

Ministry of Finance and Planning
Republic of South Sudan

**South Sudan Public Financial Management and Institutional
Strengthening Project (P176761)**

Labor Management Procedures (LMP)

April 2023

a) List of Acronyms

CSO	Civil Society Organization
CTMC	Country Transfer Monitoring Committee
e-GP	Electronic Government Procurement
ESAMI	Eastern and Southern African Management Institute
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
FCV	Fragility, Conflict and Violence
FMIS	Financial Management Information Systems
GM	Grievance Mechanism
GOSS	Government of South Sudan
LMP	Labor Management Procedures
MDAs	Ministries Departments and Agencies
MOFP	Ministry of Finance and Planning
MOA	Ministry of Agriculture
NAC	National Audit Chamber
NRA	National Revenue Authority
PAC	Public Accounts Committee
PAFA	Pan-African Federation of Accountants
PDO	Project Development Objective
PFM	Public Financial Management
PFMA	Public Financial Management and Accountability
PMU	Project Management Unit
PPDAA	Public Procurement and Disposal of Assets Authority
SEA/SH	Sexual Exploitation and Abuse and Sexual Harassment
SPD	Standard Procurement Document
SSACC	South Sudan Anticorruption Commission
STMC	State Transfer Monitoring Committee
UACS	Unified Account Code Structure
UNICEF	United Nations Children's Fund

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1 Introduction

This document represents the Labor Management Procedures (LMP) developed in support of the South Sudan Public Financial Management and Institutional Strengthening Project (P176761). These procedures seek to safeguard the inclusion of appropriate measures to manage risks associated with employment under the project. The LMP identifies the main labor requirements under the project and establishes parameters to ensure that worker engagement is undertaken in accordance with both the requirements of the Labor Laws of South Sudan as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specifically the objectives of the Environmental and Social Standard 2 (ESS2)¹: Labor and Working Conditions.

The labor associated risks are considered low and are not expected to have any significant impact on the project. These risks are understood and are expected to be managed by the procedures outlined in this document. On a continuous basis during project implementation, the Government of South Sudan (GOSS) through the project implementing agency, the Ministry of Finance and Planning (MOFP) is committed to reviewing the project-related labor risks and to address them through adequate measures in place to manage any adverse impacts that may arise. The LMP is a living document and may be updated throughout the project's life cycle, when and if needed.

2 Project Description

The project will support the implementation of key components of the government's Public Financial Management (PFM) and governance reforms as outlined in Chapter IV of the 2018 R-ARCSS and its commitments under the IMF's SMP.² Increasing the share of oil and non-oil revenues available to finance the government's policy and service delivery priorities will help to increase public sector spending and services, which remains critical to the achievement of the key objectives of the R-ARCSS. Recognizing the centrality of the structural benchmarks and policies identified under the SMP, the project has been developed in close collaboration with the IMF. The project aims to assist the MOFP to fulfill its roles and responsibilities as mandated in the legal framework governing the management of public resources including: (i) the Public Financial Management and Accountability (PFMA) Act (2011) and amendments currently under legal review; (ii) the South Sudan Public Procurement and Disposal of Assets Act (2018); and (iii) the Local Government Act (2009).

2.1 Project Development Objective

The project development objective is to improve and build capacity for budget preparation and implementation. Improvements to budget preparation will be reflected in more timely submission of the annual budget to the Council of Ministers compared with the timetable contained in the PFMA Act. Improvements in budget implementation will be reflected in more predictable and timely payment of central government salaries and State transfers, greater transparency through timely disclosure of annual financial statements and procurement data, and improved submission of budget reporting by line

¹ ESS2 – Labor and Working Conditions – <https://thedocs.worldbank.org/en/doc/863471511809509053-0290022017/original/EnvironmentalSocialStandardESS2FactSheetWBESF.pdf>
ESS2 – Labor and Working Conditions Guidance Note – <https://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>

² Republic of South Sudan Staff-Monitored Program and Request for Disbursement under the Rapid Credit Facility. International Monetary Fund. April 2021.

ministries to the MOFP. The increased capacity in budget preparation and implementation will be reflected in sustained achievement of these improvements.

2.2 Project Components

The project consists of four components as follows:

Component 1: Strengthening Budget Preparation Processes

This component will support the establishment of a budget preparation process with adequate arrangements, processes, and tools over time to support timely and orderly resource allocation and contribute to the enabling environment for improved service delivery in focus sectors.

Subcomponent 1.1. Strengthening the quality and transparency of the budget preparation process

Through this subcomponent, the MOFP will develop and strengthen the core underlying elements and functions needed to improve, over time, the accuracy and timeliness of budget preparation and better inform the allocation of funds in priority spending areas. Proposed activities include the following:

- a) Strengthen the revenue forecasting mechanism to expand coverage and inclusion of revenues and clarify the relative roles of the MOFP and the agencies administering revenue collections (for example, the NRA).
- b) Develop, over time, an improved annual budget planning process that is designed and monitored according to a clear timetable, include a clear budget calendar, basic program budget structure, and facilitate coordination between the MOFP's Planning and Budget Divisions.
- c) Harmonize budget preparation procedures and processes to improve the timeliness and quality of the MDAs' budget submissions.
- d) Develop and implement, over time, supplementary budget reallocation procedures as a barrier against ad-hoc, extra-budgetary expenditures and reallocations.
- e) Continue the development and implementation of the management strategy for payment of arrears.
- f) Develop methodologies and strategies to assess various social issues, including the introduction of gender considerations in selected, relevant programs and collection of gender-disaggregated data.

