

Republic of Indonesia
Ministry of Finance

Indonesia Disaster Risk Finance Pooling Fund Project

LABOR MANAGEMENT PROCEDURES (LMP)

May 2021

1. PROJECT ACTIVITIES

This project will support the establishment and operationalization of a pooling fund for disasters (PFB) as a platform for the government to secure sufficient and well-planned funding for disaster and health-related shocks. The project consists of both investments structured into Performance-based Conditions (PBCs) and Technical Assistance. The investments will focus on establishing and capitalizing a pooling fund, improving post-disaster expenditure through systems that link the pooling fund to key ministries and sub-national governments, and enhancing the pooling fund's capacity and overall systems. Such investments will be administered by the PFB's BLU (Badan Layanan Umum) to finance future pre-and post-disaster activities, which will be triggered to respond to specific disaster events in the future. In addition to the World Bank's proceeds, the PFB's BLU will raise additional domestic contributions, funds from international partners, or insurance payouts. The PFB's BLU will have a national mandate, and hence, the project activities will be national in scope in terms of the pooling fund's future roll-out.

For the above purpose, a Project Management Unit (PMU) will be established and will be responsible for the overall delivery of the project's objective. The PMU will be staffed by seconded officers from MoF as well as consultants and experts. Relevant responsibilities include setting up an organizational structure and operating system for the PFB, day-to-day management and supervision, fund disbursement, stakeholder engagement, capacity building, public communication and outreach and monitoring activities. In addition to setting up the PFB, an important deliverable includes establishment of an Environmental and Social Management System (ESMS) to support the overall management of environmental and social risks and impacts associated with pre- and post-disaster activities supported by the PFB.

This Labor Management Procedure (or hereafter LMP) has been prepared to guide the management of labor-related risks and working conditions as well as contractual arrangements of labor financed by the project. The scope of the LMP covers direct and contracted workers hired by the project for the purpose of project implementation. **This does not cover labor management associated with pre- and post-disaster activities financed by the PFB for which a separate LMP will be prepared as part of the PFB's ESMS.**

Direct activities funded by the project to establish and capitalize the PFB will most likely take place in the Capital Region of Jakarta, with potential workshops and consultations conducted at the sub-national levels. Occupational Health and Safety (OHS) risks are low to negligible since such activities do not involve physical works, operation in and exposure to hazardous work environments. Due to the COVID-19 pandemic, most activities will likely be carried out virtually during the initial phase until travel restrictions are lifted.

The LMP is prepared for the PMU's staff and consultants and is required prior to mobilization and/or recruitment of staff and consultants during project implementation. This document is prepared to meet one of the provisions in the project's Environmental and Social Commitment Plan (ESCP) point 2.1 and is in line with the Environmental and Social Standard (ESS) 2 on Labor and Working Conditions and the national law. Requisite measures in the LMP include codes of conduct, feedback

and workplace-related grievance management, Occupational, Health, and Safety (OHS) management, including Infection Prevention and Control (IPC) protocols in the context of project implementation in the time of COVID-19.

2. RESPONSIBLE ENTITY FOR LMP IMPLEMENTATION

The Project will be led and coordinated by the Ministry of Finance (MoF). BKF will be responsible for coordinating daily implementation and supervision of the LMP for the first year, including engagement and management project workers, monitoring compliance with occupational health and safety standards, training of workers, and ensuring that the grievance redress mechanism for project workers is established and implemented. In the subsequent year of project implementation, such functions will be transferred to MoF's Directorate General of Treasury (DG of Treasury) who supervised the PFB's BLU. The overall responsibility for the LMP will be assumed by the assigned Technical Supervisory Unit within DG of Treasury.

The BKF and DG of Treasury can be supported by the Environmental and Social (E&S) Team in implementing the LMP, including on functions related to oversight and reporting.

3. OVERVIEW OF LABOR USE ON THE PROJECT

All project workers involved in project activities will be hired by MoF. These include the management functionaries of the PFB that consist of MoF's staff and consultants/experts. These workers will be most likely office-based, with potential travels to the field subject to lifting of COVID-19 travel restrictions.

1. MoF's staff

MoF's national staff may consist of permanent civil servants (*Aparatur Sipil Negara/ASN*) and government employees with a work agreement (*Pegawai Pemerintah dengan Perjanjian Kerja/PPPK*). They will be assigned and engaged to work directly with the project and then referred as Direct Workers under the project. It is envisaged that approximately 20 – 65 persons will be engaged in the project. All direct workers are required to be over the age of 18. Where MoF's staff are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their prevailing public sector employment agreement and/or law as regulated by the Ministry of Administrative and Bureaucratic Reform, unless there has been a legal transfer of their employment to the project. Relevant provisions in the LMP related to workforce protection and OHS will be applicable.

2. Consultants/ experts

Consultants/experts are recruited should it be deemed necessary to help the MoF's staff run the PMU. The consultant teams will provide expert advice and support to the PMU on particular PBCs. The number of consultants/ experts engaged in the project is approximately between 7 and 20 persons. Consultants can be recruited directly by the PMU as direct workers or through a third

party/firm as contracted workers. It is envisaged that the consultant team will be a blend of national and international experts. Relevant provisions the LMP will apply to these workers.

Timing of Labor Requirements:

The timing of labour requirements will be based on the project timeline and direct workers will be employed in this project throughout the project’s duration. The length of engagement with the consultant team will depend on the timing of their recruitment during project implementation but are not expected to exceed beyond the project’s closing date.

The table below shows the further details of project workers and expected length of engagement:

Table 1. Details of project workers

Project Workers	Expected Roles	Estimated number of Persons	Length of engagement
MOF’s staff			
Steering Committee	To provide strategic policy direction and supervising the implementation of PMU duties as well as reporting the implementation of PMU tasks to the Minister of Finance and Deputy Minister of Finance	7 persons	3 years
Executive Committee	To implement directions and tasks from the Steering Committee, to supervise the Organizing Committee, as well as to monitor and evaluate project’s milestones	3-8 persons	3 years
Organizing Committee	Responsible for day-to-day project tasks and deliverables such as: coordinate planning and implementation of the project activities and perform project’s administration.	10-40 persons, at least consist of: 1 team leader 1 team secretary, also acted as a focal point for grievance mechanism 7-37 persons as technical and administrative support	3 years
Consultants			
ESMS Consultants	Under the supervision of MoF, to provide support and advice to develop an ESMS for the project and provide technical assistance and overall management of environmental and social risks and impacts of PFB funded projects. Consultants can be recruited directly by the PMU as direct	7 - 8 persons (recruitment may be staged based on needs). Detailed consultant recruitment planning can be found in Terms of Reference ESMS.	maximum of 3 years

	workers or through a third party/firm as contracted workers.		
Other Consultants	Under the supervision of MoF, additional consultants/experts may be recruited to provide technical support and advice to achieve the Project Performance Based Conditions (PBCs). Consultants can be recruited directly by the PMU as direct workers or through a third party as contracted workers.	2 - 12 persons Detailed consultant recruitment planning can be found in Grant Section in Project Operational Manual.	maximum of 3 years

4. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The project focuses on the PFB institutional building and management activities that include PFB disbursement to fund channeling entities. No major OHS risks are envisaged as the project workers will be most likely office-based, with potential travels to the field subject to lifting of COVID-19 travel restrictions. All MoF's staff are civil servants who operate under the national civil servant code, while the consultant team engaged in project activities will be hired following the national law and procurement guidelines under written contracts. Therefore, no vulnerable workers such as migrant workers or low-wage workers who may face discrimination including on the basis of gender or disability are expected to be hired. There are no physical or hazardous works for project workers under the project.

There are no labor risks associated with child labor and minimum wages in this project. Workers in this project are expected to be over the age of 18 while the benefits and wages for the workers will follow MoF regulation that meets the national requirements of minimum wage for working. MoF will recruit the consultants/ experts through the procurement system that has been agreed upon between MoF and the World Bank.

Potential risks may stem from public health risks in the context of COVID-19 pandemic, especially for activities requiring face-to-face meetings and travels. Codes of Conduct for Gender-based Violence/Sexual Exploitation and Abuse and Violence Against Children (GBV/SEA and VAC) are incorporated in the LMP as a preventative measure. Protocols for travels and meetings for all project workers in the context of COVID-19 will follow the WHO guidance as well as the official direction from the national authorities and health facilities.

5. BRIEF OVERVIEW OF THE NATIONAL LABOR LEGISLATIONS

The Government of Indonesia has ratified several major ILO conventions and mainstreamed them in the national labor legislations. The ratified conventions are include all eight fundamental

conventions, two governance conventions, and ten technical conventions. In total, out of 20 conventions ratified by Indonesia, of which 19 are in force, 1 convention has been denounced.

Ratified ILO fundamental conventions:

- a. Forced Labor Convention
- b. Freedom of Association and Protection of the Right to Organize Convention
- c. Right to Organize and Collective Bargaining Convention
- d. Equal Remuneration Convention
- e. Abolition of Forced Labor Convention
- f. Discrimination (Employment and Occupation) Conventions
- g. Minimum Age Convention
- h. Worst Forms of Child Labor Convention.

Ratified ILO governance and technical conventions:

- a. Labour Inspection Convention
- b. Tripartite Consultation (International Labour Standards) Convention
- c. Equality of Treatment (Accident Compensation) Convention
- d. Marking of Weight (Packages Transported by Vessels) Convention
- e. Underground Work (Women) Convention
- f. Certification of Ships' Cooks Convention (*automatic denunciation by convention MLC*)
- g. Employment Service Convention
- h. Weekly Rest (Commerce and Offices) Convention
- i. Hygiene (Commerce and Offices) Convention
- j. Seafarers' Identity Documents Convention
- k. Maritime Labour Convention
- l. Promotional Framework for Occupational Safety and Health Convention

The National Labor Legislation is then outlined in several regulations, including national laws, government regulations, presidential regulations, ministerial decree, and other derivative regulations. The primary reference regulation related to labor is Law No 13/ 2003 on Manpower, Law No. 40/2004 on the National Social Security System, Law No. 24/2011 on the National Social Security (BPJS), and Law No. 18/ 2007 on the Migrant Workers, with the latest amendments in the Omnibus Law No 11/ 2020. The labor legislation also links to Law No. 5/ 2014 on Civil Servants for government employees. The laws set out rules for the employment terms and conditions, including employment relationship, work placement, recruitment of foreign workers, employment protection and welfare, and employment termination. An employer with ten or more workers is required to establish an institution regulation.

Work agreements

Based on the Law on Manpower and its amendments in the Omnibus Law, employers must have consensual work agreements with their workers in the form of a written contract signed by both

parties. Work agreements are made for a definite period of employment or for an unspecified time. A work agreement for a definite employment period is based on the period or completion of a certain job, which is determined based on the work contract. There is no specific permitted period of definite period employment in the latest amendment in Omnibus Law, including maximum limits of extension.

Termination of employment

A work agreement ends if the worker dies, the expiration of the working agreement period, completion of a certain job, there is a court decision and for a decision by an industrial relation disputes settlement institution that has permanent legal force, or there are certain circumstances or events that are stated in the work agreement or company regulations that can cause the work termination. Several additional requirements for work termination may be applied to government employees on the disciplinary violation according to Law on Civil Servants. When the work agreement for a specified period ends, the employer is obliged to provide compensation to the worker according to the work period.

Under the latest Omnibus Law, the employer, workers, trade unions, and the Government must make efforts to prevent termination of employment. If employment termination is unavoidable, the employer must notify the purpose and reason for the termination of employment to the workers and labor union. If the worker/union does not agree with the termination, the employment termination settlement must be carried out through bipartite negotiations. If the negotiations do not reach an agreement, the matter will be processed according to the industrial dispute settlement mechanism under Law No. 2 of 2004 on Settlement of Industrial Relations Disputes.

Labor rights on freedom of association and OHS

In carrying out industrial relations, workers and labor unions have the function of carrying out work under their obligations, maintaining order for the continuity of production, democratically channeling aspirations, developing skills and expertise, and participating in advancing companies and fighting for the welfare of members and his family. On the provisions of workers' rights to organize, including rights to collective bargaining, workers have the freedom to choose how they are represented, and employers must not interfere in the process as mandated in Law No. 21/2000 on Labor Unions.

The labor laws also protect workers from discrimination in the workplace. This encompasses entitlements to equal treatment and equal rights and responsibilities with no discrimination based on sex, ethnicity, race, religion, skin color, and political orientation. The laws also stipulate that every worker has a right to receive Occupational, Health, and Safety (OHS). Every employer is under an obligation to apply 'an occupational safety and health management system that shall be integrated into the employer's management system.'

Minimum Wages

Related to wages, the laws acknowledge workers' rights to earn the same wages for work of the same value. Employers are required to pay wages in accordance with the work agreement, which should

not be lower than the minimum wage. Minimum wage rates are formulated by the Provincial Governor and determined based on economic and employment conditions. A governor may also determine the minimum wage in certain regencies/cities within the province by taking into account the economic growth and inflation rate of the relevant regency/city. In the transition period of the Omnibus Law, the applicable minimum wage has been determined based on the implementing regulations of Law No 13/ 2003 on Manpower, which require employers who have provided wages higher than the minimum wage before the Omnibus law are prohibited from reducing the minimum wages. The workers are also entitled to receive religious holiday allowance on Religious Holiday Allowance.

