



CONSULTANCY FOR REVIEW OF THE ECOWAS LABOUR AND EMPLOYMENT POLICY AND ITS STRATEGIC ACTION PLAN

TERMS OF REFERENCE

Organization: ECOWAS Commission

Home based with possible travels to Abuja, (Nigeria) and Adis Abeba (Ethiopia)

Type of Contract: Consultancy

Position Title: Consultancy for review of the ECOWAS Labour and Employment Policy (LEP)

Duration: 35 Working Days Consultancy (within a period of 3 months)

Deadline for Applications: 22, August 2018

Tentative Start Date: 17, September 2018

1. BACKGROUND

In June 2009, the Council of Ministers adopted the ECOWAS Labour and Employment Policy (LEP) and its Strategic Action Plan at their sixty-second session. The overall objective of the policy is to develop, harmonise, coordinate and implement common policies to promote growth and development through decent work. It covers five areas of intervention: *labour standards, employment, social protection, social dialogue and regional integration*.

The Policy serves as an umbrella framework under which specific aspects of labour and employment have been developed further, such as the Youth Employment Action Plan.

The rate of unemployment in the ECOWAS region is generally high, even though the youth are affected more disproportionately. The youth population in Africa is projected to increase by 105 million people by 2030, 94 million of whom will live in the sub-Saharan subcontinent. Also, the ILO (2016) noted that an increasing proportion of youth desire to move permanently to another country¹. According to the ILO Global Employment Trends for Youth: Paths to a better working future, 2017, willingness to move abroad was highest at 44.3% in sub-Saharan Africa and between now and 2030, the global youth labour force will expand by 25.6 million, driven by trends in Africa; these young people will need jobs.

Furthermore, Sub-Saharan Africa continues to report the highest youth working poverty rates globally, close to 69 % in 2017. In spite of a decline of more than 7 % since 2007, the number of sub-Saharan youth in working poverty increased by more than 10 million in the past decade, to 65.8 million, more than in any other region of the world. Young workers in the region also have a high probability of living in poverty relative to adults.

¹ The share of youth expressing desire to migrate was more than 36 % in 2016, which was 3 percentage points larger than the share in 2009, the Gallup World Poll.

In terms of labour supply, more than 481 million workers of all ages will enter the global labour force between 2017 and 2030; most of them will be in sub-Saharan Africa. By 2030, 77.0% of the youth labour force aged 15–24 will be in the developing countries of Africa and Asia and the Pacific.

This population growth will exert considerable pressure on education systems, employment, health care, etc.². The high proportion of young people is a key element to understand political, economic and social realities in West Africa. It is also at the core of regional migration related issues. However, it could open an opportunity or demographic dividend through development of an intensive and productive human capital through investments in the field of health, education and basic socio-economic infrastructure.

In ECOWAS region, the promotion of employment, improvement of labour market and mobility of skills in ECOWAS space are major concerns for ECOWAS Member states. These priorities fall within the framework of the implementation of the Protocol on Free Movement of Persons in its three stages - entry, residence, and establishment - the details of which are set out in four additional protocols. The right of residence, which corresponds to stage two, (Additional Protocol A / SP / .1 / 7/86) grants citizens of countries in the ECOWAS area "the right of residence in its territory to take up and pursue an employed activity "(Article 2). The right of residence includes the right to apply for jobs and to exercise a job in accordance with the legislative and administrative provisions governing national workers.

ECOWAS adopted in 2003 a Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates and other Qualifications in Member States. The objective is to increase mobility of students, teachers, and other skilled workers. The Convention commits Member States to recognise the validity or equivalence of degrees and certificates with the same academic value. It also commits Member States to providing training and education that complies with international standards, while taking into account the regional context.

Labour market institutions in Member States also tend to be weak. Outdated labour laws, weak collective bargaining structures, and lack of systematic data collection on the labour market are obstacles to effective policymaking.

With a view to strengthening the Public Employment Services (PES), several countries in West Africa have implemented a job matching instrument. The establishment of these databases, when part of wider capacity-building initiatives, can contribute to improving the efficiency and transparency of the labor market and renewing interest in public services employment. However, in order to encourage professional mobility at the regional level, it is necessary to explore the possibilities for coordination of the various intermediation systems, or at least the creation of links between national systems.

