

Call for Expression of Interest

TERMS OF REFERENCE

Assessment of the labour inspection system of the Republic of Iraq

Deadline for submission of proposals: 15 March 2021

I. INTRODUCTION

The International Labour Organization, with support from the European Union, is implementing a project to enhance labour governance, inspection and working conditions in Iraq, in response to the COVID-19 pandemic. The project addresses a number of labour market challenges imposed by the pandemic, as well as some of the longer-term decent work priorities of Iraq.

It focuses on strengthening the labour inspection system and improving occupational safety and health (OSH) in line with international labour standards, through policy development and capacity building. The project will also work closely with social partners to raise their awareness on labour inspection, OSH and fundamental principles and rights at work, so they can better engage in programmes to promote compliance with labour legislations and respond to COVID-19.

The project will:

- **Develop national labour inspection policy in consultation with social partners, which includes** reviewing a 2018 labour inspection assessment in consultation with the Ministry of Labour and Social Affairs as well as workers' and employers' organizations with a view to update and validate the relevant findings and recommendations and develop a national labour inspection policy and a national action plan for reforming labour inspection.
- **Adopt and implement the ILO Strategic Compliance Intervention Model, through** creating a Strategic Compliance Task Team to lead the implementation efforts; developing a labour inspection case management system; and promoting the ILO's approach to Strategic Compliance Planning (SCP) for the labour inspectorate.
- **Strengthen institutional capacity of the labour inspectorate, through** analysing the structure of the labour inspectorate; and updating labour inspection tools, such as guidelines and manuals, to ensure that labour inspection procedures are standardized and gender-responsive.
- **Improve the capacity of labour inspectors, through** training labour inspectors on modern labour inspection procedures and relevant International Labour Standards as well as conducting Training of Trainers (ToTs) on labour inspection.

II. OBJECTIVE AND SCOPE OF WORK

The consultant will conduct a comprehensive assessment of labour inspection, including occupational safety and health inspection, in Iraq. The assessment is expected to be conducted in full consultation with the Ministry of Labour and Social Affairs (MoLSA) and the social partners. The assessment report is expected to describe the existing labour inspection system, with the purpose of highlighting its challenges, gaps and weaknesses and provide recommendations for reforming the current situation in line with the relevant International Labour

Standards, based on which a relevant national action plan and national policy on labour inspection and will be developed in consultation with the ILO constituents in the Iraq.

The assessment report shall include the following information, with a brief of relevant systems operating at the national level:

A. Country context

- Main socio-economic and political elements.
- Labour force, categorized by gender, nationality, sector of work and geographical distribution, including in both the private and public sectors.
- Numbers of enterprises, specifying those under the purview of the Ministry of Labour and Social Affairs, by their sector of work and geographical distribution.
- Main demographic, economic, labour and health indicators.
- Labour market trends.

B. Labour Inspection, including occupational safety and health inspection

- Revision of the 2018 labour inspection assessment
- Organizational structures and mandate of the central labour inspectorate.
- Organizational structure and mandate of the regional labour inspectorates.
- Legal framework.
- Main features and developments.
- Social partner and tripartite structures, including their relevant roles and activities.
- Labour dispute settlement/management mechanisms.
- Labour inspection visits, function and procedures practiced.
- Human resources, including numbers of labour inspectors and OSH inspectors, by their job title, gender, academic qualification, date of joining the labour inspectorate, rank (if applicable) and training received.
- Training need assessment of inspectorates.
- Gaps in knowledge, skills, and official and non-official policies and procedures that may hinder Iraqi labour inspectors from recognizing and/or recording violations of the Iraqi Labor Law's related to sexual harassment and discrimination.
- Numbers and types of labour and OSH inspection visits, for 2018 to 2020, by the departments/region under which they were conducted, economic activity of the inspected enterprises and the outcome of those visits (Correction Notice, warning letters. penalties, closure...etc.).
- Number of collective labour disputes and agreements handled by the labour inspectorate, for 2018 to 2020, by the department/region, sector of work and state of settlement.

