

TERMS OF REFERENCES

Job title:	National consultant to revise the forms of primary accounting on labour time and wages for statistical purposes
Potential Applicants:	National expert in labour legislation, labour standards, human resources
Application Deadline:	18 July 2012
Expected Duration of Assignment:	30 working days, during July-October 2012
Reference to Project:	UN Joint Project on Strengthening the National Statistical System, Participating agencies UNDP and UN Women
Project Activity:	Activity 3. Implementation of quality management in statistics
Contract type:	Individual Contract
Beneficiary:	National Bureau of Statistics, Ministry of Labour, Social Protection and Family, Labour Inspection, Trade Union, Employers Confederation

BACKGROUND

Joint UN Project on Strengthening the National Statistical System of RM (Statistics Project) is currently implemented by the UNDP, UN Women, UNICEF, UNFPA and ILO, in partnership with the National Bureau of Statistics and aims at improving data production, dissemination and use of statistical information with particular attention to national needs and overall conformity of official statistics with international standards. One of the Statistics Project's intended results is the **improved capacity** of the National Bureau of Statistics and other line ministries, involved in production of information (through administrative reporting system, surveys and censuses) **to produce**, in a timely manner, **data** of appropriate quality being multi-dimensionally disaggregated. The second expected result would be the **improved use of** available disaggregated **statistics** by different categories of data users, in particular for evidence-based monitoring of policies, development strategies, programmes, necessary to analyze and monitor such phenomena as poverty, social exclusion, gender equality, etc.

According to the Activity Program of the Government of the Republic of Moldova "European Integration: Freedom, Democracy, Welfare" for 2011-2014¹, under the Chapter c. on Labour, Employment and Labour Migration, the Government has settled a series of priorities including scaling up efforts to increase the registered wage share and mitigate the negative phenomenon of payment of wages "in an envelope," double accounting and under-the-table work, as well as identification of policy solutions to diminish the phenomenon of "informal employment".

The Ministry of Labour, Social Protection and Family (MLSPF), being in charge of continuous improvement of the wage system of the national economy, has been entitled with the responsibility to accomplish the respective objectives and to monitor the activities on diminishing the *practices on salaries paying in "envelope" and "undeclared work"*, as well as to annually report on the progress and achieved results. This would refer to the actions of partner institutions involved in the accomplishment of the *"Action Plan regarding the minimization of salaries paying in "envelope" and "undeclared work" practices"* for the period of 2011-2013, approved by the Government².

The respective Action Plan comprises of a series of objectives and actions for central public authorities, social partners, and the National Bureau of Statistics (NBS). Within the objective no. 2 "Improvement of the record of labour relations, labour activity and working time" the activity 2.2 **"Revision of the primary accounting records on working time and remuneration"** was planned under the responsibility of NBS, MLSPF and Ministry of Finance each of them holding respective competence in statistics, labour resources and accounting.

According to the Law no.5 as of 9.02.2006 on ensuring equal opportunities for women and men, art.22. on gender statistics, the National Bureau of Statistics is made responsible for collection and production of sex-disaggregated data, while public administration authorities, political parties, other organisations, juridical entities (businesses) and individuals who perform entrepreneurial activity are obliged to present the respective sex-disaggregated information to NBS.

Additionally, a mixed working group was established according to the Order no. 477 –P as of 7 September 2011³ aimed to *develop the public policy proposal related to the diminishing of informal employment phenomenon* The respective group consisting of 15 persons headed by the Deputy Minister of the Labour, Social Protection and Family includes representatives of central public authorities, as well as representatives of NBS.

Context

The main source for statistical questionnaires, filled in by the economic and social enterprises/entities, regarding the number of employees and earnings makes up of technical-operative documentation (hereinafter: *primary accounting = documente de evidență primară*) and bookkeeping records held by these respondents, e.g. payrolls and time & attendance scorecards and other.

Primary accounting represents the initial recording of facts, events, and processes and the compilation of data cards and other documents for statistical, bookkeeping, and operational records in the respective field of concern. These are the first documents which

¹ Available on <http://gov.md/lib.php?l=en&idc=445>.

