

Call for Legal Consultancy on Policy Frameworks in Sub-Saharan Africa and Ghana, with respect to the digital labour platforms and platform economy

GENERAL INFORMATION	
Services/Work Description:	Recruitment of an Individual legal consultant to develop a review of policy frameworks in Sub-Saharan Africa, and a policy brief for Ghana with respect to the digital labour platforms and platform economy
Project/Program Title:	Standards for Fairness in Ghana's Platform Economy
Post Title:	Consultant
Reporting Office	Professor Mark Graham, Dr. Daniel Arubayi, Dr. Funda Ustek Spilda, Oxford Internet Institute, University of Oxford
Duration:	3 months
Expected Start Date:	After Signing the Contract and Induction meeting

TERMS OF REFERENCE

A. Background

Thousands of people around the world rely on platform work to earn an income. However, existing employment laws or collective bodies do not protect most platform workers. This lack of protection means that workers are subjected to low pay, precarity, and hazardous working conditions. Realising this, Fairwork under the auspices of The Oxford Internet Institute and the WZB Berlin Social Science Centre commissioned a project dedicated to highlighting the platform economy's best and worst labour practices. The project seeks to evaluate the working conditions of digital platforms and rank them based on five Fairwork principles (i.e. fair pay, fair conditions, fair contracts, fair management and fair representation). The Fairwork project is currently running in 29 countries spread across five continents. Each country team collaborates with workers, platforms, advocates, and policymakers to envision and build a more equitable future of work.

In Sub-Saharan Africa, there has been a significant rise in platform economy participation, which has resulted in an increase in work opportunities, with many thousands taking up work for ride-hailing and delivery platforms like Uber, Bolt, Jumia Food, etc. However, the Fairwork project has found that, in most places, existing labour laws do not effectively safeguard these platform workers, as they are, for the most part, classified by platform companies as self-

employed or independent contractors. Workers therefore are often not entitled to the same labour protections that standard employees are, and end up shouldering the costs and risks of their work without adequate support from platforms.

In Ghana, workers' lived realities show that there is an absence of clear standards for decent work for platform workers in Ghana's Labour Law-Act 651, which undermines some of Ghana's international commitments in relation to the International Labour Organization (ILO), the United Nations Sustainable Development Goals and the International Covenant on Economic, Social and Cultural Rights. Thus, in Ghana, the growth of the platform economy has bypassed labour enforcement. It is now evident that governmental action, including responsive legislation, is required to combat predatory and exploitative activities that have grown pervasive and institutionalised in Ghana's platform economy.

To this end, Fairwork seeks to engage a consultant to undertake the development of a policy document (in English) to inform future regulations for platform work in Ghana, with the broader aim of shedding light on the Sub-Saharan African context.

B. Objective

The objective is to develop:

- A review of research and policy frameworks/laws in Sub-Saharan Africa on harms and risks platform workers face
- A review of recent policy suggestions by key stakeholders in the country and at the international level
- A review of current attempts to rectify workers' position in the platform economy and further policy suggestions

C. Scope of Work and Expected Outputs

The scope of work and expected outputs/deliverables will be the following:

1. Collect, review and analyse all necessary documents to fully substantiate all stages of labour engagement in independent work/contracting in Ghana.
2. Collect, review and analyse international and national level approaches for providing better conditions for platform workers.
3. Take part in stakeholder engagements and analysis to bring out the roles and responsibilities of key players and institutions that are vital in providing better

- protection to the rights of platform workers and develop recommendations to strengthen linkages between agencies (internal and cross-border).
4. Documentation and analysis of current interventions at the Ministry of Employment and Labour Relations, the Labour Department, Road and Transport Ministry, the Ministry of Communication and Digitalization in Ghana, and any other relevant Ministries, Departments and Agencies.
 5. Based on the processes mentioned above and in consultation with the Fairwork Ghana Team, prepare a comprehensive list of contents to be included in the policy document to ensure that all the required contents are included.
 6. Actively participate in stakeholder workshops (organised by Fairwork) and present the draft of the policy document to the key stakeholders including agencies in Ghana.
 7. Finalise the policy document incorporating all the inputs.
 8. Produce a well-written and comprehensive policy document highlighting:
 - a. Current legal lapses in the regulation of platform work under the labour laws in Ghana
 - b. The need for Responsive Regulation of the platform work in Ghana
 - c. Policy recommendations for regulating the platform work in Ghana
 9. A detailed presentation to be made by the consultant after the completion of the policy document on the salient features of the document as required by Fairwork Ghana, and Fairwork global teams.

D. Methodology

The consultant will strictly follow the work plan and the time schedule agreed with Fairwork in undertaking the contract assignment.

1. An appropriate methodology will be agreed with the consultant in consultations with Fairwork.
2. The consultant will work in close collaboration with Fairwork team.
3. The consultant will undertake the collection of all the required data/information from various sources, including Government departments, Ministries and other relevant sources;
4. Fairwork shall facilitate the collection of the data/information with required official letters and contact with focal person(s) wherever required;
5. The consultant will undertake review, assessment and judgment of the data/information in close consultation with Fairwork;
6. The consultant will participate in presentations and coordinate the stakeholder workshops/consultations organised as per the agreed work schedule.

