



Palestinian Ministry of Health

## LABOR MANAGEMENT PROCEDURES

FOR

HEALTH SYSTEM EFFICIENCY AND RESILIENCE PROJECT

(P180263)

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**ABBREVIATIONS AND ACRONYMS**

CERC	Contingent Emergency Response Component
CoC	Code of conduct
COVID-19	Coronavirus Disease 2019
E&S	Environmental and Social
ESCP	Environmental and Social commitment Plan
ESF	Environmental and Social Framework
EHSGs	Environmental Health and Safety Guidelines
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GIIP	Good International Industry Practice
GM	Grievance mechanism
HCF	Health Care Facility
HSERP	Health System Efficiency and Resiliency Project
ILO	International Labor Organization
IPCP	Infection and Prevention Control Protocol
LMP	Labor Management Procedure
NCD	Non-Communicable Diseases
NIS	New Israeli Shekel
No.	Number
OHS	Occupational Health and Safety
OMR	Outside Medical Referrals
PA	Palestinian Authority
PEN	Package of essential noncommunicable
PHC	Primary Health Care
PLL	Palestinian Labor Law
PMOH	Palestinian Ministry of Health
PMU	Project Management Unit
PPE	Personal Protection Equipment
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
SPD	Standard Procurement Documents
WB&G	West Bank and Gaza
WHO	World Health Organization

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## 1. INTRODUCTION

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The Labor Management Procedures (LMP) has been prepared for the Health System Efficiency and Resilience project (HSERP), which will ensure compliance with Environmental and Social Standard on Labor and Working Conditions (ESS2) and Community Safety and Health (ESS4) of the World Bank's Environmental and Social Framework (ESF) and the national legislation and regulations of the Government of Palestine. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the HSERP by identifying the main labor requirements, the associated risks, and the procedures and resources necessary to address the project-related labor issues. The LMP sets out general guidance relevant to different forms of labor.

Palestinian Ministry of Health (PMOH) is committed on a continuous basis throughout the Project implementation to evaluate risks and to develop procedures to prevent further impacts. ---The focus of the LMP is on workers engaged by PMOH and contractors/Suppliers to implement the project activities. It is anticipated that minor civil works might be required for the fitting and installation of medical equipment procured under the project.

This LMP provides an overview of the key labor risks associated with the project, it provides an overview of labor use, describes key labor and occupational health and safety (OHS) legislations. Furthermore, it identifies the responsible staff under the project, terms and conditions for employment, minimum age requirements, and sets out the requirements for the Workers' Grievance Mechanism (Workers' GM).

## 2. THE PROJECT

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The HSERP includes the following four components:

### **Component 1: Scaling up cost-effective public primary health care services.**

This component will increase the availability and quality of public Primary Health Care (PHC) services. It will support scaling up of cost-effective primary health care services to improve health outcomes particularly for Non-Communicable Diseases (NCDs). The component will contribute towards building resiliency by ensuring availability of quality PHC services. Since PHC has been established to be the most inclusive, equitable, cost-effective, and efficient approach to enhance population health, this component will also improve efficiency given the scale-up of preventive care for NCDs, enabling the reduction of expenditures for costlier treatment interventions.

#### **Sub-component 1.1: Delivery of comprehensive public primary health care services.**

- Supplying standard equipment for Level 2<sup>1</sup> and 3<sup>2</sup> MOH Primary Health Care centers, including autoclaves, beds, and other patient care and laboratory equipment.
- Procurement of essential equipment for NCD interventions in low-resource settings for the primary health care system.
- Support for procurement and installation of digital mammography machines at Level 4 PHC centers in West Bank, along with training for users.
- Procurement of HbA1c analyzers for Level 3 public PHC centers in West Bank, along with training for users
- Support for communication and screening campaigns for prevalent NCDs and their risk factors.

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<sup>1</sup> Providing immunization, health education, mother and child health care services, without physicians, providing general practice and laboratory services, without full time availability of a physician.

<sup>2</sup> Providing comprehensive package of the services

**Sub-component 1.2: Strengthening information systems and quality of primary health care.**

- Strengthening of existing PHC information system by scaling up electronic patient records for integrated delivery of health services and continuity across levels of care, including referral linkages with hospitals and interoperability with other PHC service providers.
- Personal data protection will be ensured by implementing best international practices.
- Provision of hardware, networking, and telecommunications equipment.
- Technical assistance for software upgrades to strengthen the pharmacy module and develop dashboards with quality indicators.
- Technical assistance for development of interoperability applications to ensure integration between information systems in public PHC centers and hospital information system.
- Training and implementation support will be also provided

**Component 2: Improving public hospital service delivery.**

Substantial investments are needed to improve hospital capacity in West Bank and Gaza, and this component will complement the PMOH efforts in doing so. This will result in increased resiliency and efficiency for the health system. A key tenet of resiliency is the ability to access care without facing substantial access barriers, and the expansion of hospital capacity to meet the requirements of patients in examination, x-rays and cancer tests and treatment that, which are currently limited, in targeted high-need areas based on the three criteria described below will ensure a larger share of the population is able to reach required essential services at the right time and with the required level of quality. Investments will also be made based on their ability to reduce the expenditures associated with Outside Medical Referrals (OMR), which will alleviate fiscal pressures and improve the overall efficiency of the health sector. These criteria include the following:

- Geographic access: Governorates with the lowest hospital capacity in West Bank, and all governorates in Gaza will be targeted, on the basis of capacity and access constraints.
- Potential to reduce OMR costs: Conditions which constitute the largest total and unit costs of OMR, as mentioned below, will be targeted for medical equipment and capacity strengthening investments.
- Availability of operating capacity: Given the limited resources under this component, investments will be further prioritized on the basis of conditions for which there is sufficient physical and human resource capacity to absorb the medical equipment investments.

**Subcomponent 2.1: Purchasing of medical equipment to expand hospital capacity in high-need areas**

- Procurement of Immunostain devices for diagnosing and improving treatment decisions for cancer patients in West Bank.
- Procurement of neonatal incubators and delivery beds for West Bank hospitals.
- In Gaza, the procurement of two linear accelerators will be financed to support the Gaza Cancer Center.
- **Subcomponent 2.2: Strengthening management and quality of care in hospitals.** Training for health workers to ensure effective utilization of procured medical equipment and supplies, as well as ensure a focus on quality of care, this will include training of 8 staff to perform cardiac catheterization will be identified and supported during the project implementation.
- finance hardware and software to allow for the integration of health information systems at

public hospitals, with a focus on eReferrals data as well as linkages with public PHC information system and Government Health Insurance Management Information System (GHI MIS); this will include the purchase of non-medical equipment to strengthen eReferrals database & links between eReferrals and Bisan (financial billing).

### **Component 3: Project Implementation and Monitoring.**

This component will finance necessary human resources and running costs for the Project Management Unit (PMU) at the MOH including: (i) staffing, (ii) data collection, aggregation and periodic reporting on the project's implementation progress; (iii) monitoring of the project's key performance indicators; and (iv) overall project operating costs, audit costs and monitoring and compliance with the Environmental and Social commitment Plan (ESCP).

### **Component 4: Contingent Emergency Response Component (CERC).**

This component will improve the Palestinian Authority (PA) ability to respond effectively in the event of an emergency in line with World Bank procedures on disaster prevention and preparedness. Following an eligible crisis or emergency, the Recipient may request the Bank to re-allocate project funds to support emergency response and reconstruction. This component would draw from other project components to cover the emergency response. To facilitate a rapid response, in case the CERC is activated, the restructuring of the project is deferred to within three months after the CERC is activated.

## **3. OVERVIEW OF PROJECT WORKERS**

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The project activities will include different categories of workers depending on the nature and complexity of sub-projects. As per ESS2, any project workers can be classified into the following four groups: direct workers, contracted workers, community workers and primary supply workers as follows:

**Direct Workers:** Direct workers include PMU staff at PMOH with contracts financed by HSERP (i.e the procurement specialist, financial specialist, Environmental, Health and Social Officer (EHSO), the full-time administrative assistant, the environmental and social (E&S) focal point in Gaza, and the part-time Health Specialist. Direct workers will also include independent consultants who are specialized in certain disciplines (such as scaling and training supporting improvement of the information system and quality of PHC service delivery in public facilities, software upgrade to strengthen pharmacy module and develop dashboards with quality indicators, and development on interoperability applications, required to ensure integration between the information systems in public PHC centers and hospital information system. These consultants are hired under individual contracts, on part-time basis, with specific definition of the assigned tasks and responsibilities. *The number of direct workers at PMU is 6workers* (procurement specialist, financial specialist, EHSO, health specialist, E&S focal point in Gaza and an administrative assistant). *The estimated number of consultants is 20. The HSERP's LMP is applied.*

**Civil servants** PMOH and PMU staff who are working on this project (full-time or part-time) but not formally transferred to the HSERP including the project focal point at the PMOH who will be acting as PMU director and who will be responsible for planning of project activities and reporting to the Bank. Also, civil servants are the focal points who will be assigned by the hospitals/Health Care Facility (HCFs) (who are governmental employees), the recipient of the project equipment and goods to be supplied by the project, who will be managing the day-to-day Environmental and Social (E&S) requirements as

per the environmental and social instruments. The focal point will carry out their duties during the operation phase.

The civil servants will be subject to the existing terms and conditions stated in their public job contracts with their respective entities. Nevertheless, *the provisions of the ESS2 related to protection in the work force (e.g., child labor, minimum age and forced labor) and Occupational health and Safety (OHS) will apply to such employees.*

**Contracted Workers:** Contracted Workers are people employed by suppliers or PMOH to perform work related to the project, especially the installation works of equipment and trainings for the health workers on using the new equipment. *The expected number of the project's contracted workers is 25 workers. To these workers the HSERP's LMP applies.*

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

**Primary supply workers:** The project will involve primary supply workers through suppliers of medical and non-medical equipment and goods across the West Bank and Gaza such as:

- (i) the basic equipment that enables provision of the good quality and safe services in PHC, according to the standard lists of equipment for level 3 and level 2 PMOH PHC centers (such as autoclaves, beds, and other patient care and laboratory equipment.
- (ii) equipment required for provision of essential NCD interventions (WHO Package of essential noncommunicable (PEN)) for primary health care system in low-resource settings.
- (iii) digital mammography machines for provision of mammography services.
- (iv) HbA1c analyzers.

