



Independent Evaluation of the ILO's Strategy for the Elimination of Discrimination in Employment and Occupation

International Labour Organization

September 2011

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Preface

The evaluation team consisting of Jane E. Hailé, international evaluation consultant and Francisco L. Guzmán, Senior Evaluation Officer in the ILO Evaluation Unit prepared this final report. The detailed desk case studies were prepared by ILO research assistants Dahee Nam, Magali Bonne-Moreau and Olga Aulet-Leon, who also contributed to data collection and analysis.

The evaluation was launched in April 2011 under the guidance of Guy Thijs, Director of ILO's Evaluation Unit and in consultation with Kamran Fanizadeh, Director of the DECLARATION Programme and other key stakeholders.

The evaluation has benefited from contributions inside and outside the ILO. The evaluation team expresses its appreciation to the directors and officials of GENDER, NORMES, MIGRANT, HIV/AIDS, EMP/SKILL, and others who contribute to the ILO's work on non-discrimination.

The evaluation also benefited from the insights and inputs of Anne Hebert, Director and ILO staff at the country office for China and Mongolia (CO-Beijing), national tripartite constituents, civil society organizations, and the UN country team members in China.

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List of abbreviations

ACTRAV	Bureau for Workers' Activities
ACT/EMP	Bureau for Employers' Activities
ACWF	All China Women Federation
ACFTU	All China Federation of Trade Unions
APs	Action Plans
CCAS	Conference Committee on the Application of Standards
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CO	Country Office
CPO	Country Programme Outcome
CSO	Civil Society Organization
CTA	Chief Technical Advisor
DECLARATION	Programme on promoting the fundamental principles and rights at work
DIALOGUE	Industrial and Employment Relations Department
DP	Development Partners
DOCO	UN Development Coordination Office
DWCP	Decent Work Country Programme
DWCT	Decent Work Country Programme Team
EA	Evaluability Assessment
EAC	East African Community
EC	European Community
EMP/SKILLS	Skills and Employability Department
EQ	Evaluation Questions
ESMIS	Education Sector Management Information System
FAO	Food and Agriculture Organization
FPRW	Fundamental Principles and Rights at Work
G-8	Group of Eight
GAP	Global Action Plan
GENDER	Bureau for Gender Equality
GDP	Gross Domestic Product
GJP	Global Jobs Pact

GLO	Global operations
GNI	Gross National Income
GB	Governing Body
GRs	Global Reports
HIV	Human Immune Deficiency Virus
HRBA	Human rights based approach
ID	Institutional Development
ILC	International Labour Conference
ILO	International Labour Office
ILS	International Labour Standards
IMEC	Industrialized Market Economy Countries
IMF	International Monetary Fund
INT	Intraregional operations
IRIS	Integrated Resource Information System
ITC	International Training Centre-Turin
IPEC	International Programme on the Elimination of Child Labour
JP	Joint Programme
M&E	Monitoring and Evaluation
MDG	Millennium Development Goals
MIGRANT	International Migration Branch
MIS	Management Information System
MOCA	Ministry of Civil Affairs- China
MOHRSS	Ministry of Human Resources and Social Security, The Peoples' Republic of China
NDRC	National Development and Reform Council- China
NGO	Nongovernmental Organization
NORMES	International Labour Standards Department
NSGRP	National Strategy for Growth and Reduction of Poverty
OBW	Outcome-based Work planning
ODA	Overseas Development Assistance
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
P&B	Programme and Budget
PC	Performance Criteria

PGA	Participatory Gender Audit Methodology
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Papers
QAM	Quality Assurance Mechanism
RB	Regular budget
RBM	Results-based Management
RBSA	Regular budget supplementary account
RBTC	Regular budget technical cooperation
RO	Regional Office
SHARE	Strategic HIV/AIDS Responses by Enterprises
SMM	Strategic management Module
SPF	Strategic Policy Framework
SRO	Subregional Office
STI	Science, Technology and Innovation
TBP	Time-Bound Programme
TC	Technical Cooperation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNEG	United Nations Evaluation Group
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children Fund
UNIDO	United Nations Industrial Development Organization
UNIFEM	United Nations Development Fund for Women
WFP	World Food Programme
WHO	World Health Organization
XBTC	Extra Budgetary Resources
YEM	China Youth Employment and Migration

Executive Summary

1. This report presents the analyses, findings and recommendations of the independent high-level evaluation of the International Labour Office's (ILO) Strategy for the Elimination of Discrimination in Employment and Occupation, as presented in Outcome 17 of the ILO's Programme and Budget (P&B). The period under review included two Strategic Policy Frameworks (SPFs), 2006–09 and 2010–15, and three P&B biennia covering the period from 2007 to 2011. The evaluation team assessed the evolution of the ILO's non-discrimination work from activities responding to the Global Reports (GRs) and Action Plans (APs), to a specific strategic outcome, Outcome 17, under the 2010–11 P&B.
2. The main purpose of the evaluation is to provide impartial insights into how effectively the ILO's strategy, as stated in Outcome 17 of the P&B, reflects the discussion and recommended outcomes for the period 2007–2011. These were presented in the first and second GRs on discrimination in the world of work, dated 2003 and 2007 respectively, as well as the observations made by the ILO supervisory bodies. The recommended outcomes of the second GR were: (i) promoting gender equality in the world of work; (ii) mainstreaming non-discrimination and equality in Decent Work Country Programmes (DWCPs); (iii) better laws and better enforcement; (iv) more effective regulatory initiatives; and (v) social partners better equipped to make equality a reality in the workplace.
3. The evaluation team consisted of an external evaluator, a senior evaluation officer from the Evaluation Unit (EVAL), and research assistants.
4. Six evaluation questions (EQs) guided the analysis. These questions were:
 - (i) To what extent is the ILO strategy relevant to the global and national policy dialogue addressing discrimination in employment and occupation?
 - (ii) To what extent is the ILO strategy coherent and complementary, and does it promote synergies with other strategic outcomes, national constituents' priorities and partners to support non-discrimination country programme objectives?
 - (iii) To what extent does the ILO strategy lend itself to efficient implementation?
 - (iv) How effective is the strategy in addressing issues raised by ILO supervisory bodies and GRs regarding non-discrimination in employment and occupation as a whole?
 - (v) What impact have ILO actions had on policy, legal frameworks, and awareness-raising regarding discrimination in employment and occupation?
 - (vi) To what extent have the ILO strategy and means of action been designed and implemented to maximize sustainability of results at the country level?

5. The points of departure for the evaluation were the analysis of the 1988 Declaration on the Fundamental Principles and Rights at Work and its follow-up mechanism; the review of the first two GRs; the comments of the ILO supervisory bodies regarding the application of Conventions Nos. 100 and 111, and other Conventions relevant to discrimination. The team conducted interviews with key stakeholders, programme and project staff, national constituents and social partners, UN agencies and other development partners, civil society organizations (CSOs), and non-governmental organizations (NGOs).
6. An evaluability assessment (EA) was carried out to establish whether the strategy could be evaluated and identify possible barriers to its usefulness and effectiveness. It entailed a review of the coherence and logic of the strategy, clarification of data availability, an assessment of the extent to which managers or stakeholders are likely to use the findings given their interests and its timing vis-à-vis future SPF and P&Bs. In addition to assisting evaluators, the EA provided useful information that could lead to the fine-tuning or improvement of the results framework.
7. The EA results also show that the strategy for Outcome 17 (discrimination eliminated) presents strong strategic alignment. Its objectives are clearly stated with reference to the 1998 Declaration on the Fundamental Principles and Rights at Work and its follow-up mechanism, the 2008 Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact (GJP). It also highlighted the need to further fine-tune the links between strategic intent and intended results.
8. The report sets out the findings on the six EQs. Regarding the relevance of the ILO strategy, the team found that, while the strategy under Outcome 17 provides a global sense of direction for the implementation of non-discrimination work, it is not explicitly linked to the high-level strategic guidance laid out in the GRs, APs, and the GJP. It also does not provide guidance on promoting cross-fertilization and collaboration with other outcomes. The DWCPs are the most effective vehicles for delivering ILO support to member States. They have assisted a number of countries in implementing, inter alia, activities to promote gender equality, equal employment and remuneration, protect the employment and occupation rights of people living with HIV and AIDS, and policy improvements focusing on non-discrimination.
9. Concerning coherence and synergies, it was found that a more comprehensive strategic framework for Outcome 17 would permit better coordination among the different prongs of the strategy. This would provide clearer guidance for implementation at the country level. With respect to efficiency, it was noted that the coordination and implementation of the strategy for Outcome 17 is challenged by the tendency to compartmentalize the Office's work. This can hamper the potential of the Outcome-based Work planning (OBW) approach towards more coherent programme planning, implementation and reporting. With its different outcome coordinators and reporting relationships, OBW has moved the organization closer to meeting its Results-based Management (RBM) goal. While the limited evaluability of the strategy's results framework hampered precise measurement of impact, the team found significant accomplishments in non-discrimination work. Finally, it was found that the

sustainability of the ILO's non-discrimination work depends on the Office's ability to remain relevant through its research programme and advisory capacities.

10. Six recommendations emanated from these findings.

- (i) The Office needs to strengthen the OBW structure by promoting more effective and efficient teamwork and cooperative methods for improving delivery of services.
- (ii) The strategy for Outcome 17 needs to provide more guidance on potential synergies between different discrimination issues and suggests an action plan for mainstreaming non-discrimination into all strategic objectives, similar to the approach taken for Gender mainstreaming.
- (iii) Knowledge management issues should be addressed to cut across all non-discrimination work within the SPF and P&B, as well within the DWCPs. This may result in significant economies of efforts and funds.
- (iv) The section dealing with reporting of non-discrimination in the new GRs should be structured to provide a clear sense of progress and achievements; this would require establishing a results-framework with performance indicators as part of the strategy and the APs.
- (v) The Office and donors should be encouraged to provide targeted and non-earmarked funds for Outcome 17 and monitoring and evaluation systems strengthened to boost donors' confidence in providing such funds.
- (vi) Finally, the Office needs to pay closer attention to other specific non-discrimination issues, which are assuming greater importance, and adapt successful approaches to promoting gender equality and other non-discrimination issues.

1. Introduction

1.1 Context of the evaluation

The ILO has estimated that 22 million more jobs will be needed globally in 2011 to restore pre-crisis employment rates. Experience from earlier crises shows that the risk is especially acute for those groups of workers who are most vulnerable to discrimination, and are disproportionately affected by unemployment, inequality, insecurity and the danger of exclusion. This results in pushing them further into poverty.

In his report to the 100th Session of the International Labour Conference (ILC), the Director-General highlighted the accomplishments of the ILO's non-discrimination work, especially in the near universal ratification of the two fundamental Conventions dealing with discrimination (Conventions Nos. 100 and 111). He also highlighted the advances made by member States in enacting laws and policies that prohibit discrimination in employment on the grounds of disability, sex, and race.¹ However, the report also mentions the challenges that lie ahead to effectively tackle other grounds for discrimination. The list of grounds for discrimination has expanded, and there is growing recognition of discrimination based on multiple grounds.

Against this backdrop, the ILO's work towards the elimination of discrimination in employment and occupation becomes even more relevant. Not only is discrimination a violation of basic human rights and of the fundamental principles and rights at work, but it impacts on workplace productivity and the economy in general. This has a pernicious effect on poverty reduction, the rights of workers to equal opportunities for decent work, and the productivity of enterprises and employers alike.

1.2 Purpose of the evaluation

The terms of reference for this high-level evaluation (see Annex 1) call for a review of ILO work in non-discrimination during the period 2007–2011 to assess its relevance, coherence, effectiveness, efficiency, impact and sustainability under the strategy as stated in Outcome 17 of the ILO P&B for the 2010–11 biennium.

The point of departure for this high-level evaluation is the assessment of the ILO strategy for elimination of discrimination in employment and occupation. This required reviewing the links of the strategy with: (i) the first, second, and third GRs on discrimination; (ii) the APs approved by the Governing Body (GB) following the discussion of the GRs by the ILC; and (iii) comments made by ILO supervisory bodies. The case studies provide impartial insights as to how effectively the ILO strategy (Outcome 17) is implemented at the country level, and show the links between country-level non-discrimination work and the comments from the ILO supervisory bodies.

