Terms of Reference

Labour in Trade Policies: Strengthening the Role of Labour Institutions in Trade Policymaking in the Philippines

Background:

The ILO Country Office for the Philippines (ILO CO-Manila) is currently implementing a Project on Strengthening the Impact of Trade on Employment in the Philippines (STRENGTHEN) since April 2016.

The STRENGTHEN Project aims to strengthen the employment dimension in policies and programmes related to international trade with better analysis, more coherent policymaking, and enhanced programmes that are designed to encourage employment creation and upgrading. This project will support the Philippines in leveraging industries that are competitive in international trade towards providing more opportunities for decent work within the country and raising the number of workers who are productively employed.

In particular, the following are the specific objectives of the STRENGTHEN Project in the Philippines:

1. To generate and improve knowledge on both the positive and negative impacts of international trade on productive and decent employment in the Philippines.

2. To build the capacities of Filipino technical specialists, researchers and development partners from key government agencies, relevant social partners and other concerned stakeholders to not only identify, measure and assess the impact of international trade on employment but also to use the evidence to formulate sound and strategic trade, employment and industrial policies.

3. To establish an institutional and multi-sectoral platform for representatives of relevant Philippine ministries and social partners to engage in policy discussions on the effects of international trade on employment and to formulate and recommend more effective, coherent and inclusive policies for this in the Philippines.

4. To enhance employment opportunities within the Philippines arising from trade policies through technical support for the development of skills in export activities and the promotion of export-oriented value chains and industries that are job-rich.
In support of these objectives of enriching and improving knowledge on the impact of trade on employment and of utilizing institutional platforms to come up with recommendations that would result into more effective, coherent and inclusive trade and employment policies in the Philippines, the ILO STRENGTHEN Project seeks to come up with a study that would not only map out the government’s current and existing institutional mechanisms and structures on trade agreements and arrangements (e.g. national, inter-agency and high-level committees, bodies, delegations, offices, technical working groups, etc.) but would also identify and determine the role and the extent of participation of the Department of Labor and Employment (DOLE) in these institutional bodies and structures on trade policy and decision-making consultations, processes, and mechanisms.

As ensuring trade would have positive decent work impacts and outcomes in the Philippines is the primary goal of the STRENGTHEN Project, the study particularly focuses on the role and extent of involvement and participation of the DOLE in trade discussions and consultative mechanisms and structures. Further, the study attempts to find out how labour issues and concerns often figure prominently in trade talks and discussions. Furthermore, it aims to determine and assess as to how not only labour issues are incorporated in the overall trade position or policy of the Philippines but also as to how DOLE articulates its position on key international trade issues, agreements and/or policies that it thinks would have serious consequences to jobs, labour standards and workers’ rights and welfare.

In relation to this, the study also seeks to identify if there are any gaps, deficits, overlaps, or complexities in the country’s mechanisms and systems for institutional coordination on international trade matters, particularly with regard to the involvement and participation of DOLE in such structures and mechanisms.

Hence, the ultimate goal of this study is to be able to identify where the DOLE stands in the current and existing trade policymaking structure or framework, the extent of its involvement and participation, and how labour issues and concerns are incorporated or seriously included in the overall position of the Philippines on certain international trade issues, policies, agreements and/or arrangements.

In view of these objectives and goals, the proposed study shall contain the following sections:

1. **Overview of Trade, Labour and Employment Issues, Concerns and Policymaking Challenges in the Philippines: Convergence and Conflict of Varying Interests and Visions.** This section will provide an overview of how trade and employment policies are crafted, formulated and carried out in the Philippines, particularly in relation to a host of labour and employment issues and concerns that oftentimes overlap or conflict with each other, due to varying interests and concerns, and how government addresses such issues and conflicts and how it manages to strike a balance when needed. On the part of labour, concerns have always centred on how international trade, liberalization and globalization
negatively impact on workers’ welfare and their right to organize, labour standards, and wages, among others. In the case of trade, declining competitiveness, receiving lower levels of foreign investments and losing out to other competitor countries and economies have always been a major apprehension.

