

Terms of Reference

Develop and finalise the handbook on labour dispute resolution and carry out the three pilot training workshops with the support of the international consultant

1. Background

New labour law

The Parliament of Mongolia approved the revision of the Labour Law on 2 July 2021. The new (revised) Labour Law, having been published in the government gazette is in effect from 1 January 2022. The new Labour Law introduces numerous changes, including, in particular, new provisions for labour dispute resolution. In connection with this, major changes in the procedures and mechanisms/institutions for the resolution of various types of labour disputes are being made to ensure the effective implementation of the new Labour Law.

At the request of the Ministry of Labour and Social Protection (MLSP), the EU-funded ILO project, “Trade for Decent Work” (GLO/18/30/EUR), has supported the development of the following regulations with the support of a team of international consultant and the national consultancy team since the end of 2021:

- Draft regulation of the Tripartite Labour Rights Dispute Settlement Committee (at the soum and district level)
- Draft regulation of the Labour Rights Dispute Settlement Commission (at the enterprise level)
- Draft regulation of Labour interest dispute resolution through mediation; and Regulation of Labour arbitration,
- Code of conduct for mediators and arbitrators

Presently, the Tripartite Labour Rights Dispute Settlement Committee regulation was approved by the National Tripartite Committee for Labour and Social Consensus on the 10th of February 2022, and the regulation on Labour Dispute Settlement Commission has been adopted by the Government of Mongolia on 13th of April 2022. Other draft regulations are in the process of adoption by the relevant authority.

As new institutions, procedures, and mechanisms are established by the revised Labour Law, when these regulations have started to be implemented, it will be critical to support the persons who will work as the mediators, arbitrators, and members of the Tripartite Labour Rights Dispute Settlement

Committees, and the local labour administration office personnel who have the responsibility to manage, administer, and coordinate the various procedures, mechanisms, and practitioners to develop good knowledge and expertise and operational requirements.

In parallel with the development of the labour dispute regulations, the MLSP was supported by the ILO to develop the training modules for five target groups (labour administration personnel, mediators, arbitrators, members of the Tripartite Labour Rights Dispute Settlement at soum/district level and Labour Rights Dispute Settlement Commission members at the enterprise level). MLSP has carried out two training workshops for labour administration personnel of 21 aimags and capital and members of the Tripartite Labour Rights Dispute Settlement Committees at soum and district level in April to June 2022. Out of five training modules, two training modules have been piloted and three remaining modules are yet to be presented to the mediators, arbitrators and Labour Rights Dispute Settlement Commission members at the enterprise level.

To ensure the sustainability of the training modules on labour dispute resolution, the “Trade for Decent Work” project plans to continue this intervention by supporting the development of a handbook on labour dispute settlement (which incorporates all the 5 training modules) and conducting three remaining pilot training workshops for the above-mentioned target groups. For this purpose, a local consultancy team and an international consultant will be recruited. The former will take lead in preparing the handbook and organisation of the three training workshops, while the latter will support the national consultancy team’s work.

1. Objective of the assignment

The objective of this consultancy is to support the National Committee on Social and Labour Partnership’s task to undertake labour dispute settlement capacity development activities by developing a handbook on the basis of the existing five training modules, developed by the ILO consultants as noted above. This handbook is expected to be the main reference material for the National Committee on Social and Labour Partnership’s labour dispute training workshops for the labour administration personnel, mediators, arbitrators, members of the Tripartite Labour Rights Dispute Settlement at the soum/district level and Labour Rights Dispute Settlement Commission members at the enterprise level.

2. Scope of the work

Under the overall technical guidance of the ILO Senior Specialist on Social Dialogue and Industrial Relations in Beijing, the consultants (national and international consultants) will be tasked to develop a handbook on the basis of above noted five training modules and carry out the three remaining pilot training workshops within the timeframe detailed below.

The national consultancy team will perform the following tasks:

- ▶ Prepare the structure of the handbook and submit it to the international consultant’s review
- ▶ Prepare the first draft of the handbook in English and submit it to the international consultant’s feedback and review

- ▶ Manage and organise three remaining training workshops on labour dispute resolution for the enterprises, mediators and arbitrators in close collaboration with the MLSP and the ILO project team
- ▶ Incorporate ILO's and international consultant's comments and feedback into the handbook
- ▶ Finalise the handbook in both English and Mongolian languages

The handbook will be developed by the national consultancy team on the basis of the existing five training modules. The handbook shall include the training methodology and ppts in addition to the training modules. The national consultancy team will manage both contents and administrative aspects of the three remaining training workshops in coordination with the MLSP and ILO project teams. The training dates are to be confirmed with the MLSP.

3. Deliverables, timelines and the estimated number of workdays:

- ▶ Output 1 –The structure/contents of the handbook is prepared and submitted to the international consultant's review by **17 October 2022** (1 day)
- ▶ Output 2- The first draft of the handbook in English is prepared and submitted for the international consultant's feedback and review by **11 November** (20 days)
- ▶ Output 3 - Technical and administrative inputs for three training workshops – Training date to be confirmed with MLSP (6 days)
 - Training for members of the company-level Labour Dispute Settlement Commission
 - Training for Mediators
 - Training for Arbitrators
- ▶ Output 4 – The final handbook incorporating ILO's and international consultant's comments and feedback in English and Mongolian by **6 December 2022** (5 days)

4. Contract period and payment terms

One-time (100%) payment will be made at the completion of the contract.

5. Deadline

Application letter should be submitted together with information on the daily professional fee and detailed CV(s) highlighting prior relevant experience. This must be submitted no later than 4 October 2022 to the Trade for Decent Work project via email at ulaanbaatar@ilo.org.