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EVALUATION REPORT

of the

CONSOLIDATING THE LEGAL AND INSTITUTIONAL FOUNDATIONS

OF SOCIAL DIALOGUE IN UKRAINE PROJECT

Prepared for the

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EXECUTIVE SUMMARY

The evaluation of the *Consolidating the Legal and Institutional Foundations of Social Dialogue in Ukraine Project* was undertaken by the Independent Consultant in July 2009. The German-financed project had the following objectives: 1) The completion of the reform of the labour law, ensuring its harmonisation with European and international labour standards and the creation of conditions for its effective enforcement; and 2) The establishment of an efficient institutional structure of social dialogue. The purpose of the final evaluation was to: i) Determine if the project had achieved its stated objectives and explain why or why not; ii) Evaluate the long-term benefits / impact accrued to target groups, implementation status, project design, project management and performance monitoring; iii) Document best practices that could be used as models for activities in other projects; iv) Assess potential future needs of technical assistance and provide recommendations.

CONCLUSIONS AND RECOMMENDATIONS

Project evaluation provides evidence to **conclude** that:

- In the given conditions of Ukraine's political instability and frequent changes both the government and the members of parliament, the project advanced the labour law legislative process to the extent that was possible to achieve by a small project team in a delicate and sensitive field of politics and diplomacy. The political situation prevented the Verkhovna Rada from adopting the prepared drafts law on Labour Code and Social Dialogue. Even the project objectives were too ambitious in the given the political situation, the project kept the issue of the improvement of labour legislation and the need for an effective social dialogue as a high priority topic: "On several occasions this issue was even brought to the direct attention of the President, the Prime Minister and the Speaker as well as to the key players in the diplomatic corps in Kyiv" (*Stanislaw Cieniuch*);
- Received knowledge, experience and skills Ukrainian stakeholders used for the preparation of the drafts laws on Labour Code and Social Dialogue;
- The project managed to create stakeholders' ownership in the project and its achievements by involving them into project planning, implementation and evaluation process as well as by responding to and reflecting on their proposals and priorities to meet both their and the projects needs;
- The project assisted in the establishment of the professional Secretariat of the Tripartite Council and renewed work of the NTSEC, brought the importance of social dialogue to the attention of the President of Ukraine, the government of Ukraine, the deputies of the Verkhovna Rada, trade unions, employers' associations and other interested parties at national and regional levels;
- The project introduced Ukrainian stakeholders to the variety of best practices of social dialogue and labour law of international institutions. The project produced a whole range of important publications and materials. Several best practices developed within project implementation might be replicated in the similar projects worldwide;
- The project's integrated approach assisted in uniting the efforts of other donors and implementing agencies working in similar fields of competence and created needed synergy while attracting additional financial resources and pro bono services from business companies and local institutions;
- The project's limited but dedicated staff worked long hours and demonstrated a balanced and nonpartisan approach to all project stakeholders. Their understanding of partners' needs and current political and social conditions played a vital role in the project's successes and achievements.

The following **recommendations** might be made for future technical assistance projects.

First of all, the majority of stakeholders believe that the project should have a follow-up in order to: ensure wider publicity at the stage of tabling the Labour Code and the Law on Social Dialogue for the second reading at the Verkhovna Rada; adopt the draft Labour Code and the Law on Social Dialogue; prepare scientific and practical comments for implementing the Labour Code especially for lawyers and judges, and organize regional trainings; start the implementation of the adopted laws and monitoring of their implementation; prepare a group of trainers able to train others concerning the new law on Labour Code and Social Dialogue implementation; develop a

guide or frequently asked questions (FAQ) on implementation of the adopted laws; organize outreach activities among the population and everyone interested in using the Labour Code after its adoption; set a group of specialists to the task of drafting laws in conjunction with help from foreign specialists; develop a project exit strategy that may provide for the search for new donors or a transfer of the project to donors that are already present in Ukraine.

The other interventions may be focused on: the introduction of amendments to the legislation and continuation of the reform process; further trainings and research; support of the activities of the NTSEC and its secretariat both at a national level and through the development of regional social dialogue bodies as well as focus on other sectors. New approaches should address the regional focus as a priority; work with civil society; continued support of Ukrainian social partners in their international expansion; focus on gender issues, especially gender equality; certain effort should be taken to develop trust among social partners. As for project management it is important to set up less ambitious objectives and/ or have realistic milestones for ambitious objectives; pay more attention to a design consistent monitoring and evaluation system with clear and easily measurable indicators; increase project lifecycle to five years; continue strategic cooperation with other international actors working in the similar areas; maintain formal and informal networks across institutions and organizations and all levels – national and regional; rely on horizontal level relationships and operations more than vertical.

ACRONYMS

CD	Compact Disc
CTA	Chief Technical Adviser
EBA	European Business Association
EU	European Union
EESC	European Economic and Social Committee
FAQ	Frequently Asked Questions
FEF	Friedrich Ebert Foundation
FES	Friedrich Ebert Stiftung
FESC	French European and Social Council,
GLN	Gide Louarette Nouel
HQ	Headquarter
IAESCSI	International Association of Economic and Social Councils and Similar Institutions
ILO	International Labour Organization
LC	Labour Code
NTSEC	National Tripartite Social and Economic Council
NPC	National Project Coordinator
PAC	Project Advisory Committee
PC	Parliamentary Committee on Social and Labour Policy (Parliamentary Committee)
PR	Public Relation
PTCSEC	Polish Tripartite Commission for Socio Economic Consultation
ToR	Terms of Reference
TSEC	Tripartite Social and Economic Council
SD	Social dialogue
VR	Verkhovna Rada

1. BACKGROUND AND PROJECT DESCRIPTION

The implementation of the Declaration Project between 2001 and 2005 laid the basic foundations for sound industrial relations in Ukraine. It helped (i) to develop the technical capacity of social partners, government officials, members of the Verkhovna Rada and academia on the principles and procedures of social dialogue, international and European labour standards and labour law best practices; (ii) to put in place an institutional framework for social dialogue at a national level; (iii) to initiate the labour code revision process.

Based on past achievements, the German-financed project on the consolidation of the legal and institutional foundations of social dialogue focused on the following issues:

- (i) To further build the technical capacity of tripartite actors on social dialogue rules, principles and procedures as well as labour law issues;
- (ii) To help tripartite constituents develop an infrastructure for social dialogue and industrial relations at the national and oblast/regional level;
- (iii) To assist in the finalisation of two drafts laws namely: the draft labour code and the draft law on social dialogue (SD);
- (iv) To assist law enforcement institutions (labour administration, labour inspection, and judiciary) in implementing the draft labour code and the draft law on social dialogue should they be adopted and come into force.

Project development objectives:

1. The completion of labour law reforms; ensuring its harmonisation with European and international labour standards and the creation of conditions for its effective enforcement,
2. The establishment of an efficient institutional structure of social dialogue.

Project immediate objectives:

Objective 1. Assist Ukraine in finalizing and adopting the Labour Code and ensure its effective enforcement.

- Indicators:
- # 1.1. The Labour Code is adopted and has come into force
 - # 1.2. The users of the Labour Code (labour inspectors, workers, employers, judges, etc.) are acquainted with the stipulations of the new Labour Code

Objective 2. Assist in finalizing and adopting the Law on Social Dialogue and ensure its effective enforcement

- Indicators:
- # 2.1. The Law on Social Dialogue is adopted and has come into force;
 - # 2.2. The National Tripartite Social and Economic Council and regional TSECs start to function in accordance with the Law on Social Dialogue

The project sought to expose tripartite constituents to prevailing attitudes in Western and Central Europe concerning the best practices of social dialogue and labour law. It also aimed to increase their knowledge of ILO and European labour standards. To this end, the project organised numerous activities ranging from capacity building (training seminars and workshops in Kiev and in the regions, advisory missions by ILO and European experts in Ukraine, study visits abroad), to advocacy (Brussels, Paris, Berlin, Warsaw) for the enhancement of national expertise. These activities targeted a range of actors such as government ministries (labour and social policy, justice), the Secretariat of the National Tripartite Social and Economic Council, workers' and employers' organisations at national and regional levels, the Labour Inspectorate, and members of the Verkhovna Rada (VR). The project has also produced and disseminated materials in the Ukrainian language in the broad field of labour law and social dialogue to enable tripartite constituents' access to information on best practices and recent developments in industrial relations in different parts of the world. Finally, the project helped Ukrainian tripartite constituents to build partnership with European and international counterparts such as the European Economic and Social Committee, the French Economic and Social Committee, the Polish Tripartite Commission for Socio Economic Consultation, the International Association of Economic and Social Councils and Similar Institutions.

The overlying emphasis has been given to upgrading the level of social dialogue and national expertise in the field of labour law as well as to strengthening the tripartite consultation process on labour law reform. The consolidation of social dialogue and the cooperation between the government and social partners in addressing the consequences of the economic crisis has also been targeted by the project activities since the beginning of 2009.

The project was implemented in two phases (1 January 2006 - 31 December 2008 and 1 April 2008 - 30 September 2009) in a particular context characterized by a severe political and institutional crisis, which saw the president dissolving two times the VR and the formation of several governments in three years. As a result, the project had to face a problem of continuous change of interlocutors and consequently an important delay in the implementation of planned activities. At the same time, the work on the revision of the labour code and the formulation of a law on social dialogue has been significantly delayed.

The project has a budget of Euro 860.000 and had been administrated by a team composed of a Chief Technical Adviser (CTA), Mr. Stanislaw Cieniuch, assisted by a project National Coordinator, Mr. Sergiy Savchuk till 30 November 2008. The latter took over as Project Manager since the former left at the end of November 2008. Starting 1 February 2009 he is assisted by an administrative assistant who works on a full-time basis. The project was backed technically by SRO Budapest till 31 October 2008 and since then by the Industrial and Employment Relations Department in Geneva in close consultation with the Office of the National Coordinator in Kiev. Its activities are fully integrated into the Decent Work Country Programme for Ukraine.

2. PURPOSE OF EVALUATION

The purpose of the final evaluation was to:

1. Determine if the project has achieved its stated objectives and explain why or why not;
2. Evaluate the long-term benefits / impact accrued to target groups, implementation status, project design, project management and performance monitoring;
3. Document best practices that could be used as models for activities in other projects;
4. Assess potential future needs of technical assistance and provide recommendations

In addition, the final evaluation should provide the project management team, ILO field and headquarter staff, project stakeholders, and the donor with feedback and information needed to assess: strategies, data collection methods, objectives, institutional arrangements, work plans, and resource allocation.

3. EVALUATION METHODOLOGY

The evaluation approach was based on the provisions of the ToR for evaluation. The main principle of the approach is to implement a series of actions:

Plan (Planning meeting with ILO project staff in Kyiv to cover: the status of the project, priority evaluation questions, the available data sources and data collection instruments, and an outline of the final evaluation report) →

Read (Initial review and study of core documents: Project document, yearly progress reports, training materials, work plans, Ukraine Decent Work Country Programme, reports on missions to Ukraine undertaken by ILO Staff in the framework of the project, etc.) →

Ask questions (Individual or group face-to-face/telephone interviews with current and former members of project staff, the ILO Coordinator in Kiev, Director of ILO SRO Budapest, and the Senior Specialists on Employers' and Workers' Activities in Budapest, Project Technical Back stopper in Geneva, Mr. Youcef Ghellab, selected individuals from workers' and employers' organisations, the Ministry of Labour and Social Policy and other government bodies, National Tripartite Economic and Social Council, members of the Project Advisory Committee, labour inspection, embassies of Germany, France, and the US in Kiev, Friedrich Ebert Stiftung and other organizations and groups. Set of questions were sent to all individuals before semi-structured individual or telephone interviews) →

Think (Analytical work) →

Write (Preparation of the evaluation report according to the provided format on key findings, conclusions, and recommendations) →

Finalize (Present the evaluation report to ILO, receive comments and recommendations, revise the report based on received feedback).

4. PROJECT IMPLEMENTATION STATUS

As of the moment of Project evaluation, the Project has completed the active phase of its work although formally it was prolonged till September 30, 2009. Since the principal Project activities were carried out in three areas, the implementation status of each of them is as follows:

Activities aimed at *revision and harmonization of Ukrainian labor law* with the international and the EU standards were summed up by training on law drafting techniques for a group of experts representing the government, the VR and social partner organizations that was held in Turin in June 2009. The draft Labor Code was the focus of the training. The bill was passed by the VR in the first reading on May 20, 2008. The preparation of the draft Labour Code for the second reading aimed at incorporating all the proposed recommendations from social partners, government and members of parliament. Among the main disagreements surrounding this bill, were problems related to the difficult negotiation process between trade unions and employers' organizations where each party tried to gain maximum advantage for its members. One of the ways to solve this problem was submission of the draft Labor Code by the Federation of Employers of Ukraine to ILO for technical comments. ILO provided a detailed assessment of the bill and presented it during the workshop on 27 May 2009 to representatives of the government, trade unions, employers and members of parliament. At present, the bill is being finalized by the VR, which can amend it only upon submission by its members.

Preparation of the *draft law on social dialogue* had been completed before the evaluation process started. Despite the fact that the draft law was passed in the second reading by the Verkhovna Rada on July 7, 2007, the dissolution of parliament in July 2007 prevented the President from signing it. Then the bill was again tabled at the VR by three members of parliament and passed in the first reading on September 3, 2008. During the whole period of development and passage of the draft law on social dialogue, ILO provided expert technical and advisory support. Upon request from the Ukrainian tripartite working group, ILO twice provided comments on the bill. The first comments were rendered in February 2007. As of the moment of evaluation, ILO is preparing a second set of comments and recommendations. The main controversy of this bill covers two issues. The first issue is related to the representativity of social partners, namely of the trade unions. The second discrepancy is related to such issues as structure and subordination of the National Tripartite Social and Economic Council. Today, the structure has consultative status under the auspices of the President of Ukraine.

