

Terms of Reference (TOR)

Recruitment of a consultant to develop an industry level Child Labour Policy for the Tea Industry in Malawi

REF: ACCELERATING ACTION FOR THE ELIMINATION OF CHILD LABOUR IN SUPPLY CHAINS IN AFRICA [RAF/18/08/NLD]

March 2023

1. Introduction

“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”

Sustainable Development Goal Target 8.7

The ILO is implementing the ‘Accelerating action for the elimination of child labour in supply chains in Africa’ (ACCEL Africa) project [RAF/18/08/NLD] in Malawi. The Malawi component of the project has two inter-related overall outcomes: Policy, legal and institutional frameworks are improved and enforced to address child labour in global supply chains (Outcome 12); and innovative and evidence-based solutions that address the root causes of child labour in supply chains are institutionalized (Outcome 13). In Malawi, the project is focusing on tea and coffee supply chains in five districts: Chitipa, Mulanje, Mzimba, Ntchisi and Thyolo.

The project strategy is based on the vast ILO experience in Malawi and globally in the elimination of child labour. Hence the project has employed an integrated area based and supply chain approach to sustainably accelerate the elimination of child labour, advance social justice and contribute to the global SDG 8.7 and national efforts. Thus, ACCEL is implemented in the context of Malawi’s second Decent Work Country Programme (DWCP-II, 2020 – 2023), aligned to Priority Area 2: ‘Ratification and application of international labour standards (ILS) and fundamental principles and rights at work (FPRW)’. The project has established several Implementation Agreements with selected institutions¹ to advance the project outcomes.

Because child labour has numerous root causes, it requires a diversity of solutions that engage stakeholders across private and public sectors, civil society, and communities both at national, regional and grass root levels. Thus, from 2020 the ILO has partnered with the Tea Association of

Malawi Ltd (TAML²) on the ACCEL Africa project to accelerate the elimination of child labour in tea supply chains in Malawi with a focus on smallholder tea-growing communities in the Thyolo and Mulanje districts.

The partnership calls for the need to address the root cause of child labour and advance decent work and social justice as mandated by the ILO. This is strengthened by TAML's recognition that children around the world are engaged in child labour, thus committing to ensuring that all of its member estates adhere to the established minimum standards of the agreed practice and conditions of employment and to reinforcing these standards, through policy. This is necessary for enhancing decent work and social justice at the workplace.

As a demonstration to their commitment and recognition of the decent work challenges, TAML It has further shown commitment and interest to develop an industry level child labour policy with the aim to sustain prevention and elimination efforts in the fight against child labour in the industry and uphold the rights of a child.

It is with this background the ACCEL Africa project seeks to support the Tea Association of Malawi through an External Collaboration contract. This is in line with Malawi's ACCEL Africa project outcome 1: 'Policy, legal and institutional frameworks are improved and enforced to address child labour in global supply chains' - Output 1.1. : Roadmap on child labour with prioritized actions in Tea and coffee Supply Chains developed in consultation with ILO constituents and key stakeholders and Output 1.3: Child labour policies, laws and regulations drafted and validated with key stakeholders in and the ratification and implementation of Fundamental and other relevant ILO Conventions is promoted.

Therefore, ACCEL intends to recruit a reputable expert with demonstrable experience (at least 3years) in child labour, child protection, labour policy and employment to develop a child labour policy for the tea industry.

2. Tea Association Background

TAML is the only association for employers in Malawi's tea sector and Malawi's second largest formal sector employer, employing over 60,000 workers on permanent and seasonal basis.³ TAML is also an affiliate of the Employers Consultative Association of Malawi (ECAM), which is an ILO constituent Employers' Organization (social partner). TAML, which was established in 1936 (originally named the Tea Association (Central Africa) Limited – TACAL) and was certified and incorporated under the Company Acts of 1908 and 1913, is a not-for-profit entity.

TAML's overall objective is to promote and protect the domestic and foreign tea trade carried out in Malawi. TAML has specific objectives to: Promote and protect home and foreign trade, commerce and manufacture and in particular in connection with the tea industry carried on in Malawi; promote and protect in all parts of the world the interests of the tea planting industry carried on in Malawi; promote or oppose legislative or other measures affecting such trade, commerce or manufacture; collect and

² TAML is a membership organization of tea companies, producers and processors that represent the interests of tea growers and producers (estates) in Malawi. its members buy tea from over 22,000 smallholder tea growers in Mulanje and Thyolo districts and employ over 60,000 workers on permanent and seasonal bases and is considered the second biggest formal employer.

