



REPUBLIC OF TÜRKİYE
MINISTRY OF HEALTH

TÜRKİYE

PREPAREDNESS FOR PUBLIC HEALTH
EMERGENCIES PROJECT (P180781)

LABOR MANAGEMENT PROCEDURES

LABOR MANAGEMENT PROCEDURES TURKIYE PREPAREDNESS FOR PUBLIC
HEALTH EMERGENCIES PROJECT (P180781)

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Abbreviations and Acronyms

CC	Criminal Code
EBS	Events-Based Surveillance
ESF	Environmental and Social Framework
ESIM	Unimpeded Health Communication Center
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
FETP	Field Epidemiology Training Program
GBVH	Gender-Based Violence and Harassment
HCF	Health Care Facility
HIS	Health Information Systems
HRET	Human Rights and Equality Institution in Türkiye
GM	Grievance Mechanism
HSSSP	Health System Strengthening and Support Project
LIMS	Laboratory Information Management Systems
LL	Labor Law
LMP	Labor Management Procedures
LOHS	Law on Occupational Health and Safety
LUB	Law on Unemployment Benefits
LWPF	Law on Work Permits for Foreigners
MoH	Ministry of Health
OHS	Occupational Health and Safety
PD	Project Director
PMSU	Project Management and Support Unit
Project	Türkiye Preparedness for Public Health Emergencies Project
PPE	Personal Protective Equipment
ROEH	Regulations on Overtime and Extra Hours
RWCNW	Regulation on Working Conditions at Night for Female Workers
SABİM	MoH Communication Center
SBN	Meeting Point at Health
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SEUM	Simulation-Based Training Center
SGK	Social Security Institution
SIGHI	Social Insurance and General Health Insurance Law
TPPHEP	Türkiye Preparedness for Public Health Emergencies Project
VPC	Vaccine Production Center
WB	World Bank

1 INTRODUCTION/PROJECT DESCRIPTION

This document is a Labor Management Procedures (LMP) that identifies categories of project workers likely to be involved in the proposed project and determines how to meet the requirements of the World Bank and national legislation that are applicable to these categories for the Türkiye Preparedness for Public Health Emergencies Project (P180781) (TPPHEP or the Project) which is implemented by the Ministry of Health (MoH) and funded by the World Bank (WB).

The project aims to support the Government of Türkiye's efforts to establish an effective national cross sectoral coordination platform for pandemic prevention, preparedness, strengthening laboratory and surveillance capacity for early identification of outbreaks, and addressing gaps in primary health care system to support response to disease outbreaks.

TPPHEP comprises the following components:

Component 1: Strengthen national health system capacity in vaccine production

This component will focus on strengthening the preparedness of the health system to prevent the emergence and spread of infectious diseases by enabling access to vaccine technologies and supply through local vaccine manufacturing and production and strengthening national preparedness planning for health emergencies.

Subcomponent 1.1: Improving vaccine production capacity

This subcomponent will continue efforts initiated in 2020 for the development of the Ankara Vaccine Production Center (VPC). It was originally intended to be supported by the WB Health System Strengthening and Support Project (HSSSP), but financing was cancelled as part of the HSSSP restructuring in May 2023 to reallocate funding for earthquake emergency activities. This project will finance: (i) procurement of equipment; (ii) technical assistance to define research agenda and priorities for vaccine manufacturing technologies, align manufacturing regulations to international standards, and identify equipment installation and production planning needs for adoption of WHO's pre-qualification requirements; (iii) training and capacity building of VPC staff.

Sub-component 1.2: National preparedness planning

This will support technical assistance to review and update the national all-hazards preparedness plans that includes all levels of the health system and incorporates a One Health and whole-of-society risk communications approach across all sectors. These include: i) updating MoH 2019 pandemic preparedness plan, building on lessons learned from COVID-19 and other recent health emergencies that includes development of surge workforce strategies for all allied health professions and incorporates private sector capacity; ii) MoH national hazard risk assessment to identify priority pathogens and hazards.

Component 2: Strengthen national and subnational capacities for detection of, and response to health emergencies

This component will finance the development and expansion of core health and public health systems and institutional capacities at all levels for operational emergency readiness. This will include three sub-components:

Sub-component 2.1: Early warning and surveillance systems

This will support strengthening of the surveillance system and public health intelligence at all levels to improve collaborative surveillance for routine and emergency contexts, through technical assistance, capacity building, and provision of goods and equipment. This includes: i) mapping and gaps assessment of national and subnational surveillance systems and sources in public and private sectors; ii) subnational expansion of routine events-based surveillance (EBS) and community-based surveillance (CBS) and updating of standardised protocols; iii) training of subnational allied health workforce to identify and report on public health signals; iv) equipping health facilities and workforce with communications tools (e.g. mobile and network connectivity) for real-time reporting; v) updating of national Field Epidemiology Training Program (FETP) curricula and graduation of at least two FETP cohorts; vi) workflow and data integration of non-systematised surveillance sources (e.g. school screening programs); vii) development of research agenda and implementation priorities for surveillance innovations (e.g. genomic surveillance, wastewater surveillance, risk assessment methodologies); viii) strengthening health information systems (HIS), digital infrastructure, and institutional and workforce digital competency capacity for disease surveillance.

Sub-component 2.2: Laboratory and diagnostics systems

This will support strengthening of lab and diagnostics capabilities to detect and monitor infectious hazards, and includes: i) mapping and gaps assessment of national and subnational diagnostic capacities in public and private sectors; ii) updating subnational diagnostic preparedness and response plans for priority pathogens and updating national bio-risk management protocols to align with international biosecurity guidance; iii) capacity building of national and peripheral laboratory staff for biocontainment and biohazard management; iv) equipping laboratory facilities with necessary personal protective equipment (PPE), reagents, equipment, network connectivity, and other diagnostics and communications capacity; v) strengthening specimen referral and transport system at peripheral level including usage of digitally integrated solutions; vi) development and integration of interoperable laboratory information management systems (LIMS); vii) strengthening of stock management system.

Sub-component 2.3: Emergency response coordination and service delivery for emergency-ready health systems

This subcomponent will strengthen resilience and response capacity of the health system against health emergencies, and will finance technical assistance to: i) strengthening surge capacity of the allied health workforce, including training and equipping of multidisciplinary response teams and front-line primary health care workers against priority infectious threats; ii) multi-sectoral simulation exercises and drills; iii) supply chain capacity improvements ; iv) equipping and establishing Ankara Simulation-Based Training Center (Ankara SEUM); v) establishment of national information sharing platform and communications mechanism for emergencies.

Component 3: Project Management and Monitoring

This component will finance expenditures for overall project administration and coordination, project management, fiduciary functions, environmental and social compliance, and monitoring and evaluation (M&E).

The Türkiye Preparedness for Public Health Emergencies Project is being prepared under the World Bank's Environment and Social Framework (ESF). In accordance with the Environmental and Social Standard ESS2

on Labor and Working Conditions, Project will enhance the development benefits of projects by providing safe and healthy working conditions as required in ESS2.

2 OVERVIEW OF LABOR USE ON THE PROJECT

2.1 Characteristics of Project Workers

The project is expected to employ the following categories of project employees as defined by ESS2. The expected types of project employees are presented below.

Table 1 Characteristics of Project Workers

Workers	Short Description
Direct Workers/ Employees	Direct workers will include MoH employees in supervisory technical roles who will work directly in relation to the project.
Health Care Workers	Health care workers will be engaged in the Parent Project as direct workers, as contracted workers (contractors, subcontractors), or civil servants.
Contracted Workers	Contracted Workers will be engaged through the third parties (contractors or sub-contractors) to perform work for the Project for a specified time period.
Primary suppliers	Primary supply employees will consistently be employees of firms that directly supply the project with goods or materials necessary for the essential functions of the project.

Direct Workers: Directly employed employees will include MoH employees (civil servants and consultants) in supervisory and technical roles who will work directly related to the project.

For directly employed civil servants and contracted personnel with consultant status, the provisions on OHS requirements and obligations and the prohibition of child labor and forced labor in WB ESS2 will remain valid. These direct workers/employees will also continue to be bound by the terms and conditions of their existing employment contracts.

Ministry of Health (MoH) Project Management Support Unit (PMSU) Project staff are included in this employee category. Health Care Workers are also direct workers of MoH.

Direct workers will take part in the following stages of the Project;

- Preparation phase, which includes review of technical designs, project documents and procurement of project goods and materials,
- Coordination of management processes with component General Directorates and relevant units and the WB in the Project phases covering implementation and procurement,
- Managing monitoring and evaluation requirements of the Project.

