, especially girls and women to sexual harassment and exploitation. Inter and intra-community clashes and conflict might probably arise due to labour inflows, cases of discrimination and loss of opportunities.

42. The World Bank ESS2 demands fair and equitable labour relations to avert or minimize labour related negative impacts. The ESS2 requires the project to promote fairness, protect project workers and especially the vulnerable including women, children and person with disabilities, and promote freedom of association among project workers. People considered vulnerable due to their distinct physical features, clan affiliations, gender, economic position or disability need additional support.

43. The implementation of ESS2 in this project will be complex and challenging for a number of reasons including those enumerated below.

- i. *Government capacity: The national government is still nascent with limited capacity and faces serious legitimacy issues especially in the western regions. The Ministry of Employment, Social and Family Affairs (MESFA) has limited organizational and human resource capacity to ensure that such a project with huge labour implications is implemented without flouting the Labour Code 1972 and the ESS2 provisions. The regions and districts, which are empowered to manage the affairs of their respective regions and areas, do not have, by and large, the requisite capacity to ensure compliance.*
- ii. *Entrenched social prejudices: The Somali community is patrilineal and stratified along clan lines. The social structure makes it difficult to address issues of nepotism, discrimination and gender-based violence (GBV), especially when such is committed or the perpetrators are from the stronger or a dominant clan group. The application of Labour Code and ESS2 will be directly challenged by the community attitudes towards the principles of equality and non-discrimination. The application of the xeer system minimizes the role played by women in society, which more often demarcates a circumscribed role for them on the fringe.*
- iii. *Vulnerable groups and IDPs: There are a number of vulnerable groups in Somaliland spreading across the country. However, there minority clans spread across Somaliland and with current fighting the IDPs are now on the rise in Sol and Sanaag region. Managing competing interests in the labour market by taking care of the interests of these diverse groups will undoubtedly be a huge task. When these vulnerabilities are overlapped, for instance in the case of a single mother of Bantu descent in an IDP camp far from her home*

area, the risk is even higher.

44. The local communities will be largely engaged in the labour management specially in the provision of the community workers and non-technical roles. This will ensure that the risk envisaged are averted where possible or highly mitigated. The PIU, PSC and the community education committees (CECs), together with all the implementing parties will ensure that the communities understand the importance and relevance of the LMP and the risk mitigation strategies recommended by the project. Table 1 presents a summary of the labour articles relevant to the project.

Table 1: Labour articles relevant to the project

No.	Article	Description
1.	Content of individual contract of employment (Article 46)	Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of worker; (b) address, occupation, age and sex of worker; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedure for suspension or termination of contract.
2.	Notice for termination of contract (Article 50)	Either of the contracting parties may terminate a contract of employment by giving written notice as under: <ul style="list-style-type: none"> • Not less than ten days in the case of manual workers; • Not less than 30 days in the case of non-manual workers; • Provided that no notice need be given in case the duration of contract does not exceed one month.
3.	Minimum wages (Article 72)	Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of article 71), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labour Commission, and with the approval of the Council of Secretaries.
4.	Hours of work (Article 85, 86)	-The normal hours of work of a worker shall not exceed eight (8) a day or 48 a week. -Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 percent of the normal remuneration.
5.	Weekly rest (Article 96)	-Every worker shall be entitled to one day rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week. -Workers shall also be entitled to a rest day on public holidays recognized as such by the State.
6.	Annual leave (Article 97)	-Workers shall be entitled to 15 days leave with pay for every year of continuous service. -An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
7.	Fringe benefits (Article 73)	Any employer shall provide: (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.
8.	Deductions from remuneration (Article 82)	No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labour agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.
9.	Death benefit (Article 53)	In case of death of a worker during his/her contract of employment, the employer shall pay to his/her heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

No.	Article	Description
10.	Expecting and nursing mothers (Article 91)	A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.
11.	Nursing breaks (Article 92)	A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

3 OVERVIEW OF LABOUR USE ON THE PROJECT

45. The LMP will be administered to the different categories of project workers as defined below and summarized in Table 2.9 While the exact labour use (including the number of project workers, their characteristics and timing of workforce mobilization) will be determined during the implementation of each subproject, the project workers engaged or employed will include direct and contracted workers, primary suppliers, community workers and civil servants as described below.

Direct workers: including MoES staff at the national, regional and district levels, consultants hired in the PSC, PIU and supervision consultants for the various works including ICT for online learning.

Contracted workers: these include skilled staff of the primary contractors (construction companies hired to deliver on the project), skilled workers engaged by sub-contractors (e.g. heavy machine operators), school workers during the school operations phase of the project (including teachers, and administration and maintenance staff) and unskilled community members engaged by the contractors (e.g. host community members and IDPs, including female workers).

Primary supply workers: these will include workers hired to supply essential school construction materials such as aggregates and building blocks on an ongoing basis for the project or the equipment needed for ICT.

Community workers: these will include members of the CECs who will provide leadership in land identification, oversight during the construction of the schools, recruitment of female teachers, oversight on schools management, and follow-up on learners. Social accountability committees provide an independent accountability mechanisms for the project. Although these members will not be remunerated by the project, OHS including security and GBV/SEA measures will apply.

Civil servants: Government civil servants (including national, regional and district education officers in the ministries and departments) will remain subject to the terms and conditions of their existing public sector employment, although OHS including security and GBV/SEA measures will apply. Table 2 presents a list of the workers and timing of their engagement in the project.

Table 2: Project workers' description

Category	Description	#	Timeframe/project phase
Direct workers	Project workers at national, regional and district levels MoES/PSC and PIU.	TBD	Throughout the project cycle.
	Experts (contracted by the MoES to deliver on specific tasks) Content for online learning Trainers of teachers to support students ICT delivery (back office)	TBD	Throughout the project cycle
Contracted workers	Contracted to construct the schools	TBD	Construction period
	School workers during the school operations phase of the project (including teachers, and administration and maintenance staff) as well as other auxiliary staff, including, where possible, ICT delivery/support (back office) if not included in the category above	TBD	During operation of schools and throughout the project life
	GBV service providers	TBD	Throughout the project cycle
Primary	Providers of construction materials Suppliers of ICT	TBD	During construction and

⁹ ESS2 applies to project workers including full-time, part-time, temporary, seasonal and migrant workers.

Category	Description	#	Timeframe/project phase
supply workers	equipment		during school operationalization of schools
Community workers	Members of the CECs and social accountability committees	TBD	Throughout the project cycle

46. This LMP will apply to project workers including fulltime, part-time, temporary, seasonal and migrant workers. The LMP contains relevant mitigation measures to be incorporated into procurement documents. It is also aligned to the Environment and Social Management Framework (ESMF), Environment and Social Management Plan (ESMP), Stakeholder Engagement Plan (SEP) and Security Management Framework (SecMF).

3.1 Assessment of key potential labour risks

47. It is anticipated that the Project will support the construction of approximately 26 schools in 2 districts of Oodwayne and Xuddun (which will be confirmed once the rolling district assessment has been carried out), although the details of the construction works are still unclear (Component 2). However, it is anticipated that the schools are likely to be one storey buildings using locally available materials with 2 to 4 classrooms. Thus, while the list of exact school infrastructure investments to be supported have not yet been finalized, based on the preliminary consultations with the national officers (through the MoES) and consultations with key stakeholders in the Somaliland education sector, priority investments are likely to include:

- i. New school construction;
- ii. Construction of staff rooms for use by teachers; Operation of the schools constructed or rehabilitated under the project;
- iii. Construction of storage facilities and IT server rooms;
- iv. Mounting and installation of ICT equipment;
- v. Construction of ablution facilities for use by school-going children and teachers; and
- vi. Refurbishment of MoES offices at the Federal and State levels.

48. Other key interventions with labour implications include the provision of low marginal-cost, blended instructional model that will enable teachers (both existing and those recruited under the project) to deliver learner-focused education. It is anticipated that about 750 teachers in Somaliland will benefit from this training.

49. The risk of GBV, SEA and sexual harassment, is currently assessed as High, based on the existing high rates of GBV in the country, extending from conflict and shocks such as droughts, floods and other climate-related challenges, and social norms that entrench gender inequalities in Somaliland. The risk categorization is influenced further by the project's scope and focus (which will be in predominantly rural sites), the proposed scope of works, and the absence of appropriate institutional structures to manage risks, weak mitigation, monitoring and reporting systems and low absorption capacity.

50. The project will be implemented in areas of fragility due to endemic poverty, acute perennial droughts, floods and protracted conflict and insecurity, which may make direct access to beneficiaries challenging and amplify risks related to lack of effective stakeholder engagement, community participation, grievance redress and application of other risk mitigation protocols. Other cumulative risks include systemic weaknesses related to MoES's capacity for preventing adverse social impacts of the project and mitigating and offsetting impacts of social harm whenever they occur.

51. As more momentum has been achieved on crafting project components relevant to the case of Somaliland, the project management team, though not fully staffed, has embarked on engaging

concerned stakeholders in a series of consultations, aiming at collecting views and concerns related to the E&S aspects of the intended interventions. The most recent consultation was held virtually on 12th of October 2023. The meeting was attended by a total number of 17 people (3 female, 15 male) representing different line MDAs, NGOs, and IPs, the full list can be found in annex 9.

52. The participants were introduced to the Project components in Somaliland and had the chance to discuss content of LMP, including other E&S safeguards instruments, such as ESMF, RPF, and SEP. In summary, the meeting included the following key discussion points.

