

**SAINT VINCENT AND THE GRENADINES**  
**HUMAN DEVELOPMENT SERVICE DELIVERY PROJECT**

**Terms of Reference for Consultancy Services**

**(Individual Consultant)**

**for the**

**Revision and Updating of the Labour Relations Bill of 2001**

**SVG-HDSD-CS-INDV-31**

**1. INTRODUCTION**

1.1 The Government of Saint Vincent and the Grenadines (GoSVG) with the support of the International Development Association (The World Bank) is implementing the SVG Human Development Service Delivery (HDSD) Project. The Project aims to strengthen the quality of service delivery in education, to improve the efficiency of social protection systems, to enhance the labour legislative framework, and to improve the effectiveness of the SVG labour market system.

1.2 The Labour Department (DoL), which falls under the Ministry of Agriculture, Forestry, Fisheries, Rural Transformation, Industry and Labour (MoA), is one of the institutions mandated to develop an effective labour legislative framework thereby strengthening the capacity of the DoL in the administration of labour and employment matters in SVG.

1.3 The project will, among other things, finance the review and adoption of the Labour Relations Bill (LRB) that would repeal and replace the Trade Unions Act Cap 216 of the Revised Laws of St. Vincent & the Grenadines, which was considered inadequate in scope and applicability in addressing challenges within the past and current labour/ industrial relations climate.

1.4 The LRB was first drafted in 2001 by technical experts from the International Labour Organisation (ILO) Office in Geneva, after which it was reviewed by a tripartite committee consisting of representatives from the National Labour Congress (NLC), the St. Vincent Employers' Federation (SVEF) and the DoL. Following the review consultations, the Bill was sent to the Attorney's General Office for final preparation and submission to Cabinet. In 2010, after a period of almost ten years of inactivity by the AG' Office, the ILO accepted a second request by the DoL to provide technical assistance to review the document and subsequently submitted recommendations for its improvement in light of any labour/industrial relations related issues/challenges that may have arisen during the period of inactivity. A national validation workshop was subsequently convened with stakeholders from the NLC and the SVEF together with the DoL to discuss the recommendations made before final submission to the AG's Chambers. While no further action was taken on the draft Bill within the last ten

years, the importance of the LRB becoming law cannot be overstated since its enactment would significantly assist in promoting a peaceful and healthy labour/industrial relations climate in SVG.

1.5 The LRB in its current form seeks to provide the following:

- (a) giving legislative effect to the provisions of the Constitution Order of St. Vincent and the Grenadines on the Protection of Freedom of Assembly and Association, the ILO's Convention on Freedom of Association, No. 87 (1948), and Convention on the Right to Organise and Collective Bargaining, No. 98 (1949) both of which are ratified by St. Vincent and the Grenadines;
- (b) establishing procedures for the registration and status of trade unions;
- (c) promoting and protecting the recognition of trade unions and employment associations; and
- (d) encouraging orderly and effective collective bargaining.

## **2. OBJECTIVES OF THE CONSULTANCY**

2.1 This consultancy therefore seeks to undertake a comprehensive review and update of the LRB that would reflect current national and international best practices, applicable to the realities and capabilities of SVG. In particular, the consultant will be responsible for:

- a) Reviewing the existing LRB to determine whether any inadequacies/weaknesses still exist in addressing current and future administrative and legislative challenges;
- b) Reviewing any other relevant documents provided by the DoL that would provide a better understanding of the requirements of the revised and updated Bill;
- c) Conducting a series of consultations with key stakeholders including senior officers of the DoL, and representatives of the SVEF and the NLC respectively, so as to properly inform the contents of the revised and updated Bill;
- d) Preparing a list of recommendations arising out of the consultations held with a view to incorporating them into the final version of the LRB where necessary; and
- e) Presenting a revised and updated LRB at a stakeholders' validation workshop.

### 3. SCOPE OF WORK

3.1 The consultant will be required to:

- a) Provide an Inception Report and Work Plan detailing the scope of work, programme schedule with realistic timelines and appropriate methodologies/approaches to be used throughout the duration of the consultancy. The work plan should take the form of a monitoring and evaluation framework, which outlines performance indicators (**outputs and outcomes**) with clear definitions for each activity.
- b) Work closely with the Project Implementation Team and the DoL through the Labour Commissioner in carrying out all aspects of this consultancy.
- c) Undertake a comprehensive review and update of the existing LRB which would also include but not limited to:
  - i. Examining the ILO's Conventions on Freedom of Association, No. 87 (1948), and, the Right to Organise and Collective Bargaining, No. 98 (1949) ratified by SVG;
  - ii. Reviewing the recommendations submitted by the ILO to determining their relevance to any gaps and/or weaknesses in the clauses of the existing LRB; and
  - iii. Specifying any existing legislation(s), regulations and instruments which may potentially, or otherwise, have implications for the full or effective administration of a revised and updated LRB.
- d) Consult with key stakeholders and develop consultation reports containing consultation outcomes, analysis of the recommendations from consultations, and a list of people consulted.
- e) Draw on international best practices (where necessary) in providing appropriate recommendations to further inform the contents of the revised and updated LRB and improve the administration of a potential Labour Relations Act in SVG. The recommendations must be supported by a specific set of findings and must be action-oriented, practical and specific, with defined responsibility for the action, to the extent possible.
- f) Liaise with the AG' Office responsible for legislative drafting on the development of the draft revised and updated LRB.
- g) Prepare and present the draft of the revised and updated LRB at a stakeholders' validation workshop for review and comments.

