Terms of Reference (ToR) for

**Labour Law Junior Non-Key Expert**

# Short description of »Improved evidence-based policymaking, implementation practices and coordination in the ESP sector and strengthened capacities to participate in ESF« project

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| Contractor: | Archidata s.r.l. |
| Contract No.: | IPA/2022 440-570 |
| Contract Title: | Improved evidence-based policymaking, implementation practices and coordination in the ESP sector and strengthened capacities to participate in ESF« project |
| Contracting Authority: | Delegation of the European Union to Montenegro |
| Beneficiaries | Ministry of Labour, Employment and Social Dialogue (MLESD)Ministry of Social Welfare, Family Care and Demography ( MSWFCD) |
| Position:  | **Labour Law Junior Non-Key Expert**  |
| Component /Activity: | **Component /Outcome 1**: Supporting relevant institutions (Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro, Centres for Social Work, in revision and preparation of policies in ESP sectors and in programming relevant for ESF based on developed policies.**Activity 1.3**. Developing policies for decreasing informal work and formalizing employment**Sub-activity 1.3.1.** Support to the relevant institutions ( Ministry of Labour, Employment and Social Dialogue, Labour and OSH inspection) in the development of a mechanism for monitoring the implementation of the new **Labour Law** and the Law on Occupational Health and Safety, including a consultation process with social partners.**Sub-activity 1.3.2**. Capacity building of relevant institutions (**Ministry of Labour, Employment and Social Dialogue**, **Labour** and OSH **Inspectorate**, social partners) for monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety based on developed methodology.**Sub-activity 1.3.3.** Supporting relevant institutions (**Ministry of Labour, Employment and Social Dialogue**, **Labour** and OSH **Inspectorate**, social partners) in monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety as well as in the development of report on implementation of the Laws.**Sub-activity 1.3.4.** Capacity building of the **Labour Inspectorate** and other relevant stakeholders (staff of Ministry of Labour, Employment and Social Dialogue - at least 25 participants) for the implementation of the new **Labour Law** with the purpose of decreasing informal work. |

The “Improved evidence-based policymaking, implementation practices and coordination in the ESP sector and strengthened capacities to participate in ESF” is a 37-month project, financed within the Instrument for Pre-Accession Assistance – IPA III, Annual programme for Montenegro 2020 and implemented by Consortium led by Archidata s.r.l.

This service aims at further building of capacities of the beneficiary institutions to implement sector wide approach and assume obligations deriving from the EU accession process in ESP sector. It builds upon technical assistance provided through the project “Technical Assistance to the Operating Structure for the Sectoral Operational Programme for Employment, Education and Social Policies – SOPEES” and its activities derive from the relating Action Document 2020.

The specific **objectives (Outcomes) of the project** are as follows:

Specific objective (Outcome) 1 – Supporting relevant institutions (Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro, Centres for Social Work, Institute for Social and Child Protection) in revision and preparation of policies in ESP sectors and in programming relevant for ESF based on developed policies.

Specific objective (Outcome) 2 – Supporting beneficiary institutions (namely Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro with its regional offices, Centres for Social Work, NIPAC office, local authorities, NGOs) in management, implementation, monitoring, evaluation and control of the ESP activities and capacity building for the management of ESF.

The **purposes** of this project are as follows:

* To support evidence-based policymaking, implementation practices and coordination in the ESP sector in order to support assuming obligations deriving from the EU accession process;
* To support efforts of future Operating Structure in programming relevant for ESF;
* To build capacities and awareness of stakeholders at national and local level for the management and use of ESF;
* To further improve the capacities of beneficiary institutions for management, implementation, monitoring, evaluation and control of the EU-funded programmes and projects and ensure high level of efficiency in using the available IPA funds in line with the EU rules.

