

TERMS OF REFERENCE

Mapping exercise of formal and informal garment enterprises in selected project districts in Ho Chi Minh City to identify the needs for improving working conditions of minors 15-17 years of age as well as enhancing economic and social status of their family members

1. Background and Rationale

Child labour is a challenge in Vietnam as well as in many other countries. Over the last decade, there has been significant progress in eliminating child labour worldwide. However, that child labour continues to exist in its hardest-to-reach forms, including child labour in informal sectors, where lack of the supervision of enforcement actors, remains a critical issue.

Child labour has been proven to have negative impacts on children's mental and physical health, and it deprives children from a normal childhood, educational opportunities, potential and dignity. In the long term, child labour weakens the future labour force, which, in turn, can adversely affect national development as a whole. Aside from the fact that Vietnam has made remarkable achievements in this area, the National Child Labour Survey (NCLS) in 2012 showed that there are an estimated 1.75 million working minors and child labour in Viet Nam.

With financial support from the US Department of Labour (USDOL), the ILO is implementing a Project titled "Enhancing National Capacity to Prevent and Reduce Child Labour in Viet Nam" (hereafter called the ENHANCE project) which provides direct technical support from 2015 to 2019 to encourage government efforts, building upon the achievements to date to elevate efforts to address child labour issues, particularly in the identified sectors, i.e. handicraft, fishing, agricultural and garment sectors. The project has three components, in which component 3, "*will develop, implement and document the intervention models for preventing and withdrawing children from child labour*" in 3 provinces, namely, Ha Noi, Ho Chi Minh City (HCMC) and An Giang, specifically targeting the handicraft, fishing, agricultural and garment sectors. Twelve districts were pre-identified as the project's districts, as follows:

In Ha Noi: Chuong My, Gia Lam, Hoai Duc, Thach That

In HCMC: Tan Phu, Binh Tan, Tan Binh, Cu Chi

In An Giang: Chau Phu, Chau Doc, An Phu, Cho Moi

As mentioned above, the ENHANCE project will focus on 3 priority sectors which have been identified as involving the largest number of child laborers including those at risk of becoming child labourers according to the 2012 NCLS, namely, garment, handicraft, agriculture (including fisheries). While the project will focus on handicrafts in Hanoi and agriculture sector in An Giang, it places emphasis on the apparel sector in HCMC due to its status as the biggest city in Vietnam with more than 10 million people, not including its 6,000 registered garment and footwear factories (formal enterprises), where most of the factory workers (more than 80%) are migrants¹. The garment manufacturing sector in HCMC ranges from the large scale enterprises producing for exports down to the small and medium enterprises (SMEs) and

¹ Study on Children's Right and the Apparel & Footwear Industry in HCMC, UNICEF/VCCI, September 2016

household-based units which produce products for the domestic market or those subcontracted by larger factories in the supply chain (first, second or third tiers). There has been substantial evidence showing that child labour is rare or does not exist in the formal factories. However, in some cases, formal factories inadvertently hire adolescent workers (aged 15-17) under conditions that may violate child labour laws due to presentation of false identification by job applicants. Most adolescent workers in the garment industry in HCMC are migrants from other provinces, indicating a link between migration and child labour. Given this complexity and the likeliness that child labour is more prevalent in the small scale and informal units², the project will undertake multiple strategies for both the formal and informal garment sectors, in collaboration with different stakeholders.

The project document stated that supporting decent work/likelihood opportunities for targeted children (including 15-17 year old & their siblings) and their family members is one of three major areas for direct interventions. It also suggests solutions for garment enterprises to prevent CL and a strategy for direct interventions for working minors of 15-17 years of age (those who are above the minimum age for employment) in the garment factories in HCMC and their family members including siblings. The project will work on both formal and informal sector enterprises in collaboration with GOV agencies, NGOs (including associations), Better Work and other organizations and programs (such as UNICEF)³ to avoid any overlaps.