Table 3: Summary of key issues on SL's E&S aspects and possible mitigation measures

#	Issues identified	Potential Impacts/Risks	Proposed measures
1	Land disputes & conflict	<p>Project delays: If there are disputes over the land where a school is to be built, the project could be delayed or even cancelled.</p> <p>Increased costs: Resolving land disputes can be expensive, which could increase the cost of the project.</p> <p>Social unrest: If land disputes are not handled carefully, they could lead to social unrest and violence.</p>	<p>a) Carryout a proper assessment / conduct thorough land due diligence prior to construction to identify and resolve any potential land ownership or access issues.</p> <p>b) Engage with affected communities early and often to ensure that their concerns are addressed.</p>
2	Transparency in selection of schools /districts supported	<p>Corruption: If the selection process is not transparent, there is a risk of corruption and favouritism.</p> <p>Inequity: If schools are selected without clear criteria, it could lead to inequity in accessing to education.</p> <p>Inefficiency: If schools are not selected based on their needs, it could lead to inefficient use of resources.</p>	<p>a) Develop and implement clear and transparent criteria for the selection of schools/districts to be supported by the project.</p> <p>b) Make this information publicly available and provide opportunities for stakeholders to provide feedback.</p>
3	Sustainability of the project	<p>Financial sustainability: If the project is not financially sustainable, it may not be able to continue operating after the World Bank funding ends.</p> <p>Institutional sustainability: The project needs to be embedded in the government's systems and supported by the local community in order to be sustainable in the long term.</p>	<p>a) Ensure that the project is designed to be sustainable over the long term. This includes considering factors such as teacher training, curriculum development, and maintenance of school facilities.</p>
4	Labour conditions and project management	<p>Exploitation of workers: Workers may be exploited if they are paid unfair wages or forced to work long hours in unsafe conditions.</p> <p>Corruption: Mismanagement of the project could lead to corruption and embezzlement of funds.</p> <p>Delays and cost overruns: Mismanagement could also lead to delays and cost overruns.</p>	<p>a) Ensure that all workers involved in the project are treated fairly and paid a decent wage. Comply with all applicable labour laws and regulations.</p>
5	Gender Based Violence (GBV) issues	<p>Physical and sexual violence: Girls and women may be at risk of physical and sexual violence in and around schools.</p> <p>Bullying and harassment: Girls may also be at risk of bullying and harassment from their classmates and teachers.</p> <p>Early marriage and pregnancy: Gender-</p>	<p>a) Develop and implement a GBV prevention and response plan. This plan should include measures to raise awareness of GBV, provide support to survivors, and hold perpetrators accountable.</p>

#	Issues identified	Potential Impacts/Risks	Proposed measures
		based violence can lead to girls being forced into early marriage and pregnancy, which can disrupt their education and have other negative consequences for their lives.	
6	Recruitment and retention of female teachers	<p>Discrimination: Female teachers may face discrimination in hiring and promotion.</p> <p>Lack of support: Female teachers may lack the support they need to succeed, such as access to childcare and transportation.</p> <p>Safety concerns: Female teachers may be concerned about their safety in and around.</p>	<p>a) Offer competitive salaries and benefits to female teachers. Provide opportunities for professional development and advancement.</p> <p>b) Create a supportive work.</p>
7	Inclusion of low income/poor children	<p>Fees and other costs: Low-income families may not be able to afford the fees and other costs associated with attending school.</p> <p>Distance to school: Schools may be too far away for some children to reach, especially in rural areas.</p> <p>Lack of support at home: Low-income and disadvantaged children may lack the support they need at home to succeed in school.</p>	<p>a) Target support to schools in low-income and marginalized communities; provide financial assistance to students from low-income families.</p> <p>b) Introduction of affordable offline educational tablets for those children who have no schools in their vicinity and particularly for nomads.</p>
8	Equity and equality	<p>Discrimination: Students may be discriminated against on the basis of their gender, ethnicity, disability, or other factors.</p> <p>Unequal access to resources: Schools in disadvantaged areas may have fewer resources than schools in more affluent areas.</p> <p>Low-quality education: Students in disadvantaged areas may receive a lower quality education than students in more affluent areas.</p>	<p>a) Ensure that all children have equal access to quality education, regardless of their gender, socioeconomic status, or other factors.</p> <p>b) Collect data to monitor progress towards this goal and identify any areas where additional support is needed.</p>
9	Grievance Redress Mechanism	<p>Unresolved grievances: If there is no reliable grievance redress mechanism, students, teachers, and other stakeholders may have no way to resolve their concerns.</p> <p>Loss of trust: A lack of reliable grievance redress mechanism can lead to a loss of trust in the project and the World Bank.</p> <p>Increased risk of conflict: Unresolved grievances can increase the risk of conflict and violence.</p>	<p>a) Establish a grievance redress mechanism that is accessible, effective, and accountable. This mechanism should allow stakeholders to raise concerns about the project and seek redress for any grievances.</p>

53. MOES teams will continue engaging in extensive consultations with all relevant stakeholders including local administrators in the selected project areas, community leaders, education officers and business entrepreneurs. Information gathered through these consultations will be used to

update the LMP as necessary.

3.2 Responsibility for the LMP

54. The MoES will implement procedures contained in this LMP. The procedures outline the manner in which project workers will be managed, in accordance with the requirements of national laws, ESS2 and ESS4. The procedures describe the application of the labour processes to different categories of project workers including direct workers, and requirements of third parties to manage their workers. It is notable that although the provisions of the Somaliland Labour code are relevant to project activities it falls short in satisfying the requirements of the ESS2.

55. The PIU will address the project labour risks outlined in this LMP and those that emerge during implementation. This will be achieved through developing recruitment guidelines, procedures and appropriate OHS measures while applying relevant provisions of the Somaliland Labour (Amendments & Additions) Law, No. 31/2020 and the Somaliland Civil Servants Law No. 7/96 as well as WBG EHS General Guidelines related to OHS. In addition, the PIU will train all workers engaged in project activities on the guidelines and protocols on security management and GBV/SEA prevention and mitigation. Information will also be disseminated to workers on how to protect themselves and the communities from the spread of COVID-19 and any other infectious diseases that might emerge as well as grievance mechanisms (including a separate GM for project workers). It is notable that the project does not anticipate huge civil works. Therefore, there will be minimal sensitive environmental features that might be impacted by the project. However, there are potential OHS risks related to the construction of the schools and the other amenities and ICT installation. To manage these risks, detailed OHS requirements have been included in the ESMF and ESMPs to ensure protection of all workers. In addition, the Project will catalyse the development of two Environmental and Social Management Plans (ESMPs) per district. A standard (base) ESMP will be developed with environmental and social mitigation activities for school construction, while a different standard ESMP will be developed to take care of possible environmental and social risks occurring during school operation and maintenance activities. The standard construction of ESMP will then be modified/enhanced based upon the subproject screening (and any other additional activity) and be used as a requirement for construction contractors (including a base for their C-ESMP). Similarly, the standard operation phase ESMP will also be modified/enhanced based upon the actual conditions (design, location, services, etc.) of an individual school prior to the end of construction. These standard ESMPs will be presented to the World Bank for review and clearance and will help ensure consistency and adequacy (completeness, details) among individual schools/subprojects. Table 3 presents an analysis of the labour and OHS risks and possible mitigation measures.

Table 4: Potential labour and OHS risks and mitigation measures

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
Labour and working conditions (ESS2)		
1. Terms and conditions of employment	<p>The Labour (Law, No. 31/2020 Labour stipulates that remuneration must be adequate in view of the quality and quantity of the work delivered, and must be non-discriminatory in regards to age, gender and other aspects.</p> <p>The ESS2 provides for the promotion of fair treatment, non-discrimination and equal opportunity of project workers.</p>	-Project workers will be provided with information and documentation that is clear and understandable regarding their functions, terms and conditions of employment. The information and documentation will set out their rights under national labour and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
		<p>provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.</p> <ul style="list-style-type: none"> -The documentation will be translated into Somali and read out to workers who may not be literate -The workers will be provided with accessible and safe means to raise workplace concerns. This will be done through the special GM under ESS2 and project grievance mechanism as well as formation and joining of collective bargaining bodies
2. Labour disputes	<p>The contractor and primary suppliers will have workers who will be involved in the construction of schools and other amenities, and installation of ICT equipment. Potential labour disputes may arise due to interpretation, application and or breach of collective bargaining agreement (CBA), individual contract regarding conditions of employment, variation or change of job descriptions (JD), fringe benefits, hours of work, and wages negotiated or of already agreed terms. Labour disputes may also arise due to disagreements amongst the workers and between workers and the contractors, primary suppliers and community workers.</p>	<p>The project shall adhere to the requirements proposed in the project LMP including:</p> <ul style="list-style-type: none"> • Fair terms and conditions shall be applied to all project workers (guided by relevant laws) • The project shall have GMs for project workers (direct workers, contracted workers, primary suppliers and community workers) to promptly address their workplace grievances • The project shall respect the workers' right to join labour unions and freedom of association
3. Occupational health and safety	<p>The project activities during implementation and operational phases, including the construction of schools and other amenities, and installation of ICT equipment may be associated with OHS risks including physical hazards, such as slip, trips and falls from heights associated with working on ladders, elevated noise, electrocution of the workers/staff, and exposure to air pollution hazards, including elevated dust levels and exposure to COVID-19 and other contagious diseases.</p>	<ul style="list-style-type: none"> -The contractors shall provide the workers with the required PPE and enforce use at all times while at the worksite -The contractors should keep emergency and first aid tool kit in the sites, which will be replenished once used -The equipment used in the works should be routinely serviced to ensure proper and safe functionality -Carry out job risk assessment (analysis of hazards likely to exist and precautions required) before executing the assignment, and at different intervals as may be practically possible to ensure safety assurance -Use of safety signage "MEN/WOMEN AT WORK"/Slippery floor/ Object Falling to warn the project staff and other workers on site -Provision of adequate signage and communication in local language of risks to workers and community members -Hazardous areas should be clearly marked with signs easily understood by workers, visitors and

