

## Terms of Reference

### Support the development of labour dispute related regulations and training programme for Mongolia

#### 1. Background

##### **New labour law**

The Parliament of Mongolia has approved the revision of the Labour Law on 2 July 2021. The new (revised) Labour Law, having been published in the government gazette comes into effect from 1 January 2022. This concludes more than a decade of effort, on-and-off and at times concerted efforts, involving many rounds of drafts, and work of many dedicated bodies involving the Ministry of Labour, social partners, the Parliament, and experts and civil society, and engagement by the ILO.

The new Labour Law introduces numerous changes, including, in particular, new provisions for labour dispute resolution. In connection with this, major changes in the procedures and mechanisms/institutions for the resolution of various types of labour disputes will be made.

At the request of the Ministry of Labour and Social Protection (MLSP) in developing 6 regulatory documents in the labour dispute resolution, by the end of 2021, the ILO and EU funded two projects, “Promoting formal employment for inclusive and diversified economic growth in Mongolia” (MNG/18/01/RBS) and Sustaining Strengthened National Capacities to Improve ILS Compliance and Reporting in Mongolia– Trade for Decent Work (GLO/18/30/EUR), has supported the development of the following 4 draft regulations with support of a team of international consultant and the national consultancy team:

- Draft regulation of the Tripartite Labour Rights Dispute Settlement Committee (at the soum and district level)
- Draft regulation of the Labour Rights Dispute Settlement Commission (at the enterprise level)
- Draft regulation of Labour interest dispute resolution through mediation; and Regulation of Labour arbitration,

There remain further regulatory instruments to be developed:

- Code of conduct for mediators and arbitrators

(147.3. The Cabinet shall adopt regulations on settlement of labour interest disputes through labour mediation and approve rules of labour arbitration respectively. The National Committee shall adopt codes of conduct for labour mediators and labour arbitrators respectively.)

The remaining regulatory instruments need to be prepared by the MLSP for authoritative action by the Cabinet and/or the National Committee. The MLSP has requested the ILO to continue to provide support in this work.

Presently, the Tripartite Labour Rights Dispute Settlement Committee regulation was approved by the National Tripartite Committee for Labour and Social Consensus on the 10<sup>th</sup> of February 2022, and other draft regulations are submitted by the MLSP for the Government cabinet meeting for further endorsement and approval.

As new institutions, procedures, and mechanisms are established by the revised Labour Law, when these regulations have started to be implemented, it will be critical to support the persons who will work as the mediators, arbitrators, and members of the Tripartite Labour Rights Dispute Settlement Committees, and the local labour administration office personnel who have the responsibility to manage, administer, and coordinate the various procedures, mechanisms, and practitioners to develop good knowledge and expertise and operational requirements.

## **2. Objective of the assignment**

The objective of this consultancy is to support the development of two remaining draft regulations on the code of conduct for labour arbiters and mediators and a training programme.

For this purpose, a team of consultants (an international expert consultant and a local consultancy team/firm composed of national experts) will be recruited and will work together to coordinate their activities and achieve the objective of this consultation.

## **3. Scope of the work**

Under the overall technical guidance of the ILO Senior Specialist on International Labour Standard and Labour Law in Bangkok and Senior Specialist on Social Dialogue and Industrial Relations in Beijing, the consultants will be tasked to develop two remaining draft regulations, and develop the basic training programme and modules for the “practitioners” of the dispute resolution bodies, within the timeframe detailed below.

This activity will be carried out in close collaboration with the Ministry of Labour and Social Protection, the tripartite working group and the ILO. The work of the consultants will be reviewed by the Tripartite Working Group for final adoption.

Under the technical guidance and leadership of the international consultant, the national consultancy team will perform the following tasks:

- ▶ Support and finalise the drafting of two regulations (preparing an initial draft for discussion) by the international consultant in coordination with the MLSP and the ILO:
  - Code of conduct/ethics for mediators and arbitrators;
- ▶ Support technical exchanges between the international consultant, the Ministry, the tripartite working group and national stakeholders;
- ▶ Support international consultant to design the capacity training programme and organise pilot training (s) and prepare training report;
- ▶ Provide interpretation and translation of documents as required;
- ▶ Ensure the quality and accuracy of the draft and final documents, in the Mongolian language, including draft regulations and training programme.

The national consultancy team will use the most appropriate ways of organising meetings, consultation and training strictly following practices in compliance with the COVID-19 related rules and regulations of the government or local authorities.

## **4. Deliverables and expected timelines:**

- ▶ Output 1 – Support and written inputs including the interpretation and written translation of documents in the process of elaboration of codes of conduct and a training programme by the international consultant as required throughout the contract period with the final deadline of **20 April 2022** (15 days)
- ▶ Output 2 – Finalise the content of the capacity building training programme including various training modules developed by the international consultant, this will include a review of the content and adaptation of the content into Mongolian, to be delivered **19 April 2022** (15 days)

Capacity building training programmes and training modules will address the needs of each group of persons working in the various aspects of the new labour dispute resolution system, such as:

- Labour administration office in charge of managing the various aspects of the labour dispute resolution mechanisms
- Labour mediators, labour arbitrators
- Members of the local Tripartite Labour Rights Dispute Settlement Committee (who will actually preside over the “conciliation” procedure and the “decision” procedure)
- Members of the company-level Labour Dispute Settlement Commission

The training programme may consist of a number of “modules” focusing on, but, not limited to, some specific aspects and procedures, such as, “case management”, “conciliation work”, “decision work”; and the different “institutions”, such as the Tripartite Labour Rights Dispute Resolution Commission, labour mediators, Labour Dispute Resolution Commission (a company-level mechanism), etc.

- ▶ Output 3 – Support international consultant on preparation, organisation, and execution (including presentations at sessions) of two pilot training, in consultation with MLSP and the ILO, to be delivered by **20 April 2022** (5 days)
- ▶ Output 4 – Contribution to the brief report to be prepared by the international consultant on two pilot training including recommendations for further improvements, and translation of the brief report in Mongolian to be delivered by **26 April 2022** (2 days)

## 5. Contract period and payment terms

One-time (100%) payment will be made at the completion of the contract.

## 6. Deadline

Application letter should be submitted together with information on the daily professional fee(s) and detailed CV(s) highlighting prior relevant experience. This must be submitted no later than 17 March 2022 to Trade for Decent Work project via email at [ulaanbaatar@ilo.org](mailto:ulaanbaatar@ilo.org).