The institutional development of the *National Tripartite Social and Economic Council and its secretariat* formed a significant part of ILO project activities. As of the moment of evaluation, a number of workshops have been held to discuss social dialogue issues for trade union activists and a series of round tables to share the Polish experience in the sphere of employment using social dialogue as well as the French experience in social dialogue institutionalization, and to outline the process of reforming industrial relations in Ukraine. The project organized visits of the Ukrainian tripartite delegation to Germany, France and European institutions, including the European Economic and Social Committee, to study relevant practices. Significant support was provided by ILO to the National Tripartite Social and Economic Council in its effort to receive membership status in the International Association of Economic and Social Councils and Similar Institutions that ended in NTSEC accession to the Association in July 2008. Strengthening SD institutions took place not only at the national but also at the regional level. To this end, workshops on social dialogue were held at the regional level for representatives of the tripartite social and economic councils from 27 Ukrainian regions and a national seminar to strengthen secretariats of the regional social and economic councils was conducted. The project also provided office equipment for the secretariat of the NTSEC to support their work. Since the creation of the National Tripartite Social and Economic Council in May 2006, only two formal meeting was held as a result of political instability. It makes the Council to work mainly in the advisory mode and its activities are supported by the secretariat of the NTSEC.

5. FINDINGS

This section's content is organized around the ToR questions, and includes the findings, conclusions and recommendations for each of the subject areas that was evaluated.

Validity of the project strategy, objectives and assumptions

Appropriateness of the project strategy, objectives and assumptions for achieving planned results

The majority of respondents mentioned that the assumptions identified objectives and selected strategies met the challenges of that time and were commensurate with the planned results. At the same time, it should be mentioned that some respondents said the planned results were too ambitious, especially those regarding adoption of the Labour Code and the Law on Social Dialogue. However, the assumptions made in the project design that these bills may be adopted and enforced had two objectives. The first is to adopt and to change approaches to labour relations, and the second – to set the level that would keep the issues related adoption of the new Labour Code and the Law on Social Dialogue among the highest priorities for all political forces and constantly draw attention of the politicians to the need to improve relations between employees and employers. In order to achieve the planned results the project chose a sound strategy aimed at fruitful and systematic cooperation with all social partners. Also, the project established close and systematic cooperation with the parliamentary committee. Consistent and well-balanced project strategy aimed at enhancing understanding of the importance of new labour legislation as well as the institutional framework for social dialogue, development of the skills necessary for drafting and improvement of legislation, and strengthening of the social dialogue principles in practice achieved the results. However, under conditions of political instability and frequent change not only of the government but also of the members of parliament, it was the political situation that prevented the Verkhovna Rada from adopting the prepared bills.

Accurateness of the assumptions made in the project design

The majority of respondents pointed out to the accurateness of assumptions made in the project design. Only one respondent mentioned that the project objectives were not on time, but reform of trade unions and social election were more needed. Because not only ILO experts were involved into the project design but Ukrainian partners as well than the interests of majority namely possibility to reach planned objectives – adopt new Labour Code and Law on Social Dialogue were seen as relevant and accurate. Since the project design process involved not only ILO employees but Ukrainian partners as well, the chances to achieve the planned results, i.e. to adopt new labour legislation and the Law on Social Dialogue were seen as feasible and correct. Furthermore, the Law on Social Dialogue is needed in order to amend the Labour Code and its promotion as well as for establishment of tripartite cooperation among the social partners to ensure sustainability. At the same time, it should be mentioned that in the projects aimed at improving legislation, assumptions concerning time necessary for development and passage of a bill always remains a subject of the probability theory. In view of this, it became obvious only at this stage of the project implementation that the assumption concerning the period of time necessary for development and promotion of bills was not accurate. However, in view of political instability perhaps there were not many experts who would be capable of more accurate estimates.

Correspondence of the project activities to the needs of the country. Where appropriate, did they take into consideration or build upon existing donor, government, and private initiatives in the country?

The majority of respondents mention that the project activities corresponded to the needs of the country and were tailored to the current expectations of the project partners. The principal activities of the project included organization of workshops and round tables, provision of expert and advisory support, organization of visits to both Western and Eastern European countries. The project activities were aimed at achieving the planned results and built upon the previous ILO experience in Ukraine, experience of other international organizations and priorities of other donors working in Ukraine. At the same time, initiatives of Ukrainian governmental and non-governmental institutions and organizations were also taken into consideration, and opportunities of private companies were considered. Excellent knowledge by the project team of all players working in the same spheres as ILO, their ability to raise interest of international organizations represented both inside and outside Ukraine in the project activities, to engage a number of Western European embassies into joint project activities as well as to involve public and private funds not only provided additional financing for the project but also made it possible to enhance and deepen the project. A comprehensive approach used by the project enabled an increase of the number of project participants, extend and diversify the project activities, make it more systematic and wide-ranging, bring certain organizations to an international level and help them to become members of international organizations.

For instance, cooperation with the Friedrich Ebert Foundation made it possible for the project to carry out a number of joint workshops and round tables, to prepare and publish several publications, and to organize a visit of tripartite Ukrainian delegation to Germany. Cooperation with French Embassy and the French Economic and Social Council facilitated better social dialogue and the process of its institutionalization in France. The study-visit of the NTSEC Secretariat to Poland, contribution of Polish experts to the project seminars to strengthen regional social dialogue as well as input of the Polish labour lawyer (Prof. Maria Matey-Tyrowicz) to the labour law reform made important impact to the project by Ukrainian neighbouring country. Understanding of the opportunities of private consulting companies and knowledge of the principles of social responsibility of business made it possible to engage *pro bono* services of foreign experts in labour legislations from the GLN. At the same time, ILO closely cooperated with the Ministry of Labour and Social Protection explaining to each new minister the ILO role and tasks in Ukraine and offering support from ILO. Although the Ministry could take a more active part in the project and its activities, ILO understood the Ministry's restrictions, the vertical nature of its subordination and overall political partisanship of the situation. Involvement of the VR committee into cooperation with the project created grounds not only for positive attitude of members of parliament to the project activities but also improved their awareness about the project's objective and facilitated passage of draft laws in the parliament. Surveys and study of different issues were carried out by the Ukrainian analytical centre that has many years of experience in studying the status of development of labour resources, trade union movement, etc. In addition to this, the Project Advisory Committee (PAC) held meetings once or twice a year to critically and constructively discuss achievements and challenges for the project, ways to solve the problems and to most efficiently fulfil the identified tasks.

Understanding and support over the life of the project the project's objectives and approach by the government / employers / unions / Project Advisory Committee (PAC) members

Although the majority of respondents answered to this question positively, this positive response was given already at the closing stage of the project. Only several stakeholders admitted that, at the start of the project, their understanding of the project tasks and strategies was low and only their active involvement into the project implementation helped them to understand it better. The main support for the project on the part of the stakeholders was their participation in the project events, in development of draft laws, in submission of proposals concerning improvements to the draft laws, in receipt of advisory and expert assistance. In other words, their active participation in the project facilitated better understanding of the nature of the project and the strategy of its implementation by the project participants. It should be mentioned here that all respondents had a feeling of ownership of the project and were interested in its success. A failure to adopt the Labour Code and the Law on Social Dialogue was a matter of deep concern for all stakeholders.

Reflection of the different needs of women and men by the project design

Unlike the previous project *Ukraine: Promoting Fundamental Principles and Rights at Work* (ILO Declaration project in Ukraine), the gender problem was not identified as a separate task. This is why the current project capitalized its activity on the previous one and continued dissemination of printed publications, conducted seminars on gender issues upon invitation from trade unions, and conducted review of academic papers concerning issue of gender equality. However, when participants were invited to the workshops, round tables and other event organized by the project, equal participation of women and men was always taken into consideration. It is important to mention that the majority of respondents believe that there is no understanding of the gender problem in Ukraine and thus there is no understanding of approaches to solving it. The recent comments provided by ILO experts on the Labour Code also proved this statement. The problem of equality between women and men was present in all ILO comments. At present, Ukrainian legislation is too protectionist with regard to women, which diminish employment opportunities for women, especially middle aged women with children. It is important that we use the draft Labour Code as a possibility to launch a wide discussion of the gender problem with the society.

Conclusions

The evaluation makes it possible to make conclusions concerning feasibility and accuracy of assumptions made in the project design. The identified tasks and strategies chosen for their fulfilment were aimed at achieving the planned results. Despite the fact that the relevant bills were not adopted by the Verkhovna Rada because of unstable political situation, all project participants acquired experience of preparation and passage of such bills in the VR. The project's achievements include the launch of a social dialogue, explanation of its importance to all social partners, acquaintance of Ukrainian participants with the best international practices and implementation of activities corresponding to the needs of the country. Furthermore, filigree project coordination with the existing donor, government, and private initiatives in the country made it possible to avoid duplication of effort and activities, which unfortunately often is the case in Ukraine and to create the necessary synergy among all

stakeholders. Systemic work of the project facilitated better understanding of the project tasks and strategies by the stakeholders and their support throughout the whole project implementation period. The project was able to ensure stakeholders' ownership of improvement of labour legislation and a social dialogue. In order to ensure adequate reflection of the different needs of women and men the project dedicated some of its attention to the gender issues. However, attention to gender issues was less visible to stakeholders than in the previous ILO Declaration project in Ukraine. Thus, it is important that in the future more attention is paid to explaining the ILO principles concerning the gender problem to the Ukrainian stakeholders and to giving them not only theoretical but also practical knowledge, e.g. in analysis of the government's gender policy, draft laws, as well as formulate glossary of terms connected to gender issues and common understanding of gender theme.

Benefits / impact accrued to target groups

The major results / accomplishments of the project

Although the project failed to achieve the results that were planned, namely adoption of the Labour Code and the Law on Social Dialogue, the respondents mentioned a number of results that they believe to be important achievements of the project. The mentioned results can be conventionally divided into planned and unplanned.

The **planned** results are described below in accordance with the project tasks.

Harmonization of legislation

Although the draft Labour Code and the draft Law on Social Dialogue were not adopted by the Verkhovna Rada, they were prepared and discussed with a wide range of social partners. ILO repeatedly provided its comments to both bills that facilitated their improvement, revision and re-thinking. As of the moment of project evaluation, the draft Law on Social Dialogue was forwarded to ILO that is preparing its comments. It is also important to mention that organizations of employers initiated the request of ILO comments that is also an achievement of the project. The project not only managed to make the social partners realize that they have rights but also succeeded in creating conditions, in which that would be able to exercise them. The project developed the stakeholders' capacity to draft laws in line with the European requirements and standards; it was also able to create the atmosphere for compromising and to facilitate the change of a tone of communication between the project partners. Constant expert support from the project for the work on the draft laws facilitated sharing of international experience and ILO experience in the sphere of labour legislation.

Establishment of the institutional structure for social dialogue

Due to the project's effort, Ukraine saw the development of a social dialogue that was not there before the project. Thanks to the project, the social dialogue concept not only became understandable for all its participants but is also applied in practice. The issue of a social dialogue became close for both trade unions and for organizations of employers. In addition to the identified and formulated "rules of the game" for a social dialogue that lay down the principles of equality of all three parties to a dialogue, regulate their relations, distribute the partners' rights and responsibilities, regulate their relations and distribute their responsibilities, determine the levels of a social dialogue (local, district, oblast, national), normalize financing, etc, the social dialogue principle was established at a national level. Thus, the Law on the Cabinet of Ministers contains a norm obliging the Cabinet to carry out a social dialogue, and the norms of a general agreement provide for the social dialogue procedure. At the same time, amendments were introduced to the CM Rules of Procedure, according to which the social partners are to take part in the Cabinet meetings. Also, the Ministry of Justice is to accept for consideration only the draft laws that underwent expert examination by all social partners.

An important result of the project activities was resumption of work of the National Tripartite Social and Economic Council attached to the President of Ukraine. Methodological and institutional support of the project helped to quickly organize activities of the Council's secretariat despite political instability and disagreements around the affiliation of the National Tripartite Council. Having had only two formal meetings during the period of the secretariat's existence (since May 2006), the secretariat found the way by working in an advisory mode to organize discussion of over 300 draft laws, to establish relations and study experience of work of similar councils in other countries and apply it in its work, to join the International Association of Economic and Social Councils and Similar Institutions, to organize development of a joint plan for overcoming the crisis under ILO auspices upon the government's request, to start organizational development of the regional councils network, to develop its own institutional capacity and to establish necessary relations with various donors.

In addition to this, integration of the project activities into the work of the VR committee, and the systematic nature of ILO cooperation with the government, trade unions and employers in the sphere of social dialogue facilitated institutionalization of a social dialogue.

Along with the drafted bills, Ukrainian partners of the project received many important documents (conventions, glossaries, etc) translated into Ukrainian, a vast database of comparative legislation, etc.

It also should be mentioned that the ILO project based and identified its tasks and strategies through a series of surveys, e.g. on the coverage, availability and the scale of organizations of trade unions and employers. The results of such surveys were used as a basis for ILO activities. This strategy facilitated evaluation of all possible strategies for solving the identified tasks, added transparency to the decision-making process, facilitated involvement of all social partners into the decision-making process and the use of a comprehensive approach for achieving the declared tasks. Moreover, which is most important, it showed the Ukrainian partners how and on which basis they have to approach resolution of various problems.

Among the unplanned project results, the stakeholders named the following:

All project participants had a chance to take part in the study of best international practices in the sphere of labour legislation, establishment and maintenance of a social dialogue through communication with ILO experts and establishment of direct contacts with international member organizations and similar organizations in France, Belgium, Germany, and Poland. Social partners were able to better understand ILO activities through participating in the workshops, round tables and annual ILO conferences in Geneva. At the same time, the project helped the National Tripartite Council to become a member of the IAESCSI.

