



Terms of Reference: (Service Contract)

Background:

The project "Building Responsible Value Chains in Asia through the Promotion of Decent Work in Business Operations" is implemented in the context of an increasing demand on companies to respect human rights and labour rights in their operations and to promote respect for such rights in their supply chains, including by conducting due diligence. At the same time, there is recognition that many sustainability challenges and opportunities in supply chains relate to structural and systemic issues at the national level that requires collective action beyond what an individual company or the private sector can achieve on its own. The two-year project, funded by the Ministry of Economy, Trade and Industry of Japan, aims at putting in place supportive measures to accompany all enterprises' efforts to promote compliance with national law and respect for the principles of international standards, more specifically the fundamental principles and rights at work and to promote resilient, responsible and sustainable workplaces in supply chains in Asia.

Under the project's research component, a set of research has been conducted to collect good practices and business cases through engagement with constituents and businesses. Desk research on reports and deliverables from past ILO projects and programmes in Bangladesh was conducted on top of other relevant international and national studies with sector-specific and country-specific data and analysis. A series of interviews were conducted with constituents and the selected enterprises operating in Bangladesh to identify good practices as well as challenges and opportunities in the national context.

Scope of the Assignment:

As part of the project's research component, the consultant is expected to conduct a gap analysis between the international labour standards and Bangladesh's national laws and identify critical challenges of which multinational companies operating in Bangladesh should be aware when running businesses in line with internationally recognised standards. The ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (MNE Declaration) will be used as a framework which provides the 13 areas of analysis, such as Social security and the Elimination of forced labour. The Bangladesh national laws analysed in this study would include the Bangladesh Labour Act, 2006 (amended in 2018); Bangladesh Labour Rules, 2015; EPZ Labour Rules; Bangladesh EPZ labour Act, 2019. If the other law covers specific areas, the applicable national law should be analysed. For instance, the legal gap analysis surrounding the 'Elimination of forced or compulsory labour' would be conducted based on the Bangladesh Prevention and Suppression of Human Trafficking Act (PSHTA). The internationally recognised standards adopted in this research will be the ILO Conventions and Recommendations, the Guiding Principle on Business and Human Rights, the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (*MNE Declaration: MNED*), ILO Declaration on Fundamental Principles and Rights at Work and OECD due diligence guidelines. ILO-Tokyo conducted brief desk research mainly based on information available online and in English, and this consultancy will review and complement this desk research.

Key Tasks:

In this assignment, the consultant will undertake the following tasks:

1. Read the previous desk research and share a research plan with ILO-Tokyo research officer.
2. Identify and summarise critical gaps between Bangladesh's national laws and the international core labour standards and areas covered by the MNED. Share Draft 1 (legal gaps part) with the research officer for feedback and update the paper as necessary.
3. Identify and summarise significant decent work challenges in Bangladesh from the perspective of (through the lenses of) international core labour standards and the MNED including the challenges identified in the draft national action plan on the labour sector of Bangladesh: child labour, violence and harassment against workers, unfair labour practices and anti-union discrimination, low trade union registration rate, and backlog cases at labour courts.
4. Accumulate and summarise actual cases or provide objective numbers to demonstrate the seriousness of these decent work challenges where possible
5. Share Draft 2(decent work challenges parts) with the research officer for feedback and update the paper as necessary.
6. Provide the final report by combining the draft 1 and 2

Deliverables and Provisional Schedule:

The consultant is required to submit the following deliverables:

1. A full report that summarises major decent work challenges and critical gaps between Bangladesh's national laws and the international core labour standards
2. Abbreviated 4 pages summary to be included in the full report

Early-February: ILO Tokyo briefing

By 20th February: ILO Tokyo reviews the draft1

By 10th March: ILO Tokyo reviews the draft 2

By 31st March: Submission of Final deliverables

Contract Value and Payment:

Daily rate and number of working days to be suggested by consultant(s).

Qualifications and Experience:

- Legal background with knowledge of international labour standards, Bangladesh's national labour laws and relevant policies and regulations
- Experience in conducting legal research and drafting research papers in English
- Ability to read in Bengali

How to Apply

Interested candidates are requested to send their quotation with CV and a covering letter responding to the Terms of Reference and indicating rate/fees per day (in USD) and number of working days to Arisa Haboshi Email: haboshi-shibata@ilo.org by 25 January 2023 with a subject line: "Expression of Interest for Building Responsible Value Chains in Asia through the Promotion of Decent Work in Business Operations Research".