



## TERMS OF REFERENCE

### CONSULTANT TO CONDUCT A COMPARATIVE STUDY ON THE STATUS OF MATERNITY PROTECTION IN CAMBODIA, LAOS AND VIETNAM

***Oxfam is committed to preventing any type of unwanted behaviour at work including sexual harassment, exploitation and abuse, lack of integrity and financial misconduct; and committed to promoting the welfare of children, young people and adults. Oxfam expects all staff and volunteers to share this commitment through our code of conduct. We place a high priority on ensuring that only those who share and demonstrate our values are recruited to work for us.***

**Shaping a stronger Oxfam for people living in poverty.**

#### DEPARTMENT PURPOSE

Oxfam believes the world is rich. The main cause of poverty is injustice. We want to see a just world with no poverty. We work with all others to achieve this goal.

The regional program “*Equitable and Inclusive Social Protection for the Marginalized Informal Workers in ASEAN*” of Oxfam builds on the 2014 -2016 program to promote social protection for vulnerable groups in Cambodia, Vietnam and Laos, specifically marginalized workers. The five-year program (2017 – 2021) focuses on increasing effectiveness of national advocacy for more inclusive social protection frameworks. The program enrolls in the thematic “*Decent Work*” and its strategic objective is “*To promote decent work for sustainable, equitable, solidarity and inclusive development*” across the region. The program supports marginalized workers to organize and participate in social dialogue to demand for equitable access to social protection systems. The program has an important focus on women and youth – not only because there are agents of change, but also because they represent a significant number of marginalized workers in Mekong region. We are working with 15 partners in 3 countries (Cambodia, Laos, Vietnam), with 1 regional network and supported by 2 stakeholders that bring expertise, competences and capacity building

## PURPOSE STATEMENT

Background and Rationale: According to the latest ILO World Report on Social Protection 2017-19<sup>1</sup> 1,2 billion people in Asia and the Pacific are still below the poverty line and one in ten workers lives in extreme poverty. Despite high economic growth across the Asia-Pacific region, only 37,9 % of its population has effective access to at least one social protection provision. The ILO observed a trend of more countries investing in expansion and coverage of social protection schemes in the region, likely under the impulse of the ambitions set forward in SDG 1.3 as well as the ILO Recommendation 202 on Social Protection Floors. But this is not the case in all countries. More importantly, these schemes do not always protect those who are mostly in need, such as the huge number of workers in the informal economy and migrant workers. This is no different in the ASEAN region, where the number of marginalized women workers remains very high. In Southeast Asia, women are mostly employed in agriculture, garment, tourism, care service sectors, where they occupy the most vulnerable jobs, or they gain an income as self-employed workers. As such they have little or no access to benefits and social protection.

According to data from UN Women and the World Bank in 2017, globally women aged 24-35 years are 22% more likely to live in extreme poverty than men of the same age<sup>2</sup>. Not only this highlights the overall economic inequality between women and men, but it is important to highlight that these ages (24 -35) coincide both with the prime reproductive years of women, as well as the highest potential for women's career development and income generation. If not protected by social protection schemes, pregnancy can place women at higher risks than men during their lifetime. ESCAP estimates that 66% of mothers with new-borns do not have maternity protection in Asia and the Pacific.

Additionally, during the most productive years of a women they also have to balance demands such as unpaid care work. They are often responsible for the wellbeing of their children and other family members, as well as continue to do most of the household and domestic work. This disproportionate responsibility for childcare and unpaid care work, rooted in continued practice of traditional gender roles and patriarchy, results in women having less time for paid work, resulting in women's loss of income or loss of labour opportunities, lower ability to save or contribute to social security and less access to decent work. This situation only leaves women (and their children) in more vulnerability and falling further into the poverty trap. In many countries, due to unpaid care work, women in informal economy cannot access social protection systems, which excludes them from accessing essential service such as maternity leave, health care and other benefits. Moreover, keeping women in charge of these reproductive roles keeps them in positions of dependence and reconfirms unequal power relations in the households and communities. Besides being an obstacle to economic empowerment, it also hinders social and political empowerment.

Effective and gender responsive maternity protection, including beyond childbirth, contributes to reduction of maternal and child mortality, safeguards women's employment and income security, enhances income security of the family at very critical period of people's life, allows better distribution of care among parents or other care providers, including public child care services, and it helps to ensure women's access to equal opportunity and treatment in the workplace.

