

Draft terms of reference

Labour dispute resolution mechanisms in Pakistan and outline for national conference

Expressions of interest to be submitted by cob 15 February 2020

The International Labour and Environmental Standards in Pakistan's SMEs project (ILES), funded by the European Union. The overall objective of the project is to improve Pakistan's competitiveness in the regional and global markets.

The project works with the public sector at policy level and with enterprises in the textile, ready-made garments and leather industries directly in Karachi and Punjab. The policy level work supported by the ILES project encompasses support provided to the federal and provincial governments and the ILO's social partners, workers' and employers' associations. The current policy level areas of focus encompass labour standards reporting, the national and provincial labour protections frameworks, informality, wages and occupational safety and health.

The ILES project aims to support Pakistan's compliance with international labour standards. The textile and leather sectors make up Pakistan's largest non-agricultural contribution to GDP and represent Pakistan's largest export sectors. Pakistan currently benefits from the grant of GSP+ status by the European Union, the retention of which is conditional upon ratification of and compliance with a range of international obligations, including the eight fundamental ILO conventions on labour rights:

- Freedom of Association and Protection of the Right to Organise Convention (No 87)
- Right to Organise and Collective Bargaining Convention (No 98)
- Forced Labour Convention (No 29)
- Abolition of Forced Labour Convention (No 105)
- Minimum Age Convention (No 138)
- Worst Forms of Child Labour Convention (No 182)
- Equal Remuneration Convention (No 100)
- Discrimination (Employment and Occupation) Convention (No 111).

Pakistan has ratified all relevant labour related conventions but implementation levels remains a significant concern. Levels of trade union density in Pakistan are concerningly low and methodologies for successful labour dispute resolution remain relatively underdeveloped.

1.0 BACKGROUND

The effective prevention and resolution of labour disputes is critical for harmonious and productive employment and industrial relations worldwide. As conflict is inherent to both employment and industrial relations, it is vital that dispute prevention and resolution systems are well established and capacitated to function effectively. Consequently, strengthening of Labour Dispute Resolution (LDR) mechanisms, processes, systems and procedures are featured consistently and strongly across all the Decent Work Country Programs (DWCPs) of the South Asian region and has been further distilled into aligned Country Program Outcomes (CPOs).

Labour disputes and their resolution are crucial to Pakistan's export market. In 2019 the ILES project, working closely with the Pakistan Country Office and Better Work team in Geneva devised a mission and commissioned a report on labour dispute resolution. The work was undertaken by Mr Alan Boulton, a former ILO Country Director and retired judge, who report set out a number of policy recommendations and activities designed to support a reform process.

The ILES wishes to support one of the recommended activities, the holding of a high level conference on the position 10 years on from Pakistan's devolution process. The conference will be tripartite, and will focus on Pakistan's largest export sector, textiles and ready made garments, access to export markets through the EU's Generalised System of Preferences and will also examine the prospects for reform to support Pakistan's labour market and Pakistan's ability to compete at regional and international level. Labour dispute resolution is a key factor in each of these areas.

The project wishes to engage a consultant to work with the ILO in planning and delivery of the conference. The consultancy will entail a planning mission to Islamabad in February 2020, remote input into the planning of the conference and a second mission to attend the conference, which will take place in mid 2020 in Islamabad.

In addition the Consultant will be required to work with the project to design and plan a series of workshops to take place in 2020 to support Trade Union Registrars and staff at the NIRC to better facilitate coordination and cooperation and enhance capacity in relation to labour disputes.

The consultancy will entail 20 work days over a period of 6 months, with approximately 10 days in country. The consultancy tasks and overall work days may be modified as work progresses.

2.0 APPOINTMENT OF CONSULTANT

The services of an expert (consultant) are therefore required to deliver the following tasks.

