



International
Labour
Organization

► Terms of reference: Mapping study of dispute resolution, complaints and supply chain due diligence mechanisms

ILO-IFC Better Work, ILO GALAB Project

RO-Asia and the Pacific

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BACKGROUND

This project is a collaboration between the ILO-IFC Better Work Programme and the GALAB Project.

The GALAB project aims to contribute towards a significant reduction in child labour and forced labour in the target countries as well as through regional and global interventions, contributing to the achievement of SDG 8.7. The Project will accelerate progress in support of efforts to eliminate child labour and forced labour at global, regional, and national levels. The project focuses on four key cross-cutting markers: innovative solutions which is a cross-cutting marker that will support the actions of the project, at the global, regional and country levels, guided by the other three markers: due diligence and transparency in supply chains, strengthening workers' voice, and social protection.

The Asia and the Pacific regional component contribute to Outcome 2 of the project: Regional institutions facilitate dialogue on forced labour and child labour and demonstrate ownership in initiatives to reduce their prevalence. Within the scope of the above outcome, the regional component includes **an objective to increase awareness of due diligence on addressing child labour and forced labour in supply chains by key regional and national-level stakeholders.**

Better Work – a collaboration between the International Labour Organization (ILO) and the International Finance Corporation (IFC), a member of the World Bank Group – is a comprehensive programme bringing together all levels of the garment industry to improve working conditions and respect of labour rights for workers and boost the competitiveness of apparel businesses. Currently, the programme is active in about 2,000 factories employing more than 3 million workers in 13 countries.

As well as advising factories, Better Work collaborates with government agencies to improve labour laws and with multinational buyers to ensure their collaboration and support toward sustainable compliance. It also advises unions and employers' representatives on how to give workers a more significant say in their lives and works with donors to help achieve their broader development goals.

As part of Better Work's approach to promoting strong industrial relations in supply chains, **Better Work aims to strengthen access to labour justice for all workers.** Disputes and the effective resolution of disputes are central to mature industrial relations. Effective grievance mechanisms and dispute resolution procedures provide accessible, trusted processes through which individual and collective disputes can be

addressed, including violations of freedom of association and the right to bargain collectively. This is particularly important when dialogue breaks down and the social partners require effective mediation or arbitration of the dispute to reach an agreement.

Better Works supports employers to establish and strengthen enterprise-level grievance mechanisms, ensuring they are inclusive and effective in line with the Examination of Grievances Recommendation, 1967 (No. 130), the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the UN Guiding Principles on Business and Human Rights, and to connect these mechanisms to sectoral/national mechanisms wherever possible. BW's role is also to support governments and social partners in the establishment and functioning of effective mechanisms for grievance raising and dispute resolution at the sectoral and/or national level.

In addition to judicial and non-judicial dispute resolution mechanisms at the national and sectoral level, and enterprise level grievance handling mechanism, in many countries and connected to supply chains there are external "complaints mechanisms" and due diligence processes which have been established by private companies (such as garment brands), local or international civil society organisations or otherwise mandated through regulations governing supply chains. These mechanisms may also provide pathways for workers to raise their concerns and seek resolution to human rights violations. This mapping aims to identify these various mechanisms and pathways for access to remedy across select countries.

OBJECTIVE

This project seeks to contract a consultant to **conduct a mapping and produce a report summarising the dispute resolution, complaints and due diligence processes in countries in Asia-Pacific as well as all BW country programmes outside of this region (detailed list below), with a focus on mechanisms that may provide remedy for the fundamental principles and rights at work (including child labour and forced labour).** This should include judicial, non-judicial and non-state-based mechanisms, including private mechanisms¹ (for example garment companies that have implemented private mechanisms or hotlines for workers). The mapping exercise and analysis report will support the ILO, our constituents and partners in understanding the different pathways for remedy for workers including due diligence processes and ways in which workers can raise their complaints or grievances and have disputes resolved within country or through supply chain mechanisms. In addition, the mapping and report will assess how due diligence processes address child labour and forced labour within supply chains. The dissemination of the report will occur within the GALAB project's framework via its Asia-Pacific regional and/or global components and through Better Work's country programme staff and partners.

¹ The selection of the companies can be determined through interviews with BW country programs, USDOL projects, and ILO staff in the country, with the possibility of expanding the company list as needed. The review will document which companies have these mechanisms in place, with one of the priorities given to those addressing child labour and forced Labour concerns.

