

Call for Expression of Interest

TERMS OF REFERENCE

Review of National Regulatory Frameworks, and Structures in agriculture sector: A study on agriculture sector compliance and evidence based recommendations for Iraq

Deadline for submission of proposals: 28th of August 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.

The ILO- EU funded- project “Enhancing labour governance, inspection and working conditions in response to COVID-19, is developing a compliance model for the agriculture sector in efforts to improve the skills and working conditions of those working in the sector. The project will work through enhancing the regulatory framework in the agriculture sector, improve occupational safety and health measures, and strengthen employment services and support from cooperatives.

The current crisis is changing the economy and labour market considerably – the labour market that emerges after the coronavirus pandemic will not be the same as the one we knew before. The combination of the economic downturn in Iraq and the war against ISIS during the last few years, in addition to the new labour market and employment challenges imposed by the COVID-19 crisis, will result in reduced livelihood and employment opportunities and a general reduction in the living standards, especially for the most vulnerable in the society.

In addition, the traditional ways of handling the economy and labour market will change. The crisis has hit all sectors - affecting workers, employers as well as governments. Basic services - education, the healthcare system and jobs of all types - have been impacted and, as with many other countries across the region, the informal economy is the most-hard hit. Daily workers; migrant workers, those who are self-employed, micro-businesses, and own-account workers... these categories are/will be most affected by the crisis. They do not have secured income; with most of them relying on their daily income, which has now been halted due to the closure of businesses. Workers in such categories do not have contracts to prove their employment situation; nor do they have any health coverage. So, their situation is extremely vulnerable.

Women’s role inside the home is also expected to be reinforced as home-schooling needs increase, which may serve to reverse the little progress made in labour force participation. Competing priorities may draw attention away from strategies such as the 2016-2026 National Strategy for the Development of Women in the Kurdistan Region, which lays out legislative opportunities and social indicator targets to improve women’s empowerment and quality of life.

At the same time, workers with disabilities may be among the first to be laid off when businesses suffer. Enforcement of quotas for the employment of persons with disabilities¹ may also fall off the radar as firms and labour inspectors’ priorities recovery and health and safety protocol.

¹ As stipulated in Law No 38

On the other hand, COVID-19 has been causing devastating losses in working hours and employment and with the relevant travel bans, border closures, quarantine measures and nation-wide lockdowns in many countries. New working arrangements were introduced and while many workers cannot move to their places of work or carry out their jobs, placing high load on other workers who have access to their workplaces and who continue to work, which would have serious effects on incomes of the former, mainly for informal and casually employed workers, and on health and safety of the latter, in addition to increasing the chances of exploitation of both, particularly for the low-income and disadvantaged groups of workers. Mitigating such consequences of COVID-19 pandemic, requires Governments to put the protection of workers and their families from the risk of infection, and the protection of their labour rights, particularly in terms of wages, working hours and OSH, at the top of their priorities. These measures should be led by the governments, to adopt serious preventive and corrective measures for the implementation of which full engagement of the labour inspection and OSH systems is required and the capacities of those systems need be strengthened, and their effectiveness should be enhanced, in order to play the relevant role expected from them during and after the COVID-19 pandemic, and to effectively contribute to the national economic development in the future.

The labour law in Iraq provides standards which are applied during ‘normal times’ to protect workers at their work of place, ensuring adequate measures are taken in relations to safety and health, work arrangements, non-discrimination, social security, employment protection and so on.

During these unprecedented times, the ILO Recommendation 205 on Employment and Decent Work for Peace and Resilience , which was adopted by an overwhelming majority of all constituents in 2017, emphasizes that crisis responses need to ensure respect for all human rights and the rule of law, including respect for fundamental principles and rights at work and for international labour standards.

This Recommendation provides guidance on measures to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters. In taking measures on employment and decent work in response to crisis situations arising from conflicts and disasters taking into account the promotion of full, productive, freely chosen employment and decent work which are vital to promoting peace, preventing crises, enabling recovery and building resilience. In the same time there is need to respect, promote and realize the fundamental principles and rights at work place and other human rights and other relevant international labour standards, and to take into account other international instruments and documents. It is very crucial also to stress on the importance of good governance and combating corruption through respecting the national laws and policies and use local knowledge, capacity and build the capacity of governments, including regional and local government, employers' and workers' national organizations, and other national and relevant institutions, to provide effective responses. In addition there is need to respect, promote and realize equality of opportunity and treatment for women and men without discrimination of any kind; the need to ensure workers with disabilities are provided with equal opportunities, the need to pay special attention to population groups and individuals who have been made particularly vulnerable by the crisis, including, but not limited to, children, young persons, persons belonging to minorities, indigenous and tribal peoples, persons with disabilities, internally displaced persons, migrants, refugees and other persons forcibly displaced across borders.