- Numbers of individual labour complaints received by the labour inspectorate and its branches, for 2018 to 2020, categorized by the department, sector of work and outcome (settled, pending, referred to the court, ...etc.).
- Numbers of work-related accidents and injuries documented by the labour inspectorate, or any other relevant institution or organization, for 2018 to 2020, categorized by their types, sites, causes, sector, geographical distribution and outcome (full recovery, partial disability, total disability or death).
- Numbers of occupational diseases documented by the Labour Department, for 2018 to 2020, by their types, causes, sector, geographical distribution and outcome (full recovery, partial disability, total disability or death).
- Logistic support, facilities available to labour, and OSH inspectors (vehicles, personal computers and accessories, communication equipment, OSH equipment, personal protective equipment and others).
- The legal framework/references, requirements and procedures for the selection, recruitment and appraisal of labour and OSH inspectors and relevant issues, including their salaries, allowances, incentives and career development.
- Collaboration with other institutions and authorities on relevant issues.
- Other authorities mandated with responsibilities related to labour inspection and OSH, including health, social protection, civil defense, migration, municipalities and judiciary, and their relevant responsibilities, human and material resources and activities and aspects of collaboration with the labour inspectorate on relevant issues.
- The existence of any specialized centers/institutions on labour, labour inspection and/or occupational safety and health, including research and training, describing their legislative framework, structures, human resources, functions, technical services, beneficiaries and equipment and facilities.

C. Finding and conclusions

The main findings and conclusions of the assessment will be included based on proper analysis of the information collected throughout the assessment process, including in relation to gender rights.

D. Recommendations

The consultant will provided recommendations for the followings:

- Reforming the labour inspection system of Iraq in line with the relevant international labour standards and good practices.
- Developing clear job descriptions for labour inspectors.
- Updating labour inspection tools and developing new ones (checklists, manuals, templates, automating labour inspection...)

In particular, the consultant will:

- Conduct a Desk review of the latest information on labour inspection for Iraq. This includes review of documentation, registers and databases;
- Consult with the experts within the MoLSA;

- Conduct interviews using a series of formal questions with all competent authorities, social partners and research institutions to gather the most updated and comprehensive information as possible;
- Conduct a survey, submitting a questionnaire, to be developed for this purpose, to all relevant organizations and stakeholders if deemed necessary.

III. DELIVERABLES

Under the guidance and in consultation with the Chief Technical Advisor of the project and Regional Senior Labour Inspection and OSH Specialist, the consultant will submit the following key outputs:

1. A workplan for conducting the assessment, to be submitted to the ILO within four days of signing the contract on 21 March 2021.
2. A first draft assessment report and PowerPoint presentation, for the ILO and MoLSA comments, which will include the following:
 - A. Background and methodology for conducting the assessment.
 - B. A snapshot of the existing Labour Inspection situation of the Republic of Iraq, with a brief of the existing relevant systems at the national level. This part of the report should cover the areas listed above in points *II.A Country Context* and *II.B Labour Inspection, including occupational safety and health inspection*
 - C. Findings and conclusions of the assessment based on analysis of the gathered information, highlighting the main relevant gaps, weaknesses and challenges.
 - D. Recommendations for addressing the identified gaps and weaknesses and improving the existing situation in line with the relevant International Labour Standards, that include Reforming the labour inspection system of Iraq in line with the relevant international labour standards and good practices, developing clear job descriptions for labour inspectors, and updating labour inspection tools and developing new ones (checklists, manuals, templates, automating labour inspection...).
3. A second draft of the assessment report, addressing the ILO's and MoLSA's initial comments. A PowerPoint presentation of the above, to be presented in a tripartite workshop, for sharing the assessment's findings, conclusions, recommendations and action plan with the ILO constituents and get their feedback and comments on them. The consultant will revise the report accordingly and finalize it in line with the comments of the ILO constituents and concerned technical departments and specialists.
4. Final assessment report, including the above-mentioned contents and addressing the ILO and national partners' comments. The assessment will cover all Iraq, including the Kurdistan Region of Iraq, and will be submitted in electronic copies in both Arabic and English languages. Statistics provided in the report should be, as far as possible, sex-disaggregated.
5. Draft and final National Action Plan in consultation with the MoLSA and the social partners, for implementing the recommendations on reforming labour inspection accordingly.
6. Draft and final National Policy on labour inspection based on the assessment conditions and recommendations, with an objective of ensuring that appropriate institutional arrangements and procedures are in place.

