REC ULUSLARARASI
Aziziye Mah. Portakal Çiçeği Sok. No:33 Çankaya / ANKARA
Tel: +90 312 441 31 41 Faks: +90 312 442 58 16

İşin Adı
The Name of the Job : Mersin-Adana-Osmaniye-Gaziantep Yüksek Standartlı Demiryolu Hattı İnşaatı ile Elektromekanik Sistemlerinin Temini

Construction of Mersin-Adana-Osmaniye-Gaziantep Hight Standard Railway Line With Supply Of Electromechanical Systems

Rapor Adı
Report Name : # LABOR MANAGEMENT PROCEDURE

Doküman Kodu
Document Code : MAOG-RECU-GN-GNL-IS-GNL-PLG-XXX-0

Revizyon Revision	Tarih Date	Rapor Adı Report Name :		
0		Açıklama / Remarks :		
		Hazırlayan / Prepared by	Kontrol eden / Checked by	Onaylayan / Authorized by
		Hakan Kızıltan HSE Supervisor	Hasan Taşkan Project HSE Manager	Kayserşah Erdem Project Manager
		Açıklama / Remarks :		
		Hazırlayan / Prepared by	Kontrol eden / Checked by	Onaylayan / Authorized by
		Açıklama / Remarks :		
		Hazırlayan / Prepared by	Kontrol eden / Checked by	Onaylayan / Authorized by

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

1. PURPOSE 3
2. SCOPE 3
3. RESPONSIBILITY 3
4. DEFINITIONS AND ABBREVIATIONS 5
5. ASSESSMENT OF KEY POTENTIAL LABOR RISKS 5
6. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS 6
Types of Employment Contracts 6
7. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY (OHS) 12
8. AGE OF EMPLOYMENT 15
9. TERMS AND CONDITIONS 15
10. GRIEVANCE MECHANISM ..... **Hata! Yer işareti tanımlanmamış.**
11. REC MANAGEMENT 16
12. PRIMARY SUPPLIERS 16
13. IMPLEMENTATION ..... **Hata! Yer işareti tanımlanmamış.**

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

1. PURPOSE

The purpose of this procedure is to ensure manage labour according with Project related standards and laws.

2. SCOPE

The scope of this procedure covers direct workers, contracted workers, community workers and migrant workers.

3. RESPONSIBILITY

The MAOG Project Management is responsible for determining the basic minimum rules for implementation with this document. It is the Group Companies' responsibility to control and monitor the practices included in the local laws and international standards in the country of operation, which are not mentioned in this document.

- PIU Civil Engineer – Responsible for supervising, monitoring and auditing labor management.
- Executive E&S Committee Project Manager (Department Head / Branch Manager /Head of Department) will be ultimately responsible for overseeing the activities undertaken by the AYGM/TCDD specialists (listed below), overseeing the implementation of mitigation measures and management procedures specified within the disclosure package of the Project, and overseeing the preparation and implementation of a CESMP, which will be based on this ESMP.
- Executive E&S Committee Environmental, Health and Safety, and Social (EHSS) Manager (Specialist / Engineer) will be responsible for overseeing all matters that relate to environment, health, safety and social aspects of the Project. Also, s/he will be appointed to be responsible for supporting the implementation of the SEP, by conducting regular consultation with affected communities on any concern regarding the Project. CLOs will also have responsibility for disseminating the Project disclosure package as described in the SEP. They will also conduct regular inspections of records relating to grievances received and their resolution. S/He will report regularly to AYGM PIU.

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

- Headquarter E&S Manager: Responsible for managing infrastructure and superstructure projects regarding environmental and social governance issues and member of the Executive E&S Committee on behalf of the REC.
- Headquarter Infrastructure HSE Manager: Responsible for managing inftrastructure projects regarding health, safety and environmental issues.
- REC Project Manager - responsible for overseeing the construction of the Project, including planning and delivery. They will be suitably competent and have a strong understanding of construction best practice. The Project Manager is accountable for

overall HSE performance and making the human and financial resources available to ensure compliance with HSE requirements of the Contract. The Project Manager will be responsible for coordinating the internal management response of the REC to a major emergency. The Project Manager will also be responsible for appointing First Aid competent person(s) on site, as well as a team responsible for site security.

- REC Human Resources Chief - Responsible for managing all matters relating to human resources management for the REC. Responsible for employee relations, communication with workforce representatives / committees and co-ordination of the workforce grievance mechanism together with the Human Resources Lead.

