

VIETNAM: PROJECT EVALUATION REPORT
PROMOTING SOUND INDUSTRIAL RELATIONS

Project title: Promoting Sound Industrial Relations at the Workplace and Strengthening the Capacity of Industrial Relations Actors in Viet Nam: PHASE 2

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ACRONYMS

CTA	Chief Technical Advisor
DOLISA	Department of Labour, Invalids, and Social Affairs (Provincial level)
EPZA	Export Processing Zone Authority
ESC	Employment Service Centre
ILO	International Labour Organisation
IRASC	Industrial Relations Advisory Service Centre
LMP	Labour Market Information Project
LOLISA	Local Office of Labour, Invalids, and Social Affairs (District level)
MOLISA	Ministry of Labour, Invalids, and Social Affairs
PMU	Project Management Unit
PSC	Project Steering Committee
PWT	Project Working Team
VCCI	Viet Nam Chamber of Commerce and Industry
VCA	Viet Nam Cooperatives Alliance
VGCL	Viet Nam General Confederation of Labour

EXECUTIVE SUMMARY

1. The purpose of this independent and final evaluation of the project on Promoting Sound Industrial Relations at the Workplace and Strengthening the Capacity of Industrial Relations Actors in Viet Nam: PHASE 2 (VIE/06/M01/NOR) was to determine if the project has achieved its stated immediate and developmental objectives, to evaluate the long-term benefits and impact that have accrued to target groups, to evaluate the project design, implementation status, project management and performance monitoring, to document best practices that could be used as models for other projects, and assess potential needs for further technical assistance in this field.
2. This evaluation relates solely to the Phase 2 Project but because of the overlap with the Phase 1 Project with regard to the objectives concerning collective bargaining and capacity building, respectively, and their related activities, it was not always easy to determine whether the outcomes and impacts generated are attributable to Phase 1 or Phase 2.
3. The evaluation took place 6 months before the end of the project and additional outputs and outcomes can be expected before the project ends in March 2009. It is unlikely, however, that the overall impact will increase significantly during the remaining life of the project.
4. In many respects the project was an extension of the Phase 1 project, but with two additional elements, namely, data collection on industrial relations (Immediate Objective 3), and labour law reform (Immediate Objective 4). The Phase 2 project with four Immediate Objectives, 15 outputs, 64 activities, 11 project sites, \$1.3 million, and a duration of two years on paper appears to be very ambitious. In reality, however, 7 of the 11 project sites had received considerable assistance under the Phase 1 project, and thus only four sites were new. Given the foundation provided by and the experienced gained under the Phase 1 project, the Phase 2 project is less challenging than first appearances suggest.
5. In spite of a number of design limitations, shortcomings concerning the actual crafting of the project document, and an apparent lack of detailed appraisal before commencement, the project has achieved some commendable results, particularly concerning training.
6. The project's development objective is not clearly worded in the project document and thus has to be inferred from the section on background and justification. The apparent intention was for the project to contribute to improved relations between workers and employers at enterprise level leading to improved working conditions through collective bargaining in particular, and to contribute to a more cooperative working environment, with less strikes and disputes. Some improvements in working conditions through the conclusion of collective bargaining agreements and better workplace cooperation can be identified in the targeted enterprises, and there has been some positive spill-over effects for non-pilot enterprises. The incidence of strikes in pilot enterprises has been reduced but there has been no reduction in strike activity

in target locations. Indeed, the project's implementation has coincided with a significant increase in the number of wildcat strikes throughout the country, but with a particular concentration in southern provinces.

7. Immediate Objective 1 concerning the completion of collective bargaining agreements has resulted in a positive outcome for a limited number of enterprises but little real impact on national development in that most of the concluded CBAs have not focused on core areas of concern to workers, particularly wages.
8. Immediate Objective 2 concerning capacity building for key actors in Viet Nam's industrial relations system has achieved some impressive outputs, with large numbers trained and good quality training materials produced. Persons trained under the project have been able to apply the skills acquired to improve the performance of their institutions through the provision of information, advice and consultancy services to their clients.
9. The project contracted both IRASC's and PWT's to visit enterprises in their respective provinces as well as conduct collective bargaining training. This has enabled the project to reach a reasonable number of persons and enterprises in each province but detailed information was not available concerning the number or content of CBA's that have been finalized as a result of the interventions of the IRASC's and PWTs. Some of the 11 IRASCs under the project have been able to provide training and consultancy services, independently from the project, to workers and employers to encourage social dialogue in the workplace and enable them to complete collective bargaining agreements. The overall development impact of such initiatives, however, remains small due to the limited content of signed CBAs, the increasing incidence of strikes, and the lack of real two-way dialogue within enterprises. The outcomes of this objective have some **potential** for a developmental impact but, at this stage, **actual** impact has been small.
10. Activities relating to Immediate Objectives 3 and 4 concerning IR data collection and labour law reform, respectively, have barely commenced at the time of the evaluation. During the remaining life of the project there will be little time for the outputs produced under these objectives to generate positive outcomes and any development impact. In all probability, these would not be felt until after the project's completion.
11. The project has seen a major focus on training activities and participant reaction to such training has been very positive. Participants on training activities have reported an improvement in skills which they have been able to apply in practice, and they have also commented most favourably on the training materials provided under the project. The training activities represent good value for funds expended with a low per capita cost and good prospects for continued and more widespread use leading to additional outcomes.
12. There has been a strong and universal request for more training materials on IR and related fields and it is suggested the project make every effort to respond to this need by focusing on the 'wholesale' aspects of training rather than seeing itself as a training retailer. Greater use of computer technology,

DVD's and CD's for self-learning is recommended. The project's website enables interested persons to download IR training materials in the areas of mediation, social dialogue, collective bargaining and human resource management which indicates that start has been made on a 'wholesaling' approach.

13. In spite of design shortcomings including too many objectives, too many project sites, a relatively small budget and a short time frame, the project management has been commendable. The project CTA has led a small team with professionalism and energy. The project management structure including a steering committee, project management unit (PMU), and project work teams (PWT's) at provincial level has worked reasonably well although the PMU might have benefited by the inclusion of members other than from MOLISA.
14. Project monitoring, as distinct from project general management, was relatively informal and did not result in the preparation of detailed quarterly performance reports. Missions by ILO specialists in support of the project's activities were technical rather than performance-oriented in nature and thus performance monitoring was left largely to the project itself rather than through any planned and dedicated monitoring interventions. Overall, there was a need for improved reporting and closer monitoring by the project of the work of contracted IRASCs, PWT's and provincial coaches, and teams engaged in collective bargaining at enterprise level. The networking of IR personnel trained under the project could also have been improved by the publication of regular newsletters and reports issued in both electronic and print formats.
15. In summary, the project design covering four immediate objectives, two of which do not appear to relate to the main thrust of the project, was over-ambitious and missed an opportunity to relate more closely to the IR actors at the operational level, particularly those engaged in what might be described as Viet Nam's 'informal industrial relations system.' Clearly, the country's formal IR system is not functioning well and this was evident in 2006 when the project was designed. ILO research undertaken before the commencement of the design of Phase 2 had clearly identified the increasing significance of the informal IR system, operating outside the law and outside the influence of the trade union movement. This research information, however, was not taken into account in the design of Phase 2. If it had, the project may have been designed differently to enable it to build bridges between the informal and formal systems and address the important issue of wildcat and illegal strikes. Thus, in some respects, the project missed the priority target.
16. Viet Nam's industrial relations system remains immature and needs to 'grow up' if it is to contribute to the nation's development aspirations. The evaluation process highlighted many areas where further technical assistance would be beneficial and help the system to grow including the reform of the minimum wage system, a review of the labour administration system (particularly the linkage between effective labour inspection and dispute prevention), the strengthening of tripartite interactions at all levels, the development of an IR

information system based on the real needs of information users, industrial relations law reform, the future of collective bargaining at national, sector, industry (including geographical groupings of enterprises), and enterprise levels, the development of social dialogue mechanisms other than collective bargaining, and the linkages between the informal and formal IR systems.

17. Future technical assistance in IR is required but needs to relate closely to a national industrial relations policy and related strategies if it is to have the desired impact. At present, no comprehensive and coherent IR policy exists with the result that IR reforms have been somewhat piece-meal and ad hoc rather than integrated and wide ranging.

PROJECT BACKGROUND AND DESCRIPTION

18. Viet Nam's transition from a centrally planned economy to one increasingly based on market forces has resulted in impressive GDP growth rates of about 7.5 %, and poverty reduction on a significant scale over a sustained period. The private sector, comprised of both Vietnamese and foreign invested companies, has driven the growth process and has been the most important source of employment creation. Viet Nam became a member of the World Trade Organization in January 2007 and this initiative is expected to accelerate the pace of economic reform and lead to further structural changes.
19. Viet Nam's economic reform process, however, has outpaced the capacity of some institutions to adjust and adapt to a situation in which resource allocation is increasingly reliant on market forces. The nation's labour institutions in particular have lagged behind and now need to catch up if they are to play their expected role in national economic and social progress.
20. In a market economy, the separation of interests between workers and employers is inevitable and accepted and requires the introduction of institutional arrangements that allow for the effective management of conflict, particularly at enterprise level. Since 1995 the number of wildcat (illegal) strikes has increased significantly, with the vast majority of these in the private export sector, which is seen as the driving force in economic development.
21. At the time the Phase 2 project was designed in 2006 it was apparent that the number of wildcat strikes was increasing significantly (see Table 2), with potential negative implications for foreign investment, job creation, and international competitiveness. Wildcat strikes have continued to increase since Phase 2 commencement, but without the predicted negative effects on private sector investment and employment.
22. The project design indicated that an extension of the Phase 1 project, with its emphasis on enterprise collective bargaining and capacity building for all parties concerned with enterprise dialogue and bargaining, was the preferred approach. The design did not focus at all on the issue of wildcat strikes, preferring to concentrate on the modernization of industrial relations institutions and processes, with a particular emphasis on social dialogue and collective bargaining at enterprise level (but not at sector/industry level), through strengthening the industrial relations capacity of social partners, and assisting the government in modernizing the legal framework and consolidating industrial relations services.
23. The impact of the project was directed to the achievement of Viet Nam's goals as stated in its socio-economic development plan 2006-2010 with particular reference to "creating a breakthrough in increasing competitiveness and improving development quality as well as promoting democracy." The project was also seen as important in contributing to the United Nations Development Assistance Framework Outcome related to improving policies, law and governance structure in a manner consistent with the principles of democracy and the rule of law. The project was designed as an integrated part of the ILO

Decent Work Country Programme for Viet Nam, which includes promoting the development of harmonious industrial relations and tripartite consultation and cooperation at all levels.

24. The Phase 2 project (funded by the Royal Norwegian Embassy in Hanoi) was preceded by a Phase 1 project (funded by the U Department of Labour) which, as stated in the Phase 2 project document,
 - has laid the basic foundation for sound industrial relations in Viet Nam by building basic infrastructure of industrial relations, improving various industrial relations skills of key industrial relations actors, by assisting tripartite partners in developing basic industrial relations policy framework, and by implementing a demonstration project at the workplace level.
25. The Phase 2 project was based on the achievements of the first phase but with a special focus on the development of collective bargaining at enterprise level, as well as assisting the government in reforming its legal framework on industrial relations, and building basic data and information infrastructure for industrial relations policy development.
26. The background section of the Phase 2 project document refers to a number of key industrial relations issues at enterprise level, as follows.
 - Underdeveloped regular two-way communication between workers and employer.
 - Collective agreements which are little more than replication of the minimums established by law.
 - Inappropriate collective bargaining processes which do not involve genuine consultation among union members and negotiation between union and management.
 - Poor capacity and lack of experience of trade unions to represent workers at the workplace through collective bargaining.
 - Underdeveloped mechanism for the prevention of labour disputes through grievance procedures and joint consultation.
 - Inexperienced human resource managers at the workplace who lack proper education and training, as well as support networks where they can share best practices.
27. The project document states that addressing the weakness of industrial relations at the workplace level, also requires strengthening the capacity of industrial relations actors at national and provincial levels, including capacity to
 - develop and implement their own policy on collective bargaining and other modern industrial relations practices, and
 - provide support services to their members at the enterprise level.
28. Against this background, the project covered four Immediate Objectives, namely,

- strengthening collective bargaining practices in select pilot enterprises,
- building the IR capacity of the social partners with a particular focus on IRASCs,
- improving IR data collection,
- providing technical assistance for labour law reform.