2.1 Planning mission to Islamabad (provisionally 5 work days between 24 February 2020 and 6 March)

The consultant will undertake a planning mission to Islamabad in February 2020. The mission is expected to include 5 work days. The consultant will be required to work with the ILES team and ILO Country Office to:

- Define the length and structure of the conference;
- Define key themes and topics;
- Agree with the ILES team the planned audience;
- Work with the ILES team to identify appropriate speakers, panelists and other participants;
- Produce a short (2 page) mission report identifying any further areas of work to be undertaken in relation to the conference planning.
- Define the structure and agenda of the meeting to support trade union registrars;
- Engage with the NIRC to ensure their support;

- Attend such other meetings as are required.

2.2 Supporting the ILES team remotely regarding conference preparation (10 work days)

The consultant will provide remote support to the ILES team and Country Office to support preparations for the conference. The consultant shall, as required:

- Hold regular skype meetings with the ILES team;
- Provide input into the agenda, preparation of papers to be presented and suitable conference arrangements;
- Liaise with international speakers regarding their preparations and presentations;
- Undertake such other support as is required.

2.3 Conference mission to Islamabad (5 work days provisionally planned for mid 2020)

The consultant shall undertake a second mission to Pakistan to assist the ILES team and Country Office with final preparations and in order to attend the conference. The consultant may be required to take part in aspects of the conference, such as the presentation of papers, moderation and/or participations in panel discussions. The consultant may also be required to participate in a workshop for trade union registrars and NIRC staff.

The consultant will act as key resource person for preparation of the technical content of the conference and workshop

3.0 Deliverables

3.1 Deliverable 1: mission and short mission report

- 5 day mission undertaken
- Short report submitted

3.2 Deliverable 2: Remote consultations and support to ILES team

- Contributions to finalized agenda, speaker list, panel lists

3.3 Deliverable 3: In country national conference and workshop in Islamabad and short conference/recommendations report

- 5 day mission undertaken
- paper delivered
- recommendation and conference report submitted and approved
- Workshop with trade union registrars and NIRC conducted and short report submitted

4.0 REQUIREMENTS OF THE CONSULTANT

The eligible consultant is expected to be an expert on the subject. A consultant meeting the below eligibility criteria will be selected through a competitive process as per the ILO Rules and Regulations.

Eligibility Criteria:

- i). A detailed understanding of labour dispute resolution and LDR mechanisms in different countries and in different industries, including formal and non-formal mechanisms;
- ii). Proven facilitation skills in undertaking similar assignments [including but not limited to fostering dialogue and spurring participation, public speaking and presentation, negotiation and conflict resolution etc.]
- iii). Proven ability to write high quality, clear and concise reports in English.
- iv). Experience with Better Work concept and operations would be an advantage.
- v). Previous Pakistan experience in relevant areas is a prerequisite.

5.0 DURATION

The assignment should be completed within 20 working days including two trips to Islamabad, Pakistan. The contract will cover a 6 month period.

6.0 FEES FOR THE SERVICE AND PAYMENT SCHEDULE

The fees for the service will be calculated on the basis of a daily rate in addition to per diem and travel costs in accordance with ILO rules:

1. Payment Schedule: First payment will be made after signing the contract. Payment will be made for air ticket lumpsum and DSA for the first mission to Pakistan:
2. Second payment will be made after submission of the preliminary report after the first mission. Payment will be made for first 10 work days (5 on mission and 5 remote)
3. Third payment will be made after submission of the final report after the second mission..

7.0 COORDINATION AND COMMUNICATION

The consultant will be required to work closely with the ILES project Project Manager, Ms Caroline Bates, and Ms Ingrid Christensen, Director ILO-CO Islamabad

EXPRESSIONS OF INTEREST SHOULD BE SUBMITTED DETAILING A WILLINGNESS TO UNDERTAKE THE WORK OUTLINED, ATTACHING A CV AND STATING A PROPOSED DAILY RATE. PLEASE NOTE THE INITIAL MISSION IS PLANNED TO TAKE PLACE IN LATE FEBRUARY/EARLY MARCH 2020. EXPRESSIONS OF INTEREST SHOULD BE SUBMITTED BY EMAIL BY CLOSE OF BUSINESS ON 15 FEBRUARY 2020 TO Islamabad@ilo.org and copied to bates@ilo.org .