Subcomponent 1.2 Implementing core budget preparation activities in focus sectors

This subcomponent will support the building and strengthening of budget processes in up to four focus sectors. Through this subcomponent, the MOFP will work with the Ministries of Agriculture and Education in the first instance to provide in-depth support for implementation of the budget preparation improvements introduced in subcomponent 1.1, including the strengthening of data and analysis of programs and funding in the sectors. Over the course of the project, this will be expanded to include other identified focus sector ministries, such as the Ministry of Health and the Ministry of Gender, Child, and Social Welfare. Proposed activities in each focus sector include the following:

- a) Map programs and funding sources, including those funded by development partners, to establish improved mechanisms for sector-wide coordination and monitoring, as well as to strengthen aid coordination.
- b) Implement the basic program budget structure to provide useful information for the government and its citizens to better understand the links between resources consumed and results.

Component 2: Strengthening the Transparency and Predictability of Budget Implementation and Procurement for Priority Spending Areas

Through this component, the government will strengthen its ability to make timely payments and transfers for priority spending areas including salaries and service delivery sectors, as well as to improve its ability to report on and manage expenditures.

Subcomponent 2.1. Streamlining and improving budget implementation processes and systems

Through this subcomponent, the MOFP and focus sectors will adopt procedures, systems and tools needed to support improvements to the predictable and transparent implementation of the budget, as well as better management and reporting of funds. Proposed activities include the following:

- a) Technical assistance to enhance reliability, predictability, and timeliness of funding for priority service delivery programs and public investments in key sectors by strengthening the cash management systems and processes and developing a cash management framework.
- b) Technical assistance to review payroll at the central level including verification of staff identities and approved civil service positions.
- c) Procurement and implementation of an electronic payroll system (software and hardware). The system will be managed by the Ministry of Public Service and payroll data will be linked with the MOFP's FMIS. The new system will also allow the government to collect gender-disaggregated data to include identifying the numbers, grades, and position levels of civil servants.
- d) Based on a rapid FMIS review conducted in September and October of 2021, upgrade the existing system (software and hardware) and procedures so that the majority of government transactions are managed through controlled processes that comply with treasury management requirements and are properly accounted for using the Unified Account Code Structure (UACS) that would consolidate all existing Chart of Accounts; and that financial and non-financial information critical for decision making is reported on reliably, accurately and timely by the central government, the states and select line ministries. The system will be initially rolled out to users in the MOFP and extended to select state ministries and line ministries.
- e) Technical assistance to help develop appropriate policies, systems and tools for improving budget

Subcomponent 2.2. Improving oversight and accountability of funds transferred to subnational government entities

This subcomponent will augment external support currently being provided by the United Nations Children's Fund (UNICEF) to strengthen the State Transfer Monitoring Committee (STMC) and the Intergovernmental Fiscal Unit in the MOFP. This will include expanding the existing PFM monitors program and providing additional monitors and training to remaining states. Proposed activities include technical assistance to:

- a) Retrain state Ministers/DGs of Finance on their responsibilities and obligations in terms of reporting on state transfers in accordance with the PFMA Act.
- b) Provide the tools, mentoring of state staff, and reporting templates/internet/emails to send the reports, thus enabling the MOFP to coordinate and consolidate the monthly state reports.
- c) Verify Treasury fund transfers to states to enable timely reporting.
- d) Support the establishment and operations of the County Transfer Monitoring Committees (CTMC).

Subcomponent 2.3. Strengthening public procurement

This subcomponent will strengthen the public procurement system, including contract administration and management. Proposed activities include:

- a) Training and re-engineering of organizational structure, advisory services to the PPDA Secretariat, development of manuals and guidelines for the PPDA Board, provision of interim office space for the PPDA Board and Secretariat, and capacity building for the business community and civil society organizations (CSOs) in monitoring public procurement activities.
- b) Support the National Public Procurement Training Program through twinning arrangements with international/regional organizations such as the Eastern and Southern African Management Institute (ESAMI) and local institutions to provide short-to-medium term public procurement training for civil servants, and training of procurement committees established at the spending agencies.
- c) Dissemination, procurement clinics and training activities related to the 2018 Public Procurement Act, the Regulations Manual and Standard Procurement Documents and the World Bank Standard Procurement Documents (SPDs) across MDAs, subnational governments, the business community and CSOs.
- d) Strengthen the operational efficiency, transparency, and effectiveness of the procurement system at the level of the implementing entities responsible for managing individual procurements (procuring entity). This includes support to MDAs for the timely publication of key information at various stages of the procurement process (for example, plans, tenders, awards, and contracts), and outreach business community training.
- e) Initiate electronic government procurement (e-GP) development and implementation with start-up activities such as business process reengineering, the development of specifications and tender documents and an e-GP communication strategy.

