

## Support to the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA) for the preparation of the new legislation

### Revision of the Law on Employment and Unemployment Insurance

#### Key Activities:

- a) Conduct desktop research of the current Law and accompanying bylaws, relevant research papers with special emphasis on *ex-post* and *ex-ante* impact analysis, and other analysis related to the improvement of the functioning of Serbian labour market;
- b) Develop the draft new Employment Law, based on consultation process with MoLEVSA and the agreed outline of the new law, incorporating key recommendations from the *ex-post* and *ex-ante* impact analysis and ensuring legal consistency and alignment with international standards;
- c) Participate and provide advice in a consultative process within the preparation and adoption of the Law.
- d) Provide other forms of consultative support to MoLEVSA in processes relevant to the preparing a draft law for submission (facilitation of meetings, development of the Report on the conducted *ex-ante* impact analysis; collecting and sorting comments and proposals received during the public debate, etc).

## 1. Background and Context

The Swiss Agency for Development Cooperation (SDC) assigned NIRAS Germany to implement the project "From Education to Employment (hereinafter: E2E) – Phase III that commenced in May 2024 and will last until 30<sup>th</sup> April 2028.

The E2E, through NIRAS, supports evidence-based approaches in the employment policies in Serbia. At the national level, the key line ministry in charge of the implementation of the employment and employability policies in Serbia relevant for implementation of the E2E is the Ministry of Labour, Employment, Veteran and Social Affairs (hereinafter: MoLEVSA). The E2E also closely cooperates with several other relevant institutions and organizations i.e. the National Employment Service, the Agency for Qualifications, the Office for Dual Education and National Qualification Framework, the Chambre of Commerce and Standing Conference of Towns and Municipalities. The E2E supports national policy partners in improving legal and strategic framework for employment, as well as in establishing the system of CGC support and accreditation of informal trainings.

On the local level, the E2E aims at enhancing employability in fifteen districts, through cooperation with local partners, mainly civil society organizations, that establish and accredit career centres entitled *Job Info Centre*. Through the promotion of CGC services for pupils/students as well as the job seekers, the E2E facilitates their entry into working life.

The overall goal of the E2E is that women and men, including vulnerable groups benefit from new or better employment opportunities through improved employment support services and industry-led training offer. The project has three outcomes:

**Outcome 1 (People):** More women and men make use of better CGC, improved employment support services and training solutions.

**Outcome 2 (Services):** Companies make use of employment support and advisory services to improve their training offer and HR practices.

**Outcome 3 (Enabling Environment):** Sub-national and national policy makers and implementers create a more enabling institutional and policy environment for employment and employability.

As per Outcome 1, the following relevant key outputs are envisaged:

Output 1.2 – Goal: Non-profit CGC service providers offer & scale improved CGC services, gaining further visibility and attracting more public funds e.g. Youth Guarantee, LSGs.

As per Outcome 3, the following key Outputs are envisaged:

Output 3.1 – Goal: LSGs are able to plan and implement updated active labour market measures in a participatory manner (LEAPs) and increase funding for CGC and training provision via local budgets.

Output 3.2 – Goal: Licensed local labour market services providers improve specialised services for integrating vulnerable groups using public funds (PEAs, CSOs).

Output 4.1 – Goal: MoLEVSA adjusts the legal and strategic framework and changes their ALMMs practices to enable the allocation of public funds towards CSOs (Employment Law; Youth Guarantee Initiative, Occupational Standards).

This Terms of Reference is primarily related to the achievement of *Outcome 3*, *Output 4.1* and aim to support the MoLEVSA as an institutional focal point for the E2E in the revision of the Law on Employment and Unemployment Insurance (hereinafter: the Employment Law) as it is envisaged in the Memorandum of Understanding between the MoLEVSA and the Swiss Confederation/Swiss Agency for Development and Cooperation (hereinafter: SDC) signed on December 6<sup>th</sup> 2023, stipulating a detailed list of policy activities that will be supported through E2E/NIRAS. However, achievements of other stated outcomes and outputs of the E2E have to be taken into account throughout the entire process of creation of the new Employment Law.