² Government Decision no. 477 as of 8 June 2011 to approve the "Action Plan regarding the minimization of salaries paying in "envelope" and "undeclared work" practices, 2011-2013" <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=339169>.

³ Order no. 477 –P as of 7 September 2011 of the MMLSPF on "Approval of the membership of the working group to develop public policy proposal related to the diminishing of informal employment phenomenon, according to the Methodological Guidelines on ex-ante analysis of public policies impact".

form the source of (and serve as proof for) the relationship between the employer and employee, from the moment of factual employment until the termination of labour agreement.

By using primary accounting and following the rules established for proper recordkeeping, accounting documents are produced correctly and on time. A consistent and quality primary accounting, harmonised with the national context and legal framework, therefore represents the needed premises for the regulation of the labour relations, labour activity and labour time. Ultimately, this would contribute to the accounting and control of the amount of labor performed, resources used and of the distribution of output produced, as well as to the improvement of remuneration procedure, including by extending the application of effective forms of remuneration for the non-tariff systems.

The main concerns of labour time & wages related primary accounting are reflected in standardized forms, which, in the case of the Republic of Moldova, have been updated for the last time and approved in 1997 (except the typical forms of primary specific bookkeeping documents approved on the basis of Art.19 of the Law on accounting no. 113-XVI as of 27.04.2007) and are, in fact, outdated. Given these circumstances, it becomes strictly necessary to undertake a revision of the **primary accounting forms on labour time & wages**, to adjust them in accordance with the labour legislation and other related regulatory framework, and to develop the new set of forms of primary accounting, being further approved and recommended to enterprises and institutions from the economic and social areas for implementation and use.

Within the described context, UNDP is to provide the necessary support and to strengthen national capacities to improve the availability, reliability and quality of produced statistical information and contribute to the enhancement of statistical data use for official monitoring and evaluation of strategic (national and sectorial) documents' implementation, as well as alternative analysis of state policies in different fields, local initiatives and piloted activities, etc. by the civil society.

SCOPE OF WORK AND EXPECTED OUTPUTS

The **national consultant** will **revise the forms of primary accounting on labour time & wages** (used for the statistical and other purposes) **in compliance with the related legal and regulatory framework**. The updated forms will be correlated with the needs of national key-stakeholders and revised in compliance with the national and sector policy documents, as well as international (ILO&EU) standards in labour statistics and accounting and relevant practices of other (at least CIS) countries.

Objective

The specific objective of the assignment is to provide national stakeholders (NBS, Ministry of Labour, Social Protection and Family, Labour Inspection, National Confederation of Employers, National Trade Union Confederation) with updated tools of primary accounting in the field of labour and remuneration required to implement the Government's objective on mitigation of the effect of "undeclared work" phenomenon in Moldova.

Note: Given the obligation of businesses to provide sex-disaggregated information to NBS, on regular basis via applied statistical questionnaires (the last being filled in on the basis of enterprise's primary accounting forms), the tasks envisaged under the present assignment will include the gender perspective at the extent possible and will, thus, contribute to gender mainstreaming into this area of statistics.

The consultancy will be based on the knowledge and experience of the selected consultant regarding the labour field, including legislation, policy and regulatory framework, economic enterprises activity, in particular human resources and labour relations, and (optional) practical application of national accounting standards. On behalf of NBS, the participation and necessary involvement of representatives of the labour statistics specialists will be ensured.

Activities envisaged under the present task will contribute to the achievement of mid-term priorities of NBS and will be carried out in accordance with the Law of RM on Official Statistics.

