

## Request for Proposals

The International Organization for Migration (IOM) is looking for an **Implementing Partner** to develop **Operational Guidelines on Remediation of Labour Rights Violations of Migrant Workers in International Supply Chains – For Business**

### 1 BACKGROUND AND RATIONALE

Established in 1951, IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

The [UN Guiding Principles on Business and Human Rights](#) specify that in parallel with governmental obligations, private sector companies also have a responsibility to remedy. They state that where a company has caused or contributed to adverse human rights impacts, it should ensure remediation. This means that businesses not only have a responsibility to prevent human rights abuses, but also to ensure remedies are available to victims where harm has occurred.

In the context of global production networks, many brands are often linked to rights violations that have not been caused by them directly, but by their business partners along their supply chain. These include suppliers and recruitment agencies, and it would become the responsibility of these business partners within the global supply chain to ensure that remediation occurs. Brands can, and have, successfully used their leverage in their supply chains to require remediation when violations are detected in their supply chains through audit processes and incorporated access to grievance mechanisms into codes of conduct to be implemented by their suppliers.

Despite these efforts, remediation remains a considerable gap within business practice. According to KnowTheChain benchmarking reports<sup>1</sup>, remediation is in the lowest scoring areas across all sectors examined by the Benchmark. Very few companies currently disclose actions taken to remediate harm in their operations and supply chains.

As more businesses incorporate the employer-pays principle of recruitment into social standards, reimbursement of recruitment fees, either to workers who are already employed or to recently hired workers where systems to prevent payment of fees may have failed, will become necessary. Therefore, remediation guidelines which incorporate violations occurring during recruitment and also take into account gender-specific vulnerabilities will become increasingly necessary.

In 2018 IOM developed and published the [“Remediation Guidelines for Victims of Human Trafficking in Mineral Supply Chains”](#). The guidelines set forth a Six-Step Operational Remediation Process for

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<sup>1</sup> <https://knowthechain.org/themes/42/>

downstream companies to consider when a victim has suffered harm linked to the company's operations, products or services. It helps downstream companies and their business partners identify the steps to follow, the stakeholders with whom to engage, and the different factors to consider for responding to substantiated incidents of exploitation in their supply chain so that, ultimately, victims, being men, women or transgender, are provided with an effective remedy. Importantly, the guidelines do not require companies to set up new mechanisms to provide remediation. Wherever possible, they encourage businesses to get to know and rely on existing mechanisms and actors that already support remediation in a particular context. These can include State and non-State actors, as well as international organizations, such as IOM.

## 2 ORGANIZATIONAL CONTEXT AND SCOPE

As part of IOM's effort to support businesses in implementing international standards on ethical recruitment and fair labour practices, building on the "Remediation Guidelines for Victims of Human Trafficking in Mineral Supply Chains" and a Six-Step Operational Remediation Process, IOM seeks to develop **Operational guidelines for businesses on remediation of labour rights violations of migrant workers in international supply chains**. The scope of work will include two components:

1. Conduct a comprehensive mapping of existing approaches related to the remediation of migrant worker rights abuses, including on grievance mechanism, access to justice / remedy, worker voice and freedom of association
2. Based on component 1 and 2, development of a practical set of guidelines/ SOPs and/ or tools for buyers, employers, labour recruiters and migrants to provide effective access to remedy for migrant workers in their operations and supply chain

To implement the above, IOM seeks a project partner, who will work under the direct supervision of the IOM Hong Kong SAR, China Head of Sub-Office, with overall supervision from the Regional Project Manager, Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) at the IOM Ho Chi Minh Sub-office. Project implementation will also be conducted in close coordination with the IOM Malaysia CREST Project Officer.

