



# Advancing Workers' Rights in the Palm Oil Sector in Indonesia and Malaysia

ILO DC/SYMBOL: RAS/18/10/USA

Type of Evaluation: Project

Evaluation timing: Final

Evaluation nature: Independent

Project countries: Indonesia and Malaysia

P&B Outcome(s): P&B 3 Economic, social and environmental transitions for full, productive and freely chosen employment and decent work for all & P&B 8 Adequate and effective protection at work for all (ILO P&B 2022-2023)

SDG(s): Goal 8

Date when the evaluation was completed by the evaluator: 16 February 2024

Date when evaluation was approved by EVAL: 27 February 2024

ILO Administrative Office: ILO Country Office for Indonesia and Timor Leste (CO Jakarta)

ILO Technical Office(s): SECTOR

Joint evaluation agencies: N/A

Project duration: September 2019-April 2024

Donor and budget: [Indicate the donor and the project budget in US\$] 1,876,543

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Evaluation budget: \$30,499

**Key Words:** Collective Bargaining, Freedom of Association, Child Labour, Forced Labour, FPRW

This evaluation has been conducted according to ILO's evaluation policies and procedures. It has not been professionally edited, but has undergone quality control by the ILO Evaluation Office.

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## Acknowledgements

I would like to express sincere gratitude to all the stakeholders who participated in the evaluation including men and women workers in the Palm Oil plantations, trade union leaders, employer representatives, government Officials, and ILO Officials. Their viewpoints, stories, recommendations were of vital importance to the understanding the implementation of the project and I thank them for sharing their experiences with me.

I am also appreciative of the support of the Evaluation Manager, Ratna Mathai-Luke, the Regional Evaluation Officer, Pamornrat Pringsulaka, and the Senior Evaluation Officer, EVAL, Naomi Asukai, for oversight and feedback on the inception and final reports. Additionally, the support of Gah Yunirwan and Jude Peters in preparing documents for review, arranging the logistics of the data collection mission, and contacting relevant stakeholders, was invaluable.

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January 2024

## List of Acronyms

CBA:	Collective Bargaining Agreement
CPO:	Country Programme Outcome
CSO:	Civil Society Organisation
DWCP:	Decent Work Country Programme
FGD:	Focus Group Discussion
FPRW:	Fundamental Principles and Rights at Work
FUNDAMENTALS:	Fundamental Principles and Rights at Work Branch
GEDI:	Gender, Equality, Diversity, and Inclusion Branch
GAPKI:	Gabungan Pengusaha Kelapa Sawit Indonesia (Indonesian Palm Oil Employers Association)
HLE:	High Level Evaluation
ILO:	International Labour Organization
JAPBUSI:	Jejaring Serikat Pekerja Serikat Buruh Indonesia (Indonesia Palm Oil Trade Union Network)
KII:	Key Informant Interview
M&E:	Monitoring and Evaluation
MTUC:	Malaysian Trades Union Congress
NAPFL:	National Action Plan on Forced Labour
NAPSO:	National Action Plan of Sustainable Palm Oil
NPC:	National Project Coordinator
OSH:	Occupational Health and Safety
P&B:	Programme and Budget
PPE:	Personal Protective Equipment
SDG:	Sustainable Development Goals
TOR:	Terms of Reference
UN:	United Nations
UNSDCF:	United Nations Sustainable Development Cooperation Framework
WRO:	Withhold Release Order

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## Executive Summary

### Executive Summary

#### Background

The Advancing Workers' Rights in the Palm Oil Sector project focuses on addressing decent work deficits in Indonesia and Malaysia in the palm oil sector and enhancing workers' capacities to secure their rights. The project was solely implemented in Indonesia between September 2019 and October 2021. From November 2021 until July 2023, the project was amended to include activities in Malaysia. An initial no-cost extension was granted until December 2023. A further no-cost extension was granted in December 2023 until April 2024. In Indonesia, the project's goal is to ensure that Indonesian unions in the palm oil supply chain effectively advocate for their members' access to fundamental workers' rights, in particular freedom of association and collective bargaining. In Malaysia, the project aims for child labour- and forced labour-free palm oil plantations. The project in Malaysia contributes to the elimination of child labour and forced labour in the oil palm plantations sector by supporting the Malaysian Government's responses to the recommendations contained in the 2018 Employment Survey on Oil Palm Plantations.

Project outcomes in Indonesia are:

- Outcome 1. In-depth knowledge is generated about opportunities and challenges for the promotion of freedom of association and collective bargaining and effective social dialogue in the sector
- Outcome 2. National-level coordination and engagement among trade unions in the palm oil supply chain and their capacity to advocate for their members is strengthened through the effective functioning of the national union network
- Outcome 3. At the enterprise/local level, labour unions and workers in the sectors/sub-sectors of the palm oil supply chain, in particular plantation workers, have better capacity to advocate for and access their rights
- Outcome 4. Sound industrial relations are facilitated through strengthened capacity of the tripartite constituents to participate meaningfully in social dialogue.

The project outcomes in Malaysia are:

- Outcome 1: Improved labour recruitment and management system in the Malaysian oil palm sector
- Outcome 2: Community-based complaints mechanism piloted, and community leaders, employers and workers sensitized on forced labour and child labour issues
- Outcome 3: Strengthened capacity of employers to mitigate risks in oil palm plantations
- Outcome 4. Strengthened capacity of trade unions in organizing local and migrant workers in the plantations and in engaging in collective bargaining agreements

In November 2023, the International Labour Organization (ILO) commissioned an independent final evaluation of the International Labour Organization's (ILO) Advancing Workers' Rights in the Palm Oil Sector in Indonesia and Malaysia project (2019-2023).

#### Purpose, Scope and Clients of the Evaluation

This was a final evaluation that offered an opportunity for promoting accountability for the implementation and results of the project and also for ILO, USDRL, and other stakeholders to learn

lessons about the project for future programming. The evaluation covered the entirety of the project in both countries from design up until the data collecting in November and December. The main clients of the evaluation are the project team of the Advancing Workers Rights in the Palm Oil Sector in Indonesia and Malaysia project, the ILO Country Office for Indonesia and Timor Leste (CO Jakarta) and the Regional Office for Asia and the Pacific (ROAP), and SECTOR, as the technical backstopping office, and USDRL.

## **Methodology**

The evaluation utilised the six OECD/DAC criteria, with 2-4 questions in each criterion. The evaluation applied a mixed methods evaluation, relying mainly on qualitative data collection, that was triangulated with quantitative data the project had collected through its monitoring process. The evaluation included a desk review of key documents, initial online interviews with the project team and technical backstoppers. Data collection missions were undertaken in Indonesia and Malaysia. Methods on the data collection mission included key informant interviews (KIIs), focus group discussions (FGDs), and collecting stories of change. A total of 83 (31 women, 52 men) participated in the evaluation in 20 individual and group 21 KIIs and 7 FGDs. This included 32 participants in KIIs and 50 participants in FGDs. 32 workers (12 women, 20 men), 14 trade union leaders (5 women, 9 men), 11 employer representatives (3 women, 8 men), 15 government representatives (6 women, 9 men), and 8 ILO Officials (3 women, 5 men) participated in KIIs and FGDs.

## **Key Findings**

### **Relevance**

**Key Finding 1:** The project was clearly relevant in Indonesia at the national level to the industry employers' group and the sectoral trade unions. It helped address a significant gap of coordination and cooperation.

Interaction and dialogue between the workers' and employers' representatives at the national level was virtually non-existent prior to the ILO's original intervention in this sector. The project has supported significant improvements in relationships both between the workers' and employers' representatives and also within different national trade union federations who represent workers in the palm oil sector.

**Key Finding 2:** The project was relevant to the needs of workers and employers at the plantation level in Indonesia, addressing gaps in knowledge on negotiation, mediation, decent work deficits, and occupational safety and health (OSH).

Workers in the palm oil sector in Indonesia experience significant decent work deficits and often do not have the organisational capacities and knowledge to address these. The project's focus on strengthening local trade unions as well as the national federations and building the capacities of the workers' to undertake negotiations has helped address these gaps and contribute to improvements in collective bargaining.

**Key Finding 3:** The project was relevant to the identified needs to address gaps in knowledge and indicators of forced labour and child labour in Malaysia.

The project aligns closely with the National Plan of Action on Forced Labour (NPAFL) that identified gaps and concerns linked to forced labour in the palm oil sector, particularly in Sabah. The project supports the pillars of awareness, protection, and partnership in the NPAFL, and the strategic goals

of an improved knowledge base, stronger legal compliance, better migration governance, and improved availability of access to redress and support for victims of forced labour.

**Key Finding 4:** The project utilised the ILO's comparative advantage effectively, particularly through being able to access palm oil companies and advocate for social dialogue. This was more evident in Indonesia than Malaysia, which may reflect the comparative lengths of the intervention in each country.

The ILO has been able to leverage its position as a neutral arbiter between the tripartite constituents to improve collaboration and coordination. This allowed the ILO to be seen as a value add for the sector rather than being antagonistic towards it. This was more readily apparent in Indonesia where the longer project length had allowed for stronger relationships to have been built, but there were also signs of this starting to be the case in Malaysia as well.

### **Coherence and Validity of Design**

**Key Finding 5:** The project builds effectively on previous ILO interventions.

Both the Indonesian and Malaysian parts of the project build effective on previous projects by the ILO. In Indonesia, the project built on the 'Promoting decent work in Indonesia's palm oil sector' project that had included a diagnostic study of the palm oil sector and the development of an action plan and potential interventions for the sector and begun the initial dialogue between workers' and employers' representatives. In Malaysia, the project was designed to build on the 'From Protocol to Practice: A Bridge to Global Action on Forced Labor (Bridge)' project, funded by the US Department of Labor. This project included a migration cost survey among Indonesia plantation workers in Malaysia which the current project was able to utilise in its interventions.

**Key Finding 6:** The project effectively addressed the cross-cutting themes of social dialogue and gender equality. There was limited attention to disability inclusion and the just transition to sustainability.

Social dialogue was a key element of the project's objectives and mainstreamed throughout the activities. The project document includes gender analyses for both Indonesia and Malaysia. Women in Indonesia were more likely to be in informal work of short-term contracts and be excluded from trade union leadership positions. Many migrant women in Malaysia begin work with valid documents but are then forced into exploitative conditions. The remote nature of the palm oil plantations means women in both countries are vulnerable to sexual abuse and harassment. The project in Indonesia worked with companies and trade unions on training on sexual abuse and codes of conduct, as well as working to empower women workers to take on positions of leadership in trade unions. In Malaysia, the project worked with the ILO's Safe and Fair project to provide training on FPRW with a focus on gender equality.

The project has not addressed disability inclusion at all or worked with any organisations of persons with disabilities. Trade unions expressed an interest in training on disability inclusion during the evaluation that may provide an entry point for future work. The project also did not include a significant focus on the just transition to sustainability. Although the palm oil sector has faced significant on this in recent years, the ILO does not possess the same competitive advantage on this issue that it has on decent work and international labour standards, and there would be a higher risk of duplication of work with other agencies if a focus on just transition was included in the project.

**Key Finding 7:** The limited timeframe of the Malaysia component of the project was a challenge.



The Malaysia component of the project was only two years, compared to four in Indonesia. There is less evidence of ownership of the project and the development of collaborative platforms in Malaysia than there is in Indonesia. Many of the outputs remain pending approval of the government to be able to take forward and considerable support will be needed in future on these.

**Key Finding 8:** There was limited interaction between the Indonesian and Malaysian elements of the project.

Although most of the palm oil workers in Sabah, Malaysia are migrants and the project did include activities that focused on migration, there was limited interaction between the Indonesia and Malaysian elements of the project. The main activity to remain outstanding in Indonesia was the development and launch of the pre-departure orientation materials for Indonesian migrants going to work in the palm oil sector in Malaysia. In Malaysia, the community complaints mechanism has not been operationalised yet. Stronger cross-border collaboration maybe be possible in future interventions.

### **Effectiveness**

**Key Finding 9:** The outputs have been achieved in Indonesia, although a small number of activities remain outstanding.

The project has been able to achieve all the outputs from the results framework in Indonesia. In many cases, the project has significantly over-achieved the indicator targets. For example, the project set the target of 10 collective bargaining agreements (CBAs) to be developed in a bipartite manner. As of December 2023, 31 CBAs have been adopted at the plantation level. A small number of activities that did not have corresponding outputs remain pending, mostly notably the finalisation of the pre-departure material.

**Key Finding 10:** The development of platforms of sector trade unions, and the trade unions and employer sectoral group in Indonesia is a significant achievement.

The development of the JAPBUSI and JAGASAWITAN is a significant achievement, particularly given the lack of trust and cooperation at the start of the project between the constituents. The platforms provide a basis for ongoing collaboration and are a strong resource for future ILO interventions.

**Key Finding 11:** Many outputs have been completed in Malaysia but are pending approval by the Government. The project was unable to persuade any companies to complete company policies or declarations on child labour and forced labour.

There has been less achievement of the outputs in Malaysia, which can be partly linked to the limited length of the project. Some outputs, such as the community grievance mechanism and the fair recruitment guide offer good potential for future use but are awaiting approval by the Government. Companies were also unwilling to complete company policies on child and forced labour, arguing that their internal policies already covered these topics.

**Key Finding 12:** Greater awareness of gender equality and violence and harassment can be identified as a result of the project.

The evaluation identified a greater awareness of gender equality and violence and harassment. The project successfully persuaded companies to undertake training on violence and harassment and review their policies and codes of conduct as a result. It was reported by stakeholders that bipartite committees were also more aware of issues related to gender equality and were addresses concerns

raised by women workers more than in the past. The increased confidence of women workers to be active in trade union leadership and social dialogue processes was noted as an impact of the project.

**Key Finding 13:** Unintended/unwritten outcomes that were not included in the results framework can be identified.

The unintended/unwritten outcomes include the registering of thousands of workers in the social security system, the additional programmes that GAPKI and the Labour Inspectorate have developed, and the unionisation of workers in one Malaysian company as a result of a joint employer/worker workshop.

### **Efficiency**

**Key Finding 14:** The project has efficiently utilised its resources. The project has utilised 92% of the budget to date. Approximately \$160,000 remains. However, staff turnover and not being able to implement all activities reduces efficiency to a small degree.

The project has been fairly efficient in utilising its budget. The main underspend items in Indonesia are in travel and office budget lines linked to the work from home and no-travel measures during the pandemic. In Malaysia, underspend is more linked to outstanding activities. Delays in recruiting the full time Field Officer in Malaysia and the turn-over of staff in provincial positions created some challenges to efficiency.

**Key Finding 15:** The project has been able to utilise resources from other departments and units.

The project utilised existing ILO resources effectively. Additionally, the project was able to leverage technical support from various departments beyond the official backstopping department of SECTOR. Support from the Regional Office for Asia and Pacific from the migration, labour inspection, industrial relations, and FPRW specialists was also obtained.

### **Impact**

**Key Finding 16:** The project has had significant impact on improving relationships between workers and employers in particular.

This particular impact is most noticeable in Indonesia, and the development of the platforms are strong achievements, but there are initial stages of improvement in Malaysia as well. Employers and workers both identified several examples of greater collaboration as a result of the project. The JAGASAWITAN platform is a particularly strong example of this. In Malaysia, stakeholders believed there the project had contributed to a stronger recognition of the need for collaboration and had changed mindset among the employers from viewing the ILO and trade unions as antagonistic towards them to being seen as a resource.

**Key Finding 17:** At the local level, in Indonesia, the project has achieved impacts through the collective bargaining agreements it has supported, although these have not been assessed for quality.

The project has supported the agreement of 31 CBAs. These should be assessed at some point to understand both the quality and implementation of them. More individually, workers and companies reported better cooperation on the plantations, and workers reported more confidence in interacting with management. This was particularly noticeable with women workers who reported good gains in confidence in both interacting with management and in performing supervisory roles on the plantations.

## Sustainability

**Key Finding 18:** The development of the JABUSKI and JAGASAWITAN platforms are a strong indication of ownership of the project at the national level.

The platforms provide a strong resource for collaboration between workers' and employers' organisations, as well as future ILO interventions. Continued support from ILO will be needed, but the platforms should support sustainability in the future. The platforms have the potential to be replicated in other sectors and in other countries.

**Key Finding 19:** Policy level gains need to be fully implemented to be sustainable in the long-run

In Malaysia, the project has supported policy development that if fully implemented would produce important impact for workers in the palm oil sector. These include the fair recruitment policy and the community grievance mechanism. However, in order for these gains to be fully realised and sustainable, they need to be approved and adopted by the government and further support given by the Government of Malaysia.

## Recommendations

Recommendations
<b>Indonesia</b>
1. Try to strengthen to tripartite approaches in the next stage- ie bring government more on board with the current bipartite negotiations
2. Review the CBAs to identify how much progress has been made in workers rights.
3. Try to replicate the national level success in bipartite platforms at the provincial level
4. Provide more training for the labour inspectors on the labour inspection manual.
5. Conduct training on case management of harassment cases
6. Promote the model of JABUSKI and JAGASAWITAN to other sectors.
7. Support the documentation of case studies of success to promote the business case to other firms.
8. Conduct a scoping study on the 'plasma' farms to understand potential entry points for working at in this section of the industry.
<b>Malaysia</b>
9. Ensure longer term projects that allow greater time for the delivery of policy level change and ultimately impact and sustainability
10. Ensure either a new ILO project or existing ILO projects provide support on the roll out of the fair recruitment guidelines and the community complaints mechanism
<b>Both</b>
11. Develop stronger cross-border collaboration.
12. Provide training to the unions on disability inclusion.
13. Develop a theory of change for both countries and consider what the key pathways of change are.

14. Include a specific outcome linked to women's empowerment and addressing the gendered issues women face.
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15. Plan final evaluations earlier.
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### **Lessons Learned**

- Projects that work in sectors that traditionally have had a lack of cooperation between employers and workers should be of a sufficient length to ensure progress can be made, particularly where policy changes are one of the main goals.

### **Emerging Good Practices**

- Developing a multi-level approach to relationship building has helped strengthen the intervention.
- Joint inspection activities strengthen the abilities of labour inspectors to identify and address violations.

## 1. Background and Project Description

### 1.1 Background

The palm oil sector plays a significant role in the economies of both Indonesia and Malaysia. The two countries account for about 83% of global production<sup>1</sup>. In Indonesia, it generates about 4.5% of Indonesia's GDP. Estimates vary for the amount of employment the industry creates, with anywhere between 3 million and 7 million workers<sup>2, 3</sup>. In Malaysia it generates about 2.5% of its GDP<sup>4</sup> and creates employment for about 382,000 workers<sup>5</sup>.

Palm oil is present in about half of all packaged products sold in supermarkets including processed foods, toiletries, and detergents, as well as being a significant source of cooking oil in Africa and Asia and an ingredient in biodiesel in the European Union<sup>6</sup>.

The palm oil industry has experienced a range of controversy in recent years. Concerns over its environmental impact including widespread deforestation, carbon dioxide emissions, and the damage it causes to biodiversity, including critically endangered species. There are also significant concerns over decent work deficits in the Palm Oil sector. Plantations are often in remote locations, making labour inspection and enforcement difficult. Jobs are often low wage and based on informal contracts, and health and safety standard records are poor. The palm oil sector in Malaysia employs a significant number of migrant workers who are often subject to more vulnerability than national workers due to precarious migration status. The Report of the Working Group of the Universal Periodic Review for Malaysia found that forced labour and child labour are significant concerns in on Palm Oil Plantations<sup>7</sup>, and Malaysian government-produced Employment Survey in Plantations 2018 estimated 33,000 children were in child labour, and 8 out of every 1,000 workers in forced labour.

The capacities of trade unions to represent workers in the palm oil industry is weak. Density is low and there is limited coordination between different trade unions. In many instances, trade unions are unaffiliated and set up by the companies themselves to evade compliance or government administrative requirements<sup>8</sup>. The increased use of casual workers has also reduced trade union density as

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<sup>1</sup> USDA (2022). Palm Oil Explorer

[https://ipad.fas.usda.gov/cropexplorer/cropview/commodityView.aspx?cropid=4243000&sel\\_year=2022&rankby=Production](https://ipad.fas.usda.gov/cropexplorer/cropview/commodityView.aspx?cropid=4243000&sel_year=2022&rankby=Production)

<sup>2</sup> UNDP (2019). Indonesia At-A-Glance Country Guide. <https://www.undp.org/facs/publications/indonesia-glance-country-guide#:~:text=The%20country%20produces%20more%20than,employment%20to%203%20million%20people>.

<sup>3</sup> Dungey, G. (2022). Labor groups seek to build on Indonesian palm oil court win in new cases.

<https://news.mongabay.com/2022/10/labor-groups-seek-to-build-on-indonesian-palm-oil-court-win-in-new-cases/>

<sup>4</sup> Statista (2023). Palm oil industry in Malaysia - statistics & facts. <https://www.statista.com/topics/5814/palm-oil-industry-in-malaysia/#topicOverview>

<sup>5</sup> Total number of workers in palm oil plantations in Malaysia from 2021 to 2022 (2023).

<https://www.statista.com/statistics/1414236/malaysia-number-of-workers-in-palm-oil-plantations/#:~:text=As%20of%202022%2C%20there%20were,workers%20in%20the%20previous%20year>.

<sup>6</sup> Shanahan, M. (2023). Palm oil: The pros and cons of a controversial commodity.

<https://chinadialogue.net/en/food/11627-palm-oil-the-pros-and-cons-of-a-controversial-commodity/>

<sup>7</sup> UN General Assembly A/HRC/WG.6/45/MYS/1 (2023). National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\*

<https://www.ohchr.org/en/hr-bodies/upr/my-index>

<sup>8</sup> CNV International (2020). Palm Oil Collective Bargaining Agreement (CBA) Pilot Mapping in West Kalimantan, Indonesia

many works find it difficult to access trade unions and employers react strongly to trade unions that work with contract workers<sup>9</sup>. Indonesia introduced a new omnibus law, 'the Job Creation Act' in 2020 that has caused strong concern that it will weaken the right to collective bargaining and freedom of association, and allow political and employer interference in unions. The ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) made several requests of the Government of Indonesia in respect of the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) linked to the new law. Several trade unions appealed the law but the appeal was rejected by the Constitution court in 2023<sup>10</sup>.

Workers in the Palm Oil sector in Malaysia also are under-organised in trade unions. Migrants traditionally are less represented in trade unions than other workers. Fear over reprisals, job loss, and their immigration status contribute to this. Although there is no law preventing migrants joining or being in positions of leadership in Malaysia, knowledge of this is low and misconceptions about prohibitions on organising for migrant workers persist.

Gender equality remains a concern in the Palm Oil Sector. Gender analyses were conducted prior to the project. In Indonesia, the analysis found that women are more likely to be in informal or short-term employment. Plantations often ensure informal workers do not work beyond a set number of consecutive days to avoid the plantation having to employ them as full-time workers. As more women are in informal positions, there are more affected by this practice. The isolated nature of the plantations makes women more vulnerable to sexual violence and harassment, something that is also a concern in plantations in Malaysia. Women's involvement in trade unions is also more limited than men's. The greater density of informal workers among women contributes to this issue, along with the focus on seniority. In Malaysia, forced labour and trafficking are a significant concern for women. Most migrant women arrive on valid work visas but the remote nature of the plantations means renewing documentation is challenging, and once their documentation becomes invalid, the workers are more prone to being pressurised into situations of exploitation.

## 1.2 Project Description

The Advancing Workers' Rights in the Palm Oil Sector the project was solely implemented in Indonesia between September 2019 and October 2021. From November 2021 until December 2023, the project was amended to include activities in Malaysia. A new project document and revised logical framework were developed. The achievements of the first half of the project are still included as part of the whole project in the reporting of results. At the time of the data collection for the evaluation, the project had had a short no-cost extension from June 2023 until December 2023. In late December 2023, an additional no-cost extension was granted until April 2024.

