



GENERAL INFORMATION

Title: Research Specialist for Policy Review
Project Name: Business and Human Rights Asia (B+HR Asia)
Reports to: Business and Human Rights Specialist
Duty Station: Home-based
Expected Places of Travel (if applicable): N/A
Duration of Assignment: 35 working days within 3 months

REQUIRED DOCUMENT FROM HIRING UNIT

<input checked="" type="checkbox"/>	TERMS OF REFERENCE
<input type="checkbox"/>	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select:
<input type="checkbox"/>	(1) Junior Consultant
<input type="checkbox"/>	(2) Support Consultant
<input type="checkbox"/>	(3) Support Specialist
<input checked="" type="checkbox"/>	(4) Senior Specialist
<input type="checkbox"/>	(5) Expert/ Advisor
<input type="checkbox"/>	CATEGORY OF INTERNATIONAL CONSULTANT, please select:
<input type="checkbox"/>	(6) Junior Specialist
<input type="checkbox"/>	(7) Specialist
<input type="checkbox"/>	(8) Senior Specialist
<input checked="" type="checkbox"/>	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	P11 or CV with three referees
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

Need for presence of IC consultant in office:

☒ partial – *(The Consultant may need to be present at the office for a monthly update when feasible in regard to the pandemic. Online meeting is required as adjusted platform to the offline meeting)*

☐ intermittent (explain)

☐ full time/office-based

Provision of Support Services:

Office space: ☐ Yes ☒ No

Equipment (laptop etc): ☐ Yes ☒ No

Secretarial Services ☐ Yes ☒ No

If yes has been checked, indicate here who will be responsible for providing the support services:

I. BACKGROUND

The Program

Asia has long been synonymous with economic dynamism. Over the last several decades, hundreds of millions of people have been lifted out of poverty, health and educational provision has been enhanced, and new industries have taken root. Still, rapid economic growth has not been without steep social and environmental costs, with long-term implications for the well-being and prosperity of states, communities, and individuals in the region.

The objective of the Business and Human Rights in Asia (**B+HR Asia**) program is to promote the implementation of the **UN Guiding Principles on Business and Human Rights** (UNGPs) as a means to address business-related risks and adverse impacts while levelling the playing field to allow responsible businesses to remain competitive. Supported by the European Union (EU), B+HR Asia is programming in six countries including India, Indonesia, Malaysia, Myanmar, Thailand and Sri Lanka. The programme also produces guidance to address COVID-19 related human rights risks in Asian value chains.

B+HR Asia research and communications activities target a wide range of audiences including consumers, state officials, members of the business sector, civil society organizations, National Human Rights Institutions, international organizations, and influencers in the area of business, human rights and economic policy. Audiences also include consumers and the general public in both Asia and Europe.

The Topic

Omnibus Law

In his inauguration speech in October 2019, President Joko Widodo, elaborated on his strategy, "Vision of Indonesia 2045." This strategy aimed to place Indonesia in the top five world economies, with an extreme poverty rate to nearly zero percent, highly skilled workforce and a GDP per capita per month of Rp. 27 million. Indonesia's economic growth is targeted to reach 6% per year and to be able to accommodate year, the introduction of two million new workers. Admittedly, this requires new investment of Rp. 4.800 trillion (1% of economic growth is estimated to require Rp. 800 trillion investment).¹

To realize this long-term vision, Indonesia needs to attract Foreign Direct Investment (FDI), essential for economic growth. However, the country's performance in getting FDI has been hampered by confusing regulations and a sometimes-hostile bureaucracy that put off foreign investors, especially in the manufacturing sector. Business leaders and investors claim that Indonesia is over-regulated with a total of 43,511 central government regulations as well as ministerial, agency and regional-level rules.

To overcome this problem, President Joko Widodo proposed the *Omnibus Bill on Job Creation* to improve the ease of doing business in Indonesia and attract investment, thereby boosting job opportunities and economic growth.

The Omnibus Bill on Job Creation amends 73 laws and consists of 15 chapters and 174 articles, of which 163 are substantive.² On 5th October 2020, the Omnibus Bill on Job Creation was passed by the government and the House of Representatives into law.

