



**TÜRK
KIZILAY**

**SUPPORT TO HARMONIZATION IN TURKEY
PROJECT
LABOR MANAGEMENT PROCEDURE**

4 March 2021

This project is financed jointly by the State and Peacebuilding Fund (SPF) and the Turkish Red Crescent (Kızılay). The SPF is a global multi-donor trust fund administered by the World Bank to finance critical development operations in situations of fragility, conflict, and violence. Over 260 grants and transfers have been approved in 61 countries for over US\$340 million. The SPF also supports global analysis, expert learning, and multi-stakeholder partnerships. The SPF is kindly supported by Australia, Denmark, France, Germany, The Netherlands, Norway, Sweden, Switzerland, The United Kingdom, as well as IBRD.

1. PROJECT SUMMARY

1.1. Context:

1. Due to the crisis in its southern border with Syria, Turkey has been hosting an increasing number of refugees and foreigners seeking international protection. In addition to hosting more than 3.6 million Syrians under temporary protection, there are an estimated 400,000 asylum seekers and refugees from other nationalities.¹ The country's policy response has been progressive and provides a model to other countries hosting refugees, but the magnitude of the refugee and migrant influx continues to pose challenges for displaced persons, host communities, and the country at large.

2. It is estimated that the government spent more than US\$40 billion to meet the needs of refugees and host communities from the beginning of the Syrian crisis to 2017.² The international community has provided approximately EUR 6 billion since 2016, with the majority of funding coming from the EU.³ Other donors, UN agencies, international, national and local civil society organizations, as well as international financial institutions, also play an important role in Turkey's refugee response, implementing a diverse range of programs and projects. These efforts have been geared primarily towards facilitating refugee access to basic services and economic opportunities, while strengthening the capacity and responsiveness of public institutions at the national and local levels.

3. As of February 2021, more than 3.6 million Syrian refugees (98.4 percent) live among host communities whereas approximately 58,242 refugees still remain in seven temporary accommodation centers (TACs) located in south-eastern provinces. Between August 2018 and 2019, the government, in partnership with United Nations High Commissioner for Refugees (UNHCR), implemented the alternatives to camps program, which aimed at reducing the number of refugees in TACs. The government's policy is to provide accommodation for refugees who have special assistance needs. Consultations with various stakeholders indicate that approximately 75 percent of refugees leaving the TACs settle in the same province of the TACs.

4. Refugees transitioning from TACs generally are not aware of their rights and responsibilities and lack knowledge about the services they are entitled to and/or how to access them. They have limited information about life in Turkey as they do not have first-hand experience with the local systems, services and procedures. While the refugees' social networks are well-established in Turkey, often the existing social environment cannot provide accurate information to help them navigate in an unfamiliar socio-economic context. The absence of such can create gaps between the host communities and have a negative impact on socio-economic situation of the host communities. The situation is more challenging for TAC-based refugee women: recent focus group discussions with refugee women in Adana and Kahramanmaraş TACs revealed that refugee women do not want to leave the TACs due to difficulty in finding affordable housing and lack of economic opportunities.

1.2 Description of the Project:

5. The project will (i) provide information, counselling and referral services to refugees and (ii) refer newly relocated refugees to available socio-economic empowerment support services. The activities will primarily target refugees who have recently relocated to communities. The project support will aim at preparing the refugees to transition from TACs to independent living in

¹ Directorate General of Migration Management (DGMM). February 2021 Available at: <https://www.goc.gov.tr/gecici-koruma5638>

² European Commission: Technical Assistance to the EU Facility for Refugees in Turkey – Final Report. October 2018. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_needs_assessment.pdf

