**MINISTRY OF EDUCATION ROMANIA**

**LABOR MANAGEMENT PROCEDURES (LMP)**

**FOR**

**SAFER, INCLUSIVE AND SUSTAINABLE SCHOOLS PROJECT**

January 2024

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| **ABBREVIATIONS** |
| E&S | Environmental and Social |
| ESF | Environmental and Social Framework |
| ESS | Environmental and Social Standards |
| GBV | Gender Based Violence |
| GM | Grievance Mechanism |
| ILO | International Labor Organization  |
| LC | Labor Code |
| LMP  | Labor Management Procedures  |
| MoJ | Ministry of Justice  |
| OG  | Official Gazette  |
| OHS | Occupational Health and Safety |
| PMU | Project Management Unit |
| PPE | Personal Protective Equipment |
| SEA | Sexual Exploitation and Abuse |
| SH | Sexual Harassment |
| UN | United Nations |
| WB | World Bank |
| WBG EHSG | World Bank Group Environmental, Health and Safety guidelines |

# PROJECT DESCRIPTION AND BACKGROUND

The Government of Romania received an IBRD loan for a sum of EUR 100 mil (USD 121,7 mil equivalent), through signing of the Loan Agreement (LA) (dated May 6, 2021) between the Ministry of Finance and the World Bank for the implementation of the “Safer, Inclusive and Sustainable Schools Project” (the Project).

The Project`s Development Objectives (PDO) are to improve the resilience, energy efficiency and learning environment of selected Project schools, and to increase institutional capacity for integrated investments in schools in Romania.

These Labour Management Procedures (LMP) for the Project were developed as a requirement of the World Bank Environmental and Social Framework (ESF). The procedures address the key labour risks and how these are addressed throughout the project by national legislation or additional measures established at the level of the project. The objective of the LMP is to assure compliance with national requirements as well as the objectives of the World Banks’s Environmental and Social Framework, specifically the objectives of Environmental and Social Standards 2 (ESS2): Labour and Working Conditions and Occupational Health and Safety. .

Based on the Project’s Environmental and Social Management Framework (ESMF), risks related to labour and working conditions and occupational health and safety are expected to be moderate. However, risks will be assessed on a project basis with the development of site-specific ESMPs that will address the particular context of work within the project.

Key aspects of this LMP will be integrated into procurement documents and contractual obligations of contractors, suppliers and sub-contractors. It is the Project Management Unit (PMU) commitment to ensure the requirements are enforced and performance monitored.

It is important to note the LMP is a live document and can be updated to meet the demands of the project. Any changes in labor and working conditions in Romania`s legislation following the date of this LMP in course of the implementation of the Project will be observed. Should any amended to the law impact compliance to commitments made under this LMP and in general towards the World Bank`s requirements shall be immediately addressed by including additional measures to bridge any newly identified gap.

The document identifies the categories of workers who are expected to be hired/engaged under the Project, sets out the terms and conditions for employment or engagement of workers on the Project, specifies the requirements and standards to be met and the policies and procedures to be followed, assesses risks and proposes the mechanisms for compliance measures implementation. The LMP is developed to help avoid, mitigate and manage risks and impacts in relation to project workers and set out the way in which project workers will be managed, in accordance with the requirements of the national law supplemented by measures to close any gaps to meet the requirements of ESS2.

# SCOPE OF APPLICATION

This LMP applies to all **Project workers** hired under the Project as defined by ESS2[[1]](#footnote-1).

In the context of this Project the term “**Project worker**” refers to:

1. people employed or engaged directly by the MoE to work specifically in relation to the project are considered **Direct workers**. Direct workers are expected to be staff and consultants engaged by the MoE including in the Project Management Unit (PMU) providing implementation support for the Project.
2. people employed or engaged through third parties (third parties may include contractors, subcontractors, brokers, agents or intermediaries) to perform work related to core functions of the project, regardless of location are considered **contracted workers**. Contracted workers are expected to be employees of firms and service providers engaged in providing technical assistance, refurbishing and small scale works

The LMP applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

For any contractual personal of the MoE who may be engaged in carrying out project activities, the terms and conditions of their public sector employment will continue to apply. ESS2 provisions on OHS, as well as prohibition of child and forced labor, will apply to contractual personal.

Employees of final beneficiaries are not considered project workers under ESS2 definition. They shall remain subject to the national labor and OHS requirements.

The category of primary suppliers is currently relevant within the scope of this Project although the scope and number of such suppliers will depend on Procurement arrangements.

Community workers will not be engaged as the nature of the project does not require engagement of the community labor.

The Romanian legal framework guiding Labor and Working Conditions, including OHS, is, except for a few minor gaps, fully aligned with the standards set out in ESS2 as Romania is signatory to the International Labor Organization (ILO) and United Nations (UN) Conventions informing the ESS2.[[2]](#footnote-2) Romania has ratified more than 56 (38 are in force) ILO Conventions including the 8 Core Conventions and 1 Protocol. Where the national legal framework falls short in compliance, measures to bridging the gaps will be implemented as outlined below.

# OVERVIEW OF LABOR USE ON THE PROJECT

The following categories of **Project workers,** are expected to be engaged:

***Direct workers.*** Direct workers will include Staff of the **Project Management Unit (PMU)** of MoE and independent consultants hired specifically to work in relation to the project. The PMU is adequately staffed to implement the Project activities and the extended scope of the environmental and social requirements brought by the Environmental and Social Framework (ESF) of the World Bank but will expand based on the incremental needs of the implementation as needed.