³ See further, website of the Tea Association of Malawi (TAML), available at: <https://www.teamalawi.org>

circulate statistics and other information relation to such trade, commerce and manufacture and then provide easy access to information in the tea industry; promote the consideration and discussion of all questions affecting the tea industry and generally to watch over and protect all persons engaged in the tea industry; and act as arbitrator in the settlement of disputes arising out of commercial or other transactions among its members.

Therefore it is in this regard that the tea industry plans to develop a child labour policy to engage all actors, including business enterprises, to meet their obligations of ensuring the progressive elimination of all forms of child labour in their respective supply chains.

3. Objective of the assignment

The current terms of reference are for a consultant to support the Tea Association of Malawi to develop a child labour policy.

4. Scope of Assignment

Therefore, the consultant will be responsible for reviewing literature, consulting and developing a draft child labour policy that will be reviewed, validated and endorsed by tripartite stakeholders and others in the tea industry.

Therefore, the assignment is expected to:

1. Conduct desk review of national, global and industry level policy and legislative frameworks relevant to the child labour policy and ensure integration of issues in the policy being developed. This will also involve a review ILO international labour Standards that are core to accelerating child labour eliminating and improved compliance on human rights issues that include child labour.
2. Gap analysis of the policy environment that will enable the identification of existing opportunities and challenges in regards to the child labour policy, and further provide recommendations for the industry.
3. Consolidation (documentation) of industry issues and stakeholders' aspirations at national, industry and enterprise levels in the context of the child labour, that support the guiding principles for the elimination of child labour and overall draft policy.
4. Develop (draft) a measurable and time-bound tea sector child labour policy in line with National and global legislation and policy (C138, C182, Malawi employment Act, List of prohibition of hazardous work for children and other relevant industry level set standards and guidelines)
5. Incorporate comments from tripartite stakeholder consultations on the policies developed and submit to the ILO and Tea Association of Malawi for their approval.

5. Methodology

The Ex col is expected to undertake a policy Analysis and evidence driven informed decision making by using multiple methods of inquiry and argument to produce and transform policy-relevant information that may be utilised to resolve policy problems and demonstrate accountability, efficiency, and application. Hence the child labour policy is expected to be in line with Government policy outline and relevant policy frameworks.

In line with the above, the Ex Col will undertake a series of consultations with identified stakeholder, a list developed in collaboration with TAML that shall include and not limited, CSOs (Civil Society Organisations), Tea based Community Based Organizations (CBOs), National smallholder Tea Growers

farmers association, Ministry of labour, estates companies, Mulanje and Thyolo District council, MHRC (Malawi Human Rights Commission), ECAM (Employers Consultative Association of Malawi), etc. Ex Coll shall further identify priority areas in the development of the policy.

6. Deliverables/outputs

The External Collaborator will be responsible for the following deliverables:

Output	Description-Activities	Person effort	Deadline
Output 1: Policy Gap analysis report and desk report on findings and recommendations.			
	1.1. Desk review, key technical, strategic and policy documents, NAPs, and methodology framework. 1.2. Conduct gap analysis of the current policy by conducting stakeholder consultations	11 days	March 31 2023
Output 2: Draft Child Labour Policy developed.			
	1.2. Produce zero draft child labour policy for internal review by the ILO and TAML	4 days	April 7 2023
	1.3. Participate and facilitate one session of the social dialogue/validation meeting on the draft policy. This shall also include incorporation of the comments from the stakeholder and a report of the proceedings.	4 days	April 18 2023

Each deliverable will be submitted to ILO for discussion, review and approval.

7. Timeline

Within the context of this assignment, the ILO seeks services of a well-qualified consultant to work for a total for **19 person days** from **from 20th March 2023 to 18 April 2023**

8. Management Arrangement

Implementation of this contract will be overseen by the National Project coordinator of the ILO ACCEL Africa project, based in Lilongwe, Malawi in consultation with project CTA based in Abidjan and the Tea Association of Malawi. In additionl the consultant is expected to collaborate closely with the National Project Officer (NPO) in the management of the assignment and TAML gender officer to ensure capacity building and sustainability.

9. Required Qualification and Competencies

- Minimum qualification of a Masters degree in Social Sciences, law, economics, policy development, Development Studies, Social Work, or any relevant qualification.
- At Least 5 Years' work experience in child protection; child rights; and child labour issues and over all labour issues.
- Demonstrate a high-level competence in policy development and review, and documentation.
- Demonstrate excellent technical writing skills
- knowledge and understanding of child labour, child protection and gender equality in the world of work and global supply chains.

10. Application procedure

Interested candidates should send their proposal as an expressions of interest, CVs, two recent references, their fee rates, based on previous similar consultations undertaken in the past 3 years, and their availability, to **lusaka@ilo.org** with an email subject line reading "**Recruitment of A consultant to support the Tea Association of Malawi to develop a Child Labour Policy** " in the subject line of the email no later than 14 March 2023
