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PROTECT

Protection of the Rights of Women and Children in Labour Migration
Project (PROTECT) is a joint project implemented by ILO, UN Women,
UNICEF and UNODC, funded by the EU.

REQUEST FOR PROPOSAL (RFP)

Ensuring Decent Work and Reducing Vulnerabilities for Women and Children in the Context of Labour Migration in Southeast Asia (PROTECT)

Series of Capacity Building on Gender Responsiveness Fair Recruitment and Labour Inspection to Improve Rights Protection of Women Migrant Worker

(Indonesia – Malaysia Corridor)

3rd week of September – 3rd week of November 2024

*The ILO Country Office for Indonesia and Timor Leste is seeking Proposal from NGOs or Not for Profit Institutions
to support in Series of Capacity Building on Gender Responsiveness Fair Recruitment and Labour Inspection*



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Background

Ensuring Decent Work and Reducing Vulnerabilities for Women and Children in the Context of Labour Migration in Southeast Asia) is a three-year (2024-2026) EU funded project implemented by the ILO, UN Women, UNICEF and UNODC, led by the ILO Regional Office for Asia and the Pacific in Bangkok. In Indonesia, the PROTECT project is implemented by the ILO and UNODC to promote decent work, while reducing the vulnerabilities of women and children in the context of labour migration, in particular through preventing and responding to violence against women and children, human trafficking and migrant smuggling.

Women's labour migration makes broad positive contributions to economic, social and human development both countries of origin and destination, including to social protection. 61% from total Indonesian migrant worker are women and majority employed as domestic worker an occupation that is not covered by labour laws in many countries of destination. The top three destination countries within three years period 2021-2023 are Hong Kong SAR, Taiwan, and Malaysia (BP2MI Data, 2023).

Women migrant workers, particularly those in the informal sector, are at risk of violence, trafficking, sexual harassment, labour violation and unpaid work. Gender-responsive labour migration policies and management in ASEAN will make a significant difference to the living and working conditions of migrant workers and their families.

Most of Indonesian women migrant workers are from poor rural areas, and lack of access to basic services, authoritative information and pre-employment migration services. Labour migration needs to be an informed choice; however, many Indonesian women migrant workers get their information from brokers. Most of women migrant worker do not have a full understanding of their labour rights, as well as the recruitment processes, costs and labour migration requirements in Indonesia and in the destination countries. Migration costs can be high for primary-skilled migrant workers.

Recruitment issues have emerged as one of the most important factors in labour migration, with major efforts at the international level to ensure fair recruitment. Public and private employment agencies play an important role in the effective functioning of labour markets globally. Various studies report the widespread of exploitation and ill-treatment of migrant workers in connection with the operation of Private Recruitment Agencies. Fraudulent practices at the recruitment stage includes debt bondage linked to payment by primary-skilled migrant workers of excessive recruitment fees and related costs and provision of false information about the nature, pay and conditions of work, often leading to detrimental contract substitution and human trafficking for labour exploitation.

The newest study conducted by ITUC and Federation of Informal and Migrant Worker Union, KSBSI shows that Indonesian migrant workers continue to pay exorbitant fees and costs for overseas placement despite an existing government regulation on zero-cost recruitment. Further, worker also shared that they had difficulties understanding the contractual documents for employment as well financial loan. Additionally, there is no standard employment contract for migrant domestic workers. Laws and standards relating to recruitment often fall short of protecting workers, especially migrant workers. Even when laws exist, implementation and enforcement are often weak.



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The accompanying Recommendation 203 of the Forced Labour Protocol 2014¹ urges the member states to eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion. The ILO Private Employment Agencies Convention 181 (1997) and especially the ILO's General principles and operational guidelines for fair recruitment (2016) states that governments should ensure that bilateral and/or multilateral agreements on labour migration include mechanisms for oversight of recruitment of migrant workers that are consistent with internationally recognized human rights, including fundamental principles and rights at work, and other relevant international labour standards.

Origin and destination countries should adopt all necessary and appropriate measures to provide adequate protection for and prevent abuses of migrant workers recruited or placed by private employment agencies or labour recruiters. The ILO's General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs (2019) will guide the stakeholders in recognizing the needs of migrant workers, and developing effective labour protections that are consistent with international labour standards.

