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Terms of Reference (ToR)

Scoping Study on Independent Arbitration (Legal and Policy Anchoring)

BACKGROUND AND CONTEXT

The Strengthened and Informative Migration Systems (SIMS) project, mandated by the Swiss Agency for Development and Cooperation (SDC), aims to improve the well-being of migrant workers, particularly, marginalized men and women-through safer migration practices and strengthened service delivery by both public and private actors.

Helvetas, in collaboration with local partner organizations (including both migration-focused NGOs and a legal aid NGO), implements interventions that focus on:

- Enhancing information and awareness among migrants and their families,
- Improving the quality and outreach of service delivery, and
- Building greater resilience among migrants and their families through the effective use of remittances.

Following the successful completion of Phase I (December 2019 – March 2024), the project has entered Phase II (April 2024 – December 2027).

Since 2021, the Bangladesh National Woman Lawyers' Association (BNWLA), as a leading legal aid organization, has played a pivotal role in advancing access to justice for migrant workers and their families. Through strategic partnerships with migration focused organizations such as RMMRU, OKUP, CCDA, and PROTTYASHI, BNWLA has been implementing targeted interventions that go beyond service delivery. These efforts aim to strengthen legal aid mechanisms, build institutional capacity, and advocate for systemic reforms. The collective advocacy under the SIMS Project, seeks to influence procedural and policy-level changes within the governance and legal framework to ensure that the rights of migrant workers and their family members are recognized, protected, and upheld.

Evidence generated under SIMS Phase I provides a strong foundation for this exploration. A Situation Analysis of Migrant Workers in 2021 and 2023 conducted by BNWLA highlighted significant barriers faced by migrants in accessing justice. This analysis also identified that the absence of specific rules and standard operating procedures (SoP) for arbitration by BMET officials created significant challenges in ensuring transparency and accountability in migrant workers' access to justice.

Building on these findings, BNWLA engaged Parliamentary Standing Committee, CAUCUS on Migration, relevant ministries, and CSOs during 2022 and 2023 to establish a separate and functional arbitration mechanism for Migrant Workers. The Constitution of Bangladesh incorporates the spirit of separation of powers that enshrined in Article 22 as "The State shall ensure the separation of the judiciary from the executive organs of the State" and guarantees judicial independence under Article 116A "judicial officers and magistrates shall be independent in the exercise of their judicial functions". However, neither the Overseas Employment and Migration Act (2013) nor the OEM Rules (2017) provides clear procedures for arbitration mechanism.



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With that note, BNWLA organized a signature campaign on “A Separate Functional Arbitration Cell in BMET” in 2022 across 3 SIMS intervention districts; Narsingdi, Cumilla, and Chattogram where a total of 1,467 migrant workers participated. The campaign served as a platform for migrants to share their lived experiences and collectively advocate for the establishment of a separate and independent arbitration cell within the Bureau of Manpower, Employment and Training (BMET), aiming to ensure timely and effective dispute resolution.

Further advancing this agenda, BNWLA, in collaboration with BMET, conducted a joint assessment in 2025 under SIMS Phase II, focusing on the existing arbitration practices within BMET and District Employment and Manpower Offices (DEMO). The findings underscored the limitations of the current system and recommended the separation of investigation and arbitration functions, particularly for complex cases involving multiple stakeholders, cross-border dimensions, substantial financial claims, and evidentiary challenges.

Despite these efforts and emerging consensus, there remains limited clarity regarding the legal feasibility, institutional anchoring, and policy alignment necessary to establish an independent arbitration mechanism tailored to migration-related disputes in Bangladesh. Addressing these gaps is essential for advancing a structured, rights-based, and sustainable dispute resolution system.

To address this gap, BNWLA plans to advocate with government line departments for establishing an independent and separate arbitration mechanism for migrant cases to expedite remedies and, ensuring accountability. In this context, BNWLA, under the SIMS project, intends to undertake a scoping study to explore the feasibility of establishing an independent arbitration mechanism for migration-related disputes. The study will provide evidence-based recommendations to inform advocacy efforts and support establishing a separate and independent mechanism within the national migration governance framework.