Contracted Workers: Contract workers will be hired by the Project's sub-contractors and their subcontractor workers who provide equipment shipment, installation and minor refurbishment works.

All employees in the Project will be over 18 years of age.

Measures to increase women's employment will be defined and implemented within the scope of employment opportunities that will arise within the scope of the project. However, considering the characteristics of the labor market in Türkiye, the number of female workers is not expected to be high in equipment installation and assembly works. However, it is estimated that there will be woman employees working in other activities of the Project, such as purchasing, supply process, capacity building activities and mostly in technical offices.

Contracted workers will work in the equipment procurement process defined for Ankara Vaccine Production Center (VPC) and within the scope of the Project, and in the shipment, installation and assembly process of the equipment to be procured within the scope of the Project.

Migrant Workers: Employing unregistered immigrants is prohibited within the scope of the project and will also apply to subcontractors and suppliers. However, in case Project contractors and suppliers employ immigrants under temporary protection during the recruitment processes, they will provide equal opportunities to citizens of the Republic of Türkiye and immigrants under temporary protection.

The project is expected to be carried out by a combination of local workers in the Project application areas and employees who can come to the application area from other regions of Türkiye.

In addition, it is anticipated that subcontractors will mainly benefit from local labor in Project equipment shipment, installation and assembly, and may be migrant workers in low-rate and short-term jobs (shipment and installation).

Primary Supply Workers :Primary suppliers will be subjected to ESS2 requirements that will be specified and guided in the contractual agreements between MoH and suppliers. Requirements for primary suppliers are given in Section 12.

2.2 Number of Project Workers

Direct Employees

Project Management Support Unit (PMSU) staff consists of 32 personnel (15 civil servants and 17 individual consultants) and include a full-time Project Director (PD), deputy PD(s), procurement expert, financial management expert, monitoring and evaluation expert, 1 social and 1 environmental expert and technical experts.

Besides the PD and DPDs, who are Civil Servants, all other members of the PMSU will be engaged under contracts as direct workers.

Contracted Workers

The total number of contracted project workers to be employed on the Project has not yet been clearly determined. However, the estimated number of workforces will be determined by the MoH and the EPC Contractor for both phases of the Project activities.

Primary Suppliers

The number of Primary Supply Employees who will be employed by primary suppliers is unknown at this stage. It will be known when the project implementation begins.

2.3 Timing of Labor Requirements

Direct employees and contract employees will be hired on a need basis. Therefore, they can be employed full-time or part-time during different phases of the Project and depending on the needs and contractual arrangements of the Project activities.

3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Within the scope of the project sub-components, the following labor activities will be included.

- Purchase of equipment
- Equipment installation and assembly
- Minor refurbishment works
- Project management tasks of PMSU
- Technical work to be carried out by consultants
- Training of personnel, technical support and capacity building activities.

Key Labor Risks which may be associated with these project activities are identified as follows;

- Moving objects,
- Slips and trips
- Material handling,
- Unwanted crash,
- Traffic-related risks due to increased traffic,
- Risk of injury and illness,
- Electrocutions and arc fault burns
- Electrical works
- Rights of migrants or seasonal workers
- Risks of labor influx or gender-based violence.
- Possible accidents or emergencies, with reference to the sector or locality.
- General understanding and implementation of occupational health and safety requirements.
- Lifting of heavy structures
- Lack of workers' awareness on occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices

Long and overtime hours that may occur during the work and employment of subcontractors may pose a potential workforce risk. Necessary contractual, training and implementation measures will be implemented within the scope of the Project against the risks of long working hours and lack of sufficient rest leave, and employees' lack of awareness about occupational health and safety requirements such as the use of PPE and safety.

Workers' Contracts will be checked to ensure that all contractors on the project provide at least one rest day per week (24 hours of rest after six consecutive working days).

Workers contracts and subcontractor contracts, will be checked to ensure compliance with the legal ceiling of 270 hours of annual overtime in the subcontractors' employment contracts.

The project is assessed as low risk for gender-based violence – sexual exploitation and abuse (GBVH)/sexual harassment (SH). Within the scope of the project aimed at women's working conditions and preventing gender-based discrimination, project requirements and standards training will be provided for employees in all working styles. The preparation and implementation of the Code of Conduct (Annex 2) will be monitored as part of the developed procedures and employee/contractor agreements.

The Grievance Mechanism (GM) will continue to be regulated and implemented to include GBVH and SH issues.

However, if other labor risks arise during the project implementation, the MoH will develop procedures to prevent further impacts. The contracts with third parties (e.g. contracted and sub-contracted firms) will include requirements for management of labor risks.

4 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

In the Republic of Türkiye, the Labor Law, No. 4857 is the main law that governs relations between employees and employers, as well as other legal relations deriving from such relations. The Law regulates all forms of employment, rights, obligations, responsibilities and relations between employees and employers, and union operations, unless otherwise provided by special laws. However, the Law does not cover the following categories of employment: (1) sea and air transportation work; (2) agricultural and forestry workplaces or enterprises with 50 or fewer employees; (3) any kind of construction work related to agriculture within the boundaries of the family economy; (4) handicrafts done at home between family members and relatives up to and including the 3rd degree without the participation of nonfamily members; (5) home services; (6) apprentices; (7) athletes; (8) rehabilitated persons; and (9) workplaces where three people work in accordance with the definition of Article 2 of the Law on Tradesmen and Craftsmen. In Türkiye, special protection is guaranteed to employees under the age of 18 years, workers with disabilities, pregnant women, women, and single parents. governs relations between employees and employers, as well as other legal relations deriving from such relations.

Finally, if employment is transitory (lasts only up to 30 days), provisions of the Law of Obligations shall apply on certain matters as defined by the LL.

A. Working Conditions and Management of Worker Relationships

Provision of Information and Forms of Employment Contracts

In Türkiye, employment contracts shall be made for a definite (fixed term) or indefinite (open-ended) period (Labor Law [LL] Art. 12). Furthermore, the LL defines and specifically regulates continuous and transitory work (lasting up to 30 days), full-time and part-time, seasonal, temporary, team employment contracts, with or without trial periods (probation period shall not exceed two months), on-call, and provisional employment contracts (LL Arts. 9, 10, 14,15, and 16).

Employment contracts are not subject to any specific form. However, employment contracts with a fixed duration of one year or more must be in writing (LL Art. 8). The parties are free to draw up employment contracts in a manner that fits their needs. However, no contracts or collective agreements shall abrogate employees' rights to: (1) weekly rest day; (2) national and public holidays; (3) paid annual leave; and (4) the rights of employees working under a percentage system (a percentage wage system is used in hotels, restaurants, and the like - See Art. 51), (LL Art. 45) Furthermore, team (group) employment contracts must be in writing irrespective of the duration of employment. Team employment contracts must specify the identity and wage of each individual employee. Any changes to employment contracts have to be presented to employees in writing and have to receive the employees' written consent within six days of presentment. (LL Art. 22)

For any employment exceeding one month, a written document specifying the general and specific conditions of work, working hours, wage and allowances, pay intervals, duration in case of fixed-term contracts, and termination conditions, has to be issued within two months from the beginning of employment. If the employment contract has expired before the lapse of two months, this information must be communicated to the employee in writing on the day of expiration. (LL Art. 8). If employment is transitory, provisions of the Law of Obligations shall apply on certain matters as defined by the LL.

The Law on Work Permits for Foreigners (LWPF) stipulates that, in addition to the general requirements, all foreigners must be in possession of a work permit in order to enter into an employment contract (LWPF Art. 4). Employers must notify the Ministry of Labor and Social Security of any foreigners they employ within 15 days from the day they start working (LWPA Art. 18). If not, both employers and foreign employees may be fined (LWPA Art. 21).

Part-Time Work

Employment contracts are deemed part-time contracts if the working time is considerably shorter than regular weekly working hours (LL Art. 13). Part-time employees have the same contractual and other rights and obligations (proportionate to the hours of work defined in their employment contracts) as full-time employees. Employees working part-time should be immediately considered for any open full-time positions (LL Art 13).

Seasonal Work

Employers may conclude written temporary or occasional work contracts with seasonal workers. However, the LL provisions regarding annual leave and collective dismissal are not applicable to seasonal workers due to the nature of the job (LL Arts. 29 and 53).