PURPOSE OF EVALUATION

29. The purpose of the final evaluation as stated in the **Terms of Reference** (see ATTACHMENT D) was as follows.
- Determine if the project has achieved its stated objectives, and explain why or why not.
 - Evaluate the long-term benefits/ impact that have accrued to target groups.
 - Evaluate the project design, implementation status, project management and performance monitoring.
 - Document best practice that could be used as models for activities for other projects.
 - Assess potential needs for technical assistance.
 - Provide the project management team, ILO field and headquarter staff, project stakeholders and the donor with the feedback to assess
 - project strategies
 - data collection methods
 - project objectives
 - institutional arrangements
 - work plans
 - resource allocation
30. The independent evaluator interpreted the purpose of the evaluation as being to both 'prove' and 'improve', meaning to assess the actual results and impact of the project on the one hand, and use the project experiences as a learning platform to assist in the design and implementation of future technical cooperation activities in the field of industrial relations, on the other.
31. It is stressed that the evaluation exercise related solely to the Phase 2 project. During the evaluation, however, it became clear that it was not always easy to determine whether some of the outcomes and impacts generated were attributable to Phase 1 or Phase 2. This was due to the objectives common to both phases concerning collective bargaining and capacity building, respectively. For example, it was not possible to conclude that the positive achievements of an IRASC that was established and commenced operations

during Phase 1, were the direct result of activities conducted in Phase 2. The direct recipients under the project interviewed during the evaluation made little reference to the fact that the project was in 2 phases, but saw it as one seamless project, thereby making it difficult to isolate the results of Phase 2 for those provinces that had benefited under both phases.

EVALUATION METHODOLOGY

32. The evaluation methodology was guided by the ILO's **Concept and Policies of Project Evaluation** (April, 2006) and its companion document **Planning and Managing Project Evaluations**, and was carried out in conformity with UN evaluation norms, standards and ethical safeguards. The above mentioned documents clarify the distinction between inputs, output, outcomes and impact. Of particular importance is the relation between outcomes and immediate objectives, on the one hand, and impact and a project's development objective, on the other. This, in turn, requires a clear understanding of what constitutes outputs, outcomes, and impact, and during the evaluation period efforts were made to explain these concepts to project stakeholders.
33. Many of the interview and discussion sessions required the services of an interpreter, an independent person engaged by the project specifically to assist the evaluation. At the commencement of the in-country evaluation work, the interpreter was provided with an introduction to the evaluation process and its terminology, and an overview of the main terms used in industrial relations. This proved useful in clarifying potential misunderstandings and enabled the interpreter to better appreciate the nature and purpose of the evaluation and the terminology to be used.
34. The evaluation methodology focused on three approaches, as follows.
 - **Document review** including a detailed examination of the project document, project reports and studies, work plans and budgets, and minutes of steering committee meetings; review of the project website; an examination of training course outlines and materials prepared by the project, and collective agreements resulting from the pilot CBA programme; an examination of selected sections of Viet Nam's labour laws and related decrees; and a consideration of statistical information, particularly information concerning wildcat strikes.
 - **Interviews** with the project's tripartite participants including representatives from MOLISA, DOLISA, IRASCs, VGCL at both national and provincial levels, VCCI in both Hanoi and Ho Chi Minh City, VCA, Export Processing and Industrial Zones Authority in Ho Chi Minh City, CBA pilot programme enterprise representatives, the CTA and project staff, and related ILO officials and technical officers.

- **Preparation of a draft report** distributed to the project and ILO specialists for comment prior to preparing the final report.
35. The evaluation methodology focused on collecting information as a basis for assessing outcomes and impact but, wherever possible, encouraged a dialogue exchange aimed at enhancing learning for project stakeholders as well as members of the evaluation team. In all meetings and discussions with project partners and recipients, the evaluation team made it clear to respondents and participants that the evaluation was not an assessment of their personal performance but, rather, a process that focused on the identification and assessment of overall outputs, outcomes and impact.
36. The evaluation process was underpinned by a number of key questions as follows.
- What actual outputs have been produced compared with those that were planned?
- Have those outputs produced meaningful outcomes in terms of improved performance of individuals and institutions?
- Have the indicators of achievement as stated in the project document been met?
- Have the outcomes had any positive or negative impact on national development, with particular reference to industrial relations in general and a reduction in industrial conflict in particular?
- Are the project's results likely to be sustained once the project has been completed?
- What has been your overall reaction to this project?
- What are the priority industrial relations issues that need to be addressed in future?
37. These questions were not presented directly to respondents but were addressed through dialogue and various closed and open questions that varied according to the particular respondent group. Some of the questions used to encourage and guide discussions are presented in Attachment B.

PROJECT IMPLEMENTATION STATUS

38. The project will end in March 2009 and a number of planned outputs have not as yet been produced. Activities relating to Immediate Objective 3 (IR data collection) are now being planned and some outputs are anticipated by the end of the project. Some activities relating to Immediate Objective 4 (labour law reform) have taken place but it is apparent that the outcomes from this objective will fall considerably short of those originally planned. Indeed, as indicated in the Evaluation Findings, the inclusion of Immediate Objective 3 and 4 in a project of this size and scope was questionable and would be better pursued through separate but related interventions.

39. Clearly, IR data collection and analysis, and labour law reform are very important in the context of the current status and future development of industrial relations in Viet Nam but are better pursued through initiatives outside the project.

EVALUATION FINDINGS

40. The project is of two year's duration and has four Immediate Objectives, 15 outputs and 64 activities. Indicators of achievement were provided in the project document for each Immediate Objective, and outputs and outcomes were assessed in relation to these indicators for each Immediate Objective. In addition to evaluating the extent to which each of the four Immediate Objectives has been achieved, the evaluation also examined project design, project management, gender issues, project sustainability, and the relation of the project to the ILO's Decent Work Country Framework.

The project has placed considerable emphasis on training and related activities, and a number of findings related specifically to training are considered.

Project design

41. In many respects the Phase 2 project represents an extension of the inputs and outputs of Phase 1 and the project document, particularly with regard to Immediate Objectives one and two, reinforces this view. The project under evaluation, Promoting Sound Industrial Relations at the Workplace and Strengthening the Capacity of Industrial Relations Actors in Viet Nam: PHASE 2 (VIE/06/M01/NOR), was preceded by a phase 1 project that ended in June 2006. The phase 1 project was funded by US-DOL and was the subject of an independent evaluation conducted in March 2006 with the final report submitted in May of that year.
42. The evaluation of the phase 1 project found that, overall, the project had been very successful and that it had met or exceeded its objectives and represented high value for donor investment. The evaluation report made various findings including the following.
 - The project had delivered services seen by beneficiaries as being unique and not available from other sources in Viet Nam. Such services were seen as responding to the country's needs in a changing labour market, of high quality, and adding value to industrial relations at the enterprise level.
 - The project has strengthened the institutional capacity of all three social partners.
 - The project through its interactions with constituents has enabled the ILO to gain their trust, respect and confidence which positively

situates the ILO for future work in industrial relations.

43. The evaluation report also recommended that
future programme development should begin with an explicit statement of assumptions, the conclusions of a situation analysis on which activities are based.

The project design for Phase 2 does not appear to have responded to this recommendation in that there was no evidence of a rigorous situational analysis and a general testing of assumptions to underpin the project's objectives, outputs and inputs. The project document (section 13) does list six assumptions, but these appear to be more in the nature of things the project 'would like to happen' rather than assumptions that were developed and tested as part of the project preparation process. In particular, the project design gave insufficient attention to the situation of wildcat (illegal) strikes and thus missed an opportunity to address what was emerging as a major industrial relations issue at the time the project was being designed. This required the identification of different target groups and partners than those identified under the project, and the design and implementation of activities that would have enabled a better understanding of Viet Nam's **informal** IR system at enterprise level as compared with focusing on its **formal** IR system.

44. Table 1 shows the number and trend of wildcat strikes between 1995 and 2007. By the end of 2005 some 1000 wildcat (illegal) strikes had taken place and settled in one way or another, frequently in favour of workers. By 2006, the year in which the project was designed, it was apparent that such strikes were a major issue in Viet Nam, operating within an 'informal' IR system outside the Labour Code, but in urgent need of attention. The project's chosen approach, however, was to focus on formal IR institutions and processes, by strengthening collective bargaining in pilot enterprises and building the capacity of PWTs and IRASCs to provide advice, training and consultancy services. These interventions, although useful and important, did not directly confront the most important issue of the time which was the increasing number of wildcat strikes, 83% of which were concentrated in and near Ho Chi Minh City.
45. The increasing incidence of wildcat strikes and the need to address the problem was clearly stated in the background section of the project document but the project's approach to the problem was one of strengthening the formal IR system rather than addressing directly the second system of industrial relation in Viet Nam, namely, the informal system in enterprises that operates outside the trade union movement and outside the law. The project focused on a top down approach through MOLISA, VGCL, VCCI and VCA at national and provincial levels whereas, the real need was to strengthen the actors, particularly LOLISA and VGCL, at the operational level in districts.
46. A project design that covered four Immediate Objectives, 15 outputs, 64 activities, and 11 project sites, over a two-year period and with a budget of

some \$1.3m deserved rigorous technical appraisal before final approval and the commencement of implementation. In particular, a technical appraisal would have provided an opportunity to reassess whether the inclusion of Immediate Objectives 3 and 4 was justified in what, essentially, was a pilot project concerned with collective bargaining and worker-employer interactions at enterprise level. In addition, a technical appraisal may have given Immediate Objectives 1 and 2 more depth of coverage (e.g. more than 11 prime target enterprises, or more contracted support for PWTs and IRASCs), or possibly a different emphasis to enable the project to address specifically the issue of the informal industrial relations system.

47. The location of the project administration could also have been more strategic given the actual location of disputes. The need to include 11 provinces and to locate the project office in Hanoi may well have been influenced by factors outside the immediate control of the project designers, but the project may have had more focus if such matters were examined during the project appraisal stage. The decision to locate a pilot project of this type in Hanoi is questionable, particularly given the fact that most industrial unrest is found in and around Ho Chi Minh City.

Project preparation

48. Apart from some shortcomings in needs analysis, assumptions, and project design, the actual project document lacks precision in a number of areas. For example, the development objective is stated as follows.

The project will contribute to the improvement of the legal framework for labour regulations, capacity building for concerned parties and development of sound industrial relations between management and workers at enterprise level, including the growth of genuine collective bargaining, industrial relations institutions, and prevention and settlement of disputes, with a particular emphasis on Viet Nam's private sector, especially FDI enterprises.

This gives an indication of intended outcomes and is more in the nature of a restatement of the Immediate Objectives rather than providing a clear statement of the development results the project was designed to achieve. This made it necessary for the evaluation to infer a development impact rather than assess it in relation to a clearly stated intention.

49. The crafting of the project document also includes various indicators of achievement that were unclear or overly ambitious. For example, one of the indicators of achievement for Immediate Objective 1 indicates 'The number of 'wildcat strikes' in target localities and enterprises are reduced compared to the year 2005.' 'Target localities' presumably means the 11 provinces in which the project was to operate and if this interpretation is correct, clearly, such an indicator was extremely ambitious. If this was not the intended

meaning of 'target localities', the project document could have been more precise in stating this particular indicator of achievement.

