

**YEMEN FOOD SECURITY RESPONSE AND RESILIENCE PROJECT
(P176129)**

Labor Management Procedure (LMP)

**FOOD AGRICULTURE ORGANIZATION (FAO)
AND
UNITED NATION DEVELOPMENT PROGRAM (UNDP)
AND
WORLD FOOD PROGRAM (WFP)**

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List of acronyms

CFW	Cash for Work
CHVs	Community Health Volunteers
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
LMP	Labour Management Procedure
M&E	Monitoring and Evaluation
MoPHP	Ministry of Public Health and Populations
OHS	Occupational Health and Safety
PCU	Project Coordination Unit
PPE	Personal Protective Equipment
PWP	Public Works Project (PWP)
SFD	Social Fund for Development
SMEPS	Small Micro Enterprise Promotion Service
TPM	Third-party monitoring

EXECUTIVE SUMMARY

The environmental and social risks of the Yemen Food Security Response and Resilience Project are considered substantial given that the project will support several interventions that might be associated with environmental and social risks and impacts, while the implementation agencies' Environmental and Social Framework capacity remains limited. There is a risk for poor workers management and fatal incidents or serious injuries that may occur under the project, particularly under the labor-intensive community interventions of component 1. This is anticipated as the project will provide temporary work opportunities to a large number of local community members who are unskilled, largely illiterate, and with little or no knowledge or experience in applying Occupational Health and Safety measures. Furthermore, there is a risk of COVID-19 transmission among community workers if worksites are not managed appropriately.

The Labor Management Procedures (LMP) for Yemen Food Security Response and Resilience Project has been prepared to meet the objectives and requirements of ESS2 as well as the Yemeni national Labor Law. This LMP sets out the way in which project workers will be managed, in accordance with the requirements of national law and ESS2. The main purpose of the LMP is to identify the main labour requirements and risks associated with project and help the implementing partners (IPs) to determine the necessary resources to address the project labour requirements as mentioned in LMP. This project will use various types of workers (Direct, Contracted, Community workers, and Primary Supply workers, civil servants), their estimated numbers, characteristics etc. have been set out. Key potential environmental and social risks such as OHS, community risks, waste generation, risk of Gender-Based Violence, child labour and forced labor have been identified. Provisions of World Bank Environment and Social Standards under ESS2, and the Government of Yemen Labour Laws, have been thoroughly studied and cited to meet their requirements and obligations. Major points of consideration that include Conditions of Employment, OHS, Child/Forced Labor etc. have also been referred as guidelines. A Grievance Mechanism (GM) for labor has been worked out so that any potential dissatisfaction, concerns, notice can be raised by all project stakeholders. For the Implementing Partners, a Contractor Management guideline has also been drafted so that selection, retention, monitoring and guiding the contractor can be done in accordance with the ESS and national laws/acts.

1. INTRODUCTION

This Labor Management Procedures (LMP) has been prepared for the **Yemen Food Security Response and Resilience Project (P176129)**, which will ensure compliance with Environmental and Social Standard on Labor and Working Conditions (ESS2) and Community Safety and Health (ESS4) of the World Bank's Environmental and Social Framework (ESF) and the national legislation and regulations of the Government of Yemen, with the same overall risk rating consistent with the scope of the anticipated labor requirements and operational arrangements. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the project by identifying the main labor requirements, the associated risks, and the procedures and resources necessary to address the project-related labor issues. The LMP sets out general guidance relevant to different forms of labor but also issues and concerns that relate to COVID-19 considerations.

2. OVERVIEW OF LABOR USE ON THE PROJECT

ESS2 categorizes the workers into direct workers, contracted workers, community workers and primary supply workers. This Labor Management Procedure (LMP) applies to all project workers as defined in ESS2:

a) **Direct workers-** The project will be jointly implemented and directly managed by the Food and Agriculture Organization (FAO) and the United Nations Development Programme (UNDP) and the World Food Programme (WFP) with the involvement of implementing partners (IPs) which include, the Yemen Social Fund for Development (SFD), the Public Works Project (PWP) and Small Micro Enterprise Promotion Service (SMEPS). Implementing partners (SFD, PWP, SMEPS) staff are considered also as direct workers.

- **UNDP:** will have a dedicated project team based in Sana'a, including project manager, national coordinator, international and national specialists in M&E, Environmental and Social Safeguard Team, and Adaptive Management. The team is backed up by a sub-office in Aden and other subregional offices. The project will have support from the regional hub and from experts in New York. Additional Procurement support is provided from Malaysia. The structure builds on the experience with previous WB grants implemented by UNDP in the country, around 8 direct workers are recruited to implement this project.
- **FAO:** will have a Project Coordination Unit (PCU) based in Sana'a, and technical staff deployed in its Aden sub-office and other decentralized hubs to ensure the day-to-day management of the project, including all fiduciary, environmental, and social aspects, as well as monitoring and reporting. That structure would build on the experience with previous grants implemented by FAO in the country. Moreover, the FAO team in Sana'a is backstopped by a dedicated team of technical experts at the Regional (Cairo) and Headquarters (Rome) level in line with the Level 3 fast-track procedures established due to the emergency in Yemen, approximately of 34 direct workers are hired .
- **WFP:** has programme units of Nutrition and in Resilience and Livelihoods (R&L), who will support the project. These units have technical specialists and programme personnel at the national level as well as the Area Offices where the activities are directly implemented and provide support to the day to day operations. A national livelihoods specialist will cover part of the environmental safeguards. In addition, WFP has an international protection officer and is in the process of hiring a national senior gender specialist. Similarly, WFP Yemen Country Office plans to recruit an international ESF expert. WFP receives support from an international ESF specialist at its Regional Bureau (Cairo).