Wages and Deductions

Article 32 of the Labor Law defines “wage” in general terms, as the amount of money to be paid in cash by an employer or by a third party to a person in return for work performed by him. Without discrimination, each employee has a right to demand remuneration for the work they conduct. The salary of an employee cannot be lower than the minimum wage amount which is determined by the state and redefined two times every year. There is a national minimum wage that applies to all employees in Türkiye. Under Article 39 of the Labor Law (4857), the minimum wage is determined and revised by the related commission of the Ministry of Family and Social Services at least once every two years.

Pursuant to Article 34 of Law No: 4857 (Labor Law) Any worker whose wage is not paid within twenty days as of the date of wage payment except for a force major may abstain from fulfilling his/her working liability. Even if the non-fulfilment of working liabilities for this reason based on personal decisions of workers gains a collective character numerically, this shall not be considered as a strike. The highest interest rate applied for deposits shall be applied for wages not paid on due date.

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

Pursuant to Article 38 of Law No: 4857 (Labor Law) The employer shall not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or labor contract.

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

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

Minimum Wage

The minimum wage is set and reviewed by the Ministry of Labor and Social Security at least once in two years. The minimum wage for jobs involving coal and lignite mining must be at least twice the regular minimum wage set by the Ministry (LL Art. 39).

Compensation and Benefits

Article 60 of the Constitution recognizes everyone's right to social security. The social security scheme in Türkiye is composed of two main branches: long-term insurance includes old age insurance, disability insurance, and death/survivorship insurance, while short-term insurance includes work accident insurance, occupational disease insurance, health insurance, and maternity insurance. Unemployment insurance is within the jurisdiction of the Turkish Employment Agency (İŞKUR), which is responsible for paying unemployment benefits.

The employer must inform the Social Security Institution about each employee. Under social security law, each employee becomes insured from the first day of work. (Social Insurance and General Health Insurance Law ("SİGHİ") Art. 8) Social security premiums are paid by both employers and employees. The premium rates are as follows: (1) short-term insurance: 2% (paid only by the employer); (2) long-term risks: 20% (11% paid by the employer, 9% paid by the employee); (3) universal health insurance: 12.5% (7.5% paid by the employer, 5% paid by the employee). The other universal health insurance contribution rate is 12% for voluntarily insured persons and for persons covered only by universal health insurance but not by social insurance; and (4) unemployment insurance: 3% (2% paid by the employer, 1% paid by the employee). (SİGHİ Art. 81).¹

Agricultural workers, the self-employed, and people receiving benefits from other organizations in the system are not eligible for the Social Security Institution ("SGK" in Turkish) social security benefits.

Türkiye also provides maternity leave benefits. During that time, mothers should also receive lump-sum pregnancy, childbirth, and nursing benefits. The temporary incapacity for work allowance is paid to insured persons for each day of incapacity in case of an accident at work or occupational disease verified by a medical report. The amount of the allowance is 2/3 of the average daily wage in case of out-patient care and 1/2 of the average daily wage in case of in-patient care. The permanent incapacity for work benefit is paid to insured persons, if the SGK's Medical Board finds that the insured person suffered a loss of at least 10% of their earning capacity in their profession due to a work accident or an occupational disease based on the medical reports produced by the competent healthcare providers. The amount of the benefit for permanent incapacity for work is calculated based on the degree of loss of earning capacity for the same profession. In the event of full incapacity for work (100% loss of earning capacity), the permanent incapacity for work benefit equals 70% of the insured person's monthly earnings. When the beneficiary is fully incapacitated and in need of permanent care by another person, the benefit equals 100% of their monthly earnings. (Id.) In the event of partial incapacity for work (between 10% and 99% loss of earning capacity), the full amount of the permanent incapacity for work benefit is calculated and divided by the percentage of the loss of earning capacity.(Id.) In addition to the monthly permanent

¹ http://www.sgk.gov.tr/wps/wcm/connect/758ad33e-87c3-44b1-bcb7-8f9b45988cfe/SGK_english_book.pdf?MOD=AJPERES

incapacity benefit, the beneficiary is entitled to the “Bayram Bonus” for religious festivals that take place twice a year - Eid al-Fitr and Eid al-Adha. The amount of the bonus is fixed at 1000 Turkish liras in case of full incapacity. In the event of partial incapacity, the bonus is calculated according to the degree of incapacity of the person and is paid before each Bayram (Id.)

The survivors of an insured person, who has died due to an accident at work or an occupational disease, are entitled to a survivor’s benefit. The amount of the benefit is 70% of the monthly earning of the deceased person. (Id.) In case the death did not occur immediately following the incident but later while the person was receiving the permanent incapacity for work benefit, the amount of the survivor’s benefit differs depending on the degree of loss of earning capacity of the deceased person. (Id.)

Unmarried, divorced or widowed daughters of deceased persons, whose death was caused by an accident at work or an occupational disease or while receiving a permanent incapacity benefit, are entitled to a marriage grant in case they enter into marriage while receiving the survivor’s benefit. (Id.)

Funeral grants are paid to survivors of deceased persons, who died due to an accident at work or an occupational disease or while receiving the permanent incapacity for work benefit, to cover the funeral expenses. (Id.)

Working Hours

According to the Turkish Labor Law; the working period shall be maximum 45 (forty-five) hours a week in general aspect. Unless otherwise agreed, such period shall be applied by equally assigning it to working days of the week.

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

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

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

Overtime

Employees may not work more than 270 hours overtime per annum and their consent is required for overtime work. (LL Art 41.) However, employers are allowed to require of their employees to work overtime under specific conditions such as an emergency or a force majeure, in public interest, when the work’s nature requires overtime work, and to increase output. (LL Art. 41) In such situations, employees are entitled to adequate time for rest. (LL Art. 42). The Council of Ministers may extend the working hours of workers working in fields of national interest up to the maximum working hours, but only as long as necessary to protect the national interest. (LL Art. 44)

When the time worked is considerably below the regular working hours or when operations have been stopped due to a force majeure or on the days before or after national and public holidays or where the employees are granted time off on their request, employers may require of them to put in compensatory

work within two months, in order to make up for the time lost. Such work shall not be considered overtime work or work at extra hours. (LL Art. 64)

Overtime hours are paid one and a half (1.5) times the normal hourly rate, or 1.25 times for part-time employees. Employees may choose 1.5 times the amount of overtime worked as time off in lieu. (LL Art. 41) This time must be used within six months from the time when the overtime work was performed. (Id.)

Overtime work is prohibited for workers with fixed-time contracts, for work at night, and for work carried underground or underwater except in case of a force majeure. If the employees perform overtime work due to this reason, the employers are under the obligation to pay them at least double the hourly rate for such overtime. (Regulations on Overtime and Extra Hours (“ROEH”) Arts. 7 and 8) Furthermore, employees under 18, and pregnant and breastfeeding employees are not required to work overtime. (Id.)

Rest Period

Employees working over seven and half hours a day are entitled to at least a 60-minute break, employees working less than four hours a day are entitled to 15-minute breaks, while employees working between four and seven and half hours a day are entitled to 30-minute breaks during working hours. (LL Art. 68) Breaks may be taken in the middle of work and may be split into several breaks due to the climate or the nature of the work. Breaks during working hours are not reckoned as working time. (Id.)

Breastfeeding employees are entitled to up to 90-minute daily breaks for breastfeeding purposes (until their children turn one). (LL Art. 74) These breaks are reckoned as part of the working day and are remunerated as such. (Id.)

Employees employed in establishments are entitled to a paid weekly uninterrupted 24-hour rest period, provided they have worked on the days preceding the weekly rest day (LL Art. 46)

Nightwork and Shift Work

In Türkiye, night-time work entails work performed between 8 pm (20:00) and 6 am (06:00). Night-time work may not exceed seven and half hours. However, employees employed in tourism, private security, and health services may work longer with their prior consent. (LL Art. 69)

Employees working in shifts may work nights continuously for one week. (LL Art. 69) The alternation between night and day shifts may be carried out on a fortnightly basis. (Id.)

Minors (under the age of eighteen) may not work nightshifts if employed in industrial work. (LL Art. 73)

The principles and methods for employing women (18 years and older) to work nightshifts shall be indicated in a regulation prepared by the Ministry of Labor and Social Security upon receipt of the Health Ministry’s opinion. (LL Art. 73)

Annual Leave

Employees, who have worked for at least one year, have the right to paid annual leave. (LL Art. 53) In general, employees are entitled to a paid annual leave of at least 14 working days, which is extended based on years of employment: 20 days for employees who have worked more than five and less than 15 years, and 26 days for employees who have worked over 15 years. (LL Art. 53) However, the duration of annual leave may be increased by employment contracts and collective agreements. (LL Art. 53) Employees are also provided to the right to take up to 4 days leave without pay, on the condition that the employee provides documentary evidence that s/he is spending his/her annual leave at a place other than where the workplace is located. National holidays coinciding with annual leave entitlements may not be

reckoned as part of the latter. (LL Art. 56) Employers must keep records of paid annual leaves. (LL Art. 56) Employees under 18 and above 50 are entitled to annual leave of no less than twenty days. (Id.)