The important unplanned project results also include involvement of international partners into participation in the project, creation of a national team of experts on the project problems, establishment of an unbiased and politically non-partisan platform for discussions among a large number of Ukrainian participants of the project where they could meet, discuss, make decisions, share information, etc. This all helped the social partners to go from the conflict to a social dialogue; enhanced the cultural level of a dialogue between the social partners; they learned how to listen to each other, work together and seek compromises; they understood the value of a dialogue; stakeholders' mentality changed; their mutual respect increased. For example, the seminar targeting employers' associations organised by the project in January 2009 has resulted in an increased cooperation amongst employers' associations; as a result, three employers' associations¹ created on 7 July 2009 a joint-representation body to coordinate their activities and positions on the formulation of the socio-economic policy of Ukraine. Joint participation in the process of law drafting not only improved understanding of what is good and what is bad, and what can and has to be done, but also consolidated organizations (e.g. organizations of employers). Through the establishment of a dialogue between the project participants, their common search for compromises and the ability to listen to each other, the project facilitated democratic development of Ukraine, establishment of close cooperation among the different sectors of civil society and strengthening of the role of civil society and its organizations (alternative trade unions, organizations of employers).

Extent to what the project has achieved its objectives and reached its target groups

The project had two objectives, namely:

Objective 1. Assist Ukraine in finalization of the procedure of adoption of the Labour Code and ensure its smooth enforcement.

Indicators: # 1.1. The Labour Code is adopted and come into force
1.2. The users of the Labour Code (labour inspectors, workers, employers, judges, etc.) are acquainted with the stipulations of the new Labour Code

Objective 2. Assist in finalization of the procedure of adoption of the Law on Social Dialogue and its effective enforcement

Indicators: # 2.1. The Law on Social Dialogue is adopted and comes into force;
2.2. The National Tripartite Social and Economic Council and regional TSECs start to function in accordance with the stipulations of the Law on Social Dialogue

As of the end of the project, in accordance with the identified indicators for each task only a half of one task has been formally completed. As of the moment of project evaluation, adoption of the Labour Code is at the stage of

¹ Federation of Employers of Ukraine, the Confederation of Employers of Ukraine and All-Ukrainian Employers' Association.

preparation of the bill for the second reading. In the first reading, the bill was adopted by the parliament on May 20, 2008. During the process of preparation of the bill for the second reading, great disagreement emerged between the point of view of the trade union leaders and the leaders of organizations of employers concerning such issues as protection of employees' rights and employers' economic activities. Since the Constitution of Ukraine does not make it possible to decrease the level of guaranteed social protection, this fact impedes efficient economic activities of the employers. In view of this, the main task at the stage of preparation of the draft Labour Code is a search of balance between the positions of trade unions and organizations of employers. At the request of the Ukrainian social partners, ILO prepared and presented detailed comments to the bill. Having accepted the provided comments, the majority of Ukrainian stakeholders tend to agree to adopt the Labour Code as it is at present and to amend it later.

The project also demonstrates that the Law on Social Dialogue that was adopted on July 7, 2007 was not signed by the President due to the dissolution of the Verkhovna Rada of Ukraine. Pursuant to the established procedure, the bill is to be tabled at the VR again and go through the first and the second reading. As of today, the bill has already passed in the first reading successfully on September 3, 2008 and is being finalized by the parliamentary committee. At the same time, the Federation of Employers of Ukraine asked the ILO to provide its technical comments concerning improvement of the draft law. And although the Law on Social Dialogue was not adopted, the National Tripartite Social and Economic Council and regional TSECs started to fulfil some of its functions envisioned in the draft Law on Social Dialogue.

The target group of the project consisted of men and women workers and employers in Ukraine who should benefit from improved legislation and industrial relations as well as better labour administration with the participation of representative workers' and employers' association. In order to reach its target groups the project worked through the Ministry of Labour and all-Ukrainian workers' and structured employers' organizations which were delegated to represent interests respectively of employers and workers at national level. In order to reach wider audience, the project:

- Used the Project website as an important source of useful information in Ukrainian accumulated by the Project and previous ILO Declaration Project;
- Provided media support (dissemination of press-releases, accreditation of mass-media) to all Project seminars.
- Participated in the press-conferences, for example, devoted to the launch of the ILO Global Report (12 May 2007).
- Organized series of regional seminars on social dialogue that produced a large echo in the local as well as nation-wide media;
- Prepared and promoted the ILO publications among them *Glossary of Labour Law and Industrial Relations*;
- Translated into Ukrainian several ILO materials on social dialogue and labour law practices; the ILO conventions and recommendations on social dialogue; etc..;
- Maintained contacts with the academic and the research community;
- Participated in numerous conferences and seminars organized by the Ukrainian universities, think tanks and international organizations in Ukraine and Europe on the project-related issues to promote project objectives and activities;
- Prepared a rich documentation of materials on the labour law reform and social dialogue which were presented at numerous seminars and conferences organized by other international projects/donors

However, it is difficult to assess the extent to what the Project reached its target audience as it was not among the project priorities. But the Project made huge efforts to reach its target audience. The assessment demonstrated that the project was able to reach its target groups through trade unions and employers' associations whose representatives were involved into the project design and implementation. Wide-ranging consultations were organized with representatives of these groups upon the project's initiative, and the project supported the social partners in enhancing their representation and ensuring wider involvement. In addition, it is important to mention that tactics used by the project in establishing of formal contacts with important people and further development of informal communications with them provided an opportunity to reach key players. Informal communication and social capital of the project staff helped the project in establishing contacts with people important for the project implementation. Since the project tasks centred its implementation in Kyiv but some activities like the workshops on the issues pertaining to social dialogue for representatives of regional TSECs were held in the regions.

In general, it should be stated that, despite the formal non-fulfilment of the identified tasks, the project did everything to achieve the planned results. Unfortunately, the unforeseen and instable political situation that was beyond the project's control, undermined the already achieved results and prevented the project from achieving the other objective. At the same time, the project succeeded in reaching its target groups, which facilitated wider coverage of all social partners.

Stakeholders' commitment to and understanding of the project

As already mentioned above, the Ukrainian stakeholders did not have a clear understanding of the project as of the moment of its launch and consequently their commitment to the project at the beginning of its implementation was not at the level that ILO would like to see. However, in the course of project implementation, the stakeholders' understanding of the project and its objectives was growing. Similarly, their commitment to the project was growing. The project team's position was balanced with regard to all the project stakeholders and took into consideration the interests of all project participants although the attempts to "tug the war" were made by all social partners. The project was able to make clear its intentions and the position to the social partners, and to find necessary compromises which facilitated both the enhanced commitment to the project and higher respect for its personnel from all the stakeholders. The Ukrainian partners say that the project took a reasonable and well-balanced position with regard to all social partners and followed its objectives.

The project adequate account for the different needs of women and men

Yes, within its mandate and competency.

Implementation status, specifically as concerns planned activities, materials, schedule and budget

Extent to what extent planned activities have been implemented on time and within budget to the target audiences, in relation to the original project document and to subsequent work plans

The Project operated in instable political and social situation that could be compared to burning volcano. The original document was developed with involvement of all stakeholders and aimed to achieve seven outputs. Analysis shows that four outputs are fully executed, two were executed to different extent, and one was not executed at all. Output 1.3 – "*Efficiency of the labour inspection improved*" was not achieved because of disagreements at political level. New concept of the State Labour Inspectorate based on the best international practices of integrated labour inspection system and in conformity with ILO Conventions was designed. However integrated approach of labour inspection system became a dispute point that 'disinterested' Ukrainian stakeholders in improvement of labour inspection system. Lost of interest made inappropriate for the project to continue further interventions concerning the labour inspection. The other two outputs that were achieved only to certain extension connected with activity of NTSEC and outputs 2.1 and 2.2. The Ukrainian stakeholders made a decision to develop a list of recommendation to improve information exchange, consultative process and collective bargaining at national level by its own efforts as well as to refuse from piloting social dialogue models at sectoral and regional levels. However, even some regional activity on social dialogue took place they did not manage to develop a model that connects regional NTSECs at horizontal level. Now there are links only between separate regional TSECs and NTSEC in Kyiv.

Each subsequent work plans was developed with involvement of all project stakeholders and was based on previous years achievements. It is important to state that not implemented planned activity was a result of changed political situation, not approval of drafts law in parliament, postponed key decisions by the Government officials. For example, it was no sense to develop a user guide on application of the new Labour Code or translate the new Labour Code for ILO comments before its adoption in the Verkhovna Rada or to conduct seminars and other activity to labour inspectors on the new Labour Code enforcement without having this piece of legislation adopted by the Parliament.

But, even during that very demanding time the project staff used its professional and diplomatic efforts to maintain close contacts with the Government officials and leaders of the social partners in order to identify the needs of the country as well as of particular organizations and to operationalize them into coherent workplans. It helped the Project activities represent a reflection of proposals and priorities formulated by the Ukrainian partners and consolidate them to assure the maximum of relevance of all Project activities undertaken every year. As a result, the Project workplans were flexible to respond to changing political environment and needs of the partners, proposing new approaches to achieve the identified objectives. Regular meetings of the top political leaders with the social partners on strengthening social dialogue and wide media coverage of the social dialogue issues were the important evidence of the Project's relevance as well as ILO contribution to the promotion of international labour standards and best international practices in Ukraine.

Limited project financial and human resources were allocated quite efficiently. Analysis showed that the project staff conducted a careful and critical selection of measures to be financed and, where it was possible, matched them with the Ukrainian and international donors' support. As a result of the project staff fundraising efforts more activities were accomplished than it was envisioned.

The Project's open and integrated approach as well as fruitful cooperation with other donors or implementing agencies operating in the similar field of competence helped the project in reaching wider target audience, created important and highly positive synergy as well as to attract significant additional resources.

Efforts that have been undertaken to ensure that both women and men are able to benefit from project activities

Although the project had no component specifically addressing work with women and men, when inviting participants to project events, balanced representation of both genders was always observed. It is also important to mention here that the project stakeholders mention that ILO itself served as an example of balanced representation of the invited experts and specialists working with the project.

Obstacles in project implementation and actions taken to address them

In addition to the unstable and constantly changing political situation, the stakeholders pointed out to a number of other obstacles encountered in project implementation. The table below describes the obstacles and actions taken to address them.

<i>Obstacles</i>	<i>Actions taken to address obstacles</i>
<i>EXTERNAL CHALLENGES</i>	
<ul style="list-style-type: none"> • Politicization of social dialogue • Financial crisis 	<ul style="list-style-type: none"> • Patience and balanced non-partisan position of the project • Training for representatives of the trade unions and organizations of employers conducted to provide them with the mechanisms of overcoming the crisis; • Regular meeting of all partners in the Ministry of Labour and Social Protection to develop joint solutions; • Establishment of seven inter-departmental working groups on overcoming the crisis; • Drafting of social and economic plans of future development
<ul style="list-style-type: none"> • Weakness of civil society that is still unable to be a full-fledged social partner and replace the state in the national councils 	<ul style="list-style-type: none"> • No actions taken to address the problem since it is beyond the scope of project's objectives
<ul style="list-style-type: none"> • Law-drafting process – complexity, timelines, involvement of numerous participants, large number of various schemes 	<ul style="list-style-type: none"> • Work with the specialists; • Informal communication with the key decision-makers; • Cooperation with the parliamentary committee
<ul style="list-style-type: none"> • Limited resources of the project 	<ul style="list-style-type: none"> • Fundraising with other donors; • <i>Pro bono</i> services
<ul style="list-style-type: none"> • Vertical structure of public administration 	<ul style="list-style-type: none"> • Discredit the authoritarian governance style and strengthening the democratic style of governance through introduction of a SD
<ul style="list-style-type: none"> • Frequent changes of governments and ministers 	<ul style="list-style-type: none"> • Meeting and briefing on ILO activity in Ukraine new Minister during its first week in the office
<ul style="list-style-type: none"> • Non-ratification of certain conventions 	<ul style="list-style-type: none"> • Work with responsible government office
<ul style="list-style-type: none"> • Pressure of the previous Soviet experience in social protection 	<ul style="list-style-type: none"> • Training and expert support; • Visits to other states
<ul style="list-style-type: none"> • Absence of transformation of the social institutions system (e.g. insurance system) 	<ul style="list-style-type: none"> • No actions taken to address the problem since it is beyond the scope of project's objectives
<i>INTERNAL OBSTACLES OF SOCIAL PARTNERS</i>	
<ul style="list-style-type: none"> • Low level of trust of social partners in each other and absence of 	<ul style="list-style-type: none"> • Organization and participation in joint activities; • Negotiations among the partners;

compromise culture	
<ul style="list-style-type: none"> Inadequate representation of social partners during the workshops and round tables 	<ul style="list-style-type: none"> Increased representation from organizations – from one to two or three persons to ensure further transfer of knowledge and information received during the event
<ul style="list-style-type: none"> Different attitude to the representation criteria in the draft Law on Social Dialogue 	<ul style="list-style-type: none"> Workshop on representation criteria conducted by the ILO experts; ILO expert analysis; Negotiations conducted among the trade unions; The Ministry suggested no detailed criteria should be provided for in the law and only general approaches should be outlined
<ul style="list-style-type: none"> Attempts to lobby one's own interests in the draft law 	<ul style="list-style-type: none"> A constructive dialogue made it possible to come to an agreement; ILO expert analysis
<ul style="list-style-type: none"> Disagreements around the Labour Code 	<ul style="list-style-type: none"> A constructive position of organizations of employers, discussions, negotiations and mutual concessions
<ul style="list-style-type: none"> Role and place of the National Tripartite Social and Economic Council – should it be attached to the President or to the Cabinet of Ministers or be independent? 	<ul style="list-style-type: none"> Search for compromise Members of NTSEC have been exposed to good practices in Western and Eastern European countries
<ul style="list-style-type: none"> Problems related to employers' movement 	<ul style="list-style-type: none"> Persuasion and search for compromises resulted in creation of a joint body comprising the majority (15) of the existing organizations in July 2009
<ul style="list-style-type: none"> Problems related to the trade unions' movement 	<ul style="list-style-type: none"> Persuasion and search for compromises have not brought and tangible results so far A moratorium on sale of assets of the Federation of Trade Unions of Ukraine
<ul style="list-style-type: none"> Refusal to cooperate due to the unwillingness to work with the other party 	<ul style="list-style-type: none"> Persuasion and search for compromises and the golden middle for work with the social partners; Flexibility of the project and balance of its position; Adherence to the single moral principles thought the whole implementation period
<ul style="list-style-type: none"> Low institutional capacity of all social partners 	<ul style="list-style-type: none"> Consolidation of limited resources as organizations of employers did by creating a joint body;
<ul style="list-style-type: none"> Personalization of social partners and leaders' ambitions 	<ul style="list-style-type: none"> ILO expert analysis; Examples from practice; Persuasion and search of compromises
<ul style="list-style-type: none"> Absence of specific proposals and actions to be taken after negotiations and discussions 	<ul style="list-style-type: none"> Training and expert support; Visits to other countries