Recent improvements made by Government of Indonesia in their labour migration regulation, through the issuance of Law No 18/2017 on the Protection of Indonesia Migrant Worker. The law calls for governments to enhance coordination at different levels of government and key stakeholders in providing support to migrant workers protection and empowerment. The law also specifically calls to a strong bilateral agreement which addressed effective international cooperation, gender-responsive labour migration governance and protection of the rights of migrant workers. The provisions of Law 18/17 also mandate the government to enhance fair recruitment and labour inspection on placement and protection of Indonesia Migrant Worker.

In Indonesia there are 400 licensed Private Placement Agencies (PrEAS). Government of Indonesia have commitment to enhance the inspection, registration, licensing and monitoring of Private Placement Agency with a focus on actionable interventions that will ensure their services will protect all workers' rights and efficiently inform and respond to employment policies and labour market needs. The private placement agency that applies for recruitment licenses must have an adequate knowledge and experience in management, have no previous record of misconduct; and possess adequate financial resources to invest in the business. It is requiring a collective commitment and effort to ensure that the recruitment and placement practices in Indonesia are transparent, effectively regulated, monitored and enforced.

The ILO in partnership with Ministry of Manpower (MoM) and the Migrant Workers Network (JBM) developed a Technical Guideline on Gender-Responsive Provision of Services and Protection for Indonesian Migrant Workers. Gender responsive technical guidelines in implementing the Act 18/2017 on Protection of the Indonesian Migrant Workers (in Bahasa Indonesia) | International Labour Organization (ilo.org) included a Code of Conduct for Private Placement Agency which guided by the ILO's General Principles and Operational Guidelines for Fair Recruitment, which will be integrated into a policy.

¹ The project "From Protocol to Practice: A Bridge to Global Action on Forced Labour" (Bridge) will also provide funding support to the survey and the dissemination of its results.



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To address the issues above and build the capacity of government, labour inspector, private sector partners, private placement agencies, and workers' organizations in applying code of conduct, gender responsiveness fair recruitment, labour inspection, and provide gender responsiveness support services that address the needs of women migrant workers, the ILO in partnership with Ministry of Manpower will conduct series of capacity building training on Gender Responsiveness Fair Recruitment and Labour Inspection to Improve the Rights Protection of Indonesian Migrant Worker, especially women migrating into Malaysia (Indonesia – Malaysia Corridor). As a series of training activities, the ILO will conduct a rapid mapping and need assessment to improve the regulation and practice on fair recruitment and labour inspection, especially in the Indonesia – Malaysia corridor, specifically in the district that having high number women migrating to Malaysia to work in care and manufacture sector such as: East Nusa Tenggara, North Sumatera, Lampung, West Java and East Java.

More specifically, this programme activities will feed into the following PROTECT target outputs:

Output 1.1.1 Assist governments in drafting policies and legislations in the context of fair recruitment, decent working conditions and adequate housing, violence and harassment in the world of work, gender-responsive employment contracts, migrant-inclusive emergency preparedness and response, and bilateral labour agreements and MOUs on labour migration.

Output 1.1.3 Knowledge products and technical briefs on priority legal and policy interventions including review of recruitment fees and related costs (SDG 10.7.1), sector-specific working conditions (including domestic and care work, construction, and hospitality).

Output 2.1.2 Fair recruitment due diligence tool kit is introduced among employers. Develop toolkits and knowledge products to build the capacity

Output 2.1.3 multi-disciplinary workshops, and development of guidelines, on gender-responsive labour inspection, systems and protocols, with particular focus on women migrant workers.

The implementation of this programme will apply a multi-stakeholder's partnership: government, employer, private placement agency and trade union/migrant worker representative. The PROTECT Programme seeks the services of a, NGOs or Not for Profit Institutions to undertake the Gender Responsiveness Fair Recruitment and Labour Inspection to Improve the Rights Protection of Indonesian Migrant Worker, the work will be undertaken through the direct supervision and guidance of the Ministry of Manpower and National Programme Coordinator of ILO PROTECT Indonesia.

