



Terms of Reference (TOR)

Assessment of the implementation status of the Domestic Workers Protection and Welfare Policy and way forward

Project: Securing Rights of Women Domestic Workers in Bangladesh

Assignment:

This 'Terms of Reference' details working modalities of a research on "Assessment of the implementation status of the Domestic Workers Protection and Welfare Policy and way forward". BILS is the implementing authority of this research. This research constitutes an essential part of a collaborating project titled by *Securing Rights of Women Domestic Workers in Bangladesh (Securing Rights)* between OXFAM Bangladesh and BILS in partnership with five other organizations.

About the Project:

Securing Rights of Women Domestic Workers in Bangladesh (Securing Rights)

The Securing Rights of Women Domestic Workers in Bangladesh project (Securing Rights) aims to improve the well-being of women Domestic Workers, one of the most marginalized labour groups in Bangladesh, by enabling them to access their rights to engage in "Decent Work" as defined by the International Labour Organization (ILO). "Decent Work" - involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.¹ Funded by Global Affairs Canada, this four-year project (2019-2023) will work with 16,000 women Domestic Workers within Dhaka city as well as influencers (community leaders, the private sector, political actors, government officials, youth leaders and other duty bearers). The project will also work with networks and alliances that focus on Domestic Workers rights including the Domestic Workers Rights Network (DWRN), organizations that provide psycho-social services for women and girls who have experienced violence, public and private technical and vocational training support providers, and key government organizations.

The project will work towards changing attitudes, norms and behaviors of the wider Bangladeshi society regarding Domestic Workers and entitlements. With support from Oxfam, the project will be implemented by Six partners, including Bangladesh Institute of Labour Studies-BILS, Campaign for Popular Education (CAMPE), Hello Task – Private Sector Partner (Employers' Agency), Nari Maitree (NM):

¹ <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>



Red Orange Limited (Communication Agency), and Underprivileged Children's Educational Programs (UCEP) Bangladesh

Rationale of the study:

Domestic Workers are currently excluded within the purview of the present Labour Law (2006) in Bangladesh. They are not recognized as workers, they have been highly victimized by their employers and work outside of any access to labour rights. The Government of Bangladesh (GoB) adopted the DWPWP in 2015 in efforts to reduce the workplace violence and workers' rights abuses, while also ensuring the safety and security of both employers and workers.

The DWPWP focuses on rights and protections related to the type of employment, time of employment, wages, leisure time and leave, type of work, accommodation, food, and uniform etc. However, there are clear gaps in the implementation of DWPWP, including such key issues e.g. the right to minimum wage, allowances, fixed working hours, leave time, bonuses, a weekly day for rest, maternity leave, benefits, protection from workplace violence and harassments. Despite these gaps, the DWPWP remains a critical step in recognizing Domestic Workers' rights and is applicable to Domestic Workers, employers and their family members, organizations and institutions and persons involved in law-enforcement agencies, and local government.

Moreover, from 2007, DWRN is working to uphold Domestic Workers Rights. The DWRN is a combined platform of leading Human Rights Organizations and National Trade Union Federations. Bangladesh Institute of Labour Studies (BILS) is working as the secretariat of DWRN. However, Government has formed monitoring cell in the division level, but it is not functional now. Due to lack of coordination among the concern ministries as well as waywardness of Institutional mechanism, the implementation process of the DWPWP is not being effective.

According to BILS Newspaper Survey based on 11 National Dailies,² from January 2011 to December 2019, a total of 230 Domestic Workers were physically tortured and wounded, 282 were murdered, there were 19 reported rape cases, eight committed suicides, and eight were victims of violence. From the period of January to March 2020, at least six Domestic Workers were found dead where the cause was mysterious or unnatural, three Domestic Workers were reported being raped, and one was a victim of violence. During this same period from January to March 2020, the child domestic workers between the ages of 13-18, two were physically tortured; two died from physical torture; two reported being raped, one of who died; and another two committed suicide. During these three months, one child aged between seven and twelve was physically tortured while another one died after torture (this is based on newspaper reports only). Despite these heinous crimes, the state often does not prosecute these crimes and the DWPWP is not enforced.

In this circumstance, this study aimed to explore the implementation status of the Domestic Workers Protection and Welfare Policy-2015 and identify how this policy would be more functional from national to local level along with identifying loopholes of the policy with a view to ensure Decent Work for domestic workers.