Annual leave shall be used without interruptions, unless employees and employers agree otherwise. Annual leave may be taken in maximum three parts, provided that one part is at least 10 days long. (LL Art. 56) Unused annual leave must be paid to employees upon the termination of their employment contracts. (LL Art. 59)

If employees are found to have accepted gainful employment during their annual leave, they may be asked by their employers to reimburse annual leave remuneration. (LL Art. 58)

Paid leaves for civil servants have been defined in the Law (No:657)

Paid Leave

Employees are entitled to three-day paid leave per year in special circumstances, such as entry into marriage, death of a close relative, or adoption of a child. (LL Additional Art. 2) Furthermore, employed parents, whose children suffer from a minimum 70% disability, or a chronic disease verified by a medical report, shall be allowed to take up to 10 days of leave a year to attend the child's treatment. (LL Additional Art. 2) Employees whose spouses have given birth are entitled to five days' paid leave. (LL Additional Art. 2)

All employees are entitled to at least two hours off every day during the notice period to look for a new job. Job seeking hours may be merged and used at one time. (LL Art. 27)

Unpaid Leave

Female employees may request unpaid leave of up to six months after the expiry of sixteen weeks of maternity leave, or in case of a multiple pregnancy, after the expiry of eighteen weeks of maternity leave. (LL Art. 74) Furthermore, as mentioned, employees are also provided to the right to take up to 4 days leave without pay, on the condition that the employee provides documentary evidence that s/he is spending his/her annual leave at a place other than where the workplace is located.

Maternity/Family Leave

Female workers are entitled to 16 weeks of paid maternity leave and are allowed to request additional six months of unpaid nursing leave. (LL Art. 74) Unpaid maternity leave is not reckoned as service. Female workers may start their maternity leave eight weeks before their due date or ten weeks in case of a multiple pregnancy. (Id.) Pregnant employees may continue to work until three weeks before delivery at their own request and with the consent of a competent doctor. In such cases, the unused period of maternity leave is added to the post confinement period. (Id.)

Employees whose spouses have given birth are entitled to five days' paid leave. (LL Additional Art. 2)

Sick Leave

Employees are also entitled to take sick leave provided they submit a medical report proving their illness. Sickness insurance is a type of short-term insurance entitling employed persons to a temporary incapacity for work allowance. There is a two-day waiting period, wherefore the sickness benefit is reckoned as of the third day of sick leave provided the sickness is verified by a medical certificate/doctor's note.

The employment contract may be terminated without notice if sick leave exceeds six weeks beyond the notice periods set in the Labor Law. (LL Art. 17)

Sick leave allowance is paid by the Social Security Institution and reckoned from the first day of absence if the employee has suffered a work-related injury or an occupational disease and from the third day of absence in case of other injuries or illnesses. (LL Art. 46 and 48)

Written Notice and Payments on Termination

The employment relationship may end if the employment contract has expired or been terminated. Employers may terminate employment: (i) for a valid reason or (ii) for a just cause. (LL Arts. 18-19)

Employees who have worked for at least six months in a workplace with at least 30 workers, may benefit from certain safeguards under the LL. Namely, they are protected from arbitrary termination of their contracts.

In specific cases, employers may terminate the employment relationship on the basis of a just cause, such as health, immoral, dishonorable, malicious or similar conduct, and a force majeure. In such cases, employers are not obliged to comply with the legal notice periods and may terminate the contracts immediately. (LL Arts. 24-26) However, employers must rehire employees within one month if a court or arbitrator concludes that the termination was unjustified because no valid reasons have been established. (LL Art. 29)

Prior to termination, employers must issue a written notice to their employees informing them of the reasons for termination (LL Art. 19). The employment of employees engaged under open-ended term contracts shall not be terminated for reasons related to the workers' conduct or performance before they are provided with an opportunity to rebut the allegations. (Id.)

Employers are entitled to terminate employment contracts without notice for valid reasons such as health, gross misconduct, a force majeure (when employees are unable to perform their duties for more than a week), or the arrest of the employee. (LL Arts. 19 and 25) Employees are entitled to sue their former employers if they believe that the termination was against the LL. (Id.)

Minimum notice periods are set on the basis of the length of employment: the minimum notice period is (a) two weeks for employment lasting less than six months; (b) four weeks for employment lasting between six and 18 months; (c) six weeks for employment lasting between 18 months and three years; and (d) eight weeks for employment lasting over three years. Employment contracts may provide for longer notice periods. (LL Art. 17) Alternatively, employers may end employment by paying in advance the wages corresponding to the applicable notice period. (LL Art. 17)

Employers, who violate the aforementioned notice rules, shall pay wages corresponding to the notice period. (Id.) Employers, who abuse the right to terminate employment, shall pay compensation amounting to triple the wages for the notice period. (LL Art. 17)

If employment is terminated by employers for a valid reason, employees are entitled to severance pay of one month's salary per year of employment but only if they have worked for at least a year The maximum amount is defined by the Ministry of Labor and Social Security. (LL 1971 Art. 14) Additionally, employers must pay any outstanding annual leave entitlements upon the termination of employment. (LL Art. 59)

Employers must rehire employees within one month if a court or arbitrator concludes that the termination was unjustified because no valid reasons have been established. (LL Art. 29) Employees are also entitled to up to four monthly wages and other entitlements for the time they were unemployed during the court proceedings or arbitration. (LL Art. 21)

The LL does not require employers to pay all earned wages, social security benefits, pension contributions or other entitlements on or before termination of the working relationship, but upon the expiration of the employment contract. (LL Art. 32)

Retrenchment

Employers may terminate employment contracts on the basis of collective redundancy due to technical, economic or organizational changes. (LL Art. 29) However, employers must notify trade unions, the regional directorate of labor, and the Public Employment Office of the collective dismissal at least 30 days in advance. (Id.) Consultations with union representatives should take place after the said notification was served, in order to reduce layoffs, as well as to mitigate and/or minimize the adverse effects on the workers concerned. (Id.)

Collective dismissals occur when: (1) at least 10 employees are dismissed from a company employing between 20 and 100 employees; (2) 10% of employees are dismissed from a company employing between 101 and 300 employees; or (3) at least 30 employees are dismissed from a company employing at least 301 employees. (LL Art. 29)

The provisions on collective dismissal do not apply to seasonal and campaign work if collective dismissals are carried out in accordance with the nature of the job. (LL Art. 29)

Employers shall not apply the provisions on collective dismissal to avoid the application of Articles 18, 19, 20 and 21 (termination for a valid reason, termination procedures, appeal, and consequences for termination in the absence of a valid reason) of the LL. Employees may sue their former employers under these Articles if they do. (LL Art. 29)

Severance Pay

At least one full year (365 days) of employment service is the essential requirement for establishing eligibility for severance pay. As mentioned, if employment is terminated by employers for a valid reason, employees are entitled to severance pay in the amount of one month's salary per year of employment. The maximum amount is defined by the Ministry of Labor and Social Security. (LL Art. 14) However, employers that terminate employment contracts for a just cause, because of the employees' immoral or dishonorable conduct, are not liable to pay severance. On the other hand, the employers must pay severance in all cases where the employee terminated the employment contract for a just cause.

Employees may also demand a severance pay and compensation of pecuniary and non-pecuniary damages (LL Art. 26). The LL also entitles female employees who decide to terminate their employment within one year of marriage to severance pay. (LL 1971 Art. 14)

Unemployment Allowance

All employees are obliged to pay unemployment insurance contributions. Aliens legally residing and working in Türkiye are entitled to unemployment benefits under specific conditions. Employees who quit their jobs or are fired for good cause, are not entitled to unemployment benefits. The unemployment insurance contribution rate stands at 4%: 2% is paid by the employer, 1% by the employee and 1% by the State as contribution support. Unemployment insurance is within the jurisdiction of and paid by the Turkish Employment Agency. (Law on Unemployment Benefits ("LUB") Art. 49, See also SİGHİ Art. 81)

The duration of unemployment benefit payments depends on the employees' insurance history over the last three years: (1) 180 days for employees who were insured for at least 600 days; (2) 900 days for

employees who were insured for at least 240 days; and, (3) 1080 days for employees who were insured for at least 300 days. (LUB. Art. 50)

Nondiscrimination and Equal Opportunities

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

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

Discrimination based on gender and maternity is prohibited, unless justified by biological reasons or the nature of the job. (LL Art. 5) The LL forbids termination of employment on grounds of race, color, sex, marital status, family responsibilities, pregnancy, birth, religion, or political opinion. (LL Art. 18) Furthermore, employers may not discriminate against employees based on the duration of their contracts or on whether they are employed full-time or part-time. (LL Arts. 5, 12, and 13)

Article 6 of the HRET specifically covers job advertisements, selection criteria, recruitment, and promotions. The law lays down and extends the principle of equal treatment to access to employment, vocational training, promotion, and working conditions, and to access all types and all levels of vocational guidance, vocational retraining, including practical work experience (HRET Art. 6).