Correspondence of training programs, manuals and other project materials to the needs of the project, stakeholders and beneficiaries as well as the country situation. Coordination of the project activity with other government, donor, or private sector activities

All stakeholders mentioned the feasibility and adaptability of training programs, manuals and other project materials to the needs of the project, stakeholders and beneficiaries (both women and men) as well as the country context. Project participants were especially grateful for Ukrainian translations of ILO documents, convention texts, social dialogue documents and materials related to the functioning of national tripartite councils in other countries. Stakeholders noted the translation quality and valued the fact that documents were translated into Ukrainian as this demonstrated sensitivity to the national issue (since the translations of these documents were formerly available only in Russian). Training materials were of high quality and adapted to the participants' needs, and met current challenges. At the same time, in the course of developing training programs, manuals and other project materials, existing materials and solutions were taken into consideration. The respondents specifically mentioned the *Glossary of Labour Law and Industrial Relations* that became a reference book for all of the social partners. The project had its own website to provide everyone with easy access to materials and this too received a positive response from many respondents.

The Project used an open and integrated approach that helped establish fruitful cooperation with other international organizations, bilateral donors, and implementing agencies operating in the similar field of competence, including UN agencies and other international organizations, other ILO activities in Ukraine, Friedrich Ebert Foundation; Swedish Labour Market Dialogue Project in Ukraine; Kyiv-Mohyla Academy, Institute of Employment and other research centres; The Consortium for the Enhancement of Ukrainian Management Education; The Institute of Competitive Society. The Project coordinated its activities with them as well as cooperated on some of them. For example, in cooperation with the French Economic and Social Council and the French Embassy in Ukraine, the round table “Institutionalization of Social Dialogue” was organized in Kyiv in June 2007; a study-visit of the Ukrainian tripartite delegation to Germany on “Lessons of German Reforms Experience for the Reforming Process in Ukraine” was organized in September 2007 in cooperation with the Friedrich Ebert Foundation; in cooperation with FES the Project finalized editorial work on the Ukrainian edition of the ILO publication *Glossary of Labour Law and Industrial Relations* (with special reference to the European Union) edited by Gianni Arrigo and Giuseppe Casale, cooperation with the Polish social dialogue institutions at national regional levels resulted in Polish contribution to the project’s seminars on strengthening regional social dialogue and the study visit of the Ukrainian NTSEC Secretariat to Warsaw. Coordination and cooperation on project activities with other government, donor, or private sector activities produced highly positive synergy as well as significant additional resources. In addition, the cooperation was highly appreciated by Ukrainian partners.

Recommendations for project’s next phase or for any follow up to be done by project local partners such as the Ministry of Labour and Social Policy in cooperation with social partners

Activity planning

- To increase the number of professional trainings and to organize special workshops for a wide range of employers and trade unions;
- To update and extend the list of social partners involved in project activities and involve members of parliament to take part in project events;
- To change the format of workshops and trainings making them more interactive and practical, to use examples from practice involving the participants in practical exercises to gain skills rather than merely information (e.g. to have lawyers re-write articles of draft laws in accordance with provided ILO standards and good European comparative practice);
- To conduct workshops and trainings of appropriate length to convey needed knowledge and practical skills; to use principles of adult learning techniques and methodology during the trainings and workshops;
- To increase the intellectual level of the project by involving researchers, but with a clear approach toward practical application so that theoretical solutions can be used in practice;
- To exercise activities aimed at developing the institutional capacity not only through the provision of professional knowledge but also through knowledge on organizational management (e.g. fundamentals of management of organizations, work in partnerships, the art of negotiations and discussions, fundraising skills, etc);
- To provide a transparent and open procedure for forming groups on foreign visits;

Materials

- To review all materials before printing (the expressed comments concerned the *Glossary of Labour Law and Industrial Relations*) or publish new editions;
- To update some ILO materials on social dialogue as some of them were prepared some time ago and need to be updated.
- To increase the intellectual level of the project by involving researchers, but with a clear approach toward practical application so that theoretical solutions can be used in practice

Time Schedule

- To think over the sequence of events, i.e. some knowledge and skills should be given at the beginning of the project (for instance, the training on the fundamentals of law-drafting techniques would be more useful before the development of draft laws and not after it, when the introduction of amendments is impossible). It also regards the visits to other states to study their experiences. It is important that such visits are carried out before the start of a respective activities so that the participants can see in which direction to move;
- To develop a more precise events calendar since some busy stakeholders did not have a clear, long-term vision of the project. For instance, when ILO pro-bono expert prepare its comments, she wanted to know a preliminary plan for their further use in order to plan her future availability to the project.

Sustainability of project results

The project sustainability plan

The majority of respondents, including ILO representatives, did not know about a sustainability plan. However, key aspects of a project sustainability plan that were mentioned consist of working with stakeholders; the production of high quality publications, materials and documents; the creation and training of a group of experts in key project intervention areas; the obtaining of needed resources to continue project work. Work with a wide range of Ukrainian stakeholders resulted in the high demand for project publications, materials and documents. Most of respondents mentions that project materials are their '*nastolnaya knuga*' (guide books) that are with them all the time. The best illustration of how stakeholders are using knowledge received through seminars and study visits concerns the employees' organizations' appeal to ILO for comments on the draft law on social dialogue. At the same time, the practice of social dialogue by all project stakeholders during the formulation of project activities resulted in a "point of no return" from which social dialogue could no longer be abandoned in the quest for democratic practice and discussion. The creation of an advisory committee from amongst project participants was mentioned as a step towards project sustainability. However, ILO has a mandate to continue work on social dialogue by any means available.

Project components or results likely to be sustained after the project and how

There were a wide range of *project component* results that are likely to be sustained after the project. Among these components, the respondents mentioned the following:

- The improvement of drafts law on the Labour Code and Social Dialogue will continue;
- Expertise will be sought for the creation and improvement of the draft law on the Labour Code as such laws should be amended every year under the supervision and availability of national experts and lawyers.
- NTSEC and its Secretariat as well as the regional TSECs will continue their work at national and regional levels;
- Project working groups and committees will likely continue their work, though at smaller scale;
- Documents and materials that were developed and translated under the scope of the project will continue to exist and be utilized by social partners and other interested parties;
- Formulated management structures of social insurance funds on a tripartite basis will continue to exist.

The following *results* will exist after the end of the project:

- Stakeholder knowledge and skills received during project implementation as well as networking formed during project implementation;
- The understanding by social partners of the importance of using an integrated approach to work at all levels and in cooperation with social partners
- Understanding of the importance of dialogue among stakeholders and the existence of a common platform;
- The experience of joint cooperation between government institutions and civil society organizations;
- An understanding by the government of the importance of tripartite dialogue;
- An awareness by target groups of their own needs and the process of filling these needs through targeted activities
- Examples of ongoing partnerships, such as joint initiatives undertaken in cooperation with FEF, the French Embassy, GLN, etc.
- Lessons learned on how to work in countries despite a changing political and social environment and circumstances and a group of competitive elites;
- An understanding of international approaches and practices in transforming labour legislation;
- A value of project commitment and ownership by stakeholders.

Most of the project components will be sustained only through the support of social partners, should they make some efforts to continue them. However, some of the aforementioned project results will continue because they result from changed behavioural and philosophical approaches on the part of the stakeholders.

The project approach, products, results and lessons learned to be extended to similar projects worldwide. Replicable best practices of the project.

The following project *approaches* were recognized and valued by stakeholders: tripartite work and a balanced approach to all stakeholders throughout the project implementation period; the manner and methodology of how

the project was managed and implemented; cooperation with a wide range of stakeholders, especially with deputies and VR committees; the political neutrality of the project; the use of informal communications and a systemic approach. These approaches might be expanded and used in similar projects worldwide. At the same time, project results in terms of the production of explanations and commentary to ILO Conventions as well as Ukrainian translations of Conventions were seen by stakeholders as important project *products*. Among project *results* to be replicated in other countries, the following were mentioned: methodology for the application of social dialogue to different areas; the formation of local expert groups on different issues within project theme areas; the use of developed project documents; the development of stakeholders' skills necessary to create a dialogue; the establishment of a coordinating unit of employees associations to coordinate their positions. The projects' *lessons learned* include: behaviour of international experts that was not pushy, focus on just providing consultations and not ready-made decisions, presenting different viewpoints with the decision left in the hands of participants, professional-level comments; relevance of the project activity to participant and country needs; project flexibility and its desire and readiness to adapt activities to the needs of the stakeholders; importance of a prompt response with ILO expertise and comments to drafts laws; systematic work in order to push an issue and force government and other key public officials to recognize an issue; timely meetings to develop anti crisis strategies. The following *best practices* that are replicable include: importance of building on achieved results and successes by conducting follow-up activities; include lawmakers into the project circle during the introduction of new legislation as the evaluated project did by involving VR deputies and committees; selection of qualified and dedicated project staff with experience relative to project themes, language ability, deep understanding of local problems, close ties with all social partners; the gathering of social partners at a seminar outside the country with participants from other countries to enjoy an excellent cultural and learning experience such as what happened during the seminar in Turin, Italy; study visits to other countries for learning, expansion of mindsets, and the better understanding of important issues such as how minimum wage is established in Germany and France; involvement of all stakeholders in the project design, planning, implementation, and evaluation processes; formation of informal networks of people who normally are not working together formally; project midterm and final evaluation by an independent local expert.

Financial viability of the approach

The majority of respondents responded negatively to this question. Still, some representatives of governmental authorities said that some financing, e.g. for support of activities of the secretariat of the National Tripartite Social and Economic Council, can be provided by the Government of Ukraine. At the same time, it should be mentioned that the modest and limited project funds resulted in a situation where project employees used their own social capital to establish fruitful contacts and to receive financial support from the Friedrich Ebert Foundation (Germany), the Embassy of France in Ukraine, and the Swiss Agency for International Development in order to organize joint activities such as round tables, the preparation and printing of various publications on project issues, the organization of visits of the Ukrainian tripartite delegations to Germany, France and Belgium, etc. Experience received in the sphere of raising additional resources from other donors, even for one-time events, is an important indicator of the fact that financing can be found provided there is a desire, an understanding of which activities need financing and how much, a knowledge of the priorities of other donors and an ability to establish a contact with them and to persuade them of the importance of your work. All Ukrainian respondents were very positive about the ability of the project team to transmit their enthusiasm to other donors. The project's example is important for the Ukrainian stakeholders' understanding of how and from where funds, even small amount, can be raised and contributed to their work.

One also has to mention the ability of the project personnel to involve *pro bono* services from business companies. A vivid example of this was the cooperation of the ILO project with the EBA member, a French company Gide Louarette Nouel that provided expert services in developing and improving draft laws for the Labour Code. Another important fact is that the project was able to engage many foreign experts that provided services for the project free of charge. At the same time, some experts pointed out that without donor financing, it is impossible to implement such projects since proper donor financing is necessary to ensure the project's independence in decision-making, identification of tasks and strategies for their fulfilment. When financing is local, the fight for the right to spend funds will make project participants forget about its implementation. Representatives of the US Embassy in Ukraine said that their door remains open for ILO and for the provision of financial support for its programs. The ILO representative also believes that ILO should find its own internal resources to continue the work initiated within the framework of the project.

Steps to be taken to encourage/facilitate use of project-produced materials and manuals by the stakeholders once the project is over

Most of the stakeholders think that use of project-produced materials and manuals depend on the desire and needs of project participants. However, there are some ways to disseminate project products more widely through their reproduction on CD, the maintenance of the project website, and the conducting of PR campaigns. These means help the products reach a regional level. In addition, project-related materials should be available in educational institutions as they are important to the daily life of every employed man and woman in Ukraine.

Recommendations for project's next phase

In order to sustain future project activities, it is important to create a sustainability plan with defined indicators. A project focused on the introduction of legislative changes should be accompanied with an intensive, well defined advocacy campaign at the national as well as at regional levels. Often, a bottom-up approach creates more pressure on the legislative body than does formal and informal communication with key players. At the same time, for such projects it is important to consider a project that extends beyond the scope of a three-year project cycle. For project sustainability, it is important to develop informational campaigns at every step and to set up some indicators for follow-up knowledge in the projects' target audience concerning its activity and outputs. Such an informational campaign should include the dissemination of project products as well as the wider involvement of civil society organizations. Based on the project's great successes in soliciting resources from other donors and implementing organizations, it is important, on one hand, to teach social partners about fundraising techniques to attract financial, human and other needed resources. On the other hand, it is important to 'breed' an understanding that there are 'no free lunches' and even seminars should require a participation fee.

