PROMOTING SOCIAL DIALOGUE AND HARMONIOUS INDUSTRIAL RELATIONS IN THE BANGLADESH READY MADE GARMENT INDUSTRY

Term of Reference
Company for developing specification and design for Workers’ Resource Centre (WRC)

1. INTRODUCTION

The Ready-Made Garment (RMG hereinafter) sector in Bangladesh has grown rapidly since the 1980’s. It currently employs an estimated four million workers, of which 80 per cent are women.

This fast paced growth has not been accompanied by similar developments in labour market institutions, resulting in significant challenges in working conditions and labour rights, which require urgent attention.

The sector employs many women who are illiterate or semi-literate and poor. This leaves them with little bargaining power. These factors have posed gender specific challenges in the RMG sector.

Following major garment factory accidents in 2012 and 2013, the International Labour Organization (ILO) developed a comprehensive programme to support the Government of Bangladesh’s efforts to engage in a much-needed reform process to improve safety, working conditions and rights at work in this sector, including workers’ and employers’ right to organise, bargain and dialogue at the workplace.

While notable progress is being made to improve the country’s legal context, momentum must be maintained and more needs to be done to effectively improve working conditions and rights at work in the garment sector, in line with relevant international labour standards.

Bangladesh still lacks effective institutional mechanisms for supporting the implementation of the new legislative framework (amended in 2013). Furthermore, the level of trust between workers and employers is low and dialogue at the workplace is limited and lacking.

The proposed project builds upon the results being achieved by the ILO technical cooperation programme to improve safety, working conditions and right at work in the RMG sector in Bangladesh.

The results being achieved include a reformed legislative framework; gradual improvement in the government enforcement mechanism in the areas of workers’ rights, working conditions and safety
and health; continuous improvement in the capacity, knowledge and understanding of both employers and workers and their representatives; and slow but progressive use of workplace cooperation and social dialogue processes.

The proposed project will focus on three specific outcomes, namely;

1. Developing social dialogue mechanisms and industrial relations between employers and workers, particularly at the workplace level, as a means for preventing disputes;
2. Developing a conciliation and arbitration mechanisms into a more credible, trusted and transparent system.
3. In achieving the above two outcomes, the project will focus intensively on building the capacity of workers and employers to engage in social dialogue and collective bargaining at the workplace, and sector level and to make effective use of the dispute prevention and resolution mechanisms.

Given the large presence of women workers in the lower ranks of the occupational hierarchy; inclusive strategies, non-discrimination and gender mainstreaming will be emphasized to ensure gender balance in the direct beneficiaries as well as full representation of women’s workers’ interests and requirements.

The project will be initially piloted in the RMG sector in Dhaka District with gradual scaling up within the sector. However, the impact of the project and particularly that of the dispute resolution mechanism will go beyond the sector and cover all other sectors.

The project is expected to contribute to decent work in the RMG sector through the further development of existing national-level tripartite conciliation and arbitration mechanisms and workplace-level dialogue mechanisms between employers and workers.

2. THE WORKERS’ RESOURCE CENTRES

Despite the increase in the registration of unions at the enterprise level, representation capacity, including the capacity to engage in collective bargaining, remains weak, and the outreach to workers by established federations is limited.

In addition, a key feature of the Bangladesh industrial and political landscape is the fragmentation of the union movement – with 32 national centres and more than 40 federations operating in the RMG sector, there are also many other unregistered alliances.

Towards addressing these issues, the SDIR Project under sub-outcome 3 (three) of capacity building for trade union organizations, as agreed by key trade union stakeholders of NCCWE and IBC; will support the establishment of Workers’ Resource Centres (WRC) as a main strategy to support RMG affiliated unions or other federations registered by the Department of Labour.

2.1. PURPOSE OF THE WRCs

The WRCs aim to be a joint platform for advocacy and capacity building targeting trade unions. The fundamental purpose of the WRCs would be to address the issue of union segmentation and weak institutional capacity of the RMG sector unions, including the lack of coherence of their actions, specifically through sharing resources and services, and coordinating campaigns.
In addition, the WRCs will serve as a vehicle for unions to establish themselves as free, independent, democratic, effective, competent, accountable and professional organizations and, consequently, to better organize and bargain collectively.