This project will place compliance with decent work with focus on agriculture sector at the forefront. Areas of compliance will guide work to enhance national regulatory frameworks and structures. More robust national frameworks will, in turn, reinforce farm/firm-level interventions that advance decent work for all. At the firm/ farm level, pilot interventions will help farmers move toward compliance with labour standards, which are a pre-requisite for access to foreign markets. It will provide trainings and guidance on labour standards to build their knowledge and capacity, while supporting workers to

understand their rights, enhance their employability and help labour inspectors carry out their functions.

Impact of COVID-19 on informal workers in agriculture sector

The crucial role of agriculture in economic development is widely recognized and there are numerous success stories on how the agriculture sector served for development.

- The sector is labor-intensive. Jobs are not only created on-farm, but also in upstream (input supply and primary production), midstream (handling and processing), and downstream (distribution and marketing) sectors. As other sectors of Iraq's economy, agriculture has not fully modernized following three decades of conflict and isolation.
- Already, the sector is the largest source of private jobs and employs 20 percent of Iraq's workforce. Women make up over 50% of agricultural work force compared to just 9% across all sectors—highlighting the sector's importance for social inclusion. The sector has a strong multiplier effect on others economic activities, including services and transport. A 1% increase in Agriculture GDP growth would lead to 1.2 percent increase in total employment (compared to just 0.35 percent for the industrial sector). Improving the country's economic outlook depends on the agro-food sector.
- Lack of regulatory frameworks and support structures to govern agriculture activities, protect its work force and address concerns collectively.
- Decent work deficits at the farm level including instances of child labour, insufficient occupational safety and health measures and lack of social protection coverage;
- Inadequate work skills and knowledge to support safe working environments and enhanced productivity.

In developing countries, over 90 percent of agricultural workers are informal (ILO, 2018). Particularly difficult is the situation of wageworkers in the agricultural sector, who represent nearly half of the total agricultural labour force, but remain largely invisible to policy and decision-makers. They are already among the poorest workers and often employed on a seasonal, casual or temporary basis. This makes them even more vulnerable to the economic shocks brought on by the COVID-19 pandemic.

- The COVID-19 pandemic is expected to have significant impacts in terms of unemployment and underemployment, especially on informal workers. International Labour Organization (ILO) estimates an increase of 5.3 million ("low" scenario) and 24.7 million ("high" scenario) in unemployment from a base level of 188 million in 2019 because of the current crisis (ILO, 2020). The lockdowns at country and sub-national levels, as well as the restrictions on the movement of people have led to the closure of non-essential businesses with negative outcomes on labour markets worldwide, particularly in the informal sector.
- The reduction in wage employment opportunities risks limiting the ability of small-scale producers to diversify their incomes. Seasonality is a factor influencing the demand for labour in the agricultural sector. Since planting and harvesting periods are more labour intensive, should the lockdowns and restrictions overlap with the periods, a huge opportunity to complement household income for the poorest farmers through wage work in agriculture would be lost. Beyond agriculture, restrictions of movement in severely affected cities will

impede rural people from moving to urban centers to seek for alternative job opportunities. They will negatively affect farmers' livelihoods by limiting their ability to work for a wage, hire temporary workers, and buy/sell inputs/outputs, leading to a greater risk of food insecurity.

- Many informal workers in the agriculture and rural sectors may expose themselves and their families to additional risks and vulnerability. Without alternative livelihood strategies in sight, informal workers may continue to work without taking adequate preventive measures or appropriate protection, thus exposing themselves and their families to health and safety risks.
- Seasonal, IDPS, refugees and migrant workers in agricultural sectors are also affected by the lockdown, and the undocumented workers face worsened working conditions and more difficulty in mitigating health and safety risks. Those in the rural areas with limited access to relevant information and medical treatment will face catastrophic consequences for their life and livelihoods. Further, when experiencing income losses, they may resort to negative coping strategies, such as distress sale of assets, predatory loans from informal moneylenders or child labour. As schools are closed, some children may be asked to support their families in farm-related work, both on the family farm or as wageworkers, which could expose them to hazardous or age-inappropriate tasks. Children already engaged in child labour are likely to face worsened hardship and shoulder even more responsibility to meet the food security needs of the family (FAO,2020).
- Rural women will be hit harder by the social and economic impacts of the crisis. They make up 41 percent of the world's agricultural labour force. In many countries in Southeast Asia and sub-Saharan Africa, more than 60 percent of women work in the agricultural sector (ILO, 2019). In lower income countries, women's rates of informal employment are higher than men's, so they are more at risk of income losses in the current situation. Furthermore, since women shoulder the main responsibility for caregiving in their households and rural communities, they are more likely to be burdened with additional household tasks that increase when more people stay at home during a quarantine. This can cause further marginalization of women in rural labour markets, particularly when they have to compete with men for scarce lucrative jobs. Additionally, existing trends point to less access to sexual and reproductive health and a rise in domestic violence during the crisis (UN WOMEN, 2020).

II. OBJECTIVE AND SCOPE OF WORK

The objective is to provide a detailed mapping of the relevant policy, legislative and regulatory frameworks, a thorough mapping of institutions and identification of relevant stakeholders active in the agriculture and agro-food value chain in Iraq in relation to skills, training opportunities, enterprise development, works permits, inspection, work contracts, wages, social security, working hours, women rights, child labour, OSH requirements, and collective bargaining.