Labor and working conditions of the PMU staff who are or will be working in connection with the project in the PMU remain subject to the national legislation. Their employment relationship will remain subject to the terms and conditions of their existing public sector employment agreements or arrangements with the exception of requirements in the area of protecting the workforce and Occupational Health and Safety (OHS) and prohibition of child and forced labor shall apply to PMU staff engaged in the project. Until and unless a legal transfer (compliant to legal requirements) of their employment or engagement is made such that they are direct project workers, during the life of the Project, their status remains unchanged.

The number of **direct workers** currently is 21 and 10 individual consultants, engaged for management, technical, social, environmental, financial, procurement, and administrative functions within the PMU. Direct workers are experienced, national professionals in their respective fields, with high education prevalently and various educational backgrounds (e.g., engineering, legal, economics, environmental and social science and similar). These workers are already hired under individual contracts, with full-time engagement for the duration of the Project. They are assigned specific tasks and responsibilities as their services process essential for the core functions of the project.

**Contracted workers**: Contracted workers will be engaged or employed by third parties.

Sub-contractors to the extent that such sub-contracting is permitted under the parent contracts are subjected to this LMP alike. These imply professionals and support staff assigned by third party, or by any Sub-Contractor or Sub-Consultants, to perform the Services/Works/or supply of goods or any part thereof.

In its contractual and legal relationship with any third party, the MoE will have the role of the employer/client as assigned under the respective contracts. Contract awards will follow World Bank procurement procedures, and if the case WB standard bidding documents (incorporating standards wording for labor and working conditions requirements, to which this LMP shall be appended to (alternatively excerpts from this LMP may be used). Third party engagement shall be subject to a competitive open tendering procedure, other selection procedures as agreed with the World Bank.

Given the scope and the very specificity of the Project and the qualifications required for performance of services, design, supply and construction activities, it is expected that contracts will be awarded to well-known reputable national or international companies that have already established their operations in Romania or have satisfactory track records and are complying with and operate under the Romanian regulatory framework, including Labor and Occupational Health and Safety (OHS) Laws. Should Contracts be awarded to multiple entities forming a Joint Venture or a business association, each company shall be bound by this LMP as well as labor provisions of other Environmental and social instruments (ESMP) nonetheless the Romanian legal framework. The subcontractors’ workforce will be also considered as contracted workers.

The number of contracted workers is not yet firm, but based on industry practice and recent experience, it is estimated that the total number of workers working is between 400-500 for civil works and around 70 for consulting services related to civil works. The number of contracted workers for the soft components of the Project are not yet known as the technical specifications and further preparation activities will present the ToR and required staffing and personnel for each of the activity.

***Migrant Workers***: The Project relies more on civil works. It is possible that migrant workers who have migrated from outside the EUare employed on the Project. International migrants may be hired by third parties to work under the project, under the quotas that are updated annually by the Romanian Government. The main risks associated with international migrants are related to abuses of their rights by employers, lack of work permits and documentation, abuses in relation to unpaid overtime work, lack of health and safety trainings adapted to their needs, and appropriate accommodations. In relation to internal migrant workers, coming from other regions of the country, risks related to the lack of contracts, accommodation conditions (where this is provided by the employer), and unpaid overtime work could arise. Migrant workers are granted rights and protected by this LMP and Romanian Law as a category of Contracted Workers.

**Primary Suppliers:** The Project will require the procurement of project goods or materials essential for the core functions of the project. Core functions of a project constitute those production and/or service processes essential for a specific project activity without which the project cannot continue. All primary suppliers must be formal businesses who procure and produce materials subject to high standards and will be required to ensure that these are only received from approved suppliers.

**Timing of Labor Requirements:** The timing and sequencing of labor on the project will be updated continuously, based on the projects’ overall progress

Workers between the minimum age and 18 are not expected to be involved in the project.

# ASSESSMENT OF KEY POTENTIAL LABOR RISKS

***Project activities***: The Project Development Objective is to provide safer and improved learning environments for students and teachers in selected schools, and to increase institutional capacity for investing in sustainable education infrastructure.

The activities that would take place in this project include: construction works for the selected schools in order to improve the learning environments, furniture and furnishing according to the newest technology in order to give a more modern and approachable way of learning, technical consultation services for elaborating model design, site supervision, building institutional capacity of the local authorities in order to access more easily EU funds for improvement of school infrastructure.

The Project is assessed as moderate on gender-based violence including sexual exploitation and abuse (SEA) and sexual harassment (SH). Mitigation measures to address SEA/SH risks are included in the section on Policies and Procedures and also in the ESF documents. The risk factors assessment considered the institutional capacity of the implementing agency, low volume labor influx, no pre–existing social conflict and tensions, strong local law enforcement which resulted in the conclusion that this is a low labor risk project and risks can be managed through the requirements of this LMP.

***Key Labor Risks***

**Key labor risks associated with civil/electrical works at construction sites could include following occupational health and safety hazards, including but not limited to**:

* High incidence of work-related accidents on construction sites; increased risks of work related accidents for third-country migrants due to language barriers in understanding OHS requirements on site;
* Inappropriate living conditions for those that are temporarily accommodated in the area of the project, for the duration of works;
* Social tensions in rural communities, in relation to the employment of third country nationals, especially if unemployment is higher than in other parts;
* Abusive behavior of employers in relation to third country nationals’ rights, such as confiscating personal documents, not providing holidays, unpaid overtime, ignoring requests for healthcare, etc.;
* The use of uncontracted workers for specific activities in the construction process (e.g. demolition);
* Illiterate or reduced literacy of workers employed in the construction sector and that may be subject to abuses or suffer from lack of access to information regarding their rights, training materials, etc.