Objectives

The main objective of this initiative is to improve the gender responsiveness policies and services of government and private placement agencies to address the needs of women migrant worker, include fair recruitment and labour inspection. Specific objective of this programme is:

1. To conduct a Tripartite Plus participatory FGD in mapping and analysing the gap between policies and practices for gender responsiveness fair recruitment and labour inspection in Indonesia include the practical Tripartite Plus recommendation, prioritizing which is the most needed improvement for effective implementation of the fair recruitment and labour inspection.
2. To organize a two-day training programme and build capacity of 150 participants (40% Women) from government, private placement agency and migrant workers representative on gender responsive fair recruitment, code of conduct, and labour inspection to address the needs of women migrant and mitigating the forced labour, violence, abuse and trafficking in person;
3. To conduct a one-day workshop and facilitate knowledge sharing 100 participants (40% women) from government, APINDO, private placement agency, trade union and key stakeholders on the main concepts related to gender responsiveness fair recruitment, Coode of Conduct, support services to



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prevent and handle violence against women migrant worker as well as improving labour inspection system to improve rights protection of Indonesia Migrant Worker;

4. To improve knowledge and operationalization of the labour inspection check list and fair recruitment due diligence tool kit to 100 participants (40% women) from government, private placement agency and key stakeholders which developed by the ILO, Ministry of Manpower, or other relevant partners such as ACMW and APINDO (Indonesia Employers Organization).

The interventions will entail:

- Finalization and institutionalization of the Ministry of Manpower - ILO Labour Inspection guideline and check list on placement and protection of Indonesia Migrant Worker
- Strengthening the role and capacity of local government and all the key actor on the placement of Indonesia migrant worker
- Awareness raising and training for the subnational government officials on the fair recruitment and labour inspection, include granting permit process and sanction.
- Capacity building training for private placement agency, introducing due diligence tool, and institutionalization for code of conduct (continuation Safe and Fair gender guidelines).
- Capacity building training for Labour inspector on the inspection system and protocol particularly focus on women migrant worker.

Outputs

1. A one day Tripartite Plus participatory FGD conducted, a gap between policies and practices for gender responsiveness fair recruitment and Labour Inspection in Indonesia identified and a practical Tripartite Plus recommendation for effective implementation of the fair recruitment and labour inspection is developed
2. A two-day series training programme conducted and built capacity of 150 participants (40% Women) from government, private placement agency and migrant workers representative on gender responsive fair recruitment, code of conduct, and labour inspection to address the needs of women migrant and mitigating the forced labour, violence, abuse and trafficking in person;
3. A one-day workshop and knowledge sharing conducted and improved knowledge of 100 participants (40% women) from government, APINDO, private placement agency, trade union and key stakeholders on the main concepts related to gender responsiveness fair recruitment, Code of Conduct, support services to prevent and handle violence against women migrant worker as well as improving labour inspection system to improve rights protection of Indonesia Migrant Worker;
4. Knowledge and capacity of 100 participants (40% women) from labour inspector and key stakeholders improved on operationalization of the labour inspection check list and fair recruitment due diligence tool kit. The activity will be utilized or contextualized the existing due diligence tools which developed by the ILO, Ministry of Manpower, or other relevant partners such as ACMW and APINDO (Indonesia Employers Organization).

Target Participants and Areas

- The participants are key government ministries, labour inspector, private placement agency and migrant worker representative, especially from potential districts that having high numbers of women working in Malaysia both of domestic and manufacture sector, e.g. East Nusa Tenggara, North Sumatera, Lampung, West Java and East Java.
- The participants of the labour inspection system training will be prioritizing to the labour inspector and relevant key government with inspection mechanism (immigration, BP2MI, Ministry of foreign Affairs, licensing authorities, etc)
- The total of Private Placement Agency in Indonesia is 400 PREAs, the training will be targeted 100 private agencies that fit with criteria which develop by the ILO and government.