Component 3: Supporting Institutions, Capacity Development and Facilitating Change for Public Financial Management Reform

The objective of this component is to strengthen the institutional and human capacity of the government to manage PFM reforms. This cross-cutting component will enhance the foundations of PFM capacity for civil servants in the MOFP and line ministries. It will also facilitate change by helping the government to create an environment that encourages learning through capacity building and engagement with citizens and other stakeholders. This component will improve and promote communication across institutional boundaries and stakeholder groups, including through workshops and events to provide information on implementation of the budget and report back on feedback received from citizens.

Subcomponent 3.1. Supporting institutions and capacity development

This subcomponent will seek to strengthen the PFM institutional and human capabilities of the civil service in the MOFP and focus sectors. Activities will focus on the development of competencies and skills necessary for effective and transparent PFM processes. Proposed activities include the following:

- a) Implement improved procedures based on the results of an anticipated organizational review of the MOFP (for example, to the extent possible, by streamlining recruitment, checking qualifications, job descriptions, and training programs).
- b) Build skills of selected staff in the MOFP and line ministries on key PFM functions through hands-

on-training, international/regional programs, certification courses, and twinning with regional public administration training schools. Leadership and soft skills development programs for civil servants will also be provided, especially targeting women and other disadvantaged groups.

- c) Establish a professional accountancy organization to address the shortage of professional accountants in government and private practice, in collaboration with the Pan-African Federation of Accountants (PAFA) Secretariat and regional accountancy bodies. The organization will aim to promote and provide sustainable curricula and development programs and opportunities for both advanced accountancy certifications and basic trainings for public sector bookkeepers.

Subcomponent 3.2. Facilitating change and stimulating demand for PFM reform

This subcomponent will support oversight institutions, change facilitation and citizen engagement to ensure that project interventions are internalized and effectively utilized by the public sector and the citizens. Proposed activities include the following:

- a) Technical assistance to review the internal audit service bill of 2012 and develop and implement audit manuals; capacity building of internal auditors including twinning arrangements and rapid IFMIS/IT training; and logistical support to expand the coverage of internal audit to the entire country.
- b) Strengthen the oversight capacity of the National Audit Chamber (NAC) and its ability to carry out its mandate: support for completion of auditing of the backlog of government financial statements; capacity development including leaderships and management skills and specialized training; and provision of IT equipment.
- c) Stakeholder workshops between the MOFP and line ministries, state level representatives, PPDA and the private sector to discuss and identify PFM gaps; and partner with research institutes and the NGO forum to facilitate basic budget literacy workshops and mechanisms.
- d) Technical assistance to introduce basic concepts and tools for basic budget literacy and future citizen participation in the budget planning process.
- e) Strengthen community-based groups and committees that monitor public procurement expenditures and activities, resource allocations, and support budget forums with CSOs, women's groups, religious groups, and community leaders.
- f) Develop a user-friendly, inclusive web-based platform to access information and budget documents.
- g) Build partnerships with print media firms, including newspapers, to publish budget information and explore partnerships with radio and other non-written media.

Component 4: Project Management and Learning

This component will support the management, coordination, and monitoring and evaluation (M&E) of project activities and funds.

3 Overview of Labor Use on the Project

The measures established in this LMP are applicable to all project workers, whether full-time, part-time or temporary. The type of project workers to be engaged are direct and contracted workers³. As a result of the nature of the project, no primary supply workers, or community workers⁴ will be engaged.

Any government civil servants who are working in connection with the project, whether full-time or part-time, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to such workers except for the provisions for Protecting the Workforce (ESS2 paragraphs 17-20-Child labor and minimum age) and Occupational Health and Safety (ESS2 paragraphs 24-30) and the provisions in the World Bank EHSs if these persons are involved in project implementation and/or oversight.

3.1 Number, Characteristics and Timing of Project Workers

The PFM project will be implemented by the MOFP where a Project Management Unit (PMU) will be established. Table 3.1 provides an overview of the characteristics and timing of the labor requirements for the project.

Table 3.1-Characteristics of project workers

Types of Project Workers	Characteristics of Project Workers	Timing of Labor Requirements	Indicative Number of Workers
Direct Workers - PMU staff	- Government civil servants - Consultants directly engaged to the project	- Throughout project Implementation	- Program Director (1) - Project Manager (1) - Financial Management (2) - Procurement (2) - Environmental and Social (1) - M&E (1) - Communications (1) - Administrative Assistant (1) - IT Specialists (2)
Contracted Staff - Consultants to support implementation of project components e.g. technical advisors, support updates of technological platforms	- Individual consultants - Employees of consulting firms - Local and/or international personnel with required technical expertise	- On an as-needed basis throughout project implementation – contract duration will vary based on project needs	- Project Manager (1) - Administrative Assistant (1) - Budget planning (1) - Budget systems (1) - Revenue (1) - Treasury (1) - IFMIS (2)

³ Direct workers- People employed or engaged directly by the project (including the project proponent and project implementing agencies) to work specifically in relation to the project.