- h) Prepare a final draft of the revised and updated LRB based on feedback from the stakeholders' validation workshop.
- i) Submit a Final Review Report which would also include the following: (a) the final versions of the revised and updated LRB, (b) an explanatory memorandum of all recommendations put forward, and (c) Legislation Implementation Plan for the revised and updated LRB. The report must also highlight the nature of the work undertaken and noting the level of success and constraints in terms of methodology used, the nature and quality of stakeholder participation and lessons learnt during the process.

#### 4. METHODOLOGY

4.1 It is expected that the methodology employed by the Consultant will include, but not limited to desk reviews, internet research, organized consultations/ discussions, PowerPoint presentations and report writing.

#### 5. DELIVERABLES

Deliverables		Proposed Completion Deadline	Payment Schedule
5.1	Submission and Approval of Inception Report and high-level Work Plan in accordance with 3.1 (a) above.	Ten (10) days after contract signing	10%
5.2	Submission and Approval of a Comprehensive Review Report on the legislative, administrative, regulatory and governance framework of the existing LRB.	Four (4) weeks after contract signing	15%
5.3	Submission and Approval of the first draft of the Revised and Updated LRB following the initial stakeholders' consultations and review of relevant documents.	Eight (8) weeks following contract signing	20%
5.4	Submission and Approval of final version of the draft Revised and Updated LRB following the stakeholders' validation workshop.	Ten (10) weeks following contract signing	25%
5.5	Submission and Approval of a Final Review Report that would include the final versions of the Revised and Updated LRB in accordance with paragraph 3.1 (i) above.	Twelve (12) weeks following contract signing	30%

## **6. INPUTS**

6.1 The DoL will make available copies of the existing LRB and the corresponding recommendations from the ILO, and any other relevant documents to facilitate the completion of the consultancy.

## **7. DURATION**

7.1 The anticipated time required for completion of the consultancy is three (3) months commencing September 2021 to December 2021.

## **8. QUALIFICATION & EXPERIENCE, COMPETENCES & KNOWLEDGE REQUIRED**

### **8.1 Qualifications and Experience**

- Minimum of a Bachelor's Degree in Law, Labour/Industrial/Employment Relations, Public Administration/Management Studies or related discipline from an accredited/recognised university. A postgraduate degree in Labour/Industrial/Employment Relations would be an advantage.
- At least five (5) years' experience working in the field of Labour/Industrial/Employment Relations or Collective Bargaining/Industrial Negotiations;
- Experience gained from similar undertakings is highly desirable.

### **8.2 Competences & Knowledge**

- Ability to identify priority activities and assignments and, allocation of appropriate amount of time and resources for completing the work.
- Excellent communication skills as well as the ability to communicate fluently in English (spoken and written).
- Having well-rounded experience in using various communication tools.
- Ability to ask appropriate questions for clarification and exhibit interest in having two-way communication and to be able to demonstrate openness in sharing information and keeping stakeholders informed.
- Strong analytical skills.
- Good presentation skills.

- Excellent interpersonal skills.
- Ability to work independently and respond to feedback in a timely and professional manner.
- Knowledge and understanding of SVG laws (constitution, statutes, subsidiary laws) and its legislative system.
- Knowledge and understanding of the Articles of the ILO's Conventions on Freedom of Association, No. 87 (1948), and the Right to Organise and Collective Bargaining, No. 98 (1949) ratified by SVG.
- Awareness of the any limitations and/or challenges of the existing LRB.

## **9. REPORTING LINES**

9.1 The Consultant is expected to work closely with the Project Coordinator and the Project Implementation Team, who will monitor the progress of this consultancy to ensure that all activities are executed as planned and all deliverables are completed on schedule.

9.2 The Consultant will report directly to the Labour Commissioner, DoL. The DoL is responsible for providing the technical supervision, leadership and guidance for the execution of the consultancy.

9.3 Deliverables and any other reports/submittals must be initially reviewed and approved by the Labour Commissioner, DoL, prior to submission to the Project Coordinator, HDSD, for final approval.

## **10. COMPENSATION**

10.1 The Consultant will be paid commensurate with the services provided.

## **11. CONFIDENTIALITY**

11.1 The consultant shall maintain full confidentiality of all documentation and discretion in the dissemination of results. The consultant may not utilise, without prior approval, the information for presentations or studies related to this consultancy.