

Terms of Reference Consultancy

Reviewing and developing the project's monitoring and evaluation system

Programme/Project Name	New Industrial Relations Framework (NIRF)
Name of individual consultant ¹	
Duration of the contract	Tentatively 25th January 2024 – 15 April 2024
Total value of consultancy (USD/VND)²	
Source of funding (AFF/PTAEO)	

I. Background & Rationale

Vietnam's industrialization and development strategies reflect a global integration agenda: to become a manufacturing hub in global supply chains, and to conclude free trade agreements (FTA) and investment agreements. The global economic integration requires adjustment of not only economic and trade policies, but also social and labour policies for sustainable and inclusive growth with social justice at a global and national level.

Since 1998 Vietnam has ratified a number of Fundamental and technical ILO Conventions and has undertaken progressive reforms, which include the revision of the Labour Code in 2012 and the establishment of a tripartite National Wage Council in 2013. Vietnam has also driven gradual change consistent with the ILO FPRW Declaration through the policy agenda. The Vietnam Strategy for International Integration until 2030 (approved by the Prime Minister), places Fundamental ILO Standards at the centre of the country deepening integration as well as the "Prime Minister[s] Decision on Plan for Implementation of Ratified Conventions and for Ratification of Other 10 Conventions for the Period from 2016-2020". In 2016, Vietnam began a new round of labour law and industrial relations reform.

In November 2016, the Vietnam's Communist Party issued the Resolution 06-NQ/TW on effectively implementing international economic integration, maintaining social political stability in the context of Vietnam's participation in new generation free trade agreements. It explicitly refers to "improving [the] legal framework regulating social relations, especially industrial relations and new issues arising from the implementation of new general free trade agreement[s]". Government and social partners have long been aware that the industrial relations system and practices have not well served the interests of

¹ This information could be filled upon completing the recruitment process

² This information for internal use only

workers, businesses and society. These symptoms are signs of problems in key elements that make up the industrial relations (IR) framework: IR legal provisions, institutions, and the capacity of IR actors.

Since 2016, the International Labour Organization (ILO), with financial fund from United State Department of Labour, has supported the Government of Vietnam a technical cooperation project (NIRF) to enhance capacity in IR framework, including IR legal provisions, institutions and capacity of IR actors, which is a third-generation project in this technical area, and is designed to support this renovation process. The project began on October 1, 2016 and the first phase ended on 30 April 2023. The extended phase (so called NIRF II) started from 1 May 2023 and is expected to end on April 30, 2026.

The project's overall objective is: to promote the development of an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, with a special focus on Freedom of Association (C.87) and Rights to Collective Bargaining C.98), and in full consideration of the socio-economic conditions of the country.

The project objective is to be reached through the achievement of the following interlinked Long-Term Outcomes (LTOs):

- LTO 1: National labour laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country
- LTO 2: Labour administration develops effective national industrial relations policy.
- LTO 3: The labour inspectorate effectively enforces and promotes compliance with national labour laws in industrial relations.

The project aims to strengthen the IR framework through an approach that will raise awareness of and support for effective IR practices; promote the adoption of legal provisions in line with Fundamental Principles and Rights at Work (FPRW); support the Department of Industrial Relations and Wages (DIRWA) (and IR administrators) to design institutional reforms (particularly in dispute settlement), establish social partner coordination mechanisms and promote collective bargaining, and; enable labour inspectors to be more effective in enforcing and promoting compliance of legal obligations, with a specific focus on those relating to industrial relations. The key implementing partners of the project are Ministry of Labour, Social Invalids and Social Affairs (MOLISA), particularly its Legal Department, Department of IR and Wage, Inspectorate. In terms of geographical interventions, the project has supported pilot activities in Ho Chi Minh, Binh Duong, Dong Nai and Hanoi in labour dispute and labour inspection.

With the new phase of the project, the project's monitoring and evaluation framework need to be updated. In addition, USDOL recently introduced the Theory of Sustained Change approach, new reporting tool, and requirements for aligning the project's indicators and USDOL's Standard Outcome Indicators.

II. Objective/purposes

This MEL exercise will help the project team have more comprehensive ME plan and tools, which include:

1. development of Theory of Change for the whole project, including project phase 2, which should apply the Theory of Sustained Change approach introduced by USDOL and other ILO's MEL guidance;
2. formulation of new SMART indicators, targets, baselines and milestones for NIRF Phase II;
3. development of risk identification and management plan;
4. development of monitoring tools; and
5. development of sustainability plan with monitoring tools;

In 2023, the USDOL introduced the Theory of Sustained Change approach, and Standard Outcome Indicators. These documents should be incorporated in the review and improvement of the NIRF's MEL plan.

Intended users:

The outputs of this assignments will be used by the NIRF project team, both at ILO and the national partners, and also USDOL to monitor, report and manage the project progress and quality of delivery, effectiveness and sustainability. Direct users of this assignment's outputs will be ILO's NIRF project management team, the project's national counterparts and USDOL's grant management team. Indirect users of this assignment's outputs will be ILO Co Hanoi's management and programming units, ILO MEL global team, and other relevant stakeholders.

III. Scope of Works

The Theory of Change should cover both the project phase 1 and project phase 2 of NIRF project. The assignment should apply the participatory approach, engaging not only the project team at the ILO and the discussions with the national counterparts, taking into account the diverse perspectives.

VI. Specific tasks and methodology

The consultant will closely interact with the Project Manager and the National Project Officers. He/she will be provided with any supporting documents as required, including the project document, the project work plan, the progress report.