Given that the project sites are distributed over the West Bank and Gaza (WB&G), there are several separate suppliers who will be awarded contracts under the project. The following aspects of labor management procedures will be applied to primary supply workers: forced labor, child labor, and Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) and any other safety issues pertaining to their work environment. *The expected number of primary supply workers will be determined later once the sub-projects will be identified by the PMOH. However, the expected number of primary supply workers and employees is 40.*

**Characteristics of Project Workers:** For all the installation activities of the sub-projects, the percentage of semi- skilled, skilled and unskilled workers is determined based on the type of the sub-project. Project workers shall also include (not limited to) women recruited as local technical consultants for technical assistance sub-projects engaged by PMOH. The primary supply workers will be within the staff of the suppliers and recruited, as needed, after contract signature and before the installation work starts. All types of labor will come from local communities.

### Timing of Labor Requirements:

The labor timing and duration for each category of workers are as follows:

Table 1 summarizes types of labor on the project, its expected number, its employment type as well as time of employment:

Table 1: Types of Labor on the Project

No.	Workers Category	Description of Activities	Estimated Number	Type of Employment	Timing
<b>1. Direct Workers</b>					
<b>1.1</b>	PMU staff: 1. Procurement Specialist, 2. Financial Specialist, 3. EHSO in West Bank 4. E&S focal point in Gaza, 5. Administrative Assistant, 6. Health Specialist	Support PMOH in project management, supervision, monitoring, evaluation, reporting, and ensure compliance with the Environmental and Social instruments	Seven current workers at PMU, additional workers cannot be determined at this stage	<ul style="list-style-type: none"> <li>- Full time and part time</li> <li>- Local</li> <li>- Skilled workers and professionals in various disciplines</li> <li>- Mix of males and females</li> </ul>	Throughout project implementation
<b>1.2</b>	Consultants	Specialized in certain disciplines	20	<ul style="list-style-type: none"> <li>- Will be hired under individual contracts, on part-time basis, with specific definition of the assigned tasks and responsibilities</li> <li>- Local</li> <li>- Skilled workers and professionals in various disciplines</li> <li>- Mix of males and females</li> </ul>	Throughout project implementation
<b>2. Contracted Workers</b>					
<b>2.1</b>	Personnel contracted by suppliers	<ul style="list-style-type: none"> <li>- Installation of equipment</li> <li>- Trainings for the health workers on using the new equipment</li> </ul>	25	<ul style="list-style-type: none"> <li>- Skilled</li> <li>- Semi-skilled and unskilled</li> <li>- Casual temporary based on project implementation period</li> <li>- Local</li> <li>- Mixed Males and Females</li> </ul>	Throughout project implementation



No.	Workers Category	Description of Activities	Estimated Number	Type of Employment	Timing
<b>3. Primary Supply Workers</b>					
3.1	Primary Supply Workers	Engaged with suppliers providing materials and equipment.	40	<ul style="list-style-type: none"> <li>- Semi-skilled or unskilled</li> <li>- Casual or fixed term</li> <li>- National</li> <li>- Males and Females</li> </ul>	During the project implementation.
<b>4. Civil Servants</b>					
4.1	<p>Project focal point at PMOH</p> <p>The focal points to be assigned by the hospitals/HCFs, the recipient of the project equipment and goods</p>	<p>Project director</p> <p>Manage the day-to-day E&amp;S requirements during the sub-project operation as per the environmental and social instruments and reporting to EHSO in West Bank (for West Bank sub-projects) and the E&amp;S focal point in Gaza (for Gaza sub-projects) as well as to their respective hospitals/HCFs</p>	<p>1</p> <p>10</p>	<ul style="list-style-type: none"> <li>- Full time</li> <li>- National</li> <li>- Skilled workers and professionals</li> </ul>	Entire Project Cycle

## 4. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The project ESMF identifies key environmental and social risks and impacts associated with the project's implementation, workers, community health and safety, and labor conditions. Table 2 summarizes the key labor risks and workers categories of the project components/sub-components.

Table 2: key labor risks and workers categories of the project components/sub-components

Description	Related Activities	Key Labor Risks	Workers Categories
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Component 1: Scaling up cost-effective public primary health care services			
Subcomponent 1.1. Delivery of comprehensive public primary health care services.			
<ul style="list-style-type: none"> <li>- Procurement and installation of equipment such as autoclaves, beds, and other patient care and laboratory equipment.</li> <li>- Procurement and installation of digital mammography machines for provision of mammography services.</li> <li>- Procurement of HbA1c analyzers public PHC centers</li> </ul>	Purchase, stocking and installation and operation of equipment in emergency rooms, clinics, laboratories and other medical facilities	Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2  Terms and conditions of employment not adequate and not disclosed to workers during employment  During operation - OHS risks of the workers due to exposure to radiation from mammography machines and from testing and handling of supplies  OHS risks Spread of COVID-19 and communicable diseases risks of presence of child and forced labor and GBV/SH issues	Contracted workers/Primary supply workers
	Small-scale works during the installation of the new equipment		
Provision of training to users of mammography machines and HbA1c analyzers	Training of Health Workers	Terms and conditions of employment not adequate and not disclosed to workers during employment  Gender Based Violence (GBV), Sexual Exploitation and Abuse (SEA) and Sexual	Contracted workers/Primary supply workers  Direct workers: specialized consultants

		<p>Harassment (SH) risks</p> <p>For hands-on /practical training with these instruments there can be exposure to radiation</p> <p>Risks of child labor among primary supply workers</p> <p>Spread of COVID-19 and communicable diseases</p>	
Support for the development and implementation of communication and screening promotion campaigns for the most prevalent NCDs and their risks.	Promotion campaigns	<p>Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2</p> <p>Terms and conditions of employment not adequate and not disclosed to workers during employment</p>	Contracted workers/consultancy firms
<b>Subcomponent 1.2. Strengthening information systems and quality of primary health care</b>			
Provision of hardware, networking, and telecommunication equipment	<p>Small-scale works during the installation of the new equipment</p> <p>Strengthening of PHC information systems, building on the family practice module and unified electronic health records development</p>	<p>OHS risks</p> <p>Risks of child labor and GBV/SEA/SH.</p> <p>Lack of GM</p>	Contracted workers/Primary supply workers
Technical assistance for software upgrade, development on interoperability applications, and training and implementation support	<p>Consultant to provide the technical assistance</p> <p>Training of Health Workers</p>	The E&S risks of the TA will be addressed by measures prepared proportional to the scope of the activities when	Contracted workers /Software consultancy firms

		determined during implementation	
Development of a system of continuous quality monitoring using dashboards for regular updates on quality indicators, with a strong focus on NCD prevention and control	Development of a system	risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2  Terms and conditions of employment not adequate and not disclosed to workers during employment	Contracted workers / software consultancy firms
Strengthening capacities for using the quality indicators in continuous quality improvement processes and evidence-based decision-making.	Capacity building	GBV/SEA/SH risks  Terms and conditions of employment not adequate and not disclosed to workers during employment	Direct workers/ specialized consultants
<b>Component 2: Improving public hospital service delivery.</b>			
<b>Subcomponent 2.1: Purchasing of medical equipment to expand hospital capacity in high-need areas</b>			
Procurement and installation of neonatal incubators for West Bank hospitals and delivery beds for West Bank hospitals, Immunostaining device, and two linear accelerators.	Purchase and stocking and installation and operation of equipment in emergency rooms, clinics, laboratories and other medical facilities	Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2  Terms and conditions of employment not adequate and not disclosed to workers during employment	Contracted workers/Primary supply workers
	Small-scale works during the installation of the new equipment	OHS risks  Spread of COVID-19 and communicable diseases	

<b>Subcomponent 2.2: Strengthening management and quality of care in hospitals</b>			
<u>Training for health workers</u> to ensure effective utilization of procured medical equipment and supplies, as well as ensure a focus on quality of care, in alignment with current initiatives to improve patient safety; training of 8 staff to perform cardiac catheterization will be supported.	Training of Health Workers	<p>Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2</p> <p>Terms and conditions of employment not adequate and not disclosed to workers during employment</p> <p>Spread of COVID-19 and communicable diseases</p> <p>GBV, SEA/SH risks</p>	<p>Contracted workers / Primary supply workers, consultancy firms</p> <p>Direct workers-specialized consultant trainers</p>
<u>Finance hardware and software</u> to allow for the integration of health information systems at public hospitals, this will include the purchase of non-medical equipment to strengthen eReferrals database & links between eReferrals and Bisan (financial billing)	Procurement and installation of non-medical equipment	<p>Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2</p> <p>Terms and conditions of employment not adequate and not disclosed to workers during employment</p> <p>OHS risks</p>	Contracted workers/Primary supply workers, consultancy firms
Continued capacity building for the PMOH through targeted studies and interventions, with a focus on assessing needs in Gaza, and strengthening the PMOH Services	Trainings	<p>GBV, SEA/SH risks</p> <p>Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2</p>	<p>Contracted workers / consultancy firms</p> <p>Direct workers-specialized consultant trainers</p>

Purchasing Unit (SPU) to continue efforts in reducing the burden of OMR, with a focus on contracting, audits, and strengthening public-private partnerships.		Terms and conditions of employment not adequate and not disclosed to workers during employment	
<b>Component 3: Project Implementation and Monitoring</b>			
Finance necessary human resources and running costs for the Project Management Unit (PMU) at the PMOH	Administrative activities	Risks of poor /inadequate working conditions that do not meet the requirements of national laws and ESS2 OHS risks Spread of COVID-19 and communicable diseases	Direct workers
<b>Component 4: Contingent Emergency Response Component (CERC)</b>			
If CERC is triggered, the Project Operation Manual (POM) will include a positive list of eligible activities.			

**Key Labor Risks:** It is assessed that key labor risks associated with the Project activities are three folds:

- A. Risk related to contamination and infection:
  - Exposure to radioactive, hazardous and chemical materials
  - Exposure to infected people.
  - Exposure to samples contaminated.
  - Improper handling of laboratory waste.
  - Exposure to infectious materials or radiation and accidental releases of infectious or hazardous substances to the environment.
- B. Risks related to workers' rights and community health and safety including:
  - Child Labor.
  - Gender-Based Violence (GBV), Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH).
  - Lack of a functioning Workers' Grievance Mechanism (GM).
  - Irregular and untimely payment of wages, breach of workers' labor rights.
  - Lack of circulation of Code of conduct (CoC) to project workers.
  - Lack of disclosure of information
- C. Potential OHS risks related to the minor civil works associated with installation of equipment including:
  - Exposure to electrical hazards from the use of tools
  - Noise and dust

- Lifting of heavy equipment
- falling and falling objects

Together with this LMP, the Environmental and Social Management Framework (ESMF) has been prepared to include a set of mitigation, monitoring, and institutional measures to be taken during implementation of the project to eliminate adverse environmental and social risks and impacts, offset them, or reduce them to acceptable levels.