**Expected outputs** to be achieved by the TA project are as follows:

Output 1 to Outcome 1 – Implemented effective monitoring of relevant policies (namely Agreement of cooperation between EAM and CSW, Activation Plan for Women Victims of Domestic Violence, the Activation Plan for Youth leaving Social Protection and the Activation Plan for Persons with Disabilities, Labour Law, Occupational Health and Safety Law) in the ESP sectors.

Output 2 to Outcome 1 – Supported Operating Structure in programming relevant for ESF and/or for IPA III in Montenegro.

Output 3 to Outcome 1 – Provision of support to establishment and implementation of Youth Guarantee and Child Guarantee in Montenegro.

Output 1 to Outcome 2 – Capacities of the relevant staff of beneficiary institutions and other stakeholders (Ministry of Labour and Social Welfare, Employment Agency Montenegro with its regional offices, Centres for Social Work, NIPAC office, local authorities, NGOs) for management, implementation, monitoring, evaluation and control of the EU-funded programmes and projects increased and the basis for ESF management and implementation ensured.

Output 2 to Outcome 2 – Knowledge of awarded grant beneficiaries in implementation of projects in accordance with IPA rules increased.

The work of the project is centred on **seven activities**:

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| **Component 1: Supporting beneficiary institutions (Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro, Centres for Social Work) in revision and preparation of policies in ESP sectors and in programming relevant for ESF based on developed policies** |
| **1.1.** | **Improving evidence-based policymaking, implementation and coordination in the ESP sector** |
| 1.1.1. | Supporting efforts of relevant institutions in ESP sector in coordination of their plans and strategic documents through the development and implementation of Performance Assessment Framework (PAF). |
| 1.1.2. | Capacity building of relevant institutions (Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography – at least 25 participants) for effective monitoring of the implementation of the strategic documents in ESP sector. |
| 1.1.3. | Providing assistance to the relevant institutions in ESP sector in monitoring of the implementation of sector strategic documents as well as supporting them in annual reporting. |
| 1.1.4. | Upon start of programming relevant for ESF, prepare general conditionalities and thematic conditionalities for programming of ESF and based on that, support beneficiary institutions in selection of thematic objectives relevant for ESF. |
| 1.1.5. | Support future Operating Structure in programming relevant for ESF and/or for IPA III (support in the development of the Action Document 2024, the Sector Operational Programme 2024-2027 and the Operational Identification Sheets for all Areas of support of the Operational Programme 2024-2027). |
| 1.1.6. | Support future Operating Structure in drafting of relevant part (ESF part) of rules and procedures. |
| 1.1.7. | Ensure further assistance to Ministry of Labour, Employment and Social Dialogue for coordination, communication and effective monitoring of the implementation of the Youth Guarantee in Montenegro, based on EU good practices. |
| 1.1.8. | Provide support to Ministry of Social Welfare, Family Care and Demography and working group in the establishment of Child Guarantee in Montenegro and ensure a participatory approach and inclusive consultations, based on EU good practices |
| **1.2.** | **Developing policies for activation of social welfare beneficiaries, improving their****motivation and incentives for work (FSA beneficiaries, unemployed, inactive, people****leaving institutions and foster families, people experiencing violence)** |
| 1.2.1. | Analysis of current practices in the implementation of the Agreement of cooperation between EAM and CSW. |
| 1.2.2. | Revision of the Agreement of cooperation between EAM and CSW based on identified issues and needs of the end recipients and development of a new legal basis for effective cooperation between the EAM and the CSW. |
| 1.2.3. | Capacity building of EAM and CSW staff (at least 25 participants) on the newly developed activation policy including new legal basis of cooperation between EAM and CSW. |
| 1.2.4. | Gap analysis of the policies (legislation, programmes, measures) on national and local level regarding activation of inactive persons in labour market in Montenegro. |
| 1.2.5. | Development of proposals for new policies, measures, programmes and services for activation of inactive persons and unemployed women that would address the existing gaps in Montenegro and facilitation of communication/consultations with different national and regional stakeholders. |
| 1.2.6. | Support to the relevant institutions (Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro) in the development of Activation Plans – the Activation Plan for Women Victims of Domestic Violence, the Activation Plan for Youth leaving Social Protection and the Activation Plan for Persons with Disabilities. |
| **1.3.** | **Developing policies for decreasing informal work and formalizing employment** |
| 1.3.1. | Support to the relevant institutions ( Ministry of Labour, Employment and Social Dialogue, Labour and OSH inspection)in the development of a mechanism for monitoring the implementation of the new Labour Law and the Law on Occupational Health and Safety, including a consultation process with social partners. |