National legislation requires each employer to assess labor risks specific to each job/position. The recognized risks have to be addressed in compliance with the OHS legislation (in case of construction work, in addition to umbrella legislations, rulebooks for example, specifically addressing assessment of work-related risks, work on construction sites and protection at work during construction works are applicable). OHS officers with each employer and work execution coordinators at construction sites are responsible to ensure that adequate prevention and protection measures are in place and that safety regulations are obeyed. With the use of protection equipment, proper training and organization of site, the risk of work-related injuries and occupational health can be significantly reduced. The PMU will encourage the contractors to meet these requirements and conditions in everyday practice in order to assess, mitigate and reduce various risks.

Given that construction activities involve potentially hazardous work, even after preventive and protective measures have been put in place (residual risk), persons under the age of 18 will not be employed by the Project, to avoid any unnecessary risks.

The PMU and the OHS consultant to be hired to supervise the civil works will supervise and monitor labor risks of contracted parties. In case of an emerging or increasing risk, the LMP shall be amended to provide an appropriate response.

The influx of workers and subsequently followers is not expected to be large and is not expected to have adverse social impacts. The risk factors weighted where the institutional capacity of the implementing agency, low volume Labor influx, no pre–existing social conflict and tensions, strong local law enforcement which resulted in the conclusion that it is a low risk environment and risks can be managed through the requirements of ESMF and this LMP and there is no need to develop a more specialized instrument.

The identified labor associated risks are based on experience built over time in the sector. However, if other labor risks arise during project implementation, the PMU will develop procedures to prevent further impacts.

The contracts with third parties (e.g. contracted and sub-contracted firms) will include requirements for management of labor risks.

#  5. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

This section sets out the ***key aspects*** of Romanian labor legislation with regard to terms and conditions of work, and how national legislation applies to different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2, paragraph 11 (i.e., wages, deductions and benefits).

The Labor Code (hereinafter: “LC”) is the main law that guides labor practices in Romania. It provides for the minimum rights of employees, such as the right to a corresponding salary/wage, occupational health and safety, health care, protection of personal integrity, personal dignity, and other rights in the event of illness, reduction or loss of work ability and old age, including unemployment financial benefits during temporary unemployment, as well as the right to other forms of protection, in conformity with the law and by-laws and the employment contracts. Employed women are entitled to special protection during pregnancy and upon childbirth. Special protection is also guaranteed to employees under the age of 18 years and to workers with disabilities.

In Romania, the minimum legal employment terms and conditions that the employer must observe upon concluding the individual employment contract mainly refer to: (i) the trial period; (ii) rights and obligations of the parties; (iii) prior notice term; (iv) the duration of annual leave; (v) the salary; (vi) the normal working time; and (vii) the maximum working time, (viii) contributions to the public health insurance system; etc.

The minimum rights provided by the law for the benefit of employees may not be waived or limited based upon the parties’ agreement.

*Wages and deductions*

The amount and form of remuneration in Romania is determined by the individual labor contract. The wage is paid at least monthly. The Government of Romania sets the guaranteed minimum gross wage which is 3300 lei as per October 2023 (2079 lei net income after deductions). In the construction field the minimum wage is 4582 lei as of November 2023 (3196 lei net income after deductions). The employers deduct the income tax and health and social insurance contributions automatically from the wages and transfer them to the appropriate fiscal, medical and social authorities.

*Working Hours*

The Romanian Labor Code envisages a regular 40-hour work week. The work week is set at 30 hours for young people up to 18 years of age.

*Rest Breaks*

In cases where the daily working time is longer than 6 hours, employees are entitled to a meal break and other breaks. The exact duration of the lunch break rest is stipulated in the collective labor agreement or the internal regulations of the entity. Meal break, with the exceptions specified in the collective labor contract or entity internal regulations, shall not be included in the working time. The duration of the daily break, that is the time between the end of the working program and the start of the work program the following workday cannot be less than 12 hours. Weekly rest is granted for 2 consecutive days, usually Saturday and Sunday.

***Leaves***

The right to annual leave is guaranteed to all employees. All the employees are entitled to paid annual rest leave, with a duration of minimum 20 working days. Leave does not include a period of temporary disability, and maternity leave. In addition, employees may request unpaid leave with a justification and agreement from the employer. The exact duration of the unpaid leave is stipulated in the collective labor agreement or the internal regulations of the entity.

***Overtime Work***

An employer can order overtime work in case that is related to force majeure or emergencies. In other cases, Employees must agree to overtime work. Employers must keep a record of worked performed outside normal working hours. Overtime work is compensated by paid free hours in the next 60 calendar days after it is performed. If those hours cannot be obtained, an additional bonus of minimum 75% of base salary will be paid by the employer.

