



International
Labour
Organization

International Labour Organization (ILO)

NIRF Programme (VNM/16/02/USA)

TERMS OF REFERENCE FOR A CONSULTANT

To Develop Concise Information Sheets on the Labour Code

(Activity 1.5.1 - USDOL)

BACKGROUND

1. As a Member State of the ILO, Viet Nam has committed to respecting and implementing fundamental principles and rights at work as set out in the ILO's 1998 Declaration (the FPRW Declaration). The signing of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and advanced plans for signing the EU-Viet Nam Free Trade Agreement (FTA), both of which include labour provisions, are further public confirmations of this. They also reflect the countries determination to ensure inclusive growth, development and increased international integration, through a strategy that harnesses trade and investment opportunities. .
2. With these commitments and ambitions in mind, Viet Nam is enacting reforms in the areas of industrial relations and labour law, in order to update and strengthen its' industrial relations framework and align labour laws with International Labour Standards, on freedom of association, collective bargaining, forced labour, child labour and non-discrimination. The New Industrial Relations Framework technical co-operation project, funded by USDOL, is being implemented by ILO to provide technical support to Viet Nam, as it undertakes these reforms.
3. The aim of the NIRF Project is to assist Vietnam to reform and improve its industrial relations framework consistent with the ILO Declaration on Fundamental Principles and Rights at Work (1998). It also aims to engage employers, workers and their representative in legal and institutional reform and enable them to realise their rights and responsibilities. The NIRF Project is part of a broader programme which includes projects with a complementary focus, supported by Japan, European Union (EU) and Canada.

HISTORY/CONTEXT

4. This assignment relates to one of the key objectives of the USDOL-funded component, which is: "National labour laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work (FPRW) in full consideration of the socio-economic conditions of Vietnam".

5. To support the achievement of this objective, a mix of activities are being carried out, including technical research on labour issues, impact analyses, consultative workshops, direct legal drafting support, and communication to raise awareness about the Labour Code reform.
6. In May 2019, draft of the Labour Code was published for public consultation and appraisal by relevant Ministries and stakeholders. Following this, in accordance with the law making processes, the Social Affairs Committee (SAC) has taken responsibility for improving the draft Labour Code and has further consulted on it, including a series of meetings with ILO. The SAC will continue to carry that responsibility until the draft goes before the National Assembly in October/November 2019. It is expected that National Assembly will pass the Labour Code at this sitting.
7. ILO now seeks a national or international consultant to draft a series of short, easy to read information sheets describing 'What's in the *Draft* Labour Code' and to subsequently review and update these sheets as needed, once the Labour Code is passed by the National Assembly.

OBJECTIVES

- Information sheets on narrow topics covered in the new Labour Code are available within a short time from the date of passing of the Labour Code.
- Information sheets are available for use in dissemination, discussions and workshops with NIRF partners.

TASKS

8. The consultant will write a series of 10 - 12 information sheets on topics covered in the draft Labour Code provided by ILO and expected to be available in mid-late September 2019.
9. Specific topics of information sheets will be discussed between ILO and the consultant after recruitment. Tentative topics are:
 - Minor workers
 - Vocational training and apprenticeships
 - Employee status and rules of employment contracts
 - Working hours
 - Overtime hours and pay
 - Labour Inspection powers
 - Wages (including equal remuneration)
 - Discrimination and equality
 - Dialogue and collective bargaining
 - WROs
 - Retirement
 - Probation, termination and dismissal
10. Each information sheet will:
 - Fit into two sides of A4.
 - Present the key points of the law on the topic and what's new.

- Have maximum text of 500 words PLUS up to 10 key points to be presented as infographics. ILO will prepare the infographic icons but the consultant will provide the short text/data to be used/represented. The infographics will briefly present points that are new in the Labour Code, important changes from the 2012 Labour Code and/or key points of interest.
- Use plain English with an aim that the sheets to be subsequently translated into Vietnamese with highest degree of accuracy. Limited quotations from the Labour Code text can be include only if essential.

11. Each information sheet will be updated by the consultant, as required, once the Labour Code has been passed by the National Assembly.

12. The contract will include the following deliverables.

Key activities	Tasks	Approximate Timeline
The ILO make the draft LC available to consultant. Briefing meeting with ILO.	Agreement on approach through briefing meeting	25 September
Review of draft LC and 2012 LC. Outline of information sheet 1 as basic model for all other information sheets	Draft outline for information sheet (IS) No. 1 for review and agreement by ILO	27 September
	Feedback given by ILO	2 October
Full drafting of IS No. 1	Full draft of IS No. 1 for review and agreement by ILO (as model for all)	4 October
	Feedback given by ILO	4 October
	IS No. 1 finalised	8 October
Progressive full drafting of 5 ISs	Full draft of five of ISs for review and agreement by ILO	16 October
	Feedback from ILO on five ISs	17 October
	Completion of first five ISs based upon feedback Full draft of remaining ISs for review and agreement by ILO	22 October

	Feedback from ILO on the remaining ISs	23 October
	Completion of the remaining ISs	30 October
Updating IS to match passed Labor Code	Updating of ISs if the passed LC is different from the draft and necessitates a change in the ISs	Within 3 days of receiving approved Labour Code in translation (one week after publication)

DELIVERY STANDARDS

13. The consultant will be required to produce information sheets *that*:

- Are written in plain, concise English and at a reading level suited to SME owners or trade union representatives;
- Comply with the ILO's ethical standards for research;
- Align with and references international labour standards where relevant as appropriate.
- Mainstream gender throughout

CONTRACT PERIOD

14. The contract will begin on 25 September 2019 and end on 15 November 2019.

ILO BRIEFING AND MATERIALS

15. The ILO will arrange a meeting with the consultant at the commencement of the contract to provide an overview of the assignment requirements. The ILO will also provide the consultant with draft Labour Code and relevant materials.

QUALIFICATIONS OF THE CONSULTANT/CRITERIA FOR THE CONSULTANT

The following criteria/qualifications will be considered important when selecting the consultant:

- Degree in law/legal research or humanity/social science.
- Experience of working with and communicating on labour law and industrial relations content.
- Familiar with Vietnamese culture and communicative behaviours.
- Understanding of ILO mandate, and international labour standards.
- Excellent written communication skills using English, and evidence of past experience of communicating on law through briefs, newsletters, blogs, papers or other documents.
- Commitment to ILO standards for gender equality and non-discrimination.

APPLICATION

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

- CV
- Short bio
- Half page (150 words) briefly highlighting the experience relevant to the TORS

- Confirmation of availability during the contract period
- Confirmation of daily fee
- Samples of writing assignments completed (e.g. newsletters, briefs)

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.