| 1.3.2. | Capacity building of relevant institutions (Ministry of Labour, Employment and Social Dialogue, Labour and OSH Inspectorate, social partners) for monitoring of implementation of the new Labour Law and Law on Occupational Health and Safety based on developed methodology. |
| 1.3.3. | Supporting relevant institutions (Ministry of Labour, Employment and Social Dialogue, Labour and OSH inspection ) in monitoring of implementation of the new Labour Law and Law on Occupational Health and Safety as well as in the development of report on implementation of the Laws. |
| 1.3.4. | Capacity building of the Labour Inspectorate and other relevant stakeholders (staff of Ministry of Labour, Employment and Social Dialogue, social partners – at least 25 participants) for the implementation of the new Labour Law with the purpose of decreasing informal work. |
| 1.3.5.  | Provide support to up-dateing of Action Plans for Chapters 2 and 19 in order to identify the legal, institutional and operational objectives to be achieved for closing benchmarks. |
| **1.4.** | **Developing conditions for establishing a conductive environment for social economy****concept in Montenegro** |
| 1.4.1. | Provide expert assistance to the Ministry of Labour, Employment and Social Dialogue and working group in creating a favourable legal and strategic environment including a participatory approach for the development of the social economy in Montenegro. |
| 1.4.2. | Implement raising-awareness campaign about possibilities of social economy in terms of sustainable employment and social inclusion of most vulnerable groups in labour market in all three Montenegrin regions. |
| 1.4.3. | Support creation of a network of existing and potential social entrepreneurs in Montenegro. |
| **Supporting beneficiary institutions (namely Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro with its regional offices, Centres for Social Work, NIPAC office, local authorities, NGOs) in management, implementation, monitoring, evaluation and control of the ESP activities and capacity building for the management of ESF** |
| **1.5.** | **Support the Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography in improving monitoring and evaluation practices** |
| 1.5.1. | Analyse existing monitoring & evaluation practices of the Ministry of Labour, Employment and Social Dialogue and Ministry for Social Welfare, Family Care and Demography within ESP sectors. |
| 1.5.2. | Prepare overall M&E framework, with tools and detailed methodology based on good practices in ESF, for the ESP sector. |
| 1.5.3. | Prepare relevant Guidelines in relation to monitoring and evaluation practices in ESP sectors. |
| 1.5.4. | Organize capacity building activities for the staff of beneficiary institution (Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography) and other stakeholders (EAM, Institute for Social and Child protection, CSWs), – at least 25 participants) on monitoring and evaluation in ESP sector. |
| **1.6.** | **Strengthen institutional and human capacities at the national and local level to****participate in ESF** |
| 1.6.1. | Produce relevant ESF Guidelines containing detailed information regarding possibilities and good practices of ESF projects. |
| 1.6.2. | Organize regional events with the purpose to promote the newly developed policies implemented within ESP sector and possibilities of future ESF in all 3 regions of Montenegro |
| 1.6.3. | Build capacities through workshops and info seminars for relevant institutions (Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography, Employment Agency Montenegro with its regional offices, Centres for Social Work, NIPAC office, local authorities – at least 50 participants) on the EU policies in ESP sector and future use of ESF in Montenegro. |
| 1.6.4. | Organisation of study visits and exchange of experience for the staff of institutions responsible for the implementation of the newly developed policies in the ESP sector and the management and implementation of ESF in the future (up to 20 participants), with the aim of enhancing the overall expert knowledge and the management and implementation capacities in the context of the ESF. |
| **1.7**. | **Provide technical assistance to the PIU Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography in the management of grant schemes and in the preparation of procurement documents** |
| 1.7.1. | Following the signature of the grant contracts within grant scheme, provide implementation workshops (minimum 2 workshops) for the grant beneficiaries (24 grant beneficiaries) on implementation of IPA grant projects including administrative procedures, reporting requirements, secondary procurement rules, monitoring requirements, financial management issues, etc. which they must comply with throughout the grant contract implementation. |
| 1.7.2. | Providing support and assistance to the 24 grant beneficiaries in implementation of their grant projects (preparation of procurement, monitoring of their activities and outputs, reporting). Note: CA of the grant projects is CFCU and support will not in any way substitute support and control that will CA implement. This will be addition to their activities. |
| 1.7.3. | Provide expert support to the PIUs of the Ministry of Labour, Employment and Social Dialogue and Ministry of Social Welfare, Family Care and Demography in the communication, visibility and promotion of activities implemented within the ESP sector. |

