



TERMS OF REFERENCE

National Consultant to Provide Context-Specific Technical Inputs on the Baseline Study and Sectoral Assessment of Working Conditions in the Rural Sectors

USDOL Funded ILO Project on Improving Workers Rights in Rural Sectors of the Indo-Pacific with a focus on Women

1. Background Information

The Philippines and Indonesia are two of the biggest users of the US Generalised System of Preference (GSP) along with Thailand, Brazil, and Turkey. The Philippines was the United States' 28th largest supplier of goods imports in 2019, with agricultural products comprising a total of \$924 million out of the country's \$12.8 billion total imports to the US¹. The volume of goods imports from the Philippines to the US has also increased by 88.1% from 2009 to 2019². Indonesia on the other hand is the US' 22nd largest supplier of goods imports in 2019, with agriculture imports reaching \$3.0 billion out of its \$ 20.1 billion total goods trade in 2019³. Indonesian goods exports to the US has increased by 55% from 2009 to 2019⁴.

The increase in imports from both the Philippines and Indonesia to the US in recent years can be attributed to their respective Trade and Investment Framework Agreements (TIFA) and their availment of benefits under the US' Generalised System of Preferences (GSP). As of 2019, both countries are two of the largest users of the US GSP along with Thailand, Brazil, and Turkey.

The rural sectors of agriculture, fishing and mining combined, belong to the list of top products the Philippines and Indonesia export to the US under the US GSP, thus contributing to the employment of millions of men and women workers in the rural communities. However, despite the significance of the agriculture, fishing, and mining industries to the US' trade relations with Philippines and Indonesia, these sectors are characterized by poverty and poor working conditions, especially at the lower tiers of the supply chain in rural areas. Working conditions in these sectors are characterized with widespread informality, use of ambiguous employment relationships and non-standard forms of employment, low wages and other issues related to payment of wages, long working hours, unsafe and hazardous working conditions. Women workers in these sectors are at a further disadvantage, as their work is usually undervalued or perceived as merely assisting their husbands or male family members. These conditions contribute in increasing the risk of more serious labour standards' violations including forced and child labour in these sectors.

Despite their economic contribution, agriculture and fishing have the highest poverty rates. Philippine Statistics Authority (PSA) poverty estimates for 2018 showed that farmers (31.6% or 2.4 million), fisher folk (26.2% or 300,000) and individuals (24.5% or 12.6 million) residing in rural areas experience higher poverty rates compared to other basic sectors.

In the Philippines, agriculture, fishing and mining provide livelihood for more than 9 million Filipino workers, or 24.3% of the total employed population. Most recent data from the Philippine Statistics Authority (PSA), show that women comprise 22% of those employed in these sectors. The same survey showed that among individuals living in rural areas, women were among those who reported the highest poverty rates at 16.6% or the equivalent to 8.7 million women. Data from the

¹ <https://ustr.gov/countries-regions/southeast-asia-pacific/philippines>

² <https://ustr.gov/countries-regions/southeast-asia-pacific/philippines>

³ <https://ustr.gov/countries-regions/southeast-asia-pacific/philippines>

⁴ <https://ustr.gov/countries-regions/southeast-asia-pacific/philippines>



PSA also show that in agriculture, generally, male farm workers received higher overall pay compared to female farm workers. Male farm workers on average received Php 335.00 per day (US\$6.7), compared with Php 304.60 per day (US\$6.09) for female farm workers. This puts women workers in these sectors at a further disadvantage, as their work is usually undervalued or perceived as merely assisting their husbands or male family members. Though the rural sectors of agriculture, fishing and mining are male dominated, women play a critical role in the supply and value chain of these sectors. In agriculture, they participate in harvesting, processing, and packing, record keeping and marketing of agricultural produce. In the fishing and seafood industry, they are heavily involved in processing, coding and sorting, washing, scaling, filleting, steaming, packaging, recording, quality assurance and inspection. In mining, women are involved in mineral processing ranging from crushing, grinding, washing and panning, to amalgamation and amalgam decomposition in the case of gold and waste disposal.

If appropriate steps are not taken to address poor working conditions in these rural sectors, these could pose challenges to these industries' market access to the US, based on their Trade and Investment Framework Agreement (TIFA) provisions on respect for workers' welfare and rights⁵. This could also pose as a challenge to the US GSP's labour provisions⁶ where the beneficiary country must “*have taken or is taking steps to afford internationally recognized worker rights, including 1) the right of association, 2) the right to organize and bargain collectively, 3) a prohibition on the use of any form of forced or compulsory labour, 4) a minimum age for the employment of children, and prohibition on the worst forms of child labour, and 5) acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health*”.

