

**Terms of Reference
for
Local Technical Assistance
to develop the
Legislative and Regulatory Framework
regarding the employment of persons with disabilities**

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1. Consultancy Services Required

The Government of the Republic of North Macedonia has received a Loan from the International Bank for Reconstruction and Development, for implementing the Macedonia Social Insurance Administration Project (SIAP).

The Ministry of Labour and Social Policy is seeking the services of a Local Consultant for development of the Legislative and Regulatory Framework regarding the employment of persons with disabilities

The Consultant must possess theoretical and empirical knowledge and expertise of the legal system of the Republic of North Macedonia, and in particular knowledge of the disability system in North Macedonia, as well as experience in preparation of primary laws and secondary legal regulations.

2. Background Information

The SIAP project activities will address specific functional and technical areas within the social insurance. The project will support the Government's efforts to continue the process of improving the quality of services delivered by the social insurance administration. The SIAP project will make investments in:

- (a) developing a central single unified registry of socially insured individuals (SURS)
- (b) improving the Pension and Invalidity Fund's (PIOM) capacity and business processes
- (c) establishing a Central Disability Certification Coordination Unit (CDCCU)
- (d) revising the list of hazardous occupations eligible for early retirement with extended service period (ESP), and,
- (e) supporting implementation of the legal and institutional framework for employment and professional rehabilitation of persons with disabilities.

The overall SIAP project will be organized into two main components, with a third component related to project management.

- **Component 1.** Improving the quality of the social insurance administration services
- **Component 2.** Strengthen the regulatory framework for persons with disabilities and for hazardous occupations
- **Component 3.** Project Management

This assignment will be undertaken within **Component 2 - 'Subcomponent 2 - Reforming the system of employment of persons with disabilities'** – and will support the establishment and development of the Legislative and Regulatory Framework regarding the employment of persons with disabilities

3. Objectives of Assignment

Successful employment of persons with disabilities is one of the priority social policy areas in many countries around the world. Its objective is inclusion of persons with disabilities in the society and their full participation in the community. With establishment of the adequate employment supporting system, many disabled persons can become equal members of society and successfully contribute to their own general wellbeing, rather than be mere recipients of social assistance and users of social benefits designated for persons with disabilities. The system should enable employment of persons with disabilities so that they can gain material security, greater independence in decision-making and achieve the self-reliance. Finally, as active and independent members of the community, persons with disabilities are less likely to be stigmatized by and excluded from the society.

Lessons from other countries indicate that the system of employment of persons with disabilities through designated ('sheltered') companies, as currently implemented in North Macedonia, should be modernized, adapted, and upgraded with new mechanisms and employment channels. The objective of the system of employment should be to provide equal chances to persons with disabilities as it does for other individuals. The most common channels, employment through the open labor market, including the self-employment, would require the system to identify and assess individual capacities and functionalities, train the persons with disabilities and qualify them with skills and competences, activate the disabled persons in the open labor market in the same manner as others and create and provide system of state incentives adjusted to the needs of the disabled persons for their employment and the their special working conditions. The intention of the North Macedonian Government is to create a model of employing persons with disabilities based on best international practice, fulfilling the objectives of Macedonian social policy towards persons with disabilities.

4. Specific Objectives and Scope of Work

The Consultant shall work with representatives of Ministry of Labor and Social Policy (MLSP), Ministry of Health (MoH), Pension and Disability Insurance Fund (PIOM), Health Insurance Fund (FZO), Agency of Employment (AVRM), Institute for Occupational Health of Republic of North Macedonia, International Consultant and other institutions/stakeholders (NGO, Association of the designated ('sheltered') companies etc.) to ensure that proposed legislation for employment

of persons with disabilities is correlated with other Laws and By-laws in North Macedonia. The Consultant shall ensure that proposed legislative and regulatory framework is complete and fully serves with proposed design from International consultant. The Consultant shall also propose specific changes to other Laws and Bylaws where required, to ensure their full correlation with the proposed model and its functionality.

The Consultant's main tasks shall include (but not be limited to):

- Review of the current legislation in Republic of North Macedonia that defines and regulates employment of persons with disabilities;
- Review of the legal solutions for new model of employing persons with disabilities on the open labor market
- Draft law, with detailed explanation for each provision of the Law
- Identify a list of all other primary legislation that needs amendment as a result of the new proposed model of employing persons with disabilities
- Drafting secondary legislation (bylaws) necessary for the implementation of the Law
- Defining requirements for a public communication / institutional debate for proposed legislative program;
- Develop action plan for debate with stakeholders (NGO, protection company ...) and active participation in the debate and the action plan implementation.

In relation to the tasks above, the consultant shall work with the International Consultant and coordinate all activities related to the design and legal framework for the introduction of a new model for the employment of persons with disabilities

The Consultant is expected to hold meetings, workshops and briefing seminars throughout the project and these should be specified within the proposed work plan. The Consultant shall work closely with representatives of key institutions, and shall use the opportunity to transfer skills and knowledge to them. The Consultant will coordinate meetings and events, and their timetable with international consultant and the Ministry of Labor and Social Policy, and seek the Ministry's guidance in case of concerns and misunderstandings.

5. Deliverables

The Consultant shall submit the following key deliverables:

- Work Plan
- Draft law for employment of persons with disabilities with explanation for all provisions

- Draft secondary legislation (bylaws) for necessary for the implementation of the law on employment of persons with disabilities,
- Report with a list of the existing laws that should be amended, - for full harmonization with the draft law on the employment of persons with disabilities.
- Draft detailed transition plan that includes a timetable and implementation phasing for the legislation being proposed
- Concept and key components of a public communication related to the legal matters concerning employment of persons with disabilities

The Consultant may also propose additional deliverables based on the Consultant proposed approach and methodology or some issues arising from the cooperation with the international consultant.

The Consultant shall report on a regular basis to MLSP's , Project Management Team to ensure work undertaken is delivered according the time schedule and to the quality expected. All written reports shall be available in Macedonian, as primary language of deliverables, and English as shall any Consultant presentations delivered at workshops or at meetings. All written reports should be fully discussed with the key personnel in the participating institutions/stakeholders and the outcome of discussions should be reflected within the final version of the report. The Ministry of Labour and Social Policy shall have the final approval with regards to Deliverables and documents acceptance, and on any disagreements.

6. Qualifications and Experience

- Law degree (minimum Bachelors level) and at least 10 years of proven experience in providing legal advice in preparation of primary laws and secondary legal regulations
- Demonstrable knowledge of the legal system of the Republic of North Macedonia
- Knowledge of laws and institutional structure of employment and disability system in the Republic of North Macedonia
- Fluency in Macedonian
- Fluency in English

7. Duration of Assignment

It is expected that this assignment will be undertaken over a period of minimum six (6) calendar months. The planned period for starting the assignment is last quarter of 2020. The Consultant shall start working after receiving notification from the Client.

8. Selection Method and Contract

Selection method and contract: The selection method is Selection of Individual Consultants and the contract shall be Lump sum according to the World Bank Procurement Regulations for Investment Project Financing (IPF) Borrowers – Procurement in IPF of Goods, Works, Non-Consulting and Consulting Services, (Regulations) issues in July 2016, revised November 2017 and August 2018, www.worldbank.org.