

**Terms of Reference (TOR)
for an External Consultant to develop
National Occupational Safety and Health (OSH) Profile for Nepal**

1.0 Background

Many countries have been applying systems approaches to strengthen their national occupational safety and health (OSH) systems. Common steps taken in the application of systems approaches were to: (1) formulate a national OSH policy, (2) review the OSH situation and develop national OSH profiles, (3) frame and implement national OSH programmes, (4) review the achievements and constraints of the implementation of the national OSH programmes, and (5) continue the renewal of national OSH programmes for continuous improvements.

The National OSH Profile is an essential document in the application of systems approach in OSH. It provides an overview to the existing OSH situation of a country and is used as a diagnostic document to assess gaps in the national OSH system and identify priority areas for national action in OSH. The National OSH Profile is a valuable source of information for policy-makers, government officials, workers, employers and OSH practitioners to follow and monitor OSH developments and is used as a basis for formulating the National OSH Programme (strategic national action plans in OSH). The procedures and requirements to develop National OSH Profile and Programme are described in ILO Promotional Framework for OSH Convention (No.187, 2006) and its affiliated Recommendation (No. 197, 2006).¹

Development of National OSH Profile will be the first step and a basis for Nepal to understand the present situation, identify gaps in OSH management system and ways to measure progress. After analyzing the National OSH Profile, development of National OSH Programme is planned as the next important step in order to strengthen and effectively implement its national OSH systems.

The ILO Country Office in Nepal will hire an External Consultant (expert in OSH) to assist the Ministry of Labour, Employment and Social Security (MOLESS) in developing and finalizing the National OSH Profile.

2.0 Objectives

The purpose of the consultancy is to develop a National OSH Profile following a consultative process that will serve to:

- Provide policy-makers, government officials, workers, employers, OSH practitioners and the public with the most up-to-date information and overview on the occupational safety and health development of Nepal;

¹ Part IV of the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No.197) includes a detailed list of the elements that should be covered in the national profile.

- Identify gaps in OSH practices and recommend possible national action to strengthen national OSH systems. The recommendation can be the basis to develop national strategic action plan in OSH (National OSH Programme);
- Help prepare for the ratification of ILO Promotional Framework for OSH Convention (No 187, 2006) and Safety and Health Convention (No 155, 1981);
- Provide a baseline report on the occupational safety and health situation of Nepal as of 2020 to monitor progress and development.

3.0 Approach and methodology

a) Deliverable

- The consultant will prepare a report in English that will be presented for validation to 13 member National OSH Committee and at a national stakeholder’s consultative forum. The report will follow the outline established in the attached Annex.1. An example of a national OSH profile is available here. <https://www.ilo.org/safework/countries/asia/philippines/lang--en/index.htm>

b) Methodological framework

- In addition to search and review relevant OSH information and interviews by the Consultants, the MOLESS and the ILO Officials will facilitate meetings and interviews with the competent authorities and other designated stakeholders. The consultant appointed will work under the supervision of the designated ILO Senior Programme Officer in the ILO Country Office in Nepal in coordination with the Senior ILO OSH Specialist based in ILO DWT Office in Delhi.

4.0 Timeframe

The estimated time period is 01 September – 31 October 2020

1	Collect and review available information through web etc., and prepare a list of the necessary additional information and a list of proposed stakeholders to meet for interviews, to be reviewed by the ILO and MOLESS.	4 days
2	Conduct interviews virtually or in persons as appropriate at national, province and local levels.	8 days
3	Prepare a first full draft of National OSH Profile for ILO review.	6 days
4	Prepare a second draft of National OSH Profile incorporating all comments received.	4 days
5	Interaction with all OSH professionals about OSH network	1
6	Present the draft profile to a National OSH Committee and National stakeholders’ consultative forum.	4 days
7	The draft National OSH Profile will be posted in the website of MOLESS for public comments (10 working days).	
8	Finalize the report and submit to the MOLESS and ILO	2 days
		29 days

5.0 Required qualifications

- i. Advanced university degree in law, social sciences, health or engineering
- ii. Understanding of the OSH context and issues in Nepal
- iii. Understanding of ILO Conventions and Recommendations on OSH and Labour Inspection, and core international human rights instruments
- iv. Understanding of Nepal's safety and health, social and labor laws and policies in Nepal. .
- v. Sound analytical and writing skills and proven ability to write concise, informative, and accurate reports in understandable terms.
- vi. Ability to work under time pressure and deliver work of outstanding quality.
- vii. Comfortable in presenting research results to a high-level audience.
- viii. Fluent written and spoken English and excellent report writing skills.