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

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

Workers who have been discriminated against are entitled to financial compensation amounting to up to their four monthly wages. (LL Art. 5)

Female Workers

Women and men must be provided with equal opportunities and treatment relating to access to employment, working conditions, equal pay for equal work, and termination except for biological reasons or because of the nature of the job. (LL. Art. 5)

Women may not be employed to perform underground or underwater work in e.g., mines, sewers, and tunnels. (LL Art. 74) Only women over 18 may work nightshifts, the duration of which may not exceed 7.5 hours and they must be provided with safe transportation to their homes after nightshifts. (LL Art. 72, and Regulations on Working Conditions at Night for Female Workers ("RWCNW") Arts. 1 and 5) Furthermore,

pregnant and breastfeeding employees are prohibited from working at night from the beginning of pregnancy until one year after they give birth. (RWCNW Art. 9) Also, according to the Regulations on Overtime and Extra Hours (“ROEH”), pregnant and breastfeeding employees may not be required to work overtime. (ROEH Art.8)

Persons With Disabilities

Persons with disabilities may not be assigned to any underground or underwater work. (LL Art. 30) Furthermore, as mentioned, at least six percent of employees of companies with at least 50 employees should be disabled, ex-convicts or victims of terror. (LL Art. 30)

At least six percent of employees of companies with at least 50 employees should be, among others, persons with disabilities. (LL Art. 30) Employers should give priority to former employees wishing to return to work after their employment had been terminated due to military service. (LL Art. 31)

Migrant Workers

The protection regime for refugees in Türkiye is divided into two categories: Syrian nationals, who are granted temporary protection, while others are entitled to international protection under the Law on Aliens and International Protection.

The Law on Work Permits for Aliens (LWPA) stipulates that, in addition to the general requirements, all aliens must be in possession of a work permit in order to enter into an employment contract. (LWPA Art. 4) Employers must notify the Ministry of Labor and Social Security of any aliens they employ within 15 days from the day they start working (LWPA Art. 18). If not, both employers and foreign employees may be fined (LWPA Art. 21).

Worker’s Organizations

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

Collective agreements are governed by the Law on Trade Unions and Collective Agreements, which regulates trade unions’ activities, collective bargaining and industrial action in both the private and public sectors in 20 activity areas (LTUCA Arts. 1 and 4).

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

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

B. Protecting the work force

Minimum Age of Employment

The Labor Law prohibits conclusion of employment contracts with persons under 15. (LL Art. 71; See also Regulation on Principles and Procedures for the Employment of Children and Young Persons (“RPEC”) Art.

5) However, children who are 14 years old and have completed their primary education may be employed to perform light work provided that the work will not impede their physical, mental, and moral development. Children who continue their education may be hired only to perform jobs that will not prevent their school attendance. (LL Art. 71) Furthermore, children under 14 may be employed in artistic, cultural, and advertising activities that will not impede their physical, mental or moral development or preclude their school attendance, on condition that a written contract is entered into, and permission is obtained for each activity separately. (Id.) Finally, children under 16 may not be employed to perform hazardous and arduous work. (LL Art. 85)

Workers under 18 must be examined and declared fit for work by an accredited physician prior to accepting any employment. Furthermore, they have to undergo medical examinations every six months. (LL Art. 87) Regarding working hours, workers under 18 may not work more than 35 hours per week, or 40 in exceptional situations. Children attending school may not work more than two hours a day or more than 10 hours a week. They are not allowed to work overtime. (LL Art. 71) Children and employees under 18 may not be employed to perform industrial work during the night (LL Art. 73).

Workers under 18 are entitled to 40 hours of uninterrupted paid weekly rest and a minimum of 20 days of paid annual leave (ROEH Arts. 8 and 10).

Boys under the age of eighteen and women irrespective of their age may not be employed on underground or underwater work (LL Art. 72).

Employers must provide children and young workers with adequate training in the kind of work performed, OHS risks, and employees' rights (RPEC Art. 13).

The Law of Obligations (LO) applies to labor relations involving children not within the scope of Labor Law. Namely, it stipulates that children under 18 who have worked for at least one year are entitled to at least 21 days of paid annual leave (LO Art. 422).

Forced Labor

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

Prison labor, work during a state of emergency, and work required by the country as a civic obligation do not constitute forced labor. (Constitution Art. 18)

C. Grievance Mechanism

Labor Disputes

In Türkiye, labor courts have jurisdiction over disputes arising out of employment relationships. According to the Law on Labor Courts ("LLC"), employees or employers must request mediation before initiating lawsuits regarding employee receivables, reinstatement claims, and employment and bargaining agreements. (Art. 3) Mandatory mediation does not cover or apply to the pecuniary and non-pecuniary damages that may arise from occupational illnesses and work-related accidents. (Id.) Employees may also complain of mobbing to the Human Rights and Equality Institution of Türkiye; following the investigation, an administrative fine may be levied against employers.

Where disputes arise from the failure of collective negotiations, the competent local authority has to be notified thereof in writing within six days. (LA Art. 49) Thereafter, the local authority will assign a mediator. (LA Art. 50) If the mediation ends without success, the parties may apply for arbitration. (LA Arts. 51 and 52)

There are no specific requirements on a grievance mechanism to be provided for workers. Similarly, the law does not require of employers to notify employees of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for availing themselves of it.

The Law on Labor Courts entitles employees to file a lawsuit with the competent court in the event the dispute is not peacefully resolved by the relevant authority.

Brief Summary

In summary, there are only a few areas in which the national legislation is partially aligned with the ESS2 or where there is a gap. The main gap with ESS2 is that the labor law does not specifically require that employers establish a workplace level grievance mechanism for workers to raise workplace concerns. The scope of application/coverage of the LL, also excludes certain categories of workers from protections. For examples, the LL does not apply to employees of agricultural and forestry enterprises with fewer than 50 employees, or to domestic workers, except for matters involving occupational health and safety. The law prohibits children under 16 may not be employed to perform hazardous or arduous work. This is a gap with ESS2 which does not allow engaging persons below the age of 18 year in hazardous work.

There are no contracts requirements for any employment with a duration of less than one month, which is a gap with ESS2. However, for employment longer than one-month, written employment contract is required. Under ESS2, in addition to documentation, oral communication, and explanation of working conditions and terms of employment are important where project workers do not read or have difficulties understanding the documentation. However, the labor law does not specifically require employers to orally explain the conditions of employment to their employees who have difficulties understanding the documentation or cannot read. In addition, there is no explicit requirement for payment of the social security benefits at termination of employment. The law imposes some limitations on scope and level of collective agreements. Furthermore, trade unions must pass representation thresholds in order to initiate and engage in collective bargaining.