Management performance by ILO, specifically as concerns project staffing and communications

Project management of its financial and human resources and communication with stakeholders

The project management framework envisioned certain institutional arrangements and inputs for effective project implementation. As it was already mentioned earlier, the project had limited resources both financial and human. At the beginning of project implementation, the project went through a difficult restructuring and was manned for the majority of this period by only two persons (CTA and NPC). The given objectives were fulfilled, but at the expense of an additional burden on a small team. This element caused the project staff to seek additional financial resources, pro bono services, match available resources with resources from other donors and international agencies working on similar issues, and encourage project participants to distribute the project results to a larger audience. Communication with stakeholders were done through different channels that include personal individual and group meetings, telephone and e-mail communication, project website, public meetings and events.

Do partners feel the project meets their needs in terms of services and participation in project planning?

Project partners expressed their satisfaction on how the project responded to the changing political environment and their needs in order to incorporate the priorities and proposals formulated by Ukrainian partners. Partners especially appreciated and underlined importance of their involvement in project planning at all of its stages.

Is staff time spent in the most effective and efficient manner to accomplish the project's objectives?

Taking into account limited human resources and changing project approaches that put an additional burden on a small project team, project staff spent time in the most effective and efficient manner; always considering the achievement of identified objectives as its priority, even in challenging political and social environment.

Adequateness of support / cooperation received by the project staff from the PAC, the local partners, and relevant ILO units and offices

The project enjoyed adequate support from its entire partner pool by holding regular meetings with them, setting up means for informal communication, using open, systematic, integrated and politically neutral approaches. As for relevant ILO units and offices that went through certain restructuring and personnel changes, this resulted fewer support mechanisms than may have otherwise been provided. The project might have enjoyed greater support from ILO units and offices on gender issues, setting project indicators as well as receiving their feedback on project implementation pace.

Recommendations for project's next phase

For successful project implementation, it is important to allocate relevant financial and human resources. It is also important to involve project partners in operational planning as some partners felt uninformed regarding future steps. For example, when a draft law was designed, and ILO was asked to provide its comments, the plan and

timeline for comments and future implementation should be clear to all the stakeholders. This activity plan is important for stakeholders to delegate their own time and activities to the project.

Effectiveness of project performance monitoring

Project performance monitoring system

The project document described the project monitoring system to be used by the project. It includes preparing and submitting the technical progress and financial reports on an annual basis both to donors and ILO HQ. In addition, the project baseline data should have been gathered early in the implementation period to serve as basis for measuring progress against indicators.

Analysis of project documents, annual progress reports and ToR for evaluation showed certain inconsistencies connected to the project indicators. For example, ToR provided very specific indicators for the project's immediate objectives (there are four of them), however, they are not mentioned in the project document. At the same time, the project document mentioned quantitative indicators for each project output but there is no data related to their achievement in the annual reports. In addition, there are inconsistencies between indicators presented in the project document and in annexes to annual implementation plans, where indicators are qualitative that quantitative. Furthermore, there are no outlined methods for data collection or other sources of information.

The annual progress reports provide information on project activity but lack a comparative analysis of planned and accomplished annual activities that would allow the visualization of project achievements in a given year. In addition, a brief summary of the annual activities in the beginning of the report using data, graphs, or some other graphic would make it more lively and user-friendly. Financial reports were submitted to the Budapest office on a quarterly basis on time and were of good quality.

Practicality, usefulness and cost effectiveness of the performance monitoring system for project management

There were two levels of monitoring – formal and informal. The formal monitoring system was based on annual reporting to donors on project activity by preparing a technical progress report to donors and quarterly financial reports to the ILO office in Budapest. In addition, the ILO National Correspondent in Ukraine prepared monthly reports with general information about the country situation as well as specific data on each project implemented by ILO in Ukraine including one that is currently being evaluated. An informal monitoring system was maintained through regular site visits by ILO staff from Geneva and Budapest to Ukraine.

According to project staff and ILO representatives, the existing monitoring system was connected to objectives. It helped to keep work plans up-to-date and helped to make decisions regarding the allocation of limited resources. Moreover, ILO staff is satisfied with the existing monitoring system as its management philosophy is based on trust and personal contacts.

Recommendations for future projects

In order to monitor the project results it is important to improve indicators and specified methods of their collection as well as their sources. It will assist not only in project implementation and follow-up of project achievements but also provide data to convince possible donors of the importance of project work and force Ukrainian stakeholders to act. In addition, ILO should regularly (much more often than once a year) report to or update a donor on the project activity, successes, achievements and obstacles in order to make a donor feel its attachment to the project and to provide a donor some space in the project implementation pace.

6. CONCLUSIONS AND RECOMMENDATIONS

Project evaluation provides evidence to *conclude* that:

1. In the given conditions of Ukraine's political instability and frequent changes both the government and the members of parliament, the project advanced the labour law legislative process to the extent that was possible to achieve by a small project team in a delicate and sensitive field of politics and diplomacy. The political situation prevented the Verkhovna Rada from adopting the prepared drafts law on Labour Code and Social Dialogue. Even the project objectives were too ambitious in the given the political situation, the project kept the issue of the improvement of labour legislation and the need for social dialogue as a high priority topic: "On several occasions this issue was even brought to the direct attention of the President, the Prime Minister and the Speaker as well as to the key players in the diplomatic corps in

Kyiv” (*Stanislaw Cieniuch*); Furthermore, the project convinced government to recognize the importance of social dialogue and institutionalize it in government documents and practice. In addition, the project managed to involve Verkhovna Rada deputies and committees in its activities. This resulted in their support and increased understanding of the importance of the introduction of new labour legislation and industrial relations.

2. The project managed to create stakeholder ownership in the project and its achievements by involving them in project planning, implementation and the evaluation process. Ownership was further increased by incorporating feedback and proposals submitted by stakeholders into the project as well as by adapting the project to conform to the challenging political and social circumstances.
3. Received knowledge, experience and skills resulted in the preparation of the drafts laws on Labour Code and Social Dialogue. Comments to the drafts law provided by ILO and international study visits to several Western and Central European countries and European Union institutions assisted in improving the drafts laws.
4. The project assisted in the establishment of the professional Secretariat of the Tripartite Council and renewed work of the NTSEC brought the importance of social dialogue to the attention of the President of Ukraine, the government of Ukraine, the deputies of the Verkhovna Rada, trade unions, employers’ associations and other interested parties at national and regional levels.
5. The project introduced Ukrainian stakeholders to the best practices of international institutions for the implementation of projects and the balancing of nonpartisan approaches. It further provided opportunities to be heard and practice democratic governance and values.
6. The project produced a whole range of important publications and materials that are useful to stakeholders and will be used for a long time. Several best practices developed within project implementation might be replicated in the similar projects worldwide.
7. The project’s integrated approach assisted in uniting the efforts of other donors and implementing agencies working in similar fields of competence and created needed synergy while attracting additional financial resources and pro bono services from business companies and local institutions.
8. The project’s limited but dedicated staff not only worked long hours and demonstrated a balanced and nonpartisan approach to all project stakeholders but also made “a unique professional and human contribution” to the project. Their understanding of partners’ needs and current political and social conditions played a vital role in the project’s successes and achievements.

The following **recommendations** might be made for future technical assistance projects.

First of all, the majority of stakeholders believe that the project should have a follow-up in order to:

- Ensure *wider publicity* at the stage of tabling the Labour Code and the Law on Social Dialogue for the second reading at the Verkhovna Rada;
- *Promote adoption* of the draft Labour Code and the Law on Social Dialogue;
- *Prepare scientific and practical comments* for implementing the Labour Code especially for lawyers and judges, and organize regional trainings;
- Help the tripartite constituents and labour inspection to *start implementing* the adopted laws and monitor their application;
- *Prepare a group of trainers* able to train others concerning the new law on Labour Code and Social Dialogue implementation;
- *Develop an FAQ* on implementation of the adopted laws
- Organize *outreach* activities among the population and everyone interested in using the Labour Code after its adoption;
- *Set a group of specialists* to the task of drafting laws in conjunction with help from ILO experts and lawyers from other countries;
- Develop a *project exit strategy* that may provide for the search for new donors or a transfer of the project to donors that are already present in Ukraine.

The other interventions may be focused on:

- *Amendments to the legislation and continuation of the reform process.* Ukrainian stakeholders believe that it is necessary to develop a plan for reforming other laws in the field of labour and social policy. Further reforms are necessary in trade union movements, labour safety regulations as well as other issues where all social partners are involved, and in the remuneration of labour. It is also important to develop social standards and norms as well as a model of a social state to ensure the fair distribution of labour results (economic and social components); social election.

- *Trainings and surveys.* It is necessary to continue the process of the institutional strengthening of social partners (especially trade unions and employers associations), public servants and members of parliament in such issues as labour relations and social dialogue as well as in fundraising, management, delegation of authority, time and finance management, strategic and operative planning, public involvement in decision-making, etc. It is important to engage educational institutions, especially those training managers and economists, in ILO activities so that they can use their updated knowledge about labour relations. At the same time, it is necessary to increase the intellectual components of interventions by involving local and international academicians, working with legal companies in order to organize research on the gender problem in the labour sector; situation on collective agreements; labour administration, labour cost in order to see changes in situation in dynamics that will help to trace the changes in labour relations and to make important decisions in a timely manner.
- Support should be provided for *activities of the NTSEC and its secretariat* both at the national level and in the development of regional SD bodies. The work should also be focused on promoting social dialogue and new labour relations at a branch level.
- *New approaches* should address the regional focus as a priority; work with civil society; continued support to Ukrainian social partners in their international exposure; continuation of work with members of parliament and organization of study visits to other countries, especially involving members of the VR; increased PR and information dissemination components aimed at target groups; a focus on gender equality issues. Certain effort should be taken to develop trust among the social partners.
- *Management of projects.* Set up less ambitious objectives and/or have realistic milestones for ambitious objectives. More attention should be paid to a design consistent monitoring and evaluation system with clear and easily measurable indicators. Increase project life cycle to five years. Continue strategic cooperation with other international actors working in similar areas; maintain formal and informal networks across institutions, organizations and at all levels – national and regional; continue practice of selection ‘right’ project staff and conduct relevant training to upgrade their knowledge and skills.

- Terms of Reference
- Project Workplan
- List of Meetings and Interviews

TERMS OF REFERENCE**FINAL EVALUATION**(UKR/05/02M/FRG (1st phase)(UKR/07/51M/FRG (2nd phase)**Project title: Consolidating the Legal and Institutional Foundations
of Social Dialogue in Ukraine**

I. PROJECT BACKGROUND AND DESCRIPTION

The implementation of the Declaration Project between 2001 and 2005 laid the basic foundations for sound industrial relations in the Ukraine. It helped (i) build the technical capacity of social partners, government officials, members of the Verkhovna Rada (VR) and academia on the principles and procedures of social dialogue, international and European labour standards and labour law best practices; (ii) to put in place an institutional framework for social dialogue at national level; (iii) to initiate the process of revision of the labour code.

Based on past achievements, the German-financed project on the consolidation of the legal and institutional foundations of social dialogue focused on the following issues:

- (i) To further build the technical capacity of tripartite actors on social dialogue rules, principles and procedures as well as labour law issues;
- (ii) To help tripartite constituents build the infrastructure of social dialogue and industrial relations at national and oblast/regional level;
- (iii) To assist in the finalisation of the two drafts laws namely: the draft labour code and the draft law on social dialogue (SD);
- (iv) To assist the law enforcement institutions (labour administration and labour inspection, judiciary) in the implementation of the draft labour code and the draft law on social dialogue should they be adopted and come into force.

The project under review sought to expose tripartite constituents to best social dialogue and labour law practices and experiences prevailing both in Western and Central Europe. It also aimed at upgrading their knowledge on ILO and European labour standards. To this end, the project organised numerous activities ranging from capacity building (training seminars and workshops in Kiev and in the regions, advisory missions by ILO and European experts in Ukraine, study visits abroad), to advocacy (Brussels, Paris, Berlin, Warsaw) and the enhancement of national expertise. These activities targeted a whole range of actors such as government ministries (labour and social policy, justice), the Secretariat of the National Tripartite Social and Economic Council, workers' and employers' organisations at national and regional levels, the Labour Inspectorate and members of the VR. The project has also produced and disseminated materials in Ukrainian language in the broad field of labour law and social dialogue to enable tripartite constituents to access to information on best practices and recent developments in industrial relations in different parts of the world. Finally, the project helped Ukrainian tripartite constituents to build partnership with European and international counterparts such as the European Economic and Social Committee, the French European and Social Committee, the Polish Tripartite Commission for Socio Economic Consultation, the International Association of Economic and Social Councils and Similar Institutions.

A basic emphasis has been given to upgrading the level of social dialogue and national expertise in the field of labour law as well as the strengthening of tripartite consultation on labour law reform. The consolidation of social dialogue and the cooperation between the government and social partners on addressing the economic crisis consequences has also been targeted by the project activities since the beginning of 2009.

The first phase of the project (UKR/05/02M/FRG) commenced on 1 March 2006 for a period of 24 months and ended on 31 March 2008. The second phase (UKR/07/51M/FRG) started on 1 April 2008 and ends on 30 September 2009. These two phases have been implemented in a particular context characterized by a severe

political and institutional crisis, which saw the president dissolving two times the VR and the formation of several governments in three years. As a result, the project had to face a problem of continuous change of interlocutors and consequently an important delay in the implementation of planned activities. At the same time, the work on the revision of the labour code and the formulation of a law on social dialogue has been significantly delayed.

The project has a budget of Euro 860.000 broken down as follows: phase I, Euro 660.000; and phase II, Euro 200.000. It had been administrated by a team composed of a Chief Technical Adviser (CTA), Mr. Stanislaw Cieniuch, assisted by a project National Coordinator, Mr. Sergiy Savchuk till 30 November 2008. The latter took over as Project Manager since the former left at the end of November 2008. Starting 1 February 2009 he is assisted by an administrative assistant who works on a full-time basis. The project was backed technically by SRO Budapest till 31 October 2008 and since then by the Industrial and Employment Relations Department in Geneva in close consultation with the Office of the National Coordinator in Kiev. Its activities are fully integrated into the Decent Work Country Programme for Ukraine.

