

# TERMS OF REFERENCE

## for Social Dialogue Expert

### I BACKGROUND

#### **Beneficiary country**

The action will be implemented in Bosnia and Herzegovina.

#### **Project description**

*Title:* 'EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina'

The *overall objective* of this project is to address the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and to extend support to inclusive social dialogue and social partners (employees, employers, governments) including in relation to legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

The *specific objective* is to target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

Expected *outputs* to be achieved include:

- Strengthen capacity of the public institutions and CSOs for better cooperation on policy dialogue,
- Strengthen capacity of the CSOs for better cooperation on creating and drafting strategic, legal and policy framework,
- Improved social dialogue between social partners (employees, employers, governments) at all institutional levels,
- Ensure participations of CSOs in the public consultations process/public debates on different institutional levels,
- Improved transparency in financing of CSOs by public institutions and
- Improved CSOs programme and financial reporting system to relevant institutions.

Project 'EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina', is implemented by international consortium led by PCM Consulting, Igor Stojanovic sp, Voždovačka 4, 78000 Banja Luka, Bosnia and Herzegovina  
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#### **Relevant country background**

Since 1995 and according to the Dayton Agreement the state of Bosnia and Herzegovina has been divided into two political entities – the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH) – and the Brčko District (condominium). The RS covers 49 % of the territory and forms a semi-circle around the north and east, while the FBiH occupies the other 51%. Each Entity has its own political structure and administration. The BiH State government consists of a Parliamentary Assembly, which is divided into a House of Representatives and a House of Peoples, a rotating tripartite Presidency (with one member from each of the constituent peoples – Bosniaks, Croats and Serbs), and a Council of Ministers with nine ministries. The political structure of the FBiH is divided into three levels: the Entity level, the Cantonal level and the Municipal level, with each municipality having its own municipal council and administrative structures. By contrast, RS has no cantons, only municipalities.

Therefore, in such a complex environment non-state actors (NSA) have difficulties in advocating for reforms in the above mentioned areas.

According to the latest data obtained from the BiH Ministry of Justice<sup>1</sup>, there are more than 27,000 organisations that can be considered as civil society non-profit organisations. At the State and Federation BiH level, the Ministries of Justices are responsible for registration and for keeping the Registry Books for Associations and Foundations. According to RS's Law on Associations and Foundations, associations and foundations register at the Basic Court in the seat of the District Court in the area in which they have their seat.

### **Current state of affairs in the relevant sector**

Social dialogue remains weak at all levels and no significant improvements have been made. The involvement of social partners in the implementation of policies is limited as well as their internal capacity. The number of branch and sectoral collective agreements concluded remains low. Economic and Social Councils operate at entity level, with different approaches and effectiveness. The state-level Economic and Social Council has not been established. There are no general collective agreements in the two entities, but a number of branch agreements are in place, limited mainly to the public sector and some state-owned enterprises. the protection of national minorities.

The Economic and Social Council as the highest tripartite body on the territory of the Federation of Bosnia and Herzegovina was established on August 27, 2002. with the signing of the Agreement on the establishment of the Economic and Social Council for the territory of the Federation of Bosnia and Herzegovina between representatives of the Government of FBiH, representatives of the Federation of Independent Trade Unions of BiH and representatives of the FBiH Employers' Association.

The agreement on the Economic-Social Council (ESC) for the territory of the FBiH (Official Gazette of the FBiH, number 47/02, 42/03 and 08/08) establishes the principles of the ESC's operation, its composition, decision-making methods, scope of work and competences of the ESC. ESC was established for the purpose of leading the joint activities of social partners in the field of economic, social and development policy, affirmation and protection of economic and social rights, as well as the development of collective bargaining and the conclusion of collective agreements.

## **II SCOPE OF THE ASSIGNMENT**

### **2.1. Description of the assignment**

Social Dialogue Expert (hereinafter referred to as “Expert”) has to develop a training program (including detailed training syllabus, high-quality training materials, and engaging presentations) and deliver an intensive three-day training session for members of the ESC of Federation of Bosnia and Herzegovina (FBiH), in close cooperation with relevant institutions, social partners in FBiH and other interested actors (including EU4CS project).

