



Terms of Reference for Local Consultancy

FOR CONDUCTING AN ANALYSIS OF NON-COMPLIANCE WITH REFERENCE TO NATIONAL LABOUR LEGISLATION AND INTERNATIONAL LABOUR STANDARDS

Introduction

Achieving decent, safe and healthy working conditions has been central to the mission of the ILO since its creation in 1919 and an objective that has been reaffirmed in the 1944 Declaration of Philadelphia and the ILO Declaration on Social Justice for Fair Globalization. Almost half of all ILO Conventions and Recommendations, either wholly or in part, address issues related to occupational safety and health (OSH) and a significant number of Conventions and Recommendations similarly address the important role that labour administration and labour inspection play in assisting countries to achieving compliance with international labour standards.

On the other hand, all ILO Conventions and Recommendations, including the Convention on Labour Inspection (No.81), regulate the different aspects of decent work and set the international norms to be pursued by national legislation. Thus, the ILO plays a crucial role strengthening the capacities of public institutions as well as workers' and employers' organizations to ensure workplace compliance and creating an enabling environment for decent work for all women and men.

Background Information

The ILO Office for Türkiye has an ongoing engagement with its tripartite constituents in Türkiye for over 69 years and has contributed to building the capacity of the government, workers' and employers' organizations through several projects including in the areas of workplace compliance: promotion of decent and non-discriminatory workplaces, productive employment and decent work for vulnerable groups, as well as social dialogue.

The ILO Office for Türkiye has been implementing "Workplace Compliance through Labour Inspection Guidance and Social Dialogue (WPC)" project since March 2023 which is funded by the European Union Delegation (EUD), in close cooperation with the Ministry of Labour and Social Security of the Republic of Türkiye (MoLSS) – Directorate of Guidance and Inspection (DoGI).

Scope of the Project

The project is envisaged to contribute to creation of a more decent work environment for all women and men in Türkiye through achieving 2 major outcomes including:

Outcome 1: Institutional capacity of the Directorate of Guidance and Inspection (DoGI) of the Ministry of Labour and Social Security (MoLSS) and the social partners was improved to increase workplace compliance.

Outcome 2: The workplace compliance was improved through strengthening guidance services and awareness raising on decent work.

Under Outcome 1, the project aims to increase the effectiveness and the technical capacities of the DoGI on International Labour Standards, EU Acquis and national labour legislation with an equality and rights-based approach. Within this scope, "an analysis of non-compliance with reference to national labour legislation and international labour standards to define the issues, where further progress needs to be achieved, with a gender equality and rights-based approach" will be conducted under Output 1.1: "the effectiveness of the (DoGI) is improved through a multi-pronged approach".



Scope of Work

The purpose of this work is to define the decent work deficits in Türkiye and in previous labour inspections. The Consultant will conduct an analysis on non-compliance with reference to national labour legislation and international labour standards to define the issues, where further progress needs to be achieved, with a gender equality and rights-based approach. The statistical results of labour inspection reports, which are not confidential, will be made available to the consultant. The relevant data of related Ministry Departments will also be used in the analysis, as much as possible.

The produced report will point out the “the most important decent work deficits” in the field. It will also conclude with a set of decent work centered recommendations that will be prepared by the consultant, which would provide a road map for improving effective implementation of the national legislation and enhancing workplace compliance.

In line with the analysis, the road map will be developed and will include policy recommendations and will be advocated to improve decent working conditions. The road map will set the issues that the DoGI shall focus and will contribute to the increased efficiency of the labour inspection system in Türkiye. In line with the EU Green Deal, the report will be made available online in the websites of the ILO and DoGI and disseminated widely through social media, with a view to reducing environmental costs.

The ILO Office for Türkiye seeks to recruit a local consultant to support the delivery of the Project’s Outcome 1/ Output 1.1: **“The effectiveness of the DoGI is improved through a multi-pronged approach.**

This expression of interest seeks a highly qualified consultants who will conduct analytical studies on the non-compliance with reference to national labour legislation and international labour standards.

1. Duties and Responsibilities

The consultant is expected to work in close collaboration with DoGI. Given the above objective, the consultant will be expected to undertake the following tasks:

- The consultant will carry out a desk review and other necessary methodologies on the issues of non-compliance to the national legislation and international labour standards, including the ILO Conventions and EU Acquis.
- The consultant will conduct an analysis on non-compliance with reference to national labour legislation and international labour standards to define the issues, where further progress needs to be achieved, with a gender equality and rights-based approach.
- The consultant will work with the Guidance Team established within the DoGI which is composed of 30 inspectors with the aim of defining the most problematic areas of non-compliance with the primary and secondary national labour legislation and international labour standards, in cases where the national law is in line with the International Labour standards in the field.
- The consultant will also provide a half day training to the Guidance Team on the methodology to be pursued in the report.