## 5. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

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Two major legislations in Palestine govern the rights of the labors and the terms and conditions of the employment; the Palestinian Labor Law no (7) of (2000) and the Council of Ministers Act 11, 2012 regarding the minimum wage. In addition to those, with respect to the direct workers directly engaged in the PMU, a new bylaw was issued in June 2021 regulating the contracting of what is defined as “Specialists or Experts” which applies to the project’s direct workers in the PMU. The bylaw No. (10) of 2021<sup>3</sup> regulates the contractual aspects, wages, holidays and other labor areas of the PMU Specialists contracts.

The Labor Law no (7) and the Council of Ministers Act 11, 2012 provide the basic conditions of employment with a view of improving the status of employees in Palestine. The Palestinian Labor Law explains the working hours, wages, leaves, the reward of work end, work contracts etc. The Council of Ministers Act 11, 2012 deals specifically with the minimum wages in the Palestinian National Authority’s locations and basic terms and conditions of employment.

Below is the overview of the key aspects of Palestinian Labor Law (No. 07 of 2000), the Council of Ministers Act 11, 2012, and the terms and conditions of work in ESS2, para 11.

### **The Individual Work Contract**

The individual work contract is an explicit or implicit written agreement, which had been concluded between an employer and a worker for a limited or unlimited period of time or for the accomplishment of a certain work, in accordance with which the worker shall undertake to perform a work for the benefit of the employer and under his/her management and supervision, and in which the employer shall undertake to pay the wage agreed upon to the worker. The maximum duration of the limited period work contract concluded with the same employer shall not exceed two successive years, including the instances of renewing such contract.

### **Minimum Wages**

Based on Article (87) of the Palestinian Labor Law (PLL) the “Council of Ministers shall establish a committee to be called the “Committee on Wages”. The “Committee on Wages” was formed by the Council of Ministers Resolution No. (46) Of 2004. The “Committee on Wages” determines the minimum wage limit which has to be issued through a decision by the Council of Ministers. The formed “Committee on Wages “has determined the minimum wages and these wages were issued by the

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<sup>3</sup> <https://maqam.najah.edu/legislation/882/>

Council of Ministers Resolution No. (11) of 2012 regarding the adoption of the minimum wage in all areas of the Palestinian National Authority. In 2021, the committee revised the minimum wage and a new minimum wage has been enacted by the Council of Minister Resolution No. (4) of 2021 (1880 New Israeli Shekel (NIS) per month).

### **Payment Regularity**

*According to Article (82) of the PLL:*

1. The wage shall be paid to the worker using the circulated legal currency, provided that the payment is conducted according to the following:
  - a. On the working days and in the workplace.
  - b. At the end of each month in relation to workers paid based on a monthly wage.
  - c. At the end of each week in relation to workers, working on unit production or hourly or daily or weekly basis.

The worker's wage payment may not be delayed for a period exceeding five days from the wage regular payment date.

### **Deductions from Payment of Wages**

*According to Article (83) of the PLL:*

1. With the exception of the following, no amounts may be deducted from the worker's wage:
  - a) In pursuance of a final judicial judgement.
  - b) For any loan due for the employer, provided that each deduction does not exceed (10%) of the related worker's basic wage.
  - c) The fines imposed upon the worker in pursuance to the provisions of this Law or the regulations issued according to it.
2. The total of deductions made under subparagraphs (b and c) in Paragraph (1) above may not exceed (15%) of the worker's basic wage.

The provisions of Article (83) of the PLL complies with the ESS2 (Paragraph 11) requirement that states "Deductions from payment of wages will only be made as allowed by national law or the labor management procedures, and project workers will be informed of the conditions under which such deductions will be made".

### **Insurance and Compensations**

*According to Articles (116) through (130) of the PLL:*

"The employer (contractor in this case) must insure all his/her workers against work injuries at licensed insurance providers in Palestine".

The insurance made by contractors for the contracted workers will pay compensation to the contracted workers for work-related damage that caused any deterioration to the employee's health and will cover the subsequent, necessary treatment and give compensations as illustrated in Articles (116) through (130). If the work injury resulted in the death or in a permanent total disability, the heirs in the first instance and the injured worker in the second one shall be entitled to a cash compensation that is equal to the wage of (3500) working days or (80%) of his/her basic wage for the remaining period until he/she reaches the age of sixty years, whichever is greater.

In accordance with bylaw No. (10) of the year 2021, Specialists or experts within the PMU are entitled to receive governmental insurance.

### **Working Hours and Weekly Holidays**



According to Articles (68) through (73) of the PLL:

“The actual working hours shall be forty five hours per one week. The daily working hours shall be reduced by at least one hour in all hazardous or health damaging occupations, in addition to nightly jobs. Such occupations shall be defined through a decision issued by the Minister, after consulting with the concerned employers’ and workers’ organizations. The daily working hours shall include one or more resting period/s, the total of such period/s shall not exceed one hour, taking into consideration that the worker shall not work for more than five consecutive hours. Friday is the weekly rest period (holiday) unless the interest of the work requires the allocation of another day, provided that such day is taken by the worker on a regular basis.

The two parties (employer and project workers) may agree to extra working hours (overtime work) provided that the total number of such hours does not exceed twelve hours a week. The worker shall be paid the wage of one and a half hour for each extra working hour he/she works.

### **Rest Breaks**

The employees will have one-hour meal break each workday. The duration of rest between working days is no less than one day on Friday, unless the interest of the work requires the allocation of another day, provided that such day is taken by the worker on a regular basis.

For contracted workers and two days for direct workers.

### **Leaves**

According to Articles (74) through (80) of the PLL:

An employee will have the right to enjoy paid leave for at least 14 working days, sick leave of 14 days, sick leave of additional 14 days with half of salary/ wage, this is also in accordance with bylaw No. (10) of 2021. Additionally, workers who have spent over 5 years or workers who are engaged in hazardous or health damaging occupations are entitled for 3 weeks paid annual leaves. Leave does not include maternity leave which is 70 days. The worker shall have the right to a paid leave on religious and official holidays, which is not considered or counted as annual leaves. Employees have the right to enjoy paid national and religious holidays.

### **Women**

According to Articles (74) through (80) of the PLL:

Palestinian Labor Law includes provision for prohibition of discrimination between men and women including equality in access to jobs as well as equal pay. Employment of women is prohibited in the following jobs or under the following conditions: dangerous or hard works, extra working hours during pregnancy and during the first six months after delivery, and during night hours except for the works defined by the Council of Ministers.

The working woman who had spent a period of one hundred and eighty days at work prior to each delivery, she shall have the right to a paid maternity leave for a period of 13 weeks (90 days), including at least six weeks after the delivery. The working woman may not be dismissed from her work because of the maternity leave unless it is proven that she worked in another work during such leave. The breastfeeding mother shall be entitled to a period or periods for breast feeding during work hours, the total of which shall not be less than one hour per day for a period of one year from the date of delivery. The breastfeeding hour, mentioned above, shall be counted as part of the daily working hours.

According to the work interest, the working woman may obtain an unpaid leave to foster her child or accompany her husband.

### Labor Disputes

According to Articles (60) through (67) of the PLL:

Palestinian Labor Law includes provision for workers exemption from legal fees arising from work-related disputes and allows unionizing. A bipartite committee will settle any disputes that may arise from the implementation of agreement. The court has jurisdiction over labor related disputes.

### Termination of Contract

*According to Article (46) of the PLL:*

1. Any of the two parties to the indefinite period work contract may terminate such contract by sending with a receipt of delivery to the other party a month prior to the termination of the work.
2. The worker who receives a notice of termination of the work contract from the employer, shall have the right to be absent from work during the second half of the notice's duration. His/her absence shall be deemed to constitute actual work at the installation.
3. It shall be considered as an arbitrary termination of the contract if it is terminated without the presence of due causes for its termination.

*According to Article (39) of the PLL:* The following instances in particular shall not be considered to be from among the real causes which justify the termination of work by the employer:

1. Affiliation with a union or participating in a union's activities after working hours, or during working hours in case the employer gives his/her consent.
2. The worker's request that he/she represents the workers or his/her current or past representation of such workers.
3. The worker's bringing a lawsuit against the employer or his/her participation in proceedings against the employer claiming his/her violation of the Law, in addition to the worker's filling a complaint before the competent administrative bodies.

### ESS2 and the Palestinian national Labor law

The key gaps between ESS2 and the Palestinian national Labor law include: <sup>4</sup>

The West Bank and Gaza, as designated occupied territories, are unable to be a member of the ILO, and as such they have not ratified any ILO Conventions. Not all labor laws are fully aligned with ESS2. Important areas for consideration relate to:

- **Forced labor:** Forced, involuntary, bonded labor etc. are not addressed by the Palestinian Labor Law No. 7 of 2000. There is no specific provision in national legislation punishing the exaction of forced labor.
- **Discrimination**
- Gender discrimination in the different aspects of the employment relationship, including in recruitment, promotion and terms and conditions of employment, is not expressly prohibited. Discrimination on a number of personal characteristics is not expressly prohibited under the Labor Code, including race, political belief, language, sexual orientation or gender identity. Sexual harassment is not expressly prohibited by law.

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<sup>4</sup> World Bank ESS2 Country Briefing- West Bank & Gaza, ERGON, August 2020.

- **Contracted and primary supply labor:**  
National law does not contain specific requirements on the use of contracted labor or on the use of primary supply labor.

An essential mitigation measure to address the above-mentioned areas regarding labor dispute issues and to provide the workers with a non-judicial procedure, the project has established a Workers' Grievance Mechanism that is described under Chapter 8 of this LMP.

Labor terms and conditions including their rights related to hours of work, wages, overtime, compensation, and benefits for all workers with fixed term or casual will be governed by the PLL and the relevant provisions of ESS2 and no child labor will be involved.

The Palestinian Labor Law applies to direct workers and contracted workers, who are employed on full-time basis. Terms and conditions of direct/contracted workers hired on part-time basis are determined in their individual employment contracts.