***Labor Disputes***

The Labor Code of Romania includes provisions that allow workers to resolve individual and collective disputes between the employer and the employee(s) over the terms and conditions of a labor agreement or other aspects of work, including occupational and labor safety. The disagreements and disputes may be solved through courts unless settled amicably. The employment contract may contain workplace grievance resolution through counseling (having a neutral consultant engaged specializing in Labor Law to which both the Employer and Employee agree). The grievance redress process cannot take more than 5 working days once the counselor is engaged. Labor dispute resolution is governed by Law 62/2011. Employees have the right to be part of a union that represents their rights and can participate in negotiations for collective labor agreements granted under Law 54/2003. Alternatively, an employee representative can be delegated by workers to discuss or negotiate with the employers. The workers have the right to petition, according to Law 213/2020, based on a redress procedure.

# 6. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The main regulatory act in the field of occupational health and safety is Law 319/2006 on safety and health at work (LSHW). The law establishes general principles for the prevention of occupational risks, protection of workers’ safety and health, elimination of accident risk factors, information, consultation, balanced participation of workers, training of workers and their representatives, as well as the general directions for the implementation of those principles. The worker is defined in this legal framework as a person employed by an employer (including students, school pupils during their training practice, as well as interns and other participants in the work process), except for those who perform household activities. LSHW applies to every employer who employs at least one worker, to the workers and the workers’ representatives i.e. to every person participating in the work process. It also applies to all the activity sectors, both from the private and public sector and transposes the framework Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work into the Romanian legislation. Several Government decisions detail how these are to be implemented and outline the list of hazardous industries and occupations in the country. Overall, the Romanian OHS legislation is extensive and generally in line with the provisions set out in ESS2, the main challenge being the implementation and enforcement of these provisions. The implementation of health and safety measures are essential for the project. The risks are even further exacerbated for third country nationals may be higher due to their linguistic barriers (e.g. in undertaking trainings) or their limited knowledge of the local legislation in relation to OHS.

*Employers’ Obligations*

According to the law, the employer has the obligation to ensure the safety and health of workers, in all aspects related to the activity carried out. Fulfilling this obligation involves taking measures such as assessing the risks to the safety and health of one's own workers, ensuring that each worker receives appropriate training on health and safety risks, involving workers and their representatives in health and safety debates and maintaining a register. of work accidents.

Health and safety issues can be discussed with employees internally or managed through an enterprise service (eg human resources department) or, if this is not possible, with the help of competent external services or people, which however, it does not relieve the employer of their legal obligations in this area.

*Employees’ Rights and Obligations*

Workers are also subject to legal obligations regarding health and safety. They should use their equipment correctly and inform the employer of any serious and immediate danger or possible deficiencies in security measures. In addition, they should work with the employer to ensure a safe environment and working conditions.

Employees have the right and obligation to inform the employer of any emerging hazard or malfunctioning equipment as well as make suggestions on how to improve the OHS rules at the workplace. Employees have the right to refuse to work if the working place does not meet the OHS requirements. They are entitled to be informed and trained about the occupational risks and be provided the required protective gear by the employer at the employer’s expense (including the translation of materials for migrant workers, where needed).

# 7. RESPONSIBLE STAFF

A PMU has been established within the MoE for the management of the implementation of this Project. This PMU has a good track record of project implementation and ensures compliance with the applicable World Bank procedures. Its staff are hired according to the Romanian legislation through secondment from other public institution, including MoE and through exams/competions. As per project needs, expert in technical field (architects, engineers, energetic auditors, environmental and social specialists, community engagement specialists, county coordinators etc) in financial and educational field will be hired as individual consultants, financed through the mentioned Project.

The list of PMU staff and consultants is presented below. Given the nature of the proposed package of interventions to be funded by the Project and the new Environmental and Social Framework applicable to the Project, the PMU also included an Environmental Specialist, a Social Specialist who will ensure compliance with the World Bank’s ESF guidelines.

| **No.** | **Name of position** | **No. of existing personnel at PMU level** | **No. of personnel to be hired** | **No. of external consultants contracted** | **Workload** |
| --- | --- | --- | --- | --- | --- |
| 1 | Project Director | 1 |  | - | Part time/Full time\* |
| 2 | Deputy Project Director | 1 |  |  | Part time/Full time |
| 3 | Project Assistant | 1 | - |  | Part time/Full time |
| 4 | CFP Responsible | 1 | - | - | Part time/Full time |
| 5 | HR Specialist | 1 | - | - | Part time/Full time |
| 6 | Driver/Logistic Administrator | 1 | - | - | Part time/Full time |
| 7 | Legal Advisor | 1 |  |  | Part time/Full time |
| 8 | Procurement specialist | 2 | - | - | Part time/Full time |
| 9 | Procurement assistant | 1 | - |  | Part time/Full time |
| 10 | Technical manager | 1 | - | - | Part time/Full time |
| 11 | Technical specialists | 3 | 1 |  | Part time/Full time |
| 12 | Financial Manager | 1 | - |  | Part time/Full time |
| 13 | Economist | 2 | - |  | Part time/Full time |
| 14 | Cashier | 1 | - |  | Part time/Full time |
| 15 | Disbursement specialist | 1 | - |  | Part time/Full time |
| 16 | Monitoring specialist | 2 | 1 | - | Part time/Full time |
| **CONSULTANTS** |
| 1 | Social Consultant  |  |  | 1 | Full time |
| 2 | Environmental consultant | - | - | 1 | Full time |
| 3 | Financial Consultant | - | - | 1 | Part time |
| 4 | Construction Engineer  | - | - | 1 | Part time |
| 5 | Architect | - | - | 1 | Part time |
| 6 | Energetic auditor | - | - | 1 | Part time |
| 7 | Area coordinator | - | - | 4[[3]](#footnote-3) | Full time |
| **TOTAL** | **21** | **2** | **10** |  |

In addition to these professionals, the MoE will be allowed to hire as many individual consultants as needed to help with the implementation of specific project activities over the course of the project.