Contracted workers-people employed or engaged through third parties to perform work related to core functions of the project.

⁴ Primary supply workers-people employed or engaged by the Borrower's primary suppliers.

Community workers- people employed or engaged in providing community labor.

Types of Project Workers	Characteristics of Project Workers	Timing of Labor Requirements	Indicative Number of Workers
			<ul style="list-style-type: none"> - Payroll (1) - Financial Reporting (2) - Internal Audit (1) - Procurement (2) - Capacity building & change management (1)

4 Assessment of Key Potential Labor Risks

The potential labor risks of the project are expected to be low since the purpose of the project is to improve and build capacity for budget preparation and implementation. The project will not finance any works. The project will be implemented primarily by government staff from the MOFP who will be complemented by consultants directly engaged to the project as well as some contracted workers. As a result of the specialized and technical nature of the project activities, there is no risk of child labor, forced labor or labor influx. The labor risks for the project are presented in Table 4.1.

Table 4.1-Potential project labor risks by project component

Project Component	Key Identified Labor Risks	Proposed Mitigation Measures
Component 1: Strengthening Budget Preparation Processes	- General minor workplace injuries	- Implement and adhere to proper Occupational Health and Safety (OHS) measures
Component 2: Strengthening the Transparency and Predictability of Budget Implementation and Procurement for Priority Spending Areas	<ul style="list-style-type: none"> - Discrimination and harassment in the workplace, including discrimination against and harassment of women - Non-access to equal opportunities 	<ul style="list-style-type: none"> - Implement the Code of Conduct for all project workers - Training for project workers on OHS as well as the Code of Conduct - Ensure transparency in the recruitment - Each employee should be issued employment contract
Component 3: Supporting Institutions, Capacity Development and Facilitating Change for Public Financial Management Reform	<ul style="list-style-type: none"> - Lack of transparency in terms of conditions of employment - Labor disputes over contracts - Non-enforcement of workers' rights 	<ul style="list-style-type: none"> - Ensure that all workers have access to a grievance mechanism - Adhere to good international industry practice, workplace health and safety, and national guidance on COVID-19 transmission prevention protocols (Standard Operating Procedures – SOPs)
Component 4: Project Management and Learning	<ul style="list-style-type: none"> - Transmission of COVID-19 and other contagious infections - GBV or Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) risks related to labor 	<ul style="list-style-type: none"> - Apply survivors-centered approach following the guidance provided on the World Bank Technical Note on "Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing Involving Civil Works"

4.1 COVID-19 Considerations

As a result of the COVID-19 pandemic, there is the risk that project workers may contract the virus. Consequently, proper measures in accordance with national laws and regulations, and international good practices will be applied. The project will be guided by good international industry practice including:

- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017
- WHO Guidance on COVID-19, 2020

The project will also ensure that adherence is made to the World Bank's guidance note "ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/ Civil Works Projects (April 1, 2020)"⁵.

The project will ensure the following:

- A detailed COVID-19 transmission prevention plan is developed and implemented
- OHS training will include training for project workers on hygiene and other preventative measures.
- A communication strategy for regular updates on COVID-19 related issues and status of any workers that may be affected by the illness.
- Project workers will be provided with the adequate Personal Protective Equipment (PPE) (as needed) to safely carry out their duties.

5 Brief Overview of Labor Legislation in the Republic of South Sudan- Terms and Conditions

5.1 International Labor Legislation

South Sudan has been a member of the International Labour Organization (ILO) since 2012. The country has ratified 7 out of 8 fundamental conventions of ILO, including the following:

- Forced Labour Convention, 1930 (No.29) (ratified in 2012)
- Right to Organize and Collective Bargaining Convention, 1949 (No.98) (ratified in 2012)
- Equal Remuneration Convention, 1951 (No.100) (ratified in 2012)
- Abolition of Forced Labour Convention, 1957 (No. 105) (ratified in 2012)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 2012)
- Worst Forms of Child Labour Convention, 1999 (No. 182) (ratified in 2012)
- Minimum Age Convention, 1973 (No. 138) (ratified in 2012) Minimum age specified: 14 years

⁵ <https://worldbankgroup.sharepoint.com/sites/wbunits/opcs/Knowledge%20Base/ESF%20Safeguards%20Interim%20Note%20Construction%20Civil%20Works%20COVID.pdf>

5.2 Labour Act, 2017 (Law Number 64)

The Labour Act, 2017⁶ is the overarching legislation which regulates the terms and conditions of employment in the Republic of South Sudan. Specifically, it covers fundamental rights at the workplace, employment contracts, wages/salaries, general conditions of employment, strikes and lockouts, collective bargaining and dispute resolution. The Act is applicable to all employers and employees in the project area and is consistent with the provisions of ESS2.

