



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

TERMS OF REFERENCE FOR CONSULTANCY SERVICE

To support the development of Administration Policies to workers' representative organisations

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 a free market economy, as well as increasing calls for public accountability.

The ILO is supporting the national industrial relations framework consistent with the ILO Declaration on Fundamental Principles and Rights at Work in the framework of 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"). Under NIRF, the long-term objective 2 of the USDOL-funded project aims at supporting MOLISA to enhance the labour administration to develop effective national IR policy, which includes different mechanisms to establish coordination, reporting and information/best practice sharing between the Central and provincial levels and amongst social partners. The project aims at assisting MOLISA in preparing and adopting a national Scheme to administer the new workers' representative organisations according to the new Labour Code.

In order to achieve the above objective, the ILO would support the Government's capacity to meet the emerged requirements, including new rules on workers' representative organisations (WRO) administration, in view of the upcoming revised labour code.

Assistance from the ILO for building the national capacity for administrating the new workers' representative organisations including:

- Provide technical reference on applicable principles and national laws;
- Exchange experiences from international good practices on public management of workers' organizations;
- Enhance the consultation process in developing the national scheme on WRO administration;
- Provide technical inputs in finalizing the Decree guiding the WRO administration.

In this process, the ILO NIRF Projects plan to support a series of activities to discuss and formulate a suitable approach for Vietnam in administering the workers' organisations under the revised Labour Code. The NIRF Project seeks to engage a consultant(s)/consultancy firm to work on the development of the national scheme on WRO administration and provide training to relevant national partners as a part of this capacity building process.

II. Objectives

MOLISA and relevant stakeholders are provided with key information, approaches and data, with full reference to international good practices and International Labour Standards, on the role of state administration in relation to WROs, with a focus on systems for WRO registration and other appropriate processes that enable WRO to function and carry out their representative and bargaining roles.

MOLISA, as the lead drafting agency of state WRO administration processes, is able to develop a practical plan which sets out how the state will carry out its WRO administration role at the central, provincial and/or district level, in line with international labour standards and suited to the situation in Viet Nam.

III. Expected outputs

This assignment is concerned with the role of the state in relation to the establishment and management of systems for WRO registration and other processes to be led by the state, which enable and capacitate WROs to function and carry out their representative and bargaining roles. This will be referred to as 'WRO Administration' in this document.

The consultant is expected to complete the following two outputs

- 3.1. The first output is a comprehensive WRO administration concept proposal that could be suitable and practical in Viet Nam. The proposal will be developed based on international practices learnt from the research papers mentioned above and the primary data collected from discussions with the key informants.

The proposal shall include, but not limited to the following contents:

- The role (its scope and limits) of the state in relation to WRO registration under FPRW principles
- Identification of a range of models/types of approaches to WRO administration adopted by states. This will involve developing a simply typology of approaches, including information on the division of responsibilities across national/local institutions, processes involved, and other characteristics.
- Identify the context of Viet Nam relating to this issue, taking account of: the historical and current conceptualisation of the role of the state and the relationship between the state and WROs; the limitations/realities that will need to be taken into account when considering appropriate models, including reduction of state positions and budget, inability to form new institutions, division of responsibilities between central and local government/policy makers, and other matters.
- Examine more closely a selection of the models of WRO Administration that may be relevant to Viet Nam. Include a focus on how states that have implemented similar reforms (and recently ratified C98) have adapted their labour administration agencies. A focus on developing/reforming economy is suggested.

The development of output one might require the completion of consultation meetings with national stakeholders.

- 3.2. The second output is providing a 2-day course on WRO administration to stakeholders, to introduce the WRO administration concepts, share and examine core elements of output 1 (including clarifying contents and taking soundings on the proposal) and, simultaneously, building the capacity for national partners to be ready for the changes from the national legal framework. It is expected that after the training course, the participants will be able to:

- List the basic components that are involved in WRO administration (such as WRO registration, recognition, labour dispute settlement and enforcement, and the promotion of Collective Bargaining) and some of the core principles that need to be respected (such as non-interference, autonomy, voluntariness.)
- Reference the approach to WRO administration taken in at least one other country
- Be aware of why the state needs to needs to adapt revise or adjust improving the labour administration system

- Provide inputs to improve the WRO proposal for Viet Nam.

3.3. Standards of the deliverables

The outputs shall follow these minimum delivery standards:

- Written in plain, concise English;
- Comply with the ILO's ethical standards for research;
- Align with and references international labour standards where relevant;
- Gender equality and non-discrimination will be mainstreamed in all reports and training; and
- All data provided should be sex-disaggregated where possible.

IV. Scope of work and deliverables

#	Items	Deliverables	Tentative Timelines
4.1	Desk Review of existing research and documents and development of the outline of the research proposal	Outline of research proposal	25 – 30 October 2019
4.2	Development of training outline	Training Proposal including Training agenda and tentative agenda	01-05 November 2019
4.3	1 st Field trip to Viet Nam to meet the tripartite partners in Ha Noi, Hai Phong, Bac Ninh, Hochiminh City, Binh Duong	Field trip agenda Mission report	18 – 27 November 2019
4.4	Develop the concept proposal based on field mission inputs	Draft proposal	1-31 December 2019
4.5	2 nd Field trip to Viet Nam to validate the proposal and conduct training on WRO governance in terms of international experiences, stimulating scenarios and interactive exercises	Field trip agenda Mission report Training report	10-15 February 2020
4.6	Finalise the proposal with inputs from the stakeholder	Finalised proposal	15-20 February 2020

V. Criteria for the consultant

- At least 15 years of research on industrial relations, demonstrated labour administration managing experiences;
- Sound understanding of the International Labour Standards on industrial relations, international industrial relations systems and good practices;
- Strong research and training background, demonstrated materials as the author is required;
- Excellent training and writing skills;
- Strong experiences with similar tasks for labour system of developing countries, experience with Viet Nam case is an advantage;

Consultancy firms or groups of consultants taking the tasks are welcome to apply. Following the principle of equal opportunity, ILO welcomes applications from all genders and, where a team applies, consideration will be given to diversity within team.

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 are responsible for their 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 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 Monday 14 October 2019:
 - o CV
 - o Technical Proposal briefly describe the research proposal relevant to the TORS
 - o Financial proposal including daily fee and other anticipated costs (airfare, allowances, etc.)
 - o Confirmation of availability during the contract period
 - o 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.