**Annex A**

**Terms of Reference and Scope of Services**

**The Social Inclusion and Poverty Reduction Unit – E2E**

**Support to the Ministry of labor, employment, social and veteran affairs in process of drafting the Law on work practices**

**Position:** Consultant (legal expert)

**Resources:** up to 30 days

1. **Background**

The accession to the EU is one of the key priorities of the Government of Serbia and at the same time the main driver of structural reforms. Negotiations for EU acquis chapter 19 – Social Policy and Employment – and relevant Action plan concluded that Serbia is moderately prepared in the area of social policy and employment. Some progress was made in further aligning the legislation with the acquis, mainly in the area of working conditions. In the coming period, Serbia should ensure adequate financial and institutional resources for employment and social policies to more systematically target the young, women and long-term unemployed, a priority indicator of the E2E in the second phase. The Social Inclusion and Poverty Reduction Unit (SIPRU), a part of the Prime Minister’s Office, will support this process of social dimension of EU accession and relevant youth employment policies.

In the previous period, the Instrument for Pre-Accession Assistance (IPA) funds were unsuitable for developing and testing ideas for policy reforms before the wider implementation. The Government of Serbia (GoS) has invited Switzerland to support the ESRP process within the E2E main phase, as the Swiss support to the GoS reforms so far has been assessed as the very influential in the social and economic field. As Switzerland also leads the Human Resources and Social Development (HRSD) Sector Working Group, in the frame of donor coordination, and within the already established strategic partnership with SIPRU, Switzerland is well positioned to influence positively youth employment policy framework through proposed interventions. The good reputation is further supported by the excellent results of the Swiss engagement in the education reform support.

The Project “From Education to Employment – E2E“ is part of the larger E2E program launched by the *Agency for Development and Cooperation* (SDC) in April 2015 with the overall goal to increase decent youth employability in Serbia in a socially inclusive and sustainable way. E2E improves the position of youth on the Serbian labour market through modernization of youth employment policies and the development of young skilled labour demanded by the private sector.

The E2E program supports evidence-based approaches in the youth employment policies in Serbia. Under the lead of the SIPRU, it facilitates the policy dialogue between key national and local stakeholders. By including good practices from the 1st phase pilot regions, SIPRU advocates changes in the youth policy framework. Through NIRAS - IP, E2E creates WBL opportunities for young jobseekers from selected regions of Central Serbia. To better match private sector needs with labour supply, it cooperates with five local partners (brokers) from Novi Pazar, Knjaževac, Pirot, Kruševac and Kragujevac that facilitate the WBL programs and offer career guidance and matching services for youth and companies.

The key line ministry responsible for the implementation of the youth employment and employability policies in Serbia relevant for implementation of the E2E is the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA) with the support of the Ministry of Education, Science and Technological Development (MoESTD). Line ministries were actively involved in the design and implementation of the 1st phase and the 2nd phase is continuation of the joint efforts for youth employment up to 2021.

1. **Introduction**

The E2E have two outcomes:

Outcome 1: Relevant national and local key stakeholders apply effective and evidence-based policies on youth employment and employability through increased performance capacities and diversified funding portfolio.

Outcome 2: Young jobseekers are better able to position themselves on the labour market through employment promotion measures and non-formal training offers required by the private sector in selected regions of Serbia.

2nd phase of E2E will contribute to employment post-2020 framework by supporting the following concrete measures:

* Legal Framework: 1) the amendments to the Law on Employment and Unemployment Insurance in order to align with the Law on Planning System including institutional framework for NSCO will be revised; 2) the amendments to the Labour Law, and with an particular focus on improving the quality framework for traineeships and youth employability (Action Plan for Chapter 19);
* Strategic Framework: 1) Employment Strategy for the next multiyear period from 2021; 2) National Employment Action Plans (NEAP); 3) National Standard Classification of Occupations (NSCO);
* In line with the Law on Planning System, evaluation of the previous Employment Strategy 2011-2020 will be conducted in addition to regular NEAP reports adopted by the GoS.
* Creating evidence-based education policies based on results of market-oriented non-formal adult education and training relevant to the needs of the labour market, economy, social and personal development.

Following the 1st phase Education to Employment Program success in assessing the labor market situation of persons interested in conducting the work practice program where extensive analysis on different legal options for regulating this topic has been conducted, focus of the 2nd phase of E2E Program is to support the MOLEVSA in precise regulating the area of work practice. Analysis performed in 1st phase of the E2E Program identified three different options for regulating this area: amendment of the Labor Law through modification of current Article 201, amendment of Labor Law through incorporation of specific Article 200 which will regulate entirely this area and third option is development of specific Law on work practices. Analysis showed that each of these options has its positive and negative sides, however the last option was least developed. This opened the room for further exploration of this option and at 1st meeting of the Working Group established by the Ministry of labor, employment, veteran and social affairs this has been confirmed as most preferable option so clear need for legal support in drafting specific Law on work practice was identified.