Considering the findings from the scoping study, SIMS MNGO partner OKUP will work on to build consensus among the CSOs and initiate consultations with relevant government stakeholders. Following this groundwork, BNWLA will establish a Technical Working Group to guide and accelerate the advocacy process for the adoption of an agreed independent arbitration model.

OBJECTIVES OF THE ASSESSMENT

The purpose of this study is to assess the feasibility, legal basis, and institutional pathways for establishing and institutionalizing an independent arbitration mechanism (separate arbitration cell) to enhance access to justice for migrant workers and their families.

The study will:

- Review existing legal frameworks including the BMET Arbitration Rules drafted by BMET
- Analyze the legal and policy landscape to determine how the arbitration mechanism can be incorporated and to propose an acceptable and practical arbitration model.
- Assess current arbitration practices under BMET and DEMOs.
- Identify legal and institutional gaps in current grievance redress mechanisms.
- Explore the best national and international practices related to migration dispute arbitration.
- Recommend feasible legal and policy options for establishing an independent arbitration mechanism.

METHODOLOGY & APPROACH



The study will employ a mixed-methods approach that will include both quantitative and qualitative data analysis. Quantitative data will be drawn from three main sources: (i) primary data collected from DEMO and BMET, and (ii) review relevant SIMS project documents. In addition, qualitative data will be generated through 25 key informant interviews (KIIs) with selected stakeholders, a complementary perception survey with justice seekers, and an extensive review of secondary data, including relevant literature and previously published materials. Together, these methods will ensure a comprehensive and evidence-based study.

The draft checklist/tools will be developed before finalization. Few significant case stories will be added to the research.

STUDY AREA:

The SIMS project implementing districts- Narsingdi, Cumilla, Chandpur, Chattogram and Cox's Bazar as study areas. Additionally, a few areas will be selected as samples on the geographical location basis and the basis of complaints receiving volume in consultation with BMET.

The methodology must ensure:

- Rights-based and gender-sensitive approach
- Confidentiality and ethical handling of sensitive cases
- Inclusion of vulnerable and marginalized groups

CONSULTANT'S RESPONSIBILITY

Literature Review, Sampling and Assessment methods/checklist designing will be completed by the timeframe jointly with BNWLA, Helvetas, BMET and the consulting firm or individual consultant.

The Consultant or Consultancy firm will carry out the following tasks but not limited;

Desk Review of all project related documents, including;

- Review relevant national laws and policies (e.g. labor laws, migration laws, arbitration and ADR frameworks, legal aid framework)
- Analyze international standards and good practices on arbitration and migrant worker protection
- Project Documents along with Log frame
- Review SIMS project documents, grievance case data, and lessons learned
- Concept Notes regarding the BMET & DEMO Capacity Building training
- Relevant policies, laws, and office orders,
- SIMS previous research documents
- SIMS DEMO/BMET Referred Cases of Phase II
- Other relevant study reports

Analyze real case pathways (types of disputes, resolution timelines, outcomes, challenges)

Conduct Key Informant Interviews (KIIs) with:

- Government stakeholders (e.g., Ministry of Expatriates' Welfare and Overseas Employment, BMET and Law Commission)
- Legal experts/professionals (lawyers, arbitrators, mediators)
- Recruitment agencies and private sector actors
- Migration Experts
- Civil society organizations and SIMS partners

Legal and Institutional Analysis

- Assess the legal feasibility of establishing an independent arbitration mechanism
- Identify required legal reforms or policy adjustments



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- Explore institutional anchoring options (e.g., standalone body, integration with existing institutions, public-private model)

Reporting

- Inception Report
- Draft Study Report
- Final Report incorporating feedback with clear findings, conclusion and recommendations
- Power point Presentation of Findings for sharing with the government stakeholders

Study findings dissemination:

The study findings will be disseminated with outside audience by the researcher in SIMS dissemination/learning assessment sharing workshop

ETHICAL CONSIDERATION

High level of confidentiality will be maintained throughout the assessment period; even, after the period. All the collected information and produced report will be the sole property of BNWLA. Without having prior permission of BNWLA, nobody is allowed to share the assessment findings or/ and report (partly/fully) with any stakeholder.