50. Under Immediate Objective 4 one indicator of achievement is stated as 'New legislations are drafted and come into effect which are more in compliance with the ILO principles.' For a small and relatively short duration project, such an indicator is ambitious, indeed, virtually impossible given the time it takes for legislation to be drafted and translated, consultations to take place, adopted by government, and for officials to be trained on its implementation. If the intention was to concentrate on a very specific aspect of legislative reform, the project document could have been more precise in stating the indicator of achievement.
51. Project preparation has given little attention to gender issues other than to indicate that the gender dimension will be taken into account under 'awareness raising and community mobilization issues, through training.' It is not clear whether the limited attention to gender was an oversight, or considered but dismissed as unimportant for a project of this type. A thorough appraisal would have overcome this shortcoming.
52. Project preparation could have given more attention to the arrangements for performance monitoring. Quarterly project reviews, formally reported, were not mandatory under the project although the project document does refer to 'regular' reporting and 'regular' monitoring and backstopping missions. A clear statement of the need for and content of quarterly reports would have enabled project objectives to be systematically reviewed and activities and outputs to be reconsidered. The project preparation does not appear to provide the flexibility required for it to respond to the changing IR situation as, for example, concerning the informal IR system, and collective bargaining at levels beyond the enterprise (e.g. by sector, industry, or location). Passing the project document through various appraisal filters may have resulted in greater flexibility and more formal arrangements for project monitoring.
53. The limitations in the preparation and crafting of the project document might also have been addressed at the project appraisal stage in which the project structure and balance, and the wording of objectives and indicators, could have passed through various appraisal filters and modifications suggested as appropriate. In effect, a 'project drafting appraisal' was required, as well as a technical appraisal relating to the industrial relations issues in Viet Nam, gender issues, project flexibility and performance monitoring.

Project Management

54. The planning and programming components of project management were guided by a Project Steering Committee (PSC) comprised of representatives of the national partners. This committee has played a reactive rather than proactive role under the project and has had met on two occasions in 18 months, contrary to the management provisions of the project document

that refer to meetings every six months. The minutes of its meetings indicate the committee's high level commitment to and interest in project activities, but questions concerning the project's direction and emphasis such as the introduction of some activities to address the informal IR system were never discussed by the PSC.

55. The Project Management Unit (PMU) provides a regular interface between the project CTA and staff, and national partners. It meets on an 'as required basis' and has played a useful role in aligning the project's inputs and outputs. MOLISA is the sole representative of the project partners on the PMU and a broader representation may have added value to its deliberations. Meetings of the PMU are informal and no minutes are kept, with record keeping mainly based on e-mail correspondence. The project could have benefited from a more systematic and formal record of PMU decisions and follow up.
56. The senior MOLISA representative on the PMU indicated that for a small and short duration project such as this there was a degree of 'over-management.' His view was that once work plans had been discussed and endorsed, the various partners should proceed to implementation without need for further intervention by project staff.
57. Project Work Teams (PWT's) have been formed to guide the project's activities at provincial level and have proved very successful in encouraging interactions between DOLISA, VGCL, VCCI, and VCA. Such tripartite engagement existed prior to this project but it is apparent that the project's emphasis on training for PWT members, encouraging collective bargaining at enterprise level and its efforts to improve the performance of IRASCs has given a new impetus to such interactions. Provincial representatives indicated that the PWT's would continue to operate informally after the project completion date, but a more formal and permanent arrangement would ensure that this very practical example of tripartism in action was institutionalized.
58. It is also apparent that the successes generated by PWT's are dependent to a large extent on the ability, commitment and energy of key individuals. This varies significantly from province to province. In Da Nang, for example, the efforts of the VGCL representative has resulted in some 25 CBAs being negotiated and signed during 2008, with all such agreements reportedly including provisions that improve on those in the labour law.
59. Overall, PWT's have played an important role in project delivery and have been a useful component of the project's management system but no formal arrangements are yet in place to ensure the continuation of their technical work once the project ends.
60. The project's monitoring and review arrangements as outlined in the project document are somewhat vague referring to the need for the CTA to prepare all technical and progress reports required under the project 'based on the donor's reporting requirements' but without specific reference to the frequency of reports or the ILO's requirements, particularly on technical

content. The preparation of detailed quarterly reports in accordance with guidelines included in the project document would have improved project monitoring arrangements.

61. The project document (p.21) also states that 'regular monitoring and backstopping missions will be carried out by ILO staff in the field and at HQs to examine progress, assure quality control and provide technical advice for the implementation of project activities.' Regular technical missions were provided by the ILO and these played an important role in implementing planned activities and producing actual outputs. These missions, however, do not appear to have played a key role in 'examining progress and assuring quality control' suggesting that a more formal and documented approach was required to meet the need for rigorous performance monitoring.
62. The day-to-day management of the project has fallen to the project CTA and the four Vietnamese staff engaged in project delivery. Project work plans have been detailed and discussed and endorsed by the Steering Committee, the management of staff and financial resources has been efficient and, in general, the team has proved to be very active, technically competent, and professional. This is a tribute to the CTA's capacity to motivate and lead a small team driven by a culture of service to participating partners and a desire to achieve meaningful results.

Immediate Objective 1: Collective Bargaining Agreements

63. The project document states Immediate Objective 1 in the following terms.

By the end of the project, practices and models of collective bargaining on the basis of voluntariness, equality and transparency between employers and worker groups will have become more widely used as a mechanism to jointly determine terms and conditions of employment at enterprises in selected localities, and the capacity of VGCL at different levels will be strengthened to lead and organize collective bargaining practice and CBA signing. The government and workers' and employers' organizations will have developed working rules and organizational capacity to carry out promotion of practices of collective bargaining and CBA signing at all types of enterprises throughout the country.

This objective focused on training enterprise teams to plan and implement a collective bargaining strategy in 11 pilot enterprises. The planned output for this objective was a signed collective agreement, the outcome being better terms and conditions of employment than those established by labour laws, and the overall impact being reduced conflict and increased worker-management cooperation in target enterprises. A target of 11 enterprises, one in each participating province, seems low particularly as persons able to assist in the training of bargaining teams were already present in 7 of the 11 provinces.

64. Of the 11 pilot enterprises, nine have signed CBAs, one is awaiting approval from head office, with the one remaining enterprise no longer participating. The CBAs include provisions above those provided by the labour law although in most cases the agreed provisions appear to be non-core items, with very few addressing the issue of above-minimum wages. There is some evidence of outputs and outcomes additional to those planned in that a number of non-pilot enterprises have also concluded CBAs as a result of the project's capacity building interventions for PWTs and IRASCs. Of the 9 pilot enterprises that have completed CBAs one has had a wildcat strike since the agreement was signed. The project has had no impact on reducing the total number of illegal strikes. Indeed, the number of illegal strikes has increased significantly during the life of the project and it was ambitious, to say the least, that one indicator of achievement referred to a reduction in the number of wildcat strikes in 'target localities and enterprises'. As one respondent observed, however, without the project's intervention the number of wildcat strikes may have been even higher.
65. The selection of enterprises to participate in the pilot CBA agreements was undertaken by the PWTs at provincial level, based on criteria provided by the project. It is clear that the selection process did not always follow the stated criteria, one of which was to select enterprises where union representatives were not part of the management team. In some participating enterprises the union representative was also a middle management officer, often the human resource manager, resulting in a conflict of interest in the bargaining process.
66. In some enterprises there was a perceived lack of genuine bargaining, with representatives of bargaining teams reporting that the steps for bargaining as provided in the CBA training courses conducted prior to the commencement of bargaining required modification during the actual bargaining process. In some cases it appears that bargaining took place through an exchange of documents, with limited face-to-face contact. In others, there may have been a lack of appreciation of the real purpose of an enterprise CBA, with the purpose being to 'have a signed agreement' rather than focus on the matters of substance and procedure normally associated with collective bargaining.
67. Interviews with representatives of enterprise bargaining teams highlighted the conflict of interest among representatives of the union team. In almost every case where bargaining took place, the union was represented by negotiators holding management positions in the enterprise. This arrangement is seen as 'normal' in Viet Nam at present but must surely change if real independence in the bargaining process is to be achieved.
68. At present Viet Nam does not have a coherent and comprehensive industrial relations or collective bargaining policy. Such policies will not be generated by the project but it is essential that the project capture as much information as possible concerning all CBAs resulting from the project's interventions to provide some indication of future directions for collective bargaining at enterprise level.

69. This requires that the project conduct a detailed follow-up study of the process and content of all pilot CBAs, review the extent to which they have been implemented, and undertake some assessment as to whether CBAs are likely to become a permanent part of enterprise IR culture. Such a study should also extend to CBAs signed and implemented as a result of the support provided by the project to IRASCs and PWTs. This would give an indication of the total number of such agreements finalized as a result of the projects interventions, whether direct or indirect. This study should be completed before the project ends and will provide important guidance for the future development of collective bargaining at enterprise level.
70. In summary, Immediate Objective 1 has been achieved to an acceptable degree for a very small number of pilot enterprises, but for a larger number once the CBAs resulting from project support to IRASCs and PWTs are included. The outputs produced under this objective have led to useful outcomes and those outcomes have contributed, albeit on a limited scale, to wider developmental objectives, including small improvements in working conditions and increased cooperation in enterprises.

Immediate Objective 2: Capacity Building

71. The project document states Immediate Objective 2 in the following terms.

By the end of the project, industrial relations capacity of the parties at provincial level including conciliation/arbitration service and Industrial Relations Advisory Service Centers will have been further improved with a view to coordinating administrative units at provincial level through readjustments of respective functions and also through training of core personnel.
72. The project's capacity building activities have focused on training and related activities involving both direct training provided by project staff and resource persons, and 'indirect' training conducted by persons who have acquired the necessary knowledge and skills under the 'direct' activities, namely IRASC staff and members of PWTs. For the 11 pilot enterprises, training was also provided for the members of enterprise level bargaining teams.
73. As indicated in Table 2, large numbers have been trained under the project and respondents have commented most favourably on the quality of the training and the related training materials provided. Participants on the direct training activities have indicated they have been able to apply the knowledge and skills acquired, and thus report impressive multiplier effects from the original training.
74. Training has been a major part of this project and is addressed in more detail in paragraphs 97-108.

Partners: IRASCs

75. Part of the project's training emphasis has been directed to the further development of the IRASCs in each of the 11 participating provinces. It is necessary to point out, however, that 7 of the 11 IRASCs were established under Phase 1 of the project and although the Phase 2 project continued to support the original 7 only 4 new IRASCs were actually established under Phase 2. In addition to training, IRASCs have benefited from the provision of equipment and project funds to support their outreach functions. Financial support for IRASCs was provided based on a business plan submitted by each IRASC that included monthly targets for enterprise visits and training courses to be conducted.
76. IRASCs are being developed to play a key role in dispute prevention in particular, through the provision of IR advisory, consultancy and training services. The successful fulfilment of this mandate requires well-trained staff with a wide range of industrial relations knowledge and skills and the project has produced commendable outputs and outcomes in support of this. The impact of IRASCs, however, on enterprise industrial relations in general and improved working conditions and workplace cooperation in particular, has been varied. The evaluation team visited five of the eleven IRASCs and found four of these to be potentially viable. IRASCs are not independent centres in their own right but, rather, sections within existing employment service centres (ESCs) which operate as part of DOLISA.
77. A key success factor in their operations is the commitment and attitude of the ESC director towards IR, and the extent to which such directors are prepared to allow their staff to engage in IR activities on a full time basis. In some cases, staff from the IRASC section of the ESC are called upon to do employment services work and thus are unable to devote the time required to further develop and deliver IR services. The IRASCs that have staff dedicated to and solely engaged in IR activities, understandably, are better able to provide quality services.
78. During the course of the project, IRASC'S have received an increase in the number of requests for advice and services but these are not always confined to bargaining and related core IR issues. Frequently, IRASCs are required to provide advice on the content of labour laws and disputes and conflicts over rights -- matters that would normally be handled by labour inspectors. IRASC staff, however, are limited to providing advice on such matters, and have no power to resolve right disputes which fall instead within the responsibilities of DOLISA.
79. The project has also seen a commendable increase in awareness raising activities on the part of IRASCs, directed to the promotion of the services they are able to provide. In a few cases this has involved TV and radio advertisements and the distribution of pamphlets but, increasingly, direct contacts and 'word of mouth' promotion have proven to be most successful in promoting the work of IRASCs. There is considerable variation, however, in

the promotional activities of IRASC'S with a few being very active and relatively successful, and the remainder not as yet 'taking off'.

80. IRASC staff members have been trained as mediators but, to date, have not been required to assist in the resolution of collective interest disputes. Such disputes are normally handled by DOLISA but, increasingly, IRASC staff has been able to attend interest driven wildcat strikes as observers and have seen first-hand how their mediation and social dialogue skills could be applied to real life strike situations.
81. The IRASCs visited during the evaluation indicated their intention to continue their services after the termination of the project, stating that their work is very important for the future development of Viet Nam's IR system. ESC directors indicated that IRASC activities would be absorbed in ESC budgets if extra budgetary support was not available, thereby providing some indication that IRASCs are offering useful services. It would be preferable, however, for IRASCs to be assured of future budget and resource support from their respective DOLISAs rather than be reliant on the goodwill of ESC directors. It would also be preferable if IRASCs were created as dedicated entities in their own right rather than as a section within an ESC.

