

## **STRENGTHENING THE AWARENESS AND PRACTICE OF INTERNATIONAL LABOR STANDARDS IN VIETNAM (SAP-ILS)**

### **TERMS OF REFERENCE FOR CONSULTANTS ON BASELINE PROJECT ASSESSMENT**

Kenan is looking for a consultant team to perform the baseline project assessment of the Vietnam SAP-ILS project that fulfils the overall and specific objectives stated below:

#### **1. BACKGROUND**

##### **1.1 Project Summary**

Kenan is launching the Strengthening the Awareness and Promotion of International Labor Standards in Vietnam (SAP-ILS) project, designed to demonstrate an innovative approach to address gaps in the practice of the Vietnam labor code and international labor standards (ILS) in Vietnam. Working with selected enterprises and in partnership with key stakeholders in Bac Ninh industrial zone, the project will raise awareness of ILS, building capacity of civil society organizations and trade unions to improve engagement through constructive dialogue to assert workers' rights with employers and the government, supported by improved monitoring of compliance with labor standards. The project will build understanding of ILS with a broad group of stakeholders, including workers, TUs, enterprise executives, business associations, and the government, working to empower key actors at the local level to promote increased awareness in and outside the industrial zone. The project will collect data used to monitor labor practices in the workplace, and will conduct social dialogues and constructive negotiation to facilitate interaction between workers and employers.

##### **1.2 Project Goal**

Key actors contribute to improved working conditions in Vietnam's manufacturing sector through strengthening the awareness and practice of local and international labor standards.

##### **1.3 Project Objectives**

**Objective 1: Increased Awareness.** Key actors (CSOs, trade union members, worker representatives) promote increased awareness of local and international labor standards with workers and management in Bac Ninh industrial zone.

**Objective 2: Sustainable Monitoring.** Key actors manage a sustainable monitoring mechanism to collect and report information on the practice of local and international labor standards.

**Objective 3: Constructive Dialogue.** Practice of local and international labor standards is strengthened through constructive dialogue channels conducted between civil society and workers, enterprises, and government.

#### **2. THE OBJECTIVES OF THE CONSULTANCY**

##### **2.1 Overall Objective**

To conduct a contextual baseline assessment of the current situation at Bac Ninh industrial zone and to provide recommendations to inform project approach with respect to the project's stated objectives.

## 2.2 Specific Objectives

- Assess the current level of understanding of, and compliance with, ILS at factories in Bac Ninh industrial zone.
- Assess the effectiveness of current mechanisms for raising and addressing working conditions at factories in Bac Ninh industrial zone.
- Identify barriers and enablers with respect to people, systems and priorities for implementing the project to: improve understanding of and compliance with local and ILS; and, foster constructive resolution of disputes between workers and employers.
- Propose operational level recommendations to enable effective implementation of activities under stated project objectives.

## 2.3 Key study areas

The consultant will finalize research priorities in discussion with Kenan, with the following questions guiding areas of research interest. The consultant will research and contrast responses from perspectives of different stakeholders indicated in the Methods section below.

Understanding of and compliance with labor standards:

1. What is the level of understanding of Vietnam's labor code and international labor standards in Bac Ninh industrial zone factories?
2. What are the main areas of non-compliance of Vietnam's labor code and international labor standards in Bac Ninh industrial zone factories?
3. What are the most important aspects of labor standards compliance that influence working conditions in Bac Ninh industrial zone factories?

Raising awareness of labor standards and worker's rights among workers:

1. What information about labor standards and worker's rights would be most beneficial for workers to be informed about?
2. What are the most effective channels and mechanisms for sharing information with workers on labor standards and worker's rights?
3. What are incentives/disincentives for workers to participate in social activities where information on labor standards could be disseminated?

Monitoring labor standards compliance:

1. What channels should the project use for workers reporting on labor standards compliance/non-compliance (include inside and outside the factory, physical/online)?
2. What incentives would encourage workers to contribute to monitoring of compliance/non-compliance of labor standards?

Dialogue for raising and addressing issues of working conditions:

1. How do workers raise issues about working conditions or non-compliance with labor standards? Do workers perceive current mechanisms as effective?
2. What collective bargaining agreements (CBA) and processes exist at the factory or industrial zone level? Are they enforced? What would improve their application?
3. What could increase the effectiveness of social dialogues, CBA and negotiations to address worker issues or contribute to improved working conditions in the factories?