KEY DELIVERABLES AND TIMELINE

- The total assignment should be completed by 30 working days after signing the contract

SL No.	Deliverables	Timeline
1	Inception Report	23 June 2026 (3 working days)
2	Analysis of SIMS referred Cases to DEMO/BMET will be analyzed, and a graphical report will be prepared.	30 June, 2026 (3 working days)
3	A well written draft report within a 20-25 pages according to the study objectives and containing detailed findings	22 July, 2026 (14 working days)
4	Draft Report Dissemination and Feedback Workshop: The draft report will be prepared and disseminated with the relevant stakeholders (relevant ministries, BMET, Law Commission, CSOs, and MNGOs). Feedback and recommendations from the workshop will be gathered to update the report.	29 July, 2026
4	A detailed first draft of final report incorporating the feedback and recommendations collected from the dissemination workshop will be prepared and submit with annexes (survey tools, datasets, case studies and few significant photos of KIs). (This version of report will be shared with the BNWLA and Helvetas for their final review.)	04 August, 2026 (5 working days)
5	Final report submission Final version of the study report will be prepared incorporating the feedback of BNWLA and Helvetas if any and submit to BNWLA.	13 August, 2026 (5 working days)

LOGISTICS



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- The Consultant/Consultancy Firm will submit a detailed financial proposal outlining costs for personnel, travel accommodation, SIMS data analysis and data collection (conducting FGDs/IDs/KIIs) and reporting
- BNWLA will provide necessary project documents, reports, SIMS's BMET/DEMO referred case data sheet, different office orders, circulars of BMET/MoEWOE related to investigation and arbitration, relevant laws & policies etc.

The consultant/ Consultancy Firm will be responsible for engaging the assessment assistants. managing field logistics and ensuring timely completion of tasks.

PAYMENT SCHEDULE

Mode of payment will follow the below conditions: The payment of Consultant/ Consulting firm will be made in three installments per the outline below;

Payment Schedule	Deliverables	Percentage
1st installment of payment	Inception report & Case Data analysis are accepted by BNWLA containing final Methodology and detailed work plan.	30%
2nd installment of payment	A well-written draft report is accepted by BNWLA & Helvetas organized according to study objectives and containing detailed findings.	40%
3rd installment of payment	A detailed final report is accepted by BNWLA containing the impact of project interventions to the Migrant Workers. The report should also contain a set of recommendations for improving the current practices to improve the services and minimizing the challenges. Including a short version of the assessment report and a power point to disseminate with the audience as mentioned in the Consultant's responsibility section	30%

Payment Procedure: Payment would be made to the Consultant/Consultancy firm after acceptance/recommendation by the programme through an automatic Bank transfer directly into any scheduled Bank in Bangladesh in favour of consultant/consultancy firm. For payment, Consultant/consultancy firm has to submit an invoice duly describing the agreed accomplishment. It is noted that the Firm must fill up their accounts information as per instruction i) Account name ii) A/C number iii) Bank name iv) Branch name v) E-mail address vi) Routing Number.

Payments will be subject to deduction of VAT & Tax at source as per Govt. Rule. (as applicable). Payment will be disbursed within 3-5 days after vetting by the project.

Consultant/Consultancy Firm must submit 13 digits new BIN, Updated Trade license (Applicable for firm) & TIN, updated income tax certificate (applicable for both firm & Individual) with proposal and Mushok 6.3 Applicable for firm and updated income tax certificate (applicable for both firm & Individual) with invoice. As per the Income Tax Act-2023, the rate of tax shall be fifty percent (50%) higher if the payee (Vendors) fails to submit the latest PSR at the time of making the payment note: Invoice date and Mushak 6.3 date must be the same. (Invoice submission time). No stamp needed: if paid electronically (bank transfer, Mobile wallets) BDT 10 stamp: For Bills ;500 taka paid by cash, check or pay order,

No stamp needed: for bills 500 taka paid by cash, check or pay order Please provide team composition details with consultant's name and role for this project. CV's are required for the consultant/Profile of Consultancy Firm including the person who will lead/involve directly to the work for consultancy Firm.