¹ ILO Report of the Director-General, Equality at Work: The continuing challenge, 100th Session of The International Labour Conference, Geneva, June 2011.

The principal client of the evaluation is the GB. The report aims to provide a set of clear, forward-looking lessons learned and recommendations for consideration by the ILO's management as the Office gears up for the preparation of the Strategic Policy Framework (SPF) 2016–2021.

1.3 Scope and methodology

A team consisting of an external evaluator, a senior evaluation officer from EVAL, and research assistants conducted the evaluation.

Six core evaluative questions guided the analysis. These were:

- (i) To what extent is the ILO strategy relevant to the global and national policy dialogue addressing discrimination in employment and occupation?
- (ii) To what extent is the ILO strategy coherent and complementary, promoting synergies with other strategic outcomes, national constituents' priorities and partners to support non-discrimination country programme objectives?
- (iii) To what extent does the ILO strategy lend itself to efficient implementation?
- (iv) How effective is the strategy in addressing issues raised by ILO supervisory bodies and GRs regarding non-discrimination in employment and occupation as a whole?
- (v) What impact have ILO actions had on policy, legal frameworks and awareness-raising regarding discrimination in employment and occupation?
- (vi) To what extent have the ILO strategy and means of action been designed and implemented to maximize sustainability of results at the country level?

To address these questions, the independent evaluation began with an analysis of the 1998 Declaration on the Fundamental Principles and Rights at Work and its follow-up mechanism; a review of the first two GRs; and a review of the comments made by the ILO supervisory bodies regarding the application of the main Conventions that address discrimination, Nos. 100 and 111, and the other main Conventions relevant to discrimination.

The ratings of the strategy's relevance, coherence, effectiveness, efficiency, impact, and sustainability are based on criteria developed as part of the evaluation framework. Each criterion was assigned a raw score based on a four-point scale (ranging from poor to very good).

The desk review also included an evaluability assessment of the ILO's strategy results framework based on the instrument that EVAL has developed, presented in Section 3.6.

1.4 Interviews with key stakeholders and tripartite constituents

The evaluation team interviewed key stakeholders, namely ILO staff at headquarters and at the International Training Centre Turin (ITC), as well as programme and project staff in the Beijing country office, national constituents and social partners, UN agencies and other development partners, and CSOs and NGOs representing vulnerable groups (see Annex 2). The team conducted a group interview with the Asia and Pacific Group of the GB and an individual interview with a representative of the Industrialized Market Economy Countries (IMEC) group at the 100th Session of the ILC, Geneva, June 2011.

1.5 Survey of constituents, development partners, and ILO staff

The evaluation aimed to assess how effectively the DWCPs have incorporated ILO action plans and the current Outcome 17 strategy to support and promote the principle of elimination of discrimination in employment and occupation at the country level, link Country Programme Outcomes (CPOs) with the global OBW, and integrate them into the United Nations Development Assistance Framework (UNDAF).

For this purpose, detailed questionnaires were sent to: ILO staff in regional offices, decent work country teams and country offices (country sector specialists, programme managers and chief technical advisers); to ILO tripartite constituents (government, employers and workers); and to development partners (UN and others). See questionnaires in Annex 3.

1.6 Case studies

Additional information was obtained to assess the ILO's response to the elimination of discrimination and is presented in the form of 11 country case studies. These were based on desk reviews of key country programme and project reports and technical cooperation (TC) portfolios organized by country.

The country case studies reviewed the relationship between the supervisory process and supporting member States to promote the impact of non-discrimination. Countries were chosen on the basis of: (a) region; (b) type and complexity of non-discrimination issues at stake; and (c) the intensity of TC activities in the country. In addition, field visits were conducted to one country, China, where interviews were held with ILO field staff, and tripartite partners. These can be found in the appended annex of this report.

Each case study identified concrete achievements and assessed: (i) the coherence of anti-discrimination activities with other CPOs to avoid overtaxing available resources and unsolvable bottlenecks; (ii) the relevance of the strategy's national priorities; (iii) effectiveness in coordinating contributions from other outcomes that also address discrimination; (iv) the efficiency of implementation of the strategy; and (v) the sustainability and immediate impact of the results of the CPOs.

1.7 Report layout

Following this introduction, Section 2 presents the analysis of the follow-up mechanism for the Declaration on Fundamental Principles and Rights at Work, which provides the strategic and operational framework for the implementation of the ILO strategy for the elimination of discrimination in employment and occupation. Section 3 analyses the implementation of the ILO strategy within the framework provided by the SPF outcomes. This includes a brief report on the evaluability assessment of the strategy's results framework, as well as a description of the contributions and challenges presented by the OBW for Outcome 17 of the P&B.

Section 4 presents findings on the relevance, coherence, effectiveness, efficiency, sustainability and impact of the Office's work in support of constituents' efforts to eliminate discrimination in the workplace. Section 5 presents key lessons learned, conclusions and recommendations.

2. Operational framework: from Global Action Plans to a P&B Outcome Strategy for the Elimination of Discrimination in Employment and Occupation

2.1 Introduction

The ILO Constitution, the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration) and the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration), place an obligation on the ILO to take action for the elimination of discrimination in employment and occupation.

The main purpose of this chapter is to provide impartial insights into how effectively the ILO's strategy, as stated in Outcome 17 of the P&B, reflects the discussion and recommended outcomes for the period 2007–2011. These were presented in the first and second GRs on discrimination in the world of work, dated 2003 and 2007 respectively, as well as the observations made by the ILO supervisory bodies. The recommended outcomes of the second GR were: (i) promoting gender equality in the world of work; (ii) mainstreaming non-discrimination and equality in DWCPs; (iii) better laws and better enforcement; (iv) more effective regulatory initiatives; and (v) social partners better equipped to make equality a reality in the workplace.

2.2 Declaration on Fundamental Principles and Rights at Work (1998)

A major milestone in the evolution of the ILO's commitment to non-discrimination was the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the ILC in 1998. It pledges all members to respect, promote, and realize in good faith the principles and rights relating to freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100) have already been ratified by 169 and 168 Members, respectively.² However, as affirmed by the 1998 Declaration, all ILO members have an obligation to respect, to promote, and to realize the fundamental principles and rights concerning discrimination in employment and occupation. With regard to gender equality, the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183) are also considered to be key Conventions. The ILO Conventions regarding migrant workers and indigenous and tribal peoples, as well as those addressing employment and vocational rehabilitation of people with disabilities, are crucial to addressing the discrimination faced by these groups.

² With regard to the progress made towards universal ratification, see GB.306/LILS/6.

2.3 ILO Supervisory Mechanism

International labour standards are backed by a supervisory system that is unique at the international level and that helps to ensure that countries implement the conventions they ratify. The ILO regularly examines the application of standards in member states and points out areas where they could be better applied. If there are new problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance.

The ILO has developed various means of supervising the application of Conventions and Recommendations in law and practice following their adoption by the International Labour Conference and their ratification by States. There are two kinds of supervisory mechanism: (i) the regular system of supervision, and (ii) special procedures.

The regular system of supervision comprises the following two ILO bodies:

The Committee of Experts on the Application of Conventions and Recommendations (CEACR), which examines the application of the International Labour Standards (ILS) and makes observations and direct requests. Observations contain comments on fundamental questions raised by the application of a particular Convention by a state. Direct requests relate to more technical questions or requests for further information. and

The annual report of the Committee of Experts, usually adopted in December, is submitted to the International Labour Conference the following June, where it is examined by the Conference Committee on the Application of Standards (CCAS). A standing committee of the Conference, the Conference Committee is made up of government, employer, and worker delegates. It examines the report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide information on the situation in question. In many cases the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or to invite ILO missions or technical assistance.

Unlike the regular system of supervision, the special procedures mechanisms, comprises of three special procedures based on the submission of a representation or a complaint: (i) Procedure for representations on the application of ratified Conventions, (ii) Procedure for complaints over the application of ratified Conventions, and (iii) Special procedure for complaints regarding freedom of association (Freedom of Association Committee).

Articles 24, 26 to 34 of the ILO Constitution govern the complaint procedure. A complaint can be submitted against a member State for not complying with a ratified Convention by another member State that has ratified the same Convention. Upon receipt of a complaint, the GB may form a Commission of Inquiry, consisting of three independent members. They are responsible for carrying out a full investigation, ascertaining all the facts of the case and making recommendations on measures needed to address the problems raised by the complaint.

Improving the use of information emanating from the supervisory machinery

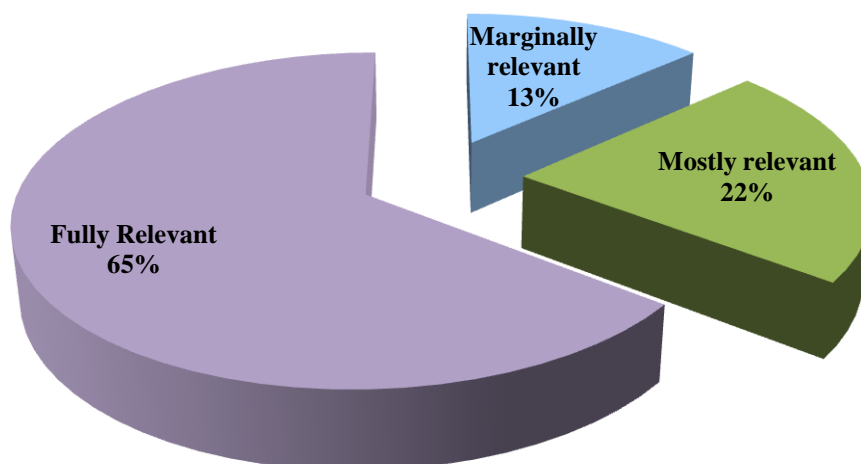
The reporting machinery puts considerable demands on governments, and comments are not always easy to interpret by those without a legal background. Governments reported that the recipient ministry of labour faced heavy demands for information that may require costly surveys. Governments also report duplications in the requests for information from the Office.

Access to the wealth of information available provided by the supervisory bodies has improved through a more accessible database and search functions. However, there is still scope for a better and wider use of the information. Programming staff supporting the implementation, monitoring and reporting functions for non-discrimination need to be familiar with, and have some practical expertise on, how to support countries in the application of Conventions. This is particularly important where ILS specialists are not easily accessible due to competing demands from other country offices. Improved access to specialists in decent work teams, as a result of the field restructuring, will take time to take effect.

Some good practices in translating the supervisory comments and observations into action include imaginative work by staff in the gender and disabilities areas. This has enabled women and the disabled to become empowered and push for their rights, as manifested through Convention No. 111 (Discrimination). In other areas, projects supporting the development of labour policies and improvement of labour relations have provided meaningful contributions to the ratification and implementation of relevant Conventions.

The evaluation mapped out the correlation between a sample of 82 technical cooperation operations approved and implemented between 2003 and 2011 and the comments from the ILO supervisory body. The analysis indicates a high degree of relevance (22 per cent mostly relevant and 65 per cent fully relevant) to the comments and observations of the supervisory bodies. Lessons from the field show, however, that generally it is difficult to mobilize extra-budgetary resources for normative activity.

