



ANNEX NO. 6

THE MOLDOVA ROAD PROJECT V

(DTM 45094)

THE TECHNICAL DESIGN STAGE

THE DRAFT REPORT

**The Project's specific Code of Conduct
for reconstruction of the express road M1**

Lot no.2 (km 9+208 – km 38+800)

REQUIREMENTS

**This Project is carried out by the Government of the Republic of Moldova,
through the Ministry of Infrastructure and Regional Development and the National Road Administration, with
the support of the EBRD.**

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Executive Summary

In accordance with the Contract Agreement for Lot 2, signed by the JSC National Road Administration (the Employer) and the General Designer Intexnauca SRL (the Consultant), the Consultant is responsible for developing the technical design of the section of the M1 road between the Romanian and Ukrainian borders (km 1.00 to 85.46) within Lot 2 (km 9+208 to km 38+800). During the design process, the Consultant shall also identify hazards and assess risks, establishing mitigation measures to control them.

This document provides a project description and context, details of the EBRD's Performance Requirements No. 1 Assessment and Management of Environmental and Social Risks and Impacts, and information on applicable Moldovan technical laws relating to the design process, institutional roles and responsibilities, and the environmental and social baseline. It also describes significant Health, Safety and Security hazards that are likely to arise during construction and operation, setting out the mitigation, monitoring and institutional measures that will be implemented to eliminate, offset or reduce adverse impacts to an acceptable level.

The Project's specific ESMP, LMP and the present documents will form part of the tender documentation. This document sets out the mitigation measures that the contractor will implement to manage residual environmental and social risks during construction. The supervision consultant (Engineer) will monitor compliance with this document's requirements to ensure that the project meets national and EBRD standards.

In order to ensure that residual risks are kept under control, the General Contractor will use the mitigation measures identified in this document to prepare its own OHS Plan and Code of Conduct (CESMP). This plan will then be integrated into the detailed on-site plan of works. This will allow the General Contractor to calculate the costs of the labour and OHS protection and social impact mitigation measures that will be implemented during the project's construction phase.

Furthermore, this document details the social requirements for the Employer, the National Road Administration, during the operational and decommissioning phases. The objective is to emphasise economic growth, inclusion and sustainability. This is achieved by implementing good international industrial practice and incorporating robust development plans to improve environmental quality, community health and safety.

The Employer's proposed capacity-building measures will be taken into consideration during the operational and decommissioning phases. The aim is to continuously improve road quality and safety, and contribute to an improved level of traffic safety, as well as an overall improvement in environmental and social conditions.

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1.0 SCOPE AND DOMAIN OF APPLICATION

This document outlines the species requirements for the workforce (direct, subcontracted, community workers, supply chain, visitors, stakeholders, economic inclusion training, etc.) for its use on the construction site. The purpose of this document is to enable the General Contractor and the Employer to provide health, safety and security for the workforce by preventing unsafe, offensive, abusive or violent behaviour. It is also intended to ensure that the workforce feels comfortable on the construction site without fear of retaliation.

The document is intended for use by the General Contractor and the Employer in the implementation process for the reconstruction of the express national road M1 and the operation of the new rehabilitation road and equipment for road maintenance.

2.0 NORMATIVE REFERENCES

The present document is developed based on following documents:

1. The Planning Town Urbanism Certificate¹ for Design no. 1 of February 14th 2025 issued by the Hincesti District Council
2. The Planning Town Urbanism Certificate² for Design no. 1 of August 13th 2024 issued by the Nisporeni District Council
3. The Environmental Permit³ no. 24 of August 12th 2025 issued by the Environmental Agency for the Moldova Road Project V
4. Notice issued by the Ministry of Culture for the Moldova Road Project V
5. Notice issued by the National Archaeological Agency for the Moldova Road project V
6. The Pavement Survey Report 2024
7. The Topographical Survey Report 2024
8. The Geotechnical Report 2024
9. Hydrometeorological Report 2024
10. Culverts Inspection Report 2024
11. Adaptation to Climate Change Report 2024
12. The Technical Design no. and the verification Report of the Technical Design
13. ESAP of the Moldova Road Project V
14. Stakeholder Engagement Plan
15. 17. Law no. 86/2008 Occupational Health and Safety

3.0 TERMS, DEFINITIONS AND ACRONYMS

¹ Source: <https://hincesti.md/category/subdiviziunile/sectia-constructii-gospodarie-comunala-si-drumuri/>

² Source: <https://hincesti.md/category/subdiviziunile/sectia-constructii-gospodarie-comunala-si-drumuri/>

³ Source: <https://www.andsa.md/acorduri-de-mediu/>

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3.1 Terms and definitions

The terms used hereinafter have the same meaning attributed to them in normative references. For a better understanding of the present document and training of personnel, the following terms and definitions set forth in the above-mentioned standards are rendered to be more valuable:

Audit: is a systematic, independent and documented process to obtain Evidences of Audit and assess them objectively in order to determine the extent to which the audit criteria are complied with.

Community workers: people employed or engaged in providing community labour.

Continuous Improvement: repeated activity to increase the ability to comply with requirements.

Corrective Action: action taken to eliminate the cause of a Non-conformity detected or any other unwanted situation.

Direct workers: people employed or engaged directly by the Contractor to work specifically in relation to the project.

Discrimination in employment: is defined as any distinction, exclusion, or preference with respect to recruitment, hiring, firing, working conditions, or terms of employment made on the basis of personal characteristics unrelated to inherent job requirements that nullifies or impairs equality of opportunity or treatment in employment or occupation.

Document: information and its supporting medium. The medium can be paper, magnetic, electronic or optical computer disc, photograph or master sample, or a combination thereof.

Exploitation of persons – the abuse of persons for profit: a) forcing individuals to perform work or provide services through the use of force, threats or other coercive methods, in violation of legal provisions regarding working conditions, wages, health and safety; (b) keeping persons in slavery or applying practices similar to slavery, or resorting to other procedures for the deprivation of liberty; c) Commercial or non-commercial sexual exploitation; (d) forcing someone to donate organs, tissues, or other parts of the human body; (e) the use of women as surrogate mothers or for reproductive purposes; (f) abusing the rights of children for the purpose of illegal adoption; (g) Use in armed conflicts or illegal military formations; (h) Use in criminal activities; (i) forced begging; (j) selling them to another person; k) forcing them to carry out activities that violate fundamental human rights and freedoms.

EHS Committee: is any organization of workers for the purpose of furthering and defending the interests of workers with regard to working conditions and terms of employment.

Environment: surroundings relative to the facility, including the air, water, land, natural resources, flora, fauna, humans and the interrelation of all these elements.

Incident: an event that generated an accident or may potentially lead to an accident.

Indirect workers or contracted workers: people employed or engaged through third parties to perform work related to core functions of the project, regardless of location.

Non-conformity: non-compliance with a requirement.

NOTE: Prevention of pollution can include source reduction or elimination, process, product or service changes, efficient use of resources, material and energy substitution, reuse, recovery, recycling, reclamation and treatment.

Objective: refers to the general purpose, resulted from the policy, being pursued by the organization and quantified where possible.

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Other stakeholders are those not directly affected by the project but that have an interest in it. These could include national and local authorities, neighbouring projects, and/or nongovernmental organizations.

Parties Concerned: a party or group concerned or affected by the organization's performance.

Performance: represents the quantifiable results of the Management System, related to the organization's control over its aspects and dangers, based on the policy, objectives and purposes.

Personal Characteristic: such as gender, race, nationality, ethnic, social and indigenous origin, religion or belief, disabilities, age, or sexual orientation.

Policy: general intents and purposes of a certain organization related to ESHS, as they are officially expressed by the top management.

Primary supply workers: people employed or engaged by the Borrower's primary suppliers.

Procedure: specified way to carry out an activity or a process. Procedure can be documented or not.

Process: set of correlated or interrelated activities, which turns the input elements into output elements.

Record document: stating results achieved or providing evidence of activities performed.

Risk Assessment: process of general risk impact assessment and decision as to the level of risk tolerance.

Risk: combination of probability of appearance and consequences of a certain dangerous event.

Safety: lack of any unacceptable risk of injury.

Specific Objective: refers to detailed performance requirement, quantified when possible, applied to the organization as a whole or to its certain part, which results out of general environmental objectives and which must be established and fulfilled in order to achieve the latter objectives.

Stakeholders: are defined as persons, groups or communities external to the core operations of a project who may be affected by the project or have interest in it. This may include individuals, businesses, communities, local government authorities, local nongovernmental and other institutions, and other interested or affected parties.

Supply chain: refers to materials, components, goods or products for use in on-going operations.

Tolerable Risk: refers to the risk reduced to a "tolerable" level that can be endured by the organization, taking into account its own legal obligations and its own ESHS Policy.

Trafficking in Persons: is defined as the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Women and children are particularly vulnerable to trafficking practices.

Sexual harassment: Any unwelcome sexual advances, request for sexual favours, and other verbal or physical conduct of a sexual nature.

Sexual Exploitation and Abuse (SEA): (i) Sexual abuse: Any actual or attempted abuse of a 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 (UN Glossary on SEA/SH, 2017.p.6). Sexual Abuse: actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (UN Glossary on Sexual Exploitation & Abuse 2017, pg. 5).

Violence against women (VAW): Article 1 of the 1993 UN Declaration on the Elimination of Violence against Women defines violence against women as any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women,

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including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Gender-based violence (GBV) service provider: An organization offering specific services for GBV survivors, such as health services, psychosocial support, shelter, legal aid, safety/security services, etc.

Gender-based violence⁴ (GBV): Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e., gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.

Commercial sexual exploitation: the use of a person through coercion in prostitution or in the pornography industry in exchange for financial means or other material benefits.

Non-commercial sexual exploitation: the use of a person through coercion, without material interest, expressed in marriage (including polygamous) or cohabitation.

Child: a person who has not reached the age of 18.

Confiscation of documents: the deprivation of any documents referred to in point 5 from a person who is the victim of exploitation.

Debt bondage: the deprivation of a person's liberty until they or a third party pays a legally or illegally established debt.

Slavery: is defined as the status or condition of a person over whom one or more rights derived from the right of ownership are exercised.

Practices similar to slavery: the state of a person who is held or placed in a situation where another person controls them or forces them, through deception, threats, violence or other coercive means, to perform certain services, including entering or remaining in a cohabitation or marriage relationship.

State of vulnerability: a special state in which a person is willing to submit to abuse or exploitation, particularly due to: a) a precarious situation in terms of social survival; b) their age, pregnancy, illness, disability or physical or mental impairment; c) their precarious and illegal entry or stay in the country of transit or destination;

Victim of human trafficking: is a natural person who is found to be subject to trafficking in human beings.

3.2 Acronyms

CESMP	Contractor's Environmental and Social Management Plan
CL&OHSP	Contractor's Labor & Occupational Health and Safety Plan
CoC	Code of Conduct
DD	Detail design
EA	Environmental Agency
EHS	Environmental and health and safety
EIA	Environmental impact assessment
ESP	Environmental and Social Policy

⁴ Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf

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ESRs	Environmental and Social Requirements
GD	Government Decision
HR	Human Resources
KPIs	Key performance indicators
LPA	Local public authority
MMS	Meter Management System
MS	Method Statement
NAPH	National Agency for Public Health
NGOs	Non-Governmental Organisations
OHS	Occupational health and safety
PIU	Project Implementation Unit
PMU	Project Management Unit
PPE	Personal protective equipment
PTW	Permit-to-Work
SMR	Subcontractor management representative
SOPs	Safety Operational Procedures
SSA	State supervision agency
TLI	Territorial labor inspection
TMP	Traffic management plan
TS	Technical specification

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4 THE PROJECT CONTEXT

4.1 General data

On January 22nd 2024, the European Bank for Reconstruction and Development (EBRD)⁵ and the Government of the Republic of Moldova⁶ (the Borrower) signed the Loan Agreement for the Moldova Roads Rehabilitation Project V. The Borrower is the Republic of Moldova and is represented by the Ministry of Finance.

The facility will consist of a sovereign loan to the Borrower in the amount of up to EUR 150 million, tranché. The loan will finance the rehabilitation and widening of the M2 Chisinau ring road (section 2) and the purchase of specialized equipment and software for the Road Asset Management System (Tranche 1) and the rehabilitation of the M1 Chisinau to Leuseni road section (Tranche 2) (together the “Project”).

The Project is of a strategic priority for the Republic of Moldova and will support the Government’s efforts to halt the deterioration of the road network and ensure key road links are maintained to acceptable standards to facilitate economic growth, regional integration and connectivity by strengthening core transport links with a focus on extended TEN-T network.

The Project is aligned with the European Union’s Economic and Investment Plan for Neighbourhood East and its post-2020 Eastern Partnership Priorities, is included in the Eastern Partnership TEN-T Investment Action Plan, and is consistent with the Solidarity Lanes approach by focussing on core corridors to ensure transportation of goods between Ukraine and the European Union.

The Borrower shall carry out the Project in accordance with the Project Implementation Plan furnished by the Borrower to EBRD (subject to any modifications to which EBRD may agree in writing) and cause the financing specified in the Financing Plan to be applied exclusively to the Project. The proceeds of the Loan shall be applied exclusively to the components of the Project to be financed (or co-financed as the case may be) by EBRD in accordance with the Procurement Plan.

4.1.2 Project Development Objective

The Project will facilitate Moldova’s economic development and its physical integration by improving transit connections and corridors between its cities and between Moldova and neighbouring countries, including Ukraine and Romania. The Project will also improve the road infrastructure between cities and on key corridors/regional connections through the rehabilitation of the M2 Chisinau ring road (section 2) and the M1 Chisinau to Leuseni road section, which are in poor condition.

4.1.3 Project Beneficiaries

The Project beneficiaries are:

⁵ Source: <https://www.ebrd.com/home/work-with-us/projects/psd/54423.html>

⁶ Source: <https://gov.md/index.php/en>

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- The Government of the Republic of Moldova⁷;
- The Ministry of Finance⁸
- The Public Property Agency⁹;
- The Ministry of Infrastructure and Regional Development¹⁰;
- The Hincesti District¹¹ Council
- The Nisporeni District Council¹²
- The community from the Republic of Moldova;
- The community from Romania and Ukraine and other countries.

4.1.4 Project components

The Project consists of the following Parts:

Part A:

- (i) Civil works: rehabilitation and widening of the M2 Chisinau ring road-section 2, comprising of approximately 7 km of road;
- (ii) Supervision of civil works for rehabilitation and construction of the above road section to be provided by the Supervision Consultant;
- (iii) Extension and upgrade, of the road asset management system; and
- (iv) Contingencies to finance any cost overruns in relation to Part A.