CONSULTANT/FIRM'S REQUIRED QUALIFICATION

The consultant/consultancy firm should demonstrate the following qualifications:



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- Proven experience in conducting baseline, end line, midterm evaluation, impact evaluations or assessment of particular task with the government regarding migration access to justice or relevant issues
- Expertise in both quantitative and qualitative research methods
- Strong knowledge of arbitration laws and dispute resolution systems in Bangladesh
- Experience working on migration,
- Strong technical understanding of Migration, labor rights and Access to Justice Services of Bangladesh
- Knowledge in gender issues
- Technical skill of quality control and management of data.

TEAM COMPOSITION

Multidisciplinary team composition should be ensured including;

- Access to Justice/ADR Expert/Legal expert
- Expertise in legal analysis, governance, and social research
- Proven experience in conducting similar studies
- Migration Expert along with Gender knowledge

BNWLA'S RESPONSIBILITIES

- BNWLA's SIMS team and designated focal persons will closely work and guide the Consultant/ Consultancy firm in every step of the assessment
- BNWLA will track the progress update time to time with a review and approval process for faster/timely completion of the assignment
- BNWLA will support the consultant in MWs and stakeholder access in the district and national level
- BNWLA will process and ensure on-time payment transactions of the firm on the completion of deliverables.
- BNWLA will be responsible for arranging KIs and Interviews in collaboration with relevant stakeholders.

REQUIREMENT OF THE PROPOSAL

The requirements that need to be submitted with the proposal might include but are not limited to:

- Letter of interest and contact person
- Understanding of the assessment
- Details methodology of the study
- Analysis plan
- Experience and references
- Detailed work plan, including estimated number of days required for completion of case data and information
- Detailed budget
- CVs for key personnel

PROPOSAL ASSESSMENT CRITERIA

The section outlines the criteria or standards against which the proposals will be evaluated. This table below shows the assessment criteria.

Table: Technical proposal assessment criteria

Criteria	Marks
Demonstrates a clear understanding of the context and specific task as outlined in this TOR	20
Proposed Methodology for carrying out the task I) Methodology is in line with BNWLA's guidelines. II) Responsive to all key objectives and indicators of the Assessment	30
Proposed Key personnel (Team leader and other technical specialists)	20



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directly assigned to the task	
The Consultant's/firm's experience in conducting similar sorts of studies	20
Timeline	10
Total	100

The pass mark is 50% for technical proposals. The weightage for the technical proposal is 80 percent, and the financial proposal is 20 percent.

Financial proposal and marks breakdown

The TOR should mention that the financial proposal must include VAT and tax. The Financial Proposal will be reviewed only if the mark obtained for the technical proposal is above 50 (pass mark). The financial proposal will carry a 20% weightage in evaluation.

The formula for determining the financial score is the following:

(Sf = 100 x Fm / F, Here, Sf= Financial score,

Fm= The price of the lowest proposal and F= The price of the proposal under evaluation]

The final marks will be calculated by aggregating the weighted scores from the technical and financial proposals.

SAFEGUARDING OBLIGATION

The research team will be committed to oblige the Safeguarding policy of BNWLA during the research period including; ensure informed consent from all participants during their engagement and apply safeguarding and Do-No-Harm principles; maintain confidentiality and anonymity of respondents; adhere to BNWLA's safeguarding policy and ensure gender sensitiveness and inclusive participation in all tasks.

GENDER SENSITIVENES

The whole research process will be focusing the gender sensitivity and reflecting the gender lenses and gender segregated data and analysis will be placed in the research report where applicable.

ADVERTISEMENT CLOSING DATE & TIME

Deadline: 09-06-2026 05:00 PM (Dhaka Local Time)

Please submit the Proposal in email: **@ Rashedul Hasan**

To : rashed.bnwla@gmail.com

For approval of your account during the supplier registration process, and for any other clarification, please contact with Rashedul Hasan, HR, Admin and Procurement Officer, BNWLA
Phone: +8801851834744 (Cell & Whatsapp)

Thanking you

Rashedul Hasan, HR, Admin and Procurement Officer, BNWLA