SFD: The Managing Director leads the SFD's executive body in the Main Office and the SFD's nine branches, which cover all the governorates of Yemen. Institutionally, SFD's central office in Sana'a will provide overall support in implementing the project's components, the branch offices in Aden, Amran, and El Mukalla will provide support and coordination for the project activities also in Abyan, Lahj, Saada, and Shabwa; while branch offices in Hajjah, Taiz, and Al-Hodeidah will provide support and coordination in their own governorates. Staff in the branch offices include a branch manager, Safeguards' focal point, procurement officer, financial management (FM) officer, technical officer for the quality supervision, Monitoring and Evaluation Officer (M&E), Information Technologies (IT) which are involved in the day-to-day activities. Additional personnel will be recruited to cover areas where there are gaps. SFD maintains adequate institutional

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arrangements for the implementation, monitoring, and reporting on safeguards aspects. The existing environmental and social Risks management system of SFD includes an Environmental and social safeguards and OHS specialist, who is managing a team consisting of 15 members. Five in head quarter and ten in different branches. Two OHS officer ,one E&S safeguards officer, one gender and one safeguards admin assistant in HQ, two safeguards focal points in Taiz branch and all the remaining branches have one safeguards' focal point, a total of 425 direct workers are hired in this project (including 400 staff work with UNDP and 25 staff work with FAO).

- **PWP:** structure includes manger, an E&S Safeguards' Unit with two officers covering environmental, social, and gender aspects as well as an OHS sub-unit to provide overall support, monitoring, and coordination on OHS aspects. At the branch level, PWP maintains E&S focal points to ensure compliance with OHS measures. Furthermore, site technicians are deployed at each site to monitor and report on the technical compliance of subprojects including E&S aspects, an estimation of 53 direct workers.
 - **SMEPS:** The direct workers will include all staff to carry out the project activities around 41 staff (divides into 20 with UNDP and 21 with FAO).
- b) Contracted workers-** including consultants, and contracted workers, for construction and rehabilitation work; include the contractors who in turn employ workers/ laborers/ farmers through Cash for Work modality, based on daily wages to perform (i) skilled field-related works such as engineers, (ii) IT-related works, (iii) training-related works in the compenent 1 and 2.2.
- c) Community workers-**including:
- Workers are recruited for Cash for Work, by SFD and Community Committee (CC) to implement activities from within the communities. To meet the objectives of the **Yemen Food Security Response and Resilience Project** of providing temporary employment and economic opportunities for vulnerable communities, the contractor should recruit at least 50% of the workers from the local community.
 - For sub-component 3.3 (nutrition), WFP engages with Community Health Volunteers (CHVs). CHVs provide nutrition services, including distribution of nutrition commodities, nutrition awareness raising sessions, screening, and referral of women and children (under age of 5) for acute malnutrition support. The Governate Health Office (GHO) provides supportive services to the CHVs and facilitate monthly review meetings with the CHVs. The Implementing Partners of WFP recruit the CHVs in collaboration with the Ministry of Public Health and Populations (MoPHP) and local authorities. The selection process for CHVs is outlined in the National Guideline for Community Health Volunteer Programme. Newly recruited CHVs are provided with a training course on community-based nutrition programme.
- d) Primary Suppliers** are likely to include suppliers of construction materials for any civil works to be supported by the project, as well as agricultural equipment/supplies that may be used within the different project components.
- e) Civil servants:** Where government civil servants are working in connection with the project, whether full time or part time, they will remain subject to the terms and conditions of their

existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. There may be situations in which government civil servants have no employment relationship with the project and, therefore, cannot be considered project workers. Nevertheless, they may be involved in project activities in their governmental capacity. For example, they may be involved in training activities. While ESS2 does not apply to such persons, the potential risks and impacts of the project to such persons should be assessed in accordance with ESS2, including any occupational and health and safety considerations. For the Cash for work activities, SFD, PWP, SMEPS will not hire any civil servants in this project. However, FAO will work through SFD to support the capacity building of the Animal Resources Department within Ministry such as Community Animal Health Workers (CAHWS) and the General Directorate for Animal Health and Quarantine (GDAHQQ).

3. Characteristics of Project Workers:

All workers for the Yemen Food Security Response and Resilience Project will be recruited locally. Contractors will be encouraged to recruit local workers including female workers to the most extent possible. Female workers will be assigned to tasks appropriate with their capabilities. Contractors will ensure that labor meet the minimum approved age i.e. not less than 18 years for light work not involving any potential risks or hazards and above 18 years for others.

4. Timing of Labor Requirements:

For each community asset, direct workers and consultants will be recruited at the design stage. Contractors, supervision engineers and workers will all be recruited at the beginning of the subproject. The subprojects will provide job opportunities for skilled and unskilled workers as well. However, skilled workers will be hired, when required, according to the nature of the works. The number of workers needed for each activity will be determined prior to implementation. For each category of worker, a contract will be issued with a Code of Conduct prior to commencement of any assignment; and where existing contracts are in place the implementing agency will ensure that workers are required to comply with the relevant Code(s) of Conduct.

5. ASSESSMENT OF POTENTIAL LABOR RISKS

5.1 PROJECT DESCRIPTION

The project focuses on building the resilience of Yemeni households to food security crises and improving household food security and nutrition by increasing food availability, access and utilization in the project areas. The project aims to serve as a scalable platform for broad-based support to food security in Yemen going forward. The project encompasses complementary activities to address the three core aspects of food security, including improving household incomes (improved food access), restoring and expanding agricultural production (improving food availability), and enhancing nutrition at the household level (improved nutrition). To achieve these objectives, the project includes five components, including: (1) Improving household incomes through Cash-for-Works for agricultural production infrastructure; (2)

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Increasing production and sale of nutritious crops, livestock and fish products; (3) Improving the nutritional status of rural households; (4) Capacity building for food security management; and (5) Project management and knowledge management. The project aims to work through several Implementing Agencies – FAO, UNDP, and WFP, - which allows for both tailoring and scaling-up interventions based on the needs on the ground in Yemen. UNDP will implement Component 1, in collaboration with SFD, PWP, and ESMPS. Component 2 is implemented by FAO with support from SFD and SMEPS. Component 3 is implemented by WFP, and Components 4 and 5 are carried by FAO.