Part B:

- (i) Civil work: rehabilitation, of the M1 Chisinau to Leuseni road section, comprising of approximately 71 km of road;
- (ii) Supervision of civil works for rehabilitation and construction of the above road section to be provided by the Supervision Consultant; and
- (iii) Contingencies to finance any cost overruns in relation to Part B.

4.2 Needs and expectation of stakeholders and other interested parties

4.2.1 Needs and expectation of the Employer

The General Contractor is expected to implement the present document in line with the Employer's needs and expectations. This will be achieved by promoting quality and safety, while ensuring minimal impact on workforce and community health and safety. The General Contractor must ensure that all approved documents specific to the construction site are in place, and that no complaints are received from the community and no incidents or accidents occur on the construction site.

The Employer is committed to ensuring that the Project's activities are carried out with due regard to appropriate environmental, health, safety, social and labour practices and standards. In addition, the

⁷ Source: <https://gov.md/ro/autoritati-administrative-centrale>

⁸ Source: <https://mf.gov.md/ro>

⁹ Source: <https://app.gov.md/>

¹⁰ Source: <https://midr.gov.md/portofoliu/transport>

¹¹ Source: <https://hincesti.md/>

¹² Source: <https://nisporeni.md/>

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Employer will ensure that the Project is conducted in accordance with the EBRD (ESAP) safeguards requirements and the applicable laws of the Republic of Moldova.

The Employer will also ensure that the General Contractor adopts a Code of Conduct (CoC). This CoC will be provided to and signed by all workers (direct and contracted) as applicable to specific works carried out for construction. It will cover gender-based violence, along with an action plan designed to effectively implement the Code of Conduct (CoC), including appropriate training on CoC requirements.

4.2.2 Needs and expectation of workers

The General Contractor shall promote the needs and expectations of the direct and contracted workforce, community workers and primary supply workers implied in the project's process through the establishment of sound worker-management relationships. This shall enhance the development benefits of the Project by treating workers fairly and providing safe and healthy working conditions, in compliance with the Republic of Moldova's labour and social laws and the EBRD's PR No. 2 Labour and Working Conditions.

The objective of needs and expectation of the workforce are:

- Respect and protect the fundamental principles and rights of all project workers;
- Ensure fair treatment, non-discrimination, non-harassment and equal opportunities for all project workers;
- Establish, maintain and improve a sound worker-management relationship, based on social dialogue;
- Ensure compliance with national labour and employment laws, social security laws and any collective agreements to which the client is a party;
- Protect all project workers, including vulnerable project workers who might be at higher risks of discrimination, harassment or exploitation, such as women and gender-diverse workers, young workers, workers with disabilities, migrant workers and refugees, self-employed and contracted workers, as well as workers in the project's core supply chain;
- Prevent the use of forced labour and child labour;
- Ensure that accessible and effective means to raise and address workplace concerns are available to all project workers.

The General Contractor shall document needs and expectation of workforce, determine operational criterion for human resources and OHS processes and implement on construction site to be in compliance with applicable laws of the Republic of Moldova and EBRD's ES requirements.

4.3 The scope of the Project's specific Code of Conduct

The scope of the present document is to implement the requirements of Code of Conduct on construction site in order to protect the health and safety of workers on construction site and the community health and safety. The document provides reasonable requirements and precautions to be

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implemented on construction site by the General Contractor and by the Employer on operational site in managing social risks.

The Supervision Consultant (Engineer) shall ensure that the General Contractor hired experienced, competent and trained workers (direct or contracted) that have the technical capability to manage specific tasks on construction sites and comply with social and gender requirements. The Engineer shall ensure that before starting the construction activities on sites, Contractor develops its own HSS and Code of Conduct and submit to the Engineer for their approval.

For operational phase, the Employer shall comply with mitigation measures established in the present plan and with applicable Republic of Moldova social and OHS laws, establish roles and responsibilities for labour and OHS Plan implementation.

4.4 The Project's Environmental and Social Management System

The present document is part of the Project's ESMS and shall be implemented based on procedure established in the Project's ESMS, which stipulates processes for controlling the Projects' significant risks (environment and social, labour and working conditions, health and safety, and security). The requirements of the present document shall be part of tender documents and before starting the construction activities on site, the Contractor shall develop its own Contractor's environmental and social documents which includes the following plans (CESMP, COHSP, Contractor's CoC, CTMP, CHRP, etc.) and shall be approved by the Supervision Consultant (Engineer).

For the operational stage specifically, the Employer shall integrate the present document into its Environmental and Social Management System, establishing measures to control risks with designated roles and responsibilities, documented procedures, plans and records, monitoring and measurement plans and records, and so on.

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5 LEADERSHIP

5.1 Leadership and commitment

The Employer is committed to implementing the Project in a diligent manner, adhering to the requirements set out in the EBRD's Environmental and Social Action Plan (ESAP), developed ES Plans during the detailed design and the revised Stakeholder Engagement Plan. They will also monitor the implementation of actions and continuously improve their effectiveness by complying with EBRD requirements.

The Employer commits to respect to the requirements established in the ESAP and identified additional ES risks during the design process by:

- taking overall responsibility and accountability for the prevention of work-related injury and ill health, as well as the provision of safe and healthy workplaces and activities;
- ensuring that the Environmental and Social Management Policy and related Objectives are established and are compatible with the context of the Project;
- ensuring the integration of the social requirements into the Project's life cycle documents;
- ensuring that the resources needed to plan, support, operate, performance evaluation and improvement are available;
- communicating the importance of effective CoC and of conforming to the project's specific Code of Conduct requirements;
- ensuring that the Project's specific Code of Conduct achieves its intended outcomes;
- directing and supporting persons to contribute to the effectiveness of the ESHS management system;
- ensuring and promoting continual improvement;
- supporting other relevant management roles to demonstrate their leadership as it applies to their areas of responsibility;
- developing, leading and promoting a culture in the Project's lifecycle that supports the intended outcomes of the Project's specific Code of Conduct;
- protecting workers from reprisals when reporting incidents, hazards, risks and opportunities;
- ensuring the Contractor establishes and implements a process for consultation and participation of workers;
- supporting the establishment and functioning of health and safety committees.

5.2 Social Management Policy

The Social Management Policy is a commitment by the Employer to implement social requirements and ensure that the Contractor provides sufficient resources for controlling identified social risks during the construction stage. The Employer must ensure that the General Contractor implements the present plan diligently in order to comply with EBRD's PR no. 1, Assessment and Management of ES Risks and Impacts, and observe the applicable labour and OHS laws of the Republic of Moldova.

Through the Social Management Policy, the Employer ensures that it:

- Respect and protect the fundamental principles and rights of all project workers;

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- Ensure fair treatment, non-discrimination, non-harassment and equal opportunities for all project workers;
- Establish, maintain and improve a sound worker-management relationship, based on social dialogue;
- Ensure compliance with national labour and employment laws, social security laws and any collective agreements to which the client is a party;
- Protect all project workers, including vulnerable project workers who might be at higher risk of discrimination, harassment or exploitation, such as women and gender-diverse workers, young workers, workers with disabilities, migrant workers and refugees, self-employed and contracted workers, as well as workers in the project's core supply chain
- Prevent the use of forced labour and child labour;
- Ensure that accessible and effective means to raise and address workplace concerns are available to all project workers;
- Protect and promote the health, safety and security of projects workers by ensuring safe, healthy and secure working environments and implementing a management system appropriate and proportionate to the risks associated with the Project;
- Identify, assess and manage health, safety and security risks to project-affected communities and consumers during the project lifecycle from the routine and non-routine activities and to incorporate health and safety at the earlier opportunity into the project design;
- Outline a systematic approach to stakeholder engagement that will help Employer build and maintain a constructive relationship with their stakeholders;
- Provide a means for effective and inclusive engagement with project stakeholders throughout the project cycle;
- Ensure that appropriate environmental and social information is disclosed and meaningful consultation is held with the project's stakeholders and, where appropriate, that feedback provided through the consultation is taken into consideration;
- Ensure that grievances from stakeholders are responded to and managed appropriately;
- Ensure that stakeholder engagement is conducted in a manner that protects the privacy and safety of stakeholders and is free from retaliation.

The documented Social Management Policy is annually analysed and revised by the Employer for its continual adequacy in compliance with the Project's objectives and legal requirements.

5.3 Organizational roles, responsibilities and authorities

5.3.1 The Project Management Unit (PMU)

The Ministry¹³ of Infrastructure and Regional Development (MoIRD) is the central specialized body, which promotes state policy in the field of infrastructure and regional development and operates in accordance with the Constitution and Laws of the Republic of Moldova, Parliamentary Decisions, Acts of the President of the Republic of Moldova, Government Decisions and Orders, as well as other normative acts. The Ministry performs the following functions: (i) Rehabilitation, modernization and

¹³ Source: <https://midr.gov.md/en/about-the-ministry/mandate>

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expansion of the national road network; (ii) Establishing a sustainable mechanism for financing the maintenance of public roads and increasing the responsibility for their administration; and (iii) Improving road safety.

5.3.2 The Employer and Project Implementation Unit

The Project Implementation Unit has been created within the Employer JSC SA National Road Administration (NRA)¹⁴ and has the task to ensure the efficient implementation of the Moldova Road Project V by the project administration, monitoring and coordination together with hired Technical Consultants in accordance with the Loan Agreement and ESAP¹⁵.

The Employer JSC NRA operates in accordance with the legislation in force of the Republic of Moldova and requirements established in ESAP, approved Project Operational Manual, procedures and standards of the EBRD and other international financing organizations.

The PIU and Employer commits to comply with relevant EBRD Performance Requirements and applicable technical and ES laws of the Republic of Moldova and implement the project Environmental and Social Management Policy and strategic Objective.

The PIU and Employer will promote the following principles:

- sound worker-management relationships and enhance the development benefits by treating safe and healthy working condition,
- use efficient and effective resources, pollution prevention and GHG emission avoidance, minimize the generation of wastes, etc.;
- protect community and ensure health and safety for affected communities and peoples;
- protect biodiversity and cultural and natural protected heritage;
- engage communities in the construction process and ensure the environmental and social sustainability and acceptance by the community.

5.3.3 The General Contractor

The General Contractor, who is engaged by the Employer during the construction phase, shall be responsible for the physical implementation of the mitigation measures outlined in this document. They shall also be responsible for obtaining all construction activities-related permits and agreements in accordance with the contractual documents and the social legislation of the Republic of Moldova.

The General Contractor shall hire a HSSE Officer, as required by the contract provisions, to organise the implementation process of the mitigation measures outlined in this document during the construction phase.

¹⁴ Source: <https://www.andsa.md/en/>

¹⁵ Source: <https://www.andsa.md/>

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5.3.4 Roles, responsibilities and authority of the Supervision Consultant

The Supervision Consultant shall employ an Environmental, Social and Health and Safety (HSSE) Manager(s) to be permanent on construction site who shall ensure that the Constructor carry out day-to-day implementation of the Project's specific ESMP, LMP and revised SEP in line with the environmental and social clauses included in contractual documents.

The main objective of the assignment for the Consultant is to assist the Employer in the administration and supervision of the construction works for rehabilitation of the express national road M1 Lot no.2 from the Hincesti and Nisporeni Districts with due diligence, to carry out the duties assigned to him in the Contract and provide other services.

The Supervision Consultant, employed by the Employer to oversee the daily implementation of civil construction works, will be responsible for ensuring that the construction works and measures are implemented in a timely, proper and reliable manner, as set out in the Project's specific ESMP, LMP and CoC. The Supervision Consultant will diligently implement the SEP and monitor the complaint mechanism, managing the feedback and response procedure for complaints from affected people. Additionally, the Supervision Consultant shall manage the Social Impact Monitoring Committee, organise meetings with the Contractor and affected communities, analyse and discuss any identified non-conformities, and establish corrective actions.

The Employer shall oversee the environmental and social aspects of all activities for rehabilitation process of the sector of road from the Hincesti and Nisporeni Districts in order to ensure that established mitigation measures are designed and implemented properly to prevent and minimize likely adverse environmental and social impacts.

The Supervision Consultant shall also ensure that all necessary agreements and permits are obtained by appropriate contractor from relevant state and local authorities before the construction works are start. The Employer may request to check if such permits are issued and valid as well as if the Project's ESMP mitigation and monitoring aspects are implemented on the ground during the rehabilitation process of the road sector from the Hincesti and Nisporeni Districts according to applicable the Republic of Moldova environmental and social legislation.

5.3.5 Workforce responsibilities (direct and contracted)

The roles and responsibilities of direct and contracted workers include:

- Taking reasonable care of themselves and their fellow workers,
- Refraining from misusing equipment provided for their occupational health and safety,
- Co-operating/communicating with their supervision specialists/ESHS by following safe systems of work;
- Reporting accidents & unsafe situations to their supervisor or other nominated member of management;
- Participate and take an active part in any consultation exercise set up by the Engineer;
- Submit suggestions, proposal for improvements and complaints using the complaint mechanism from construction site.

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5.4 Consultation and participation process

5.4.1 Consultation of workers

The workforce consultation represents the key factors of success for CoC implementation by the General Contractor and the Employer ensure that identified Labour & OHS risks at the design phase are communicated to the workforce at the construction and operational stages.

The workforce consultation process¹⁶ implies a two-way communication involving dialogue (kick off meeting, toolbox-talk, EHSS meetings, EHSS committees, etc.) and exchanges (leaflets, notices published on the informational panels, risks assessment sheets, etc.) during LMP implementation. Consultation process involves the timely provision of the information necessary for workers to give informed feedback to be considered by the General Contractor before making a decision. Participation process enables workers to contribute to decision-making processes on LMP performance measures, proposed changes and continual improvement of the labour process.

Feedback from the consultation process or the complaint mechanism (CM) on the LMP implementation is dependent upon worker participation. The General Contractor shall ensure workers at all levels are encouraged to report hazardous and other situations, so that preventive measures can be put in place and corrective action taken.

The reception of suggestions, grievances, complaints, proposals for improvements, suggestions received from workforce shall be a free or anonymous format and the consultation process will be more effective if workers do not fear the threat of dismissal, disciplinary action or other such reprisals when making them.

The General Contractor shall consult their workers, these include, but are not limited to:

- Gender based violence and sexual harassment;
- Trafficking on persons;
- Sexual transmitted diseases;
- HIV-AIDS;
- Accommodation and hygiene;
- Behaviour on construction site;
- Use of alcohol and drugs on construction site;
- Emergency arrangements and procedures;
- Welfare issues for men, women, persons with disabilities, pregnant women, etc.;
- Requirements and penalties for broken the social requirements;
- Introduction of policies e.g. no smoking, drug/substance abuse and use, alcohol use and abuse.