Figure 1. TC projects relevance to supervisory body observations



Note: Sample of 82 projects, 2003-2011

2.4 The follow-up to the Declaration on Fundamental Principles and Rights at Work

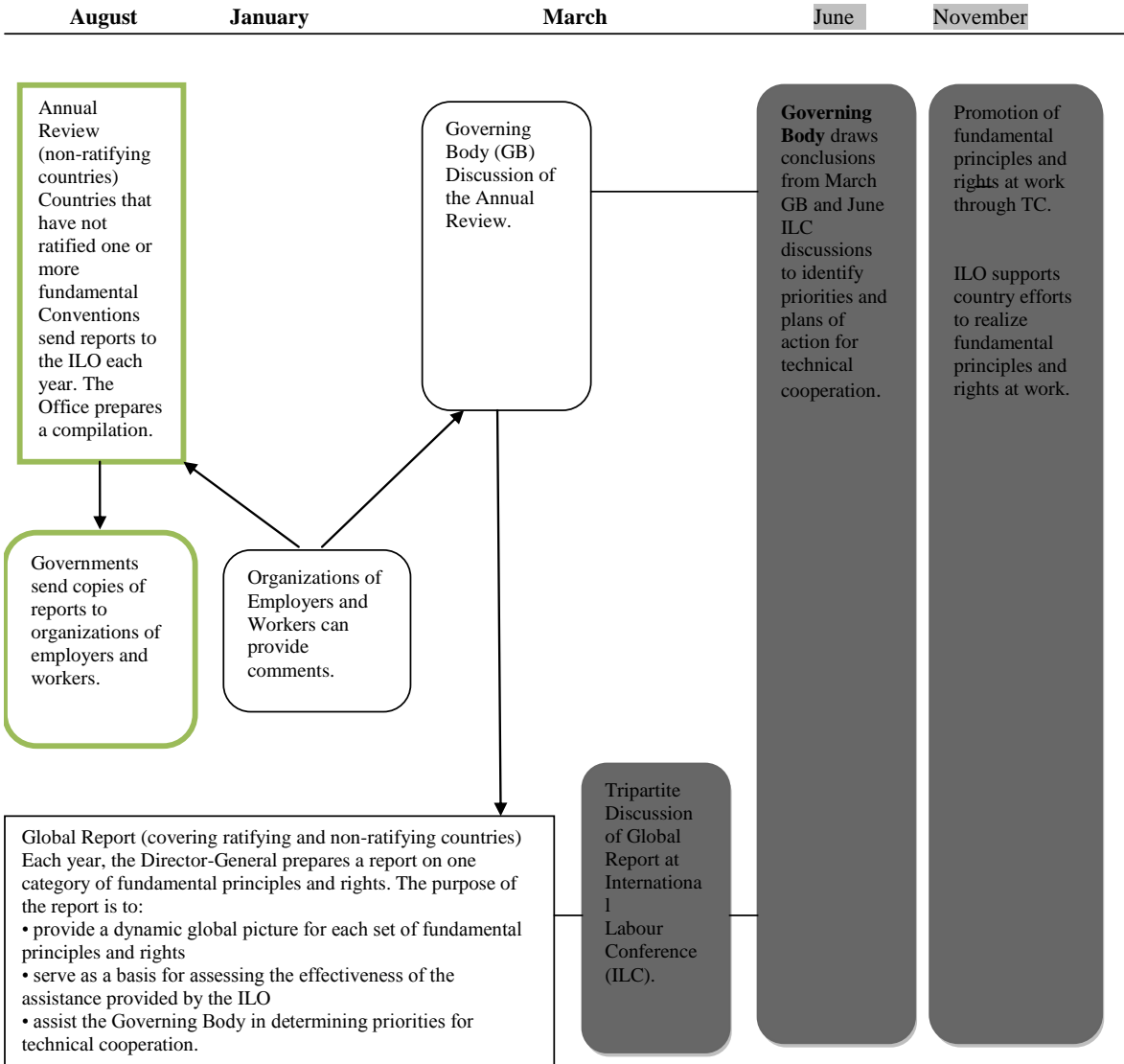
The Office has given effect to the 1998 Declaration on Fundamental Principles and Rights at Work through general promotional efforts, annual reviews, GRs, and the GB's conclusions regarding priorities and plans of action for technical cooperation to be implemented in the following four-year period. The Office has pursued various strategies and activities in accordance with the 2003–2007 and 2007–2011 APs, which have contributed to considerable progress at the national level in several countries. The APs focused on two thematic priorities: the gender pay gap and racial/ethnic equality and its gender dimensions.

The Declaration and its follow-up provide three ways to help countries, employers, and workers achieve the full realization of its objective. First, there is an annual review, comprising reports from countries that have not yet ratified one or more of the ILO Conventions directly relating to the specific principles and rights stated therein. This reporting process provides governments with an opportunity to state what measures have been taken towards achieving respect for the Declaration. It also gives organizations of employers and workers a chance to voice their views on progress made and actions taken. Second, the GR on the elimination of discrimination has been issued every four years from 2003. Each report provides a dynamic global picture of the current status of the principle of elimination of discrimination expressed in the Declaration.

Action plans for technical cooperation projects are a third way to give effect to the Declaration. They are discussed in the Technical Cooperation Committee of the GB at each November session following the discussion of the GRs by the ILC in the preceding June. Action plans are designed to address identifiable technical assistance and technical

cooperation needs in relation to the 1998 Declaration and to strengthen local capacities to translate principles of non-discrimination into practice.

Figure 2. Flow Chart of Follow-up mechanism



2.5 First Global Report: Time for equality at work (2003)

The first GR noted that discrimination in employment and occupation takes many forms, and occurs in all kinds of work settings. It underscored the common feature of all discrimination based on race, colour or sex, resulting in the impairment of equality of opportunity and treatment. In other words, discrimination results in and reinforces inequalities. The freedom of human beings to develop their capabilities and to choose and pursue their professional and personal aspirations is restricted, without regard for ability. Skills and competencies cannot be developed, incentives to work are denied and a sense of humiliation, frustration and powerlessness takes over.

The ILC delegates' discussion of the report (Geneva, June 2003) highlighted the importance of a legal underpinning in the struggle against discrimination. It also highlighted the importance to equality in the workplace of action in the wider community, the value of non-discrimination to business, and the range of different groups affected by discrimination. Despite decades of recognition that discrimination mars their lives and curtails their contribution to economic development, women, different races and ethnic minorities are still far from enjoying equality of opportunity and treatment.

2.6 Follow-up action plan: elimination of discrimination (2004-07)

The plan addressed the gender pay gap and racial/ethnic equality and its gender dimension while consolidating ongoing activity regarding HIV/AIDS and disability. Technical cooperation was extended to several countries for the design of employment policies and job evaluation methods. The report includes examples of ILO cooperation work throughout the world. The Gender Equality Partnership Fund, launched in 2003, has been a further means to give practical effect to gender equality at work. In the area of gender mainstreaming, the Gender Network in the Office connects focal points and facilitates the sharing of experience and practices.

The action plan focused on generating knowledge on the costs and benefits of promoting pay equity, trends in the gender pay gap and underlying causes, networking and cooperating with global union federations and providing technical assistance at country level. Country fact sheets covering Africa, Europe, and Latin America were prepared to provide an overview of trends in the gender pay gap over the previous 15 years by sector and occupation; relevant national institutional and regulatory frameworks; and related comments by the Committee of Experts on the Application of Conventions and Recommendations.

The follow-up action plan called for technical assistance to support governments in their efforts to promote racial equality, for example to Brazil under the National Policy for Racial Equality Project. An ethnic audit of Poverty Reduction Strategy Papers (PRSPs) in 14 countries concluded that recognition of the rights of indigenous and tribal peoples, as articulated in the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), was an essential requirement for addressing their poverty and social exclusion. It recommended capacity building for indigenous organizations and local authorities for the implementation of inclusive local development plans.

One indicator to measure the effectiveness of law is the number of discrimination cases brought before the courts and adequately handled. The training of judges and lawyers is essential in this respect. The ITC has played an active role in the training of judges, lawyers and law professors on international labour law. As a result, long-term cooperation is now in place with judicial training centres and universities in Albania, Argentina, Brazil, Madagascar, Morocco and Senegal. It has also assisted the European Commission in placing gender equality at the heart of its aid delivery agenda.

The ILO code of practice on HIV/AIDS and the world of work provides guidance to over 40 countries where it is used as a reference tool by policy-makers and social partners. The ILO programme, “Strategic HIV/AIDS Responses by Enterprises” (SHARE), has reached out to over 300,000 formal and informal workers in 23 countries and has been instrumental in the adoption of enabling legislative frameworks. Since 2000, over 3,500 people, including representatives of trade unions and employers’ organizations, labour inspectors, judges and NGOs, have been trained under the SHARE programme.

Using the ILO code of practice on managing disability in the workplace, “AbilityAP”, the ILO’s disability programme in Asia and the Pacific has created a comprehensive database on laws and policies and provided advice on policies and programmes. Action in Africa has aimed at enhancing disabled workers’ skills and developing entrepreneurship among women with disabilities.

The ILO Multilateral Framework on Labour Migration, adopted in 2005, places special emphasis on the discrimination faced by migrants and calls for promotion of their rights.

2.7 Second Global Report: Equality at work: Tackling the challenges (2007)

The second GR on discrimination in the world of work, entitled *Equality at work: Tackling the challenges*, built upon the first GR, which identified discrimination on “grounds of sex or race” as priority areas.

In Part 1, the report defines the concepts of discrimination and discusses progress made in its measurement. It notes that the list of grounds for discrimination provided by Convention 111 (race, colour, sex, religion, political opinion, national extraction, or social origin) has expanded to include actual or perceived HIV/AIDS status, disability, age, health, life-style and genetic conditions, trade union membership and family status. It notes that gathering statistics on all types of discrimination issues remains a major challenge and also the need to reconcile the individual’s right to privacy with the need to acquire statistical data on discrimination.

The GR highlights the ILO’s contribution to the alleviation of poverty experienced by indigenous and tribal peoples through the implementation of its policy PRO 169 Policy on Indigenous and Tribal Peoples (1996). Work has continued globally on monitoring the application of Conventions 111 and 100 and on developing enabling legislative frameworks.

The report states that gender equality has been effectively mainstreamed in social dialogue, and maternity protection has been promoted. While the work on promoting the status of domestic workers is very promising, it is felt there is a need to develop a coherent global approach and action on the subject.

The recommendations of the second GR can be summarized as follows: (i) promoting gender equality in the world of work; (ii) mainstreaming non-discrimination and equality in DWCPs; (iii) better laws and better enforcement; (iv) effective regulatory initiatives; and (v) social partners better equipped to make equality a reality in the workplace. Delegates praised the quality and breadth of the report for presenting a “universal declaration of labour rights”. However, the Office was requested to continue identifying reliable and transparent sources of information in order to provide a fuller, more dynamic global picture relating to this complex and changing area of discrimination at work.

Under the review of the strategy for Outcome 17 (Section 4.2), the evaluation has noted that while the strategy is certainly aligned with the recommended outcomes of the second GR, there are few explicit links to the report. At the same time, the GRs could be organized in a more strategic and analytical way, along the lines suggested below for the strategy of Outcome 17. This would strengthen the coherence between GRs and the strategy.

2.8 Action plan 2007-2011³

The current action plan for the ILO’s non-discrimination work has been mostly based on Regular Budget Technical Cooperation (RBTC) and limited Extra-budgetary resources (XBTC) and Regular Budget Supplementary Account (RBSA) seed resources, carried out in close collaboration with field and headquarters units. The action plan to combat discrimination has relied on the combination of resources and coordinated strategies across the Office. It builds on consolidating existing activities and the experiences of the past four years. Lessons learned from research already initiated under the first action plan have helped shape future operational activities at the national and workplace levels.

In response to concerns, voiced by most constituents, the Office has been giving priority to better enforcement of legislation and equal remuneration between the sexes. It has drawn on inputs from all relevant headquarters and field units, including the Turin Centre. Initiatives at the country level have been integrated and mainstreamed into the DWCPs. Technical advice and cooperation activities have been designed and carried out in close cooperation with the Bureaux for Employers’ and Workers’ Activities.

The Action Plan for Gender Equality is aligned with that of 2007–11 on the elimination of discrimination in employment and occupation, and is clearly one avenue for working towards the elimination of gender-based discrimination in the world of work. The ILC 2009 general discussion on gender equality as a pivotal element of decent work opened an opportunity for the Office to report on progress in this area and provide guidance on how to tackle the remaining challenges.

³ GB.300/TC/4GB.300/TC/4.

Follow-up actions on the elimination of discrimination in employment and occupation included awareness-raising through educational campaigns, information sharing, and further research initiatives within the ILO and through external bodies. Another important area of activity was capacity building for governments and social partners to help ensure that they are equipped to face the challenges of promoting equality in the workplace. These capacity-building initiatives responded to earlier GB recommendations to increase, through technical cooperation, the capacity of ILO constituents to promote gender equality in the world of work.