The discussion on the Bill has sparked considerable controversy as it focused primarily on the needs of employers and reportedly has the potential to marginalize workers, threaten the sovereignty of indigenous peoples, and accelerate environmental damage. International investors particularly

¹ <https://setkab.go.id/en/job-creation-bill-to-improve-indonesias-economic-growth/>

² <https://www.thejakartapost.com/news/2020/02/21/guide-to-omnibus-bill-on-job-creation-1028-pages-in-8-minutes.html>

interested in ESG, have shared their concerns. Some argue that the bill runs contrary to the concept of sustainable trade on environmental and labour standards.³

B+HR in Indonesia

Indonesia has embarked on work to develop a **National Strategy on Business and Human Rights (NS-BHR)**, as a part of a wider effort to reduce its risk profile and address systemic rights abuses present in some value chains.

The development of NS-BHR is led by the Ministry of Law and Human Rights (MOLHR) as the National Focal Point for Business and Human Rights since September 2020, replacing the Coordinating Ministry of Economic Affairs. Under the coordination of the MOLHR, a Task Force has also been developed to support the finalization and implementation of the NS-BHR. The First Draft of the NS-BHR has been launched in November 2020 extending opportunities for feedbacks from wider opportunities. Public consultations with relevant ministries, academics, civil society organizations (CSOs) and businesses will also take place in 2021 to seek greater inputs for the NS-BHR.

UNDP Indonesia has been supporting the government in formulating National Strategy on Business and Human Rights (NS-BHR), working closely with MOLHR as the National Focal Point for BHR and other NS-BHR Task Force members.

Currently, there are 23 countries with NAPs on Business and Human Rights, including Japan and Thailand. India is very close to releasing a final draft, while the Malaysia NAPs are still in progress. In this context, the international community eagerly awaits the release of Indonesia's NS-BHR, and its implementation.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Scope of Work

To further enhancing common understanding and policy convergence with implementation of the UNGPs on Business and Human Rights, UNDP Indonesia through B+HR Asia program will conduct **policy review and advocacy on Omnibus Bill on Job Creation within the context of BHR and Sustainable Development Goals (SDGs)**.

The Job Creation Bill is very relevant to business and human rights issues; therefore, it is important to advance a common understanding of the Bill and its potential consequences. The policy review on Job Creation Bill aims to help provide proper analysis to inform and to initiate further discussions among the NS-BHR Task Force to further identify gaps and opportunities **to strengthen the NS-BHR** before the National Strategy gets launched in 2021.

Under the guidance and direct supervision of the Business and Human Rights Specialist, the consultant is responsible to conduct a research and policy review on Omnibus Bill on Job Creation within the context of business BHR and SDGs.

Within the background above, the consultancy assignment of the policy review is to be structured around the following objectives:

1. Identify elements on Omnibus Bill on Job Creation that promote and mainstream respect for human rights with specific reference to:
 - Pillar 1 (state role), pillar 2 (business role) and pillar 3 (access to remedy by state and business) of UNGPs.
 - Vulnerable group of children, women, person with disabilities and indigenous people.
2. Identify the gaps on Omnibus Bill on Job Creation that may hinder efforts or initiatives in promoting and mainstreaming businesses respect for human rights in business operations and supply chains within the aforementioned specific references on point No. 1.
3. In light of any gaps or areas requiring more clarity, recommend a set of actions for policy makers to consider that might be added to the National Strategy on Business and Human Rights.
4. Indicate how the recommendations can advance the Sustainable Development Goals (SDGs).
5. Develop the policy review into an Issue Brief.

³ <https://www.hinrichfoundation.com/research/article/sustainable/indonesia-sustainable-trade/>

Expected Deliverables/Outputs

The objective of this policy review is to better understand the gaps and benefits or strengths of the Omnibus Bill on Job Creation to accelerate the implementation of UNGPs and enhance contribution to SDGs through the National Strategy on Business and Human Rights.

The UNGPs are recognized as the world's most authoritative, normative framework for conducting responsible business conduct. Its provisions have been endorsed by the International Organization of Employers (IOE) and the International Chambers of Commerce (ICC) among other international organizations business organizations. As noted above, endorsing the UNGPs and implementing its provisions through the National Strategy on Business and Human Rights or similar document, is among the most important ways that a country can express its commitment to responsible business practices.

