



**International
Labour
Organization**

Call for Expression of Interest - External Collaboration

Terms of Reference (ToR)

Business Analyst to Map the Labour Inspection Procedures

Deadline for submission of proposals: 29 January 2022

I. BACKGROUND AND JUSTIFICATION

The International Labour Organization, with support from the European Union, is implementing a project to enhance labour governance, inspection and working conditions in Iraq, in response to the COVID-19 pandemic. The project addresses a number of labour market challenges imposed by the pandemic, as well as some of the longer-term decent work priorities of Iraq.

It focuses on strengthening the labour inspection system and improving occupational safety and health (OSH) in line with international labour standards, through policy development and capacity building. The project will also work closely with social partners to raise their awareness on labour inspection, OSH and fundamental principles and rights at work, so they can better engage in programs to promote compliance with labour legislations and respond to COVID-19.

Labour inspection assessment conducted in several countries in the region, including Iraq, revealed that the labour inspectorates, which are usually greatly under resourced, are overloaded with non-inspection activities that may deviate them from the main labour inspection mandate and roles stipulated in the relevant national laws and international labour standards, for which the inspectorates mandate and inspectors responsibilities need to be clearly defined to avoid wasting or misusing labour inspectors' time and resources, for which relevant business analysis shall be conducted to analyze the whole labour inspection procedures and actions, also to provide relevant recommendations accordingly.

Currently, a labour inspection assessment is being conducted by the ILO-project team addressing both Federal Iraq and the Kurdistan Regions of Iraq (KRI) for which the results show that labour inspection work is currently distributed among three central departments and their branches in the governorates: The Department of Labour and Vocational Training, the National Center for Occupational Health and Safety and the Department of Retirement and Social Security for Workers. It may be reconsidered, in the future, by assembling these departments within one independent department linked to the Minister of Labour and Social Affairs. So that they have the capabilities and cadres to carry out inspection work in a comprehensive and specialized manner, and in all areas of Labour Law along with the Retirement and Social Security Law

Within the Ministry of Labour and Social Affairs (MoLSA), the work of the inspectorate is governed by a set of laws, regulations, instructions, and decisions that regulate the work and duties of the authority, its powers, and responsibilities. As well as the terms and conditions of work in workplaces throughout the

republic. On top of these laws is the constitution, and the Labour Law in Iraq No. (37) of 2015. In the Kurdistan Region Labour Law No. (71) of 1987, as well as Law of Retirement and Social Security for Workers No. (39) of 1971 and its amendment. Along with No. (155) of 1971 in Iraq, and Law No. (4) of 2012 Law amending the implementation of the Law of Retirement and Social Security for Workers No. (39) of 1971 for the Kurdistan Region. The instructions issued under these laws, and thus the inspectorate derives its legal framework also from Arab and international labour agreements.

Among the most important international agreements in this field is the International Labour Organization Convention on Labour Inspection No. (81) for the year 1947. Which has been ratified by the Republic of Iraq since 1951. This agreement defines basic labour inspection standards, duties, powers, responsibilities, and prohibitions on the labour inspectorate.

However, a well conceptualized, designed, developed, implemented, and maintained electronic case management systems (ECMS) provide unparalleled opportunities to make labour inspectorates more strategic, effective and efficient. And an efficacious ECMS typically utilize Business Process Management System (BPMS) applications. BPMS are based on a process workflow or a set of workflows and consequently enhance the protection of due process through the standardization of enforcement and transactional processes and procedures, enable traceability and oversight to ease supervision and performance management, and to improve transparency and greater exchange of information interagency and with workers, employers, and the general public through automated reporting and communication mechanisms. BPMS also ease internal and external reporting, standardize the collection and analysis of statistics, and facilitate evidence-based planning.

Therefore, the ILO-Iraq Program seeks a highly qualified business analyst to work with the (MoLSA; Department of Labour and Vocational Training, the National Center for Occupational Health and Safety and the Department of Retirement and Social Security for Workers) jointly with the ILO to accurately and comprehensively identify, document, visually map, and validate labour inspection actions for a nearby future plan to develop a Labour Inspection Action Management System (LIActionS). All these would be done in recognition of a direct link between: 1) high performing labour market institutions (labour inspectorate, courts, and workers' and employers' organizations); 2) the protection of labour rights; and 3) the rule of law.

