



TERMS OF REFERENCE

Title of the action: Training on Mitigation and Mediation

1. BACKGROUND AND RATIONALE

IKS is implementing the project "Toward Social Justice and Equity", funded by International Swedish Agency for development - SIDA, through Community Development Fund - CDF. The Overall Objective of the Project is to contribute to greater social justice by improving implementation of labor rights and labor-related legislation through enabling active engagement of civil society and social partners. A greater social justice would contribute to better distribution of opportunities, wealth and privileges in the society. This would directly enhance the condition in the labor market for all workers and especially the more vulnerable groups: women and formally and informally employed in the private sector, as the least protected categories in the labor market at risk of being poor. To achieve this, we have set the specific objectives of the Project such as:

SO1: Increase civil society and citizen engagement in reporting labor-related violations and enforcement of labor rights and Occupational Safety and Health;

SO2: Promote social justice and especially OSH law enforcement across the labor-market and in public domain;

SO3: Strengthen the capacities of Social Partners to more effectively represent their constituencies;

SO4: Contribute to Policy Debate by analyzing, debating and initiating policy change;

SO5: influence and support initiatives for establishment of trade unions in the private sector in non-traditional trade union sectors.

2. Scope of Work

Mediation is an underutilized legal mechanism that the project seeks to promote in resolving labour-related conflicts. However, alternative dispute resolution is a relatively new concept in Kosovo, only in 2008 the first Law on Arbitration and the Law on Mediation were adopted, followed by the Law of 2018 which introduced compulsory mediation. Adhering to this type of out-of-court mechanism for disputes is



still relatively neglected by the business community. Accepting arbitration and mediation remains challenging. Moreover, the general lack of awareness was remains a difficult challenge to address.

The contract on mediation and mitigation training aims to address key issues on violations of labor and OSH laws. Through this service contract, the objective is to utilize strategic conflict mitigation and mediation as an approach to improve the implementation of labour related legislation through responsible institution on solving violations of labour. Engagement of the judiciary system in improving the implementation of laws, represents a unique opportunity for advancing the implementation quality of labour related legislation.

By supporting litigation cases related to violations of labour legislation, the project seeks to make case law an instrument to implementation of legal provisions and raising the awareness of those discriminated against, to address the injustice done towards them through the legal system.

3. Scope and Methodology

IKS intends to commission a local Conflict Mitigation and Mediation Services Expert for offering training for Resolution- ADR to court judges and prosecutors. IKS will coordinate this effort together with Judicial Council, but the company/expert would be responsible for organizing trainings and communicate with judges and prosecutors. IKS reserves the right to review and approve the methodology and all instruments, guides, and or administrative procedures as necessary to comply with IKS procedures.

Professional company/expert will be selected in a competitive process. Through this activity, there are several steps that the expert need to do:

- Provide trade union members training programs for resolving cases on violations of labour and OSH Law
- Promote the resolution of conflict through mediation and other dispute resolution practices;
- Support the expansion and adoption of mediation and dispute resolution in labour related cases;

4. Capacities Required

The following are the key minimum capabilities required for the proper execution of the above scope of work:

- Has the necessary qualified human and technical resources capable of completing the assignment within the given time limit with high professionalism.



- Capacities to develop qualitative material for trainings on mediation and mitigation.
- Capacities to deliver trainings on mediation and mitigation.
- Proven experience in working with the Civil Society Sector and Donors.
- Creativity in carrying out and developing the required activities.
- Experience working with non-governmental organizations and international agencies.

5. Timing and Location

The service agreement will start from the 1st of October 2024 until 30th of November 2024.

6. Payment

The amount maximum amount foreseen for this service will be agreed upon. Payments will be made in one instalment.

7. Evaluation grid

The Contracting authority selects the offer with the best value for money using an 80/20 weighing between technical quality and price. Evaluation will be based on the following grid:

- Evaluation process Points
- General professional experience 40%
- Specific professional experience 40%

8. Submitting the offer

All companies/expert that would like to express their interest, send the proposal along with financial offer, at email address info@iksweb.org, no later than 18th of September 2024. The application should include CV of the expert as well as proven experience in the past.