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
		<p>the general public, as appropriate</p> <ul style="list-style-type: none"> -Contractor workers should be trained in the use of temporary fall prevention devices, such as rails, full body harnesses and energy absorbing lanyard -Electrical works should be performed by trained and qualified experts -Ensure that electrical equipment is properly connected before switching on sockets -Use only the standard electrical connectors when joining extension leads or cables -In case on any spillage at work areas, the contractor should clean the spillage immediately, anti-slip hazard warning signs should be used when mopping floors to reduce chances of slip falls -Installation of different type of fire extinguishers -Training of staff and the relevant team members on the use of the fire extinguishers <p>- The measures listed are representative but not necessarily complete, and a final complete set of all OHS management measures (avoidance, mitigation, monitoring, training, capacity, etc.) needed for project related school construction. These will be established in the standard (base) ESMP for school construction to be developed at the initiation of the project. The standard construction ESMP will then be modified/enhanced based upon the subproject screening (and any other additional activity) and be used as a requirement for construction contractors (including a base for their C-ESMP).”</p>
4. Discrimination of employment on the basis of gender, disability or ethnicity	<p>The risk of discriminating on the basis of gender, disability and ethnicity/clannism in recruitment exists especially at the local level during the construction of schools and offices.</p> <p>There is also a risk of bias in the recruitment of teachers, project staff and workers in supported schools.</p>	<ul style="list-style-type: none"> -Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The CoC (see template in Annex 2), to be signed by all workers, is aimed at preventing and addressing harassment, intimidation and/or exploitation (an abbreviated CoC is presented in Annex 3) -Contractors will be compelled to offer a written undertaking and commitment to safeguard the interests of women, including ensuring gender parity at the workspace, provide appropriate

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
		<p>sanitation facilities at the workplace and appropriate PPE for women and persons with disability</p> <ul style="list-style-type: none"> -Employees and workers will equally have unfettered access to the GM channel to raise their concern -The Social Accountability Committee (SAC) will provide accountability checks to ensure that cases of discrimination are reported and addressed promptly -The social specialists will routinely and periodically supervise and monitor the contractor’s approach and actions to ensure that no cases of discrimination occur or if they occur they are addressed immediately through the appropriate channels
5. Use of child labour	The Labour Law, No. 31/2020 prohibits work for children below the age of 15 years and makes special provisions for workers aged 18 years and below.	<ul style="list-style-type: none"> -The Project will only allow deployment of workers in line with the Labour Law, No. 31/2020 in all project worker categories -The project will require the implementation of age verification procedures by contractors for all its prospective employees, the verification procedure will be shared and verified by the social specialists -The contractor will keep a list of all the workers at the site together with their details including age. These data will be shared periodically and on demand with the PCU and World Bank -The PIU will work closely with the Regional and District Labour Inspectors to ensure and monitor compliance of the contractor with the Labour law and the ESS2
6. Use of forced labour	There is a risk of forced labour being used during the recruitment of more female teachers to join the workforce and in the construction of schools and MoES offices. In addition, community level labour may be provided through force by parents/guardians and/or community leadership.	<ul style="list-style-type: none"> -All employees will be required to read, understand and sign the employment agreement and the relevant CoC and for those unable to read, the employment agreement will be read to them in Somali -The workers will be provided with safe and accessible means to raise workplace concerns using a workplace GM. In addition, the workers could use the project GM. They should also be able to form and join of collective bargaining bodies to air their grievances -The contractor shall undertake in writing not to accept, directly or indirectly to accept, allow or aide any form of forced labour -Work closely with the State and District Labour Inspectors to ensure that forced labour is not provided. -The SAC will publicly encourage any persons employed or working against their own will to come forward through the available channels or through them to raise their objections -The Social Specialist and the PIU will pay

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
		attention to the condition of workers during monitoring and supervisory visits
Community Health and Safety Risks and Impacts (ESS4)		
1. Labour influx	There is likely to be some minor movement of people from areas outside the project district to provide labour, deliver goods and provide services (such as construction of schools, installation of equipment and training). Such movements may result in increased demand and competition for local goods and services, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviour and crime, including GBV cases.	<ul style="list-style-type: none"> -Contractors, who may develop camps for workers based on need, will develop Camp/Worksite Management Plans to ensure that the requirements for managing such camps/worksites are adhered to (including restricted entry and exit) and respectful relations with communities in the project area -Contractors shall ensure that all non-technical work is reserved for local people (identifiable with the host communities and witnessed by host community leadership) -All workers will be required to sign a CoC that will be enforced by all contractors -An abbreviated CoC will be produced and displayed in all facilities and offices implementing and of interest to the project (Annex 3) -Broadly share information among the workers on the availability of safe and accessible GM and the presence of GBV/SEA focal persons including contacts of the social specialist for the project
2. Spread of diseases in communities, including HIV/AIDS and COVID-19 through project activities	The implementation of the project in schools and in government offices may lead to increased risk of infections. In addition, there is a risk of HIV infections through interactions between and among workers and learners in the supported schools and offices.	<ul style="list-style-type: none"> -Communication on risks of infection with HIV/AIDS and will be conducted through locally appropriate means – targeting workers, learners and communities -The contractors and suppliers will be required to create awareness on HIV/AIDS among the workers and in the communities -The contractors and suppliers will be expected to facilitate the provision of health services to their staff who contract infectious diseases while engaged by the project -Implementation of the CoC, to be signed by project workers and enforced by all contractors, will also address this risk
3. Management of e-waste from the equipment and PPE during construction	- All workers will be required to use PPE (including gloves and masks) which will need to be disposed in line with the provisions of MoHD and WHO. There will also be waste from the communication equipment and materials used by the project that would require appropriate disposal.	<ul style="list-style-type: none"> -The contractors will follow a Waste Management Plan as part of the C-ESMP, which will be used to ensure that all waste from the project is appropriately disposed -There will be supervisory site visits by the environmental specialist and the PIU to enforce this requirement
4. Insecurity	The main security threats associated with the project include attacks on workers (direct, contract, community and suppliers) and theft of project materials and equipment. Further, banditry within some regions may	<ul style="list-style-type: none"> -All workers and MoES staff involved in the field operations shall be oriented on security threats and guidance provided in the project Security Management Plan. -A Project level Security Risk Assessment and SMP shall be prepared by a certified security risk management firm hired by MoES and will outline

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
	pose a threat to the implementation of the project.	<p>requirements for all personnel engaged in the project</p> <ul style="list-style-type: none"> -Once the districts and project implementation areas have been confirmed, a district Security Risk Assessment shall be conducted and a district specific SMP prepared -Contractors will be required to prepare site specific plans as part of their ESMPs using templates provided by the project security advisor
5. Traffic related hazards	There is high risk associated with traffic and road safety hazards during the operation phase in relation to the collection, supply and delivery of materials and equipment for the project.	<ul style="list-style-type: none"> -Use of competent drivers with defensive driving techniques -MoES and responsible local staff shall regularly inspect vehicle safety and maintenance - the details of all vehicles being used for the project shall be recorded and details captured -Only road worthy vehicles and trucks shall be used in transportation of project equipment and materials to avoid frequent breakdowns and risks of road accidents. This will be done by the Head Driver and contractors in conjunction with PIU Environment Specialist -All drivers and loaders shall sign the CoC and provide security clearance or a surety from the local community leaders -Drivers (especially going to high insecurity areas) shall follow guidance on safe emergency driving -Ensuring vehicles with restricted rear visibility are outfitted with audible back-up alarms -Install speed limit signs at all schools/offices and require deliveries to obey speed limits -All fleet handling deliveries shall observe speeds limits to a maximum of 50km/hr out of major towns but 10kms in towns or near the MoES offices and schools
6. Fire risk	Without provisions for fire safety, there is a risk of fire outbreaks at schools and MoES facilities during construction/renovation works especially in the use of electric hand drills. Fires can start from ignitable materials, cigarette smoking in non-designated places or old electrical connections malfunctioning.	<ul style="list-style-type: none"> -MoES shall provide fire suppression facilities including fire extinguishers/fire blankets to the schools and offices supported by the project and ensure the firefighting equipment is serviced as required -Key staff at the MoES offices and schools shall be trained on basic skills in fire control -MoES and schools shall prepare site specific emergency response plans (Section I Emergency Response Plan template) of Annex 4 on OHS Requirements for Project Workers and Suppliers and Annex 5 for the Incident categorization by the World Bank) within one month after the commencement of activities at the schools and MoES offices -Undertake regular fire and security drills at offices and schools to test emergency response and use the results to improve on the response mechanisms
7. GBV/SEA	Labour influx and the movement	The project shall adhere to the measures

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
	<p>of the project staff (contractors, suppliers and PIU team) from one location to another especially during monitoring and the delivery of equipment and materials to schools may result in GBV and SEA such as unwelcomed sexual advances, abuse between project workers, learners and workers in schools.</p> <p>There is also a risk of SH among the workers.</p>	<p>proposed in the GBV Action Plan and Stakeholder Engagement Plan (SEP). A GBV Service Provider will be recruited to be responsible for all aspects of prevention and management of GBV. The mitigation measures will include:</p> <ul style="list-style-type: none"> • Sensitize project workers and the MoES staff and beneficiary communities on GBV/SEA • Sensitize communities and students on GBV/SEA and the referral pathways • All project personnel to be sensitized on GBV/SEA as well as the beneficiary communities. • The CoC, to be signed by the workers contains provisions on GBV/SEA

3.3 Emergency Response Plan (ERP)

56. In addition to the construction ESMP, which will be developed at Project implementation (as well as the ESMP for management of environmental and social risks at the operation of the schools targeted for improvement under this project), the construction activities to be implemented by the project (MoES offices, schools and other amenities) will also be guided by an ERP that will be developed by the PIU team with the support of the Environment Specialists, Occupational Safety and Health Officers, Public Health Officers (PHOs), Contractors and MoHD.

