

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

Technical advice

**Dispute Resolution in the context of collective bargaining 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 provide technical advice to the secretariat regarding questions of national and international law, standards and best practice that may arise in developing effective grievance procedures in the context of collective and formulate relevant proposals.

II. Contract Duration

The technical advice should be delivered between August - October 2024.

III. Deliverables

The key output are the following deliverables:

1. Developing Terms of Reference for a dispute resolution committee in the context of collective bargaining in Cambodia.
2. Developing Terms of Reference for Mediators in the context of disputes arising on the implementation of collective agreements in Cambodia.
3. Providing legal advice on the development of collective agreements in Cambodia.

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. A legal background is required. 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.
- At least 3 years of working experience on legal counsel in Cambodia, including in industrial relations.

Language skills:

- Good business language skills in English.

VI. Further information

Interested contractors should submit their resume and a brief letter of interest or proposal on how they meet the necessary qualifications along with a financial proposal to michelle.lowe@actonlivingwages.com by 10 September 2024. Contractors will be reviewed against the requirements of the ToR and their financial proposals.