5 BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

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

The Law on Occupational Health and Safety (LOHS) and the Regulation on the Occupational Health and Safety Services regulate health and safety in the workplace. The Law covers all sectors, including the agricultural and public sectors. (LOHS Art. 2) Furthermore, the LOHS applies to all workers, including apprentices and interns regardless of their field of activity. (Id.) The LOHS does not apply to the following activities and persons: (1) activities of the Turkish Armed Forces, the police and the National Intelligence Organization except for staff employed in workplaces such as factories, maintenance centers, sewing workshops and the like; (2) rapid response activities of disaster and emergency units; (3) domestic services; (4) persons producing goods and services in their own name and on their own account not employing workers; (5) prison workshops, training, security and vocational course activities for convicts and inmates. (LOHS Art. 2)

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

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

Therefore, employers ought to monitor and check whether occupational health and safety measures are followed and ensure that nonconforming situations are eliminated. (LOHS Art. 4) They also have to carry out regular risk assessments and take appropriate measures to ensure that workers, who have not received adequate information and instructions, are denied access to areas where there is a life-threatening or special hazard. (Id. Art. 10)

Employers must assess foreseeable emergency situations and identify those that might affect workers and the work environment and take measures to prevent and limit adverse effects of such situations. When assessing the risks to the health and safety of workers, employers must take into consideration the following: (1) workers who might be affected by certain risks; (2) choice of work equipment and chemical substances or preparations used; (3) workplace organization and housekeeping; (4) female workers and other workers such as young workers, older workers, disabled, and pregnant or breastfeeding workers. Furthermore, employers must identify in their risk assessments the occupational health and safety measures to be taken, as well as the protective gear or equipment to be used. (LOHS Arts. 10 and 11)

In accordance with the risk assessment results, employers shall identify the occupational health and safety measures to be taken, as well as the protective gear or equipment to be used, while constantly improving the level of protection afforded to workers. (LOHS Art. 10)

Employers must ensure that workers undergo appropriate medical screening. Workers must undergo medical screenings in the following situations: (1) pre-assignment; (2) re-assignment; (3) return to work after repetitive absences from work due to an occupational accident or disease or health problems; and (4) at regular intervals recommended by the Ministry taking into account the workers, the nature of work and hazard class of the company. (LOHS Art. 15) Additionally, employers must provide the requisite equipment with no cost to employees. (LOHS Art. 4)

Before starting work, workers to be employed by employers on work classified as hazardous or very hazardous are to obtain a medical report from an occupational physician. (LOHS Art. 15) Any objections to the medical reports shall be filed with a hospital designated by the Ministry of Health. The decision made by the hospital shall be final. (Id.) The employer shall cover the check-up expenses. (Id.)

For workplaces that carry a high risk of major industrial accidents, employers have to develop a comprehensive accident prevention policy document or safety report according to the size of the workplaces and obtain the Ministry's approval prior to commencing operations. (LOHS Art. 29)

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

Training of Project Workers and Maintenance of Training Records

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

Contracted workers may not perform hazardous work until they provide proof that they have received the requisite training. (LOHS Art. 17)

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

Documentation and Reporting of Occupational Accidents, Diseases, and Incidents

Employers must investigate and prepare reports on incidents that may harm the workers, workplace or work equipment or that have damaged the workplace or equipment although they did not result in injury or death. (LOHS Art. 14)

Employers shall notify the Social Security Institution in the following situations: (1) within three workdays after the accident; (2) within three workdays after receiving notification of an occupational disease from health care providers or occupational physicians. Besides, the healthcare provider shall notify the Social Security Institution within ten days of occupational accidents referred to health care providers. (LOHS Art. 14)

Employers are under the obligation to keep records of occupational injuries, accidents, and occupational diseases. (LOHS Art. 14) Furthermore, employers shall ensure that health data of workers undergoing medical examinations are safely stored and kept confidential. (LOHS Art. 15)

Emergency Prevention and Preparedness and Response Arrangements to Emergency Situations

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

In the event of a serious, imminent and unavoidable danger, employers shall take appropriate actions, cease operations and instruct their employees to leave the workplace and move to a safe place. (LOHS Art. 12) Employers may ask only workers, who are adequately trained and equipped and specially assigned, to resume work. (Id.) In the event of a serious and imminent danger, employers shall ensure that all employees are able to take the appropriate actions to avoid the consequences of such danger if their immediate supervisors cannot be contacted. (Id.)

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

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

If a work accident or an occupational disease was the employer's or employees' fault, the Social Security Institution ("SGK" in Turkish) shall collect from the employers the sum of benefits it had paid to the

insurance holders or their survivors. (SIGHI Art. 21) Employees are entitled to a disability pension under specific conditions, when permanent disability occurs. (SIGHI Art. 26)

OHS Risks Which May Be Specific to Female Workers

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

Procedures To Establish and Maintain a Safe Working Environment

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

Employers shall consult workers or representatives authorized by trade unions in enterprises with more than two workers’ representatives or the workers’ representatives themselves in the absence of trade union representatives to ensure the consultation and participation of workers. This entails: (1) consultations with regard to occupational health and safety, the right of workers and/or their representatives to make proposals and take part in discussions, and ensuring their participation; (2) consultations regarding the introduction of new technology and the consequences of the choice of equipment, the working conditions and the working environment ensuring the safety and health of workers.

Furthermore, employers shall ensure that support staff and workers’ representatives are consulted regarding: (1) the assignment of occupational physicians, occupational safety specialists and other staff within the company or the enlistment, where appropriate, of the competent services or persons outside the undertaking and/or company and designation of staff who will be in charge of first aid, firefighting and evacuation; (2) identification of the protective equipment and protective and preventive measures to be introduced as a result of the risk assessment; (3) prevention of health and safety risks and provision of protective services; (4) provision of information to workers; and (5) trainings to be provided to workers. (LOHS Art. 18)

In accordance with the risk assessment results, employers shall identify the occupational health and safety measures to be taken, as well as the protective gear or equipment to be used, while constantly improving the level of protection afforded to workers. The equipment shall be provided without expense to workers. (LOHS Arts. 10) For workplaces that carry a high risk of major industrial accidents, employers have to develop a comprehensive accident prevention policy document or safety report according to the size of the workplaces and obtain the Ministry's approval prior to commencing operations. (LOHS Art. 29)

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

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

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

Collaboration and consultations with project workers on OHS

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

The principal employer shall be jointly liable with the subcontractor for the obligations ensuing from the Labor Law, from employment contracts of subcontractor's employees or from the collective agreement which the subcontractor is a signatory of. (LL Art. 2) In (sub-) contracting relations lasting longer than six months, the main contractors and subcontractors have to ensure cooperation and coordination among OHS committees. This includes: (1) where the main contractor and sub-contractor have their own committees, the contractor shall ensure cooperation in the enforcement of decisions and maintenance of activities; (2) where the contractor has set up a committee, the sub-contractor shall appoint by proxy an authorized representative to facilitate coordination; (3) the contractor who is not required to set up a committee shall appoint by proxy an authorized member to represent them in the committee set up by the sub-contractor to ensure cooperation and coordination; (4) where the contractor need not set up a committee and the sub-contractor employs more than fifty workers, the contractor and sub-contractor shall set up a joint committee provided that their cooperation is ensured by the contractor. (LOHS Art. 22) Two or more employers who share a workplace and have their own committees shall inform each other of the decisions of their committees that might affect the other. (Id.)

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

Facilities for Workers

Provisions applying to the workplace apply also to all premises used by reason of the nature and execution of the work and organized under the same management, including all facilities annexed to the

establishment, such as rest rooms, nurseries, cafeterias, dormitories, bathrooms, rooms for medical examination and nursing, places for physical and vocational training and courtyards, as well as company vehicles. (LL Art. 2) Canteens and other food facilities should be provided in establishments with at least 150 employees. (LL Art. 115)

Pursuant to Art. 13 of the Regulation on Work Conditions of Pregnant or Nursing Women, Lactation Rooms and Child Care Units: (1) a lactation room must be provided by employers who employ between 100-150 women, outside but not more than 250 meters away from the workplace; (2) employers with over 150 women workers must establish a day-care center for the 0-6 age group; in case the center is far away from the establishment, the employer must provide transportation; (3) employers may jointly establish a lactation room and/or day-care center or outsource these services to certified institutes.

System for Regular OHS Review

Employers are under the obligation to take the measures necessary to protect the health and safety of workers, including prevention of occupational risks, and to provide relevant trainings. Employers have to carry out regular risk assessments and take appropriate measures to ensure that only workers who have received adequate information and instructions have access to areas where there is a life-threatening or special hazard. (LOHS Arts. 4, 10 and 17)

Employers appoints occupational safety specialist and occupational physician and additionally in workplaces with ten or more employees in the very hazardous class other health personnel. In the absence of personnel with the specified qualifications among its employees, employers may perform all or part of this service by receiving services from the joint health and safety units. However, if employers have the determined qualifications and the necessary license, employers can undertake the fulfillment of this service, taking into account the hazard class and the number of employees. (LOHS Art. 6) “The obligation to employ occupation safety specialists and occupational physicians in public institutions and in less hazardous workplaces with less than 50 employees, has been postponed to December 31, 2023.”

Employers of 50 or more employees operating more than six months a year shall set up an occupational health and safety committee. Employers are under the obligation to enforce the decisions of the occupational health and safety committees taken in accordance with the legislation on occupational health and safety. (LOHS Art. 22)

Occupational physicians and occupational safety specialists are entitled to inform the employer of major occupational health and safety measures that have to be taken. If employers fail to implement any of these measures against life-threatening hazards, the occupational physicians must notify the Ministry. (LOHS Art. 8)

The Ministry inspectors are entitled to inspect whether the requirements of the LOHS have been implemented. If the inspectors detect a situation constituting a peril to the employees’ lives, work must be stopped until the peril is eliminated. Any objection by the employer to the court must be made within six days upon the decision to stop work. During this period, the employer is still under obligation to pay the employees’ salaries.