It is expected that Project will engage the following categories of project workers as defined by IFC PS2:

Direct workers: Direct workers would likely include project managers and supervisors who are AYGM technical staff. AYGM staff are civil servants. Project implementation will be led by a Project implementation unit (PIU), comprising of professional staff and consultants. The PIU will be responsible for all day-to-day management and coordination needs of the project, including safeguards, and M&E. Direct workers would likely include Head of Departments and Supervisors (civil engineers, technicians, electric engineers, etc.). It is estimated that the direct workers would include current AYGM employees from different departments who will be assigned to work on this Project.
It is expected that direct workers would also include independent consultants, who are specialized in certain disciplines (such as social safeguards and environmental subjects, etc.).

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

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

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

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

Taking into account the nature of the road and railway construction projects and characteristics of labor force market in Turkey, it is not expected that the number of female workers will be high. It is estimated that women would represent about 10 percent of the workforce, and those would likely be technical (engineer-technician) and/or staff working in the operation offices and camps (cooks, cleaners etc.). Also, all workers will be over 18 and would likely average 30-50 years old.

4. DEFINITIONS AND ABBREVIATIONS

MAOG: MAOG (Mersin-Adana-Osmaniye-Gaziantep) High Standard Railway Project

5. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Key Labor Risks

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

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

İŞ SAĞLIĞI-GÜVENLİĞİ & ÇEVRE

No other labor risks are considered to be significant. Based on the experience with construction projects in Turkey, it is assessed that overtime hours may be a potential labor risk. This risk shall be addressed with specific provisions in this labor management procedure. The ongoing projects of PIU did not experience any labor influx issues or issues related to the presence of migrant workers. However, if other labor risks arise during project implementation, PIU will develop procedures to prevent further impacts.

6. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Types of Employment Contracts

As per the Turkish Labor Law(4857:Law No), the main categories of employment contracts are: definite (fixed term) and indefinite (open-ended), full time and part time contracts, continuous and transitory contracts; seasonal; employment contracts with or without trial periods; provisional employment contracts and team employment contracts. Employment which lasts only up to 30 days is transitory; and employment which requires a longer period is continual. If employment is transitory, provisions of the Obligations Act shall apply on certain matters as defined by the Labor Code.
Article 5 of the Turkish Labor Code embraces the principle that all employees should be treated equally. Accordingly, employers cannot treat temporary and agency workers or part-time workers differently from the permanent employees unless justifiable grounds exist for the different treatment.

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

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

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

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

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

Such deductions shall be deposited with the account of the Ministry of Family, Labour and Social Services within one month as of the deduction for utilization for the training and social

services of the workers, in one of the banks established in Turkey and entitled to accept deposits, to be nominated by the Ministry. Every employer shall be obliged to keep a separate account of such deductions at the business.

Working hours

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

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

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

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

Periods reckoned as working period

According to the Turkish Labour Law; The following periods shall be reckoned within the daily working period of the workers

The periods spent on the way, in cases where the workers are sent by the employer from their workplace to any other places to work.

c) Free periods of the worker spent at the workplace, being available for working at any moment but waiting for any possible work, without working.

d) Periods spent by the worker for being sent by the employer to another place, or being made occupied at the house or office of the employer or any place relating to the employer, without performing his/her main job.

e) The periods of breast-feeding female workers to be specified for breast feeding.

f) Periods elapsing for collective and regular transport of workers from and to their workplaces which are distant from their settlement area for any kind of work requiring collective transport such as construction, maintenance or repair and modification of railways, roads and bridges. (Article 66)

Overtime hours and overtime payment

As per Article 41 of the Labor Law, works which exceed forty-five hours a week are defined as overtime. An employer may request employees to work overtime. The employee's consent shall be required for overtime work. Total overtime work shall not be more than two hundred

and seventy hours in a year. Pregnant women, and breastfeeding mother cannot be required to work overtime.

Weekly rest day and rest breaks

The employees are allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked up to 45 hours on the days preceding the weekly rest day. By law, employers do not have the right to deduct this weekly rest from the employees' salaries. Additionally, Article 68 of the Labor Law states that employees are entitled to a rest break, the duration of which varies depending on the working hours. Each employee is entitled to 15 minutes of break for jobs lasting up to four hours; 30 minutes of break for jobs lasting up to 7.5 hours, and one hour of break for jobs lasting more than 7.5 hours. Arrangements for breaks will be made according to the local traditions and requirements of the work.