2.9 Main achievements of the 2004–2007 and 2007–2011 Action Plans

The Office has pursued various strategies and activities in accordance with the 2004–2007 and 2007–2011 action plans that have contributed to the achievement of considerable progress at the national level in several countries. The action plans focused on two thematic priorities: the gender pay gap and racial/ethnic equality and its gender dimensions.

Regarding the gender pay gap, the ILO focused its activities on: (i) generating knowledge on the costs and benefits of promoting pay equity, trends in the gender pay gap and its underlying causes; (ii) networking and cooperation with global union federations; and (iii) providing technical assistance at the country level. Country fact sheets were prepared for Africa, Latin America, and Europe on: (i) trends in the gender pay gap by sector and occupation; (ii) relevant national institutional regulatory frameworks; and (iii) comments of the Committee of Experts on the Application of Conventions and Recommendations. A similar initiative is currently underway in East Asia. A study assessing the cost benefits of pay equity and a guide on how to carry out job evaluations free from gender bias were produced.

With respect to racial/ethnic equality and its gender dimensions, the ILO has provided technical assistance to governments on the development of employment and social policies to promote racial equality and inclusion. For example, an ethnic audit was undertaken of World Bank and International Monetary Fund (IMF)-driven PRSPs in 14 countries and its results disseminated and discussed. The audit attracted extra-budgetary funding for follow-up activities in Bolivia, Peru and Paraguay to address labour market discrimination affecting indigenous peoples.

The ILO has provided training for judges and lawyers on international labour law and discrimination cases. It has also implemented other technical assistance projects, including one in Brazil on promoting equal opportunities and fighting discrimination in employment and occupation. It has provided advice to ministries of labour on the design and implementation of national employment policies in Bolivia, Ecuador, Colombia and Peru. Regarding the integration of migrants, the ILO has developed a “good practice” database, training tool kits and a website for social partners in Europe. Employment discrimination testing was conducted in France, Italy, Spain and Sweden.

Box 1. Linking ILO work to PRSPs

In the framework of the Follow-up action on the Elimination of Discrimination at Work (2004-2007) ensuing from its first Global Report on the subject entitled *Time for Equality at Work*, the ILO carried out an ethnic “audit” of 14 PRSPs in an equal number of countries. The goal of the audit was to ascertain whether and how the rights, needs, and aspirations of indigenous and tribal peoples have been taken into account and whether they have been involved in the consultations leading to the formulation of PRSPs.

The 14 countries include Bangladesh, Bolivia, Cambodia, Guyana, Honduras, Kenya, Lao PRD, Nepal, Nicaragua, Pakistan, Sri Lanka, Tanzania, Viet Nam, and Zambia. The ethnic audit showed significant differences between regions and, within regions, between countries in terms of whether and how indigenous questions are addressed. PRSPs are more likely to address the structural causes of indigenous and tribal peoples’ pauperization and social exclusion where:

- legal frameworks recognize indigenous peoples’ group rights;
- institutions and policies respecting and accommodating cultural diversity have been developed;
- indigenous peoples have organized and mobilized for political change.

This study was based on a desk review of the PRSPs and Joint Staff Assessments (JSAs), where these were available, of the countries concerned. Other sources consulted include project and workshop reports, handbooks, policy statements by indigenous organizations, guidelines, and articles on the subject produced by the ILO and other intergovernmental agencies, bilateral donors and the academia.

Source: *Indigenous and Tribal Peoples: An Ethnic Audit of Selected Poverty Reduction Strategy Papers.*
ILO

2.10 Capacity building for social partners

The ILO 2008 Declaration on Social Justice for a Fair Globalization emphasizes the vital role played by constituents in the achievement of ILO constitutional and programme goals. During the period covered by the action plan, the Office conducted various capacity-building activities for constituents on non-discrimination. For example, it reviewed collective agreements in a number of countries, the results of which were shared with the social partners to promote greater attention to equality issues in collective bargaining agreements. In addition, the Office compiled and shared information on the experiences, scope, content and impact of existing workplace initiatives, and developed model codes of conduct or guidelines to promote equal treatment and opportunities for all.

For example, since the ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 2005, China has promulgated three laws that came into effect on 1 January 2008. These laws – the Employment Promotion Law, the Regulations on Employment Service and Employment Management Law, and the Labour Contract Law – have expanded protection against discrimination for workers, especially in recruitment. They have prohibited additional grounds of discrimination, for example against rural workers in urban areas. To assist in the development of strategies to implement the Convention effectively, with financial assistance from the Government of Norway, the ILO implemented the “Equality at Work in China” project. This project has conducted a number of successful workshops and training modules for policy-makers, academia, and CSOs.

With awareness-raising as one of the primary channels through which this project operated, materials were published and a website established (www.equalityatworkinchina.org). The project published quarterly issues of the Equality at Work in China newsletter, highlighting recent events with regard to discrimination, and paying particular attention to legislative developments, discrimination cases and new publications. It culminated in the development of a training guide on different forms of discrimination, including gender, migrant workers and people living with disabilities. This Law provides that, where no collective contract providing specifications regarding remuneration exists, the principle regarding equal pay for equal work should be followed.

2.11 Integrating the ILO Strategy (Discrimination) into the DWCPs

The ILO's country programming increased its focus on DWCPs through its OBW and the field structure review, which established Decent Work Country Teams (DWCTs) in each of its operational regions. To ensure that non-discrimination and equality issues are effectively addressed at the national level, it is essential that DWCPs fully reflect these concerns. It is important that all the components and related activities of DWCPs take into account the specific rights, needs and circumstances of different groups based on their gender, race or ethnicity, religion, national extraction, and abilities, so that all can benefit equally from emerging opportunities. The action plan proposes specific efforts to integrate equality concerns into the DWCPs.

The DWCPs constitute new entry points for targeted training and capacity building for the implementation of relevant standards. Systemizing follow-up to comments of the supervisory organs aims at helping to remove the obstacles to implementation, by identifying national priorities, assisting on law and practice and building capacity for implementation. But, the integration of the ILS into DWCPs is on a steep learning curve and it is urgent to come to terms with how it can be more visibly and substantively integrated into DWCPs. The ILS can be an awkward entry point into DWCP programming.

To help with this process, the Office has invested in the development of country-specific baseline data related to specific Conventions and a database of country profiles summarizing comments by the supervisory bodies of the ILO, as well as other country-level information.

The DWCPs respond to, and are consistent with, national development frameworks, but very few are written from a rights perspective. Further complicating this is the need to limit DWCPs to a few high-level priorities, within which resources, usually in the form of TC, supports outcomes. These in turn tend to be bundled around technical themes, with support for non-discrimination cross-cutting many of the technical interventions under other strategic outcomes. However, considerable unevenness is evident. Attention has to be paid in making the linkages between supervision observations and the DWCP, as the former reflects the implementation of national and international legal obligations. As normative aspects of the UNDAFs – human rights and international treaty issues – become well integrated into the UN country teams, then ILS and non-discrimination should be in the forefront of their support at country level.

The links between programming areas and Convention ratification and implementation are more obvious in ILO interventions where “upstream” actions, for example advocacy, are linked to “downstream” activities, for example on-the-ground work such as pilot projects. Conventions nos. 100 and 111 are the most common example. Those on forced labour, where the programming, the nature of the Convention and the role of national and international advocacy are all linked together, to give coherent programming approaches. There are also other examples of good practice on an ad hoc basis that could be scaled up.

In some DWCPs, the state of ratification of related Conventions is tracked and reported, with a note as to what is expected next. Less covered are profiles of the country’s record in implementation and participation in the supervisory process. The DWCP documents and their associated Country Programme Reviews provide a potential means of profiling good practices and progress being made. The InFocus Programme on Promoting the Declaration (DECLARATION) and the International Labour Standards Department (NORMES) could identify two to three priority issues for each DWCP based on the supervisory system’s identification of what has to be included.

From 2008, NORMES has moved ahead on some of these issues by disseminating a practice guide for the integration of technical standards into technical cooperation projects. It is also working on a review of the modalities for the quality assessment of DWCPs as a basis for more targeted standards-related inputs. However, from the interviews and surveys conducted, there is still scope for working more closely with technical departments and field staff. This would help understand their perspective and break down perceptions of the monolithic aspects of the supervisory system.

In 2007, ACTRAV conducted a mapping out of DWCPs to show references to ILS and workers’ involvement.⁴ Of the 26 DWCPs reviewed (Africa 9, Asia 8, Europe/ Central Asia 7, Latin America/ Caribbean 1 and Arab States 1), the involvement of the workers was deemed appropriate in 17 and partial in nine. Therefore, it was appropriate in two-thirds of DWCPs. Specific references to ILS were made in 15 (or just over half) of the DWCPs while there were insufficient references in eight and none in three. These findings correspond to a survey, carried out by the evaluation team, of the available DWCPs and the references made to ILS.

However, although a review of documentation over the evaluation period does not show significant inclusion of ILS in DWCPs, there are recent positive signs that integration is becoming more effective as shown in the results of the last two OBW exercises.

2.12 ILO Gender Action Plan for Gender Equality 2010–2015

The evaluation team reviewed the ILO Gender Action Plan for Gender Equality 2010–2015 and the HIV/AIDS Action Plan. The ILO Gender Action Plan for the previous

⁴ ACTRAV, Decent Work Country Programmes at a Glance, internal document based on the following criteria: reference ILS (not sufficient, not at all, references made), workers’ involvement (appropriate or partial). Geneva, February 2008.

biennium has been the subject of several positive evaluations;⁵ this report restricts itself to the main points of relevance to this evaluation.

The ILO Action Plan for Gender Equality is primarily aimed at ILO staff to guide them in mainstreaming gender across all their work at all levels of the Organization, including regional priorities. The ultimate beneficiaries of the action plan are the tripartite constituents of ILO member States.⁶ It details the accountability and responsibility for “mainstreaming gender and other issues relating to the promotion of gender equality”⁷ across the ILO.

The action plan provides an essential mandate for the work of the Bureau for Gender Equality (GENDER) and for the Gender Network. It is not clear that its influence has penetrated beyond this circle and whether it truly constitutes an action plan.

While the ILO Gender Action Plan makes the link between the Declaration Follow-up process and the P&B, it would have benefited from being linked to a stronger overarching strategy on non-discrimination.

2.13 The Global Action Plan HIV/AIDS Action Plan

The Global Action Plan (GAP), to promote implementation of the HIV/AIDS Recommendation 2010 (No. 200), sets out the proposed actions to be taken by the Office by 2015. These concern providing technical and advisory support to the constituents to assist them in giving effect to Recommendation No. 200.

The GAP responds to the SPF 2010–2015 and proposes three main outcomes with linkages to a number of SPF outcomes. Two of the GAP outcomes are linked to Outcome 17. It proposes outputs related to activities carried out by the Office and output indicators linked to the three main outcomes. Though more modest in scope than the Gender Equality Action Plan, it better reflects the principles of RBM.

The Office needs to clarify the purpose and linkages between P&B strategies, which have their outcome-based workplans, and the action plans, such as the one prepared by the GENDER and ILO/AIDS.

2.14 Third Global Report: Equality at work; the continuing challenge (2011)

The report analyses the impact of the global crisis on discrimination in employment and occupation. The ILO adopted the GJP as a centrepiece in its response to the crisis in June

⁵ See Gender Mainstreaming in DFID/ILO Partnership Agreement 2006-2009: Evaluation Report November 16, 2009 (GLO/08/53/UKM) Una Murray; Strategy Evaluation: Performance and Progress in Gender Mainstreaming through the ILO Action Plan for Gender Equality 2008-2009 (December 2009) Una Murray and Tony Beck.

⁶ ILO Action Plan for Gender Equality 2010-2015(Phase I Aligned with Programme and Budget 2010-2010.

⁷ Ibid p. 43

2009. This emphasizes the need to support women and men who are most vulnerable to discrimination and calls upon countries to work towards the fulfilment of international labour standards. The report analyses the measurements of non-discrimination, including the new Decent Work Indicators, and discusses the challenges in data collection.

It also draws attention to the recent trends and developments correlated with different grounds for discrimination. It focuses on analysing gender discrimination. It also analyses on the basis of race, ethnicity, religion, social origin, sexual orientation, HIV/AIDS status, age, disability, genetics, lifestyle, political opinion, and against indigenous and migrants. It also analyses the methods taken by a variety of social partners to address the situation.