Working hours, overtime, leave

Regular working hours are 40 working hours per week, which can be arranged into five or six working days as regulated in a work agreement. Employers must pay overtime compensation if the working hours exceed the above with written consent from the employees for all overtime work. In this case, the Omnibus Law extends the maximum overtime hours to maximum of four hours per day and/or 18 hours in a week.

Employers are required to provide rest time and paid leave. The rest time includes rest between working hours, at least half an hour after working for 4 (four) continuous hours, and the break time does not include working hours; and weekly rest 1 (one) day for 6 (six) working days in 1 (one) week. Annual paid leave is given at least 12 (twelve) working days after the worker has continuously worked for 12 (twelve) months. In addition to the time off and leave, employers can provide long breaks as stipulated in work agreements, company regulations, or collective working agreements.

Age of Employment

Indonesia has ratified and mainstreamed the ILO Convention on Minimum Age for Admission to Employment and the ILO Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor in the national laws. The national Law on Labour No.13/2003 stipulates that employers are not allowed to employ children under 18 years old and any hazardous work is prohibited to any persons under 18 years old. Exemption on the minimum age may be made for the employment of children aged between 13 and 15 years old for light work with certain conditions¹; and children between 15 and 18 years old can be employed but must not be exploited to perform the worst forms of works.

Social Protection

¹ Certain conditions for employment for 13-15 years old are: a) The job does not disrupt their physical, mental or social development; b) Appropriate risk assessment has been conducted prior to commencement of any work; c) The employer signs a work agreement with the parents or guardians and obtains their written permission; d) They do not work longer than 3 hours per day; e) They only work during the daytime, without disruption to their schooling; and f) The employer ensures compliance with occupational safety and health requirements.

Based on Law on the National Social Security and System and its amendments in Omnibus Law, employers are required to register their employees/staff and participate in social security programs, which include healthcare, pension, work accidents, old age, and death insurance. Workers who experience employment termination are entitled to job loss insurance provided by the labor social security agency and the National Government. For government employees, articles about social security and OHS for civil servants are specified in Law No. 5/ 2014 on Civil Servants.

Foreign Workers

Related to foreign workers, every employer who employs foreign workers must obtain a Foreign Manpower Utilization Plan (known as *Rencana Penggunaan Tenaga Kerja Asing* or hereafter RPTKA) approved by National Government. RPTKA is not required for a foreign worker who is, among other things, engaged by a company in the type of production activity that has stopped due to emergencies, vocational, technology-based start-ups, on a business visit, or researching for a certain period. Foreign workers can be employed in Indonesia only in a working relationship for a particular position and for a specific time and have competence according to the position to be occupied. An employer of foreign workers must appoint Indonesian workers as companions for foreign workers to transfer technology and transfer skills from foreign workers; carry out work education and training for Indonesian workers following the qualifications of positions occupied by foreign workers, and repatriate foreign workers to their home countries after their employment period ends.

Further details regarding the procedures and arrangements on the implementation and administrative sanctions are regulated in the Government Regulation no. 35/2021 and other derivative regulations, including ministerial regulations which will be issued following the passage of the Omnibus Law

6. POLICY GAP AND RELEVANCE BETWEEN NATIONAL LABOR LEGISLATION AND WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARD (ESS 2)

The World Bank Environmental and Social Standard stipulations related to labor are outlined in its ESS2 on Labor and Working Conditions². Key objectives of the ESS 2 are to:

- Provide project workers with contract terms and conditions
- Promote safety and health at work
- Promote the fair treatment, nondiscrimination and equal opportunity of project workers
- Secure protection of project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate

² More information of ESS 2 can be accessed at <http://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>

- Prevent the use of all forms of forced labor and child labor
- Support freedom of association and collective bargaining of project workers in a manner consistent with national law
- Provide project workers with accessible means to raise workplace concerns.

ESS2 applies to project workers, including full-time, part-time, temporary, seasonal, and migrant workers. Where government civil servants are working in connection with the project, 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. ESS2 will not apply to government civil servants, except child labor, forced labor, and occupational health and safety requirements.

In this project, major requirements in ESS2 have been addressed in the Indonesia national labor legislations. Several gaps are identified related to the differences in the grievance mechanism, the classification of the category of workers, and the provision of detailed policies and procedures for OHS (see Table 2).

Table 2. Gaps between national labor legislation and ESS 2 requirements

No	National Labor Legislation	ESS 2 Requirements
1	No classification of general workers. Government workers/ civil servants categorized by the type of work agreement: permanent and contract.	Specifies categories of workers: direct workers, contracted workers, primary workers, community workers, and government workers/ civil servants.
2	Requirements for protecting workers and training workers Detailed procedures available in government derivative regulations. However OHS procedures, forced labor provisions, and GBV / SEA provisions are not yet available in detail.	Requirements to protect workers, train workers, document incidents, emergency preparation, addressing issues; and monitor OHS performance. Detailed Procedure required for every project.
3	Grievance mechanism for employer is through bipartite and tripartite institutions that act as communication forums. Detailed procedure available in government derivative regulations.	GRM should be in place for direct workers and contracted workers. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers.

To address the gaps, MoF develops labor-management procedures in accordance with the requirements of national law and the ESS 2. Classification for project workers has been specified in part 3 above on the overview of labor use on the project. This LMP will address how this ESS will apply to different categories of project workers, including direct workers and contracted workers.

Additional policies and procedures in part 9 are adjusted for this project to be applied for all project workers, including policies and procedures on non-discrimination and equal opportunity, forced labor, OHS, code of ethics and behavior, and GBV/ SEA and VAC. MoF will develop FGRM for all workers through the existing institution's grievance mechanism channel and make it accessible for direct and contracted workers.

7. TERMS AND CONDITIONS

Since MOF will run this project, the LMP refers to and follow terms and conditions within national labor legislation and government policies to determine wages, working hours, rest and leaves, and employment termination for all project workers, particularly for direct workers who operate under the national civil servant code. Those terms and conditions should be in line with the additional policies and procedures within this LMP.

