

## 1. Background/Project description

The global programme Shaping Development-Oriented Migration (MEG), commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and executed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, is a pivotal initiative in the realm of migration and development. Its primary aim is to empower partner countries to harness the benefits of regular migration while actively engaging diaspora communities to drive sustainable development.

The core objective of the project is to provide support to key actors in partner countries, enabling them to make gender-responsive contributions toward the effective implementation of the Global Compact for Safe, Orderly, and Regular Migration (GCM). This commitment underscores dedication to creating migration policies that align with international standards, emphasizing human rights and gender equality.

### Programme approaches

The Programme employs a multifaceted approach to achieve its objectives:

- **Shaping Migration Policy:** We collaborate closely with partner countries as they formulate migration policies that align with the principles of the GCM, ensuring the safe and orderly movement of people and the protection of migrant rights.
- **Gender Equality and Policy Coherence:** We promote policy coherence, emphasizing gender equality through an intersectional lens, and actively collaborate with civil society actors. These aspects are pivotal in achieving a harmonious and inclusive approach to migration and development.
- **Diaspora Engagement:** Project seeks to encourage investment, knowledge exchange, and innovation in partner countries by engaging with the diaspora residing in Germany. This dynamic connection offers a unique avenue for supporting sustainable development in countries of origin.

### Fields of Action:

The Programme operates within four core fields of action, each essential to the success of our mission:

#### 1. Regular Migration:

- *Guidance to Political Partners:* Offering guidance to political partners on regular migration, ensuring alignment with international standards.
- *Training for Labour Inspectors:* Conducting training programs for labour inspectors to raise awareness of precarious working conditions.
- *Ethical Recruitment:* Implementing measures to ensure ethical and fair recruitment standards in partner countries.

#### 2. Diaspora Cooperation:

- *Diaspora Experts:* Supporting migrants from selected partner countries residing in Germany to contribute voluntarily to development in their countries of origin. This includes advice on engagement, training in knowledge exchange methods, networking events, expense coverage and on-site support.

- *Diaspora Organizations*: Providing support for projects initiated by diaspora organizations aimed at promoting development in their countries of origin. This support includes subsidies, application guidance, planning assistance, networking events and training.
- *Business Ideas for Development*:<sup>1</sup> Supporting business founders in leveraging their expertise gained in Germany to benefit their countries of origin. This support includes individual coaching on creating and implementing business plans, financing for start-up preparations, and networking opportunities with potential partners, business networks, and start-up centers.

### **3. Mitigating Precarious Working Conditions** - Enhancing the Protection of Migrants:

- *Strengthening the Capacities of State Actors*: Supporting partners in strengthening the capacities of state actors to protect the rights of migrant workers, particularly in the context of global care chains, such as women in precarious working conditions and children affected by care gaps.
- *Supporting CSOs*: Offering financial and technical support to Civil Society Organizations (CSOs) that work to protect the rights of migrant workers and their families.
- *Regional Exchange*: Organizing regional exchanges to promote peer learning and enhance the protection and agency of migrants in vulnerable situations.

### **4. Multilateral Cooperation**:<sup>2</sup> Strengthening International Cooperation for Safe, Orderly, and Regular Migration:

- *Supporting International Organizations*: Collaborating with international organizations, such as the IOM (International Organization for Migration), to set up the Global Data Institute.
- *Funding Support*: Contributing to the Migration Multi-Partner Trust Fund to aid in international migration efforts.
- *Good Practice Documentation*: Assisting partner countries in documenting and sharing good practices to promote safe, orderly, and regular migration at the international level.

The Programme MEG is committed to achieving sustainable migration and diaspora engagement and invites stakeholders to participate in this collective effort. Together, we aim to inspire a brighter and more inclusive future, where migration serves as a force for good, contributing to the sustainable development and well-being of all involved parties. A path toward a world where migration serves as a force for good, contributing to the sustainable development and well-being of all.

## **2. Context**

As regular labor migration stands as a top priority in Georgia's migration management strategy, the government is actively engaged in aligning its policies and processes with international standards. In response to the increasing human mobility and the growing numbers of emigrants and immigrants, Georgia is proactively leveraging its development potential by implementing the Global Compact for Migration (GCM).

<sup>1</sup> Note: This component is not being implemented in Georgia.

<sup>2</sup> Note: This entire field of action is also not being implemented in Georgia.

This process involves a range of activities, including the establishment of legal pathways, with a particular focus on the development and implementation of circular labor migration schemes, raising public awareness about the risks associated with irregular migration, and ensuring the effective monitoring of compliance with labor norms and international standards by employers and private recruitment agencies.

Within the (1) Regular Migration Field of Action, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) provides support to the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia (MoH) and its associated governmental agencies. This support mainly extends to the LEPL State Employment Support Agency (SESA) and the LEPL Labor Inspection Office (LIO).

The following assignment aims to facilitate the adaptation process driven by recent changes in Georgian labor migration legislation. The revised legal framework imposes specific obligations on employers and intermediary companies, mandating the inclusion of predetermined clauses within written contracts. These contracts encompass agreements between employers and migrant workers, employers and intermediary companies (private recruitment agencies), and intermediary companies and employees. At this stage, all six contract templates and respective manual (37 pages) has been elaborated and the LEPL Labor Inspection Office seeks to revise standardized contract templates for these categories and rework the respective manual, streamlining the transition for businesses and ensuring compliance with the new legal requirements.