The report proposes four priority areas: (i) promoting the universal ratification of the two fundamental Conventions on equality and non-discrimination; (ii) developing and sharing knowledge on the elimination of discrimination in employment and occupation; (iii) developing the institutional capacity of ILO constituents for an effective implementation of non-discrimination at work; and (iv) strengthening international partnerships with major international actors on equality.

While most delegations at the 100th Session of the ILC consistently reported the adoption of national policies and programmes to ensure equality at work and equal opportunities, as well as the incorporation of anti-discrimination measures into national legislation. They also confirmed that challenges remain with respect to the elimination of discrimination and the promotion of equality. They reiterated that although essential, legislation is only part of the solution, and that effective enforcement and institutional mechanisms, including sound labour inspection and administration systems, are needed to ensure compliance.

On the issue of equal remuneration for women, migrants, and racial and ethnic groups, several countries reported efforts to reduce the gender pay gap, ranging from disseminating information to implementing equal remuneration programmes. However, some delegates to the 100th Session of the ILC reported persistent wage discrimination against women and other vulnerable groups in their countries. Constituents noted that the introduction and enforcement of equal remuneration legislation needed to be complemented by suitable job evaluation methods free from gender, racial, ethnic, and sexual orientation bias.

The ILC Delegates confirmed that, despite the introduction of anti-racism policies and workplace strategies aimed at raising awareness about employment equality and non-discrimination laws, racial discrimination and xenophobia continue to be a problem. National laws against racial discrimination and for equality of treatment need to be enforced. National institutions capable of playing both an advisory and monitoring role need to be established, and indicators should be created to measure the impact of policies and programmes.

2.15 A new procedure in the follow-up

At the 99th Session of the ILC in Geneva (2–18 June 2010), it was decided that the current GRs would be discussed under the recurrent item in the Technical Committee. Each report would address all four of the fundamental principles and rights rather than maintaining the

current quadrennial rotation of reporting on each fundamental principle and right. The purpose of the GR in its new format will be:

to provide a dynamic global picture relating to the four categories of fundamental principles and rights at work and serve as a basis for assessing the effectiveness of the assistance provided by the organization and for determining priorities for the following period, including in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources to carry them out.⁸

⁸ Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work: Report of the Committee on the 1998 Declaration. Draft Resolution Section III A 1.

3. Strategic Policy Frameworks: Medium-term strategic planning and delivery

The SPF is the ILO's medium-term planning document and provides the framework for delivering on the Decent Work Agenda over the period covered. The ILO's action concerning discrimination features prominently in the ILO's principal frameworks for delivery. Various approaches have been used to apply it during the periods of the two SPFs (2006–2009 and 2010–15) covered in the evaluation, as well as the corresponding P&B proposals for the three biennia included in this evaluation (2006–07, 2008–09 and 2010–11).

The SPFs have undergone significant improvements and simplification of expected results, and a clearer identification of priorities captured in 19 Outcomes.⁹ Each outcome contributes to all four strategic objectives, namely: promote and realize standards and fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment and income; enhance the coverage and effectiveness of social protection for all; and deepen tripartism and social dialogue by strengthening the capabilities and knowledge base of the social partners.

Several of the outcomes, including Outcome 17 – the entry point for the current evaluation, contribute to the work of the Office on non-discrimination. Outcome 13, Decent Work in economic sectors; Outcome 18, International Labour Standards; and Outcome 19, Mainstreaming Decent Work, stand out for their contributions. Successful mainstreaming of the ILO's non-discrimination strategy would require better integration of activities, whereas a results approach demands clear disaggregation. This is addressed below in section 3.3.

3.1 ILO medium-term strategic planning and delivery framework

The ILO's four strategic objectives to which all P&B outcomes relate are: (i) to promote and realize the Fundamental Principles and Rights at Work (including the elimination of discrimination in respect of employment and occupation); (ii) to create greater opportunities for women and men to secure decent employment and income; (iii) to enhance the coverage and effectiveness of social protection for all; and (iv) to strengthen tripartism and social dialogue.

The ILO Declaration on Social Justice for a Fair Globalization of 2008 expresses the universality of the Decent Work Agenda. It emphasizes the importance for all ILO members of committing to all strategic objectives, including rights at work, which embodies the principle of non-discrimination at a time when globalization could threaten the most vulnerable.

Following the global economic crisis of 2008, the ILOs' constituents created the GJP. This is based on the Decent Work Agenda and expresses the ILO's commitment to the UN

⁹ Strategic Policy Framework 2010-2015 GB304/PFA/2(Rev.) 304th Session, Geneva March 2009, p. 1.

response to the Global Financial Crisis. The GJP was endorsed by the G8 and the UN/Economic and Social Council (ECOSOC) in 2009. The Decent Work Agenda is intended to ensure policy coherence across national and international trade and development frameworks and is an essential tool in policy-making and programme design, implementation and monitoring.

The DWCP is the most important vehicle for the implementation of all corporate policy commitments at the country level, including non-discrimination in the world of work. It translates the ILO's policies to respond to country needs. Since 2008, efforts have been made to ensure that DWCPs are increasingly aligned with UNDAFs and the new aid architecture, which requires a shift from project-based technical cooperation to larger programme approaches and budgetary support.

3.2 ILO's Strategic Policy Framework and Programme and Budget strategy

The SPF has undergone significant improvements as the Office moved towards a more comprehensive response to the principles of RBM. The evolutionary characteristic of the period under review made it difficult to identify correlations between the follow-up mechanism and the operational strategies of the P&B plans covered. Moreover, during this period the principle on the elimination of discrimination also evolved from an indicator on immediate objective to a fully-fledged strategic objective.

The SPF 2006–09 and the P&B proposals for the two biennia it covered include the operational strategies related to the principle of elimination of discrimination as an indicator under Immediate Outcome 1(a).1:

Improved implementation of fundamental principles and rights at work. Member States are increasingly aware of the content of fundamental principles and rights at work (freedom of association/collective bargaining, freedom from forced labour, child labour and discrimination) and undertake progressive steps to respect, promote and realize them, including in their national development and poverty reduction frameworks, national law and practice, and in the policies and practices of employers' and workers' organizations and their members.

This was part of Strategic Objective No. 1: "Promote and realize standards and fundamental principles and rights at work".

The SPF 2010–15 and the P&B for 2010–11 define a specific outcome on discrimination at work, which sets out the broad lines of action to be pursued by the Office.¹⁰ The ILO action focuses on supporting constituents to implement specific laws, policies, programmes or actions to tackle discrimination and promote equality. This leads to the improved application of the Conventions concerned and, where these are not yet ratified, progress in

¹⁰ GB.304/PFA/2 (Rev.).

the realization of the related fundamental principles and rights, and towards universal ratification.¹¹

The SPF 2010–15 and the P&B 2010–11 highlight three points which are critical for the delivery of ILO action concerning discrimination at work:

(a) the action must be based on the relevant standards and follow-up to the comments of the supervisory bodies or the 1998 Declaration follow-up;

(b) the inclusion of non-discrimination and equality in employment and occupation in Decent Work Country Programmes is to be promoted; and

(c) special attention needs to be paid to groups that are particularly vulnerable to discrimination, including people with disabilities, migrant workers, indigenous and tribal peoples and people living with HIV/AIDS.

Outcome 17 is based on a multi-pronged strategy. It operates on many fronts where discrimination needs to be addressed and that are components of the national equality policy, required under Convention No. 111. These fronts include legislation, action plans, equality bodies, awareness-raising, and collaboration with the social partners on the supervisory body mechanisms. These could be part of a national equality plan, and thus part of the multi-pronged strategy. The specific approach needs to be adapted to the needs of each country, but will normally require more than one prong.

Some of the 19 Outcomes address specific sub-sectors of the population, including migrants, HIV/AIDS-affected, employers, workers, children, forced labourers and indigenous people. Others address strategies to be adopted with respect to beneficiary populations and constituents (skills development, social protection, elimination of discrimination, decent work).

While there are many excellent ongoing activities related to non-discrimination under each of the 19 Outcomes, there does not appear to be a fully developed system for routine information sharing. This would improve collaboration and teamwork. Information sharing appears to be event-based. For example, through knowledge-sharing events, or report-based, through the compilation of the GRs on non-discrimination every four years. It is also based on knowledge obtained through personal contacts or previous location and experience in the system. The various knowledge-sharing platforms that have been developed by the different programmes, departments, country and regional offices, are in most cases not accessible by staff outside that unit.

In order to continue strengthening the coherence of the Office's non-discrimination work, funding should become increasingly outcome-based rather than guided by donor-earmarked preferences. Donor contributions to the RBSA have shown a positive effect on the Office's progress in RBM. A balanced funding approach for Outcome 17 would facilitate the implementation of its multi-pronged approach by mainstreaming non-discrimination work through reducing compartmentalization within the Office. A balanced

¹¹ ILO: *Programme and Budget for the biennium 2010–11*, Geneva, 2009, paras. 336–347.

TC funding envelope between XBTC, to pilot new activities, and RBSA to strengthen non-discrimination efforts, only strengthens the ILO's work towards the elimination of discrimination in employment and occupation.

3.3 The 2010-11 Programme and Budget strategy for addressing non-discrimination

Addressing the GB in March 2009, the Director-General noted that several members requested assigning separate outcomes, with targets and indicators, to each of the four fundamental principles and rights. In addition to the existing outcome on freedom of association and collective bargaining, separate outcomes on child labour, forced labour, and discrimination at work were established. The separate Outcome 17, on discrimination in the world of work was, therefore, one of the results of that discussion.¹²

The evaluation team considers that some discussion of the stated intention, and added value, of establishing Outcome 17 as a separate outcome, would facilitate promotion of the multi-pronged approach in a more coherent and complementary manner. Many ILO staff and national constituents and partners interviewed, were of the opinion that an “umbrella” strategy with a multi-pronged approach is helpful. This addresses discrimination as a whole, and all four strategic objectives of the SFP, thus the various types of discrimination (for example age, sexual preference or life-style) in a more comprehensive way.

The following paragraphs provide a content analysis of the P&B strategy for Outcome 17 and propose ways to enhance the current strategy in order to provide even clearer guidelines to field offices.¹³ A similar strategic framework is proposed to address non-discrimination issues in a more comprehensive way within the DWCP.¹⁴

The P&B for 2010–11 specifies the strategies that the ILO will implement to achieve results over the biennium and the capacities and resources required to achieve them. The proposals are the product of extensive consultations with tripartite constituents and across the Office. This process has resulted in the elaboration of a strategy for each outcome according to the principles of RBM. Targets have been set taking into account “priorities established by governing organs, the regions and the DWCPs”.¹⁵

The P&B notes:

looking into the future it is clear that ILO technical cooperation will be increasingly driven by country priorities, whether established in Decent Work Country Programmes or through

¹² Programme and Budget for the Biennium 2010–2011 page xvii.

¹³ 13 per cent of the respondents to the Questionnaire Survey rated the ‘clarity of guidance provided by ILO’s P&B, OBW directives as High; 38 per cent rated the clarity provided as Moderate; and 20 per cent. as Low.

¹⁴ See below at Section 5

¹⁵ Programme and Budget for the Biennium 2010-2011 paragraphs 19-20.

wider UN development frameworks. This implies a shift from project-based technical cooperation to larger programme approaches and budgetary support.¹⁶

It would be useful for the Outcome 17 strategy to reflect the implementation of the APs and draw lessons from experience. This would provide guidance on how to approach new types of discrimination and “multiple discrimination”, thus ensuring coherence and synergies with non-discrimination activity carried out under other outcomes. For example, synergies between migration, ethnicity, social origin and gender could be addressed through the domestic workers' programmes. The emerging issues of age and gender with respect to perceived inequities in pensions and retirement ages of women and men could also be addressed (see case studies [Annexes Volume 2](#)). The strategy should also mention grounds for discrimination which appear to be receiving inadequate attention, such as discrimination on the basis of race, mentioned in the first GR, *Time for Equality at Work* (2003) as a priority issue.¹⁷

Equally important is the need Outcome 17's strategy to provide guidance to field offices on the possibilities for the cross-fertilization of approaches and tools developed in response to specific issues of discrimination. Adaptation of the Participatory Gender Audit Methodology (PGA), and the work on the gender pay gap related to the treatment of other discrimination issues, presents an excellent opportunity to implement lessons learned. The work on assessing the extent of discrimination experienced by migrant workers is another good practice which could be transferred.

