



Ministry of Labour
and Social Services



IOM Development Fund



International Organization
for Migration

CONSULTANCY TERMS OF REFERENCE

Duty Station:	Zambia - Lusaka	Duration:	2 months
Position:	Consultancy	Estimated Start Date:	25 th April 2021

1. BACKGROUND

The Government of the Republic of Zambia (GRZ) in collaboration with the International Organization for Migration (IOM) is implementing a project to contribute towards strengthening labour migration governance in Zambia. The GRZ recognizes that organized and well managed labour migration has enormous potential for the government, communities, migrants, employers, and other stakeholders in countries of origin and destination. The benefits of labour migration include, but are not limited to, productive migrant workers who fill key gaps in the labour market, poverty alleviation, migrant remittances, diaspora investments, wealth and skills transfer and cultural diversity.

Zambia has a long history of labour migration as a migrant sending and receiving country. Despite the long history of cross-border mobility in Zambia, the country does not have a labour migration policy framework or strategy to harness the development potential of migration. Accordingly, the GRZ has not managed to fully harness the development potential of labour migration, effective governance and the protection, rights and welfare of migrants in general and migrant workers in particular. While the country is facing challenges related to high unemployment levels, Zambia does not have a deliberate government-led labour export policy.

In addition to the absence of a LM Policy, Zambia has not yet ratified some of the international agreements on labour migration which provide a building block for effective governance of labour migration. International agreements provide the basic normative and legal framework for safeguarding the dignity, rights, protection and welfare of migrant workers. Accordingly, there are gaps in effective implementation of international labour standards including provisions related to the portability and transferability of social security benefits. Some of the international instruments that the country has not yet ratified include the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Social Security (Minimum Standards) Convention, 1952 (No. 102); Equality of Treatment (Social Security) Convention, 1962 (No. 118); Maintenance of Social Security Rights Convention, 1982 (No. 157) and Domestic Workers Convention, 2011 (No. 189).

Whilst migrant remittances constitute one of the most evident linkages between migration and development, remittances are not yet reaching their full development potential in Zambia. Among other factors, it is quite well documented that remittance corridors to and within Southern Africa are globally among the most expensive in terms of transactional costs. In 2016, Zambia was ranked second among the top 10 highest cost corridors for receiving remittances with transactional costs averaging between 12 to 15 per cent. In addition, the country does not currently have a functional Labour Market Information System (LMIS). In the absence of a functional LMIS, there is very little information



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to enable policy makers to develop appropriate gender sensitive legal frameworks, strategies and policies regarding skilled labour migration.

Labour migrants to and from Zambia continue to suffer violations of their human rights in relation to fundamental rights at work and other labour rights. These violations include poor working conditions, discrimination in wages, limited access to social protection, abusive recruitment practices, practices similar to slavery, servitude, bonded or forced labour and trafficking¹. Over the years, many countries from the Middle East and Asia have expressed an interest in the recruitment of low to unskilled migrant workers from Zambia. To protect migrant workers and to optimize the benefits of labour migration for both the country of origin and destination as well as for the migrants themselves, clearly formulated labour migration policies and strategies, legislation and effective strategies are required.

Cognizant of the aforementioned multifaceted and complex challenges in the labour migration sector, the GRZ has prioritized the development of a gender sensitive Labour Migration Strategy and Action Plan for evidence based effective labour migration governance in Zambia. In order to inform the formulation of the said gender sensitive labour migration strategy and action plan, it is important to undertake a gender-sensitive labour migration assessment to inform the development of the labour migration strategy and action plan.

In view of the above, IOM seeks to support the Ministry of Labour and Social Security to undertake a gender-sensitive labour migration assessment to provide a situation analysis on labour migration in Zambia including the key labour migration dynamics and gaps that need to be addressed. Accordingly, IOM is looking for the services of a suitably qualified consultant to undertake the above referenced a gender-sensitive labour migration assessment.

2. OBJECTIVES OF THE LABOUR MIGRATION ASSESSMENT AND EXPECTED DELIVERABLES

2.1 Objectives

The overall objective of this labour migration assessment is to assist the GRZ to better regulate, manage, and monitor labour migration by identifying gaps in the institutional framework, legislation, data, and policies and to propose recommendations.

