

Terms of Reference (ToR)
for
Consultant to develop Policy Brief on Occupational Health and Safety: Practices and Gaps

1. Introduction

ActionAid is a global justice federation working to achieve social justice, gender equality and poverty eradication. It was founded as a charity in 1972, and throughout its history it has innovated and evolved its approach to better address the structural drivers of poverty and injustice. ActionAid believes people living in poverty and exclusion have the power within them to create change for themselves, their families and communities and ActionAid is a catalyst for that change. In the 1990s, ActionAid adopted a human rights-based approach to development, which is ongoing as its core approach. In 2003, the ActionAid International federation was established, comprising members in every region of the world, and headquartered in South Africa.

ActionAid International Nepal (AAIN) is a member of the federation, working for human rights, anti-poverty and gender equality. It is a non-governmental social justice organisation established in 1982 and working locally in different provinces of Nepal. It is also a part of both national and global social justice movement and other civil society networks, alliances and coalitions.

This ToR is prepared to onboard a consultant who will support to develop Policy Brief on Occupational Health Safety: Practices and Gaps. The Policy Brief will be used for advocacy document to ensure informal sector workers especially women workers safety and security at the labour market as well as reference to other peer organization and even the policy advocacy document.

2. Background and Overview

As per International Labour Organization (ILO) estimation, 2.3 million people die every year from work-related accidents and diseases globally. More than 160 million people suffer from occupational and work-related diseases, and there are 313 million non-fatal accidents per year. The suffering caused by such accidents and illnesses to workers and their families is incalculable. There is no data on workplace-related deaths and accidents in Nepal, where safety of construction and factory workers are taken for granted. (<https://kathmandupost.com/miscellaneous/2019/02/26/not-guaranteed>).

Occupational health safety is one of the major issues directly related to the workers' rights. Almost all the Nepali labour force involves in informal sector and they are still unaware of the concept and importance of Occupational health Safety. Occupational health safety aimed at promoting opportunities for decent and productive work, in conditions of freedom, equity, security and dignity. It is a cross-disciplinary area connected with the safety, health and welfare of the people at their workplace. Though the Labour Act 2017 mentions that protecting workers from occupational hazards is the employers' responsibility, workers in Nepal, particularly those at construction sites are seen without proper protective gear and safety harness. Nepal also has National Occupational Safety and Health policy 2076 to make workplace healthy, safe and dignified for workers.

In Nepal, women engage in heavy manual work even long working hour morning to evening in informal sector. They work under difficulties climatic condition e.g. Rain, sun and extreme temperature, exposure to chemical hazard, pesticide etc. but their health sensitivity is always undermined. Their role in national economy is significant but worker's condition in this sector is not valued. Still workplaces are not safe for women workers. Women workers are more vulnerable in their mobility and in their workplace. In informal sectors there is not any complaint mechanism for the workers to register their cases. The unsafe working environment; congested workplace, lack of supervision, monitoring and training, negligence in the government inspection, monitoring and supervision system, ignorance as well as carelessness of the employers, lack of safety equipment are some of the factors that violent the rights of women workers in occupational health safety at the workplace.

Hence, this policy brief will bring out practices and gaps in implementing Labour Law 2017 and Occupational Safety and Health Policy 2076 at local level and gap in the policy and laws that address women workers' safety and protection. This policy brief paper will also provide recommendation to ensure labour rights of workers such as appropriate safety and health provisions at workplace that reduce the risks and promote preventive measures. Likewise, recommendation to local government to enforce the laws and regulations regarding gender friendly OHS setting at workplace. The practices of the laws and policy will be seen and analysis in three palikas: Kathmandu Metropolitan, Shankharapur Municipality and Lahan Municipality, Siraha.

3. Objectives

The overall objective of developing policy brief is to investigate the practices of Occupational Safety and Health policy and the gaps in the existing system; institutions, policies and practices that exploit in health safety and security of workers. The policy brief will also focus on the monitoring and complaint mechanism along with gender responsive labour laws and policies in labour sector that ensure the labour rights of workers to be safe and protective.

4. Roles and Responsibilities:

Consultant:

The Consultant is expected to provide the following Key Responsibilities:

- Initial discussion and agreement on the ToR with AAIN on the scope, deliverables, time frame and procedures of the policy brief paper.
- Submission of inception report/proposal confirming the consultant's understanding of the Terms of Reference as well as their technical and financial proposal for this piece of work.
- Undertake desk review/literature review on related subject matter.
- Conduct field visit of above mentioned palikas and assess the practices.
- Develop study Report on policy provision, systems and practices in English.
- Develop Policy Brief paper
- If need organise consultative workshop with concern stakeholders to validate the paper.
- Produce the final report accommodating the inputs and feedback provided.
- Orgnise sharing of the draft paper with key people of AAN.
- Finalize the policy brief paper incorporating the feedbacks from AAIN.
- The language of the paper should be in English and Nepali.

ActionAid International Nepal (AAIN)

- Review the paper and provide timely feedback to the consultant
- Release payments after checking the quality of the deliverables which meet the standard and expectations.

5. Timeframe

The length of this consultancy assignment will be 25 working days starting from 9TH May 2022 and complete the task and must submit the final report and Policy paper by the 1st week of June.

6. Reporting

The Consultant will work closely with Nisha Lama Karki, Women's Rights Specialist of AAIN.

7. Consultancy Fee and Payment Modality

Consultant will be paid at the rate of 10, 000 per day (inclusive tax) for 25 working days. All the cost will be paid after completion of the assigned task.

8. Consultant/firm's Profile

The consultant should be expert with the following competencies:

- At least 3 years of demonstrated experience in policy brief development
- Experienced in policy works with local and national government
- Experienced in labour issues and sound understanding on labour related policies, Acts and laws of Nepal.
- Can travel to above mentioned locations to study the practices physically
- Excellent communication and coordination skills
- Fluency in written and spoken Nepali and English.