5.3 Civil Service Act, 2011

The Civil Service Act, 2011⁷ governs ministries, commissions and public institutions responsible for employment and management of civil servants, officials and employees in the Republic of South Sudan. The Civil Service Act covers, inter alia, rights and obligations of civil servants, officials and employees, remuneration of civil servants, officials and employees, award of salary increments, leave, filling of vacancies, administrative and legal grievances and discipline.

6 Brief Overview of the Labor Legislation of the Republic of South Sudan-Occupational Health and Safety

6.1 Labour Act, 2017 (Law Number 64)

Chapter XI of the South Sudan Labour Act, 2017 covers safety, health and welfare at the workplace. It outlines the duty of both the employer and employee as it relates to safety, health and welfare at work. It mandates that the employer should stop any activity and evacuate staff if there is a serious danger to employees. Additionally, employers must notify the Labour Inspectorate and the World Bank of any occupational incidents. The reporting shall follow ESCP and ESIRT requirements. The chapter also outlines the handling of disputes regarding safety, health and welfare at the workplace.

7 Responsible Staff

The Project Manager at the PMU will be responsible for the engagement of all project workers. The Project Manager and the E&S Safeguards Specialist will also be responsible to ensure that all project staff receive any relevant OHS training. This will include training on the prevention of the transmission of COVID-19. In addition, the Project Manager will ensure that project workers receive sensitization training on the Code of Conduct and the grievance mechanism for project workers. They will also make certain that any received project worker grievances are resolved in a timely manner.

The Environmental and Social Specialist of the project is responsible for the implementation and monitoring of the occupational health and safety management systems of the project. The Environmental and Social Specialist will develop sub-policies, guidelines, procedures, instructions and training and awareness materials to support this policy, if needed

8 Policies and Procedures

Given the nature of the project, no major labor-related risks are expected. However, the Bank's provisions on Labor and Working Conditions apply given that the project will engage with direct and contracted workers. Therefore, any contracts must also be consistent with the labor provisions outlined in the World Bank's Environmental and Social Framework. Mitigation measures will be established by incorporating

⁶ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108606/134332/F-995378113/SSD108606.pdf>

⁷ <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/101610/122511/F961476093/SSD101610.pdf>

standardized clauses in the contract documents so that all workers are aware of the project's Environment and Social obligations (Annex 1). As the project implementing agency, the MOFP will ensure compliance with the clauses. These clauses will include non-tolerance of gender-based violence (GBV), sexual exploitation and abuse and sexual harassment (SEA/SH), discrimination. Project workers will be employed on the basis of equal opportunity and there will be no discrimination as it relates to compensation, working conditions and terms of employment. Workers will be given and receive training on the Code of Conduct as well as any OHS measures required under ESS2.

The project will commit to safety considerations in the conduct of all its activities.

The project will ensure that the necessary procedures and training are in place for all project employees so that all activities are conducted in a safe environment.

Employees will be responsible, subject to their roles, for the maintenance of a safe environment including the assessment of risks and actions to mitigate, minimize and manage risks to the safety of the work environment.

Employees at all levels can stop performing any activity they consider to be a danger to themselves or other workers, the public or the environment. There will be no retaliation to project workers for stop-work whistle blowing.

9 Age of Employment

Although the labor legislation in South Sudan permits the employment of children as young as 12 to perform light work, as a result of the nature of the activities of the project and the technical and specialized skills required, it is not expected that there will be any risk of child labor. However, the project will ensure that child and forced labor are avoided and the project shall not involve any children and the minimum age of employment for this project will be set at 18 years.

9.1 Age Verification

While underage workers will not be eligible for employment under the project, an age verification procedure will be implemented. The procedure shall be as follows:

- Check the birthday on official documents such as birth certificate, national ID or other credible records, where available;
- Obtain copies of academic certificates, testimony/affidavits from officials of the schools attended;
- Obtain written confirmation from family members;
- Inquire with the local community leader, community action group or with other credible community sources.

Any contracted firms will be required to comply with the minimum age requirements through contractual provisions and will face penalties for non-compliance. Additionally, contracted firms will maintain a labor registry of their project workers with their age information.

10 Terms and Conditions

Project workers will be provided with a written contract in accordance with the Labour Act, 2017 (Law Number 64), outlining the terms and conditions for executing the particular work for which they have been engaged. The terms and conditions of employment will make adequate provisions for periods of rest

per week, and any leave to which the project workers are entitled as stipulated in the Labour Act. The contracts/ statements of working conditions will include the following:

- (a) Name of the employer and place of employment;
- (b) Name of the employee, place of employment and, place of origin and any other particulars necessary for identification;
- (c) Nature of the employment and position to be held;
- (d) Duration of the employment;
- (e) Appropriate period of notice to be given by the party wishing to terminate the contract, which shall not be less than the minimum period of notice provided for in section 72 of the Labour Law, 2017 (Law Number 64);
- (f) Rates of remuneration and method of calculation, the manner and periodicity of payment of wages and advances of wages, if any and the manner of payment of any such advances; the intervals at which remuneration is to be paid;
- (g) Measures to be taken to provide for the welfare of the employee and any member of family accompanying the employee under the terms of contract;
- (h) Any special conditions of the contract

The employer shall keep a copy of the written contract throughout the employee's employment and for a period of three years after termination of the employment. The employer shall also make a copy of the written contract accessible to employees at the workplace.