In Indonesia, the objective of the project is: Indonesian unions in the palm oil supply chain effectively advocate for their members' access to fundamental workers' rights, in particular freedom of association and collective bargaining. The four outcomes are:

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<https://www.cnvinternationaal.nl/Resources/Persistent/8/0/a/c/80acaee785f139758d8b4d7a42b361fbdaae9958/CNVI-0299%20Palm%20Oil%20Research%20Kalimantan%20Indonesia.pdf>

<sup>9</sup> ILO (2022). Trade Unions in the rural economy. [https://www.ilo.org/actrav/WCMS\\_851005/lang--en/index.htm#:~:text=Trade%20unions%20call%20for%20better,and%20diverse%20categories%20of%20rural](https://www.ilo.org/actrav/WCMS_851005/lang--en/index.htm#:~:text=Trade%20unions%20call%20for%20better,and%20diverse%20categories%20of%20rural)

<sup>10</sup> IndustriAll Global Union (2023). Indonesian unions condemn constitutional court's decision on Omnibus Law <https://www.industriall-union.org/indonesian-unions-condemn-constitutional-courts-decision-on-omnibus-law>

Outcome 1: In-depth knowledge is generated about opportunities and challenges for the promotion of freedom of association and collective bargaining and effective social dialogue in the sector.

Outcome 2: National-level coordination and engagement among trade unions in the palm oil supply chain and their capacity to advocate for their members is strengthened through the effective functioning of the national union network.

Outcome 3: At the enterprise/local level, labour unions and workers in the sectors/sub-sectors of the palm oil supply chain, in particular plantation workers, have better capacity to advocate for and access their rights.

Outcome 4: Sound industrial relations are facilitated through strengthened capacity of the tripartite constituents to participate meaningfully in social dialogue.

In Malaysia, the objective of the project is: To contribute to the elimination of child labor and forced labor in the oil palm plantations sector by supporting the Malaysian government's implementation of the recommendations in the 2018 Employment Surveys on Oil Palm Plantations.

The outcomes of the project are:

Outcome 1: Improved labour recruitment and management system in the Malaysian oil palm sector.

Outcome 2: Community-based complaints mechanism piloted, and community leaders, employers and workers sensitized on forced labor and child labor issues.

Outcome 3: Strengthened capacity of employers to mitigate risks in oil palm plantations.

Outcome 4: Strengthened capacity of trade unions in organizing local and migrant workers in the plantations and in engaging in collective bargaining agreements.

The project operates at the national level in both Indonesia and Malaysia, and in the provincial and local level in North and South Sumatera and West Kalimantan, Aceh, Riau, East, Central and North Kalimantan, and in six districts in Sabah and Sarawak in Malaysia. The project has a budget of \$1,391,358 in Indonesia and \$485,185 in Malaysia. The budget for Indonesia is from 2019 and Malaysia from 2021.

The project is scheduled to be completed at the end of December 2023, although a short no-cost extension has been requested. At time of writing of the report, the request was still pending feedback from the donor.

### **Stakeholders**

There are a series of key stakeholders in both countries. Workers in the Palm Oil supply chain are the ultimate beneficiaries of the project. In Indonesia, the project has trained workers on several plantations, as well as training local trade union representatives. In Malaysia, the project has trained trade union representatives. Employers have also participated in training in both Indonesia and Malaysia. In Indonesia, the project works with the Ministry of Manpower, the Indonesia Palm Oil Trade Union Network (Jejaring Serikat Pekerja Serikat Buruh Indonesia (JAPBUSI)), and the Indonesian Palm Oil Employers Association (Gabungan Pengusaha Kelapa Sawit Indonesia (GAPKI)).

In Malaysia, the project works with the Ministry of Human Resources, the Malaysian Trade Union Congress (MTUC), the Malaysian Palm Oil Council (MPOC), and the Provincial Labour Department of Sabah. Some collaboration has occurred with IOM.

## Programme Management

The project is overseen by two offices. The Country Office for Indonesia and East Timor is responsible for overseeing the Indonesia part of the project, and ROAP oversees the work in Malaysia. The day-to-day implementation of the project is the responsibility of the National Project Officer (NPC) in Indonesia and the Technical Officer in Malaysia. Each country has an Admin/Finance Assistant. Project Officers were funded as part of the position in both countries, but due to staff turnover were not in position at the time of the evaluation.

## 2. Evaluation Background

### 2.1 Purpose, Scope, and Clients of the Evaluation

#### Purpose and Objectives

This was a final evaluation and thus was summative in nature, although with formative learning goals as well. The evaluation focused on two aspects of learning: programme improvement and organisational learning. The evaluation offered an opportunity for promoting accountability for the implementation and results of the project and also for ILO, USDRL, and other stakeholders to learn lessons about the project for future programming.

The objectives of the evaluation set out in the TOR were:

1. Apply the OECD/DAC criteria (relevance, coherence, effectiveness, efficiency, impact and sustainability) to assess the project's achievement of its stated objectives, outcomes, and outputs
2. Evaluate the synergies and sustainability of the project's interventions in relation to the SDGs, the DWCP, national strategies and frameworks, and other ILO projects relevant to palm oil sector in Indonesia and Malaysia
3. Assess the impact of COVID-19 on the implementation of the programme, and the adaptability of the project to remain relevant to the needs of project ultimate beneficiaries
4. Document the lessons learnt, identify project strategies and good practices, and provide recommendations that will support organizational learning and knowledge sharing for the ILO, USDRL, and other key stakeholders, for future interventions in the palm oil supply chain.

#### Scope

The evaluation covered the entire period of implementation from 2019 for the activities in Indonesia and from 2021 for the activities in Malaysia activities. The evaluation included, where possible, stakeholders from the different geographical regions the project has been implemented in.

The ILO's policy guidelines for results-based evaluation: Principles, rationale, planning and managing for evaluations, 4th ed<sup>11</sup> include several crosscutting themes that should be included in ILO evaluations. Since the release of the guidelines, the impact and response to the Covid 19 pandemic has also been included as a cross-cutting theme in most ILO evaluations. The cross-cutting themes for this evaluation were gender equality and non-discrimination, disability inclusion, human rights,

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<sup>11</sup> ILO (2020). ILO policy guidelines for results-based evaluation: Principles, rationale, planning and managing for evaluations, 4th ed. [https://www.ilo.org/eval/Evaluationpolicy/WCMS\\_571339/lang--en/index.htm](https://www.ilo.org/eval/Evaluationpolicy/WCMS_571339/lang--en/index.htm)



international labour standards, tripartism and social dialogue, and environmental sustainability, as well as the response to the Covid-19 pandemic.

### **Evaluation Clients/Users**

The primary clients of the evaluation are the project team of the Advancing Workers Rights in the Palm Oil Sector in Indonesia and Malaysia project, the ILO Country Office for Indonesia and Timor Leste (CO Jakarta) and the Regional Office for Asia and the Pacific (ROAP), and SECTOR, as the technical backstopping office, and USDRL. Other technical units such as MIGRATION and FUNDAMENTALS may also use the findings. Secondary users may potentially be the tripartite constituents and sector level officials who the project worked with in Indonesia and Malaysia.

### **2.2 Evaluation Criteria and Questions**

The evaluation criteria aligned closely with the OECD/DAC criteria. The criteria for the evaluation were relevance and strategic fit, coherence and validity of design, effectiveness, efficiency, impact, and sustainability. An additional criterion of good practices and lessons learnt was included in the TOR. A series of questions were proposed in the TOR. These were reviewed by the evaluator with some amendments made to clarify wording or consolidate questions. The main changes were that some questions that had been grouped together were either made into separate questions in the matrix or used as sub-questions in the matrix. The wording was amended in a couple of questions to make the question more neutral or reflect what it would be possible for the evaluation to assess. An additional question concerning the logic of the results framework and translation into a theory of change was added to the coherence and validity of design criterion. The following questions were agreed during the inception period.

#### **Relevance and Strategic Fit**

1. To what extent the project's design and strategy have been found to be appropriate and relevant given the political, economic and sectoral context in both countries, as well as the government's policy framework?
2. To what extent has the project been relevant in addressing decent work deficits in the palm oil supply chain in the countries of operation and other relevant needs of beneficiaries and stakeholders that have emerged during project intervention?
3. Did ILO leverage its comparative advantages and relationships with relevant stakeholders to a maximum extent?
4. What is the relevance of the project interventions vis-à-vis ILO's Programme & Budget objectives, Decent Work Agenda, DWCP, CPOs, UNSDCF, and SDGs?

#### **Coherence and Validity of Design**

5. Does the project link with, and complement, other ILO, UN, other donor-funded interventions, and/or national efforts to improve workers' conditions in the palm oil supply chain in Malaysia and Indonesia?
6. Is the logic of the project sound and do the different objectives inter-connect effectively?
7. To what extent did the project take into account in its design and results framework the crosscutting ILO priorities of standards, non-discrimination, environmental sustainability issues?

8. To what extent was the project design appropriate for its work with migrants, and gender equality?

#### **Effectiveness**

9. To what extent, and how, has the project achieved its objectives and planned outcomes at the time of the evaluation?
10. Have unintended results of the project been identified?
11. With evolving conditions in both countries, what opportunities was the project able to take advantage of?

#### **Efficiency**

12. Has the project used its resources reasonably given the results that have been achieved?
13. To what extent did the project leverage resources to promote gender equality and non-discrimination; inclusion of people with disabilities, environment sustainability etc?
14. What changes have been made in the project to improve efficiency following the recommendations of the mid-term evaluation?

#### **Impact**

15. What is the evidence of the project's impact (foreseen and unforeseen) on the reduction for decent work deficits in the palm oil sector in Indonesia and Malaysia?
16. What can be identified as the project's sustainable impacts in the target groups and other actors as relevant?

#### **Sustainability**

17. What assessment is made regarding the sustainability of the project outcomes?
18. Are the interventions replicable in other occupational sectors? Are the knowledge products and tools relevant for other ILO and UN programmes?

#### **Good Practices and Lessons Learned**

19. What are the approaches and strategies, good practices and intervention models that were deployed by project that should be pursued in future programming in the palm oil sector, with focus on collective bargaining, workers' rights, labour migration, child labour; can future interventions scale-up based on lessons learnt?

### **2.3 Methodology**

#### **Methods**

As a summative exercise with formative elements, the evaluation utilised an approach that supported both accountability and lessons learning. To ensure the use of the evaluation by key stakeholders, the approach also needed to ensure participation and ownership. The evaluation was framed within the principles of democratic evaluation and included a theory-based approach to consider how the project's logical framework objectives connect and sit within the ILO's strategic objectives and the global, regional, and national levels.

The evaluation relied primarily on qualitative methods, although incorporated quantitative data from the project's monitoring systems. This included desk research, key informant interviews (KIIs), focus group discussions (FGDs), and the collection of stories of change. The evaluation tried to

ensure the broad participation of key stakeholders to allow for the triangulation of evidence collected from different sources. Democratic evaluation seeks to foster broad participation and aims to serve the whole community of stakeholders interested in the results, and the data collection tools were designed accordingly.

### **Inception Period**

- Secondary document and data review

During the inception period programme documentation such as the project document, progress reports, the mid-term evaluation report, and other programme documents were reviewed. The project team shared various documents related to the programme. Additional documents such as various international framework documents, the ILO's NORMEX webpage, and reports on the Palm Oil sector by the ILO and other organisations were also reviewed to serve as reference points throughout the evaluation. These documents served both as a basis to introduce the evaluator the project and help the design of the evaluation also as a data source to triangulated against findings from evaluation data collection. As such the documents were revisited regularly during the data collection period. A list of the documents reviewed for the evaluation can be found at annex 4.

- Inception period briefings with key programme staff

During the inception phase the evaluator spoke to the National Project Coordinators from Indonesia and Malaysia. This allowed an opportunity for the programme to be introduced and the evaluator to gain a broader understanding of the documents. Technical backstoppers were not available during the inception period and were interviewed during the main data collection period. The desk review and briefings supported the development of the inception report.

### **Data Collection Mission**

The evaluation used both in-person and remote data collection approaches. The remote data collection allowed the inclusion of key project stakeholders in the provinces the evaluator was unable to visit due to time constraints. During the data collection period, the following data collection techniques were used:

- Key Informant Interviews and Focus Group Discussions

A series of semi-structured KIIs and FGDs were held with key stakeholders. The stakeholders include programme staff, technical back-stoppers and country directors, tripartite constituents from the government, workers and employers, sectoral trade union and employers' federations, men and women workers from palm oil plantations, trade union trainers, managers from the companies involved in collective bargaining processes, and labour inspectors. Sampling was purposive, covering the main stakeholders who have been involved in the programme. The rationale for the sampling was that given the limited time available for the field visit, it is not possible to visit more project locations and include more people. The visit to the plantation was dictated both on the time it would take to travel to the plantation and through the need to negotiated permission to visit the plantation with the plantation management.

Individual and group KIIs were conducted both in-person and remotely. The KIIs follow a semi-structured interview guide that allows for follow up questions and investigating emerging points of interest. The interviews approximately between 45 minutes and one hour fifteen minutes.

FGDs were held with trade union leaders and workers on the plantations. Separate FGDs were held with men and women for both the trade union leaders and workers on the plantations to try to

ensure gendered differences on the relevance, effectiveness, and impact of the intervention were identified in the evaluation. The FGDs lasted between one and one and a half hours.

- Collecting of stories of change

The evaluation collected a small number of stories of change from project participants during KIIs and FGDs. Although the evaluation did not employ a full most significant change approach, due to the limitations on time for the data collection mission, this technique did help bolster an understanding of what the project stakeholders value as the most significant of the change the project has delivered. In FGDs, stakeholders were asked to consider what change they think the project has contributed to and then asked if they could give a story to demonstrate examples of what they believe the most important or significant change has been.

### Sampling

Sampling was purposive, and based on involvement in the project, availability, and logistical concerns. Data collection took place in Indonesia took place in Jakarta and Kalimantan. Stakeholders from other locations participated on Zoom. In Malaysia, all the data collection took place in Kuala Lumpur. Participants from Sabah were present in Kuala Lumpur during the evaluation.

The selected plantation was chosen because it was both possible to drive to within a few hours and the ILO was able to get permission to visit and stay there. Many of the plantations are very remote and the timeframe of the evaluation did not allow for visiting them. For others, the process of obtaining permission to visit can be lengthy and often not possible. The trade union participants in the in-person FGDs were selected from Kalimantan because this was where the plantation was being visited. Other trade union representatives from different provinces in Indonesia who had been involved in the project participated in an online FGD.

A total of 83 (31 women, 52 men) participated in the evaluation in 20 individual and group and 7 FGDs. This included 32 participants in KIIs and 50 participants in FGDs. 32 workers (12 women, 20 men), 14 trade union leaders (5 women, 9 men), 11 employer representatives (3 women, 8 men), 15 government representatives (6 women, 9 men), and 8 ILO Officials (3 women, 5 men) participated in KIIs and FGDs.

Category	Women	Men	Total
<b>Indonesia</b>			
Plantation Workers	12	20	32
Trade Union Leaders	5	9	14
Industry Group Representatives	0	1	1
Company Representatives	3	7	10
Government Officials	4	3	7
<b>Sub-Total</b>	<b>24</b>	<b>40</b>	<b>64</b>
<b>Malaysia</b>			
Trade Union Leaders	2	1	3

Category	Women	Men	Total
Government Officials	2	6	8
<b>Sub-Total</b>	<b>4</b>	<b>7</b>	<b>11</b>
<b>ILO Officials</b>			
Project Staff	1	2	0
Other ILO Projects	1	1	2
Technical Backstoppers	0	2	2
Country Directors	1	0	1
<b>Sub-Total</b>	<b>3</b>	<b>5</b>	<b>8</b>
<b>Grand Total</b>	<b>31</b>	<b>52</b>	<b>83</b>

Table 1: Interview Sample

### Data Analysis, Reporting, and Feedback Workshops

Following the data collection mission, data collected from KIIs and FGDs was reviewed and triangulated with the data from the desk review. An initial feedback briefing was held with the two NPCs, the technical backstopper in SECTOR, and the evaluation manager. A draft report was then compiled and following initial feedback from the ILO was distributed to external stakeholders. A presentation of the findings was made to external stakeholders in January 2024, and final modifications made to the report following the workshop.

#### 2.4 Norms, standards and ethical safeguards

The evaluation was conducted in line with ILO's Policy Guidelines for Results-Based Evaluation: Principles, Rationale, Planning, and Managing for Evaluations (2020). The evaluation also adhered to the UN Norms and Standards (2016), paying attention to the 10 norms laid out in the guidance. The evaluation was conducted independently with impartiality ensured by recruiting an evaluator not previously involved with implementing the project.

All KIIs and FGDs began with an explanation of the evaluation and informed verbal consent, including explaining the confidentiality of responses, was asked from participants. Data in the report has been anonymised to ensure confidentiality. Participants in FGDs were asked to respect the confidentiality of other participants.

#### 2.5 Limitations and Potential Sources of Bias

Although the evaluation made every effort to avoid limitations and sources of bias, there are some limitations which were identified:

- Coverage of the project

Time constraints for the evaluation limited the number of stakeholders who could participate. One of the recommendations of the mid-term evaluation was: 'Indonesian palm oil sector involves workers being employed in rural, remote and even isolated areas. The future evaluation should be designed to accommodate those working at the hard to reach area, and the possibility of using

participatory approach for the palm oil context to properly address the issue of isolation and communications with this specific kind of workers.’ (p.30). During the evaluation, trade union representatives from different provinces in Indonesia participated in Zoom interviews. However, due to the limited time available for the evaluation ahead of the planned project closure, it was only possible to visit one palm plantation. The evaluator was not able to speak to any employer representative, and trade union representation was limited to the national level Malaysian Trade Union Congress (MTUC). It was not possible to visit Sabah and the project locations. The project did try to obtain permission for the evaluator to visit Sabah and meet independently with plantation workers. Probably, had the evaluation been commissioned earlier, there would have been more time for planning the data mission and spending more time in project locations, although some of the political challenges with permission in Malaysia may still have been difficult to overcome. This should be considered for future evaluations and is reflected in the recommendations. Overall, the evaluator was able to speak to a good sample of project participants, particularly in Indonesia, and thus gather necessary data for the evaluation, but this could have been added to with more project location visits.

- Language

In Indonesia, many of the interviews were conducting using an interpreter who gave simultaneous interpretation between English and Bahasa Indonesia. This gives the potential for loss of understanding or nuance. However, the evaluator is experienced in conducting interviews through interpreters and the interpreter was highly skilled. Thus, the limitations were mitigated as much as possible.

### 3. Findings

#### 3.1 Relevance and Strategic Fit

##### **Key Findings- Relevance**

##### **Indonesia**

**Key Finding 1:** The project was clearly relevant at the national level to the industry employers’ group and the sectoral trade unions. It helped address a significant gap of coordination and cooperation.

**Key Finding 2:** The project was relevant to the needs of workers and employers at the plantation level, addressing gaps in knowledge on negotiation, mediation, decent work deficits, and occupational safety and health (OSH).

##### **Malaysia**

**Key Finding 3:** The project was relevant to the identified needs to address gaps in knowledge and indicators of forced labour and child labour.

##### **General**

**Key Finding 4:** The project utilised the ILO’s comparative advantage effectively, particularly through being able to access palm oil companies and advocate for social dialogue. This was more evident in Indonesia than Malaysia, which may reflect the comparative lengths of the intervention in each country.

### *Evaluation Questions*

1. To what extent the project's design and strategy have been found to be appropriate and relevant given the political, economic and sectoral context in both countries, as well as the government's policy framework?
2. To what extent has the project been relevant in addressing decent work deficits in the palm oil supply chain in the countries of operation and other relevant needs of beneficiaries and stakeholders that have emerged during project intervention?
3. Did ILO leverage its comparative advantages and relationships with relevant stakeholders to a maximum extent?
4. What is the relevance of the project interventions vis-à-vis ILO's Programme & Budget objectives, Decent Work Agenda, DWCP, CPOs, UNSDCF, and SDGs?

### **Relevance to the National Context**

#### **Indonesia:**

The National Action Plan of Sustainable Palm Oil (NAPSO) (2019-2024), as instructed by the Presidential Decree no 6 (2019)<sup>12</sup> envisages improved sector governance, including improved law enforcement. The project's focus on improving bipartite collaboration at the sectoral national level is thus closely aligned with this element of the NAPSO.

The Indonesian Government has ratified nine out of the ten fundamental conventions, the only outstanding unratified fundamental convention being the Occupational Health and Safety Convention (C.155). The project has relevance to several of the fundamental conventions. In Indonesia, there is particular relevance to the right to freedom of association and collective bargaining (C.87 and C.98), gender equality (C.100), and occupation safety and health (C.187). It has also ratified the Labour Inspection Convention (C.81) and the design of the labour inspection guidelines supports Indonesia's obligations under the Labour Inspection Convention (C.81.)

The project is relevant to various of the Government of Indonesia's commitments to the Sustainable Development Goals. In particular, the project's focus on improving working conditions through stronger industrial relations and collective bargaining, supports indicators 8.5 and 8.7 of achieving full and productive employment for men and women and protecting labour rights and promoting safe and secure working environments. The project's work on raising awareness among employers and workers on violence and harassment also supports indicator 5.2 on eliminating all forms of violence against women.

One of the significant achievements of the project identified by several stakeholders in the evaluation has been the increased cooperation between employers and workers. Prior to the implementation of the project, even getting representatives of employers and workers to be in the same room was a challenge. The project has addressed the need to encourage dialogue in order to improve worker-employer relations that will ultimately lead to the improvement of working conditions. The project supported key needs identified by both GAPKI and the trade union

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<sup>12</sup> Government of Indonesia (2019). Sustainable Palm Oil National Action Plan. <https://www.sekretariat-ranksb.id/rencana-aksi-nasional>

movement. GAPKI's mission includes the goal of encouraging members to implement good and sustainable governance, and it was acknowledged by representatives of GAPKI that this requires social dialogue and a good relationship with the trade unions. As such, the formulation of the JAGASAWITAN platform is significant.

The trade union movement in Indonesia is fragmented and the competition for members can reduce collaboration. This reduces the strength of the voice of the workers, as a coherent, unified message is often lacking. As such, the work the project has done to build a union platform of 10 sectoral trade unions with links to the palm oil sector is significant. The formulating and operating of the JAPBUSI has been a key achievement of the project with considerable relevance to the needs of the sector.

*"We have gained much from the programme. If the programme was not done, then I'm not sure if the trade unions can sit together like this, let alone the employers and the trade unions. This is a real achievement. In the future if there is no initiator, I am afraid the togetherness will not continue as well. We hope it continues." (TU Representative)*

### **Malaysia:**

The National Action Plan on Forced Labour (2021-2025) (NAPFL), aligns the definition of forced labour with article 2 of the ILO Convention on Forced Labour (C.29). The NAPFL utilises the 2018 survey the Government of Malaysia carried out in the palm oil sector and identifies that forced labour persists in Sabah where the plantations employ a large number of migrant workers including undocumented migrants and refugees, and notes that limited access to health and education services for children born to undocumented migrant workers may be driving child labour in the sector as well. The NAPFL has four pillars and four strategic goals and the project has strong relevance to several of these. The project supports the pillars of awareness, protection, and partnership, and in particular, the strategic goals of Strategic Goal 1, 'By 2025, there will be improved knowledge base and awareness and understanding of forced labour among workers and employers, young people, government staff and the general public', Strategic Goal 2, 'By 2025, there will be improved legal compliance and enforcement related to forced labour', Strategic Goal 3, 'By 2025, migration management, including recruitment practices, will be strengthened', and Strategic Goal 4, 'By 2025, victims of forced labour will have improved access to remedy, support and protection services and systems to prevent forced labour will be improved.'

The project had several awareness raising activities built into designed to build knowledge and improve tripartite cooperation between government, workers, and employers, which supports the first strategic goal. The project has also supported awareness raising of forced labour indicators with small farm holding owners, a group which is often hard to reach.

Many of the outputs for Malaysia are pending approval from the government and will need further support for implementation. This appears to be linked both to the limited length of the project in Malaysia and also some of the political and contextual challenges that occurred in Malaysia, such as elections and the turn-over of key government personnel. The development of the fair recruitment guide, which is relevant to strategic goal 3, and the community complaints mechanism, that is relevant to strategic goal 4, are examples of this. While closely aligned with the NAPFL, achievement of relevance is strongly linked to questions on sustainability, and final adoption of the guide and mechanism by the relevant authorities.

In Malaysia, there is particular relevance to SDG 8.7, eradicating forced labour and child labour. The alignment with the NAPFL and awareness raising on the indicators of forced labour, helps support



Malaysia's commitment to this indicator. Similar to Indonesia, the project also supports indicators 8.5 and 8.8 as well.