The following Key gaps between ESS2 and the Palestinian national Labor law include<sup>5</sup>:

- The West Bank and Gaza, as designated occupied territories, are unable to be a member of the International Labor Organization (ILO), and as such they have not ratified any ILO Conventions.
- Not all labor laws are fully aligned with ESS2. Important areas for consideration relate to:
  - Forced labor: Forced, involuntary, bonded labor etc. are not addressed by the Labor Law No. 7 of 2000. There is no specific provision in national legislation punishing the exaction of forced labor.
  - Discrimination: Gender discrimination in the different aspects of the employment relationship, including in recruitment, promotion and terms and conditions of employment, is not expressly prohibited. Discrimination to a number of personal characteristics is not expressly prohibited under the Labor Code, including race, political belief, language, sexual orientation or gender identity. Sexual harassment is not expressly prohibited by law.
  - Contracted and primary supply labor: National law does not contain specific requirements on the use of contracted labor or on the use of primary supply labor.

An essential mitigation measure to address the gaps in the Palestinian National Labor law regarding labor dispute issues and to provide the workers with a non-judicial procedure, the project has established a Workers' Grievance Mechanism that is described under chapter 11 of this LMP.

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

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The Palestinian Labor Law No. 07 of 2000, the Council of Ministers Act 11, 2012, bylaw No. (10) for the year 2021 provide provisions on occupational health and safety and applies to all workers. The OHS measures will take into account the [General Environmental Health and Safety Guidelines \(EHSGs\)](#) and, as appropriate, the industry-specific EHSGs and other Good International Industry Practice (GIIP), specifically:

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<sup>5</sup> World Bank ESS2 Country Briefing- West Bank & Gaza, ERGON, August 2020.

- EHS Guidelines - WASTE MANAGEMENT
- EHS Guidelines - HEALTH CARE FACILITIES
- EHS Guidelines - HAZARDOUS MATERIALS MANAGEMENT

EHS Guidelines - CONSTRUCTION AND DECOMMISSIONING

The following points among others set out in ESS2 will be ensured:

- All potential risks to project workers' health and safety shall be identified by all parties who employs workers and develop and implement procedures to establish and maintain a safe working environment, including workplaces, machinery, equipment and processes under their control;
- For sub-project with anticipated substantial OHS risks, the Environmental and Social Management Plan (ESMP) and the Standard Procurement Documents (SPD) will entail requesting contractors to prepare a detailed OHS plan for their correspondent contracts including risk assessment, mitigation measures, method statements, training, and system of monitoring and reporting. COVID-19 risk assessment will be included in the OHS plan with its mitigation measures.
- Appropriate protective measures will be provided to sub-project workers. These measures include provide proper OHS training for the workers, provide adequate personal protective equipment (PPE) ensuring adequate and free of charge supplies of PPE (particularly facemask, gowns, gloves, handwashing soap and sanitizer) at no cost to the Project workers;
- Contractors shall assign health and safety officer at construction sites where identified necessary; Contractor Engineer will be assigned health and safety for small and low risk sub-projects.
- Project workers will receive OHS training at the beginning of their employment, relevant to the work sector and associate to their daily works, including identification of work hazards and preventive measures, the ability to stop work without imminent danger and respond to emergency situations, and also COVID-19 immediate and ongoing orientation on the procedures to all categories of workers. Training records will be kept on file. These records will include a description of the training, the number of hours of training provided, training attendance records, and results of evaluations;
- The contractor will develop and implement reporting system for any accidents, diseases, incidents and near misses. Every incident will be reported by the contractor to the PMU at PMOH within 24 hours of its occurrence, investigated and relevant measures will be designed to avoid the incident in the future. Also remedies for adverse impacts such as occupational injuries, disabilities and diseases will be provided. The Palestinian Labor Law does not include provisions of contractor's grievance mechanism for contracted workers, which may allow workers to communicate their complaints to the employer. As per the standard procurement document; the contractor will develop and implement grievance mechanism through which workers are able communicate their complaints to the employer/contractor. The GM will include anonymous uptake channels as well as special channels for submitting and investigation GBV/SEA/SH related grievances. The grievance mechanism is further discussed in this document (see chapter 11).

## 7. RESPONSIBLE STAFF AND PROCEDURES

The following table shows the individuals responsible within the project to engage and manage project workers:

Entity	Responsible Personnel	Responsibilities
PMOH	EHSO and E&S focal point in Gaza	<ul style="list-style-type: none"> <li>• Ensure LMP implementation to direct workers;</li> <li>• Provide regular reports to the WB summarizing performance of implementing LMP.</li> <li>• Enforce implementation of OHS requirements to workers through integrating it in the Standard Procurement Documents</li> <li>• Review records relating to grievances received and their resolution (More details are explained in the next paragraph)</li> </ul>
Suppliers	Suppliers	<ul style="list-style-type: none"> <li>• Where applicable, develop the OHS plans/implement proper measures</li> <li>• Provide reports on the performance of labor and working conditions and occupation health and safety performance.</li> <li>• Communicate clear job description and employment conditions to contracted workers.</li> <li>• Maintain records of recruitment and employment process of contracted workers and ensure that workers are not hired informally.</li> </ul>
Consultant firms	Consultant firms	<ul style="list-style-type: none"> <li>• Provide reports on the performance of labor and working conditions and occupation health and safety performance.</li> <li>• Communicate clear job description and employment conditions to contracted workers.</li> <li>• Maintain records of recruitment and employment process of contracted workers and ensure that workers are not hired informally.</li> </ul>

PMOH will be responsible for the overall implementation of the overall LMP, as well as reporting back to the World Bank. The EHSO and the E&S focal point in Gaza, each will be responsible for the sub-projects in his geographical area, will be responsible of the following tasks including among others:

- Monitor that, if contracted workers are engaged in the project, obligations towards contracted and sub-contracted workers in line with ESS2 and the Palestinian Labor Law are being met.
- Monitor implementation of labor management procedures.
- Monitor training of the Project workers.
- Oversight and report on the compliance with environmental and social requirements to PMOH on a quarterly basis.

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- Maintain records of recruitment and employment process of contracted workers.
- Communicate clearly job description and employment conditions to contracted workers.
- Ensure that all project workers understand and sign the CoC prior to the initiation of the work. CoC for contracted and direct workers are provided in annex 1 and 2, respectively.
- Ensure that the grievance mechanism for the Project workers is established and monitor its implementation.

The EHSO at the PMU will be responsible for Quarterly progress reports ensuring that the following are prepared, implemented and delivered by the PMOH:

- Compile the monthly reports received from the focal points at hospitals/HCFs and address all environmental and social issues relevant to the project including:
- Application of infection prevention protocols for handling and transportation procedure and disposal of solid hazardous waste, infection prevention measures.
- Produced reports by PMOH on the training for OHS aspects related to their works.
- Ensure that PMOH promptly manages any incident according to the Operation Manual.

The project focal point at PMOH who will be acting as PMU director will be responsible for planning of project activities and reporting to the Bank.

The hospitals and HCFs, who are governmental facilities and managed by PMOH, through the focal point will be responsible for:

- Implementing, monitoring and reporting on a monthly basis to the ESHO and E&S focal point in Gaza at the PMU the environmental and social requirements as per the environmental and social instruments.
- Provide OHS training for the health service workers at the beginning of their employment at hospital/HCFs and keep training records on file.
- Manage the daily OHS measures and labor and working conditions for the health service workers at hospitals/HCFs.
- Monitor implementation of labor management procedures for the health service workers at hospitals/HCFs.
- Ensure that the grievance mechanism for the health service workers at hospitals/HCFs is established and monitor its implementation.

The contractors/suppliers will be responsible for the following:

- Implement project specific labor management procedure, OHS plans. Smaller contracts may permit the safety representative to carry out other assignments as well. The safety representative ensures the day-to-day compliance with specified safety measures and records of any incidents. Minor incidents are reported to PMU on a monthly basis, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately;
- Management in accordance with this LMP implementation of which will be supervised by the PMU on a regular basis.

- Keep records in accordance with specifications set out in this LMP. PMU may at any time require records to ensure that labor conditions are met. The PMU will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.
- Contractors will be required to present a worker grievance redress mechanism (GRM, described in detail below) which responds to the minimum requirements in this LMP. The EHSO will review records on a monthly basis. Where worker concerns are not resolved, the PMOH system will be used, but the PMOH will keep abreast of resolutions and reflect in quarterly reports to the World Bank.

## 8. POLICIES AND PROCEDURES

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This LMP is prepared in line with World Bank ESS2 and the Palestinian Labor Law (No. 7 of 2000) and the Council of Ministers Act 11, 2012. The principles and procedures presented below represent minimum requirements, but are not an exhaustive list of requirements. The employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be ensured by PMOH to provide fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, and gender.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- Employees will be informed at least two months before their expected release date of the coming termination.
- The contracted workers will not pay any hiring fees.
- The contracts will be developed in Arabic language.
- PMOH will include in contracts that all project personnel must be of the age of 18 years or more.
- Set out measures to prevent GBV and SEA in accordance to the Environmental and Social Framework (ESF). All project workers and communities in contact with project workers will be made aware of the GRM available for the workers and the project and will also be able to lodge complaints to the special pathways for grievances on GBV, SEA, SH. The PMOH will require contractors to conduct an orientation session for their workforce on the grievance mechanism prior to the start of civil works.
- Contractors for contracted workers will need to maintain labor relations with local communities through CoC. A sample CoC is presented in the Annex 1. The CoC commits all direct workers, persons engaged by the contractor, including sub-contractors and suppliers,

to acceptable standards of behavior. The CoC is also available in local language and includes sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). All persons engaged by the contractor, including sub-contractors and suppliers shall be oriented and informed about the content of CoC.

- Staff in PMU will sign Codes of Conduct. Codes of conduct need not be signed by other health service workers during crises as long as information on unacceptable behavior is sufficiently disseminated. Publicly post or otherwise disseminate messages clearly prohibiting SEA/SH during the provision of health care, whether health service workers are perpetrators or survivors.
- Ban the use or support of child, forced or compulsory labor.
- Workers should have signed contracts with clear terms as per the Palestinian Labor law.
- Provide workers with adequate periods of rest per week, annual holiday and sick leave, as required by national law.
- PMOH will include into the bidding documents for procurement of Goods specific OHS standard requirements that all contractors and sub-contractors will meet under the Project. The standards will be consistent with the EHSs and guidance notes on Infection Prevention Control Protocols (IPCP).

