



## TERMS OF REFERENCE

### FOR INDIVIDUAL CONTRACT

**POST TITLE:** National Expert in Business and Human Rights Trainings (Consultant)

**AGENCY/PROJECT NAME:** UNDP/Promoting Responsible Business Conduct in target countries where Japanese companies operate, with a particular focus on promoting human rights due diligence in global supply chains and leveraging the UN Guiding Principles on Business and Human Rights for a just recovery (JSB project)

**COUNTRY OF ASSIGNMENT:** Thailand

### BACKGROUND

The *United Nations Guiding Principles on Business and Human Rights* (UNGPs), adopted by the UN Human Rights Council in 2011, are the most authoritative guidelines on how to "prevent and address human rights abuses in business operations." As part of its overall work on human rights, UNDP has supported the implementation of UNGPs by countries and corporations worldwide. The Business and Human Rights (B+HR) program was first piloted in Asia in 2016, where UNDP was soon recognized as the convener on B+HR discourse through its support to Asian governments in developing policies and through peer learning activities, including its annual regional B+HR forums for Asia.

UNDP has since scaled up its work by creating a Global Initiative on Business and Human Rights. As part of this process, UNDP is cooperating with the Government of Japan on the JSB project. Funded by the Japanese Supplementary Budget (JSB) approved in 2021, one of the JSB project's outcomes is to build the capacities of Japanese companies, their suppliers and partners in driving a just recovery in 17 target countries, including **Thailand**. The project will strengthen responsible business practices in Japan and in **Thailand** through improving the ability and understanding of **Thailand** authorities, Japanese businesses and corporations from other countries, suppliers and partners to carry out Human Rights Due Diligence (HRDD).

Achieving this objective will require UNDP to provide training and support to Japanese companies, their suppliers and partners on how to carry out HRDD. Accordingly, UNDP **Thailand** intends to recruit an individual consultant to **lecture at the so-called 'Business and Human Rights Academy', (B+HR Academy) in which the consultant and UNDP staff will provide tailor-made training and guidance sessions to Japanese companies, their suppliers and partners on HRDD and on any BHR-related questions they may have.**

The B+HR Academy will focus on mitigating the most immediate and salient human rights risks in Japanese companies' supply chains in **Thailand**. It will take place in the period October 2022 – March 2023, and will consist of:



- a) **Training seminars for companies on the key components of HRDD**, including identifying, preventing, mitigating and accounting for how companies address their human rights impacts. The Expert will conduct (a minimum of) **two (2) training seminars** for Thailand, which will consist of a maximum of five modules, provided in the UNDP HRDD training guide, to be covered over a period of **two (2) days** for each training (the exact duration will be decided by country offices following the execution of the mapping study that will precede this activity). The HRDD training will be conducted by the Expert in person in Thailand. The training kickstart the B+HR Academy, which will be conducted in the period October 2022.

The HRDD training will be conducted by the Expert, along with an international consultant to be separately recruited and a UNDP staff member (another expert from other relevant UN agencies may be included if agreed with the JSB global coordination team). The Expert is expected to reflect the findings of the mapping study on human rights risks facing Japanese companies, which will precede the B+HR Academy, in devising the HRDD training. The Expert will be able to use UNDP's aforementioned [HRDD training guide](#) as a basis to carry out the HRDD training; should they propose to use other training materials, these will have to be approved by the BHR Global Advisor supervising their work.

- b) **Group and one-on-one guidance sessions** provided to companies. The guidance sessions will aim to introduce companies in more depth to elements of human rights due diligence, answer their questions on the implications of introducing policies and practices to carry out HRDD, and offer them confidential guidance to support them in the journey towards implementing more responsible practices. The guidance sessions will be conducted either individually by the Expert, or jointly with the international consultant/s and UNDP staff member mentioned previously. The guidance sessions can be conducted online, allowing the Expert to be home-based. Each consultant will be expected to provide up to 40 hours of guidance sessions for companies in Thailand (October 2022 – March 2023).

## SCOPE OF WORK

The Expert will work under the guidance and supervision of **Project Manager – Business and Human Rights, UNDP Thailand**, with support from the JSB global coordination team. Specific results to be achieved by the Expert are listed below.