### **Relevance in Addressing Decent Work Deficits and Other Relevant Needs of Stakeholders**

In both Indonesia and Malaysia, the key stakeholders shared examples of the project meeting the key needs of stakeholders. The Indonesia part of the project has had more direct involvement with workers and companies, as a result of being implemented for longer. Workers in Indonesia shared that the project had supported some key challenges they faced. These included a need to improve bargaining and negotiation skills, strengthen awareness about social security systems, labour standards, and complaints mechanisms, and improve occupation health and safety. The lack of capacities in negotiation had often led to fragmented approaches to bargaining and an inability to effectively communicate with employers. Workers described how prior to the project, strikes and riots were often seen as the only means to resolve problems, instead of utilising social dialogue. Workers also were often unaware of safety measures or unable to obtain appropriate personal protective equipment (PPE) from the companies. The project was identified as having helped with these challenges.

Women workers identified that it had been difficult to access key positions in trade unions, meaning that the key needs of women were often unaddressed. Workshops on gender equality had thus been relevant to them in addressing these gaps. Women workers shared examples of advocating for the granting of maternal and menstrual leave, and increasing access to health and educational services. Women remain more likely to be daily workers and unable to obtain formal contracted positions and have attempted to address this in negotiations with companies.

The companies also believed the project to have been relevant to their needs. Similarly, to workers, they described poor industrial relations as being a significant challenge prior to the project. Plantation managers believed that the focus on improving social dialogue had been important and contributed to changes in relationships. This included both the plantation management being more aware of decent work conditions and negotiation techniques, and the workers being more aware of their responsibilities and company policy. National level companies identified the focus of the project on gender equality and sexual harassment policies as being important for the management in the companies' plantations.

There remain some gaps that the project has been unable to address. This is a reflection on the scale of the palm oil sector in Indonesia and the multitude of challenges it faces. The project has focused on larger scale companies and plantations. The companies who participated did so through the encouragement of GAPKI and with the ILO's advocacy. As such, there small-scale holdings or 'plasma plantations' have remained relatively unreached by the project. The unions do not have a significant presence in the plasma small holdings. The project did conduct a workshop in May 2023 on developing strategies to organise workers in informal settings using strategies such as workers cooperatives. Twenty local trade union leaders and 10 national trade union representatives attended. Significant decent work deficits also exist in these plasma plantations. However, it was not possible for the project to address all stakeholders given the magnitude of the sector, and the ILO should consider how to address these stakeholders in future phases of the project.

### **Malaysia**

In Malaysia, stakeholders shared with the evaluation that the project had been relevant given the challenges the Malaysian palm oil sector had been facing at the time. The Withhold Release Order (WRO) issued on two palm oil companies in Malaysia had galvanised the industry into accepting the issues of forced labour and child labour needed to be more seriously addressed. Government officials believe the work of the project in educating small holders had been important as they were the least educated about the indicators of forced and child labour and had less resources than the bigger companies. Government officials also believed the project had been relevant for addressing gaps in implementation of labour inspections in Sabah, indicated that from their perspective, one of the most relevant parts of the project was the visits that had involved both leadership and the labour inspectors and had improved common understanding of the challenges as a result.

Trade union representatives identified the challenges of lack of awareness among migrant workers on their right to be a member of a trade union was relevant to the project. There are also significant challenges related to child labour, particularly for children of undocumented migrants that are also relevant to the project's goals. However, stakeholders in Malaysia did note the short length of the project was damaging to the relevance of the project as it did not allow enough time to address substantial issues. The implementation agreement with the Malaysian Trades Union Congress (MTUC) was only four months, with a very small budget. This created challenges in the order of implementation of the activities, such as developing a campaign strategy document before the stakeholder input could be gathered from workshops. Overall, this did reduce the relevance and effectiveness of the project as a result.

### **Leverage of the ILO's Comparative Advantage**

There were clear indications from stakeholders in both Indonesia and Malaysia, that the ILO's tripartite structure and reputation had been of significant importance in the project. This was particularly the case in Indonesia. ILO is seen as a neutral arbiter by the workers and employers, and this has supported the increased convening of negotiation and discussion between them. ILO's focus on decent work also gives it opportunities to engage companies that NGOs do not have. Stakeholders in the evaluation reported that NGOs are seen as more anti palm oil, often focusing on palm oil's environmental impacts. The attention to decent work, combined with the international normative frameworks of the ILO, is viewed as offering more solutions for the companies.

The convening power of the ILO has been important in facilitating connections between the employers and workers. Several stakeholders from different groups stated that without the ILO, the progress in the improvements in industrial relations and conversations between the employers and workers would not have taken place. As the quote above (p.22) indicates, even the coordination between the different unions would probably not have taken place without the ILO's ability to bring different parties to the negotiating table.

A further competitive advantage for the ILO, which is valid in both countries, is the availability of different training materials on various labour standards, produced both globally and regionally. This has allowed the project to utilise the broad body of knowledge retained within the ILO effectively and prevented the need to develop new materials from scratch for each training or publication.

In Malaysia, the project has made initial steps in strengthening the awareness of different stakeholders on the need to address the situation of forced labour. Some challenges specific to Malaysia have limited this to an extent. There has been considerable turnover in the Ministry of Labour and legal challenges to the leadership of the MTUC have prevented it from participating in activities for several months. The project was also not successful in persuading companies to

develop action plans on forced or child labour. However, the project does appear to have had success in pushing the idea of greater collaboration among key stakeholders and the acceptance that the ILO and the trade unions should be seen as allies by the palm oil companies and not adversaries. The ILO has utilised its position to develop strong relationships with the Ministry of Labour, the provincial Department of Labour in Sabah, and the government run Malaysian Palm Oil Council. The ILO has also recently been approached by employers to speak at several events, that was previously inaccessible for ILO. This is linked to the ILO managing to persuade more companies to see it as a resource for support and not an adversary. A further example of this, is the government agency that is responsible for the conducting certification audits of the palm companies has reached out to the ILO to support its work. Many of these breakthroughs are coming at the end of the project, which is a reflection to an extent on the project's length, and will be addressed more in the efficiency and sustainability sections.

The ILO has also a comparative advantage from the different technical experts and experience it is able to access for the project. SECTOR has been the lead department in backstopping the project, but for several elements of the project, other departments such as MIGRANT and Labour Relations have provided support.

### **Alignment with key ILO and UN Programmatic and Strategic Goals**

The project aligns with two of the ILO's Programme and Budget (P&B) outcomes. Outcome 3, 'Economic, social and environmental transitions for full, productive and freely chosen employment and decent work for all', is relevant through the focus of the project on the rural economy, particularly output 3.2 'Increased capacity of Member States to formulate and implement policies and strategies for creating decent work in the rural economy'. The support given to improving social dialogue in the palm oil sector is particularly relevant for this output.

The project also aligns with Outcome 7, 'Adequate and effective protection at work for all', and in particular output 7.1. 'Increased capacity of Member States to ensure respect for, promote and realize fundamental principles and rights at work' and output 7.2. 'Increased capacity of Member States to ensure safe and healthy working conditions.' Both countries have trained stakeholders on the fundamental principles and rights at work and in Indonesia, there has been a focus on improvements in OSH with the trade unions and companies.

Priority 1 of Indonesia's Decent Work Country Programme (DWCP) (2020-25) is 'Effective Social Dialogue that Promotes Sustainable Business and Workers' Welfare', this includes outcome 1, 'Effective industrial relations to improve working conditions and labour productivity' and outcome 3, 'Effective wage policies to promote fair and decent wages through improving minimum wage setting and wage setting practices'. The theory of change for priority 1 includes the training of labour inspectors in the palm oil industry and the training on negotiation on collective bargaining for workers and employers. Both are critical elements of this project. The intended outcomes of priority 1 are designed to align with Outcome 2 of the United Nations Sustainable Development Cooperation Framework (UNSDCF), 'Institutions and people contribute more effectively to advance a higher value added and inclusive economic transformation.' This outcome of the UNSDCF envisages partnering with trade unions to increase the capacity of women to influence policy and business practices. The project's attention to gender equality thus supports this element of the UNSDCF.

Priority 1 of Malaysia's DWCP (2019-20)<sup>13</sup> is 'Rights at work- Protecting and promoting rights at work', which includes outcome 2, 'Outcome 1.2: Eradication of forced labour and child labour', and thus the project's focus on addressing child and forced labour aligns with this priority. Additionally, priority 3 of the DWCP is 'Labour migration –Strengthening labour migration governance'. Given the majority of workers in the palm oil sector in Sabah are migrants and the key activities of developing the fair recruitment guide and developing the community complaints mechanism, the project also contributes to this outcome as well. The 2021-25 UNSDCF for Malaysia has less references to child and forced labour than its predecessor. However, the project does align with collaborative output 3.3, 'Adoption of corporate practices that are aligned to SDGs and international standards of upholding principles of social justice, transparency, accountability and sustainability while promoting economic development.'

## 3.2 Coherence and Validity of Design

### Key Findings- Coherence and Validity of Design

**Key Finding 5:** The project builds effectively on previous ILO interventions.

**Key Finding 6:** The project effectively addressed the cross-cutting themes of social dialogue and gender equality. There was limited attention to disability inclusion and the just transition to sustainability.

**Key Finding 7:** The limited timeframe of the Malaysia component of the project was a challenge.

**Key Finding 8:** There was limited interaction between the Indonesian and Malaysian elements of the project.

### Evaluation Questions

5. Does the project link with, and complement, other ILO, UN, other donor-funded interventions, and/or national efforts to improve workers' conditions in the palm oil supply chain in Malaysia and Indonesia?
6. Is the logic of the project sound and do the different objectives inter-connect effectively
7. To what extent did the project take into account in its design and results framework the crosscutting ILO priorities of standards, non-discrimination, environmental sustainability issues?
8. To what extent was the project design appropriate for its work with migrants, and its crosscutting priority of gender equality?

Both the Indonesia and Malaysia elements of the project were built to continue work done by previous interventions. In Indonesia, the country office implemented the project, 'Promoting decent work in Indonesia's palm oil sector' between 2017 and 2019 with the support of the Government of the Netherlands. This project had been limited to North Sumatra and had focused on social dialogue, labour inspection and occupational safety and health (OSH). The project had included a diagnostic study of the palm oil sector and the development of an action plan and potential interventions for the sector. Initial dialogue between employers and workers had taken place during this intervention. The current project sought to extend the previous project to a broader geographical scope and build

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<sup>13</sup> Malaysia's DWCP was extended until 2025 through a tripartite MOU, signed in 2019.

stronger platforms for social dialogue. The same National Project Coordinator (NPC) was employed in both projects, which supported the natural extension of activities.

In Malaysia, the project was designed to build on the 'From Protocol to Practice: A Bridge to Global Action on Forced Labor (Bridge)' project, funded by the US Department of Labor. This project included a migration cost survey among Indonesia plantation workers in Malaysia. The project utilised this survey and other materials the Bridge project had developed, as well as building on the relationships developed with the MTUC, the Ministry of Labour, and companies in the palm oil sector.

The project also complemented work conducted with other ILO projects. In Indonesia, the former Country Director of the ILO encouraged ILO's projects to have joint feedback meetings with the project steering committees to reduce the number of meetings the stakeholders attend. This is because many of the key tripartite members are the same for several projects and reducing the number of meetings helps boost attendance and ownership. The project did hold joint feedback meetings. Internally, there is a fortnightly meeting between projects to ensure collaboration. The project coordinated in particular with two other relevant projects, the *Improving Workers' Rights in the Rural Sector of Indonesia* with a particular focus on woman's rights project which works on promoting and improving labour law compliance, occupational safety and health (OSH) and gender equality in the palm oil and fisheries sector, and *Better Work's* intervention focused on women's empowerment.

The projects have jointly worked on gap analyses of the grievance mechanisms that exist for trade unions to promote. NPCs from the other projects indicated the Palm Oil project had provided useful examples for their work. In particular, the NPCs were able to study the strategic compliance work with labour inspectors and the development of the JAPBUSI network to understand how these could be useful in their projects. Joint training on the labour inspection manual from a gender equality perspective has also been discussed, although not yet implemented.

In Malaysia, the project has conducted joint activities with other projects. The project has also tried to work with other projects to take forward some of the activities of this project in 2024, once the project has ended. The delivery of the grievance mechanism is particular will need support from an ILO project.

The project has also collaborated with Safe and Fair, the ILO's large regional migration project, implemented jointly with UN Women, that is focused on gender equality and migration. In Sabah, a joint training was conducted by the two projects on child and forced labour with 34 labour officials from the Sabah Department of Labour. The pre-orientation manual and the delivery of activities through MRCs planned for next year, will utilise the resources and modalities developed through Safe and Fair and other ILO regional migration projects.

Synergies between the Indonesia and Malaysia components of the project have been more limited. The project did arrange a joint meeting between authorities in Indonesia and Malaysia, although it was apparent from this meeting that more advocacy was needed with both governments to improve collaboration. The project has not been able to arrange coordination meetings or lesson learning visits between GAPKI and Malaysian companies or between JAPBUSI and the MTUC. This is partly a reflection of the fact the two sub-projects have quite different foci. In Indonesia, the focus is on freedom of association and collective bargaining, and in Malaysia on child and forced labour. Challenges faced by the MTUC also have limited the possibility of collaboration between the trade unions. The area of work that has the most potential for collaboration is pending finalisation in both countries, the pre-departure training in Indonesia and the community complaints mechanism in Malaysia. Collaboration between the two countries should be stepped up next year if these activities can be taken forward in new projects.

The project has also had limited synergies with other UN agencies. There has been interaction with the IOM on the pre-departure training manual but no other major interaction. There is potential for continued work in Malaysia next year in collaboration with UNICEF, as a possible project is being negotiated. ILO Officials who spoke to the evaluator reflected that the limited interaction with other UN agencies is partly because the project specifically focuses on areas that ILO has a comparative advantage in, and thus means there are not other UN agencies working on these issues.

### **Logic of the Project**

The project does not have a theory of change. The logic of the project is described through the narrative proposal and within the logic model. During the inception period of the evaluation, a theory of change was reconstructed and analysed and refined during the inception period. The theory of the Indonesia part of the project starts with the idea that knowledge and awareness must be generated to capacitate the key stakeholders. A twin-track approach that works with the national level sectoral actors and at the same time, the provincial and individual company level government, workers, and employers is utilised. The theory is that if the national level constituents are capacitated and encouraged to engage in constructive dialogue, and the sectoral employers and workers' organisations strengthen their knowledge of the fundamental principles and rights at work (FPRW) and techniques on how to engage, then the local level workers organisations will be empowered to organise and engage with individual companies in social dialogue, leading to negotiation of collective bargaining agreements (CBAs) and ultimately workers experiencing less decent work deficits and better working conditions and pay.

The theory behind the project in Indonesia seems sound. There is strong connection between the four objectives of the project. The focus in the first objective on knowledge generation about the situation in the sector simulates awareness of the gaps and opportunities, which is the building block for the other objectives. The strengthening of the sectoral coordination among the trade unions in objective 2, that has been done through the formation of JAPBUSI, and the building of bipartite relations in objective 4 through the JAGASAWITAN platform, have been built on the initial work in objective 1, and in turn have supported the work at the individual plantation level in outcome 2. The role of the government in the tripartite relations has played less of a role in this project. Although, the project has worked with the Ministry of Manpower and in particular the Labour Inspectorate, the government has been less involved in the relationship building. Missing from the project's logic model outcomes is the engagement of companies to strengthen awareness of social dialogue, worker rights, and violence and harassment. Although this is described in activities in objective 4, it is less articulated in the objectives and outcomes. Included a specific outcome on this in future interventions would help formalise this activity more.

In Malaysia the project is designed to support the government's implementation of the recommendations in the 2018 Employment Survey on Palm Oil Plantations with the goal of contributing to the elimination of child and forced labour. The theory of the project is that weak labour migration governance and enforcement of national laws leads to situations where child and forced labour is allowed to exist. If the capacity of the trade unions to organise local and migrant workers is increased and the capacity of employers to mitigate risks in the plantations is strengthened, and this is combined with a strategic approach to labour inspection, this will strengthen opportunities to address child and forced labour. If this is combined with greater community awareness of the problem both before and after migration and a working community complaints mechanism, then the government, the companies, and the unions will be able to reduce child and forced labour.

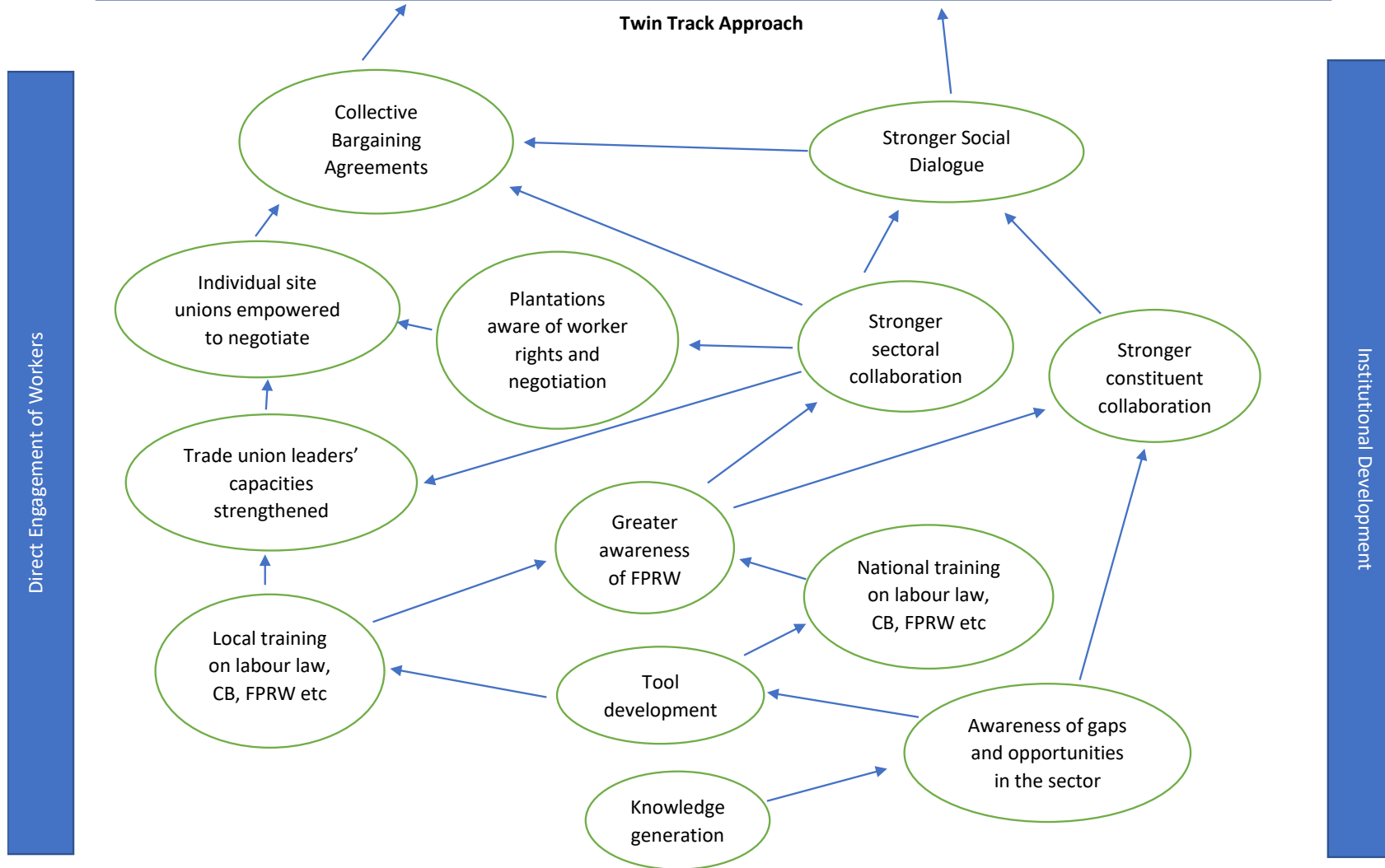
While the theory of the Malaysia part of the project is also logical, with key connectors between the different elements of the project, there are some areas where in practice, the theory has broken down. The length of time of the project, meant implementing this theory was ambitious. The more nascent stage of engaging both employers and workers means the type of worker and worker-employer platforms built in Indonesia are not yet a viable option for an intervention in Malaysia. This reduces the opportunities for bipartite cooperation, although there are some indications of a greater willingness to begin cooperation between companies and employers.

### **Assumptions**

A review of the assumptions of the logic model demonstrates the assumptions made at the start of the project remain reasonable. In Indonesia they include the continued willingness of relevant government departments, employers, trade unions and civil society partners to work with the ILO on the promotion of decent work in the palm oil sector, continued ability of implementing partners to reach plantation workers, and to provide quality services, the continued commitment of employers to improving working conditions, recruitment, contracting and employment practices, continued social, political or economic stability in the country, and the continued political will to improve working conditions and in particular fundamental principles and rights at work. In Malaysia, the assumptions were cooperation of the relevant stakeholders from the government, employers, trade union and community leaders, forced labour and child labour are key issues that the government want to address in the plantation sector, engagement with stakeholders in Sabah and Sarawak can be done through face-to-face or virtual, as feasible, and socio-political stability in the country. For Malaysia, the challenges of the MTUC from the court action against them probably could not have been predicted, but have impacted the assumptions about the project.

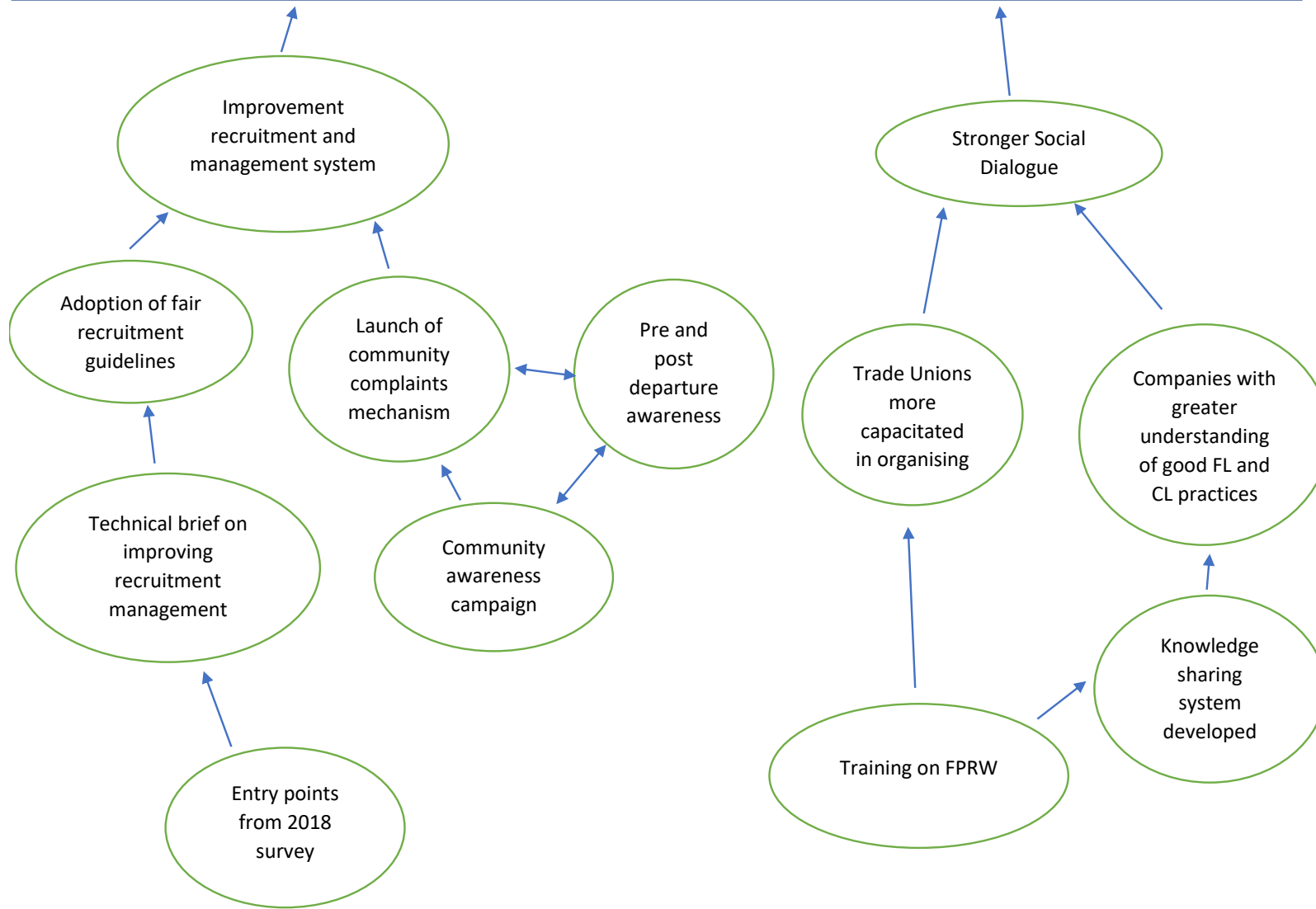
The diagrams below are visual representations of the project logic model developed by the evaluator during the evaluation.