E. Duration of the Work

- 1. The duration of the contract shall be for a maximum of 3 working months between September 2022 – November 2022**
2. The consultant will work closely with the Fairwork Ghana Team and will from time to time will be asked to report on the progress of deliverables.

F. Expected Deliverables /Outputs:

Overall, the consultant will be required to facilitate working group consultations to discuss and finalise the policy document. Additionally, the consultant will produce (in English) a well-written and comprehensive policy document that will guide how Ghanaian law can be interpreted and applied in order to give better protection to the rights of platform workers in accordance with Constitutional principles, also highlighting potential gaps in the current law/regulation. The following deliverables are expected:

Outputs	Time Frame for Delivery
Inception document to include, inter alia, the detailed proposed methodology and a Work Implementation Plan	Within 2 weeks of contract signature
A list of contents for the policy brief.	Within 4 weeks of contract signature
An initial report of the findings concerning the legal issues in Ghana's platform economy.	Within 6 weeks of contract signature
Second draft of policy document with stakeholder concerns adequately addressed.	Within 8 weeks of contract signature
Final policy brief with recommendations from Fairwork Ghana team incorporated.	Within 10 weeks of contract signature

G. Duty Station

1. The consultant will undertake in-country modes of working based on the agreed work plan and methodology.
2. The consultant is expected to use their own computer and other equipment required for the task.

H. Required expertise and qualifications

- A post-graduate or equivalent qualification/ degree in Law with specialisation in labour law, employment law, contract law, or related field;
- At least three years relevant experience in providing legal services at least two (2) of which should be in the area of labour law;
- Demonstrated knowledge and experience in undertaking research especially in the area of employment and labour;
- Demonstrated experience and skills in facilitating stakeholder/working group consultations;
- Demonstrated knowledge and experience in developing policies, and regulations especially in the area of employment and labour;
- Familiarity with, as well as experience concerning, the instruments of ILO and international intergovernmental organisations;
- Excellent communication and presentation skills;
- Relevant regional and international experience will be an added advantage
- Familiarity with Fairwork activities and interest in platform workers' welfare will be a plus.

I. Scope of Financial Proposal

The financial proposal should be submitted separately and should include all administration costs including overheads and any research costs expected.

K. Confidentiality and Proprietary Interests

The Individual Consultant shall not, either during the term or after the end of the contract, disclose any proprietary or confidential information related to the consultancy service. Proprietary interests on all materials and documents prepared by the consultants under this assignment shall become and remain properties of Fairwork.

L. Submission of Application

Eligible Consultant(s) should submit technical and financial proposals in both electronic and hard copy format.

Proposals should include inter alia:

1. Technical Proposal, including:
 - a. Overview of qualifications, i.e. how the candidate meets the required expertise and qualifications for this position
 - b. Overview of relevant experience i.e. an overview of similar assignments executed in/under execution in the last five years;
 - c. Intended plan of action, including measurable goals, objectives and methodology;
 - d. Indication of availability to carry out the Consultancy during the period **1 September 2022 to 30 November 2022;**
2. The financial proposal;
3. Supporting documents such as CVs are to be attached as an appendix.

Applications should be delivered not later than **1600hrs on 19 August 2022** at the address below:

Attention:

Dr. Daniel Arubayi, daniel.arubayi@oii.ox.ac.uk

Dr. Funda Ustek Spilda, funda.ustek@oii.ox.ac.uk

Prof. Mark Graham, mark.graham@oii.ox.ac.uk

Only short-listed applicants will be contacted.

Appendix: Proposed Outline for Fairwork Ghana Policy Document

1. Background

Provide an overview of platform work in Ghana and establish the need for policy directions concerning fairness or decent work therein.

2. Platform Stakeholder Struggles

Comprehensively highlight the pain points of all stakeholders in Ghana's platform economy. The highlights should also capture what each stakeholder expects from each other, and what each is doing to meet these expectations, their challenges, and proposed solutions.

3. The need for Responsive Regulation

Establish the need for some form of regulation for Ghana's platform economy to guide the achievement of platform stakeholder expectations.

4. Policy Guiding Frameworks

4.1 International Labour Law

4.2 Legal Framework: The 1992 Constitution of Ghana

Discuss the provisions of Ghana's constitution concerning decent work, and the legal acceptability of stakeholders' expectations.

4.3 Principles of Fair Work

Discuss the core principles of the Fairwork Project concerning decent work vis-à-vis stakeholders' expectations.

5. Policy Scope and Application

Describe the persons or groups who will benefit from this policy guide, and who needs to take which action to achieve fair and decent work in Ghana's platform economy.

6. Policy Recommendations



The Fairwork Project

info@fair.work
www.fair.work
@TowardsFairWork

Make comprehensive recommendations to guide future policies and regulations of Ghana's platform economy. Recommendations should cover the optimum configuration of people, processes, technology, and partners that will foster the achievement of decent and fair work in Ghana's platform economy.