The consulted is expected to conduct the review and improvement of the M&E system of the project as follows:

1. Study the project document and related information, as well as ILO's MEL guidance, USDOL's Theory of Sustained Change and Standard Outcomes Indicators.

The below documents, among others, are expected to be studied thoroughly for this assignment:

Management Procedures and Guidelines 2022:
<https://www.dol.gov/sites/dolgov/files/ILAB/MPG-2022-OTLA-Final-Feb-15.pdf>
Sustainability Guide: [Sustainability Guide \(dol.gov\)](#)
ILAB's Theory of Sustained Change Guide Book for ILAB's Worker Right Program: [Theory of Sustained Change Guidebook for ILAB's Worker Rights Programs \(dol.gov\)](#)
ILAB's How to use Data Reporting Form: [Using the Data Reporting Form - YouTube](#)

ILAB: Complexity -Aware and System thinking for MEL [Complexity-Aware and Systems Thinking for MEL | U.S. Department of Labor \(dol.gov\)](#)

2. Develop the Theory of Change for the project, covering the phase 1 and phase 2, with studying the USDOL's Theory of Sustained Changes, taking into account the complexity and contextual factors which may affect on the project performance and delivery.
3. Develop the Project Performance Plan including: revision of the old indicators – responding to USDOL's comments to the extent it is meaningful; identification of SMART indicators (both with both quantitative and qualitative nature) for NIRF II; setting baseline and targets at the right level; (using USDOL's templates); The list of indicators should be for two purposes (1) process monitoring and (2) outcome measurement.
4. Developing tools to support (1) process monitoring (2) internal learning for correct and timely actions (3) risk mitigation plan and management; ensuring that the developed tools are user friendly, simple and useful to use. The tools need to cater for the project's diverse interventions and different nature of partners.
5. Advise on the gender sensitivity of the project monitoring and evaluation.
6. After having the list of project indicators, mapping the project's indicators with USDOL's required standard outcome indicators.
7. Provide technical support to the project national officers and project assistants to takeover and manage the M&E system of the project.
8. Assess the project sustainability likeliness and develop the sustainability plan, with studying the USDOL's and ILO's guidance on sustainability plan development and deployment.

V. Expected results

The main expected outputs of this consultancy are as follows:

1. The inception report that includes:
 - Assessment report.
 - Workplan.
2. Project's Theory of Changes, which should apply Theory of Sustained Change theory introduced by USDOL and other relevant ILO's guidance.
3. Project Performance Plan/ M&E Framework (USDOL's template), which include:
 - Develop indicators for the project, including baseline, targets and/or key milestones, data aggregation, align with USDOL's reporting tools and requirements.
 - Develop data collection methods/ tools/ templates.
4. Advice and suggestion of how integrating gender equality/sensitivity into the project monitoring and evaluation.

5. Tools and advice on how the project should do to enhance the internal learning activities and external learning during the project implementation.
6. A suggested mapping between the project's indicators and USDOL's Standard Outcome Indicators.
7. Risk mitigation and management plan.
8. A sustainability assessment and a sustainability plan, with tools to monitor the progress, and risk factors that may influence the sustainability of the key outcomes/outputs.

VI. Timeline and Deliverables

	Deliverables	Working days	Disbursement (USD)
1	Develop assessment report and workplan.	3	20%
2	Theory of Change (visual and 2-page explanation)	3	
3	Project Performance Plan/ M&E Framework, including: <ul style="list-style-type: none"> • Develop indicators for the project, including baseline, targets and/or key milestones, data aggregation, align with USDOL's reporting tools and requirements. • Data collection methods/ tools/ templates. • Advice and suggestion of integrating gender equality into the project M&E. • Tools and advice on how the project should do to enhance the internal learning activities and external learning during the project implementation. • Mapping the project indicators with USDOL's Standard Outcome Indicators. 	15	60%
4	Risk mitigation and management plan.	2	
5	Sustainability plan and monitoring tool.	2	
6	Workshops/Meetings with the project team, and counterparts to get insights/perspectives on Indicators, risks, sustainability for drafting and finalizing those materials; including one orientation of use of tools to the project team.	2	20%
Total		27	100%

VII. Payment schedule

- 1st payment 20% of the total contract upon submission of deliverables 1 and 2 at the satisfaction of the ILO.
- 2nd payment 60% of the total contract upon submission of deliverables 3, 4 and 5 at the satisfaction of the ILO.
- 3rd payment 20% of the total contract upon submission of deliverable 6 at the satisfaction of the ILO.

VIII. Qualifications

- A strong expertise in conducting similar assignments, with a preference to experience in the Asian context.
- Advanced University degree in the fields of economic development, public policy, development management, impact assessment or other related fields.
- Proven expertise in quantitative and qualitative methodologies, operations research.
- Proven experience in developing and managing M&E systems.
- Experience of working with International Labour Organization/ UN or international development.
- Experience with US DOL's M&E requirements is a preference.
- Proven understanding of the International Labour Standards and the ILO policies is a preference.

IX. Application submission

Interested candidates should submit:

A. CV;

B. Technical proposal (not more than two pages) in English that should clearly outline:

- Relevant experience. The information provided shall clearly show that the qualifications required are met. Proof of similar assignment (incl. papers produced if possible) is required as an annex.
- Understanding of the task and approach/methodology suggested carrying out the assignment; description of and timeline for actions to be taken to fulfil the assignment.
- Fees in USD per day.

Please mention "NIRF M&E System Review and Improvement in the subject of the email. Submission of proposals to: thanhhuyn@ilo.org, quynhn@ilo.org by 7 January 2024.