¹⁶ Source: GD no. 95/2009 Organization activities for the protection of workers at the workplace and prevention of professional risks - https://www.legis.md/cautare/getResults?doc_id=123544&lang=ro#

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5.4.2 Participation of workers

The General Contractor shall consult its personnel in labour and social aspects and other aspects and ensure participation of workforce in the decision-making process based on identified social risks specific for construction and operational stages in order to facilitate the workforce participation in the labour and social management on construction and operational sites.

The General Contractor shall provide a complaint mechanism for workers to raise workplace concerns in order to ensure a feed-back from workforce. The General Contractor shall inform workers of the complaint mechanism (CM) at the time of recruitment and makes it easily accessible to them. The complaint mechanism (CM) involves an appropriate level of management and address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned, without any retribution. The complaint mechanism shall allow for anonymous complaints to be raised and addressed. The mechanism does not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for complaint mechanisms provided through collective agreements. The Complaint Form is presented in Annex 2.

The purpose of the workforce participation is to meet and discuss safe working conditions and procedures and other documentations specific for LMP/CoC implementation by the General Contractor and Employer.

The General Contractor is responsible for establishing Labor & OHS Committees¹⁷ and the scope of the Committees are to set guidelines for organizing the committee, the structure of the committee, meeting frequency, and the roles and responsibilities of committee members.

The consultation and participation process within the Committees should include the following topics: (i) The Employer LMP Policy, (ii) Identified labor and OHS risks, (iii) injury incidents, (iv) equipment failures, (v) near misses incidents, (vi) damages, (vii) inspections, due diligence and audit results, (viii) maintenance and modification, (ix) procedural changes, (x) environmental incidents, (xi) social aspects (complaints, grievances, proposals, etc.), (xii) management of change, etc.

The following channels through which workforce can address or submit complaints/suggestions/proposal for improvement regarding the smooth implementation of the LMP:

Table 5-1: Grievance redress mechanism for social, labour and OHS process

The Employer NRA	MoIRD
mun. Chișinău, str. Bucureiei, 12A MD 2004 E-mail: cancelaria@andsa.md E-mail: serviciu@andsa.md Tel. (Green Line): (+373) 78 337 744 Press Relation: (+373)60 477 004 Web: https://www.andsa.md/petitii-online/	Mun. Chișinău, MD-2012 Piața Marii Adunări Naționale 1 Email: secretariat@midr.gov.md Anticorruption Line: +373 (022) 250 535 Green Line: (022) 250 500 Anticorruption Line of the Ministry: +373 78 777 975 Web: https://midr.gov.md/petitii

¹⁷ Source: https://www.legis.md/cautare/getResults?doc_id=123544&lang=ro#

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If the complainants will use the other existing the Employer channel for complaints¹⁸ these complaints will be directed to the Employer.

¹⁸ Source: <https://www.andsa.md/contacte/>

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6 PLANNING

6.1 Actions to address risks and opportunities

6.1.1 General procedure

The purpose of the risk assessment process is to establish mitigation measures for controlling social aspects of significance, as outlined in PR No. 1, and the risks associated with them, which may influence construction and operational work.

6.1.2 Hazards identification and assessment of risks and opportunities

6.1.2.1 Hazard identification

6.1.2.1.1 General

The implementation of prevention and control measures in response to occupational hazards is to be based on thorough job safety or job hazard analyses. The results of these analyses are to be prioritised as part of an action plan, taking into account the likelihood and severity of the consequences of exposure to the identified hazards, utilising a qualitative risk ranking or analysis matrix to assist in identifying priorities.

Social hazards: The construction stage can be influenced by the influx of workforce from abroad (contractors), local workforce (sub-contractors), community workforce (seasonal), supply chain workers, external consultants, technical designers, visitors, CPA/LPA, etc. Interactions between these groups may result in the following types of risks: stress, pressure, bullying, violence, burnout, harassment, victimisation, blackmail, human trafficking, the spread of sexually transmitted diseases, HIV/AIDS, and others.

6.1.2.1.2 Screening criteria for risk assessment process

6.1.2.1.2.1 The EBRD requirements

According to the EBRD's PR no.1 Assessment and management of ES risks and Impacts¹⁹ process, the Borrower will manage environmental and social risks and impacts of the project throughout the project life cycle in a systematic manner, proportionate to the nature and scale of the project and the potential risks and impacts.

Borrower will conduct environmental and social assessment at the detailed design stage to help ensure that project is environmentally and socially sound and sustainable. The environmental and social

¹⁹ Source: <https://www.ebrd.com/home/news-and-events/publications/institutional-documents/environmental-and-social-policy-2019.html>

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assessment will be proportionate to the risks and impacts of the project. It will inform the design of the project, and be used to identify mitigation measures and actions and to improve decision making.

Table 6-1: Identify the types of personnel on sites

No.	Requirements	Types of personnel	Social Risks
1	Labor and Working Conditions	EBRD/GoM/MoIRD representatives Employer personnel Engineer personnel Contractor/sub-contractor personnel Supply chain personnel Community workers Visitors	Site Organisation Asphalt/concrete plants Construction site Borrow pit Waste platform Local markets LPAs
2	Health, safety and Security	Direct workers (influx from abroad) Subcontracted workers Supply chain workers Community workers Visitors	Construction Site Visitors Community (LPAs) SIMC
3	Land acquisition, restriction on land use and involuntary resettlement	Land owners Land renting persons Seasonal workers on the field Local Public Authority personnel Consultant personnel	On field to evaluate together with owner the land area Meeting with LPAs through SIMCs
4	Biodiversity conservation and sustainable management of living natural resources	Environmental Agency/IPM Hincesti and Nisporeni personnel SE Moldsilva/ICAS personnel SE Apele Moldovei LPA	Construction site CPAs/LPAs
4	Cultural Heritage	Owner of installed crucifix Contractor's personnel LPAs/Community NAA personnel MoC personnel	Construction site MoC/NAA (CPAs) LPAs
5	Stakeholders Engagement	All stakeholders	Construction site (contractor & subcontractors) Engineer Technical Designer CPA/LPA Visitors Community Supply chain

6.1.2.1.2.2 The applicable Republic of Moldova ES requirements

According to the Environmental Decision²⁰ no. 24 of August 12th 2025 issued by the Environmental Agency for the Moldova Road Project V and the applicable ES and technical legislation of the Republic of Moldova, in order to ensure the quality criteria for the designed facility, in the design documentation shall be included, the following essential requirements: **A** - strength and stability; **B** -

²⁰ Source: <https://www.andsa.md/acorduri-de-mediu/>

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operational safety; **C** - fire safety; **D** - hygiene, human health, restoration and protection of the environment; **E** - thermal insulation, water repellent and energy saving, **F** - protection against noise and **G** – sustainable use of natural resources.

The preparation of the design documentation is a prerequisite for holding the Planning Town Urbanism Certificate for Design (PTUCD), issued by the Hincesti and Nisporeni Districts Councils (LPA). This is based on the technical concept for design with initial data for design and the results of technical surveys, taking into account the solutions adopted in urban planning documentation. The Urbanism Certificate for Design is a mandatory planning document issued by the Hincesti and Nisporeni Districts Councils. It informs the Employer of the requirements and components that characterise the legal, economic, technical and architectural-urbanistic regime of a building or plot of land, as set out in the land use and urban planning documentation. It also allows for the preparation of project documentation.

The General Contractor is responsible for developing the basic and detailed design, as well as the technical concept for design based on UCD. This is to be undertaken in accordance with the category, importance, type and complexity of the object/facility. The General Contractor will also establish the elaboration phases of the design documentation.

The basic and detailed design must, by its form and content, be in line with the valid standards and regulations in Moldova, in order to acquire necessary approvals, permits and licenses based on it.

6.1.2.2 Risk assessment process

The risk identification process results in a comprehensive and non-overlapping list of risk mitigation measures. The risks identified during the detailed design phase form the basis for estimating and managing project mitigation measures. Changes and improvements to the design also lead to new risks, which must be assessed and controlled. Risks that are part of the LMP must be monitored, controlled and managed throughout the design process, and during project implementation (construction) and operation.

The risk assessment procedure at the detailed design stage consists of dangers identification, risks assessment and risks control by providing mitigation measures for construction and operational stages and respond to changing environmental and social conditions in balance with socio-economic needs of workforce and community.

Identified hazards have been assessed and mitigation measures are proposed in the Table 6-1.

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Table 6-1: Hazards identification and risk assessment

No.	Hazards	MH	OH	Consequences	Proposed initial control	Initial Risks	Additional Control Requirements	Residual Risks	Responsible
1	ESR no.2 Labour and Working Conditions								
1.1	- Recruited without the employment contract - Work on site without being paid (including wages and benefits); - Working on site without Job Description and SOPs - Work on site without being trained and inducted - Work on site without being informed about daily tasks - Work on site without being informed about the site's risks - Work on site without being supervised - Work on site over the working time - Working on site without vacation - Fire from site without being informed - Work on site under pressure - Work on site without having resting and special place for taking meal - The site is not adequate for people with disabilities	x		- Complaints to the State Authorities - Incidents on site - Emergency incidents - Fatigue - Abuse - Sexual harassment - Use unlicensed language and behaviour - Use of alcohol/drugs - Spread STDs - HIV – AIDS - Blackmail - Favours for engagement process - Illness -	- Comply with Labour Code of RM for employment process - Establish equal employment criterion for women and men, including, but not limited to, gender, pregnancy, sexual orientation, gender identity, gender expression and/or sex characteristics, race, nationality, political opinion, affiliation to a union, ethnic, social or indigenous origin, religion or belief, marital or family status, disability or age - Established equal employment criterion for hire local community, migrants, self-employed workers, direct and subcontracted workers, including recruitment and hiring, job assignment, compensation (including wages and benefits), working conditions and terms of employment, including reasonable adaptation of the workplace to account for disability or other factors, including pregnancy and nursing, access to training, promotion, termination of employment or retirement, and discipline - Established equal employment criterion for hire local community, migrants, direct and subcontracted workers - Established equal employment criterion for all hired workers for wages, benefits and condition of work - Established equal employment criterion for allowing workforce to elect worker's representative, form or join worker's organisation of their choosing in collective bargaining;	Moderate	- Contractor shall develop Social Management Policy, Human Resource Plan taking into consideration social and gender aspects on site - The Contractor shall develop its own Code of Conduct with specific roles & responsibilities - Contractor shall develop a Training Plan and implement on site; - Contractor shall control subcontractors on site, supply chain and community workers - Contractor shall develop an EPRP - Contractor shall develop a Communication Plan with GM	Low²¹	Contractor shall assess residual risks and control risks

²¹ Risk is **Low** if Contractor develops its own CESMP and establish measures for controlling Residual Risks.

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No.	Hazards	MH	OH	Consequences	Proposed initial control	Initial Risks	Additional Control Requirements	Residual Risks	Responsible
	- The working place is not adequate for pregnant women and nursing moms - Sanitary facility are not designated for persons with disabilities and women - Working place is not equipped with sanitary and hygiene goods - Accommodation camp is not equipped adequate with sanitary facilities for women, persons with disabilities				- Established equal employment criterion for not using child labour, forced labour, and establish a grievance mechanism for all project workers; - Established the grievance mechanism in a transparent manner, effective and proportionate requiring special protection measures for reporting GBVH, TiP, SEA, discrimination, etc. - Establish a communication procedure with State Authority for protection of victims and identify “survival-centers”, etc.				
2	ESR no. 4 Health, Safety and Security								
2.1	- Not using proper PPE on construction site; - Using PPE incorrectly or ignore; - Not using caution when operating heavy machinery; - Operating machinery that you are not authorized to operate; - Using broken equipment or equipment that needs maintenance; - Not using safety equipment correctly (Seatbelts, safety glasses, etc.); - Not using safety equipment at all (Seatbelts, safety glasses, etc.) - Not wearing safety equipment at all can result in you being more grievously injured in the case of an accident; - Performing tasks without being qualified for;	x		- Personnel injuries - Vehicle incidents & accidents on-site - Emergency situation - Accidental pollution - Equipment damage - Fall from heights - Community Health & Safe - Road safety - Fire and explosion - Noise and vibration - Dust and smog - Solid wastes - Infection diseases - Conflicts, blackmail, quarrel -	- Ensure that competent and trained workers are on site - Ensure that all personnel are equipped with PPE - Ensure that SOPs are developed for equipment's and with specific risks - Ensure that all workers are trained about the site risks - Ensure that all workers are training regarding Emergency Preparedness and Response and there is a “muster point” - Ensure that emergency equipment is present on site and is functional - Ensure that a first aid kit is present on site and workers are trained how to render first aid - Ensure that a communication procedure is present on site for emergency situation - Ensure that a “Stop Card” process is implemented on site in order to prevent incidents and accidents - Ensure that a procedure for housekeeping is established for site - Ensure that smoking place, resting and shelters are present on site for workers - Ensure that workers are protected by the bad weather conditions on site	Moderate	- Contractor shall develop its own OHS Plan with roles and responsibilities for OHSP implementation - Contractor shall develop a Code of Conduct and perform training on sites - Contractor shall develop the Training Plan and hire competent workers	Low	Contractor shall assess residual risks and control risks

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No.	Hazards	MH	OH	Consequences	Proposed initial control	Initial Risks	Additional Control Requirements	Residual Risks	Responsible
	- Poor housekeeping of the work area; - Not making emergency exits visible; - Too many workers in one area at a time; - Using alcohol, drugs and other forbidden substances on construction site; - Workers are not ready for starting the working process by being fatigues, under alcohol influences, etc.; - Inappropriate behaviour of workers using offended, discriminatory, sexist and swearing language, and other social aspects-based SEA, SH, GBV, TiP, HIV-AIDS, STDs, etc.				- Ensure that accommodation area is equipped with sanitary and hygiene facilities for women, persons with disabilities, pregnant women and nursing women, etc. - Ensure that an Alcohol/Drug Policy is established on site - Ensure that a Behaviour Management Policy is established and is implemented on site - Ensure that all workers know the consequences of broken the BMP and penalties - Ensure that specific control measures for the work location as per the need of the point/area. Ensure that all drivers /operators to be thoroughly familiarized with the safety rules to be followed. -Ensure that the Project's ESMPs are disseminated to all workers and are present on site -Ensure that trainings are provided regarding ES aspects and mitigation measures specified in Project's specific ESMP, LMP, CoC and SEP - Ensure that Tool Box talks are conducted at the site before starting work. - Ensure that regular check-up of vehicles & equipment and are performed - Ensure that Signboards and demarcation of working area are present on site - Ensure that firefighting extinguishers & first aid kits, spills and leakage kits are present on site Ensure that a Communication plan in case of emergency is developed -Ensure that refuelling process of vehicles & equipment is controlled - Ensure that site is proper supervised				
ESR no. 5 Land acquisition, restriction on land use and involuntary resettlement									
	- Inappropriate behaviour of workers using offended,	x		Complaints from the community	- Enter on construction site in the presence of Engineer and Employer	Moderate	The Contractor shall use revised SEP for	Low	Contractor shall assess