2. Professional Qualifications

Required Qualifications

The consultant will be expected to possess the following qualifications:

- Advanced university degree in business, social sciences, economics, law, engineering or relevant discipline.



- A minimum of seven years of experience in conducting analytical and technical reports/articles.
- Proven experience in conducting qualitative research / analysis on labour policies preferably labour inspection and labour administration.
- Excellent communication and facilitation skills, including in multi-cultural settings.
- Knowledge of Turkish labour inspection context, the national legislation, International Labour Standards particularly on labour inspection and Occupational Safety and Health.
- Excellent written and verbal communication skills both in English and Turkish, with the ability to effectively communicate technical information to non-technical stakeholders.

Preferred Qualifications

- Good communication skills, partnering, conduction of workshops or events, collection of feedback, etc. will be an asset.
- Experience in working with government institutions and social partners will be an asset.
- Problem-solving skills.
- Ability to work calmly and effectively under pressure and adapting to changing priorities.
- Extremely detail-oriented, with strong analytical and inquisitive thinking skills to identify and resolve potential issues.
- Highly motivated and committed to the values of transparency, integrity, and compliance with the law.
- Excellent record of engaging with local and social partners and targeted groups.

Nationals of the Republic of Türkiye are required to apply for.

3. Language Requirements

The working languages of the individual activities included in the scope of this subcontract are **English and Turkish**. The final outputs will be submitted in **English**.

4. Administrative Requirements

All activities within the scope of this Terms of Reference will be carried out under the overall supervision of the Director and Senior Project Coordinator of ILO Office for Türkiye.

5. Place of Work

Place of work is home based. However, the consultant will have to work physically from Ankara for some occasions and may need to travel to other provinces where the project is implemented during the contract duration (Ankara, Istanbul, Izmir, Bursa and Adana).

6. Duration of Contract and Payment Details

Duration: 54 working days

Starting date: 01 December 2023

Ending date: : 01 April 2024

Consultancy Fee: 54 working days x 188 USD/day = 10152 USD

Total Contract Amount: 10152 USD

The consultant is expected to work 54 workdays in total within the duration of this assignment in order to fulfil required tasks and successfully execute the deliverables.



Travel Cost:

In case the consultant has to travel to Ankara and other provinces, travel and accommodation expenses will be covered by the ILO and the consultant's travel expenses will be calculated based on average prices of flight tickets as well as considering accommodation and meals that are in line with actual UN DSA (Daily Subsistence Allowance) rates set for the respective provinces. The details of the expected travels and the methodology for making the payments associated with these travels will be provided at the time of signing the consultancy contract. All amounts referring to travel are maximum amounts. ILO will not be responsible for overpayments of the consultant and any reimbursement will not exceed the given amounts respective to the indicated item.

* The travel expenses and the accommodation expenses are reimbursable up to the given amount in respect to the invoices to be submitted to the ILO. The reimbursement payments for travel and accommodation expenses will be made in USD. The realized amount on the expense invoices will be converted from TRY to USD in line with the effective UN exchange rate on the date of exact invoice.

** Lunches and Dinners are fixed rate and are payable in respect to the #of overnight spent in the destination upon proof of stay.

7. Deliverables and Timeframe

The contract will be for 54 working days and the consultant is expected to produce the following deliverables as set out in the below timeframe at the approval and satisfaction of the ILO.

No.	Deliverables Expected the Payment	Deadline	Amount of Payment
1.	Inception Report including a Methodology and a Work Plan.	Within 4 weeks after contract signature	10%
2.	Present the primary report to the Guidance Team of the DoGI.	Within 8 weeks after contract signature	20%
3.	Finalize the report based on the analysis, desk review and other methodologies.	Within 10 weeks after contract signature	30%
4.	Provide a half day training to the Guidance team on the methodology to be perused in the project.	Within 12 weeks after contract signature	40%

All payments will be proceeded upon the submission of the deliverables and the approval of the deliverables by the ILO.



8. Other Information

In the case of any local or international missions, requested by ILO; the Consultant has to take necessary actions in order to compliance with the security requirements of UN System when he/she travels within the country in the framework of his/her ILO Contract.

The Consultant will be responsible for all travel, boarding, lodging, administrative costs and any other costs as incurred for activities outlined in this ToR. The Consultant will make necessary travel arrangements for the conduct of field visits.

Please note that the External Collaborator is responsible for completing the new security awareness online training course (BSAFE) if she/he needs to undertake any travel out of her/his city of residence within the course of this assignment. The course is available through registration on <https://training.dss.un.org/user/login>. Additionally, the External Collaborator will be requested to submit a security clearance generated via web-based “Travel Request Information Process” (TRIP) system prior to any travel out of her/his city of residence. TRIP system is accessible through registration on <https://trip.dss.un.org/dssweb>.