57. The PIU will designate an officer to serve as the Emergency Operations Coordinator (EOC) who will be the main contact for the MoES in an emergency. The EOC will be responsible for making decisions and following the steps described in the ERP (Annex 5). In the event of an emergency occurring within or affecting the worksite, the primary contact (site safety officer for the suppliers, contractors and sub-contractors) will serve as the EOC. If the primary contact is unable to fulfil the EOC duties, the secondary contact will take on this role.

58. The ERP will address the risks of fire hazards, security attacks, pandemics and natural disasters such as flooding or landslides etc. The Plan will be availed to the contractors, workers, suppliers and project stakeholders. Other key measures will include:

- i. Early identification of risks (Job Risk Assessment) and instituting proactive avoidance measures;
- ii. Provision of appropriate PPE to all workers;
- iii. Implementation of systemic risk management plan comprising risk prevention, evacuation of accident victims, evaluation and improvement measures;
- iv. Provide fire extinguishers during construction and installation of equipment;
- v. Undertake fire and security drills at the schools and MoES facilities, at a minimum once a year;
- vi. Train selected members of the team of emergency fire responses using local materials and evacuation procedures; and
- vii. Sensitize all workers on the ERP.

4 BRIEF OVERVIEW OF LABOUR INSTITUTIONAL FRAMEWORK

59. The Ministry of Employment, Social Affairs and Family (MESAF) is responsible for labour policy and regulatory frameworks. The regional and district labour offices are in charge of implementing the Labour laws, including labour inspection. The government capacity remains limited and there is a significant gap¹⁰ in the implementation of the Labour laws. Given more than two decades of civil war and conflict, the government is developing its capacity to address diverse issues including labour. The MESAF continues to intrude changes and legal development to ensure that the labour environment is consistent with international best practice.

60. Below is the list of relevant provisions of the Labour Code on the institutional arrangements of labour authorities:

Central labour directorate and inspector (Article 6)

The 2020 labour law introduces the directorate of labour with functions like registration of employment contracts, dissemination and enforcement of the Act and related regulations to protect the rights of employees and employers among others. The directorate has regional offices that relay the guidance and regulation to the regions and districts.

Labour inspectorates (Article 7)

There is established an office of labour inspectorate who will be appointed by minister of employment, in consultation with the directorate shall appoint the labour inspectorate.

Duties of District Labour Inspectors (Article 8)

The inspectorate will among other duties undertake to; advise employers and employees on their employment rights and obligations to employees, conduct workplace inspections, investigate a complaint filed by an employee, ensure the implementation of this law in the workplace.

Power of inspectors (Article 9)

The Central Labour Inspector and District Labour Inspector shall have the power to:

- i. enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
- ii. interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder; and
- iii. require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.

Individual labour disputes (Article 47)

Article 47 establishes a board that is competent to hear and determine disputes arising from the administrative complaint raised by an employee against an employer. The board has the power to mediate and make a decision.

Collective labour disputes (Article 135, 136, 137)

A collective labour dispute arising at the district, firm or factory level shall be submitted to the competent District Labour Inspector for conciliation, who shall attempt to settle the dispute

¹⁰ The ILO is supporting the government in developing capacity of the MESSAF (Employers and Workers) for effective implementation of Labour Code.

within 14 days of its submission.

61. The Employment Act 2021 stipulates that all employment contracts must include: a) the nature and duration of the contract; b) the hours and place of work; c) the remuneration payable to the worker; and d) the procedure for suspension or termination of contract. Furthermore, all contracts must be submitted to the competent Labour Inspector for pre-approval. In regard to OHS standards, the employer is obligated to provide adequate measures for health and safety, protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances ensuring workers' health and safety.

62. The Employment Act further forbids work for children below the age of 15, it however provides that except in conditions where the work done by the 15 years old is not harmful on his/her health and is not physically intensive. but allows employment of children between the age of 15-18. However, the employment has to be compatible with proper protection, health and the moral of children. The Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions. The Act stipulates the right to equal pay for the same work as men and paid maternity leave. Women are entitled to 4 months of maternity leave at full pay.

5 IMPLEMENTATION ARRANGEMENTS OF THE LMP

63. The PIU will be responsible for the overall project management and coordination, including compliance with safeguards requirements such as those contained herein. The PIU will engage consultants, as necessary, with expertise in environmental, social, OHS issues, public health, security, GBV and will work closely with other government officers including the Labour Inspectorate, and Safety and Health Officers. The PIU will be responsible for the following tasks:

- i. Undertake the overall implementation of this LMP;
- ii. Engage and manage consultants and contractors in accordance with the LMP and the applicable Procurement Documents;
- iii. Monitor project contractors and workers to ensure their activities are aligned to the LMP and the applicable Procurement Documents;
- iv. Monitor the potential risks of child labour, forced labour, GBV/SEA and serious safety issues in relation to primary suppliers;
- v. Provide training to mitigate social and occupational health and safety risks to project workers;
- vi. Ensure that the GM for project workers is established and implemented and that project workers are informed about it;
- vii. Monitor the implementation of the Worker CoC; and
- viii. Report to the WB on labour and OHS performance, key risks, complaints and resolution status.

64. The social and environmental specialists on the PIU will be responsible for promoting the implementation of the LMP and OHS requirements within the project. The Project Coordinator and the entire PIU takes responsibility for the implementation of these components which are integral to the project. The safeguards team will be responsible for the following:

- i. Supervise contractors and workers' adherence to the LMP;
- ii. Ensuring that contractors undertake environmental and occupational health and safety audits of the schools as part of their TORs;
- iii. Maintain records of recruitment and employment of contracted workers (including sub-contractors and primary suppliers);
- iv. Provide induction and regular training to contracted workers, primary suppliers and community workers on environmental, social and OHS issues including specific information on any infectious disease;
- v. Require contractors (including construction companies for school upgrade works) and primary supplier(s) to identify and address disaggregated risks of sexual harassment, child labour, forced labour and serious safety issues and undertake due diligence to ensure this is done;
- vi. Support the development and implementation of the GM for contracted workers and community workers, including ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances and resolutions regularly to the PIU and WB;
- vii. Ensure all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC;
- viii. Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities (Annex 3); and
- ix. Report to the PIU on labour and OHS performance of the project.

6 KEY POLICIES, PROCEDURES AND RATIONALE

65. The Somaliland Government, as well as contractors, and all project workers will follow the procedures below in ensuring the full accomplishment of the objectives of ESS2, ESS4 and the national labour laws. These procedures will be reviewed from time to time and amended accordingly.

6.1 Recruitment and Replacement Procedure

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

67. **Procedures:** The PIU or contractor to follow the recruitment plan presented to him/her by the PIU for incorporation in the employment contracts before any approval. Where contractors have already recruited workers prior to engagement with the Project, a review of the staffing plan will need to be undertaken jointly with the PIU, to ensure compliance with the requirements of the LMP and the ESMF. The following details will be included:

- Number of staff required;
- Intended working conditions as in Annex 2;
- Intended locations of staff; and
- Job specifications in terms of qualification and experience.

68. Contractor, wherever appropriate and feasible, publishes the job advertisement in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for community workers and public gathering areas like mosques) to ensure all potential candidates have access to the information, including women while actively addressing risks of nepotism. The PIU will advise on the appropriate method to disseminate the advert as per the area and relevance. Shortlist and recruit candidates ensuring the following:

- As much as possible, 30% shortlisted candidates are women;
- As much as possible, 30% engaged employees are women;
- Ensure the representation of persons with disabilities; and
- Screen off candidates under the age of 15 years.

69. On recruitment, ensure a contract of employment is signed voluntarily, with all detailed listed in Annex 2, for both contracted workers and community workers.

70. For community workers, contractor will have the terms and conditions discussed, explained, negotiated and documented through joint community meetings, with each community employee showing consent through the appendage of signatures against the resolutions or signing the attendance register of the meeting which made the employment resolutions.

71. Before commencement of work, the Social Specialist and the PIU will ensure the employee is inducted on the essential work-related issues as listed in Annex 2. The CoC will be translated into Somali and read out to workers who may not be able to read and write. The social and environmental specialists will ensure that there is capacity building done for the contractors to comply with the requirements, including the following in contracts:

- Key job specifications;
- Terms and conditions of employment;

- Specific codes of conduct;
- Disciplinary procedures;
- Workers’ GM;
- Freedom to join and participate fully in workers’ association activities or trade unions;
- Key environmental and social aspects of the project and the ESMF;
- GBV/SEA provisions and responsibilities;
- Security management; and
- Emergency preparedness.

