Terms of Reference

National Consultant to develop a practical guide on the employment rights for Konfederasaun Sindikatu Timor-Leste (KSTL) in Timor-Leste

I. Objective

To develop a brief summary of Timor-Leste Labour Code into a practical guide on the employment rights, including the details of concrete procedures involve in each specific employment right as part of guidance for workers through KSTL in Timor-Leste.

II. Background

After Timor-Leste got independent in 2002, the first government of Timor-Leste adopted United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 2002/05 as the Labour Code to govern labour relation in the country. In the light of this Regulation, in 2012 Timor-Leste approved its own Labour Code namely the Law No.4, 2012. This Labour Code sets legal framework for workers, employers and respective organizations in the activity all sectors in Timor-Leste. The scope of application of this labour code is excluding the civil servants, armed forces and police, and domestic workers. Armed force and police force shall be determined by national laws or regulations, while domestic work is regulated by special legislation[1]. This Labour code recognizes the right to equal opportunities and treatment in access to employment, vocational training and professional development, working conditions and remuneration as fundamental principles to all workers, men and women[2].

In support to the implementation of Timor-Leste Labour Code, and Timor-Leste's broader commitments to decent work, there has been a variety of efforts to promote decent work agenda by different stakeholders, including the Government, Workers and Businesses organizations. Different institutions and actors have also taken steps to raise the visibility and promote actions to decent work agenda for all. ILO in Timor-Leste continues to support its constituents to develop new Decent Work Country Programme for Timor-Leste (DWCP) jointly with SEFOPE, CCI-TL and KSTL for the period of 2022-2025, continuing the progress made under the previous DWCP Timor-Leste 2016-2021. These complement ILO's ongoing support to SEFOPE, CCITL and KSTL in their role leading the implementation of Labour Code Law No.4, 2012, to promote peaceful and fruitful condition for economic growth and diversification.

Konfederasaun Sindikatu Timor-Leste (KSTL) is one of the key constituents representing Workers' organization in Timor-Leste. It is the umbrella for 7 affiliated syndicates and has been actively involved in various interventions in advocating the rights of workers in Timor-Leste, including policy discussions, and about 30 recommendations made by the KSTL were incorporated into the 2012 Labour law[3]. In line with the fundamental principles of 2012 Labour Code, KSTL has taken many steps to ensure protection of employment rights and actively participate in conflict prevention advocacy, social dialogue and many other capacity developments for its structure and members.

Despite the above commitment and efforts, Timor-Leste also encountered number of development challenges and gets more complex after COVID-19 pandemic hit the source of its economy. It has a significant effect on the jobs, livelihoods and well-being of workers and their families and on enterprises across Timor-Leste. Both businesses and workers have suffered and, in the process, there is increasing number of labour disputes. An Assessment on Socio-Economic Impact of COVID-19 in

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[1] Timor-Leste Labour Code No. 4/2012: article 2

[2] Timor-Leste Labour Code No. 4/2012: article 6

[3] Enabling Environment for Sustainable Enterprises in Timor-Leste, 2016: http://www.oit.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_611066.pdf

Timor-Leste shows that almost 59 percent of people who had an income prior to the crisis, had lost it during the State of Emergency period. Similarly, at least 81 percent of the Micro-small and medium-sized enterprises (MSMEs) reported a varying loss of earnings[4]. Along with this, the capacity to understand and implement the Labour Law is remain as challenge. The absence of clear guidance to support the implementation of law opens big space for constituents to interpret based on its own interest, which may lead to various implications of misinterpretation. As result, the solution for conflicts arise in workplace are not always settled in accordance the principle of good faith but rather refer the cases to the third party for mediation and to consider and make judgement in the arbitration and court. Some labour disputes is now being piled up and overburdened civil courts.

Understanding the above challenges and building on the contribution and commitment to the enforcement of Labour Law in Timor-Leste, ILO in collaboration with KSTL is seeking to hire a national consultant to develop a brief summary of Timor-Leste Labour Code into a practical guide on the employment rights, including the details of concrete procedures involve in each specific employment right as part of guidance for workers in Timor-Leste.

III. Scope of work and tasks

The national consultant is expected to undertake the following tasks:

1. Conduct a deep analysis of Labour Code No.4, 2012 on employment rights and present to ILO and KSTL for feedback, the draft outline of practical guide, including the outline of concrete procedures involve in each specific employment rights.
2. Develop draft practical guide based on feedback from ILO and KSTL
3. Conduct consultation with KSTL, ILO and other relevant partners, example government for feedbacks or inputs to the draft of practical guide and adjust it as relevant.
4. Finalize the guide based on feedback received

IV. Timeframe

The work described will be undertaken over 25 days between March - May 2022. The outputs are to be delivered on the following schedule:

#	Deliverables	Indicative Deadline
1	Detailed consultancy activity plan agreed upon with ILO, and the **proposed outline structure of practical guide**, based on consultations with ILO and KSTL (5 days);	March 15, 2022
2	Draft practical guide of the employment rights is submitted for consultation and feedback, which include the concrete procedures involve in each specific employment right as part of guidance for workers (15).	April 18, 2022
3	Revised version of the practical guide is submitted (5).	May 31, 2022

All the deliverables, including annexes, notes and reports should be submitted in writing in English. Upon receipt of the deliverables and prior to the payment of each deliverables, all documents will be reviewed and approved by ILO.

V. Inputs

- ILO will provide the Consultant with background materials relevant to the assignment and identify stakeholders to be consulted and facilitate the linkages with the KSTL.

[4] https://www.tl.undp.org/content/timor_leste/en/home/library/poverty/socio-economic-impact-assessment-of-covid-19-in-timor-leste.html

- The Consultant is expected to work using his/ her own computer.

VI. Required experience and qualifications

The Consultant should fulfil the following requirements:

1. **Education:**
   Bachelor's degree in law
2. **Experience:**
   - At least 3 years of experience in the field of employment rights, conflict resolution and social dialogue, or human rights.
   - Previous proven experience in developing practical guidance, etc. for company or organization.

VII. Language and other skills:

- Excellent communication and presentation skills
- Proficiency in oral and written English and Tetun
- Knowledge of Portuguese or Indonesian is an advantage
- Computer literacy and ability to effectively use office technology equipment, Internet and email.

VIII. Submission of application

Interested candidates are requested to submit the electronic application including CV to **gomesj@ilo.org or ILO office, Caicoli** no later than 28 February 2022.