

**Promoting Social Dialogue and Harmonious Industrial Relations in the
Bangladesh Ready-Made Garment Industry (SDIR)
ILO Country Office for Bangladesh
Terms of Reference (ToR)**

Assignment:

Hiring a National Consultant to provide technical review of the policy and regulatory reform including to contribute to the knowledge and capacity development of the government and labour constituents concerned within the scope of ILO SDIR and Trade for Decent Work Project.

Contract Type: External Collaborator

Location: Dhaka, Bangladesh

1.0 Background:

The Promoting Social Dialogue and Harmonious Industrial Relations in the Bangladesh Ready-Made Garment Industry (SDIR) Project funded by Sweden and Denmark has been working to enhance workplace rights and industrial relations in the Ready-Made Garment (RMG) sector of Bangladesh since 2015. The project intervention is primarily facilitating improved dialogue between employers and workers, particularly at workplace level in three priority focal areas. These key priority areas are:

- 1) Sustainable improvement in social dialogue, workplace cooperation and grievance handling.
- 2) Sustainable and effective mechanism for conciliation and arbitration are established; and
- 3) Enhanced capacities of employers and workers organizations to dialogue; and to prevent and resolve disputes.

The ILO SDIR project supported the development of Workers Resource Centre (WRC) – a joint platform by the National Coordination Committee for Workers Education (NCCWE) and the IndustriALL Bangladesh Council (IBC), formed in 2017 (and launched in 2018), to cater the one-stop-shop for workers needing information, education, and assistance on labour-related grievance, while supporting and promoting social dialogue and non-litigious dispute prevention and resolution. The platform collectively represents 26 labour federations from the national and sectoral industries, works closely together on the management and further development of the WRC mandating to perform its activities (to the best of its efforts) in the interest of all formal & informal sector workers in Bangladesh to develop a comprehensive programme to support improvements in working conditions and rights at work, and to emphasize through all-out developmental work to make the terms and conditions of work and the legal rights at work contemporary.

At the national level, the project works on the sustained improvement of dispute resolution (i.e., conciliation and arbitration) mechanisms to be a more credible, trusted, and transparent system. In addition, the SDIR project focuses on building the capacity of employers and workers to better engage through social dialogue at the workplace level as a means of preventing labour disputes. To give effect to all these, a number of actions will be performed, among others, on the issues of legal reform, effective dispute settlement mechanism, good governance, institutional strengthening of the Labour Market Institutions, and delivering justice at the workplaces.

In 2021, the Govt. of Denmark confirmed its commitment to continue supporting the SDIR project until December 2022. In the duration of the extension the project will consolidate the project's achievements thus far of the sector specific social dialogue mechanisms (workplace cooperation and grievance handling), through embedding, amongst the stakeholders, a culture of social dialogue at all levels (National, Sector and Enterprise) to improve working relations.

The Trade for Decent Work Project works to support both short and long-term commitments related to three inter-linked pillars of the Sustainability Compact, i.e.,

- i) **Respect for labour rights.** This area of the Compact focuses on three areas to ensure respect for labour rights in Bangladesh. Firstly, supporting the **Ministry of Labour and Employment (MoLE)** in ensuring alignment of the Bangladesh Labour Act (BLA) – both in law and in practice – to International Labour Standards (ILS). Secondly, enhancing the capacity of MoLE to report to the ILO Supervisory bodies. Thirdly, working toward the alignment of the BLA and the Export Processing Zone (EPZ) Labour Act, through undertaking a gap analysis between the two pieces of labour legislation. Specifically focussing on areas related to Freedom of Association and Collective Bargaining.
- ii) **Occupational safety and health.** This area of the Compact focuses on (i) building institution capacity and mechanisms (ii) undertaking inspection of all active export-oriented RMG and Knitwear factories for structural, electrical and fire safety as well as subsequent follow up remediation work. There is a commitment for greater transparency relating to factory inspections as well as the implementation of the National Tripartite Plan of Action.
- iii) **Promoting the RMG Industry strategy going forward (Post COVID-19)** There are three components that this area of the Compact will focus on, going forward mainly addressing the key challenges in the RMG sector in Bangladesh the pandemic surfaced. Promoting these key areas would ensure a more resilient RMG sector in a post COVID-19 time. Firstly, **Responsible Business Conduct (RBC)**, this area of the compact focuses on the call for the continued promotion of socially responsible business conduct amongst all stakeholders in the RMG supply chain. In this regard, the project will promote understanding and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). Secondly, in line with the provisions of the NTPA review that calls for the establishment of an **Employment Injury Insurance Scheme (EIIS)**. The Compact will extend support to the tripartite EII committee for the establishment of

