

TERMS OF REFERENCE

Labour Specialist for Project Implementation Unit, Public Works Department, Mizoram

1. Introduction

The Government of Mizoram (GOM) is implementing the Mizoram State Roads – II Regional Transport Connectivity Project, funded by the World Bank. This project aims to increase transport connectivity along regional trade corridors in Mizoram. The project is financing 81 km of road construction in three sections across the state. The road improvement works are being implemented in three works packages, covering the following road stretches: Champhai-Zokhawthar (C-Z) road (Champhai District), Chhumkhum-Chawngte (C-C) road (Lunglei District), and Tlabung-Kawrpuchhuah (T-K) road (Lunglei District).

The Public Works Department (PWD) Mizoram is the implementing agency for the project. A dedicated project implementation unit (PIU), established in Chief Engineer (Road) Office of Mizoram PWD, headed by a Project Director and supported by other staff is responsible to implement the project with support from various units of PWD. The road improvement works are being implemented in various packages under supervision of a Construction Supervision Consultant (CSC). The PIU has a Special Land Acquisition Officer who monitors implementation of the land acquisition procedures and supervises social safeguards on the project along with the PIU team working on social issues.

This project is labour intensive and involves various issues related to compliance with labour laws. There are critical issues in the context of workplace safety, labour welfare, and accidents and follow up remedial and legal actions. To that end, the PIU requires enhanced support in dealing specifically with these kind of labour issues. Accordingly, the project proposes to recruit a Labour Specialist to support the project team to plan, implement, monitor and take corrective actions on these labour issues.

2. Objectives of the Assignment

The objective of the assignment is to provide specialized specific guidance and support to the PIU on planning, management, monitoring, and implementation support of legal compliances in relation to labour issues in the project.

3. Scope and Activities

The main scope of services includes the following:

- a. Support the PIU and work closely with the PIU Social team and CSC in planning, monitoring and implementation of all applicable labour laws and related contractual provisions on the project.
- b. Analyze all applicable labour laws, regulations and related contract provisions and develop checklists and formats for compliance and monitoring.

- c. Support and advise PIU and CSC team on achieving gaps in compliance and remedial actions, as required.
- d. Provide guidance and support on compliances to be undertaken in the event of an accident, including reporting requirements and follow up actions and insurance claims with the concern agencies. In the case of accidents, which have occurred during this project already, carry out legal due diligence to ensure compliance with all applicable laws and contractual provisions and payment of fair compensation to all beneficiaries. This would include providing support to the PIU in ensuring all legal compliances and payment of compensation, and review of all accident reports.
- e. Conduct orientation on labour law compliance for PIU, CSC and Contractor's team.
- f. Review support on preparing the report on labour section/ issues in the PIU Quarterly Progress Reports.

4. Outputs

- i. Checklist of all information regarding labour which is required to be collected and maintained by the contractor.
- ii. Formats in which all required information can be collected and maintained by the contractor.
- iii. Monitoring Checklists for compliance actions for use by CSC and PIU. (Illustrative Checklist attached as Annexure A).
- iv. Action Plan for all actions required to be undertaken by the contractor in the event of an accident (whether resulting in death or injury / whether involving employees or others / etc.), according to applicable labour laws and contractual provisions.
- v. Orientation/ training conducted on labour law compliance, contractual obligations and insurance provisions for PIU, CSC and Contractor's team.
- vi. Any other issue /material for labour law compliance, which may be necessitated in the course of project implementation.

Outputs i-iv are expected to be provided within the first three months of commencement of the assignment. Overall advisory services and orientation activities would be expected over the remainder of the contract.

5. Qualifications

- a. Educational Qualifications
 - Bachelor's degree in law; or postgraduate degree in industrial / employment / labour relations
- b. Work experience

- 5 years' experience in the legal field, including practice of labour laws. Alternatively, 5 years' experience in the field of labour relations, industrial relations and related fields. Legal background would be given preference.

c. Preferred experience and skills

- Strong legal knowledge on labour issues,
- Knowledge on the insurance provisions and policy claims,
- Knowledge of project planning, monitoring and management techniques,
- Experience of providing technical support to and capacity building of organizations,
- Experience working with a range of stakeholders, NGOs, international organizations, development partners and/or with the government of India will be an advantage,
- Good communication skills,
- High level of fluency in English,
- Knowledge of local language,
- Proficiency with working in advanced word processing/spreadsheet including MS Word, MS Excel and MS Power Point and other related applications

6. Duration and Commencement of Services

The Consultant would provide services for 9 months over an 18-month period on an intermittent / part-time basis. The Consultant would be expected to devote more working days at the beginning to achieve the targeted outputs and support throughout the project period. The contract is expected to commence in September 2017 and last till February 2019.

7. Reporting Requirements

The Consultant shall be under the immediate supervision of and will report to the Project Director, PIU. The Consultant shall work closely with the SLAO, Social team and Environment teams with the PIU. The Consultant shall also be expected to liaise with the CSC and Contractor. They would be expected to provide work updates to the PIU on a reasonably regular basis.

8. Selection Process

Selection of the Consultant will be carried out in accordance with the selection procedure of Individual Consultants Selection in the World Bank's Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits and Grants by World Bank Borrowers, January 2011.

9. Responsibility of the Consultant

The Consultant is expected to provide his inputs in Mizoram. The Consultant shall manage stationery, office equipment, travels to and from Mizoram, lodging and boarding in Aizawl to render the services himself or herself.

