



TERMS OF REFERENCE CALLING FOR CONSULTING SERVICES ON THE ESTABLISHMENT OF AN EFFECTIVE AND EFFICIENT LABOUR COURT IN CAMBODIA

Background

The Royal Government of Cambodia shall establish a Labour Court before the end of 2022. The role and functions of the new Court are yet to be determined, but the Court is expected to decide on critical matters involving labour rights, working conditions and employment relationships, that shall have far-ranging implications for employers and employees across the country.

Cambodia's Ministry of Justice has formed a committee of 20 individuals with a broad mandate for the design of the Labour Court: from setting the Court's jurisdiction, to drafting procedures for its operations, to recommending the Court's location, staffing and funding. The committee—comprising members from the Ministry of Justice, the Supreme Council of Magistracy, government delegates, the judiciary, and selected officials and experts—also has authority to conduct consultations, including with the private sector.

Proponent

The Cambodian Federation of Employers and Business Associations (CAMFEBA) is the country's peak employers' association. Established in 2000, CAMFEBA provides a forum for consultation and discussion among members on matters of common interest, and seeks the adoption of sound principles and practices of human resources and industrial relations through information, legal advice, research, training and other activities.

Goal and Objective

CAMFEBA shall carry out a vital program of research and advocacy with the goal of ensuring that the rights and interests of employers are voiced, addressed and safeguarded in the establishment of the planned-for Labour Court, and that the new Court shall be a trusted, effective and efficient labour institution for all end users in Cambodia.

The objective of this endeavor is to perform legal research and contextual analysis on establishing the Labour Courts based on the Cambodian framework—including, crucially, taking into account the already functioning labor Arbitration Council—as well as comparative international/regional jurisdictions and its impact on the Cambodian labour landscape. It further looks into the employers' position on how the Labour Court shall influence industrial relations.

Scope of Activities

CAMFEBA, with assistance of technical experts, plans to carry out within sixteen (16) weeks the research and advocacy program with the following activities:

- **Activity 1:** Conduct legal research and contextual analysis based on the Cambodian framework—including, crucially taking into account the already functioning labor Arbitration Council—as well as comparative international/regional jurisdictions. The research methods will embrace the following:

(a) *Desk review* on labour court related regulations and articles involving the analysis of its provisions and functions to support private sector in implementing the obligations under those provisions, policy documents and existing studies.

(b) *Short survey* for CAMFEBA members to assess their views on the creation of the labour court.

(c) *In-depth interviews/Focus Group Discussions* with key stakeholders to gather their views on the creation of labour court and its functions and how its creation shall benefit industrial relations. The stakeholders include representatives of CAMFEBA members, Ministry of Labour and Vocational Training, Arbitration Council, ILO and other relevant partners to be identified by CAMFEBA.

- **Activity 2:** Conduct a validation workshop in collaboration with CAMFEBA to present preliminary findings from the research mentioned in *Activity 1*. In the workshop, the consultant is also responsible for taking notes and digesting feedbacks as well as other inputs which shall be incorporated into the final discussion on the creation of labour court.
- **Activity 3:** Develop a final draft of policy paper as a result of the previous activities, which shall be used for CAMFEBA's policy outreach and media coverages. Translate the draft into both Khmer and English versions.
- **Activity 4.** Publication and Dissemination of the Employee Policy Paper

Project Timeline and Deliverables

The duration for the consultant to carry out the project is estimated around 24 (twenty-four) working days, starting from June 2022. The following timeline ensures the high quality of data collection and analysis, allowing time for travel to, from and in the field, plus time to clean and analyze data and for feedback of the draft paper from ILO and the CAMFEBA board, including translation. The consultant must be aware that project activities may be delayed due to unforeseen circumstances. Therefore, s/he should be prepared to work with some level of flexibility.

Activities	Estimated Days	Unit Fee	Deliverables
Meet with CAMFEBA and ILO management to finalize details.			Present research design and work plan.
Legal Research/Desk Review			Preliminary report from desk research and literature reviews.
Creation of tools			Instruments for data collection (interview guides for FGD, survey questionnaires, etc.)
Conduct of survey/interviews/FGD with key stakeholders.			Completed surveys, interviews/FGDs
Presentation and validation of preliminary findings through a workshop			Submission of initial report from the validation workshop
Drafting of policy paper			Draft copy of the policy paper
Finalize paper after CAMFEBA's review and feedback			Final policy paper ready for publication
Launching of the Policy Paper through CAMFEBA			Presentation of the Policy Paper on the creation of Labour Courts to the key stakeholders
Total			

Qualifications/Requirements of the Expert

- Master's degree or equivalent in a relevant field.
- At least five (5) years of experience working in the field of labour relations, public policy, project management, or related fields.
- Outstanding research skills such as collecting and analyzing multiple types of data across a variety of formats and presenting research reports based on this information
- Exceptional analytical and reporting skills with sufficient knowledge to provide advice, guidance on documentary labour relations and dispute resolutions in the region.
- Excellent written and oral communication skills in Khmer and in English

Budget & Finance

The consultant must prepare a detailed budget to include the daily rates of the team in carrying out the activities. CAMFEBA shall carefully review the budget before its approval. The payment shall be issued after the milestone of deliverables are completed (in three payment terms). Thirty (30%) percent is paid upon signing of the contract; 40% upon submission of the draft policy paper, and 30% after completion of the contract.

Cost of Bid

- a) The quotation shall be for the first three activities as described above. However, CAMFEBA reserves the rights to remove or add any service as needed at the time of placing orders.
- b) In the case of arithmetical error, the unit cost shall prevail.
- c) The rates quoted by the supplier shall be fixed for the duration of the contract and shall not be subject to any adjustment.
- d) The quotation shall remain valid for a period of 30 days after the deadline date specified for submission.
- e) The prices should be quoted in US Dollars only.

Submission

- a) Each supplier shall submit only one quotation.
- b) Strict compliance with the requirements of the invitation and any supplementary instructions which may accompany the invitation is required to be adhered to.
- c) You are requested to submit your quotation latest by 05:00pm on **June 15, 2022**
- d) Quotation received after the prescribed deadline shall not be considered.
- e) Your proposal and any supporting documents must be in **English**.

Evaluation of Quotation

CAMFEBA shall evaluate and compare the quotations determined to be substantially responsive i.e., which:

- a) are properly signed;
- b) conforms to the prescribed specifications, and,
- c) technically and financially correct.

The Supplier is expected to examine all instructions, forms, terms and specifications contained in this document. Failure to furnish all information required or submission of a bid not substantially responsive to the requirements in every respect shall be at the Bidder's risk and may result in the declining of its bid.

We look forward to receiving your quotation duly completed in all respects within the prescribed deadline.

Research & Policy Department

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Cambodian Federation of Employers and Business Associations (**CAMFEBA**)