



Terms of Reference

Call for Grant Applications from Civil Society Organizations (CSOs) and Legal Aid Service Providers

Services to be provided:	<ol style="list-style-type: none"> 1. Raise legal awareness of workers, focusing on migrants, vulnerable groups and their families. 2. Train paralegals, CSOs and lawyers on labour laws and related legal areas. 3. Provide legal assistance to workers, focusing on vulnerable groups and their families.
Type of Contract:	Low Value Grant
Start/End Dates:	1 st November 2021 – 31 st October 2022 (12 months)
Location:	Yangon, Mandalay, Ayeyarwady and Rakhine

I. BACKGROUND

The current context in Myanmar is characterized by political and security instability, compounded by the Covid-19 pandemic. Economic growth has been severely constrained by the pandemic and poverty is expected to increase substantially. Millions of the ‘near poor’ and vulnerable people in urban areas are expected to fall into hunger in coming months, with the already poor in rural areas all but guaranteed to fall into deeper poverty. Workers in industrial and production sectors in particular are among the hardest hit group. In addition to their economic struggle, workers often lack awareness of and opportunities to access legal advice and support, which puts additional pressure on their attempts to sustain their livelihoods.

In this context, UNDP seeks to partner with national legal aid service providers to enhance workers’ ability to access legal and paralegal services, including legal awareness raising on labour rights and employment matters.

II. RATIONALE

There are very few specialized labour lawyers in Myanmar, partly because labour disputes often are addressed by workplace committees and in conciliation bodies, with the effect that participating lawyers cannot represent workers in following court procedures. In addition, specialized employment teams of commercial law firms tend to represent employers, not employees. These systemic and economic hurdles on the supply side coincide with a gaping need on the demand side: workers have very little awareness of their labour rights, and the labour laws are complex and fragmented. The lack of legal knowledge coupled with the lack of access to legal advice puts workers in a vulnerable, often leading to workers accepting non-compliant employment conditions and practices of their employers. While Myanmar’s labour laws are flawed in many areas, increased employer compliance with the legal status

quo would immediately affect and improve the life of millions of workers and their families. Widespread non labour-laws compliant practices in key production sectors include violation of minimum wage and payment terms, illegal deductions and penalties, abuse of training and probation period rules, unpaid overtime and sick leave, undue termination, missing social security contributions, insufficient occupational health and safety measures, retaliation for participation in unions or union activities, child labour, forced labour, and workplace discrimination.

While access to justice barriers for workers were concerning before the current crisis, they have become even more pertinent now. Workers are among the hardest hit by the economic crisis caused by recent events, for example through mass terminations and generally the reduced ability to control employer's practices. In addition, workers often lack the support system of their families or home communities, as they migrated into the industrial areas for their employment. This leaves workers with additional vulnerabilities regarding immigration laws and rules, human trafficking, and violence against women, all of which implicate additional legal aid needs. Hotspots are the commercial centers Yangon and Mandalay as well as Rakhine and Ayeyarwady – areas geographically strongly impacted by the industrial epicenter Yangon and currently with a high level of push and pull work migration and low numbers of employment lawyers.

To address these challenges, UNDP wishes to establish partnerships with CSOs and legal aid service providers to support underserved workers to access their labour rights. CSOs and legal aid service providers are uniquely positioned to use their expertise to find new legal aid solutions to address this complex development challenge. Workers' vulnerability, the labour dispute settlement system, and the lack of labour lawyers on the one hand and the additional pressures and limitations stemming from the COVID-19 pandemic and the military coup on the other hand require flexible and innovative solutions beyond standardized services. In addition, UNDP aims to strengthen the capacity of CSOs and to improve their organizational effectiveness and resilience.

III. SCOPE OF WORK

The specific objectives of this Call for Grant Applications are for CSOs and legal aid service providers to:

1. Raise legal awareness of workers, focusing on migrants, vulnerable groups and their families in Yangon, Mandalay, Rakhine, and Ayeyarwady.
2. Train paralegals, CSOs, and lawyers on labour laws and related legal areas in Yangon, Mandalay, Rakhine, and Ayeyarwady
3. Provide legal assistance to current or former workers, focusing on migrants, vulnerable groups and their families in Yangon, Mandalay, Rakhine, and Ayeyarwady

The main outputs are as follows:

Legal awareness raising:

- a. Conduct legal awareness sessions for workers on applicable labour rights, provisions, and procedures, including contract terms, wage, probation, overtime, leave, termination, social security, occupational safety and health, collective bargaining, forced labour, child labour, and dispute resolution,
- b. Conduct legal awareness sessions for workers and migrants on legal areas connected to employment matters, such as human trafficking, violence against women, and immigration.
- c. Participate and support education efforts organized by UNDP as needed.