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No.	Hazards	MH	OH	Consequences	Proposed initial control	Initial Risks	Additional Control Requirements	Residual Risks	Responsible
	discriminatory, sexist and swearing language, and other social aspects-based SEA, SH, GBV, TiP, HIV-AIDS, STDs, etc - Promise favour for speeding up the expr. process - Provide service with trucks - Take local people in the cabin				- Established Right of Way and demarcate de construction site - Establish a list with affected people and communicate about the work progress and any other crated inconveniences - Ensure participation on the SIMC meeting and solve non-conformities from the site - Report the status of compliance with identified non-conformities to the Engineer.		executing construction works on site		residual risks and control risks
ESR no. 6 Biodiversity conservation and sustainable management of living natural resources									
	- Ignore communication procedure in case of trees cutting and vegetation evacuation - Inappropriate behaviour of workers with EA/EPI/Moldosilva/ICAS/LPA personnel using offended, discriminatory, sexist and swearing language, and other social aspects-based SEA, SH, GBV, TiP, HIV-AIDS, STDs, etc	x		- Complaints from the State Authorities - Pay fines for non-compliance with applicable laws	- Enter on construction site in the presence of Engineer and Employer - Established Right of Way and demarcate de construction site - Remove stumps from site and evacuate from site - Report the status of compliance with identified non-conformities to the Engineer.	Moderate	- The Contractor shall ensure that an Env. Permit is issued by the Env. Agency for cutting trees - The Contractor shall provide to the Employer the wood mass based on the signed minute	Low	Contractor shall assess residual risks and control risks
ESR no. 8 Cultural heritage									
	- During excavation works destroy identified artefacts - Ignore communication procedure in case of identification of artefacts - Inappropriate behaviour of workers with NAA/MoC personnel using offended, discriminatory, sexist and swearing language, and other social aspects-based SEA, SH, GBV, TiP, HIV-AIDS, STDs, etc	x		- Complaints from the State Authorities - Pay fines for non-compliance with applicable laws	- Ensure that a Chance Find Plan is present on construction site - Ensure that a Communication procedure is present on site - Ensure that the construction site is demarcated in case of artefacts identification and works are stopped - Ensure that changing the place of existing cultural objects on the road are coordinated with LPA - Ensure that contractor's excavation and other personnel are trained regarding provision of CFP.	Moderate	The Contractor shall develop a Chance Find Plan	Low	Contractor shall assess residual risks and control risks
ESR no.10 Stakeholder Engagement									

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No.	Hazards	MH	OH	Consequences	Proposed initial control	Initial Risks	Additional Control Requirements	Residual Risks	Responsible
	- Inappropriate behaviour of workers with NAA and MoC personnel using offended, discriminatory, sexist and swearing language, and other social aspects-based SEA, SH, GBV, TiP, HIV-AIDS, STDs, etc - Influence workers to use Complaint Mechanism to report incidents from site to Engineer and Employer	x		- Complaints from stakeholders to GoM - Complaints from stakeholders to EBRD	- Ensure that the General Contractor has developed a Communication and Outreach Plan - Ensure that the General Contractor's has developed a Community HS Plan - Ensure that the General Contractor has developed the Emergency Preparedness and Response Plan - Ensure that the General Contractor has performed training on construction site - Ensure that the Project's Informational Panel is established on the construction site - Ensure that the Project's Complaint Mechanism is available on the construction site - Ensure that a reporting procedure is established for response to the complaints	Moderate	- Contractor shall develop its own OHS Plan with roles and responsibilities for OHSP implementation - Contractor shall develop a Code of Conduct and perform training on sites - Contractor shall develop the Training Plan and hire competent workers	Low	Contractor shall assess residual risks and control risks

NOTE 1: The Contractor shall control Residual Risks by developing Contractor's OHS Plan, Code of Conduct, LMP, TMP, etc. Risk is considered Moderate without controlling Residual Risks by the Contractor.

NOTE 2: The gap analysis between EBRD ESRs and applicable laws of Republic of Moldova are presented in the Project's specific ESMP.

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6.1.3 Legal requirements and other requirements

6.1.3.1 General

The International Labour Organization (ILO)²² has been active in Moldova since 2005 based on several Decent Work Country Programs (DWCP). The current DWCP for the period 2021 to 2024 covers the following three priority areas: (i) Inclusive and productive employment for youth, (ii) Effective protection at work and (iii) Improved social dialogue.

To support these priorities, the International Labour Organisation (ILO) mobilized voluntary contributions of US\$ 3.6 million as of early 2023. They cover job creation, conditions of work including formalization, occupational safety and health, and minimum wages, childcare provision as well as vocational training.

The Association Agreement between the European Union and the European Atomic Energy Community²³ and their Member States and the Republic of Moldova was signed on June 27, 2014²⁴. The Agreement was ratified by the Parliament of the Republic of Moldova on July 2, 2014 and by the European Parliament on November 13, 2014. Following the signature of the Agreement, the country committed to implement the relevant environmental legislation of the European Union into its national legal system by adopting or changing national legislation, regulations and procedures aiming at political association and economic integration with the EU. This Agreement includes binding provisions, regulatory norms and broader cooperation arrangements in all sectors of interest. Therefore, the EU directives have become directly relevant to all aspects of green city development and are discussed separately per sector and key issue. The achievement of commitments started with the adoption of the National Implementation Plan²⁵ of the EU-Moldova Association Agreement for 2014-2016.

The Republic of Moldova ratified 43 Conventions and 1 Protocol:

- Fundamental Conventions: 10 of 10;
- Governance Conventions (Priority): 4 of 4;
- Technical Conventions: 29 of 177.

Out of 43 Conventions and 1 Protocol ratified by the Republic of Moldova²⁶, of which 42 are in force, 2 conventions and 0 Protocol have been denounced; none have been ratified in the past 12 months. The following ILO's documents are ratified by the Republic of Moldova. The ratified Conventions and protocols are presented in the table below.

6.1.3.2 Applicable Labour & OHS laws of the Republic of Moldova

The Constitution of the Republic of Moldova

²² Source: https://www.ilo.org/budapest/countries-covered/moldova/WCMS_433690/lang--en/index.htm

²³ Source: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830(01))

²⁴ Source: https://www.legis.md/cautare/getResults?doc_id=15861&lang=ro

²⁵ DG no. 808/2014: https://www.legis.md/cautare/getResults?doc_id=88616&lang=ro#

²⁶ Source: <https://ism.gov.md/ro/legisla%C5%A3ia>

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The Constitution²⁷ is the Supreme Law of the Republic of Moldova and no law or other legal act that contravenes the provisions of the Constitution has legal force.

The Republic of Moldova undertakes to respect the United Nations Organization Chart²⁸ and the treaties to which it is a party, to base its relations with other states on the unanimously recognized principles and norms of international law.

According to the Constitution of the RM, article 44, the forced labour is forbidden.

According to the Constitution, art. 43 The right to work and to work protection:

- (1) Every person has the right to work, to free choice of work, to fair and satisfactory working conditions, as well as to protection against unemployment.
- (2) Employees have the right to labour protection. The protection measures concern the safety and hygiene of work, the working regime of women and young people, the establishment of a minimum wage for the economy, the weekly rest, paid rest leave, the performance of work in difficult conditions, as well as other specific situations.
- (3) The duration of the work week is no more than 40 hours.
- (4) The right to negotiations in labour matters and the binding nature of collective agreements are guaranteed.

The Labour Code of the Republic of Moldova

The basic principles of the regulation of labour relations²⁹ and other relations directly related to them, principles that emerge from the norms of international law and those of the Constitution of the Republic of Moldova, are the following:

- a) freedom of work, including the right to work freely chosen or accepted, the right to dispose of one's work capacities, the right to choose one's profession and occupation;
- b) prohibition of forced (compulsory) work and discrimination in the field of labour relations;
- c) protection against unemployment and providing assistance for placement in the field of work;
- d) ensuring the right of each employee to fair working conditions, including working conditions that meet the requirements of safety and health at work, and the right to rest, including the regulation of working time, the granting of annual rest leave, rest breaks daily, rest days and non-working holidays;
- e) equality in rights and opportunities for employees;
- f) guaranteeing the right of each employee to full and fair payment of the salary on time, which would ensure a decent existence for the employee and his family;
- f¹) equal remuneration for equal work or work of equal value;
- g) ensuring the equality of employees, without any discrimination, when advancing in the service, taking into account work productivity, qualification and length of service in the specialty, as well as professional training, recycling and improvement;
- h) ensuring the right of employees and employers to associate for the defence of their rights and interests, including the right of employees to join unions and be union members and the right of employers to join employers and be members of employers;

²⁷ The Constitution of the Republic of Moldova: https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro#

²⁸ UN Organisation Chart: <https://www.un.org/en/delegate/page/un-system-chart>

²⁹ Labor Code no. 154/2003: https://www.legis.md/cautare/getResults?doc_id=137770&lang=ro#

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- i) ensuring the right of employees to participate in the administration of the unit in the forms provided by law;
- j) combining state regulation and contractual regulation of labour relations and other relations directly related to them;
- k) the obligation of full repair by the employer of the material and moral damage caused to the employee in connection with the fulfilment of work obligations;
- l) establishing state guarantees for ensuring the rights of employees and employers, as well as exercising control over their compliance;
- m) ensuring the right of each employee to defend his rights and freedoms at work, including by notifying the supervisory and control bodies, the labour jurisdiction bodies;
- n) ensuring the right to settle individual labour disputes and collective labour conflicts, as well as the right to strike, in the manner established by this code and other normative acts;
- o) the obligation of the parties to collective and individual labour contracts to comply with the contractual clauses, including the right of the employer to demand from the employee the fulfilment of work obligations and the manifestation of a household attitude towards the employer's assets and, respectively, the right of the employee to demand from employer's fulfilment of obligations towards employees, compliance with labour legislation and other documents containing labour law norms;
- p) ensuring the right of trade unions to exercise public control over compliance with labour legislation;
- r) ensuring the right of employees to defend their honour, dignity and professional reputation during work;
- s) guaranteeing the right to mandatory social and medical insurance of employees.

Labour and Social Policy and Normative Acts of the Republic of Moldova

The Republic of Moldova is characterized by a new legislative base, that most of it was harmonized with EU Acquis Communautaire according to Association Agreement³⁰.

Some of the main laws related to the project proposal and activities that will be implemented are presented in the Table below. The compliance with applicable labour and OHS requirements is described in the chapter 9.

Table 6-3: Main national legal labour & OHS laws and acts relevant to the Project

Legal act	General overview	Relevancy with the Project
Labour Code no. 154/2003	The code regulates all individual and collective labour relations, control of the application of regulations in the field of labour relations, labour jurisdiction, as well as other relations directly related to labour relations.	The law is relevant and is mandatory to be followed in the implementation process, ensuring labour & OHS issues.
Law no. 121/2012 on ensuring equality	The purpose of this law is to prevent and combat discrimination and ensure equality for all persons under the jurisdiction of the Republic of Moldova, regardless of their race, colour, national or ethnic origin, social status, citizenship, language, religion or beliefs, age, sex, gender identity, marital status, sexual orientation, disability,	The law is relevant and is mandatory to be followed in the implementation process.

³⁰ Sources: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830(01))

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Legal act	General overview	Relevancy with the Project
	health status, HIV status, opinion, political affiliation, wealth or birth.	
Law no. 847/2002 Salaries	The law regulates the rights of persons to have salaries at the working places	The law is relevant and is mandatory to be followed in the implementation process, ensuring salary for workers
Law no. 289/2004 Allowances for temporary incapacity for work & other social insurance & benefits	The law regulates the rights of persons to have allowances for temporary incapacity for work & other social insurance & benefits	The law is relevant and is mandatory to be followed in the implementation process
Law ³¹ on Social Inclusion of Persons with Disabilities #60/2012	The law regulates the rights of persons with disabilities for their social inclusion, guaranteeing the possibility of their participation in all areas of life without discrimination, at a level identical to the other members of the society, having as a basis the respect of fundamental human rights and freedoms	The law is relevant and requires measures for ensuring the participation of person from socially vulnerable groups in the project activities during the project life cycle
Law no. 105/2018 Promotion of employment & unemployment insurance	The purpose of the law is to prevent and reduce unemployment and its social effects, reduce the risk of unemployment and ensure a high level of employment & adapting to the demands of the labour market	The law is important to ensure the rights of employees
Law ³² on ensuring equal opportunities between women and men # 5/2006	The Law transposed the Directive 2004/113/CE implementing the principle of equal treatment between men and women in the access to and supply of goods and services	The provisions of the law are important for promoting women's interests in exercising their rights in labour relations during the project life cycle
Law on Access to Information no. 148/2003	The law regulates the interaction between the providers of information and individuals and/or legal entities during the exercise of their constitutional right to access information, the rights of applicants for obtaining the information, the obligations of information providers to ensure access to official information, methods of safeguarding the right to information	This is relevant for ensuring disseminating information about implementation of the project and about potential ES impacts
Law ³³ on Freedom of Expression # 64/2010	This Law guarantees right to freedom of expression and regulates the balance between right to freedom of expression and defence of private and family life	This is relevant for ensuring disseminating information about implementation of the project and about potential ES impacts
Law no. 239/2008 Transparency in Decision Making	The law refers to the transparency of information linked with the decision-making process and to the consultation of stakeholders when drafting decisions	This is relevant for ensuring disseminating information about implementation of the project and about potential ES impacts
Administrative Code ³⁴ of Republic of Moldova # 116/2018	The Code establishes procedure for consideration of petitions of the RM citizens addressed to the relevant authorities/bodies for the purpose of ensuring protection of petitioners' rights and legitimate interests	This is relevant for ensuring for the early collection of information regarding the risks of non-compliance with ES standards

³¹ Source: https://www.legis.md/cautare/getResults?doc_id=139006&lang=ro#

³² Source: https://www.legis.md/cautare/getResults?doc_id=144448&lang=ro#

³³ Source: https://www.legis.md/cautare/getResults?doc_id=141515&lang=ro#

³⁴ Source: https://www.legis.md/cautare/getResults?doc_id=144471&lang=ro#

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Legal act	General overview	Relevancy with the Project
Law no. 436/2006 Local public administration	The law establishes the rights, obligations and competences of the local public administration	The provisions of the Law are relevant to proposed activities on created of SIMCs and the activities of collaboration of all stakeholders with the SIMCs.

6.1.3.3 The EBRD's Environmental and Social Requirements

The EBRD³⁵ promotes environmentally sound and sustainable development in all its activities. Specifically, for the Moldova Road Project V, it recognises that environmental and social sustainability is fundamental to achieving outcomes that are consistent with the Project's development objectives.