According to the latest ILO estimates, informal employment is the main source of employment in Western Africa including agriculture (92.4%) and excluding agriculture (87%)³. In this regard, the implementation of the ILO Recommendation No. 204 on "Transition from the informal to the formal economy" will be an important instrument to set up concrete strategies for the transition to formality. It provides practical guidance, based on good practices and lessons learnt, to design coherent and integrated strategies, with

2 Study on Labour Market and Migration Information Systems in the ECOWAS Region and Mauritania, ILO - FMM West Africa, 2014.

3 Women and Men in the Informal Economy: A Statistical Picture (Third Edition)/ International Labour Office – Geneva: ILO, 2018.

special attention to the promotion of gender equality and non-discrimination and to ensure that the most marginalized are not left behind.

At continental level, the AU Declaration and Plan of Action on Employment, Poverty eradication and Inclusive development are continental policies. They are built around six Key Priority Areas. For the purpose of ensuring their effective implementation, a First Five Year priority programme on Employment, Poverty Eradication and Inclusive development (2016-2020) was adopted.

They need to be translated into regional and national policy systems. This must be done through the domestication processes defined by the First Ten year Implementation Plan of the AU agenda 2063. The AUC has planned to support ECOWAS, EAC and UMA to engage in domestication process in 2018 in order to facilitate policy alignment and coherence in the field. This requires synergy and complementarity with the ECOWAS review of its employment policy.

2. STATUS OF IMPLEMENTATION OF THE LABOUR AND EMPLOYMENT POLICY AND ITS STRATEGIC ACTION PLAN

Since the adoption of the Labour and Employment Policy in 2009, the ECOWAS Commission and Member States have made significant progress in its implementation in the following areas:

- Establishment of the Regional Tripartite Social Dialogue Forum by Supplementary Act A/SA.1/07/10:
- Development of the Regional Action Plan against Child labour
- Adoption of the ECOWAS General Convention on Social Security
- Development of an Action Plan on Youth Employment
- Formulation of a draft Directive on the Harmonization of Labour Laws in ECOWAS Member States

3. IMPLEMENTATION CHALLENGES

Even though significant effort has been made in the implementation of the Policy and its Strategic Plan, there are still several challenges impeding further implementation.

ECOWAS member states are particularly constrained in the domestication of the eight core conventions of the ILO and ensuring compliance with reporting obligations. Also, there is a no standard reporting template for tracking progress recorded in the implementation of the Policy.

Specific implementation challenges include the following:

- Inadequate resources for implementation
- Lack of a monitoring mechanism to track the implementation of the Policy
- Policy fragmentation and different institutional mandate leading to coordination challenges
- Absence of Action Plans on Youth Employment in line with regional one in most Member States
- Weak labour market and migration information systems
- Weak implementation of the International Labour Standards in ECOWAS Member States
- Weak national and regional social dialogue structures
- Absence of strategy addressing the issue of weak productivity, including labour productivity
- Weak protection of the rights of Migrant Workers

4. NEXUS BETWEEN THE ECOWAS LABOUR AND EMPLOYMENT POLICY AND AU POLICY FRAMEWORKS ON LABOUR AND EMPLOYMENT

The ECOWAS Labour and Employment Policy is not fully aligned with the African Union Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development that calls on the ILO to work with the African Union and other partners on a Five-Year Priority Programme adopted by 13th African Regional Meeting, December 2015 in Addis Ababa by African tripartite constituents.

5. JUSTIFICATION

Despite the gaps and continued challenges with implementation of the ECOWAS Labour and Employment Policy, it still offers a solid basis for Member States to build policies and programmes on labour and employment issues. In addition, the Policy is widely recognised as a tool for cooperation in the area of labour and employment in ECOWAS region.

The review the Labour and Employment Policy and its Strategic Action Plan will therefore serve as an opportunity to renew the interest and strengthen the collaborative agenda with ECOWAS Members States and partners on joint learning and actions, in order to address continued challenges in the area of labour and employment for furthering decent work and fair migration and for aligning the Labour and Employment policy with the AU Policy on employment.