- 1. Develop curriculum for HRDD training to Japanese companies, in consultation with the UNDP Thailand staff and JSB global coordination team:**
  - Analyse mapping study on risks facing Japanese companies in their supply chains in Thailand ;
  - Based on this analysis, develop a curriculum for HRDD training. In doing so, the Expert may follow the UNDP HRDD training guide. The training should include, at a minimum (unless it is otherwise agreed with Thailand staff and the JSB global coordination team), the following: an introduction



to BHR, the business case for respecting human rights mapping of Japanese companies, an introduction to HRDD, a detailed overview of the four aspects of HRDD (identifying and assessing actual or potential human rights impacts; integrating and acting on findings; tracking the effectiveness of a company's response; and communicating corporate actions); a review of the current or upcoming mandatory norms that impact the conduct of HRDD in Thailand ; and the connection between remediation mechanisms and HRDD.

- Incorporate feedback by UNDP Thailand and JSB global coordination team to the curriculum.

## 2. Deliver training on HRDD in Thailand :

- In accordance with the curriculum agreed under point 1, deliver HRDD training in person in Thailand for up to **50** persons. The training (as was noted above), delivered either in one continuous training session, or over a few training sessions (to be agreed with UNDP Thailand )
- After the training on HRDD, the Expert is expected to develop a content of the applications for companies to apply for one-on-one guidance sessions. The application content should be based on the selection criteria from the risk mapping study.

## 3. Provide guidance to companies:

- The Expert will provide online group and/or one-on-one guidance to **15-20 companies** attending the B+HR Academy. The sessions, facilitated by the expert will be **45-60 minutes long** (with translation into Japanese) and the Expert will listen to a presentation from the company and answer relevant questions, e.g., how companies should mitigate their human rights risks, improve their human rights practices to add value to their business, integrate human rights considerations and practices across their operations, and provide ongoing coaching to support a change of culture in the companies in question.
- The guidance sessions will be done by the Expert on their own , or together with the (inter)national consultant and/or UNDP staff member. The composition and schedule of each guidance session will be determined by UNDP Thailand staff.
- In total, the Expert will be expected to provide **40 hours** of guidance sessions over the course of five months.

## OUTPUT AND DELIVERABLES

Deliverables/ Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
1) Develop HRDD curriculum	Up to 30 days	1st week of November 2022	Project Manger – Business and Human Rights, UNDP Thailand , JSB global coordination team
2) Deliver <b>two -two day</b> HRDD trainings in person in Thai language and content on applications for the	Up to 10 days	4th week of November 2022	Project Manger – Business and Human Rights, UNDP Thailand , JSB global coordination team



one-on-one guidance sessions			
3) Deliver online/in-person guidance sessions for 15-20 companies	Up to 60 days	2nd week of March 2023	<b>Project Manager – Business and Human Rights, UNDP Thailand</b> , JSB global coordination team

The Expert will use his/her own equipment and software.

#### INTELLECTUAL PROPERTY

All information and production of report to the assignments as well as outputs produced under this contract shall remain the property of the UNDP who shall have exclusive rights over their use. The products shall not be disclosed to the public nor used in whatever format without written permission of UNDP in line with the national and International Copyright Laws applicable.

#### INSTITUTIONAL ARRANGEMENTS

The consultant will work under the overall guidance of will be done by the Deputy Resident Representative of UNDP Thailand. The national consultant will also have to report directly to and work closely with the **Project Manager – Business and Human Rights, UNDP Thailand and JSB global coordination team**. Each deliverable shall be presented to Project Manager – Business and Human Rights, UNDP Thailand and JSB global coordination team for review and approval.

#### DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

##### Duration

The assignment shall be completed within a maximum of **100 working days**. It is estimated to commence on **10<sup>th</sup> September 2022** and the assignment will be completed by **30 April 2023** at the latest.

##### Duty Station

The consultant will be home-based with possible travel within **Thailand**.

The travel cost is separate from the lump sum payment and will be borne by UNDP. Travels will be authorized by UNDP as and when required. Travel and reimbursement will be administered in compliance with UNDP Duty Travel Policy and reimbursed in actual amount but not exceeding quotation from UNDP approved travel agent/ UNDP daily allowance rate.

