Terms of Reference

National consultant to undertake a mapping survey and situation analysis of private sector actors, initiatives, and regulatory instruments addressing forced labour and unfair recruitment in Mongolia

1. Background and rationale

Over the past decades, Mongolia has made a successful transition into a multi-party democracy and a rapidly growing, if not highly diversified, market economy. The Mongolian economy is increasingly integrated into global markets, in particular through trade and investment liberalization schemes with major trading partners including the European Union and the United States.

The Constitution of Mongolia (1992) states that no one shall be illegally subjected to forced labor (article 16, section 4). In 2005, Mongolia renewed its commitment to prohibit and eliminate forced labour by ratifying the two fundamental ILO Conventions on Forced labour (C29 and C105). Since then, the country has taken concrete measures to bring national laws towards greater conformity with these Conventions. Forced labour and human trafficking for forced labour exploitation have been criminalized under the Criminal Code (2015). The Law on Combatting Human Trafficking (2012) also includes forced labour as a form of exploitation. The Labour law, revised in 2021, prohibits forced labour in all sectors of the economy while extending labour protection to specific vulnerable groups of workers and enhancing power of labour inspectors, including the conduct of unannounced inspections. The Law on Labour Migration, revised in 2021, has extended protection of migrant workers against unfair recruitment practices. Though all businesses are bound to comply with these legislations, the export-oriented industries are under more pressure with regard to core international labour standards including those on forced labour to benefit from the international trade schemes.

Prevalence data on forced labour in Mongolia is not yet available. Findings of the first pilot modular survey on forced labour in Mongolia are pending. Despite no convictions or low levels of investigations and prosecutions of forced labour and labour trafficking, anecdotal evidence and several studies suggest the existence of these unacceptable forms of work among Mongolian nationals and migrant workers in various sectors. The most common labour abuse that may point to forced labour risks in the private sector include withholding of wages, retention of personal documents and forced overtime through the threat of dismissal.

On 14 June 2023, the Government adopted an "Action Plan for the Protection of Human Rights in Business Activities, Prevention of Human Rights Violations, and Restoration of Violated Rights". The plan for 2023-27 sets out an objective to ensure compliance with the legislation on forced labour. Among others, it also acknowledges the need to undertake awareness raising of forced labour among employers and workers in cooperation with national emloyers' and business member organizations (EBMOs).

Against this background, the USDOL funded Bridge II project aims at increasing involvement of EBMOs in the fight against forced labour in Mongolia through the provision of targeted technical assistance.

2. Objectives

The objective of this consultancy is to undertake a mapping and situation analysis of private sector actors, initiatives, and regulatory instruments that explicitly or implicitly address forced labour and unfair recruitment in Mongolia with particular attention to disaggregate by sectors.

3. Scope of Work

With a view to developing a sound information base from which the ILO and national EBMOs can move forward to develop and provide the necessary technical support, the assignment needs to cover the following areas:

a) Professional/Industry associations;
b) Employers' and business member organizations (EBMOs);
c) Codes of conduct (private regulatory initiatives) concerned with labour standards including forced labour and fair recruitment.

a) When mapping industry associations, the research should ensure that the information gathered includes at least the following:

- Name and membership of the association;
- Industries and sub-industries covered;
- Goals and objectives of the association;
- Code of conduct, if any, concerning labour standards including forced labour and fair recruitment that belongs to the association itself;
- All private regulatory initiatives in which the association and its members participate; and
- Source where information gathered can be verified.

b) When mapping national EBMOs, the research should ensure that the information gathered includes at least the following:

- Name and membership of the organization;
- Sectoral and geographical coverage;
- Goals and objectives of the organization;
- Code of conduct, if any, concerning labour standards including forced labour and fair recruitment that belongs to the organization itself;
- All private regulatory initiatives in which the organization and its members participate; and
- Source where information gathered can be verified.

c) When mapping private regulatory initiatives, the researcher should put particular emphasis on initiatives and organizations that have articulated a specific concern with working conditions, forced labour and fair recruitment. The research on private regulatory initiatives should analyse at least the following aspects of any given initiative:

- Name of organisation;
- Board structure and funding;
- Membership composition: industry, multi-stakeholder, NGO, etc;
- Names of participating companies and/or associations;
- Outline of the working conditions in the relevant code;
- Means of verification of compliance with the code (self-assessment; independent verification paid by company; independent verification paid by initiative, etc);
- Consultation with workers during verification;
- The possible consequences of non-compliance with the Code; and

- Website reference (or alternative source where information can be verified).

The ILO will assist the researcher by making introductions to informed stakeholders and sharing relevant documents and publications. The mapping will however require significant independent research, including cold calls/outreach to other stakeholders.

Reference materials:
https://www.youtube.com/watch?v=XWBm2YhgWbU&list=PL8itJ-8CfpczvixAnUEybo67pd5-WBGqQ&index=55
https://www.ilo.org/beijing/what-we-do/publications/WCMS_537158/lang--en/index.htm
https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf
https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm

4. Expected outputs and timeframes

Under the technical guidance of the ILO, the national consultant will produce the following outputs:

	Outputs	Proposed number of working days	Tentative deadline
1.	A brief inception report outlining the proposed methodology, tools and detailed workplan	2	10 April 2024
2.	Draft mapping report with a snapshot on those specifically addressing forced labour and unfair recruitment practices	10	1 May 2024
3.	Presentation of findings at a national workshop with business and employers' representatives	2	30 May 2024
3.	Finalized mapping report incorporating comments from the ILO and validated with national stakeholders	1	5 June 2024
	Total	15	

5. Contract duration

The assignment is expected to be completed within two months from the date of contract signing.

6. Reporting and Coordination

The national consultant will report to the National Project Coordinator, the ILO Bridge-II project in Mongolia. Regular progress updates and coordination meetings will be required throughout the consultancy.

7. Qualifications

The national consultant should possess at least the following qualifications:

- Advanced degree in International Development, Economics, Law or Business Administration with specialization in migration, labour law, supply chain management, or corporate social responsibility would be an advantage.
- Proven experience in professional research in the areas such as human or labour rights, forced labour, labour law, labour migration, human trafficking, labour recruitment, supply chains issues or corporate social responsibility.
- Sound knowledge of relevant national legislation, practice and international labour standards
- Excellent writing, communication, and presentation skills (both in English and Mongolian)

8. **Application process**

Interested individuals should submit their letter of interest, explaining how their skills, qualifications and experience are relevant to the required qualifications of this assignment together with CVs and daily professional fee expressed in MNT. Please include relevant past work samples or links to those materials. The e-mail should be sent to ulaanbaatar@ilo.org copying boldbaatar@ilo.org by 18.00 (Ulaanbaatar time), 27 March 2024 with "*National consultant to undertake a mapping and situation analysis of private sector actors, initiatives, and regulatory instruments addressing forced labour and unfair recruitment in Mongolia*" as the subject line.