Furthermore, addressing decent work deficits in these rural sectors are also key to preventing and sustainably tackling even more serious violations such as child and forced labour. It should be noted that most of the goods from Indonesia and the Philippines which the US has identified as produced with child labour or forced labour belong to the agriculture, fishing and mining industries (palm, rubber, tobacco, tin and gold and fish for Indonesia and for the Philippines this includes banana, coconuts, sugar, rice, rubber tobacco, gold, fish and hogs)⁷.

Gaps in the capacity of the Philippines and Indonesia to ensure an enabling environment that would address these decent work deficits in the rural sectors, could affect businesses and further exacerbate poverty among the millions of workers in the supply and value chain of these industries. However, implementing effective and sustainable measures to address poor working conditions in the agriculture, fishing and mining sectors require understanding of the legal, political, economic and social context of these sectors and the challenges these pose to tripartite partners in both countries.

To help partners address these systemic issues and the underlying root causes of decent work deficits in these sectors, the ILO is currently implementing a four year Project on Improving Workers' Rights in the Rural Sectors of the Indo Pacific with a Focus on Women.

⁵ [US-Philippines TIFA.pdf \(ustr.gov\)](#)

⁶ [GSPGuidebook_0.pdf \(ustr.gov\)](#)

⁷ [List of Goods Produced by Child Labour or Forced Labour | U.S. Department of Labour \(dol.gov\)](#)



2. Description of the Project

The International Labour Organization (ILO) is implementing the project on [Improving Workers Rights in Rural Sectors of the Indo – Pacific with a focus on Women](#), which aims to contribute in ensuring and sustaining improved working conditions, especially for women workers, through the improvement and promotion of labour laws compliance in the rural sectors in the Philippines and Indonesia.

The project seeks to improve the capacity of government, employers' and workers' organisations' in the promotion of compliance with labour laws, occupational safety and health (OSH) and gender equality. It will work at various levels (at the national, sectoral/ industry, workplace, supply chain/ value chain and community levels), taking on approaches aimed at systematically addressing decent work deficits in target subsectors. The project will also leverage on existing policies, commitments and priorities of tripartite partners, including alignment of law and practice with ratified ILO Conventions and compliance with labour provisions of trade agreements to support greater market access.

The project has two main long-term outcomes, which focus on governance and industry engagement. Gender equality is mainstreamed in Project outcomes, outputs and indicators:

- **Long – Term Outcome 1:** National frameworks for compliance to labour laws, gender equality and occupational safety and health (OSH) in rural sectors are enhanced
- **Long – Term Outcome 2:** Enhanced enabling environment for the promotion and compliance on labour laws, gender equality and occupational safety and health (OSH) in rural sectors in pilot enterprises and communities

Under each long-term outcome are the following medium and short term outcomes:

- **Medium Term Outcome 1.1:** National and regional tripartite mechanisms of industry tripartite partners in (1) mainstreaming gender and sector specific labour issues in industry tripartite councils and (2) Occupational Safety and Health in line with ILO Convention No 187 are enhanced
 - **Short Term Outcome 1.1.1** Enhanced and improved gender-responsiveness of national and regional level tripartite systems for developing and promoting labour laws in target sectors
 - **Short Term Outcome 1.1.2** Promotional framework of industry tripartite partners for safety and health at work is developed in the target sectors
 - **Short Term Outcome 1.2.1** Inspection policy and processes on sector-specific labour laws, OSH, and gender issues are improved
- **Medium Term Outcome 1.2:** Enhanced and improved gender-responsiveness in government's monitoring, enforcement and remediation on labour and OSH
 - **Short Term Outcome 2.1.1** Improved capacity of employers' and workers' organizations to promote compliance to gender, labour laws, and OSH in the supply chain of target sectors
 - **Short Term Outcome 2.1.2.** Community level tripartite mechanisms on addressing gender equality and labour and OSH in pilot communities are established and operational
 - **Short Term Outcome 2.1.3.** Gender - responsive workplace level mechanisms on labour laws compliance, and OSH are implemented



The relationship between the Project's outputs and outcomes is reflected in the Project Results Framework. The project will also be implemented under the Framework of the Safety + Health for All Flagship Programme launched by the ILO Director General in late 2015. This Programme is aimed at improving the safety and health of workers by reducing the incidence of work-related deaths, injuries & diseases worldwide.

For the Philippines, the Project will focus on the banana industry for agriculture, tuna in the fishing sector and in both large and small scale mines. For Indonesia, the Project shall focus on the palm oil industry for agriculture and fish and shrimp industries for fishing. Since the Project shall be mainstreaming gender equality in the process, focus will likewise be given to specific issues which affect women workers in selected tiers of the Project's target sub-sectors.