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<sup>1</sup> ILO, World Social Protection Report 2017-19: Universal Social Protection to achieve the Sustainable Development Goals, 20 November 2017, [https://www.ilo.org/global/publications/books/WCMS\\_604882/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_604882/lang--en/index.htm)

<sup>2</sup> Shahra Razavi, speech to Finnish Ministry of Social Affairs & Ministry of Foreign affairs, Helsinki, June 2018 – *Not Public*.

Maternity protection has been recognized by the International Labour Organization (ILO) since 1919 and continued to be promoted in the Maternity Protection (Revised) Convention, 1952 (No. 103) and the **Maternity Protection Convention, 2000 (No. 183)** and the accompanying Maternity Protection Recommendations 200 (191). In addition, the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and the related recommendation No.165, the **ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)**, **Social Protection Floors Recommendation, 2012 (No. 202)** and **ILO Recommendation 2015 (No. 204)** on Transition from Informal to the Formal Economy provide guidance for effective access to maternity protection for both informal and formal sectors. Additionally, the **“5R Framework for Decent Care Work”** that seeks to address and incorporate unpaid care work (Recognizing, Reducing, Redistributing unpaid care work) in the legislative and policy measures can serve as a reference when addressing maternity protection.

Overall, maternity protection laws are set in place in Cambodia, Laos and Vietnam to ensure women are protected prior, during and after childbearing. Nonetheless, these provisions differ from country to country and are mostly available for a small proportion of female workers who are working in the formal economy and covered under social insurance schemes. A large majority of women workers in the informal economy, including family workers and own-account workers, as well as women working informally or irregularly in the formal sector, will continue lacking effective access to income security during and after maternity. While most of maternity protection schemes, such as maternity leave, are mostly designed to protect working women during their pregnancy and recovery from childbirth, other schemes (e.g. mother and child grants, birth allowances, early childcare support, parental leave, etc.) are important to assist women in adapting to the arrival of a child and allow mothers finding a better balance between family, community and work responsibilities.

Oxfam’s program *“Equitable and Inclusive Social Protection for the Marginalized Informal Workers in ASEAN”* (2017-2021), works with 16 partners across Vietnam, Laos and Cambodia, as well as with regional networks, to increase their capacity to influence their governments to put in place more inclusive social protection frameworks and instruments. Systems that are gender-responsive can advance gender equality and respond to the needs of women in very vulnerable situations. Oxfam partners have decided to place a specific focus on measures that allow women workers, especially those in their reproductive age, to better benefit from social protection.

Oxfam and partners are planning to engage with their national governments as well as ASEAN bodies to promote a more gender transformative social protection agenda by advocating for better maternity protection provisions for marginalized women workers, including informal and self-account workers. Establishment or extension of instruments such as early childcare, maternity leave, parental leave, mother-child allowances, employment protection and non-discrimination, breastfeeding practices in the workplace including their affordability and ways of financing, have been proposed as possible demands to be brought forward in influencing strategies in the coming 2 years. This includes advocacy, media work and public campaigns, but also lobby work towards crucial stakeholders in decision making positions at the national level as well as ASEAN level. Building on a previous study conducted by Oxfam on the ASEAN’s Framework and Action Plan to implement the Declaration on Strengthening Social Protection, this study will also largely contribute to the influencing strategy for ASEAN. Thus, the study should take into consideration the current findings from the ASEAN Social Protection Strategy, as well as the ASEAN Declaration on Strengthening Social Protection for the final findings, policy briefs and recommendations.

In this context, Oxfam is seeking to gather evidence on the status of maternity protection for marginalized women workers in three countries, Cambodia, Laos, Vietnam. By marginalized women workers Oxfam refers to all women involved in generating income for the family: as formal workers in the formal economy or as informal economy workers. The latter includes informally employed workers both in formal and informal sectors, own-account workers and unpaid family workers. This evidence should help the project partners determine clearer long-term and short-term advocacy demands and support the formulation of more detailed strategies and actions to ensure the recognition of maternity protection for marginalized women workers as a key priority in the social protection policy development. The evidence gathered from the research will be used to propose possible specific and feasible policy recommendations for better maternity protection provisions that will benefit all workers, including those that are currently not covered under any social protection schemes, both social insurance or social assistance. Thus, Oxfam is seeking a highly qualified consultant or team to conduct the comparative study on the status of maternity protection in Cambodia, Laos and Vietnam.