² <https://bilsbd.org/press-clippings/> (more press clippings starting from 2011 are available in BILS Library as hard copy)



1. Objective of the Study

Overall objective:

The research aims to find out the progress and implementation status of Domestic Worker's Protection and Welfare Policy-2015 based on its different instructions and identify gaps and challenges in case of implementation of the policy in line with salient features of Labour Law and indicators of Decent Work.

Specific Objectives:

- To review the progress and areas of improvements of Domestic Workers Protection and Welfare Policy 2015 in line with Decent Work standards and the New Normal context during COVID-19 pandemic situation.
- To explore the institutional redressal mechanism, effectiveness and challenges.
- To identify the status of acceptance of the policy to the employer, domestic workers, job placement agencies and other relevant organizations (e.g. trade unions, CSOs & local domestic worker provider groups)
- To find out specific recommendations for proper implementation of the policy using the Decent Work lens (ILO)
- To find out specific recommendations to update the policy as per current situation and way forward to ensure sustainable wellbeing for DWs in the long run.

2. Scope of Work:

Consultant will-

- Review the applicable research literature on Decent Work - Concepts, models and indicators, legal definition of Domestic Worker, ILO Convention 189 and recommendations, The Contract Act 1872, The Labour Act 2006 (with the latest amendment in 2018), The Domestic Violence (Prevention & Protection) Act 2010, The National Child Labour Elimination Policy 2010, Bangladesh Labour (Amendment) Act 2013, The Children Act 2013, National and regional level study finding on Situation of Domestic Workers in Bangladesh, Domestic Worker Protection and Welfare Policy, 2015, ILO Convention- 190 (Violence and Harassment Convention), 2019, the 2009 High Court's Directive on sexual harassment and other relevant documents and study reports.
- Prepare and share a set of indicators/standards/parameters and through the consultation with the project team and according to these indicators' implementation status will be assessed.
- Examine the efficacy/effectiveness of current DWPWP-2015 and government initiative for the policy implementation, such as whether policy would have a positive impact on the Domestic Worker and simultaneously support the government to ratify ILO conventions 189 & 190.
- Examine the social safety and security in the existing policy and identify the gaps and write recommendations towards resolving this issues including relief support and compensation (special focus on the vulnerability regarding job loss and living insecure life during COVID crisis)



- Share the findings and recommendations of the draft and final study report with Policy Implementation Committee (PIC) that cooperates to develop National Action Plan for smoothly implementation of the Domestic Worker Protection and Welfare Policy-2015.
- Consultant will prepare a set of guidelines/instructions, which can ensure rights and entitlements very specific to both live in and live out domestic workers.
- Putting a special focus on some specific areas like- child domestic workers (specially girl child), live in workers, live out domestic workers, women migrant domestic workers (potential, on job & returnee), violence, sexual harassments.
- Dialogue/meeting/interview/consultation with different relevant ministries, divisions, ministers, committees, members of parliament, researchers, private sector actors, formal Job placement agencies, academicians, and activists to create a comprehensive understanding on current policy and road map towards a law.
- Review the roles and responsibilities of different stakeholders/ actors, those who are actually main factor towards a better implementation of the policy. Actors are like monitoring cell, parliamentary standing committee, private sector job placement agencies, local police station, media, CSOs, trade unions (TUs), employers, concern ministry etc.
- Conduct at least 2/3 case studies of those who tremendously suffered during COVID crisis. These case studies will help lobbying for establishing a strong legal framework for the domestic workers.
- Review media coverage of Domestic Worker's issues and BILS newspaper clippings on domestic workers issue (special focus on violence and harassments)- from 2015- 2020 or 2019-2020
- Find out measures to ensure financial inclusion throughout the policy or other documents related to rights and entitlements (Compensation during crisis period, Incentives etc.).
- Study both the national and international good practices and research findings.
- Find the status of collective bargaining in the policy and way forward.
- Any other scope of work that researcher finds suitable for this issue will be appreciated.

3. Methodological Consideration and Choice

The study intends to apply both primary and secondary data. A mixed methods approach which will be employed quantitative and qualitative data. The quantitative data collection will be undertaken using surveys and the qualitative data collection method may include literature review (desk review), Policy analysis (desk review), and key informant interviews (KIIs), focus group discussions (FGDs). A strong gender lens will be used while analyzing the policy strengths, gaps and implementation challenges. The consultant/consulting firm will develop the whole methodology and tools which will be shared with BILS project team for finalization.