Partners: PWTs

82. The project has supported the development of project work teams in 11 provinces. As before, however, 7 of these existed as a result of the Phase 1 project and only 4 were created under the Phase 2 project. A typical PWT is comprised of five members usually two from DOLISA, one from the Provincial Confederation of Labour, one from VCCI, and one from the Provincial Industrial Zone Authority. Members of the PWT have benefited from training under the project and have been instrumental in raising awareness on industrial relations issues and encouraging collective bargaining at enterprise level.
83. As with IRASCs, PWTs have been contracted by the project to undertake collective bargaining training in their respective provinces. In addition, some PWT members individually have initiated collective bargaining in enterprises in their respective provinces thereby multiplying the projects outputs. Such teams provide a foundation for the further growth of tripartite interactions at provincial level but their continuation as a tripartite institution once the project ends cannot be assumed. PWT members reported they may continue to meet informally once the project has ended, but this is no substitute for their formalization as tripartite entities with terms of reference that extend beyond IR training.

Immediate Objective 3: Data collection

84. The project document states Immediate Objective 3 in the following terms.
- By the end of the project, the project will have reviewed existing systems for the collection of national IR data/information, have performed a pilot project incorporating possible improvements to the IR data/information collection, and submitted final recommendations for the development of data collection system to the government.
85. The collection of information relating to industrial relations in Viet Nam is an important input for policy development as well as the day-to-day monitoring of the system. The development of an information system that reflects the real needs of users, rather than one dominated by what producers consider to be useful, is a major task. Such an information system should be developed in close cooperation with the labour administration system in general, in that labour administration functions concerning inspection, work safety and health, minimum wages and other matters have an impact on industrial relations at all levels.
86. The size of this task suggests that little will be accomplished before the end of the project. The project should determine the indicators for which data should be collected and then work in close cooperation with the ILO/EU Labour Market Information Project to see whether the IR data requirements can be included in the wider Labour Market Information Project. It will also be necessary to consider what information can be collected as a by-product from existing administrative processes (e.g. labour inspection, accident reporting and investigation) and what will need to be obtained from establishment surveys. It is also necessary to ensure that information is collected on wildcat strikes extending beyond the number of strikes and their duration to include specific causes, methods of resolution, production and orders lost, wages lost, and the way in which each strike was organized and conducted. As wildcat strikes are attended by an official from LOLISA it should be LOLISAs responsibility to collect such information. The project could assist by advising and assisting MOLISA, and DOLISA and LOLISA in participating provinces on what information on wildcat strikes needs to be collected and how. It is unlikely that the LMI Project would extend to the collection of information on wildcat strikes and it will be necessary for the IR project to identify and formalize precisely what the LMI Project will and will not do concerning IR information.
87. Once a body of IR information is available it will need to be collated and organized in a form that is accessible and useful to users. It will also be necessary to ensure that a group of officers is trained in the analysis and interpretation of the data collected and that such analysis be shared as a basis for policy dialogue.

Immediate Objective 4: Law reform

88. The project document states Immediate Objective 4 in the following terms.
- The project will give technical assistance to the state agencies and social partners to revise key aspects of the labour legislation particularly those regulatory frameworks for collective bargaining, tripartite social dialogue, workers' representation and labour dispute settlement.
89. The wording in the project document implies that this objective has a wide application covering various areas of labour legislation. The completion of such a wide ranging task during the last 6 months of the project is not likely, although it may be feasible to advise on some amendments to existing legislation and the drafting of individual decrees. The project document is vague on this issue and it is difficult to determine what, precisely, is to be achieved.
90. Revising and amending labour and industrial relations laws is an important component in the development of a modern and workable industrial relations system. It seems logical, however, that before such laws are revised and applied, it is necessary to prepare a comprehensive industrial relations policy framework to guide the overall development of the system over the next 5-10 years. Such a framework, in itself, is not legally binding but once debated and agreed by stakeholders becomes the foundation from which labour legislation can develop. Without clear policy guidelines for the medium to longer term development of Viet Nam's IR system at all levels, labour and industrial relations law reform will continue to be piecemeal and reactive rather than forward looking and developmental.

IR Institutional Framework

91. The project has supported the development of Viet Nam's IR institutional framework, particularly with regard to collective bargaining at enterprise level and its support for IRASCs in eleven provinces. Those who have participated directly in these activities have benefited from the transfer of learning and the experience gained, but it would be premature to suggest that these institutional changes have been permanently embedded in the IR landscape. There are, however, some positive signs of impact with the likelihood that the completion of some CBAs has prevented disputes and strikes, and that the advisory and consultancy services of IRASCs has also reduced industrial conflict.
92. It is apparent, however, that awareness on industrial relations and related issues needs to extend beyond the immediate actors to include a wider public outreach campaign, using both print and electronic media.

93. As a result of the project's activities an informal network of industrial relations professionals is now beginning to emerge in the various provinces in which the project has been active. When asked about the possibility of this network forming the foundation for a future 'Industrial Relations Association of Viet Nam' as an independent and autonomous body, most respondents welcomed the idea but thought it was 'too early' given Viet Nam's relative immature state of industrial relations.
94. The country's IR institutional framework is characterized by a multiplicity of agencies providing industrial relations advisory services. These include the IRASCs, the legal department of VGCL at provincial level, VCCI, the labour departments of EPZAs, and representatives of international brands, as well as some private consultants working in this field. Some informal cooperation between these various agencies exist and the project has played a useful role in encouraging such networking. In time, however, it may be necessary to consider how these agencies might work more closely together with the possibility of the IRASCs becoming the leading agency.
95. As mentioned in paragraph 91, the development of a comprehensive IR policy for Viet Nam is important and such a policy would need to consider the future institutional arrangements for the smooth operation of the IR system, including the role of these various advisory agencies.

Training

96. Over a period of some 18 months since project commencement, training activities have been a major project input. Between March 2007 and August 2008, in excess of 2000 participants have benefited from training covering five main fields, namely, social dialogue, collective bargaining, mediation, industrial relations, and presentation skills for trainers.
97. Approximately 25% of those trained have participated in courses organized and conducted directly by the project office. The remaining 75% were trained with the project's support, but with the training conducted by the project's partners previously trained under the project. This approach of training personnel directly by the project, followed by support to key trainers to enable them to conduct further training, has been successful in maximizing the repercussive effects of training and, at the same time, has contributed to a low average training cost per participant.
98. The total cost of all in-country training activities both direct and indirect (excluding meetings and seminars where skill acquisition was not the objective) to date is \$75,000, resulting in an average cost per participant of about \$35 per course. This is very reasonable, given the quality of the training provided.
99. It is apparent that training activities have been well planned and organized with clear objectives, relevant subject matter, and training methods that

meet the needs of adult learners. The training activities conducted to date have resulted in the acquisition of new knowledge and skills for participants but, more importantly, these participants have reported that training outputs have resulted in improved performance outcomes for enterprises, the trade union, and advisory organizations such as IRASCs.

100. Those persons who have participated in the project's training activities have expressed high levels of satisfaction with the actual training provided, and the training materials made available to them. Without exception, however, participants have expressed a need for 'more' – more training activities and more training materials. Training materials have been made available in traditional print format and can be down-loaded from the project's website, but this does not meet the requirement for more and different. The project might consider ways in which it could generate training materials, whether basic, intermediate or advanced, making maximum use of computer information technology and self-learning approaches.
101. The large number of persons with a real need for IR training requires the project to adopt more of a 'wholesale' approach to training rather than the traditional 'retail' methods that rely on face-to-face contact between trainer and trainee. The project's proposed training video on collective bargaining is a promising start but needs to become part of a total self-learning package of materials that progresses from the basics of industrial relations, to negotiation skills, to the application of negotiation skills to collective bargaining situations, to the mediation skills required when collective bargaining reaches deadlock. Such a four-phase computerized training programme appears well suited to the project's training expertise and the current availability of film makers and computer specialists in Viet Nam.
102. The persons who have participated on the project's training programmes have also expressed a need for more practical case study materials, based on real life situations in Viet Nam. The project has been exposed to sufficient situations to enable the preparation of a booklet of case studies on industrial relations and collective bargaining, and should be encouraged to prepare such a booklet, together with guidance notes for trainers, before the project ends.
103. Discussions with project recipients from all levels also highlighted the need for Vietnamese union officials, particularly at enterprise level, as well as employers to have a greater understanding of bargaining approaches in cross-cultural situations. Union representatives frequently are required to interact and bargain with managers from Korea, Japan, and Taiwan in particular, and generally lack the skills to bargain effectively in such situations. From its experiences with enterprises from such countries the project is well placed to produce training materials in cross-cultural bargaining and should be encouraged to do so before the project ends in March 2009.
104. The production and dissemination of such 'wholesale' training materials in both print and electronic formats would provide an important value-added dimension to the project's outputs, and provide a firm foundation for the

generation of positive outcomes and future impact after the project completion date.

105. Training activities have seen a reasonable level of female participation, some 38% of all participants. Participants for training activities were selected on the basis of the nature of their tasks and responsibilities and the relation these have to the project's objectives, rather than according to gender, but the training gender balance largely reflects the overall gender representation for the industrial relations institutions targeted under the project.
106. The project supported a short study tour to Norway to enable senior representatives of project partners to observe the operations of a relatively mature industrial relations system. Participants on the study tour reported most favourably on the experience, making specific reference to the industry/sector bargaining conducted in Norway. The overall impact of the study tour remains largely unknown. There is little doubt that individual learning was promoted, but the extent to which this knowledge was shared with others in some formal way on return seems limited. It may have been possible, for example, for the project to support short workshops to be conducted by study tour representatives for the benefit of their respective constituents, and for the study tour participants to prepare press release materials outlining their experiences.
107. The participants on the study tour were high ranking officials including MOLISAs Vice Minister responsible for industrial relations, the head of MOLISAs Wages and Labour Department, MOLISAs head of its Industrial Relations Research Group, the head of the VGCLs Legal Department, and the chairman of VCCI in Ho Chi Minh City. The study toured focused on sector and enterprise collective bargaining in Norway and looked particularly at the roles of government, employers and unions. An examination of such matters in Norway will take time to be absorbed and applied, where relevant, to Viet Nam's situation but it is expected that the information acquired will play a useful part in the future development of Viet Nam's IR system. The real impact of the study tour is likely to take place after the project has ended, but the prospect for such impact in the medium to longer term is good.

Awareness on Industrial Relations

108. The project has included a number of inputs and activities relating to raising awareness on industrial relations in Viet Nam. This has included a range of training courses, information posted on the project website, the preparation and dissemination of training materials, the production of posters on industrial relations, and support for project partners to produce pamphlets for general distribution, and for them to occasionally promote awareness through radio and TV.
109. The impact of such awareness programmes remains unknown, but it is clear that the project has not taken full advantage of the options open to it.

Industrial relations in Viet Nam is not totally new in the sense that wherever one person works for another an employment relation exists, and thus there is the beginning of industrial relations at an individual level. What is new, however, is the nature and complexity of employer-employee interactions, as influenced by government, in a market economy that appears to be maturing rapidly. Although not specifically included in the project document, the project needs to consider how it might raise awareness on industrial relations issues in general by sponsoring short 'impact' messages on TV and radio (assuming these cannot be aired as no-cost public interest items), arranging workshops for journalists to learn more about IR, and to secure space in newspapers for weekly columns on IR issues. As MOLISA produces its own newspaper, the project's relation with MOLISA in particular provides an excellent opportunity to present both workers and employers with information on IR issues on a regular basis.