To assist the Project in ensuring that target- setting is evidence-based, and that strategies would take into account root causes of issues, sectoral nuances, and existing opportunities, the Project will be conducting a baseline study and sectoral assessment covering its Project indicators on labour laws compliance and OSH in the target subsectors.

This Terms of Reference covers the following tasks of the National Consultant:

- (1) Provide country and context-specific technical inputs to the inception report and drafts of the baseline study and sectoral assessments, to be provided by a Service Provider, separately engaged by the Project, prior to the circulation for ILO and partners' review and comments;
- (2) Support the development of Tripartite Strategic Compliance Plans, including facilitation of the workshop and drafting of the workshop report

3. Objectives of the Consultancy

The specific objectives of this consultancy are to:

- Contribute to the improvement of the findings and recommendations of the Baseline Study and Sectoral Assessment of Working Conditions, in the Rural Sectors (to be drafted by a Service Provider to be engaged separately by the Project); and
- Assist in the development of the Tripartite Strategic Compliance Plans to be developed in cooperation with the Project partners (based on results of the Baseline Study and Sectoral Assessments)

4. Expected Outputs of the National Consultant

Based from the expected tasks outlined above, below are the detailed description of the expected outputs under this Terms of Reference:



(4.1) Improvements to the content and quality of the Service Provider's baseline and sectoral assessment report specifically citing and referencing national laws, on labour and gender equality, OSH standards, and other policies related to labour, as well as local and sectoral context of the Project's target sub-sectors

(4.1.a) Provide written technical inputs on the Service Provider's inception report

The National Consultant is expected to provide inputs to the inception report which a Service Provider, to be separately engaged by the Project to gather and analyse baseline data for both the Philippines and Indonesia, will be drafting. Technical inputs from the National Consultant should focus on making country specific data collection tools and methodology reflect and consider local context in particular sector specific policies and context of the Project target sub sectors.

The National Consultant should provide materials and references including possible stakeholders that can be included by the Service Provider in its data collection and validation.

The National Consultant shall submit his/her technical inputs to the inception report to the ILO as part of his or her first output. The Project in return will coordinate with the separate Service Provider so the National Consultant's inputs are integrated into the inception report before it is disseminated to partners and technical backstopping units for final clearance.

(4.1.b) Technical inputs on the Service Provider's various drafts of the baseline study and sectoral assessments.

The National Consultant shall review and provide technical inputs on the first, second and final drafts of the Service Provider's baseline study and sectoral assessment reports. The review by the National Consultant should reflect his/her analysis resulting from his assessment of the baseline data gathered by the Service Provider, local policies and programmes, and inputs from Project partners on what factors influence or affect compliance and non-compliance to labour standards, OSH and gender equality in the Project's target sectors. Technical inputs by the National Consultant need to be aligned with international and national labour standards and good practice.

In addition, the National Consultant is expected to ensure a gender lens / perspective to the Service Provider's baseline study and sectoral assessment reports and recommendations . The National Consultant's analysis should reflect the existing working conditions experienced by women such as harassment and discrimination in the workplace in the target sectors.

The Project shall lead the coordination between the Service Provider and the National Consultant to ensure that the baseline study and sectoral assessment reports capture country and sector specific context, before they are disseminated to partners and ILO technical backstopping units for further comments and clearances.

(4.2) Assistance in the development of Sectoral Tripartite Strategic Compliance Plans

(4.2.a) Support the facilitation of the three sectoral Strategic Compliance Planning Workshops

The National Consultant shall support the Project in facilitating the conduct of three separate Sectoral Tripartite Strategic Compliance Planning Workshops, which will make use of the findings and analysis of the baseline study and sectoral assessments, to identify targets and initiatives



which can be taken under the Project to improve compliance to labour standards, OSH and gender equality in the target sectors. The Project shall be organizing these Workshops.

(4.2.b) Produce a report of the Project's Sectoral Tripartite Strategic Compliance Planning workshops, including as attachment the proposed Sectoral Strategic Compliance Plans per sector.

After the conclusion of the Sectoral Tripartite Strategic Compliance Planning Workshops, the National Consultant shall draft a report reflecting the proceedings of each sectoral workshop, highlighting discussions and agreements and then including the proposed Sectoral Tripartite Strategic Compliance Plans developed by Project partners.