II. ROLE OBJECTIVE

The consultant will conduct a detailed assessment of labour inspection procedures to outline labour inspection system in selected and targeted department/units under MoLSA in both; the Iraqi and the Kurdistan Regional (KRG) governments, with the aim of highlighting their challenges, gaps and weaknesses and provide recommendations for restructuring the current situation in line with the relevant International Labour Standards.

As a business analyst, you will need to accurately and comprehensively identify, document, visually map, and validate recurrent processes and procedures of the labour inspectorate, which may result in more than one workflow or various deviations or branches from a single workflow. This will also involve different processes and procedures between the national labour authorities and regional authorities. Different workflow(s) may be required to document the different processes and procedures in the focal regional government offices of MoLSA in Iraq and KRI (The Department of Labour and Vocational Training, the National Center for Occupational Health and Safety and the Department of Retirement and Social

Security for Workers). The resultant workflow(s) must meet Online/Electronic Case Management System (ECMS) specifications to be used as a basis by developers later for process automation in enforcing labour laws.

At a minimum, the workflow(s) must capture the following information:

1	Start date	<ul style="list-style-type: none"> Date on which an action is initiated;
2	End date	<ul style="list-style-type: none"> Date on which an action is concluded;
3	Trigger	<ul style="list-style-type: none"> Factors that individually or collectively result in the initiation of each labour inspection action (complaint from a worker, referral from another government entity or the dispute settlement mechanism);
4	Step	<ul style="list-style-type: none"> Specific activities necessary to conduct and complete the action from initiation to conclusion (legally required activities as well as activities required or recommended by existing policy or practice). Differentiation of what is required by law and immutable, and what is done in practice and may be legacy/bespoke and modifiable;
5	Decision Point	<ul style="list-style-type: none"> Moment at which a predetermined course of action (series of steps) is (or must be) initiated;
6	Timeframe	<ul style="list-style-type: none"> Specific period by which a step must occur by law, policy, or practice;
7	Role	<ul style="list-style-type: none"> Personnel designated to assume the function related to the step, which may include administrative personnel, front-line inspectors/investigators, supervisory inspectors/investigators, higher level labour inspectorate decision-makers, and others;
8	Obstacle	<ul style="list-style-type: none"> Impediments to the efficient and effective conduct and conclusion of a step (e.g., unnecessary or redundant approval processes, excessive documentation requirements, delays due to bottlenecks, lack of process clarity and others);
9	Document	<ul style="list-style-type: none"> Necessary letters, forms, checklists, decision-making guidance, templates, and/or reports required to be completed for a particular step. Resulting map and annotated version of workflows to support the development of the ECMS
10	Interconnectivity	<ul style="list-style-type: none"> Required and desired links to relevant actions of other authorities such as courts, employment injury insurance claims, and dispute settlement mechanisms.

III. FUNCTION AND RESPONSIBILITIES

Given the above objective, you will be expected to undertake the following tasks:

- Review all documents (i.e., laws, regulations, directives, circulars, standard operating procedures, manuals, etc.), relevant to understanding the current labour inspection process in the national and

focal county government entities involved in enforcing labour laws. Ensure that the scope of work includes the entirety of provisions of the Federal Iraq and the Kurdistan Region Iraq (KRI) Labour Law and inspection activities;