Project development objectives:

1. The completion of the reform of the labour law, ensuring its harmonisation with European and international labour standards and the creation of the conditions for its effective enforcement,
2. The establishment of an efficient institutional structure of social dialogue.

Project immediate objectives:

Objective 1. Assist Ukraine in finalization of the procedure of adoption of the Labour Code and ensure its smooth enforcement.

Indicators: # 1.1. The Labour Code is adopted and come into force

1.2. The users of the Labour Code (labour inspectors, workers, employers, judges, etc.) are acquainted with the stipulations of the new Labour Code

Objective 2. Assist in finalization of the procedure of adoption of the Law on Social Dialogue and its effective enforcement

Indicators: # 2.1. The Law on Social Dialogue is adopted and comes into force;

2.2. The National Tripartite Social and Economic Council and regional TSECs start to function in accordance with the stipulations of the Law on Social Dialogue

Project Activities to date: Since the beginning of project phase 1, many activities have been completed or are in the process of implementation under the project planned outcomes. They are listed below:

1. Revision and harmonisation of Ukrainian labour legislation with international and EU standards
 - Several advisory missions and technical consultations by ILO experts on the draft Labour Code of Ukraine targeting the Ministry of Labour and Social Policy and the Verkhovna Rada (VR) of Ukraine. Also, consultations were held with the representatives of employers' and workers' organisations to help them formulate their proposals on the draft Labour Code as well as reduce their divergences regarding certain key provisions. In so doing, the project mobilised several Ukrainian and international labour law experts who engaged in the preparation of the draft Labour Code.
 - Support to the Parliamentary Committee on Social and Labour Policy (Parliamentary Committee) to finalise the draft LC and prepare the text for the second reading (registration #1108); the draft Labour Code passed its first reading in the VR on 20 May 2008 by 389 votes "for";
 - Support to the Parliamentary Committee in the preparation of the Draft Labour Code for the second reading. The Parliamentary Committee plans to initiate the vote on the draft Labour Code within 2009.
 - International seminar "Modernization of labour law in the context of globalization" (Kiev, 23 May 2008)

- Round table on the draft Labour Code for the members of the Parliamentary working group on the draft LC with the HR managers from the EBA-affiliated companies (Kyiv, 2 July 2008) (follow-up to the above-mentioned seminar on labour law modernization (Kyiv, 23 May 2008).
- Round table in the Ukrainian Parliament on the draft Labour Code and the draft Law on Social Dialogue (Kyiv, 19 March 2008).
- Preparation and submission of ILO technical comments on the draft Labour Code (May 2009)
- Presentation of ILO comments to tripartite constituents in the course of a high level tripartite seminar (Kiev, 27 May 2009)
- Capacity building of a group of experts from Government, VR and social partners on labour legislation drafting techniques (June 2009)

1.2 Sound legal framework for social dialogue is prepared

- Successful first Parliamentary reading on the draft-law “On Social Dialogue in Ukraine” by 404 votes (8 February 2007).
- Preparation and submission of ILO technical comments on the draft Law on Social Dialogue (February 2007)
- Round table in the Ukrainian Parliament on the draft Law on Social Dialogue (13 February 2007)
- Technical assistance to Parliamentary Committee on Social Policy and Labour to renew the work on the legislative framework for social dialogue
- Adoption of the draft law on social dialogue by the VR on 7 July 2007
- The draft-law on social dialogue was resubmitted to the VR by three individual MPs (registration #1440) who had received the project assistance at the drafting stage. Successful first Parliamentary reading on the draft-law on social dialogue successfully (3 September 2008). The draft was supported by 326 votes.
- Several advisory missions and technical consultations by ILO experts on the draft-law on social dialogue and particular sections of the draft (representativity of social partners, structure of the national tripartite body, etc.).

1.3 Support to the National Tripartite Social and Economic Council (NTSEC):

- Series of seminars on social dialogue for union activists organized jointly with the Friedrich Ebert Foundation
- Round table on the Polish experience of addressing the employment issues through social dialogue mechanisms
- Study-visit of the Ukrainian tripartite delegation to the French and European institutions of social dialogue including the European Economic and Social Committee to learn the French and European experience of well institutionalized social dialogue (Paris-Brussels, 21-26 October 2007)
- Preparation of the NTSEC affiliation to the IAESCSI²
- The NTSEC affiliation to the IAESCSI during the IAESCSI Governing Body meeting (Rome, 12-13 June 2008)
- Consultations of the CTA and the NPC with the representatives of the Polish Government, social partners and the research community
- Round table “Institutionalization of Social Dialogue” (organized in cooperation with the French Economic and Social Council and French Embassy in Ukraine - Kyiv, 26 June 2007)

² IAESCSI – International Association of Economic and Social Councils and Similar Institutions

- Study-visit of the Ukrainian tripartite delegation to Germany on “Lessons of German Reforms Experience for the Reforming Process in Ukraine” (23-27 September 2007) (organized in cooperation with the Friedrich Ebert Foundation)
- Round table on Industrial Relations Reform in Ukraine: Achievements and Challenges (Kiev, 20 November 2008)
- Three seminars on social dialogue at regional level for representatives of the tripartite social and economic councils from 27 Ukrainian regions³
- National seminar to strengthen secretariats of the regional social and economic councils (15-16 April 2009)
- Equipment delivered to the secretariat of the NTSEC to support their work.

Publications:

- Translation into Ukrainian and dissemination among tripartite constituents and IR practitioners of several ILO materials on social dialogue and labour law practices (Representativity of social partners; Organisation and functioning of Economic and Social Councils and similar tripartite institutions)
- The ILO Conventions and Recommendations on social dialogue;
- “The Green Book”,
- “The French Economic and Social Council”
- “Strengthening Social Dialogue”
- “The Polish Experience of Social Dialogue”;
- “The Social and Economic Council of the Republic of France”,
- “Glossary of labour law and industrial relations”,
- “ILO Technical Comments on the 2009 Draft Labour Code of Ukraine”,
- “Social Dialogue, Labour Law and labour Administration in Ukraine – Research Findings”

Some other activities supported by the Project which are not specified in Project’s work-plans:

II. PURPOSE

The purpose of the final evaluation is to:

- a) Determine if the project has achieved its stated objectives and explain why or why not;
- b) Evaluate the long-term benefits / impact accrued to target groups, implementation status, project design, project management and performance monitoring;
- c) Document best practices that could be used as models for activities in other projects;
- d) Assess potential future needs of technical assistance and provide recommendations

In addition, the final evaluation should provide the project management team, ILO field and headquarter staff, project stakeholders, and the donor with the feedback and information needed to assess: strategies, data collection methods, objectives, institutional arrangements, work plans, and resource allocation.

³ Lutsk (23-24 November 2006), Donetsk (29-30 March 2007), Vinnytsya, (24-25 June 2008)

III. EVALUATION TEAM

The evaluation will be undertaken by Ms Lyubov Palyvoda, an independent evaluator according to the terms of reference. She will receive support from ILO staff in Kiev, Budapest and Geneva.

The independent evaluator is responsible for conducting the evaluation according to the terms of reference (TOR). She shall:

- Review the TOR and provide input, as necessary.
- Review project background materials (e.g., project document, progress reports).
- Review the evaluation questions.
- Develop and implement an evaluation methodology (i.e., conduct interviews, review documents) to answer the evaluation questions.
- Conduct a teleconference with donor and ILO prior to the evaluation mission.
- Prepare an initial draft of the evaluation report, circulate it to the donor and ILO, and prepare a final report, reflecting any comments or additional inputs received.
- The independent evaluator is to submit the final evaluation report after the evaluation mission according to the timeline provided in Section VI.

ILO is responsible for:

- Reviewing, providing any necessary inputs into, and approving the TOR;
- Providing project background materials;
- Reviewing the evaluation questions and working with the donor and the independent evaluator to refine the questions, as necessary;
- Scheduling all meetings, including those requested by the evaluator;
- Assisting in the implementation of the evaluation methodology, as appropriate (i.e., participate in interviews, observe committee meetings) and in such a way as to minimize bias in evaluation findings; and
- Reviewing and providing comments on the evaluation report ensuring that the evaluation is conducted in accordance with these terms of reference, for preparing the draft report of the evaluation, discussing it with the independent evaluator, the beneficiaries and the stakeholders.

IV. SCOPE / KEY ISSUES

The evaluation will cover the period from March 2006 to present, but will take into account events occurring between 2001 and 2005 to create an accurate and comprehensive picture of the project's context and development.

The evaluation will examine the following key issues:

5. Validity of the project strategy, objectives and assumptions:

- *Were the project strategy, objectives and assumptions appropriate for achieving planned results?*
- *Did the assumptions made in the project design prove to be basically accurate?*
- *Were the activities appropriately adapted for the needs of the country? Where appropriate, did they take into consideration or build upon existing donor, government, and private initiatives in the country?*
- *Do the government / employers / unions / Project Advisory Committee (PAC) members understand the project's objectives and approach? How have they supported these objectives over the life of the project?*
- *How did the project design reflect the different needs of women and men?*

6. Benefits / impact accrued to target groups:

- *What have been the major results / accomplishments of the project?*
 - *To what extent has the project achieved its objectives and reached its target groups?*
 - *Is there adequate stakeholder commitment to and understanding of the project?*
 - *Did the project adequately account for the different needs of women and men?*
7. Implementation status, specifically as concerns planned activities, materials, schedule and budget:
- *To what extent have planned activities been implemented on time and within budget to the target audiences, in relation to the original project document and to subsequent work plans?*
 - *What efforts have been undertaken to ensure that both women and men are able to benefit from project activities?*
 - *What obstacles were encountered in project implementation? What actions were taken to address any such obstacles?*
 - *Were training programs, manuals and other project materials adapted to the needs of the project, stakeholders and beneficiaries (both women and men) as well as the country situation? Were they well received and well produced? Were they coordinated with other government, donor, or private sector activities where appropriate? Did they incorporate existing materials where appropriate?*
 - *Formulate recommendations for project's next phase*
8. Sustainability of project results:
- *Does the project have a sustainability plan? If so, how was it developed?*
 - *What project components or results appear likely to be sustained after the project and how?*
 - *How might the approach, products, results and lessons learned from this project be extended to similar projects worldwide? Please, highlight best practices that are replicable.*
 - *Is the approach financially viable without donor funding?*
 - *What steps have been taken to encourage/facilitate use of project-produced materials and manuals by the stakeholders once the project is over?*
 - *Formulate recommendations for project's next phase*
9. Management performance by ILO, specifically as concerns project staffing and communications:
- *How well does the project manage its financial and human resources and communicate with stakeholders?*
 - *Do partners feel the project meets their needs in terms of services and participation in project planning?*
 - *Is staff time spent in the most effective and efficient manner to accomplish the project's objectives?*
 - *Has the project staff received adequate support / cooperation from the PAC, the local partners, and relevant ILO units and offices?*
 - *Formulate recommendations for project's next phase*
10. Effectiveness of project performance monitoring:
- *What type of project performance monitoring system is used?*
 - *Is the performance monitoring system practical, useful and cost effective for project management?*
 - *Formulate recommendations for future projects.*

V. METHODOLOGY

Document Review:

The evaluator will review the following documents before conducting the interviews with project stakeholders:

- Project document
- Yearly progress reports
- Training materials
- Work plans
- Ukraine Decent Work Country Programme
- Reports on missions to Ukraine undertaken by ILO Staff in the framework of the project.

The ILO will provide the independent evaluator with the above documents both in hard copy and in electronic version.

Evaluation Planning:

The evaluator will have a planning meeting with ILO Office and project staff in Kiev. She will also have consultations with representatives of ILO Budapest and Geneva as well as with the representative of the donor. The objective of these consultations is to reach a common understanding among the evaluator, the donor and project implementer regarding the status of the project, the priority evaluation questions, the available data sources and data collection instruments and an outline of the final evaluation report. The following topics will be covered:

- Status of evaluation logistics;
- Project background;
- Key evaluation questions and priorities;
- Data sources and data collection methods;
- Roles and responsibilities of evaluation team, and
- Outline of the final report.

Individual Interviews:

Individual interviews will be conducted with the following persons:

- a. The Project Manager in Kiev, Mr. Sergiy Savchuk
- b. ILO Coordinator in Kiev, Mr. Vasyl Kostrytsya,
- c. The former CTA of the Project, Mr. Stanislaw Cieniuch
- d. Director of ILO SRO Budapest and the Senior Specialists on Employers' and Workers' Activities in Budapest
- e. Project Technical Back stopper in Geneva, Mr. Youcef Ghellab.
- f. Selected individuals from the following groups:
 - Workers' and employers' organisations who have participated in project activities
 - The Ministry of Labour and Social Policy and other government bodies which participated in project activities
 - National Tripartite Economic and Social Council
 - Members of the Project Advisory Committee
 - Labour Inspection
 - National Service for Conciliation and Mediation
 - a. Embassies of Germany, France, US in Kiev where ever possible
 - b. Friedrich Ebert Stiftung
 - c. Others organizations and groups as needed

VI. DATES, DURATION AND MILESTONES

The following is a schedule of tasks and anticipated duration of each. The total number of working days for the evaluation is 11 days.

Evaluation will start on 19 June and ends on 30 July 2009

Tasks	Work Days	Due
Preparatory Research	2	
Field Research	4	
Draft Report	3	
Finalization of Document 2 including debrief		

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- **Fee: US \$ 350 per day, that is 350*11 days= 3850 US dollars**

Additional expenditure for telephone calls will be reimbursed up to: US \$ 200 when original receipts are submitted to the Project.