**Number of required experts:** One (1) Non-Key Junior Short-Term Expert

**Duration of the assignment:** Up to a total of 5 working days

**Period of the assignment:** August 2024 – November 2024

**Working language:** Official languages in BiH

### **2.2. Geographical area**

The geographical area to be covered is Federation Bosnia and Herzegovina, in accordance with the competences of the FBiH Ministry of Labour and Social Policy.

### **2.3. Target group**

During the planning and realization of the planned training, the following representatives of target group are to be engaged:

- Federation BiH Ministry of Labour and Social Policy

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<sup>1</sup> For more details please consult <http://zborniregistri.gov.ba/> (only accessible in Bosnia and Herzegovina's official languages)

- Social partners in FBiH – members of ESC of Federation BiH (trade unions, employers' association, government representatives) ,
- Project EU4CS.

## **2.4. Tasks and deliverables to be provided by the Expert**

### *Tasks description:*

- Development of a training program, including the creation of a detailed training syllabus (e.g., social dialogue as a model of active contribution of social partners to the creation of public policies, Forms, Legal framework and mechanisms of social dialogue in the countries of the region, the EU and BiH, Normative regulation of collective bargaining in Federation BiH as well as international standards in that area, Approaches and models of negotiation, Preparation for negotiations, Information gathering, Communication, Defining goals, Rules and methods of bargaining, Argumentation, tolerance, compromise in the context of collective bargaining, the Code and Rules bargaining in good faith, Collective agreements, dealing with changes in agreed outcomes, Dispute resolution mechanisms and approaches etc.), high-quality training materials, and engaging presentations, along with a well-structured training agenda,
- Delivering an intensive three-day training session to members of the ESC in the Federation of Bosnia and Herzegovina (FBiH).

### *Expert will provide the following deliverables:*

- Training program (including training syllabus, high-quality training materials, and engaging presentations), ensuring internal coherence is approved by EU4CS and FBiH Ministry of Labour and Social Policy,
- Training three-day session for members of the ESC in the FBiH (preparation and delivery),
- Training report

## **2.5. Payment**

The payments will be completed upon the full completion and acceptance of the contract's obligations, and upon the approval of the Experts' time and log sheets from the EU programme manager.

## **III METHODOLOGY**

Syllabus for executing training will be developed by the Expert and adopted by FBiH Ministry of Labour and Social Policy on the beginning of the assignment.

Work Methodology will be based on interactive approach and adults learning principles. This method will increase active educational participation, stimulating and improving professional competence of participants.

## **IV REQUIREMENTS**

### **4.1. Expert's profile**

#### **Qualifications and skills**

- University degree (preferably Master or higher) in Law, political or social sciences, public administration or similar, relevant to this assignment,
- Computer literacy;
- Fluency in both written and spoken English and BiH languages is advantage.

#### **Professional experience**

General professional experience:

- Minimum 7 years of postgraduate professional experience in area(s) related with this assignment;

Specific professional experience:

- At least 3 years of post-graduate professional experience in capacity building in the fields related with purpose of this assignment or similar,

- Experience in working in IPA countries (Croatia, The former Yugoslav Republic of Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo (under UNSCR 1244)) will be considered an advantage

**Please note that, civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts, unless prior written approval has been obtained from the European Commission.**

## **V EVALUATION**

Received applications from the experts will be evaluated against evaluation criteria development in line with required qualifications and experiences of the experts, as presented within the section 4 of this ToR.

## **VI DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

### **6.1. Applicants shall submit the following documents:**

- Personal CV including information on experience in similar projects / assignments and
- Application letter to EU4CS confirming interest and availability for the expert assignment with Financial Proposal, indicating fee per working day.

### **6.2. Application Procedure**

Applicants interested in applying should submit documents from 6.1. (EU format CV and application letter, both in English) by e-mail to [info@eu4cs.ba](mailto:info@eu4cs.ba) with a copy to [teamleader@eu4cs.ba](mailto:teamleader@eu4cs.ba) not later than 16:00 hrs, August 22<sup>nd</sup>, 2024, titled:

**Application for the position:  
'Social Dialogue Expert'**

References must be available on request.

Only short-listed candidates will be contacted.

All applications will be considered strictly confidential.

For more information, please contact Igor Stojanovic, Team Leader EU4CS: [teamleader@eu4cs.ba](mailto:teamleader@eu4cs.ba)