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- Areas of the training expect to be conducted in Jakarta, Bogor, or the targeted district (will be adjusted with the budget availability)

Description of Assignment

The selected organization is expected to carry out the following tasks and responsibilities in close consultation with ILO:

- Submit a detailed proposal of a design strategy for each activity in achieving the expected outputs (including ethical considerations), along with a work plan, budget, and simple log frame, team composition (number and profile of the person)
- Conduct a rapid mapping and needs assessment on the existing policies and gap between policies and practices for gender responsiveness fair recruitment and Labour Inspection in Indonesia include the practical Tripartite Plus recommendation, prioritizing which is the most needed.
- In-depth analysis leading to a prioritization of interventions for the improvement for effective implementation of gender responsiveness the fair recruitment and labour inspection Prepare the key questions and guideline for the participatory FGD and Workshop. (align with the result from the mapping)
- Design and develop a training and seminar programme as well the strategy to encourage participants to implement and adopt the code of conduct and relevant tools. Prepare a pre-post training and evaluation by participants for each activity.
- Engage partnership with APINDO, Ministry of Manpower, Trade Union, and Key relevant stakeholders to jointly conduct the training for private placement agencies and other strategic activities.
- Convene technical reviews and validation meetings of the draft guidelines and labour inspection checklist
- Submit a draft report summarizing results and findings from of all activities and key inputs from stakeholders
- The final report should incorporate comments from ILO and inputs from the consultation and validation meetings.
- Submit the final report and guideline to ILO in Bahasa Indonesia.

Deliverable and Timeline

The task is expected to be completed within a period of three (3) months from the date of contract signing. Applying organisations should propose a realistic work plan, budget and log frame.



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Selection Criteria

Applying organisations must have:

- Proven expertise and extensive working experience on labour migration, gender mainstreaming policy advocacy, design and deliver a training programme to government, private placement agency and social partners, developing gender-responsive guidelines on labour migration issues, include safe migration, fair recruitment, labour inspection, code of conduct for private placement agency, developing policy brief, conducting policy advocacy and any area on the protection of Indonesia Migrant Worker.
- Team members who have minimum 7 years of expertise, knowledge and extensive working experience in research, policy advocacy, policy development, training, facilitation relate with gender studies, fair recruitment, labour inspection and labour migration issues.
- Team members who have minimum a first level university degree, advanced university preferably in Labour studies, Law, Economic, Political Sciences, Development Studies Social Sciences or related field is required.

Application Procedure

Interested organizations may submit their expressions of interest, demonstrated competency and quotations for the assignment. Applying organisations must include the following:

- One page description of the organization (could also be web link or brochure).
- A list of previous relevant work experiences, specifically in the areas of gender, labour migration, fair recruitment, labour inspection, private sectors issues, policy analysis, developing policy brief, conducting policy advocacy, private sector engagement, providing training workshop, and conducting multistakeholder interviews.
- A detail technical proposal containing a methodology, design strategy for each activity in achieving the expected outputs (including ethical considerations), along with a work plan, budget, and simple log frame, team composition (number and profile of the person)
- All CVs of the personnel/experts involved in this assignment.
- A separate financial proposal in a sealed envelope with all inclusive (administrative and logistics cost) and itemized unit cost

Hiring Process

Proposals should include the (i) Technical Proposal, (ii) Financial Proposal, (iii) CVs of Experts proposed in the Team (with contact details)

The selection criteria will be as follows:

- Organizational Capacity (20%).
- Past experience and expertise, especially specifically in the areas of gender, labour migration, fair recruitment, labour inspection, private sectors issues, policy analysis, developing policy brief, conducting policy advocacy, private sector engagement, providing training workshop, and conducting multistakeholder interviews; (30%).
- Methodology (20%).
- Financial proposals (in a separate envelop) (30%).



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Submitted proposals will be evaluated by the ILO. The ILO may accept or reject any proposal without any obligation of justification, bearing in mind the interest of the ILO.

The deadline to submit proposals (RFP) for the consultancy is by close of business on Sunday, 08 September 2024 COB sent with the subject header "Application for the PRO-fair recruitment" to the following address:

"Kantor ILO Jakarta

Menara Thamrin Level 22 Jl. MH Thamrin Kav 3

Jakarta 10250, INDONESIA"

In addition, please kindly submit soft copies of the proposal to hrdjkt@ilo.org and surya@ilo.org with Application PRO-fair recruitment" as the subject of your email by the given deadline. If submitting soft copies, the financial proposal should be a separate file with password protection. Password should only be provided to ILO when requested.

For any further information and queries please email to Sinthia Harkrisnowo, National Project Coordinator Indonesia, PROTECT INDONESIA, ILO, sinthia@ilo.org