

## **ToR for the international consultant**

**Technical interaction among judges of labour courts and the labour appellate tribunals, faculty members of judicial academies and the ILO.**

### **Background:**

The ILO Country Office for Pakistan (CO) through its EU funded project 'Sustaining strengthened national capacities to improve ILS compliance and reporting in relevant EU trading partners' and the Federal Judicial Academy (FJA) has had discussion with the Office of Director General, FJA. During this discussion a number of areas were discussed which the Judicial Academy considered would benefit from technical interactions and collaboration to further strengthen the functioning, and effectiveness of the labour courts. It was agreed that the ILO would share the possible parameters for the contemplated collaboration that would focus on, among other things, improved response to the labour disputes through taking into consideration the principles enshrined in the International Labour Standards (ILS) ratified by Pakistan. Such collaboration was sought to work towards realizing decent work for all. A draft concept note was accordingly, shared with the DG-FJA on 21 February 2019.

Later 2019, the CO mobilized an international consultant, who held consultations with the Chairperson, National Industrial Relations Commission (NIRC), labour judges, labour department officials, workers' and employers' organizations and other stakeholders around the labour dispute resolution in Pakistan, another important but relevant topic and identified as one of the key priority areas for the effective implementation of a potential Better Work Programme in Pakistan. Furthermore, as a recipient of GSP Plus status, Pakistan strives to strengthen the application of the ratified core ILO Conventions including those on Elimination of Child Labour, Abolition of Forced Labour, Freedom of Association and Collective Bargaining, Equality and non-discrimination.

Following the above developments, the CO through its previously mentioned project is now ready to organize a technical interaction spanning over two days, among the judges of labour courts and the labour appellate tribunals, faculty members of the judicial academies and the ILO resource person(s). Given ILO's technical expertise and experience in formulating ILS for the World of Work and helping the member states to better formulate, implement and enforce the labour laws, the CO is happy to envisage an interaction/collaboration around the following issues:

- The FJA currently delivers sensitization programmes to various cadres of judges. Exposure to international standards and laws can help judges better understand and apply legal rights articulated in ILS.
- The importance of labour judges having knowledge and understanding of ILS and observations/direct requests from the ILO supervisory bodies in addition to national and provincial laws is well acknowledged.
- There is neither any curriculum nor any module on this matter in place for sensitization of labour court judges.

- Labour judges may dismiss a number of labour cases based on jurisdictional anomalies<sup>1</sup>.
- Users of the labour courts face a variety of challenges in filing and defending cases as well as multiple and varied barriers to accessing justice, which impact on the functioning, efficiency and effectiveness of the courts and justice system.
- Judges may not have possibility to proactively acquaint themselves with provincial labour legislation

### **Strategic Linkages:**

This activity contributes to item 1.6 under Result 1 of the DG-Trade project, which in turn contributes to the DWCP's output 3.1.5 (Enhance the understanding of ILS and labour laws among the judiciary and law enforcement institutions) of Outcome 3.1 (Capacity of tripartite constituents for ILS compliance and reporting enhanced). Globally, the project and its activities contributes to outcome 2 (International Labour Standards and authoritative and effective supervision) as envisaged in Programme and Budget for 2020–21.

### **Objective:**

The judges of labour courts and the labour appellate tribunals and faculty members of the judicial academies become acquainted with the ILS.

### **Expected Outcome:**

Improved understanding of ILS with a focus on FPRW by the faculty of FJA and Provincial Judicial Academies, judges of the labour judiciary and labour appellate tribunals.

### **Appointment of Consultant/ Scope of Activities:**

The services of an international expert (consultant) are therefore required to deliver the following activities. The consultant will also act as principal resource person for the proposed event. A national consultant, whom the ILO will hire separately in close consultation with FJA, will support him/her.

### **Requirement of the Consultant:**

The eligible consultant is expected to be an expert on the subject. A consultant meeting the below eligibility criteria will be selected through a competitive process as per the ILO Rules and Regulations.

### **Eligibility Criteria:**

- A detailed understanding of labour dispute resolution and LDR mechanisms in different countries and in different industries, including formal and non-formal mechanisms;

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<sup>1</sup> There is federal Industrial Relations Act (IRA) of 2012 and there are provincial IRAs enacted by provinces in the devolved milieu. National Industrial Relations Commission (NIRC) adjudicates industrial disputes under IRA 2012 including the trans-provincial industrial disputes, whereas provincial industrial disputes need adjudication under the corresponding IRAs and other labour laws.

