



TERMS OF REFERENCE FOR EXTERNAL COLLABORATOR International Labour Organization (ILO)

Technical Assistance to Develop and Draft The Bahamas National Policy for the Prevention and Elimination of Child Labour Policy (NCLP)

Background/ Context:

In 2016 and 2017 The Bahamas was a Beneficiary of the ILO-Brazil South-South Cooperation Programme of Support for Caribbean Members of the *Regional Initiative, Latin America and the Caribbean Free of Child Labour* (RI). In this context, a Rapid Assessment of child labour was done with the main purpose of describing and assessing the current child labour and youth employment situation in The Bahamas as a basis for planning of future project activities.

Given the absence of clear and specific statistics on child labour in The Bahamas, quantitative estimates on child labour used for the Rapid Assessment were derived from analysis of various other national statistics. Using these and other qualitative research methods, the Rapid Assessment concluded that the vast majority of economic activities performed by children in The Bahamas do not fall under the classic definitions of child labour as they are not hazardous or exploitative in nature. Further, most of these activities were undertaken exclusively after school hours, on weekends or during holidays and school breaks, so there was little impact on school attendance.

However, the study determined that there was still significant risk of child labour in the context of The Bahamas, based on the conditions associated with prevalent informal working arrangements and the lack of appropriate monitoring of these practices. High levels of poor academic performance coupled with a high youth unemployment rate (23.1% of persons 15-24 years) were also seen to be contributing to high levels of risk and vulnerability to child labour.

Similarly, there was deemed to be considerable risk for the worst forms of child labour (WFCL) even though statistics on WFCL are not systematically recorded in The Bahamas. An examination of records from the Ministry of Social Services showed that the reporting of child abuse was on the rise and interviews with social workers and community counsellors revealed cases of WFCL compounded with physical, sexual or emotional violence, abuse, neglect and exploitation. Though ranked as Tier 1 by the US Department of State Office to Monitor and Combat Trafficking in Persons (TIP) The Bahamas is still considered a source, destination, and transit country for children from other Caribbean countries, South and Central America, and Asia with regard to sex trafficking and forced labor, including domestic servitude and construction.

The recommendations submitted in the report of the Rapid Assessment included a prompt for the resumption of processes to develop a national child labour policy, which should also specify the different roles and responsibilities of various national actors in the monitoring, prevention and rehabilitation of child labourers. It advised action for the harmonization of legal provisions to address existing discrepancies between national legislation and international standards. It also noted that, “a renewed effort to fight against child labour and WFCL would be stronger if a tripartite dialogue on the theme could constitute the backbone

of the adopted new strategies.” The Final Report and recommendations of the Rapid Assessment were accepted and fully endorsed by the National Tripartite Council (NTC).

In November 2017 at the IV Global Conference on Child Labour in Argentina, the Government of The Bahamas, represented by the Honourable Minister of Labour, submitted an individual country pledge that, “the Government of The Commonwealth of The Bahamas in consultation with the National Tripartite Council and other social partners commits to take action to adopt a National Child Labour Policy to monitor, prevent, and report any cases of child labour.” This pledge, though non-binding, confirmed the commitment of The Bahamas to take action commensurate with the renewed global goal of eradicating child labour and eliminating all forms by 2025, as set out in [Sustainable Development Goal \(SDG\) Target 8.7](#). The decision to establish a national child labour policy for The Bahamas was further affirmed in the approved strategic plan of the NTC for the period 2018—2021. The ILO therefore intends to contract a consultant to assist the NTC and Ministry of Labour of The Bahamas with drafting the text of the national policy for the prevention and elimination of child labour, for the consideration and approval of the Government.

Objectives of the Consultancy:

The purpose of this consultancy is to provide technical assistance for the drafting of a national child labour (CL) policy for The Bahamas. The document produced will be submitted for the consideration and approval of the Cabinet in October 2019 and should include *inter alia*, the following elements:

- Definition of CL.
- Situational analysis of CL – risk, prevalence in The Bahamas.
- National legislation and other relevant child protection policies.
- Goals/ broad objectives of the CL policy (prevention, elimination) and specified areas of focus.
- Strategies to achieve the given objectives.
- Actions to be taken and desired outcomes.
- Roles and responsibilities of relevant national Ministries, Agencies, Workers’ and Employers’ Organizations and Civil Society actors.
- Performance indicators for monitoring and evaluation (M&E) of the Policy.

The inclusion of other elements shall be done on the basis of advice from national officials and constituents and can be informed by the guidelines shared in the ILO publication *Modern Policy and Legislative Responses to Child Labour* (ILO, 2007).

Description of main tasks:

The Consultant is expected to work very closely with the designated officials within the NTC and the Ministry of Labour to:

- Undertake desk review of background documentation, including but not limited to, relevant legislation, other national policy and position documents, reports of stakeholder consultations and the ILO Rapid Assessment of Child Labour in The Bahamas.
- Prepare the draft text of the Policy for internal review and stakeholder validation.
- Incorporate relevant feedback and comments, results of stakeholder consultations into the draft Policy document.

Planned Deliverables:

- Interim report (following desk review and engagement with national officials/ key stakeholders).
- First draft policy document (content and layout will be agreed at the inception engagement with national counterparts).
- Finalized draft of the National Policy for the Prevention and Elimination of Child Labour in the Commonwealth of The Bahamas

Consultant's Profile:

The consultant should possess excellent analytical and writing skills, with proven experience in drafting policy documents. He/ She should have knowledge and working experience in the area of child protection or child labour issues. Previous experience in the Caribbean is considered an advantage. Fluency in English is required. The consultant must also have the ability to work independently and to respond to feedback in a timely and professional manner.

Administrative Arrangements:

The work of the consultant will be supervised by Ms. Resel Melville- National Project Coordinator (Child Labour), ILO Decent Work Team and Office for the Caribbean, melville@ilo.org.

The national counterparts in The Bahamas will be:

- NATIONAL TRIPARTITE COUNCIL- Mr. Robert Farquharson, Chairman (or his Designate)
- MINISTRY OF LABOUR- Ms. Yolantha Yallop, Senior Counsel (Child Labour Focal Point), Department of Labour.

Timeframe:

ILO wishes to engage a consultant for a period of 30 work days over the period August 2019 to October 2019.

Financial Arrangements:

The cost for this consultancy should not exceed the budgeted sum of US\$8,000. Consultancy fees shall be paid in accordance with the schedule outlined below:

Payment schedule:

- 40% on completion of draft policy document
- 60% on submission of final policy document and consultant's invoice, to the satisfaction of the Director ILO Caribbean office.

NOTICE: *In accordance with United Nations rules, consultants traveling to conduct official business on behalf of the Office are expected to complete the United Nations Department of Safety and Security (UNDSS) online security training course BSAFE, which replaces both Basic Security in the Field (BSITF) and Advanced Security in the Field (ASITF). This course is mandatory for all UN personnel, including staff, interns and consultants. BSAFE certificates will not expire. BSAFE is available at training.dss.un.org.*