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Swiss Agency for Development
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International Organization for Migration (IOM)
The UN Migration Agency

UNDP project “Migration and local development” project, funded by the Swiss Agency for Development and Cooperation

Component implemented by IOM Moldova

TERMS OF REFERENCE

International Consultancy supporting the national Moldovan stakeholders to enhance their knowledge and capacities to negotiate bilateral labour migration and social protection agreements

1. BACKGROUND INFORMATION:

The mass migration waves, which started in the 1990s has led to an outflow of Moldovan nationals, with almost a quarter of the country’s population currently residing abroad on a temporary as well as more permanent basis. While most often labour migrants have successful migration experiences , many of them are unaware of their rights and the requirements for legal labour migration, thus are often subjected to unethical recruitment practices and employment circumstances that may include exorbitant commission fees for recruitment intermediation, low wages, unreasonable physical and intellectual demands, poor accommodation conditions, inadequate resting periods, lack of access to essential health care and protection in case of accidents/sickness/disability etc., no accrual of pension rights, particularly if they are in an irregular situation and are victims of the trafficking in persons. Despite the fact that Moldova ratified the ILO 181 Private Employment Agencies Convention, the national regulatory framework is incomplete and poorly enforced, hence market of recruitment abroad services is dominated by informal intermediators. Public institutions have weak capacities to properly monitor the activity of the proper recruitment sector and adequately manage labour migration.

In this context, the Government of Republic of Moldova (GoM) has set as one of its priorities the development of policies and initiatives aimed at managing the movement and mobility of Moldovan citizens, improve legal and regulatory framework of the private recruitment sector, guaranteeing migrants’ fundamental human rights, access to social security benefits, support reintegration of returnees, as well as capitalizing on their potential for the sustainable socio-economic development of the country. The Ministry of Health, Social Protection and Family is responsible for developing labour migration policies and regulations, and managing specifically outward labour migration. In line with the provisions of the National Strategy on Migration and Asylum for 2011-2020 and the National Employment Strategy for 2017-2021, it has prioritized developing and promoting a more efficient the policy and regulatory framework for circular labour migration, promoting legal and circular/temporary labour migration, including by extending bilateral cooperation on labour migration, ensuring migrant workers’ rights, etc. At the same time, the National Employment Agency has an extended role in supporting legal and circular migration (as the main public institution in charge of employment reintegration of returnees and information support to workers for legal migration, facilitating circular migration based on bilateral government labour agreements, etc.) needs capacity building and better mechanisms to monitor, coordinate the activity and cooperate with the private recruitment agencies.



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While the specific migration issues between the Republic of Moldova and main destination countries are also regulated through bilateral agreements, there are only three labour migration agreements operational at the moment – providing either for circular migration schemes (with Israel in construction sector and Bulgaria) or for reintegration (with France). The agreement between the Government of the Italian Republic and the Government of the Republic of Moldova in the area of labour migration was signed on 5th July 2011 but has not been yet ratified by Italian part. At the moment the GoM are in close contact with Israeli counterparts supposing to start the negotiations for signing a new labour migration agreement which will regulate the employment of Moldovans labour migrants in Israeli caregiving sector.

Also, in 2012 the GoM established a dedicated government structure, the Diaspora Relations Bureau under the State Chancellery responsible for Diaspora, Migration and Development (DMD) policy formulation, implementation, monitoring and evaluation; and more recently - for coordinating the public policy on reintegration of returned migrants, a mandate implemented in partnership with other stakeholders. In 2017, Moldova strengthened the national mechanism for intra-governmental coordination and multi-stakeholder consultation on Migration and Development (M&D) by establishing the Inter-ministerial Committee on DMD. The network of DMD Focal Points was fostered and extended to the local level and it aims to implement the “whole-of-the-Government” approach in this field, both at national and local level.

Against this backdrop, within the framework of the Swiss Agency for Development and Cooperation (SDC) funded the UNDP project “Migration and local development”, (hereinafter the Project), under which UNDP and IOM are assisting the Moldovan authorities in adjusting and consolidating the legal and institutional framework that would enable Moldovan migrants and their families to have successful temporary/circular migration experiences and facilitated reintegration, hence contributing to the development of their communities of origin. The UNDP and IOM jointed the efforts, making the best use of their comparative advantages and identities, to support effectively and efficiently national stakeholders to:

1. develop an efficient policy and regulatory framework for circular labour migration;
2. consolidate the institutional framework and strengthen the capacity and coordination among public institutions;
3. promote awareness raising campaigns in the country and abroad on the advantages and risks of circular migration.