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

6.2 Occupational Health and Safety Procedures

73. Pursuant to the relevant provisions of the Labour Code, ESS2 (including WBG EHS General Guideline), and WB standard procurement documents, the MoES will manage the project in such a way that project workers are properly protected against possible OHS risks. The contractors and primary suppliers will be provided technical support (through consultancy) to develop and follow policies and procedures and develop internal regulations in line with these provisions. Contractors are required to prepare their own C-ESMP (including OHS aspects) based upon the bid and contract requirements (which would include any standard or subproject specific ESMP (OHS plan). Key elements of OHS measures include: (i) identification of potential hazards to workers; (ii) provision of preventive and protective measures; (iii) training of workers and maintenance of training records; (iv) documentation and reporting of occupational accidents and incidents; (v) emergency preparedness; and (vi) remedies for occupational injuries and fatalities. The objective of this procedure is, therefore, to achieve and maintain a healthy and safe work environment for all project workers (contracted workers, primary suppliers and community workers) and the host community. The consultant recruited for this process will support the development of templates to ensure ESS2 and ESS4 provisions are included in these procedures and enhance the capacity of the contractors to implement the procedures outlined below.

74. *Procedure*

- i. On procurement for contractors, the PIU will avail the ESMF to the aspiring contractors so that contractors include the budgetary requirements for OHS and community health and safety measures in their respective bids.
- ii. The PIU will also inform the contractors of the Project’s SOPs, which include the need for the development of standard construction and operation phase ESMPs, which will include OHS aspects, as well as the need for the contractors to undertake environmental health and safety audits (EHS) for the facilities that have been upgraded.
- iii. The PIU, either through a consultant or through internal resources, will develop a safety management system and the contractor will maintain it. The system will be consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on OHS which can be found at <http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf>.
- iv. The contractor will adopt the contractor ESMPs to help manage labour construction risks (technical support will be extended on need basis).

- v. The contractor, with the support of the environmental specialist at the PIU, will provide appropriate training/induction of project workers and maintenance of training records on OHS.
- vi. The contractor documents and reports on occupational accidents, diseases and incidents to the PIU and WB.

75. The contractor will provide emergency prevention and preparedness and response arrangements to emergency situations, based on the ERP, including and not limited to:

- Workplace accidents;
- Workplace illnesses;
- Flooding;
- Fire outbreak;
- Disease outbreak;
- Labour unrest; and
- Security.

76. Other ERP actions during the operation of the schools would be done by others (e.g., fire department, ambulance, etc.)

77. Contractors to comply with all requirements of applicable OHS legislation and environmental legislation including WB EHS General Guidelines which will be simplified and translated into Somali language. The PIU will provide technical support to the contractors on need basis. In addition, all relevant OHS requirements from the WBG EHS General Guideline should be included in the standard ESMP. Contractors and the PIU are obligated to conduct OHS related training and ensure that there is immediate reporting, as per the conditions specified out in the Project's ESCP, in matters to do with OHS incidents (fatality, loss-time incident, etc.), first to the PIU, and immediately thereafter to the Bank.

78. Contractors shall maintain all such records for activities related to the safety health and environmental management for inspection by the PIU and WB. In addition, contractors should also provide some OHS data/information in their routine construction reports to PIU, while school operators should include OHS information in their periodic reporting to the PIU.

6.3 Labour Influx Procedure

79. **Objective:** The objective of this procedure is to capacitate the PIU, implementers and contractors to mitigate the labour influx risk and impacts. The influx of workers and followers can lead to adverse social and environmental impacts on local communities, especially if the communities are rural, remote or small and labour influx is from other groups/locations. Such adverse impacts may include increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviour and crime, including GBV cases and potential clan conflict.

80. **Procedure:**

- i. Contractors shall ensure that all non-technical work is reserved for local communities (identifiable with the host community and witnessed by host community leadership).
- ii. Beneficiary selection and employment recruitment should verify the authenticity of the localness of potential employees.

- iii. The contractor liaises with local leadership on enrolment of community workers while at the same time ensuring that no grievances derive from nepotism through utmost transparency in the selection process, announcing hiring processes early enough in community consultations and/or other outreach activities.
- iv. Where there are camp establishments, contractor shall ensure camp management and community relations are good. If labour camps are required, special management plans need to be developed, or for smaller establishment, camp management should be reflected in the ESMP.
- v. Security within camp.
- vi. Social relations with community members should be cordial and consistent with the provisions in the GBV/SEA Action Plan.
- vii. Waste management.
- viii. Water and sanitation.
- ix. Proper camp demobilization.
- x. Ensure adherence of workers to the CoC provisions on interactions with the host community. This may include:
 - Access to camp by children, non-employed girls and women;
 - Appropriate language;
 - Time restrictions where required; and
 - GBV/SEA prevention.
- xi. Good conduct, if small numbers of workers are accommodated in communities rather than camps (requirements on when to establish a camp shall be included in the POM).
- xii. Contractors should have own supply of/ pay for accommodation offered by community to contracted employees.
- xiii. Contractor shall ensure that access to local supplies shall not negatively impact the availability of resources for the local communities and sourcing of local wildlife shall be prohibited.
- xiv. Contractor shall provide a fully equipped first aid kit.
- xv. Contractors to mainstream HIV/AIDS and all infectious diseases issues in the workplace by providing prevention training during induction and continuously during employment through health and safety talks.
- xvi. Contractor to be fully aware of and be ready to receive, log and resolve complaints and provide information about project GM including GBV/SEA complaints. Contractors should have a system for managing workers' complaints and report to MoES on a monthly basis. GBV/SEA cases involving project workers will be reported to the PIU within 24 hours and fully to the WB within 5 days.

6.4 Management of GBV/SEA

81. A GBV Action Plan, developed for this project, will ensure GBV/SEAH prevention measures are in place for the project and will complement the project GM. The Plan presents operational activities as well as recommendations for GBV/SEA risk mitigation that build on existing mechanisms in the MoES, at the Government level, noting that the capacity at the various levels remains low. The Plan will be based on existing protection, prevention and mitigation strategies and measures

developed and coordinated through the MoES and its partners at the implementation level. The implementation of the Plan will be supported by a service provider for on-call psychosocial services which will include a hotline for reporting cases of GBV/SEA and child abuse. Requirements for safe and confidential reporting of cases of GBV and child abuse will be inbuilt into the service provider's terms of reference (ToR).

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

6.5 Project Fatality Reporting

83. **Monitoring and reporting:** The PIU shall report on the status of implementation of the above policies and procedures on a monthly basis. The PIU will closely monitor labour and OHS performance of the project and report to the WB on a quarterly basis (see Section 7 for additional details).

84. **Fatality and serious incidents:** In the event of an occupational fatality or serious injury, the contractor or FMS shall report to the PIU within 48 hours of the incident. Incidents shall be reported to WB as soon as possible, but at least within 5 days of the incident. Corrective actions shall be implemented in a timely manner in response to project-related incidents or accidents. The PIU or, where relevant a consultant, may conduct a root cause analysis for designing and implementing further corrective actions.

6.6 Age of employment

85. This project shall not engage any worker less than 15 years of age. If a child who is over 15 but less than 18 years of age is engaged by a contractor, there shall be close monitoring by the social specialist to ensure his/her engagement does not fall during school going season/time and/or days, and he/she does not engage in any dangerous work. Although the project does not plan to hire staff directly other than consultants, the PIU will ensure that the contractors and primary suppliers adhere to the age requirement.

86. **The process of age verification:** verification of the age of employees shall be undertaken prior to the engagement of labour and be documented. For Vulnerable and Marginalized Groups (VMGs) who may not have identification papers, verification by a recognized reliable local leader will suffice to engage them. The PIU will require all contractors and primary suppliers to adhere to this requirement. The PIU will conduct supervisory visits during which it will confirm, among other things, adherence to this requirement.

6.7 Contractor management procedures

87. Each contractor engaged by the project to provide services will be expected to adopt the measures outlined in this LMP. The contracts drawn by the Government will include provisions,

measures and procedures to be put in place by the contractors to abide by the relevant labour and OHS requirements and remedy any defective concerns. Measures required of contractors as part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria (e.g. for construction waste management, certifications, previous experience). The objective of this procedure is to ensure that the PIU has contractual power to administer oversight and take action against contractor noncompliance with the LMP.

88. Procedure

- i. The PIU shall avail all related documentation to inform the contractors about their requirements for effective implementation of the LMP.
- ii. PIU including environmental and social specialist to ensure all relevant OHS requirements (clauses) are included in bid package.
- iii. Before submitting a bid for any contract, the contractor shall incorporate the requirements as provided for in the ESMF and this LMP.
- iv. Contractors to formulate and implement contractor specific Management Plans (C-ESMPs) as required by the ESMF and specifically the LMP including:
 - a. OHS plans;
 - b. Labour Recruitment Plans;
 - c. CoC for employees;
 - d. Waste management procedures specified out in the ESMP; and
 - e. Emergency Response Plan, among others.
- v. Contractor to submit compliance status reports on the implementation of the LMP.
- vi. The environmental specialist to periodically review, monitor and prepare progress reports on the soundness of the implementation steps put in place by the contractor. The PIU will have unfettered access to independently verify the soundness of the contractor's implementation of the requirements of the LMP.
- vii. Where appropriate, the PIU may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance to the LMP. The following are some of the major noncompliance areas that contractors need to take note of:
 - Failure to submit mandatory quarterly progress report;
 - Failure to avail for inspection specified documentation pertaining to the implementation of the ESMP, C-ESMP and LMP;
 - Failure to timely notify and submit incident and accident investigation report;
 - Failure to appoint, continuously retain or immediately replace a competent and experienced EHS officer;
 - Failure to enforce C-ESMPs including provision of adequate and appropriate PPE to workers; and
 - Recruitment of nontechnical staff from outside the local community.
- viii. Contractors will be required to establish GM structures for the workplace. These will include identifying focal points and communication channels (for example, WhatsApp, SMS and email) within the company to address workers' concerns on an ongoing basis, and ensuring that such channels are safe and adequately resourced (for example, 24-hour staffing of the emergency response call line). Workers shall not be victimized in any way for reporting a

grievance as described in Section 7.