# Purpose of the ToR and the mission(s)

The purpose of the TOR is to:

(1) assign specific tasks to the JNKE for project sub-activities 1.3.1. to 1.3.4.

(2) define the specific results that will be provided as a result of the implementation of the specified tasks.

3) define the number of working days required to deliver said outputs and

(4) establish timeframe and deadlines for delivering outputs.

## Main tasks/Activities and expected outputs.

**Sub-activity 1.3.1.** Support to the Ministry of Labour, Employment and Social Dialogue in the development of a mechanism for monitoring the implementation of the new **Labour Law** and the Law on Occupational Health and Safety, including a consultation process with social partners.

**Scope of work:**

* supporting Labour Law SNKE in analysing the documentation in the area relevant to the sub-activity

**Expected outputs:**

* relevant inputs to the Situation analysis of the current monitoring system and procedures provided.

**Sub-activity 1.3.2**. Capacity building of relevant institutions (Ministry of Labour, Employment and Social Dialogue, Labour Inspectorate, social partners) for monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety based on developed methodology.

**Scope of work:**

* Support Labour Law SNKE in development of teaching and training materials
* Assisting SNKE in delivering training for MLSW employee and inspectors on developed monitoring methodology.

**Expected outputs:**

* training materials developed.
* training for MLSW employee and inspectors delivered
* Training report prepared.

**Sub-activity 1.3.3.** Supporting relevant institutions (Ministry of Labour, Employment and Social Dialogue, Labour Inspectorate, social partners) in monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety as well as in the development of report on implementation of the Laws.

**Scope of work:**

* supporting Labour Law SNKE in development of the practical guidelines and templates for labour inspectors for monitoring of the implementation of the labour Law

**Expected outputs:**

* Relevant inputs to the guidelines /instructions provided
* relevant inputs to the annual report template for Labour inspectorate provided

**Sub-activity 1.3.4** Capacity building of the Labour Inspectorate and other relevant stakeholders (staff of Ministry of Labour, Employment and Social Dialogue, social partners - at least 25 participants) for the implementation of the new Labour Law with the purpose of decreasing informal work.

**Scope of work:**

* Support Labour law SNKE in development of training programme, teaching and training materials
* Assisting SNKE in delivering training for MLESD employees, inspectors and social partners

**Expected outputs:**

* training programme and materials developed.
* training for MLSW employee, inspectors and social partners delivered
* Training report prepared.