Under the paragraph *Supervisory mechanisms and technical cooperation*, the work of the CEACR, the CCAS, the 1998 Declaration and follow-up mechanism, the results of ILO research and technical assistance, and alliances with UN bodies and mechanisms are all grouped together. They are considered as being ways to “understand and assess the many faces of discrimination, and to assist constituents to address it effectively”.¹⁸ This information could have been more effectively placed at the beginning of the strategy, as it recognizes the information base or “situation analysis” on which the strategy is based.

The section of the strategy for Outcome 17, *strengthening the capacity of constituents*, reiterates the essential nature of social dialogues and the ILO's intention to develop and implement national equality policies, as well as workplace policies. It mentions in particular the principle of equal remuneration for men and women for work of equal value. The title of this section suggests the focus is capacity- building and training of constituents.

The evaluation team proposes that Outcome 17's strategy should advocate a more comprehensive approach to training and capacity building on non-discrimination for constituents, social partners, ILO and UN agencies' staff, where appropriate and requested.

¹⁶ Programme and Budget for the Biennium 2010-2011 paragraph 13.

¹⁷ The issue of the scant attention to racial discrimination was raised by constituents at the ILC, 100th Session, Geneva, June 2011. The results of the questionnaire survey confirm this – only 23.10 per cent of respondents mentioned that discrimination on grounds of race was being addressed in their country of assignment, though of course discrimination on grounds of racism may not be an issue in all countries.

¹⁸ Ibid. page 11.

This should also apply to project beneficiaries. In this way, specific target groups are identified and tools and materials developed and adapted according to their audience's needs.

A number of other issues, with respect to the large volume of training and capacity building supported by the ILO, have arisen in the course of the evaluation. Guidance could be provided on these through the strategy for Outcome 17. It was frequently difficult to ascertain numbers and categories of trainees: who had been trained, how had they been selected, and how would they apply the training afterwards.¹⁹ The ITC has developed a database for its own training courses that could be adopted elsewhere. A comprehensive database of training tools and materials, even for individual issues of discrimination, was not easily accessible to headquarters or for field activities.

In some cases, materials developed by headquarters were translated in the field with minimal input from the intended users. An exception to this is the Convention No. 111 manual developed for the China country office. The team understands this was extensively piloted in China and was the result of inputs from China and the country office, the regional Office, and ITC, as well as headquarters units, notably NORMES and DECLARATION.

The evaluation team suggests that core dimensions of the strategy for Outcome 17 need to be strengthened. By this they mean, primarily, advocacy and communication, training and capacity building, research, and data-gathering. An enhanced strategic approach to these cross-cutting core dimensions would provide a stronger framework for addressing non-discrimination issues. It would also help to break down "compartmentalized" tendencies to individual issues of discrimination.

The section in the strategy for Outcome 17 on *Integration of decent work dimensions* confirms the ILO's interest in ensuring that gender equality and non-discrimination²⁰ are addressed as cross-cutting issues in DWCPs under all strategic objectives. It also confirms that targeted action is taken to address the rights and needs of persons with disabilities, migrant workers, indigenous peoples, or persons living with HIV/AIDS.

Under the paragraph on *International Partnerships*, the strategy recognizes that:

non-discrimination is a key aspect of the human rights-based approach, which is one of the common programming principles of the UN system. The Common Country Assessment and UNDAF documents in an increasing number of countries mainstream principles of non-discrimination and gender equality and pay particular attention to groups subject to

¹⁹ See Support to Promote and Apply ILO Convention no.111 Final Project Report, ILO Office for China and Mongolia, page 23.

²⁰ The phrase "gender equality and non-discrimination" derives from the Social Justice Declaration of 2008, which states in Part B that "gender equality and non-discrimination must be considered to be cross-cutting issues in [all ILO] strategic objectives." Whilst Non-discrimination' and 'gender equality' are two distinct concepts aspects of gender equality that relate to non-discrimination are captured under Outcome 17.

discrimination and exclusion. The ILO will make particular efforts to align Decent Work Country Programmes with UNDAFs in this respect.²¹

The evaluation team's interviews with the ILO country office in China and their development partners revealed that staff of all agencies felt their capacity to have been enhanced and enriched by working on joint programmes within the UNDAF. This, despite the usual caveats on transaction costs.²² These benefits of interagency collaboration were more broadly confirmed through the questionnaire survey.²³

The recognition of an effective division of labour should be the basis for the integration of the ILO/DWCPs in the UNDAF framework as well as for collaboration on some key activities where responsibilities and capacities overlap. Several people expressed concern about the possibilities for overlap between agency mandates. Training in gender analysis and gender mainstreaming was cited along with the need for agencies to recognize a better division of labour in this field. However, in some aspects of gender mainstreaming within the UNDAF framework, the ILO has taken the lead, with its PGA being requested by other UN agencies in a number of different countries.²⁴

The Millennium Development Goals (MDGs) provide the framework for the UNDAF. Some are more obviously cross-cutting than others, but all need to be mainstreamed. The MDGs provide a common framework for action for UN agencies at all levels, as well as governments and CSOs. At the country level, there is scope for reflecting specific concerns through targets and indicators, as well as for focusing on some MDGs rather than others.²⁵

With respect to knowledge and knowledge management, the evaluation team noted the need for better management, developed under a multiplicity of individual and often small-scale research studies at headquarters and field locations. Research developed for a specific purpose (for example advocacy to the government to support employment of the disabled or to change the pension age for women, as under the ILO China programme) may be hard to retrieve and use when the specific purpose has been achieved and the programme ended. Nevertheless, such research should be considered an important part of the ILO's "situation analysis" for future work on non-discrimination, and could also contribute to the UNDAF database.

Although a number of types of knowledge-dissemination activities, such as awareness-raising on stigma and taboo, and advocacy for fund-raising, are critical pillars of a non-

²¹ Outcome 17 Discrimination OBW page 12.

²² See Case Studies, Annex 4

²³ See Results of the Questionnaire Survey at Annex 3

²⁴ Gender Mainstreaming in DFID/ILO Partnership Agreement 2006-2009: Evaluation Report. November 16, 2009 (GLO/08/53/UKM). Una Murray, Independent Consultant. The continuing popularity of the PGA was confirmed during the evaluation team's Mission to China.

²⁵ MDG1 Eradicate Extreme Poverty and Hunger; MDG 2 Achieve Universal Primary Education; MDG3 Promote Gender Equality and Empower Women; MDG4 Reduce Child Mortality; MDG5 Improve Maternal Health; MDG6 Combat HIV/AIDS, Malaria and other diseases; MDG7 Ensure Environmental Sustainability; MDG 8 Develop a Global Partnership for Development.

discrimination strategy, they are only mentioned briefly in the current strategy for Outcome 17.

The final paragraph in the section on risks and assumptions of the strategy for Outcome 17 states made that while constituents and GB members have lauded commitment to the principle of non-discrimination, it has received the least funding of all the fundamental principles and rights at work. Furthermore, while it is understood that a comprehensive approach to addressing discrimination would optimize results, the main risk is that such an approach would require significant extra-budgetary resources which up to now have not been forthcoming.²⁶

A comprehensive approach to resource mobilization for non-discrimination at headquarters and country levels needs to be further developed as part of the overall strategy. The GRs could be the basis of such a strategy.

In summary, the findings of the analysis of the strategy for Outcome 17 suggest that it be structured to provide guidance on each of the main fronts of addressing non-discrimination. For example, this would Convention ratification, legislative reform, support to the establishment of non-discrimination commissions, the development of regulatory frameworks, establishment of temporary special measures, training and capacity building of constituents and social partners and ILO staff, research and data gathering. The modifications to the content of the strategy proposed above represent a different way of ordering activities and information, rather than a totally new approach.

3.4 Evaluability of ILO strategy for the elimination of discrimination

The objective was to examine the extent to which ILO non-discrimination strategy is evaluable. The evaluative criteria help to determine whether *the connection between the actions undertaken pursuant to the strategy and the attainment of its intended goals* can be judged. They also help to show whether the ILO, through its project and programme design, and information garnered in its monitoring and evaluation system, the results of its interventions.

Outcome 17 has the following indicators and measurements of achievement for the biennium 2010–11. The logical links in this system are examined in more detail below.

²⁶ Ibid., p. 12.

Table 1. Outcome 17 Results Framework

Indicator 17.1: Number of member States in which constituents, with ILO support, implement specific laws, policies, programmes or actions, leading to improved application of Conventions, principles and rights on non-discrimination

Measurement

To be counted as reportable, results must meet at least two of the following criteria:

- Convention No. 100 or 111 is ratified or the supervisory bodies have noted with satisfaction or interest progress in the application of the relevant Conventions.
- New or modified laws, policies, action plans and/or programmes are adopted to bring them into line with international standards on non-discrimination.
- An awareness-raising strategy on non-discrimination is launched by one or more constituents.
- A national body with a mandate to address equality issues is established or strengthened.
- A capacity-building plan for relevant officials on the enforcement and/or promotion of non-discrimination laws and policies is implemented.
- Systems are strengthened to provide up to date sex-disaggregated data on non-discrimination.

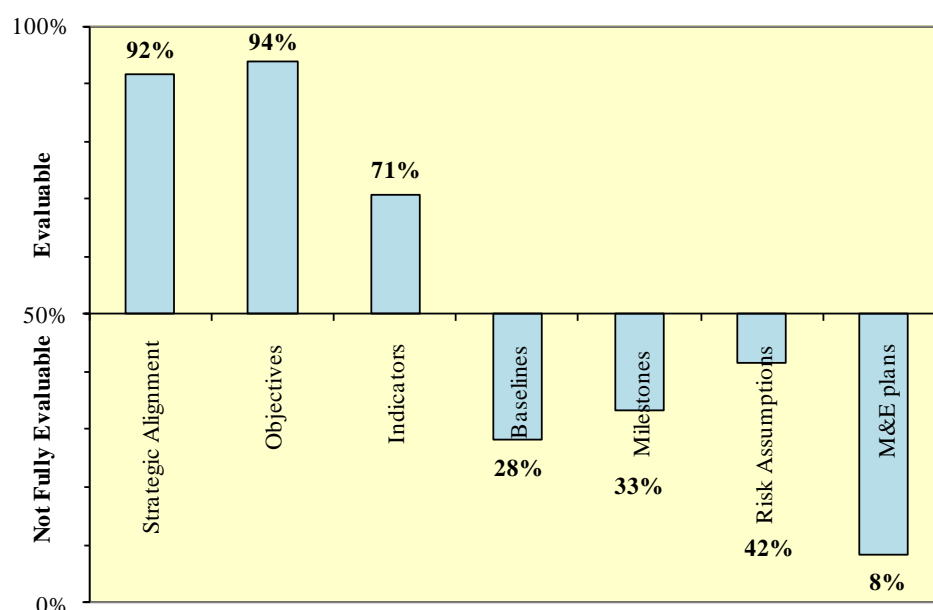
Baseline	Target
To be established based on 2008–09 performance	Five member States

In general, the strategy for Outcome 17 presented clear strategic alignment and its objectives are clearly stated, with references made to the 1998 Declaration and its follow-up. It also provides direction on the relevance of the 2008 Declaration and to DWCPs. However, further assessment of the strategy logic found limited and ambiguous guidance in place, making it difficult to establish accurate links between strategic intent and intended results at the country level.

The evaluability assessment also observed that the strategy does not always clearly articulate links between outputs and outcomes in relation to identified strategic objectives. Furthermore, outcome indicators need to be defined more clearly, include targets and milestones, to measure progress towards results.

As shown in Table 2 below, the evaluability assessment results indicate very good scores on strategic alignments and clarity of objectives. The assessment of the indicator and the suggested measurements demonstrated that improvement is needed. However, their improvement is needed to ensure more clarity and measurability of the indicator. The composite evaluability score is 2.10 on a scale of 4, indicates that the results framework is partially evaluable, and improvements are needed to enable adequate monitoring and reporting of achievements.