## **JOB PURPOSE AND RESPONSIBILITIES**

The regional program “Equitable and Inclusive Social Protection for the Marginalized Informal Workers in ASEAN” is looking for a dynamic consultant or a team of consultants to carry out this study. The overall purpose of this consultancy requisition is to support and underpin the project’s influencing strategy to advocate for the maternity protection to be recognized by the government and employers in Cambodia, Laos and Vietnam, with a comprehensive analysis of the maternity protection policies and provisions, and clear policy recommendations for three countries. The overall focus of this research is social protection measures and provisions directed at marginalized women workers, such as referred to above, before, during and after childbirth, or mothers with infants not yet eligible for pre-school, hence the scope of this research referred to as **maternity protection**.

The specific objectives of this study are classified into three main groups:

### **Policy Analysis**

- Build a comparative body of knowledge on policies and legal frameworks that regulate the maternity protection in each country and identify gaps between the existing provisions and international standards considering the ILO Maternity Protection Conventions, ILO recommendations on Maternity Protection and Social Protection, and the ASEAN Declaration on Social Protection. A comparative analysis on maternity, paternity, parental leave, cash and medical benefits for mother and child, employment protection and non-discrimination, breastfeeding practices in the workplace, childcare services. (Reference: ILO conventions, Maternity Protection Resource Package - *From Aspiration to Reality for All, Module 12: Assessing national legislation on Maternity Protection at work*).
- Propose possible policy recommendations at national level that can respond to the gaps based on the evidence collected and context-specific policy recommendations for each country.
- Draft country specific policy briefs directed at national governments and social protection institutions, employers and public to influence policy for better maternity protection provisions.

- For advocacy purposes at the ASEAN level, propose general recommendations for improving the ASEAN Declaration on Social Protection towards promoting a more gender transformative social protection framework.

#### **Public Spending on Maternity protection**

- Review and analyze the public spending on Maternity Protection, including if possible, the allocation of public funding to maternity leave, cash and benefits for mother and child, early childcare services, etc. compared with standard public spending on the issue, if relevant.

#### **Situation and Challenges of marginalized working women, pregnant or with young children – Vulnerabilities and risks in and outside the Labour market. Gaps between policies and practices**

- Understand how maternity protection is implemented in practice, how much women workers are aware of maternity protection provisions and what are their experiences related to use of maternity protection schemes (actual leave taken, cash benefits received, etc.), what obstacles exist to access maternity protection.
- Identify challenges that marginalized working women face during pregnancy and beyond childbirth (up to the age that children enter pre-school) (e.g. income insecurity, health, maternity related discrimination, early childcare, unpaid care, etc.).
- Understand women's coping strategies during their reproductive years towards securing income (e.g. family planning, delaying marriage and having children, abortion, etc). These strategies are important to understand the impact they might have on women's reproductive lives.
- Document the views and recommendations from women in different workplaces (including self-account workers) on what their priorities are regarding maternity protection, how to address these through maternity protection provisions (e.g. improved and expanded benefits and more effective implementation) with a view to inform and influence policy frameworks.
- Identify and document the challenges and concerns that employers face related to implementation of adequate maternity protection and support workers with young children. Record the recommendations they have to address these issues to improve coverage and effective implementation of maternity protection with a view to inform policy and legal choices.

#### **Methodology proposed**

A brief not-exhaustive methodology is proposed below to support applicants with the development of the budget proposal. Note that the methodology should be adapted and revised by the consultant accordingly.

- Desk review - detailed review of relevant literature and existing data and practices, as well as policy, legal and regulatory framework in place in three countries
- Field data collection from stakeholder's groups, including government ministries, social security institutions, CSOs, workers' groups in three countries, women workers in different working places, including informal and self-account workers and employers

## EXPECTED RESULTS

The expected results are as follows:

1. An individual report with findings for each country
2. A regional comparative report containing:
  - An executive summary
  - Explanation of the methodology used
  - The body of the document structured around the list of items mentioned in job purpose and responsibilities
3. A presentation of the report to the stakeholders, namely the partners in this program, in order to collect their views and comments which should be integrated in the document if and where appropriate.
4. Draft policy briefs on maternity protection for each country to be used as advocacy tools with their respective governments.
5. A presentation during the launching event of the research at the regional level bringing together various stakeholders from the three countries, potentially in Vietnam in August 2020.