5.2 ENVIRONMENTAL & SOCIAL IMPACTS AND INHERENT RISKS

I- Impacts related to the Social risks, cover:

- (a) Impacts relating to mistargeting and the lack of transparency and discrimination marginalised groups; and corruption in selection of the project recipients;
- (b) Effects of gender blindness, gender based violence, sexual abuse and child labor, SEA/SH typically associated with catastrophic events and/or temporary labour camps;
- (c) Negative impacts related to discrimination against women and children elderly and persons with disabilities during project beneficiarie selection;
- (d) Impacts related to lack of child protection and child labour due to high need of money among poor families;
- (e) Impacts related to conflict eruption and social disputes due to lack of consideration to the different stakeholders' needs and interests and mishandling water owernship, use and property rights.

II- Environmental risks, incorporating:

- (a) Impacts of overuse, mismanagment deterioroation to soils and land resource;
- (b) Impacts related to solid waste produced by workers (trash and plastic bags) accumulating and polluting the environment;
- (c) Impacts of pesticide and/or fertilizer use, storage and disposal.

III- Occupational and Community Health and Safety risks, including:

- a) Community health and safety impacts related to project activities during the implementation, COVID-19 and cholera infections;
- b) Impacts related to possible contamination of existing water sources;
- c) Impacts related to occupational health and safety due to lack of Personal Protective Equipment (PPE) or other reasons, and resulting in accidents, wounds, noises, etc;
- d) Impacts related to destruction of public services infrastructure.

Key Labor Risks Include:

I. Child Labor and Forced Labor

The deteriorating economic conditions present the risk that child and/or forced labor may be used in project activities. As the construction activities will involve hazardous work, persons under the age of 18 will not be employed by the project unless to perform light duties, and no child under the age of 14 will be employed (in accordance with the Yemen-ratified ILO Conventions 138 and 182). Similarly, no child, forced, involuntary or unpaid labor will be used in any works activities directly associated with the project. Subprojects will be implemented by local workers. Ensuring that the terms and conditions for these

workers are in accordance with the requirements of national law and in compliance of this LMP, in particular child and forced labor.

II. Labor influx

In some cases, worker unavailability or lack of technical skills and capacity among local community will require the implementing partner/ contractor to bring skilled labor from outside the project area. This influx is compounded by an influx of other people (“followers”) who follow the incoming workforce with the aim of selling them goods and services, or in pursuit of job or business opportunities, the level of labour influx risk is assessed as “a moderate”. The rapid migration to and settlement of workers and followers in the project area is called labor influx, the influx of workers and followers can lead to adverse social and environmental impacts on local communities, especially if the communities are rural, remote or small. Such adverse impacts may include increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, increased demands on the ecosystem and natural resources, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behavior, crime, and GBV.

Depending on the size and the skill level of the local workforce, a share of the workers required for the project will be recruited locally. This is generally easier for unskilled workers, while more specialized staff (typically required in smaller numbers) frequently will be hired from elsewhere.

UNDP, FAO, WFP, PWP, SFD will ensure transparent local community engagement and participation during initial project decision-making and continue routinely throughout the life of the project through GM to ensure effective Information disclosure, community involvement.

III. Gender-based Violence (GBV)/Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH):

With persistent gender gaps existing even prior to the conflict (i.e., in education, legal restrictions on mobility and decision-making, barriers to female participation in the labor force and in political life, and few opportunities for voice, paid work and entrepreneurial activity), women are more vulnerable to the economic, social and security challenges that result from the conflict and should thus be proactively reached for access to cash to improve their purchasing power for food and basic necessities. The stark gender gaps are influenced by and set within the context of conservative and strict gender norms. The risk of GBV, SEA, and SH is often also increased in instances of labour influx and when temporary labour camps are established. To address these issues, the project includes specific actions and design parameters to ensure the inclusion and participation of women. Such design parameters will ensure women are provided an equal opportunity to benefit from the employment opportunities (for example, targeting female-headed households, allowing flexibility in work hours, and providing on-site childcare). Consideration for IDPs, women and youth as specific vulnerable groups are included in the targeting as well as type of intervention.

The project will ensure that gender sensitive interventions are mainstreamed across all project components, creating pathways for employment and participation in society and playing a key role in building resilience to shocks, improving livelihoods and mitigating social constraints. This is relevant in the current country context as empowering women’s full productive potential can yield enormous dividends in reducing GBV, gender gaps in education, employment, and access to services.

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It will also require training of stakeholders and communities on the risks pertaining to child labor and gender-based discrimination, GBV, SEA and the various referral pathways, Code of Conduct (CoC), which must be signed by all workers, and GM associated with the project to prevent and mitigate such risks (e.g. those associated with labour influx, temporary labour camps, etc.).

IV. Community Health and Safety:

Implementing partners (SFD, PWP) and members of community organizations, would be interacting with communities to inform them about the subprojects and support them to prepare the applications. These interactions would increase the risk of exposure to the virus for these workers and the risk for the communities, especially if proper hygiene, safety precautions and social distancing measures are not adhered to. Therefore, activities that bring groups of people together must be avoided, unless absolutely necessary, and only then with precautions.