Annex 1. Outline of the National Profile on OSH for Nepal

The contents of the National OSH Profiles to be developed shall meet the requirements of ILO Promotional Framework for OSH Convention (No187, 2006) and its affiliated Recommendation (No 197, 2006) and shall include the following information:

Abstract

Abbreviations

Forward

- 1) Laws and regulations, collective agreements;
 - 1.1 Legislation System of Occupational Safety and Health
 - 1.2 Occupational Safety and Health Requirement in the Constitution
 - 1.3 Major OSH Laws
 - 1.4 Major OSH Regulations
 - 1.5 Province-level Regulations and Departmental Rules
 - 1.6 OSH Standards
 - 1.7 Ratified ILO Conventions
 - 1.8 Application of the ILO Occupational Safety and Health Codes (if and when implemented)
- 2) Authority or body, or the authorities or bodies, responsible for OSH (National OSH Supervision and Administration Systems)
 - 2.1 National OSH Supervision and Administration
 - 2.2 National Tripartite OSH Committee
 - 2.3 MOLESS
 - 2.4 Roles of other ministries in OSH and coordination and cooperation mechanisms such as Ministry of Agriculture, Ministry of Health, National OSH Centre.
- 3) Mechanisms for ensuring compliance including the systems of inspection
 - 3.1 National and provincial level OSH Supervision and Inspection systems
 - 3.2 Number of inspectors, inspection visits and results by year and by industry
- 4) Arrangement to promote, at the level of the undertaking, cooperation between management, workers and their representatives
 - 4.1 Number of OSH committees by the size of the undertaking
 - 4.2 Other arrangements in OSH at the level of the undertaking
- 5) National tripartite advisory body addressing OSH issues;
 - 5.1 Composition and mechanisms
 - 5.2 Recent discussion items and results
- 6) Information and advisory services on OSH
 - 6.1 Websites and other means to disseminate OSH information
 - 6.2 OSH advisory or consultancy services provided

- 7) Provision of OSH training;
 - 7.1 List of National and state level OSH training systems
 - 7.2 Number of training courses by theme and state
 - 7.3 Number of participants

- 8) Occupational health services including industrial hygiene;
 - 8.1 Mechanisms
 - 8.2 List of occupational health service providers and their service contents

- 9) Research in OSH;
 - 9.1 Main research items and projects in OSH research and which universities or academic/technical institutions

- 10) Mechanism for the collection and analysis of data on occupational injuries and diseases and their causes;

- 11) Collaboration with insurance or social security schemes covering occupational injuries and diseases;
 - 11.1 Mechanism of collaboration
 - 11.2 Number of occupational injuries and diseases covered by social security schemes

- 12) Support mechanisms for disadvantaged groups of workers
 - 12.1 Workers in small and medium-sized enterprises (having 10 to 200 workers)
 - 12.2 Workers in micro-enterprises (having less than 10 workers)
 - 12.3 Workers in the informal economy, including home-based workers
 - 12.4 Migrant workers
 - 12.5 Contractors

- 13) Support mechanisms for women workers
 - 13.1 Special arrangements for reproductive health and maternity care
 - 13.2 Special arrangements for preventing workplace violence and sexual harassments
 - 13.2 Special arrangements for other special needs of women workers, such as transportation for night workers, or adjustment needs due to body size differences

- 14) Coordination and collaboration mechanisms at national and enterprise levels, including national OSH policy and programme review mechanisms

- 15) Technical standards, codes of practice and guidelines on OSH;

- 16) Educational and awareness-raising arrangements to enhance preventive safety and health culture, including promotional initiatives;
 - 16.1 National Safety Day activities
 - 16.2 National Safety awards

16.3 OSH education in schools

- 17) Specialized technical, medical and scientific institutions with linkages to various aspects of OSH, including research institutes and laboratories concerned with OSH;
 - 17.1 List of universities and other academic institutions related to OSH
 - 17.2 Non-Governmental OSH Organization
- 18) List and number of personnel engaged in the area of OSH, such as safety and health officers, safety engineers, occupational physicians, nurses and hygienists and other related personnel;
- 19) Occupational injury and disease statistics and events;
 - 19.1 Statistics on occupational accidents by year, province, severity, industry and size of undertakings including sex-disaggregated data
 - 19.2 Statistics on occupational diseases by year, province, severity, industry and size of undertakings including sex-disaggregated data
 - 19.3 Examples/cases of recent serious occupational disease outbreaks, for example silicosis outbreaks, lead poisoning, or mercury poisoning
- 20) industry-specific policies, programmes and activities to hazardous occupations
 - 20.1 Construction
 - 20.2 Mining
 - 20.3 Agriculture
 - 20.4 Workplaces using hazardous substances and chemicals
 - 20.5 Prevention of major industrial accidents
- 21) Mechanisms to prevent industrial disaster, protect environment and promote public safety
- 22) OSH policies and programmes of organizations of employers and workers;
 - 19.1. Policies, programmes and activities in OSH by employers' organizations
 - 19.2. Policies, programmes and activities in OSH workers' organization
- 23) Regular or ongoing technical cooperation activities related to OSH, including international collaboration and a list of ILO projects having OSH components;
- 24) Financial and budgetary resources by the government, universities/technical institutions and private organizations with regard to OSH;
- 25) Data addressing demography, literacy, economy and employment, as available, as well as any other relevant information; and
- 26) Analysis of gaps in existing national OSH system and recommendations of action areas to be included in National OSH Programme (national action plans in OSH).