- ix. Modalities will be put in place, by the social specialists, to guide the relationship between the contractors, CECs and the SACs. Information flow modalities will also be worked out.

6.8 Community Workers

89. Some activities will include the use of community workers in a number of circumstances, such as labour provided by the community in construction activities. There will also be established CECs that will perform various roles, including oversight during construction of schools and other amenities, identification of land for schools, identification of female teachers, etc. In these scenarios of community workers, the related OHS risks are perceived as low since they will be using simple tools and performing light work.

90. Given the nature and objectives of such a Project, the application of all requirements under ESS2 may not always be applicable. In all such circumstances, this procedure provides measures to be implemented to ascertain whether such labour is or will be provided on a voluntary basis as an outcome of individual or community agreement and if the employment terms and conditions have been fully discussed and agreed. The objective of this procedure is to ensure the community workers offer their labour voluntarily and are agreeable to the terms and conditions of employment.

91. *Procedure*

- i. The PIU and all contractors/implementers using community workers will apply the following guidelines when dealing with community workers. The PIU will develop standard ToRs, working times, remuneration systems (depending on the type of work), methods of payment, timing of payment, and community workers' CoC, which will apply to all project activities. These will be developed during the Project inception phase.
- ii. Produce a recruitment plan and have it reviewed and approved by the PIU.
- iii. Meet and document resolution of meetings with communities on the intended community workers' recruitment. The resolution shall include details on:
 - Nature of work;
 - Working times;
 - Age restrictions (15 and above);
 - Diversity of the workers
 - Remuneration amount;
 - Method of payment;
 - Timing of payment;
 - Individual signatory or representative signatory of meeting resolution; and
 - Community general undertaking and acknowledgment.
- iv. Induct community workers on key LMP issues, including:
 - GBV and SEA;
 - Workers' and Project GM;
 - OHS;
 - HIV/AIDS and infectious disease awareness;

- Safe use of equipment and lifting techniques; and
- Applicable PPE.

6.9 Primary Supply Workers

92. Primary supply workers are employees of suppliers who on an ongoing basis, provide goods and services to the project. Although suppliers may be sub-contracted by other implementers, the PIU has oversight on the implementation of the LMP requirements for this category. The objective of the procedure is to ensure that labour related risks to the project from primary supply workers are managed in line with the requirements of ESS2.

93. **Procedure:** The PIU and all contractors/implementers will undertake the following measures:

- (i) Procure supplies from legally and local constituted suppliers. A legal registration ensures that the company is legally obligated to comply with all applicable labour laws, which makes it possible to assume mainstreaming of the labour laws within the supplier's firm;
- (ii) Undertaking to take back waste for reuse, for example containers and packaging, where applicable.
- (iii) Possibility for training in safe use of product by community users where applicable.
- (iv) Identify potential risks of serious safety issues which may arise in relation to primary suppliers. If there is a significant risk of serious safety issues related to primary supply workers, the PIU and all contractors/implementers will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.

7 GRIEVANCE MECHANISM

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

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

- i. In case of a violation, the aggrieved employee will capture and present the details of the grievance to the person they report to or the supervisor's superior in case of conflict of interest;
- ii. The supervisor will verify the details and seek to address the matter within the shortest time, up to 48 hours;
- iii. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found;
- iv. Where no resolution is found, the employee can escalate the matter to the sector specific institutions, to the project GM (as provided for the SEP) or courts that resolve matters between employers and employees. After exhausting the appeal process, the Court's decision is final.

96. The following actions will be used to manage complaints for this project among contractor and primary supply workers. Where contractors have an existing grievance system, their direct workers should use such a mechanism but this mechanism should be made known to the PIU as part of the documentation submitted on labour management.

- i. If the contractor has over 15 workers in situ, establish GM committees at the workplace comprised of representatives of the different work streams (management, employees, casuals, etc.) and assign a GM focal point (who will act as the secretary) to the Committee.
- ii. The contacts of the GM focal point will be shared with the staff on recruitment and will be placed in common areas within the site.
- iii. Contractors will induct the employee on the applicable workers' GM and on their rights. All records of induction shall be kept and made available for inspection by the PIU and/or the WB.
- iv. Complaints should be sent to the GM focal point at the workplace by email, text, phone, letter or in person. The complaints should be collated into a complaints form and logged into the register (Annex 6 and 7).
- v. The GM Committee will review the complaints and provide guidance on the course of action and ensure follow-up on previous complaints. Any complaint by workers should be responded to within 7 working days upon receipt. If the complainant is dissatisfied, he/she

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

- vi. For complaints raised through alternative means, i.e. those raised through social media, print media or not formally lodged, the committee should deliberate upon them to decide whether to investigate based on the substance and potential impact including reputational risk.
- vii. No disciplinary or legal action or retaliation of any kind, will be taken against any worker raising a complaint in good faith.
- viii. In case of risk of retribution, the employee may immediately escalate to the PIU or the judicial system. If confidentiality is requested, the PIU will ensure this is done in order to avoid any risk of retribution, including in its follow-up actions.
- ix. A monthly report of complaints and the resolution status should be submitted to the PIU and the WB (as per the reporting format in Annex 8).

97. **Project GM:** the project will have several channels for complaints and grievances including email, phone calls, texts, and letter writing, and a toll-free line that will also be accessible to all workers. Information on the project GRM will be made available to workers at all worksites, government offices (both regional and district) and community level (schools and chief's office, for instance) to ensure that all workers have adequate information on how to lodge a complaint and to whom it should be directed. Confidentiality and whistle blower protection will be assured when handling workers' grievances (although admittedly it would be difficult to resolve the issue if the worker remains anonymous throughout the process).

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

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

8 RESOURCES FOR THE IMPLEMENTATION OF THE LMP

8.1 Management

100. The successful implementation of the LMP for the Somaliland education project depends on the commitment of the government, the education sector and related institutions, and the capacity within the institutions to apply or use the LMP effectively, and the appropriate and functional institutional arrangements, among other factors. This section describes the detailed roles and responsibilities of the key institutions involved in the implementation of the project components.

101. The overall project implementation and coordination will be led by the MoES. The MoES will collaborate with all regional MoES officials to implement the different components of the project. The project will set up a single Project Steering Committee (PSC). The PSC, headed by the MoES with representatives from the different directorates within the Ministries, one representative from the Education Sector Committee (ESC) coordination body and one donor representative. The PSC will provide strategic direction and guidance on high-level risk management and monitoring. It will also facilitate effective relationships across the project. The PSC will meet annually. The MoES will have the latitude to make changes in the membership of the PSC and/or its ToR in consultation with State MoES.

102. A dedicated PIU will be formed. The PIU will be headed by a Program Coordinator and include a small team of experts: (a) financial management specialist; (b) procurement specialist; (c) M&E specialist; (d) communication specialist; and (e) Environmental Safeguards Specialist; (f) Social Safeguards Specialist; (g) a GBV/SEAH/Gender Specialist; and (h) a Communication Specialist. The program coordinator will coordinate the implementation of day-to-day administration of the program activities. The PIU will conduct quarterly reviews and a total of five in-country reviews to ensure the effective and timely implementation of program components and activities. The PIU coordinator will also work closely with the Somalia Recurrent Cost and Reform Financing (RCRF) Project III PMU team to ensure coordination of the education activities.

103. The PIU will be based in the MoES and will be responsible for technical oversight and support to the MoES and regional and district MoES partner coordination, and financial and administrative management, program activity monitoring and reporting to the donor. The PIU will be responsible for day-to-day project management activities, including monitoring and reporting on project progress to all the relevant stakeholders. For this purpose, the PIU will organize, at regular intervals, workshops involving representatives of all stakeholders to present project progress and seek stakeholder input. The costs for all these activities are budgeted under the Component 4 and may be adjusted on need basis.

104. The implementation of LMP will be the responsibility of the Social Specialist supported by the Environment Specialist. The two officers will facilitate the development/refinement and monitor the implementation of the tools highlighted in this LMP including the ERP. It is notable due to capacity gaps inherent at all implementation levels and the need to synergize with ongoing activities, the PIU will coordinate its activities with other partners such as development partners, NGOs and CBOs in the delivery of some of the interventions. Technical support from consultants and consulting firms will be used on need basis.

8.2 Resources for implementing the LMP

105. The project has set aside funds to ensure that the planned LMP activities are implemented and monitored effectively. The summary budget is presented in Table 4.

Table 5: Estimated budget for implementing the LMP

Labour Management Activities	Q-ty/per years	Unit Cost, (USD)	Total cost (USD)
Support the development of management plans (camp/worksite)	4	5,000	20,000
Travel expenses of staff on LMP activities (supervision missions by the safeguards officers and PIU leadership)	4	5,000	20,000
Training (contract management, CoC, GRM, GBV, etc.) for PIU, civil servants, contractors and primary suppliers	2	2,000	4,000
Cost of managing the workers GM	2	10,000	20,000
Monitoring and evaluation	4	2,000	8,000
<i>Sub-total</i>			<i>72,000</i>
<i>Contingency – 5%</i>			<i>3,600</i>
Total			75,600

*The costs will be worked out in coordination with the MoES team

ANNEXES

Annex 1: Targeted Districts (Under Component 2)

Project activities will benefit selected districts of Somaliland. Component 1, which will aim to build systems, is expected to benefit the entire education sector including all those currently attached to the sectors including administration, teachers, students and their immediate communities. Under component 2 of the project, select areas in Somaliland will be targeted to benefit from project interventions. These areas will be selected among those that currently do not have access to education and will receive new schools or refurbished facilities which will include buildings, new teachers and grants to meet recurrent expenditures. Targeting for this component will be done at two levels. The first stage will include targeting at the district level to select the worse-off districts in the country. Subsequently, school sites will be selected based on objective criteria that maximizes the project impacts.