Project workers will be provided with clear information and documentation pertaining to their terms and conditions of employment that will set out their rights under national labor laws and this LMP. All direct workers will have individual contracts and/or appointment letters with fixed monthly wages and allowance according to the Indonesian labor legislation. For consultants, the recruitment process will follow the procurement system that has been agreed upon between MoF and the World Bank and follow national procurement of government good and services standard by National Public Procurement Agencies (Lembaga Pengadaan Barang dan Jasa Pemerintah/ LPKP). The specific wages and allowance for consultants will follow provincial minimum wages and adjusted based on MoF's policies corresponding to qualification as set out in the ToR.

On working hours, based on the national labor law (Law Number 11/ 2020), maximum regular working hours are 40 working hours per week, which can be arranged into five or six working days. However, MoF's staff is bound by the Minister of Finance Regulation number 211/PMK.01/2014 on Days and Working Hours in the Ministry of Finance Area (Annex 4). The MoF regulation sets working hours for 42 hours and 45 minutes per week and working days at MoF are from Monday to Friday with 45 minutes of break after continuously working for 4 (four) hours and 45 minutes. MoF's staff in this project are required to follow working hours based on the MoF's regulation. Meanwhile, individual consultants and contracted workers are expected to follow national labor law with a maximum of 40 working hours per week.

Requirements and conditions of overtime and leave durations are agreed as part of individual contracts. For MOF's staff, overtime work is regulated on the Minister of Finance's regulation number 125/PMK.05/2009 on Overtime and Overtime Pay for Civil Servants. Other than that, the sum of overtime hours in a week shall not exceed 18 hours as per national labor law.

The terms and conditions of contracted workers (i.e., firm consultants delivering and/or supporting core functions of the project) will be determined based on individual contracts mutually agreed between the MOF and third-party service provider. These terms and conditions will be in line, at a

minimum, with the LMP and the national labor law, and specified in the standard contracts to be used by the consulting firm(s) under the project.

Under this project, disputes between workers and employers should be resolved based on mutual agreement. If the settlement is not reached, the labor disputes should be solved as regulated in the labor legislation. For the MoF's staff, in the event of disputes, person(s) concerned may file grievance(s) to the Whistleblowing System (WISE) or forwarded such grievance(s) to a dedicated person responsible for handling disputes within the MoF. For consultants, any dispute arising out of work agreement/contract, which cannot be amicably settled between the parties, shall be referred to adjudication/arbitration process(es) in accordance with the national law. In the case of a contract entered into with a foreign consultant, any dispute shall be settled by arbitration in accordance with the United Nations Commission On International Trade Law (or hereafter UNCITRAL) Arbitration Rules.

Further elaboration on WISE and the person in charge for managing disputes is provided in the Grievance Mechanism section.

8. AGE OF EMPLOYMENT

This project sets the age of employment based on the national labor laws and regulations. Given the nature of work and the scope of the project, only skilled workers will be engaged. It is not envisaged that underage project workers below 18 years old will be employed under the project.

MOF will be required to verify the identity and age of all workers through official documentation, such as national ID card, passport, etc.

9. ADDITIONAL POLICIES AND PROCEDURES

The terms and conditions of employment as per-the national law outlined in Section 4 will be applicable to workers engaged by the project. All workers under the project will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under the national labor and employment law, as applicable. These include the rights related to hours of work, wages, overtime, compensation, benefits and collective agreements as applicable. Such information will be provided at the beginning of the working relationship in a contract and when any material changes, to the terms or conditions of their employment.

In addition to employment terms and conditions as established in the LMP, the following additional provisions shall also apply:

Non-discrimination and equal opportunity

Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment and there will be no

discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement or disciplinary practices.

The project will identify and provide measures that support equal opportunities for women and men, including measures to prevent harassment of project workers, including sexual harassment. Relevant measures that address working conditions, accessibility of the built environment, and communication of information for project workers with disabilities, such as provision of wheelchair ramps or elevators and/or alternative formats of communication shall also be identified as relevant to ensure accessibility and equality of opportunities for all project workers.

Forced Labor

MoF and all project workers involved in this project are prohibited to engage forced labor, which includes the practice of the following:

- a. bonded /indentured labor (working against an impossible debt)
- b. excessive limitations of freedom of movement
- c. excessive notice periods
- d. retaining the worker's identity or other government-issued documents or personal belonging
- e. imposition of recruitment or employment fees payable at the commencement of employment
- f. loss or delay of wages that impede the workers' right to end employment within their legal rights
- g. substantial or inappropriate fine
- h. physical punishment
- i. 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.

Occupational Health and Safety

In line with national labor legislation, the employer and all project workers must follow OHS standards, including putting a serious concern on COVID-19 protocols. Related to that, the project is committed to:

- a. Complying with applicable laws and regulations related to potential occupational health and safety risks and impacts, including potential public health risks associated with COVID-19 for project workers.
- b. Maintaining healthy and safe working conditions. This also includes ensuring safety of project travels (by air, land and/or water related travels) and protection of GBV/SEA/VAC.
- c. Applying general safety tips for travel include:
 - o Share your travel itinerary with other project personnel. Provide daily "check-ins" to the project office/colleagues when deemed necessary
 - o Carry with you, your personal emergency contact numbers

- Identify and take note the local emergency medical services and contact numbers at site
 - Pack a basic first aid kit, including any personal prescribed and/or non-prescribed medications
 - Avoid traveling at night unless there is no other feasible option
 - Prioritize traveling on more reliable airlines acknowledged for their safety standards and performance (Garuda Indonesia and/or Citilink)
 - Adequately assess and select options for air versus land travel. Generally, air travels have lower likelihood of an accident but higher severity when compared to land travels
 - Identify and engage trusted third-party sources for vehicle rentals and/or boat rentals (Trac and/or Bluebird group rentals)
 - Ensure cars/vehicles are equipped with safety equipment such as seat belts (all seats), fire extinguishers etc, and is in good operating condition for land travel
 - Driver shall not use nor talk on mobile phones while driving
 - Avoid traveling on motorbikes whenever possible (most road accidents are related to motorbikes)
 - Ensure to wear a lifevest whenever travelling on water
- d. Enabling active participation in OHS risks elimination through the promotion of appropriate skills, knowledge and attitudes towards hazards.
 - e. Ensuring all workers are competent to do their tasks and giving them adequate training.
 - f. Providing adequate control of health and safety risks arising from all work activities at all circumstances.
 - g. Continually improving the OHS management system and performance.
 - h. Communicating this policy statement to all persons working under the control of the PWYP with emphasis on individual OHS responsibilities.
 - i. Availing this policy statement to all parties at all sites.
 - j. Implementing health and safety protocols related COVID-19 constraints, refer to section 13. COVID-19 Protocols.