**Objective: Indonesian unions in the palm oil supply chain effectively advocate for their members' access to fundamental workers' rights, in particular freedom of association and collective bargaining**





**Objective: To contribute to the elimination of child labor and forced labor in the oil palm plantations sector by supporting the Malaysian government's implementation of the recommendations in the 2018 Employment Surveys on Oil Palm Plantations.**



## Cross-Cutting Issues

The evaluation assessed the effectiveness of the project in considering the ILO's cross-cutting policy drivers of gender and non-discrimination; environmental sustainability, international labour standards, tripartism and social dialogue.

- Tripartism and Social Dialogue

Social dialogue has been a key driving focus of the project in both countries. Significant work has been done on supporting the capacities of the trade unions to engage in negotiation and the in educating companies on the benefits of good industrial relations. Although the project has focused more bipartism than tripartism, there has been significant involvement from all the tripartite constituents in different ways in the project. Given social dialogue is a central issue and reported on throughout this report, this section is brief and will not repeat what is stated elsewhere.

- International Labour Standards

The project has conducting training in both countries to raise awareness on FPRW and ensure trade unions in particular have understanding of international labour standards that can be used in collective bargaining with plantation companies. The project supports the realisation of several of elements of the ILO's Declaration on FPRW. In addition to the right to collective bargaining and freedom of association in Indonesia and the elimination of forced and child labour in Malaysia, the project addresses gender equality through some of the training of workers and employers, as well as ensuring the right to health and safety at work has been a key element of negotiations by trade unions. The recent High Level Evaluation on the ILO's Strategies and Actions on FPRW found limited success of the ILO's programming in integrating the different principles jointly. This project has demonstrated that integrated programming addressing several issues of FPRW can be achieved.

- Gender and Non-Discrimination

The project document includes gender analyses for both Indonesia and Malaysia. The analysis identified that in Indonesia, the traditional stereotyping of jobs in the Palm Oil sector as being unsuitable for women has led to women being more likely to be in short-term contracts or informal work relations and this heightened their risk of exploitation and exposure to unsafe working conditions. Women are excluded from trade union leadership meaning women's needs and concerns are usually not a focus of collective bargaining agreements. In Malaysia it was noted that precarious migration status made women vulnerable to trafficking and exploitation. Although many women in forced labour situations enter Malaysia with valid documentation but are coerced into exploitative work conditions. The remote nature of the palm oil plantations make women particularly susceptible to sexual abuse and harassment, along with experiencing decent work deficits.

In Indonesia, the project has conducted training on sexual harassment for workers and management, and worked with a national palm oil company to address sexual harassment regulations. It has also worked to empower more women to be involved in positions of leadership in trade unions. Women workers who participated in the evaluation indicated the support from the project had given them more confidence both in raising issues with management and in interacting with male workers. For women in positions of authority, such as supervisors, the training in the project had supported their confidence in performing leadership and managerial responsibilities with men.

Informality for women workers remains a significant challenge. Women in FGDs on the plantations suggested women daily labourers remain more unlikely to obtain permanent contracts than men. Considerable advocacy with companies remains to be done on this. However, issues such as access to health care and educational services for their children, maternity leave, and health and safety had work was noted to have been improved, at least for contracted workers, and attention the project has given to gender equality was credited with this.

The Malaysia part of the project had partnered with Safe and Fair, whose focus is on women migrants, for the training on FPRW. Stakeholders also acknowledged that women are more vulnerable to forced labour than men and training for small holders included awareness on gender equality.

The gender marker for the project identifies that it 'does not include gender equality as an outcome, but some outputs and/or activities specifically address gender issues'. This is evident in the logic model of the project. Future interventions could consider a more specific outcome on gender equality to further strengthen the gains made in this project.

The project has not addressed discrimination of persons with disabilities in its programming. When asked about disability inclusion by the evaluator, companies who participated in the evaluation reflected on the question from a legal perspective, i.e. if there was a legal requirement to recruit persons with disabilities, rather than from a human rights or business case point of view. Members of JAPBUSI stated they would like more support from the ILO on disability inclusion, stating that 'the inclusivity principle is important so that no-one is left behind' and indicating that training on reasonable accommodation for workers who acquire disabilities so they can continue working and are not automatically discharged with a pension and also on social security and disability would be useful to them.

- Environmental sustainability

The environmental impact of the palm oil industry has been of considerable controversy in recent years. However, this project has not addressed environmental sustainability. ILO Officials indicated this is partly reflects that various organisations are working on environmental sustainability and the ILO's comparative advantage in this issue is considerably less than it has on decent work and labour standards. The focus on labour standards also makes the project more attractive to both companies who often feel embattled from NGOs advocating on environmental issues and to trade unions who want to protect the jobs of their workers while seeking to improve working conditions.

- Migrant Rights

The TOR for the evaluation also requested the evaluation to consider what extent project design was appropriate for its work with migrants. The project design considers migrants from two main entry points; the design of pre-departure training that was planned in Indonesia, and the development of a fair recruitment guide and community complaints mechanism in Malaysia. The high proportion of workers in the palm oil sector in Malaysia, means the work on the Malaysia part of the project is more directly connected to migrants, however as most of the migrants in Sabah are from Indonesia, there should be a considerable role for Indonesia to play in this area. The collaboration between Indonesia and Malaysia on the project has been limited and thus some of the opportunities for working on migrant rights have not yet been taken. The development of the pre-departure training materials is the major unachieved activity on the Indonesia part of the project. Additionally, collaboration between JAPUSKI and the MTUC as recommended in the mid-term evaluation has not been facilitated which could have strengthen the work on migration rights further. Additionally,

collaboration between the governments of Indonesia and Malaysia on migration is not at a point of full collaboration. There are lots of entry points for extending the work on migration in future projects including ensuring the implementation of the community complaints mechanism, utilising the ILO’s MRC network for the pre-departure orientation, and continuing to support inter-governmental cooperation.

### 3.3 Effectiveness

#### Key Findings- Effectiveness

**Key Finding 9:** The outputs have been achieved in Indonesia, although a small number of activities remain outstanding.

**Key Finding 10:** The development of platforms of sector trade unions, and the trade unions and employer sectoral group in Indonesia is a significant achievement.

**Key Finding 11:** Many outputs have been completed in Malaysia but are pending approval by the Government. The project was unable to persuade any companies to complete company policies or declarations on child labour and forced labour.

**Key Finding 12:** Greater awareness of gender equality and violence and harassment can be identified as a result of the project.

**Key Finding 13:** Unintended/unwritten outcomes include the registering of thousands of workers in the social security system, the additional programmes that GAPKI and the Labour Inspectorate have developed, and the unionisation of workers in one Malaysian company as a result of a joint employer/worker workshop.

#### Evaluation Questions

9. To what extent, and how, has the project achieved its objectives and planned outcomes at the time of the evaluation?
10. Have unintended results of the project been identified?
11. With evolving conditions in both countries, what opportunities was the project able to take advantage of?

The outcome indicators achieved by the project as of the time of the evaluation are included in the table below.

Outcome Indicator	Target	Progress
<b>Indonesia</b>		
<b>Outcome 1: In-depth knowledge is generated about opportunities and challenges for the promotion of freedom of association, collective bargaining, and effective social dialogue in the sector</b>		
Number of ILO constituents’ documents referring to the study and its findings.	At least 2	Achieved: 3

Number of initiatives developed on the basis of the findings and recommendations of the study, or the number of initiatives that have incorporated the findings and recommendations of the study (high, medium, low).	At least 2	Achieved: 2
Number of Academy participants with enhanced understanding of issues relating to fundamental principles and rights at work.	60% of participants (including 50% women) to take part in the Academy.	Achieved, 103 participants (52 men and 53 women. The academy was conducted virtually due to restriction of movement during COVID-19 pandemic.
<b>Outcome 2: National-level coordination and engagement among trade unions in the palm oil supply chain and their capacity to advocate for their members is strengthened through the effective functioning of the national union network.</b>		
Number of trade unions in sectors/sub-sectors of the palm oil supply chain applying the knowledge acquired through education and communication materials.	10	Achieved: 10 trade union federations and members of the trade union network.
Number of collaboration activities organised by the trade unions under the Palm oil trade union network	At least 3 joint activities	Achieved: 16 joint activities implemented by the 10 trade union federations ranging from trainings, dialogues, and advocacy meetings or campaigns throughout the projects.
The number of trade union organizations implementing trainings on improving working conditions, including preventive measures against COVID-19 and similar diseases in the future.	At least 20 workplace improvement plans	Achieved: The trade unions have included the improvements plans in the CBAs as part of OSH. As such the figure matches the CBA achievement of 31.
<b>Outcome 3: At the enterprise/local level, labour unions and workers in the sectors/sub-sectors of the palm oil supply chain, particularly plantation workers, have better capacity to advocate for and access their rights.</b>		
Number of independent worker organizations supported by USG to promote International Labour Standards	At least 9 federations and 10 local level unions	Achieved: 10 trade union federations member of the trade union network, and 203 local trade unions affiliated to the mentioned trade unions

		federations and 4 non-affiliated local trade unions.
Number of outreach and organization activities at the plantation level independently initiated by the unions.	At least 10 activities	Achieved: 22 activities.
Number of collective bargaining agreements developed in a bipartite process	At least 10	Achieved: 31 signed out of 50 CBA drafted/developed.
Number of workplace OSH improvement plans and COVID-19 measures developed.	At least 10	Achieved: 10
<b>Outcome 4: Sound industrial relations are facilitated through strengthened capacity of the tripartite constituents to participate meaningfully in social dialogue.</b>		
Number of companies taking corrective gender-sensitive actions to improve/ensure workers' access to fundamental rights at work.	5	Achieved: 7 companies
Number of activities carried out by the project stakeholders e.g labour offices, government, etc) aimed at improving enterprise-level compliance to decent work.	At least 10	308 enterprise inspection visits carried out as part of the follow up of the strategic compliance planning workshop.
Number of workplace bipartite committees established or improved	10	Achieved- 10
<b>Malaysia</b>		
<b>Outcome 1: Improved labor recruitment and management system in the Malaysian oil palm sector</b>		
Number of discussions of technical brief on improving labor recruitment and management systems in the Malaysian oil palm sector to the parliamentarians and relevant government agencies	At least 3 discussions	Achieved- draft presented to the Government of Malaysia for approval
Guidelines on promoting fair recruitment in the Malaysia-Indonesia corridor in place	1	Pending- pending approval for the Ministry of Human Resources
<b>Outcome 2: Community-based complaints mechanism piloted, and community leaders, employers and workers sensitized on forced labor and child labor issues</b>		

Number of individuals reached by community-based awareness raising per district	1,000 per district	Partially achieved- 570 people reached
Number of districts with community-based complaints mechanism for oil palm plantation workers	6 districts	Pending- pending approval by the Sabah Department of Labour
<b>Outcome 3: Strengthened capacity of employers to mitigate risks in oil palm plantations</b>		
Number of users accessing the knowledge sharing system	2,000 users	Pending- a draft has been provided to the Ministry of Human Resources
Number of companies with company action plans on forced labor and/or child labor developed through project assistance	8 companies	Not achieved- outreach conducted but no company expressed willingness to develop an action plan with the ILO's assistance.
<b>Outcome 4. Strengthened capacity of trade unions in organizing local and migrant workers in the plantations and in engaging in collective bargaining agreements</b>		
Number of trade union members and leaders in the oil palm plantation sectors reached by the promotion campaign on freedom of association	1,000 members and leaders	Partially achieved
Number of trade union leaders in the oil palm plantation sectors trained on Fundamental Principles and Rights at Work	50 trade union leaders	Two workshops completed

Table 2: Project Outputs- planned vs achieved

In Indonesia, the project achieved most of its targets. There were some significant over-achievement of some indicators. The most notable of these was the 31 CBAs that were negotiated following project support. This is a strong sign of the project was effective in strengthening the capacities of local level unions and workers to negotiate with companies and also that openness to social dialogue from both workers and companies had improved. The CBAs covered over 20,000 workers and included labour rights such as maternity leave, improvements in OSH, non-discrimination, and the right to organise, and better pay structures. Workers' representatives who participated in the evaluation who were from companies where the CBAs had been negotiated were positive about the process and impact for negotiating them, as demonstrated in the impact section of this report. Workers from companies who had engaged less with the project were more frustrated over the refusal of their companies to address key issues and renew CBAs with the workers. The over-achievement on the number of companies with workplace OSH plans and Covid-19 improvements also speaks to this achievement.

The development of the platforms is another significant achievement of the project. The development of JAPBUSI has been of critical importance in improving collaboration between unions and can be seen as a contributing factor to the over-achievement on the CBAs. The training and

support given by the federations has empowered the local level unions to undertake these activities. The development of JAGASAWITAN is another significant achievement but this was not actually included as a planned output of the project in the logic model, although it was discussed in the narrative document, and can be seen as an additional success of the project.

There are some activities and outputs included in the narrative of the project document that do not have corresponding indicators. Activity 4.2.6 is to enhance the capacity of the labour inspectorate to provide technical and advisory support. The project has developed a manual for labour inspection in the palm oil sector that has been shared with labour inspectors in piloted provinces. A more comprehensive roll-out and training is needed. There should have been a corresponding indicator for the labour inspectorate activities included in the logic model.

A further success of the project that was included as an activity but not in the output or outcome indicators was the development of a case management system for the trade unions. Activity 2.2.2 was to support the trade unions in developing a system that trace cases with the goal of supporting federations in the resolving of grievances. The case management system was also designed to alternative grievance redressal mechanism that can be used to address workplace issues. This was developed in 2023 and is now operational.

Additionally, the development of the pre-departure training manual under activity 2.1.4, that has not yet been finalised, does not have a corresponding output indicator. Nor is there an outcome indicator to reflect changes that may occur as a result of the pre-departure manual. The delay in this activity is the main area where the project has not yet achieved what was listed in the project document in Indonesia. The ILO plans to continue work on this during the no-cost extension to April and has included it in a proposal for a future intervention.

The other significant area where more attention is needed is on bilateral attempts at social dialogue at the provincial level. The achievements at the national level in building a platform have been significant and the development of the CBAs demonstrates good success at the company level. However, developing provincial level initiatives would further strengthen this work. There has been process in North Sumatra in developing a platform. The ILO should consider how to continue to support this and use as a best practice in other locations.

Malaysia has achieved less of its outcome indicators. The targets for Malaysia were quite ambitious for a two-year project as they relied on acceptance by policy makers, which can be a lengthy process. The project has been successful in conducting outreach to small holder farmers, to companies, and to trade unions. However, many of the outcomes require systems to be operating, and while the project has developed the draft concepts of these, the duty bearers are still reviewing the products and thus the community complaints mechanism, the fair recruitment manual, and the knowledge sharing system on best practices in the prevention of child and forced labour, are not yet in place.

The most significant indicator that could not be achieved at all was the development of action plans on forced or child labour by palm oil companies with the support of the ILO. The ILO conducted outreach with several companies in 2021 who were open to the messages shared by the ILO. However, none of them agreed to develop a plan, arguing that their policies were already aligned with best practices.



## Unintended Results

Some of the results in the project identified that were not included in the logic model or narrative project document are more accurately described as unstated effects or spin-offs of the work more than unintended results. The increased confidence of workers that was identified in FGDs is not mentioned in the project document as an expected result but would probably have been considered an expected element of the capacity building of trade unions. Training an individual in negotiation skills should lead to greater confidence in negotiation and thus it is not surprising that this is shown in other aspects of their work life as well. Although increased confidence was identified in both men and women workers, women workers were particularly keen to emphasize this gain in the FGDs, which appeared to be a reflection of the lower starting baseline and appreciation that this allowed them to address the patriarchal attitudes they often face in the workplace.

As noted, other results were intended but not included in the logic model. The increased capacity of labour inspectors and the development of the pre-departure manual were both included in the narrative but not in logic model. The support given to the labour inspectorate did though lead to the most significant positive unintended outcome of the project. The project worked on strategic planning for labour inspectors and supported joint visits which led to one of the project's successful unintended outcomes, namely the registering of over 10,000 workers in Indonesia's social security system. It was also reported that both GAPKI and the Labour Inspectorate have arranged additional programmes to build on the learning from this initiative, thus adding to the multiplier effect of the project. GAPKI has developed a programme focused on protecting women workers and the Labour Inspectorate has used the learning from the project's workshops to feed into its initiative for child labour free plantations.

In Malaysia, an unintended outcome was the agreement by one company for workers to set up a union following a workshop from the MTUC. The company had been under the impression that the migrant workers were not allowed to join unions but on learning they could, agree to support the formation.

There were limited negative results identified by the evaluation. It was reported to the evaluator that in certain cases union members were receiving threats when trying to negotiate CBAs. This was particular the case for unions working with companies who did not participate in the project. However, a positive part of the project was a stronger connection between the local unions and the federations, and union members who received these threats were able to turn to their federations for support. Another small concern the evaluator identified was some misconceptions among local union members about the power of the ILO. One union member after listed some of the challenges he was facing with his company stated that he would now go to company and say the ILO was evaluating palm oil companies. The evaluator immediately clarified this was an evaluation of the project not the palm oil companies and later spoke to the NPC to ask him to follow up this message with the union member. ILO Officials shared that the misconception that the ILO had the power to demand companies change practices rather than understanding the reality that the ILO can use its convening position to request changes, did sometimes lead to union members putting themselves in difficult positions and was a risk to the ILO's ability to work with companies and access plantations. Continued education on the ILO's role was conducted throughout the project to try to prevent this risk.

## **Satisfaction of Stakeholders**

The evaluation found in general a very strong appreciation for the efforts of the ILO in this project. Most of the comments about where the ILO could improve were mainly linked to doing more activities or having more staff involved in the project. The length of the project in Malaysia was also raised as a concern by stakeholders. Additionally, in Indonesia, more detailed communication throughout the project was suggested by labour inspectors, which was linked to the limited roll out of the manual and lack of training on it later in the project.

## **Evolving Conditions**

The project was implemented during the period of Covid-19. Particularly during 2020 and 2021, and to a lesser extent in 2022, movement restrictions and office capacity limits impacted the project. Activities needed to be conducted online in many cases. Covid-19 restrictions were more relevant to the Indonesia part of the project as the project did not start in Malaysia until 2022, by which time the worse effects of the pandemic were easing. The ILO appears to have limited the impact of Covid-19 on the project overall and taken advantage of some opportunities.

An ILO official identified that one of the legacies of Covid-19 was increased digital skills as many people were required to learn new skills and navigate new systems online to conduct their work. The project has leveraged improved digital skills among union leaders to support improvements in websites and social media communication. This has helped outreach to members and supported the development of the case management system.

Covid 19 also helped raised awareness about the important of workplace safety and the provision of PPE. This was (and remains) a significant need in the palm oil sector. Many jobs on a plantation are hazardous, either involving machinery or hazardous chemicals, or include exposure to natural hazards such as snakes. The increased attention to worker safety in preventing the spread of Covid-19 coincided with the ILO's work on supporting OSH committees and empowering unions to include OSH requirements into CBAs. One of the successful good practices of the project was to encourage CBA negotiations to link them to workplace improvement plans and the setting up of OSH committees. The attention on OSH as a result of the pandemic thus was leveraged to good effect by the project.

The pandemic also brought a heightened awareness of the challenges migrant workers face. Migrant workers were among the most impacted by the pandemic, many being trapped in countries with closed borders or in squalid housing conditions with movement restrictions applied, while often jobs with little or no-compensation, including significant amounts of wage theft. Migrants are often excluded from The UN system and CSOs conducted significant advocacy with the governments on the rights of migrant workers linked to the pandemic. Although the project did not conduct advocacy itself specifically linked to the pandemic, it was able to take advantage of opportunities to address the decent work deficits migrant workers face through the project at a time when awareness of these deficits had been raised. Officials from the Sabah Labour Department in particular have identified that migrant workers needs and rights should be given high priority.

Other context changes have occurred during the project. In Malaysia, there has been significant turn-over at the senior level of the Ministry of Human Resources and a legal challenge to the MTUC has seen its ability to deliver programmes suspended by the High Court. In Indonesia, the government has pressed ahead with the Law on Job Creation that weakens the right of trade unions to undertake collective bargaining and an appeal by several unions was rejected by the Constitutional Court in 2023. These developments had not provided the project additional

opportunities, but the ILO has monitored the developments and tried to mitigate where possible. The proposed no-cost extension includes providing support to trade unions in Indonesia to understand the impact of the Constitutional Court ruling on the recently negotiated CBAs. In Malaysia, the project has developed strong relations with the Ministry of Human Resources and the Labour Department in Sabah which has helped reduce challenges from the more senior turnover.

### 3.4 Efficiency

#### Key Findings- Efficiency

**Key Finding 14:** The project has efficiently utilised its resources. The project has utilised 92% of the budget to date. Approximately \$160,000 remains. However, staff turnover and not being able to implement all activities reduces efficiency to a small degree.

**Key Finding 15:** The project has been able to utilise resources from other departments and units.

#### Evaluation Questions

12. Has the project used its resources reasonably given the results that have been achieved?
13. To what extent did the project leverage resources to promote gender equality and non-discrimination; inclusion of people with disabilities, environment sustainability etc?
14. What changes have been made in the project to improve efficiency following the recommendations of the mid-term evaluation?

#### Use of Resources

The project had a total budget of \$1.95 million, with \$1.88 provided by the US Government and a cost share of \$74,200 for the ILO. \$1.39 million was allocated to Indonesia and \$485,000 for Malaysia. \$765,558 of these costs had been utilised by the time of the extension to include the longer period of Indonesia and adding Malaysia. For the second half of the project 32% allocated to Malaysia and 57% to Indonesia, with 12% for indirect costs.

As of mid-December 2023, \$164,612 remained unspent or uncommitted from the project. This equals 14% of the extension budget and 8% of the total budget.

Category	Budget	Remaining	Percentage Remaining
<b>Indonesia</b>			
Project Staff	302,917	15,795	5%
Travel	38,834	18,822	48%
Equipment	22,015	5,186	23%
Contracts	258,819	15,775	6%
Other Direct Costs	137,273	11,598	1%
<b>Indonesia Total</b>	<b>759,858</b>	<b>67,176</b>	<b>9%</b>

<b>Malaysia</b>			
Project Staff	256,562	11,913	5%
Travel	16,013	9,286	58%
Equipment	40,619	2,818	7%
Contracts	63,116	18,556	3%
Other Direct Costs	52,965	26,574	50%
<b>Malaysia Total</b>	<b>429,275</b>	<b>68,137</b>	<b>16%</b>
<b>Indirect Costs</b>	<b>154,600</b>	<b>29,299</b>	<b>19%</b>
<b>Total</b>	<b>1,343,733</b>	<b>164,612</b>	<b>12%</b>

In Indonesia, the two most significantly underspent categories are travel and office expenses. Over 50% of the underspend comes from not spending resources on a DRL stakeholder workshop, the lack of organisation of which is outside of the ILO's control. Office costs appear to have overestimated at the start of the project. Particularly in 2020 and 2021, and even into 2022, ILO staff worked from home and travel was not possible, thus impacted the ability of the ILO to utilise these lines of the budget. In Malaysia the underspend is more linked to the outstanding activities. Funds for consultations on the community complaints mechanism in travel, seminars, and contracts in particular are underspent. Given the legal problems currently faced by the MTUC, the project also has not been able to use the \$10,000 allocated for a freedom of association campaign.