## 3 SPECIFIC RESPONSIBILITIES AND ACCOUNTABILITIES

With the aim of ensuring that the governments of Hong Kong SAR, Philippines, and Bangladesh and their The service provider will have the following duties and responsibilities:

**Component 1:** Develop country specific operational level remediation guidelines, initially based on existing best practices in the migration corridor Malaysia (as Country of Destination) – related countries of origin. Recommendation to prioritize business related to the manufacturing sector in Malaysia, but the scope may be expanded to include other industries/ actors where relevant.

Carry out a comprehensive desk review and mapping of existing approaches related to the remediation of migrant worker rights abuses and develop country-level operational processes to help business connect with local government and other protection actors to comprehensively support victims of exploitation and abuse in supply chains. In terms of scope,

***Specific tasks:***

1. Submit a research plan detailing information needs and proposed methods for collection.

While the emphasis of this mapping exercise will be heavily reliant on secondary research, some activities for primary data collection will also be necessary;

Carry out consultations in select labour migration corridor(s) to Malaysia, as the priority country of destination to map service providers, existing grievance channels and referral systems, and relevant stakeholders and actors providing remedy to victims of rights abuse;

Some considerations of which to be mindful: good to prioritize buyers/ employers who have at least a five-year commitment to remaining in Malaysia; while members of existing business associations known for promoting fair labour should be included, researchers should also try to engage businesses - i.e. Small and Medium-sized Enterprises (SMEs) as well as Multi-National Enterprises (MNEs) - that have had less exposure to assess current practice; good to build in opportunities to validate initial findings with migrant workers and business where possible;

2. Develop country-specific operational processes and best practices for the referral, protection and assistance for victims of abuse and exploitation identified in business operations and supply chains.

Utilizing the outcomes of the above desk review and mapping, the operational processes will determine entry points to the local service delivery system, so that companies are able to refer victims to local State or CSO actors or, where necessary, to IOM for onward referral (as identified under component 1);

To the extent feasible, the operational processes will make use of existing systems such as National Referral Mechanisms, Information, Counselling and Referral Services offices, Migrant Response and Resource Mechanisms and/ or, existing informal referral networks;

3. Based on the above, draft an external report and register of available support mechanisms and organizations in identified countries of interest (e.g. Malaysia and related countries of origin);
4. Support the design of pilot remediation action through case management, in consultation with local stakeholders to be potentially taken forward as a subsequent second phase.

**Component 2:** Development of practical guidance materials for buyers, employers and recruiters. Due to that activities under this component will be highly informed by activities under component 1, IOM requires some flexibility as to the development of a practical set of guidelines / SOPs and/or tools primarily for buyers and employers (with secondary considerations for labour recruiters and migrant workers) to provide effective access to remedy for migrant workers in their operations and supply chain.

*Specific tasks:*

1. Develop a remediation toolkit, which facilitates MNE companies to link their internal labour supply chain mapping with country mapping of referral systems. The toolkit will include:
  - a. Remediation principles, guidelines;
  - b. Due Diligence guidelines for selecting third party (i.e. NGO) service providers and SOPs for the identified actors;
  - c. Best practices for messaging, which may include, but not be limited to: formulating modern slavery statements; recommendations for standard provisions for commercial contract, codes of conduct, etc.
  - d. Case studies for selected corridors and/or companies;
2. Develop a 2-day modular training programme on the toolkit, that can be later tailored to the needs of suppliers and stakeholders relevant to participating MNEs

[Optional] Testing of the toolkit with a private sector partner.