IV. DURATION OF THE ASSIGNMENT

The number of working days for the assignment is 40 working days during the period from 23 March to 30 September 2021.

V. DELIVERABLES AND SCHEDULE OF PAYMENT:

The consultant is expected to deliver the specific deliverables as set out in the below table, at the approval and satisfaction of the Chief Technical Advisor of the project and the Regional Senior Labour Inspection and OSH Specialist:

Deliverable	Received by	Disbursement in USD
1. Detailed workplan report	28 March 2021	20%
2. - PowerPoint presentation and first draft assessment report; - PowerPoint presentation and second draft assessment report; - Final Assessment Report	20 April 2021 25 April 2021	30%
3. Draft and final national action plan	15 June 2021	25%
4. Draft and final Policy on labour inspection	1 September 2021	25%

VI. MANAGEMENT AND OTHER ARRANGEMENTS

Partners and Counterparts

The assignment will be conducted in close collaboration with the project team and ILO implementing partners in target areas.

Required Expertise

- The consultant must have previous experience in a similar assignment and relevant academic background to the assignment scope (e.g. economic studies, social studies, development studies ...etc.).
- Knowledge of or experience in the region, including of Arabic.
- Good communication, networking, and presentation skills.
- Excellent report writing skills.
- The consultant is expected to travel to the project target areas and to have a good understanding of community development fieldwork and local cultures & traditions.
- The consultant should make him/herself available to collaborate with project partners when needed/requested.

Expected Duration

All assignment's deliverables are expected to be delivered to the satisfaction of the ILO **by 30-09-2021**.

Supervision

The consultant will perform his/her assignment under the supervision of Chief Technical Advisor of the project and the Regional Senior Labour Inspection and OSH Specialist.

Confidentiality and Intellectual Property Rights

All data and information received from ILO for this assignment are to be treated confidentially and are only to be used in connection with the execution of these Terms of Reference (ToRs). The contents of written materials obtained and used in this assignment may not be disclosed to any third parties without the express advance written authorization of the ILO. All intellectual property rights arising from the execution of these ToRs are assigned to the International Labour Organization. The intellectual property rights of the materials modified through the assignment remains with the International Labour Organization.

VII. MISSION ARRANGEMENTS

Any field missions will be conducted under the assignment shall be approved by the ILO, followed by a submission of a short report indicating the number of days in the field and the work that have been done. The travel cost is to be paid in a separate payment based on the actual cost and receipt of travel supporting documents.

Transportation cost of any field visits will be covered by the ILO.

VIII. APPLICATION SUBMISSION

Interested applicants should submit their technical and financial proposals in English that should clearly outline:

1. Cover letter, explaining why the applicant is suitable for the assignment
2. Information about the applicant's relevant experience (CV). The information provided shall clearly show that the qualifications required are met.
3. Understanding of the task and approach/methodology suggested carrying out the assignment Description of and timeline for actions to be taken by the potential consultant to fulfil the assignment.
4. The financial proposal should outline an estimated budget for the overall assignment including professional fees. Cost estimates with breakdown by necessary budget lines.
5. The application documents shall be submitted in Word Document format.
6. Please mention "**International Consultancy: Assessment of the labour inspection system of the Republic of Iraq**" in the subject of the email.

The technical and financial proposals together should not exceed three pages excluding annexes. Proof of similar assignment (incl. papers produced if possible) and CV(s) of people to be involved is required as an annex.

Timeline

- Submission of proposals elassy@ilo.org and alwreidat@ilo.org by **March 15, 2021**.
- Selection by 18 March 2021.
- Signature of contract: 23 March 2021 (tentative).