In addition, communities may be negatively impacted by project activities: noise, waste, traffic, lighting, excavation, pesticide use, storage and disposal and so forth. This may result in negative actions towards project operations such as road closures and the prevention of workers or suppliers from entering the worksite. It is imperative that implementing partners implement control measures to avoid and minimize the impacts of the project on communities. Training shall be conducted on pest management, the correct use, storage, and disposal of pesticides and/or biohazardous waste, and use of PPE. As a mitigation measure, a pest management plan is in place.

Special trainings and mitigation measures will be implemented for security Incidents such as armed attacks, hostage taking or kidnapping, unlawful detention, explosions, violent unrest/disputes between the implementing partner and local authorities and communities. Details are more explained in the SMP.

V. Occupational Health and Safety (OHS):

Risk remains that some accidents may occur that lead to injuries, specifically poisoning or other injuries from the use of pesticides and other chemicals, as well as workplace accidents/ injuries. In general, hazards will depend on the type of subproject works to be implemented. Workers and community members will be exposed to occupational health and safety hazards, including but not limited to:

- Excavations hazards
- lack/inappropriate use of personal protective equipment (PPE)
- Excessive hours of work
- Exposure to chemicals (as paints, solvents, lubricants, and fuels, pesticides, chemical fertilizers)
- Traffic accidents
- Lifting of heavy objects
- Exposure to construction airborne agents
- Ergonomic hazards during construction

Mitigation of these risks will require adequate training on OHS, waste disposal and management, use of personal protective equipment (PPE), safe transportation and use of machinery.

6. TERMS AND CONDITIONS

The Republic of Yemen has drafted policies and established institutions and responsibilities for Labor management, joined international conventions and developed sector legislation and procedures. The Labor Law (Act No. 5 of 1995) regulates the rights and wages of workers in the private sector, their protection, occupational health, and safety. In addition, Insurance and Wages Law 25/1991 and Social Security Law 26/1991 regulates retirement compensation. The following terms and conditions apply for workers as per the Government of Yemen Labour Laws (in addition to the provisions of ESS2). In case of variations between the national legislations, regulations, UN agencies guidelines and the World Bank Environment and Social Standards, the more stringent provision will be applied.

Employment Agreement:

All employers are required to enter into an employment agreement in writing with their employees. The duration of a Yemeni worker's contract shall be considered unlimited unless otherwise specified by agreement between the two parties. Upon signing a contract of employment, a worker may be subject to a probationary period not exceeding six months with the same employer, to be stipulated in the contract. It shall be forbidden to employ a worker on probation more than once for the same job.

Working Hours:

Official working hours shall not exceed eight hours per day or 48 hours per week. Weekly hours of work shall be distributed over six working days followed by one day of rest with full pay. No employee shall be required to work more than 6 (six) consecutive days a week (on a day that is normally a day off or has been agreed as a day off), without being provided with twenty-four consecutive hours of leave. Official working hours during the month of Ramadhan shall not exceed six hours per day or 36 hours per week.

Dismissal:

Employees have a right not to be dismissed unfairly, without cause. The Act provides a list of disciplinary measures that can be taken reasonably against an employee due to misconduct and which must ordinarily be exhausted before any dismissal. It shall be forbidden for an employer to terminate a contract of employment in the following cases:

- During any of the worker's leave.
- During the investigation of a dispute between the employer and the worker, provided that such investigation shall not exceed four months, unless the worker commits another violation which requires his dismissal.
- During the worker's detention by the competent authorities in connection with his work, pending a final decision in the matter.

Wages and deductions:

In the Yemen Labour Code, Article 5 it details that the minimum wage payable to a worker shall not be less than the minimum wage paid by the state administration. The average daily minimum wage of a worker remunerated on the basis of production piece rates shall not be less than the daily minimum wage specified for the occupation or industry concerned. The daily wages of workers not paid on a monthly, weekly or daily basis shall be calculated on the basis of the average wages earned by their counterparts for days effectively worked for the same employer over the past year or during their period of service if

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less than one year. Employees may be fined for absenteeism from work during official working hours, such fine to be deducted from his/her wages and to be commensurate to the time absent from work. No other fines shall be imposed by the employer on account of absenteeism.

The minimum wage payable to a worker shall be as follows:

- Direct Labour for the IP's staff and Consultant's remuneration is in accordance with the contracts of employment. The monthly remuneration will be set to be in line with level of responsibilities.
- Contracted workers based on daily wages paid by the contractor to be in line with the current market rates paid for skilled, semi-skilled or unskilled labour. The daily rates could differ from one governorate to another; hence, it should be equivalent to the wages paid in the specific location.
- Community workers will be paid similar to the contracted workers in case of PWP, and as per LIWP operations manual in case of SFD. The approach in SFD's cash for works is a self-targeting mechanism which means the daily conditional cash amounts for each labourer (beneficiary) is lower than the market rate.

Overtime Work:

Article (50) of the labor law states that employees shall not be required to work overtime except unless this has been agreed in the employment agreement. Wages for overtime work shall be calculated according to the following rates:

- One-and-a-half hours' basic wages per hour of overtime on normal working days.
- Two hours' basic wages per hour of overtime at night, on the day of weekly rest, and on official holidays and leave, in addition to entitlement to standard wages for such holidays.

Direct workers overtime rates are stipulated in the implementing partners internal policy which goes in line with national law regulations. Contracted workers and community workers will be paid based on delivery of specific assignments within a defined time, hence overtime is not relevant. Nevertheless, employees shall not be required to work overtime except unless this has been agreed in the employment agreement. Working hours, whether normal or overtime shall not exceed 12 hours per day.

Women's employment:

The Labor Law (Law 5/1995) states that women are equal to man in all aspects without any discrimination, and that equality should be maintained between women and men workers in recruitment, promotion, wages, training, social insurance. It also regulates work time for pregnant women.