Gender

110. The project document is largely silent on issues of gender. The only reference to gender in the entire document is in the section concerned with awareness raising and community mobilization activities where it is stated 'the gender dimension will be incorporated into awareness raising activities through training.' No details are provided as to what this entails. This somewhat casual reference to gender is a further indication of poor project design and inadequate appraisal, and unacceptable for an organization where gender and equality issues figure so prominently.
111. Given the existing gender balance in the project's partner institutions and their key personnel, the project had little influence over the gender composition on its training activities. Overall, however, there was a reasonable gender balance on the project's training activities with some 38% participation by women. If all meetings, workshops, and training activities are taken together, the female participation rate is 44%.
112. The collective bargaining training materials prepared by the project make no specific reference to gender issues and do not take account of materials already in existence in the ILO such as 'Gender Equality: a Guide to Collective Bargaining.' This material could have been translated and adapted by the project for use in its training activities. The project reported that it did not know of the existence of this publication and presumably others of relevance, which indicates a need for improved communication arrangements within the ILO (e.g. pre-project briefing for the CTA) to ensure that projects are aware of available relevant materials.
113. In many of the enterprises falling within the scope of the project, both pilot and non-pilot, women constitute the majority of the workforce. When planning for collective bargaining and training bargaining teams, it is important that both union and employer representatives become aware of

gender issues that might be negotiated over and above the requirements set by law. These extend beyond issues of equal pay and maternity and paternity leave provisions, and include equal access to promotions and training opportunities, the elimination of gender discrimination in all forms, policies and procedures relating to sexual harassment, including harassment on recruitment, as well as gender issues identified by workers that are enterprise-specific.

114. Negotiated CBAs do not appear to have addressed such issues but it is important that future bargaining agendas include them, and that union bargaining teams consult with all workers to identify gender equality issues that relate to their particular workplace or industry as well as identify any special needs that relate to female workers, and address such needs in the bargaining process.

ILO Decent Work Country Programme

115. The project has contributed to the promotion of decent work in Viet Nam through its activities directed to the strengthening and development of the nation's IR institutions and processes, particularly at enterprise level. Viet Nam's IR system is still lagging behind the development of its market economy but the project has assisted in helping the system to 'catch up' by the encouraging tripartite dialogue at provincial level, by encouraging social dialogue in various forms at enterprise level, and by supporting the development of collective bargaining in selected enterprises. Its on-going support for the strengthening of IRASCs has also played an important role in advising and training workers and employer representatives on a range of IR issues directed ultimately to the achievement of improved working conditions and increased cooperation between workers and employers.
116. The project's contribution to the decent work agenda has been limited by the actual scope of the project, being confined to 11 pilot enterprises and an unknown number of non-pilot enterprises that have made improvements in working conditions through the interventions of IRASC staff and PWT members trained under the project. The project has been successful in actively promoting social dialogue and tripartism, one of the four indivisible objectives of the decent work agenda. It has also contributed to the decent work objective concerning social and labour protection by encouraging collective bargaining with a view to improving working conditions in enterprises. The extent of the project's contribution to this objective, however, requires a detailed examination of **actual** improvements in working conditions in particular that can be attributed to the project's interventions.

Sustainability of Project Outcomes

117. The project document outlines a number of initiatives various agencies need to undertake to sustain the project's outcomes (p.19-20) with an emphasis on IRASCs, tripartite teams at provincial levels, training, and the availability of training materials. The project document, however, gives insufficient attention to how the **project itself** will ensure the sustainability of the institutions and processes it has supported. The sustainability of project outcomes requires that the project, during its lifetime, produce outputs and outcomes that enable its local partners to assume progressively more and more responsibility for the longer term generation of outputs, outcomes, and impact. For example, the project has successfully trained trainers in various aspects of industrial relations and aims to contribute to sustainability by ensuring that such trainers 'are linked by a support network'. The project document, however, provides no indication as to how this will be done and although the project's activities to date have provided opportunities for trainers to interact, no support network is in place.
118. With regard to collective bargaining and social dialogue and IR capacity building, some signs of sustainability are evident. Through the projects training and support services, selected enterprises are now able to plan and conduct collective bargaining and reach outcomes that improve on the conditions established by labour law and, at the same time, improve worker-employer relations and reduce the likelihood of strikes and conflict. Whether collective bargaining will develop and expand after the completion of the project is uncertain but there are some encouraging signs, at least on a limited scale. Key individuals at provincial level and the staff of some IRASCs do have the capacity to advise on the collective bargaining process and are able to provide advice on other areas of social dialogue if called upon.
119. With regard to data collection and labour law reform, sustainable results are not as yet evident.
120. The IRASCs are seen by the project as playing an important role in sustainability. Some of the 11 IRASCs have the leadership and commitment to continue the work of the project after March 2009 but will require resource support as well as commitment and leadership from within MOLISA and DOLISA. The proposed 'Centre for Industrial Relations' within MOLISA could well be the institution that ensures the sustainability of IRASCs, but without assured financial support IRASC's appear vulnerable, dependent on resources from the individual ESC of which they are part. The project document indicates that the ILO will advise the Government on the funds required to ensure the 'functioning of IRASCs on a longer-term basis.' The financial aspects of the proposed sustainability strategy referred to below, including the possibility of IRASCs generating fees for some of the services provided,

represents an important area of work for the project, preferably well in advance of the project's end-date.

121. Before March 2009 the project should take steps to prepare a 'sustainability strategy' to ensure that PWT's and coaches at provincial level, enterprise collective bargaining teams, and IRASCs know what is required of them to work effectively without project support. Collective bargaining teams at enterprise level must be encouraged to commence preparations for the next round of bargaining to ensure the process is kept alive, and does not stop when existing CBAs come to an end. The strategy should indicate who should do what and when, be time bound, and clearly indicate the roles of MOLISA, VCCI, VGCL at national and provincial levels.

CONCLUSIONS AND RECOMMENDATIONS

122. The evaluation exercise has resulted in a number of conclusions and related recommendations as follows.

Project Design

123. The project design was both ambitious and conservative at one and the same time. It was ambitious in the sense that it sought to include 4 Immediate Objectives, 15 outputs and 64 activities, and covering 11 provinces, all within a two year period, and a budget of \$1.3 million. The design was somewhat conservative, however, in that it missed the opportunity to target the main actors in the industrial relations system concerned with wildcat strikes, namely LOLISA and VGCL officials at local level and strike leaders in the informal IR system. The design covered 11 enterprises, 11 IRASCs and 11 PWTs but 7 of each were in place as a result of the Phase 1 project. Thus only 4 enterprises, 4 IRASCs and 4 PWT's were new to the Phase 2 project raising the question as to whether the project design might have covered more enterprises, in particular.

Recommendation

The ILO's appraisal mechanisms relating to the content of the project need strengthening to ensure that draft project documents pass through an appropriate technical filter before final approval and project commencement.

Project preparation and crafting

124. The actual crafting of the project document was deficient in a number of respects, including the statement of the development objective, the identification of the indicators of achievement, the reference to gender issues, and performance monitoring.

Recommendation

The ILO's project appraisal filters should include a stage where the actual crafting of the project document is examined to ensure that it meets an acceptable standard for technical cooperation projects, including the formulation of development and immediate objectives, the achievement indicators, and the linkage between inputs, outputs and outcomes.

Collective bargaining pilot programme

125. The collective bargaining component of the project was successful in generating a small number of signed CBAs in pilot enterprises and an unknown number in non-pilot enterprises. The actual content of these CBAs was limited in the issues covered, and excluded the key issue of wages in almost every case.

Recommendation

During its remaining months, the project should undertake a detailed study of all aspects of the collective bargaining programme including processes, outcomes, achievements, and shortcomings, covering both the 11 pilot enterprises as well as others where CBAs were completed as a result of the project's interventions. Such a study will generate valuable information and policy guidance for the future development of enterprise level collective bargaining.

Capacity building for all partners

126. The capacity building activities for all project partners involving a range of training and related activities were well received by all parties but further training and more training materials are required to support IR persons in the

provision of services and advice to both employers and worker representatives.

Recommendation

During its remaining months, the project should take steps to prepare additional training materials including case studies and related guidance notes for trainers, information on cross-cultural bargaining, and materials on particular industrial relations issues including minimum wages, gender equality and collective bargaining, and grievance handling. If time and resources permit, the project should also prepare a comprehensive set of basic IR materials for self learning making maximum use of information technology, including the nature of IR and social dialogue, negotiation, collective bargaining, and mediation.

Social dialogue

127. Forms of social dialogue involving consultation leading to advice rather than bargaining leading to agreement remain under-developed and need to be further pursued at enterprise level as a means of dispute prevention.

Recommendation

Future training activities and related materials should highlight the importance of social dialogue through means other than collective bargaining and encourage enterprises to engage in meaningful consultations in various fields (e.g. work safety, welfare, training, productivity) as a complement to collective bargaining.

IRASCs

128. The performance of IRASCs and their contribution to improved IR at enterprise level is closely related to the technical capacity of their staff members, but also to the commitment and support of ESC directors to whom the IRASCs are responsible. IRASCs have the potential to play a major role in all areas of IR but require the commitment and resource support of the DOLISAs of which they are part.

Recommendation

IRASC staff members should have further exposure to wide-ranging IR training including risk assessment, minimum wages, analysis of enterprise financial reports, workplace cooperation, and bargaining at sector and industry level. IRASCs budgets should be separate from the budgets of the ESCs and IRASCs should operate as dedicated and separate institutions rather than as a section within each ESC.

IR data and information collection

129. The collection and analysis of IR data is a matter of vital concern for policy and operational decision making concerning the future development of Viet Nam's IR systems. This, however, constitutes a project in itself and the detail required is beyond the scope of the current project and better pursued under the existing **ILO/EU Labour Market Information Project**. The IR project has commenced discussions with the LMP on this matter but will need to provide a detailed brief of the IR information required, and secure an assurance from the LMP that industrial relations information falls within the scope of labour market information as defined by the LMP. Of particular importance is information relating to the informal IR system and wildcat strikes.

Recommendation

The IR Project should seek to identify the key indicators to be included in an IR information system and engage in dialogue with the ILO/EU Labour Market Information Project with a view to it capturing the required IR data through establishment surveys and administrative records of the existing labour administration system. If information on the informal IR system and wildcat strikes does not fall within the brief of the LMP project, the IR project should make alternative arrangements to ensure such information is collected. Once data has been generated, selected officials will need to be trained in data analysis and interpretation as a basis for future decision making.

Labour law reform

130. Labour law reform is an important component in shaping Viet Nam's future IR system, but it is necessary to ensure that law reform follows rather than leads IR policy formulation. Law reform without clear policy guidance may address immediate and short term IR issues, but could result in a legal framework that focuses on negative interference rather than positive intervention.

Recommendation

Labour law reform should be preceded by the preparation of a comprehensive industrial relations policy that addresses the question of 'What does Viet Nam want its IR system to look like over the next 5-10 years to enable it to operate to an acceptable level of performance?' Policy development involves the preparation of a detailed map of the existing IR system to enable policy developers to determine what needs to be done to move from the existing system to the one preferred for the future.

Training

131. The project's training activities have been well received by participants and have had a positive but limited repercussive effective through the training of key trainers at provincial level. The IR training materials produced by the project have received strong and universal endorsement, but virtually all involved in the project's training activities have expressed a need for more training and more advanced training materials.

Recommendation

The project needs to produce training materials in all areas of IR and make these available to IR specialists already trained under the project as well as to interested persons in the wider community, making maximum use of computer technology and self-learning and self-testing approaches.

Project management

132. The project's day-to-day management structures and operations have been adequate, with arrangements at provincial level proving to be particularly effective. Communication between the project and field operatives, however, could have been more frequent but, overall, the project, particularly concerning Immediate Objectives 1 and 2, has been professionally and efficiently managed by the CTA and a dedicated team of national staff.

Recommendation

Communication between the project and field participants could have been improved through regular newsletters, more telephone and e-mail contact, and more field visits by project staff.

Performance monitoring

133. Technical missions by ILO specialists played an important role in implementing planned activities but played no real part in quality control and performance monitoring, thus leaving the CTA with responsibility to 'examine progress and assure quality control'. The project document lacks detail on performance monitoring requirements, particularly concerning the frequency and technical content of required reports.

Recommendation

There is a need for performance monitoring issues to be stated in the project document including a clear stipulation as to the frequency of reporting (preferably quarterly), the details of the technical and operational matters to be included in such reports, and the consultations expected with local partners as part of the performance reporting process.

General awareness

134. The project document did not include a special set of activities directed to raising general awareness on IR activities in Viet Nam, focusing instead on issues relating to IR at enterprise level. It may have been possible, however, to do more to promote general awareness on IR issues as by-products of the project's various activities, through media reports on IR training and collective bargaining activities.