6.1.4 Actions for risks control

The General Contractor shall implement the present Code of Conduct by planning actions to control social risks at the construction stage, to be carried out by the General Contractor, and at the operational stage, to be carried out by the Employer, in order to comply with the Social Management Policy.

At the construction stage, the General Contractor shall implement mitigation measures identified in the present Code of Conduct by developing its own Social Management Policy and Procedures. The General Contractor's Code of Conduct shall be approved by the Engineer.

At the operational stage, the Employer shall implement mitigation measures identified in the present CoC by developing its ESMS to be in compliance with Global International Practices and the applicable laws of the Republic of Moldova.

6.2 Objectives and actions to achieve them

6.2.1 Specific conduct objectives

The objective of the CoC is to provide, during the implementation of the present plan at the construction and operational stages, a consistent and systematic approach to promote social culture on construction sites by:

- a) Complying with identified operating criterion specific for construction and operational stages,
- b) Having competent personnel with defined role and responsibilities to operate risks specific for construction and operational stages,
- c) Communicating the CoC's requirements implementation to subcontractors, supply chain and all interested parties specific for construction and operational stages,
- d) Adopting the present CoC by subcontractors during the construction and operational stages;
- e) Controlling social risks on site by implementing a Grievance Mechanism system and control the process with support of the Engineer for construction stage,

³⁵ Source: <https://projects.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>

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- f) Controlling risks which can trigger emergency situations specific for construction and operational stages,
- g) Monitoring and measuring all identified risks, and
- h) Improving continually social, labour and OHS process on construction and operational sites and report performances to the Engineer and other interested parties.

6.2.2 Actions to achieve conduct objectives

CoC's objectives are consistent with the Social Management Policy, measurable, monitored, and communicated to the Engineer, the General Contractor, stakeholders and all interested parties.

At the Construction stage, the General Contractor shall implement the Project's Social Management Policy with requirements described in the present document and develop its own Contractor's Social and Human Resource Policy and Procedures and Contractor's Labour Management Plan and Code of Conduct. The Social performances shall be incorporated in the Monthly Progress Reports by Contractor and submit documents for revision and approval to the Engineer.

At the operational stage, the Beneficiary shall implement Social, Labour & OHS requirements described in the present procedure and develop its own ES Management System³⁶ comprising labour & OHS aspects. Labour & OHS performances shall be reported to the State Authorities and other interested parties.

³⁶ Source: <https://www.ifc.org/en/insights-reports/2015/publications-handbook-esms-general>

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Table 6-4: Actions to achieve CoC Objectives specific for construction stage³⁷

No.	Objectives	Actions (What shall be done)	Resources	Responsibility to control	When completed	How to evaluate results	How to achieve objectives (KPIs)
1	Respect and protect the fundamental principles and rights of all project workers	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
2	Ensure fair treatment, non-discrimination, non-harassment and equal opportunities for all project workers	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
3	Establish, maintain and improve a sound worker-management relationship, based on social dialogue	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
4	Ensure compliance with national labour and employment laws, social security laws and any collective agreements to which the client is a party	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
5	Protect all project workers, including vulnerable project workers who might be at higher risk of discrimination, harassment or exploitation, such as women and gender-diverse workers, young workers, workers with disabilities, migrant workers and refugees, self-employed and contracted workers, as well as workers in the project's core supply chain	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
6	Prevent the use of forced labour and child labour	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct

³⁷ NOTE: The Employer shall comply with provision of the Labor Code, Occupational Health and safety law no.186/2008 and other applicable requirements during operation stage.

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No.	Objectives	Actions (What shall be done)	Resources	Responsibility to control	When completed	How to evaluate results	How to achieve objectives (KPIs)
7	Ensure that accessible and effective means to raise and address workplace concerns are available to all project workers.	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
8	Protect and promote the health, safety and security of projects workers by ensuring safe, healthy and secure working environments and implementing a management system appropriate and proportionate to the risks associated with the project;	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct
9	Identify, assess and manage health, safety and security risks to project-affected communities and consumers during the project lifecycle from the routine and non-routine activities and to incorporate health and safety at the earlier opportunity into the project design	Approve a Social Management Policy and Objectives during construction stage	Contractor	Engineer	Before starting & during construction works	Ensure that Project's specific ES Plans are included in the tender documents (Works)	Approved Contractor's Human Resource Plan and the Code of Conduct, OHS Plan, EPRP

NOTE: The Project's specific ES Plans include (i) Project's specific ESMP, Labour Management Procedure, Code of Conduct, Capacity Building Plan, Emergency Management Plan, etc.

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7 SUPPORT

7.1 Resource

The Contractor's Human Resources process shall comply with Labour Code of Republic of Moldova and other applicable social Law for keeping under control labour & human resources aspects by taking into account the following principles:

- Working Condition and Terms of Employment
- Non-Discrimination and Equal Opportunity
- Retrenchment
- Protecting the Work Force
- Child Labour
- Forced Labour
- Workers Engaged by Third Parties
- Etc.

The General Contractor shall carry out their activities in conformity with the Republic of Moldova's other legal requirements and hire competent personnel, on the basis of appropriate education, training and experience, for executing site specific construction and operation tasks by not affecting the LMP performance and breaching the Labour Management Policy.

In accordance with Law No. 220/2007 on the state registration of legal entities and individual entrepreneurs, the entrepreneur is obliged to register any enterprises, branches or representative offices established by them on the territory of the Republic of Moldova before they commence economic activity.

The General Contractor shall ensure that terms of employment and responsibilities of the hired personnel are established and documented in employment contract signed individually with each employee and the specific responsibilities to be part of Job Description.

The General Contractor shall ensure that personnel hired for performing tasks on behalf of Contractor and Employer know Job Description's (JD) provisions and JDs are signed by employees for complying with provision set in the Employer's Social Management Policy.

The General Contractor shall ensure that an organizational structure specific for construction and operational stages are developed in conformity with requirements of the present LMP and workforce is informed and know their roles and responsibilities.

7.2 Competence

In order to ensure the safe operation during rehabilitation process of the express national road M1 Lot no.2, the contractor technical staff must have specialized studies or special training based on the

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requirements established in the Urbanism and Construction Code no.434/2023³⁸. They are automatically recognized as certified specialists who hold certificates issued by certification bodies accredited by the national accreditation bodies of the European Union, except for cases when the legislation of the Republic of Moldova establishes specific mandatory conditions.

7.3 Awareness

7.3.1 General

The implementation of the Code of Conduct specific for construction and operational stages require specific knowledge and competence for the General Contractor and the Employer workforce that shall be engaged in the construction and operational stages.

The General Contractor and the Employer shall ensure that each worker receives adequate social and health and safety training, in particular in the form of information and instructions specific to his workstation or job: (i) on recruitment, (ii) in the event of a transfer or a change of job, (iii) in the event of the introduction of new work equipment or a change in equipment, and (iv) in the event of the introduction of any new technology or changes in the technical documents, laws, design, etc..

The training and awareness process shall be adapted to take account of new or changed risks, and repeated periodically if necessary, by ES and OHS representatives of the Contractor and Employer.

7.3.1 Training process during the construction stage

Before starting the construction activities on site specific for rehabilitation process of the sector of the road M1 from the Hincesti and Nisporeni Districts, Contractor's workforce shall pass training courses (induction) with specific technical and other ES aspects. Respectively, the rehabilitation process shall support relevant trainings on knowledge and information on topics such as the CoC implementation, L & OHS performances reporting, etc. The awareness and training plan for construction stage is presented in Table 7-1 below.

Table 7-1: Training program for Construction Phase

#	Training subject	Time and duration	Recipients	Organizer	Cost
SOCIAL AND OCCUPATIONAL HEALTH AND SAFETY					
1	Contractors' Health & Safety Plan requirements (Project's specific LMP)	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
2	Contractor's Human Resource Plan	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
3	Contractor's Code of Conduct	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
4	Working environment	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost

³⁸ Source: https://www.legis.md/cautare/getResults?doc_id=150459&lang=ro#

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#	Training subject	Time and duration	Recipients	Organizer	Cost
5	Housekeeping on construction site	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
6	Alcohol and drugs prohibition on site	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
7	Emergency and first aid aspects	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
8	Communication procedure	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
9	Grievance mechanism process on construction sites	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
10	Grievance mechanism for specific issues such as GBV, SH, SEA, TiP, etc.	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
11	Hygiene on construction site	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
12	Site Organisation, accommodation	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
13	Behaviour	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost
14	Consultation and participation process, including complaint mechanism	Before starting construction works & periodically	Contractor/ Subcontractor	Contractor	Contractor cost

The General Contractor shall ensure that subcontractor workers engaged in work have in fact received appropriate instructions regarding labour and health, safety and security risks during their activities in his undertaking and /or establishment. Workers' representatives, with a specific role in protecting the safety and health of workers, shall be entitled to appropriate training. The training must take place during working hours or in accordance with national practice either within or outside the undertaking and/or the establishment.

7.3.2 Training process for operational phase

In order to achieve the Project Goals and applicable labour, health, safety and security requirements of Republic of Moldova, the Employer shall implement the present awareness and training plan, presented in the Table 7-2.

The implementation of the Code of Conduct specific for operational phase requires specific knowledge and competence for the Employer personnel to operate and maintain the new constructed facility.

The training shall be adapted to take account of new or changed risks, and repeated periodically if necessary. The plan for capacity building and training plan for operational stage is presented in Table 7-2 below.

Table 7-2: Training program for Operational Phase

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#	Training subject	Time & duration	Recipients	Organizer	Cost
1	ESMS and Risk Assessment Procedure	2026-27	Employer	Employer	Employer
2	Compliance with the present document & applicable OHS laws (new permits, authorizations, etc.)	2026-27	Employer	Employer	Employer
3	Specific training for new reconstructed facility specific for operation and maintenance	2026-27	Employer	Employer	Employer
4	Operation and Maintenance of the new equipment	2026-27	Employer	Employer	Employer
5	Emergency equipment	2026-27	Employer	Employer	Employer
6	Communication process	2026-27	Employer	Employer	Employer

7.4 Communication

7.4.1 General

The General Contractor shall communicate their ES performances internally, externally and for any emergency situations to the Engineer/Employer.

7.4.2 Internal Communication Process

The internal communication process shall supply the documents, information and data required to carry out activities specific for construction and operation stage by the General Contractor. The internal communication process of the General Contractor shall be realized in the authority and inter-functional line described in the Organizational Chart, as well as on the basis of procedures, regulations and responsibilities covered by the General Contractor's organization and functioning regulation and the Employer's Management System documents.

7.4.3 External Communication Process

The General Contractor shall implement and maintain a procedure for external communications that includes: (i) Receive and register external communications, (ii) screen and assess the issues raised and determine how to address them, (iii) provide, track, and document responses and (iv) adjust the management program.

The General Contractor shall report their ES performances to the Engineer, specific for construction stage and State Authorities specific for operational stage. External communication process shall be accomplished through written (hard-copies and electronic media) or oral (over telephone or verbally) forms of communication.

The Register of specific stakeholder is presented in the revised Stakeholder Engagement Plan³⁹.

³⁹ Source: <https://ucipe.gov.md/sites/default/files/2025-08/sep-steem-2024-march-2024-revised-11-03-2024-clean.pdf>

7.4.4 Emergency Communication Process

During projects implementation oral, written, electronic means of communication are used for communication process between parties implies in the project. A detailed Emergency Communication chart list is given in figure 7-1.

In case of emergency Contractors and Employer communicates in conformity with interfaces established in figure above.

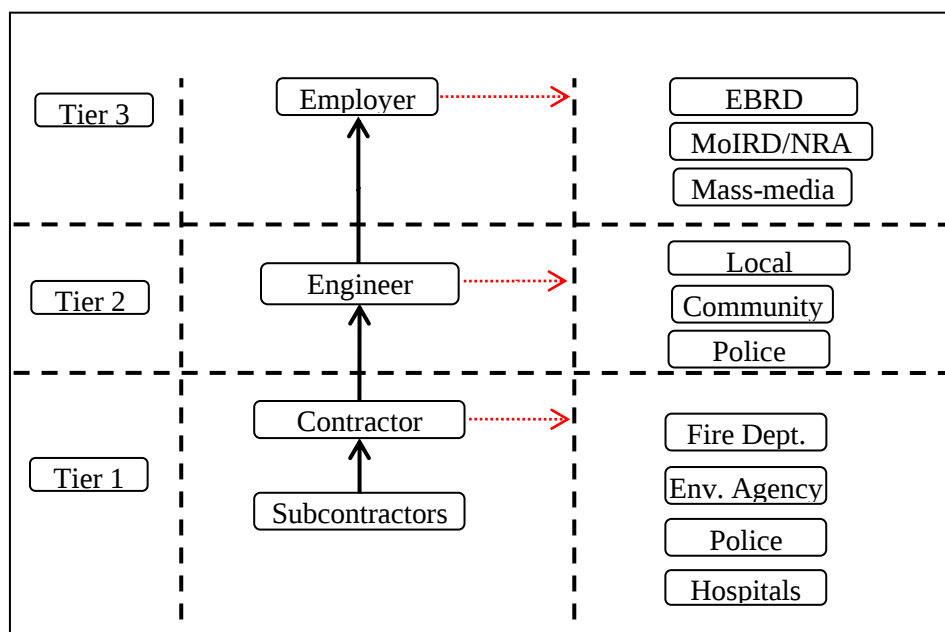


Figure 7-1: Communication channels in case of emergency⁴⁰

The interfaces are:

- Engineer and Employer/Beneficiary;
- National Committee⁴¹ for Combating Trafficking in Human Beings
- National Agency for Public Health and Hincesti and Nisporeni Centres for Public Health;
- General Inspectorate⁴² for Migration
- Equality Council⁴³
- The Hincesti and Nisporeni Districts Road Police⁴⁴
- The Hincesti and Nisporeni Police Inspectorate⁴⁵
- State Supervision Agencies (EPI Hincesti and Nisporeni, etc.);

⁴⁰ Note: Note: Red line – external communication)

⁴¹ Source: <https://www.antitrafic.gov.md/index.php?l=en>

⁴² Source: <https://igm.gov.md/en/services/>

⁴³ Source: <https://egalitate.md/en/>

⁴⁴ Source: <https://politia.md/ro/inspectoratul-de-politie-hincesti>

⁴⁵ Source: <https://politia.md/ro/inspectoratul-de-politie-hincesti>

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- Emergency and Fire Department⁴⁶ Hincesti and Nisporeni;
- Environmental Agency and the Territorial Environmental Protection Inspectorate, etc.

The notification report is presented in the Annex 3.

7.5 Documented information

7.5.1 General

The Code of Conduct establishes the requirements for the construction and operational processes, which are then cascaded to the General Contractor and the Employer. The draft final CoC will be revised by EBRD representatives and issued with a non-objection. The final CoC will be approved by the employer and will become effective on the date of its approval.