#### DEGREE OF EXPERTISE AND QUALIFICATIONS

##### Required Skills and Experience



The consultant should possess the following expertise and qualifications:

### **Education and Experience**

- Advanced university degree (Master's or equivalent) or PhD in law, governance, anthropology, social science, political science, business management, or related discipline(s);
- 5+ years of training experience on human rights (including BHR) issues;
- 2+ years of work experience of providing advice to companies on business and human rights;
- Demonstrated understanding of corporate impacts on human rights, risks created throughout corporate supply chains, and business and human rights issues in **Thailand** ;

### **Skills**

- Demonstrable training facilitation skills;
- Analytical skills on business and human rights concepts and approach
- Results-driven, initiative-taking, ability to work under pressure and meet tight deadlines;
- Ability to work independently or with very limited guidance.
- Highly motivated with a positive attitude and problem-solving approach;
- Good interpersonal and communication skills.

### **Language**

- Proficiency in English and **Thai** . Working-level Japanese is an advantage.

## **REQUIRED DOCUMENTS**

### **Required documents**

Interested candidates must submit the following documents/information to demonstrate their qualifications.

- a. Duly accomplished **Letter of Confirmation of Interest** and Availability using the template provided by UNDP.



It shall include **the Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organisation/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP. The consultant should also indicate any travel and related costs for meetings etc;

- b. **Curriculum Vitae;**
- c. **One example of a previous publication on business and human rights, responsible business practices or corporate social responsibility in Thai or English;**
- d. **Brief description** of why the individual considers him/herself as the most suitable for the assignment.

**\*\*Failure to submit the above-mentioned documents or Incomplete proposals shall result in disqualification.**

**\*\*Please group all your document into one (1) single PDF document as the application system only allows to upload maximum one document.**

**The short-listed candidates may be contacted, and the successful candidate will be notified.**

#### **CRITERIA FOR SELECTION OF THE BEST OFFER**

##### **Evaluation Method and Criteria**

Only candidates who are responsive and compliant will be evaluated. Individual consultants will be evaluated based on the following methodology:

##### **Combined Scoring method:**

The award of the contract shall be made to the candidate whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted **technical criteria (70%) and financial criteria (30%)**.

- The technical criteria consist of qualification review (education, experience, language) [max. 100 points]
- **Financial score** shall be computed as a ratio of the proposal being evaluated as the lowest priced qualified proposal received by UNDP for the assignment will be based on a maximum 30 points.



### Technical Criteria for Evaluation (Maximum 70 points)

- Criteria 1: Education – Max 10 points;
- Criteria 2: Working experience on human rights (including BHR) issues – Max 15 points
- Criteria 3: Working experience of providing advice to companies on business and human rights – Max 15 points
- Criteria 4: Demonstrated understanding of corporate impacts on human rights, risks created throughout corporate supply chains, and business and human rights issues in Thailand – Max 10 points
- Criteria 5: Demonstrated analytical skill on business and human rights concepts and approach– Max 10 points
- Criteria 6: Excellent command of English – Max 10 points

Only candidates obtaining a minimum of 49 points for technical criteria (approx. 70% of the total technical points) would be considered for the Financial Evaluation.

For those passing technical evaluation above, offers will be evaluated per the Combined Scoring method:

- a) Technical evaluation (70%)
- b) Financial evaluation (30%)

The application receiving the Highest Combined Score will be awarded the contract.

### 9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

None

Partial X

Intermittent

Full-time

### 10) PAYMENT TERMS

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. Payments shall be done upon verification of completion of deliverables and approval by the IC's supervisor.

The lump-sum price is fixed regardless of changes in the cost components.

- First Tranche – 20% upon submission and approval of Deliverable 1 (“Curriculum”)
- Second Tranche – 50% upon submission and approval of Deliverable 2 (“HRDD training”)
- Third Tranche – 30% upon submission and approval of Deliverable 3 (“Guidance sessions for businesses”)

**This TOR is approved by:**

A handwritten signature in blue ink that reads 'Sukanya'.

**Signature**

**Sukanya Thongthumrong, Integrated Programme Analyst**

**UNDP Thailand**

**Date of Signing**

22 July 2022