2. **Current and Existing Trade Institutions, Structures and Mechanisms of the Philippines: Policy and Institutional Linkages, Coordination, Gaps and Deficits.** In view of the issues and challenges outlined in Chapter 1, the 2\textsuperscript{nd} Chapter focuses on how current and existing trade institutions, structures and mechanisms were constituted, created and established in order to help government addresses various socio-economic, political and labour issues on the overall consequences and impacts of trade to the Philippines. This chapter also centres on understanding the respective mandates, tasks and functions of each trade institution, structure or mechanism, and the relationships between and among relevant government agencies, bodies, offices and/or committees involved. Not only that, it should also be important for the study to highlight in this chapter as to how broad-based and multisectoral the character and composition of each institutional structures’ consultative processes and mechanisms when it comes to trade discussions and agreements.

This chapter should also be able to map out, chart, graph and illustrate the current trade institutions, structures, mechanisms and relationships and coordination in the Philippines.

But more than mapping out and illustrating these institutions, structures and mechanisms, this chapter should also be able to identify the gaps, deficits and complexities in the current and existing set-up of trade and policymaking in the Philippines.

3. **Labour in Trade: The DOLE in the Scheme of Trade Institutional Structures and Mechanisms.** After Chapter 2 is able to discuss, present, map out and illustrate the current and existing trade policy regime and set-up in the Philippines, Chapter 3 will zero-in and particularly focus on the role of the DOLE in these trade structures and mechanisms, and the extent of its participation and involvement, and how DOLE’s views and positions are taken by other relevant and concerned national government agencies involved in discussions on trade agreements and arrangements.
Moreover, a key aspect that should be highlighted by the study in this chapter is to find out the relevance, role and/or prominence of DOLE in the current and existing trade mechanisms, especially when it comes to its membership functions and roles.

In addition, Chapter 3 should also discuss the institutional mechanisms and structures on trade issues within the DOLE, particularly inter-DOLE agency committees that have been constituted by the Labour Department to help it in crafting its own positions when it sits in other inter-agency committees, bodies or structures and mechanisms that are more high-level and national in character and composition.

More so, it should be able to determine as to how DOLE consults its social partners, how it incorporates inputs from its social partners to its own trade and employment position, and how it is able to articulate and push for its consolidated position in behalf of the labour sector in higher-level settings and contexts of trade agreements and discussions.

Lastly, this chapter should also be able to find out as to how the labour sector (both workers and employers) view not only the DOLE’s trade mechanisms but also the government’s overall approach to dialogue and consultative mechanisms and processes when it comes to issues and matters on international trade agreements and arrangements.

4. Ways Forward: Policy Recommendations on Improving and Enhancing Trade Policymaking Mechanisms and Processes in the Philippines. The Ways Forward shall be the final chapter of the proposed study and shall contain conclusion and recommendations of the study based on the issues, challenges, gaps and deficits that were identified in the course of the conduct of the research. The proposed study should be able to come up with specific and realistic policy recommendations and suggestions that would improve trade and employment policymaking in the Philippines, particularly in strengthening the role and participation of DOLE, and by extension, the labour sector, in trade matters by spelling out the entry points for DOLE in the current and existing trade policy structures, mechanisms and schemes.

Tasks of the Consultant:

1. Submit a proposed annotated outline based on the schematic and study outline described above;
2. Gather, collect, and review all relevant data, studies, researches, papers, official government issuances, documents and policy pronouncements (e.g. laws, statutes,
executive orders, department orders, administrative orders, joint memorandum orders, government developmental or sectoral plans, etc.);

3. Conduct of Key Informant Interviews (KII) and Focus Group Discussions (FGD) with relevant actors and stakeholders (e.g. government trade and employment officials, labour leaders, business groups, etc.);

4. Discuss and brief the members of the STRENGTHEN Project’s Tripartite Working Group (TWG) regarding the updates on the progress of the proposed study; and

5. Prepare and submit a full country study and report (with an executive summary) according to the schematic and study outline described and discussed in the section above, while taking into account the comments of the ILO and its project partners and tripartite constituents.

Format of the study:

The inception study on Philippine trade and employment policy review shall consist of, and follow the following format below:

- An executive summary of the proposed study
- Number of pages is between 30 to 50 pages (including introductory pages, table of contents, tables, figures and charts within the text, appendices and the bibliography)
- Font type: Times New Roman; Font size: 12; Paragraph spacing: Single space

The proposed study shall be undertaken from 31 October 2018 to 31 March 2019.

Deliverables, deadlines and payment:

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