District selection under component 2. The targeting criterion for identifying the districts to benefit from the activities specified under Component 2 is based on districts with data indicating that they *have a primary gross enrolment rate below 10 percent*. This criterion meets necessary requirements in areas that include technical correctness, equity and fairness, as well as project financing feasibility. An important consideration in selection of the districts was their accessibility from a security perspective for civil works execution, supervision and utilization. Furthermore, this criterion ensures the greatest geographic coverage of this project, reducing the risk of perceived regional favouritism.

School site selection: In the selected districts, surveys will be undertaken to identify school sites to benefit from the project. The following criteria will be applied for selection of school sites:

- Site selection will be needs based – it will consider areas with the highest population of primary aged children ($\% \text{ of school-aged population} = \frac{\text{Population of school aged children (5 – 13)}}{\text{total population}}$). Within these areas, those with the largest number of out of school children will be prioritized;
- District authorities must predefine location of the school;
- The site location must be on a public land;
- Climate zones of the school site must be defined;
- Key environmental and social factors of the school site will need to be considered;
- School sites should be located in secure and accessible areas;
- District authorities will need to develop a plan for the schools that demonstrate the ability to enroll children from disadvantaged backgrounds and lack basic resources, including teaching resources and trained teachers (e.g. IDPs, rural children, disabled children etc.);
- Site selection should take into account local administration that can demonstrate the ability to support funded activities even after the completion of the site construction. Priority should be given to the local administrations that can produce supportive documents;
- The district authorities should demonstrate operational sustainability plan of the school site;
- School sites selected for construction must be registered with the Ministry of Education and Science
- District authorities should produce supporting documentations that shows the registered schools under their authority are implementing the National Curriculum; and
- District authorities should involve and consult with the school communities in all interventions.

Annex 2: Individual Code Of Conduct For Project Workers¹¹

I, _____ acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project’s occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable in the workplace or when interacting with communities.

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

I agree that while working on the project I will:

- a. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- b. Follow my employers’ guidance on prevention of spread of infectious diseases including COVID- 19;
- c. Follow my employers’ guidance on security and safety;
- d. Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- e. Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- f. Not participate in sexual contact or activity with children – including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- g. Not engage in sexual harassment - for instance, making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behaviour. Ex. Looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody’s sex life; etc.
- h. Not engage in sexual favours – for instance, making promises or favourable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behaviour.
- i. Unless there is the full consent by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- j. Consider reporting through the Reporting Mechanism or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my organization or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- a. Wherever possible, ensure that another adult is present when working in the proximity of children.
- b. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.

¹¹ Similar code of conducts may be adapted for supervisors or contractors or primary suppliers and civil servants.

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

Use of children's images for work related purposes

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

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

Sanctions

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

- I. Informal warning;
- II. Formal warning;
- III. Additional training;
- IV. Loss of up to one week's salary;
- V. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
- VI. Termination of employment; and
- VII. Report to the police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met and I will avoid actions or behaviours that could be construed as GBV or VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my on-going employment.

Signature: ----- Name Title: ----- Date:-----

Annex 3: Abbreviated Code of Conduct DO

DO:

1. Wear prescribed and appropriate personal protective equipment on site at all times.
2. Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
3. Treat women, children and men with respect regardless of race, colour, language, religion, or other status.
4. Wash hands, sanitize and observe social distancing at all times and follow WHO and national updated guidelines.
5. Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever and shortness of breath.
6. Report any violations of this code of conduct to workers' representative, HR or grievance redress committee. No employee who reports a violation of this code of conduct in good faith will be punished in any way.
7. Comply with all the laws of Somaliland.

DON'T:

1. Leave personal protective equipment lying around.
2. Make unwelcome sexual advances to any person in any form.
3. Have sexual interactions unless full and unequivocal consent is given and there is no form of material or other coercion
4. Use alcohol or narcotics during working hours.
5. Expose other people to the risk of infection in any form.
6. Come to work if you or any of your family members has any symptoms of COVID-19 (cough, fever and shortness of breath). Report immediately to your supervisor if you or family member has any of these signs.

For all staff and project workers on the project: Employees, associates, and representatives, including sub-contractors and suppliers, community workers, without exception.

Annex 4: OHS Requirements for Project Workers and Suppliers

The MoES endeavors, in all its projects and operations, to prevent personal injuries, ill health and damage to property. To guarantee this, MoES shall implement the Pre-Qualification Checklist for all contractors to ensure that the contractors have OHS management systems and program; project specific OHS plan; safety training provided to management and workers; competency, availability and qualifications of construction safety managers and staff; and OHS inspection processes to be implemented. The measures listed in this Annex are representative but not necessarily complete, and a final complete set of all OHS management measures (avoidance, mitigation, monitoring, training, capacity, etc.) needed for project related school construction will need to be established. This will be established in the standard (base) ESMP for school construction to be developed at the initiation of the project. The standard construction ESMP then will then modified/enhanced based upon the subproject screening (and any other additional activity) and be used as a requirement for construction contractors (including a base for their C-ESMP)."

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

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

Local laws, Regulations and other Compliance Requirements

Project implementation will adhere to the relevant Health and Safety legislation requirements in Somaliland. This should also include the relevant requirements of interested parties that have been identified in the ESMF. A check for legal compliance shall be undertaken to ensure that this project is compliant with the legal and other requirements including WB ESF, WBG EHS Guidelines; and COVID-19 prevention guidelines.

General Requirements

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

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

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

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

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

RESPONSIBILITY: The Project Coordinator and Environment Safeguards Officer are responsible for all facets of this OHS requirements and have authority to make necessary decisions to ensure success of the project. The Project Coordinator and Environment Safeguards Officer are the sole persons authorized to amend these instructions on OHS requirements in consultation with the Project Management Unit (PIU).

Incident Reporting

Provides the minimum requirements for investigation, reporting and recording of incidents which result in injury or illness to a person, or damage to any property, in order to ensure compliance with national regulations and the WBG general EHS guidelines; contract provisions, insurance policy requirements and to prevent recurrence. All incidents (fatal or serious injury) shall be investigated and reported within 24 hours to MoES and reported fully to the World Bank within 5 days and recorded pursuant to the requirements of this section. The potential ESH incidents include, but are not limited to:

- i. OHS related incidents like slips, falls from heights;
- ii. Fire emergency;
- iii. Road accidents project affecting staff or contractors staff;
- iv. Accidents at construction sites (e.g. a vehicle hitting a worker or a community member); and
- v. Security risks like banditry for project materials and equipment.

Incident Investigation

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

Determine the Root Cause

- i. Conduct root-cause analysis of the incident and identify the sequence of events and factual circumstances. The analysis should identify what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site. The level of supervision of unskilled labour should also be assessed.
- ii. Recommend actions to be taken to rectify the failure(s) that led to the incident.
- iii. Review the safety procedures at different sites and identify the health and safety measures to be taken to minimize the risks of future accidents both to workers and to local residents.

- iv. Relevant site visits should be carried out to support the analysis. Health and safety representatives of the Contractors and implementing agencies, as well as other technical counterparts, as necessary, should be interviewed to gain a comprehensive understanding about health and safety management.
- v. Review the OHS measures in safeguards instruments and plans in construction contracts and recommend enhancements as needed. The assessment should identify the existing procedures for safe performance of construction activities (excavation, scaffolding, working at heights, welding, etc.) and should recommend appropriate procedures should the existing ones have gaps.
- vi. Review the capacity of contractors and supervision consultants to implement OHS standards. The assessment should review the training plans for skilled and unskilled labour for effectiveness and propose improvements to the training and communication program so that workers are adequately guided to safely perform their work.
- vii. Review the existing arrangements for recruiting labour and what type of insurance (life or injuries and occupational health risks) and compensations are provided.
- viii. Review compliance to the Labour Law and other international treaties by contractors and/or sub-contractors.
- ix. Assess the sufficiency of the measures that the contractors take to minimize risk on the local communities and communicate with them. Recommend improvements as necessary.

Determining Corrective Actions

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

Job Safety Analysis

Once the tasks and general hazards have been identified, the identified hazards will need to be controlled and/or reduced as appropriate. The following procedures are examples of control mechanisms for the hazards identified.

Potential Hazard Controls

- i. *Noise Hazards* – Hearing protection will be worn by all personnel operating or working within the vicinity of equipment emitting noise level; when noise is sufficient to interfere with general conversation at a normal speaking volume; when noise levels exceed 85 dBA; and/or when MoES requirements indicates that its usage is mandatory to use ear muffs.
- ii. *Vibration*: Exposure to hand-arm vibration from equipment such as hand and power tools, should be controlled through choice of equipment, and limiting the duration of exposure. Exposure levels should be checked on the basis of daily exposure time and data provided by equipment manufacturers.
- iii. *Electrical Hazards* – Exposed or faulty electrical devices, such as circuit breakers, panels, cables, cords and hand tools, can pose a serious risk to workers. Avoid operating electrical equipment in a wet floor or environment. If equipment must be connected by splicing wires, all electrical work must be performed by a licensed and competent electrician.
- iv. *Vehicle Driving and Site Traffic*: Poorly trained or inexperienced vehicle drivers have increased risk of accident with other vehicles, pedestrians, and equipment. Delivery vehicles, if not

managed well, represent potential collision scenarios. The project will hire competent defensive drivers with experience, all vehicles shall be inspected for road worthiness by the Head drivers at the PCU.