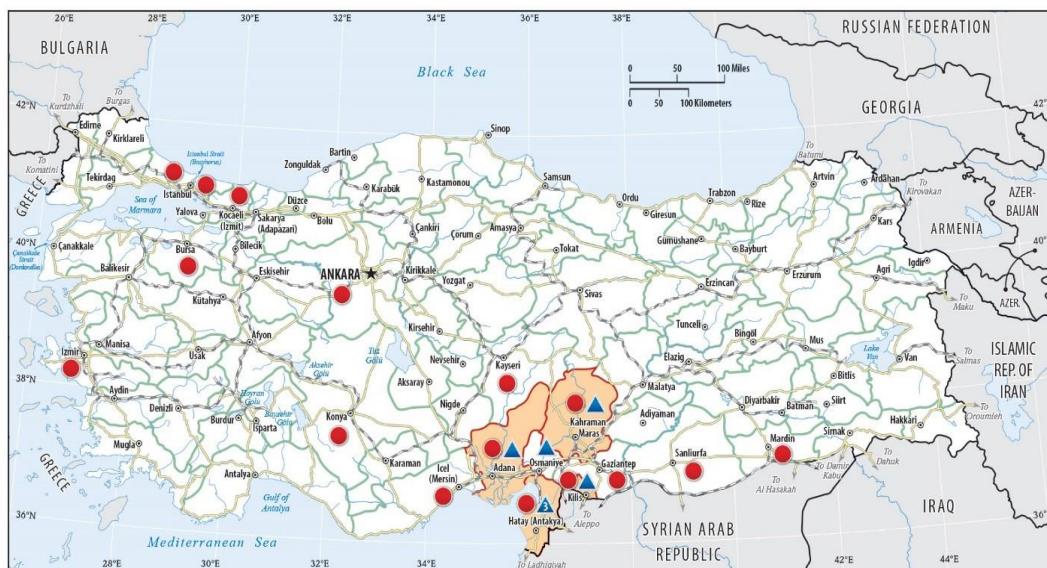
³ Ibid.

communities.

6. *Project Development Objective* is to support the transition of refugees in target provinces in Turkey from temporary accommodation centers to community living.

7. *Project beneficiaries and target locations.* The project will target camp-based refugees who are accommodated in TACs located in Adana (Sarıçam TAC), Hatay (Altınözü and Yayladağı TACs), Kahramanmaraş (Merkez TAC), and Kilis (Elbeyli TAC). In addition, through social cohesion activities, the project will target other refugees and host community members. The project will have a flexible implementation and beneficiary targeting design in order to adjust to irregular departures from TACs and to ensure the planned support services are delivered.

Figure 1. Project Map



8. The project includes two components:

- (a) Component One: Support to Harmonization of Refugees and Host Communities. This component covers (i) provision of information, counselling and referral services for harmonization and (ii) supporting social cohesion.
- (b) Component Two: Project Management. This component covers the costs of project management, implementation and supervision, including: Financial Management (FM) and procurement functions, monitoring and evaluation (M&E), communications activities, progress reporting, and compliance with safeguards policies. It will finance costs of the PIU which will be in charge of the above-mentioned functions, equipment, materials and supplies, and operational costs. Staff costs of FM, procurement, M&E will be contributed to the project by Turkish Red Crescent (TRC).

Table 1. Project Component Structure

Project Development Objective	
The proposed development objective is to support the transition of refugees in target provinces in Turkey from temporary accommodation centers to community living.	
Component One: Support to Harmonization of Refugees and Host Communities	
Subcomponent	Activities

1a. Information, Counselling and Referral Services for Harmonization	<ul style="list-style-type: none"> ● Profiling and screening for support services ● Case management and protection services for beneficiaries who require follow-up and continued support through inter referral mechanisms ● Harmonization Program (comprehensive training / orientation program about cultural, social and economic life in Turkey) ● Production of print and visual material for harmonization ● Referrals to socio-economic empowerment support services (livelihoods, psycho-social, life/soft skills, etc.)
1b. Supporting Social Cohesion	<ul style="list-style-type: none"> ● Technology, intelligence and coding workshop ● Role model activities ● Mobile theatre ● Social, sports and cultural activities
Component Two: Project Management	<ul style="list-style-type: none"> ● Project Management ● Monitoring and Evaluation (M&E) ● Communications

1.3. Turkish Red Crescent:

9. TRC will be the implementing agency of the project. TRC is the largest humanitarian organization in Turkey and is part of the International Federation of Red Cross and Red Crescent Societies (IFRC). The society is a not-for-profit, humanitarian and social service institution providing unconditional aid and services, and is a corporate body governed by special legal provisions. TRC activities cover the following: shelter and protection services targeting the poor and people with needs; provision of nourishment, health (including blood services) and social services; emergency response to manmade or natural disasters, international humanitarian aid; education and youth inclusion, response to forced displacement and refugee protection. TRC has provided humanitarian aid to 137 countries since its foundation. Since early 2000s, it has managed emergency operations in 78 different countries in times of natural and human related disasters in areas including Palestine, Sudan, Indonesia, Sri Lanka, Kirghizia, Kosovo, Somali, and Pakistan. Across various activities, TRC applies the Code of Conduct prepared jointly by IFRC and International Committee of the Red Cross (ICRC). As of September 2019, TRC has 4,669 employees.