Main Tasks and Responsibilities

Under the overall supervision of the UNDP, in partnership with the Project's counterparts, the consultant is expected to perform the following activities:

1. Desk review

- Get acquainted with the results of previous activities undertaken so far by the NBS and involved stakeholders in the area of concern for the present assignment in Moldova;
- Analyze other available resources on the related topic: printed and electronic publications, including international guidelines and standards, reports, methodologies, best practices of other countries, in particular the CIS countries, as well as relevant legislative and policy documents for sectors to be covered, international conventions ratified by RM and relevant for the Labour Code;
- Propose own approach for the expected activities and detailed work plan that encompasses the above-mentioned objectives and discuss them with Project stakeholders;

2. Review of the primary accounting forms on labour time & wages as of 1997

- The forms and their content will be revised from the perspective of their *relevance* and *appropriateness* vis-à-vis the current needs of the national stakeholders and related regulatory framework (Labour code, other legislation and policy framework). Technical instructions on filling in of the forms will be also subject to revision.
- Appropriate justification on the forms' relevance will be determined by the purpose of use of such documentation for such areas as: statistical, accounting, fiscal, human resources and labour force, labour relations between employer and employee, life-long learning, etc. Therefore consultations with the applicants (institutions/ respondents who fill the forms in) of the respective forms and with their users will be undertake and their level of satisfaction and needs for their improvement will be determined. Potential stakeholders to be consulted: Labour Inspection, National Confederation of Employers, National Trade Union Confederation, Ministry of Finance, other.
- The forms of primary accounting on labour time & wages currently used in Moldova that are subject to envisaged review are:

- MR-1 Recruitment Order/Disposition
- ME-2 Personal Data Sheet
- MR-4 Scientific Worker Record Sheet
- MR-5 Order/disposition of transfer to other place of work
- MR-6 Order/disposition on annual leave
- MR-8 Order/disposition on contract termination
- MR-13 Time & Attendance Scorecards
- MR-49 Payroll
- MR-53 List of payment
- MR-54 Payslip.

3. Develop the new set of forms of primary accounting on labour time & wages on the basis of revised toolkit

- Develop the updated concepts, notions and definitions used in the *labour time & wages primary accounting forms*. The respective concepts and definitions should be analysed and adjusted according to the current national regulatory provisions related to this area — Labour Code (effective as of 1 October 2003), Law on remuneration (2002), Law on accounting, National Standard of Accounting, etc. –, as well as the respective technical notes of filling in and international best practices;
- Design the new forms (in Romanian & Russian) and guiding instruction on how they should be filled in by the enterprises. The guidelines will contain more details on methodological aspects and should be written in an *easy-to-use manner* in particular for the respondent-businesses that will be filling in the revised forms and other users.
- Carry out the testing of the developed forms through their filling in by at least 6 enterprises of different size (2 per 3 sizes of enterprises: 1-9 employees, 10-49 employees, more than 50 employees) and from different sectors of national economy. Testing results will be analyzed, discussed with the NBS's staff and forms will be adjusted correspondingly with the required changes;
- In addition to the developed toolkit of the primary accounting on labour time & wages, the linkage with the appropriate regulatory framework will be described and will serve as justification for the subsequent approval of the designed toolkit through a joint order/disposition of the MLSPF and Ministry of Finance and recommended for the use of enterprises.

4. Other activities

- Support the organisation and facilitation of round-table (or practical workshop) with the participation of NBS and the social partners (mentioned above under point 2) aimed to present the undertaken revision process, results achieved and outputs delivered, to gather participants' feedback, as well as to advocate for the subsequent approval of the produced toolkit by the competent institutions;
- On the basis of the undertaken work, identify gaps in the labour related legislation or policy-making framework and make recommendations for its improvement aiming to ensure the harmonisation of the national legal framework with the international/EU recommendations in the field;
- Develop the activity report on consultancy undertaken, including attained outputs, conclusions and next stage recommendations (the structure of the report will be in advance agreed with the Project and NBS).

The success of given activity can be ensured only by team work of all partners involved via active participation at all the stages of the assignment and the contracted consultant should play the role of guarantor of these joint effort.

The contracted consultant will ensure a high level of analytical support, efficient communication and cooperation with the Project and national relevant institutions (NBS, Ministry of Social Protection, Family and Child, Labour Inspection, National Confederation of Employers, National Trade Union Confederation, Ministry of Finance, etc.) and is expected to perform a team-work together with the specialists of named institutions for the successful fulfillment of the formulated tasks.