## COVID-19 CONSIDERATIONS

To prevent or minimize an outbreak of COVID-19 or other pandemics, PMOH should have plans or procedures in place to address the following issues:

- Confirming workers are fit for work, to include temperature testing and refusing entry to sick workers.
- Considering ways to minimize entry/exit to site or the workplace, and limiting contact between workers and the community/general public.
- Training workers on hygiene and other preventative measures.
- Treatment of workers who are or should be self-isolating and/or are displaying symptoms
- Assessing risks to continuity of supplies of medicine, water, fuel, food and PPE, taking into account international, national and local supply chains.
- Reduction, storage and disposal of medical waste.
- Adjustments to work practices, to reduce the number of workers and increase social distancing
- Developing relationships with local health care facilities and organize for the treatment of sick workers.
- Establishing a procedure to follow if a worker becomes sick (following PMOH and World Health Organization (WHO) guidelines).



### Health Service Delivery

PMOH should have plans or procedures in place to address the following issues:

- Obtaining adequate supplies of medical PPE, including gowns, aprons, curtains; medical masks and respirators; gloves (medical, and heavy duty for cleaners); eye protection (goggles or face screens); hand washing soap and sanitizer; and effective cleaning equipment.
- Training medical staff on the latest advice and recommendations on the specifics of COVID-19.
- Conducting enhanced cleaning arrangements, including thorough cleaning (using adequate disinfectant) of health care facilities, catering facilities/canteens/food/drink facilities, latrines/toilets/showers, common areas, including door handles, floors and all surfaces that are touched regularly.
- Training and providing cleaning staff with adequate PPE when cleaning consultation rooms and facilities used to treat infected patients.
- Implementing a communication strategy/plan to support regular communication, accessible updates and clear messaging to health workers, regarding the spread of COVID-19 in nearby locations, the latest facts and statistics, and applicable procedures.
- Set out procedures for Infection Control and Waste Management Plan (ICWMP) of PMOH.

## 9. AGE OF EMPLOYMENT

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In accordance with the Palestinian Labor Law No. 7 of 2000, article No. 93, a child under the age of 15 will not be employed or engaged in connection with the Project. However, according to ESS2 (paragraphs 18 and 19) a child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions:

- a) The work does not fall within paragraph 19 of ESS2<sup>6</sup>;
- b) An appropriate risk assessment is conducted prior to the work commencement
- c) The PMOH will require the verification and identification the age of all engaged workers in the project activities. The workers will be required to provide official documentation, which could include a birth certificate or IDs.
- d) If underage workers are found working on the Project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner. A regular review and checkup will be conducted by PMOH to make sure no underage workers are still working on the Project.

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<sup>6</sup> Examples of hazardous work activities prohibited for children include work: (a) with exposure to physical, psychological or sexual abuse; (b) underground, underwater, working at heights or in confined spaces; (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads; (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise or vibration damaging to health; or (e) under difficult conditions such as work for long hours, during the night or in confinement on the premises of the employer.

## 10. TERMS AND CONDITIONS

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As stated in section 5, the terms and conditions applying to PMOH's employees (direct workers) are set out in the Palestinian Labor Law No. 07 of 2000, the Council of Ministers Act 11, 2012, and Bylaw No. (10) for the year 2021, which provide for the rights of employees who will be assigned to work on the project. Terms and conditions of part-time direct workers are determined by their individual contracts.

## 11. GRIEVANCE MECHANISM

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In Palestine, the right of the public to complain in Palestine is ensured by the grievance bylaw No. 6 for the year 2009 that was approved by the Ministerial Cabinet in 22/09/ 2016. The Bylaw sets the rules for grievance of the public and the improving the performance of the Palestinian Ministries and Authorities.

The project will have two-level GM. One for labor-related grievance (Workers' GM) and the other for project GM (Community). The project GM will be accessible to all project's stakeholders, including affected people, community members, health workers, civil society, media, and other interested parties. Stakeholders can use the GM to submit complaints related to the overall management and implementation of the project.

Grievances will be handled at the project's level by the EHSO. The GM will be accessible to all project's stakeholders, including affected people, community members, health workers, civil society, media, and other interested parties. Stakeholders can use the GM to submit complaints related to the overall management and implementation of the project.

The PMU has assigned a GM telephone number, email address and website (details available on MoH's website through the LMP, Brochures, GM manuals and SEP), the EHSO will communicate GM details to project affected parties during stakeholder engagement activities and through appropriate methods. The EHSO will keep a log of the complaints at hand. Reports on grievances and complaints will be consolidated into semi-annual project progress reports prepared by the PMU for the World Bank.

The GM will include the following steps:

### Step 1: Submission of grievances:

Anyone from the affected communities or anyone believing they are affected by the Project can submit a grievance:

- By completing a written grievance registration form that will be available at the PMU in the MoH offices or online<sup>7</sup>. The complainants will be able to submit their complaints electronically, by post, fax, telephone or in person.  
Postal Address: P6009262  
Fax: 022966260

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<sup>7</sup> <https://site.moh.ps/Index/CategoryView/CategoryId/22/Language/ar>

- By submitting the complaint electronically via email at [grm@hsrsp.ps](mailto:grm@hsrsp.ps)
- By reaching out to the EHSO through telephone and mobile numbers assigned for complaints at the PMU. The following number at the PMU will be used for submitting complaints: 0562402198.
- By personal visit to the PMU offices at the World Bank Projects Management Unit, 3<sup>rd</sup> floor, MoH headquarters, Ramallah.

People from Gaza will use the same channels, the project coordinator in Gaza will be responsible for receiving any grievances and referring them to the EHSO, the coordinator will also follow up on resolving grievances on ground as instructed by the EHSO .

Where possible it is desirable that complaints are submitted in writing by the complainant. Should the complainant not wish to comply with this request and submit the complaint verbally, then the complainant information and the details of the complaint should be entered in the GM log.

Step 2: Recording of grievance and providing the initial response:

The complainant fills in the designated form in writing and signs it, or fills it electronically including all personal information and details of the complaint. The complainant encloses all copies of documents that may support the complaint.

The EHSO will ensure that the form is filled in accurately. The complainant receives a receipt or a confirmation email of acknowledgment with a reference number to track the complaint.

The following information will be registered in the Log:

- Complaint Reference Number
- Date of receipt of complaint
- Name of complainant (optional)
- Gender (optional)
- Confirmation that a complaint is acknowledged
- Brief description of Complaint
- Details of internal and external communication
- Action taken: (Including remedies / determinations / result)
- Date of finalization of complaint

The EHSO will inform the complainant that an investigation is underway within three business days. The complainant shall be informed of the estimated duration for resolving the complaint, which is no later than 2 business weeks from the date of receipt of the complaint. Where the complaint is unlikely to be resolved within the estimated duration, the staff must promptly contact the complainant to request additional time and explain the delay.

Step 3: Investigating the grievance:

The EHSO will investigate the grievance by following the steps below:

- Verify the validity of the information and documents enclosed.
- Ask the complainant to provide further information if necessary.
- Refer the complaint to the relevant department.
- The relevant department shall investigate the complaint and prepare recommendation to the PMU of actions to be taken and of any corrective measures to avoid possible reoccurrence.
- The EHSO shall register the decision and actions taken in the GM log.

Step 4: Communication of the Response:

The EHSO shall notify the complainant of the decision/solution/action immediately either in writing, or by calling or sending the complainant a text message. When providing a response to the complainant, the staff must include the following information:

- A summary of issues raised in the initial complaint;
- Reason for the decision.

Step 5: Grievance closure or taking further steps if the grievance remains open:

A complaint is closed in the following cases:

- Where the decision/solution of complaint is accepted by the complainant.
- A Complaint that is not related to the project or any of its components.
- A Complaint that is being heard by the judiciary.
- A malicious complaint.

Step 6: Appeals process:

Where the complainant is not satisfied with the outcome of his/her complaint, the EHSO shall advise the complainants that if they are not satisfied with the outcome of their complaint, they may re-address the issue to the Minister of Health. In case the complainants are not satisfied with the internal procedures for handling complaints, the outcomes of the complaints or for any unhandled complaints, the complainants have right to refer their complaint to the Cabinet's Unit for grievances.

Once all possible redress has been proposed and if the complainant is still not satisfied then they should be advised of their right to legal recourse.

## **Workers' Grievance Mechanism**

Methods for filing grievances are provided for contracted, direct project workers and primary supply workers. Community workers are not expected to be involved in the project. Contractor and supplier should provide GM tools for their workers to allow them to lodge complaints. It can use one of the following methods:

1. By email;

2. In person by filling in a Complaint Form at the firm's offices and submitting it to the assigned GM staff;
3. Complaint Box: the complainant files a complaint by filling a form and submitting it via the complaint box that shall be available, and easily accessible;
4. By telephone.

The EHSO will be responsible for receiving complaints related to direct workers (contracted or long-term employees) and for recording and tracking resolution of grievances in the complaints log.

The workers grievance mechanism for direct workers includes:

#### **Grievance Submittal Methods – Direct Workers**

Project's direct workers can submit their project related complaints directly to the ESHO. Complaints can be filed throughout the following channels:

- i. Electronically – Via the GRM email: GRM@hsrsp.ps
- ii. Mobile Phone: 0562402198
- iii. In Person: By the complaint forms available at the PMU with the EHSO, or which can be downloaded and pre-filled via The Complaints Form (Annex 5) .

-As the EHSO shall be the focal point for the management, uptake, handling, and follow up on grievances. In the case the EHSO themselves have a complaint to raise, the following channels will be utilized:

To the Project Coordinator:

Maria Alaqra'

Alaqra@yahoo.com

00972562402241

If the grievance is related to the Project Coordinator, or if the Project Coordinator in such case will not be able to handle the grievance with impartiality and without bias, the EHSO can submit their grievance to the Minister of Health through a letter to their office.