Women shall be equal with men in relation to all conditions of employment and employment rights, duties and relationships, without any discrimination. Women shall also be equal with men in employment, promotion, wages, training and rehabilitation and social insurance. The requirements of job or occupational specifications shall not be considered as discrimination.

It shall be forbidden to assign a woman to overtime work as from the sixth month of her pregnancy and during the first six months following her return to work after maternity leave.

Gender-based Violence (GBV)/Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH):

Yemen ratified the Convention on Elimination of all Forms of Discriminations Against Women (CEDAW) in 1984, and prepared a National Strategy for Women Development in 1997, which was updated in 2015.

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Implementation of CEDAW is delegated to relevant ministries and authorities (Decree 55/2009). Based on amendments proposed by the Women National Committee, 24 laws were amended to ensure building gender balance in accordance with the convention.

To the extent possible, the project will promote gender equality and the empowerment of women and seek to reduce gender inequalities in access to and control over resources and the benefits of development.

- Sub-projects will ensure that both women and men are able to participate meaningfully and equitably, have equitable access to project resources, and receive comparable social and economic benefits.
- Sub-projects will not discriminate against women or girls or reinforce gender-based discrimination and/or inequalities.
- Sub-projects will ensure precautionary measures are in place to prevent potential exposure of beneficiaries, workers, and affected people to sexual exploitation and abuse.
- Sub-projects will ensure precautionary and control measures are in place to prevent potential exposure of beneficiaries, workers, and affected people to health and safety hazards.

A key element of the CoC is the sanctions that may be applied if an employee is confirmed as a SEA/SH perpetrator. The sanctions need to be proportional to the violation. Prior to imposition of sanctions, if a worker raises a credible challenge to alleged violation with the CoC, the worker's employer should place the worker on administrative leave pending a full and fair review to determine the veracity of said allegation(s). Examples of potential sanctions include the following:

- Informal warning;
- Formal warning;
- Additional training;
- Loss of up to one week's salary;
- Suspension of employment (either administrative leave as above or without payment of salary), for a minimum period of one month up to a maximum of six months;
- Termination of employment; and/or,
- Referral to the police or other authorities as warranted.

Moreover, E&S documents should identify the risk of SEA/SH and propose prevention and mitigation measures particularly through the project ESMP.

Prohibition of Child and Forced Labour

- The law considers a minor to be a person under the age of 15. It shall be forbidden to employ a young person (any male or female person under 15 years of age) in industrial work. Article 7 of Ministerial Order No. 11 of 2013 (52), state that the minimum age for Hazardous Work is 18 years old. Nevertheless, Minors under the age of 18 are prohibited from engaging in any kind of employment in the project.
- Yemen has ratified ILO Convention Number 138 on Minimum Age for Admission to Employment (Law 7/2001). The Convention establishes a minimum age for admission to employment.
- Yemen has also ratified the ILO Convention 182 on the Worst Forms of Child Labor. It refers to child labor as work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school, by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work.

These provisions will apply for: **Direct workers, contracted workers, primary supply workers and community workers.**

Minors under the age of 18 are prohibited from engaging in any kind of employment. Hence documentary evidence (passport, identity card or birth certificate) of all workers prior to involving them on activities of the project, shall be verified.

6.1 OCCUPATIONAL HEALTH AND SAFETY

Yemen's Labor Code Chapter IX details the legal framework on Occupational Health and Safety (OHS). In accordance with Article 113 any employer who starts a new enterprise must ensure that it meets occupational safety and health requirements which will be checked by the relevant Ministry.

Article 114 of the Yemen Labor Code lists the various conditions which must be applied to ensure occupational health and safety. In the case of occupational injury, employers are not to deduct the costs related to such injuries from the employee's wages.

Article 114 also addressed the concerns of explosives as follows: The necessary precautions shall be taken against the hazards of excessive light, noise, harmful or dangerous radiation, vibration, variation in atmospheric pressure inside the workplace, including any risk of explosion.

Implementing partners will observe the following rules:

- Workplace health and safety conditions shall be maintained in conformity with occupational safety and health requirements.
- Workplaces shall be properly ventilated and adequately lighted during working hours.
- The necessary precautions shall be taken to protect workers from such damage to their health as may be caused by gas, dust, smoke or any other emissions or waste likely to be discharged.
- The necessary precautions shall be taken to protect workers against the hazards of equipment and machinery, including any risks of collapse.
- The necessary precautions shall be taken against natural hazards and damage, including health, humidity and cold.
- The necessary precautions shall be taken against the hazards of excessive light, noise, and any risk of explosion.
- Easily accessible lavatories and washrooms shall be provided, and separate lavatories and washrooms shall be provided for women workers.
- An adequate and easily accessible supply of drinking water shall be provided for the worker's use.
- The necessary precautions shall be taken to deal with fires and provide fire-fighting equipment, including emergency exits, which shall be maintained in working order at all times.
- Accidents and occupational diseases shall be recorded in a register and notified to World Bank Team within 24-48 hours.
- IPs workers are not allowed to use explosives in this project and IPs will ensure that no explosive are used in any subproject-activities.

The implementing partners shall not deduct any amount from their wages in consideration of:

- The provision of protective devices, equipment and clothing to protect workers from exposure to occupational injuries and diseases;
- Any allowances granted to workers for working in conditions harmful to their health, or any meals

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provided to them in compliance with occupational safety and health requirements.

- Expenses incurred on account of workers' medical examinations, regular or otherwise, as necessitated by occupational safety and health requirements.
- The provision of first aid equipment at the workplace.