Code of Ethic and Behaviour

All government employees, both permanent civil servants (ASN) and government employees with a work agreement (PPPK) are bound by the national civil servant code of ethic and behavior as stipulated in Law No. 5/2014 on Civil Servants and Minister of Finance's regulation number 190/PMK.01/2018 on Code of Conduct and Behavior of Civil Servants in the Area of Ministry of Finance (Annex 4). The same code of ethics and behavior shall be applied to contracted workers in this project where relevant and can be attached in the work agreement.

- a. Carry out duties honestly, responsibly, and with high integrity
- b. Carry out duties with care and discipline
- c. Serve with respect, courtesy, and without pressure
- d. Carry out duties in accordance with the provisions of laws and regulations
- e. Carry out duties in accordance with orders from supervisors or competent officers as long as they do not conflict with the provisions of laws and regulations and government ethics
- f. Maintain confidentiality concerning state policies

- g. Use state property and assets responsibly, effectively, and efficiently
- h. To prevent conflicts of interest in carrying out their duties
- i. Provide true and not misleading information to other parties who need information related to official interest
- j. Not misuse internal state information, duties, status, power and position to obtain or seek self profit or benefit or for others
- k. Uphold the basic values of civil servant and always maintain the reputation and integrity of civil servant
- l. Implement the provisions of laws and regulations regarding the discipline of government employees

Gender-based Violence/Sexual Exploitation and Abuse and Violence Against Children (GBV/SEA and VAC):

As part of OHS measures, the project seeks to prevent any misconduct and/or practices (both verbal and physical) that constitute forms of GBV/SEA and VAC. GBV/SEA refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It includes physical, emotional, or psychological and sexual violence and denial of resources or access to services. Violence includes threats of violence and coercion and inflicts harm on women, girls, men, boys, and people of diverse gender identities. VAC is defined as physical, sexual, emotional, and/or psychological harm, neglect, or negligent treatment of minor children (i.e., under the age of 18), including exposure to such harm that results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. This includes using children for profit, labor, sexual gratification, or other personal or financial advantages.

MoF has no specific regulation or policies related to GBV/SEA and or VAC. However, there are several national legal frameworks that relevant to the prevention on response to GBV/SEA and VAC, including:

1. Law No. 7/1984 on Ratification of the Convention on the Elimination of All Forms of Discrimination against Women
2. Law No. 39/1999 on Human Rights
3. Law No 23/2002 on Child Protection and its amendments in Law No 35/2014
4. Law No. 23 /2004 on the Elimination of Domestic Violence
5. Law No. 21 /2007 on the Eradication of the Crime of Trafficking in Persons
6. Law No. 44 /2008 on Pornography
7. Law No. 13 /2006 on Protection of Witnesses and Victims of Violence
8. Presidential Decree No. 9 /2008 on Integrated Service Procedures and Mechanisms for Witnesses and / or Victims of Human Trafficking
9. Presidential Decree No. 4 /2006 on the Implementation and Cooperation for Victim Recovery

To prevent GBV/ SEA and VAC in this project, the LMP has incorporated additional Codes of Conduct (COCs) on GBV/SEA and VAC (**Annex 1-3**). All project workers are required to understand and sign the COCs as a part of the code of ethics and behavior prior to employment. All project workers are also

required to participate in the regular training on GBV/SEA and VAC, including COCs, to ensure the project workers implements the CoC requirements in their work. A key element of the COCs include relevant sanctions applicable to project workers in the event of violations. Subject to investigation of allegations, disciplinary measures may be applied as stipulated in Government Regulation No. 53/2010 on Discipline of Civil Servants and the national law.

10. FEEDBACK AND GRIEVANCE MECHANISM

All employees, including direct workers, consultants/ experts, and other contracted workers as specified in this LMP are encouraged to use the existing institution's grievance mechanism channel through the project focal point:

For the first year, grievance handling related to labor will be managed by the Team Secretary of Organizing Committee of the PMU (Email: pfbencana@kemenkeu.go.id). Formal letters can be sent to the Central for Regional and Bilateral Policy, Fiscal Policy Agency, MoF Indonesia, Jalan Wahidin Raya No.1, Gedung Notohamiprodjo Lt.7, Jakarta Pusat 10710. Ph: 062 3451090, Fax: 062 21 345 1205.

Starting from 2022 onward, grievance handling related to labor will be managed by the Technical Supervisory Unit within the DG of Treasury (Email: bpdlh@kemenkeu.go.id). Formal letters can be sent to Badan Pengelola Dana Lingkungan Hidup (BPDLH), Wisma Antara Lantai 12, Jalan Medan Merdeka Selatan Nomor 17, Jakarta Pusat. Project workers will be duly notified once the transition takes place.

Other existing channels such as the Whistleblowing system (WISE) remains an alternative option to gather broader public feedback and comments. The WISE system is run and monitored by the Inspectorate General in MoF and records public feedback, complaints, and grievances:

1. Submission of feedbacks and complaints

Stakeholders and broader communities can submit feedback and file complaints related to this project through the WISE system: <https://www.wise.kemenkeu.go.id>.

2. Receiving and recording

The WISE will record the feedback, complaints, and grievances. MOF Inspectorate General will sort all of the information from WISE related to this project, and then notify and forward them to relevant Directorate Generals (DG), including BKF and BPDLH for project related grievance for preparation stage and BPDLH for project related grievance on implementation stage.

3. Reviewing and response to feedbacks and complaints

BKF and BPDLH will review and provide relevant responses through the WISE system. New complaints can be re-submitted through WISE upon dissatisfaction of response and/or resolution. Stakeholders may also file an appeal as an alternative. Based on the regulation of the Minister of Finance number 149/PMK.09/2011 concerning Management Procedures and Follow-up Reporting

of Violations (Whistleblowing) as well as Procedures for Reporting and Publication of the Implementation of Violation (Whistleblowing) Reporting Management Within the Ministry of Finance. All informer (whistleblower) confidentiality must be protected by the Internal Compliance Unit, other specific units, and the Inspectorate General so that the Ministry of Finance will focus more on handling the information that has been reported. Protection as referred to is carried out by maintaining the confidentiality of the Whistleblower's personal identity and/or data, such as the name of the informer (whistleblower), or the relationship between the informer (whistleblower) and the perpetrators. The Internal Compliance Unit and Certain Units can only disclose the identity of the whistleblower to the Inspectorate General. The Inspectorate General can only reveal the identity of the whistleblower for investigation and trial purposes.

BKF and BPDH are required to review and respond the feedback, complaints, and grievances after receiving and recording them from Inspectorate General within a month, as all relevant DGs must compose monthly report on grievance handling and send it to Inspectorate General. Team Secretary of the PMU will convey the feedback, complaints, and grievances received to the Executive Committee to follow up those grievances into project implementation and to be recorded in the monthly report.