The Project Director would be the liaison officer between the MoE and the World Bank and will be held accountable for the compliance with ESF guidelines agreed upon under the project.

The PMU would be responsible for day-to-day project management activities, including monitoring and reporting on project progress to all the relevant stakeholders. For this purpose, the PMU will organize, at regular intervals, meetings involving representatives of all stakeholders to present project progress and seek stakeholder input. The costs for all these activities are budgeted under the Project Management component and may be increased should there be a need.

Also, the PMU will:

* Ensure that any third party complies with this labor management procedures, and occupational health and safety plan before construction stage by enforcing mandatory reporting on regular basis demonstrating compliance with this labor management procedures and the Romanian law;
* Ensure this labor management procedure applies to all project workers by including relevant mandatory clauses to the standard bidding documents used for selection of third parties engaging in project activities;
* Monitor and report on implementation of project contractors’ labor management procedures;
* Monitor that the contractors are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract, that comply with the World Bank Standard Bidding Documents, and in line with ESS2 and Romanian labor law and occupational health and safety laws;
* Maintain records of recruitment and employment process of direct workers;
* Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and Romanian law by enforcing mandatory reporting on regular basis demonstrating the process is compliant;
* Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation, ESS2 and Occupational Health and Safety Plan;
* Ensure that project workers receive training on SEA/SH prevention and Code of Conduct at the start of the employment and monitor SEA/SH prevention measures implementation during the life of the project by enforcing mandatory clauses to the standard bidding documents used for selection of third parties engaging in project activities;
* Ensure that the grievance mechanism for direct workers is established, and monitor and report on its implementation;
* Ensure requirements for a labor grievance mechanism are enforced through contractual agreements with third parties;
* Establish and implement a procedure for documenting specific incidents such as project-related occupational injuries, illnesses, lost time accidents and incidents related to sexual exploitation and abuse and sexual harassment. Maintain such records and require from all third parties and primary suppliers to maintain them. Such records will form an input into the regular review of OHS performance and working conditions;
* In instances of medium, severe, fatal and mass accidents, ensure the law enforcement bodies and Labor Inspectorate are informed in cases such accidents occur.

For direct workers hired or to be hired by the MoE management responsibilities lie within MoE. The provisions of the LMP will be communicated to all direct workers and copies made available both in English and Romanian. The PMU will be responsible for selection, engagement and management of the staff while the employee relations/HR issues of PMU staff employed by the MoE or any other governmental institution, being temporarily seconded to the PMU will be dealt with in line with the Ministry’s human resources (HR) policies. The management of OHS is within the remit of the OHS externally hired company of MoE. Any third party hiring contracted workers shall be responsible to manage employee relations/HR issues in line with this LMP and Romanian labor and OHS laws. The requirements will be embedded into the bidding documents through which this LMP will become contractually binding for any third-party providing goods and services to the Project. The Bidding documents shall include a written Commitment Statement (please refer to Annex 02) that in case contract is awarded, the LMP shall be implemented and a Monitoring template to be used for monitoring of labor management performance (please refer to Annex 01). As for the implementation of these Labor Management Procedures, unless a Labor and Employee Relations/HR Manager or OHS Specialist is assigned to the project by the third party, the team leader/authorized representative will be responsible for compliance with the LMP provisions.

A person designated within the PMU, will be responsible for the following aspects of the labor management procedures:

* + Ensure that contractor(s) responsible for the civil works under the project prepare the OHS plan to meet the requirements of national occupational health and safety regulations before the start of the works;
	+ Monitor regularly that the Contractor(s) are meeting contractual obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and the national Labor Code and ESMPs under the Project;
	+ Monitor that OHS standards are met at work places in line with national occupational health and safety legislation and Occupational Health and Safety Plan;
	+ Ensure that the workers for all contractors and subcontractors are aware about the grievance redress mechanism;
	+ Ensure that grievances are registered and addressed properly by the appropriate party.

The Contractor(s) will be responsible for the following:

* Assigning or employing a person responsible for the adaption and implementation of the OHS plan to the requirements of the project;
* Develop their own labor management procedure and occupational health and safety plan, consistent with this LMP and ESS2, which will apply to contracted and sub-contracted workers. These procedures and plans will be submitted to the Consulting Services for Site supervision for Civil Works for review and approval before the contractors mobilize for the design stage.
* Contractors will supervise their subcontractors’ implementation labor management procedures and occupational health and safety plans;
* Maintaining records of recruitment and employment process of contracted workers;
* Communicating clearly job description and employment conditions to contracted workers;
* Having a system for regular review and reporting of labor, and occupational safety and health performance on site;
* Developing and implementing a grievance registration mechanism that would record and address the grievances raised by the workers;
* Delivering regular orientation and OHS training to employees;
* SEA/SH prevention training to employees in a manner that is clearly and completely understandable to all workers;
* Ensure that all contractor and sub-contractor workers understand and sign the Code of Conduct prior to the commencement of works. Ensure that contracted and sub-contracted workers receive training on SEA/SH prevention and Code of Conduct at the start of the employment and monitor SEA/SH prevention measures implementation during the life of the project;
* Ensure that workers grievance mechanism is adapted to also cover SEA/SH grievances d, monitor and report on its implementation. Establish and implement a procedure for documenting specific incidents such as project-related occupational injuries, illnesses, lost time accidents and incidents related to sexual exploitation and abuse and sexual harassment. Maintain such records and require all third parties and primary suppliers to maintain them. Such records will form an input into the regular review of OHS performance and working conditions;
* In instances of medium, severe, fatal, and mass accidents, inform the law enforcement bodies and Labor Inspectorate and the Site Supervisions Services Consultant who will inform the PMU’s OHS specialist and management without delay.