### 3. Scope of Work:

The selected expert will perform the following tasks over four stages:

#### Stage I: Preliminary Analysis

1. Study the current versions of the contract templates (see the description of templates in Stage III) and the accompanying manual.
2. Develop a questionnaire for conducting interviews with representatives of the Labor Inspection Office.

**Expected period:** December 2024 – January 2025

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#### Stage II: Data Collection and Research

1. Conduct interviews with individuals employed in managerial positions within the Department of Supervision of Legal and Labor Rights.
2. Study best practices in contract models, considering the specific needs and practices of the LIO.

**Expected period:** January 2025

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#### Stage III: Drafting and Presentation of Revised Templates and Manual

➤ **Prepare the following revised drafts:**

1. **General Labor Contract Template (approx. 2-3 pages):** Simple draft of the labor agreement between employer and employee.
2. **Employment Contracts for Labor Emigrants (each approx. 2-3 pages):** To be signed in Georgia between a labor emigrant and a foreign employer, including:

- Essential conditions outlined in Article 14(1) of the Labor Code of Georgia.
- Norms specified in Article 12(2) and 12(3) of the Law of Georgia "On Labor Migration."
- 3. **Employment Contract for Labor Immigrants (approx. 2-3 pages):** To be signed between a labor immigrant and a local employer, incorporating:
  - Essential conditions from Article 14(1) of the Labor Code of Georgia.
  - Conditions specified in Article 13<sup>2</sup>(1) and 13<sup>2</sup>(2) of the Law of Georgia "On Labor Migration."
- 4. **Agreement Template for Assistance in Employment Arrangement (approx. 1-2 pages):** A written agreement between an individual and an intermediary company, as defined in Article 3 of the Law of Georgia "On Labor Migration."
- 5. **Agreement Template for Labor Arrangement (approx. 1-2 pages):** A written agreement between a foreign employer and an intermediary company, as defined in Article 3 of the Law of Georgia "On Labor Migration."

➤ **Manual Revision:**

Revise and update the 37-page manual to align with the revised contract templates and incorporate local judicial and international best practices. The manual should provide clear guidance to employers, intermediary companies, and employees on the application of the templates, ensuring compliance with the updated legal framework.

**Expected period:** January 2025 – February 2025

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## Stage IV: Finalization of Documents

1. Refine the documents based on feedback from LIO and GIZ.
2. If requested, share the documents with the Advisory Board of the LIO for consultation, collect their feedback, and finalize the documents.

**Expected period:** February 2025

## 4. Deliverables

- Three revised templates of labor contracts, one revised template of the agreement on Assistance in Employment Arrangement and one revised template of the agreement on Labor Arrangement all in Georgian language as described in the section 3 of this ToR.
- Revised manual accompanying the contract templates in Georgian language.

The deliverables will be split into two phases:

**Phase 1** (Stages I and II, up to January 31 2025) – representing 30% of the work.

**Phase 2** (Stages III and IV, up to February 28, 2025) – representing 70% of the work.

Payments will be made in two installments: **30% upon the successful completion of Phase 1** and **70% upon the successful completion of Phase 2.**

## 5. Timeline

Approximate dates and timeline for the envisaged assignment is indicated in the section 3.

The final versions of the templates and the accompanying manual in Georgian language shall be approved by LIO and delivered in Microsoft Word format (Sylfaen font, general text font size - 11) until **28.02.2025 18:00 (GET)**

## 6. Confidentiality:

Ensure that all collected data is treated with confidentiality and in compliance with international standards of personal data protection and respective national legislation in Georgia.

## 7. Proposal Structure

The bidder shall provide the proposal in response to the subject ToR to include the following components:

1. CV:
  - Include academic and professional qualifications.
  - Provide references to executed projects, highlighting those relevant to the current assignment.
2. Technical Proposal:
  - Submit a detailed work plan or milestone schedule outlining how deliverables will be achieved within the specified timeline. (1.3.1).
  - Include a clear explanation of methods, tools, and approaches to be used.
3. List of Relevant Legal Documents:
  - Simple list of legal documents and assignments completed in the last two years, highlighting those similar to this assignment in scope and nature.
4. Cooperation Experience:
  - Describe experience working with state institutions and international organizations. Include specific examples and outcomes.

## 8. Assessment Criteria

The assessment criteria for selecting potential bidder:

1. The bidder shall be an experienced lawyer, fluent in both Georgian and English (1.1).
2. Demonstrated experience of at least 5 years in legal research and analysis. (1.1)
3. Proven expertise in (1.2.1):
  - Local Labor and Contractual Law.
  - International Human Rights Law.
  - International Standards of Fair and Ethical Recruitment.
4. Strong experience in drafting contracts and related legal documents. Specific experience in drafting contracts and manuals relevant for this assignment being a significant advantage (1.2.1).
5. Collaboration experience with state institutions and international organizations will be considered an added advantage (1.2.2).

6. The provided Technical Proposal shall be well-developed and detailed, demonstrating a clear work plan, alignment with the deliverables and timelines outlined in the ToR, and the proposed methods and tools for achieving project objectives (1.3).

*\* Please see the Assessment Grid document for more details.*

## 9. Additional information

- The consultant shall provide the offer, with the notion of the daily fee (gross in GEL) and the number of days, needed to fulfil under “Section 3” mentioned work fully.
- Together with the offer, consultant shall provide the copy of ID card, CV in English language, and taxpayers certificate (if applicable). The offer should also include the address of the consultant and the details of GEL bank account.