



ILO Office for Nepal

Terms of Reference (TOR)

Technical Support to Ministry of Labour, Employment and Social Security,
Government of Nepal (MoLESS)

Title:	National Consultant (Senior Labour Expert)
Place of Assignment:	Kathmandu, ILO Office for Nepal
Start date:	December 2021
End date:	May 2022
Total working days:	95

1. Background

The International Labour Organization (ILO) is the UN specialized agency dealing with work and workplace issues, and related rights and standards. Its overarching goal is to achieve decent work for all so everyone benefits from working conditions that offer freedom, equity, security and human dignity. In view of the increasing need for support in Nepal and scope for expansion of ILO programmes, the Office of the Senior ILO Adviser was established in January 1994 in Nepal. The Nepal has ratified 11 [ILO Conventions](#), including seven core Conventions. The Country Office in Kathmandu supports the constituents in their efforts to achieve decent work and social justice in Nepal.

The International Labour Organization (ILO) is for the world of work. Devoted to advancing social justice, it promotes a Decent Work Agenda based on four strategic pillars: rights at work, decent employment opportunities, social protection and social dialogue. It is the only public international organisation which is tripartite, where workers and employers enjoy equal rights with governments in representation and decision making. Together they set labour standards, develop policies and devise programmes upholding decent and productive work, in conditions of freedom, equity, security and dignity for all.

Present ILO Nepal technical cooperation programmes include promoting employment-centric inclusive growth, improving labour market governance and industrial relations, and promoting fundamental principles and rights at work. The

ILO in Nepal has played an important role in developing a constructive and congenial social partnership between the Government, workers' and employers' organizations. Based on this partnership, the tripartite constituents have been able to unionize informal workers, implement a range of social protection measures, amend labour laws, establish a social dialogue mechanism, and ratify ILO Conventions.

The ILO in Nepal works closely with its constituent bodies, Ministry of Labour, Employment, and Social Security (MoLESS), Joint Trade Union Coordination Centre (JTUCC) representing major trade union federations in Nepal, and the Federation of Nepalese Chambers of Commerce and Industry (FNCCI). Through its consistent and continuous technical support, the ILO has been successful in positioning itself as a trusted development partner in Nepal.

The ILO programme in Nepal is aligned to our global effort to promote Decent Work for all. The [**ILO Nepal Decent Work Country Programme \(DWCP\) 2018-2022**](#) reflects the priorities of our tripartite constituents (Ministry of Labour and Employment, and Employers' and Workers' organizations), who are also signees, and focuses on four strategic areas aligned to the Decent Work Agenda:

- i. Fundamental principles and rights at work
- ii. Social protection and social security
- iii. Employment and income opportunities
- iv. Social dialogue and tripartism

2. Context for Work

Ministry of Labour, Employment and Social Security (MoLESS) is the focal ministry of the Government of Nepal overseeing the development and implementation of labour and employment related policies and programmes. MoLESS currently has 4 divisions, Administration & Planning, Prime Ministers Employment Programme, Labour Relations & Social Security, and Foreign Employment (migration). Each headed by a joint secretary with representative sub sections led by undersecretaries. Responsibility for overseeing different labour administration bodies such as, Department of Labour & Occupational Safety and Department of Foreign Employment are integrated under these divisions. ILO has been regularly providing technical assistance to its constituent body, MoLESS, in line with national priorities and in support of the Decent Work Country Programme.

A cabinet minister oversees all work done by MoLESS and its bodies, as such represents the authority overseeing national public administration activities in the world of work in Nepal. The ILO team led by ILO Nepal Country Director, Dr Richard Howard, conducted a courtesy meeting with the honourable Mr. Krishna Kumar Shrestha. Key issues and priorities of the ministry and ILO's Decent Work Country Programme (DWCP) were discussed with the objective to ensure better alignment in future cooperation. It was also the forum where honourable minister shared key priorities for the government which included strengthening labour market

governance, promoting domestic employment, extending social security, and improving labour migration governance in Nepal. These were framed in a discussion about labour law and contribution based social security, which were highlighted as key priority for MoLESS.

The outcome was a mutual understanding on the need for working more closely together at an operational level to deliver on minister priorities in a manner that better integrates ILO technical assistance and delivers decent work agenda outcomes. Both parties agreed to embed expertise within the ministry, the first step would be to have a senior national labour expert working full time to provide technical inputs to the Minister.

3. Scope of Work

The scope of work can be divided into overall responsibilities and deliverables. Overall responsibility extending over the entire contract period is to support Minister around strategic areas around labour market governance ongoing. More specifically:

1. Support DWCP design process for the next phase, ensuring better alignment of national needs and ministry priorities with that of ILO Decent Work Agenda and expectations from social partners.
2. Facilitate ongoing conceptualization of a more effective labour administration system in the context of federal system of governance and operationalization of its recommendations. This includes supporting close coordination between different Ministry departments, and process to identify role for local governments.
3. Identify potential opportunities, constraints, and operational solutions to improve contribution based social security system. Includes supporting coordination on extension of contribution based social security to informal sector, and alignment of different social security schemes beyond those offered by social security fund.
4. Facilitate Ministry to conceptualize and/or operationalize policy and programme interventions that support generation of decent employment opportunities, in the COVID-19 context and beyond. Sub areas here include public employment programme, skills training, and employment policy;
5. Provide technical input to improve foreign labour migration governance, extending to matters such as labour permit decentralization, safer migration, and reintegration initiatives.
6. Assist ongoing efforts to eliminate child labour, specifically existing child labour free municipality initiatives.
7. Provide required input on efforts to build institutional and administrative capacity of MoLESS and its bodies.
8. Coordination on development and publication of joint MoLESS-ILO knowledge and research products.

