

Terms of Reference

To conduct a brief analysis on newly adopted Labour Law against ILO's technical comments and recommendations

1. Background

The ILO has been providing technical advice to the Ministry of Labour and Social Protection (MLSP) on the alignment of national Labour Law with International Labour Standards (ILS) over the last decade. At the request of the MLSP, the ILO submitted to the Government of Mongolia a Memorandum of Technical Comments on the Draft Labour Law in October 2020.

In that connection, thanks to support from the European Union (EU), the ILO has been assisting Mongolia in monitoring and reporting on the status of Fundamental Principles and Rights at Work (FPRW) in the country to boost its benefits from the EU GSP+ schemes since 2015 through GSP+ projects. The Trade for Decent Work (Trade4DW) project is a continuation of GSP+ projects with the aim to strengthen national capacity to apply ILO Fundamental Conventions and accelerate labour law reform reflecting ILS.

As a result of ILO's support and efforts put in the revision of Labour Law by the MLSP, social partners and Members of Parliament (MPs), the newly revised Labour Law was adopted by the State Great Khural (Parliament of Mongolia) on 24th of June 2021, and promulgated in the State Bulletin in early August 2021. The revised Labour Law will be effective from 1st of January 2022.

To determine the nature and scope of further ILO support to be provided to the MLSP and social partners on ILS and implementation of the revised Labour Law, there is a need to assess the extent to which effect is given to the recommendations made by the ILO in its Memorandum of Technical Comments of October 2020 in the new Labour Law.

2. Objectives

The objective of the assignment is to provide a brief analysis of the newly adopted Labour Law and the extent to which it gives effect to recommendations in the Memorandum of Technical Comments on the Draft Labour Law submitted by the ILO to the Government in October 2020. The analysis will inform ILO's decisions on the nature and scope of further activities to support the MLSP and social partners on ILS and the implementation of the newly adopted Labour Law. The analysis will be shared with the Trade4DW project donor, the EU.

3. Expected outputs/deliverables and detailed tasks

The following output is expected to be delivered and related tasks to be completed:

Output/Deliverable: A brief analysis of the newly adopted Labour Law and the extent to which ILO's technical comments and recommendations are given effect in the endorsed legal text in Mongolian.

Detailed tasks:

- Study and compare the ILO's Memorandum of Technical Comments on the draft Labour Law and the newly adopted Labour Law;
- Prepare a brief analytical report specifying the extent to which each of the recommendations in the Memorandum of Technical Comments is given effect in corresponding provisions of the new Labour Law (maximum 20 pages, in English).

4. Contract duration

The consultancy will be of 5 working days and shall be completed by 13th of September 2021. The consultant will submit a draft report not later than 6th of September and a final report incorporating ILO's comments and suggestions by 13th of September 2021.

5. Consultant qualifications

The following qualifications are necessary for meeting the terms of the consultancy contract:

- Excellent command of English;
- Bachelor/Master of Laws, Labour Law or related discipline;
- Experience in conducting similar tasks/or analyses;

Application procedure

Interested individuals must submit the following documents/information electronically to ulaanbaatar@ilo.org not later than Monday, 23 August 2021:

Letter of interest explaining why you are the most suitable for the work;

(ii) Sample of prior assignments (i.e., similar reports/analysis);

(iii) Personal CV including similar past experience;

(iv) Daily consultancy fee rate and confirmation of availability.