As the project begins planning its interventions around policy advocacy and supporting government and other efforts to develop or reform relevant frameworks on active labour market programmes, the right to work and rights at work, including social security, an understanding of the current legal, and regulatory environment in regards to those in agriculture is required, while proposing evidence based recommendations for the agriculture sector compliance.

The objective is to produce two separate reports:

- The first report shall have two parts as follows:
 - 1st part covers the national level of the Federal of Iraq; and
 - 2nd part targets the tomato, dairy and date as sub-sectors in Basra governorate.
- The second report shall have two parts as follows:
 - 1st part covers the national level of the Kurdistan Region of Iraq (KRI); and
 - 2nd part targets the production of fruits and vegetables in general in Dohouk governorate.

Also, the service provider is required to update the compliance model checklist, developed by the ILO through the key informant interviews to be conducted. This checklist will be provided to the selected bidder.

III. TASKS

The service provider will therefore be required to undertake the following specific tasks:

- Identify relevant policies, legislation and regulations and analyse them in regards to the agriculture workers access to employment, training opportunities, and to rights at work.
- Conduct a gap Analysis against the assessment framework that highlights implementation gaps, and needs and expectations.
- Conduct key informant interviews of identified national and international actors, trade union representatives and employers' representatives to assess the practical application of policy, legislative and regulatory frameworks and identify challenges that will need to be addressed.
- Conduct key informant interviews with farmers, agricultural workers, MSMEs, businesses and focus group discussions, to better assess knowledge and application of these policy, legislative and regulatory frameworks.
- Conduct four tripartite (government, workers' and employers' organizations) validation exercises to ensure the establishment of key recommendations going forward in terms of identifying gaps and challenges that can be addressed through the project and related programmes, including policy advocacy and supporting either policy, legislation and regulatory development and/or reform as appropriate.
- Develop the two reports as indicated above that include the findings, analysis and possible recommendations.
- Update and develop the agriculture compliance model checklists.

IV. Methodology

An appropriate mix of qualitative and quantitative methods will be used to gather and analyze data/information, in order to diverse perspective, promote participation of different groups of stakeholders. Data triangulation is required to ensure the credibility and accuracy of data/ information gathered through Key informant interviews and stakeholder consultations.

V. DELIVERABLES, SCHEDULE OF PAYMENT AND PAYMENT TERMS

The service provider 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:

Deliverable	Disbursement in USD
Submission of an inception report which outlines: <ul style="list-style-type: none"> - proposed workplan with clear outputs and activities; - data collection methodology and instruments; - Stakeholder Analysis. 	25%
Submission of the draft reports for ILO comments.	35%
Submission of the draft reports in the tripartite stakeholder workshops for feedback, after incorporating the ILO comments.	40%
Submission of the final reports with an executive summary and recommendation in Arabic.	

VI. DURATION OF THE ASSIGNMENT

The duration of the contract will be from September to December 2021.

VII. QUALIFICATION

- Relevant technical expertise in law, social sciences.
- Understanding of the agriculture context and issues in Iraq.
- Understanding of Iraqi policies.
- Fluent written and spoken Arabic and English and excellent report writing skills.
- At least 10 years' demonstrated experience in analysis and strategic planning.
- Experience in drafting/preparing assessment reports and strategic plans.
- Well experienced preparing hands-on training programs to different target populations, specifically to representatives amongst employers and workers.
- Experience working with the ILO or other UN agency, donor agency or international NGOs, is considered an asset.
- The bidders must have valid bank account in the name of the organization.

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 References 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.

VIII. APPLICATION SUBMISSION

Interested bidders should submit in English:

1. **Technical Proposal** that outlines the research design and the proposed methodology. The technical proposal include a logical framework providing and overview of the key activities, and the timeframe for completing each activity.
2. **Financial Proposal:** Based on the activities proposed, the bidders are required to propose a detailed budget. The proposed budget have to justifiable and rational. The ILO holds the right to negotiate the proposed budget. The bidder is encouraged to add the number of activities and sub-activities as relevant.
3. Cover letter and relevant experience (CV's of the trainers/expertise). The information provided shall clearly show that the qualifications required are met.

The technical and financial proposal together should not exceed four pages. Proof of similar assignment (incl. papers produced if possible) and CV(s) of people to be involved are required as an annex.

Proposals evaluation

The proposals will be evaluated according to the criteria described below:

- Company's profile and previous experience
- Technical compliance with the Terms of Reference and its response to the planned deliverables
- The proposed approach and timeframe/work plan
- The qualifications and experience of proposed key personnel
- The overall cost
- The budget is realistic
- The breakdown of the budget and costing per budget line

Timeline

Submission of proposals to hamad@ilo.org and khidhir@ilo.org by **28th of August 2021**. Please mention "**Review of National Regulatory Frameworks, and Structures in agriculture sector: A study on agriculture sector compliance and evidence based recommendations for Iraq**" in the subject of the email.