Training:

- d. Conduct labour rights specialization training for paralegals, CSOs, and lawyers in Yangon, Mandalay, Rakhine, and Ayeyarwady.
- e. Support paralegals, CSOs, and other involved bodies to develop legal skills and strategies for negotiation and conciliation phases of labour disputes
- f. Monitor and report labour rights related issues and patterns through liaising with trained partners and recipients of legal awareness and legal assistance activities.

Provision of legal assistance:

- g. Provide legal advisory services (out of court) to workers and individuals/groups supporting workers prior to and during negotiation and conciliation stages of labour disputes.
- h. Provide in-person, direct legal services to former or current workers in court in criminal and civil cases.
- i. Publicize the availability of direct legal aid services, hotline and online consultations for workers at relevant and suitable CSO, community, and workplace offices in Yangon, Mandalay, Ayeyarwady and Rakhine (in Burmese, Rakhine and possibly other minority languages).

Eligible beneficiaries of assistance to be provided

- Eligible beneficiaries will be current or former workers of industrial and production sectors and their families, with a focus on the poor and most vulnerable individuals and groups in any township and location in Yangon, Mandalay, Rakhine, and Ayeyarwady. In addition, advice or representation should be prioritized if large numbers of workers may be affected by the outcome of a specific labour or other dispute. The applicant organisation should clarify how it will identify these beneficiaries and what criteria it will use.
- A minimum of 50% of these people will be women and girls, preferably more.
- Special consideration should be shown for reaching people from ethnic minority groups, people with disabilities, and any particular group that in the opinion of the applicant organisation is disadvantaged and/or marginalized with respect to labour rights or employment related legal issues.

IV. ORGANISATIONS ELIGIBLE TO APPLY

Eligible organisations are Myanmar legal aid service providers and CSOs focused on labour rights issues, including: contract terms, wage payment, probation, overtime, leave, termination, social security, occupational safety and health, collective bargaining, forced labour, child labour, dispute resolution, and workplace discrimination; and, provision of legal aid services in Yangon, Mandalay, Rakhine, and Ayeyarwady targeting beneficiaries as specified in this ToR.

Eligibility Criteria:

1. Holding the necessary permission to provide the services as outlined in these ToR in the proposed locations (evidenced by registration, ongoing application for registration, or endorsement from the relevant authorities).
2. Must be a Myanmar organisation with operations already established in the proposed locations.
3. A track record of at least three years in provision of legal aid services in Myanmar, preferably targeting disadvantaged and/or underserved populations.

V. SERVICES AND DELIVERABLES TO BE PROVIDED

This Call for Grant Applications is organised according to the following activities:

Objective 1: Provide legal awareness raising activities to workers, focusing on vulnerable groups and their families in Yangon, Mandalay, Rakhine, and Ayeyarwady		
Activities	Target Start Date	Expected end date
Activity 1.1: Deliver community level awareness-raising sessions on labour rights and employment issues to workers and their families.	1 st November 2021	31 st October 2022
Activity 1.2: Deliver community level awareness-raising sessions on employment related legal areas and matters (including human trafficking, violence against women, and immigration) to workers and their families.		
Activity 1.3: Sensitize employers about labour rights and how frequent labour law related compliance pitfalls can be prevented and mitigated.		
Objective 2: Train paralegals, CSOs, and lawyers on labour laws and related legal areas in Yangon, Mandalay, Rakhine, and Ayeyarwady		
Activities	Target Start Date	Expected end date
Activity 2.1: Conduct labour rights specialization training for paralegals, CSOs, and lawyers in Yangon, Mandalay, Rakhine, and Ayeyarwady.	1 st November 2021	31 st October 2022
Activity 2.2: Support paralegals, CSOs, and other involved bodies to develop legal skills and strategies for negotiation and conciliation phases of labour disputes		
Activity 2.3: Monitor and report labour rights and employment related issues and patterns through liaising with trained partners and recipients of legal awareness and legal assistance activities.		
Objective 3: Provide legal assistance to workers, focusing on vulnerable groups and their families in Yangon, Mandalay, Rakhine, and Ayeyarwady		
Activities	Target Start Date	Expected end date
Activity 3.1: Establish and operate hotline and online legal consultation service to provide legal aid services to current and former workers on employment and related matters.	1 st November 2021	31 st October 2022
Activity 3.2: Provide direct legal advisory services (out of court) to current and former workers and individuals/groups supporting workers in employment and other matters (including at negotiation and conciliation stages of labour disputes).		
Activity 3.3: Provide legal representation for current and former workers and groups in need of legal assistance in court proceedings in employment and other matters at all stages and levels.		