1. **Objective of the assignment:**

Objective of the assignment is to support the Ministry of labor, employment, veteran and social affairs (MOLEVSA in further text) in regulating the work practices through development of draft Law on work practices which will entirely regulate this area.

1. **Scope of Work and Tasks**

Selected consultant shall provide services in order to support the Ministry of Labor, employment, veteran and social affairs in following tasks:

* Based on previously conducted analysis on work practice, current situation in Republic of Serbia on this matter and best world, EU and regional practices draft the Law on work practice and submit it to MOLEVSA and SIPRU for review
* Support the MOLEVSA in organizing and delivery the consultation process of all relevant stakeholders in order to obtain their views, comments and suggestion on draft Law on work practice
* Present the draft Law on work practice at Work Group established for this topic and support the MOLESVA in collecting and addressing received feedback
* Support the MOLEVSA in organizing the delivering the public consultation process/public hearing in accordance with obligations prescribed by the Law on planning system
* Based on all collected opinions and feedback from public consultation process develop report on public hearing
* Develop a final draft of Law on work practices and submit it to MOLEVSA and SIPRU for review
1. **Expected outputs**
* Draft Law on work practices regulating this area in accordance with best world, EU and regional practice in Serbia setting the most favorable legal framework for stimulation the usage of work practice institute and supporting the employability of youth
* Presentation of the draft Law on work practice to Work Group for this topic established by the MOLEVSA and collect all the opinions and feedback from the WG members
* Support the MOLEVSA in delivering the public consultation process/public hearing on draft Law on work practice in particular to focus on addressing comments/feedback received and prepare the draft the report on public hearing
* Final version of draft Law on work practice submitted to MOLEVSA and SIPRU.
1. **Responsibilities**

The selected consultant is responsible for the tasks listed by this ToR to the SIPRU Deputy Manager and Assistant Minister of MOLEVSA responsible for labor and employment. All tasks will be undertaken in close collaboration with SIPRU and MOLEVSA.

1. **Consultant Requirements**
* University degree of law sciences in duration of 4 years or at least 15 years of relevant experience in supporting the Government of Serbia institutions in reforming is institutional, legal and policy framework in its EU accession process
* Postgraduate degree in Law and/or Bar exam would be considered as an advantage
* Minimum of 10, preferably 12 years of relevant experience in drafting/redrafting legislation in accordance with domestic legislation system where experience and knowledge of the Law on planning system obligations in this regard will be considered as an advantage
* Excellent knowledge and experience related to strategic, legal, institutional framework of employment/youth employment with focus on different types of work engagement (work practice, professional practice, apprenticeship, volunteering etc.),
* Proven experience in regard to drafting Laws, participation in Working Groups, organizing and delivering public consultation process etc.,
* Experience in consultancy and advisory work, in areas related to the scope of work of this assignment would be considered as an advantage,
* Conducted studies, research or projects related to the topic of work practice would be considered as an advantage in particular knowledge of EC recommendation on quality framework for traineeship
* Excellent knowledge of English and fluency in the Serbian language,
* Excellent verbal, written and presentation/communication skills,
* Excellent analytical skills.
1. **Reporting**

Here bellow is presented indicative deadlines for delivery of the outputs:

* First draft of Law on work practice to be submitted latest by end of October 2021 preferably earlier
* Presentation of the draft Law at the Work Group for work practice to be organized and delivered by the middle of October
* Collect, assess and manage all comments, suggestions and inputs from the WG by the end of October 2021
* Organization and delivery of the public consultation process on draft Law on work practice to be finalized by the end of November/middle December 2021
* Develop final draft of Law on work practice based on all received comments, suggestions by the end of December 2021

## Duration of the Assignment

The contract shall cover period between 1st September 2021 and 31st December 2021. For delivery of this assignment in total 30 days are located from the period September to December 2021 and it is output based contract.

## Payment schedule

Payment of first instalment: for the delivery of first two outputs (draft Law on work practice and presentation of the draft Law at WG for work practice) it is envisaged that 50% of the total value of contract is transferred to selected expert

Payment of second installment: for the delivery of third and fourth output (organization and delivery of public consultation process on draft Law on work practice and development of final draft Law on work practice) it is envisaged that rest of the 50% of total value contract is transferred to selected expert.