To achieve this, the MIDL II project assisted during 2019 the GoM in devising a new vision of labor migration management and drafting and submitting to the GoM for approval the legislative amendments to the current labor migration management framework, particularly improving the private employment agencies’ (PEAs) normative and regulatory framework, based on up-to-date evidence and extensive and thoughtful consultations with migrants on the current state of play in the field of labor migration. The proposed legislative amendments, which are based on international best practices and reflect the Moldovan context, pave the way to a new model of labor migration management which localizes international ethical recruitment standards, aligns labor migration policy with national and international labor market needs and enforces the protection of men and



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women migrants rights, such as access to work rights, decent work, labor markets and justice, particularly for those in vulnerable situations

The MiDL Project fosters participation of all stakeholders, cross-institutional coordination and evidence-based design of circular labour migration policies and regulation, while accounting for human-rights and gender equality principles. The project shall strengthen stakeholders’ capacities to design and deliver human-centered employment services and raise awareness among migrants and their families about the risks and advantages of labour migration, benefits and opportunities of reintegration in Moldova.

2. OBJECTIVE OF THE CONSULTANCY:

Against this background, the **overall objective** of the foreseen consultancy is to provide support to the relevant national stakeholders to develop and implement a coherent and evidence-based legislative, policy, coordination and institutional framework in the area of labour migration, including for an efficient management of circular and temporary migration and the protection of migrants’ rights.

In order to reach the overall objective, IOM Moldova will be contracting an international consultant to provide support to the relevant national stakeholders *to enhance their knowledge and capacities to negotiate bilateral labour migration and social protection agreements* as well as on conceptualizing and negotiating circular labour migration schemes with main countries of destination of Moldovan labor migrants for an efficient management of circular and temporary migration and the protection of migrants’ rights.

3. TASKS TO BE PERFORMED WITHIN THE CONSULTANCY:

Under the present Terms of Reference, IOM Moldova is seeking one qualified and experienced international expert on negotiation of bilateral labour migration and social protection agreements to perform the following tasks:

- elaborate a training program consisting of 2 (two) sessions of 2 (two) days each on negotiating bilateral labour migration and social protection agreements, as well as on conceptualizing and negotiating circular labour migration schemes;
- conduct 2 (two) sessions of a capacity building training in 2020 for relevant public on best practices for negotiation bilateral labour migration and social protection agreements, as well as on conceptualizing and negotiating circular labour migration schemes;
- provide guidance and coaching support to GoM representatives in negotiating the new labour agreement with Israel in caregiving sector.

4. TECHNICAL SPECIFICATIONS OF THE ASSIGNMENT

Target group of the training program: The training program shall be designed for mid and high-level practitioners from relevant central government institutions authorities (i.e. Ministry of Health, Labour and Social Protection (MHLSP), Ministry of Foreign Affairs and European Integration (MFAEI), Diaspora Relations Bureau (BRD), National Employment Agency (NEA), National Agency for Social Insurance (CNAS) etc.



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Content of the training program - tentative topics to be covered, but not limited to: negotiating strategies and tactics; relevant international instruments; specifics of different stages of the negotiations process; include illustrative and relevant examples and case studies from the international experience; structure, standard provisions and content of bilateral labour migration and social protection agreements; implementation, monitoring and evaluation of bilateral labour agreements, etc.

Training methods and approach:

- Have a clear and comprehensive content,
- Have a practical and applicative rather than academic character,
- Apply interactive and dynamic training methods,
- Reflect gender, vulnerability, disability, inclusiveness, and human rights aspects throughout the course content,
- Include a list of additional relevant readings and study materials.

The coaching support shall be provided face-to-face during the 2 envisaged field visits to Moldova and through on-line tools and should be focused on sharing the relevant expertise to enable the formulation of the concrete provisions to be included in the BLA, and on the negotiation tactics to be applied during the expected negotiation sessions as to promote the interests and protect the Moldovan labour migrants’ rights working in Israel.