#### **Submitting Gender Based Violence (GBV) including Sexual Exploitation and Abuse (SEA)/ Sexual Harassment (SH) grievances**

The following sexual harassment and sexual abuse grievance procedures, in line with MOH regulations, and in line with the Ministry of Social Development (MoSD) referral mechanism and the National Referral System for GBV incidents will be followed:

- I- Accept the grievance/ complaint through the GM available channels.
- II- Provide the complainant with the option of anonymity as described in section 4.1.1- C, and request their consent to be contacted by the gender specialist at MoSD.
- III- Upon agreement from the survivor, refer the victim to MoSD's Women Affairs Directorate;
  - Contact Person: Ms. Hiba Jibat
  - Email Address: hjebat@mosa.gov.ps
  - Phone number: 0592934468

- IV- In the case the survivor decides to seek justice, and in cooperation with the MoSD, the Guidelines of the National Referral System for GBV incidents<sup>8</sup> will be followed.
- The system provides clear confidentiality and anonymity clauses for the service provider that require the written approval of the victim.
  - Clear description of the system and its process will be given to the victim if they decide to accept the service provider's assistance.
  - For cases involving medical care and needs of medical assistance, there is a protocol and procedure that shall be followed in line with the system, which includes a medical inspection, providing the victim with information regarding their mental and medical rights, providing guidance and protection and referral to other sectors if needed (i.e. legal and psychological).
  - The system includes investigation procedures to capture the incident's details that include a private interview, confidentiality, gender-neutral committee requirements, and considerations for the victim's wellbeing when asking questions.
  - The system provides the process for intervention in the health sector, which includes documentation, reporting to the police, respecting the victim's choice if they do not want to report, providing care and protection, providing all the needed information, physical and psychological testing and other referral mechanisms as detailed in the system.
  - Risk Level assessment forms are provided in the system.
  - The National Referral system does not provide a clear timeline as it is case dependent, therefore project related GBV grievances will apply this GM's timeline as much as possible and clarifications will be provided to the victim if additional time is needed. In liaison with MoSD, the victim will be notified of the expected timeline to resolve their grievance.
- V- Subsequently, after referral, the ESHO shall follow up with the complainant, if they have provided their consent, to ensure just and proper care is provided to them. And obtain feedback from MoSD regarding the case for filing and closure.
- VI- Document the details available and notify the Head of PMU of the resolution.

The workers grievance mechanism will be described in staff orientation meetings, which will be provided to all project workers. Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of "suggestion/complaint boxes", and other means as needed. MOH will monitor the registration and resolution of grievances, and report these in the progress reports.

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<sup>8</sup> <https://drive.google.com/file/d/1cUbZxAO3kn5dP8EWtG0M5Dxirr5WEiso/view?usp=sharing>

The Workers' GRM also includes an anonymous complaint reporting process as some complainants may choose to file a complaint anonymously, whether direct or contracted workers. Channels to accept and respond to anonymous grievances will be communicated to project workers during meetings, training, and induction sessions throughout project's implementation. Anonymous complaints should provide factual details and specific allegations of misconduct or serious wrongdoing related to any of the project activities. The ESHO shall ask the complainant about the preferable way to inform him/her of the solution.

PMOH through the EHSO will monitor the registration and resolution of grievances, and report these in an annex in the progress reports.

## 12. CONTRACTOR MANAGEMENT

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PMOH will use the Palestinian procurement procedures and the World Bank's 2017 Standard Procurement Documents for solicitations and contracts which include labor and OHS requirements. PMOH after receiving bids from the contractors ensures that the contractors are legitimate and licensed according to the Palestinian Labor Law.

The Project's environmental and social instruments; ESMF, SEP, and this LMP form and integral part of the bidding documents to be issued to contractors/suppliers, and shall also be part of the awarded contracts to these contractors/suppliers. In addition, proper training and orientation to contractors/suppliers will be made by PMOH at different stages of awarding and implementation of the Project, to ensure full understanding and compliance.

If engaged in the project, the project requires that contractors/suppliers monitor, keep records and report on terms and conditions related to labor management. The contractor/supplier must provide workers with evidence of all payments made, including entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to PMOH and the World Bank (PMOH will ensure also that these provisions are applicable to the contracted workers in health service delivery):

- **Labor conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements.
- **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth). The contracts/suppliers should include non-compliance remedy for possible violation of E&S provisions.
- **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child under age of 18 years and forced labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- **Training/ induction:** dates, number of trainees, and topics.

- **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report. If the contractors do not have their own grievance redress system, the GRM developed under this LMP will be adopted.

## 13. PRIMARY SUPPLY WORKERS

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Local companies and formal businesses will be contracted to provide the goods and supplies needed for the project. These sectors are not known to involve significant risks of child labor and forced labor. In all cases where primary suppliers will be engaged, suppliers will be required to inquire during their procurement process whether the supplier has been accused or sanctioned for any of these issues and also their corporate requirements related to child labor, forced labor, and safety.

If there are any risks related to child and forced labor, and safety identified, PMOH will prepare the procedures to address these risks. Suppliers will be vetted using a different form which screens the supplier in regard to compliance with taxes, certification, licensing, public liability certificate and workmen's compensation. A separate form requires that the primary supplier identify the company's permanent staff and day laborers if used, and declare any current or prior arbitrations as well as any criminal convictions. Suppliers will be subject to review before contracting and during implementation.



## ANNEX 1: SAMPLE CODE OF CONDUCT (COC) FOR CONTRACTOR'S PERSONNEL

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### CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

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

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

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

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be

Tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

### REQUIRED CONDUCT

Contractor's Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment including by:
  - a) ensuring that workplaces, machinery, equipment and processes under each person's
  - b) control is safe and without risk to health;
  - c) wearing required PPE;
  - d) using appropriate measures relating to chemical, physical and biological substances and
  - e) agents; and
  - f) following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect and not discriminate against specific groups such as women,
6. people with disabilities, migrant workers or children;
7. not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
8. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed operations/projects, sexual exploitation occurs when access to or benefit from Bank financed goods, Works, Consulting or Non-consulting services is used to extract sexual gain;

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

## RAISING CONCERNS

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

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

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

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

## CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that

if I have any questions about this Code of Conduct, I can contact *[enter name of Contractor's contact person(s) with relevant experience (including for sexual exploitation, abuse and harassment cases) in*

*handling those types of cases*] requesting an explanation.

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

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

Date (day/month/year/): \_\_\_\_\_

Countersignature of authorized representative of the Contractor:

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

Date (day/month/year/): \_\_\_\_\_

## ANNEX 2: CODE OF CONDUCT (COC) FOR DIRECT WORKERS IN ARABIC

## 1. المقدمة

تلتزم وزارة الصحة الفلسطينية بضمان بيئة عمل تقلل من أي آثار سلبية على البيئة المحلية والمجتمعات والعاملين فيها. كما تلتزم وزارة الصحة بخلق والحفاظ على بيئة عمل لا مكان فيها للعنف المبني على النوع الاجتماعي والاستغلال والاعتداء والتحرش الجنسي، حيث لن يتسامح معها سواء من أي موظف أو مقاول أو مورد أو شريك أو ممثل عن وزارة الصحة. هذه الوثيقة، التي سيتم تعميمها والتوقيع عليها من قبل العاملين المباشرين في المشروع، ستحكم وتضع الأساس للعلاقات والقيم الأخلاقية بين عمال المشروع، بين الإدارة والموظفين والعكس، وعلاقة عمال المشروع مع المجتمع. تحدد مدونة السلوك معايير العمل التي تهدف إلى تحقيق ظروف عمل لائقة وإنسانية. تم إعداد مدونة قواعد السلوك هذه بما يتماشى مع الإطار البيئي والاجتماعي للبنك الدولي (ESF)<sup>9</sup>، ومدونة قواعد السلوك الخاصة بالبنك الدولي<sup>10</sup>، ومدونة قواعد السلوك الخاصة بوزارة الصحة<sup>11</sup> التي تحكم الوظائف الحكومية بناءً على قرار مجلس الوزراء رقم 10 لعام 2014، القرار الوزاري رقم 6 لسنة 2020 الصادر عن وزير الصحة بإعادة توزيع مدونة السلوك على موظفي وزارة الصحة، إضافة إلى قانون العمل الفلسطيني والقوانين الوطنية وممارسات العمل الجيدة المقبولة.

## 2. التعريف

- **العاملون المباشرون في المشروع:** على النحو المحدد في الإطار البيئي والاجتماعي ESS2 (ESF) للبنك الدولي، فإن العمال المباشرين هم الأشخاص الذين تم توظيفهم أو مشاركتهم مباشرة من قبل مقدم المشروع (وزارة الصحة) للعمل على وجه التحديد فيما يتعلق بالمشروع.
- **العنف الجنسي والعنف القائم على النوع الاجتماعي:** مصطلح شامل لأي فعل ضار يُرتكب ضد إرادة الشخص ويستند إلى الفروق المنسوبة اجتماعيًا بين الذكور والإناث (أي الجنس). ويشمل الأفعال التي تلحق الأذى أو المعاناة الجسدية أو الجنسية أو العقلية، والتهديد بمثل هذه الأفعال، والإكراه، وغير ذلك من أشكال الحرمان من الحرية.<sup>12</sup>
- **الاستغلال والاعتداء الجنسيان (SEA) sexual exploitation and abuse:**<sup>13</sup> يُعرّف بأنه أي إساءة فعلية أو محاولة إساءة استغلال لموقف ضعف أو قوة تفاضلية أو ثقة لأغراض جنسية، بما في ذلك، على سبيل المثال لا الحصر، تحقيق الربح المادي أو الاجتماعي أو السياسي من الاستغلال الجنسي من جانب آخر.
- **الاعتداء الجنسي:** "التدخل الجسدي الفعلي أو المهدّد بطابع جنسي، سواء بالقوة أو في ظل ظروف غير متكافئة أو قسرية".
- **التحرش الجنسي (SH) sexual harassment:**<sup>14</sup> التحرش الجنسي غير المرغوب فيه، وطلب خدمات جنسية، وغير ذلك من السلوك اللفظي أو الجسدي ذي الطبيعة الجنسية.
- **التحرش الجنسي مقابل الاستغلال والانتهاك الجنسيين:**<sup>15</sup> يحدث الاستغلال الجنسي ضد مستفيد أو فرد من المجتمع. ويحدث التحرش الجنسي بين أفراد / موظفي مؤسسة أو شركة وينطوي على أي تقدم جنسي غير مرغوب فيه أو سلوك لفظي أو جسدي غير مرغوب فيه ذي طبيعة جنسية. يعد التمييز بين الاثنين أمرًا مهمًا بحيث يمكن أن تتضمن في سياسات الوزارة وتدريب الموظفين على تعليمات محددة حول إجراءات الإبلاغ عن كل منهما.