The CoC will be published on the employer's website and can be printed in a required number of copies upon request. It will be distributed under signature to the designated recipients.

The CoC may be furnished to the State Authorities (NAPH, NITS, LTI, etc.) upon prior approval of the Employer.

7.5.2 Contractor's own Code of Conduct

Before starting the construction stage, the General Contractor shall use the present document to develop its own Contractor's Code of Conduct specific for site, and the Engineer shall approve contractors' documents. The General Contractor's CoC shall be revised annually and the Engineer shall approve the document.

7.5.3 The Employer's OHS Management System

At the operational stage, the Employer shall use the developed ES Plans for compliance with applicable L & OHS applicable laws of the Republic of Moldova and International Best Practices⁴⁷.

8 OPERATION

8.1 Operational planning and control

8.1.1 General

The General Contractor and the Employer shall plan, implement, control and maintain the processes needed to meet requirements of the present Code of Conduct, and to implement the following actions:

- (a) Operational criteria for process and safety operational procedures;
- (b) Control of the process in accordance with criteria;

⁴⁶ Source: <https://hincesti.md/pompieri/>

⁴⁷ Source: <https://www.ifc.org/en/insights-reports/2015/publications-handbook-esms-general>

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- (c) Competence of workers;
- (d) Adapt work to the workers.

The General Contractor and the Employer shall coordinate the relevant parts of the CoC with subcontractor, supply chain, communities and stakeholders.

8.1.2 Eliminating hazards and reducing social risks (operating criterion)

8.1.2.1 General requirements

The General Contractor shall develop and implement on the construction site their own Contractor's Code of Conduct for eliminating of hazards and reduction social risks using the operating criterion following hierarchy of controls:

- (a) Respect for fundamental human rights and freedoms.
- (b) respect for the best interests of the child;
- (c) The confidentiality of information regarding the private lives of victims and presumed victims of human trafficking must be respected.
- d) Legality;
- (e) free access to justice;
- f) non-discrimination;
- (g) A multidisciplinary and cross-sectoral approach;
- (h) unconditional access to protection and assistance for victims of human trafficking;
- (i) equal treatment of all forms and types of national or transnational human trafficking, whether or not they are linked to organised crime;
- (j) International cooperation.

The Employer shall develop, implement and maintain an ESHS Management System⁴⁸, identify hazards, assess risks and establish and implement an CoC on sites by using operating criterion for workforce protection, community health and safety and company assets and reputation.

8.1.2.2 Operating criterion for on-site workplaces

8.1.2.2.1 General

The purpose of the established Operating Criterion is to prevent and combat discrimination and ensure equality for all persons, regardless of their race, colour, national or ethnic origin, social status, citizenship, language, religion or beliefs, age, sex, gender identity, marital status, sexual orientation, disability, health status, HIV status, opinion, political affiliation, wealth or birth.

⁴⁸ Source: Environmental and Social Management System (ESMS) Implementation Handbook (General): <https://www.ifc.org/en/insights-reports/2015/publications-handbook-esms-general>

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8.1.2.2.2 Prohibition of discrimination in employment and professional practice

Distinctions, exclusions, restrictions or preferences based on protected criteria that limit or undermine equality in employment, profession, or vocational training, including the conclusion, suspension, modification or termination of employment relationships, are prohibited. Discrimination on the basis of sexual orientation is prohibited in the field of employment and occupation.

It is prohibited any distinction, exclusion, restriction or preference based on protected criteria that limits or undermines equality in affiliation with, or access to, an organisation of employees or employers; or in any organisation whose members exercise a particular profession. This includes equality of access to the benefits obtained by that organisation, as well as access to, or exercise of, a profession.

Actions based on protected criteria are considered discriminatory, such as:

- a. Placing job advertisements indicating conditions and criteria that exclude or favour certain persons;
- b. Establishing conditions and criteria that exclude or favour certain persons in joining or accessing a professional organization or in accessing or exercising a profession;
- c. Unjustified refusal, based on real or presumed protected criteria, to hire, promote, or dismiss a person;
- d. Unjustified refusal to admit persons to professional training courses;
- e. Unequal pay for equal work or work of equal value;
- f. Differentiated distribution of work tasks based on protected criteria, real or presumed, resulting in less favourable status for certain persons;
- g. Harassment;
- h. Any other action that contravenes legal provisions.

The Council for Equality

The Council⁴⁹ for Equality is an autonomous budgetary authority established for the purpose of preventing and combating discrimination and ensuring equality. The Council acts impartially and independently in organizational, functional, operational, and financial terms from any public authority, natural or legal person, regardless of the type of ownership and legal form of organization, and from any person in a position of responsibility at any level.

Procedure for filing a complaint with the Council

The procedure for determining whether or not discrimination has occurred shall be initiated either by the members of the Council ex officio or at the request of the victim, or of trade unions, public associations and other individuals or organisations with a legitimate interest in combating

⁴⁹ Source: <https://egalitate.md/>

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discrimination, who represent a person, group of persons or community against whom the alleged discriminatory act was committed.

A complaint submitted to the Council must contain a description of the violation of an individual's rights, details of when the violation occurred, facts and evidence to support the presumption of discrimination, the name and address of the complainant, and information to identify the person who allegedly committed the discriminatory act.

A complaint may be filed with the Council within one year of the discriminatory act occurring, or within one year of it becoming or having become known. In the case of continuous or prolonged discrimination, the time limit shall run from the date of the last act or omission.

Filing a complaint with the Council does not constitute a mandatory preliminary procedure for bringing the case before a court of law. If the Council and a court of law simultaneously examine a dispute between the same parties concerning the same subject matter and having the same grounds, the procedure for examining the complaint by the Council shall terminate.

8.1.2.2.3 The Employment process

The General Contractor shall comply with the rules of conduct on the market under conditions of free competition, the rights and legitimate interests of consumers ensure the proper quality of manufactured goods (works and services provided):

- obtain licenses for types of activity that are carried out on a license basis;
- conclude employment contracts (agreements) with the citizens they employ, as appropriate, and collective agreements with trade unions representing the interests of labour collectives. The enterprise shall not have the right to oppose the association of employees in trade unions to defend their social and economic rights and interests;
- to keep funds in banks, payment companies, electronic money issuers, and/or postal service providers, and to pay the national public budget, employees, creditors, and honour other payment obligations through the financial-banking system and/or payment systems, as established by the normative acts of the National Bank of Moldova;
- to remunerate employees at a level not lower than the minimum wage established in the Republic of Moldova;
- To ensure that normal working conditions are created and maintained in accordance with the employment contracts (agreements), and that safety techniques, production and sanitary standards, fire safety and environmental protection are observed.
- To provide social insurance and other types of compulsory insurance for employees.
- To keep, in accordance with the established terms, the documents created during its activities, and in the event of termination of activities, to transfer to the state archive the documents that form part of the Archival Fund of the Republic of Moldova, as well as documents relating to written personnel.

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8.1.2.2.4 Traffic in Human Beings

The Government of the Republic of Moldova approved the National Plan⁵⁰ for Preventing and Combating Human Trafficking and takes measures for preventing and combating human trafficking and protecting its victims.

Implementation of the National Referral System (hereafter SNR), reflects a special cooperation framework through which government structures have the obligations concerning the protection and promotion of human rights regarding the people who have suffered of trafficking in human beings (THB) and coordinate their efforts in strategic partnerships with civil society and other active actors in this field. The creation of the SNR in Moldova began in 2006 with support of external donors and NGOs within a pilot project launched by the Ministry of Labour, Social Protection and Family in cooperation with the International Organization for Migration.

Currently the NRS is extended to all territorial administrative units of the Republic of Moldova in which they were created and trained multidisciplinary teams - groups created from trained specialists / within sections / departments of Social Assistance and Family Protection within District Councils / Municipal Councils, Law enforcement/ Employment Agencies/ health care institutions, Registry Offices, Prosecutor's Offices, NGOs in the field.

The assistance of victims and potential victims of trafficking in human beings is performed in order to restore the rights through rehabilitation and reintegration of victims of THB into society and to prevent the victimization.

The National Referral System entered into force in 5th December 2008 through Parliament Decision No. 257 on the approval of the Strategy of the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings and of the Action Plan for the Implementation of the Strategy on the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking regarding the approval of the National Reference System for the protection and assistance of victims and potential victims of human trafficking 2009-2011.

The Republic of Moldova controls the movement and immigration⁵¹ of foreign nationals within its territory by issuing them with work/residence permits and other documents.

8.1.2.2.5 Access to Health Care

The General Contractor shall assess the site risk factors to which workers are exposed and to contract a medical institution for the surveillance of workers' health. Also, the Contractor shall provide the financial resources and the conditions for carrying out medical examinations without involving the workers in the related costs in accordance with applicable Republic of Moldova health legislation⁵².

⁵⁰ Source: <https://www.antitrafic.gov.md/index.php?!=en>

⁵¹ Source: <https://igm.gov.md/en/services/>

⁵² HG no. https://www.legis.md/cautare/getResults?doc_id=142165&lang=ro

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The General Contractor shall monitor the health status of the workers and applies the non-admission to the workplace in case of illness with communicable diseases or with a risk of infection of the population.

The General Contractor shall inform the workers about the symptoms and conditions, possibly if they are accompanied by fever, diarrhoea, vomiting, jaundice, tonsillitis, boil, hand wounds, skin infections, suppurations, and in case of their occurrence, to recommend them to consult the family doctor.

The employee who is at risk of infection is obliged to leave the workplace, informing the Contractor about this. The employee's return to work is admitted based on the written conclusion made by the family doctor.

8.1.2.2.6 Blood-Borne Pathogens (HIV/AIDS) and sanitary repatriation

Within the medical control organized by the General Contractor, one requirement, according the applicable medial laws⁵³ of the Republic of Moldova, employees shall pass medical test for the Human Immunodeficiency Virus (HIV). The Human Immunodeficiency Virus (HIV) causes death and disease by attacking the body's immune system. In the early stages, the individual experiences acute symptoms similar to mononucleosis. As the disease progresses, the patient suffers from fever, diarrhoea and fatigue. HIV-infected individuals may also develop neurological problems, cancer and other opportunistic infections in the oesophagus, trachea, bronchi and lungs. Current epidemiological information indicates that most people who are infected with HIV will eventually develop AIDS, and while the disease can be managed by treating the clinical symptoms, the immunodeficiency is irreversible.

The General Contractor direct personnel and contracted shall pass medical control before starting the job and additionally, the Contractor shall organize training session regarding the effect and consequence of HIV/AIDS on human being.

Workers diagnosed with communicable diseases (HIV/AIDS, STDs, etc.) are not admitted to the workplace.

Personnel will pass medical control before starting the job and the General Contractor will organize training regarding the effect and consequence of HIV/AIDS on human being.

8.1.2.2.7 Personal Hygiene

Personnel shall wash hands and face before eating. Personnel shall use soap for washing hands and face and change PPE when enter in canteen. Any toxic substance on a worker's hands can be ingested while eating, drinking or smoking. Using solvents to clean the skin is never a good practice. Workers who use a solvent to clean their hands may develop dermatitis or possibly becoming sensitized to

⁵³ Law no. 10/2009 on State Surveillance of the Public Health: https://www.legis.md/cautare/getResults?doc_id=147701&lang=ro#

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the chemical or solvent. PPE (coverall) shall be washed regularly in order to protect health of the personnel. The Contractor's ES Specialist shall ensure that personnel hygiene is in compliance with applicable sanitary requirements in order to protect workforce health and safety.

8.1.2.2.8 Alcohol Policy

The Contractor ensures that alcohol and narcotics substances are not allowed on the construction sites. Reporting for duty under the influence of alcohol, narcotics or other drugs shall not be allowed.

Prescription drugs shall be taken in strict accordance with the drug's label and doctor's guidance. Personnel who are taking prescription drugs shall inform their supervisor. This is for two reasons, one to ensure the drugs will not interfere with the person's alertness and ability to work safely and second, shall the individual be injured, this information shall be available to the medical provider.

8.1.2.2.9 Social requirements on site

Changing rooms and lockers

Appropriate changing rooms must be provided for workers if they have to wear special work clothes and if, for reasons of health or propriety, they cannot be expected to change in another area. Changing rooms must be easily accessible, be of sufficient capacity and be provided with seating.

Changing rooms must be sufficiently large and have facilities to enable each worker, where necessary, to dry his working clothes as well as his own clothing and personal effects and to lock them away. If circumstances so require (e.g. dangerous substances, humidity, dirt), facilities must be provided to enable working clothes to be kept in a place separate from workers' own clothes and personal effects.

Provisions must be made for separate changing rooms or separate use of changing rooms for men and women.

If changing rooms are not required, each worker must be provided with a place in which he can lock away his own clothes and personal effects.

Showers and washbasins

Suitable showers in sufficient numbers must be provided for workers if required by the nature of the work or for health reasons. Provisions must be made for separate shower rooms or separate use of shower rooms for men and women.

The shower rooms must be sufficiently large to permit each worker to wash without hindrance in conditions of an appropriate standard of hygiene. The showers must be equipped with hot and cold running water.

Where showers are not required on-site, a sufficient number of suitable washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms. Provisions must be made for separate washbasins, or separate use of washbasins for men and women when so required for reasons of propriety.

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Where the rooms housing, the showers or washbasins are separate from the changing rooms, there must be easy communication between the two.

Lavatories and washbasins

Special facilities with an adequate number of lavatories and washbasins must be provided for workers in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins. Provisions must be made for separate lavatories or separate use of lavatories for men and women.

Rest rooms and/or accommodation areas

Where the safety or health of workers, in particular because of the type of activity carried out or the presence of more than a certain number of employees as well as the remote nature of the site, so require, workers must be provided with easily accessible rest rooms and / or accommodation areas.

Rest rooms and/ or accommodation areas must be large enough and equipped with an adequate number of tables and seats with backs for the number of workers concerned.

If there are no facilities of this kind, other facilities must be provided in which workers can stay during interruptions in work.

Fixed accommodation areas unless used only in exceptional cases, must have sufficient sanitary equipment, a rest room and a leisure room. They must be equipped with beds, cupboards, tables and seats with backs taking account of the number of workers, and be allocated taking account, where appropriate, of the presence of workers of both sexes.

Appropriate measures should be taken for the protection of non-smokers against discomfort caused by tobacco smoke in rest rooms and / or accommodation areas.

Pregnant women and nursing mothers

Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions.

Handicapped workers

Workplaces must be organized to take account of handicapped workers, if necessary. The provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.

Miscellaneous provisions

The surroundings and the perimeter of the site must be signposted and laid out so as to be clearly visible and identifiable.