Staffing issues have impacted the efficiency of the project to an extent. In Indonesia the recruitment of the NPC who worked on the previous project has meant the project has had an NPC since the inception period which is conducive to efficiency. However, the project has struggled to retain a Provincial Project Officer, having recruited two during the project who for various reasons did not remain in position for very long and the project has not filled this position more recently. One of the gaps of the project has been the development of bilateral negotiation at the provincial level, and the staffing issue has potentially impacted this. One of the few complaints of the partners in the project for Indonesia was the lack of human resources. Appreciation for the work of the NPC was high, but the limited number of other personnel for the project was seen as a weakness.

In Malaysia the project was initially supported by the Programme Officer in the Malaysia Office and then a Technical Officer who worked on the project at 50% for about six months. The full-time Field Officer did not start his position until May 2022. This means he was not in post for about 20% of the project. While the Field Officer does appear to have developed strong relationships with the different stakeholders, the late recruitment does reduce time for developing relationships, building trust, and implementing activities, and thus reduces the efficiency of the project.

### **Leveraging Resources**

As discussed in the coherence section, the project managed to leverage technical support from various departments of the ILO in the regional office in Bangkok in addition to the official backstopping support from SECTOR in Geneva. The project has also worked with other projects to share resources and hold joint events, some of which included a focus on gender equality. In Malaysia, this included working with the Safe and Fair project on a training on child and forced

labour. In Indonesia the training on preventing violence and harassment with palm oil companies in September 2022 and February 2023 utilised the ILO’s module on gender mainstreaming and was based on the ILO Violence and Harassment Convention (C.190).

As previously noted, there has not been a focus on persons with disabilities in the project. The ILO’s country office in Indonesia Programme Officer is a member of the ILO’s Disability Champion network and was instrumental in the establishment of the Indonesia Business and Disability Network. Not utilising this resource is a missed opportunity for the project.

### Follow up of Mid-Term Evaluation Recommendations

As the table below shows, most of the recommendations have been acted on to at least some extent. The mid-term evaluation only covers the Indonesia part of the project because it covered implementation before Malaysia was added to the project. There is one recommendation that includes Malaysia, but most focus is on Indonesia. One of the recommendations was more relevant during the pandemic restrictions, and there are some recommendations which remain outstanding.

Recommendation	Progress
Integrating digital literacy into trade union’s education	The development of the JAPBUSI network has helped the unions strengthen their skills in digital literacy. The unions have developed a case management system and the network has a website. Evaluation stakeholders identified that the unions were better at using social media and developing their websites.
Promoting women to union’s leadership	This remains a work in progress, but the project has included a focus on women’s empowerment in the union movement. At the national level, the federations have stronger women leadership. More work is needed at the provincial level.
Strengthening JAPBUSI’s institutional capacity	There have been important improvements in JAPBUSI’s institutional capacity, as described elsewhere in the report. While some challenges remain concerning the strengths and capacities of different members, the platform has standardised its operations during the second half of the project.
Different role between JAPBUSI and its federation members	The development of the JAGASAWITAN platform is a good example of the JAPBUSI network taking on a role that was beyond individual federations. The formalisation of the procedures of JAPBUSI also helps this.  The mid-term evaluation recommended JAPBUSI partner with MTUC in Malaysia. This has not been done.

<p>Bipartite social dialogue at provincial/district levels</p>	<p>This remains a gap in implementation. There are though some examples of improvements in provincial level bipartite dialogue. In North Sumatra, there has been a commitment to a dialogue platform. The ILO needs to continue to follow up to ensure this is continued.</p>
<p>Intensifying practice of social dialogue</p>	<p>There is strong evidence of the practice of social dialogue being enhanced during the second half of the project. The 31 CBAs are one example of this. Additionally, workers reported OSH committees being adopted in several enterprises.</p>
<p>Trainings needed:</p> <ul style="list-style-type: none"> <li>• Paralegal training</li> <li>• Joint training on OSH</li> <li>• Digital negotiation</li> <li>• Strategic compliance training</li> </ul>	<p>The project is considering paralegal training for following up on the implementation of the CBAs should the no-cost extension be approved.</p> <p>Joint inspections with labour inspectors, unions and employers have served as on-the-job training on various issues related to decent work including OSH. The inspections also led to the registration of several workers who were not previously registered with the social security system.</p> <p>This recommendation was made during the period when face-to-face meetings were still problematic. The relevance of this recommendation reduced as the restrictions from the pandemic receded.</p> <p>The project launched the labour inspection manual in piloted provinces. It was intended that individuals involved in the original training and development of the manual would train their colleagues informally. A more formal approach to training is needed if the manual is to gain more acceptance in among labour inspectors.</p>
<p>Future design of evaluation:</p> <p>The evaluation recommended the final evaluation visit more locations and use participatory techniques to include hard to reach workers.</p>	<p>The delayed planning of the evaluation did not allow for visits to more locations. The planning for evaluation should have been started earlier. Stronger coordination between the two countries may have also freed up more time for a visit to Sumatra in Indonesia. Having more lead time would have allowed for a longer</p>

	<p>review of the inception report and more consideration of the best approach to use.</p> <p>The evaluation did use virtual means to reach union members for different locations and tried to collect some stories of change to increase participation of workers. This was constrained by the available time for the data collection though.</p> <p>The evaluation used the FGDs to gather stories of change which is one participatory technique, but more time in the field visits would have allowed for a stronger application of this approach.</p>
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### 3.5 Impact

#### Key Findings- Impact

**Key Finding 16:** The project has had significant impact on improving relationships between workers and employers in particular. This is most noticeable in Indonesia, and the development of the platforms are strong achievements, but there are initial stages of improvement in Malaysia as well.

**Key Finding 17:** At the local level, in Indonesia, the project has achieved impacts through the collective bargaining agreements it has supported, although these have not been assessed for quality. More individually, workers and companies reported better cooperation on the plantations, and workers reported more confidence in interacting with management.

#### Evaluation Questions:

15. What is the evidence of the project's impact (foreseen and unforeseen) on the reduction for decent work deficits in the palm oil sector in Indonesia and Malaysia?
16. What can be identified as the project's sustainable impacts in the target groups and other actors as relevant?

The evaluation was able to identify several successes that have contributed to impact in the project. The longer length and comparable size of the intervention in the two countries means there is stronger impact in Indonesia. In Malaysia, although some change can be identified, the need to finalise some of the project's interventions means some impact is more potential than actual at the moment.

## Indonesia

- **National Level Impacts**

Improvements in relationships between the employers and workers' organisations were identified as the most noticeable impact at the national level in Indonesia. Both employers and workers shared with the evaluation, that even basic dialogue was near impossible before the project and that meetings would often devolve into shouting. The building of trust between the two groups has thus been palpable. The ILO has been successful in pushing a message of collaboration provides a win-win for both parties in an industry that has faced severe external pressure. The development of the JAGASAWITAN is the most visible example of this. The platform demonstrates the gains in trust that have been made between the unions and the employers and serves as a model for other sectors. While unions in particular believe there is still a lot of work to be done on various issues, such as sectoral minimum wage and persuading more companies to participate in dialogue, they also acknowledged the significant progress. This impact has been partly driven by another significant impact of the project, namely the improved collaboration between the unions themselves, which is demonstrated through the launch of the JAPBUSI platform. Prior to the project, unions were quite suspicious themselves of other unions, with fears of losing their members. While this remains a concern, JAPBUSI has helped significantly improve trust among members.

The JAPBUSI platform also is a part of the improved capacities of the trade unions to negotiate with companies. Strengthening levels of trust and collaboration with the employers would have limited utility if the trade unions did not have the knowledge and capacity to negotiate and bargain on behalf of the workers.

- **Local Level Impacts**

At the local level, changes were identified for company management, among trade unions, and at for individual workers. Collectively, the most visible success of the project has been the support given to the negotiation of 31 CBAs. These have come at participating companies, after training of either the trade union / worker representatives at these companies, or both the trade union and the company management. Trade union leaders suggested that capacity building on negotiation, labour law, and health and safety had been significant in helping them to jointly develop the CBAs with the companies. A caveat to this impact is that the CBAs have not been reviewed by the ILO or the evaluator to understand the quality of them. It is not clear if the CBAs are mainly just translating company regulations into a CBA and if they go beyond minimum legal requirements. Contracting a consultant to conduct a review of the quality of the CBAs would help understand the quality and also allow the ILO to identify areas for future training and intervention. However, merely the fact that CBAs are being agreed is a sign of positive progress.

Both workers and management identified improvements in relationships as a key impact of the project. This is particularly the case where the plantation management has engaged in the project. It was suggested that both workers and management now had a process for discussing concerns and this had led to a productive relationship compared to past examples of disturbances and strikes as a result of disputes.

“What we really can see is the communication between us and the workers, with the involvement of the workers, so they can find solutions even faster now. Previously we had a lot of demonstration and riots but now the communication is improved, and it is two ways. The demonstrations were about things like regulations, working hours. Since there was no effective communication, the rejections happened. But this was five years ago. With ILO's



help on the communications between workers, union and the company, the workers are more aware of their responsibilities and roles, and know what types of rights they deserve.” (Plantation Management)

Indications that companies have taken more account of workers’ concerns and recognised the importance of them having a platform to share feedback can be seen from the companies that have provided a building or meeting room for the union to headquarter in on the plantation where meetings and trainings can be held.

“We told the management we had ILO training and we wanted to train the workers but didn’t have space. The company gave us space to conduct the training. The training was on CBA negotiating and also how to negotiate with the companies and training about bipartite relationships. We also have monthly gatherings of workers where we come together and share food. We have submitted a draft of the CBA as a result of the discussion. It took 3 years to prepare the CBA. After the omnibus law became valid and there was a judicial review, then we performed bilateral discussions. Last week I met with the management of the company and agreed we would do further discussion at the start of the new year.” (Story of Change-Trade Union Representative)

Workers also reported better attention being paid to issues of health and safety as a result of the programme. It was suggested both that workers were more aware of the importance of PPE and that companies recognised their obligations to protect their workers better. It was noticeable that workers from companies whose management had more actively engaged in the project shared more success stories of negotiating with the company on this. The follow story of change, demonstrates some of the changes:

“The change that happened in my company was that previously they didn’t have good OSH. Now they have OSH. Previously it wasn’t obligatory to wear PPE and now it is obligatory to wear OSH. It was hard for the workers for the companies to get PPE. Before they would go to the company and they would say we would go to the highest level approval but it never happened. Now it a much more streamlined process. Each worker is being checked whether the PPE is proper and according to the standard. The company established the ‘OSH Police’. The ‘OSH Police’ perform daily checking of the compliance of the PPE, what needs to be worn by each company and determine their work locations and they try to reduce the exposure to accidents. Before the OSH police were established, there were many accidents happening, like fruits falling on the head. They now have trainings on health and safety to make the workers safer. This is the programme of the company, but I am sure it has something to do with ILO. The company regular joins the ILO training.” (Story of Change-Trade Union Representative- Man)

Workers also shared examples of individual gains they believed had come from the project. This particularly included increased levels of confidence in interacting with management and other workers as well. This was noticeable among women workers, and an indication of the project’s effectiveness in addressing the gendered decent work deficits that exist in the palm oil sector.

“Ever since training, I am more confident to express what I wants to say. For example, in mentioning my own short comings or demanding my rights to the company. I even ask my friends to join the union. I am also now more confident in giving my own views and thoughts to the company.” (Plantation worker- Woman)

One of the effects of the increased confidence to raise their voices, was that other workers identified the workers who were trained by the project as leaders who they could approach when they had concerns.

“I think that people are more respecting to us now. Previously I was considered as weak. Now they ask me for consultations. I feel I am more needed. For example, when there is an accident or death in the family, people ask me for assistance in getting compensation and support. People come to me for help.” (Trade Union Representative- Woman)

The project also had an unintended impact from the joint inspections by the labour inspectorate, companies, and trade unions that were facilitated by the ILO. The inspections identified over 10,000 workers who were not registered in Indonesia’s social security system. As a result of this finding, they were registered within the system and the companies make contributions for these workers.

One of the good practices of the project linked to the impact found at the company level was the leveraging of good relations with a company at the national level to influence the local level plantations. Engaging local level plantations at times proved challenging, and workers reported that often a need to consult with the head office was given as a reason for not making progress on particular areas for negotiation. The ILO successfully developed relationships with national companies and this proved useful in pushing individual plantations to engage with the project.

- **Malaysia**

In Malaysia, the impacts are less clear at this point. This is a reflection of the programme being much shorter than in Indonesia and the attention to policy change within the project. Policy change is a slow-moving process and it is difficult to achieve significant impact in the space of two years, especially given the disruptions to some of the key partners. The ILO has been successful in developing the fair recruitment guide and the community referral mechanism, but these are still being reviewed by the Ministry of Manpower and Sabah Department of Labour. Until these are implemented, it not possible to understand the extent of the impact they will have.

Change can be identified though in the general acceptance of the key stakeholders to address the issue of forced and child labour. Backed by the findings of the plantation survey from 2018, the project has managed to push awareness of the importance of tackling the work deficits that contribute to the problem. The willingness of the Ministry of Labour and Sabah Department of Labour to implement the community grievance mechanism is an example of acceptance by the authorities of some of the gaps that exist in the sector. During the evaluation, the Department of Labour expressed interest in the ILO providing training to their labour inspectors on strategic inspection and how to tie this into the community grievance mechanism and to the community members on awareness of the mechanism. Thus, while on the ground impacts for workers are yet to be extensively felt, the potential for this in future has been developed.

The ILO has also supported an understanding of the benefits of social dialogue. Stakeholders in the evaluation believed there is better awareness of the importance of working together and the palm oil companies no longer view both the unions and the ILO as antagonists:

“There is definitely a better relationship with the palm oil sector than the previous time. The ILO sold the idea that they and the unions wanted to help, not just embarrass the country. I think this is because of the project. The ILO facilitated the approach, ie a joint ILO and MTUC approach makes it easier. So, this was one of the main impacts of the project.” (Union Representative)

The potential for additional impact if the interventions were longer was also demonstrated by one example from the implementation agreement with the MTUC. As a result of one of the workshops that included workers and companies, one palm oil company acknowledged that they previously believed migrant workers were not allowed to be members of a trade union, but with the knowledge that this is not the case, the company worked with the workers to set up a company level trade union. The implementation agreement was only 4 months, and thus examples of this type of impact are limited, but this case does demonstrate potential future avenues for impact if a longer project can be developed.

### 3.6 Sustainability

#### Key Findings- Sustainability

**Key Finding 18:** The development of the JABUSKI and JAGASAWITAN platforms are a strong indication of ownership of the project at the national level. Continued support from ILO will be needed, but the platforms should support sustainability. The platforms have the potential to be replicated in other sectors.

**Key Finding 19:** Policy level gains need to be fully implemented to be sustainable in the long-run

#### Evaluation Questions

17. What assessment is made regarding the sustainability of the project outcomes?
18. Are the interventions replicable in other occupational sectors? Are the knowledge products and tools relevant for other ILO and UN programmes?

Overall, the evaluation found a strong level of ownership of the project's actions in both Indonesia and Malaysia. This suggests a strong possibility for sustainability of the project's actions. This does though come with the caveat that follow up is needed to both implement outstanding actions and to solidify the gains that have been made in the project.

#### Institutional Gains

The development and ongoing operation of the JABUSKI and JAGASAWITAN platforms are strong indications of the ownership of the project from the employers and workers. The JABUSKI platform is more established, having been operationalised earlier in the project. During the project, the ILO has worked with the trade unions to formalise the operations more effectively and respond to the findings of the mid-term evaluation. The network held regular monthly meetings and developed more standard procedures for operation, including electing a chair, who is a women trade union leader. The JAGASAWITAN platform to enable cooperation between JABUSKI and GAPKI was formed later in the project and thus has only been operationalised for about 4 months. This was a natural step, given the need to ensure that as a key part of this platform, the JAPBUI network was fully functioning first. Despite the limited time of operation, both the trade unions and the employers appear to be very supportive of the platform, which bodes well for future sustainability. The main limitation on sustainability in these platforms is the breadth of membership. While JABUSKI and GAPKI represent a significant proportion of trade unions and companies connected to the palm oil industry, there are additional trade unions and companies who are not members. This impacts the numbers of workers who can benefit from the engagement. The success of the network does offer

potential to showcase the benefits of membership of GAPKI to other companies and allow discussion among JAPBUSI and other trade unions about expanding the network in the future.

### **Policy Gains**

The Malaysian part of the project worked a lot of policy level engagement, most notably the community complaints mechanism and the fair recruitment guide. It is difficult to currently estimate the level of sustainability as these have not been implemented. The willingness of the Government to engage in the process and accept the need for these policies is encouraging. However, it is likely that they will need to be supported by further interventions from the ILO to ensure long-term institutionalisation of them.

Similar reflections can be seen in Indonesia. The development of the Labour Inspection manual for the palm oil sector is a positive development that if fully implemented should be sustainable. However, there has been limited training on the manual to date with the labour inspectorate and more work is needed to ensure the different provinces take up implementation.

### **Company Level Gains**

The support given to the negotiation of the 31 CBAs suggests a good level of sustainability. This both provides the management and workers the means to monitor working conditions at the current time and also a template for future negotiations. To strengthen the sustainability further, future efforts to ensure the unions have the capacity to monitor the implementation of the CBAs would be helpful.

The capacities gained by the workers that are reported in the impact section also have the potential for long-term sustainability. While it is noted that the project can only reach a small handful of the huge numbers of workers in the palm oil sector in Indonesia, the changes these workers identified should be retained, particularly if the company level changes are also sustained.

A challenge for sustainability at the company level is the limited number of firms involved in the project compared to the enormity of the palm oil industry. GAPKI itself does not cover the entire industry, and even among its members, not all are interested in participating. The work of the project also does not cover the 'plasma' small holding farmers who comprise a significant proportion of the project. There are obviously limits to the reach of one project but considering entry points for accessing the plasma farms and selling the business case to more companies in the future is recommended.

### **Replication**

The main opportunities offered for replication are probably the example of the coordination among the trade unions and between the trade union platform and GAPKI in Indonesia. The development of JABUSKI is an example that could be replicated, particular in other sectors in Indonesia where similar challenges of fragmentation of the union movement exist. The platform would be less replicable in countries with one dominant union. The JAGASAWITAN platform could also be replicated in either sectors or countries where the ILO is working to encourage stronger bilateral relationships.

The policy developments of the project may be less replicable because they are quite specific to the sector. The labour inspection manual is both specific to Indonesian labour law and the palm oil sector which limits its replicability elsewhere. The community complaints mechanism is designed to fit within the systems and culture of rural Sabah. However, this does not mean that lessons learned from implementing these systems and guidelines could not be utilised in future projects. More in-depth training for the labour inspectorate is probably needed for the guidelines and the time taken

to develop and implement a community complaints mechanism are both important learning for the ILO.

## 4. Conclusions, Recommendations, Lessons Learned and Emergent Good Practices

### 4.1 Conclusions

Overall, the project has been successful in delivering its outputs and achieving its objectives, particularly in Indonesia, where the longer time frame has supported the strong results. Notably, the project has strengthened relationships between key stakeholders in both countries in a sector which has previously been marked by poor worker/employer relationships. This gives a solid platform for future interventions to build on.

- Relevance

The project was relevant to both Indonesia's and Malaysia's priorities in the palm oil sector and provided support to national action and development plans. It supported the commitments both countries have made under key ILO conventions and the SDGs. The project addressed key needs to workers, including strengthening capacities on negotiation and knowledge on worker rights, as well as strengthening national confederations and platforms to support local level trade unions. Companies also believed the project to have been relevant to their needs and identified improvements in worker-management relationships to demonstrate this belief. The project aligned with key elements of the P&B and each country's DWCP and UNSDCF.

- Coherence

The project has built effectively on previous ILO projects, notably the 'Promoting decent work in Indonesia's palm oil sector' project and the 'From Protocol to Practice: A Bridge to Global Action on Forced Labor (Bridge)' project in Malaysia. There have also been good synergies and working relationships with other ILO projects in both countries. The logic of the project appears to be solid, although the project does not have a theory of change and developing one would help the design of future interventions. Cross-border activities have been limited and there is more room for coordination between the countries in future initiatives.

The project has effectively addressed the cross-cutting issues of social dialogue and gender equality. Considering a dedicated output for gender equality would be recommended in future interventions. The project had not engaged organisations of persons with disabilities or considered disability inclusion and has not considered environmental aspects particularly in the intervention.

- Effectiveness

The Indonesia section of the project has achieved most of the objectives of the project. The Malaysian section produced most, but not all, of the outputs but many of these are pending approval from the government and thus the final objectives have not been fully reached. Obtaining approval and supporting the implementation of these outputs should be a priority for the Malaysia office in 2024. There are various outputs of the project that were included as activities in the logic model but did not have corresponding indicators. The project has delivered outputs from these activities and consideration of indicators for future work should be given.

There were not many unintended outcomes from the project. However, the registering of workers in the Indonesian social security system is one noteworthy additional achievement and another is the development of a workplace union in one Malaysian palm oil company. GAPKI and the Labour Inspectorate have also developed additional activities utilising learning from the project. There have

been some reports of negative effects from trade union members being threatened during CBA negotiations, but the support of the national confederations has helped mitigate this risk.

- Efficiency

The project appears to have utilised resources efficiently. The leveraging of resources and support from other ILO department supports this finding, as does the recruitment of highly competent NPCs rather than international staff members. There is some underspend in the project, mainly linked to lack of travel and delays in some activities in Malaysia. Staffing turnover of the provincial positions and delays in recruitment in Malaysia has reduced efficiency to an extent, however this has been mitigated as much as possible through support from other positions in Malaysia and effective teamwork in Indonesia. The effective addressing of most of the mid-term evaluation recommendations also helps efficiency.

- Impact

The project has achieved notable successes. Possibly the most significant impact identifiable in both countries has been the increased acceptance of government, workers, and employers of the need to work together to address the decent work deficits faced by the industry. In both countries there is a notable improvement in the relationships between the workers and employers, moving from one of antagonism to cooperation. In Indonesia the development of the JAGASAWITAN platform is a concrete demonstration of this impact. The improved capacities of the trade unions through the JAPUSKI network combined with the improved relationship between workers and employers has led to the signing of 31 CBAs, another significant achievement of the project. Improvements at the plantation level in worker rights and OSH were also identified and stem from the increased focus on social dialogue, with the addition benefit of increased confidence of workers to address challenges they face.

- Sustainability

The development of the cooperation platforms in Indonesia and the negotiation of 31 CBAs are a strong indication of ownership of the project and speak to longer-term sustainability in Indonesia. To strengthen long-term sustainability, attention should be given to developing provincial bilateral platforms and training labour inspections on the labour inspection manual. Finalised the pre-departure materials, and working closely with Malaysia should also be taken forward. In Malaysia, support is needed either from existing ILO projects or from a new project on the implementation of the community complaints mechanism and the fair recruitment guidelines to ensure longer sustainability of the project's actions is achieved.