The mapping exercise aims to implement ENHANCE's project activity 3.5.1 and the output 3.4 in the 2017 workplan⁴. The exercise under this Terms of Reference will accordingly look at working conditions in general to better protect working minors (aged 15-17) in the garment factories. It will also assess needs of the sector to improve the supply chains, economic and social status as well as decent work opportunity of the families of children engaged in child labour⁵, children at risk of being engaged in child labour and legally working minors in the garment sector (including assessing their needs and accessibility to social services such as advisory services, social protection services, education (i vocational skills training) services, household registration. Findings of the exercise will contribute to development of the project's direct intervention support strategies.

² "The informal sector is defined as all private unincorporated enterprises that produce at least some of their goods and services for sale or barter, are not registered (no business licence) and are engaged in non-agricultural activities", the report, Viet Nam and the Informal Economy, ILO, December 2011". ILO and PMU will agree how to identify the informal sector before this study is carried out.

³ During July – early September 2016, UNICEF Viet Nam study on Children's Rights and the Apparel and Footwear Industry in HCMC. The study aimed to help UNICEF understand the wide range of impacts the footwear and apparel sector has on children – both positive and negative, and to prepare for their piloting phase of their Children's Rights and Business Principles Initiatives.

⁴ According to ENHANCE's project's workplan 2017, Output 3.4 is "Improved economic status and decent work opportunity among household members of beneficiary children" and Activity 3.5.1 is "Conduct mapping of formal and informal garment enterprises in the selected districts".

⁵ Child labours are identified according to Vietnamese and International Laws. If any child under 15 years of age engaged in child labour in the garment sector is identified during this mapping exercise, the assigned institution will report to the relevant local authorities and the ENHANCE project team for immediate removal from the work place and subsequent provision of remediation support.

2. Objectives of the consultancy

The specific objectives of the consultancy are

- To conduct the mapping exercise of formal and informal garment enterprises in four selected/identified districts of HCMC (Tan Binh, Tan Phu, Binh Tan and Cu Chi);
- To assess the general needs to improve the supply chains, economic and social status as well as decent work opportunity of working minors in the garment sector and their family members, including their needs and accessibility to social services (advisory services, social protection services, education services, vocational training opportunities, household registration etc.) to better protect them and their families as well as improve their live;
- To recommend for project strategies in order to develop and implement direct intervention supports in HCMC.

Recommendations of the mapping will be taken into account in preparation of a step-by-step strategy for garment enterprises to better prevent child labour and provide decent work opportunities for working minors age 15-17 (Activity 3.5) and for the development of detailed interventions for targeted families' livelihood and economic development support (Activity 3.4) which together will form integral parts of the project's provincial Action Program in HCMC.

3. Activities and Scope of Work

The consultancy will consist of the following key tasks

- Review relevant documents and discuss with project team to obtain a good understanding of the project.
- Develop a technical proposal (in Vietnamese and English) to conduct this consultancy (including a detailed work plan, report outline, methodology - sampling and tools), to get feedback from ILO and the Project Management Unit (PMU) in order to ensure that the mapping will be in line with the country's needs.
- Work closely with HCMC Branch of the Better Work Vietnam (BWV) and Vietnam Chamber of Commerce and Industry (VCCI) or Viet Nam Textiles and Apparel Association (VISTA) and local GOV agencies to conduct the mapping exercise and assessment in selected formal and informal garment enterprises in the three districts of HCMC (Tan Binh, Tan Phu and Binh Tan) including, but not limited:
 - (i) Listing of formal apparel enterprises⁶ in targeted districts and their supply chains (sub-contracted factories), their roles in the chains and in the governance of the chains, key influencers and supporters, their positions and roles, the value of value added by each actor in the chain;

⁶ As definition of ILO about informal sector above, informal garment enterprises are the private ones and not registered (no business license); and the formal garment enterprises are the registered ones.

