



## TERMS OF REFERENCE (TOR)

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### Review of Current Employment Contracts and Recommended Contract Template

#### 1. About FRCS

The Fiji Red Cross Society (also abbreviated as FCRS) is a leading humanitarian organization and auxiliary to the Fijian Government and part of the world's largest humanitarian non-governmental organization, The International Red Cross and Red Crescent Movement. It originated as a Branch of the British Red Cross in the early 1950s. Official recognition as the sole Red Cross entity within this territory was granted in 1972, making it the 118<sup>th</sup> member country of the Red Cross Red Crescent Movement. Comprising over 800 volunteers across 16 Branches in Fiji, the Fiji Red Cross Society operates with a dedicated support team of paid staff at the National Office and Divisional Offices, led by the Director General.

The Fiji Red Cross Society's aims to be the preferred employer of choice for Fijian citizens exploring a career in the humanitarian space and therefore is shaping its office and team to an improved workspace culture that is conducive to learning and development.

#### 2. Background

The Red Cross (hereafter referred to as "the Organization") seeks to ensure that its employment contracts, policies, and practices are in full compliance with the **Employment Relations Act of Fiji** and related laws. The Organization aims to establish clear guidelines and processes for managing employment contracts, particularly for employees funded under project-based terms, and to address any other employment-related concerns in a manner that ensures legal compliance, fairness, and transparency.

#### 3. Objective

The primary objective here is to engage a consultant or organization that can vet and review all our employment contracts, particularly in relation to:

- Ensuring compliance with the **Employment Relations Act of Fiji**.
- Defining steps to be taken when employees whose salaries are funded under project-specific funds, and when the project concludes, or funding is terminated.
- Addressing and providing guidance on any other employment-related matters that arise during employment.

Then also provide recommended changes or inclusions for the contracts or a standard contract with specific terms and conditions of employment, whether its project based or not to ensure we safeguard not only the employees but the employer as well.

#### 4. Scope of Work

The scope of work includes the following key components:

##### 4.1. Vetting of Employment Contracts



- Review and assess the employment contracts of all employees to ensure they comply with the **Employment Relations Act of Fiji**, including but not limited to:
  - a) Terms of employment.
  - b) Employee rights and obligations.
  - c) Working hours and overtime policies.
  - d) Leave entitlements (e.g., annual leave, sick leave, public holidays)
  - e) Time off in lieu
  - f) Health and safety provisions.
  - g) Unsuccessful probationary period
  - h) Termination and redundancy provisions.
  - i) Any other clauses mandated under the Act.

#### **4.2 Steps for Employees Funded Under Projects**

- Establish clear protocol for employment contracts when employees are funded under specific projects. This will include:
  - a) Clear definition of employment duration (project timeline).
  - b) Addressing contingencies in case of project conclusion or early termination of funding.
  - c) Clear process to follow when project funding is terminated, including the employment rights of the officers.
  - d) Ensure a process for communicating the impact of project funding terminations on officers, including the potential for redundancy or reassignment.
  - e) Guidelines for the management of project-based employees in terms of contractual changes or renewals when new funding becomes available.

#### **4.3 Management of Employment-Related Concerns**

- Address any other employment-related concerns that arise within the organization. This may include:
  - a) Disputes between employees and management.
  - b) Grievances or complaints raised by employees.
  - c) Sexual harassment or workplace misconduct issues.
  - d) Requests for modifications to employment contracts or working conditions.
  - e) Advice on disciplinary actions and processes in line with the Employment Relations Act.
  - f) General guidance on maintaining a harmonious and legally compliant work environment.

### **5. Deliverables**

The following deliverables are expected to be completed as part of the TOR:

- **Vetting Report:** A detailed review of all current employment contracts, highlighting areas of non-compliance with the Employment Relations Act and recommendations for amendment.



- **Employee under Projects Protocol:** A clear procedure and protocol document for managing employees funded under project-based contracts, particularly addressing termination procedures and redundancy protocols.
- **Employment-Related Concern Report:** A report identifying any outstanding employment-related concerns, including a list of grievances, issues, or compliance challenges, with recommendations for addressing them.

## 6. Methodology

The work will be conducted as follows:

- **Document Review:** Review of all current employment contracts and relevant project agreements.
- **Consultation:** Consultation with the Organization's HR department, and management.
- **Workshops/Meetings:** Conduct meetings and workshops with staff, where necessary, to assess their concerns and provide necessary support or advice.
- **Reporting:** Draft reports summarizing the findings and recommendations, including clear steps to address identified gaps or concerns.

## 7. Timeline

The assignment is expected to be completed over a period of 2-months with the following key milestones:

- **Phase 1:** Initial review and analysis of employment contracts – **[4<sup>th</sup> August]**.
- **Phase 2:** Development of protocols for project-based officer management – **[1<sup>st</sup> September]**.
- **Phase 3:** Addressing and resolving employment-related concerns – **[1<sup>st</sup> September]**.
- **Final Report Submission:** **[3<sup>rd</sup> September]**.

## 8. Reporting

The consultant (or internal team) will report directly to **Ms Luta Teonea, People, Culture and Administration Manager**, who will be responsible for overseeing the progress and ensuring that all deliverables are met.

## 9. Budget

A detailed budget will be submitted separately, covering the costs associated with the vetting process, consultations, report preparation, and any other related activities.

## 10. Confidentiality and Data Protection

All information provided during the review and consultation process shall remain confidential. Any data collected during the assignment will be handled in accordance with the Organization's data protection policies and applicable laws.

## 11. Approval

This Terms of Reference shall be approved by the appropriate management representatives of the organization, and any modifications to this document must be agreed upon in writing by both parties.