the EII trial. In addition, as an immediate COVID-19 response there would be extension of support for the implementation of a defined once off, limited wage security scheme in the RMG sector.

2.0 Objective:

To support the policy and regulatory reform including to contribute the capacity development assistance of the government and labour constituents concerned ensuring the vitality of management systems and processes, in areas such as strategic planning, monitoring and evaluation, and to also facilitate support and assistance towards the Labour Market Institute DoL to perform more effectively in the areas of labour law reform, labour administration more specifically dispute settlement, workplace cooperation, social dialogue, and Industrial Relations, the ILO's SDIR and Trade for Decent Work projects would require a 'National Consultant' to continue from 15 April 2022 to 14 December 2022.

3.0 Specific Tasks:

- 3.1 Support to the functioning development of WRC strategic and relevant work plans in consultation with the relevant stakeholders that includes coordinate online information sharing and learning, including applicable resource pages on WRC's website.
- 3.2 Assist with the development and implementation of more efficient working methods and information, repository systems for within the WRC Trade Union Rights Watch Team (TURWT) meetings, including drafting agendas, preparing documents and presentations on the sectoral labour profile (RMG);
- 3.3 Provide knowledge development assistance support to the implementing partners within the ILO SDIR, and Trade for Decent Work Projects.
- 3.4 Support in aiding in developing legal, policy, and normative framework to facilitate transparent function of WRC including the Para-legal, BoT Trust Deed and others.
- 3.5 Provide needed support in framing policy frameworks, strategy papers, Standard Operating Procedures, and other required documents to facilitate assistance towards the Department of Labour.
- 3.6 Support in the development of training materials, for the purpose of capacity building, for the DoL and the Brands and other stakeholders.
- 3.7 Provide the needed support in facilitating the training sessions, both in residential and non-residential sessions, for all the relevant constituents and stakeholders.
- 3.8 Support through providing translation services, where necessary, in terms of communications with the Constituents and Stakeholders.
- 3.9 Support in reviewing and providing technical inputs in terms of legal framework and International Labour Standards, particularly on the technical notes and global good practices, reports on ratified and unratified conventions, gap analysis on Protocol of 2014 to the Forced Labour Convention, 1930 and Minimum Age Convention, 1973 (No. 138) and translation of legal documents.

3.10 Support in organizing briefings, consultations, validation workshops and training related to labour laws and international labour standards.

3.11 Support in reviewing technical documents and organizing activities related to responsible business conduct and human rights due diligence.