If in any legal proceedings an employer fails to produce a copy of a written contract, the burden of proof to the contrary shall be on such employer.

If an employee is illiterate or cannot understand the language or provisions of the information to be provided under this section, the employer shall explain the information, or have it explained to him or her in the presence of a witness chosen by the same. Failure by the employer to explain the provisions of the employment contract shall result in the invalidity of provisions unfavorable or contested by such emp

Project workers will also be given a Code of Conduct as part of their contract (sample Code of Conduct has been included as an annex).

11 Workers' Grievance Mechanism

The objective of this procedure is to settle the grievance between an employer and employee or between employees bilaterally before the intervention of a formal court, except in cases where the grievance constitutes a criminal offense that requires notifying law enforcement. Under the provisions of ESS2, the project will provide a grievance mechanism (GM) for all direct and contracted workers to raise workplace concerns. Workers will be informed of this grievance mechanism at the time of recruitment and the measures put in place to protect them from any reprisal for its use. The project will put in place measures to make the worker grievance mechanism easily accessible to all project workers.

11.1 Government Staff

The Government staff grievance procedure follows the South Sudan Civil Service Act 2011⁸.

⁸ <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/101610/122511/F961476093/SSD101610.pdf>

- The Civil Service Code of Conduct is issued by the Ministry of Public Service, which applies to all civil servants, officials and employees who are employed by or act for and/or on behalf of relevant Ministries of the Civil Service of the Government of Southern Sudan.
- Chapter 14 on Discipline outlines circumstances under which civil servants are considered to be in breach of conduct, and subject to investigation and possible disciplinary action.
- Chapter 15 on Administrative and Legal Grievances touches on the rights of civil servants or Government officials to lodge grievances in case of any dissatisfaction with findings or penalties imposed by a summary or Board of Discipline hearing.
- The Civil Service Code of Conduct, issued by the Ministry of Public Service, is a set of guidelines that outlines the standards of behavior expected of civil servants, officials, and employees who work for or are affiliated with the government. When it comes to sexual harassment, the Civil Service Code of Conduct typically prohibits any form of harassment, discrimination, or misconduct, including sexual harassment, in the workplace. The Code of Conduct usually requires civil servants, officials, and employees to report incidents of sexual harassment promptly and to cooperate with any investigations or actions taken by the relevant government agencies or departments. It may also provide guidance on how complaints related to sexual harassment should be handled, including confidentiality, due process, and support for victims.
- The Ministry of Gender plays a role in supporting the process of managing sexual harassment issues in the civil service, depending on the jurisdiction. The agency is typically responsible for promoting gender equality, addressing issues related to gender-based discrimination and violence, and ensuring that policies and programs are in place to protect the rights and well-being of all individuals, including civil servants. In the context of sexual harassment in the civil service, the Ministry of Gender provide support through various means, such as: policy development, training and capacity building, advocacy and support for victims, coordination, and monitoring.

11.2 Non-government Staff Project Workers

The project will adopt a suitable procedure to settle the grievance between an employer and employee or between employees bilaterally. If the complainant is not satisfied with the project grievance redress mechanism, s/he may seek intervention of the legal courts of laws, especially where the grievance constitutes a criminal offense that requires notifying law enforcement. Under the provisions of WB's ESS2 Labor and Working Conditions, the project will provide a grievance redress mechanism (GRM) for all direct and contracted workers to raise workplace concerns. Workers will be informed of this grievance mechanism at the time of recruitment and the measures put in place to protect them from any reprisal for its use. The project will put in place measures to make the worker grievance mechanism easily accessible to all project workers.

11.3 Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH)

The specific nature of sexual exploitation and abuse and of sexual harassment (SEA/SH) requires tailored measures for the reporting and safe and ethical handling of such allegations. A survivor-centered approach aims to ensure that anyone who has been the target of SEA/SH is treated with dignity, and that the person's rights, privacy, needs and wishes are respected and prioritized in any and all interactions.

The GM will specify an individual, preferably a woman who will be responsible for dealing with any SEA/SH issues, should they arise. A list of SEA/SH service providers will be kept available by the project. The GM

should assist SEA/SH survivors by referring them to Services Provider(s) for support immediately after receiving a complaint directly from a survivor.

To address SEA/SH, the project will follow the guidance provided on the World Bank Technical Note “Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing Involving Civil Works⁹”. This GM will follow the official WB definitions described on the Technical Note as shown below:

Sexual Abuse (SEA) is an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions

Sexual Exploitation (SE) refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual harassment (SH)

Sexual Harassment (SH) is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) service provider

An organization offering specific services for SEA/SH survivors, such as health services, psychosocial support, shelter, legal aid, safety/security services, etc.