The establishment of WRCs will be undertaken in parallel with direct capacity building activities focused on the NCCWE and the IBC, their affiliates and other trade union federations/confederation. These capacity building interventions will be facilitated by the ILOITC, and will be undertaken in close collaboration with relevant ILO units, particularly INWORK.

The WRC will act as a coordinating and supporting office that will primarily provide the following services:

i). expertise on OSH, union education, and services to unions and federations that no single federation could provide on its own;

ii). coordination - whether for occupational safety and health, bargaining or documentation of violations of union and workplace rights;

iii). development and coordination of union and federation training at all levels;

iv). a platform for professionalizing trade unions and federations through governance, financial management and related training; and the development of new infrastructure such as appropriate workplace/membership databases;

v). a space where RMG unions and federations can come together, in a neutral environment, to train members/unions or develop joint campaigns (e.g. around organizing, safety, bargaining or workplace rights); and,

vi). host a call centre and immediate response unit in order to receive complaints and requests from poorly or unorganized workplace and coordinate responses accordingly.

As agreed by NCCWE and IBC affiliated RMG trade union, the WRC will be physical resource centres located in strategic parts of Dhaka and close to key RMG intensive areas - one in between Uttara and Tongi and another in Narayanganj.

In terms of its structure and governance, the WRCs will be established in line with the law of the land. Under the lead of the ILO within this project framework, the specific governance structure, type of entity and mandate etc. of the WRCs will be determined in consultation with the project stakeholders, with an emphasis on ensuring its independence, transparency and accountability.

The workforce of the WRCs will be divided among the WRCs locations. Apart from the managerial and administrative staff, it is envisaged that the personnel will be divided into teams related to the main areas of work, such as: occupational safety and health, training and education, bargaining and labour law, union governance and infrastructure, workplace contact and documentation unit, and a campaign unit.

All the staff for the WRCs will be local/ national employees. The project will cover the initial costing for the setting up of the WRCs, and the salary of its personnel until proper transition and control is vested in its management and governance structures.
During the first year of operations, a sustainability plan will be developed and complementary resources (such as other donors’ funding) will be identified, until the WRC is able to be sustainably self-financed through membership dues and/or income earned from their services.

During the life of this project, funds would be made available to the workers’ organization/ trade union confederation in each year, upon the satisfactory meeting of relevant performance indicators and the work plan. The resources of the WRC will only be accessible to those RMG federations using an organising model and with a demonstrated record of organising in the RMG sector.

2.2. SDIR PRODOC PROJECT ACTIVITIES- WRC ESTABLISHMENT

In establishing WRCs, and in terms of its PRODOC, the SDIR project will undertake the following main activities:

i). Hold sectoral consultations at the national and local level in the targeted area on the mandate, structure and functions of the WRC with workers’ organization/trade union confederation;

ii). Design the operational model and the legal basis of the WRC, in consultation with workers’ organization/trade union confederation; and formulate the documentation and agreements required for its proper functioning, including a sustainability plan;

iii). Develop SOPs (Standard Operating Procedures) on the modalities of the functions and operations of the WRC and its governance in consultation with the workers’ organization/trade union confederation;

iv). Support the design, establishment and implementation of a call centre and immediate response unit, as part of the main WRC activities and functions;

v). In consultations with NCCWE and IBC affiliated federations and other groups of union, develop a diploma programme on labour laws, with the aim of creating a pool of paralegals for supporting, defending and pursuing cases at the conciliation services stages or at the arbitration stages or in labour courts;

vi). Recruit and train the required operational staff for the WRC;

vii). Support the NCCWE and IBC affiliated federations and other union federations in setting up the WRC and implementing its functions and services;

viii). Carry out semi-annual meetings of the workers’ organization/ trade union federation and the Advisory Committee;

ix). Identify and train a pool of 60 trainers to be certified trainers (these will also be used for some of the employers’ related training);
x). Using the trainers, carry out a comprehensive training programme for NCCWE, IBC affiliated federations, and other union federations on ILS with particular focus on the fundamental conventions, national legislation and the mechanisms for its enforcement, mechanisms for dispute prevention and resolution, union organization and skills to outreach to workers (with attention to women workers), negotiation and collective bargaining skills, workplace cooperation, etc.;

xi). Assist trade unions federations to develop an outreach and services plan to their members and to workers and support its implementation through the WRC, including a gender outreach and services plan;

xii). Develop and disseminate knowledge products of training modules and materials, and implement a trade unions communication strategy.