Project partnerships:

1. Which key actors should the project work with to implement project activities across the three specific objectives identified in the Background section?

### **3. SCOPE OF WORK**

It is anticipated that the full scope of work will require around one month consultancy time. The consultation includes fieldwork, report writing and presentation of results to Kenan.

### **4. METHODS**

The methodology for the study will be proposed by the selected consultant team and discussed with Kenan at the outset of the work for any adjustments. The final version will be presented in detail in the inception report. It is expected that methodology will comprise primarily of survey, individual interviews or focus group discussion, with desk review to shape interviewee selection and support the contextual presentation of report recommendations.

Interviews and focus group discussions (FGD) should be conducted with representatives from: civil society organizations working in Bac Ninh industrial zone, including representatives from industrial zone management; provincial level VCCI, VGCL, DOLISA; trade unions at the factories, workers and worker representatives. The selection of specific industrial zones at Bac Ninh and project partnering enterprises has not been finalized by Kenan. The baseline assessment is therefore designed to provide a representative understanding of the research areas indicated above, and not a specific baseline to measure the project's target outcomes. The consultant is responsible for design of interview questions and FGD planning, however Kenan can assist in identifying and support arrangements for scheduling interviews and FGDs.

### **5. DELIVERABLES**

Deliverables for the assignment include:

#### **5.1 Inception report**

An inception report with oral presentation to client including:

- Summary of desk review and plan for field visits
- Research objectives and questions
- Methods and justification of the proposed methodology
- Proposed list of interviews and focus group discussions
- Key implementation challenges and risks including ethical considerations
- Additional program design considerations
- Implementation work plan and timetable

#### **5.2 Baseline report**

The final baseline report should approximately include these sections.

- Glossary/Acronyms
- Introduction
- Executive Summary
- Methodology
- Limitation(s)
- Findings
- Conclusion and recommendations
- Appendices

All results, impacts and changes must be substantiated by quantitative and qualitative data, and typical stories. All documents, data, group meeting minutes, illustrative photographs

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## 6. CONSULTANT QUALIFICATION AND TEAM COMPOSITION

- International consultant based in Vietnam or region as lead evaluator with a Vietnamese national consultant as co-evaluator.
- Minimum of 5 years' experience conducting related formative research in Vietnam or the region with similar parameters of interest.
- Demonstrated understanding of the Vietnam labor code and international labor standards, Vietnamese government system, operations at industrial zones.
- Strong communication/facilitation skills and excellent English language.

## 7. REPORTING

The selected consultant team shall report to Kenan Institute Asia.

## 8. CONTRACTUAL TIME AND PAYMENT PLAN

- Kenan Institute Asia has a fixed budget of \$8,000 for the assessment. Payments are subjected to applicable taxes according to the national tax law.
- The work will take place from 8<sup>th</sup> November until 31<sup>st</sup> December 2017, with the final report due by 15 January 2018.
- Payment schedule as follows:
  - 30% within 15 working days after the signature of contract.
  - 30% within 15 working days after submission of draft report.
  - 40% within 15 working days after the acceptance of the final report.

Kenan will cover costs associated with FGDs and other fieldwork expenses. Kenan will reimburse consultants costs for transportation from Hanoi to Bac Ninh, accommodation in Bac Ninh and M&IE as required to conduct field work in accordance with Kenan's travel policy within 15 working days of receipt of reports and evidence.

## 9. COMMUNICATION

Ms. Phan Kieu Anh, Country Program Manager at Kenan shall be the representative on behalf of Kenan for this work, email: [kieuanh@kenan-asia.org](mailto:kieuanh@kenan-asia.org), office phone #: 84-24 3715 1777.

## 10. PROPOSAL SUBMISSION

The Offeror should submit its best proposal initially, indicating the proposed evaluation methodology including type and number of participants, indicative list of interviewees, timeline and expected number of days of each evaluation team members' contribution to the study. Proposals are required to indicate how they will address the key research questions indicate in section 2.3 above. Proposals will be evaluated based on: 1) responsiveness to objectives of the study; 2) proposed methodology; and 3) qualifications of proposed staff based on CVs, references and past reports.

Proposal submission, including CV(s), references, past reports, and quotation to conduct the evaluation is to be sent to Kenan Hanoi Office at: [ha@kenan-asia.org](mailto:ha@kenan-asia.org)

**Closing date for applications: 17.00 on 27<sup>th</sup> October, 2017.**

*Please note that responses received after due date shall not be considered and only short-listed candidates will be contacted.*