Survivor-centered approach

The survivor-centered approach is based on a set of principles and skills designed to guide professionals—regardless of their role—in their engagement with survivors (predominantly women and girls but also men and boys) who have experienced sexual or other forms of violence. The survivor-centered approach aims to create a supportive environment in which the survivor’s interests are respected and prioritized, and in which the survivor is treated with dignity and respect. The approach helps to promote the survivor’s recovery and ability to identify and express needs and wishes, as well as to reinforce the survivor’s capacity to make decisions about possible interventions.

SEA/SH grievances can be received through any of the available channels and will be considered level 3 grievances investigated and addressed by the Grievance Redress Committee (GRC). A list of SEA/SH service providers will be kept available by the Project. Additionally, if an incident occurs, it will be reported as appropriate, keeping the anonymity and confidentiality of the complainant and applying the survivor-centered approach¹⁰. Any cases of SEA/SH brought through the GM will be documented but remain closed/sealed to maintain the confidentiality of the survivor. The WB will be notified as soon as the Project

⁹ <https://thedocs.worldbank.org/en/doc/741681582580194727-0290022020/original/ESFGoodPracticeNoteonGBVinMajorCivilWorksv2.pdf>

¹⁰ The survivor-centered approach is based on a set of principles and skills designed to guide professionals—regardless of their role—in their engagement with survivors (predominantly women and girls but also men and boys) who have experienced sexual or other forms of violence. The survivor centered approach aims to create a supportive environment in which the survivor’s interests are respected and prioritized, and in which the survivor is treated with dignity and respect. The approach helps to promote the survivor’s recovery and ability to identify and express needs and wishes, as well as to reinforce the survivor’s capacity to make decisions about possible interventions.

Manager and the E&S specialist learn about the complaint.

If a SEA/SH related incident occurs, it will be reported through the GM, as appropriate and keeping the survivor information confidential. Specifically, the following steps will be taken once an incident occurs:

- All SEA/SH incidents MUST be reported within 24 hours to the project as they are obliged to report any cases of SEA to the WB within 24 hours following informed agreement by the survivor. The project will then refer the survivor to ensure the adequate provision of case management and referral pathways, ensuring survivor confidentiality;
- The project will sensitize all staff on SEA, raise awareness about the appropriate channels for reporting such incidents, train stakeholders (contractors, communities), assist and refer survivors to appropriate service providers, and monitor implementation of the SEA risk mitigation measures. This includes the sensitization of affected persons to the risk and impact of SEA through awareness-raising sessions and the dissemination of information as well as through Information Education and Communication (IEC) materials on SEA prevention and risk mitigation. The project is responsible to monitor that the training for contractors regarding the CoC obligations and awareness-raising activities for the community are in place;
- Stakeholder awareness on child protection concerns: Stakeholders to the project should be informed that in the event that project or partner staff abuse a child they should refer such complaints to organizations mandated on child protection issues.

11.4 World Bank Grievance Redress Service

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

11.5 Budget and Resources

The project shall make available financial and other resources for execution of the LMP during implementation of the project.

Annex 1- Sample E&S Clauses

The MOFP will ensure that all employees hired as part of the project:

- Ascribe to the principle of not harming people
- That gender-based violence, sexual exploitation, abuse and sexual harassment will not be tolerated
- That discrimination will not be tolerated in the workplace
- That 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
- Will receive training on the Code of conduct and OHS measures required under ESS2- Labor and Working Conditions
- That there is compliance with the relevant national and international legislated related to OHS at all times
- That there is compliance with the Environmental and Social Framework of the Bank, including ESS2
- That all occupational health and safety measures in the workplace are adhered to.

Annex 2- Sample Code of Conduct

Individual Code of Conduct Implementing ESHS and OHS Standards Preventing Gender Based Violence

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) is important.

The Company considers that failure to follow ESHS and OHS standards, or to partake in activities constituting GBV—be it on the work site, the work site surroundings, at workers' camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit GBV may be pursued if appropriate.

I agree that while working on the project I will:

1. Consent to Police background check.
2. Attend and actively partake in training courses related to ESHS, OHS, and GBV as requested by my employer.
3. Will wear my personal protective equipment (PPE) at all times when at the work site or engaged in project related activities.
4. Implement the OHS Management Plan.
5. Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
6. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
7. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
8. Not sexually exploit or abuse project beneficiaries and members of the surrounding communities.
9. Not engage in sexual harassment of work personnel and staff—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is prohibited. E.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.
10. Not engage in sexual favors—for instance, making promises of favorable treatment (e.g. promotion), threats of unfavorable treatment (e.g. loss of job) or payments in kind or in cash, dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
11. Not use prostitution in any form at any time.
12. Not participate in sexual contact or activity with children under the age of 18—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.

13. Unless there is the full consent¹¹ 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 (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.
14. Consider reporting through the GM or to my manager any suspected or actual GBV by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

15. Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
16. Wherever possible, ensure that another adult is present when working in the proximity of children.
17. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
18. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).
19. Refrain from physical punishment or discipline of children.
20. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
21. Comply with all relevant local legislation, including labor laws in relation to child labor and World Bank’s safeguard policies on child labor and minimum age.
22. Take appropriate caution when photographing or filming children (See Annex 2 for details).

