

## **Terms of reference (ToR) for the procurement of services**

Technical Study:

**Gap analysis of Grievance Mechanisms on workers' rights in  
Cambodia**

## I. General information

ACT (Action, Collaboration, Transformation) is an agreement between global brands and retailers and IndustriALL Global Union to transform the garment, textile and footwear industry and achieve living wages for workers through collective bargaining at industry level linked to purchasing practices.

Effective dispute resolution mechanisms (DRMs) on Freedom of Association, Collective Bargaining and wage-related rights build the foundations for negotiation. Dispute resolution mechanisms are one of the most effective avenues for building trust between industry stakeholders.

Effective DRMs support ACT's objectives in terms of wages and respect for freedom of association by enabling effective remedy including but not limited to these enabling rights. Should the parties decide to include further thematic areas under the scope of the DRM, they will be covered as well. Being the third pillar of the UN Guiding Principles, effective grievance mechanisms are an international mandate. By working with national social partners to develop effective mechanisms, ACT aims at establishing international best practice in operationalizing the UN Guiding Principles effectiveness criteria for grievance mechanisms.

Grievance mechanisms on freedom of association, collective bargaining and wage-related rights in the global supply chain play a key role in the ACT approach. Having effective mechanisms in place for workers to address their grievances on freedom of association, collective bargaining and wage-related rights is a precondition to build trust and social dialogue as a foundation for achieving collective bargaining on living wages.

ACT is therefore looking for technical experts to support our work on development of effective grievance mechanisms in particular on Freedom of Association and Collective Bargaining Rights in Cambodia.

ACT is seeking contractors to conduct a gap analysis of grievance mechanisms for freedom of association, collective bargaining and wage-related rights in the garment sector in Cambodia as well as stakeholder needs in this regard. Contractors may bid to conduct research individually or in cooperation with co-authors.

## II. Contract Duration

The research should be carried out between April - end of July 2023 including in-country field research in Cambodia.

## III. Deliverables

The key output are the following deliverables:

- A. A **technical report** of 15-20 pages with continuous texts, tables and figures in English that provides analysis on the areas and research questions outlined below.
- B. An **executive summary** of approximately 1-3 pages of the key findings of the research in English. The executive summary should be concise, clearly drafted and emphasize the most relevant findings of the research.

The study should cover the following areas and questions:

1. **Mapping of existing grievance mechanisms** (judicial and non-judicial) regarding respect of workers' fundamental rights (in particular freedom of association, collective bargaining and wage related rights) in global supply chains available for workers in the garment sector and of the entities offering them.
2. **What are (legal) national and/or international requirements and standards** regarding grievance mechanisms for fundamental workers rights - in particular on respect of freedom of association, collective bargaining and wage related rights?
3. **What experiences and perspectives do trade union and employer representatives have in relation to:**
  - a. Using existing grievance mechanisms on fundamental workers' rights
  - b. Needs and suggestions for improvement
4. **Analysis of potential gaps of existing mechanisms when mapped against:**
  - a. Relevant international standards and recommendations
  - b. The ACT Framework on Grievance Mechanisms for workers
  - c. Needs expressed by Trade Union and Employer representatives
5. **What could be options to address these gaps** – if any – in line with the relevant international standards and recommendations and related guidance, the ACT Framework on Grievance Mechanisms, and the needs expressed by Trade Union and Employer representatives?
6. **What needs** – if any – do Trade Unions and Employers have in terms of capacity building on effective use of Grievance Mechanisms on fundamental workers' rights and/or their development?

## IV. Methodology

The primary methodology for the study is desktop and legal research supplemented with key informant interviews, including with representatives of trade unions (factory, sectoral, national level as applicable) and employers (individual companies and industry associations as applicable), labour ministries, ILO and other relevant experts and informants. All documents and interviews should be clearly cited. The exact methodology will be discussed during the preparatory call with ACT.

## V. Qualifications of proposed contractor

**Expertise:** Contractors bidding for the work should have demonstrated expertise in the field of business and human rights relating specifically to grievance mechanisms, industrial relations and/or the role of purchasing practices in global supply chains and commercial relations between suppliers and brands in the garment industry. Contractors can also bid as a team including an international expert in combination with local expert(s) conducting the field interviews. The ability to write and communicate proficiently in English is required. An understanding of the garment and textile sector is beneficial.

**Experience in the region:**

- At least 5+ years of working experience internationally in the field of business and human rights and/or in Cambodia.

**Language skills:**

- Good business language skills in English.

## VI. Further information

This gap analysis on grievance mechanisms for *workers* is part of a broader project which also includes research on complaints mechanisms for *manufacturers* in the global garment industry in relation to purchasing practices of global buyers (see call for proposals [here](#)). A parallel implementation of the two research projects with, where possible, combined key informants interviews in Cambodia would be appreciated. If you are interested in exploring the option of combining both research projects please indicate this in your application.

## VII. Submission process

Interested contractors should submit their resume and a brief letter of interest or proposal on how they meet the necessary qualifications, how they will implement the study and any additional considerations they would recommend in implementing the study along with a financial proposal to [michelle.lowe@actonlivingwages.com](mailto:michelle.lowe@actonlivingwages.com) by **13 March 2023**. Contractors will be reviewed against the requirements of the ToR and their financial proposals.