Information on FGRM will be provided in an accessible format and will be included as part of communication dissemination with stakeholders. MoF team will ensure measures to protect confidentiality and safety of personnel from retaliation are in place and broadly communicated to all project workers.

11. CONTRACTOR MANAGEMENT

When necessary and relevant to this project, the project will engage national firm(s) and/or service providers for the purpose of project implementation and delivery of specific outputs. Firm(s) and service providers will be required to follow the national legislation's requirements and measures described in the LMP. These include contractual procedures, selection criteria, terms and conditions, provisions of OHS, COCs, and compliance with COVID-19 protocol set forth in the LMP.

MoF will manage and monitor contractors' performance in relation to contracted workers, focusing on contractors' compliance with their contractual agreements in line with the LMP.

12. COMMUNITY WORKERS

The project does not envisage the hiring of community workers for the purpose of project activities. Relevant procedures pertaining to community workers for future pre- and post-disaster activities financed by the PFB will be regulated separately as part of the PFB's ESMS.

13. PRIMARY SUPPLY WORKERS

The project does not envisage engagement with primary suppliers for goods and services under ESS2. Relevant procedures pertaining to primary supply workers for future pre- and post-disaster activities financed by the PFB will be regulated separately as part of the PFB's ESMS.

13. COVID-19 PROTOCOL

The following protocol on COVID-19 prevention serves as an operational guidance on addressing public health measures for the prevention and management of COVID-19 risks for project workers in public settings. This protocol is in line with the [WHO guidance on COVID-19 infection prevention and control](#) and will be disseminated and applied to all project workers.

In implementing project activities and stakeholder engagement, all project workers are required to follow the following measures, including:

- **MOF needs to assign focal point** who will be responsible for coordinating preparation on project activities and ensuring that the COVID-19 prevention measures are communicated to all participants. It is also advisable to designate co-focal point as back-up person; in case the main focal point becomes ill. At this stage of project preparation, virtual consultations are the preferred approach to the extent feasible.

- **Adjust meeting and consultation approaches** based on public health risk assessments which may include:
 - Conducting virtual meeting as much as possible and implementing physical distancing for direct meetings and field works.
 - Decreasing the size of and/or limiting the number of consultation participants at any one time.
 - Provision of Personal Protective Equipment (PPE)³ to prevent COVID-19, using masks at minimum.
 - Continuing with the usual environmental and social management trainings, adding self-hygiene and COVID-19 related trainings as appropriate.
 - Assess the extent to which consultation and field work schedule needs to be adjusted (or stopped) to reflect prudent work practices, potential exposure of both project workers and community to public health risks. Consider availability of Infection Prevention and Control PPE supplies, taking into account Government advice and instructions.

- **General hygiene** should be communicated and monitored, to include:
 - Training all project workers on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular hand washing and social distancing) and what to do if they or other people have symptoms⁴,

³ WHO recommends contact, droplet, and airborne precautions (including PPEs) to be applied during care for patients with suspected, probable, and confirmed COVID-19 and aerosol generating procedures. WHO does not recommend PPE reuse (donning of a used PPE item without decontamination/ reprocessing), use of gloves in settings where they are not needed, wearing a medical mask over a respirator, or the use of non-medical masks as an alternative to medical masks or respirators. For further information, refer to [WHO interim guidance on rational use of personal protective equipment \(PPE\) for COVID-19](#).

- Placing posters and signs around the site, with images and text in local languages.
 - Ensuring handwashing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, food distribution, or provision of drinking water; at waste stations; at stores; and in common spaces. Alcohol based sanitizer (60-95% alcohol) can also be used.
- **Regular cleaning and waste disposal.** Conduct regular and thorough cleaning of all site facilities and provide project workers deployed to the field with adequate cleaning facilities (such as soap, hand sanitizers, disinfectants, etc.). Disposable PPEs should be collected safely in designated containers or bags and disposed of following relevant requirements (e.g., national, WHO)⁵. In the case where COVID-19 cases are reported on site, extensive cleaning with high-alcohol content disinfectant should be undertaken in the area where consultations activities are undertaken, prior to any further activities being undertaken in the same venue.
- **Identify accessible local medical facilities.** Preparation for this includes:
 - Obtaining information on resources and capacity of local medical services and selecting which medical facilities to be referred to for specific level of illness.
 - Discuss with specific medical facilities, to agree what should be done in the event of ill project workers and people involved in consultations needing to be referred, and method of transport for sick workers.
 - Establishing an agreed protocol for communications with local emergency/medical services.
 - Agreeing with the local medical services/specific medical facilities the scope of services to be provided, the procedure for in-take of patients and (where relevant) any costs or payments that may be involved.
 - If testing for COVID-19 is available, project workers with COVID-19 symptoms should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if available).
 - An emergency response procedure should also be prepared for when a project worker ill with COVID-19 dies, in coordination with relevant local authorities, including any reporting or other requirements under national law.

⁴ WHO provides publicly available guidelines and materials that can be used for training and awareness raising. These guidelines include information on how to protect people from COVID-19, how to make the environment safer, basics of good hygiene, what to do if you feel unwell, how to visit healthcare facilities safely, COVID-19 symptoms, and flu, home care, pregnancy & breastfeeding. For further information see [WHO COVID-19 advice for the public](#).

⁵ Based on WHO guidelines, best practices for safely managing healthcare waste (including PPEs) should be followed, including assigning responsibility and sufficient human and material resources to segregate, recycle and dispose of waste safely. Waste should be packed in strong bags and closed completely before disposal and eventual collection by municipal waste services. After such disposal, correct hand hygiene should be performed. Finally, those tasked with collecting waste should wear PPE and have facilities for regularly conducting hand hygiene. For further information see [WHO interim guidance on water, sanitation and waste management for COVID-19](#)

- **If community meetings are envisaged, communication and contact with the community** should be carefully managed. The following good practice should be considered:
 - Communications should be clear, regular, based on fact and designed to be easily understood by community members through forms of communication other than face-to-face, posters, pamphlets, radio, text message, electronic meetings. The means of communication used should take into account the ability of different members of the community to access them. Existing grievance redress mechanism should be utilized to manage feedback and grievances from the communities.
 - The community should be made aware of all measures being implemented to limit contact between project workers and amongst community members themselves, procedure for social distancing measures, the training being given to project workers and the procedure that will be followed by the project if a worker or consultation participant becomes sick.
 - If project workers are interacting with the community, they should practice social distancing and follow other COVID-19 guidance issued by relevant authorities, both by national and international agencies (e.g. WHO).