Use of children's images for work related purposes

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

23. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
24. 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.
25. 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.
26. Ensure images are honest representations of the context and the facts.
27. Ensure file labels do not reveal identifying information about a child when sending images electronically.

¹¹ **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

Sanctions

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

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. 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. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as GBV. Any such actions will be a breach of this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 3: Matrix for Potential Risks and Mitigation Measures in the project

Potential OHS impacts	Mitigation measures
<ul style="list-style-type: none"> - Removal of utilities such as electrical cables may expose staff to injury by electric shock (electrocution) - Exposure to or faulty electrical devices, such as circuit breakers 	<ul style="list-style-type: none"> - Proper installation, repair and maintenance of electrical appliances in the office space.
<ul style="list-style-type: none"> - Work-related incidents e.g. fall from heights, wet floor or vehicle accidents 	<ul style="list-style-type: none"> - Keep all vehicles in safe mechanical conditions and managed by well trained and experienced drivers - Office Cleaners should be trained on safe working conditions - Documentation and reporting of occupational accidents, diseases, and incidents
<ul style="list-style-type: none"> - Lack of proper infrastructure facilities, such as water supply and sanitation facilities may expose staff to hygiene-related diseases or lack of potable water 	<ul style="list-style-type: none"> - Supply the office with clean water and sanitation facilities including gender separate toilets for both men and women
<ul style="list-style-type: none"> - Fires and or explosions resulting from ignition of flammable materials or gasses can lead to injury or fatalities to project workers 	<ul style="list-style-type: none"> - Storing flammables away from ignition sources and oxidizing materials. Equip the office with fire extinguishers and self-closing doors, and constructed of materials made to withstand flame impingement for a moderate period of time

<ul style="list-style-type: none"> - GBV (sexual harassment of women and girls, exploitative sexual relations, sex work, etc.) 	<ul style="list-style-type: none"> - Develop and implement a national level GBV Action Plan with an accountability and Response Framework - Training and awareness on unacceptable conduct toward female workers - Informing workers about national labour law that makes sexual harassment and gender-based violence a punishable offence which is prosecuted - Introduce a worker code of conduct as part of the employment contract including sanctions - Contractors to adopt a policy to cooperate with law enforcement agencies in investigating complaints about GBV - Ensure that women are given equal employment opportunities during recruitment and job postings.
<ul style="list-style-type: none"> - Risk of sexually transmitted infections and HIV/ AIDS. - Lack of first aid facilities and health care facilities in the immediate vicinity will aggravate the health conditions of the workers. 	<ul style="list-style-type: none"> - Provide HIV-awareness programming, including STI (sexually transmitted infections) and HIV information, education and communication for all staff on regular basis; - Train staff on health and safety, on communicable diseases; - Regular health check-up of the workers and awareness training about the communicable diseases
<ul style="list-style-type: none"> - Exploitation of workers 	<ul style="list-style-type: none"> - Ensure that all workers have contracts with terms and conditions that are consistent with national labor laws and policies as well as ESS2 - Every worker should be trained on as well as sign a Code of Conduct

<ul style="list-style-type: none"> - Child and forced labor 	<ul style="list-style-type: none"> - Ensure no children are employed on site in accordance with national labor laws and ESS2 - All workers should be able to demonstrate their age by use of national identity cards or other official documentation - Inform stakeholders that the use of child labour is not permitted on the project - All workers must have an employment contract, be paid for their work and have the right to resign if they wish
<ul style="list-style-type: none"> - Pollution of water and air by office generator 	<ul style="list-style-type: none"> - No waste oils should be discharged into drains or onto site grounds - Fuel storage tanks or sites should be properly secured to contain any spillage - Generator should regularly serviced to ensure efficiency
<ul style="list-style-type: none"> - Wastewater discharges 	<ul style="list-style-type: none"> - The office septic tank should be monitored, emptied and disposed into a government recognized treatment plant.
<ul style="list-style-type: none"> - Security concerns in Juba, South Sudan: 	<p>Provide security awareness measures to project staff and other workers for the project</p>

Annex 4: Employment, Health and Safety conditions Monitoring Form (Checklist)

Project name: Date:

Instructions; Tick (✓) if available, put a cross(X) if unavailable.

Tick (✓) if there's evidence, put a cross(X) if there's no evidence.

N0	Monthly Checklist: EHS items	Available	Unavailable	Type of evidence	Comment
1	Current Employee List				
2	Valid Working Contract				
3	Appointment letters				
4	Inductions – all staff				
5	Routine OHS talk – all staff				
5	Reporting Incidents accidents tracker/register.				
6	Grievance redress mechanism				
7	Health and Safety Committee				
8	Sanitary facilities: toilets (separate for men and women), hand washing facilities, waste collection points.				
9	Awareness on SGBV and STDs				

10	Valid First Aid Kit				
11	Valid Fire extinguishers				
13	The incident register				