10. Project activities will be delivered by TRC Community Centers, which have been largely successful in delivering comprehensive support services to refugees and host communities in Turkey. TRC Community Centers provide referral services, vocational and technical skills trainings, livelihoods support, nutrition and health, social and cultural activities, PSS, advocacy and protection, volunteer activities as well as harmonization. The activities are implemented within the scope of TRC's Community-based Migration Program to improve the psychological, social and economic conditions of international and temporarily protected migrants to recover and to develop common living culture with local community.

11. There are 16 Community Centers in the cities of Şanlıurfa, İstanbul (2), Konya, Ankara, Kilis, Bursa, İzmir, Adana, Mersin, Gaziantep, Hatay, Kayseri, Kahramanmaraş, and Mardin. To date, TRC has reached more than 700,000 refugees and host community members through the Community Centers. TRC has been the main implementing agency in delivering comprehensive services to refugees since the onset of the crisis. TRC is the implementing agency of the ESN program, the Conditional Cash Transfers for Education program, and the Special Need Fund and Individual Protection Aid. The project will leverage TRC's existing implementation and outreach capacity.

2. OVERVIEW OF LABOR USE ON THE PROJECT

12. This Labor Management Procedure (LMP) applies to all project workers as defined in ESS2:⁴

- (a) *Direct Workers*. People employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project,
- (b) *Contracted Workers*. People employed or engaged through third parties to perform work related to core functions of the project, regardless of location,
- (c) *Primary Supply Workers*. people employed or engaged by the Borrower's primary suppliers, and
- (d) *Community Workers*. People employed or engaged in providing community labor.

13. The project will not engage Contracted Workers, Primary Supply Workers or Community Workers. The project will not engage part-time, temporary, seasonal and migrant workers. The LMP is applicable, as per World Bank Environmental and Social Standards 2 (ESS2), to the people employed directly by TRC to work specifically in relation to the project. TRC staff will remain subject to the terms and conditions of currently in place at TRC.

14. *Direct workers* in this project are those who are full-time employees of TRC, including (i) those workers who are hired by TRC for the implementation of project activities or (ii) those who are tasked by TRC to support the implementation of the project. TRC has established a Project Implementation Unit (PIU) to oversee the project. TRC has a number of existing staffs who will be assigned to the PIU to perform various project management tasks to support project implementation.⁵ The PIU will consist of the following personnel:

- Project Coordinator (TRC contribution)
- FM Officer (TRC contribution)
- Procurement Officer (TRC contribution)
- M&E Officer (TRC contribution)
- Safeguards Officer (TRC contribution)
- Social Cohesion Officer

15. It is estimated that for the implementation of the project's component one activities, 14 Direct Workers (specialists, officers and experts) are required. The delivery of component one activities is expected to start within first three months of implementation and will last 12 to 18 months.

16. TRC's employment processes and conditions fall under the provisions of national legislation and are managed based on internal regulations, directives and procedures prepared in accordance with the national legislation. TRC will not engage community labor or security forces. Government civil servants, who may provide support to the project, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangements.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

3.1. Project activities

⁴ World Bank. 2016. "World Bank Environmental and Social Framework." World Bank, Washington, DC.

⁵ The costs of Project Coordinator, FM, Procurement, M&E, Safeguards, Protection, Administrative staff services will be paid from a TRC contribution to the project.