In addition, implementing partners will be required under the Environmental and Social Management Plan (ESMP) to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project's Environmental and Social Management Framework (ESMF). Nevertheless, implementing partners will have to:

- Ensure that an appropriate level of management and resources are in place to comply with the occupational health and safety requirements,
- Provide visible commitment and leadership to occupational health and safety,
- Identify and evaluates risks and normalizes the activities (rules, instructions, and procedures),
- Analyze all incidents and accidents,
- Evaluate the indicators of OHS performance,
- Carry out the internal audits of OHS MS,
- Evaluate the OHS training requirements,
- Carry out the medical follow-up of the workers after incidents.

6.2 COVID-19 specific Occupational Health and Safety

These provisions will apply for: **Direct workers, contracted workers, primary supply workers and community workers.**

- The health conditions of the workers will be assessed prior to engaging them in the Project, and sick workers will be refused entry to the office premises.
- Entry/exit to site or the workplace will be minimized, and measures will be put in place to limit contact between workers and the community/public.
- Trainings for workers on hygiene and other preventative measures will be carried out, and a communication strategy for regular updates on COVID-19.
- Adjustments will be made to work practices to reduce the number of workers and increase social distancing.
- Procedure to follow if a worker becomes sick (following WHO guidelines), will be instituted and followed up.
- Adequate supplies of PPE (masks); hand washing facility, soap and/or alcohol-based sanitizer, will be made available at the office premises/worksites.

6.3 Community Workers

Community workers are members of the community who are recruited by the contractor in selection process, in collaboration with SFD and PWP and the elected community committee of the subproject. Community workers are divided into skilled and unskilled workers to work on the community asset as

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Community Health Volunteers (CHVs). Community workers are voluntary workers for a wage of cash for work, they cannot be employed or forced or hostage labor. As the project objectives include providing temporary employment and economic opportunities for the vulnerable communities, the Project defined a minimum of 50% of labor to be recruited from the local communities. These workers are recruited by the contractor based on Daily Wages as per the current local market rates. The contractor is obliged by the Contract to provide the necessary Insurances, OHS Measures, Emergency Response Plans for accidents to ensure protection of workers. The Contractor is encouraged to recruit women labor from the community to the extent possible for work and timings that are suitable for female workers. The contractor will not perform any sort of discrimination in recruiting workers from the local communities and will include IDPs and marginalized groups if any within the communities.

7. RESPONSIBLE STAFF

The project will be jointly implemented and managed by the Food and Agriculture Organization (FAO) and the United Nations Development Programme (UNDP) and the World Food Programme (WFP) through their IPs to achieve the five objectives of: (1) Improving household incomes through Cash-for-Work (CFW) for agricultural production infrastructure (by UNDP); (2) Increasing production and sale of nutritious crop, livestock, and fish products (by FAO); (3) Improving the nutritional status of vulnerable rural households (by WFP); (4) Capacity building for food security management (managed by FAO); and (5) Project management and knowledge management (by FAO).

The three Implementing Agencies (IAs) and their Implementing Partners (Ips) would designate specialized and responsible staff (including OHS, ES, and Gender/GBV/SEA safeguard staff) who are responsible on management of implementing, monitoring and reporting periodically on the LMP and ESS. IAs' OHS/ES staff will coordinate, collaborate and communicate periodically, through a joint project safeguard committee and to ensure better implementation and robust and joint monitoring and reporting, for different components and IAs' systems.

- **Engagement and management of project workers**

UNDP, FAO, WFP will supervise and support the implementing partners (SFD, PWP, SMEPS) to carry-out project specific tasks. The implementing partners management is responsible for employing project workers, and to ensure that all labor measures taken at sites where sub-project activities are implemented. UNDP, FAO, WFP and their implementing partners are responsible to:

- Apply this labor management procedure to direct workers,
- Update this Procedure when necessary in the course of preparation, development and implementation of the Project,
- Maintain records of recruitment and employment process of direct workers,
- Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation,
- Monitor training of the project workers on OHS,
- Ensure Co- management in managing the community contractors with community committee and direct contractors.
- Develop, and implement workers' grievance mechanism and address the grievance received from the direct, contracted and sub-contracted workers, and community workers.
- Sign a Code of Conduct with all workers.

- **Engagement and management of contractors/subcontractors**

Implementing partners staff in their capacity at head office and branch offices will be responsible for engagement and management of contractors. The field staff are assisted by Supervisory Consultants, and technical engineer, and safeguards focal point in branch for the management of contractors and workers, ensuring compliance and monitoring of activities and providing labor instructions on safety and security. Contractors with direct management of IPs (supervision of the project partners: UNDP, WFP and FAO) are also expected to develop their Labor Management Plans based on the project's LMP. Contractors will be responsible for the following:

- Ensure that this labor management procedure is also applied to community workers for construction and Community Health Volunteer Workers (CHV),
- Comply with OHS mitigation measures included in the ESMF and this labor management procedure. These measures will apply to contracted and sub-contracted workers,
- Maintain records of recruitment and employment process of contracted and community workers,
- Clearly communicate job tasks and employment conditions to contracted and community workers,
- Have a system for regular review and reporting on labor, and occupational safety and health performance,
- Deliver regular induction (including social induction) and HSE training to employees.
- Contractors and community committees should ensure implementation of the GM for all contracted and community workers which is based on and compatible with the WB, UNDP, FAO and WFP GRM systems (this is stipulated in the ESMF and is included in any contracting documents).

- **Occupational health and safety (OHS)**

Implementing partners will promptly notify the UNDP, FAO, WFP of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, communities, or workers including exploitation or abuse of vulnerable groups, sexual exploitation and abuse and sexual harassment (SEA/SH), child labor, forced labor, injuries to workers that require off-site medical attention, misuse or spills of pesticides, fatality, among others. They will also provide sufficient detail regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it. Subsequently, prepare a report on the incident or accident and propose any measures to prevent its recurrence.