Figure 3. Evaluability Assessment of the Strategy's Results Framework



Risk management is not adequately addressed in the strategy or in the DWCPs and projects reviewed. Because the ILO strategy does not have clearly defined risks, it is incumbent on individual projects and country programmes to identify and monitor potential risks as well as assumptions that could have a significant impact on implementation.

Over the past two years the ILO has made significant progress in the evaluability of its implementation plans. This progress is more evident at the project level, as a result of the Office's greater emphasis on the quality of logical framework. This is in part due to stricter donor requirements and the improved quality assessment mechanism. However, higher levels of programming level, DWCPs and strategies comply with only the minimum standards set by the RBM criteria.

Table 2. Evaluability Assessment Result

	Raw score	Weight	Weighted Score	%
Strategic Alignment	3.67	0.25	0.92	92%
Objectives	3.75	0.25	0.94	94%
Indicators	2.83	0.25	0.71	71%
Baselines	1.13	0.10	0.11	28%
Milestones	1.33	0.05	0.07	33%
Risk Assumptions	1.67	0.05	0.08	42%
M&E plans	0.33	0.05	0.02	8%
Composite Score	2.10	1.00	2.10	53%
Score	Partially Evaluable, needs improvement			

3.5 Outcome-based Work planning and Outcome 17

The relationship between the ILO's strategic objectives, its P&B outcomes and the OBW framework, ought to be the most important piece of logic in a country strategy, given that it provides the link between a development concept and its implementation. As shown in Section 3.7 below, there is strong evidence of the progress made to align ILO programme and implementation mechanism to the RBM framework.

There is consensus among ILO staff and constituents that the 2010–11 P&B and the OBW system established in 2010 are moving the Office closer towards RBM. Nevertheless, the evaluation team found little common understanding of the development and function of these two important components of the RBM framework. Results from questionnaires, distributed to headquarters and field staff relating to the clarity of guidance and directives issued for the preparation of both components, are mixed. Only five staff members have a high understanding of the mechanics of the system, 15 a moderate understanding, eight a low, and one no understanding at all. Ten respondents reported that these systems are not applicable, which signals not only lack of understanding, but a rejection of the systems. This situation, if not addressed, will affect the effectiveness of the Office's RBM system.

The effectiveness of this multi-pronged approach to the planning and implementation, under Outcome 17, would require clear terms of reference to empower the Outcome Coordinators to effectively promote and coordinate their respective outcomes in the OBW system. The Coordinators are located in units corresponding to that outcome. This may not reinforce the stated purpose of the SPF's orientation to "results rather than administrative structures" aiming to accentuate collaboration across the Office at headquarters, regions and the Turin Centre.

Although, currently, they do not have a clear job description detailing their authority and responsibility vis-à-vis lateral coordination, important synergies have been established with other outcomes that include non-discrimination activities. This is the case in the coordination arrangement established by Outcome 17. Another is the coordinator for Outcome 18, Outcome 7, Outcome 8, and the GENDER Action Plan coordinator.

Figure 4. OBW Linking COPs to P&B Outcomes

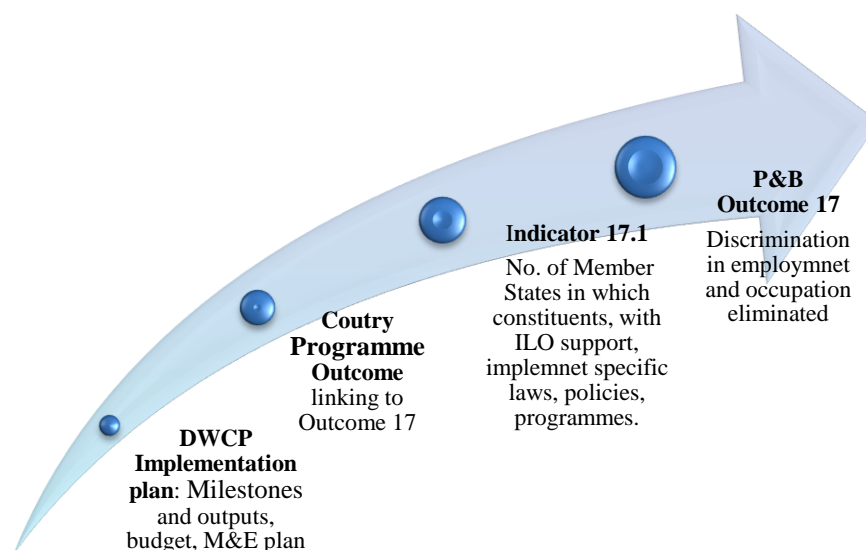
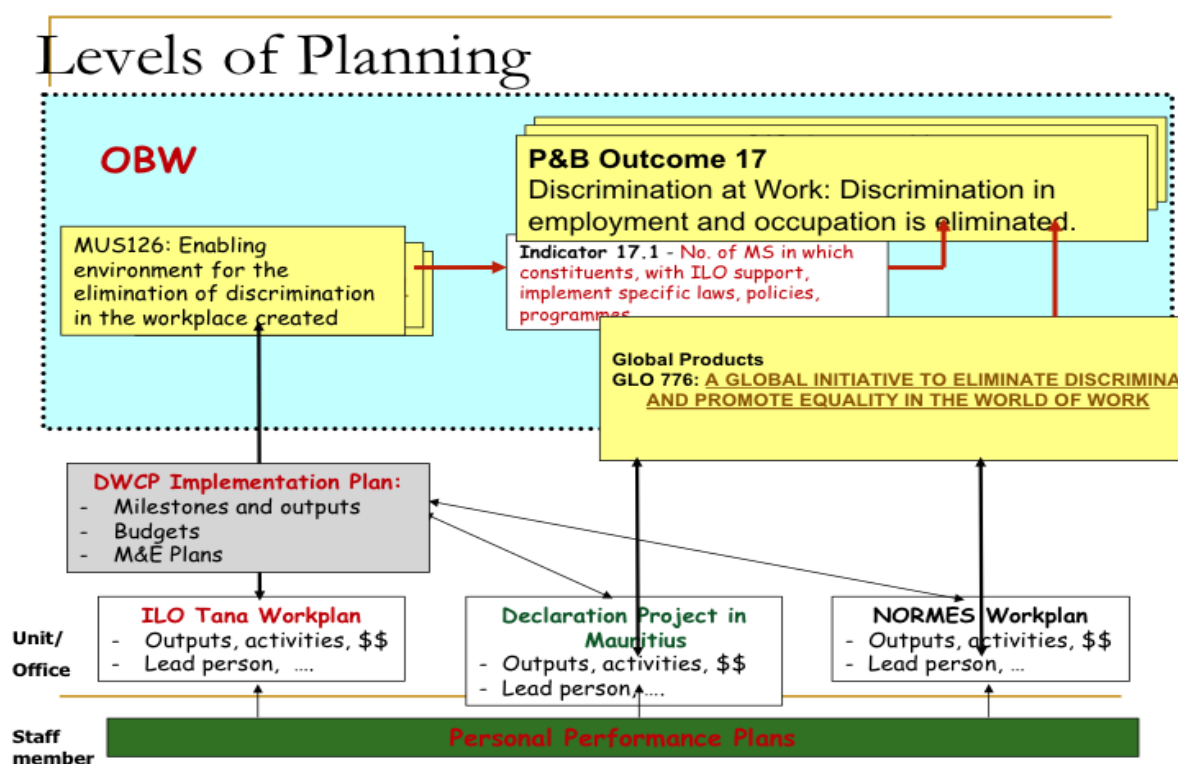


Figure 5. OBW levels of planning



3.6 Monitoring and evaluation of OBW

The Integrated Resource Information System (IRIS) serves two purposes: (i) administrative and financial management and reporting; and (ii) strategic management, implementation and reporting (see Annex 6). The latter programmatic function, the Strategic Management Module (SMM), was deployed to all external offices in 2005. This allows the field to

define outcomes for DWCPs and enables headquarters technical sectors to link staff and non-staff resources to these outcomes. The SMM is available to all country offices. What is lacking is the full integration of these two components of the system. At present, this is only available at headquarters, DWT/CO-Budapest, the Jakarta EAST project, and partially in RO-Beirut and RO-Bangkok.

This means that programmatic functionality of the system allows links to be seen between resource allocations and outcomes Office-wide. However, the financial accounting system does not yet allow expenditure tracking for all sources of funds at the level of outcomes. This is particularly the case for RB funds that are currently not tracked by expenditure per CPO or P&B outcome. This makes the RBM of P&B outcomes difficult.

Another complication of the monitoring system is that it does not yet capture information on related activities undertaken under various CPOs not linked to Outcome 17. Hence, the full scope of ILO's work towards the strategy as stated in Outcome 17 is hard to assess. Planning and monitoring of results relies on the network of Outcome Coordinators without a systematic monitoring and information gathering system.

The SMM has demonstrated its potential as an effective monitoring tool for OBW in its last two reports on CPOs linked to outcomes. The 31 March IRIS report showed that 34 DWCP outcomes, CPOs, were linked to Outcome 17. The most recent report of 6 June 2011 showed that significant progress was made in the prioritization of CPOs linked to Outcome 17 as a result of the May OBW review. It shows 13 CPOs: ten are given a "green light", meaning they are on target; two are given, orange, meaning they have potential to be on target; and one is given red, meaning it has stalled (see Annex 5).

A persistent challenge is the one-to-one reporting rule of OBW, chosen to avoid duplication. This vertical linking makes it difficult to monitor and report on cross-cutting contributions from one outcome to another. This presents a particular challenge for the implementation and monitoring of the multi-pronged Outcome 17 strategy on the elimination of discrimination.

To better monitor the implementation of its country programme, the country office, Beijing has opted for a shadow workplan at country level. This means non-discrimination components of TC activities, not directly linked to the non-discrimination CPO 903, are tracked and reported under Outcome 17 in the country M&E plan. Reporting to IRIS is done according to OBW directives and is based on the country M&E and implementation plans. Hopefully, once the IRIS roll-out to the field is fully implemented, attention will be given to ways of ensuring that it reflects the intent of OBW and multi-pronged approaches to ILO work, such as in non-discrimination.

The evaluation team found some confusion about the purpose and workings of OBW. The same can be said of the use and application of SMM for programme planning, implementation and reporting. The problem may be that the system is not yet rolled-out and not very user-friendly. This should be a management tool used by all programme and project managers. The evaluation team found that those who used SMM and OBW were primarily junior staff entrusted with entering data.

In conclusion, the OBW system is currently structured to optimize team work and cross fertilization. However, this goal has been compromised to allow IRIS capture all non-discrimination activities supporting CPOs and global products linked to Outcome 17, excluding important non-discrimination work reported under other strategic outcomes,

Table 3 lists 11 active XBTC operations linked to CPOs that contributed to Outcome 17. Among these, there are three operations supporting the two Outcome 17 Global Outcomes (GLO776, and GLO777), leaving eight country-based operations. The table excludes the three operations that support two associate experts from Norway and one from Italy.