17. Project activities including trainings, , social cohesion activities and referrals to livelihoods support and protection services will be carried out in formats of seminars and workshops which will be delivered to Syrian refugees and TRC Community Centers. Project workers will carry out profiling and screening of project beneficiaries, delivering various socio-economic empowerment and socio-cultural trainings, planning and implementing social cohesion activities, and referring beneficiaries to various support services. In addition, project workers will carry out project management tasks, monitoring and evaluation tasks and reporting tasks. Project activities also consist of role model activities, social cohesion through sport activities, online social cohesion trainings, technology workshops as well as mobile theatre activities that will facilitate the coexistence culture.

3.2. Key labor risks

18. No significant labor-related risks are associated with the project. TRC has no track record of the breach of national labor laws and regulations. Therefore, key labor risks are assessed to be low. TRC will not engage contracted workers, primary supply workers, community workers, temporary, seasonal or migrant workers. The national legislation and TRC policies do not permit child labor and forced labor. There are no significant risks related to occupational health and safety.

19. If project activities are carried out while COVID-19 pandemic is still active, project workers could be exposed to the risk of COVID infection in the workplace. COVID-19 prevention measures will be included in the project activities of this Project and will cover the entire project workers who are involved in this project, including the contractors and their workers. TRC will be responsible to adhere to the COVID 19 preventive measures in their project locations and to ensure the well-being of their workers and contractors who are engaged.

4. BRIEF OVERVIEW OF APPLICABLE LAWS AND REGULATIONS AND OCCUPATIONAL HEALTH AND SAFETY

20. The Constitution, the Code of Obligations, and the Labor Law govern individual labor relations. There are two laws regulate collective relations: The Law on Unions and the Law on Collective Bargaining, Strikes, and Lockouts. International treaties also are an important source of Turkish labor law. Secondary laws and regulations, covering issues such as leave, working hours, overtime work, minimum wage, benefits (maternity, paternity, sick leave, etc.), and communiques and circulars published relevant authorities define the application of laws. The following national legislation in Turkey regulate the terms and conditions of employment in Turkey:

- Labor Law⁶⁶, Law No. 4857
- Occupational Health and Safety Law, Law No. 6331
- Law on Trade Unions and Collective Labor Agreements, Law No. 6356
- Social insurance and General Health Insurance Law, Law No. 5510
- Law of Obligations, Law No. 6098
- Labor Courts Law, Law No. 7036
- Law on the Work Permit for Foreigners, Law No. 6735

21. Turkey has ratified conventions of the International Labour Organization (ILO). These include Convention No. 87 (Freedom of Association and Protection of the Right to Organize), No. 98 (Right to Organize and Collective Bargaining), No. 151 (Public Service Labor Relations), and No. 158

⁶ Except for loading and unloading operations to and from the coast, which remain within the scope of the Labor Law, sea transport work is covered by the Maritime Labor Law. Although manual press workers are covered by the Labor Law, press workers such as journalists and press photographers are subject to the more favorable provisions of the Press Labor Law.

(Termination of Employment). Turkey is a party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the Council of Europe's 1961 European Social Charter, as well as the Revised Social Charter. When duly ratified, international treaties have the force of law. The Constitution grants preemptive authority to treaties on fundamental rights. Therefore, in case of divergence between such treaties and other forms of law, the treaty provisions may, in certain cases, be directly applicable and will prevail over domestic law, even if the law in question was adopted after the treaty.

4.1. Summary of key provisions of national legislation

22. The national legislation covers employment contracts and contract termination; wages and overtime; rights and paid annual leave; working hours, breaks, and rest; basic occupational health and safety (OHS); and overall management of labor relationships. In addition to the provisions of the law, there are several Regulations that regulate the application of the law: Regulation on Annual Paid Leave, Regulation on Overtime and Working with Extra Time, Regulation on Working Time, Regulation on Sub-Employers, Regulation on Payment of Wage Premiums, Bonus and Other Kinds of Compensation, Regulation on Part-time Work to be Performed After Maternity Leave or Unpaid Leave, etc. According to national legislation, the maximum working time is forty-five hours (45) per week. Overtime is the period of work exceeding 45 hours per week under the conditions stipulated in the national legislation. Pursuant to national legislation, the compensation for overtime is paid by raising the amount of normal working wage per hour by 50 percent (50%). Those who are 15 years of age and who are deemed to be workers (employees subject to Law No. 4857) can become members of trade unions.

