

Urgent Call for Proposal

Bangladesh Institute of Labour Studies-BILS

Terms of Reference (ToR)

For

“Develop Training Module on Labour law & Core Labour Standard”

Introduction

This Terms of Reference details working modalities of a consultancy on “Develop Training Module on Labour Law and Core Labour Standard”. Bangladesh Institute of Labour Studies- BILS is the commissioning authority of this consultancy. This consultancy constitutes an essential part of a partnering project between BILS and CARE Bangladesh titled ‘Women Thrive in Bangladesh Activities’.

Background

Core International Labour Standards are a set of internationally recognized minimum best practices or safeguards with regard to some basic labour rights. When the standards are ratified by national governments, they constitute binding legal obligations in both national and international law. National governments are obliged to formulate labour laws and policies complying with the core labour standards. The ILO recognizes the following rights and principles as core international labour standards: i) freedom of association (C-87), ii) right to collective bargaining (C-98), iii) protection against forced or compulsory labour (C-29,105), iii) abolition of child labour, (C-138,182) and iv) protection against discrimination at work (C-100,111).² These basic rights may also be comprehended, combinedly or discretely, from ‘international codes of conduct’ or ‘international social standards’, Universal Declaration of Human Rights 1948, UN Convention on the Rights of the Child 1989, Copenhagen Declaration on Social Development 1995, and UN Convention on the Elimination of all Forms of Discrimination against Women 1979.

Core international labour standards are promoted at the domestic level with the presumption that the standards provisions would translate into rights for the workers. International labour standards translate into legal rights when those are reflected in national labour laws either because the state has ratified the relevant ILO conventions through legislations or because national constitution or law confers various labour rights on the workers. The ILO encourages the member states to facilitate and take initiatives for the application of international labour standards into their own domestic jurisdictions. The Declaration on Fundamental Principles and Rights at Work (1998) and the Philadelphia Declaration (1944) call upon the member states to comply with

(respect, promote and realize) ILO's eight core conventions regardless of whether they have ratified the relevant conventions or not. This indicates that all countries, by virtue of being members of the ILO, and promote the core labour standards. Efforts to implement the core labour standards (CLS) into national legal systems of developing countries have been negatively perceived as 'anti-business', 'investment disincentive', 'job killer', or 'western protectionist measure'. However, there is no solid evidence that foreign investors prefer countries with lower labour standards; rather they prefer countries with higher labour standards. The challenges of globalization have made the core international labour standards more relevant than ever. The ILO and ADB consider CLS as fundamental to national development and to the full achievement of human rights of workers. They promote an atmosphere conducive to the compliance of all core labour standards into national jurisdictions. Such compliance is relevant in the context of: i) human development, ii) labour market reforms iii) removing barriers to access to resources and opportunities, and iv) eliminating discrimination at work. Lack of compliance with CLS undermines the economic development objective of a country. Any development goal that considers labour issues as secondary and gives primacy to economic and financial objectives is destined to fail or to be only partially successful. Proper implementation of core labour standards by the regulatory authorities and industries ensures economic and social development as well as decent employment for all workers thereby reducing poverty and inequality. Hence, it cannot be gainsaid that respect for core labour standards is not only an important requisite of economic development, but also an inevitable means of achieving sustainable development.

Bangladesh Government has ratified 36 ILO conventions including 8 core conventions, but there is still less enactment status of core labour standard in Bangladesh. Actually, the overall working condition in Bangladesh poses acute challenges to the effective implementation of CLS within its domestic jurisdiction in RMG as well as other sector. There are huge decent work deficits and widespread violations of fundamental labour rights and labour laws. Defects in the labour law system and weak enforcement of standards or non-observance of labour rights have made an inroad on transforming the core international labour standards into workers' rights. Adherence to these standards by the employers, regulators, judiciary or other agencies is often non-existent in the country's industrial relations system. The workers can hardly enjoy the full-fledged benefits provided by national and international labour rules. Their rights are neither safeguarded nor do their woes get importance by the employers and policymakers. The preference of employers in all private sectors for short-term hiring of young employees has exposed the workers to many work related risks and injustices. Hardships which the workers in Bangladesh go through include: low wages, underpayment, long working hours, unsecured employment structure (non issuance of appointment letters and identity cards), gender inequality, unsafe working condition, and narrow access to social security benefits, de facto censorship on unionism and collective bargaining, and weaker legal protection. The repression of basic labour rights has led to numerous labour unrests in the country in

recent years in the RMG. The workers are largely unorganized due to dysfunctional trade union culture. Industries and establishments encounter inadequate observance of occupational health and safety standards as well as improper inspection activities. The basic rights of workers in RMG are disregarded due to the ‘hire and fire’ tactic adopted by the employers. There is no effective mechanism to ensure accountability or responsibility of them.

In the above-mentioned circumstances, BILS is going to develop a Training manual on “Labour law and Core Labour Standard” for trade union leadership in RMG in Bangladesh aiming to enhance the knowledge and capacity on labour law and Core Labour Standard. The training module will create an opportunity to protect the rights and established decent work in the RMG sector in Bangladesh.

Objectives:

The overall objective of the consultancy is to develop a Training Module to facilitate training on Labour Law and Core Labour Standard of ILO for the Trade Union Leadership in RMG in Bangladesh.

Scope of Work:

Design and develop a comprehensive outline, and content areas to be covered by the Module. The Module shall be structured in such a way that will cover not less than the following areas-

- Short Introduction of Module
- Core Labour Standard of ILO, Context, Base, and Necessity
- Core Labour Standard : Contents and Objectives
- Present Situation of Core Labour Standard in Bangladesh
- The role of Stakeholders to Ensuring the Core Labour Standard in Bangladesh

Deliverables:

The consultant is expected to deliver the following under the agreed contract;

- A draft outline and list of contents of the resource for the Module
- Upon approval and finalization of the outline, a draft Module will be developed comprising contents mentioned herein before

- Upon submission of the draft Module, it will be reviewed by BILS and the comments made will be incorporated
- After the revised submission, further comments/revisions (if any) will be suggested by BILS, and the final Module will be developed after incorporating those

Competencies and Expertise Requirement:

- a) The Consultant shall have very sound, profound, and comprehensive knowledge on Core Labour Standard of ILO and Relevant national law in Bangladesh specially on RMG in Bangladesh perspectives
- b) He/ She must have previous experience and expertise in working on Module development on such kind of issues
- c) He/ She must have previous experience development of Module development and the consultant must have a precise legal perception of the National and international instruments regarding Core Labour Standard

Timeline:

The Consultant shall complete the task by 30 June, 2024.

Mode of Payments:

Based on submitting the satisfactory completion of Module, BILS pay the total amount to the Consultant according to TOR at a time by 01 (One) account paycheck

Income Tax:

The consultant has to pay necessary income taxes as per government rules.

Proposal submission Procedure:

Interested consultants are requested to submit a short proposal to the **Executive Director, Bangladesh Institute of Labour Studies –BILS, Razzaque Villa, House -8/A/Kha, Road-13 (new), Dhanmondi R/A, Dhaka-1209** or through email: bils@citech.net. The consultant must submit the following documents along with the Technical & Financial Proposal:

- CV of the consultants who will undertake the assignment
- Work schedule.
- Budget (including VAT & TAX)

Last date of Submission: 22 June 2024