The specific objectives of the assessment are:

- Critically review the major labour migration issues and challenges facing the country in light of the economic, social and political developments at national, regional and global levels. Among others, the review should cover the following issues:

¹https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_090662.pdf



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- trends and levels of labour migration, irregular migration, human trafficking, forced labour
 - issues related to governance and regulation of labour migration,
 - issues related to protection and promotion of migrant workers' rights, welfare of migrants and families left behind,
 - availability and flexibility of pathways for regular migration,
 - issues to do with fair and ethical recruitment and safeguarding conditions that ensure decent work,
 - identify and assess recruitment centres, public and private sector overseas job placements, recruitment practices, and related support services in Zambia as well as point out any deficiencies in relation to international good practices,
 - issues related to skills development and mutual recognition of skills, qualifications and competences,
 - labour migration data, state of the labour market information system and related capacities,
 - the flow of remittances to Zambia and provide recommendations for their increased utilisation for development purposes
 - adequacy of current bilateral labour migration agreements (BLMA)/Memoranda of Understanding (MOU) or other arrangements between Zambia and other countries in the area of labour migration,
 - links between migration and development, re-integration of return migrants and effective use of diaspora capitals,
 - cross-cutting issues related to gender dimensions, human rights, social dialogue and stakeholder involvement in labour migration governance.
- to conduct an in-depth analysis of existing legislation, policies, institutional structures and coordination mechanisms pertaining to labour migration in Zambia and to provide recommendations in line with international good practices including the SADC LMAP 2020-2025, the ILO Multilateral Framework on Labour Migration and its rights-based approach as points of reference for improving labour migration in Zambia. Consideration should also be given to strengths and weaknesses of the existing legislative, regulatory, institutional and coordination frameworks for governance of labour migration in Zambia.
 - Review international, regional good practices and mechanisms for labour migration facilitation and governance and propose at least two case studies to inform Zambia's policy and strategy formulation.
 - Highlight the major priority areas for improvement of labour migration governance and practices in line with national needs and international norms and draw up the elements of a framework for a national labour migration strategy and action plan as a background document to be used by the Ministry of Labour and Social Services and the working groups responsible for drafting the national labour migration strategy and action plan.



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2.2 Expected Deliverables

- i. Inception Report outlining Consultant's understanding of the scope of work, workplan, proposed strategy for the labour migration assessment.
- ii. Draft labour migration assessment report that covers all the areas of the scope of work as spelt out in the Terms of Reference. The consultant will present the draft report to national stakeholders for review and validation.
- iii. A final report that incorporates the inputs and recommendations from stakeholders after review and validation of the draft report. The final report should include major priority areas/thematic areas that constitute a broad framework for a national labour migration strategy and action plan. All reports (deliverables) will be submitted in both bound and electronic (MS Word/Excel) form and in line with IOM Housing and Publication Guidelines.
- iv. A policy brief and PowerPoint presentation to be used by the Ministry and Labour and other stakeholders in advocacy efforts.

Table 1 showing the expected delivery schedule

Activity	Number of Days	Deliverable
Engagement with IOM and the Ministry of Labour and Social Security and review of secondary literature	10	Inception report outlining Consultant's understanding of the scope of work, workplan, proposed strategy for the labour migration assessment.
Labour migration assessment undertaken including stakeholder consultations, drafting of the report and presentation to stakeholders for review and validation	30	Draft labour migration assessment report validated by the relevant stakeholders.
Finalization of the report including incorporating comments and feedback from the stakeholders	15	A final report that includes major priority areas/thematic areas that constitute a broad framework for a national labour migration strategy and action plan. Policy brief and powerpoint presentation that summarises the key findings of the report as well as the related strategic policy considerations.

3. EXPECTED DURATION OF THE ASSIGNMENT



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The duration of the assignment is 55 days including holidays and weekends from the time of signing the contract.

4. CONSULTANT'S PROFILE

Qualifications

- Post-graduate qualifications in Law, Migration, Labour Economics, Social Sciences and other disciplines related to Migration.

Experience

- At least five years' experience in research, of which at least 2 - 3 years' experience must be on labour migration and drafting/review of policy documents.

Competencies

- Strong writing and analytical skills.
- Strong interpersonal and networking skills.
- Strong skills in migration and development
- Ability to interact with senior officials (Government/NGO officials and multilateral and bilateral representatives).

5. REPORTING

The consultant will report directly to IOM and Ministry of Labour and Social Security

6. QUESTIONS AND CLARIFICATIONS

All requests for questions and clarifications should be sent in writing to iomlusakarecruitment@iom.int.

7. SUBMISSIONS AND CLOSING DATE

- **Technical proposal** including a letter of motivation, methodology, detailed curriculum vitae.
- **Financial proposal** including all the professional fees, and any other cost elements.
- **Proof of previous related work** and at three traceable references.
- Provide documentary proof of professional and academic qualification and testimonials.

All interested consultants are to submit electronic copies of all required information to IOM Zambia by COB 18th April 2022 by email: iomlusakarecruitment@iom.int. Please include the Consultancy Title in the Subject line.

Only shortlisted candidates will be contacted.