Some important points to keep in mind:

- Some Case Studies (At least 2/3) must be added to the methodology.
- Data can be collected through both online and offline method. Telephonic interview can be a possible good way to collect quantitative data.
- Methodology should be COVID compatible (Method must be applicable even during the COVID crisis)
- Written Consent must be taken as per OXFAM format (In case of interview, survey, taking photos, dialogue, focus group discussion etc.)
- Ensure health and safety & security during COVID Crisis of all the research team, respondents and participants
- Researcher will mention the number of his potential sample size or number of respondents to be surveyed, number of KIIs etc. in his detail work plan if needed.

The study will follow and implement the ethical and safety guidelines provided in Oxfam Guidance Note on Ethical and Safety Guidelines³ for Conducting Research/Study on violence against women and girls. Oxfam team would be involved in tool and report finalization stage along with BILS.

4. Timeline and Deliverables:

All the procedures of data collection, including tools/questionnaires development, field test, staff orientation, raw data collection, data base format design, data input, analysis and finalize the survey report must be completed within three months starting from October 2020 and to be completed by the end of December 2020. Fieldwork must be completed by the end October and first draft report must be submitted by 30 November for feedback and finalization, 2nd draft report by 20 December and final report by 31 December. It is also expected that the lead consultant give adequate time for assuring quality data/information, report writing and consultation. BILS-Securing Rights project team member will assist to organize different consultation at grassroots and national levels.

Timeline detail will be prosed by consultant based on proposed timeline.

Sl.	Activity	Task	Responsible	Date

Specific deliverables	
Specification	Timeline
Tools in Bangla and English, technics (qualitative and quantitative)	10 October, 2020
Inception report (detail plan, draft tools, team, timeline)	31 October, 2020
Data Collection	31 October, 2020

³ <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620935/gd-oxfam-ethical-content-guidelines-240120-en.pdf?sequence=1&isAllowed=y>



Database	15 November, 2020
1st draft Report	30 November, 2020
2nd draft report	20 December, 2020
Final report	31 December, 2020
Presentation	31 December, 2020
A Policy brief	31 December, 2020
Info graphic of the major findings	31 December, 2020

5. Remuneration of the External Consultant/organization

BILS will pay remuneration to external consultant/consulting firm subject to timely and satisfactory completion of the contracted job through following installments. All the payments will be made through account payee cheque. VAT and Tax will be deducted at source as per government circular.

SL	Installment & Activity	Deliverable	Remark
1	1 st installment (40%) [For preparatory activities]	<ul style="list-style-type: none"> Review of all relevant documents, literatures. Inception report. 	The first installment will be provided in advance mode to carry out initial task.
2	2 nd installment (30%) [Situation analysis and Writing the report]	<ul style="list-style-type: none"> 1st draft of the report. All produced reports/ transcripts/ records of organization visits, interviews with key informants and/or focus group discussions, data analysis and situation Analysis etc. Presentation on the first draft. 	The contract values will be paid upon completion of acceptable deliverables.
3	3 rd installment (30%) [Final compilation and presentation]	<ul style="list-style-type: none"> Final research report (submitted to the Project Coordinator). Presentation of the final report, in a workshop, to the project partners and other relevant stakeholders incorporating the feedback/comments in the draft-sharing workshop. 	The contract values will be paid upon completion of acceptable deliverables.

6. The Study team composition

Required Expertise

The consultant/ consulting firm should have the following expertise:

- Being analytical and well-organized along with having good knowledge on Decent Work, gender issues, Domestic Worker, The Domestic Violence (Prevention & Protection) Act 2010, The National Child Labour Elimination Policy 2010, Bangladesh Labour (Amendment) Act 2013, The Children Act



2013, Domestic Worker protection and welfare policy 2015.

- Well understating for legislation procedure and policy reformation and formulation mechanism including operational modality of standing committee of parliament.
- Perform fieldwork, interviews, experiments, design surveys, questionnaires, polls, concept tests etc. specific to research requirements.
- Gather and report on both quantitative and qualitative data, analyzing it for any trends or important information that may be useful in formulating review policies and law.
- Assembling, interpreting and analyzing information and Working effectively with other stakeholders.
- There should be a gender specialist in the core team of the consultant group
- A BILS expert team (Formed with the help of BILS project team) on domestic workers issue will support the research team.
- Experience of working on legal issues is a must (otherwise a law personnel must be added to the team)
- Experience of working on GBV issues (feminist approach).