- v. *Ergonomic Hazards* – Proper lifting techniques such as keeping the back straight and legs bent, shall be utilized when lifting equipment or loading/offloading of the construction materials from the trucks. If the lifting cannot be lifted in this manner, if it is too heavy to lift alone, call other personnel, or use a mechanical device for lifting.
- vi. *Hazard due to Working at Heights*: Fall prevention and protection measures should be implemented whenever a worker is exposed to the hazard of falling more than two meters; when through an opening in a work surface. Fall prevention/protection measures may be warranted on a case-specific basis when there are risks of falling from lesser heights.
- vii. *Thermal Hazards*: MoES personnel should consume plenty of liquids such as water or non-caffeinated sport drinks. During periods of hot weather, personnel shall be aware of the symptoms of and appropriate response actions for heat sickness and heat stroke.
- viii. *Fire Hazards*: the use of hand held drilling machine during the installation of ICT equipment at MoES and the schools (as necessary) may cause electric short circuit leading to potential fire hazard. All electrical works should be performed by trained and qualified experts.

Emergency Response Procedures

The Emergency Operations Coordinator (EOC) who could be the Environmental Safeguards Officer, is the person who serves as the main contact person for the MoES in an emergency. The EOC is responsible for making decisions and following the steps described in this emergency response plan. In the event of an emergency occurring within or affecting the worksite, the primary contact (Site Safety Officer for the suppliers, contractor and sub-contractors) will serve as the EOC. If the primary contact is unable to fulfil the EOC duties, the secondary contact will take on this role:

Primary contact:

Name:
Telephone number:
Telephone number:
Email:

Secondary contact:

Name:
Telephone number:
Telephone number:
Email:

Emergency contact numbers

Ambulance:
Police:
Hospital:
Fire Brigade:
Traffic Police:

Potential emergencies

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

- i. OHS-related incidents like slips, falls from heights;
- ii. Fire emergency;
- iii. Road accidents affecting project, contractor, supplier or community workers and the

local communities; and

- iv. Security risks like banditry of project materials and equipment.

Location of emergency equipment:

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

Training requirements for emergency response:

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

First Aid Kits

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

First aid attendant (employee trained in first aid) Name:

Location:

Shift or hours of work:

Communication:

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

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

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

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

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

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

contractors in the shelter location and which supplies individuals should consider keeping in a portable kit personalized for individual needs.

Employee emergency contact

#	Employee Name	Designation	Contact person and number	Alternative contact person and number
		Site foreman		
		Site safety officer		
		Clerk of Work		
		Project manager		
		Safeguards Officer		

Review Plan

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

OHS Incident Investigation Form

Classification of Accident

Indicative Severe

Fatality

Description the accident:

Date and Time of Accident:

Location of the accident:

Source of accident alert:

Investigation

Date and Time of Investigation:

Names and Status of Investigating Team

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

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

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

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

Findings of Investigation Team

Teams description of event leading up to the accident

Teams Description of the accident itself Team’s view on the causes of the accident

Recommendation to reduce potential accident (immediate fix)

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

Root causes:..... Preventive Action taken:..... Further Recommendation Preventive actions:.....

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

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

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

Incident Report

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

- i. Country, Name of Project, Project Number, Name of TTL and E&S specialists assigned to the team
- ii. Preliminary classification of the incident
- iii. What was the incident? What happened? To what or to whom?
- iv. Where and when did the incident occur?
- v. When and how did we find out about it?
- vi. Are the basic facts of the incident clear and uncontested, or are there conflicting versions? What are those versions?
- vii. What were the conditions or circumstances under which the incident occurred (if known at this stage?)
- viii. Is the incident still ongoing or is it contained?
- ix. Is loss of life or severe harm involved?
- x. Is the Borrower aware of the incident? What is the Borrower’s response to date?
- xi. What measures have been or are being implemented by the Borrower/Contractor?

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

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

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

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

Annex 5: World Bank Incident Classification Guide**Indicative**

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

Serious

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

Severe

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

Annex 6: Complaints Reporting Template

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

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

Annex 7: Complaints Form

Complainant's Details Name (Dr / Mr / Mrs / Ms)

Address _____

Mobile _____

Email _____

Age (in years): _____

Which institution or officer/person are you complaining about?

Ministry/department/agency/company/group/person

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

Yes

No

If yes, which one?

Has this matter been the subject of court proceedings?

YES NO

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

7.What action would you want to be taken?

Signature _____ Date _____

Annex 8: Complaints Log

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

Annex 9: Stakeholder Consultation Feedback and Proposed Engagement Strategy

A. Virtual consultation meeting on SL’s retrofitted E&S instruments (incl. LMP) of the Project, held on the 12th of October 2023 – Participants list

#	Name of Participants	Organization	Title
1	Hussein Abdi Awil	Ministry of Education and Science	Director of Planning and Policy
2	Said Mohamed Jama	Ministry of Education and Science	Consultant- GPE Focal Person
3	Abdilqadir Essa	Ministry of Education and Science	Consultant -Decentralization
4	Abdiraheem Ismail Mohamed	YOVENCO (LNGO)	MEAL Officer
5	Khadra Ibrahim Abdalla	SL Women Development – (KARAAMO)	Chairperson
6	Abdirahman H Egeh	Ministry of Education & Science	Consultant
7	Kayse Hussein Nour	Save the Children (INGO)	Acting Education Program Manager
8	Ahmed Omar Quule	Somaliland National College of Education	Director of SLNEC
9	Nimco Farah	Ministry of Education & Science	Director of Gender Department
10	Ibrahim Ali Macaleesh	Care International	Education Coordinator
11	Ahmed Ismail Abdi	Ministry of Education and Science	Director of Non-formal Education
12	Guleed Osman Abdikarim	TALO-WADAAG	Education Manager
13	Mohamed Omar Abdi	ALIGHT (INGO)	Education Coordinator
14	Ahmed Abdillahi	AET (INGO)	Country Director
15	Abdillahi Hassan	Havoyoco (LNGO)	Chairperson
16	Abdirahman Hussein	Save the Children	Education Coordinator
17	Liibaan M Jibriil	Ministry of Education & Science	Director of Human Resources
18	Sucaad Mohamed Abdi	Ministry of Education & Science	Director of Formal Education

B. Stakeholder Analysis, Engagement Strategy and Activities

Following the Stakeholder Consultation meeting and the subsequent discussion with stakeholders regarding the impact and mitigation of the implementation of Education for Human Capital Development, the below Table outlines a brief analysis of each stakeholder group, and stakeholder strategies and activities:

Stakeholder Analysis				Stakeholder Engagement Strategy	
No.	Stakeholder Group	Interests and Concerns	Influence	Engagement Activities	Frequency
1	Government of Somaliland	To improve the quality of education and increase access to education for all children	High	- Regular meetings with the Minister of Education and the Minister of Finance to discuss progress on the Education for Human Capital Plan and challenges that are being faced. - Quarterly workshops to	Quarterly
2	Ministry of Education	To implement the Education for Human Capital Plan and achieve its objectives			
3	Ministry of Finance	To provide adequate funding for the			

Stakeholder Analysis				Stakeholder Engagement Strategy	
No.	Stakeholder Group	Interests and Concerns	Influence	Engagement Activities	Frequency
		education for Human Capital Plan		review the implementation of the plan and develop action plans to address any gaps.	
4	Regional and local governments	To deliver education services efficiently and effectively	Medium	<ul style="list-style-type: none"> - Annual workshops to train regional and local government officials on the Education for Human Capital Plan and how to implement it effectively. - Regular visits to schools to monitor progress and provide support. 	Annually
5	Teachers and school leaders	To improve their teaching and leadership skills	Medium	<ul style="list-style-type: none"> - Professional development programs on the latest teaching and learning methods. - Focus groups to gather feedback on the Education for Human Capital Plan and identify areas for improvement. 	Twice a year
6	Parents and students	To have access to high quality education	Medium	<ul style="list-style-type: none"> - Community meetings to inform parents and students about the Education for Human Capital Plan and how it will benefit them. - Feedback surveys to gather feedback on the plan and identify areas for improvement. 	Annually
7	Civil society organizations	To promote accountability and transparency in the education	Medium	<ul style="list-style-type: none"> - Regular meetings with civil society organizations to discuss the Education for Human Capital Plan and how they can contribute to its implementation. - Joint advocacy initiatives to promote the importance of education and human capital development. 	Quarterly
8	Private sector	To invest /participate in the implementation of	Medium	<ul style="list-style-type: none"> - Roundtables and business forums to 	Annually

Stakeholder Analysis				Stakeholder Engagement Strategy	
No.	Stakeholder Group	Interests and Concerns	Influence	Engagement Activities	Frequency
		education and skills development		<p>discuss the private sector's role in education and human capital development.</p> <ul style="list-style-type: none"> - Public-private partnerships to support the implementation of the Education for Human Capital Plan. 	
9	Development partners	To support the government in implementing the Education for Human Capital Plan	Medium	<ul style="list-style-type: none"> - Joint planning and monitoring missions to ensure that the Education for Human Capital Plan is aligned with other development initiatives in the country. - Regular meetings to discuss progress on the plan and any challenges that are being faced. 	Twice a year