

Terms of Reference

For short term consultancy to undertake an audit and analysis of existing legislation and legal frameworks in Commonwealth countries in relation to ILO Convention 190 and tackling violence against women and girls in the workplace

In support of FCDO-funded project: Zero Violence: building and strengthening sustainable legal capacity to address and reduce violence and discrimination against women and girls and LGBT people across the Commonwealth on behalf of ActionAid UK.

1. Background

The ‘Zero Violence: building and strengthening sustainable legal capacity to address and reduce violence and discrimination against women and girls and LGBT people across the Commonwealth’ project is a six-month project funded by the Foreign, Commonwealth and Development Office (FCDO) through the Conflict, Stability and Security Fund (CSSF), specifically as part of the Commonwealth Equality Project. This project is being implemented by 7 ActionAid Federation members: ActionAid Bangladesh, ActionAid Ghana, ActionAid Kenya, ActionAid Rwanda, ActionAid Tanzania, ActionAid UK and ActionAid Zambia

These ActionAid partners are part of a wider consortium led by Frontline AIDS; ActionAid UK (AAUK) is responsible for the programme management, grant management and technical outputs from all ActionAid Federation members who are implementing in their own contexts.

The project has a very strict timeline with no options for no-cost extensions. All expenditure and activities must be completed by 31st March 2021.

The purpose of the project is to work with law/policy-makers and civil society/community-based organisations (CSOs/CBOs) to improve protection and increase participation of women and girls and LGBT people by championing existing protective legislation, strengthening enforcement mechanisms and building capacity of CSOs/CBOs that support them to ensure marginalised women and girls and LGBT people are able to address, report and seek justice against violence in their households, communities, and the workplace.

The state is ultimately responsible and must be accountable for advancing human rights and maintaining rule of law. All project countries are signatories to international and regional treaties e.g., CEDAW, protecting women and girls. However, gaps in national legislation and biased implementation weaken protection e.g., the definition of sexual harassment in Ghana's Labour Act, 2003 excludes informal work.

The overall objective of the project is to address and reduce violence and improve protection of WAG and LGBT people in their homes/communities and formal and informal workplaces.

ActionAid's scope of work focuses on ending violence against women and girls (VAWG) in the world of work (including informal work), and ratification and implementation of the ILO Convention 190 on Violence and Harassment in the World of Work in the implementing countries involved. All countries supported the adoption of the Convention at the International Labour Conference but none have yet formally ratified the convention on a national level.

The activities planned in this project vary country to country dependent on the context and includes the following:

- **Research** scoping out existing legislative and policy frameworks against ending VAWG in the workplace
- **Research** assessing the operations of state organisations and strengthening their capacities for preventing and addressing issues relating to ILO Convention 190
- **Developing national action plans** to support the implementation of ILO Convention 190
- **Undertaking government-focused advocacy** through:
 - ***Bilateral meeting with key stakeholders***, including meetings with prominent parliamentarians and advisers, parliamentary select committees, ministers (Labour, Gender, Employment), organized labour and unions
 - ***Use of traditional media***, e.g. TV and radio programmes on the conventions to raise the issue and compel the government to take a stance and make a commitment to ratification
- **Develop and print briefings** for a government audience with simplified explainers on various ILO Conventions and the direct actions that can be taken to implement these
- **Support implementation of the ILO C. 190**, highlighting these activities in government advocacy to showcase how implementation can be achieved
 - ***Advocate for the creation and government funding of Labour inspectors*** and officers in all regions
 - ***Train labour officers/inspectors*** on conventions and develop indicators for monitoring
 - ***Train employers*** in informal workspaces on ILO Convention 190
 - ***Campaign for the adoption of sexual harassment charter*** by employers in informal workspace
- **Development of a safe space kit**
- **Facilitation of a mentorship programme** between local and international religious leaders
- **Capacity building workshops and visits** to various religious spaces to dialogue on how to approach sex and sexuality minorities, how to hold space for them and be sensitive to their needs, and how to sensitise communities.

2. Objective of research

The overall objective of this study would be to create a useful tool and resource for implementing country offices and partners to use to advocate with Commonwealth governments on the journey towards the ratification of ILO Convention 190, through

undertaking an audit and analysis of existing legislation and legal frameworks on violence against women and girls in the world of work in Commonwealth countries, specifically the seven countries implementing the Zero Violence project:

- Bangladesh
- Ghana
- Kenya
- Rwanda
- Tanzania
- UK
- Zambia

The specific objectives are:

1. To gain an overview of the existing legislation, legal frameworks and national policies in each country as they relate to violence against women and girls in the world of work.
2. To identify gaps in policy that create barriers to accessing justice for violence and harassment in the workplace.
3. To make practical and achievable recommendations for Commonwealth governments, demonstrating how achievable it is to ratify ILO C. 190, and what some of the most urgent/pressing/substantive changes/impacts to national legislation might be

The recommendations delivered may be specific to each government and/or may be applicable to many or all countries, depending on the outcomes found.

The recommendations from this study would be aimed at Commonwealth governments, particularly those featured. It would be used for influencing to ratify and implement ILO Convention 190 and associated Recommendation 206 following the end of the Zero Violence project, and especially at the Commonwealth Heads of Government Meeting (CHOGM) in June 2021, held in Kigali, Rwanda.