SCOPE OF WORK & DELIVERABLES

The consultant is expected to:

- 1) **Conduct a desk review** of existing publications/research which may already outline the available due diligence mechanisms in proposed countries. The study will include coordination with the GALAB and Better Work ILO programmes to cover twenty-four countries. Countries and resources will be divided by project in the following way:
 - a. Better Work resources will cover Bangladesh, Cambodia, Egypt, Ethiopia, Haiti, Indonesia, Jordan, Madagascar, Nicaragua, Pakistan, Sri Lanka, Uzbekistan, Viet Nam.
 - b. GALAB resources will cover Brunei, Fiji, India, Lao PDR, Malaysia, Mongolia, Nepal, the Philippines, Samoa, Singapore, and Thailand.

The desk review may include publications and documentation from the ILO, Better Work, USDOL projects in the region, and/or other reputable sources. The consultant should review both judicial and non-judicial state-based processes/institutions (e.g. general or specialised/labour courts, alternate dispute resolution processes/agencies), non-state processes, including private company mechanisms, and trade and due diligence mechanisms. This includes labour inspection systems where workers can directly raise grievances, with consideration for country-specific applicability for non-judicial processes. Attention should be given to both individual and collective labour disputes. He/she should also review the connections between the various mechanisms in order to identify all complaints and appeal options available to workers in the countries reviewed.

- 2) **Conduct interviews** with staff associated with both the Better Work and GALAB projects in each country including key staff located in regional or HQ offices and partners associated with each project. Interviews with constituents or partners (such as buyers) will be conducted as needed to confirm findings or gather further information.
- 3) **Complete a simplified map** indicating which mechanisms and processes are present and available for each country. and identify the topics of grievances or disputes which can be addressed by each (such as if mechanisms allow for or are specific to grievances related to gender-based violence and harassment, child and forced labour etc).
- 4) **Draft a final report** outlining key details on the dispute resolution, complaints and due diligence mechanisms for all countries, containing further details on the country-specific processes. The report should highlight mechanisms specific to child and forced labour and how these grievances are addressed. Where possible the report will indicate the name of the entity/authority designated to receive the grievance/dispute/complaint, identify mechanism for submission (website/email/hotline), and estimated frequency of use. The report should aim to provide factual information outlining the key mechanisms, with concise information on Better Work's relation to or activity with each, where applicable. If there have been relevant comments by or complaints filed with the ILO Supervisory Bodies related to the dispute resolution or grievance handling processes, that information should also be included.

TASKS AND DELIVERABLES

The expected timeline of the study is from October to December 2024.

The following set of deliverables (with corresponding tentative timeline) are expected to guide the work of the contracted researcher(s):

| Deliverable | Number of days | Expected completion date |
|---|-----------------------|---------------------------------|
| Inception report (2-3 pages) <ul style="list-style-type: none"> • Guiding research questions • Sampling plan for interviews • Interview instrument | (3) days | 08 November 2024 |
| Comparative mapping of all selected countries <ul style="list-style-type: none"> • Conduct desk research and interview relevant ILO or external colleagues • Develop simple comparison template for mapping • Complete mapping | (7) days | 22 November 2024 |
| Detailed report on mechanisms per country as identified in comparative mapping <ul style="list-style-type: none"> • Further desk research and interviews as required • Produce separate reports for BW countries and GALAB countries as indicated above • 2 rounds of feedback and revisions | (20) days | 13 December 2024 |
| | 30 days | |

QUALIFICATIONS

- Over 5 years of previous research and work experience in a related field, such as supply chains, human rights due diligence, industrial relations, dispute resolution, labour administration, policy development etc.
- Strong research skills, both desk research and interview techniques.
- Excellent writing and presentation skills, with the ability to produce clear, concise, and insightful reports.
- Experience in disseminating research findings to various audiences, including academic, practitioner, and policy-making communities.

- Demonstrated ability to manage research projects, including coordinating with multiple stakeholders, and adhering to timelines.
- Fluency in English and strong English writing skills.
- Experience working in diverse cultural settings, showing sensitivity and adaptability to local contexts.
- An advanced degree in Industrial Relations, International Development, Public Policy, or a related field.
- Familiarity or previous work experience in the Asia-Pacific region and/or some of Better Work's country programmes is an asset.

SUBMISSION

All applicants must send their technical and financial proposals to betterwork@ilo.org. The deadline to submit your application is **25 October 2024** at midnight (CET). Only selected applicants will be contacted for an interview.