<sup>9</sup> <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

<sup>10</sup> <https://documents1.worldbank.org/curated/en/147281468337279671/pdf/WBG-Code-of-Ethics.pdf>

<sup>11</sup> [Palestinian Ministry of Health – Codes of Conduct](#)

<sup>12</sup> IASC 2015. Guidelines for Integrating Gender Based Violence Interventions in Humanitarian Action

<sup>13</sup> In the context of World Bank Financed operations exploitation occurs when access to or benefit from a World Bank Financed good or service is used to extract sexual gain.

<sup>14</sup> Inter-Agency Standing Committee Protection against Sexual Exploitation and Abuse (PSEA): Inter-agency cooperation in community-based complaint mechanism. Global standard Operating Procedures. May 2016

<sup>15</sup> In accordance with the United Nations Convention on the Rights of the Child.

- **الموافقة:** هي الاختيار الكامن وراء قرار الشخص الطوعي بفعل شيء ما. يجب منح الموافقة على أي نشاط جنسي بحرية ، وموافقة على الانسحاب ، وتتخذ مع أكبر قدر ممكن من المعرفة ، ومحددة للموقف. إذا تم الحصول على اتفاق باستخدام التهديدات أو الأكاذيب أو الإكراه أو استغلال اختلال توازن القوى ، فهذا ليس موافقة.

### 3. الاهداف

تم إعداد مدونة قواعد السلوك هذه لضمان الشفافية والمساءلة بين العاملين المباشرين في المشروع ، والإدارة ، والمجتمع. وتهدف إلى وضع الأساس وتحقيق فهم مشترك للمبادئ التي تتوافق مع مبادئ وزارة الصحة والبنك الدولي. يصف القواعد والسلوكيات الأخلاقية المتوقعة من موظفي المشروع ، ومن الإدارة ، ومن وزارة الصحة.

تعد مدونة قواعد السلوك هذه جزءاً من إجراءات التعامل مع المخاطر البيئية والاجتماعية المتعلقة بالأعمال المنفذة فيما يتعلق بهذا المشروع. وهي تنطبق على كل ما تُعرفه إجراءات إدارة العمل (LMP) والمعيار البيئي والاجتماعي (ESF) بشأن العمل وظروف العمل (ESS 2) على "عمال المشروع المباشرين".

الغرض من مدونة قواعد السلوك هذه هو:

1. خلق فهم مشترك لما هو متوقع من كل عامل ، والعلاقات بين العمال ، والإدارة ، والمؤسسة.
2. تحديد السلوك المطلوب والمتوقع من جميع العاملين في المشروع.
3. ايجاد بيئة العمل حيث لن يتم التسامح مع السلوك غير الآمن أو العدوانى أو المسيء أو العنيف فيها.
4. تحقيق بيئة عمل يشعر فيها جميع الأشخاص بالأمان والراحة في إثارة القضايا أو المخاوف دون خوف من التبعات.
5. خلق فهم مشترك لما يشكل الاستغلال والاعتداء والتحرش الجنسي.
6. إنشاء التزام مشترك بالسلوكيات المعيارية والإرشادات للموظفين لمنع والإبلاغ عن والاستجابة للاعتداء والاستغلال الجنسي وتكوين مفهوم مفاده أن خرق مدونة قواعد السلوك هذه سيؤدي إلى اتخاذ إجراءات تأديبية.

### 4. السلوك المطلوب

المطلوب من جميع عمال المشروع:

1. القيام بواجباته\ها بكفاءة واجتهاد.
2. الامتثال لمدونة قواعد السلوك هذه وجميع القوانين المعمول بها.
3. الالتزام باللوائح والمتطلبات الأخرى ، بما في ذلك متطلبات حماية صحة وسلامة ورفاهية العمال الآخرين والموظفين والموظفين والمجتمع وأي شخص آخر.
4. الحفاظ على بيئة عمل آمنة من خلال ؛
  - أ. التأكد من أن مكان العمل والآلات والمعدات والعمليات الخاضعة لسيطرة كل شخص آمنة ولا تشكل أي خطر على الصحة ؛
  - ب. ارتداء معدات الحماية الشخصية كما هو مطلوب ؛
  - ت. استخدام التدابير المناسبة المتعلقة بالمواد والعوامل الكيميائية والفيزيائية والبيولوجية؛
  - ث. اتباع إجراءات التشغيل الطارئة المعمول بها.

5. الإبلاغ عن مواقف العمل التي يعتقد أنها ليست آمنة أو صحية وإبعاد نفسه / نفسها عن موقف العمل الذي يعتقد بشكل معقول أنه يمثل خطراً وشيئاً وخطيراً على حياته / صحتها ؛
6. الإبلاغ عن أي موقف قد ينشأ فيه تضارب في المصالح ، والذي يتم تعريفه على أنه حالات قد تتداخل فيها المصالح الشخصية مع قدرة العامل على أداء واجباته الرسمية بطريقة محايدة ؛
7. رفض أي شكل من أشكال الدفع أو الرشوة أو الهدايا أو التسهيلات أو أي شكل آخر من أشكال المزايا التي يمكن أن توفر معاملة تفضيلية لطرف ثالث ؛

8. لا يجوز استخدام العمالة القصرية، بما في ذلك السخرة أو غير ذلك من أشكال العمالة القهرية. يجب على العمال الإبلاغ عن أي من هذه الحوادث.
9. معاملة الآخرين باحترام وعدم التمييز ضد مجموعات معينة مثل النساء أو الأشخاص ذوي الإعاقة أو العمال المهاجرين أو الأطفال ؛
10. عدم الانخراط في التحرش الجنسي ، وهو ما يعني المقدمات الجنسية غير المرغوب فيها ، وطلبات الخدمات الجنسية ، وغير ذلك من السلوك اللفظي أو الجسدي ذي الطبيعة الجنسية مع العاملين الآخرين في المشروع ؛
11. عدم الانخراط في الاستغلال الجنسي ، وهو ما يعني أي إساءة فعلية أو محاولة استغلال لموقف الضعف أو القوة أو الثقة المتفاوتة ، لأغراض جنسية ، بما في ذلك ، على سبيل المثال لا الحصر ، تحقيق الربح المادي أو الاجتماعي أو السياسي من الاستغلال الجنسي لشخص آخر ؛
12. عدم الانخراط في الاعتداء الجنسي ، وهو ما يعني التدخل الجسدي الفعلي أو التهديد ذي الطبيعة الجنسية ، سواء بالقوة أو في ظل ظروف غير متكافئة أو قسرية ؛
13. عدم الانخراط في أي شكل من أشكال النشاط الجنسي مع الأفراد الذين تقل أعمارهم عن 18 عامًا ، إلا في حالة الزواج الموجود مسبقًا ؛
14. يجب على أرباب العمل الاعتراف واحترام حق الموظفين في حرية تكوين الجمعيات والنقابات والمفاوضة الجماعية.
15. الإبلاغ عن أي انتهاكات لقواعد السلوك.
16. عدم الانتقام من أي شخص يبلغ عن انتهاكات لمدونة قواعد السلوك هذه ، سواء إلى وحدة إدارة المشروع أو الإدارة العليا أو وزارة الصحة ، أو الذين يستفيدون من آلية معالجة المظالم الخاصة بالمشروع.
17. فيما يتعلق بوباء كوفيد-19، يتعين على العاملين في المشروع الالتزام بلوائح وزارة الصحة التي قد يتم تحديثها دوريًا اعتمادًا على حالة الطوارئ. يجب الالتزام بالتباعد الاجتماعي واستخدام أقنعة الوجه وغسل اليدين وتعقيمهما بشكل مستمر. يُطلب من العمال تنفيذ الإجراءات التي وضعتها وزارة الصحة بالتعاون مع منظمة الصحة العالمية.

## 5. التبليغ

إذا لاحظ أي شخص سلوكًا يعتقد أنه قد يمثل انتهاكًا لمدونة قواعد السلوك هذه ، أو للتبليغ عن سلوك يتعلق بشخصه / شخصها ، فيجب عليه / عليها إثارة المشكلة على الفور. يمكن القيام بذلك بإحدى الطريقتين التاليتين:

- اتصل بـ [مسؤول البيئة والصحة والمجتمع] كتابيًا على هذا العنوان [grm@hsrsp.ps]
- أو عبر الهاتف على [0562402198]
- أو شخصيًا في [وزارة الصحة ، الطابق الثالث ، مكاتب إدارة مشاريع البنك الدولي ، رام الله ] ؛ أو
- من خلال الإجراءات المنص عليها في نظام الشكاوى. والموجودة معلوماته في الكتيب المرفق وعلى موقع وزارة الصحة: <http://site.moh.ps/Index/CategoryView/CategoryId/20/Language/ar>

سيتم الحفاظ على سرية هوية الشخص ، ما لم يكن الإبلاغ عن الادعاءات مكلفًا بموجب قانون الدولة. يمكن أيضًا تقديم شكاوى أو ادعاءات مجهولة المصدر وسيتم أخذها في الاعتبار. نحن نتعامل بجدية مع جميع التقارير المتعلقة بسوء السلوك المحتمل وسنحقق ونتخذ الإجراء المناسب. سنقدم توصيات لمقدمي الخدمة الذين قد يساعدون في دعم الشخص الذي تعرض للحدث المزعم ، حسب الاقتضاء.

لن يكون هناك أي تبعات أو عواقب لأي شخص يثير مخاوف بحسن نية بشأن أي سلوك محظور بموجب مدونة قواعد السلوك هذه. مثل هذا الانتقام أو أي عواقب ستكون انتهاكًا لمدونة قواعد السلوك هذه.

## 6. عواقب انتهاك مدونة السلوك

قد يؤدي أي انتهاك لقواعد السلوك هذه من قبل الموظفين والعمال إلى عواقب وخيمة ، بما في ذلك الإنهاء والإحالة المحتملة إلى السلطات القانونية.

### استمارة استلام

لقد تلقيت نسخة من مدونة قواعد السلوك مكتوبة بلغة أفهمها. أفهم أنه إذا كان لدي أي أسئلة حول مدونة قواعد السلوك هذه ، فيمكنني الاتصال بالمسؤول البيئي والاجتماعي للمشروع لأي توضيح.