Evaluation Criteria of the consultant/consulting firm:

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable, and
 - b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.
- * Technical Criteria weight; [70%]
 * Financial Criteria weight; [30%]

Criteria	Weight
Criteria A: <u>Technical</u>	70
1. Expertise of the consultant/agency on relevant sector or issues	30
2. Demonstrated research experience on private and informal sector (specially on domestic workers issue), informal market, labor law and Decent Work across Bangladesh including use of distance study method and use of technology/social medium	20
3. Understanding of the TOR	5
4. Methodology, Data collection and process strategy, management, method and team formation.	10
5. Ability to produce high quality analysis and analytical report	5
Criteria B: <u>Financial</u>	30
Total	100

7. Style and length of report:

The document should be very precise, must answer each specific objectives and goal. The main body of the report shall not be more than 40 pagers document including elaborated Executive summary.



Necessary supplementary information like data analysis, transcripts of interviews and references are to be attached as annexes.

8. Preparation of the Proposal

The consultant /organization shall bear all costs associated with the preparation and submission of the proposal. The consultant /team shall submit the proposal both technical and financial part, in a single envelope. The technical and financial proposals should be marked properly and should include the name and detail contact address of the consultant /organization. It is mandatory that the proposal should maintain (But not limited to) the following format:

- Cover page including contact details
- Introduction
- Methodology
- Operational plan
- Team composition
- Detail Timeline

Annex A: CV of the consultant/profile of the organization

Annex B: Detail budget

9. Budget (Financial part of the Study)

All cost should be quoted in BDT. The budget of the tasks should be broken down in detail as per convenient format. It should be presented in parts as per following format. Also, this summary budget information should be inserted in the Front page of technical proposal. The detailed budget should be in the annex

Category	Total (BDT)
a. Consultancy fees	
b. Data Collection Cost	
c. Field visit Cost	
d. Report Sharing seminar Cost	
e. Miscellaneous (stationeries, printing, etc.)	
f. VAT and Tax	
g. Total	

10. How to apply

Interested consultant/team/firms are requested to submit proposals to **'Bangladesh Institute of Labour Studies-BILS**. House # 20, Road # 11 (New), 32 (old), Dhanmondi, Dhaka – 1209 or email: bils@citech.net (preferred online submission). Contact (For more query): 01913564568.



Proposal Submission Deadline: September 15, 2020

The individual/firm must submit the following documents along with Technical & Financial Proposal:

- A one-page description of the consultant/agency.
- One page statement of the understanding of the assignment.
- CV of the consultants/researchers who will undertake the assignment (female interviewers preferred).
- A list of previous research or evaluation experiences relevant to this assignment.
- Sample research study relevant to this assignment.
- Proposed Methodology.
- Work schedule.
- Budget (including applicable VAT & TAX), including logistic/administrative costs.

11. General Terms and Conditions:

Either party can terminate this agreement with a written notice within 15 (fifteen) days from the date of signing this agreement. BILS reserves the right to unilaterally terminate the contract considering following conditions:

- The External Consultant/organization violates any condition/ clause of Terms of Reference.
- The External Consultant/organization failed to submit their reports within the specified time
- Any document, information or data entrusted to or produced by the External Consultant/organization in connection with this assignment shall be strictly confidential and cannot be used by the external consultant/organization for any other purpose without the written consent of the BILS authority. This provision shall remain valid even after the completion of this assignment.
- In the event of a major natural disaster, COVID Pandemic, war or major civil or political unrest this agreement may be renegotiated and jointly revised between the two parties and recognizing any consequent change in the environment for implementation.
- All soft and hard copy of the assignment will be treated as the **property** of BILS and OXFAM.
- Consultant/consulting organization shall be **bound to pay back** the full money to BILS given as advance of payment in case of any deviation, dissatisfaction of quality and other point mentioned in the agreement.
- If any safeguarding issue and fraud case happens in researchers' counterpart.

Ethical declaration

You undertake that you, your parent, subsidiaries and any other organizations with an interest of more than 10%, are not involved in any of the following activities:

- Arms manufacture;
- The sale or export of arms or strategic services to governments which systematically violate the human rights of their citizens, or where there is internal armed conflict or major tensions, or where the sale of arms may jeopardize regional peace and security.



- Tobacco production and sale;
- The sale of baby milks outside the WHO Code of Conduct;
- Pesticide sales outside the FAO guidelines for pesticide retailing;
- Extractive industries;
- Are seen to be party political;
- Any other activities which violate the basic rights of Oxfam GB's intended beneficiaries.



Global Affairs
Canada

Affaires mondiales
Canada



redorange
media and communications



helloytask