The Local Authorities will be responsible for the following:

For activities related to the execution of works that are the responsibility of the local authorities, they will ensure that the Bidding documents will include a written Commitment Statement (please refer to Annex 02) that in case contract is awarded, the LMP shall be implemented and a Monitoring template to be used for monitoring of labor management performance (please refer to Annex 01).

# 8. POLICIES AND PROCEDURES

All the contractors under the project will have to comply with the Romanian OHS legislation and Labor Code as well as the provisions set under the World Bank’s ESSF2. The contractor(s) will have to prepare or adjust their internal regulations, in case they do not comply with the current legislation. They will also make them known and available to their staff and workers and will cover the following aspects:

*Non-discriminatory Nature of Employment*

All the workers hired under the project, whether direct, contracted or sub-contracted, will be employed based on the principles of non-discrimination. As per Romanian Labor Code, any discrimination based on race, nationality, ethnicity, color, language, religion, social origin, genetic traits, sex, sexual orientation, age, disability, chronic non-communicable disease, HIV infection, political choice, family status or responsibility, membership or trade union activity, belonging to a disadvantaged category, shall be prohibited.

*Terms of Employment*

All workers will have written contracts describing terms and conditions of work. Workers will sign the employment contract in two copies. Each staff or worker will receive a brief orientation covering the contents of the contract; the internal regulations of the institution; the work safety and OHS arrangements in the work place.

The PMU will have to ensure that all part-time and seasonal construction workers all have written contractors as unpaid overtime work and generally failure to pay individuals who do not have signed contracts is one of the main risks of abuse in the Romanian construction industry.

*Employee Rights and Obligations*

These are, among others, the right to a safe working environment; lunch breaks and rest days; timely payment of wages and salaries; the right to appeal to employers, trade unions and authorities in case of labor disputes; the right to associate freely.

*Occupational Safety and Health*

These refers to the obligations of the employer to provide a healthy work environment; the obligation to assign an individual who will be responsible for the OHS arrangements at work and on site; describe and explain the main risks of the work involved to the employee; train employees and workers on the OHS arrangements at the enterprise; provide appropriate protective equipment, clothing and gear to mitigate the existing risks; record and report the work incidents on site; ensure that first-aid help is available on site and have emergency and evacuation protocols prepared and explained to staff and workers in case of emergencies.

#  9. AGE OF EMPLOYMENT

Romanian labor legislation prohibits anyone under 18 from performing hazardous work, and construction is considered hazardous. Therefore, the Contractors will not hire individuals under 18 years for construction work. They will be required to verify the age of all workers. If a child under the minimum age is discovered working on the project, the relevant supervisor will take the required actions to terminate responsibly the employment of the child, considering the best interest of the child.

# 10. TERMS AND CONDITIONS

The terms and conditions applying to project workers are set out in their internal regulation or human resources policy which provides for the rights of employees in line with the national Labor Code, which is described in Section 3. These internal labor rules and regulations will apply to PMU workers who are assigned to work specifically in relation to the project (direct workers) and to Contracted workers.

Existing Collective Agreements will apply to employees, where the sector is covered by such contract.

Wages will be paid at least once a month.

As per Romanian LC, the working week lasts five days, and regular working time per week is 40 hours. The overtime work may last only as long as necessary but, in general, it should not require work over 48 hours a week within a period of four months.

Project workers shall be compensated: for working on a holiday which is a non-working day, for working at night, if such work has not been considered when the base salary was determined and for overtime work in line with the internal regulations of the company employing the workers.

Project workers are entitled to a weekly rest for 48 consecutive hours. The weekly rest is normally on Saturday and Sunday. However, an employer may determine another day for using the weekly rest, should the nature or organization of work be so required.

The project workers shall have a right to annual, sick, and parental leave as provided in the Romanian Labor Code.

All wages earned, social security benefits, unused leave time, pension contributions and any other entitlements will be paid on or before termination of employment contract. The notice periods shall be compliant with Romanian Labor Code requirements.

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

# 11. GRIEVANCE MECHANISM

Grievances related to project workers will be resolved according to established channels between employers and their employees. This applies for both direct and project workers. It is expected that human resource policies in each institution, including contracted companies will have provisions for grievance redress mechanisms for their employees. In addition, all Contractors are required by national law and WB policies to have a workers grievance mechanism in place.

Broadly, for the project, a feedback notification, management and resolution system was developed, with the aim of allowing the implementation team to receive information from the people affected by the project and to be able to respond to their requests. Thus managing, in an efficient way, the impact the project during its implementation. On the project's website www.umpmrsu.ro, a procedure on the complaint resolution mechanism is published, which details the process at the PMU level.