The implementing partners OHS Focal Point at Head Office is responsible for ensuring compliance with all OHS measures and that an appropriate level of management and resources are in place to comply with the OHS requirements, including fire management, the free distribution of personal protective equipment (PPE) and first aid kits. The monitoring in the field is through the Branch Office managers, Branch Office safeguards focal point and individual site focal point for daily monitoring.

- **Training of workers:**

SFD, PWP and SMEPS under the supervision and management of FAO, UNDP and WFP will ensure to provide training to all their workers, prior to any site work, on basic ESHS risks associated with the proposed construction works and the workers' responsibility.

Site specific ESMPs shall include weekly toolbox meetings at the work sites with a focus on the following themes: child labor; forced labour; gender-based violence, including the mechanism for submitting GBV/SEA complaints; health and safety; compliance with codes of conduct; etc.

Site engineers will provide a weekly or ad-hoc (if and when required) toolbox talks and/or meetings with the construction workers on ESHS risks associated with the construction activities, which have been executed during the past week and for those which are foreseen to be carried out during the next week.

- **Addressing worker grievances**

Workers' complaints will be resolved mainly in the field by the supervisor consultants, technical engineer through the GM procedure, branch office managers and, when necessary, raised to senior management for ensuring fair solution is reached.

8. GRIEVANCE MECHANISM (GM)

A complaint in the GM ensures stakeholders including project workers and community members can express dissatisfaction about the standard or quality of the Responsible Party's activities. Additionally, it allows identification of any negative and lack of actions taken by either of the Responsible Party or their partners that directly or indirectly cause distress to the affected beneficiary or any other party. The project partners have designated staff with expertise in safeguard, gender, GBV and confidentiality, in addition to the Third Monitor Party (TPM) conducts its quarterly report from the local communities and beneficiaries.

The implementing partners (FAO, UNDP and WFP) may have a separate reporting system for GM issues, but overall capture of project grievances (as shared by other implementing partners) must be tracked by FAO, the FAO/UNDP/WFP shall be responsible for coordinate with the local partners for reporting.

While greivances will be received within the main GM reporting systems of the implementing agencies (FAO, WFP, UNDP), grievances specifically concerning GBV/SEA/SH will be triaged and referred to GBV/SEA/SH specialists for adequate support and redress.

8.1 Project-Level Grievance Mechanism

During the design, construction and implementation of any sub-project, a person or group of people may perceive or experience potential harm, directly or indirectly due to the project activities. The grievances that may arise can be related to social issues such as eligibility criteria and entitlements, disruption of services, temporary or permanent loss of livelihoods and other social and cultural issues. Grievances may also be related to environmental issues such as excessive dust generation, damages to infrastructure due to construction related vibrations or transportation of raw material, noise, traffic congestions, decrease in quality or quantity of private/ public surface/ ground water resources during irrigation rehabilitation, damage to home gardens and agricultural lands, etc.

Should such a situation arise, there must be a mechanism through which affected parties can resolve such issues in a cordial manner with the project personnel in an efficient, unbiased, transparent, timely and cost-effective manner. To achieve this objective, a Grievance Mechanism has been included in the ESMF and SEP for this project.

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The GM will not impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

The Grievance Mechanism:

- a. provides a legitimate process that allows for trust to be built between stakeholder groups and assures stakeholders that their concerns will be assessed in a fair and transparent manner;
- b. allows simple and streamlined access to the Grievance Mechanism for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;
- c. provides clear and known procedures for each stage of the Grievance Mechanism process, and provides clarity on the types of outcomes available to individuals and groups;
- d. ensures equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a concern, complaints and/or grievances;
- e. provides a transparent approach, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it; and
- f. enables continuous learning and improvements to the Grievance Mechanism. Through continued assessment, the learnings may reduce potential complaints and grievances.

The GM will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. The GM will not impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

Information about the Grievance Mechanism and how to make a complaint and/or grievance will be communicated during the stakeholder engagement process and placed at prominent places for the information of the key stakeholders.

GM will be designed in such way that to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner. Every concerned stakeholder will be informed of the grievance mechanism in due time and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all project stakeholders, such as toll-free hotline telephone number, SMS, email and WhatsApp messenger. If complaints can be solved immediately on the spot or at the project level, then staff must be encouraged (and managed) to do so.

A key part of the grievance mechanism is the requirement for the Project Management Team and construction contractor to maintain a register of complaints and/or grievances received at the respective project site offices, this includes grievances from workers. The following information will be recorded:

- a. time, date and nature of enquiry, concern, complaints and/or grievances;
- b. type of communication (e.g. telephone, letter, personal contact);
- c. names contact address and contact number.
- d. anonymous complaints are also registered, investigated and solved
- e. response and review undertaken as a result of the enquiry, concern, complaints and/or grievances; and
- f. actions taken and name of the person taking action.

8.2 Redress the Grievance and Informing the Persons

FAO, UNDP and WFP, in collaboration with the Social Fund for Development (SFD), the Small Micro Enterprise Promotion Service (SMEPS), and the Public Works Project (PWP) aim to redress the grievances in a short period of time within 14 days. The grievances of each person shall be evaluated with a fair and objective and approach. In all circumstances, the grievances are followed until all appropriate remedies are tried. The person will be provided with information about the resolution and asked for feedback. Also, anonymous grievances will be addressed in the Project. The grievances related to exploitation of female workers, including sexual harassment and abuse, GBV at the workplace and unfair treatment will be prioritized to take actions.