Recommendation

Project activities in all forms and at all levels require media support on a wide range of IR issues. In the remaining life of the project, it should do everything possible to promote its IR activities and achievements, using print, radio, and TV media as appropriate, consistent with budgetary allocations.

Gender issues

135. The project has made an acceptable effort to ensure a reasonable gender balance in its activities but overall the project did not have any strategy for mainstreaming gender issues into its training courses and materials. The training provided on collective bargaining did not include even the basic and ‘typical’ gender issues expected in a CBA and, in general, missed an opportunity to introduce participants to a wider range of gender issues of importance to social dialogue and collective bargaining.

Recommendation

Collective bargaining training should take account of ‘typical’ gender and equality issues to be included in CBAs but such training should also introduce participants to a wider range of gender issues of concern to industrial relations in general. Union bargaining teams as well as benefiting from training on gender and equality should also take positive steps to identify such issues in the workplace and ensure that these are placed on the bargaining agenda.

Sustainability

136. The prospects for local partners taking over and continuing to deliver meaningful outputs, outcomes, and impact are limited. PWT’s at provincial level, IRASCs, and enterprise bargaining teams provide the best prospects for sustainable outcomes but their actual capacity to ‘deliver’ is questionable.

Recommendation

The project should prepare a ‘sustainability strategy’ to guide PWT’s, IRASCs and enterprise bargaining teams to indicate the specific steps they need to take to ensure that their past and current efforts become part of an on-going programme for the overall improvement of IR at provincial and enterprise levels.

Future issues

137. The evaluation exercise has identified a number of issues that impact on the future development of IR in Viet Nam. These include the institutional arrangements and processes for adjusting minimum wages, the linkage

between labour inspection and IR, the development of social dialogue mechanisms other than collective bargaining, industry and sector level bargaining, IR data collection, the role of the informal IR system, industrial relations law reform, and the future of collective bargaining.

Recommendation

MOLISA, in cooperation with the social partners, should be encouraged to develop, discuss, and finalise a comprehensive national IR policy and related strategy, to provide clear guidelines for IR interactions at national, sector, industry and enterprise levels for the next 5-10 years, such policy guidelines to be followed by a review of industrial relations legislation to ensure that it is compatible with the new policy parameters.

IMMEDIATE RECOMMENDATIONS

138. Some of the above recommendations, particularly those relating to project design, project preparation, and performance monitoring, cannot be realistically addressed by the project in its remaining months. Some recommendations, however, can be addressed immediately and some progress made concerning their implementation before March 2009. These are as follows.

Training materials

- The project should prepare a booklet supported by guidance notes for trainers on IR case studies based on actual situations in Viet Nam. (Recommendations 127, 132)
- The project should prepare training materials on cross-cultural bargaining with particular reference to the situation in Viet nam's foreign invested enterprises. (Recommendations 127, 132)
- The project should examine the ILO publication on 'Gender equality: A guide to collective bargaining' with a view to its adaptation, as appropriate, and translation for use in Viet Nam. (Recommendation 136)
- The project, if time permits, should produce self-learning and self-testing video materials on various IR subjects in addition to those already planned on collective bargaining. (Recommendations 127, 132)

Sustainability

- The project should prepare a Sustainability Strategy including advice on the financial implications for the sustainability of IRASCs in particular. (Recommendation 137)

Collective bargaining

- The project should undertake a study of all CBA's, both pilot and non-pilot negotiated and signed as a result of the project's interventions. (Recommendation 126)

Publicity and awareness

- The project should plan and conduct a number of short seminars on IR issues for journalists with a view to gaining publicity for the project's work and promoting awareness on IR in general. (Recommendation 135)

Data collection

- The project should formalize its arrangements with the LMP to ensure that all required IR information including information on the informal IR system and wildcat strikes is collected under that project. (Recommendation 130)

LESSONS LEARNED

139. A number of lessons have been learned from the evaluation exercise, as follows.

Project Design

Lesson: Good management and strong commitment do not compensate for poor project design.

- The Phase 2 project was designed as an extension of Phase 1 without taking due account of the changing nature of IR in Viet Nam, particularly concerning the importance of the informal IR system. An opportunity to have a direct impact on the increasing level of wildcat strikes was missed.
- The project was designed as an extension of Phase 1 with the addition of two additional objectives both of which covered important areas but would have been better covered by separate projects. Immediate Objectives 3 and 4 were 'add-ons' that did not relate to the main purpose of the project.
- The project design provided little room to respond to changing circumstances during the implementation phase. Some design

flexibility, for example, may have enabled the project to respond to some matters relating to the informal IR system and wildcat strikes.

- The project design largely ignored gender and non-discrimination issues. Such issues are of particular importance for training related to collective bargaining, but were not addressed.

Project appraisal

Lesson: *Project implementation without thorough technical appraisal can result in the production of the wrong outputs and outcomes and reduce overall impact.*

- The technical appraisal of this project failed to identify a number of design shortcomings. If the project document had been subject to the appraisal checklist now used by the ILO, involving ten key questions each with clear criteria, the project design shortcomings referred to above could have been overcome.

Project preparation

Lesson: *Project implementation without thorough 'crafting' appraisal makes project management, performance monitoring and evaluation more difficult and reduces the effectiveness of the project document as a management tool.*

- The actual crafting and preparation of the project document had a number of limitations particularly concerning the development objective and the wording of some indicators of achievement, reinforcing the need for detailed appraisal not only on technical content but also concerning the actual crafting of the document.

Performance monitoring

Lesson: *High quality performance monitoring requires detailed guidance in the project document concerning the details required, the frequency of reporting, and the consultative processes expected in the preparation of performance reports.*

- Performance monitoring was combined with technical backstopping but the monitoring process would have benefited by dedicated missions to address performance issues and detailed guidelines in the project document to indicate to precisely what was required.

Communication

***Lesson:** Effective communication whether one-way, two-way or multi-channel based on the needs of partners is an essential factor in producing meaningful results.*

- A project of this type requires regular communication with IRASC's, PWT's and bargaining teams at enterprise level. One-way communication in the form of regular electronic and or print newsletters from the project headquarters to the field and regular reports from the field to the project, as well as regular two-way communication by telephone and more field visits, would have contributed to improved performance monitoring.
- Communication on IR matters with the wider community was lacking. Some media activities were conducted on particular issues as, for example, promoting the work of IRASCs, but the project design did not provide for awareness raising on industrial relations issues in general. More, for example, could have been done to educate journalists on IR issues and encourage them to report on industrial relations situations as public interest items rather than as technical matters of interest to a minority.

Training activities

***Lesson:** High quality training (as delivered in this project) requires clear objectives related to the real needs of participants, relevant content, methods related to the needs of participants as adult learners, good quality training materials, and post training follow-up.,*

- Training activities were well planned and well organized. Apart from meeting the technical needs of participants the training methods employed also met their needs as adult learners. The training materials generated by the project were well received by participants but would have benefited from a 'content review' by persons outside

the project thus reducing the possibility of important issues (e.g. gender) being overlooked.

- The trainer-training for IRASC and PWT staff had an important repercussive effect resulting in a reasonable number of persons in each province trained in core IR areas.

TABLES

**Statistics of strikes
From 1995 to 2007**

Table 1. Classification by possession

Year	Strikes	SOE		FDI		Vietnamese Private Enterprises	
		Strikes	%	Strikes	%	Strikes	%
1995	60	11	18,3	28	46,7	21	35
1996	59	6	10,2	39	66,1	14	23,7
1997	59	10	16,9	35	59,4	14	23,7
1998	62	11	17,7	30	48,4	21	33,8
1999	67	4	6,0	42	62,7	21	31,3
2000	71	15	21,1	39	54,9	17	23,9
2001	89	9	10,1	54	60,7	26	29,2
2002	100	5	5,0	66	66,0	29	29,0
2003	139	3	2,2	101	72,7	35	25,1
2004	125	2	1,6	93	74,4	30	24,0
2005	147	8	5,5	100	68,0	39	26,5
2006	387	4	1,0	287	74,2	96	24,8
2007	541	1	0,2	405	74,9	135	24,9
Total	1906	89	4,7	1319	69,2	498	26,1

Table 2. Categorized by countries of investment

Year	Strike s	Korea		Taiwan		Hongkong		Others	
		Strik es	%	Strik es	%	Strik es	%	Stri kes	%
1995	28	12	42, 9	6	21,4	2	7,1	8	28, 6
1996	39	10	25, 6	15	38,5	2	5,1	12	30, 8
1997	35	10	28, 6	7	20,0	2	5,7	16	45, 7
1998	30	12	40	10	33,3	0	0	8	26, 7
1999	42	9	21, 4	20	47,6	1	2,4	12	28, 6
2000	39	14	35, 9	15	38,5	2	5,1	8	20, 5
2001	54	16	29, 7	20	37,0	0	0	18	33, 3
2002	66	16	24, 2	21	31,9	0	0	29	43, 9
2003	101	23	22, 7	34	33,7	0	0	44	43, 6
2004	93	25	26, 8	35	37,5	3	3,2	30	32, 5
2005	100	40	40, 0	31	31,0	4	4,0	25	25, 0
2006	287	76	26, 5	128	44,6	18	6,3	65	22, 6
2007	405	97	23, 9	148	36,5	6	1,5	154	38, 1
Total	1319	360	27, 4	490	37,1	40	3,0	429	32, 5

Table 3. Categorized by Localities

Year	Strikes	Hochiminh City		BinhDuong		DongNai		Others	
		Strikes	%	Strikes	%	Strikes	%	Strikes	%
1995	60	28	46,7	12	20	6	10	14	23,3
1996	59	29	49,1	8	13,6	17	28,8	5	8,5
1997	59	37	62,7	0	0	14	23,7	8	13,6
1998	62	44	70,9	6	9,7	5	8	7	11,3
1999	67	33	49,3	19	28,3	12	17,9	3	4,5
2000	71	34	47,9	19	30,2	7	9,8	11	15,5
2001	89	38	42,8	35	39,3	6	6,7	10	11,2
2002	100	44	44,0	20	20,0	15	15,0	21	21,0
2003	139	57	41,0	27	19,4	29	20,9	26	18,7
2004	125	44	35,2	11	8,8	44	35,2	26	20,8
2005	147	52	35,4	7	4,7	36	24,5	52	35,4
2006	387	115	29,7	116	30,0	99	25,6	57	14,7
2007	541	110	20,4	216	39,9	123	22,7	92	17,0
Total	1906	665	34,9	496	26,0	413	21,7	332	17,4

** According to the insufficient statistics, in 2007-2008, the number of workers participating in strikes is 703.988 people. Average strikers of each strike are 600 people and average duration of each strike is from 2-3 days. Recently, strikes have trend to last longer because most of them are caused by interest-based conflict and they need to be solved through negotiation between both sides with much more time than administrative intervention from State agencies like in strikes caused by right-based disputes.*

TABLE 4

**IR Project - Total trained people and fund spent -
March 2007 - August 2008**

Total number of people trained:	2128
Number of people directly trained by Project	496
Number of people re-trained by project's partners	1632
Total number of people trained - breakdown in topics:	2128
SD	958
CBA	452
Mediation	575
IR consultation	90
Presentation	53
Number of people trained - breakdown in provinces:	2128
Hanoi	698
Hai Duong	141
Hai Phong	254
Vinh Phuc	53
Quang Ninh	57
Da Nang	188
Quang Ngai	68
HCMC	179
Dong Nai	320
Binh Duong	73
Can Tho	61
Quang Nam	3
Thanh Hoa	3
Nghe An	3
Yen Bai	3
Phu Tho	3
Bac Giang	3
Bac Ninh	3
Hung Yen	3
Ha Tay	3
Hoa Binh	3
Ninh Binh	3
Thai Nguyen	3
Number of people trained - breakdown in gender	2128
Women	808
Men	1320

0.38

Total fund spent for training classes: \$75,080

Gender statistics (for all training classes and meetings/consultation seminars...)