- **Standard protocol in the office and during travel** should be carefully managed and facilitated by MOF and followed by project workers who need to work from the office. The following good practice should be considered:
 - Prioritize those who have received COVID-19 vaccination if travels and office-based work are required.
 - Make sure workplaces are clean and hygienic, and wipe and disinfectant surfaces regularly (e.g. desks and tables) and objects (e.g. telephones, keyboards).
 - Promote regular and thorough handwashing or display posters promoting handwashing.
 - Provide sanitizing hand rub dispensers in prominent places around the workplace. Make sure these dispensers are regularly refilled.
 - Combine this with other communication measures such as offering guidance from relevant health authorities, briefings at meetings, etc.
 - Make sure that project workers have access to places where they can wash their hands with soap and water.
 - Display posters promoting respiratory hygiene and other communication measures such as offering guidance from relevant health authorities, briefing at meetings, etc.
 - Ensure that face masks and/or paper tissues are available at workplaces, for those who develop a runny nose or cough at work, along with closed bins for hygienic disposal.
 - Advise project workers to consult national travel advice before going on business trips. Ensuring the latest information on areas where COVID-19 is spreading. Based on the latest information, assess the benefits and risks related to upcoming travel plans.
 - Brief all people in the office and require anyone with even a mild cough or low-grade fever (37.3 C or more) needs to stay at home. They should also stay home (or work from home) if they have taken simple medications, such as paracetamol/acetaminophen, ibuprofen or aspirin, which may mask symptoms of infection.
 - Avoid sending team members who may be at higher risk of serious illness (e.g. older

employees and those with medical conditions such as diabetes, heart and lung disease) for travels.

- Make sure project workers travelling are briefed by a qualified professional.
- Provide project workers who are about to travel with small bottles (under 100 CL) of alcohol-based hand rub. This can facilitate regular handwashing.
- Ensure project workers know what to do and who to contact if they feel ill while traveling.
- Ensure that project workers comply with instructions from local authorities where they are traveling. All project workers should comply with any local restrictions on travel, movement or large gatherings.
- Project workers who have returned from an area where COVID-19 is spreading should monitor themselves for symptoms for 14 days and take their temperature twice a day. If any project workers develop even a mild cough or low-grade fever (i.e. a temperature of 37.3° C or more), they should stay at home and self-isolate. This means avoiding close contact (one meter or nearer) with other people, including family members. They should also telephone their healthcare provider or the local public health department, giving them details of their recent travel and symptoms.

ANNEXES

ANNEX 1: Project Code of Conduct Preventing Gender Based Violence/ Sexual Exploitation and Abuse (GBV/SEA) and Violence Against Children (VAC)

Company/Firm Code of Conduct

Preventing Gender Based Violence/ Sexual Exploitation and Abuse and Violence Against Children

The company (**name**) is also committed to creating and maintaining an environment in which Gender-based Violence/Sexual Exploitation and Abuse (GBV/SEA) and Violence against Children (VAC) have no place, and where they will not be tolerated by any employees engaged by the company.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives without exception:

General

1. The company – and therefore all employees, associates, and representatives – commit to complying with all relevant national laws, rules and regulations.
2. The company commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, births or other status. Acts of SEA/GBV and VAC are in violation of this commitment.
3. The company shall ensure that interactions with peers and other project workers are done with respect and non-discrimination.
4. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and representatives.
5. The company will follow all reasonable work instructions in line with the national law and the Labor Management Procedure (LMP) for the project.

Gender Based Violence and Violence Against Children

1. Acts of GBV/SEA or VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment, and if appropriate referral to the Police for further action.
2. All forms of GBV/SEA and VAC, including grooming, are unacceptable, regardless of whether they take place on the work site, the work site's surroundings, at workers' camps or within the local community.
 - i. Sexual Harassment – for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior – is prohibited.
 - ii. Sexual favors – for instance, making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior, are prohibited.
 - iii. Sexual contact or activity with children under 18 – including through digital media – is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
3. Unless there is full consent⁶ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the workplace

⁶ Consent is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of

are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.

4. In addition to company sanctions, legal prosecution of those who commit acts of GBV/SEA or VAC will be pursued if appropriate.
5. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV/SEA and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project’s GBV and VAC Allegation Procedures.
6. Managers are required to report and act to address suspected or actual acts of GBV/SEA and VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively the contractors commit to ensuring that:

1. All managers sign the Project’s ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the company’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
2. All employees sign the project’s ‘Individual Code of Conduct’ confirming their agreement to comply with OHS standards, and not to engage in activities resulting in GBV/SEA or VAC.
3. Displaying the Company and Individual Codes of Conduct prominently and in clear view.
4. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language as well as for any international staff in their native language.
5. An appropriate person is nominated as the company’s ‘Focal Point’ for addressing GBV/SEA and VAC issues.
6. Ensuring that the GBV/SEA and VAC Codes of Conduct are effectively implemented and revised as needed.
7. That the company/firm effectively implement the agreed final GBV/SEA and VAC Codes of Conduct, providing feedback to the PMU Director or other function(s) as applicable for improvements and updates as appropriate.
8. All employees attend an induction-training course prior to mobilization to ensure they are familiar with the Project’s GBV/SEA and VAC Codes of Conduct as well as refresher training as relevant.

I do hereby acknowledge that I have read the foregoing Company/Firm Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to prevent and respond to GBV/SEA and VAC. I understand that any action inconsistent with this Company/Firm Code of Conduct or failure to act mandated by this Code of Conduct may result in disciplinary action.

Company name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

ANNEX 2: Individual Code of Conduct Preventing Gender Based Violence/ Sexual Exploitation and Abuse (GBV/SEA) and Violence Against Children (VAC)

Individual Code of Conduct

Preventing Gender Based Violence/ Sexual Exploitation and Abuse and Violence Against Children

I, _____, acknowledge that adhering to environmental and social standards, following the Project's Code of Conduct for the prevention of Gender-based Violence/ Sexual Exploitation and Abuse (GBV/SEA) and violence against children (VAC) at the work place is important.

The contractor (_____) considers failure to follow OHS standards, or to commit GBV/SEA or VAC—be it on the work site, the work site's surroundings, at workers' camps, in workers' homes, or the surrounding communities—to be gross misconduct and grounds for sanctions, penalties or potential termination of employment. Prosecution by the police of those who commit GBV/SEA or VAC may be pursued if appropriate.