Workers must be provided at the site with a sufficient quantity of drinking water and possibly another suitable non-alcoholic beverage both in occupied rooms and in the vicinity of workstations.

Workers must be provided with facilities enabling them to take their meals in satisfactory conditions, where appropriate, be provided with facilities enabling them to prepare their meals in satisfactory conditions.

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8.1.2.2.10 Health, Safety and Security

All Contractor personnel shall comply with the Contractor's HSS Plan and not ignore the provision of the above mentioned HSS requirements and rules:

- Not using proper PPE on construction site;
- Using PPE incorrectly;
- Not using caution when operating heavy machinery;
- Operating machinery that you are not authorized to operate;
- Using broken equipment or equipment that needs maintenance;
- Not using safety equipment correctly (Seatbelts, safety glasses, etc.);
- Not using safety equipment at all (Seatbelts, safety glasses, etc.)
- Not wearing safety equipment at all can result in you being more grievously injured in the case of an accident;
- Performing tasks without being qualified for;
- Poor housekeeping of the work area;
- Not making emergency exits visible;
- Too many workers in one area at a time;
- Using alcohol, drugs and other forbidden substances on construction site;
- Workers are not ready for starting the working process by being fatigues, under alcohol influences, etc.;
- Inappropriate behaviour of workers using offended, discriminatory, sexist and swearing language, and other social aspects-based SEA, SH, GBV, TiP, HIV-AIDS, STDs, etc.
- Never be on-site without proper PPE. It sets a bad example and can lead to injury. How you approach safety is a reflection of your professionalism.
- Don't Ignore Safety Protocols Never take shortcuts. If something feels unsafe - like balancing on a ladder on top of a scissor lift - don't do it. Nothing is worth risking your life.
- Don't Use Damaged Tools If a tool is missing a safety feature or isn't in good working condition, don't use it. Damaged tools lead to accidents.
- Don't Crowd Work Areas Ensure there's enough space to work safely. Crowded areas are hazardous and increase the risk of injury.
- Don't Neglect Training only perform tasks that you're trained to do. If you're not trained to use a specific tool or perform a particular task, don't do it.
- Don't Engage in Horseplay or Inappropriate Behaviour There's no room for hazing, bullying, or inappropriate jokes on a construction site. It creates a toxic environment and distracts from safety.
- Don't Underestimate risks everything on a construction site can be dangerous if not handled properly. Stay alert, follow protocols, and always be aware of potential risks.

8.1.2.2.11 Cultural and religious aspects on construction sites

All Personnel (direct, subcontracted, community workers, supply chain, etc.) shall respect for the beliefs and customs of the local populations and community relations in general, migrant workers and specific responsibilities related to any cultural heritage including religion encountered during construction.

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8.1.2.2.12 Visitor and service personnel orientation

Visitors and service personnel who are new to the construction site should be met upon arrival, given an orientation immediately and be assigned muster stations including the locations of these stations.

The following items/areas are to be covered during the visitor's orientation:

1. Main routes of egress and escape
2. Fire-Fighting equipment
3. The Muster List and their designated responsibility, if any
4. Location of designated briefing area/muster point
5. Location of the restrooms, showers, parking area, emergency contact phone numbers
6. Location of other safety and first aid equipment
7. Location of the other fire-fighting and safety in the immediate area of the construction site.

The following safety rules and procedures will be followed at all times during the site visit:

- Smoking will be permitted only in designated smoking areas;
- PPE shall be worn on the construction site (hard hats, steel-toed boots, reflective vest, etc.);
- Report immediately any unsafe condition from the construction site or the any unsafe equipment
- Report immediately any incident, injury – no matter how minor – or personal illness
- Protection of the environment is the Contractor's priorities and housekeeping on the construction site is everyone's responsibility.
- Please address to the Contractor's representative if there are any question or clarifications.

8.1.2.2.13 Anti-corruption and bribery aspects

The General Contractor's Project Manager shall commit that its direct and subcontracted workers, consultants, sub-contractors and suppliers; any sub-contractors, sub-consultants, service providers or suppliers; any agents (whether declared or not); and any of their personnel, observe the highest standard of ethics during the procurement and construction processes for Works Contract, refrain from Fraud and Corruption.

The General Contactor shall commit to comply with applicable legal requirements of the Republic of Moldova and EBRD in the field of fraud and corruption:

- Corrupt practice by the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party.
- Fraudulent practice is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation.
- Collusive practice is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party.
- Coercive practice is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- Obstructive practice is deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a State Authorities/EBRD investigation into allegations of a corrupt, fraudulent, coercive, or collusive

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practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or acts intended to materially impede the exercise of the State Authority/Bank's inspection and audit rights.

8.1.2.2.13 Complaint mechanism

The General Contractor shall establish an effective complaint mechanism for all workers from construction site to raise workplace concerns.

The General Contractor shall inform the workers of the complaint mechanism at the time of hiring and make it easily accessible to them. The mechanism shall involve an appropriate level of the Contractor management and address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned, without any retribution.

The mechanism shall also allow for confidential complaints and those requiring special protection measures, such as reports of gender-based violence, sexual harassment, trafficking in persons, etc.

The mechanism shall not prevent access to other judicial or administrative remedies that might be available under law or through existing arbitration or mediation procedures, nor will it substitute for grievance mechanisms provided through workers' organisations or collective agreements.

8.1.3 Management of change

During the CoC implementation on construction sites, the General Contractor and the Employer shall control temporary and permanent changes that impact social, labour & OHS performances, including:

- a) new work force;
- b) changes to legal requirements and other requirements;
- c) changes in knowledge or information about hazards and OHS risks;
- d) changes in the technical design and developments in knowledge and technology.

The General Contractor and the Employer shall review the consequences of unintended changes, taking action to mitigate any adverse effects, as necessary in the Contractors' OHS Plans.

8.1.4 Procurement

8.1.4.1 General

The General Contractor and the Employer shall control the procurement of products and services in order to ensure conformity with the present CoC and shall ensure that hired contractors/subcontractors have the technical capabilities to manage social, labor & OHS issues of their employees, extending the application of the hazard management activities through formal procurement agreements.

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8.1.4.2 Subcontractors and supply chain

The General Contractor shall ensure that the requirements of the present CoC are met by subcontractors and their workers.

The General Contractors' procurement process shall define and apply social criterion for the selection of subcontractors and shall ensure that social requirements are included in the contractual documents (procurement process).

Specific for operational stage, the Employer shall ensure that the contractor and subcontractor management is considered in the ESHS Management System and the process is controlled.

8.1.4.3 Outsourcing

The General Contractor and the Employer must ensure that outsourced functions and processes are controlled and that their outsourcing arrangements are consistent with legal requirements and other requirements. They must also ensure that these arrangements achieve the intended outcomes of the present CoC.

8.2 Emergency preparedness and response

The General Contractor and the Employer shall prepare for and respond to potential emergency situations based on identified hazards and risks, including:

- a) establishing a planned response to emergency situations, including social incidents;
- b) providing training for the planned response;
- c) periodically testing and exercising the planned response capability;
- d) evaluating performance and, as necessary revising the planned response, including after testing and, in particular, after the occurrence of emergency situations;
- e) communicating and providing relevant information to all workers on their duties and responsibilities;
- f) communicating relevant information to the Engineer/Employer, subcontractors, visitors, emergency response services, state government authorities and, as appropriate, the local community;
- g) taking into account the needs and capabilities of all relevant interested parties and ensuring their involvement, as appropriate, in the development of the planned response.

The General Contractor and the Employer shall maintain and retain documented information on the plans for responding to potential emergency situations.

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9 PERFORMANCE EVALUATION

9.1 Monitoring, measurement, analysis and performance evaluation

9.1.1 General

The General Contractor and the Employer shall monitor, measure, analysis and evaluate their performances.

The General Contractor and the Employer shall monitor and measure the implementation of the operating criterion implementation on construction sites required by the present Code of Conduct by using methods for monitoring and measurement to ensure valid results.

The General Contractor and the Employer shall evaluate their ES performances resulting from the monitoring and measurement process and report to the Engineer in the MPRs specific for construction and operational stages.

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Table 9-1: Monitoring the construction and operational processes

WHAT to monitor	WHERE to monitor	HOW to monitor	WHEN to monitor	Responsible	Key Performance Indicators	Report to
Prohibition of discrimination in employment and professional practice	Construction site	Approved Contractor's HR Plan	Before starting & during construction works	Contractor	Contractor's HR Plan, Contracts and Job Description,	Engineer
The Employment process	Construction site	Approved Contractor's HR Plan	Before starting & during construction works	Contractor	Contractor's HR Plan, Contracts and Job Description,	Engineer
Traffic in Human Beings	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Access to Health Care	Construction site	Approved Contractor's OHS Plan and CoC	Before starting & during construction works	Contractor	Contractor's HR Plan, Contracts and Job Description,	Engineer
Blood-Borne Pathogens (HIV/AIDS) & sanitary repatriation	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Personal Hygiene	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Alcohol Policy	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Social requirements on site	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Health, Safety and Security	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Cultural and religious aspects on construction sites	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Visitor and service personnel orientation	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer
Anti-corruption and bribery aspects	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer

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WHAT to monitor	WHERE to monitor	HOW to monitor	WHEN to monitor	Responsible	Key Performance Indicators	Report to
Grievance mechanism	Construction site	Approved Contractor's CoC, COHSP	Before starting & during construction works	Contractor	Contractor's CoC, COHS Plan	Engineer

NOTE: Specific for operational stage, the Employer shall comply with applicable laws of Republic of Moldova and other requirements.

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9.1.2 Evaluation of compliance

9.1.2.1 Evaluation of compliance by the Engineer

The Employer shall ensure that the present document is implemented diligently by the General Contractor on sites and the frequency and timing of compliance evaluations shall be performed by the Engineer which has roles, responsibilities and authorities to assisting in the Project performance monitoring to evaluate effectiveness of the project and measure project performance against the parameters as set out in the ESAP; to establish baseline data and benchmarks, collect necessary information, monitor progress, identify benefits and evaluate social impact.

Additionally, the Engineer shall ensure assistance in supervision of the Project's specific ESMP, LMP, CoC, etc. specific for rehabilitation process and the present document taking into consideration the applicable EBRD's PRs and applicable legislation of the Republic of Moldova in Environment and Social field by inspecting construction sites and report performances to the Employer on monthly basis.

The Inspection Site Report is provided in the Annex no. 7.

9.1.2.2 Evaluation of compliance with requirements of the present Plan

The Supervision Consultant shall ensure that the Contractor's Code of Conduct is developed based on the requirements of this document, the established operational criteria, and the control of residual risks by the General Contractor. This shall be achieved by establishing roles, responsibilities, and authority, as well as controlling subcontractors and the supply chain.

9.2 Internal audit

9.2.1 General

The Engineer shall conduct site inspections and internal audits at planned intervals to provide information on whether Contractors' Code of Conduct Plan conform to: (i) the Project's specific CoC and (ii) is effectively implemented on construction sites. Audit records shall be reported on monthly basis to the Employer.

9.2.2 Contractor's Internal audit

The General Contractor shall conduct internal audits at planned intervals to provide information on whether Contractors' Code of Conduct Plan conforms to: (i) the Project's specific CoC and (ii) is effectively implemented on construction sites and report performances to the Engineer on monthly report.

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9.3 Management review

The Engineer shall review performances in order to ensure continuing suitability, adequacy and effectiveness of the implementation process on construction sites and report to the Employer on monthly basis.

The Employer shall review performances in order to ensure continuing suitability, adequacy and effectiveness of the implementation process on construction sites and report to the MoIRD and EBRD.

10 IMPROVEMENT

10.1 General

Non-conformity represents non-fulfilment of requirements of the present document or occurrence arising out of, or in the course of, work that could or does result in injury and ill health. Non-conformity represents also incidents and accidents.

The provisions of the Project's specific Code of Conduct shall be implemented **during construction phase** by the General Contractor and the Engineer shall monitor the implementation process of the present document in an open and transparent manner and monitoring and measurement performances shall be reported monthly to the Employer.

The provisions of the Code of Conduct shall be implemented **during operational phase** by the Employer and State Supervision Agency (Environmental, Health and Safety, Social, etc.) shall monitor the implementation process of the present issued legal permits (Authorizations, Permits, Notices, etc.) in an open and transparent manner and monitoring and measurement performances shall be reported monthly to the Hincesti and Nisporeni Districts Councils and the MoIRD.

Non-compliance with provisions established in the Project's specific Code of Conduct specific for construction site or non-conformity(ies) shall be recorded by the Engineer in the Non-conformity Report. Non-conformity Report shall establish necessary correction actions and take actions to control and correct non-conformity(ies).

10.2 Incident, nonconformity and corrective action

10.2.1 Incidents

Social incidents encompass a wide range of harmful behaviours and systemic issues, primarily rooted in power imbalances and deeply entrenched gender inequality. These incidents can be broadly categorized by their form of abuse and include specific harmful practices on construction site.

Social incidents on construction site can manifest in various interconnected forms, often occurring simultaneously:

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- **Domestic/Intimate Partner Violence (IPV):** The most common form of gender-based violence, involving a pattern of abusive behaviour by a current or former intimate partner to gain or maintain power and control.
- **Sexual Harassment:** Unwelcome conduct of a sexual nature that makes a person feel offended, humiliated, or intimidated.
- **Femicide:** The most extreme and brutal form of gender-based violence, defined as the gender-related killing of a woman or girl.
- **Child and Forced Marriage:** Marriages entered into without the full and free consent of one or both parties, often involving individuals under the age of 18.
- **Human Trafficking:** The trade of people for exploitation, often involving physical abuse, emotional manipulation, and sexual exploitation.
- **"Honor" Killings:** Murders, usually of women or girls within a family unit, for the purported reason of bringing dishonour or shame upon the family.
- **Conflict-related Sexual Violence:** The use of sexual violence, including systematic rape and sexual slavery, as a weapon of war or a tactic of terrorism in conflict zones.
- **Cyberviolence/Technology-facilitated Abuse:** Violence and harassment that occur in digital spaces, such as cyberstalking, online incitement to violence, and image-based abuse.

Any Incident occurring on the construction site of the Project or caused by the construction activity shall be reported by the General Contractor/ subcontractor to the Engineer as soon as possible and not later than 24 hours after the incident occurred.

The General Contractor and Employer shall establish procedures for reporting and recording incidents. Incident report template is presented in the Annex 8.

The General Contractor's Code of Conduct shall ensure that workers are encouraged to report immediately to their immediate supervisor any situation they believe presents a serious danger to life or health all: (i) Physical Violence, (ii) Sexual Violence, (iii) Psychological/Emotional Violence, (iv) Economic/Socio-economic Violence and (v) Verbal Violence.

The General Contractor must ensure that all reported social incidents and accidents are investigated with the help of someone who is knowledgeable and competent in social matters, and with the help of the state authority.