#### 4 PRINCIPLES AND APPROACH

- *Accessibility*: Ensuring that all workers, issues and operations are covered by the grievance and remedy mechanism and that particular attention is paid to non-discrimination and accessibility for migrant workers (for example, access and information on the grievance mechanism in a language and format they can easily understand)
- *A worker-centered approach*:
  - Rights-holders, women and men migrant workers, should be central to the process of grievance and remediation mechanisms and as good practice the effectiveness of any grievance mechanism should be judged from their perspective.<sup>2</sup>
  - Ensuring that there are no reprisals for workers to register complaints including having a clear policy that expressly states this
- *Grounded in the UN Guiding Principles on Business and Human Rights definition of an effective grievance mechanism*
- *Supporting mechanisms are in place including*:
  - Gender sensitive training for all those responsible for handling complaints at the grievance mechanism level
  - Guidelines for the introduction of the grievance mechanism and subsequent remediation processes such that workers are aware of the availability and assured of the non-reprisal and/or anonymity where preferred

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<sup>2</sup> Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises to the UN General Assembly (July 2017) A/72/162

- Where applicable, *cooperation with State-based grievance mechanisms* to ensure that every victim of a human rights violation can access different avenues of redress without reprisals from the employer or recruitment agency
- *Promote grievance mechanisms as a form of feedback for businesses* which leads to continual improvement of processes.

## 5 DELIVERABLES

While close consultation with IOM at every step is required, the partner will be responsible for the following deliverables:

- Submit a research plan detailing information needs and proposed methods for collection
- Develop country-specific operational processes and best practices for the referral, protection and assistance for victims of abuse and exploitation identified in business operations and supply chains.
- Based on the above, draft an external report and register of available support mechanisms and organizations in identified countries of interest (e.g. Malaysia and related countries of origin);
- Support the design of pilot remediation action through case management, in consultation with local stakeholders to be potentially taken forward as a subsequent second phase.
- Develop a remediation toolkit, which facilitates MNE companies to link their internal labour supply chain mapping with country mapping of referral systems.
- Develop a 2-day modular training programme on the toolkit, that can be later tailored to the needs of suppliers and stakeholders relevant to participating MNEs

## 6 TIMELINE

The total duration for this assignment is proposed to be approximately 6 months.

## 7 METHOD OF APPLICATION:

The completed RFP should be clearly marked: CFCV-2001 and submitted to [iomhongkongoffice@iom.int](mailto:iomhongkongoffice@iom.int) by 31/03/2020. Kindly keep the file size under 10MB.

Contact Person: Ms. Tara DERMOTT; Email: [tdermott@iom.int](mailto:tdermott@iom.int)

## 8 REQUIRED DOCUMENTS

The applicant will need to submit technical and financial proposal.

Each Submission Must Include the Following:

- i. **Firm/Consultant Profile:** A brief summary of the firm and CV of the expert including records on past experience in similar assignments and name of the references.
- ii. **Technical Proposal** with detailed methodology, tools, research techniques, sample and methods used in each phase, work plan covering phases and processes of implementation. Include description of input required from IOM (e.g. to facilitate access to migrant workers, worksites, etc.)
- iii. **Sample of previous work.**
- iv. **Financial Proposal** listing all costs associated with the assignment. In particular, the financial proposal should itemize the following:
  - a. **Technical/ Consultant fees** in local or USD currency per day;
  - b. **Variable costs** inclusive of transportation costs, printing of materials; research team (if applicable); meeting/FGDs/KIIs costs

## 9 PROFESSIONAL AND RELATED EXPERIENCES:

The proposed technical lead(s) should have following competences:

- At least Master's in social science and minimum 10 years of experience in the development sector.
- The candidate must have relevant experience in the labour migration sector; relevant global, regional and national priorities. Existing strong networks and understanding of the labour migration context in Malaysia is essential.
- Excellent time management skills and ability to produce outputs as per agreed deadlines.
- Demonstrated ability to draw lessons from relevant international, regional and national practices and processes;
- Excellent presentation, oral and written communication skills;
- Proficiency in English and good analytical, drafting skills.

The Proposal should be written in English.

**Any attempt for persuasion will be considered as a disqualification**

**ONLY SHORT-LISTED CONSULTANTS/ORGANIZATIONS WILL BE ASSESSED**

**FIRMS/Consultants WILL BE RESPONSIBLE FOR ANY TAX OR VAT ISSUES IF APPLICABLE.**