## TIMELINE

Timeframe	Expected outcome	Payment <sup>3</sup>
April – May 2020	<b>Inception meeting</b> <ul style="list-style-type: none"> <li>- Propose report outline</li> <li>- Clarify methodology</li> </ul> <b>Identify relevant stakeholders in three countries</b>	30% of total contract after the inception meeting <b>April 2020</b>
	<b>Data collection</b> <ul style="list-style-type: none"> <li>- Literature review</li> <li>- Field based data collection in three countries</li> </ul>	
June 2020	<b>1<sup>st</sup> draft reports for each country</b> <ul style="list-style-type: none"> <li>- Present the first draft; include comments from Oxfam</li> <li>- Present the results to key stakeholders</li> </ul>	30% of total contract after the submission of the 1 <sup>st</sup> draft report acceptable to Oxfam <b>June 2020</b>
July 2020	<b>2nd draft country reports and regional comparative report</b> <ul style="list-style-type: none"> <li>- Incorporate feedback from partners and Oxfam.</li> </ul> <b>Present the draft policy briefs for each country</b> <b>Present the final report</b>	40% of total contact after the launching event <b>August 2020</b>
August 2020	<b>Final review and report sign off from Oxfam</b> <b>Launching event</b> - present the findings and recommendation at the launching event	

<sup>3</sup> Subject to change after negotiation with the consultant

In addition, the consultant or consultancy team is expected to attend various skype meetings at the request of Oxfam.

## **TRAVEL AND LOCATION OF WORK**

Home-based with various trips to Cambodia, Vietnam and Laos for data collection and consultations. The travel costs including local transportation, accommodation and food allowance need to be inserted in the financial proposal.

## **DURATION OF ASSIGNMENT**

The entire time of the assignment will be from April to September 2020.

## **INDICATIVE BUDGET**

The applicants are required to prepare a detailed financial proposal including consultancy fees, local transportation, accommodation, food allowance during field work in three countries and other related/needed logistics.

## **CONTRACT SUPERVISION**

The consultant will work closely with Oxfam social protection team in the three countries, with the quarters Phnom Penh Cambodia. The work will be coordinated closely with the three countries to fulfil the objectives of this consultancy. The consultant will work under day-to-day supervision of the Regional Policy Coordinator for Social Protection based in Oxfam in Cambodia

## **JOB REQUIREMENTS AND QUALIFICATIONS**

The consultant or team of consultants should have:

- Relevant experience in the field of social protection, economic policies, and legal reforms, experience on researches on social insurance for maternity benefits will be an advantage;
- A robust methodological background in a range of research tools;
- Proven track record in carrying out and publishing research in the areas of social protection, labour, and/or gender;
- Solid understanding of international standard on social protection, gender equality and women empowerment;
- Experience in carrying out reviews of laws and policies;
- Demonstrated facilitation skills in the context of multi-cultural and multi-partner setting;
- Demonstrated high awareness working in multi-cultural environment or development sector

Due to the extensive knowledge and understanding of the context of three countries that this consultancy requires, ideally, we are looking for a consultancy team composed of a lead and team members with knowledge of each country contexts, social protection and women issues in the formal/informal economy.

## **OTHER**

- Eager and required to adhere to Oxfam's principles and values as well as the promotion of gender justice and women's rights.
- Understanding of and commitment to adhere to equity, diversity, gender, child safety and staff health and wellbeing principles.

## KEY ATTRIBUTES

- Ability to demonstrate sensitivity to cultural differences and gender issues, as well as the commitment to equal opportunities.
- Ability to demonstrate an openness and willingness to learn about the application of gender/gender mainstreaming, women's rights, and diversity for all aspects of development work.
- Commitment to Oxfam's safeguarding policies to ensure all people who come into contact with Oxfam are as safe as possible.

## ORGANISATIONAL VALUES

- Accountability – Our purpose-driven, results-focused approach means we take responsibility for our actions and hold ourselves accountable. We believe that others should also be held accountable for their actions.
- Empowerment – Our approach means that everyone involved with Oxfam, from our staff and supporters to people living in poverty, should feel they can make change happen.
- Inclusiveness – We are open to everyone and embrace diversity. We believe everyone has a contribution to make, regardless of visible and invisible differences.

## HOW TO APPLY

Interested applicants must submit the following documentation in pdf format:

### *Technical component:*

- Letter of interest stating relevant experience and qualification
- CV/company profile with contact details for 3 references
- Technical proposal

### *Financial proposal:*

- The financial proposal shall specify a total **Net Fee Sum** amount in **US Dollar** including consultancy fees and all associated costs i.e. airfares, travel cost, meal, accommodation, etc.

Only application with all items mentioned above will be considered.

Applying through the recruitment website:

<https://career2.successfactors.eu/career?company=OxfamNovibP>

**Deadline for application March 27, 2020 at 5 pm Cambodia time.**

**ONLY SHORTLISTED CANDIDATES WILL BE CONTACTED**