Women	1065	0.442
Men	1344	
TOTAL:	2409	

ATTACHMENT A – PERSONS CONTACTED

MOLISA

Ms. Huynh Thi Nhan	Vice Minister
Mr. Dang Duc San	Director, Legal Department
Mr. Nguyen Manh Cuong	Director, IR Research

DOLISA

Mr. Nguyen Van Hung	Deputy Director, Hai Doung
Mr. Nguyen Van Xe	Deputy Director, Ho Chi Minh City
Ms. Nguyen Thi Dan	Chief, Bureau for Labour and Wages, Ho Chi Minh City
Ms. Le Thi My Phuong	Director, Dong Nai
Ms. Mai Thi Tuyet	Secretary, Arbitration Council, Dong Nai

VGCL

Mr. Nguyen Hoa Binh	Vice President
Mr. Mai Duc Chinh	Vice President
Mr. Le Thanh Khoung	Chief, Legal Department
Mr. Tran Van Ly	Chief, International Cooperation Department
Mr. Tinh	Vice Chairperson, Hai Phong
Mr. Pham Van Oanh	Chief, Socio-Economic Department, Hai Phong
Ms. Nguyen Thi Chien	Vice Chairperson, Da Nang
Mr. Huynh Van Tinh	Vice Chairperson, Dong Nai

IRASC'S

Mr. Duong Manh Hung	Hai Duong
Ms. Le Thi Phuong Hoa	Hai Duong
Ms. Nguyen Thi Giang	Hai Duong

Ms. Bui Thi Nga	Hai Phong
Mr. Nguyen The Hoat	Hai Phong
Ms. Le Thi Yen	Hai Phong
Mr. Luu Minh Dao	Vinh Phuc
Mr. Nguyen Nghia Troung	Vinh Phuc
Mr. Nguyen Trong Dang	Vinh Phuc
Mr. Vu Trung Chinh	Hanoi
Mr. Nguyen Toan Phong	Hanoi
Ms. Trinh Thi Quynh Chi	Ho Chi Minh City
Mr. Nguyen Cao Thang	Ho Chi Minh City
Mr. Nguyen Truc	Ho Chi Minh City

VCA

Mr. Nguyen Van Nen	Chief, Planning and Support Department
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VCCI

Mr. Phung Quang Huy	Chief, Bureau for Employers' Activities, Hanoi
Ms. Minh	Deputy Chief, Bureau for Employers' Activities, Hanoi
Ms. Nguyen Hong Ha	Head, Bureau for Employers' Activities, HCMC
Ms. Le Thanh Thuy	Deputy, Bureau for employers' Activities, HCMC

EPZ Authority, HCMC

Ms. Doan Thi Thu Ha	Chief, Labour Management Department
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Enterprise Representatives

Ms. Vu Thi Ninh	Union Chairperson, Precision Industry, Vinh Phuc
Ms. Nguyen Viet Nhi	General Affairs Section, Mabuchi Motor Ltd., Danang
Mr. Nguyen Nghiem	Union Chairperson, Mabuchi Motor Ltd. Danang

Mr. Tran Gia Khanh

Compliance Manager, Il Jung Vina, Ho Chi Minh
City

ILO

Mr. Bill Salter, Sub-Regional Office, Bangkok

Ms. Ms. Rie Kjeldgaard, ILO Hanoi

Ms. Shafinaz Hassenden, ILO Hanoi

Mr. Nguyen Hoang Ha, ILO, Hanoi

Mr. Jan Sunoo, IR Project

Ms. Duong Thanh Binh, IR Project

Persons present at evaluation summing up meeting

Mr. Rene Robert, Social Dialogue, ILO, Geneva

Ms. Pamornrat Pringsulaka, Evaluation, ILO, Bangkok

Mr. Robert Heron, Independent Evaluator

Ms. Snofrid Emterud, Norwegian Embassy, Hanoi

Mr. Stein-Ivar Lothe Eide, Norwegian Embassy

Mr. Le Thanh Khoung, VGCL

Mr. Nguyen Ngoc Dung, VCA

Ms. Nguyen Kim Oanh, MOLISA

Ms. Rie Kjeldgaard, ILO Hanoi

Ms. Shafinaz Hassenden, ILO Hanoi

Mr. Nguyen Hoang Ha, ILO, Hanoi

Mr. Jan Sunoo, IR Project

Mr. Nguyen Van Binh, IR Project

Ms. Duong Thanh Binh, IR Project

Ms. Nguyen Thanh Van, IR Project

Ms. Nguyen Thi Nhung, Interpreter

ATTACHMENT B – QUESTIONS FOR RESPONDENTS

Questions for enterprise representatives

Has the project contributed to improved industrial relations in your enterprise?
How?

Has collective bargaining in your enterprise improved as a result of the project's activities? How has it improved?

What matters over and above those required by law are included in your collective bargaining agreement?

What social dialogue arrangements other than collective bargaining exist in your enterprise? Which of these have been introduced as a result of the project's activities?

Are these social dialogue arrangements actually operating? Are they operating effectively?

What needs to be done in future to prevent conflict and strikes in your enterprise?

What needs to be done to ensure that any future conflict and strikes in your enterprise are resolved quickly and fairly?

Questions for those who have participated in project training activities

Was the purpose and objectives of the training activities in which you have participated clear to you?

What new knowledge and skills have you acquired as a result of the project's training activities?

Have you been able to apply this new knowledge and skills to your work situation? If yes, what has helped you to achieve this? If no, what have been the obstacles?

Has the actual performance of your enterprise or organization improved as a result of the training provided? How has it improved? What else needs to be done to ensure that the training provided has the greatest impact?

Were the training methods used suitable to your needs as an adult learner?

Were the training materials provided sufficiently detailed and clear?

Have you passed on any of these training materials to persons who have not participated directly in the project's training activities?

Questions for IRASCs

What is the role and purpose of IRASCs?

How has the project contributed to improving the performance of IRASCs?

What have been their major achievements to date?

What shortcomings and problems do they face?

What future assistance do they require if they are to have a greater impact on industrial relations in Viet Nam?

Would it make much difference if there were no IRASCs at all?

Is the relation between IRASCs and ESCs of benefit to both institutions? How?

General questions

Overall, has the project assisted in improving the performance of your enterprise or organization? What have been the project's greatest contributions in this regard?

Do you consider the project has made a positive contribution to improving industrial relations in Viet Nam? If yes, how has it done this?

Have the project's publications been useful? Is there any one publication that has been particularly useful?

If you could do three things to improve industrial relations at the national level in Viet Nam, what would you do? What are three things you would do to improve industrial relations at district level? What are three things you would do to improve industrial relations at enterprise level?

ATTACHMENT C – DOCUMENTS EXAMINED

Industrial Relations and Dispute Settlement in Viet Nam, Chang Hee Lee, ILO, June 2006

Promoting Collective Bargaining in Viet Nam: Identifying problems and exploring feasible alternatives, Chang Hee Lee, ILO Discussion Paper

Promoting Decent Work in Viet Nam: A national cooperation framework between the Socialist Republic of Viet Nam and the International labour office for the period 2006-2010, July 2006

ILO and Viet Nam National Cooperation Framework to Promote Decent Work, Annual Progress Report, July 2006 - July 2007

Concept and Policies of Project Evaluations, ILO Evaluation Unit, April 2006

Planning and Managing Project Evaluations, ILO Evaluation Unit, April 2006

DAC Evaluation Quality Standards, DAC Evaluation Network Meeting, OECD, 30-31 March 2006

DAC Criteria for Evaluating Development Assistance, OECD (Undated)

Quality Checklist for Evaluation Reports, ILO Evaluation Unit, (Undated)

ILO/Viet Nam IR Project, 2008 Bi-Annual Report, January-July 2008

ILO/Viet Nam IR Project, Progress of Project Activities Since January, 2008

Collective Bargaining Agreement 2008-2010, Il Jung Vina Co. Ltd.

Viet Nam, Statistics of Strikes 1995-2007

Collective Bargaining Plan and Progress of 11 Pilot Enterprises, (Internal project paper)

Report on Study Tour on Industrial Relations and Collective Bargaining, Norway 18-24
may 2008

Evaluation of the Pilot CBA Project 2007, Jan Sunoo, Project CTA

Minutes of Meetings of National Project Steering Committee

Training workshop Outlines

Changing Role of Unions in State-owned Enterprises vs. Foreign Invested and private
Enterprises. Jan Sunoo, Project CTA

23 Frequently Asked questions about industrial relation in Viet Nam, Jan Sunoo,
Project CTA.

Understanding and minimizing risk for strikes in Viet Nam, Jan Sunoo, Project CTA

ATTACHMENT D – EVALUATION TERMS OF REFERENCE

(VIE/06/01M/NOR- Phase 2)

ILO/VIETNAM Industrial Relations Project

I. PROJECT BACKGROUND AND DESCRIPTION

The implementation of the first phase IR project has laid basic foundation for sound industrial relations in Viet Nam by building basic infrastructure of industrial relations; improving various industrial relations skills of key industrial relations actors; by assisting tripartite partners in developing basic industrial relations policy framework, and by implementing a demonstration project at the workplace level.

Based upon the achievements of the first phase project, the second phase project focuses on strengthening organizational capacity of social partners to develop autonomous industrial relations practices at the enterprise level with a special focus on collective bargaining. It also assists the government in reforming the legal framework on industrial relations and in building basic data and information infrastructure for industrial relations policy development.

A particular emphasis is given to strengthening collective bargaining practices in non-state sectors in Viet Nam.

The current project commenced on 1 July 2006 for a period of 24 months, but since the launch was delayed until March 2007, it will continue until March 31, 2009. It has a budget of 1.4 million USD. The project is administratively decentralized to ILO Office in Hanoi. Its technical backstopping is provided by Senior Social Dialogue Specialist, Chang-Hee Lee, AO Beijing, in consultation with DIALOGUE in Geneva.

Project Objectives: The development objective of the second project phase is to solidify the foundation of sound industrial relations in Viet Nam. More specifically the project facilitates the improvement of the legal framework for labour regulations; provides capacity building to concerned parties and develops sound industrial relations between management and workers at enterprise level, including genuine collective bargaining, industrial relations institutions and prevention and settlement of disputes, with a particular emphasis on Viet Nam's private sector, especially FDI enterprises.

Project Activities to Date: Since the beginning of phase 2, many Project activities have been completed or are in the process of implementation. They can be grouped under Immediate Objectives 1, 2 and 4¹ as below:

¹ Immediate Objective 3 is expected to start from August 2008

1. Improving Substantive CB & Communication at the Workplace by Improving Union Capacity and Employer Awareness:

1.1. Collective Bargaining Pilot Programme:

- A one-day consensus building workshop organised to agree on principles of the Pilot as well as standards for choosing pilot enterprises (#4/07)².
- Five two-day regional training workshops on Social Dialogue and Collective Bargaining organised for management & union representatives from four pilot enterprises and officials from tripartite agencies (or Project's Working Teams-PWTs) and Industrial Relations Advisory Service Centers (IRASCs) from South Viet Nam. (#5-9/07).
- Two six-day regional training workshops on Social Dialogue and Collective Bargaining organised for more pilot enterprises and members of PWTs and IRASCs, one for the Northern (4 pilot enterprises) and the other for the Central region (3 pilot enterprises) (#14-18/07).
- Actual collective negotiations at pilot enterprises monitored and supported by PWT members and Project staff (#10, 19/07).
- Eight two-day training workshops on SD and CBA organised and conducted by PWT members from Ha Noi, Hai Phong, Hai Duong, Da Nang and Dong Nai for more local enterprises (#20/07).
- A one-day focus group meeting among IR tripartite practitioners organized to finalize the CBA Pilot Evaluation Report & draw lessons for the CB nation-wide campaign (#1/08-09)³.
- A one-day evaluation meeting organised to review and draw lessons from the CBA Pilot Programme in combination with a one-day PWT meeting to review the provincial tripartite cooperation mechanism for better performance in the future (#2/08-09).
- Further trainings (all together 33 trainings) on SD and CB will continue to be carried out by PWTs in 11 provinces under the Project's support for more local enterprises in an effort to replicate the success of the pilot programme. This series of training will start with those conducted by PWTs from Hanoi, Dong Nai and Quang Ninh, which are going to be organised from Jul to Oct 2008 (#5/08-09).

1.2. Other activities to strengthen the capacity of tripartite agencies in supporting the promotion of collective bargaining in Viet Nam:

- A one-day national policy workshop organised by MOLISA for government officials on implications of current collective bargaining situation and modern industrial relations to government approaches to collective bargaining and dispute resolution (#22-07).

