

Terms of Reference

Consultancy on Development of Brief on Labour Inspection

Consultancy to develop a brief in order to provide knowledge and awareness on how the strategic compliance framework could be used in the promotion of compliance in the context of labour inspection in global supply chains. Deadline for submission of application: 17 August 2020.

1. Background

The "Responsible Supply Chains in Asia" (RSCA) project (RAS/16/13/EUR) is a project developed by the European Union together with the International Labour Organization (ILO) and the Organisation for Economic Co-operation and Development (OECD). The project will promote corporate social responsibility (CSR) / responsible business conduct (RBC) with regard to the environment, decent work and the respect of human rights.

This initiative is a part of the EU's long-standing commitment to promote human rights, decent work and sustainable development, a pledge underpinned by the EU Treaties and reinforced in the European Commission's trade policy strategy of 2015 "Trade for All". It falls in particular under the Commission's commitment to identify opportunities for responsible supply chain partnerships and the EU's strategic approach to responsible business conduct, which is based on internationally agreed principles and guidelines. It will also contribute to the EU strategic approach to CSR/RBC as put forward in the Commission 2011 Communication "A renewed EU strategy 2011-14 for Corporate Social Responsibility."

The three-year programme (2018-2020), carried out in collaboration with Japan, China, Myanmar, Philippines, Thailand and Vietnam, has two broad objectives to:

- promote smart, sustainable and inclusive growth by ensuring that investors and businesses have a better understanding of corporate social responsibility;
- create policy environments conducive to promoting responsible business conduct and increased opportunities for dialogue

Labour inspection plays a crucial role in ensuring compliance with national labour law in companies, many of which often belong to global supply chains. Not only do they assure that labour laws are properly applied, but they also advise employers on how to improve compliance, in addition to bringing attention to any gaps and defects in national law.

Against the background of complex transnational supply chains and growing *diverse forms of employment* and new technology, labour inspectorates need to gain a thorough understanding of the root causes of non-compliance in GSCs, the relevant stakeholders who can influence compliance (positively or negatively), and a range of interventions that can contribute to more durable and wide-spread compliance. Most importantly, the current

dynamic of ever-evolving world of work calls for improved methodologies for effective labour inspection. A strategic compliance model can help labour inspectors maximize their impact in a context of limited resources and given the limitations of traditional enforcement approaches.

Due to all the aforementioned reasons, there is a need to provide practical information and knowledge on GSCs and the possible compliance strategies available in order to assist labour inspectorates to better fulfil their function in the inspection of at the enterprise level. The brief will provide labour inspectors with practical knowledge, good practices and tools from the experience of strategic inspection action in selected GSCs as a basis for improving their own understanding and planning of potential interventions that can strengthen labour law compliance in global supply chains. While the primary purpose is to guide labour inspectorates, the brief will be designed to be a useful overview for all stakeholders on how to align CSR with law enforcement.

This brief will fit into the action plan of the "Responsible Supply Chains in Asia" (RSCA) programme, more specifically on the development of a brief to provide guidance for labour inspectors as how to strengthen effective inspection actions linked to workplaces that are part of supply chains - in particular in Export Processing Zones (EPZs) – strengthening labour inspectors' awareness on CSR/RBC and providing them with knowledge on what are the drivers of compliance (and non-compliance) in global supply chains.

2. Objective and scope of the assignment

The consultant will be tasked to develop a brief on how to strengthen effective labour inspections for supply chains framed in the ILO's Strategic Compliance approach. The content of the brief will include:

- 1) Introduction to the concept of Global Supply Chains (GSCs) and stakeholders relevant to labour governance;
- 2) The role SCP in GSC and its limitations, providing insights to Lis on how to think broadly on the interconnectedness of GSC when it comes to enforce the implementation of ILS. This will include the nature of GSC as well as the coordination within it (including its cross boundary nature).

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- 3) Practical recommendations on how strategic compliance can be engaged in labour inspection and on how is CSR related to the work of Lis.
- 4) Case studies and good practices in six sectors that the RSCA project covers: electronic, vehicle parts, textile, seafood, agriculture and wood processing.

The brief will build on the ILO published materials including but not limited to: the ILO brief

[“ILO Approach to Strategic Compliance Planning for Labour Inspectorates”](#), ILO’s [MNE Declaration](#), [Responsible Business: Key messages from International Instruments](#), [CSR training manual](#), [Global supply chain dynamics and labour governance: Implications for social upgrading](#), [Workplace compliance in GSCs](#) and Incorporating international labour standards in sustainable supply chains. The brief shall be responsive to the demands of labour inspectors and easy to understand for the targeted audience through the use of plain language and case examples.

3. Expected outputs

The outputs of this consultancy are

- Output 1: A detailed outline of the brief and an action plan
- Output 2: The first draft of the content of the brief
- Output 3: A final version of the brief

4. Deliverables and timeframe

The consultancy is expected to be completed within a period of 18 working days in the period from August 24 to September 16, 2020.

5. Budget

The ILO will only pay for services that have been performed and for deliverables that are successfully completed to the satisfaction of the ILO.

Interested consultants are requested to submit budget requirements or cost estimates based on a daily rate in Philippine peso or total amount covering 18 working days or the full consultancy.

This amount shall be the sole remuneration and includes provision for any incidental expenses. The consultant shall not in any circumstances be entitled to any payments other than those expressly provided for under the contract.

The payments for this consultancy will be made as follows:

- First payment: 50 per cent will be paid upon submission of output No.1 and No. 2 to the satisfaction of the ILO; and
- Second payment: 50 per cent will be paid upon submission of output No. 3 to the satisfaction of the ILO.

6. Administration, Reporting and Coordination

The contract for this assignment will be issued by the ILO Office in the Philippines and funded by the RSCA programme. The Office space, equipment, other logistics arrangements in the course of this work as well as travel insurance will be organized by the consultant

himself/herself. The development of the brief will be conducted under the direct supervision of the RSCA Programme Manager in the ILO ROAP office in Bangkok with the technical inputs from the *ILO* Senior Labour Inspection Specialist of the DWT in Bangkok. The Multinational Enterprises and Enterprises Engagement Unit in ILO Geneva will provide comments to the final draft.

7. Submission

Those interested to apply can send their application letter with budget requirements or cost estimates for the consultancy, and a CV to Ms Ruby Banez at banez@ilo.org on or before Monday, 17 August 2020.