The Law on Employment and Unemployment Insurance was adopted in 2009 and amended several times after, with last amendment in 2021. Regardless of the amendments, this Law is no longer adequate to answer the needs of current challenges, situation and trends in the field of employment policy. Certain pre-conditions for the new Employment Law development have already been satisfied: the E2E has supported MoLEVSA in undertaking the *ex-post* and *ex-ante* impact analysis in accordance with the Law on the Planning System. Among other things, these analyses showed that the new Employment Law needs to:

- consider and regulate in detail the relationship and responsibilities between the National Employment Service (hereinafter: NES) and other organizations engaged in employment affairs, i.e. employment agencies under the current Law, but also other organizations, such as civil society organizations, that should be made eligible to conduct employment measures/services;
- differentiate measures from services of the employment policy, necessary for harmonization with EU employment policy and Eurostat<sup>1</sup> classifications;
- better regulate Employment Registries in relation to current challenges, situation and trends on the labour market.

## 2. Objective of the Assignment

The objective of the assignment is to provide expert assistance to the Sector for Labour and Employment of MoLEVSA in the process of revising the existing and creating of the new Employment Law.

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<sup>1</sup> Eurostat - the statistical office of the European Union

The tasks of the Expert shall be:

1. To conduct desktop research of the current Employment Law and accompanying bylaws, relevant research papers with special emphasis on developed *ex-post* and *ex-ante* impact analysis, and other analysis related to the improvement of the functioning of Serbian labour market;
2. To develop the draft new Employment Law, based on the consultation process with MoLEVSA and agreed outline of the new law, incorporating key recommendations from the ex-post and ex-ante impact analysis<sup>2</sup> and ensuring legal consistency and alignment with international standards;
3. To participate and provide advice in a consultative process within the preparation and adoption of the Law.
4. To provide other forms of consultative support to MoLEVSA in processes relevant to the preparing a draft law for submission (e.g facilitation of meetings, development of the Report on the conducted ex-ante impact analysis; collecting and sorting comments and proposals received during the public debate etc).

The mandate shall be performed in close cooperation and consultation with MoLEVSA and E2E PIU.

### 3. The Expert's profile

The proposed key expert shall have the following skills, experience and qualifications:

- University degree in legal sciences
- At least 10 years working experience in relevant field (legal or social sciences)
- Strong experience on conducting the revision of legislation
- Sound understanding of policy, institutional and legal employment context in Republic of Serbia and understanding of the difference between labour legislation and employment policy legislation
- Excellent understanding of employment and labor market trends in Serbia and EU
- Strong familiarity with the Law on the Planning System in Serbia and accompanying bylaws
- Excellent analytical, writing and reporting skills
- Excellent communication skills
- English language

### 4. Deliverables

The deliverables of the assignment shall comprise:

For the Task 1:

- Create a report with main findings and suggest the changes that need to be implemented in all chapters of the Employment Law as well as reasoned suggestions what existing chapters should be deleted and which new chapters should be added to the new law, that is, the outline of the new law;

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<sup>2</sup> Except for the area of National Standard Classification of Occupations development which will be the subject of an independent law.

- Conduct a consultation process with MoLEVSA and other stakeholders and reach a final decision on the changes that need to be implemented and the outline of the new Employment Law – by 2<sup>nd</sup> June 2025.

For the Task 2:

- Create and submit the 1<sup>st</sup> version of the new Employment Law in accordance with the agreed outline, incorporating key recommendations from the *ex-post* and *ex-ante* analysis and ensuring legal consistency and alignment with international standards – by 1<sup>st</sup> October 2025;
- Conduct the consultation process with MoLEVSA and other stakeholders, collect and integrate feedback regarding the proposed 1<sup>st</sup> version and submit the 2<sup>nd</sup> version of the new Employment Law – by the 1<sup>st</sup> March 2026.

For the Task 3:

- Submit copies of proving documentation (presentations, minutes, reports, etc) – by December 15<sup>th</sup>, 2026.