Grievances related to the project can be submitted via several channels, as follows:

PMU level: The main four channels for receiving grievances are by website form, phone, e-mail and mail at the level of the PMU. This ensures that the PMU has an immediate control over all project related grievances and can address the raised issues immediately. The phone number of the secretariat will be available on working hours.

* Website form: www.umpmrsu.ro
* Email: petitii@umpmrsu.ro
* GBV Email\*: petitii.vbg@umpmrsu.ro
* Phone Number: +(4)(021) 310 22 07
* Address: UMPMRSU, Spiru Haret, nr. 12, Sector 1, București

\*In the case of complaints related to gender-based violence, additional attention will be paid to the confidentiality and sensitivity of this type of petition. In order to ensure a fair and objective resolution of the issues complained of by the complainant, the Project has established the use of a dedicated email address, as well as a clear procedure for referring survivors to specialized services provided by public and private entities. All project workers may utilize this channel to report sexual exploitation, harassment or abuse, if they opt to.

School Level: Stakeholders, affected persons, including students or parents, can submit their grievances/suggestions at the school level through the grievance box that will be made available on both the location of the construction site and the relocation site. These grievance boxes will be installed at the time of relocation and beginning of works, and will be accompanied by a board describing the Project and the current GRM and presenting all the channels that are available for the public to submit their grievances.

In person: To ensure that the GRM is accessible to persons, that have no digital equipment or that have low literacy levels, the Project provides the option to report complaint/feedback to the regional coordinator or the PMU’s social specialist based on special dedicated feedback/grievance sessions organized at local level. This option will be explored during public consultations and will be enacted only when the scale of the impacts and the socio-economic conditions require for such an approach. Such sessions will be announced in a timely manner and will be organized in an accessible location for the affected persons.

The citizens will also have the option to address directly to PMUMSUN headquarters by planning a visit with the social specialist or project manager in person.

Grievance mailboxes will be installed next to the school investment board before the commencement of works at the level of each school site. The mailbox will be verified weekly by the area coordinator and any grievances submitted by this channel will be sent immediately to the PMUMSUN by internal post.

World Bank GRS

The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. The project affected communities and individuals may submit their complaint to the WB’s independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond.

For information on how to submit complaints to the World Bank’s corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

#  12. CONTRACTOR MANAGEMENT

The PMU will use the Bank’s Standard Procurement Documents (SPDs), where is the case, for solicitations and contracts, or other procurement documents approved by the Bank, making sure that these documents include labor and occupational, health and safety requirements.

As part of the process to select contractors who will engage contracted workers, the PMU may review the following information:

* Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
* Business licenses, registrations, permits, and approvals;
* Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
* Identification of labor management, safety, and health personnel, their qualifications, and certifications;
* Workers’ certifications/permits/training to perform required work;
* Records of safety and health violations, and responses;
* Accident and fatality records and notifications to authorities;
* Records of legally required worker benefits and proof of workers’ enrollment in the related programs;
* Worker payroll records, including hours worked and pay received;
* Identification of safety committee members and records of meetings;
* Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

The contracts with selected contractors will include provisions related to labor, working conditions, and occupational health and safety, and require contractors to comply with this LMP and Romanian labor, occupational health and safety, and employment laws.

The PMU generally, and a specific assigned person within the PMU will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors’ labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of non-compliance with national law; and (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

#  13. COMMUNITY WORKERS

No community contribution is expected under the project and no community workers will be involved in the project’s construction works.

# 14. PRIMARY SUPPLY WORKERS

The project will finance rehabilitation/construction works and the primary suppliers will be suppliers of construction materials, tools and equipment. There is little or no risk of child or forced labor or serious safety issues in relation to primary suppliers under the SISSP.

# ANNEX 01 - SAMPLE CODE OF CONDUCT

**CODE OF CONDUCT FOR PROJECT WORKERS**

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

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

This Code of Conduct identifies the behavior that we require from all Contractor’s Personnel.

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

**REQUIRED CONDUCT**

Contractor’s Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. maintain a safe working environment including by:
	1. ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
	2. wearing required personal protective equipment;
	3. using appropriate measures relating to chemical, physical and biological substances and agents; and
	4. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;
7. not engage in sexual exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.  In World Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;
8. not engage in rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object.  Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;
9. not engage in sexual assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and sexual exploitation, and sexual abuse (SEA);
11. report violations of this Code of Conduct;
12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress] Mechanism].

**RAISING CONCERNS**

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

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

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

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

**CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT**

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

FOR CONTRACTOR’S PERSONNEL:

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

Name of Contractor’s Personnel: [insert name]

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: (day month year): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Countersignature of authorized representative of the Contractor:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: (day month year): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# ANNEX 02 - LABOR AND WORKING CONDITIONS COMPLIANCE REPORT (to be used by third parties engaging contracted workers)

|  |
| --- |
| Assignment name:  |
| Contract ref. No: |
| Contract period: Start date (M/D/Y) End date (M/D/Y) |
| Service Supplier:  |
| Reported period: |
| Date of report: |
| Signature of authorized person: |

**LABOR AND WORKING CONDITIONS COMPLIANCE REPORT**

**I/ COMPANY EMPLOYEES\* STATISTICS**:

1. Total number of employee’s gender disaggregated1: M\_\_\_\_\_\_F\_\_\_\_\_\_\_
2. Number of employees with an employment contract
3. Number of persons engaged without established employment relationship
4. Number of employees with access to social security, pension and health insurance