اسم الموظف \ العامل: \_\_\_\_\_

التوقيع: \_\_\_\_\_

التاريخ: \_\_\_\_\_

التوقيع بالتصديق لممثل وزارة الصحة

الإسم والتوقيع: \_\_\_\_\_

التاريخ: \_\_\_\_\_

المرفق 1: السلوكيات التي تشكل الاستغلال والاعتداء الجنسيين (SEA) والسلوكيات التي تشكل تحرشًا جنسيًا (SH)

## التزام فردي موقع بشأن العنف القائم على الاختلاف الاجتماعي والجنسي

أنا، \_\_\_\_\_ الموقع ادناه، أقر بأن

الاستغلال والاعتداء الجنسيين (SEA) والتحرش الجنسي (SH) محظوران. بصفتي موظفًا في مشروع HSERP في الضفة الغربية وغزة و / أو وزارة الصحة في فلسطين ، أقر بأن أنشطة SEA و SH في موقع العمل أو محيط موقع العمل أو في مخيمات العمال أو المناطق المحيطة بها. يشكل المجتمع انتهاكًا لمدونة قواعد السلوك هذه. أفهم أن أنشطة SEA و SH هي أسباب للعقوبات أو العقوبات أو الإنهاء المحتمل للتوظيف. يمكن متابعة محاكمة أولئك الذين يرتكبون جرائم الاستغلال والانتهاك الجنسيين والسلع الخطرة إذا كان ذلك مناسبًا.

أوافق على أنه أثناء العمل في المشروع سوف أقوم بـ:

- معاملة جميع الأشخاص ، بمن فيهم الأطفال (الأشخاص الذين تقل أعمارهم عن 18 عامًا) ، باحترام بغض النظر عن الجنس أو العرق أو اللون أو اللغة أو الدين أو الرأي السياسي أو غير السياسي أو الأصل القومي أو العرقي أو الاجتماعي أو الهوية الجنسية أو التوجه الجنسي أو الملكية ، الإعاقة أو الولادة أو أي حالة أخرى.
- الالتزام بخلق بيئة تمنع الاستغلال والانتهاك الجنسيين وسوء المعاملة وتعزز قواعد السلوك هذه. على وجه الخصوص ، سأسعى إلى دعم الأنظمة التي تحافظ على هذه البيئة.
- عدم المشاركة في الاستغلال والاعتداء والتحرش الجنسي كما هو محدد في مدونة السلوك هذه وكما هو محدد في القوانين الفلسطينية.
- عدم استخدام لغة أو سلوك تجاه النساء أو الأطفال أو الرجال بشكل غير لائق أو مضايق أو مسيء أو قد يعتبر جنسيًا أو مهينًا أو غير لائق ثقافيًا.
- عدم المشاركة في اتصال أو نشاط جنسي مع أي شخص دون سن 18. لا يعتبر الاعتقاد الخاطئ بشأن عمر الطفل دفاعًا. كما أن موافقة الطفل ليست دفاعًا. لن أشارك في أعمال تهدف إلى بناء علاقة مع قاصر تؤدي إلى نشاط جنسي.
- عدم التماس / الانخراط في خدمات جنسية مقابل أي شيء كما هو موضح أعلاه.
- ما لم تكن هناك موافقة كاملة من جميع الأطراف المعنية ، مع الاعتراف بأن الطفل غير قادر على إعطاء الموافقة والطفل هو أي شخص يقل عمره عن 18 عامًا ، فلن يكون لدي أي تفاعلات جنسية مع أفراد المجتمعات المحيطة. وهذا يشمل العلاقات التي تنطوي على الامتناع أو الوعد بتقديم منفعة فعلية (نقدية أو غير نقدية) لأفراد المجتمع مقابل الجنس - يعتبر هذا النشاط الجنسي "غير رضائي" بموجب هذا القانون.

كما التزم بـ:

- الالتزام بأحكام مدونة السلوك هذه داخل وخارج موقع المشروع.
- الحضور والمشاركة بنشاط في الدورات التدريبية المتعلقة بمنع الاستغلال والاعتداء والتحرش الجنسي كما يطلب صاحب العمل.



- إذا كنت على علم أو أشتبته في وجود استغلال واعتداء وتحرش في مكان العمل أو موقع المشروع أو المجتمع المحيط ، فأنا أتفهم أنه يتم تشجيعي على الإبلاغ عن ذلك إلى آلية الإبلاغ عن المظالم (GM) أو مديري. ستكون سلامة وموافقة والعواقب المترتبة على الشخص الذي عانى من الإساءة جزءاً من الاعتبارات التي سأأخذها عند الإبلاغ. أفهم أنه يُتوقع مني الحفاظ على السرية في أي أمور متعلقة بالحادث لحماية خصوصية وأمن جميع المعنيين.

#### العقوبات:

أفهم أنه في حالة خرق مدونة قواعد السلوك الفردية هذه ، سيتخذ صاحب العمل إجراءً تأديبياً قد يشمل:

- تحذير غير رسمي أو تحذير رسمي
- تدريب إضافي
- فقدان الراتب
- وقف العمل (براتب أو بدون دفع)
- إبلاغ الشرطة أو السلطات الأخرى حسب مقتضى الحال.

أفهم أنه من مسؤوليتي الالتزام بمدونة قواعد السلوك هذه. وسأتجنب الأفعال أو السلوكيات التي يمكن أن تفسر على أنها استغلال واعتداء وتحرش جنسي. أي إجراءات من هذا القبيل ستكون خرقاً لمدونة قواعد السلوك الفردية هذه. أقر بأنني قد قرأت مدونة قواعد السلوك الفردية ، وأوافق على الامتثال للمعايير الواردة في هذا المستند ، وأتفهم أدوار ومسؤولياتي لمنع الاستغلال والاعتداء والتحرش الجنسي. أفهم أن أي إجراء يتعارض مع مدونة قواعد السلوك الفردية هذه أو الفشل في التصرف المنصوص عليه في مدونة قواعد السلوك الفردية هذه قد يؤدي إلى اتخاذ إجراء تأديبي وقد يؤثر على عملي المستمر.

اسم الموظف \ العامل: \_\_\_\_\_

التوقيع: \_\_\_\_\_

التاريخ: \_\_\_\_\_

ممثل وزارة الصحة:

الاسم: \_\_\_\_\_

التوقيع: \_\_\_\_\_

التاريخ: \_\_\_\_\_

### المرفق 1 لمدونة قواعد السلوك

السلوكيات التي تشكل الاستغلال والاعتداء الجنسيين (SEA) و السلوكيات التي تشكل تحرشاً جنسياً (SH)

تهدف القائمة غير الشاملة التالية إلى توضيح أنواع السلوكيات المحظورة

تشمل أمثلة الاستغلال والاعتداء الجنسيين ، على سبيل المثال لا الحصر:

- يخبر عامل المشروع أحد أفراد المجتمع أنه يمكنه الحصول على وظائف متعلقة بموقع العمل (مثل الطهي والتنظيف) مقابل ممارسة الجنس.
- يقول أحد العاملين في المشروع والمسؤولين عن اللقاءات أنه يمكنهم تقديم التطعيمات للنساء مقابل ممارسة الجنس.
- يقوم أحد العاملين في المشروع باغتصاب أحد أفراد المجتمع أو الاعتداء عليه جنسياً
- يمنع عامل المشروع أي شخص من الوصول إلى الموقع / الخدمات ما لم يقدم خدمة جنسية
- يخبر عامل المشروع الشخص الذي يتقدم للحصول على عمل بموجب العقد أنه لن يقوم بتوظيفه إلا إذا مارس الجنس معه.

أمثلة على التحرش الجنسي في سياق العمل

- تعليق عامل المشروع على مظهر عامل أو طاقم مشروع آخر (سواء كان إيجابياً أو سلبياً) والرغبة الجنسية.
- عندما يشكو عامل المشروع من التعليقات التي أدلى بها عامل آخر على مظهره / مظهرها ، يعلق العامل الآخر في المشروع بأنه "يطلب ذلك" بسبب طريقة لبسه\ها.
- اللمس غير المرغوب فيه للعامل / الموظفين من قبل عامل آخر في المشروع
- يخبر عامل المشروع عامل آخر في المشروع أنه سيحصل له / لها على زيادة في الراتب ، أو ترقية إذا أرسل له / لها صوراً عارية لنفسه.

## ANNEX 3: COMPLAINTS ENTRY FORM

### طلب تقديم شكوى

التاريخ:.....

رقم الشكوى:.....

القسم الأول: حول المشتكي/ة

اسم مقدم/ة الشكوى الرباعي (اختياري) :

رقم الهوية:

لا مانع من الكشف عن هويتي (نعم \ لا ) - ( لا: سيتم إحالة الشكوى للدوائر المختصة على أنها من مجهول)

اسم المؤسسة مقدمة الشكوى:

الصفة: اعتباري شخصي وكيل وصي ولي

☐

انثى

☐

ذكر

تاريخ الميلاد: / /

العمر (للأفراد فقط): .....

رقم الهاتف:

البريد الإلكتروني:

القسم الثاني: حول الشكوى

موضوع الشكوى:

.....

.....

الجهة المقدم بحققها الشكوى:

.....

.....

☐

لا

☐

هل الشكوى منظورة أمام القضاء: نعم

☐

لا

☐

هل تقدمت بشكوى في ذات الموضوع سابقا: نعم

- اسم الجهة المقدم بحققها الشكوى سابقا: ..... تاريخ التقديم: ...../...../.....

☐

لا

- هل تلقيت رداً على الشكوى السابقة: نعم، تاريخ الرد: ...../...../.....

وقائع الشكوى:

.....  
.....

#### القسم الثالث: مرفقات الشكوى (وثائق ومستندات)

- ..... -1  
..... -2  
..... -3

أقر وأصرح أنا مقدم/ة الشكوى..... بأن المعلومات والبيانات والمرفقات الواردة أعلاه هي معلومات وبيانات ومرفقات صحيحة وحقيقية والتزم واتفقت بتحمل كامل المسؤولية القانونية فيما لو تبين خلاف ذلك في أي وقت من الأوقات أو إذا تبين أن الشكوى المقدمة من قبلي كيدية.

وعليه أوقع

توقيع و/أو بصمة مقدم/ة الشكوى: ..... تاريخ تقديم الشكوى: / /

توقيع و/أو بصمة الشخص الذي استعان به مقدم الشكوى في كتابة الشكوى: .....

اسم الموظف/ة مستلم/ة الشكوى: .....

توقيع الموظف/ة مستلم/ة الشكوى: ..... تاريخ استلام الشكوى: / /

#### القسم الرابع: (خاص لاستخدام مسؤول الشكاوى)

التوصية حول الشكوى: .....

.....  
.....

☐

رفض الشكوى

☐

قبول الشكوى

مبررات رفض الشكوى: .....

.....  
.....

التاريخ:

مسؤول

الشكاوى

..... التوقيع