5. TIMETABLE AND DELIVERABLES:

TIMELINE	DELIVERABLE
25.03.2020	Deliverable 1: <ul style="list-style-type: none">- A proposal for a training program consisting of 2 (two) sessions of 2 (two) days each on negotiating bilateral labour migration, social protection agreements, as well as on conceptualizing and negotiating circular labour migration schemes.
01.03.2020 – 15.07.2020	<ul style="list-style-type: none">- Delivery of coaching support provided to GoM representatives in negotiating the new labour agreement with Israel in caregiving sector.
30.04.2020	Deliverable 2: <ul style="list-style-type: none">- Agenda, hand-out materials and pre- and post- training evaluation forms for the 1st round of a two-day capacity building training.



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	<ul style="list-style-type: none">- Execution of the 1st round of a two-day capacity building training on negotiating bilateral labour migration, social protection agreements, as well as on conceptualizing and negotiating circular labour migration schemes.
30.06.2020	Deliverable 3 <ul style="list-style-type: none">- Agenda, hand-out materials and pre- and post- training evaluation forms for the 2nd round of a two-day capacity building training.- Execution of the 2nd round of a two-day capacity building training on negotiating bilateral labour migration, social protection agreements, as well as on conceptualizing and negotiating circular labour migration schemes.
31.07.2020	Deliverable 4 <ul style="list-style-type: none">- Final Report on all tasks and activities performed under this consultancy, including concrete recommendations on the next steps to be undertaken to further enhance the knowledge and capacities of relevant Moldovan stakeholders to negotiate bilateral agreements in the field.

6. MANAGEMENT ARRANGEMENTS

The selected International Consultant shall sign a contract with IOM for stipulated assignment. The Consultant will work under the direct supervision and guidance of the IOM and UNDP assigned staff. The submitted deliverables, which should be provided in English, shall be endorsed by the IOM’s Migration and Development Program Coordination, Project Assistant and UNDP’s Policy Component Manager.

All over the respective activities, the International Consultant will be seconded by MHLSP as well as IOM and UNDP project team who will assist the international expert to better understand the local context, will facilitate his/her access to relevant national legislation, practices and various stakeholders, will support the logistics for delivery of the capacity building interventions in Chisinau.

7. PERIOD OF CONSULTANCY AND REMUNARATION:

The Consultancy and its tasks hereunder shall be performed during **1 March 2020 – 31 July 2020**. The fee will be paid to the Consultant in 4 (four) instalments, according to the established delivery schedule, upon completion by the Consultant of all tasks specified in these terms of reference.

8. TRAVEL

It is expected that during his assignment the International Consultant will travel to Moldova twice to deliver 2 rounds of a two-day capacity building training on negotiating bilateral labour migration, social protection agreements, as well as on conceptualizing and negotiating circular labour migration schemes. All the travel costs (e.g. flight expenses and per diems) related to this assignment will be covered by the Project.



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9. QUALIFICATIONS AND COMPETENCIES FOR THE CONSULTANCY:

a. Education:

- Advanced degree (PhD or MA) in law, public affairs and/or other social science related areas relevant for the assignment;
- Complementary studies in economics and/or international development will be an advantage;
- Other formal education relevant for the assignment;

b. Experience:

- At least 5 years of proven experience in providing capacity building interventions to public administration agencies on labour migration and social protection policy issues;
- At least 5 years of proven experience in developing analytical work in migration-related fields;
- Experience in working with public administration agencies, international organizations and IOM and/or UN agencies in particular;
- Experience in working with Moldovan stakeholders will be considered as an advantage.

c. Competencies, skills and other requirements:

- Strong analytical, writing and communication skills;
- Strong knowledge of migration regulatory and legal framework at the international level is required;
- Knowledge of best practices related to bilateral labour arrangements is required;
- Knowledge of the Moldovan migration regulatory, legal and institutional framework would be an asset;
- Familiarity with IOM’s mandate;
- Excellent oral and written English;
- Knowledge of Romanian or Russian will be an advantage;
- Availability for the envisaged period and high mobility and flexibility.

d. Diversity:

- IOM adheres to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status.