Based on the foregoing, the ECOWAS Commission, in partnership with the African Union and the International Labour Organization (ILO) is therefore recruiting a consultant to lead discussions with key stakeholders and review the Labour and Employment Policy and its Strategic Action Plan to be validated by state members.

6. PURPOSE

The overall objective of this consultancy is to review the ECOWAS Labour and Employment Policy and formulate a new Policy and Plan of Action, based on African Union frameworks and international standards. The consultancy also, aims at domesticating AU Policy frameworks on Employment in the ECOWAS region.

7. SCOPE OF WORK

- Scoping mission to Abuja
- Assessment of status of implementation of the current Policy and its Plan of action;
- Review labour, employment and social protection policy frameworks in ECOWAS and AU, and ILO programmes
- Identify priority programmes and strategies for the new ECOWAS Labour and Employment Policy and its Plan of Action;
- Propose appropriate funding schemes blending domestic and foreign financing
- Organize consultative meetings with all the key stakeholders (AU, ILO, ECOWAS relevant directorates, Regional Employers and Workers organizations, etc.) to identify the **Priority Programmes and Strategic Axes (with activities, outcomes, outputs and list of Indicators)**;

- Develop a **monitoring and evaluation mechanism** for the implementation of the new Strategic Action Plan; taking into consideration the AU M & E framework
- Participate in the validation meeting organized by the African union
- Participate in Experts'/Ministerial meeting to validate and adopt the revised Policy and Strategic Plan of Action;
- Prepare hard and soft copies of reports of all activities implemented during the consultancy to the ECOWAS Commission;

8. SUPERVISION/REPORTING LINE

The Consultant will report to and work directly under the supervision of the ECOWAS Principal Program Officer for Social Affairs and African Union Department of Social Affairs

9. PROPOSED TIMEFRAME AND PAYMENT

The Estimated timeframe is **28** working days, with overlapping activities during the implementation (September – November 2018)

| Activity | September | | | October | | | November | | |
|---|-----------|--|---|---------|--|---|----------|--|---|
| Discussion of the TOR & finalization of the contact | | | X | | | | | | |
| Report of the Inception meeting with the involved Directorates and AU | | | | | | | | | |
| Literature review, Mandate field work including status of implementation of the current Policy and its Plan of action, new priorities programmes and strategies identified, | | | X | | | | | | |
| Submission of draft Policy and its Strategic Action plan based on any comments or requested changes from the involved Directorates Staffs AU and ILO (appropriate funding schemes, monitoring and evaluation mechanism, etc.) | | | | X | | | | | |
| Internal validation meeting with the involved Directorates Staffs, AU and ILO and Submission of draft Policy and its Strategic Action plan | | | | | | X | | | |
| Report of the validation meeting organized by the African union | | | | | | X | | | |
| Presentation of the final version of the Policy and its Strategic Action plan (and Desk review report) | | | | | | | X | | |
| Experts'/Ministerial meeting to validate and adopt the revised Policy and Strategic Plan of Action | | | | | | | | | X |

Payment will be made into instalments:

- 30% at the signature of the contract
- 70% upon completion of the satisfactory deliverables.

The performance review will be done by ECOWAS and its financial and technical partners prior to the payment of the last instalment.

10. DELIVERABLES AND PAYMENT SCHEDULE

The payment of consultancy fees shall be link on deliverables as follows:

- Inception meeting report/Scoping mission to Abuja
- Draft ECOWAS labour and Employment Policy and Action Plan
- Outcomes of the technical validation workshop of the new Policy document and its Strategic Document
- Funding schemes
- Any other deliverables requested by ECOWAS its financial and technical partners. .

11. QUALIFICATIONS

- University degree, preferably in Economics, law or other relevant fields;
- Experience: At least 10 years of proven experience on project management, specifically in the area of Labour and Employment and monitoring and evaluation mechanisms in the ECOWAS region and the African continent;
- Sound knowledge of the ECOWAS Labour and Employment Policy;
- Language: Fluency in English and French;
- Excellent research, communication and writing skills

HOW TO APPLY

Interested and qualified candidates are invited to submit their applications to email address: **labourpolicy2018@gmail.com**