5. COVID – 19 Considerations and Measures

Given the need to ensure compliance with CoVID-19 safety and health protocols, the Project shall maximize online platforms in the conduct of consultations. In the event that physical attendance in activities are already allowed, and the Project decides to conduct such, then the National Consultant shall follow all protocols (i.e. restriction on mobility, physical distancing, etc.) associated with COVID – 19 including guidelines released by local government units and the COVID- 19 task force.

6. Roles and Responsibilities of the National Consultant:

The National Consultant shall perform the following roles and responsibilities to achieve the expected outputs under this TOR:

- Review and provide technical inputs on the local and country-specific context and conditions, laws and policies on labour standards, OSH and gender equality. These inputs will be taken into consideration in the baseline and sectoral assessment's inception report, and the drafts of the assessment reports, both of which will be drafted by the Service Provider who will be engaged separately by the project.
- Participate in meetings organized by the Project related to the inception workshop, validation of the baseline and sectoral assessment findings and recommendations, Strategic Compliance Planning Workshops, including preparatory meetings.
- Support the Project in the facilitation of the sectoral Tripartite Strategic Compliance Plans
- Draft the report of the proceedings of the Tripartite Strategic Compliance Plans

7. Timeline and Payment Plan and Schedule



Deliverables	Tentative Completion Dates	Payment plan (as % of the value of the contract)
Document containing the National Consultants technical inputs to the Service Provider's inception report	On or before October 30, 2021	20%
1 st draft of the baseline study and sectoral assessment, integrating the National Consultant's technical and country and context specific inputs	On or before January 7, 2022	30%
Facilitation of the three Tripartite Sectoral Strategic Compliance Planning Workshops, including the proposed Sectoral Strategic Compliance Plans	On or before 24 January 2022	30%
2 nd draft of the baseline study and sectoral assessment, integrating the technical and country and context-specific inputs of the National Consultant	On or before 4 February 2022	
ILO acceptance of the report from the three Sectoral Strategic Compliance Planning Workshops including the proposed Sectoral Strategic Compliance Plans	On or before 7 February 2022	20%
ILO acceptance of the baseline and sectoral assessment report which reflects the local and country-specific contexts of the target sectors	On or before 10 March 2022	
Total		100%

8. Management Arrangements

The National Consultant will establish all communications and work in close coordination with the M&E officer under the guidance of the project manager. All the tasks related to this assignment will be carried out in close coordination and consultation with the country office, DWT Bangkok



and the labour administration, labour inspection (LABADADMIN/OSH) Branch at ILO HQ. The ILO shall coordinate with other specialists to ensure that expert inputs on international labour standards, gender, and OSH, alignment of national law and practice, and good practices are gathered and integrated into the baseline and sectoral assessment, if possible.

The ILO shall conduct and organize all Project-related consultations for the validation of the baseline and sectoral assessments, the Project targeting exercise, tripartite strategic compliance planning workshops. The National Consultant shall work closely with the Service Provider which the Project will engage separately to conduct the data collection and draft the baseline and sectoral assessment reports.

9. National Consultant Profile

The National Consultant should have significant experience or expertise in the following

- Proven network or experience working with Project partners in the countries where the Project operates
- Familiarity or experience working on international labour standards and national labour laws in the Project's target sub sectors
- Familiarity or experience working on national policies and systems for OSH
- Familiarity or experience on gender equality, gender analysis and mainstreaming
-
- Familiarity with various good practices in promoting compliance on labour standards, OSH and gender equality
- Excellent command of English and familiarity with the local language (i.e. Bahasa, Cebuano)
- Excellent process facilitation skills

10. Requirements

The interested candidates must submit their proposal, with the following information:

- i) Curriculum vitae highlighting qualifications and experience relevant to the scope of work of this TOR
- ii) Proposal on the way he/she would envisage implementing the proposed scope of work reflecting the following:
 - a. Identification of policies, programmes, developments and other context and country-specific information, approaches and stakeholders which should be taken into consideration in the Project baseline and sectoral assessments
- iii) Estimated financial proposal indicating the daily rate in terms of professional fees (quoted in USD), total number of days and total amount. The estimated budget should take the following format:



Professional Fees in terms of Daily Rate:

Total Number of Work Days:

Total Proposed Amount:

Breakdown:

Expected Outputs	Number of Days	Amount
TOTAL		

Submission of proposals has been extended to **22 October, 2021**, and shall be made to: pastolero@ilo.org, copy santosj@ilo.org. Any questions on the scope of this TOR should also be addressed to the above emails. Please mention “**Proposal for a National Consultant to Provide Context-Specific Technical Inputs on the Baseline Study and Sectoral Assessment of Working Conditions in the Rural Sectors**”, in the subject of the email.