- Proven facilitation skills in undertaking similar assignments [including but not limited to fostering dialogue and spurring participation, public speaking and presentation, negotiation and conflict resolution etc.]
- Proven ability to write high quality, clear and concise reports in English.
- Experience with Better Work concept and operations would be an advantage.
- Previous Pakistan experience in relevant areas is desirable.

**The Consultants will perform the following activities:**

- Conducting a need assessment in consultation with CO and FJA.
- Drafting, getting feedback and finalizing the agenda of the two days event, in close consultation with the FJA and the CO
- Preparing the resource material for the event (presentations, handouts and any other materials to be provided to participants);
- Leading the delivery of a two-day event. The day 1 will focus on technical discussions around reflection of ILS in case laws, curricular activities of judicial academies etc. The day 2 will focus on acquainting the judges of labour courts and the labour appellate tribunals from all across Pakistan to the ILS with a focus on Fundamental Principles and Rights at Work (FPRW2). These are: 1) Elimination of Child Labour, 2) Abolition of Forced Labour, 3) Freedom of Association and Collective Bargaining, 4) Equality and non-discrimination. The discussion will also include observations and direct requests of ILO supervisory system.
- Drafting a report, getting feedback from participants, FJA and ILO and finalizing/submitting the report of the event to ILO.

**Who will participate?**

Faculty of FJA and Provincial Judicial Academies, judges of the labour judiciary and labour appellate tribunals from all across Pakistan

**Event dates:**

TBA between 2nd fortnight of February 2020 or early March.

**Venue:**

Federal Judicial Academy, Islamabad

**Process/ Deliverables:**

1. A preliminary discussion with ILO CO and FJA to understand the needs for this technical interaction, thereby identifying the resource materials for the technical interaction. Soon after signing of contract
2. Drafting, getting feedback and finalizing the agenda for the two days interaction. A week after signing of the contract
3. Preparing and submitting the resource material (presentations, handouts, notes etc) for printing by the ILO CO (at least a week before the event dates)
4. Leading the technical interaction on the agreed dates
5. Drafting an event report, getting feedback and finalizing/ submitting the report to ILO CO and FJA (One week after the event)

**Contract Supervision:**

The external collaborator will work in close cooperation and coordination with the ILO Pakistan through its EU funded project ‘Sustaining strengthened national capacities to improve ILS compliance and reporting in relevant EU trading partners’.

**Period of the Contract:**

The work will be conducted over approximately seven working days, over a period of 1 months [23 February 2020 to 22 March 2020]. Break-up of workdays is given below:

Work Item	Number of Days	Mode
Discussion with ILO CO and FJA to assess needs/ content of the event	0.5 day	Skype
Drafting of the agenda, taking feedback and finalizing the agenda for the event	0.5 day	Desk work+Email/ Skype
Preparing presentations, handouts and all other materials for the event, in consultation with ILO CO and FJA	1 day	Desk work+Email/ Skype
Preparatory discussions and work in CO/ FJA	1 day	Islamabad
Delivering a two days event	2 days	Islamabad
Reporting	2 days	Deskwork.

**Cost Estimate:**

7 days@ USD (Cost to be quoted by the consultant)

DSA= As per UN’s approved rates for 7 days

ILO will support international travel.

**EXPRESSIONS OF INTEREST SHOULD BE SUBMITTED DETAILING A WILLINGNESS TO UNDERTAKE THE WORK, AS OUTLINED ABOVE.**



International  
Labour  
Organization



European Union

**BIDDERS SHOULD ATTACH A CV AND STATE A PROPOSED DAILY RATE. PLEASE NOTE THE MISSION IS PLANNED TO TAKE PLACE IN LATE FEBRUARY/EARLY MARCH 2020. EXPRESSIONS OF INTEREST SHOULD BE SUBMITTED BY EMAIL BY CLOSE OF BUSINESS ON 15 FEBRUARY 2020 TO [Islamabad@ilo.org](mailto:Islamabad@ilo.org) and copied to [khanabid@ilo.org](mailto:khanabid@ilo.org)**