VI. HOW TO APPLY FOR A GRANT

⇒ Please refer to the *Application Guidelines* for full details.

The following documents must be included in order for the submission to be considered:

1. Proposal form
2. Budget form

The application should clearly indicate the subject as: “Application for Grants Support”. Applicants must submit their proposals by email to bids.mm@undp.org

Only one submission per organization is allowed. Once the application is complete and submitted, revised versions of proposal documents will not be accepted. Applicants shall bear all costs related to proposal preparation and submission.

VII. EVALUATION AND SELECTION OF GRANT APPLICATIONS

a) UNDP will review proposals through a five-step process:

- **Step 1: Determination of eligibility**
This first step will consist of checking the administrative responsiveness and/or eligibility of the application, including: submission by the deadline; in the required format; computer-typed in English; application form fully completed with requested documents attached; applicant is an ‘eligible organisation’; requested funding is within specified range; duration is within the timeframe set out in this call for applications.
- **Step 2: Technical review of eligible applications**
All proposals considered eligible at Step 1 will be reviewed and evaluated by a Technical Selection Committee based on the pre-defined criteria and related weighting as summarised below. The evaluation criteria allow the quality of the applications submitted to be assessed consistently and systematically in relation to the objectives and priorities set, and grants to be awarded to projects that are likely to have high outreach and effective delivery to the target groups. The review will include checking that budgets are reasonable, realistic and in line with all activities proposed in the work plan.

CRITERIA	Allocation of points
Project relevance	30
Project implementation	30
Technical capacity and expertise	20
Budget and cost effectiveness	20
TOTAL	100

Please refer to *Evaluation criteria for grant applications* on p. 18 of the *Application Guidelines* for full details

- **Step 3: Capacity assessment of organisations whose applications have been considered**

eligible

UNDP will assess shortlisted applicants' organizational and financial management capacity. UNDP's *Partner Capacity Assessment Tool (PCAT)* will be used, and the findings will also feed into future institutional capacity development activities. At this stage there may be a round of clarifications to seek further information from applicants.

- **Step 4: Submission of recommendations to the Grants Selection Committee**

Based on the results of the technical review and the capacity assessment of short-listed applicants, a Grants Selection Committee composed of members selected based on their technical expertise, neutrality and impartiality (independent from Project) will make final decisions on the allocation of grants based on:

- Scores from Step 2
- Alignment of the proposed grant with the objectives of the Call
- An equitable balance between priority target groups
- An equitable geographical balance
- The targeting of underserved locations
- The allocated share of funds per window
- Level of risk from the capacity assessment in Step 3.
- Quality assurance procedures and risk mitigation measures

- **Step 5: Grant Agreements signed and awards made public**

Successful applicants will be notified in writing and will then enter into a legally binding contract with UNDP. All successful organizations will be provided with orientation and training by UNDP, including on planning, financial management, accountability and reporting.

Note: UNDP reserves the right not to fund any proposals arising from this Call for Grant Applications

b) Budget size and duration

The budget for any grant application submitted by an applicant organisation should fall within the range of USD 80,000 to a maximum of USD 150,000.

The amount requested in the proposal should align with the organization's administrative and financial management capacities. In principle, **project duration will be 12 months** depending on actual start date; shorter periods may be considered for lower value proposals. Overheads can be charged to a maximum of 7%.

All applicants will present a detailed budget using the template in Annex 2: Budget form, which is embedded in the Application Guidelines

The applicant is required to provide the detail of the costs to implement the proposed activities (including operational support, technical assistance, monitoring, overheads, etc). The applicant's costed budget will be the basis of a "value for money" assessment during the proposal evaluation process.

c) Estimated Timeline

17 September 2021:	Call for Grant Applications opens
17 October 2021:	Deadline for organizations to submit proposals
1-2 November 2021:	Evaluation and initial selection processes will take place
3-6 November 2021:	Partner Capacity Assessment will be conducted

22-26 November 2021: Final evaluation and selection process

29 Nov – 15 Dec 2021: Contracting process

3 January 2022: Envisaged start of projects

3 January 2022: Project initiation meeting planned with all grantees