## Timing, location, and duration of mission/s

Period of implementation: from May 2025 to November 2025

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| **Activities - Overall Project** | **2023** | **2024** | **2025** | **2026** |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **17** | **18** | **19** | **20** | **21** | **22** | **23** | **24** | **25** | **26** | **27** | **28** | **29** | **30** | **31** | **32** | **33** | **34** | **35** | **36** | **37** | **38** |
| **From****15****J** | **F** | **M** | **A** | **M** | **J** | **J** | **A** | **S** | **O** | **N** | **D** | **J** | **F** | **M** | **A** | **M** | **J** | **J** | **A** | **S** | **O** | **N** | **D** | **J** | **F** | **M** | **A** | **M** | **J** | **J** | **A** | **S** | **O** | **N** | **D** | **J** | **To 15 F** |
| 1.3.1.  | Development of mechanism for monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |  |  |  |  |  |
| 1.3.2. | Capacity building of relevant institutions (Ministry of Labour and Social Welfare, Labour Inspectorate, social partners) for monitoring of implementation of the new Labour Law **and Law on Occupational Health and Safety** based on developed methodology. |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 1.3.3. | Supporting relevant institutions (Ministry of Labour and Social Welfare, Labour Inspectorate, social partners) in monitoring of implementation of the new **Labour Law** and **La**w on Occupational Health and Safety as well as in the development of report on implementation of the Laws. |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 1.3.4 | Capacity building of the Labour Inspectorate and other relevant stakeholders (staff of Ministry of Labour, Employment and Social Dialogue - at least 25 participants) for the implementation of the new Labour Law with the purpose of decreasing informal work. |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |

Total working days’ allocation: **30 working days.**

**Sub-activity 1.3.1.** Support to the relevant institutions (Ministry of Labour, Employment and Social Dialogue, Labour and OSH inspection) in the development of a mechanism for monitoring the implementation of the new **Labour Law** and the Law on Occupational Health and Safety, including a consultation process with social partners.

* Period of implementation**: 28th to 30th May 2025**
* Working days’ allocation**: 3 working days.**

**Sub-activity 1.3.2**. Capacity building of relevant institutions (**Ministry of Labour, Employment and Social Dialogue**, **Labour** and OSH **Inspectorate**, social partners) for monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety based on developed methodology.

* Period of implementation:  **20th to 31st October 2025**
* Working days’ allocation**: 10 working days**

**Sub-activity 1.3.3.** Supporting relevant institutions (**Ministry of Labour, Employment and Social Dialogue**, **Labour** and OSH **Inspectorate**, social partners) in monitoring of implementation of the new **Labour Law** and Law on Occupational Health and Safety as well as in the development of report on implementation of the Laws.

* Period of implementation**: 25th to 29th August 2025 and 22nd to 26th September 2025**
* Working days’ allocation**: 10 working days**

**Sub-activity 1.3.4.** Capacity building of the **Labour Inspectorate** and other relevant stakeholders (staff of Ministry of Labour, Employment and Social Dialogue - at least 25 participants) for the implementation of the new **Labour Law** with the purpose of decreasing informal work.

* Period of implementation**: 4th to 12th December 2025**
* Working days’ allocation**: 7 working days**

Location: The expert will be working in Podgorica at Project office, or elsewhere in Montenegro, if so agreed.

# Profile of the expert needed.

A JNKE is required for the job with the following qualifications and skills.

**General requirements**

* University degree (where a degree has been awarded on completion of four years study in a university or equivalent institution) in the fields relevant to this ToR.
* At least 5 years of working experience in the areas related to this ToR
* Professional experience in providing support to national administration and /or social partners in areas related to the assignment.
* Ability to work systematically, methodically, methodologically and accurately.
* Communication, facilitation skills, and representation skills.
* Advanced computer skills; proficiency in MS Word, Excel, PowerPoint.
* Proficient knowledge of English.

**Specific requirement**

* At least 3 years of relevant experience with a proven professional record of knowledge and experience in labour and employee related regulatory compliances and effectively manage labour and employment issues

**Desirable requirement**

* Knowledge of the local language.
* Hands-on experience in working in the above environment.

# Performance indicators

The indicators reflecting the STEs performance are timely presentation of results and outputs, quality of documents and reports to be provided to the KE1 / TL, KE2 / ESF expert and the Beneficiary.