Such breaks shall be at minimum level, and applied uninterruptedly.

However, such periods may be applied intermittently by reaching an agreement, considering the climatic and seasonal conditions and local traditions as well as the nature of the work.

Breaks may be used by workers at the same time or at different times at a workplace.

Breaks shall not be reckoned within working period. (Article 68)

Leaves

The minimum leave period according to the length of service of the employee has been set in the Labor Law as follows;

1 to 5 years (included) - 14 working days

5 to 15 years - 20 working days

15 years (included) or longer - 26 working days

The Law stipulates that paid annual leave may not be less than 20 days for employees over the age of 50. Employees are also provided to the right to take up to 4 days leave without pay, on the condition that the employee provides documentary evidence that s/he is spending his/her annual leave at a place other than where the workplace is located.

Employees engaged in seasonal or other occupations which, owing to their nature, last less than one year are not entitled to paid annual leave.

Paid leaves for civil servants have been defined in the Law (No:657) as; who have served for less than 10 years have 20 days of annual leaves and those who have served for more than 10 years have the right of 30 days annual leave.

Labor disputes

The Labor code of Turkey includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of a labor agreement or other aspects of work. (Article 20 of Labor Law; Article 91 of Labor Law regulates "the application to the The Ministry of Family, Labour and Social Services for workers rights arising from their debt owed.; Article 50-51-52 of Law No. 6356 on Trade Unions and Collective Bargaining Agreements regulates "rights of application to the High Board of Arbitration and Private Arbitrator for workers labor disputes" ; Article 3 of Law on Labor Courts numbered 7036 regulates "conciliation procedure".

The employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not valid to justify the termination shall be entitled to lodge an appeal against that termination with the labour court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time.

The burden of proving that the termination was based on a valid reason shall rest on the employer. However, the burden of proof shall be on the employee if he claims that the termination was based on a reason different from the one presented by the employer.

The court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month. (Article 20)

If the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him in work, compensation to be not less than the employee's four months' wages and not more than his eight months' wages shall be paid to him by the employer.

In its verdict ruling the termination invalid, the court shall also designate the amount of compensation to be paid to the employee in case s/he is not re-engaged in work.

The employee shall be paid up to four months' total of his wages and other entitlements for the time he is not re-engaged in work until the finalization of the court's verdict. If advance notice pay or severance pay has already been paid to the reinstated employee, it shall be deducted from the compensation computed in accordance with the above-stated subsections. If term of notice has not been given nor advance notice pay paid, the wages corresponding to term of notice shall also be paid to the employee not re-engaged in work.

For re-engagement in work, the employee must make an application to the employer within ten working days of the date on which the finalized court verdict was communicated to him. If the employee does not apply within the said period of time, termination shall be deemed valid, in which case the employer shall be held liable only for the legal consequences of that termination. (Article 21).

Termination of an employment contract: Under the Labor Code, employers can terminate contracts in two ways: (i) showing a valid reason (Art. 18-19) or (ii) breaking the contract for a just cause. Employees who have completed 6 months of employment in a workplace that has at least 30 workers, can benefit from certain protections under the Labor Code, protecting the

worker from arbitrary termination of his/her contract. In order for the termination of an employment contract to be valid, a written notice must be given to the employee and legal notice periods must be respected. However, in certain cases, employers can terminate the employment relationship on the basis of a just cause (for reasons of health, for immoral, dishonorable or malicious conduct or other similar behavior, force majeure). In these cases, the employer is not obliged to comply with the legal notice periods and can terminate it immediately. For further details, please see, Labor Code, Art. 24-26.

Severance payment: Upon termination of the employment contract, employees are entitled to a severance payment on the condition that the employee has completed at least one year of continuous employment. This payment is calculated by multiplying the number of years of employment with the employee's monthly salary at termination. If the employer terminates the employment contract under just cause based on health reasons or force majeure, the employer must give severance pay to the employee, if applicable. However, if the employer terminates the employment contract under just cause on grounds of immoral and dishonorable acts of the employee, the employer is not liable to pay severance. If the employee terminates the employment contract for just cause, the employer must pay severance in all cases.
However, where the employee terminates the employment contract at will, without the presence of any cause set out under the Labor Code, the employer is not liable to pay severance to the employee.