Brief Summary

In summary, the following are the gaps between the national legislation and ESS2: (1) there are no provisions requiring a balanced representation of women in OHS committees to help design policies and

practices responding to the needs of female workers; (2) the Law does not specifically prohibit retaliation when employees report and leave the work due to safety and health related issues; however, it states that employees may not be placed at a disadvantage because of their decision to leave the workplace and seek shelter in a safe space when exposed to serious imminent and unavoidable danger are entitled to refuse to work.

6 RESPONSIBLE STAFF

This section identifies the functions and/or individuals within the Project who will be responsible for managing different issues relating to project workers.

MoH will carry out implementation the Project through Project Management and Support Unit (PMSU), comprising of professional staff (as well as other relevant departments and general directorates of MoH) and consultants. The PMSU will be responsible for all day-to-day management and coordination needs of the Parent Project, including safeguards.

One social and one environmental expert experienced in labor and OHS issues as well as World Bank ESF were hired under PMSU during the course of the HSSSP.

The draft organizational chart of the PMSU will be as in the following template:

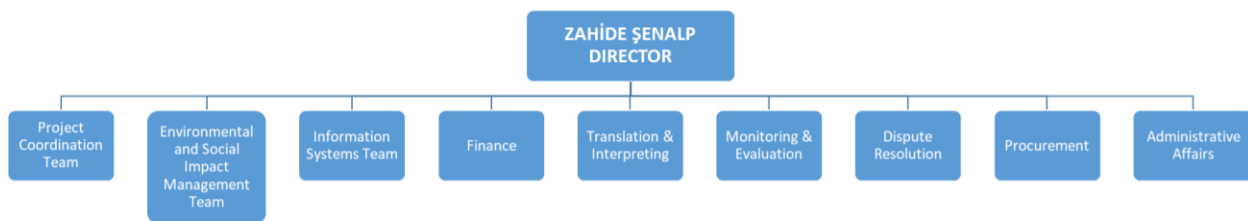


Figure 1 Draft organizational chart of the PMSU

In addition, additional E&S staff, including environmental, social, occupational health and safety (OHS), and biosafety experts, will be assigned by GDoPH or recruited under PMSU to support the management of ESHS risks and impacts of the Ankara Vaccine Production Center (Ankara VPC).

Table below summarizes the roles and responsibilities regarding the implementation arrangements for environmental and social management.

Table 2 Implementation Arrangements

Activity	Responsible personnel/party
Participation and management of project workers	Social Experts Related Unit Manager
Occupational health and safety (OHS)	Health facilities, Laboratories Social Experts Environmental Experts OHS Expert Related Unit Manager
Monitoring, auditing and reporting of health and safety issues related to the project	Health Facilities Social Experts Environmental Experts

Activity	Responsible personnel/party
	OHS Expert Monitoring and Evaluation Expert
Involvement and management of contractors/subcontractors, including coordination and reporting arrangements between contractors	Procurement Specialist Related Unit Manager
Awareness raising and employee training	Social Experts) Environmental Experts Related Unit Manager Other relevant agents, consultants, consulting companies
Reporting employee grievances to the WB in each project progress period (semi-annually)	Social Expert (PMSU) Environmental Expert (PMSU)
Handling employee complaints	Contact points for Project-Specific GM, Grievance Mechanism of the Ministry of Health for Healthcare Workers and Internal Stakeholders (Health Meeting Point and Alo184)

MoH will implement the Project through PMSU (and other relevant departments and MoH general directorates) consisting of professional staff and consultants. PMSU will be responsible for the day-to-day management and coordination requirements of the project, including the following tasks related to this LMP;

- Apply this labor management procedure to project workers.
- Monitor and report on implementation of project contractors’ labor management procedures.
- Monitor that the contractors are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and Türkiye Labor Code and occupational health and safety laws.
- Maintain records of recruitment and employment process of direct workers.
- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law.
- Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation, ESS2 and Occupational Health and Safety Plan.
- Ensure that project workers receive training on SEA/SH prevention and Code of Conduct at the start of the employment and monitor SEA/SH prevention measures implementation during the life of the project.
- Ensure and monitor training of the project workers on OHS, and any other required trainings.
- Ensure that the grievance mechanism for project workers is established, monitor and report on its implementation.

- Ensure that dedicated SEA/SH grievance mechanism is established, monitor and report on its implementation.
- Monitor implementation of the workers Code of Conduct.
- Establish and implement a procedure for documenting specific incidents such as project-related occupational injuries, illnesses, lost time accidents and incidents related to sexual exploitation and abuse and sexual harassment. Maintain such records and require from all third parties and primary suppliers to maintain them. Such records will form an input into the regular review of OHS performance and working conditions.
- Implement disciplinary measures in instances of sexual exploitation and abuse and sexual harassment misconduct.
- In instances of medium, severe, fatal, and mass accidents, inform the law enforcement bodies, Labor Inspectorate and the World Bank.

The contractors/service providers are responsible for implementing and monitoring the LMP, including the items listed below:

- Keeping records of recruitment and employment process of project employees and contract employees,
- Implementation of labor management procedures,
- Supervising their subcontractors' implementation of labor managements procedures and occupational health and safety plans.
- To make the necessary internal monitoring to ensure that occupational health and safety standards are met in the workplaces in line with the national occupational health and safety legislation, WB ESS2 and LMP and to submit to the PMSU when necessary,
- Clearly communicate job description and employment conditions to contracted workers and provide them with one copy of the employment contract.
- To provide training of project employees on OHS, social incentives, Gender-Based Violence and Harassment (GBVH), Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) and Code of Conduct, to keep records, monitor and submit to PMSU when necessary,
- Ensure that contracted and sub-contracted workers receive training on SEA/SH prevention and Code of Conduct at the start of the employment and monitor SEA/SH prevention measures implementation during the life of the project.
- Supporting Project employees to be aware of the Project internal grievance mechanism so that they can raise workplace problems and concerns.
- Establish and implement a procedure for documenting specific incidents such as project-related occupational injuries, illnesses, lost time accidents and incidents related to sexual exploitation and abuse and sexual harassment. Maintain such records and require all third parties and primary suppliers to maintain them. Such records will form an input into the regular review of OHS performance and working conditions.
- Implement disciplinary measures in instances of sexual exploitation and abuse and sexual harassment misconduct.
- In instances of medium, severe, fatal, and mass accidents, inform the law enforcement bodies, Labor Inspectorate and PMSU (Employer).

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

7 POLICIES AND PROCEDURES

Plans/procedures will be in place to address the following issues:

- The characteristics of the workers will be assessed prior to engaging them in healthcare works, including those with underlying health issues or who may be otherwise at risk. This will be done by conducting pre-employment health checks.
- Adequate supplies of medical PPE, including gowns, aprons, curtains; medical masks and respirators (N95 or FFP2); gloves (medical, and heavy duty for cleaners); eye protection (goggles or face screens); hand washing soap and sanitizer; and effective cleaning equipment, will be put in place. If relevant PPE cannot be obtained, viable alternatives, such as cloth masks, alcohol-based cleansers, hot water for cleaning and extra handwashing facilities, until such time as the supplies are available, will be considered
- Work tasks will be rearranged or numbers of workers on the worksite will be reduced to allow social/physical distancing, or rotating workers through a 24-hour schedule
- Alternatives to direct contact, like tele-medicine appointments and live stream of instructions, will be put in place.
- Enhanced cleaning arrangements, including thorough cleaning (using adequate disinfectant) of catering facilities/canteens/food/drink facilities, latrines/toilets/showers, common areas, including door handles, floors and all surfaces that are touched regularly, will be put in place
- Cleaning staff will be trained and provided with adequate PPE when cleaning consultation rooms and facilities used to treat infected patients
- Access to psychosocial support based on the needs and availability of such services
- MoH will ensure (i) adequate rest and break times (ii) overtime pay (iii) rotational work modalities (iv) adequate PPE for workers in HCFs in order to manage the burden of overtime work which was introduced after the Emergency health measures of MoH's decrees dated 13th and 20th of March, which mainly restricted right to resign and leave for a 3-month period.
- Workers shall quickly inform management of labor issues, such as a lack of PPE, unreasonable overtime, stress and any harassment (ie. physical, psychological and sexual abuse and exploitation) related issues at workplace via the MoH's workers' grievance mechanisms (Saglikta Bulusma Noktasi, Alo184, Provincial Health Directorates). This worker's GRM allows anonymous grievances and has an appeal's process in place, as defined in Chapter 9 of this LMP.

