



Terms of reference (ToR) for the procurement of services

Consultancy

**Provision of Technical Advice and Capacity Building on Dispute
Resolution to Unions in Bangladesh**

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 technical experts to support our work on grievance mechanisms in Bangladesh, focusing on technical advice and coordination with the national trade union federations involved in the development of dispute resolution mechanisms.

II. Activities & Deliverables

A technical expert will, in cooperation with the ACT Team, provide (a) technical advice and (b) capacity building on dispute resolution and the role of trade unions within grievance mechanisms to the IndustriALL affiliated Trade Union Federations in Bangladesh. This will cover:

- Building capacity on the role of trade unions in negotiations on dispute resolution mechanisms.

- Supporting the Trade Union Group in determining their priorities and joint approach to dispute resolution in Bangladesh.
- Support the Trade Unions in formulating text proposals and determining strategy in preparation for DRM development discussions and negotiations.
- Support for and technical advice to trade unions involved in the Interim DRM.
- Support trade unions in case handling for Interim DRM cases.

The expert will be expected to deliver:

- Report back to the ACT secretariat in regular intervals on
 - the progress of DRM development in Bangladesh and any relevant external developments on grievance and dispute handling in the garment sector.
 - the main challenges faced by the trade unions in relation to DRM developments.
- Collect and report back to the Secretariat on challenges experienced by trade unions in relation to the Interim DRM pilot, including in case submissions, evidence gathering and case handling.
- Submit regular timesheets with breakdown of main tasks performed.

III. Contract Duration

The consultancy contract is for approximately six days/month depending on the requirements of the national process (additional days to be mutually agreed between contractor and ACT Foundation), for the duration from 01/04/2023 - 01/04/2024.

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 with a clear understanding of relevant labour regulations in Bangladesh, and/or the 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:

- 5 years of experience working in the field of business and human rights and specifically on union-related rights, grievance mechanisms and capacity building in Bangladesh. A thorough understanding of Bangladesh Labour Law would be beneficial.

Language skills:

- Very good business language skills in English and Bangla.

V. Submission process

Interested contractors should submit their resume and a brief letter of interest on how they meet the necessary qualifications, including their expectations on remuneration to

michelle.lowe@actonlivingwages.com by **24th of March 2023**. Contractors will be reviewed against the requirements of the ToR.