- Workers will have contracts which clearly state the terms and conditions of their employment and their legal rights. Information will include, but not be limited to:
  - entitlement to wages, hours of work, overtime arrangements and overtime compensation, and any benefits (such as leave for illness, maternity / paternity or holiday)
  - able to join trade unions of their choice and have the right to collective bargaining
  - contracts will be verbally explained in their native languages to all workers where this is necessary to ensure that workers understand their rights prior to any employment contract to be signed.
- Cultural Awareness Training will be provided an on-boarding requirement to all non-local workers, and in particularly foreign workers.
- Worker Grievance Mechanism will be developed and will:
  - be open to all the staff and their RECs,
  - be publicly advertised by the Project in the workforce,
  - be easily accessible by workers
  - be free of retribution
  - allow anonymous complaints to be raised and addressed.
- All Project parties will require all RECs to sign an anti-corruption and responsible procurement policy.
- For all REC contracts, the Project will make explicit reference to the need to abide by IFC standards and ILO conventions in relation to labor and welfare standards, freedom of association and reference must be made to child and forced labor. Emphasis will also be placed on anti-discrimination measures. The REC will not employ nor permit any subREC to use child labour,
- The REC will prohibit the use of forced labour by ensuring full compliance with national legislation and the provisions of relevant conventions and other international standards. These measures will be reflected in the Project's Employment Plan Document.

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

- Construction Worker's Accommodation Management Plan will be developed and comply with 'Workers' accommodation: processes and standards, a guidance note by IFC

- Design of the accommodation camp will include measures for managing the camp to ensure adherence to international standard for providing a safe environment that is clean, and adequate sanitary. Measures will include:
  - waste management
  - provision of potable water,
  - provisions of minimum amount of space for each worker
  - laundry facilities
  - cooking facilities (separate area for the foreign personnel, if necessary)
  - provision of first aid and medical facilities
  - provision of heating and ventilation.
- During the construction phase, HSE plans and procedures include requirements for induction and training on expected behaviors and on disciplinary procedures (including dismissal procedures for unacceptable conduct).
- During the construction phase, HSE plans and procedures include requirements for induction and training on expected behaviors and on disciplinary procedures (including dismissal procedures for unacceptable conduct).
- In case of a collective dismissal required, Labour Management and Monitoring Plan will be developed by the REC to mitigate adverse effects of job losses on the workers concerned. Retrenchment of workers is likely to be required across the lifespan of the Project, particularly during the transition from construction to operation. Retrenchment of workers will be undertaken in line with national law and international best practices, and will include providing skills to enable individuals to secure alternative employment.
- The effectiveness of all retrenchment should be monitored including the timely close out of retrenchment-related grievances
- The REC and Operator will not employ nor permit any subREC to use child labour, and in accordance with Turkey legislation, any person under the age of 18 may not be assigned to any hazardous work within the Project.
- The REC and Operator will prohibit the use of forced labour by ensuring full compliance with national legislation and the provisions of relevant conventions and other international standards

Following critieria will be followed and monitored:

- Work contracts in line with Turkey Law and the IFC PS2.
- Labor Audit Report(s)
- Training Records
- Workforce statistics

Labour Risks and Impacts Related to Women Employment and Non-Discrimination and Equal Opportunity

- The REC and Operator will apply equal opportunities to women in all of their branches.

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

- Further measures will be put in place to encourage female participation in indirect workforce, such as providing specific training where required, enabling flexibility and job-sharing opportunities for women with children to participate.
- Job postings will be prepared using an anti-discrimination language, and recruitment processes will be carried out in a transparent and accountable manner.
- Local people and mukhtar affected by the project will be informed about employment opportunities and women will be encouraged to apply for job opportunities.
- Publish vacancies (listing the required qualifications for all categories of employment) within project-affected communities

Monitoring criteria will be as follows:

- Workforce statistics
- Grievance records
- Workforce statistics

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

Legislative Framework

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

The occupational Safety and Health Law includes all workplaces and workers, including civil servants, workers at private enterprises and the self-employed workers; regardless of the number of employees or the kind of work. Providing occupational safety and health services is the responsibility of the employer. The employer, in accordance with legal requirements can provide the services by establishing an occupational safety and health unit in the workplace.

The education, training and placement of occupational physicians, OSE's and other health personnel is conducted under the authority of the Ministry of Family, Labour and Social Services, whereas the performance of certification exams was delegated to the Measuring, Selection and Placement Centre (ÖSYM).