4.0 Deliverables:

SI No.	Deliverables	Estimated Time per month
Workers Resource Centre (WRC)		
4.1	Support the development of WRC strategic and relevant work plans in consultation with the relevant stakeholders	02 Working days
4.2	Assist with the development and implementation of more efficient working methods and information, repository systems for within the WRC (TURWT);	02 Working days
4.3	Provide institutional and aspirational support to the WRC's intervention to the members on reaching CBA's and produce consolidated monthly report to upload in the WRC's intranet and share across the ILO CO communication unit (the SDIR log-frame targeted 50 CBA's to sign within the project duration) (ref 3.5).	02 Working days
Department of Labour (DoL)		
4.4	Provide the needed support in framing policy frameworks, strategy papers, legal briefs, Standard Operating Procedures, and other required documents to facilitate assistance towards the Department of Labour;	02 Working days
4.5	Support in the development of training materials, for the purpose of capacity building, for the DoL and the Brands and other stakeholders;	01 Working days
4.6	Provide the needed support in facilitating the training sessions, both in residential and non-residential sessions, for all the relevant constituents and stakeholders;	02 Working days
4.7	Support through assisting in all the meetings, dialogue, and consultative sessions with the Constituents and sharing notes and minutes of the meeting. Also provide technical support in the area of activities related with the OTC:2 of the Project.	01 Working days
4.8	Support through providing translation services, where necessary, in terms of communications with the Constituents and Stakeholders;	01 Working days
ILO constituents and relevant stakeholders		
4.9	Support in reviewing and providing technical inputs in terms of legal framework and International Labour Standards.	04 Working days
4.10	Support in organizing briefings, consultations, validation workshops and trainings related to labour laws and international labour standards	02 Working days
4.11	Support in reviewing technical documents and organizing activities related to responsible business conduct and human rights due diligence	01 Working days
Monthly Total Estimated Time		20 Working days

5.0 Contract Duration:

The consultant will be placed at the WRC office, Dhaka Division (6 days/month or as required) and may require visiting other peer organizations as deemed relevant to the expected deliverables. The contract period is expected to be for total 8 months (April to December 2022), but total number of days will not exceed **160 days (20 working days/month × 8 months)**.

6.0 ILO's RESPONSIBILITIES:

The ILO will:

- Provide necessary logistic and technical support to achieve the proposed work plan.
- Provide technical inputs where necessary as reflected in the work plan.
- Provide support for engaging stakeholders and organizing meetings/workshops.
- Ensure payment of agreed amount in three tranches. Payment will be linked to successful delivery of the outputs as per ILO rules and regulations; and
- Perform any other tasks as described in the contract document.

7.0 Completion criteria

- a) All reports to be submitted to the ILO must be relevant to the outputs (activity and the task) mentioned in the TOR.
- b) Provide information and update progress as requested by the Project team of the ILO.
- c) The consultant has to follow the guideline of ILO to ensure quality of the reports/documents.
- d) The consultant should be proactive, timely report on the progress, and undertake and undertake visits to the project partners' site, participate in meetings as and when necessary.

8.0 Special terms and conditions

- a) **Confidentiality Statement and Intellectual Property of Data:** The documents prepared under this contract are the property of ILO. Therefore, the consultant cannot publish these without permission of the ILO.
- b) **Unsatisfactory or incomplete work:** For the assignment, the ILO's Standard Rules and Procedure for external collaboration contract shall be applicable. In event that the service delivered is unsatisfactory or fails to conform to the conditions set out above, the ILO reserves the right, as appropriate to interrupt it, to request that it be corrected or modified, or to refuse to accept the service.
- c) **Insurances:** The ILO accepts no liability in the event of death, injury or illness of the External Collaborator. The External Collaborator attests that he/she is adequately covered by insurance for these risks. In no circumstances shall the External Collaborator be covered by any ILO insurance, and it is his/her responsibility to take out, at his/her own expense, any personal insurance policies he/she may consider necessary, including a civil liability insurance policy.

9.0 Payment:

- 9.1 The consultant will only be paid upon successful completion of the deliverables and upon receipt of signed invoice by end of each month, referring to the monthly deliverables with the respective estimated working days under **4.0 Deliverables**.
- 9.2 Transport cost visiting other peer organizations, will be reimbursed at actual basis upon submission of Travel Authorization and proof of travel documents. Consultant should take prior travel authorization from the SDIR management.
- 9.3 DSA will be paid for actual number of night stay (as per UN DSA rate & following ILO rules and provisions) upon submission of Travel Authorization and proof of accommodation documents.

10.0 Supervision and Scope of works:

The consultant will work under the overall supervision of the Chief Technical Advisor at ILO SDIR and Trade for Decent Work project and to regularly collaborate within the WRC to ensure the vitality of management systems and processes, i.e. strategic planning, monitoring and evaluation, etc. For matter related to international labour standards and labour laws, the consultant will work under the supervision of the technical officer of the Trade for Decent Work Project (Trade4DW). And for the works related with supporting DoL's activities, the Consultant will perform under the guidance of the concerned National Programme Officer.