DELIVERABLES

Performing the mentioned above activities, the contracted consultant will be responsible for delivering of the following outputs, comprising the main milestones:

Deliverable	Tentative timeframe
1. Working approach and detailed Action Plan including timelines agreed with NBS and the Project	In 1 week from contract date
2. Draft set of updated forms of primary accounting on labour time & wages, including the filling-in instructions, on the basis of revised toolkit	In 1.5 months from contract date
3. Final toolkit (updated forms and filling-in instructions) of primary accounting on labour time & wages	In 2 months from contract date
4. Paper on description of the produced toolkit and linkage with the appropriate regulatory framework	
5. Handouts for public presentation of outputs to the key stakeholders	In 2.5 months from contract date
6. Final report on undertaken assignment (incl. stages passed, resources used, results obtained versus expected, impact of obtained results, risks overcome, problems faced, lessons learned, recommendations for improvement of national legislation aiming to ensure its harmonisation with the international/EU recommendations in the field etc.) plus documentation related to the developed outputs	

All the deliverables should be agreed with NBS and the Project Team and be provided in Romanian, hard and electronic copy. Final deliverables will be also provided in English.

Estimated Duration of the Contract

The activities under the present assignment are expected to commence at the end of July 2012 and be completed by end of October 2012. The volume of consultancy has been estimated at **30 working days overall per whole assignment** (full days of 8 hours) (*could be changed if correspondingly justified*) during which all the activities and outputs/results envisaged under the present assignment are expected to be performed.

Note: The mentioned number of working days has been estimated as being sufficient/ feasible for the envisaged volume of work to be completed successfully and is proposed as a guideline for the duration of assignment, and it can not be used as criteria for completion of work/assignment. The provision of envisaged deliverables approved by the Project partners and concerned national stakeholders would be the only criteria for the Contractor's work being considered completed and eligible for payment/s.

QUALIFICATIONS AND SKILLS REQUIRED

The consultant is expected to comply with the following qualification criteria:

Education:

- Masters degree or higher **education** in the area of law, economics, accounting, statistics, land/or other science related to topic of assignment;
- Other formal education relevant for the assignment;

Experience:

- At least 4 years of professional **experience** in areas related to labour legislation, human resources, business accounting, inside or outside the country;
- Proven experience in undertaking **sociological activities** (including but not limited to designing of questionnaires and methodological notes);
- Experience of **collaboration with Government** in area/s relevant for the present assignment;
- Experience in **working with development partners** (in particular UN/UNDP) and nongovernment organizations, in particular in area/s relevant for the present assignment;

Competencies and Skills:

- Strong analytical, writing and communication skills;
- Knowledge of the national labour related **legislation** and regulatory framework;
- Knowledge of the peculiarities of **statistical sector** and/or bookkeeping on labour in enterprises would be an asset;
- Familiarity with **international standards** and best practices, good knowledge of terminology and definitions used at international level as it regards establishment of labour relations, and data collection for the statistical purposes in the field of labour and earnings;
- Good knowledge of English will be an asset;

Personal Qualities and other requirements:

- Good interpersonal skills, solid judgment/decision making, initiative and creativity;
- Availability to work with UNDP and Project's national stakeholders during the indicated/approved period;
- Cultural and gender sensitivity.

Performance Evaluation

Contractor's performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

Travel Requirements

During the contract period no travel is required.

Financial arrangements

Payments will be disbursed in installments upon confirmation of Joint UN Project on Strengthening the National Statistical System on delivering of the contract obligations, services and products in a satisfactory manner.

SUBMISSION OF PROPOSAL

The submission package will consist of:

1. Technical Proposal:
 - explaining how applicant responds to each of the qualification requirements and why he/she is the most suitable for the work;
 - describing a short vision on achievement of tasks.
2. Personal information (as a detailed CV or as a Personal History Form /P11) including records on past experience in similar projects/assignments and concrete outputs obtained;
3. Financial proposal (in USD, specifying a total lump sum amount and the number of anticipated working days).