

Terms of Reference

Senior Labour Relations Consultant - UNRWA West Bank Strike After Action Review

1. Background Information

UNRWA is a United Nations agency established by the General Assembly in 1949 with a mandate to provide humanitarian assistance and protection to registered Palestine refugees in the Agency's areas of operations, namely the West Bank, including East Jerusalem, the Gaza Strip, Jordan, Lebanon and Syria, pending a just and lasting solution to their plight.

UNRWA services encompass education, health care, refugee eligibility assessment and registration, relief and social services, camp infrastructure and improvement, microfinance, protection and emergency assistance. UNRWA is funded almost entirely by voluntary contributions. UNRWA is the largest UN operation in the Middle East with around 28,000 staff, mostly refugees themselves, working directly to benefit their communities – as teachers, doctors, nurses, engineers, or social workers. Area Staff participate in Areas Staff Unions in the five fields of UNRWA operations and in HQ to collectively engage with Agency management on issues related to their working conditions.

In the first half of 2023, the West Bank Field Office Area Staff Union (ASU or 'the Union') entered into a dispute with the Agency management on the results of the local staff salaries survey in the Gaza Strip and the West Bank, which the Agency carried out in 2022. After attempts to come to an agreement were unsuccessful, the Union initially banned international staff and Member State delegations from West Bank UNRWA premises, then took control of the WBFO-HQ compound and then launched a strike.

The strike lasted a total of 104 days over two separate periods, negatively impacting all aspects of service delivery to Palestine Refugees across the West Bank. This strike was the longest in UNRWA's history and had a severe detrimental impact on the beneficiaries as most installations, especially schools and health centres, were closed during this period. The strike also had a political, financial, reputational and security impact for the Agency as a whole, as well as mental and emotional effects on staff, including both striking and non-striking staff. Additionally, throughout the strike period, there have been reports of wide-ranging misconduct, serious violations of UNRWA Staff Rules, and actions contrary to UN principles and values. Considering the seriousness of the, as well as their consequences, and in line with the recommendations of the Advisory Commission adopted in June 2023, the Agency believed that it is important to review how the events unfolded in terms of actions, incidents, deadlocks, as well as responses to these, with a view to determining lessons learnt. In this regard, UNRWA has decided to conduct an After-Action Review.

2. Rationale and Objectives of the Assignment

The objective of this consultancy is to carry out an After-Action Review of the West Bank Strike, including the events leading to the strike and the post-strike arrangements. The consultant will be tasked to explore the following:

- Strike triggers: what prompted the industrial action/strike? Was the strike an action of last resort? How or to what extent could it have been avoided?
- Relevant actions and measures taken by the ASU related to the dispute, prior to, during and post-strike: what is the nature of actions and measures taken by the ASU? Were these actions legitimate and in line with the applicable regulatory framework? What are the consequences and impact thereof, from a legal, political, operational, programmatic financial, reputational, security or other points of view? How or to what extent could these actions and measures have been mitigated or avoided and by whom?
- Relevant actions and measures taken by UNRWA related to the dispute prior to, during and post-strike: what is the nature of actions and measures taken by UNRWA in response to the industrial action? Were these

Terms of Reference

Senior Labour Relations Consultant - UNRWA West Bank Strike After Action Review

actions legitimate and within the regulatory framework? What are the consequences and impact thereof? What could have been done differently or more efficiently, bearing in mind the operational and legal context?

- Deadlocks and Setbacks: the period under review witnessed a number of deadlocks and setbacks. What were the reasons for such setbacks and/or lack of progress? What if anything could have been done differently but all parties involved?
- Ending the strike: How and what led to the strike ending? What are the overall consequences (political, financial, operational, programmatic, reputational) of a strike lasting close to 4 months for all affected people and population? What if anything could or should be done differently?
- Communications, communication channels as well as stakeholder engagement: Many statements were issued by various parties and stakeholders, and many meetings were held. Was communication appropriately used? Reviewing contents, tone and level of all such communication, what if anything worked well and was appropriate and what, if anything, did not work so well and ought to be adjusted in the future?
- Legitimacy, legality, reasonableness, efficiency and efficacy of actions taken: Looking at both ASU's and UNRWA management's actions (and/or omissions), as well as actions by other staff, as needed, to what extent are these legitimate (in light of the goal being pursued), legal (in light of the applicable regulatory framework), reasonable (in light of the consequences these actions had), efficient and efficacious (in light of the results they produced)?
- Handling of the 'crisis' – given the prolonged strike, how was the 'crisis' handled by UNRWA management? What are the lessons learnt for the future? What worked well and what worked less well and why?
- Impact of the strike and of the crisis as a whole : Given the sensitive location of the WBFO Compound, looking at all actions taken over the prolonged strike period, what is the impact of the strike and of this crisis as a whole on staff, donors, beneficiaries and other stakeholders such as the UN from a political, financial, mental, emotional operational, programmatic, reputational (and other) points of view?
- Immediate, medium and long term impact of Management's decisions and strategy to strictly abide by the Agency's rules and regulations (including the pay policy, investigations etc) on Staff and the Union's future conduct and on their relations with management: to what extent will the Management's handling of this strike be a game changer?
- Lessons learnt – what worked well, what could be improved in the future?
- Recommendations to all stakeholders : by way of conclusion what recommendations can be made to all those involved?