4.2. Summary of key provisions on Occupational Health and Safety

23. Occupational Health and Safety Law No. 6331 regulates the duties, responsibilities, rights and obligations of employers and employees in order to ensure occupational health and safety in the workplace and to improve the existing health and safety conditions. This Law applies to all public and private businesses and workplaces, employers and employers' deputies of these workplaces and all employees, including apprentices and trainees, regardless of their field of activity. TRC's employment processes are subject to this law. The law imposes a general obligation on employers to provide employees with a safe and healthy working environment and to inform workers of the potential risks their jobs may present to their health and safety.

24. The overview below provides key aspects of legislation which relates to the items set out in ESS2. The employer is obliged to ensure the health and safety of the employees related to the work performed, including:

- Taking necessary action to prevent occupational risks, including training and information provision, the organization, provision of necessary tools and equipment and making occupational health and safety measures appropriate to the changing conditions.
- Monitoring, controlling and ensuring compliance with occupational health and safety measures taken in the workplace.
- Performing periodic risk assessments.
- Taking into consideration the employee's suitability in terms of health and safety when assigning tasks.
- Taking necessary measures to ensure that employees other than those who are given OHS information and instructions are not allowed to enter the places where there is life and special danger.

25. Similarly, the employees are obliged not to jeopardize the health and safety of others and perform duties in accordance with the training and support they receive about occupational health and safety and the instructions of the employer. The basic obligations of the employees in accordance with the training and instructions given by the employer are as follows:

- Operate machinery, equipment, tools, equipment, hazardous goods, transportation equipment and other production tools in the workplace in accordance with the rules, to use their safety equipment correctly, and not to remove them arbitrarily.
- Proper use and protection of personal protective gear and equipment provided.
- Immediately notify the employer or employee representative when encountering a serious and imminent danger in terms of health and safety in the machinery, equipment, tools, equipment, facilities and buildings in the workplace and if deficiency in protection measures noticed.
- Cooperate with the employer and employee representative to eliminate any deficiencies and contradictions determined by the competent authority for inspection.
- Cooperate with the employer and employee representatives to ensure occupational health and safety in their area of duty.

5. RESPONSIBLE STAFF AND PROCEDURES

26. TRC Human Resources Department has the overall responsibility to oversee all aspects of the implementation of the LMP and the project's employment tasks. TRC Human Resources Department will address all LMP aspects as part of hiring for direct and contracted workers.

Operational Health and Safety

27. TRC provides orientation to all newly hired staff on OHS as required by the national legislation and regulations. TRC's Directorate of Occupational Health and Safety and TRC Human Resources are responsible for OHS compliance. TRC provides periodic trainings and sensitization activities are undertaken to ensure all TRC workers are informed about OHS procedures and activities. In addition, TRC adheres to standards applied by the International Federation of Red Cross and Red Crescent Societies.

Grievances and complaints mechanism

28. TRC will implement its current grievance and complaints procedures and mechanisms for the project's workers. TRC's Human Resources is responsible for managing grievance mechanism and responding to grievances and complaints received in accordance with TRC's Disciplinary Regulation.

29. Under no circumstances will TRC and its contractors engage in forced labor. Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis.

6. POLICIES AND PROCEDURES

30. TRC's HR regulations and procedures are in compliance with the national legislation and

regulations. TRC applies HR practices and standards endorsed by the IFRC. Project's direct workers will be hired and managed by TRC's internal HR rules, procedures and processes.

31. TRC's internal regulations and procedures are summarized below.

- (a) *Personnel Regulation* regulates the working conditions, qualifications, rights and obligations and wages of the personnel subject to the employment contract. These include personnel selection and placement, appointments, works hours, overtime, public holidays, leave and unpaid leave, wages and benefits, temporary assignments, travel and travel expenses, staff planning, performance management, workplace principles, code of conduct, working rules, etc.).
- (b) *Disciplinary Regulation* covers the situations, behaviors, acts and disciplinary penalties and disciplinary penalties applied to employees.
- (c) *Performance Regulation* covers principles and procedures of the Performance Management System by explaining the measurement and evaluation methods. The Performance Management system is applied for all employees.
- (d) *Budget Regulation (provisions on Organization, Employment and Social Rights)* covers the procedures and principles regarding the preparation and implementation of the Turkish Red Crescent Annual Budget, including the scope of in-kind and cash benefits to be paid to the personnel.
- (e) *Departure Procedure* determines the procedures and principles of the departure of employees their appointment. The provisions are based on the Labor Law No. 4857. It is stated in the procedure that the employee leaving the job will be entitled to severance pay according to the type of departure.
- (f) *Leave Procedure* covers paid and unpaid leave processes applied by TRC. This covers both the paid leave as required by law and additional leave and benefits provided by TRC to its employees.
- (g) *Corporate Attire Procedure* covers attire and clothing at workplace in accordance with the corporate image and working environment of the employees.

