



International
Labour
Organization

► **Terms of Reference**

Technical support to the proposal prepared by the Department of Employment/MOLISA on the revision of the Employment Law in Viet Nam

ILO Vietnam

16 June 2022

► 1. Background

The Department of Employment under Ministry of Labour, Invalids, and Social Affairs (MOLISA) approached the ILO Vietnam's new Productivity Ecosystem for Decent Work project in April 2022 with a request to support the revision of employment law. Preliminary work was already implemented jointly by ILO Vietnam and MOLISA in 2021 on the assessment of application of international labour standards, on employment law implementation, credit policies for job creation, public employment services' organization, etc. ILO Vietnam's social protection project is currently supporting the Government with the revision of related social insurance legislation.

The Productivity Ecosystems for Decent Work Programme (PE4DW) is the new project of ILO Vietnam (2022-2025) launched in April 2022 with the initial inception phase and aims to address productivity and decent work deficits across policy, sector and enterprise levels for win-win solutions that improve productivity and that ensure, through social dialogue and workplace cooperation, that gains are distributed equitably. At the policymaking level, the PE4DW, in the Inception Phase, has started the review of existing policies related to labour and employment to assess the presence and effectiveness of productivity-related policies to identify an orientation for the work on productivity of the Project. PE4DW also comes at the right moment when the Government of Viet Nam is undertaking a revision of the Law on Employment, under the leadership and coordination of the Ministry of Labour, Invalids and Social Affairs. The Employment Law, enacted in 2013, has been providing a framework to implement job creation and employment services programs; increase the coverage of the unemployment insurance, and identify the roles of different stakeholders in promoting decent work in Viet Nam. However, the 2013 employment law needs to be upgraded in view of the growing challenges to build resilient and productive economy, and to introduce lessons learned from the impact of the COVID-19 crisis on the Vietnam's labour market, the need for scaling up the recovery measures as part of further employment policy reforms. The revision of the Employment Law will be an important platform for social dialogue and the development of policies supporting the growth of productivity.

The PE4DW Project is hiring an international consultant on an Excoll basis, to assist the Project through the process of policy review, the detailed objectives and tasks of the assignment are provided further.

► 2. Objectives and tasks

Objectives

The objective of this consultancy assignment is to provide technical analytical feedback to the proposal (dossier) prepared by the Department of Employment/MOLISA for submission to the National Assembly requesting revision of the Employment Law in Vietnam.

Tasks

The consultant will work in collaboration with ILO PE4DW providing assistance to the Employment Law revision process, as well as consult with relevant ILO specialists on labour standards, employment policy, labour economics in Hanoi, Bangkok, and Headquarters. The consultant will provide technical feedback to the Dossier on Employment Law revision prepared by the Department of Employment (DoE) MOLISA both through written analytical report and through online discussions with ultimate aim to assist the tripartite partners in the development of modern and relevant employment policy in Vietnam. The consultant will focus on the following two sub-tasks:

Producing technical comments on the thematic policy impact assessment reports. The DoE MOLISA plans to implement policy impact assessments on five topics, with involvement of national consultants (partially provided through ILO PE4DW support), that will form the Government proposal (also called dossier) for the revision needed in the 2013 version of the employment law. The impact assessment reports both evaluate the ongoing policy implementation, but also anticipate potential effect of new revisions proposed for the 2022 version. The international consultant will help review the reports, provide access to available international practices in this area, share knowledge products, and deliver advisory support to stakeholders to enrich the analysis and justification for the revision of the Law, to improve the effectiveness of policy response to employment and labour market outcomes. The international consultant will work tentatively 2 days on each thematic area. The topics include:

- Assessment of economic impacts of employment law;
- Assessment of social impacts of the policy;
- Assessment of gender impacts;
- Assessment of impacts of administrative procedures;
- Assessment of impacts on the national legal system.

Producing recommendations for the outline and content of the Employment Law revision. The consultant will work with different ILO's specialists including labour standards specialists, employment specialists, labour economist and relevant partners to consolidate opinions and develop a set of recommendations on revising the Law. The recommendations will be delivered in written form to ILO and the consultant will participate and give brief presentations in meetings organised by ILO with DoE MOLISA and other social partners. Recommendations from the ILO may cover all 7 chapters of the Employment Law of 2013, including:

- Chapter 1: General Provision
- Chapter 2: Employment creation support policies
- Chapter 3: Labour Market Information
- Chapter 4: Assessment and grant of certificates of national occupational skills
- Chapter 5: Employment service organisations and activities
- Chapter 6: Unemployment insurance
- Chapter 7: Implementation provisions

The recommendations can also go beyond the above 7 chapters based on the analysis of impacts and the need for institutional capacity-building of social partners for more effective employment policy.

The consultant will focus on the above major two sub-tasks, that are described here with understanding that complexity of employment policy-making process might require focusing on the issues that are not yet well known now, but might appear and become important on a later stage, and re-distribution of sub-tasks and related workdays might happen in this case.

► 3. Deliverables and timeline

ILO's technical inputs to the assessment reports on the implementation of the 2013 Employment Law to be sent to the Department of Employment, MOLISA for the revision of the 2013 Employment Law.

From the start of the assignment and until 15 November 2022, the consultants will produce the below-listed deliverables, where the distribution of workdays is tentative and subject to redistribution between outputs 1 and 2 depending on the actual need.

► Deliverables and timelines

#	Deliverables	Number of workdays	Date of completion
1	Comments on the thematic policy impact assessment report. In particular, this includes: <ul style="list-style-type: none"> written technical report; PowerPoint slides and their presentation to DoE; participation at meetings with DoE and social partners as requested by ILO PE4DW. 	10	November 15, 2022
2	Recommendations for the outline and content of the Employment Law revision. The action/result-oriented and detailed set of recommendations on productivity-related labour and employment policy areas for PESDW Project to consider for the design of the Project implementation phase. In particular, this includes: <ul style="list-style-type: none"> written technical report; PowerPoint slides and presentation at PE4DW Validation/Launch Workshops. Dates will be informed separately. 	15	September 30, 2022

ILO will review all deliverables and provide feedback on whether the deliverables are in line with expectations. All deliverables should be in English.

► 4. Application process

Taking into consideration the information provided, international consultant interested in this assignment are asked to submit the following:

Up-to-date Curriculum Vitae (CV)

The documentation indicated above should be sent in English in electronic format to Mai Nguyen Thi Hong, International Labour Organization (main@ilo.org) by 25 June 2022.