3. Tasks, Scope of the Assignment and Resources

The AAR Consultant will engage in interviews and discussions with the following stakeholders:

- At UNRWA: UNRWA management, EO, WBFO Management, all relevant UNRWA Departments (ERCD, DLA, HR etc), ASU leadership, selected non-striking and striking staff members as appropriate;

Terms of Reference

Senior Labour Relations Consultant - UNRWA West Bank Strike After Action Review

- At the UN: UNSCO, RC/HC, OLA, OHRM
- With external stakeholders: PA leadership, Hosts, selected AdCom members

The following documentation will also be made available to the AAR Consultant:

- All internal official communications, public statements, and other social media posts made and/or official disseminated by all stakeholders (ASU, UNRWA management, PA and other stakeholders)
- A chronological record of the events
- The results of the salary survey, methodology used, Technical Committee TORs and minutes as available, minutes of meetings as available etc.

4. Deliverables

In addition to the desk review of available documentation and the interviews with the key stakeholder, the consultant shall provide the following written deliverables:

- 4.1 A detailed work plan and outline of the methodology guiding the After-Action Review
- 4.2 A draft report with an assessment of the events and actions of all stakeholders involved and the resulting lessons learned.
- 4.3 A final version of the above-mentioned report. The final report will include a series of detailed recommendations for UNRWA on how to better mitigate such scenarios in the future.

5. UNRWA responsibilities

The responsibility of UNRWA shall be as follows:

- 5.1. Monitor and supervise the work of the Consultant, providing technical support/feedback as necessary.
- 5.2. Provide a compilation of documents and resources, as well as contact information of the stakeholders, as outlined in point 3
- 5.3. Organize the logistics of the Consultant's travel and stay in Jordan and the West Bank, including coverage of all associated costs (flights, transfer to/from the airport, accommodation, per diem).
- 5.3. Ensure payment of the agreed amount based on the delivery of quality deliverables as mentioned in the TOR.
- 5.4. Perform any other tasks as may be described in the contract document.

6. Assignment time and remuneration

The assignment is envisioned to be carried out over 2-3 months from September 2023 to November 2023, with the following tentative time frame:

- Desk Review: 10 working days, home based
- Mission to the region: 14 working days, in Amman and Jerusalem
- Compilation and drafting: 10 working days, home based

The consultant will be paid a daily rate of 456 USD for the working days, plus applicable per-diem during the mission to the region. All other travel expenses will be covered by the Agency

Terms of Reference

Senior Labour Relations Consultant - UNRWA West Bank Strike After Action Review

7. Requirements and Competences

- 7.1. Advance university degree from an accredited educational institute in international relations, economics, public administration, management, labour relations, international development, or a related discipline.
- 7.2 At least 10 years' demonstrable experience in staff relations, human resources, workplace investigations, administration or a related field in the context of the United Nations or other international humanitarian organizations, preferably in the Middle East region.
- 7.3 Practical demonstrable experience in designing and implementing projects related to labour relations, organizational learning, risk management, compliance, or a closely related field.
- 7.4. Proven demonstrable understanding of staff relations in the United Nations system.
- 7.5. Experience working in the Middle East region, and possessing a deep understanding of issues related to Palestine Refugees, and the mandate and work of UNRWA, would be a distinct advantage.
- 7.6. Excellent organizational and time management skills.
- 7.7. Excellent investigation and interview skills, as well as demonstrated experience in report writing, is essential
- 7.8. Excellent spoken and written English. Knowledge of Arabic would be an asset.
- 7.9 Good judgement, pays attention to nuance and detail, takes initiative, high sense of responsibility, tact and discretion, with sensitivity to different cultures.
- 7.10. Ability to travel to Jordan and the West Bank is **required**.

8. Payment Terms

Payments will be made in the following instalments:

The first installment is 25% upon the submission and satisfaction of deliverable 4.1.

The second installment is 25% upon the submission and satisfaction of deliverable 4.2

The third instalment is 50% upon the submission and satisfaction of deliverable 4.3

9. Submission of Proposals

Applicants should submit a cover letter and CV or UN Personal History Form demonstrating clearly the knowledge and experience required to meet the consultancy requirements via consultancy@unrwa.org indicating the title of this consultancy "UNRWA West Bank Strike After-Action Review" in the subject line of the message. The deadline for the submission of applications is 30 September 2023.