



Terms of reference (ToR) for the procurement of services

Technical Advice

Dispute Resolution Mechanism Development 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: A primary objective of dispute resolution is to promote collective bargaining and the practice of 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.

Purchasing practices, the ways in which brands and retailers interact with their suppliers, play an important role in shaping an environment in which manufacturers can build constructive social dialogue with trade unions. ACT members are committed to purchasing practices that are seen as key to enable payments of living wages. It is the first and only collective action of this kind to improve purchasing practices.

Grievance mechanisms for both workers and employers/suppliers in the global supply chain play a key role in the ACT approach. Having effective mechanisms in place for both workers and suppliers to address their grievances towards each other as well as towards buyers' purchasing practices impacting both sides is a precondition to build trust and social dialogue as a foundation for achieving collective bargaining on living wages.

ACT is therefore looking for a qualified consultant to support the development of a DRM in Cambodia, through facilitation of discussions between the national stakeholders.

II. Activities & Deliverables

A technical expert will, in cooperation with the ACT Team, a) provide capacity building on development of dispute resolution mechanisms in Cambodia and, b) support the discussions by national parties on these issues. This will cover:

- Preparing and facilitating meetings of the national parties, including employer representatives and trade union representatives.
- Together with the secretariat, provide technical advice on the development of a dispute resolution mechanism.

- Ensure that the national constituents are supported and their priorities reflect throughout the project.

The expert will be expected to deliver:

- III. progress back to the ACT secretariat in regular intervals on
 - a. the progress of the negotiations on a DRM in Cambodia.
 - b. the main challenges faced by national constituents in relation to the negotiations on a DRM and the suggested mitigation measures.
- IV. regular timesheets with breakdown of main tasks performed.

V. Contract Duration

The consultancy contract is for 1 to maximum 2 days a month, depending on the requirements of the process in the country, starting on 20 March 2023 for a period of 12 months.

IV. 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. 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 specifically on legal analysis, legal advice, and dispute resolution and training in Cambodia.

Language skills:

- Very good business language skills in English.

V. 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 by **13 March 2023**. Contractors will be reviewed against the requirements of the ToR.