10.2.2 Nonconformity and corrective actions

Nonconformity means non-fulfilment of a requirement established in the present Code of Conduct. Nonconformity relates to requirements established in this document for construction stage shall be kept under control and corrective actions shall be implemented on site.

The nonconformity and corrective action process are a reactive process, in that it is triggered after a noncompliance with requirements established in the present document. In essence, the process uses the principles of root cause analysis. A basic approach to problem solving is "cause" and "effect", and it is the cause that needs to be eliminated. Action taken shall be appropriate and

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proportionate to the impact of the nonconformity. As part of the corrective action process, the effectiveness of action taken must be checked to ensure it is effective.

Corrective action means to eliminate the cause(s) of a nonconformity or an incident and to prevent recurrence. The main aim of the corrective action process, described in the present document, is to eliminate the noncompliance causes of actual problems so as to avoid recurrence of those problems.

The Nonconformity and Corrective Actions Report form is presented in the Annex 9.

The General Contractor shall report, investigate and take actions, to determine and manage incidents and nonconformities from construction and operational sites.

When an incident or a nonconformity occurs, the General Contractor shall:

- a) react in a timely manner to the incident or nonconformity and, as applicable: (i) take action to control and correct it and (ii) deal with the consequences;
- b) evaluate, with the participation of workers and the involvement of other relevant interested parties, the need for corrective action to eliminate the root cause(s) of the incident or nonconformity, in order that it does not recur or occur elsewhere, by: (i) investigating the incident or reviewing the nonconformity, (ii) determining the cause(s) of the incident or nonconformity and (iii) determining if similar incidents have occurred, if nonconformities exist, or if they could potentially occur;
- c) review existing assessments of social and labour & OHS risks and other risks, as appropriate;
- d) determine and implement any action needed, including corrective action, in accordance with the hierarchy of controls and the management of change;
- e) assess social and OHS risks that relate to new or changed hazards, prior to taking actions;
- f) review the effectiveness of any action taken, including corrective actions;
- g) make changes to the Contractors' Code of Conduct and Labour & OHS Plan, if necessary.

Corrective actions shall be appropriate to the effects or potential effects of the incidents or nonconformities encountered.

The General Contractor shall retain documented information as evidence of: (i) the nature of the incidents or nonconformities and any subsequent actions taken; (ii) the results of any action and corrective action, including their effectiveness.

Specific for construction, the General Contractor shall notify in written form within 24 hours to the Engineer and also communicate this documented information to relevant workers, and, where they exist, workers' representatives, and other relevant interested parties.

Specific for operational stage, the Beneficiary shall notify in written form within 24 hours to the State Authorities (Environmental, Public Health, Emergency, Firefighting Department, etc.) and also communicate this documented information to relevant workers, and, where they exist, workers' representatives, and other relevant interested parties.

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10.3 Continual improvement

The General Contractor shall continually improve the suitability, adequacy and effectiveness of their Labor & OHS Plans, Code of Conduct, etc. by reviewing documents and ensure (i) enhancing Social and L&OHS performances; (ii) promoting a OHS culture among direct and contracted workers, (iii) promoting the participation of workers in implementing actions for the continual improvement of the COHSP; (iv) communicating the relevant results of continual improvement to workers, and, where they exist, workers' representatives and (v) report Social and L&OHS performances to the stakeholders and other interested parties.

11 Annexes

Annex 1 The Grievance Form
Annex 2 The Incident Notification Report
Annex 3 The Site Inspection Report
Annex 4 Incident Investigation Report
Annex 5 The Nonconformity Report

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Annex 1: The Complaint Mechanism for workforce

COMPLAINT FORM

Reference No: <i>(to be completed by PIU)</i>	Received by: _____ Solved by: _____ Date of initial response: _____
Full Name: <i>(to be completed by the person lodging the complaint)</i> <i>Note: you can remain anonymous if you prefer or request not to disclose your identity to the third parties without your consent</i>	My first name: _____ My last name: _____ Company/Position in the company: _____ ☐ I wish to raise my complaint anonymously ☐ I request not to disclose my identity without my consent
Contact Information: <i>(to be completed by the person lodging the complaint)</i> Please mark how you wish to be contacted (mail, telephone, email).	☐ By Post: Please provide mailing address: _____ ☐ By phone: _____ ☐ By e-mail: _____
Preferred Language for Communication: <i>(to be completed by the person lodging the complaint)</i>	☐ Romanian ☐ Russian
Description of Complain or Request: <i>(to be completed by the person lodging the complaint)</i>	☐ Yes ☐ No
Description of Complain or Request: <i>(to be completed by the person lodging the complaint)</i>	What can happen? Where and How could it happen? What are the consequence / impact of this issue?
Date of Complain/Request: <i>(to be completed by the person lodging the complaint)</i>	DD / MM / YYYY _____
What would you like to see happening in order to solve this issue? _____ _____ _____ _____ _____ _____	

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Annex 2: The Incident Notification Report

INCIDENT NOTIFICATION REPORT				
1 Incident date:		Incident Time:		Report number:
Geographic Location:				
2 Country:	Location:	Location of Incident:	Asset:	
3 Operation:				
6 Brief Description of the incident:				
5 Immediate Action Taken:				
6 Incident Type ☐ Fatality ☐ Medical Treatment ☐ Environmental incident ☐ Unknown at this time ☐ LTI ☐ Occupational diseases/illness ☐ Vehicle accident ☐ Social ☐ First Aid ☐ Near Miss ☐ Fire or explosion..... ☐ Other ☐ Restricted work case ☐ Property damage ☐ Dangerous Occurrence				
Type of dangerous occurrence Select if other specify				
7 Actual Consequence	People Select	Assets Select	Environment Select	Reputation select
Potential Consequence	People	Assets	Environment	Reputation
Likelihood				
Risk Category				
8 Company Involved:				
9 Immediate Supervisor:				
Details of person involved:				
10 Name:	10 Sex:		10 Age:	
10 Job Title:	10 Shift Information:			
10 Experience in line with operation:	10 Employment Status:		10 Duty status at time of incident:	
11 Employer	☐ <u>Contractor</u>		11 Contractor name:	
12 Type of injury:			13 Injured part of body:	
14 Action Leading to the injury select if other specify:				
15 Medivac:				
Recommended Corrective Actions:	Responsible Party	Target date	Status	Closed out date

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Annex 3 The Site Inspection Report

The present site inspection checklist (general) shall be used by the Contractors' OHS representative for checking site working conditions on sites and by the Engineer for evaluation the compliance with the requirements (operating criterion) of the present document, and not limited to.

No.	Operational criterion	Requirements	Remarks/ Nonconformity
1	Changing rooms and lockers	Appropriate changing rooms must be provided for workers if they have to wear special work clothes and if, for reasons of health or propriety, they cannot be expected to change in another area. Changing rooms must be easily accessible, be of sufficient capacity and be provided with seating. Changing rooms must be sufficiently large and have facilities to enable each worker, where necessary, to dry his working clothes as well as his own clothing and personal effects and to lock them away. If circumstances so require (e.g. dangerous substances, humidity, dirt), facilities must be provided to enable working clothes to be kept in a place separate from workers' own clothes and personal effects. Provisions must be made for separate changing rooms or separate use of changing rooms for men and women. If changing rooms are not required, each worker must be provided with a place in which he can lock away his own clothes and personal effects.	
2	Showers and washbasins	Suitable showers in sufficient numbers must be provided for workers if required by the nature of the work or for health reasons. Provisions must be made for separate shower rooms or separate use of shower rooms for men and women. The shower rooms must be sufficiently large to permit each worker to wash without hindrance in conditions of an appropriate standard of hygiene. The showers must be equipped with hot and cold running water. Where showers are not required on-site, a sufficient number of suitable washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms. Provisions must be made for separate washbasins, or separate use of washbasins for men and women when so required for reasons of propriety. Where the rooms housing, the showers or washbasins are separate from the changing rooms, there must be easy communication between the two.	
3	Lavatories and washbasins	Special facilities with an adequate number of lavatories and washbasins must be provided for workers in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins. Provisions must be made for separate lavatories or separate use of lavatories for men and women.	
4	Rest rooms and/or accommodation areas	Rest rooms and/ or accommodation areas must be large enough and equipped with an adequate number of tables and seats with backs for the number of workers concerned. Fixed accommodation areas unless used only in exceptional cases, must have sufficient sanitary equipment, a rest room and a leisure room. They must be equipped with beds, cupboards, tables and seats with backs taking account of the number of workers, and be allocated taking account, where appropriate, of the presence of workers of both sexes.	
5	Pregnant women and	Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions.	

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	nursing mothers		
6	Handicapped workers	Workplaces must be organized to take account doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.	
7	Designated smoking area	Appropriate measures should be taken for the protection of non-smokers against discomfort caused by tobacco smoke in rest rooms and / or accommodation areas.	
8	Site security	The surroundings and the perimeter of the site must be signposted and laid out so as to be clearly visible and identifiable.	
9	Water and beverages	Workers must be provided at the site with a sufficient quantity of drinking water and possibly another suitable non-alcoholic beverage both in occupied rooms and in the vicinity of workstations.	
10	Foods	Workers must be provided with facilities enabling them to take their meals in satisfactory conditions, where appropriate, be provided with facilities enabling them to prepare their meals in satisfactory conditions.	
11	Complaint mechanism	A complaint mechanism will be installed on site for all workers. The purpose of this communication channel is to receive complaints and proposals for improvement from the workforce, even in an anonymous format.	
12	Emergency list	A list with Central Public Authorities shall be on site for being used for workforce and submitting complaints using the complaint mechanism	
13	Muster point	A designated area will be identified for use as a Muster Point.	
14	First aid	It is essential that a first aid kit is available at the construction site.	

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Annex 4: Incident Investigation Report

Incident details

Incident number:
Date and time:
Location/Site:
Area:
Type of Incident:
Activity at the time of Incident:
Contractor name (if contractor is involved):

Consequences:

Events Leading to the Incident:

Description of the Incident:

Environment Incident Details (if applicable):

Type of substances ☐ Solid ☐ Liquid ☐ Gas
Terrain affected ☐ Land ☐ Water ☐ Air
Nature of Substance:
Quantity discharge:
Quantity recovered:
Control measures taken, including the clean up:

Property Damage Details (if applicable)

Type of facility:
Type of Plant/Equipment:
Equipment Tag No.
Cost of the damage:
Description of Damage: (Photos of the damaged equipment can be attached separately if applicable)

Vehicle Incidents Details (if applicable):

Company vehicle involved:
Non company vehicle involved:
Note: when a company employee is driving any vehicle is consider as company vehicle

Journey Information:

Location of Incident:
Origin:
Destination:
Kms from origin

Vehicle Details:

Vehicle s Reg. No. _____ Type: _____ Make/Model: _____

Driver s Details:

Name:
Age:
Sex:
Name of Contractor:
Driving License No.
Expiry Date:
Speed of the vehicle at the time of accident (approx.):
Speed limit at the accident spot:

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Road condition		Good		Poor		Surfaced		Unsurfaced		Rainy
Weather		Clear		Poor visibility		Windy		Storm		Dark
Lighting		Dawn		Day light		Low sun		Dusk		

Witness Inquiry Details

Numbers of persons inquired:
Name of the persons inquired:
Designation:
Date of Enquiry:
Time (24 h format):
Location:
Witness statement (attach if required):
Address of the witness:

Results of the Investigations:

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Annex 5: The Nonconformity and Corrective Actions Report

Part A: Nonconformity Report			
Non-conformance (To be completed by NCR Preparer or Auditor):			
Title of NCR:			
NCR Number:		Date Issued:	
NCR Prepared By:		NCR Issued To:	
Job Title		Job Title	
CS Engineer		Contractor	
EHSS Expert		Subcontractor	
Details of the Non-conformance (To be completed by NCR Preparer or Auditor)			
Major ☐		Minor ☐	
Description			
Insert a clear and concise description of the Non-conformance identified and any additional supporting documents (such as reports, drawings, photographs, etc.) evidencing the situation/problem identified, and attach to the NCR.			
Requirement relating to the Non-conformance			
Insert details of the relevant governance document(s) such as contract, procedure, specification or standard, as applicable (including any Document Reference Numbers)			
Part B: Classification of aspects and dangers			
For reporting/benchmarking purposes, Non-conformances are classified into at least one of six categories. Tick the most appropriate options below			
To be completed by NCR Preparer or Auditor			
		1 Materials	
		2 Machine & equipment	
		3 Measurement (monitor and control by management)	
		4 Manpower (training included)	
		5. Methods (workmanship included)	
		6 Health and safety	
		7. Environment and Social	
Details of the Root Cause Documentation			
Refer any internal meetings, investigations, audits that took place to identify and confirm root cause and attach any relevant records (Minutes, reports etc.)			
Time table:			
Proposed by:			
Name:		Date:	
Reviewed by:			
Name:			
Signature:			
Date:			
Part C: Remedial (Correction) and Corrective Action(s) to address Non-conformance			
Correction Actions (To be completed by the Responsible Manager)			
Insert a clear and concise description of the Correction (Remedial Action to be taken to rectify the Major Non-conformance identified)			

 Ministry of Infrastructure and Regional Development	THE MOLDOVA ROAD PROJECT V The Project's specific Code of Conduct for reconstruction of the express road M1 Lot no.2 (km 9+208 – km 38+800) THE TECHNICAL DESIGN STAGE – REQUIREMENTS	 S.A. ADMINISTRAȚIA NAȚIONALĂ A DRUMURILOR
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Proposed by			Job Title:	
Name of Responsible Manager:			Signature:	
Planned Completion Date: (Specify an appropriate and realistic date)			Signature:	
Reviewed by (Name of NCR Issuer or Issuer Line Manager)		Date:	Signature	
Corrective Action(s) (To be completed by Responsible Manager):				
Please insert details of the Corrective Action to be taken to prevent recurrence of the identified Non-conformance.				
Proposed by:			Job Title:	
Name of Responsible Manager:			Signature:	
Expected Timescale: (Specified date; monthly; periodic; on-going; etc.)			Signature:	
Reviewed by (Name of NCR Issuer or Issuer Line Manager)		Date:	Signature	
Part D: Closure of Non-conformance				
Verification of completion of the Corrective Action(s) (To be completed by NCR Preparer or Auditor)				
Verified Complete (Select as applicable)	Yes ☐ No ☐	The Corrective Action(s) above have been satisfactorily completed by the relevant Responsible Manager.		
Comments:				
Verified by NCR Preparer or Auditor:				
Name:			Date:	
Job Title:			Signature:	
Reviewed/Approved by: (Lead Auditor, Quality Manager or other Senior Manager as per applicable NCR Procedure)				
Name:			Date:	
Job Title:			Signature:	