The consultant will maintain regular liaison with the concerned SDIR Programme and T4DW Officers, ILO on the progress of work and for other qualitative review purposes. Consultant will also prepare monthly progress reports (attaching the deliverables) and a final report at the end of the assignment on the activities undertaken and will submit this to the ILO.

11.0 Qualifications and Experiences of the Consultant:

Academic qualification:

- Must be a graduate in law, labour and industrial relation, or any other relevant subject.

Experiences:

- Proven experience (at least 3 years) in labour relations, labour and industrial law, labour policy research and working with concerned sectoral stakeholders.

Competencies:

- Excellent command in both Bangla and English.
- Analytical and report writing skills.
- Strong understanding of principles of trade union movement, gender equality and principles of gender mainstreaming, functioning at the government machinery; and

- Demonstrated ability to work and communicate with people in a courteous and cooperative manner, upholding high standards of ethical conduct.

12.0 Equipment:

The consultant would make use of his/her personal equipment, to ensure that the deliverables are met.

13.0 Selection Criteria

The selection of the candidate will be made based on the cumulative analysis scheme, where total score will be obtained upon combination of weighted technical and financial aspects.

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of technical and financial criteria specific to the solicitation.
 - Technical Criteria weight: 70%
 - Financial Criteria weight: 30%

Evaluation Criteria	
1	Educational qualification (Graduate in Law/Labour and/or Industrial Relations).
2	Proven working experience with Trade Union, Human and/or Labour Rights Advocacy/Policy Research/Regulatory Reform/Resource Based Organization
3	Proven experience in dealing with sectoral and/or national level Human and/or Industrial Relations, Knowledge Development, Labour and Industrial Law, Formal and/or Informal Economy Stakeholder Engagement.
4	Track record in working on Trade Union Movement, Gender Equality and/or Principles of Gender Mainstreaming.
5	Knowledge and Experience Labour and/or Industry Level Grievance Handling and/or Dispute Resolution, Collective Bargaining Agreement, Labour Law.

Only candidates obtaining a minimum of 70% score in the technical evaluation will be considered for the financial evaluation.

All technically qualified proposals will be scored out of 30 based on the formula provided below. The maximum number of points assigned to the daily fee is allocated to the lowest daily fee quoted by the applicant. All other quoted daily fees receive points in inverse proportion. The suggested formula is: $p = y (\mu/z)$, where

- p = points for the daily fee being evaluated,
- y = maximum number of points for the daily fee (here it is 30),

- μ = the lowest daily fee quoted among the candidates being considered,
- z = the daily fee being evaluated.

14. Recommended Presentation of Proposal

Interested individuals must submit the following documents/information to demonstrate their qualifications

- I. **Personal CV**, indicating all experience from similar assignments, as well as the contact details (email and telephone number) of the candidate and at least three (03) professional references.
- II. **One page concept note on the assigned task**, specifying the understanding on the assigned task, candidate's qualifications and relevant experiences;
- III. **Sample(s)** of publication(s)/reports of similar work done in the past 3 years;
- IV. **Financial proposal**, specifying the professional fees for this assignment. The proposal is to be submitted through the attached template (ANNEX – 01);
- V. **Copy of a recent contract** to be submitted as evidence of daily fees offered to the candidate for similar assignment by other agency (preferably by any UN agency, Multilateral Development Bank, or bilateral donors).

*Interested individuals must submit aforementioned documents to the ILO through email ID: dac_sdir@ilo.org within **March 31, 2022 by 4.30pm**. Proposers who shall not submit these documents shall not be considered for further evaluation.*

**10. BREAKDOWN OF COSTS
SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL**

Cost Components	Unit Cost (in BDT)	Quantity (Working Days)	Total Rate for the Contract Duration (in BDT)
I. Personnel Costs			
Professional Fees Per day		160 working days	
Grand Total			