- (ii) Listing of informal garment enterprises⁷ (households or family-based; small or micro-enterprises which are defined according to the Circular No.16/2013/TT-BTC).
 - (iii) Assessing how the formal and informal garment enterprises are handling with the issue of child labour/minor workers? ⁸.
 - (iv) Assessing how the factories could work with the project to increase their capacity regarding a systematic response to prevent child labour?⁹.
 - (v) Generally assessing needs in order to improve the supply chains, economic and social status as well as decent work opportunity of working minors 15-17 years of age in the garment sector and their family members to better understand their needs for improvement. This comprises of at least 57¹⁰ interviews in 4 districts (including in-depth interviews and focused group discussions) with pre-selected working minors/managers/trade union members in the sampled garment enterprises (both formal & informal ones) and family members of working minors¹¹, social-service providers, local authority officers or relevant stakeholders. However, an actual number of interviews will be adjusted after completion of the mapping exercise of formal and informal factories and in consultation with the Project team.
 - (vi) Information on each type of factories according to sizes (with importance of each size in terms of approximate number of workers, number of recruitments and annual changes in numbers of workers etc.,)
 - (vii) Information on sub-contracting links, if any, between large firms, SMEs and informal production units including home-based production (for small items/jobs such as lapels, etc.)
 - (viii) Information on economic and social status as well as the needs of assessed working minors aged 15 to 17 and their family members (e.g. their birthplaces, accessibility to the social support services such as registration, education, health, skills training, services and other benefits).
- To recommend strategies for development and implementation of direct intervention supports in HCMC, including but not limited to: i) strategies for the project, BWV and garment enterprises to take steps to prevent child labour in their

⁷ See above definition

⁸ Assess whether they already have a systematic response to prevent child labour in advance (e.g. checklist for age verification, special consideration for occupational safety and health of children over minimum age for employment) for example. If such mechanism exists, evaluate how it works in compliance with the legal framework and how the enterprises respond to CL cases in their factories.

⁹ Identify which organizations (e.g. Better Work Viet Nam, VCCI, VISTA) would be the best training organizer for the factories to build their capacity, for example.

¹⁰ 57 interviews/visits will be done with 3 groups: i) with **Enterprises/Workers/Families**: Estimated 4 visits to the formal ones (one/district) and 8 visits to the informal ones (2 per district) so total is 12 visits; in each visit at least 3 interviews will be done (e.g. 1 group discussions with enterprise managers/Trade union/CSR staff; and 2 Individual interviews with males and females working minors). This means that there will be 12*3=36 interviews/ groups discussions in total with garment enterprises. In addition, 12 visits (one per factory) to the households of the interviewed minors will be made; ii) with **Local Authority**: 4 groups discussions (one per district) with district DOLISA, People's Committee, Police, Statistic Offices and; iii) with **Service Providers/Supporting Organizations**: at least 5 interviews with VCCI, VGCL, VISTA, NGOs, Micro-Finance organizations

¹¹ In case no minor workers are identified in a garment factory, the youngest migrant worker in the factory and his/her family members shall be interviewed.

workplaces; and ii) strategies for the project, enterprises and their partners to improve working and living conditions of targeted workers in the garment sector.

- Prepare and submit first draft report (in Vietnamese) to ILO and PMU of ENHANCE for inputs and comments.
- Presentation of the report in a stakeholder workshop to get feedbacks and inputs for finalization.
- Finalize and submit report in both English and Vietnamese. The final report will summarize and reflect all the aforementioned items.
- Intellectual property rights of all data, information and report resulting from the consultancy are vested in the ILO and the PMU.

4. Geographical Focus

The contract will be supported by the engagement of the concerned and relevant stakeholders from the city to grass-root levels in 4 districts of HCMC, namely, Tan Binh, Tan Phu, Cu Chi and Binh Tan.

The Table below lists the wards in 4 of the aforementioned districts that are identified as potentially operational areas for direct interventions:

Location	Districts	Wards
Ho Chi Minh City	Tan Binh	Ward # 10; Ward # 15 and Ward # 13
	Tan Phu	Tay Thanh, Tan Qui and Tan Thanh
	Cu Chi	Tan Thong Hoi, Tan Phu Trung, Tan Thanh Dong, Phuoc Vinh An and Thai An
	Binh Tan	Binh Hung, Binh Hung Hoa A and Binh Hung Hoa B

5. Timelines and Deliverables

This consultancy is expected to be completed within a period of 4 months from the date of the Service Contract signing. A tentative timeline is as follows