VII. DELIVERABLES

1. Preparation for the pre-evaluation with the donor project manager and ILO to discuss roles, responsibilities, and TOR;
2. Draft report submitted to the donor and ILO by 12 July 2009 and
3. Final Report, original plus 5 copies, will be submitted to the ILO within one week after receiving final comments from the donor and ILO. The final report should also be submitted to the ILO electronically. The ILO will transmit the final report to the donor.

VIII. REPORT

Before the end of the field visit, the Team Leader and ILO representative will consult and come to consensus on an outline of a draft report and will review key Findings and Conclusions.

The Independent Evaluator will complete a draft of the entire report following the outlines below.

The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 20 single spaced pages in length, excluding the annexes:

1. Title page (1)
2. Table of Contents (1)
3. Executive Summary (1)
4. Acronyms (1)
5. Background and Project Description (1-2)
6. Purpose of Evaluation (1)
7. Evaluation Methodology (1)
8. Project Implementation Status (1)
9. Findings, Conclusions, and Recommendations (no more than 15 pages)

This section's content should be organized around the TOR questions, and include the findings, conclusions and recommendations for each of the subject areas to be evaluated.

Project Workplan

2006

OUTCOME	ACTIVITY	DATE/PARTNER	INDICATOR	REMARKS
1.1. Harmonisation of Ukrainian labour legislation with international and EC standards	1. Project provides tripartite constituents with consultations and technical comments on the conformity of drafts of legal provisions related to the industrial relations (including the new Labour Code) with international and European standards	at the request of tripartite constituents	ILO comments are taken into consideration by the tripartite constituents	4 missions of ILO experts Permanent contacts of the Project team with the Government, social partners, legislators and experts
	2. Finalisation of work on the Ukrainian version of the ILO publication “Glossary of Labour Law and Industrial Relations”	May – November FES	<i>Glossary...</i> is prepared	The publication would be a very important instrument for the Project in 2007
	3. Round table “Women and globalisation”	4 July FES ⁴	The ILO Conventions and Recommendation related to non-discrimination are more widely disseminated	Impressive attendance from the Government, social partners, academia and women NGO’s
	4. Workshop “Social Ukraine in the Social Europe”	15 September FES	The ILO Conventions and Recommendation related to remuneration are more widely disseminated	Introductory reports were presented by the experts from Germany, Poland and the Project CTA. Participants, representing tripartite constituents, Parliamentarians, government officials, academic community, international organizations and NGO’s, thoroughly discussed the state of the Ukraine’s labour and social policy. The role of ILS and importance of their application in the Ukrainian context was particularly underlined.
	5. Round table “European Neighbourhood Policy and Ukrainian Social Reality”	Kyiv, 24 October FES		Participation of the Project team as key note speakers
	6. Round table “Labour law and social dialogue in Ukraine”	6 November At the request of the	The ILO Conventions and Recommendation	Project beneficiaries representing the Labour Inspection, Verkhovna Rada of

⁴ FES – Friedrich Ebert Stiftung (Regional Office for Ukraine and Belarus)

		EBA ⁵	related to remuneration are more widely disseminated	Ukraine and academic community were invited as guest speakers. Discussion over the status of the labour law reform was useful to express the business community concerns and proposals over the draft Labour Code
	7. Technical consultations on the draft Labour Code of Ukraine in the Verkhovna Rada of Ukraine, Ministry of Labour and the trade union and employers' organizations	Kyiv, 11-13 December DIALOGUE	Consultation provided to the tripartite workgroup on draft Labour Code and the Ministry of Labour concerning the Book VI of the draft Labour Code	Visit of two ILO expert
	8. Preparation of publications in Ukrainian related to international standards and EC law on: <ul style="list-style-type: none"> • collective redundancies; • employer's insolvency; • transfer of the enterprise. 	November-December	Publications are prepared and disseminated	Editing work will be finalized in spring 2007
	9. National conference "Barriers and Opportunities for SME's in Ukraine – the Labour Law Aspects"	7-8 December CEUME		Participation of the Project team as key note speakers
	10. Preparation of the visit of the Ukrainian group of key MP's (+ Minister of Labour) to ILO-HQ for technical consultations on the draft Labour Code of Ukraine	December ILO-HQ	Participants are satisfied with technical assistance provided	(the visit is planned for April 2007)
1.2. The labour law is better enforced	1. Seminar "Creation of the external OSH service by the employers"	Kyiv 14-15 March ILO-SRO in Budapest FEU		Participation of the Project team Mission of one ILO expert Two international experts invited
	2. Assist in the creation within the NTSEC of a	August	The standing	No cost involved

⁵ EBA – European Business Association

	standing commission on monitoring of labour law violations	NTSEC Secretariat, Project, SLI ⁶	commission starts screening the reports provided by SLI and makes proposals for better labour law enforcement	
	3. Tripartite seminar with the participation of the senior regional labour inspectors, representatives from the NTSEC secretariat and the State Employment service to discuss and adopt recommendations concerning better efficiency of the SLI	3 August MLSP, SLI, Project	Strengthened cooperation between different components of the labour inspection as well as with the social partners on labour law enforcement	Use of materials prepared within the 1 st phase of the Project
	4. ILO workshop for employers on “ILO Supervisory procedures of international labour standards and their impact for employers, with special focus on freedom of association”	28-29 September	Employers’ representatives learned about ILO supervisory mechanisms of ILS	Participation of the Project in the preparation and holding of the workshop, organized by the Office of ILO NC
	5. ILO workshop for judges “National application of ILS with special focus on FoA and protection of salaries”	2-5 October ILO TC in Turin ILO-Geneva ILO NC	Judges got knowledge necessary to apply the ILS in their daily practices	Participation of the Project in the preparation and holding of the workshop, organized by the Office of ILO NC
	6. Participation in the public hearings in the Verkhovna Rada on the weakness of segmented and disintegrated system of labour inspection in Ukraine.	13 November Parliamentary Committee on Industrial and Regulatory Policy and Entrepreneurship	Ukrainian stakeholders got necessary information about ILS and best practices of labour law enforcement	This event revitalized the discussion over the need of making an integrated labour inspection system. A series of follow-up consultations with the State Labour Inspectorate, NTSEC and the social partners was held by the Project.
2.1. Sound legal framework for social dialogue is prepared	1. Seminar “Social dialogue – making General, regional and sectoral agreements”	Lviv 28 February FEU ILO (SRO in Budapest)	The ILO doctrine of SD is more widely disseminated	Participation of the NPC as a key note speaker Mission of one ILO expert
	2. Seminar “Recruiting and keeping members	Kyiv	The participants	Participation of the Project team

⁶ SLI – State Labour Inspectorate

	by the employers' organizations"	5-6 April ILO-SRO in Budapest FEU	learned the new strategies and technique as to recruiting and keeping members	Mission of one ILO expert Two international experts invited
	3. Provision of technical assistance to the members of the working group tasked with preparation of the draft-law on social dialogue	May-December Project DIALOGUE National consultants	Members of the working group are satisfied with the assistance provided by the Project	Use of materials prepared within the 1 st phase of the Project
	4. Round table "Legal provision of social dialogue foundations in Ukraine"	11 May NTSEC ⁷ DIALOGUE	The NTSEC members are satisfied with draft legislative proposals	Mission of one ILO expert
	5. Provision of NTSEC workgroup tasked with submission of proposals on the development of social dialogue at sectoral and regional levels with relevant materials and technical advice	2 nd trimester NTSEC Secretariat	Proposals are finalised and submitted to the NTSEC for consideration	Provision of materials
	6. Translation into English of the draft-law on social dialogue. Sending the draft to the ILO for comments	October DIALOGUE	ILO comments are prepared	
	7. ILO workshop "Social Dialogue on Remuneration and Pension Matters in the Ukrainian Civil Service"	Kyiv, 10-11 October ILO-SRO, Office of the ILO NC	The ILS and international practices on remuneration and pension reform in civil service are exposed	Participation of the Project in the preparation and holding of the workshop, organized by the Office of ILO NC Mission of three ILO experts Four international experts invited
	8. Conference "Autumn Institute for Trade Union Leaders"	Kyiv, 13 October EC/3F Project ⁸		Participation of the Project team as key note speakers
	9. Seminar "Collective bargaining at national level and the social partners"	Kyiv 18-20 October ICFTU, SDA ⁹		Participation of the Project team as key note speakers
	10. Trade union seminar on privatization in the mining industry	Donetsk November	The ILO doctrine on SD is more widely	Participation in the preparation of the seminar

⁷ NTSEC – National Tripartite Social and Economic Council

⁸ EC (European Commission) and "3F" (General Workers' Union of Denmark) joint Project "Ukrainian Trade Unions as Partners in Social Dialogue"

⁹ SDA – Social Development Agency of the International Trade Union Confederation

		AFL-CIO Solidarity Center	disseminated	Provision of ILO materials
	11. Presentation of the ILO comments on the draft-law on social dialogue	Kyiv, 11-13 December DIALOGUE	Verkhovna Rada of Ukraine, Government and social partners are satisfied with consultations provided	Mission of one ILO expert
	12. National conference to commemorate the 15 th anniversary	Kyiv, December DAU ¹⁰	The ILO doctrine on SD is more widely disseminated	The CTA's presentation of the paper "Institutional reforms in the field of industrial relations"
2.2. Effective institutional structure of social dialogue is created	1. Support the newly established National Tripartite Social and Economic Council	During the whole period	NTSEC issued its major regulating acts	Project
	2. Training of the staff of the NTSEC Secretariat on how to run the Secretariat	After the creation of the Secretariat	The NTSEC members are satisfied with the support provided by the Secretariat	Project
	3. Promote creation of regional and sectoral institutional structures of social dialogue through consultations, preparation of recommendations and provision of relevant materials	During the whole period	Tripartite councils are established in the bulk of regions and sectors	
	4. Seminar "Operation of the regional tripartite council in the context of the development of social dialogue in Ukraine"	23-24 November Lutsk	Officers of tripartite councils from 10 oblasts are trained	Use of materials prepared within the 1 st phase of the Project;
	5. Seminars and workshops organised jointly with LMD-Ukraine	According to the workplan of the LMD-Ukraine	The ILO concept of social dialogue is more widely disseminated	Participation of the Project team

OTHER IMPORTANT ACTIVITIES RELATED TO ALL PROJECT OBJECTIVES

ACTIVITY	DATE/PARTNER	INDICATOR
1. Consultations with partner organizations concerning formation of the Project Advisory Committee (PAC)	January - February	PAC composed based on proposals of the tripartite constituents
2. Consultations with representatives of international agencies and projects aiming at coordination of efforts in the field of harmonisation of the national labour law with EU	January - February	A list of joint activities is planned

¹⁰ DAU – Diplomatic Academy of Ukraine

legislation and development of social dialogue		
3. Participation in the UN Theme Group on “Civil Society Empowerment”.	Regularly/ all UN agencies	The ILO is part of UN joint efforts to promote the development of civil society
4. PAC meeting devoted to examination and approval of the Project’s implementation programme for 2006	3 March	PAC took place according to schedule and approved the proposed draft of the implementation programme
5. Establishing a multidisciplinary group of researchers and participants in the area of labour law, industrial relations and social dialogue	March	The group members participate as keynote speakers in various events organised for tripartite constituents
6. Consultations with representatives of the ILO Project “Strengthening Social Dialogue in Ukraine”	9 November	Arrangement about coordination of activities was made
7. Modernisation and regular administration of the Project web-site	Whole period 1 national consultant, Project	Users are satisfied with format and contents of the website

2007 through 31 March 2008

OUTCOME	ACTIVITY	DATE/PARTNER	INDICATOR
1.1. Harmonisation of Ukrainian labour legislation with international and EC standards	1. Consultations with the MP's, Government and the social partners concerning the draft Labour Code (at the request of the Verkhovna Rada)	6 February 2007 PCSPL ¹¹ ; MLSP ¹² ILO NC in Ukraine	The Verkhovna Rada, the MLSP and social partners coordinated with the Project the plan of action concerning the draft Labour Code adoption in 2007
	2. Technical consultations on the draft Labour Code of Ukraine in the Ministry of Labour and the Verkhovna Rada of Ukraine	Kyiv, 12-15 February 2007 DIALOGUE Verkhovna Rada	The tripartite constituents and Parliamentarians were satisfied with the technical assistance provided
	3. High-level meeting in the Verkhovna Rada for technical discussion with regard to the remaining differences between the social partners concerning a number of the provisions in the draft Labour Code	14 February 2007 Verkhovna Rada	Political decision was made on the remaining divergences in the draft labour Code
	4. Working session with the Verkhovna Rada workgroup in charge of the preparation of the draft Labour Code for its second reading.	15 February 2007 Verkhovna Rada	The workgroup was provided with technical advice concerning remaining unresolved difficulties in the draft Labour Code and the relationship between its Book VI (of the draft Labour Code) and the draft Law on social dialogue.
	5. Presentation of the Ukrainian version of the ILO publication "Glossary of Labour Law and Industrial Relations"	2 March 2007 FES ¹³ (cost-sharing)	Stakeholders well received the publication
	6. Technical assistance to the working group to finalize the draft Labour Code and prepare the draft for the second (final?) reading in the Parliament	April-June 2007	Members of the working group are satisfied with the assistance provided by the Project
	7. Study-visit of the Ukrainian tripartite delegation to Germany on "Lessons of German Reforms Experience for the Reforming Process in Ukraine"	23-27 September 2007 FES	
	8. Preparation of the electronic version of the "Glossary of Labour Law and Industrial Relations" (dissemination via website)	August 2007	# of visits to the Project website
	9. The draft Labour Code was resubmitted to the Verkhovna Rada by three individual MPs (registration #1108)	4 December 2007	
	10. The Parliamentary Committee on Social Policy and Labour adopted the decision to make the draft LC a basis for further amendments	18 February 2008	