## 4.2 Recommendations

Recommendations	Addressed To	Priority and Timeframe	Resource Implications
<b>Indonesia</b>			
1. Try to strengthen to tripartite approaches in the next stage- ie bring government more on board with the current bipartite negotiations	ILO MoM	Medium During next project/future programming	Meeting costs
2. Review the CBAs to identify how much progress has been made in workers rights. Do they go beyond the bare minimum set out in the law? Are they more than just translating the companies' regulations into the agreement?	ILO JAPUSKI	Medium During next project/future programming	Consultant costs
3. Try to replicate the national level success in bipartite platforms at the provincial level	ILO Unions and GAPKI	High During next project/future programming	Meeting and travel costs
4. Provide more training for the labour inspectors on the labour inspection manual.	ILO MoM	High During next project/future programming	Meeting and travel costs
5. Conduct training on case management of harassment cases	ILO JAPUSKI	Medium During next project/future programming	Meeting and travel costs
6. Promote the model of JABUSKI and JAGASAWITAN to other sectors by supporting the development of more promotional materials, engaging with other ILO projects, and facilitating meetings of the leaders of JABUSKI and JAGASAWITAN with other sector leaders.	ILO Unions and GAPKI	High Ongoing	Meeting and potential consultant costs
7. Support the documentation of case studies of success to promote the business case to other firms.	ILO and GAPKI	Medium Ongoing	Meeting and potential consultant costs
8. Conduct a scoping study on the 'plasma' farms to understand potential entry points for working at in this section of the industry.	ILO	High ASAP	Consultant costs
<b>Malaysia</b>			
9. Ensure longer term projects that allow greater time for the delivery of policy level change and ultimately impact and sustainability	ILO	High Ongoing	Project costs
10. Ensure either a new ILO project or existing ILO projects provide support on the roll out of the fair	ILO	High ASAP	Need to find budget in other projects

recruitment guidelines and the community complaints mechanism			
<b>Both</b>			
11. Develop stronger cross-border collaboration. This includes preparing for and facilitating create communication between the two governments and facilitating collaboration between GAPKI and the palm oil companies in Malaysia, and JAPUSKI and the MTUC.	ILO MoM and MoHR	High Ongoing	Meeting and travel costs
12. Provide training to the unions on disability inclusion.	ILO and Unions	Medium During next project/future programming	Meeting and potential consultant costs
13. Develop a theory of change for both countries and consider what the key pathways of change are. There is an opportunity to conduct this activity with key stakeholders to support the design of the next stages of the ILO's work on this sector.	ILO	High ASAP	Meeting costs
14. Include a specific outcome linked to women's empowerment and addressing the gendered issues women face such as informal contracts, limited involved in trade union leadership, and risks limited to irregular or undocumented migration.	ILO	High During design of next phase of the project	Budgeting linked to the outcome
15. Plan final evaluations earlier. The lead time needed for a final evaluation is considerable. To ensure optimum planning and time to review proposed methods and schedules, recruitment should start as early as possible.	ILO	High Ongoing	Staff time

### 4.3 Lessons Learned

*More detailed descriptions of the lessons learned are contained in annex 5.*

Lessons learned from the project included:

- Projects that work in sectors that traditionally have had a lack of cooperation between employers and workers should be of a sufficient length to ensure progress can be made, particularly where policy changes are one of the main goals. In the first stage of this project in Indonesia, there was very limited interest in the project from palm oil companies and the Ministry of Manpower. By the end of the project a joint platform of trade unions and the sectoral company representative had been set up and the Ministry of Manpower had engaged in the activities through the Labour Inspectorate. This was possible because as a four-year project there was enough time to develop the relationships needed for the project. The shorter Malaysian part of the project has a number of policies pending approval. It has started to be successful in receiving invitations for support from company



grouping and government agencies but the project is now ended and dependent on finding funding for a new intervention.

#### 4.4 Emerging Good Practices

- Developing a multi-level approach to relationship building has helped strengthen the intervention. For companies, the ILO has worked closely with national level companies to build connections, and this has helped in encouraging individual plantations to participate in negotiations with workers. Trade unions themselves have gone directly to national level companies to try to resolve specific disputes that have arisen. A similar approach has supported the strengthening of the capacities of trade unions. The development of the national level platform helps the engagement of local level trade unions and the existence of the case management system should provide collective support for grievances rather than individual workers and plantation level unions needing to address issues on their own.
- Joint inspection activities strengthen the abilities of labour inspectors to identify and address violations. The joint inspections and the training on a strategic approach to inspections helped produce more effective results for the labour inspectorate and contributed one of the significant achievements of the project of supporting the registration of over 10,000 workers in the social security system. Labour inspectors utilised the ideas of coordinating action with other entities that were presented with them in training to achieve this result.



## Terms of Reference

### Final independent evaluation of the Advancing Workers’ Rights in the Palm Oil Sector in Indonesia and Malaysia project

#### 1. Key facts

Title of project being evaluated	Advancing Workers’ Rights in the Palm Oil Sector in Indonesia and Malaysia
Project DC Code	RAS/18/10/USA
Type of evaluation (e.g. independent, internal)	Independent
Timing of evaluation (e.g. mid-term, final)	Final
Donor	US Department of State (Bureau for Democracy, Human Rights and Labour) (USDRL)
<b>USG FAIN/ Grant Number</b>	<b>SLMAQM19GR2200</b>
Administrative Unit in the ILO responsible for administrating the project	ILO Country Office for Indonesia and Timor Leste (CO Jakarta)
Technical Unit(s) in the ILO responsible for backstopping the project	SECTOR
P&B outcome (s) under evaluation	Outcome 3 (Economic, social and environmental transitions for full, productive and freely chosen employment and decent work for all) (ILO P&B 2022-2023)  Outcome 7: Adequate and effective protection at work for all (ILO P&B 2022-2023)
SDG(s) under evaluation	Goal 8  Also relevant SDG 1, 2 and 10.
Budget	US\$ 1,950,743 (Indonesia: US\$ 1,391,358; Malaysia: US\$ 485,185. ILO contribution for Indonesia: US\$ 74,200)

## 2. Background information

### 2.1 Background information

The palm oil sector is a key contributor to the national economies of Indonesia and Malaysia and a source of income and jobs for millions of people. The sector contributes 1.5-2.5 per cent of Indonesia's and 2.7 per cent of Malaysia's GDP. It also constitutes a major source of export revenues and provides employment for millions of rural workers. In Indonesia, oil palm plantations and mills provide livelihoods to more than 6 million workers. More workers are engaged along the palm oil supply chain. In Malaysia, the jobs in the industry have provided opportunities for migrant workers from various countries, predominantly Indonesia.

However, many of these jobs are characterized by decent work deficits, including those related to fundamental principles and rights at work, namely freedom of association and collective bargaining; the elimination of forced labour and of child labour; non-discrimination in employment; and a safe and healthy working environment, as well as other important areas such as employment relationship and wages. The 2015 diagnostic study on working conditions in Indonesia's palm oil sector conducted by the ILO identified five thematic areas where main decent work deficits were. These included; contractual arrangements and wages; freedom of association and collective bargaining and social dialogue; occupational safety and health; living conditions; and, labour inspection. The 2018 Employment Survey in Oil Palm Plantations conducted by Malaysia's Ministry of Primary Industries and Commodities showed that 8 out of every 1000 palm oil plantation workers, mostly migrant workers, were in forced labour and that there were 33,600 children aged 5-17 years old in child labour from the sector. About two-thirds of these children are Malaysians and the rest are non-Malaysians. Palm oil produced in Malaysia has been included in the 2020 US Department of Labor "List of Goods Produced by Child Labor or Forced Labor"..<sup>14</sup>

### 2.2 Project background

The International Labour Organization (ILO), with the financial support of the US Department of State (Bureau for Democracy, Human Rights and Labour), has been implementing the *Advancing Workers' Rights in the Palm Oil Sector in Indonesia and Malaysia* project.

The project time frame is September 2019 to December 2023, with a total budget of US\$1,950,743.00<sup>14</sup>. The project operates in two countries – Indonesia and Malaysia – with the following implementation period and budget for each country:

	<b>Implementation period</b>	<b>Budget</b>
Indonesia	September 2019 – August 2023	US\$ 1,391,358.00
Malaysia	November 2021 – June 2023	US\$ 485,185.00

### 2.3 Project objectives, rationale and implementation information

The project's **overall objective** is to advance the rights of workers in the palm oil supply chain in Indonesia and Malaysia. For each country there are specific objectives and outcomes, as noted below.

In **Indonesia**, the project aims *to ensure that Indonesian unions in the palm oil supply chain effectively advocate for their members' access to fundamental workers' rights, in particular freedom of association and collective bargaining.*

This initiative builds on and complements the ILO's past and ongoing work in Indonesia's palm oil sector, and seeks to improve workers' access to labour rights and decent work; improve compliance

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<sup>14</sup> The project was initially set to operate from September 2019 to September 2021, only in Indonesia. Following a costed extension, the project expanded its work to cover Malaysia; the budget was also increased. The project received a no-cost extension in June 2023, extending its end date to 31 December 2023.

with core labour standards and national labour laws; to expanded rule of law at both national and local levels; and to address emerging challenges, including the impact of the COVID-19 pandemic. It has done so by *inter alia* promoting social dialogue and strengthening the capacity of unions to effectively engage in it with employers and government and advocate for their members; supporting the strengthening and enforcement of national legislation on labour issues and collecting and disseminating knowledge on employment and labour issues in the palm oil supply chain.

Project outcomes in Indonesia are:

- Outcome 1. In-depth knowledge is generated about opportunities and challenges for the promotion of freedom of association and collective bargaining and effective social dialogue in the sector
- Outcome 2. National-level coordination and engagement among trade unions in the palm oil supply chain and their capacity to advocate for their members is strengthened through the effective functioning of the national union network
- Outcome 3. At the enterprise/local level, labour unions and workers in the sectors/sub-sectors of the palm oil supply chain, in particular plantation workers, have better capacity to advocate for and access their rights
- Outcome 4. Sound industrial relations are facilitated through strengthened capacity of the tripartite constituents to participate meaningfully in social dialogue.

In **Malaysia**, the project aims for a *child labour- and forced labour-free palm oil plantations*. The project in Malaysia contributes to the elimination of child labor and forced labor in the oil palm plantations sector by supporting the Malaysian Government's responses to the recommendations contained in the 2018 Employment Survey on Oil Palm Plantations.

It seeks to improve the labour recruitment and management system in the Malaysian oil palm sector; develop guidelines in promoting fair recruitment in Malaysia-Indonesia corridor for plantation sector; build knowledge and capacity of community leaders, employers and workers on forced labour and child labour issues; pilot a community-based complaints mechanism on forced labour. This is being done through social dialogue with tripartite partners, and support to workers' organisations for a campaign promoting freedom of association in the palm oil plantations in collaboration with the Indonesian and Philippine Embassies in Malaysia and the civil society organisations.

Project outcomes in Malaysia are:

- Outcome 1: Improved labour recruitment and management system in the Malaysian oil palm sector
- Outcome 2: Community-based complaints mechanism piloted, and community leaders, employers and workers sensitized on forced labour and child labour issues
- Outcome 3: Strengthened capacity of employers to mitigate risks in oil palm plantations
- Outcome 4. Strengthened capacity of trade unions in organizing local and migrant workers in the plantations and in engaging in collective bargaining agreements

**Project implementation** took place in the following locations:

- Indonesia: National-level activities are implemented in Jakarta. Activities at the provincial and local level are implemented in North and South Sumatera and West Kalimantan, Aceh, Riau, East, Central and North Kalimantan.
- Malaysia: Six districts in Sabah and Sarawak

In terms of **target groups and stakeholders**, the programme has planned to reach out to 20,000 workers in the palm oil supply chain, who are project ultimate beneficiaries. It has also committed to strive to ensure that 50 per cent of all project activities participants will be women. The other direct beneficiaries and key stakeholders are trade unions and workers' organizations in the palm oil supply chain, employers' associations, government authorities (both national and local level). Community

leaders are both stakeholders and target groups particularly for the community-based awareness raising and complaints mechanism.

In terms of **project management**, the project has been implemented by the ILO Country Office for Indonesia and Timor Leste with technical backstopping from the Sectoral Policies Department (SECTOR). Additional technical support has also been received from the Decent Work Team specialists in the ILO Regional Office for Asia and the Pacific (ILO ROAP). These included specialists in labour administration; occupational safety and health; workers’ activities; labour migration; and, fundamental principles and rights at work. The project included personnel in the two countries. In Indonesia, it has consisted of a team of three personnel: a National Project Coordinator (NPC, NO-B), a Provincial Project Coordinator (NO-B), and an administrative finance assistant (GS-4). In Malaysia, it has consisted of a team of four personnel: a technical officer (P3, 80 per cent), national project coordinator (NO-B), project coordinator (NO-A), and an administrative finance assistant (GS-5)

#### 2.4 Project alignment with strategic frameworks (DWCP, P&B, CPO & SDGs)

In relation to the Decent Work Country Programme (DWCP), the project contributes to the priorities and outcomes of the [Indonesia DWCP 2020-2025](#), and the [Malaysia DWCP 2019-2025](#).

	DWCP Priorities	Corresponding country programme outcomes (CPOs)
Indonesia	Priority 3: Enhancing protection for vulnerable groups of workers	Outcome 3.2: Inclusive social protection and enhanced services accessibility
Malaysia	Priority 1: Rights at work – Protecting and promoting rights at work	Outcome 1.1: Strengthened labour legislation to ensure compliance with International Labour Standards. Outcome 1.2: Eradication of forced labour and child labour. Outcome 1.4: Strengthen social security in labour dimension.

The projects aligns with ILO P&B 2022-2023 Outcome 3 on Economic, social and environmental transitions for full, productive and freely chosen employment and decent work for all, in particular Output 3.2 on ILO P&B 2022-2023 Outcome 7 on Adequate and effective protection at work for all.

The project also is aligned with and contributes to the respective countries’ United Nations Sustainable Development Cooperation Framework (UNSDCF), both of which cover the 2021-2025 period. In particular,

- In [Indonesia](#), the project is aligned with Outcome 1: People living in Indonesia, especially those at risk of being left furthest behind, are empowered to fulfil their human development potential as members of a pluralistic, tolerant, inclusive and just society, free of gender and all other forms of discrimination; and
- In [Malaysia](#), the project is aligned with Outcome 3: By 2025, Malaysia is making meaningful progress towards an economy that is inclusive, innovative and sustainable across all income groups and productive sectors.

The project contributes to sustainable development goal (SDG) 1 to end poverty in all its forms everywhere, goal 5 to achieve gender equality and empower all women and girls, and particularly to goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

The project takes ILO cross-cutting policy drivers (gender and non-discrimination; environmental sustainability, international labour standards, tripartism and social dialogue) into consideration. As part of the Decent Work Agenda, the project has sought to promote fundamental principles and rights at work, gender and non-discrimination, contributing to its national capacity interventions to upholding

children's rights to freedom from forced and compulsory labour. The identification, and implementation, of activities has also been benefited from regular consultations with key relevant stakeholders. Under the DWCP framework, the project works together with other ILO programmes in both countries.

## 2.5 Previous evaluations of the programme

The project document provides information on its monitoring and evaluation procedures and data collection strategy. In agreement with the donor, the project has been designed to include both mid-term and final evaluations. The Project has had one internal mid-term evaluation, in 2021.<sup>15</sup> The evaluation covered the period 2019-2021. The focus of the evaluation was to review the progress and performance of the project in Indonesia, in realising its objectives, outputs and targets, as well as providing recommendations to improve project implementation.

### 3. Purpose, objectives, and scope of the evaluation

#### 3.1 Evaluation background

The ILO considers evaluation to be an integral part of the implementation of development cooperation activities. As per ILO evaluation policy and procedures all programmes and projects with a budget of USD 1 million + must have an independent evaluation. This project has had one mid-term evaluation in 2021. This final evaluation will be managed by an ILO certified evaluation manager and implemented by an independent evaluator/team of evaluators.

Evaluations support project accountability, organisational learning, and project improvement. The ILO applies the evaluation criteria established by the OECD/DAC Quality Standards for Development Evaluation and the UNEG Code of Conduct for Evaluation in the UN System. This final evaluation will follow guidelines contained in the "ILO Policy Guidelines for Results-based Evaluation (4th edition)" as well as the following ILO Evaluation Department (EVAL) checklists on preparing the inception report (checklist 3), validating methodologies (checklist 4.1), and preparing the evaluation report (checklist 5). It should follow the OECD/DAC framework and principles for evaluation. This TOR, and the ILO evaluation policies and guidelines will define the overall scope of this evaluation.

#### 3.2 Evaluation purpose and objectives

The purpose of this final evaluation is to independently assess the project's attainment of the overall objective of advancing the rights of workers in the palm oil supply chain in Indonesia and Malaysia. In assessing the interventions, the evaluation will review the project's relevance, coherence, efficiency and effectiveness, results and potential sustainability. This will not only help to promote project accountability in project management and implementation, but also strengthen knowledge-building for internal learning and inform the future work in this area. The results will be used by the ILO as well as the USDRL, key stakeholders and the broader national process.

The specific objectives of the final evaluation are:

1. Apply the OECD/DAC criteria (relevance, coherence, effectiveness, efficiency, impact and sustainability) to assess the project's achievement of its stated objectives, outcomes, and outputs
2. Evaluate the synergies and sustainability of the project's interventions in relation to the SDGs, the DWCP, national strategies and frameworks, and other ILO projects relevant to palm oil sector in Indonesia and Malaysia
3. Assess the impact of COVID-19 on the implementation of the programme, and the adaptability of the project to remain relevant to the needs of project ultimate beneficiaries
4. Document the lessons learnt, identify project strategies and good practices, and provide recommendations that will support organizational learning and knowledge sharing for the ILO, USDRL, and other key stakeholders, for future interventions in the palm oil supply chain.

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<sup>15</sup> The mid-term evaluation report will be shared with the final evaluator, along with other project documents.

### 3.3 Evaluation Scope

The evaluation will cover the entire project timeframe from September 2019 to August 2023. Geographically, the evaluation will cover interventions that have taken place across both countries at the national level, as well as those at provincial/district level. Based on the recommendation of the mid-term evaluation, efforts will have to be made to include stakeholders from remote and hard-to-reach sites.

The final evaluation will use the project documents, the quarterly progress reports, the mid-term evaluation reports, and other reports, knowledge-products, and documentation produced by the project. The evaluation will involve meetings and interviews with key stakeholders, target beneficiaries, implementing partners, programme staff, as well as other staff of ILO offices in Indonesia and Malaysia from other ILO projects that work with the project under the DWCP framework, other UN agencies (as relevant), visits to communities, desk reviews and analysis of information from the project's own monitoring and reporting.

The evaluation will integrate gender equality and non-discrimination, disability inclusion, human rights, international labour standards, tripartism and social dialogue, and environmental sustainability as cross-cutting themes throughout its deliverables and process. In this regard, it will be guided by EVAL guidance notes on gender, norms and tripartism, stakeholder participation.

## 4. Evaluation criteria and questions (including Cross-cutting issues/ issues of special interest to the ILO)

### 4.1 Criteria

Keeping in line with the OECD/DAC Principles and the UNEG Norms and Standards for Evaluation, this final evaluation will be based on the six evaluation criteria (relevance, coherence, effectiveness, efficiency, impact, and sustainability)<sup>16</sup> as defined in the [ILO Policy Guidelines for Results-based Evaluation](#).

In the context of the project's objectives and implementation strategy, the evaluation questions will also address the extent to which the project integrated ILO's cross-cutting policy priorities (gender equality and non-discrimination, disability inclusion, human rights, international labour standards, tripartism and social dialogue, and environmental sustainability) in the design and implementation of the project interventions, as outlined in ILO's evaluation guidance notes on [gender](#), [COVID-19](#), [non-discrimination, disability inclusion, social dialogue and tripartism](#).

Evaluation data should be sex-disaggregated and different needs of women and men should be considered throughout the evaluation process.

### 4.2 Evaluation questions

The evaluation will assess the programme on the basis of specific evaluation questions, and against the evaluation criteria mentioned above. The following list of questions provide a broad framework to guide the evaluation; a more detailed analytical framework of questions and sub-questions will be developed by the evaluator(s) via the consultation process, and in agreement with the evaluation manager (the final list of evaluation questions will be validated as part of the inception phase).

<i>Criteria</i>	<i>Guiding questions</i>
Relevance and strategic fit	1. To what extent the project's design and strategy have been found to be appropriate and relevant given the political, economic and sectoral context in both countries, as well as the government's policy framework?

<sup>16</sup> Detailed explanations on each of the criteria can be found in OECD/DAC (2019), [Better Criteria for Better Evaluation Revised Evaluation Criteria Definitions and Principles for Use](#).

	<ol style="list-style-type: none"> <li>2. To what extent has the project been relevant in addressing decent work deficits in the palm oil supply chain in the countries of operation and other relevant needs of beneficiaries and stakeholders that have emerged during project intervention?</li> <li>3. Was the ILO unique placed to undertake this project, given its tripartite relationships built with employers, government, implementing partners, unions, and other actors?</li> <li>4. What is the relevance of the project interventions: <ol style="list-style-type: none"> <li>4.1. to improving FoA and collective bargaining agreements for palm oil sector workers in Indonesia?</li> <li>4.2. to national policies, strategies and other national development frameworks, ILO's Programme &amp; Budget objectives, Decent Work Agenda, DWCP, CPOs, UNSDCF, and SDGs?</li> </ol> </li> </ol>
Coherence and validity of the design	<ol style="list-style-type: none"> <li>5. Does the project link with, and complement, other ILO, UN, other donor-funded interventions, and/or national efforts to improve workers' conditions in the palm oil supply chain in Malaysia and Indonesia? This includes internal coherence and external coherence. <ol style="list-style-type: none"> <li>5.1. To what extent did the project take into account in its design and results framework the crosscutting ILO priorities of standards, social dialogue and tripartism, gender equality and non-discrimination, environmental sustainability issues?</li> </ol> </li> <li>6. To what extent was the project design appropriate for its work with migrants, and gender issues?</li> </ol>
Effectiveness	<ol style="list-style-type: none"> <li>7. To what extent, and how, has the project achieved its objectives and planned outcomes at the time of the evaluation? Specifically, what is the quality of the project's interventions in relation to: <ol style="list-style-type: none"> <li>7.1. increased capacity of national institutions and stakeholders to identify, monitor, and respond to decent work deficits in the palm oil supply chain as part of the promotion of international labour standards?</li> <li>7.2. the application of a rights-based, and gender-sensitive approach in its implementation (inclusive, participatory, transparent, etc.)?</li> <li>7.3. Have unintended results of the project been identified?</li> <li>7.4. With evolving conditions in both countries, what opportunities was the project able to take advantage of?</li> </ol> </li> </ol>
Efficiency	<ol style="list-style-type: none"> <li>8. To what extent have the intervention results been reasonable for the resources (financial, human, technical support etc) allocated? <ol style="list-style-type: none"> <li>8.1. To what extent did the project leverage resources to promote gender equality and non-discrimination; inclusion of people with disabilities, environment sustainability etc?</li> <li>8.2. What changes have been made in the project to improve efficiency following the recommendations of the mid-term evaluation?</li> </ol> </li> </ol>
Impact	<ol style="list-style-type: none"> <li>9. What is the evidence of the project's impact (foreseen and unforeseen) on the reduction for decent work deficits in the palm oil sector in Indonesia and Malaysia? <ol style="list-style-type: none"> <li>9.1. To what extent has the intervention had an impact on social dialogue practices?</li> <li>9.2. To what extent has migrant workers' conditions, forced labour and child labour improved in Malaysia?</li> </ol> </li> <li>10. What can be identified as the project's sustainable impacts in the target groups and other actors as relevant?</li> </ol>



	<p>10.1. What measures and actions have been put in place to ensure ownership of the project's results at national level and within governorates?</p> <p>10.2. Are the results integrated or likely to be integrated at an institutional and community level, and will partners be able to sustain them beyond the project?</p> <p>10.3. To what extent has project strengthened individual and institutional capacities for workers' organising and collective bargaining; and reducing forced labour and child labour?</p>
Sustainability	<p>11. What assessment is made regarding the sustainability of the project outcomes?</p> <p>11.1. Has the project developed and implemented any exit strategy? How sustainable is the exit strategy?</p> <p>11.2. To what extent has the project supported national ownership of its interventions?</p> <p>11.3. Are the interventions replicable in other occupational sectors? Are the knowledge products and tools relevant for other ILO and UN programmes?</p>
Good practices and lessons learnt	<p>12. What are the approaches and strategies, good practices and intervention models that were deployed by project that should be pursued in future programming in the palm oil sector, with focus on collective bargaining, workers' rights, labour migration, child labour; can future interventions scale-up based on lessons learnt?</p> <p>13. How did the ILO establish trust and access among all stakeholders, determined program pace, built relationships, and emphasize gender and 10 vulnerable populations' concerns in the palm oil sectors in Malaysia and Indonesia?</p>

Other evaluation questions can be added as identified by the evaluator(s) after consultation with the evaluation manager. However, any fundamental changes to the evaluation criteria and questions should be agreed between the evaluation manager and the evaluator(s), and reflected in the inception report.

## 5. Methodology

The methodology of this final evaluation is expected to use a mix of qualitative and quantitative methods and should include reconstructing the project's logical framework model into a theory of change, especially in relation to the logical connect between the levels of results and their alignment with the ILO's strategic objectives at the global and national level, and the SDGs and related targets. Recommendations from the evaluation should be strongly linked to the findings of the evaluation and should provide clear guidance to stakeholders on how they can address them.