10. Contract and Payments

The Contract shall be time based with the inputs in Mizoram. Travel expenses, hotel accommodation, transportation, and Per-Diems shall be reimbursed as per actual as specified in the contract.

Annexure A

ILLUSTRATIVE CHECKLISTS

1. PROJECT DATA				
1.1	Name of Project			
1.2	Duration			
1.3	Start Date			
1.4	Estimated Completion Date			
1.5	Location			
1.6	Name and Contact Information (email/phone) of Contractor			
1.7	Name and Contact Information (email/phone) of all sub-Contractors			
1.8	Type of Project (project description)			
1.9	Types of activities undertaken phase wise, with timeline	Phase 1 (timeline)	Phase 2 (timeline)	Phase 2 (timeline)
		Phase 1 (type of activity)	Phase 2 (type of activity)	Phase 2 (type of activity)

2. LABOR PROFILE						
2.1	Number of laborers by sex	<i>Male</i>		<i>Female</i>		Total
2.2	Number of laborers by skill	<i>Skilled</i>	<i>Semi-skilled</i>		<i>Unskilled</i>	Total
2.3	Number of laborers by origin	<i>Local (same or adjoining district)</i>		<i>Other state</i>		Total
				<i>Other Country</i>		
2.4	Number of laborers by age	<i>14-18</i>	<i>18-25</i>	<i>25-50</i>	<i>Above 50</i>	Total
2.5	Source of labor	<i>Contractor</i>	<i>Subcontractor</i>	<i>Independent</i>	<i>Other</i>	Total

3. WAGES					
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3.1	Amount of wages paid (men)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.2	Amount of wages paid (women)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.3	Rate of wages below, equal to or more than Minimum Wage?			
3.4	Frequency of payment (daily/weekly/monthly)			
3.5	Deductions made, if any (with details)			
3.6	Mode of Payment (cash / Bank transfer / cheques)			
3.7	Is overtime paid, and if so, at what rate?			
3.8	Is Overtime Register maintained at work-spot as per Form IV of Minimum Wages Central Rules			
3.9	Is Muster maintained at work-spot as per Form V of Minimum Wages Central Rules			
3.10	Is Register of Wages maintained at work-spot as per Form X of Minimum Wages Central Rules			
3.11	Is Labor provided with Wage Slip as per Form XI of Minimum Wages Central Rules			
3.12	How many hours is the working day?			
3.13	How many leaves in a week does the labor get?			

4. MAINTENANCE OF OTHER LABOR RECORDS	
4.1	Is a copy of photo ID of each laborer kept with the employer?
4.2	Is verification of qualifications / experience for all semi-skilled and skilled labor done? If so, by which documents?
4.3	Is contact information of labor's next-of-kin kept for each laborer?
4.4	How many labourers have been employed from State Employment Exchange?

5. FACILITIES					
5.1	Details of labor camps	Number	Permanent/Temp.	Location	Distance from nearest

					village/habitation
		1...			
		2...			
5.2	Type of housing in labor camp on leased land (temporary shelters/kuchha/pukka)				
5.3	Is there any housing on public land like roadsides, open fields and other spaces?				
5.4	Is there any housing in rented accommodation in residential areas? If so, who is it rented by?				
5.5	How many laborers have families on/near worksite?				
5.6	Is drinking water available on site and at the campsite?				
5.7	Are latrines and urinals provided on site and at the campsite?				
5.8	Are First Aid facilities provided on site?				
5.9	Does a doctor visit the worksite / campsite regularly?				
5.10	Is there a tie-up with a hospital or dispensary near the worksite / campsite				
5.11	Is woolen clothing/rainwear provided?				
5.12	Is there a provision for a crèche/nursery?				
5.13	Is there a facility for cooking / canteen facility for all labor?				
5.14	Are leisure activities / facilities available for all labor				
5.15	Is transport to and from the worksite provided to labor?				

6. SUPERVISION BY LABOR OFFICIALS	
6.1	Has the worksite / campsite been inspected by a labor official?
6.2	How many times has the worksite / campsite been inspected by a labor official since commencement of work?

6.3	What documents were inspected by labor officials?	
6.4	What documents were maintained and which ones were not?	
6.5	What directions were given by labor officials?	
6.6	What is the mode of compliance with such directions?	
6.7	Are you facing any legal proceedings on labor issues in Labour Court/ Commissioner for Employees' Compensation/ Other?	

7. ACCIDENTS, EMERGENCIES AND INCIDENTS

	7. ACCIDENTS, EMERGENCIES AND INCIDENTS	
7.1	What is the nature of accidents / emergencies usually occurring at a worksite like yours?	
7.2	Is a functioning First Aid available at the campsite / worksite?	
7.3	Is functioning fire-fighting equipment available at the campsite / worksite?	
7.4	Which is the nearest doctor / clinic / dispensary?	
7.5	Which is the nearest hospital?	
7.6	Which is the nearest Police Station?	
7.7	Are details of nearest doctor / clinic / dispensary / hospital / Police station available and prominently displayed at worksite / campsite?	
7.8	What is the system of informing next of kin?	
7.9	Do you have ESI / ECA coverage?	
7.10	What is your familiarity with accident reporting procedures?	
7.11	What is your familiarity with police reporting procedures?	
7.12	Has an Internal Complaints Committee been constituted and other appropriate measures undertaken at the workplace as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?	