The Occupational Safety and Health Law (No. 6331; 2012 (OSH Law) was published in the Official Gazette in 2012. Before 2012, occupational safety and health issues were regulated in the Labour Law, related regulations and some other general laws. The OSH Law applies to all jobs and workplaces in both the public and private sector, regardless of their field of activities or number of workers, and covers all employees, interns, employers and their representatives.

The ultimate aim of the OSH Law is to prevent occupational diseases and accidents, and other physical and mental health problems of the workers related to work and the work environment. The OSH Law defines the main stakeholders namely employees, employers and the State, and their duties and responsibilities in working life. The Law also defines the basic terminology

related to work life such as workplace, hazard, risk, occupational disease, occupational accident, prevention, safety and health unit, occupational safety and health professionals and their responsibilities. According to the OSH Law, the employer should perform risk assessment and has the responsibility of taking all necessary measures to ensure occupational safety and health.

Article 4 of the Law defines the duties, authority and responsibilities of the employer and workers. As per Article 4, the employer has a duty to ensure the safety and health of workers in every aspect related to work. In this respect the employer shall take the measures necessary for safety and health protection of workers, including provision of necessary organization, designating safety and health staff, informing and training of workers, carrying out risk assessment, implementing measures related to occupational safety and health in accordance with the legislation, etc.

As indicated in Article 6 of the Law, in order to provide occupational safety and health services the employer shall designate workers as occupational safety expert, occupational physician and other health staff, meet the need for means of space and time to help designated people or organizations fulfil their duties, ensure cooperation and coordination among the occupational safety and health staff, etc. The OSH Law also regulates workers' right to abstain from work in cases of serious or imminent danger. The OSH Law refers to secondary legislation to for a description of further details to ensure an effective implementation of the Law.

Secondary Legislation

A series of secondary legislation have been adopted to explain the details of relevant laws. Relevant Ministries and organizations took part in the preparation of this legislation, and their opinions were taken into consideration.

"Regulation on Occupational Health and Safety In Construction Works" determines the framework for the minimum occupational health and safety requirements for construction works.

There are also more regulations such as on "noise control", "dust control" or "control of chemicals" where the permissible limits were defined, and some organizational ones such as regulation on "shift work", "occupational hygiene measurements, test and analysis", etc.

Policies (according to OHS Directive of MoTI)

- ✓ Prevention of occupational risks
- ✓ Protection of health and safety
- ✓ Elimination of risk and accident factors
- ✓ Training, informing, obtaining opinions and participation of all employees and their representatives on occupational health and safety.
- ✓ To determine the general principles and other issues related to the working conditions of persons who need special protection due to their age, sex and special circumstances.

Encountering a fatality or an accident with a serious injury

Pursuant to Article 14 of Law No: 6331 (The Law on Occupational Health and Safety); (1)The employer shall;

- ✓ keep a list of all occupational accidents and diseases suffered by his workers and draw up reports after required studies are carried out.
- ✓ investigate and draw up reports on incidents that might potentially harm the workers, work place or work equipment or have damaged the work place or equipment despite not resulting in injury or death.

(2) The employer shall notify the Social Security Institution of the following situations within a prescribed time as follows:

- ✓ Within three work days of the date of the accident.
- ✓ Within three work days after receiving the notification of an occupational disease from health care providers or occupational physicians.

(3) Occupational physicians or health care providers shall refer workers who have been pre-diagnosed with an occupational disease to health care providers authorized by the Social Security Institution.

(4) Occupational accidents referred to health care providers shall be notified to the Social Security Institution 6 within ten days at most and authorized health care providers shall notify the Social Security Institution of the occupational diseases within the same period of time.

(5) The procedures and principles as regards this article shall be defined by the Ministry following the receipt of approval from the Ministry of Health.

Standards for accommodation of construction workers

According to Regulation on OHS in Construction Works (Appendix-4:59-65); accommodation places for workers:

- ✓ should be non –flammable
- ✓ should be away from hazards created by the construction work
- ✓ have heating, cooling and ventilation systems, electrical installations and lighting systems
- ✓ have sufficient width and sufficient number of tables and chairs, enough bedsteads, beds, blankets, a recreation room
- ✓ have an adequate shower, toilet, washbasin and cleaning equipment etc.