The Project Manager, Field Coordinator, Safeguard Specialist, Gender and Social specialist, and Communication Specialist, as appropriate, shall be responsible for taking appropriate action in cases in which there is reason to believe that any right has been violated. All grievances and feedbacks will be handled with a fair and objective approach. Transparency and accessibility are also two main concerns of this redress mechanism. In addition, the number, frequency, topics of grievances and feedbacks will be analyzed and reported periodically to the related units and administrative level. Based on these detailed reports, the most frequently addressed issues are identified, and improvement activities are initiated. In Component 1: Gender and Social Specialist should handle gender, GBV/ SEA cases in high confidentiality, by following SFD and PWP's internal referral pathway, and if further support is need, UNDP (gender specialist) will collaborate with Women protection (Protection Sub-WG) and SEA' case management in North and South Yemen¹.

For work conducted under FAO-led components/sub-components, full details on handling of GBV/SEA cases is covered in the Annex 4 of the ESMF (Gender Based Violence Action Plan). Consultations with stakeholders, especially women, during the preparation of the contemporaneous Yemen Desert Locust Project, highlighted that victims of GBV always prefer to remain silent and not discuss the violence experienced given the socio-cultural constraints on these issues. Following on the approach used in the Yemen DLRP, the complaints/grievance redress mechanism for this project will utilize the same process. Namely, in the event of GBV, the complaint is lodged at the level of an NGO (or the UN implementing agency) which intervenes in the field of assistance to GBV, making use of the National Police and/or the Social Services on duty, if needed, depending on the level of violence suffered by the victim. The victim can also directly contact the Social Services of the locality to explain her/his situation rather than going through an implementing partner (UN, NGO, or MAI). The rest of the process would then remain the same. Once reported, the national police initiate legal proceedings into matters where the violence is proven by a medical certificate. If the victim has suffered trauma, they will be referred to the local Social Center for care. In caring for the victim, one of the most important points concerns is their social reintegration. Cases of GBV/SEA can also be reported through the toll free numbers provided by the implementing agencies, ideally one specifically dedicated for PSEA, or through the general Project GM, both of which will be made

¹ UNDP, PWP and SFD are members with Women Protection (Protection- sub working group) and PSEA (Protection- sub cluster),

available prior to implementation. The GBV survivor has the freedom and right to report an incident to anyone: community member, project staff, GBV case manager, etc².

WFP has a toll-free hotline on which the complaints are received and referred to two International PSEA focal points within Yemen CO who in their turn refer the cases to the Office of Inspector General at HQ for further review and follow up. The GBV cases are referred to the International Protection Officer who follows up with the Heads of Area offices and the Office of Inspector General at HQ for review and referral to specialized services when need be. Cases are treated with utmost confidentiality

9. Contractor Management

Implementing partners provide several services to different workers of the project, to achieve project goals and to manage the project activities as appropriate. These services include software development, IT infrastructure development, server and database management, preparing training implementation plan and training documents, online training module development, investment planning, field works such as controlling workers on site, etc.

In the selection process of contractors, various criteria are followed in tender documents such as previous works completed, experience, qualification of contractor's human resources, compliance in health and safety issues, precautions taken on child labor and forced labor employment. The IPs responsible to select the direct contractors according to the management measures of the contractor that attached to their bidding document includes mitigation measures for potential labor risks, the rights and wages of workers, terms and conditions of employment, insurance for workers and third party, gender rights, and grievance management procedures, safety requirements (emergency plans: agreement with hospitals, contractor's safety supervision staff and PPEs provision). IPs will select the direct contractors based on the selection criteria, the ones who comply the best.

SFD and PWP work collaboratively with direct contractor and elected community committee for each subproject to apply different eligibility and liability conditions, in selecting the community workers, based on: 1) the community workers who have skilled and unskilled workers to ensure the specific work is given to right worker and reduce injury risks; 2) If there is no skilled labor in the specific community, the direct contractor will be responsible to hire skilled workers from out of community according to LMP's criteria and signing Code of conduct; 3) women should be considered to around 30% of job opportunity and to be given types of work that meet their ability and skills; 4) the community workers should be selected from targeted community, they will be co-managed by the contractor, IPs and elected community

² If the survivor is a child, the consent of parents or guardians should be sought if in the best interest of the child and if they are not the perpetrators. If parents/guardians refuse to pursue the case in the court of law on the child's behalf, with clear evidence, the relevant government representative should take up the role and pursue the case on the child's behalf to ensure that she/he is protected. Parents/guardians should be first counselled first and, thereafter, taken to task by filing a case against them for denying the child her/his rights. All service provider interventions to child survivors must be undertaken with staff trained in child-friendly procedures regarding the handling of cases. A child survivor should continue to go to school while procedures are ongoing, and all efforts should be done to ensure her/his protection. In addition to this, all the above reporting and referral procedures should be applied.

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committee ; 5) Equality, fairness, short contract duration and rotation of the workers have been applied to ensure job opportunities are divided to big number of community members who are unemployed.

The direct and community workers should receive safeguard training and awareness (including gender, GBV/SEA, GRM and OHS), enforcing safeguards measures, details on the workers' insurance. The budget towards these types of activities and training, etc. are included in all contracts under the project. GRM systems of UNDP, WFP and FAO to be applied are compatible with WB's grievance mechanism, and they cover different types of workers, including contracted, community, civic and NGO workers. Any contractors and community committees supporting the project must, therefore, also ensure implementation of the GRM for all contracted and community workers, based on and compatible with the WB, UNDP, FAO and WFP 'GRM systems (this is also stipulated in the ESMF and is to be included in any contracting documents). During the implementation phase of the services, SFD, PWP and SEMPS under the supervision and management of FAO, UNDP and WFP will organize planned and unplanned visits to contractors' offices and/or place where work is being performed. In these visits the progress achieved, health and safety-related issues and child and forced labor employment status will be observed. The site reports will include the KPIs for contractor management and the outputs will be reflected in the monthly reports. In case of non-compliance by the contractors, corrective actions will be taken.