



**International Labour Organization
New Industrial Relations Framework Project (VNM/16/02/USA)**

TERMS OF REFERENCE FOR CONSULTANCY SERVICE

**To build capacity for DOLISA in implementing labour dispute settlement regulations
(Activity 2.5.2)**

I. Background

Viet Nam is facing significant changes in the industrial relation progress in line with the robust economic development in the past 20 years. The country is experiencing the multifaceted globalisation, that includes rapid technological change, economic interdependence, a move towards free market economy, as well as increasing calls for public accountability.

The ILO Country Office for Vietnam is implementing a technical co-operation project entitled Developing and Implementing a New Industrial Relations Framework in respect of the ILO Declaration on Fundamental Principles and Rights at Work ("NIRF Project"). The NIRF Project aims to assist Vietnam to reform and improve its industrial relations framework consistent with the ILO Declaration on Fundamental Principles and Rights at Work (1998), with funding from 4 different donors including U.S. Department of Labor (USDOL).

Vietnam's labour law has created a legal basis for establishing mediation institutions to resolve labour disputes. However, the process and procedures for resolving a number of disputes are not really appropriate, not fully promoting the role of the mediation and labour arbitration, etc. so it is necessary to focus on renewing the labour dispute settlement system towards professionalization and guarantee of independence, accessibility, enhanced role of mediators and arbitrators in settling labour disputes and supporting IR development to prevent potential labour disputes.

ILO is currently working with national partners to enhance the priorities on dispute resolution based on empirical evidence of the dispute situation and settlement capacity of authorities in the form of a dispute settlement scheme in Vietnam in the new context. The Labour Code was adopted in November 2019 and paved the way for reforming the labour dispute settlement mechanism toward effectiveness and responsiveness from the labour administration agencies at the local level.

The Project seeks to engage a consultant to support a selected DOLISA to assess the capacity to implement the new law and prepare for its implementation.

II. Objectives

- Analyse the dispute resolution operational situation in one province (Bac Ninh), to provide DOLISA and MOLISA with up-to-date information on current processes, written guidance given, staff resources and capacity, time and space available to do this work, support for it, disputes (including management, training and payments e.g. for travel) and any information available to those involved in
- Propose a practical plan for preparing the province for the implementation of the new legal requirements for services on dispute resolution, the needs of stakeholders (those who will use the service and those that work in it), and the actual situation.

III. Expected outputs

3.1. Operational situation assessment

The consultant is expected to prepare an operational situation assessment report to analyse:

- The resources in the current system:

- Human resources and capacity of that provincial administrators, mediators and other dispute resolution actors managing or delivering labour dispute settlement
- How the current system operates or is meant to:
 - Workflows and any written guidance, instructions, processes and forms used by administrators in relation to current DR procedures (including such things as workflows, formal practice instructions for conducting mediation, guidelines, training materials
 - What good practices are available e.g. guidelines, resources, information for users is available to be adapted etc. training, staffing, gender-related, administrator training, systems.
 - What operational gaps exist that will need to be filled (as above) to meet the demands of the revised Labour Code and to ensure awareness and usage of the new system according to administrators, mediators, stakeholders, including and potential dispute parties.
 - What information is provided to potential dispute parties about dispute resolution, through what channels, what is their means of contact, and any requirements they must meet when applying for dispute resolution (e.g. forms, fees, evidence at point of application).
- What potential users know and think about the system and how could they be encouraged/guided to use the updated system:
 - What communication and access gaps exist that will need to be filled (as above) to meet the demands of the revised Labour Code and to ensure awareness and usage of the new system according to administrators, mediators, stakeholders, including and potential dispute parties.

3.2 Operational plan with preparatory step

The consultant is expected to work with DOLISA and in close coordination with MOLISA to develop a step-by-step plan for implementing an updated dispute resolution service under the revised Labour code and identified workflow. The plan will focus at the operational level.

It will include:

- A brief summary of the legal basis for updating the dispute resolution service: to reflect revised Labour Code and Directive 37.
- A presentation of requirements of the updated system (what it must deliver)
- A summary of the findings of the situation assessment
- A suggestion of steps to be taken to move from the current situation to a functional revised system, including:
- Good practices to be continued and solutions, with explanations, to fill gaps/needs identified
- A plan for implementation over a period of one year with timelines, and details of the inputs, resources and support that will be needed.

IV. Scope of work and tentative timelines

The contract is expected to start on 1st January 2020 and ends on 31 March 2020.

The consultant will work closely with MOLISA partners to complete these expected tasks:

#	Expected tasks	Tentative Timelines/deadlines	No. of working days
1	Desk Review and gathering data, information, legal texts	01-05 January 2020	4

2	<p>Conducts meetings with MOLISA and DOLISA stakeholders to conduct a qualitative survey and identify the priorities for intervention.</p> <p>This includes two missions to Bac Ninh, each mission last 2 working days.</p>	06 January – 20 February 2020	6
3	<p>Conducts situation assessment to grasp the need of the stakeholders. For this, the consultant will need to (i) develop assessment tools, (ii) conduct survey (iii) prepare and (iv) validate TNA report.</p> <p>This includes two missions to Bac Ninh, each mission last 2 working days.</p> <p>The missions must include meetings with a range of relevant stakeholders, including administrators, mediators, individuals and organisations that have used dispute resolution or who may wish to use the system (to understand what would encourage them and suggest improvements)</p>	06 January – 20 February 2020	8
4	<p>Facilitate the development of the preparation plan in collaboration with DoLISA and MoLISA.</p> <p>This includes (i) the suggestions for the plan, (ii) MOLISA DOLISA coordination to complete the plan, (iii) lead/facilitate the planning; participate in validation meeting and provide inputs to the plan finalization process.</p>	20 February – 31 March 2020	8
TOTAL			26

V. Criteria for the consultant

- At least 5 years of research on industrial relations, labour laws or related areas;
- Sound understanding of the International Labour Standards on industrial relations, international industrial relations systems and good practices;
- Strong research and/or law background, demonstrated materials as the author is required;
- Excellent writing skills;
- Strong experiences with similar tasks for labour administration system of developing countries, experience with Viet Nam case is an advantage.

VI. Administration, Insurance, Reporting and Coordination

The contract for this assignment will be issued by ILO CO-Hanoi. Office space, equipment and other logistical arrangements in the course of the work are to the responsibility of the Consultant. Costs for agreed field trips will be covered by the ILO according to the Office's regulations and cost norms.

The Consultant is responsible for his/her own medical and accident insurance, and may be required to provide proof that they are adequately insured. The ILO accepts no liability in the event of death, injury, illness or any other loss to the Consultant. The Consultant attests that he/she is adequately covered by insurance for these risks. In no circumstances shall the Consultant be covered by any ILO insurance. It is the Consultant's own responsibility to take out, at their own expense, any personal insurance policies that are considered necessary, including a civil liability insurance policy.

The Consultant will be responsible to deliver final outputs and to report directly to the National Project Coordinator of the NIRF Project in CO-Hanoi.

VII. Application

Interested candidates are invited to submit an application package in English including the following documents by email to **quynhn@ilo.org** by **17:30 GMT+7 on Thursday 19 December 2019**:

- CV;
- Technical Proposal briefly describe the research proposal relevant to the TORS and Financial proposal including daily fee (maximum 3 pages);
- Confirmation of availability during the contract period;
- Samples of writing assignments completed.

Only submissions with complete documents stated here above before the deadline will be considered. We regret that detailed screening results will not be released and only shortlisted candidates will be contacted.