ActionAid Federation colleagues from the featured countries may wish to use this study to develop a simplified advocacy briefing for use with their government leading up to CHOGM, at the CHOGM or afterwards, that demonstrates the situation in their national context but also draws on the commonalities and shared recommendations with their Commonwealth peers. The study will also be shared to other stakeholders engaged in advocacy on ILO Convention 190

Most implementing countries will have completed their own research activities by end of February and so those reports/briefings can and should be used to feed into this study.

3. Proposed methodology

Given the extremely short time available for this study, applicants are encouraged to outline proposed methodologies that they feel are practical during the available timeframe. It is expected that the review will be conducted remotely and consist primarily of a desk-based review of existing national and international policy, legislation, commitments and analysis. If time permits, there may also be scope for a limited number of interviews with the 'Zero

Violence' programme team and/or ActionAid Federation members based in the review's focus countries, however these would be supplementary in nature.

All relevant programme documents will be made available to the supplier in good time prior to the review. It is expected that the supplier will identify any relevant non-programme specific national and international policy and legislative documents; applicants should feel free to illustrate what the document review might include in their applications, and a preliminary list of documents to be reviewed will be agreed between the supplier and ActionAid UK as soon as is feasible at the start of the research process.

It is expected that a draft of the report will be submitted to ActionAid at an agreed time prior to the final submission date, to allow for review and comments before the report is finalized.

4. Deliverables/outcome

The study will produce a comprehensive report on legal frameworks for addressing violence against women and girls in the world of work to be used by implementing country offices and partners.

- I. An audit of existing legislation and legal frameworks on violence against women and girls in the world of work in these countries.
- II. A review of current national and regional policies on violence against women and girls in the world of work, including in informal workplaces.
- III. An analysis of the gaps in policy provisions that need to be addressed.
- IV. An review of the existing legislation, policies and processes that would contribute to the implementation of the ILO Convention 190
- V. Recommendations for governments
- VI. Consultation phase with project team and implementing country offices to review the initial draft and ensure that any clarifications and questions are addressed.

Additional deliverable for consideration:

- VII. A mapping and comparison of the countries featured, to draw out commonalities between countries and highlighting successful cases for countries to learn from each other

The report will include, but is not limited to, the following sections:

- Summary of findings
- Acknowledgements
- Introduction and background
- Methodology used
- Main findings, including policy mapping and gap analysis
- Reflection and feminist analysis
- Key recommendations

5. Management and roles

A consultant/consultants will be hired to undertake the study. The activity will be overseen by the Senior Adviser – Commonwealth Engagement (Sangeetha Navaratnam-Blair) with the support of the Senior Technical Adviser – VAWG (Amy Harrison). Colleagues from the ActionAid Federation offices who are implementing other activities in the Zero Violence project will be available to contact but will have limited capacity for substantial input during the research timeline.

6. Validation and discussion

Validation and review will happen with ActionAid Federation colleagues involved in the Zero Violence project – the draft report will be shared with them and feedback and comments will be invited to ensure that their national context is accurately represented and that the language is well suited to their government audiences (with appropriate caveats that this study cannot be equally well suited for seven different government). Federation colleagues will also provide relevant papers, studies and instruments necessary for the research.

7. Timeframe

The timeline for the study is as follows:

- 10th February: TOR released/shared
- 18th February: Application deadline
- 19th – 23rd February: Review of applicants & contracting process
- 24th February: Commence research
- 24th March: Submit first draft / submit invoice
- 31st March: Final draft / payment

8. Required skills, competencies and experience

Functional competencies:

- ✓ At least 5 years' experience preferably in research and policy analysis in one or more relevant technical area – for example, on women rights and gender, violence against women and girls in the workplace, women's economic empowerment and rights, ILO and other international treaties and conventions and their uptake, etc.
- ✓ Understanding of several Commonwealth countries and/or African countries; their legal systems, politics, governments.
- ✓ Understanding of ILO Conventions and Recommendations and how these are ratified and implemented on a national level.
- ✓ Strong research and excellent writing skills in English.
- ✓ Demonstrated ability to meet deadlines and work under pressure.

Behavioural competencies

- ✓ Ability to be flexible and respond to incorporate the changes to text as part of the review and feedback process.

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- ✓ Strong interpersonal skills, able to communicate and work with diverse people.
- ✓ Participate effectively in the team-based, information-sharing environment, collaborating and cooperating effectively with others.
- ✓ Focus and result oriented.
- ✓ Strong commitment to feminist (research) principles.

9. Submission of Proposal/application

Considering the scope of work detailed above and the required competencies, if you are interested in undertaking this work, please submit a concise technical and financial proposal, outlining relevant skills and experience, along with a CV to Sangeetha Navaratnam-Blair (sangeetha.navaratnam-blair@actionaid.org) and Amy Harrison (amy.harrison@actionaid.org) on or before 23.59 on 18th February 2021.

Applications will be reviewed on rolling basis, early applications are encouraged. Please note that due to the short timeframe available for the review, applicants should feel free to flag where they feel specific objectives may need to be prioritised over others in order to deliver the final product on schedule.