

Terms of Reference

Develop a paper on recommendations to the revision of Law on Sending Vietnamese Contract-Based Workers Abroad on gender mainstreaming and safeguarding the rights of women migrant workers basing on qualitative information of women migrant workers' experiences and legislation analysis.

Background

Safe & Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region (2018-2022) is implemented by the ILO and UN Women, led by the ILO Regional Office for Asia and the Pacific. Safe & Fair delivers technical assistance and support with the overall objective of making labour migration safe and fair for all women in the ASEAN region. Safe & Fair works in close cooperation with governments and social partners to achieve three inter-linking specific objectives:

1. Women migrant workers are better protected by gender-sensitive labour migration governance frameworks;
2. Women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated responsive quality services; and
3. Data, knowledge and attitudes on the rights and contributions of women migrant workers are improved.

The revision of Law on Sending Vietnamese Contract-Based Workers Abroad

The Law on Sending Vietnamese Contract-based Workers Abroad (Law 72) which came into effect in 2007, is the primary law governing regular labour migration, with stipulations on recruitment agencies, the rights of migrant workers, pre-departure preparation, supports to migrant workers upon return, usage of fund to support labour migration, and responsibilities of related government agencies. In 2018, the proposal for major changes to the Law 72 was approved, and the drafting process of the revised Law has been started.

During the Law 72 revision process, it is important to take into account the experiences of and expectations of women toward labour migration to balance the interests of enterprises and the state regarding labour migration. In 2019, a qualitative study has been conducted to collect stories of how returned migrant women have experienced impacts and

implementation of Law 72 to date. These stories provide a qualitative evidence-based perspective to the key policy changes proposed, providing evidence-based inputs to the refining of key policy changes and drafting the revised Law. The ultimate goal is to ensure the policy reform benefits (potential) women migrant workers.

One step further to make this information useful for the Law 72 revision process is to use the collected information and legislation analysis, especially the major changes planned for Law 72 to formulate concrete recommendations on ensuring gender mainstreaming and safeguarding the rights of women migrant workers in the revised draft Law.

Tasks and deliverables

1.1. Tasks

- Thoroughly review the report of the qualitative study.
- Review the major changes planned for the revision of Law 72, and ILO TRIANGLE in ASEAN's previous analysis recommendations given to the government for the revision of Law 72.
- Develop a proposed detailed structure of the paper for discussion and inputs from Safe and Fair technical officers.
- Write a paper using the findings from the qualitative study and the analysis of Law 72 that lays out the rationale for inputs, recommendations to the revision process of Law 72 regarding gender responsiveness and safeguarding the rights of women migrant workers. The paper should foreground women's stories, and directly connect them to analysis of the Law.

1.2. Deliverables

1. Proposed detailed structure of the paper for discussion and inputs from Safe and Fair technical officers.
2. A draft paper that lays out the rationale for inputs, recommendations to the revision process of Law 72 regarding gender responsiveness and safeguarding the rights of women migrant workers, and showcases relevant stories of women migrant workers, to the satisfaction of Safe and Fair programme.
3. A final paper, per above (no.2), to the satisfaction of Safe and Fair programme.
4. Present the paper to the Drafting Team of the revised draft Law on Sending Vietnamese Contract-Based Workers Abroad, and other relevant stakeholders.

2. Language

The report will be developed in English.

3. Key skills, technical background, and experience required

- Advanced background in law.
- Substantial expertise on Viet Nam's labour migration legislation.
- Strong writing skills.
- Work experience with government agencies and/or UN agencies an asset.

4. Collaboration with the Safe and Fair Programme

The contracted consultant will work under the supervision of Safe and Fair National Programme Coordinator (NPC).

During the study, the Safe and Fair programme will provide the following support to the contracted institution/ consultants:

- Provide relevant documents;
- Review and provide comments to the detailed structure of the paper;
- Review and provide comments to the draft and final paper.

5. Budget and payment schedule

The budget for the study should include a clear cost breakdown of the professional fee (1 person).

- First payment: Forty percent (40 %) will be transferred to the bank account of the contracted consultant/s upon completion of deliverables 1 and 2, to the satisfaction of the Safe and Fair programme;
- Final payment: Thirty percent (30 %) will be transferred to the bank account of the contracted consultant/s after submission of the deliverables 3 and 4 to the satisfaction of the Safe and Fair programme.

6. Submission of application

The interested candidates must submit their:

- CV and details of at least 2 references
- Cover letter
- Sample work that is relevant to this consultancy

- Daily consultancy rate

All proposals shall be submitted to the Safe and Fair Programme through email: tu@ilo.org by **17:00pm on 19 December 2019.**

7. Evaluation

All candidates will be evaluated on the following criteria:

1. Relevant qualification and expertise
2. Quality of similar previous works accomplished
3. Financial proposal

Shortlisted candidates may be invited for interviews for final selection.