

TOR for Research on Challenges in Enforcement and Compliance of Social Security Laws in Cambodia

Background

The Royal Government of Cambodia (RGC) has placed Social Protection at the core of its priorities. The development and approval of the National Social Protection Policy Framework (2016-2025) was a milestone and illustrates the importance placed on social protection. Articulated in the NSSPF were also key challenges of coordination at the policy level and the limited understanding of Cambodians on social protection and its benefits as well as their rights to participate and benefit from the schemes. These challenges were to be addressed through a series of reforms, which include the establishment of the National Social Protection Council (NSPC) as a coordinator at the policy level, the establishment of social security regulator and the integration of the existing social security operators into one single institution. The institution were to be vested with the power to manage all social security schemes, including pensions, health insurance, employment injuries insurance, disability insurance and unemployment insurance.

The Law on Social Security Schemes adopted and promulgated in October 2019 further defined the role of the National Social Security Fund (NSSF) as the unique operator in charge of implementing social security schemes as stipulated in the law. The NSSF is vested with the duties which include among other duties, ensuring the benefit provision of social security schemes to NSSF members, collect and administrate contribution of the social security schemes and monitor the implementation of enterprises/establishments or relevant institutions under the competency of NSSF in relation to the law. The law further defines the compulsory responsibility of employers to register their enterprises/establishments and workers with NSSF and lays out the penalties for non-compliance of the law. Despite the existence of the law, NSSF currently covers approximately 2 million members, less than 1 out of 4 workers in the country and a large number of workers are currently unprotected by social security due to challenges in enforcement and compliance of social security laws in Cambodia.

ILO is one of the partners supporting the RGC in different activities is looking to engage a national consultant to support the research on the challenges in enforcement and compliance of social security laws in Cambodia. The national consultant will work under the direct supervision of the Programme Manager for Social Protection in Cambodia and when required, be supported by other experts with more specific expertise, including ILO experts from the DWT Bangkok and SOCPRO HQ.

The Project

The ILO is collaborating with UN Department of Economic and Social Affairs-China Fund in the implementation of the project "Achieving SDGs and ending poverty through Universal Social Protection". The project aims at increasing capacity of the national entities responsible for social protection in Cambodia to formulate and implement social security schemes.

Objective of the Research

The support project implementation, ILO is looking for an individual consultant to conduct an action research to understand the challenges of enforcement of social security laws in Cambodia, particularly in the area of compliance. Based on findings from the research and the global research on good governance and compliance, the consultant will contribute to the development of training modules on legal enforcement in Cambodia.

Scope of Work

The research will focus on some key areas as follows:

1. Coordination mechanism between social protection entities including other Government agencies and social partners like employer unions and trade unions
2. The use of technology, specifically management information system in enforcement and compliance of social security law of the government of Cambodia
3. Barriers for the employers to comply with the existing social protection laws and regulations
4. Challenges of the government to enforce the implementation of the social security laws and regulations
5. Legal gaps in the social protection area that impede the compliance/enforcement
6. Methods of adaptation to the compliance issues currently practiced by employers and the government
7. Training needs of the stakeholders to improve enforcement and compliance of social security laws in Cambodia.

Tasks

1. The consultant will conduct the research through the followings tasks:
 - o Develop research proposal, work plan and questionnaire
 - o Conduct desk review and interview with stakeholders with attention to their capacity development needs.
 - o Analyse the data and develop draft and final research report including recommendations for possible training module
2. After the research is completed, the consultant will produce training modules based on the research findings

Methodology

The consultant will conduct the research through desk review and close consultation with the ILO Programme Manager for Social Protection Projects in Cambodia.

The consultant will conduct interviews and consultations with other stakeholders as follows:

- UN agencies and DP working on social protection such as UNICEF, UNDP, GIZ
- Government agencies including the General Secretariat of NSPC and NSSF,
- Relevant ministries including Ministry of Labour and Vocational Training, Ministry of Economy and Finance
- Employer associations and trade unions.

Products and Timelines

The duration of the consultancy is from **January 2021 to May 2021**. The following products are to be delivered by the consultant at the indicated deadlines. The expected number of working days required to complete the consultancy is not more than 60 working days.

No.	Deliverables	Tentative Deadlines
1	Research proposal and detail work plan	1 February 2021
2	Desk review report	15 February 2021
3	Questionnaires for different stakeholders	2 February 2021 2
4	First draft of the research report including the	15 March 2021

	recommendations to fulfill the training needs of the stakeholders	
6	Presentation of the report to stakeholders	22 March 2021
7	Final report	1 April 2021 2
8	Draft Training modules for stakeholders to improve and strengthen the social protection legal compliance	2 April 2021 6
9	Final training modules	10 May 2021

Requirements

Master's degree or equivalent in Laws, Economics, Public Administration, Social Policy or related areas. Significant years of relevant experiences will be considered in lieu of an advanced degree.

Software management in Windows environment: Text Processor and Spreadsheet.

Minimum experience of 7 (seven) years, conducting qualitative and quantitative research on relevant topics such as law enforcement/compliance, social security, social assistance and policy development and social dialogues.

Experience in training development and capacity building

Knowledge of Cambodian social protection system and its operations is considered an advantage

Selection Criteria

All prospective consultant shall submit a proposal detailing the approach, methodology and work plan of the research for the ILO consideration. Proposals will be evaluated based on the following criteria:

- Technical Proposal (100 points) weight; [70%]
- Financial/Price Proposal (100 points) weight; [30%]

A two-stage procedure is utilized in evaluating the proposals, with evaluation of the technical proposal being completed prior to any price proposal being compared. Only the price proposal of the consultant who passed the minimum technical score of 70% of the obtainable score of 100 points in the technical qualification evaluation will be evaluated.

Technical evaluation

The total number of points allocated for the technical qualification component is 100. The technical qualification is evaluated based on following criteria:

A.	Proposer qualifications and experience	20
B.	Technical proposal	60
C.	Implementation plan and schedule	20

Financial Evaluation

The total number of points allocated for the price component is 100. The maximum number of points will be allotted to the lowest price proposal that is opened/evaluated and compared among those technically qualified candidates. All other price proposals will receive points in inverse proportion to the lowest price.

All costs of travel or any incidental expenses required to complete the assignments should be included in the financial proposal.

Submission of Application

Interested consultants are requested to submit a separate technical proposal to **koh@ilo.org** and the financial proposal to **heng@ilo.org** by 15 January 2021 by 5 p.m. local time in Phnom Penh, Cambodia. Late submissions will not be considered.