8 AGE OF EMPLOYMENT

Turkish law prohibits anyone under 18 from performing arduous or dangerous work. Due to the health and safety risks of the Project and possible exposure to COVID-19 in health care facilities and medical waste treatment no workers under 18 years will be employed.

Any direct worker or contracted worker to be hired for the Project will be required to verify identify and age. This will require workers to provide official documentation, which could include a birth certificate, certificate based on the results of a medical examination, national identification card, passport.

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

TERMS AND CONDITIONS

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

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

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

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

9 GRIEVANCE MECHANISM

This section sets out details of the grievance mechanism that will be provided for direct and contracted workers, and describes the way in which these workers will be made aware of the mechanism.

MoH, currently has two channels (Health Meeting Point and Alo184) to allow health workers' to apply for their grievances, requests, concerns and also to inquire for information. In addition, those who are Personnel, employed in all kinds of positions and status (including workers) who are subject to the Law no. 657 (as Civil Servants); Pursuant to Article 21 of Law No. 657 (Civil Servants Law); Civil servants have the right to file a complaint and file a lawsuit against their institutions. Appeals and complaints (letter of application, petition etc.) are made by submitting the complaints to the next superior in the hierarchy after the employee's direct superior. Applications and complaints are examined and notified to the relevant party as soon as possible.

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

MoH's current platforms for workers will help them raise workplace issues and concerns. In other words; GM for Health services, which is in charge of Health Meeting Point (SBN-Sağlıkta Buluşma Noktası) will be the main body for receiving, recording and tracking resolution of grievances.

The workers' grievance mechanisms include:

- a procedure to receive grievances such as comment/complaint form (Annex 1), suggestion boxes, email, a telephone hotline;
- stipulated timeframes to respond to grievances;
- a register to record and track the timely resolution of grievances;
- a responsible department (DG for Health Promotion) to receive, record and track resolution of grievances:
- a procedure to report grievances related to harassment in the workplace, gender-based violence harassment

Healthcare workers can obtain information about issues such as current announcements about the Ministry, appointment rules, grievance applications, request for skill, promotion exams, etc., through the SBN system, as well as convey their problems in the field.

There are four sections on the SBN website that enable direct communication with health workers. These are categorized as "Ask Us", "I Have An Idea", "I'm Looking For A Solution" and "Contact Me". Incoming messages are evaluated by the page editors, responded in one day indicating that their complaint is received and registered; and answered for the solution within the framework of the legislation in maximum of 14 working days. and are directed to the existing contact points of the Ministry of Health in the Central Organization according to the subject. Replies are created at the contact points or the member is contacted when deemed necessary from the contact numbers in the profile information. Even the solution of complaint has to be resolved in 14 working days, most of the grievances are resolved within 3 days.

MoH, with this LMP ensures that the workers' mechanism will be based on the following principles during project implementation:

1. The process will be transparent and allow workers to express their concerns and file grievances.
2. There will be no discrimination against those who express grievances and any grievances will be treated confidentially.
3. Anonymous grievances will be treated equally as other grievances, whose origin is known.
4. Management will treat grievances seriously and take timely and appropriate action in response.

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

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

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

In addition to the workers' grievance mechanism, MoH also has separate project grievance mechanism defined in its updated Stakeholder Engagement Plan for the wider public as per ESS10 requirements. Therefore, two separate grievance mechanisms will be implemented during the Parent Project.

PMSU will require contractors to develop and implement a grievance mechanism for their workforce (contracted workers) including sub-contractors, prior to the start of works.

10 CONTRACTOR MANAGEMENT

Contractors will accept and implement the Code of Business Conduct. The Code of Conduct will also include measures to address issues of Sexual Exploitation and Abuse/Sexual Harassment. Contractors will also submit the Code of Business Conduct to PMSU for review and approval. The Code of Business Conduct will reflect the company's core values and overall work culture. The content of the Code of Business Conduct is contained in the World Bank Standard Procurement Documents and will include provisions regarding the scope of work.

Contractors will be required to provide periodic information on performance in workforce, occupational health and safety issues. The information will be included in the contractors' monthly report and may be requested within the scope of any inspections and audits carried out by the Ministry of Health. Findings from business inspections will be made available to PMSU and the World Bank upon request.

11 PRIMARY SUPPLY WORKERS

Where local suppliers are to be engaged, contractors will be required to carry out a due diligence procedure to determine whether the suppliers pose significant risks, such as child or forced labour, or exposing the worker to serious safety issues.

In cases where contracts are to be made with foreign suppliers, contractors will need to inquire during the procurement process whether the supplier has met its corporate requirements regarding child labour, forced labor and safety, and whether it has been charged or sanctioned for any of these issues. In case of any risks related to child labor, forced labor or security; MoH will use the World Bank's international standards and regulatory documents covering non-conformance resolution for contracts.

12 ANNEXES

Annex 1: Workers' Application Form for Grievances, Suggestions and Information

Application Form for Workers		
Type of Application	Grievance	
	Suggestion	
	Information	
Province of Application		
Institution/Organization of the Application		
Subject of the Application		
Name-Surname <i>(For Anonymous applications, leave this section empty)</i>		
Preferred Tools to Contact and Contact Information <i>(Please choose at least one tool)</i>	Phone:	
	E-Mail	
	Mail:	
	Fax:	
Date of Application	<i>Day/Month/Year</i>	

Annex 2: Code of Conduct

A minimum requirement for the Code of Conduct should be set out by the Client, taking into consideration the issues, impacts, and mitigation measures identified, for example, in:

- o project reports e.g. ESIA/ESMP
- o any particular GBV/SEA requirements
- o consent/permit conditions (regulatory authority conditions attached to any permits or approvals for the project)
- o required standards including World Bank Group EHS Guidelines
- o relevant international conventions, standards or treaties, etc., national, legal and/or regulatory requirements and standards (where these represent higher standards than the WBG EHS Guidelines)
- o relevant standards e.g. Workers' Accommodation: Process and Standards (IFC and EBRD)
- o relevant sector standards e.g. workers' accommodation
- o grievance redress mechanisms.

The types of issues identified could include. risks associated with: labor influx, spread of communicable diseases, sexual harassment, gender-based violence, illicit behavior and crime, and maintaining a safe environment etc.]

[Amend the following instructions to the Consultant taking into account the above considerations.]

A satisfactory code of conduct will contain obligations on all Consultant's Experts that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the region, the location and the project sector or to specific project requirements. The code of conduct shall contain a statement that the term "child" / "children" means any person(s) under the age of 18 years.

The issues to be addressed include:

- Compliance with applicable laws, rules, and regulations
- Compliance with applicable health and safety requirements to protect the local community (including vulnerable and disadvantaged groups), the Consultant's Experts, the Client's personnel, and the Contractor's personnel, including sub-contractors and day workers (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
- The use of illegal substances
- Non-Discrimination in dealing with the local community (including vulnerable and disadvantaged groups), the Consultant's Experts, the Client's personnel, and the Contractor's personnel, including sub-contractors and day workers (for example, on the basis of family status, ethnicity, race, gender, religion, language, marital status, age, disability (physical and mental), sexual orientation, gender identity, political conviction or social, civic, or health status)
- Interactions with the local community(ies), members of the local community (ies), and any affected person(s) (for example to convey an attitude of respect, including to their culture and traditions)

- Sexual harassment (for example to prohibit use of language or behavior, in particular towards women and/or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
- Violence, including sexual and/or gender-based violence (for example acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty)
- Exploitation including sexual exploitation and abuse (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading behavior, exploitative behavior or abuse of power)
- Protection of children (including prohibitions against sexual activity or abuse, or otherwise unacceptable behavior towards children, limiting interactions with children, and ensuring their safety in project areas)
- Sanitation requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)
- Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
- Respecting reasonable work instructions (including regarding environmental and social norms)
- Protection and proper use of property (for example, to prohibit theft, carelessness or waste)
- Duty to report violations of this Code
- Non-retaliation against personnel who report violations of the Code, if that report is made in good faith

The Code of Conduct should be written in plain language and signed by each Expert to indicate that they have:

- received a copy of the code;
- had the code explained to them;
- acknowledged that adherence to this Code of Conduct is a condition of employment; and
- understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.