



Terms of Reference

External Collaborator Contract for Research and Writing of 'Forced Labour Policy Brief' for the Ship to Shore Rights Project and Responsible Supply Chains in Asia Programme (Readvertised)

Background

The European Union-funded Ship to Shore Rights Project (Combatting Unacceptable Forms of Work in the Fishing and Seafood Industry) aims to prevent and reduce forced labour, child labour and other unacceptable forms of work, and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors. The Project covers four specific Objectives:

1. Strengthen the legal, policy and regulatory framework in the fishing and seafood processing sectors
2. Enhance the capacity of the Thai Government and labour inspectorates
3. Improve implementation of the Good Labour Practices (GLP) Programme
4. Support workers (including children) services by trade unions and civil society organizations

Under Objective 1, the Ship to Shore Project has provided technical support to the Thai government in ratifying the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (P29). Following the ratification, the drafting of a new national legislation is now in process. To be able to provide continued technical assistance to the Thai government on forced labour issues, it is essential that the Project obtain a technical policy brief that could help bridge the understanding gap of forced labour in the Thai context.

In addition, the Responsible Supply Chains in Asia (RSCA) Project, conducted by the ILO and Organisation for Economic Co-operation and Development (OECD), and financed by the EU, also requires a technical briefing on the policy gaps and necessary alignments to address the risks related to forced labour and trafficking. The RSCA Project aims at contributing to an enhanced respect for human rights, labour and environmental standards by businesses engaged in supply chains in Asia, including Thailand, in line with international instruments on Corporate Social Responsibility (CSR), Responsible Business Conduct (RBC) and Business and Human Rights.

Under the policy advocacy component (THA C5), the RSCA Project is required to build-on ongoing ILO activities in Thailand (in this case, the Ship to Shore Rights Project) and produce a technical policy briefing on forced labour that will be presented in the EU-ILO-OECD policy dialogue on forced labour/trafficking, scheduled in Q1 of 2020.

Objective

In support of these activities, the Projects propose to select an external collaborator with legal expertise to produce a policy brief on forced labour and trafficking, the policy gaps between P29 international standard and the Thai forced labour context, and the necessary alignments to address and decrease risks related to forced labour/trafficking.

Scope of Work

To produce a forced labour and trafficking policy brief to be used as a tool for policy makers, employers, workers and civil societies to help them understand forced labour issues, relevant laws, and government policies in Thailand, and provide guidelines for future policy dialogues amongst the relevant stakeholders.

The policy brief shall cover the following key components and other issues based on discussion with the consultant:

1. Forced labour and its linkage to human trafficking.
 - 1.1. ILO conventions and protocols related to forced labour and forced labour indicators.
 - 1.2. Relevant Thai laws, policies and measures, including the subordinate laws of Anti-Human Trafficking Act (currently in the drafting process).

2. Brief examples of forced labour cases in Thailand which can illustrate diverse type of cases, including:
 - 2.1. Victims who can be Thai and migrant workers,
 - 2.2. Employers in different sectors (i.e., fishery, poultry, agriculture, domestic work, work in factories in general, and if appropriate, work in the public sector), and
 - 2.3. The degree of severity (i.e., with and without physical harm). If possible, the brief should present a case about fixed overtime that amounted to forced labour.
3. Policy gaps and that necessary alignments to address and decrease the risks related to forced labour/trafficking.
4. Recommendations addressing governments and businesses, including:
 - 4.1. The support from government to enterprises in conducting due diligence to identify and address human rights risks associated with workers, including migrant workers.
 - 4.2. Practical steps and tools for businesses to conduct due diligence processes.

Expected Deliverables

Forced labour and trafficking policy brief in English (minimum 4 pages) and translated into Thai with high-quality translations.

Contract Supervision

The National Project Officers, with the support of a Programme/Project manager will provide day-to-day supervision of the contract. Technical supervision as required will be provided by the ILO DWT Senior Specialist on Fundamental Principles and Rights at Work and Senior Specialist on International Labour Standard and Labour Law, the International Labour Standards Department (NORMES), Fundamental Principles and Rights at Work (FUNDAMENTALS) Branch.

Period of the Contract

The duration of this external collaboration contract is for **10 days**, between 9 - 20 December, 2019.

Budget

The total amount of the cost envisaged for this assignment will be a total of **10 days** multiply by the agreed daily rate of the external collaborator, all included.

Payment

The payment of 100% will be made upon submission of the final forced labour and trafficking policy brief to the satisfaction of the ILO.

Terms and Conditions

The external collaborator is advised to obtain insurance coverage at his/her own expenses, for sickness, accident, or temporary disability, death and third party risk covering the entire duration of the assignment. The ILO cannot accept responsibility or liability for such contingencies.

Qualifications and experience

This call for proposals would welcome an external collaborator who can meet the following experience and skills to be able to perform the tasks of the TOR:

- Advanced education (PhD or Masters) in labour laws and policies, development, social science, or related field.
- Knowledge and understanding of the broad range of ILO's instruments/tools.
- Proven experience in conducting policy brief, research and technical consultancy.
- Demonstrated ability to write analytical reports and present in English.

*Interested individuals are invited to send CV, previous work samples and proposed daily rate to Vasu Thirasak and Chayanich Thamparipattra at thirasak@ilquest.org and Thamparipattra@ilo.org **by 29 November 2019**.*