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

Requiring OHS Plans for RECs As A Part Of Contractual Procedure

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

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

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

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

Regarding influx of additional population:

- Employment capacity and the qualifications required for the construction will be disclosed to the public to prevent unrealistic expectations.
- Cooperation will be developed with the local municipalities, NGOs, organizations and local employment agencies.

Regarding increased risk of illicit behavior and crime:

- Workers will be paid adequately to prevent theft potential.
- Workers will be paid into bank accounts.
- Priority should be given to the local labor where possible and practical.
- Worker accommodation facilities should be include leisure areas to reduce the interaction of the workers with the local communities.
- Code of Conduct will be developed in compliance with the national legislation. Hard copies will be provided in English and the native languages of the workforce.

All workers (including expats) will be trained in their native languages about the Code of Conduct and dismissal policy in particular in criminal cases.

Regarding Gender Based Violence:

- Grievance Mechanism will be developed and gender based complaints and necessary measures will be taken accordingly.
- Discrimination behavior or practice arising from any reason such as gender, age, ethnicity, religion, language, race, physical characteristics, and disability will be recorded and examined.
- All staff will be trained to prevent gender-based violence and promote a gender-sensitive work environment.

8. AGE OF EMPLOYMENT

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

Turkish law prohibits anyone under 18 from performing arduous or dangerous work. Thus, no construction workers under 18 years will be employed.
The RECs will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, certificate based on the results of a medical examination, national identification card, passport.
If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

9. TERMS AND CONDITIONS

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

10. REC MANAGEMENT

The following information will be reviewed by the related responsible people stated in the procedure:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Business licenses, registrations, permits, and approvals;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrollment in the related programs;
- Worker payroll records, including hours worked and pay received;
- Identification of safety committee members and records of meetings; and
- Copies of previous contracts with RECs and suppliers, showing inclusion of provisions and terms reflecting IFC PS2.

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

11. PRIMARY SUPPLIERS

The primary suppliers to the railway line shall be companies in Turkey that manufacture railway line construction materials. These sectors are not known to involve significant risks of child labor and forced labor.
In instances where local suppliers would be engaged, RECs shall be required to carry out due diligence procedure to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing worker to serious safety issues. In instances where foreign suppliers would be contracted, RECs will be required to inquire during their procurement process whether the supplier has been accused or sanctioned for any of these issues and also their corporate requirements related to child labor, forced labor, and safety. If there are any

risks related to child and forced labor, and safety identified, PIU will prepare the procedures to address these risks.

12. MONITORING, ASSURANCE AND VERIFICATION

Key success indicators (KPIs) of this procedure will be monitored, verified and evaluated by the relevant parties in accordance with their responsibilities set forth in the E&S Governance document, within the scope of the MAOG-RECU-GB-GNL-IS-PRG-0007-0 HSE Monitoring, Assurance and Verification Procedure.

13. RELATED FORMS

Annex 1:

CODE OF CONDUCT FOR REC'S PERSONNEL

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

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

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

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

REC's Personnel shall:

1. carry out his/her duties competently and diligently;

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

8. not engage in Rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE

9. not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation, and Sexual Assault (SEA);
11. not use drink alcohol during working hours which can lead to risks for the safety of local inhabitants, consumers and personnel,
12. not use drug including marijuana,
13. neglect or damage environment, the population or properties, particularly breaching provisions intended to prevent the spreading of STD and AIDS;
14. not give damage to the assets and interests of others, or the environment;
15. not enter property of neighbouring people without permission of the landowners or those cultivating/renting the land.
16. report violations of this Code of Conduct; and

17. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress] Mechanism].

Serious misconduct, and therefore instant dismissal, shall also apply if workers are found to be involved in any of the following activities: organisation of sex trade (pimping), committing paedophilia, drug trafficking, deliberate and severe pollution, trading and/or trafficking in all or part of protected species. Anyone found to be committing such offences shall be immediately dismissed as of the first report of misconduct detected, in application of the Code of Conduct and labour laws.

REC will be establish a record for each case of serious misconduct, and a copy will be provided to the REC's personnel in question, indicating all action taken to terminate the misconduct by the REC's personnel in question and to bring the attention of other REC's personnel to the type of incident detected. This record will be provided to the Implementation Consultant as an attachment to monthly progress report.

RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR REC'S PERSONNEL:

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

Name of REC's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the REC:

Signature: _____

Date: (day month year): _____

İŞ SAĞLIĞI GÜVENLİĞİ & ÇEVRE