The evaluator(s) must cross-validate the data from different sources to verify the veracity and accuracy of the information. The methodology should be selected for its ability to produce empirical evidence to meet the evaluation criteria, answer the evaluation questions and meet the objectives of the evaluation. Different methodological tools may be required for this.

The specific methodology will be defined in consultation, and finalised in agreement, with the evaluation manager, and will be elaborated in detail in the inception report. It is expected that the evaluation methodology will include the following:

- **Desk review** of all relevant documents including the project document (prodoc) and its logical results framework, workplans and budget, funding agreement with the donor, progress reports,

interim evaluation reports, knowledge products, communication materials, the project's monitoring and reporting data, other relevant documents and studies.

- **Inception meeting** with the project team, the relevant technical backstopping unit at the ILO, and the donor to develop a common understanding on the technical and financial status of the project, the priority topics and questions for the final evaluation, the data collection process, the stakeholders to be consulted, and the outlines of the inception report and the final evaluation report. This meeting can take place online, as needed.
- **Initial consultations/survey** with key stakeholders may be needed to ensure that the final methodology and evaluation questions (as detailed in the inception report) include the feedback of the key stakeholders. The project team will facilitate access to the key stakeholder group.
- **Inception report** drafted and submitted to the ILO by the evaluator(s). The inception report will include details on the evaluation approach, the methodology, and the work plan. The inception report will be finalised by the evaluation manager prior to the commencement of the data collection.
- **Data collection, including field visits and interviews**, with stakeholders such as direct beneficiaries (workers in the palm oil supply chain in Indonesia and Malaysia), community leaders, donors, implementing partners, government, workers' and employers' organisations, and the project team will be carried out, depending on the field conditions. The list of stakeholders will be prepared by the project team in consultation with the evaluation manager. If not all direct interventions sites can be visited, then the evaluator(s) should note the basis of selection of the final sites selected.
- **Draft evaluation report** will be submitted to the evaluation manager, who will share it with the ILO, the donor, and key stakeholders for their feedback and clarifications (as required). The consolidated feedback will be submitted to the evaluator(s) for consideration.
- **Stakeholders' workshop** where the evaluator(s) will present the preliminary findings, validate any data gaps, discuss the lessons learnt and identify key recommendations with the key stakeholders of the project. The workshop can take place online, simultaneous to the submission and review of the draft evaluation report.
- **Final report** will be submitted to the evaluation manager after the evaluator(s) has addressed, as appropriate, the comments received to the draft report. The evaluation report will be shared with the donor and the key stakeholders, and uploaded in the EVAL public repository of evaluation reports.

The evaluator(s) may adapt the proposed methodology, after consultation, and agreement, with the evaluation manager. The agreed changes must be reflected in the inception report.

Additional considerations for the methodology:

- The impact of COVID-19 should be factored into the methodology and the evaluation questions. Flexibility in the methodological design and evaluation timelines should also be considered for these reasons. ILO evaluation guidance on COVID-19 can be found [here](#)
- Gender should be considered as a cross-cutting concern throughout the methodology, analyses, deliverables and final report of the evaluation. Data should be disaggregated by sex and gender, and the relevance and effectiveness of gender-related strategies and outcomes to improve lives of women and men should be assessed. The ILO evaluation guidance on gender can be found [here](#).

- The evaluation must also include non-discrimination, disability inclusion, social dialogue and tripartism in the methodology design (including the questionnaires), and throughout the evaluation process. ILO guidance on social dialogue and tripartism can be found [here](#).
- The methodology should comply with ethical safeguards for evaluation, including the principle of “do no harm”, especially in relation to the ultimate beneficiaries.
- The methodology should clearly acknowledge the limitations of the chosen evaluation methods, including those related to representation of specific group of stakeholders.

## 6. Main deliverables

The following deliverables will be submitted by the evaluator/evaluation team under this ToR:

### 1) Inception report (approximately 20 pages , excluding annexes)

The inception report will be prepared following a review of the available documents and an initial discussion with the project personnel and the donor. The report should adhere to the ILO/EVAL Checklist ‘Writing the Inception Report’ ([checklist 4.8](#)).

The draft inception report should include the following information:

- i. The conceptual framework for the evaluation (what is being evaluated and why)
- ii. Elaborated evaluation criteria and questions to be used in the evaluation (based on what has been proposed in the TOR and to note any amendments)
- iii. Details on type of information being sought and the data sources to be used
- iv. Details on the methodological approach, interview guides and questionnaires, and data collection tools to be utilised (the instruments need to make provision for the triangulation of data wherever possible)
- v. Information on the selection criteria for the individuals to be interviewed (to keep a gender balance to the extent possible)
- vi. Workplan indicating the evaluation phases, key deliverables, timelines and key milestones for the evaluation
- vii. Outlines of 1) agenda for the stakeholders’ workshop, and 2) structure of the final evaluation report

The draft inception report will be circulated with the project team, USDRL, ILO and other stakeholders for their feedback. The final inception report will incorporate and address any comments received from ILO, USDRL, and other stakeholders involved in the review of the inception report.

The inception report should be approved by the evaluation manager before the consultant proceeds with the field work and data collection.

### 2) Draft evaluation report (approximately 60 pages , excluding annexes)

The draft evaluation report must be prepared as per the ILO/EVAL Checklist ‘Preparing the Evaluation Report’ ([checklist 4.2](#)). In particular, the draft evaluation report must include future-looking, practical and specific recommendations, including the identification of the project approaches, materials, tools, products and intervention models that could potentially be replicated or scaled.

- i. Cover page with key project and evaluation data (please use [checklist 4.3](#))
- ii. Executive summary (which contains the key findings, conclusions, and recommendations, guidance available [here](#))
- iii. Acronyms and abbreviations
- iv. Context and description of the project including reported key reported results
- v. Methodology of the evaluation (including limitations and ethical considerations)
- vi. Findings, which respond to the all the evaluation questions
- vii. Key results achieved by the project as per its objectives (including both expected and unexpected results). A table showing output and outcome level results through indicators and targets planned and achieved and comments on each, should be included.

- viii. Lessons learnt and good practices (using the templates provided: [template 4.1](#) and [template 4.2](#))
- ix. Clear set of conclusions and recommendations. Recommendations should clearly indicate the stakeholders to whom the recommendations are addressed.
- x. Annexes should include the TOR, the questionnaires, the interview details of the stakeholders (dates, place, and organisation affiliation), and timeline of the consultations (interviews/FGD schedules) with the beneficiaries, bibliography, evaluation matrix

The draft evaluation report will be reviewed by the evaluation manager, and circulated internally by the evaluation manager for review and feedback from ILO, USDRL, and other key stakeholders.

### **3) Stakeholder reference group workshop<sup>17</sup>**

The stakeholders' reference group meeting will take place once the data collection is complete. The workshop's purpose is to share the preliminary findings, validate any data gaps, discuss the lessons learnt and identify key recommendations with the key stakeholders of the project.

The workshop will be technically organized by the evaluator(s) (i.e. setting the agenda for the discussions), in consultation with the evaluation manager, and with the logistic support of the project team. The evaluator(s) will be required to make a presentation of the draft findings.

### **4) Final evaluation report** (approximately 60 pages (excluding annexes))

The final evaluation report will be submitted after the evaluator(s) has addressed the feedback received from the stakeholders' workshop, and the comments received from the internal review of the draft evaluation report.

The quality of the report will be determined based on quality standards defined by the ILO Evaluation Office. The report should be professionally edited and include a cover page. The final version is subjected to final approval by EVAL (after initial approval by the Evaluation manager/Regional evaluation officer).

### **5) Summary of evaluation, findings and recommendations** (approximately 10 pages)

A summary of the final evaluation report will be sent, together with the final report to the evaluation manager. The summary will be drawn on the executive summary, the findings, and the recommendations of the final evaluation report. The summary should adhere to ILO/EVAL checklist "preparing the evaluation report summary" ([checklist 4.4](#)).

*Consultants should please note:*

All deliverables will be produced and circulated as per the agreed timelines of the workplan which will be prepared, and finalised, in consultation with the evaluation manager. All the deliverables will be in English (unless specified otherwise), utilising the templates provided by ILO/EVAL prepared for this purpose. The quality of the reports will be assessed against the relevant ILO/EVAL guidelines.

All drafts and final outputs, including supporting documents, analytical reports and raw data should be provided in electronic version compatible for Word for Windows. All intellectual property rights arising from the execution of these Terms of Reference are assigned to the ILO. ILO will disseminate the final evaluation report to the project's donor and other relevant internal and external stakeholders. Use of the data for publication and other presentation will only be made with prior agreement of the ILO. Key stakeholders will be able to make appropriate use of the evaluation report in line with the original purpose and with appropriate acknowledgement.

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<sup>17</sup> Subject to the no cost extension approval from donor. The stakeholder reference group will be conducted online if the project has not received any extension by 10 December 2023.

## 7. Management arrangements and work plan (including timeframe)

The Final Evaluation is expected to be carried out between November - December 2023. The Final completion of the evaluation is set to 15 December 2023. The evaluation management arrangements are as follows:

**Evaluation manager:** The evaluation will be managed by Ms. Ratna Mathai-Luke ([mathai-luke@ilo.org](mailto:mathai-luke@ilo.org)), ILO officer in process of certification by EVAL as evaluation manager, who has no prior involvement in the project. Oversight will be provided by Ms. Pamornrat Pringsulaka, Regional Evaluation Officer (REO), ILO Regional Officer for Asia and the Pacific (ILO ROAP).

The evaluation manager is the main point of contact for the evaluator(s) on all technical and methodological matters related to the evaluation. In addition, the evaluation manager is responsible for the following tasks:

1. Prepare the evaluation TOR with inputs from key stakeholders; selecting and contracting an independent evaluator/evaluation team in coordination with ILO EVAL
2. Brief the evaluator(s) on ILO evaluation policies and processes; introduce them to the project team.
3. Review the evaluation criteria, questions and methodology with the evaluator/evaluation team and liaise with concerned stakeholders as necessary
4. Monitor the implementation of the evaluation methodology, as appropriate and in such a way as to minimize bias in the evaluation findings
5. Review the draft deliverables and provide initial comments
6. Circulate the draft deliverables to all relevant stakeholders for their comments; forward the consolidated comments to the evaluator for their action
7. Ensure that the final version of the deliverables addresses the stakeholders' comments (or an explanation why any has not been addressed) and meets ILO requirements
8. Liaise with the project team whenever their engagement is required to fulfil the requirements above
9. Liaise with the REO and ILO EVAL on issues regarding the management of the evaluation.

**Evaluator/Evaluation team:** The evaluation will be carried out by the evaluator/evaluation team, who will be selected through a competitive process, as per the criteria identified in the section below ("profile of the evaluation team"). The evaluator(s) will lead the evaluation and will be responsible for delivering the above evaluation deliverables using the evaluation criteria, and methodology mentioned above. The evaluator/evaluation team will be responsible for the following:

1. Design and implement the evaluation using an approach agreed with ILO
2. Draft and finalise the evaluation deliverables in accordance with the ILO's specifications and timeline
3. Report to the evaluation manager, keep her apprised of all phases of the evaluation and consult with her in the preparation and finalisation of the deliverables
4. Facilitate contact with the beneficiaries; facilitate contact, liaise with, and seek clarifications from, the project team, the ILO (including Headquarters, and country teams), other stakeholders, as required, to ensure the satisfactory delivery of the deliverables
5. Make themselves available, if required, to take part in briefings and discussions, online or, if judged necessary, at the ILO Geneva Office or other venue, on dates to be agreed, in line with the work outlined in these TOR
6. Supervise the other team members (as applicable) to ensure quality assurance for their deliverables
7. Adhere to ILO's Code of Conduct for Evaluators at all times, and report any violation by team members to the evaluation manager.

The evaluator(s) should note that all data and information received from the ILO for the purpose of this evaluation will be treated confidentially and are only to be used in connection with the execution of these TOR.

**Project team:** The project management team will provide logistical, technical and administrative support to the evaluator(s). Specifically, the responsibilities of the project team are:

1. Provide administrative assistance to the evaluation (issuing and administering contracts), provide feedback on TORs.
2. Provide the evaluator with access to all relevant project documents and information, ensuring that the documentation is up-to-date and easily accessible (in electronic form in a space such as MS Teams)
3. Assist the evaluator(s) in identifying the list of stakeholders and beneficiaries for the interviews, providing their contact details, and facilitating introductions (as required)
4. Schedule meetings for field visits and coordinate in-country logistical arrangements
5. Be interviewed and provide inputs as requested by the evaluator(s) during the evaluation process
6. Review and provide comments on evaluation deliverables, as requested
7. Organize and participate in the stakeholder workshop; participate in other relevant meetings, briefings and discussions as required.

### Evaluation timeframe

The final evaluation will be conducted between 14 November - 15 December 2023. The following number of day and tasks are proposed, and will be finalised, along with the timeline for delivery, in the inception report by the evaluator, after consultation with the evaluation manager.

Tasks	Person responsible	# proposed working days required
1. evaluator briefed on ILO evaluation policy and the project	Evaluation manager	0.5
2. Inception meeting	Evaluation manager, evaluator, project team	0.5
3. Submission of the draft inception report	Evaluator	5
4. Circulate draft report for feedback and share consolidated feedback to the evaluators	Evaluation manager	
5. Revision, finalisation and approval of inception report	Evaluator, Evaluation manager	1
6. Fieldwork (as per the agreed itinerary, and include travel time)	Evaluator, project team	12
7. Submit draft report with findings, recommendations (with annexes)	Evaluator	5
8. Stakeholders' workshop (presentation, preparation and workshop (Online workshop)	Evaluator, project team	1
9. Circulate draft report for feedback and share consolidated feedback to the evaluators	Evaluation manager	
10. Submit final evaluation report (with annexes) and summary	Evaluator	2
11. Review and approve the final report	Evaluation manager/REO	n/a
12. ILO EVAL approves the final report	EVAL	n/a

13. Final report is uploaded on iEVAL and shared with stakeholders	EVAL, project team	
<b>Total no. of working days</b>		<b>30</b>

## 8. Profile of the evaluation team

The final independent evaluation will be conducted by an independent experienced evaluator or by an evaluation team (preferably as a team of one international consultant (lead, and to cover Malaysia), and a national consultant in Indonesia; a gender balance in the team is strongly encouraged); individual international and national consultants are also welcome to apply.

Qualifications:

- University Degree in social sciences, public administration, development studies or related subjects;
- A minimum of 7 years' experience in evaluating of social development programmes (for international consultants)/ 5 years' experience in evaluating development programmes (for national consultants);
- Demonstrated experience of utilising theory of change, logical framework approaches and M&E methods (including quantitative, qualitative and participatory methodologies) for programme evaluations;
- Understanding of the application of labour standards, gender-based, and human rights-based approaches to evaluations;
- Excellent consultative, communication and interview skills in face-to-face and virtual settings;
- Strong data collection, analytical and report writing skills;
- Ability to work with multiple stakeholders, and be sensitive to their needs and concerns
- Ability to deliver high-quality results within tight deadlines;
- Experience of successfully concluding evaluations during COVID-19, and/or in politically sensitive contexts is an added advantage;
- Understanding of the country context (Malaysia and/or Indonesia), and experience of evaluating agriculture, decent work, child labour, forced labour and/or social development programmes in Southeast Asia, will be an asset;
- Knowledge of ILO's mandate, procedures and tripartite structure, understanding of the UN system, the UN evaluation norms and standards is desirable;
- Fluency in written and spoken English required; fluency in Bahasa Indonesia and Bahasa Malaysia will be an added advantage.

## Legal and ethical matters

This final evaluation will comply with UN norms and standards for evaluation and ensure that ethical safeguards concerning the independence of the evaluation will be followed. The [UNEG Ethical Guidelines for Evaluation](#) (2020) will be followed.

The consultant should adhere to the highest level of technical and ethical standards. They should fulfil the criteria of professionalism, impartiality and credibility. They should not have any links to project management, nor any conflict of interest that would interfere with the independence of the evaluation. The evaluator will abide by ILO EVAL's [Code of Conduct for Evaluators](#), which is in line with the UNEG Ethical Guidelines for Evaluation.

### Additional information

Project overview is accessible at this link: [Advancing Workers' Rights in Indonesia and Malaysia's Palm Oil Sector \(ilo.org\)](#)

## Annex 2: Evaluation Matrix

Question	Secondary Lines of Enquiry / Information Needed	Data Sources	Method
<b>Relevance and Strategic Fit</b>			
1. To what extent the project's design and strategy have been found to be appropriate and relevant given the political, economic and sectoral context in both countries, as well as the government's policy framework?	Does the project fit within the national strategies of the government and the social partners? Were needs identified during the project design and was the design relevant to these needs?	Project and other documents Tripartite constituents ILO staff	Document review KIIs
2. To what extent has the project been relevant in addressing decent work deficits in the palm oil supply chain in the countries of operation and other relevant needs of beneficiaries and stakeholders that have emerged during project intervention?	How did the project adapt as new needs emerged? How did the project ensure a feedback loop of information to inform project activities?	Project reports and monitoring documentation ILO staff	Document review KIIs
3. Did ILO leverage its comparative advantages and relationships with relevant stakeholders to a maximum extent?	Did the ILO leverage its tripartite structure effectively? Was the project relevant to other key partners?	Tripartite constituents ILO staff	KIIs
4. What is the relevance of the project interventions ILO's Programme & Budget objectives, Decent Work Agenda, DWCP, CPOs, UNSDCF, and SDGs?	What contribution has the project made to the CPOs? Does it align with ILO's global strategies and flagship programmes? Is it aligned with the goals of the UN in Indonesia and Malaysia?	Project documents	Document review
<b>Coherence and Validity of Design</b>			
5. Does the project link with, and complement, other ILO, UN, other donor-funded interventions, and/or national efforts to improve workers'	What is the level of internal coherence? and external coherence? What interactions have there been with UN entities? Does the project maximise synergies with other ILO interventions?	Project documents ILO staff Staff of other organisations	Document review KIIs



conditions in the palm oil supply chain in Malaysia and Indonesia?			
6. Is the logic of the project sound and do the different objectives inter-connect effectively	How does the results framework translate into a theory of change?	Project documents ILO staff	Theory of change reconstruction and discussion
7. To what extent did the project take into account in its design and results framework the crosscutting ILO priorities of standards, non-discrimination, environmental sustainability issues?	What level of depth did the project consider each of these?  (Gender equality is addressed in question 8, and social dialogue throughout the evaluation questions)	Project documents ILO Staff Tripartite Constituents	KIIs FGDs Document review
8. To what extent was the project design appropriate for its work with migrants, and gender equality?	Has the project maximised cross-border opportunities? How were the needs of migrants and women workers considered during the design and implementation of the project? Examples of how the gender analysis conducted at the start of the project translated into actions in the project	Project documents Workers Trade Unions Employers ILO Staff	KIIs FGDs Document review
<b>Effectiveness</b>			
9. To what extent, and how, has the project achieved its objectives and planned outcomes at the time of the evaluation?	To what extent and with what quality has the project increased capacity of national institutions and stakeholders to identify, monitor, and respond to decent work deficits in the palm oil supply chain as part of the promotion of international labour standards?  How has the project ensured the application of a rights-based, and gender-sensitive approach in its implementation (inclusive, participatory, transparent, etc.)?  Is the monitoring system effective for recording progress?	Project documents Tripartite constituents Workers and Employers in the plantations ILO staff	KIIs FGDs Document review Stories of change
10. Have unintended results of the project been identified?	What monitoring process has been put in place to identify unintended results? Examples of actions taken to respond to unintended results (positive and negative)	Project documents Tripartite constituents Workers and Employers in the plantations ILO staff	Document review KIIs FGDs Stories of change

11. With evolving conditions in both countries, what opportunities was the project able to take advantage of?	Evidence of adaptative management in the project and responding to opportunities Was the project able to identify new opportunities emerging from the challenge of Covid-19 and respond accordingly?	Project documents ILO Staff Tripartite Constituents	KIIs FGDs Document review
<b>Efficiency</b>			
12. Has the project used its resources reasonably given the results that have been achieved?	Has the project effectively leveraged technical and other support from within the ILO?	Project documents ILO staff	Document review KIIs
13. To what extent did the project leverage resources to promote gender equality and non-discrimination; inclusion of people with disabilities, environment sustainability etc?	Examples of the project utilising ILO's resources on these issues	Project documents ILO staff	Document review KIIs
14. What changes have been made in the project to improve efficiency following the recommendations of the mid-term evaluation?	Evidence of management response and action plan on the recommendations of the mid-term evaluation.	Project documents ILO staff	Document review KIIs
<b>Impact</b>			
15. What is the evidence of the project's impact (foreseen and unforeseen) on the reduction for decent work deficits in the palm oil sector in Indonesia and Malaysia?	To what extent has the intervention had an impact on social dialogue practices? To what extent has migrant workers' conditions, forced labour and child labour improved in Malaysia? Has the project been effective in improving FoA and collective bargaining agreements for palm oil sector workers in Indonesia?	Workers and employers in plantations Sectoral and local Trade Unions and Employers Groups Tripartite Constituents Labour Inspectors National and local government officials	KIIs FGDs Stories of Change
16. What can be identified as the project's sustainable impacts in the	What measures and actions have been put in place to ensure ownership of the project's results at national level and within governorates?	Workers and employers in plantations	KIIs FGDs Stories of Change

target groups and other actors as relevant?	Are the results integrated or likely to be integrated at an institutional and community level, and will partners be able to sustain them beyond the project? To what extent has project strengthened individual and institutional capacities for workers' organising and collective bargaining; and reducing forced labour and child labour?	Sectoral and local Trade Unions and Employers Groups Tripartite Constituents Labour Inspectors National and local government officials	
<b>Sustainability</b>			
17. What assessment is made regarding the sustainability of the project outcomes?	Has the project developed and implemented any exit strategy? How sustainable is the exit strategy?  To what extent has the project supported national ownership of its interventions?  Evidence from question 16	Document review ILO staff Tripartite constituents Trade union leaders and workers Management in companies Sectoral employer orgs.	KIIs FGDs Stories of Change
18. Are the interventions replicable in other occupational sectors? Are the knowledge products and tools relevant for other ILO and UN programmes?	Evidence the tools are being shared and disseminated  Evidence from question 6	ILO staff	KIIs
<b>Good practices and lessons learnt</b>			
19. What are the approaches and strategies, good practices and intervention models that were deployed by project that should be pursued in future programming in the palm oil sector, with focus on collective bargaining, workers' rights, labour migration, child labour; can future interventions scale-up based on lessons learnt?	Was the ILO able to establish trust and access among all stakeholders? What lessons can be learned in terms of the building of relationships? Was the ILO effectively able to improve attention to gendered issues of migration?	Data collected during the evaluation	Data analysis

## Annex 3: List of Interviews Conducted

### Remote

Date	Name	Position	Organisation	Modality
23/11/23	Michiko Miyamoto	Country Director (former), Indonesia and East Timor	ILO	Zoom
24/11/23	Elvis Beytullayev	Rural Economy Specialist	ILO	Zoom
05/12/23	Josh Hong Man Fatt	Programme Officer	ILO	Zoom
21/12/23	Jodie Mitra	Project Coordinator	ILO	Zoom

### Indonesia

Date	Name	Position	Organisation	Modality
27/11/23	Gah Yunirwan	NPC	ILO	In-Person
27/11/23	Dalail	National Trade Union Federation Official	K Sarbumusi	In-Person
	Carlos Radjagukguk	National Trade Union Federation Official	FSB Nikeuba	
	Sulistri Alferston	National Trade Union Federation Official	FSB Kamiparho	
	Supardi	National Trade Union Federation Official	FSB Kamiparho	
	Saadi Pamungkas	National Trade Union Federation Official	FSPPP SPSI	
	Sukimin	National Trade Union Federation Official	FSPPP SPSI	
	Idris Palar	National Trade Union Federation Official	SPSI	
	Efendi Lubis	National Trade Union Federation Official	FTIA	
	Achadian M	National Trade Union Federation Official	SP NIBA	
	Muji Rahayu	National Trade Union Federation Official	F Lomenik	
	Fredy Sembiring	National Trade Union Federation Official	KSPSI	
Inna M	National Trade Union Federation Official	FSP PP KSPSI		
27/11/23	Sumarjono Saragih	Head of HR	GAPKI	Virtual
27/11/23	Sonya	Labour Inspector	Ministry of Manpower	In-Person
	Subhan	Labour Inspector	Ministry of Manpower	
	Mety P. W	Labour Inspector	Ministry of Manpower	
	Meynar Wulan	Director General	Industrial Relations Directorate, Ministry of Manpower	
27/11/23	Prasidha Aharsa		Bureau of International Cooperation, Ministry of Manpower	In-Person