No	Deliverables	Duration
1	Finalize a technical proposal (both in English and Vietnamese) on the mapping exercise (with detailed methodology, implementation plan, assessment tools) with support from the ILO and in consultation with the PMU, and must be approved by the ILO in agreement with the PMU.	June-July 2017
2	Conduct the mapping exercise of formal and informal garment enterprises and submit the mapping lists to the ILO, including suggestions for sampling and a detailed plan for data collection in the field	August 2017
3	Visit selected apparel enterprises to assess how they have handled with child labour /minor workers issues	August-Sept. 2017

4	Interview workers/managers/social service providers to assess working and living conditions of workers and their families in order to identify their needs for improvement	
5	Analyse data and write the first draft report (in English and Vietnamese)	Sept. 2017
6	Share the first draft report with the ILO and the PMU and finalize the report by incorporating inputs	Sept 2017
7	Submit the final report and related raw materials (both English and Vietnamese)	Oct. 2017

6. Key skills, technical background, and experience required:

- Evidence of the consultancy institution’s knowledge of children’s rights, child labour/ the issue of underage workers and of the garment sector;
- Proven track record on the assessment of needs to improve supply chains, economic and social status, decent work opportunity as well as working environment of the workers in garment enterprises (already conducted at least three assessments/ surveys/analyses related to this topic);
- Proven track record in providing technical advisory services for the garment enterprise development (including providing technical/advisory services or other services for the managers to improve working conditions for their employees (such as OSH); providing referral services, job introductions and so on for migrant and resident garment workers);
- Clarity of analysis and written expression;
- Fluency in English and Vietnamese;
- Skills in conducting research/studies on social assessments;
- Having good working experiences with government agencies, the ILO and the private sector including informal economy is an asset.

7. Collaboration

The contracted institution will work under the supervision of ILO ENHANCE Chief Technical Advisor (CTA) and/or his designated personnel.

During the performance of the mapping exercise, the ENHANCE project will provide the following support to the contracted consultants:

- Relevant documents related to this consultant
- Review and provide comments on methodology, work plan, sampling, study design, tools...
- Supervise field work (when mapping and assessing economic opportunities of targeted households)
- Review and provide comments to the draft and final report and recommendations
- Other support, if needed.

8. Budget and payment schedule

The budget for the mapping will include the professional fee, travel costs, workshops, allowances for interviewees and supply costs of the survey team.

The payments will be made in Vietnamese currency (VND) with the following mode of payment:

- (i) First payment: Forty percent (40 %) will be transferred to the bank account of the contracted consultant/s upon completion of preparatory activities, including submission of deliverables # 1;
- (ii) Second payment: Thirty percent (30 %) will be transferred to the bank account of the contracted consultant/s upon submission of the deliverables # 2,3,4, 5 and 6;
- (iii) Final payment: Thirty percent (30 %) will be transferred to the bank account of the contracted consultant/s after submission of the deliverables # 7 to the satisfaction of the ILO.

9. Submission of proposal

The interested institutions/organizations must submit their proposal (not exceeding 20 pages excluding resumes) to ILO ENHANCE project with the following details:

- Detailed mapping and assessment methodology, sampling methodology, work plan, report outline;
- Suggested data collection tools (questionnaires/guidelines);
- Detailed budget estimates;
- Demonstrated experience and capacity: describe your agency and why it is qualified to undertake this consultant;
- List of written/published evidence: similar consultancy work done and/or published in Viet Nam.

All proposals must be submitted to the ENHANCE Project CTA through email at ogasawara@ilo.org with copy to huong@ilo.org by **17:00pm on 20/06/2017**. Proposal submit late will not be accepted. Only short-listed candidates will be contacted.

10. Proposal evaluation

The proposals will be evaluated in accordance with the ILO regulations and criteria. The proposals will be scored against the below criteria. The scoring will be tabulated and the proposals will be ranked based on the numerical scores received. Detailed screening results will not be released. Only shortlisted ones will be invited for interviews/ presentation of their proposal for final selection.

Criteria	Value of criteria
1. Technical proposal	70
• Research methodology	30
• Research institution's and research team's experience and capabilities	30
• References	10
2. Cost proposal	30
TOTAL	100