1. Number of employees/engaged persons who receives wages/salaries regularly at least once a month
2. Number of employees who left the company in the reported period
3. Number of employees hired in the reported period
4. Number of hours worked per employee (monthly average)
5. Total overtime (monthly average per employee)
6. Number of injuries at work (in reporting period and cumulative since contract start)
7. Number of fatalities at work (in reporting period and cumulative)
8. Number of reported violence
9. Number of reported harassment/ abuses
10. Availability of an accessible and functioning employee grievance mechanism (Y/N)
11. Number of grievances raised with the GM (in reporting period and cumulative since contract start)
12. Number of grievances resolved by GM (in reporting period and cumulative since contract start)

1. Number of suits filed with regard to labor, employment and OHS issues
2. Number of disputes brought to peaceful settlement/ voluntary arbitration procedure
3. Number of visits by labor/ OHS inspection

\**The employee is any natural person employed or engaged to work or perform service for the employer*

*1 The number of employees refers to the actual number/headcount on the date of the report.*

**II/ PROJECT WORKERS STATISTICS**:

1. Total number of project workers:
2. Number of project workers with an employment contract:
3. Number of project workers with other types of contract:
4. Number of project workers with access to social security, pension and health insurance verified by confirmation from the registry:

**Working and Labor Conditions Screening Check List**

|  | Terms and conditions | Yes / No | Notes |
| --- | --- | --- | --- |
| 1 | All project workers have an employment contract or engagement agreement in writing. | Yes ¨No ¨ | If “No” please specify and explain |
| 2 | All project workers are paid at least once a month | Yes ¨No ¨ | If “No” please specify and explain  |
| 3 | All project workers worked 8 hours a day, 40 hours a week, or less | Yes ¨No ¨ | If “No” please explain and specify the hours worked  |
| 4 | All project workers had a regular daily and weekly rest | Yes ¨No ¨ | If “No” please specify and explain  |
| 5 | Project workers were terminated from employment  | Yes ¨No ¨ | If “Yes” please specify number and explain conditions of termination |
| 6 | Project workers attended OHS related training program  | Yes ¨No ¨ | If “Yes” please specify number and explain  |
| 7 | Project workers were granted leaves they are entitled to | Yes ¨No ¨ | If “Yes” Please specify the type and number of leaves |
| 8 | Project workers were involved in accidents at work resulting in injuries or fatalities | Yes ¨No ¨ | If “Yes” please specify and explain |
| 9 | Project workers reported on cases of discrimination, harassment, sexual harassment or non-compliance with law | Yes ¨No ¨ |  If “Yes” please specify and explain |
| 10 | Project workers raised grievances or started voluntary arbitration / legal proceedings to settle a dispute | Yes ¨No ¨ | If “Yes” please specify and explain  |
| 11 | In the reported period there were some incidents on noncompliance with the LMP | Yes ¨No ¨ | If “Yes” please specify and explain |

# ANNEX 03-THIRD PARTIES STATEMENT ON COMITMENT TO COMPLY WITH PROVISIONS OF LABOR LEGISLATION and THE PROJECT`S LMP

Date and place of issuance: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and address of the issuer (Bidder): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**STATEMENT OF LEGAL AND REGULATORY COMPLIANCE**

Hereby we declare that

* We are aware of, and comply with, the standards laid down in the WB ESS2;
* We conform to all national laws\* and applicable regulations concerning employment, labor and employee relations, and labor and working conditions;
* We are committed to providing a safe and healthy environment for our employees and to implementing all occupational health and safety requirements as stipulated by national legislation and WB ESS2;
* We do not tolerate any form of child, forced or slavery work.
* We prohibit any form of harassment, sexual harassment, abuse, violence, including Gender Based Violence (GBV) at work and forbid direct or indirect discrimination against any employee or groups of employees on any ground and for whatever reason.
* We confirm that a worker Grievance Mechanism will have been available to all our employees and persons hired to work with us by the commencement date of the contract.

We hereby state that should we be awarded with the contract; we shall adopt the Labor Management Procedures in line with WB ESS2, applicable to the project, and incorporate them in our practice.

We hereby acknowledge our understanding that our company may be subjected to announced and unannounced visits, site checks and labor and working condition audits by authorized Employer’s representatives or independent third parties with the aim to verify compliance with the above statement.

We understand that the failure to respect any of the above stated commitments could lead to termination of the contract and exclusion from the project.

Signature:

Name:

Position:

\*National Laws refers both to the Laws of Romania and the domicile Law of the country in case the Bidder is foreign

1. The term “project worker” refers to: (a) 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 (direct workers); people employed or engaged through third parties to perform work related to core functions of the project, regardless of location (contracted workers); (c) people employed or engaged by the Borrower’s primary suppliers (primary supply workers); and (d) people employed or engaged in providing community labor6 (community workers). ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. [↑](#footnote-ref-1)
2. These include: ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, ILO Convention 98 on the Right to Organize and Collective Bargaining , ILO Convention 29 on Forced Labor ,ILO Convention 105 on the Abolition of Forced Labor 2 Guidance Note – ESS2: Labor and Working Conditions • ILO Convention 138 on Minimum Age (of Employment) • ILO Convention 182 on the Worst Forms of Child Labor • ILO Convention 100 on Equal Remuneration • ILO Convention 111 on Discrimination (Employment and Occupation). [↑](#footnote-ref-2)
3. One coordinator per each area where selected schools are located. [↑](#footnote-ref-3)