9. Provide technical support to the labour minister's secretariat to plan and implement key plans and programmes contributing towards social security, labour administration, employment promotion and labour migration.
10. Main close coordination between ILO and MOLESS for continued collaboration and partnership under different development cooperation projects.

Deliverables

The following deliverables will be used to track whether consultant has met his/her responsibilities and are as follows;

1. MoLESS and ILO have co-developed and disseminated at least 2 knowledge/research products including - a) Diagnostics of Informality, and b) Assessment of Labour Administration.
2. Provide technical inputs and guidance for different strategic meetings of the ministry to promote social security, labour administration, employment promotion and labour migration
3. Facilitate Ministerial meetings on topics related to labour market governance in Nepal. This extends to facilitating meetings between Ministry and donors, developing background note, and providing technical input as required.
4. Support Decent Work Country Programme review and design process, extending to facilitation of meetings.
5. Technical input for development of at least 2 labour related policy and/or programme, initiatives led by MoLESS and/or its bodies.
6. Provide support to conduct ILO's development cooperation project that work directly with MoLESS.
7. MoLESS develops a 5-year strategy in consultation with social partners that integrates decent work elements. This strategy incorporates specific provisions on strengthening labour administration and formalization of the informal.
8. Appointment of National Focal Point for ILO MNE Declaration on the basis of tripartite consensus.

Where consultant has provided as assist to or contributed to deliverables as part of a team/along with others then specifics on their individual contribution are to be provided.

4. Work plan

SN	Assignment related to deliverables	Working days
1.	Support DWCP design process for the next phase, ensuring better alignment of national needs and ministry priorities with that of ILO Decent Work Agenda and expectations from social partners.	5
2.	Facilitate ongoing conceptualization of a more effective labour administration system in the context of federal	5

	system of governance and operationalization of its recommendations. This includes supporting close coordination between different Ministry departments, and process to identify role for local governments.	
3.	Identify potential opportunities, constraints, and operational solutions to improve contribution based social security system. Includes supporting coordination on extension of contribution based social security to informal sector, and alignment of different social security schemes beyond those offered by social security fund.	20
4.	Facilitate Ministry to conceptualize and/or operationalize policy and programme interventions that support generation of decent employment opportunities, in the COVID-19 context and beyond. Sub areas here include public employment programme, skills training, and employment policy;	10
5.	Provide technical input to improve foreign labour migration governance, extending to matters such as labour permit decentralization, safer migration, and reintegration initiatives.	10
6.	Assist ongoing efforts to eliminate child labour, specifically existing child labour free municipality initiatives.	10
7.	Provide required input on efforts to build institutional and administrative capacity of MoLESS and its bodies.	10
8.	Coordination on development and publication of joint MoLESS-ILO knowledge and research products.	5
9.	Provide technical support to the labour minister's secretariat to plan and implement key plans and programmes contributing towards social security, labour administration, employment promotion and labour migration.	15
10.	Main close coordination between ILO and MOLESS for continued collaboration and partnership under different development cooperation projects.	5
Total working days		95

5. Payment

Payment will be made in three instalments upon submission of agreed deliverables in each payment followed by submission of report and supporting documents to the satisfaction of ILO Office, Kathmandu, Nepal.

First instalment: 30% of Contract Amount will be paid upon achievement of following deliverables;

- MoLESS and ILO have co-developed and disseminated at least 2 knowledge/research products including - a) Diagnostics of Informality, and b) Assessment of Labour Administration.
- MoLESS develops a 5-year strategy in consultation with social partners that integrates decent work elements. This strategy incorporates specific provisions on strengthening labour administration and formalization of the informal.
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- Provide technical inputs and guidance for different strategic meetings of the ministry to promote social security, labour administration, employment promotion and labour migration

Second instalment: 40% of Contract Amount will be paid upon achievement of following deliverables:

- Facilitate Ministerial meetings on topics related to labour market governance in Nepal. This extends to facilitating meetings between Ministry and donors, developing background note, and providing technical input as required.
- Support Decent Work Country Programme review and design process, extending to facilitation of meetings.

Final instalment: 30% of Contract Amount will be paid upon achievement of following deliverables;

- Technical input for development of at least 2 labour related policy and/or programme, initiatives led by MoLESS and/or its bodies.
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- Final progress report covering all activities and results.

6. Qualifications, skills, and expertise

- PhD in social sciences with at least 8 years or Masters with 15 years of solid professional experience in policy research, policy work and /or advisory functions in development planning and implementation.
- Previous or current experience working closely with Government of Nepal bodies on public policy preferred.
- Good understanding of the world of work in Nepal, specifically along decent work strategic areas and work of the ILO
- Capacity to work closely and effectively with high level government officials, political personalities and donor representatives both orally and in writing.
- Excellent communication skills in English and Nepali languages (reading, writing and speaking)
- Good computer skills, including a strong command of Microsoft Office suite.

7. Reporting Lines

Note that the consultant will directly report to;

Director of ILO Country Office for Nepal, Dr Richard Howard, and will work in close collaboration with the Ministry of Labour, Employment and Social Security, Government of Nepal.