7. AGE OF EMPLOYMENT

32. The working age in this project is between the ages of 18 and 60, which complies with national legislation. The national legislation and TRC policies do not permit child labor.

8. TERMS AND CONDITIONS

33. Terms and conditions of employment by TRC are governed by the provisions of the national legislation and TRC HR policies. TRC employees are provided with all the benefits and social rights as mandated by the national legislation (i.e. overtime, paid annual leave, family leave, sick leave, unpaid leave, maternity and paternity leave, etc.). Maximum weekly working hours allowed by national legislation is 45 hours week; however according to TRC's employment policy and regulations, work is undertaken 40 hours per week and 8 hours per day. According to national legislation, TRC employees (workers who are subject to Law No. 4857) can form unions or be member of unions.

9. GRIEVANCE MECHANISM

34. TRC has a grievance and complaints mechanism for employees and beneficiaries. Complaints and grievances can be submitted verbally or via email, written statement, TRC hotline (#168) or via the TRC website. Complaints and grievances are received and processed by TRC Human Resources. After the general evaluation of Human Resources and related department manager, the complaints are referred to the Workplace Disciplinary Board in line with the severity and importance of the matter

complained. A written statement or description of the grievance or complaint is required for board review. The reason for receiving the complaint in writing is to prevent malicious or unfounded complaints and to record the complaint for possible legal processes. The response is identified and implemented within the framework of the TRC Disciplinary Regulation. The grievance or complaint is addressed within maximum 30 calendar days. The timing of the action and response depends on the severity of the grievance or complaint. If necessary, administrative or disciplinary action may be imposed. Administrative actions may include warning, return to the original task, banning from team duty, change of duty, title, position, and suspension of work. Disciplinary actions may include warning, condemnation, fee cut penalty and dismissal from duty. The period of appeal of the personnel to the disciplinary penalty is 6 business days. Any objections to such decisions are accepted only once and examined in a higher committee. If no objection is made within the period, the employee is deemed to have accepted the administrative or disciplinary action.

35. The internal rulings cannot be challenged for the penalties imposed in accordance with Article 25/2 of the Labor Law (*Situations that do not comply with the Code of Ethics and Goodwill*). In such decisions, the employee has the right to sue in Labor Courts. Legal disputes arising from individual, as well as collective, employment relations fall under the jurisdiction of the Labor Courts (Labor Courts have the same single-judge structure as Turkish civil courts, which handle labor disputes where no Labor Court is available). Employees are obliged to inform the Human Resources if they witness acts and behaviors that are prohibited and/or criminalized by national and international legislation are performed. In the event that written complaints are received from real and legal persons with clear identity information, contact information and signature, the human resources team is obliged to initiate, process and finalize the processes.

36. Specifically, for the project a grievance form (written or online) will be distributed to the beneficiaries after information sessions and trainings. This form will aim to get feedback on topics, content, trainers and methods. Through these forms beneficiaries will be able to state their opinions on the project activities. For the harmonization activities grievances will be collected through the TRC software which will enable staff collecting detailed feedback as well as information of beneficiaries.

10. CONTRACTED WORKERS

37. The project will not engage Contracted Workers.

11. COMMUNITY WORKERS

38. The project will not engage Community Workers.

12. PRIMARY SUPPLY WORKERS

39. The project will not engage Primary Supply Workers.

REVISION HISTORY

Version Date	Remarks
4 March 2021	This version of the LMP is approved by the World Bank for disclosure.
29 January 2021	Shared with the World Bank for review and comments.
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