I agree that while working on the Project I will:

1. Attend and actively participate in training courses related to ESS, GBV/SEA and VAC as requested by my employer.
2. Not drink alcohol or use narcotics or other substances, which can impair faculties before or during work activities.
3. Consent to a police background check.
4. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
5. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
6. Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior (e.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.)
7. Not engage in sexual favors—for instance, making promises of favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
8. Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
9. Unless there is the full consent⁷ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefits (monetary or non-monetary) to community members in exchange for sex – such sexual activity is considered “non-consensual” within the scope of this Code.
10. Report through the FGRM or to my manager any suspected or actual GBV/SEA or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18, I will:

1. Wherever possible, ensure that another adult is present when working in the proximity of children.

⁷ Consent is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

2. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
3. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also "Use of children's images for work related purposes" below).
4. Refrain from physical punishment or discipline of children.
5. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
6. Comply with all relevant local legislation, including labor laws in relation to child labor and the World Bank's safeguard policies on child labor and minimum age.
7. Take appropriate caution when photographing or filming children.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

1. Before photographing or filming a child, assess and comply with local traditions or restrictions for reproducing personal images.
2. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
3. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
4. Ensure images are honest representations of the context and the facts.
5. Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the Police if warranted.

I will avoid actions or behaviors that could be construed as GBV/SEA or VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV/SEA and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____
 Printed Name: _____
 Title: _____
 Date: _____

ANNEX 3: Manager Code of Conduct Preventing Gender Based Violence/ Sexual Exploitation and Abuse (GBV/SEA) and Violence Against Children (VAC)

Manager's Code of Conduct

Preventing Gender Based Violence/ Sexual Exploitation and Abuse and Violence Against Children

Managers at all levels have a responsibility to uphold the company's commitment to preventing and addressing GBV/SEA and VAC. This means that managers have an acute responsibility to create and maintain an environment that respects these standards and prevents GBV/SEA and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and sign the Individual Code of Conduct. This commits them to supporting the implementation of the OHS Plan and developing systems that facilitate the implementation of the GBV/SEA and VAC Action Plan. They need to maintain a safe workplace, as well as a GBV/SEA-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

Implementation

1. To ensure maximum effectiveness of the Company/Firm and Individual Codes of Conduct:
 - i. Prominently displaying the Company/Firm and Individual Codes of Conduct in clear view at the workspace.
 - ii. Ensuring all posted and distributed copies of the Company/Firm and Individual Codes of Conduct are translated into the appropriate language as well as for any international staff in their native language as applicable.
2. Verbally and in writing explain the Company/Firm and Individual Codes of Conduct to all employees within the firm.
3. Ensure that:
 - i. All direct reports sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
 - ii. Signed copies of the Individual Code of Conduct are provided to all consultants hired by the firm.
 - iii. Participate in training and ensure that staff also participate as outlined below.
 - iv. Put in place a mechanism for staff to confidentially report GBV/SEA or VAC incidents through the Grievance Redress Mechanism (GRM)
 - v. Consultants are encouraged to report suspected or actual GBV/SEA or VAC issues, emphasizing their responsibility to the Company/Firm and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees.
5. Ensure that when engaging a partnership, sub-contractor or similar agreements, these agreements:
 - i. Incorporate the GBV/SEA and VAC Codes of Conduct as an attachment.
 - ii. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - iii. Expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against GBV/SEA and VAC, to investigate allegations thereof, or to take corrective actions when GBV/SEA or VAC has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.
6. Provide support and resources to the PMU to create and disseminate internal sensitization initiatives through the awareness-raising strategy for GBV/SEA and VAC issues.
7. Ensure that any GBV/SEA or VAC issue warranting police action is reported to the police, the PMU and the World Bank immediately.
8. Report and act according to the response protocol any suspected or actual acts of GBV/SEA and/or VAC, as managers have a responsibility to uphold company/firm's commitments and hold their direct reports responsible.

Training

1. All managers are required to attend an induction training course on GBV/SEA and VAC elements of these Codes of Conduct.
2. Managers are required to attend and assist with the project-facilitated training courses for all consultants employed by the firm. Managers will be required to introduce the training including collecting satisfaction surveys to evaluate training experiences and provide advice on improving the effectiveness of training.
3. Ensure that time is provided during work hours and that staff prior to mobilization attend the mandatory project facilitated induction training on GBV/SEA and VAC Codes of Conduct.

Response

1. With regard to GBV/SEA and VAC:
 - i. Provide input to the GBV/SEA and VAC sensitization as needed.
 - ii. Once Codes of Conduct are signed, managers will uphold the measures set out in the GBV/SEA and VAC Codes of Conduct to maintain the confidentiality of all persons who report or (allegedly) perpetrate incidences of GBV/SEA and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
 - iii. If a manager develops concerns or suspicions regarding any form of GBV/SEA or VAC by one of their direct reports, or by any staff involved in the project, they are required to report the case using the FGRM channel and/or other applicable mechanism(s).
 - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
 - v. If a Manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, they must notify the respective PMU director or other function(s) as applicable. The /Firm will be required to appoint another manager without a conflict of interest to respond to complaints.
 - vi. Ensure that any GBV/SEA or VAC issue warranting police action is reported to the police, PMU and the World Bank immediately
2. Managers failing to report or comply with the GBV/SEA and VAC provisions may be subject to disciplinary measures, to be determined and enacted by the company’s CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
 - i. Informal warning
 - ii. Formal warning
 - iii. Additional training
 - iv. Loss of up to one week's salary
 - v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months
 - vi. Termination of employment
3. Ultimately, failure to effectively respond to GBV/SEA and VAC cases on the work site by the company’s managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager’s Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV/SEA and VAC requirements. I understand that any action inconsistent with this Manager’s Code of Conduct or failure to act mandated by this Manager’s Code of Conduct may result in disciplinary action.

Signature: _____
 Printed Name: _____
 Title: _____
 Date: _____

ANNEX 4: Link to related Minister of Finance’s regulations.

- Minister of Finance’s regulation number 211/PMK.01/2014 on Days and Working Hours in the Area of Ministry of Finance

<https://jdih.kemenkeu.go.id/fullText/2014/211~PMK.01~2014Per.HTM>

- Minister of Finance’s regulation number 190/PMK.01/2018 on Code of Conduct and Behavior of Civil Servants in the Area of Ministry of Finance.

https://www.sdm.kemenkeu.go.id/peraturan/doc/190_PMK.01_2018%20Kode%20Etik%20dan%20Kode%20Perilaku.pdf

- Minister of Finance’s regulation number 125/PMK.05/2009 on Overtime and Overtime Pay for Civil Servants

<http://jdih.kkp.go.id/peraturan/125-pmk.05-2009.pdf>