- Facilitate or co-facilitate modelling and sketch sessions (virtually or in-person), with national and focal county government labour inspection personnel and subject matter experts(external labour and/or administrative law experts) to identify, document, and map the labour inspection process (may require travel to county labour inspectorate offices to identify, document, and map process differences between different county offices and/or between the national authority and the focal county authorities).
- Act as the documentarian to accurately and comprehensively reflect the labour inspection procedures. Highlight decision points that may create deviations or sub-actions, and links to relevant actions of other authorities such as the judiciary, the employment injury insurance system, or the dispute settlement mechanism. Highlight differences between different county offices and/or between the national authority and the county authorities.
- Document using visual diagrams, the current labour inspection process including differences between the national authority and the county authorities.
- Analyse the current labour inspection process with the objective of identifying if/how they can be made more efficient taking care to identify steps that are required by law and unchangeable, and steps that are legacy and modifiable.
- Analyse the current differences between the national authority and the county authorities with the objective of identifying if/how they can be standardized.
- Present draft visual diagrams to national and county labour inspection personnel (internal personnel of the labour inspectorate) for validation.
- Document an annotated version of the final visual diagrams, narrating each procedure.

IV. DELIVERABLES AND SCHEDULE OF PAYMENT

The contract will be for 50 working days and the business analyst is expected to produce the following deliverables as set out in the below timeframe at the approval and satisfaction of the Chief Technical Advisor of the project:

Deliverable	Payment Schedule
Questionnaire and method for mapping the labour inspection process workflows.	10%
Draft visual labour inspection process workflow(s) using Business Process Management System (BPMS) specifications, to be used by developers for process automation.	50%
Final and validated visual labour inspection process workflow(s) using Business Process Management System (BPMS) specifications, to be used by developers for process automation	

<p>Written narrative of the final and validated visual labour inspection process workflow(s) using Business Process Management System (BPMS) specifications, to be used by developers for process automation. The document should also include:</p> <ol style="list-style-type: none"> 1) Analysis of the current labour inspection process with recommendations to make the processes more efficient. The document must identify which recommendations were included in the validated workflow(s) and which were excluded. For the excluded recommendations the document must explain why they were excluded. 2) Analysis of the current differences between different focal county government entities and or between the central authority and the focal county government entities with the objective of identifying if/how they can be standardized. 	40%
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V. DURATION OF THE ASSIGNMENT

The duration of the contract will be from February to April 2022.

VI. REQUIRED QUALIFICATIONS

As a national Business Analyst, you will be expected to possess the following qualifications:

- Advanced university degree in business, economics, law, or computer science.
- A minimum of seven years of experience as a Business Analyst on large and complex projects.
- Demonstrated work experience with a public enforcement agency in reviewing or mapping of business process.
- Demonstrated experience with visually mapping processes and procedures.
- Demonstrated experience facilitating workshops and focus groups.
- Strong analytical skills to extensively analyse case management and workflows.
- Experience with MS Visio, Bizagi, or other commonly deployed workflow modeling application.
- Excellent communication and facilitation skills, including in multi-cultural settings.
- Understanding of government structure and inter- government relations.
- Fluency in Arabic and English (both written and spoken), Kurdish is an asset.

VII. PREFERRED QUALIFICATIONS

- Problem resolution skills.
 - To be able to work calmly under pressure and to strict deadlines.
 - Extremely detail oriented, analytical, and inquisitive.
 - Highly motivated and committed to the values of transparency, integrity, and compliance with the law.
 - Strong written and verbal communication skills including technical writing skills.
- ✓ **Nationals of the home country are required to apply for.**
- ✓ **Shortlisted candidates will be required to take a written test to demonstrate their ability to visually map a process based on a case study.**

VIII. APPLICATION SUBMISSION

All interested individual consultants must submit the following documents/information by COB **(29 January 2022)**

1. **Technical Proposal** explaining their suitability to undertake the assignment
2. **Financial Proposal** Based on the activities proposed, the consultants are required to propose a detailed budget. The proposed budget must be justifiable and rational. The ILO holds the right to negotiate the proposed budget.
3. **Methodology/work plan** on approaching the assignment.
4. **Time frame** (estimated 50 days)
5. **Personal CV** including past relevant experience in similar activities and three traceable references.

The technical and financial proposals together should not exceed four pages. Proof of similar assignment (incl. papers produced if possible) are required as an annex.

IX. TIMELINE

Submission of proposals to khidhir@ilo.org and al-hashamat@ilo.org by 29 January 2022. Please mention "Business Analyst to Map the Labour Inspection Procedures" in the subject of the email.