As consultations come to a close on Indonesia's National Strategy or similar strategy document, research or policy review conducted in parallel may help inform a larger audience of the trade-offs and opportunities of pursuing responsible business.

The specific outputs/deliverables expected from the Consultant for the policy review and advocacy initiatives are the following:

Deliverables/Outputs	Estimated number of working days	Completion deadline	Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i>
- Develop policy review methodology. Provide a detailed synopsis of initial desk review findings outlining key messages.	7 Working Days	March 2021	Business and Human Rights Specialist
- A Report on the policy review result on the benefits or strengths and the gaps of the Omnibus Bill on Jobs Creation, and a detailed outline for issue brief	18 Working Days	April 2021	Business and Human Rights Specialist
- An Issue Brief as final draft of the policy review on the findings, providing recommendations and highlighting policy actions for uptake by various ministries, businesses and CSOs	10 Working Days	May 2021	Business and Human Rights Specialist

The final products need to be delivered in the required formats depending on the product delivered (Word, Power Point, Canva template etc.) including editable design files in English and Bahasa Indonesia.

Candidates shall quote **a lump-sum "all-inclusive" fee** for the completion of each deliverable. The term "all-inclusive" implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the consultant in completing the assignment are already factored into the lump-sum submitted in the proposal and shall be submitted with in detail/breakdown cost. Payments shall be done upon verification of completion of deliverables and approval by the consultant's supervisor.

III. **WORKING ARRANGEMENTS**

Institutional Arrangement

The consultant will work under the overall guidance of the Business and Human Rights Specialist, UNDP Indonesia. Weekly reporting will be required, and each deliverable shall be presented to the Business and Human Rights Specialist of UNDP Indonesia for review and approval.

The project will not provide any facilities or other support, though the Business and Human Rights Specialist or other team members may provide guidance.

Duration of the Work

Expected duration of work is from 35 working days within 3 months.

Duty Station

The consultancy will be home-based and shall set-up a schedule to engage with the project team through video conference or other remote communication tools.

Travel Plan

Travel will be arranged by Hiring Unit which refers to UNDP rules and regulations if Consultant is requested to travel outside Jakarta and there may be unforeseen travel that will come up during the execution of the contract which will be agreed on ad-hoc basis.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

Master's in law, political science, social science, economic, investment policy, development studies or other relevant disciplines.

Minimum Experience Requirement:

- Minimum 10 years relevant experience working in law reforms, good governance, human rights, policy analysis, responsible business, trade and investment, and/or other relevant developmental issues;
- Experience in having undertaken similar assignment of a research/study/analysis on law reforms, good governance, policy analysis, responsible business, trade and investment, and/or other relevant developmental issues;
- Experience in producing policy-based analytical reports

Language Requirements:

Proficient in English and Bahasa Indonesia, spoken and written, as demonstrated in the CV.

Competencies and Special Skills Requirement:

- Excellent communication skills
- Strong analytical skills
- Ability to design and conduct interviews
- Demonstrated accuracy and attention to details
- Ability to meet deadlines and work under pressure
- Ability to be flexible and respond to changes as part of the review and feedback
- Excellent interpersonal skills
- Excellent organizational skills
- Demonstrates integrity and fairness, by modeling the UN/UNDP's values and ethical standards
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability

V. EVALUATION METHOD AND CRITERIA

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

** Technical Criteria weight; 70*

** Financial Criteria weight; 30*

Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation

Criteria	Weight	Maximum Point
<i>Technical</i>	<i>70%</i>	<i>100</i>
Criteria A: Qualification Requirements as per TOR:		80
1. Master's in law, political science, social science, economic, investment policy, development studies or other relevant disciplines.		20

2. Minimum 10 years relevant experience working in law reforms, good governance, human rights, policy analysis, responsible business, trade and investment, and/or other relevant developmental issues;		30	
3. Experience of having undertaken similar assignment of a research/study/analysis on law reforms, good governance, policy analysis, responsible business, trade and investment, and/or other relevant developmental issues;		20	
4. Experience in producing policy-based analytical reports of high quality in English;		10	
<i>Criteria B: Brief Description of Approach to Assignment:</i>		20	
1. Explain why you are the most suitable for the work;		10	
2. Provide a brief methodology on how you will approach and conduct the work.		10	