² (#4/07): Activity Number 4, Project Work Plan 2007

³ (#1/08-09): Activity Number 1, Project Work Plan 2008-2009

- A two-day training workshop organised by VGCL for union officials to strengthen their capacities in supporting collective bargaining promotion (#23-07).
- A 5-day study tour to Norway organised for a high-ranking delegation of Viet Nameese tripartite officials to learn about Norwegian tripartite agencies' experiences on collective bargaining promotion (#9/08-09).
- Two 2-day regional high-level CBA workshops are going to be organised on 7-8 and 10-11 Jul 08 by VGCL for union officials (#6/08-09).
- In an effort to develop two operational guidelines on (1) strike intervention for union leaders and (2) supporting CBA negotiation at enterprises for local union officials, two excol contracted were signed with two union practitioners from Da Nang and Hai Phong Union Confederation to write up their organisational experiences in supporting SD and CB at their localities. The first draft of Da Nang papers received and being commented on (#14/08-09).
- Four two-day local training workshops for VCCI's consultants and staffs of provincial Employers' Councils on IR issues and consultation skills are to be organised in Bac Ninh, Vinh Phuc, Thai Nguyen and Hung Yen from Jul to Aug 08 (#17/08-09).
- A three-day TOT training workshop for VCA's trainers & officials on SD & CBA and consultation skill is to be organised on 29-31 Jul 08 (#18/08-09).

2. Strengthening IRASCs and Coordinating Government IR Services at the Provincial Level, especially Dispute Resolution Mechanisms:

2.1. Support to IRASCs:

- IRASCs functions and recent performance reviewed to find out rooms for improvement (#27-07).
- IRASCs staff trained on SD and CBA under the framework of the CBA Pilot Programme. Additionally IRASC staff from Hanoi, Hai Duong, Hai Phong and Quang Ninh sent to join ILO/FIP training workshops on human resource management, Health and Safety and Workplace relations, as well as factory visits together with ILO IR consultant (#29-07).
- A three-day workshop organised for IRASCs to (1) to evaluate IRASCs performance and provide policy recommendations to support the institutionalisation of IRASCs organisational structure, position, fuctions and mandates; and (2) train them on labour mediation and consultation skills (#25/08-09).
- The operation and trainings on IR of IRASCs in 11 provinces supported (#26/08-09).
- Equipment for 4 new IRASCs in Quang Ninh, Vinh Phuc, Quang Ngai & Can Tho supported (#27/08-09).

2.2. Other support activities:

- Four consultation workshops organised by MOLISA to collect recommendations for decrees and circulars of Chapter 14, Labour Code (#34/07)
- Two two-day regional training workshops organised are to be organised by MOLISA on collective labour dispute settlement for chairmen of district PCs and officials from Labour Office, Justice Office, District Union on 26-27 Jun and 3-4 Jul 08 (#23/08-09)
- A research is being conducted by MOLISA on the implementation of IR policies and the current government organisational capacity of various labour-related agencies to see how they are coordinating their activities to implement IR policies and provide IR services at decentralised levels (#30/07).
- A TOR for a team of international and local consultants to review labour administration mechanisms at local level drafted and being translated into Viet Nameese for tripartite consultation (#20/08-09). This research will use the report of #30/07 as one input.

4. Technical Assistance to Improve Labour Legislation for collective bargaining, tripartite social dialogue, workers' representation and labour dispute settlement:

- The revision of Labour Code Chapter 14 and its decrees and circulars technically supported by ILO experts (Chang-Hee Lee, Tim De Meyer, Jan Sunoo) (#35/07).
- A handbook on the implementation of the revised Chapter 14 of Labour Code written and published by MOLISA (#41/08-09).

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

- A seminar organised for tripartite officials on US experience in sectoral bargaining (conducted by Joe Schaffer) in Jul 07.
- A two-day training workshop on Social Dialogue and industrial relations conducted in support to ILO/FIP for company representatives in Jul 07. Two factory visits made for each of 10 participating companies for giving consultation on improving social dialogue mechanisms during Sept-Oct 07.
- A two-day training workshop on developing sound industrial relations for employers from Korean companies organised together with KLEI in Oct 07.
- Two one-day regional networking conference supported technically to set up a nation-wide official network of HR managers in Viet Nam in Nov 07. Funded by NHO.
- A two-day training workshop on industrial relation organised by HCMC VCCI for Nike supplier companies supported technically in May 08.
- Two one-day regional training workshops organised by Hanoi and HCMC IRASCs on social dialogue and industrial relations for supplier companies of GAP Inc. in Viet Nam technically supported in Jun 08. This is an effort to build capacity and business orientation for IRASCs.

II. PURPOSE

The purpose of the final evaluation is to:

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

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

III. EVALUATION TEAM

The evaluation team will be comprised of an independent evaluator, Mr Robert Heron who will act as Team Leader and a representative of the ILO, Mr. René Robert, Social Dialogue Officer, Social Dialogue, Labour Law and Labour Administration Department (DIALOGUE).

The Team Leader is responsible for conducting the evaluation according to the terms of reference (TOR). He/She shall:

- Review the TOR and provide input, as necessary.
- Review project background materials (e.g., project document, progress reports).
- Review the evaluation questions and work with the donor and implementer to refine the questions, as necessary and to develop interview protocols.
- Develop and implement an evaluation methodology (i.e., conduct interviews, review documents) to answer the evaluation questions.
- Conduct a Team Planning Teleconference (TPT) with donor and ILO prior to the evaluation mission.
- Prepare an initial draft of the evaluation report, circulate it to the donor and ILO, and prepare a final report, reflecting any comments or additional inputs received.
- The team leader is to submit the final evaluation report after the evaluation mission according to the timeline provided in Section VI. The other members

of the evaluation team should be involved in the drafting of and commenting on the final report.

ILO is responsible for:

- Reviewing, providing any necessary inputs into, and approving the TOR;
- Providing project background materials;
- Reviewing the evaluation questions and working with the donor and the Team Leader to refine the questions, as necessary;
- Organizing and participating in the TPT prior to the evaluation mission;
- Scheduling all meeting, including those requested by the Team Leader;
- Assisting in the implementation of the evaluation methodology, as appropriate and as approved by the Team Leader (i.e., participate in interviews, observe committee meetings) and in such a way as to minimize bias in evaluation findings; and
- Reviewing and providing comments on the evaluation report.^[2] Ensuring that the evaluation is conducted in accordance with these terms of reference, for preparing the draft report of the evaluation, discussing it with the other member of the evaluation team, the beneficiaries and the stakeholders.

IV. SCOPE / KEY ISSUES

The evaluation will cover the period from January 2007 to present, but will take into account events occurring between 2002 to 2006 to create an accurate and comprehensive picture of the project's context and development.

The evaluation will examine the following key issues:

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

^[2] It is important to review the draft based on the elements of the TOR and to ensure that the draft is factually accurate and structurally sound. The comments should not attempt to change the findings, conclusions, and recommendations / lessons learned made by the evaluator in order to maintain the independence and objectivity of the evaluation report.

- *How did the project design reflect the different needs of women and men?*
2. Benefits / impact accrued to target groups:
- *What have been the major results / accomplishments of the project?*
 - *To what extent has the project achieved its objectives and reached its target groups?*
 - *Is there adequate stakeholder commitment to and understanding of the project?*
 - *Did the project adequately account for the different needs of women and men?*
3. Implementation status, specifically as concerns planned activities, materials, schedule and budget:
- *To what extent have planned activities been implemented on time and within budget to the target audiences, in relation to the original project document and to subsequent work plans?*
 - *What efforts have been undertaken to ensure that both women and men are able to benefit from project activities?*
 - *What obstacles were encountered in project implementation? What actions were taken to address any such obstacles?*
 - *Were training programs, manuals and other project materials adapted to the needs of the project, stakeholders and beneficiaries (both women and men) as well as the country situation? Were they well received and well produced? Were they coordinated with other government, donor, or private sector activities where appropriate? Did they incorporate existing materials where appropriate?*
 - *Formulate recommendations for project's next phase*
4. Sustainability of project results:
- *Does the project have a sustainability plan? If so, how was it developed?*
 - *What project components or results appear likely to be sustained after the project and how?*
 - *How might the approach, products, results and lessons learned from this project be extended to similar projects worldwide? Please, highlight best practices that are replicable.*
 - *Is the approach financially viable without donor funding?*

- *What steps have been taken to encourage/facilitate use of project-produced materials and manuals by the stakeholders once the project is over?*
 - *Formulate recommendations for project's next phase*
5. Management performance by ILO, specifically as concerns project staffing and communications:
- *How well does the project manage its financial and human resources and communicate with stakeholders?*
 - *Do partners feel the project meets their needs in terms of services and participation in project planning?*
 - *Is staff time spent in the most effective and efficient manner to accomplish the project's objectives?*
 - *Has the project staff received adequate support / cooperation from the PAC, the local partners, and relevant ILO units and offices?*
 - *Formulate recommendations for project's next phase*
6. Effectiveness of project performance monitoring:
- *What type of project performance monitoring system is used?*
 - *What were the baseline figures for the number and quality of collective bargaining agreements, the rate of strikes and credible data on workplace conditions in private and foreign-owned companies at the outset of the project?*
 - *Is the performance monitoring system practical, useful and cost effective for project management?*
 - *Formulate recommendations for project's next phase*

V. METHODOLOGY

Document Review:

The evaluator will review the following documents before conducting any interviews or trips to the region.

- Project document
- Quarterly reports
- Training materials
- Work plans

- Midterm evaluation report
- Viet Nam Decent Work Country framework 2006-2010
- “One UN” work programme in Viet Nam

Team Planning Teleconference:

The evaluator will have a Team Planning teleconference (TPT) with the donor project manager, ILO Geneva and Hanoi Office and project staff. The objective of the TPT is to reach a common understanding among the evaluator, the donor and project implementer regarding the status of the project, the priority evaluation questions, the available data sources and data collection instruments and an outline of the final evaluation report. The following topics will be covered:

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

Individual Interviews:

Individual interviews will be conducted with the following (final interview schedule will be developed by the evaluation team):

- a. The donor Project Manager in Hanoi (Ms. Snofrid Emterud)
- b. ILO Staff in Geneva, the technical backstopper in Beijing, AO Hanoi as well as project staff in Hanoi.
- c. In all three provinces, selected individuals from the following groups:
 - Workers and employers who have participated in project activities
 - Employers, unions, and ministry representatives that have received training or otherwise worked with the project.
 - Labour Ministry and other government staff who have worked with the project
 - Royal Norwegian Embassy in Hanoi
 - Others organizations and groups as needed

Field Visit:

Meetings will be scheduled in advance of the field visits by the ILO project staff, in accordance with the evaluator’s requests and consistent with these terms of reference. The Team Leader will conduct all interviews at these sites and will determine if it is appropriate for other evaluation team members to be present. The field visit will

include meetings in 3 provinces where IRASCs have benefited from the project support [(HCM, Dong Nai (South) and Da Nang (Central)].

Debrief in Field: On the final day of the field evaluation, the Team Leader will present preliminary findings to the ILO project staff and if time permits, a debriefing will be held for employer, government, and union representatives.

VI. DURATION AND MILESTONES

The following is a schedule of tasks and anticipated duration of each. The total number of working days for the evaluation is 23 days.

Tasks	Work Days	Due
Preparatory Research	3	Before trip
Field Research (incl. Travel)	12	
Draft Report	6	
Finalization of Document 2 including debrief		
<hr/>		
	23	

VII. DELIVERABLES

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

VIII. REPORT

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

The Team Leader will complete a draft of the entire report following the outlines below.

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

1. Title page (1)
2. Table of Contents (1)
3. Executive Summary (1)
4. Acronyms (1)
5. Background and Project Description (1-2)
6. Purpose of Evaluation (1)
7. Evaluation Methodology (1)
8. Project Implementation Status (1)
9. Findings, Conclusions, and Recommendations (no more than 15 pages)
This section's content should be organized around the TOR questions, and include the findings, conclusions and recommendations for each of the subject areas to be evaluated.

Annexes:

- Terms of Reference
- Project Workplan
- List of Meetings and Interviews
- Any other relevant documents