For the Task 4:

- Submit copies of proving documentation (e.g. the Report on the conducted ex-ante impact analysis; the report on collected and sorted comments and proposals received during the public debate, etc) - by December 15<sup>th</sup>, 2026.

All the deliverables, for all four tasks, should be created in close communication with the main beneficiary (MoLEVSA) and E2E and submitted in Serbian language.

## 5. Timeline, Venue, and Reporting

For the realization of tasks defined in Article 2, the assigned number of days is up to 80 working days, which is expected to be realized in the period March 10<sup>th</sup>, 2025 – December 15<sup>th</sup>, 2026.

The suggested number of days per task:

- 60 working days per Task 1 and Task 2,
- 20 working days per Task 3 and Task 4.

The Expert can suggest different dynamics in the Technical offer.

All tasks will be carried out in Belgrade with the possibility of meetings to be held outside of Belgrade, whereby the expenses of the experts (travel costs, hotel) will be paid by the E2E.

Depending on performance and actual needs in the field the time might be extended, and the number of performance days increased.

The expert submits technical reports to the Intervention Area Leader for Local Labour Market Governance and Policy – Milena Janković.

## 6. Estimated budget and contracting

The service contract which is to be signed by two parties shall cover the period between March 10<sup>th</sup>, 2025 and December 31<sup>st</sup>, 2026.

Remuneration shall include gross fee per day based on a service contract which is to be agreed and signed by the two parties.

Financial offer should be calculated on gross amount/fee. If Consultant apply as a “physical person”, and according to the Serbian Taxation and Labour Law, the Company (NIRAS) will calculate and pay taxes as a deduction from the gross amount and pay net amount to the Consultant.

E2E will further bear all costs regarding transportation and accommodation in the field.

## **7. Dynamics of Payment**

- First instalment – against timesheets and deliverables after completing Task 1;
- Second instalment - against timesheets and deliverables after completing Task 2;
- Third instalment – against timesheets and deliverables after completing the Task 3 and Task 4.

## **8. Application Procedure**

Deadline for Application: February 25<sup>th</sup>, 2025

Individual consultants and organizations can apply for this assignment.

Applicants are requested to submit the following:

- Technical offer - suggested methodology and timeline for implementing the four tasks;
- Information on the experience of the expert or organization in the implementation of similar activities (at least 2 reference projects);
- CV of the expert;
- Financial offer based on man-days per task in gross CHF covering the anticipation and division of working days per each four tasks.

Submission of Applications should be done to the email address: [E2E@Niras.com](mailto:E2E@Niras.com) and Milena Janković [mile@niras.de](mailto:mile@niras.de) no later than February 25<sup>th</sup>, 2025.

Only shortlisted candidates will be contacted by February 27<sup>th</sup>, 2025.

### National Short Term Expert for the development of the Employment Law

		Expert/organization	
<b>FINANCIAL CRITERIA</b> filled by the PIU		Fee expectations (CHF gross per day/average)	
		Offer min*max.points/Offer	
		<b>Total points (weighting 30%)</b>	
<b>TECHNICAL CRITERIA</b>		(1) Criteria Subcriteria	(2) Weighting (ponder)
<b>Applicant</b>	<b>Education</b>	University degree in legal sciences	10
	<b>Training</b>	Relevant to the task	5
	<b>Work experience</b>	At least 10 years working experience in relevant field (legal or social sciences)	10
		Strong experience on conducting the revision of legislation	10
	<b>Other skills and competences</b>	Sound understanding of policy, institutional and legal employment context in Republic of Serbia and understanding of the difference between labour legislation and employment policy legislation	10
		Excellent understanding of employment and labor market trends in Serbia and EU	7
		Strong familiarity with the Law on the Planning System in Serbia and accompanying bylaws	10
		Excellent analytical, writing and reporting skills	7
		Excellent communication skills	7
		English language	5
<b>Previous cooperation</b>	Personal experience in working with this expert or recommendations	7	
<b>Quality of the Offer</b>	Consize, to the point, proving sound understanding of policy, institutional and legal context in Serbia and good analytical approach		10
<b>Total points</b>			
<b>Total points (weighting 70%)</b>			
<b>TOTAL POINTS</b>			