¹¹ PCSPL – Parliamentary Committee on Social Policy and Labour

¹² MLSP – Ministry of Labour and Social Policy of Ukraine

¹³ FES – Friedrich Ebert Stiftung (Regional Office for Ukraine and Belarus)

	11. Consultations with the experts of the Ministry of Labour and Social Policy of Ukraine, leaders of the social partners as well as the representatives from the Ukrainian Parliament concerning the further actions to be taken in view of having the draft law on social dialogue and the draft Labour Code adopted by the Verkhovna Rada within 2008	January-March 2008	
	12. Mobilizing the Ukrainian labour law experts to engage in the work on the draft Labour Code		
	13. Round table in the Ukrainian Parliament on the draft Labour Code and the draft Law on Social Dialogue	Kyiv, 19 March 2008	
	14. Attending regular working meetings organized by the Parliamentary Commissions on Social Policy and Labour concerning the draft Labour Code		
	15. Preparatory work to hold the international conference on labour law reform (Kyiv, 23 May 2008)		
1.2. The labour law is better enforced	1. Translation into Ukrainian of the <i>ILO Tool Kit for Labour Inspectors</i>	August-September 2007	Publication prepared according to schedule # of visits to the Project website
	2. Seminar for labour inspectors of the SLI, representatives of other inspections concerning better efficiency of the SLI	October 2007 MLSP, SLI,	Strengthened cooperation between different components of the labour inspection as well as with the social partners on labour law enforcement
	3. Preparation of the Ukrainian publication of the <i>ILO Tool Kit for Labour Inspectors (dissemination via Project website)</i>	October-December 2007	
	4. Consultations with the tripartite constituents on feasibility of conducting and scope of the survey on CB and SD practices in transnational companies operating in Ukraine	November 2007	
2.1. Sound legal framework for social dialogue is prepared	1. Technical assistance to Parliamentary Committee on Social Policy and Labour to prepare the draft-law on social dialogue to the first parliamentary reading	January-February 2007 ILO-SRO; DIALOGUE; ILO NC in Ukraine	The Committee is satisfied with the quality of materials provided

	2. Presentation of the draft-law “On Social Dialogue” in the Verkhovna Rada of Ukraine	13 February 2007 Verkhovna Rada ILO-SRO; DIALOGUE	The participants (Parliamentarians, Presidency, Government, public institutions, tripartite constituents and academia) were presented the draft submitted by the Ukrainian President; the ILO Memorandum on the draft, the standpoints of the government and the social partners on the draft and the presentation of relationship between this draft and the Book VI of the draft Labour Code. The round table constituted an important step forward towards adoption of the Social Dialogue draft-law.
	3. Technical assistance to the Parliamentary Committee on Social Policy and Labour to finalize the draft-law on social dialogue after successful first reading in the Parliament (8 February 2007)	February-July 2007 ILO-Budapest	Project participation (as observers) in regular sessions of the Parliament’s tripartite workgroup on finalization of the draft-law On Social Dialogue. Exhaustive documentation provided by the Project was very well received and appreciated by the ILO constituency. Following the debate, consensus was reached on important amendments to the draft-law.
	4. Seminar “Social Dialogue and the Labour Market”	SEC ¹⁴	The importance of social dialogue in promoting the employment growth and improving the workplace is discussed
	5. Consultations with the Ministry of Labour and Social Policy of Ukraine and the Ukrainian Parliament concerning finalization and adoption of the draft Labour Code and the draft-law on social dialogue	19-21 November 2007 ILO-SRO (Budapest); ILO-HQ Mission of two ILO experts	
	6. Tripartite seminar on the establishment in Ukraine of the Wage Guarantee Funds	22 November 2007	Ukrainian constituents are satisfied with assistance provided in establishing a Wage Guarantee Fund through the mechanisms of social dialogue
	7. Providing technical assistance to the National Tripartite Social and Economic Council in undergoing the procedure of affiliating to the International Association of Economic and Social Councils and Similar Institutions	June 2007-March2008	
	8. Participation of the CTA in the Technical Learning Workshop on Social Dialogue, Labour Law and Labour Administration organised by DIALOGUE	11 – 12 December 2007 Geneva ILO-HQ	

¹⁴ SEC – State Employment Center

	9. The draft-law on social dialogue was resubmitted to the Verkhovna Rada by three individual MPs (registration #1440)	25 January 2008	
	10. The Parliamentary Committee on Social Policy and Labour adopted the decision to make the draft-law on social dialogue a basis for further amendments	21 February 2008	
2.2. Effective institutional structure of social dialogue is created	1. Support the National Tripartite Social and Economic Council	During the whole period	NTSC issued its major regulating acts
	2. Three regional seminars for trade union leaders on “The social dialogue in Ukraine: the role of trade unions”	Donetsk, 16-17 January 2007 Kyiv, 26-28 February 2007 Kharkiv, 25-26 March 2008 Confederation of Free Trade Unions of Ukraine; FES	Participants well received the presentations and materials provided by the Project
	3. Regional tripartite seminar “Operation of the regional tripartite council in the context of the development of social dialogue in Ukraine”	Slavyanogorsk, 29-30 March 2007	Some 60 officers of regional tripartite councils from 9 Eastern and Southern oblasts are trained.
	4. Tripartite seminar “Social Dialogue: Flexicurity in the Labour Market”	Kyiv, 24-25 April 2007 ILO-ITC in Turin ILO NC in Ukraine	Within this seminar the Project sponsored a session “In search of the Ukrainian model of social dialogue. The ILO’s contribution”. The discussion focused on the analysis of the status of social dialogue in Ukraine, the successes and difficulties in the development of social dialogue legal backup and institutional structures, etc. This debate also helped link the international experience of flexicurity and the Ukrainian context.
	5. Preparation of the round table on “Institutionalization of Social Dialogue”	May-June 2007 ILO-SRO in Budapest Economic and Social Council of France and the French Embassy in Ukraine	

	6. Preparation of publications in Ukrainian on the French experience of social dialogue: - <i>Consolidating the social dialogue;</i> - <i>The Social and Economic Council of the Republic of France.</i>	May-June 2007	Publications (disseminated during the round table “Institutionalization of Social Dialogue”) provided detailed information about the structure and functioning of the French CVES.
	7. Round table “Institutionalization of Social Dialogue”	Kyiv, 26 June 2007 French ESC French Embassy in Ukraine	Ukrainian tripartite constituents were satisfied with exposure of French experience of institutionalisation of social dialogue
	8. Visit of the representative from the Economic and Social Council of France (ESC) to the Ukrainian NTSEC	Kyiv, 25-27 June 2007 French ESC French Embassy in Ukraine	Bilateral contacts were established between French ESC and the Ukrainian NTSEC. Agreement was reached about organizing within the Project of the study-visit of the Ukrainian tripartite group to the French ESC and the European Economic and Social Committee in October 2007.
	9. Preparation of the information booklet on the National Tripartite Social and Economic Council	August 2007	
	10. Preparation of the study-visit of the Ukrainian tripartite delegation to the Economic and Social Council in France and the European Economic and Social Committee in Belgium to get the Ukrainian tripartite constituents exposed to the French and EU practice of social dialogue and the functioning of the ESC and EESC (Paris-Brussels, 21 – 26 October 2007)	August-October 2007 ILO-SRO (Budapest) The Embassy of France in Ukraine ESC ¹⁵ ; EESC ¹⁶	The leaders of tripartite constituents are satisfied with both with substance and form of the visit
	11. Study-visit of the Ukrainian tripartite delegation to the ESC and EESC	21 – 26 October 2007 Paris-Brussels ILO-SRO in Budapest French Embassy in Ukraine ESC, EESC	1. Tripartite constituents draw a set of follow-up action upon the visit. 2. The bilateral cooperation between the ESC, EESC and NTSEC is established
	12. Follow-up to the study-visit of the Ukrainian tripartite delegation to the French and European institutions of social dialogue: a. Preparation and facilitation of the meeting between	Kyiv, 15 February 2008	The creation of institutionalized forms of cooperation between the European Economic and Social

¹⁵ ESC – Economic and Social Council (of France)

¹⁶ EESC – European Economic and Social Committee

<p>Mr. Filip Hamro-Drotz (European Economic and Social Committee) and leaders of the Ukrainian NTSEC;</p> <p>b. Consultations with the French Embassy and the French GIP (Groupement Intérêt Public) held in view of shaping the French input to the Project</p> <p>c. Assistance provided to the NTSEC in preparation of the request for the membership in the International Association of the Economic and Social Councils and Similar Institutions (AICESIS).</p>	Kyiv, 18 February 2008	<p>Committee and the Ukrainian NTSEC is being considered</p> <p>The French GIP considers the possible launch of the Project on creating a system labour inspectors training</p>
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OTHER IMPORTANT ACTIVITIES RELATED TO ALL PROJECT OBJECTIVES

ACTIVITY	DATE/PARTNER	INDICATOR
1. Preparation of the Project Progress Report to the Donor covering the period of January through December 2006	January 2007	The Report was prepared and sent out on time
2. Consultations with partner organizations within the preparatory work towards the Project Advisory Committee (PAC)	January-February 2007	PAC composed based on proposals of the tripartite constituents
3. Collection and consideration of proposals from Project stakeholders concerning the workplan for 2007	January 2007	The proposals received from the stakeholders are integrated into Project workplan for 2007
4. Consultations with representatives of international agencies and projects aiming at coordination of efforts in the field of harmonisation of the national labour law with EU legislation and development of social dialogue	January-February 2007	A list of joint activities is planned
5. Facilitation of the Independent Evaluation Mission to Ukraine making the evaluation of overall ILO activities for 2001-2006	12– 23 February 2007 ILO NC in Ukraine	Project stakeholders were interviewed by the external evaluator and gave their visions on the Project
6. International conference “Decent Work for Youth”, organized by the ICTU within the TACIS Project “Protection of young workers through mechanisms of social partnership”	Kyiv, 20-21 March 2007 International Confederation of Trade Unions	ILO Decent Work agenda was disseminated among young trade union activists
7. PAC meeting devoted to examination and approval of the project’s implementation programme for 2007	Kyiv, 26 April 2007	PAC took place according to schedule and approved the proposed draft-workplan. There was a general satisfaction with and high appraisal of the work done so far and draft workplan proposed for the rest of the year 2007 compiled on the basis of stakeholders' proposals.
8. Participation in the press-conference devoted to the launch of the ILO	12 May 2007	

Global Report on discrimination		
9. Administration of the Project web-site	Whole period	Users are satisfied with format and contents of the website
10. Participation in the UN Theme Group on “ <i>Civil Society Empowerment</i> ”:	The whole period	<ul style="list-style-type: none"> - contribution to the drafting of the law “<i>On Free Legal Aid</i>”; - preparation of comments to the draft-law “<i>On Public Associations</i>”; - participation in regular Theme Group meetings; - participation in the seminar “<i>Theoretical and practical aspects of civil society in Ukraine</i>” prepared by the Project with the Institute of Political Sciences.
11. Preparation of the Project extension proposal to the Donor.	August – October 2007	In view of preparing proposals for the next phase of the Project preliminary consultations were held with tripartite constituents

List of Meetings and Interviews

<i>Date</i>	<i>Name</i>	<i>Organization</i>	<i>Individual/Group/Phone Interview</i>
July 5	Mr. Sergiy Savchuk	The Project Manager in Kiev	Individual interview
July 10	Vasyl Khara Galyna Kolosuk	Committee on Social Policy and Labour	Group interview
July 13	Mr. Stanislaw Cieniuch	The former CTA of the Project	Phone interview
July 14	Stefan Chrobot		Phone interview
July 14	Youcef Ghellab	Project Technical Back stopper in Geneva	Phone interview
July 15	Mykhaylo Volynets Vira Sheludko Nataliya Levutska	Confederation of Free Trade Unions of Ukraine	Group interview
July 15	Mark Levin	Director of ILO subregional office in Budapest	Phone interview
July 15	Oleksiy Miroshnychenko Rodion Kolyshko	Confederation of Employers of Ukraine	Group interview
July 15	Christian Yarnell Valentyna Syza	Embassy of the United States in Ukraine	Group interview
July 15	Angelika Muller	ILO Geneva	Phone interview
July 16	Vasyl Kostyrytsya	ILO Coordinator in Kiev	Individual interview
July 16	Volodymyr Stupak Iryna Tubelets	Ministry of Labour and Social Policy of Ukraine	Group interview
July 16	Vasyl Nadraga Iryna Lysenko Rostyslav Kuryenko	Federation of Employers of Ukraine	Group interview
July 16	Vyacheslav Bykovets Yuriy Lozovskiy	All-Ukrainian Association of Employers	Group interview
July 17	Volodymyr Los' Tetyana Oliynyk	Labour Inspection	Group interview
July 17	Svetla Shekerjjeva	ILO Budapest	
July 20	Nadiya Zarko	National Tripartite Economic and Social Council	Individual interview
July 20	Vasyl Andriyko	Friedrich Ebert Stiftung	Individual interview
July 20	Claire Boichot	Gide Louarette Nouel (EBA member)	Individual interview
July 20	Grygoriy Osoviy Vasyl Shylov Olga Vasyanovich Vitaliy Pugach Nina Solomatina Valentyn Pudynych	Federation of Trade Unions of Ukraine	Group interview
July 21	Viktor Ivankevych	Deputy Minister, Ministry of Labour and Social Policy of Ukraine	Individual interview
July 21	Gulbarshyn Chepurko	Analytical Centre	Individual interview
July 22	Oleksander Dzhulyk	All-Ukrainian Association of Workers' Solidarity	Phone interview
July 22	Mykhylo Papiyev	Ex-Minister of Labour and Social Policy of Ukraine, Committee on Social Policy and Labour	Individual interview
July 22	Anne Knowles	ILO Budapest	Phone interview
August 25	Petra Hippmann	Federal Ministry for Economic Cooperation and Development, Germany	Phone interview