27/11/23	Nurus Mufidah	NPC, SIRI Project	ILO	In-Person
28/11/23	Sandra Yossi	Sustainability Officer	Wilmar	Online
28/11/23	Mr. Fauzan Kurniawan	Head of Supplier Transformation, Traceable and Responsible Sourcing	Sinar Mas Agribusiness and Food	In-Person
	Ms. Farah Saufika	Staff Supplier Transformation, traceable and responsible Sourcing		
	Mr. Heri Santiko	Staff Supplier Transformation, traceable and responsible Sourcing		
28/11/23	Rahmad Tarigan	Trade Union Representative	F Lomenik North Sumatera	Virtual
	Sutopo Wiyono	Trade Union Representative	FSB Kamiparho Dumai	
	Isnaini Ramadhan	Trade Union Representative	FSB Kamiparho Dumai	
	Ngatino SP	Trade Union Representative	SPPSI Aceh	
	Setiyo Priyo	Trade Union Representative	SPPSI Aceh	
	Muhammad Amin	Trade Union Representative	FSB Nikeuba	
29/11/23	Lonika Siti	Workers affiliated with trade unions	FSB Kamiparho	In-Person
	Lianti Minoi	Workers affiliated with trade unions	FSB Kamiparho	
	Siti Fatimah	Workers affiliated with trade unions	FSB Kamiparho	
	Ásanty	Workers affiliated with trade unions	FSB Kamiparho	
	Lia Eliasa	Workers affiliated with trade unions	FSB Kamiparho	
	Lusiana Sisila	Workers affiliated with trade unions	F Hukatan	
	Ignasia	Workers affiliated with trade unions	F Hukatan	
29/11/23	Rusdin	Workers affiliated with trade unions	FSB Kamiparho	In-Person
	Marino	Workers affiliated with trade unions	FSB Kamiparho	
	Januanus Joko	Workers affiliated with trade unions	FSB Kamiparho	
	Ambrosius Andi	Workers affiliated with trade unions	FSB Kamiparho	
	Agenius	Workers affiliated with trade unions	FSB Kamiparho	

	Darmanto	Workers affiliated with trade unions	F Hukatan	
	Suherman	Workers affiliated with trade unions	KSBSI	
	Reza Satriadi	Workers affiliated with trade unions	F Hukatan	
	Idris Sitepu	Workers affiliated with trade unions	F Hukatan	
29/11/23				In-Person
30/11/23	Bena A	Planation Management	PT. Pattware	In-Person
	Elya Roza	Planation Management	PT. Pattware	
	George Pasaribu	Planation Management	PT. Pattware	
	DP Rius	Planation Management	PT. Pattware	
	Prama Yudiansyah	Planation Management	PT. Pattware	
	Jefry	Planation Management	PT. Pattware	
30/11/23	Juliarti	Plantation Worker	F Hukatan	In-Person
	Frabila	Plantation Worker		
	Hayati	Plantation Worker		
	Umi	Plantation Worker		
	Nazumiati	Plantation Worker		
30/11/23	Heri	Plantation Worker	F Hukatan	In-Person
	Agus Budimansyah	Plantation Worker		
	Andry Supriadi	Plantation Worker		
	Aminuclin	Plantation Worker		
	Darwis Soni	Plantation Worker		
	Reza Satriadi	Plantation Worker		
	Iswanto Beni Sanjaya	Plantation Worker		
30/11/23	Lisbet Siregar	Labour Inspector	West Kalimantan Province	In-Person
01/12/23	Januar Rustandie	NPC, USDOL-ILO Project	ILO	In-Person
05/12/23	Muhammad Geo Amang	BP3MI	Kupang Province	Zoom

### Malaysia

Date	Name	Position	Organisation	Modality
04/12/23	Jude Peters	NPC	ILO	In-Person
04/12/23	Norafizan b abd Shukor	Assistant Manager	Malaysian Palm Oil Council	Zoom
05/12/23	Rosnani Hamzah	Project Officer	MTUC	In-Person
	Suriyanandhini Doraisamy	National Coordinator		
	Kamarul Bahrin			

06/12/23	Raja Mohd Nizam bin Raja Kamarulbahrin	Secretary	International Division, Ministry of Human Resources	Zoom
	Emyzai binti Zainudin	Senior Assistant Secretary	International Division, Ministry of Human Resources	
	Satish A/L Sreenivasan	Assistant Secretary	Policy Division, Ministry of Human Resources	
	Mohd Napiah Haris	Deputy Director	Sabah Department of Labour	
	Deby Rustman	Assistant Director	Migrant Workers Management Division, Sabah Department of Labour	
	Mohd Azzahari	Senior Assistant Director	Migrant Workers Management Division, Sabah Department of Labour	

## Annex 4: List of documents consulted

### Project Documents

- Project Document (both initial and amended)
- PARTNERSHIPS (PARDEV) minute for the initial project and the amended project
- Mid-term evaluation report
- Progress reports (quarterly since the start of the project)
- Project financial report- updated December 2023
- ILO (2021). Workers' right to freedom of association and collective bargaining in Indonesia's palm oil sector
- Situation and gap analysis on Malaysian legislation, policies, and programmes and the ILO Forced Labour Convention and Protocol, ILO
- Guide for labour inspection in Indonesia's palm oil sector
- PITT (project indicator tracking sheet), updated December 2023
- MUTC-ILO Implementation Agreement (2022)

### ILO Documents

- ILO (2023). Independent high-level evaluation of the ILO's strategies and actions for promoting decent work in the rural economy (with a focus on rural employment), 2016–2023. [https://www.ilo.org/eval/Evaluationreports/Strategyandpolicyevaluations/WCMS\\_889145/lang--en/index.htm](https://www.ilo.org/eval/Evaluationreports/Strategyandpolicyevaluations/WCMS_889145/lang--en/index.htm)
- ILO (2020). Decent Work Country Programme for Malaysia 2019-2020. [https://www.ilo.org/asia/publications/WCMS\\_761610/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_761610/lang--en/index.htm)
- ILO (2020). Decent Work Country Programme for Indonesia, 2020-2025. [https://www.ilo.org/jakarta/whatwedo/publications/WCMS\\_757815/lang--en/index.htm](https://www.ilo.org/jakarta/whatwedo/publications/WCMS_757815/lang--en/index.htm)
- ILO (2020). ILO policy guidelines for results-based evaluation: Principles, rationale, planning and managing for evaluations, 4th ed. [https://www.ilo.org/eval/Evaluationpolicy/WCMS\\_571339/lang--en/index.htm](https://www.ilo.org/eval/Evaluationpolicy/WCMS_571339/lang--en/index.htm)
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### Other Documents

- MTUC (2022). Strategy to Promote Freedom of Association in the Palm Oil Sector in Malaysia. [https://www.ilo.org/asia/publications/WCMS\\_863879/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_863879/lang--en/index.htm)
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- Statista (2023). Palm oil industry in Malaysia - statistics & facts. <https://www.statista.com/topics/5814/palm-oil-industry-in-malaysia/#topicOverview>
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- CNV International (2020). Palm Oil Collective Bargaining Agreement (CBA) Pilot Mapping in West Kalimantan, Indonesia. <https://www.cnvinternationaal.nl/Resources/Persistent/8/0/a/c/80acaee785f139758d8b4d7a42b361fbdaae9958/CNVI-0299%20Palm%20Oil%20Research%20Kalimantan%20Indonesia.pdf>
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## Advancing Workers’ Rights in the Palm Oil Sector in Indonesia and Malaysia project

### Independent Evaluation

**Project DC/SYMBOL: RAS/18/10/USA**

**Name of Evaluator: Chris Morris**

**Date: 31 January 2024**

*The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.*

<b>LESSON LEARNED ELEMENT</b>	<b>TEXT</b>
<b>Brief description of lessons learned</b> (link to specific action or task)	Projects that work in sectors that traditionally have had a lack of cooperation between employers and workers should be of a sufficient length to ensure progress can be made, particularly where policy changes are one of the main goals.
<b>Context and any related preconditions</b>	In the first stage of this project in Indonesia, there was very limited interest in the project from palm oil companies and the Ministry of Manpower.
<b>Targeted users / Beneficiaries</b>	ILO programme designers and donors
<b>Challenges /negative lessons - Causal factors</b>	The shorter Malaysian part of the project has a number of policies pending approval. It has started to be successful in receiving invitations for support from company grouping and government agencies but the project is now ended and dependent on finding funding for a new intervention.
<b>Success / Positive Issues - Causal factors</b>	By the end of the project a joint platform of trade unions and the sectoral company representative had been set up and the Ministry of Manpower had engaged in the activities through the Labour Inspectorate. This was possible because as a four-year project there was enough time to develop the relationships needed for the project.
<b>ILO Administrative Issues</b> (staff, resources, design, implementation)	Needs to be considered at the design phase of the project.

# Advancing Workers' Rights in the Palm Oil Sector in Indonesia and Malaysia project

## Independent Evaluation

Project DC/SYMBOL: RAS/18/10/USA

Name of Evaluator: Chris Morris

Date: 31 January 2024

*The following emerging good practice has been identified during the course of the evaluation. Further text can be found in the full evaluation report.*

GOOD PRACTICE ELEMENT	TEXT
<b>Brief summary of the good practice</b> (link to project goal or specific deliverable, background, purpose, etc.)	Developing a multi-level approach to relationship building has helped strengthen the intervention. Working at the national level with both companies and trade union federations has led to more buy-in to the process at the plantation level.
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	The development of the cooperation platforms and the close engagement of GAPKI and the national trade union federations has helped the ILO strengthen its outreach to the provinces.
<b>Establish a clear cause-effect relationship</b>	The ILO worked closely with national level companies which has helped in encouraging individual plantations to participate in negotiations with workers. Trade unions themselves have gone directly to national level companies to try to resolve specific disputes that have arisen. A similar approach has supported the strengthening of the capacities of trade unions. The existence of the case management system should provide collective support for grievances rather than individual workers and plantation level unions needing to address issues on their own.
<b>Indicate measurable impact and targeted beneficiaries</b>	The ultimate beneficiaries are the workers on the palm oil plantations who have benefitted from the resolution of disputes and being able to engage management in negotiations.
<b>Potential for replication and by whom</b>	Projects working in other sectors in Indonesia. Projects working in other countries with similarly fragmented structures.
<b>Upward links to higher ILO Goals</b> (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	P&B 2022-23 Output 1.4
<b>Other documents or relevant comments</b>	

# Advancing Workers’ Rights in the Palm Oil Sector in Indonesia and Malaysia project

## Independent Evaluation

Project DC/SYMBOL: RAS/18/10/USA

Name of Evaluator: Chris Morris

Date: 31 January 2024

*The following emerging good practice has been identified during the course of the evaluation. Further text can be found in the full evaluation report.*

GOOD PRACTICE ELEMENT	TEXT
<b>Brief summary of the good practice</b> (link to project goal or specific deliverable, background, purpose, etc.)	Joint inspection activities strengthen the abilities of labour inspectors to identify and address violations. The joint inspections and the training on a strategic approach to inspections helped produce more effective results for the labour inspectorate and contributed one of the significant achievements of the project of supporting the registration of over 10,000 workers in the social security system. Labour inspectors utilised the ideas of coordinating action with other entities that were presented with them in training to achieve this result.
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	The project was able to introduce ideas of strategic planning for inspection and conducting joint inspection activities. The plantations are difficult to inspect due to their remoteness.
<b>Establish a clear cause-effect relationship</b>	The inspections supported the identification of workers who had not been registered in the social security system.
<b>Indicate measurable impact and targeted beneficiaries</b>	Over 10,000 workers were registered in the social security system as a result of the inspections.
<b>Potential for replication and by whom</b>	Labour inspection in rural industries with remote locations.
<b>Upward links to higher ILO Goals</b> (DWCPs, Country Programme Outcomes or ILO’s Strategic Programme Framework)	P&B 2022-23 Output 7.1
<b>Other documents or relevant comments</b>	

## Annex 6: Interview Guides

### Interview Guide For Government Officials

#### Informed consent:

My name is Chris. I'm an independent evaluator conducting the final evaluation of the ILO's Advancing Migrant Worker Rights in the Palm Oil Sector, funded by USDRL. I'm speaking to you because you are a key stakeholder in this programme, and your thoughts on its implementation and successes, including what change it has led to and to collect recommendations the ILO for future programming and activities. I'm also speaking to other key stakeholders in Indonesia and Malaysia who have been part of the programme's work and will use the information from interviews to produce a report with key findings, lessons learned and recommendations. I'll also be conducting findings analysis workshops with key stakeholders to discuss and analysis the findings. We will ensure that all the information you share today is anonymized. I may use quotes from the interviews in the report but will ensure they cannot be traced back to you. If you say anything which you want removed from the notes and not shared, please let me know. Are you happy to continue with the interview?

#### Questions:

1. Can you briefly describe your role and responsibilities and the remit of your department/ministry?
2. What are the key needs and challenges Indonesia/Malaysia faces with regards to the Palm Oil Sector? What are the key Government policies related to the sector?
3. What has been your involvement in Advancing Migrant Worker Rights in the Palm Oil Sector?
4. Did you give input into the design of the programme or activities?
5. Thinking of the key needs and challenges, how effectively do you think the project has responded to them? Are there specific examples you can give?
6. Are there different challenges women face who work in the palm oil sector?
7. How does the project help address the challenges you have referred to?
8. Are there specific policies or guidelines that have been developed by the government that the ILO has given input into as a result of this project?
9. Have you noticed changes in the relationship with the workers and employers' organisations? Are there specific examples you can give?
10. Are there other changes that you have seen as a result of the project.
11. What support do you need from ILO in the long run (after the project) to ensure the changes you have described are continued?
12. Are you happy with the support of ILO? Did they keep you informed of progress and give opportunities for you to give feedback and making amendments to the project?
13. How did the project respond to the Covid-19 pandemic? Were there particular opportunities they were able to take to further social dialogue and worker rights that arose as a result of the pandemic?
14. Of the changes you earlier identified, which do you think was the most significant of these changes? Is there an example you can give to demonstrate the change?
15. What recommendations do you have for future interventions?

### Interview Guide For Employers' Federation and Industry Groups

Informed consent: (see above- to save space, this hasn't been included in every guide in the inception report)

Questions:

1. Can you briefly describe your role and responsibilities and the remit of your organisation?
2. What are the key needs and challenges Indonesia/Malaysia faces with regards to the Palm Oil Sector? What are the key strategies you have related to the sector?
3. What has been your involvement in Advancing Migrant Worker Rights in the Palm Oil Sector?
4. Did you give input into the design of the programme or activities?
5. Thinking of the key needs and challenges, how effectively do you think the project has responded to them? Are there specific examples you can give?
6. Are there different challenges women face who work in the palm oil sector?
7. How does the project help address the challenges you have referred to?
8. Have you noticed changes in the relationship between workers and employers and the government as a result of the project? Are there specific examples you can give?
9. Are there changes in relationships within the employers' organisations?
10. What impact do you think the project has had on individual companies? What changes have they made to their operating procedures as a result?
11. Are there other changes in the project you can think of?
12. What can ILO and the industry do to encourage more companies to participate in projects and initiatives in the future?
13. Are you happy with the support of ILO? Did they keep you informed of progress and give opportunities for you to give feedback and making amendments to the project?
14. How did the project respond to the Covid-19 pandemic? Were there particular opportunities they were able to take to further social dialogue and worker rights that arose as a result of the pandemic?
15. Of the changes you earlier identified, which do you think was the most significant of these changes? Is there an example you can give to demonstrate the change?
16. What recommendations do you have for future interventions?

### **Interview Guide For Trade Unions**

Informed consent: (see above- the save space, this hasn't been included in every guide in the inception report)

Questions:

1. Can you briefly describe your role and responsibilities and the remit of your organisation?
2. What are the key needs and challenges Indonesia/Malaysia workers face with regards to the Palm Oil Sector? What are the key strategies you have related to the sector?
3. What has been your involvement in Advancing Migrant Worker Rights in the Palm Oil Sector?
4. Did you give input into the design of the programme or activities?
5. Thinking of the key needs and challenges, how effectively do you think the project has responded to them? Are there specific examples you can give?
6. Are there different challenges women workers face who work in the palm oil sector?
7. How does the project help address the challenges you have referred to?

8. Have you noticed changes in the relationship between workers and employers and the government as a result of the project? Are there specific examples you can give? (follow up on CBAs)
9. Are there changes in relationships between the different trade unions?
10. What impact do you think the project has had on workers?
11. Are women participating in the leadership and organising activities of the union? How can more participation be ensured?
12. Have the companies changed their operating procedures as a result of the project?
13. What can ILO and the trade unions do to encourage include more workers to participate in future projects and initiatives?
14. Are you happy with the support of ILO? Did they keep you informed of progress and give opportunities for you to give feedback and making amendments to the project?
15. How did the project respond to the Covid-19 pandemic? Were there particular opportunities they were able to take to further social dialogue and worker rights that arose as a result of the pandemic?
16. Of the changes you earlier identified, which do you think was the most significant of these changes? Is there an example you can give to demonstrate the change?
17. What recommendations do you have for future interventions?

### **Interview Guide For Management of Palm Oil Plantations**

Informed consent: (see above- the save space, this hasn't been included in every guide in the inception report)

Questions:

1. Can you briefly describe your role and responsibilities and introduce your company?
2. What are the key needs and challenges your company faces?
3. What has been your involvement in Advancing Migrant Worker Rights in the Palm Oil Sector?
4. Did you give input into the design of the project or activities?
5. Thinking of the key needs and challenges, how effectively do you think the project has responded to them? Are there specific examples you can give?
6. How does your company ensure women workers have equal opportunities and do not face discrimination or harassment from other workers?
7. What training have you attended from the project? Are there examples you have as to how you have put this into practice in your day-to-day work?
8. Have you amended or adopted any new policies as a result of the project?
9. Have you noticed changes in the relationship between workers and management as a result of the project? Are there specific examples you can give? (follow up on CBAs)
10. What impact do you think the project has had on your workers?
11. What can ILO do to encourage include more companies to participate in future projects and initiatives?
12. Are you happy with the support of ILO? Did they keep you informed of progress and give opportunities for you to give feedback and making amendments to the project?
13. How did the project respond to the Covid-19 pandemic? Were there particular opportunities they were able to take to further social dialogue and worker rights that arose as a result of the pandemic?

14. Of the changes you earlier identified, which do you think was the most significant of these changes? Is there an example you can give to demonstrate the change?
15. What recommendations do you have for future interventions?

### **Group Interview Guide For Labour Inspectors**

Informed consent: (see above- the save space, this hasn't been included in every guide in the inception report)

1. Could everyone introduce themselves and give their job title and how long they have worked in the Labour Inspectorate?
2. What are the responsibilities of a Labour Inspector?
3. What are you looking for when you do labour inspections?
4. What is the purpose of Labour inspections?
5. Are there specific challenges you face with regards to the palm oil plantations?
6. What are the main violations you identify and the main challenges which workers face?
7. Are the challenges heightened for migrants?
8. Are there particular challenges which women workers face?
9. How can labour inspections help address the challenges women workers face?
10. What training have you received through the programme?
11. Have you used what you learned in training in your work? If so, can you give practical examples of how you have used the training in your work?
12. Are you satisfied with the training you have received?
13. Is there anything which could improve the training?
14. What are the most significant changes you have seen in the plantations, the workers, your own work etc as a result of the project?
15. What recommendations do you have for ILO?

### **FGD Guide for Workers (Men)**

Informed consent:

My name is Chris. I'm an independent evaluator conducting the final evaluation of the ILO's Advancing Migrant Worker Rights in the Palm Oil Sector, funded by USDRL. I'm speaking to you because you are a key stakeholder in this programme, and your thoughts on its implementation and successes, including what change it has led to and to collect recommendations the ILO for future programming and activities. I'm also speaking to other key stakeholders in Indonesia and Malaysia who have been part of the programme's work and will use the information from interviews to produce a report with key findings, lessons learned and recommendations. I'll also be conducting findings analysis workshops with key stakeholders to discuss and analysis the findings. We will ensure that all the information you share today is anonymized. I may use quotes from the interviews in the report but will ensure they cannot be traced back to you. If you say anything which you want removed from the notes and not shared, please let me know.

Please also ensure that you respect the privacy and participation of the other people in the meeting today. Please do not share details of what was said with other people outside the meeting. Please also allow everyone to speak and finish their points, and be respectful of what they say.

Is everyone happy to continue with the meeting?



1. Introductions: Could everyone please introduce themselves and say how long they are worked for the company?
2. Who is a member of the trade union, OSH committee, worker committee etc? What position do you have?

Group work 1.- split the groups into two for about 5-7 minutes: In your group, could you all discuss what the main challenges you face as workers in the palm oil sector. Are there different challenges that men and women face? Then someone from each group can present the findings

3. What do you think the project was intended to do?
4. What activities have you participated in during the project?

Group work 2.- split the groups into two for about 5-7 minutes: In your group, could you all discuss what the main changes you think have occurred as a result of the project are. Then someone from each group can present the findings

Each group is asked to comment on the other group's findings.

5. Depending on the changes identified by the groups, ask specifically:
  - a. Have there been changes in dialogue between managers and workers?
  - b. Have there been changes in behaviour of the managers?
  - c. Have there been changes in the confidence of the workers to raise issues and concerns with managers?
  - d. Have there been changes in health and safety?
6. Do you think these changes will be long lasting? Will workers and companies continue to implement them?
7. What recommendations do you have for ILO, the companies, unions and the government for future projects?
8. Of the changes you identified in your groups, which is the most significant for you? Is there a story you can give to illustrate this?

### **FGD Guide for Workers (Women)**

Informed consent:

My name is Chris. I'm an independent evaluator conducting the final evaluation of the ILO's Advancing Migrant Worker Rights in the Palm Oil Sector, funded by USDRL. I'm speaking to you because you are a key stakeholder in this programme, and your thoughts on its implementation and successes, including what change it has led to and to collect recommendations the ILO for future programming and activities. I'm also speaking to other key stakeholders in Indonesia and Malaysia who have been part of the programme's work and will use the information from interviews to produce a report with key findings, lessons learned and recommendations. I'll also be conducting findings analysis workshops with key stakeholders to discuss and analysis the findings. We will ensure that all the information you share today is anonymized. I may use quotes from the interviews in the report but will ensure they cannot be traced back to you. If you say anything which you want removed from the notes and not shared, please let me know.

Please also ensure that you respect the privacy and participation of the other people in the meeting today. Please do not share details of what was said with other people outside the meeting. Please also allow everyone to speak and finish their points, and be respectful of what they say.

Is everyone happy to continue with the meeting?

1. Introductions: Could everyone please introduce themselves and say how long they are worked for the company?
2. Who is a member of the trade union, OSH committee, worker committee etc? What position do you have?

Group work 1.- split the groups into two for about 5-7 minutes: In your group, could you all discuss what the main challenges you face as workers in the palm oil sector. Are there different challenges that men and women face? Then someone from each group can present the findings

3. What do you think the project was intended to do?
4. What activities have you participated in during the project?

Group work 2.- split the groups into two for about 5-7 minutes: In your group, could you all discuss what the main changes you think have occurred as a result of the project are. Then someone from each group can present the findings

Each group is asked to comment on the other group's findings.

5. Depending on the changes identified by the groups, ask specifically:
  - a. Have there been changes in dialogue between managers and workers?
  - b. Have there been changes in behaviour of the managers?
  - c. Have there been changes in the confidence of the workers to raise issues and concerns with managers?
  - d. Have there been changes in health and safety?
6. Do you think your company recognises the different challenges women face to men in their work? Do they have policies which respond to them?
7. Do you feel represented effectively by the trade unions?
8. How can more women become leaders in the trade unions?
9. Do you think these changes will be long lasting? Will workers and companies continue to implement them?
10. What recommendations do you have for ILO, the companies, unions and the government for future projects?
11. Of the changes you identified in your groups, which is the most significant for you? Is there a story you can give to illustrate this?