3. DELIVERABLES OF THE VENDOR/ SERVICE PROVIDER

To establish a physical resource centre of the WRC to be located in strategic parts of Dhaka and close to key RMG intensive areas, the SDIR project intends to appoint a vendor/ service provider to undertake the following:

i). Clearly define the physical specifications for the office space;

ii). Support the identification and securing of a suitable space, taking into consideration ease of accessibility, and user safety;

iii). Identify, design and budget for any alterations that may be required to the acquired space through a process of consultation;

iv). Manage the interior alterations, in line with the design, budgets and time frames.

<table>
<thead>
<tr>
<th>S/L</th>
<th>Specific Deliverables</th>
<th>No. of Working days required</th>
<th>Payment Schedule in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Clearly define the physical specifications for the office space and support the identification and securing of a suitable space, taking into consideration ease of accessibility, and user safety.</td>
<td>10</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>Identify, design and budget for any alterations that may be required to the acquired space.</td>
<td>10</td>
<td>35%</td>
</tr>
<tr>
<td>3</td>
<td>Manage the interior alterations, in line with the design, budgets and time frames.</td>
<td>20</td>
<td>45%</td>
</tr>
</tbody>
</table>
4. **WORKING ARRANGEMENT**

In undertaking the above work, the vendor will work under the guidance of the SDIR project’s Workers’ Activities Expert.

5. **DURATION/ TIMEFRAME**

The above deliverables are required within **40 days** of appointment, starting on **1 December 2016**.

6. **SUBMISSION OF QUOTATION AND SELECTION PROCESS**

The ILO invites for quotations from qualified firms having relevant experience in delivering similar services as mentioned in this Terms of Reference (TOR). Only a single technically responsive and financially viable vendor/service provider will be selected following ILO procurement rules/procedure on evaluation by an ILO team of professionals, and awarded with the contract for the expected deliverables and outputs as per the TOR.

**A. Eligibility Criteria: The vendor/service provider:**

1. Must have a minimum of 5 years of experience in carrying out similar services for private sector/public sector/international organizations or UN agencies.
2. Submit a company profile and technical proposal with an updated Curriculum Vitae (CV) of the lead consultant, and other members applicable.
3. The submission shall include a work plan, proposed rate of fee per workday of lead consultant and other members of his/her team applicable.

**B. REQUIRED EXPERTISE**

The lead consultant shall have the following qualifications and expertise:

1. **Education:** Degree in architecture.
2. **Experience of lead consultant:**
   
   More than five years’ experience in architecture.
   
   - Experience in building alterations.
   - Experience in managing building projects.
   - Budget management expertise.

**C. DOCUMENTS TO BE SUBMITTED:**

- Valid business registration certificate.
- Updated VAT and Tax certificate.
- Evidence of having overall minimum 5 years of experience of carrying out similar events for private sector/public sector/international organizations or UN agencies.
Evidence of having experience of successful completion of a minimum of two similar types of assignment within the last two years.

D. Evaluation Criteria:

The selection criteria will be as following (total point 100):

- Academic and professional profile of the team leader/lead consultant and relevant experience to carry out this assignment (40%);
- Previous experience in undertaking similar assignments - over the last five years (30%);
- Financial proposals - detailed breakdown of itemized costs plus consultant fees (30%).

7. SUBMISSION DEADLINE:

The submission shall be submitted by **30 November 2016 (04.30 pm Dhaka time)**

8. SUBMISSION OF PROPOSAL

The proposal shall be submitted in either hard copy or soft copy. The soft copy (electronic version) of the proposal (technical and financial in two separate files) shall be submitted to **rmgp-dhaka@ilo.org**. In the case of hard copy submissions, the technical and financial proposal shall be submitted in two separate sealed envelopes by the deadline. Envelopes must be addressed to:

**The Chief Technical Adviser- SDIR Project**
International Labour Organization (ILO)
RMG Project Office
House No. 16, Road No. 99, Gulshan 2, Dhaka 1212