Table 3. Ongoing XBTC

Ongoing XBTC Projects Supporting Outcome 17- by Administrative Responsibility- as at 16 May 2011			
HQ/Field	Admin Unit	Project Title	Total Budget
HQ	GENDER	Gender equality in the world of work in Angola, Brazil, China, India and South Africa	2 334 665
HQ	GENDER	Promoting Gender Equality in the World of Work II	704 350
HQ	GENDER	Gender mainstreaming in the Sweden/ILO Partnership Programme	397 468
FO	CO-Brasilia	East Timor's Programme to Eliminate the Worst Forms of Child Labour	249 420
FO	CO-Brasilia	Inter-agency Programme for the Promotion of Gender and Ethnic-Racial Equality	596 894
FO	CO-Bangkok	Strengthening Access Rights of Indigenous Peoples to Land and Other Natural Resources	170 531
FO	CO-Beijing	Promoting Equality at Work in China	221 239
FO	CO-Beijing	Reducing HIV related employment discrimination in China	65 420
FO	DWT-Bangkok	Support to Indigenous Peoples in Cambodia	405 447
FO	DWT/CO-Budapest	Gender equality in the world of work in Ukraine	1 378 493
FO	RO-Arab States/DWT-Beirut	Gender equality and women's empowerment in OPT	1 491 572
Total			8 015 499

4. Main findings on relevance, effectiveness, efficiency, coherence and sustainability

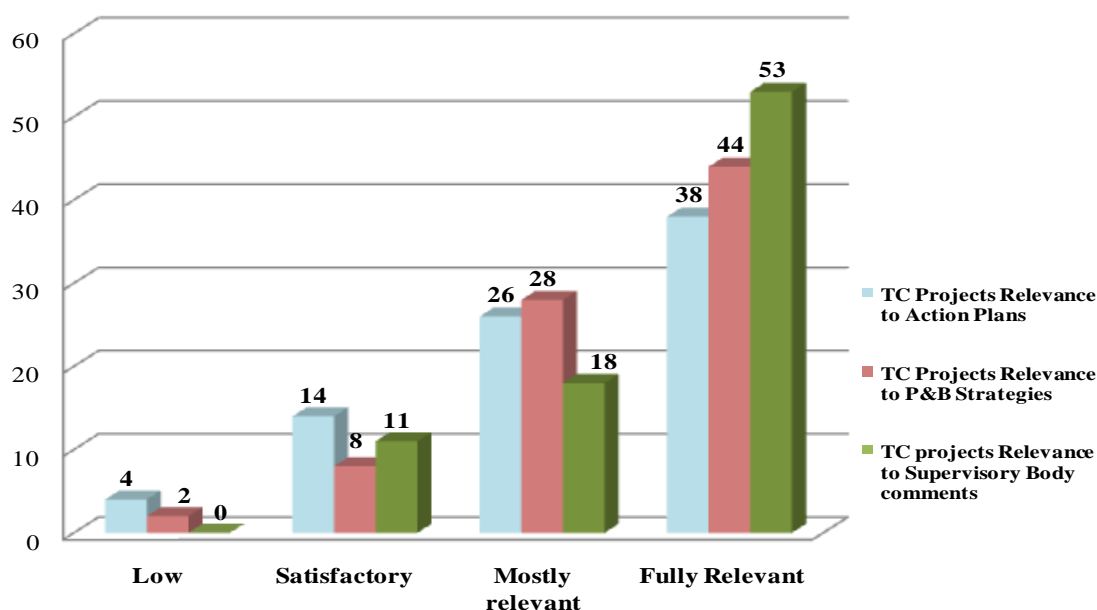
Chapter 4 covers the findings that support judgements related to the six EQs that guided the analysis. Each question has a set of performance criteria (PC) against which findings are measured. Each criterion for rating the six questions (relevance, coherence, effectiveness, efficiency and sustainability and impact) was assigned a raw score based on a four-point scale (ranging from poor to very good). The rating tables include the criteria used in the areas of assessment.

4.1 Relevance of the strategy to the problem it intends to address

The strategy under Outcome 17 provides a global sense of direction for the implementation of non-discrimination work at the ILO. It is in line with the guidance on non-discrimination provided through the follow-up mechanism for the ILO's 1998 Declaration on Fundamental Principles and Rights at Work and the 2008 Declaration on Social Justice for a Fair Globalization. It also addresses the issues relevant to discrimination highlighted in the GJP. However, it does not provide guidance on establishing lateral links or promote collaboration and cross-fertilization with the other outcomes. It should also provide guidance on actual implementation and not only on implementation planning, as is currently done by the newly established OBW.

Over the past four years, the ILO technical cooperation action plans regarding the elimination of discrimination in employment show a high degree of relevance to the discussion of the second GR and the comments made by the ILO supervisory bodies. Most of the activities carried out under the AP 2007–11 have supported the development of tools aimed at promoting non-discrimination in employment and occupation. However, it should focus more on new challenges arising from the global crisis.

Figure 6. TC relevance to action plans



Note: TC projects relevance to: Action Plans, P&B strategies and Supervisory Body comments (2003-2011, sample of 82 projects)

The case studies of this independent evaluation confirmed that the design of most non-discrimination activities is relevant to the decent work country outcomes, as well as to the national and international development frameworks. In the case of China, the ILO's non-discrimination work directly supports of China's Five Year Plan and its ten-year poverty reduction strategy.

In the framework of the follow-up action on the Elimination of Discrimination at Work (2004–2007), ensuing from its first GR (Time for Equality at Work), the ILO carried out an ethnic “audit” of 14 PRSPs in an equal number of countries. The goal of the audit was to ascertain whether, and how, the rights, needs and aspirations of indigenous and tribal peoples were taken into account and if they were involved in the consultations leading to the formulation of PRSPs.

The 14 countries include Bangladesh, Bolivia, Cambodia, Guyana, Honduras, Kenya, Lao PRD, Nepal, Nicaragua, Pakistan, Sri Lanka, Tanzania, Viet Nam and Zambia. The ethnic audit showed significant differences between regions and, within regions, between countries in terms of whether and how indigenous questions are addressed. The PRSPs are more likely to address the structural causes of the pauperization and social exclusion of indigenous and tribal peoples where:

- legal frameworks recognize indigenous peoples' group rights;
- institutions and policies respecting and accommodating cultural diversity have been developed;
- indigenous peoples have organized and mobilized for political change.

The ILO's work on non-discrimination has offered many opportunities for expanding its traditional network of national and international partners. In the case of China, it has been able to strengthen working relationships with other UN partners, line ministries and CSOs through participation with the UN Joint Programme, *China Youth Employment and Migration (YEM)*. By participating in this joint programme with eight other UN agencies, the ILO has been able to establish strong alliances with the National Development and Reform Council (NDRC) and the Ministry of Civil Affairs (MOCA). They have also promoted research on social inclusion of migrant workers and their families and are engaging stakeholders, especially the migrants themselves, with policy recommendations partly reflected in relevant national policies and plans. The CSOs have been an important part of the programmes and the ILO has established strong relationships with some of them. This has exposed them to the ILO through engaging them in policy dialogue, training events, and other activities. These will positively impact on the evolution of stronger non-discrimination policies and laws.

The All China Women's Federation (ACWF) and Beijing University Women's Law Studies and Legal Aid Centre, with support from United Nations Development Fund for Women (UNIFEM) and the United Nations Education, Scientific and Cultural Organization (UNESCO) surveyed 3,000 domestic workers to better understand their unique situation and needs. Recommendations have been made for subsidized vocational training, a job information system for migrant workers, the inclusion of migrants and their children in the urban social security system and a new law to govern domestic work and protect their labour rights.

Table 4. Relevance Rating²⁷

Relevance		Raw Score Rating							
Criteria	Raw score	Poor		Satisfactory		Good		Very Good	
		1	1.5	2	2.5	3	3.5	4	4.5
1. Clear identification of long-term ILO priorities and outcomes, and clear definition of proposals and actions towards achieving outcomes through chosen strategy.	3								
2. Clear identification of areas of agreement and disagreement with national constituents' priorities and strategies for eliminating discrimination.	3.5								
3. Consistency with objectives of the international development frameworks such as poverty reduction strategies, the United Nations Development Assistance Framework (UNDAF), national MDG strategies and other integrated development plans.	3								
4. Established partnerships with national and international actors and institutions.	3								
Relevance Score	3.13								

4.2 Coherence of the strategy

The strategy's alignment with the recommendations of the second GR is explicit in the section on Experience and Lessons Learned. This section discusses the expansion of prohibited grounds of discrimination and an increased understanding of multiple discriminations. When addressing multiple discriminations, however, the strategy does not highlight the key linkages emerging. For example, those seen among migration, ethnicity, social origin and gender, to be addressed through the domestic workers programmes. Similarly, the emerging issues of age and gender, with respect to perceived inequities in pensions and retirement ages of women and men, are not highlighted. The strategy does not mention grounds for discrimination which receive inadequate attention, such as discrimination on the basis of race, mentioned in the first GR (Time for Equality at Work, 2003) as a priority issue.²⁸

Guidance on how to establish synergies among approaches and tools developed in response to specific issues of discrimination is missing in the current strategy. This could optimize complementarities and synergies among the different products of ILO work in non-discrimination, conserving scarce resources.

²⁷ The relevance, coherence, effectiveness, efficiency and sustainability of the strategy were rated according to the criteria developed as part of the evaluation framework presented by the evaluation team in the inception report. Each criterion was assigned a raw score based on a four-point scale (ranging from poor to very good). The rating tables include the criteria used in the rating of the five areas of assessment.

²⁸ The scant attention paid to race discrimination was raised by constituents at the ILC, 100th Session, Geneva, June 2011. The results of the questionnaire survey confirm this: only 23 respondents (10 per cent) mentioned that discrimination on grounds of race was being addressed in their country of assignment, although discrimination on grounds of race may not be an issue in every country.

The training package developed by the Convention No. 111 project in China has been successfully applied to other projects for global use by NORMES and DECLARATION. However, the links between ILO work on the gender pay gap and the treatment of other discrimination issues, presents an excellent opportunity for implementing lessons learned. The work on assessing the extent of discrimination experienced by migrant workers is a good practice which could be transferred and adapted to other areas of discrimination work. These and other similar examples could be highlighted in the strategy for Outcome 17 to provide more guidance to field offices.

Regarding international partnerships, the strategy recognizes that:

non-discrimination is a key aspect of the human rights-based approach which is one of the common programming principles of the UN system. The Common Country Assessment and UNDAF documents in an increasing number of countries mainstream principles of non-discrimination and gender equality and pay particular attention to groups subject to discrimination and exclusion. The ILO will make particular efforts to align Decent Work Country Programmes with UNDAFs in this respect.²⁹

Interviews with the ILO office in China and with their development partners revealed that staff of all agencies felt their capacity to have been enhanced and enriched by working on joint programmes within the UNDAF. This, despite the usual caveats on transaction costs.³⁰ These benefits of inter-agency collaboration were more broadly confirmed through the questionnaire survey.³¹

Several people interviewed voiced concern about the possibilities for overlap between agency mandates. Training in gender analysis and mainstreaming was frequently cited, along with the need for agencies to recognize a better division of labour in this field. The ILO has taken the lead in some aspects of gender mainstreaming within the UNDAF framework, with its PGA being requested by other UN agencies in a number of countries.³²

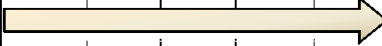
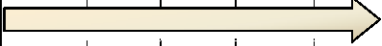
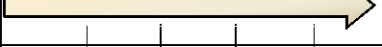

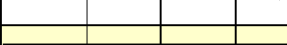

²⁹ Outcome 17 Discrimination, OBW, page 12.

³⁰ See Case Studies, Annex 4.

³¹ See Results of the Questionnaire Survey in Annex 3.

³² Gender Mainstreaming in DFID/ILO Partnership Agreement 2006-2009: Evaluation Report 16 November 2009 (GLO/08/53/UKM) Una Murray, Independent Consultant.

Table 5. Coherence Rating

Coherence		Raw Score Rating							
Criteria	Raw score	Poor		Satisfactory		Good		Very Good	
		1	1.5	2	2.5	3	3.5	4	4.5
1. Demonstrated coherence of ILO strategy to national strategic frameworks	3								
2. Non-discrimination activities are coherent with DWCP outcomes	3								
4. Non-Discrimination activities show synergies with other ILO and UNDAF non-discrimination activities	3								
4. Demonstrated coherence among other DWCP non-discrimination activities.	3								
Non-discrimination activities at country level are coherent with Outcome 17 strategy.	2.5								
Coherence Score	2.9								

4.3 Effectiveness of the strategy

Effectiveness relates to how the strategy is implemented: how it brings together the multi-prongs that contribute to the Office's work on non-discrimination; how knowledge is shared; and, how well departments collaborate with each other. As support to the stated objective of the strategy, the evaluation assessed how the Office functions and integrates in enhancing the impact of non-discrimination activities. There are close connections between this and "focus and coherence". However, this relates more to actions taken in design, while "effectiveness" relates more to implementation and the attainment of desired results.

Over the last four years, several programmes have been developed and activities implemented at the global, regional and national levels. Non-discrimination has been included as a priority in the DWCPs of 36 countries. Particular attention has been paid to equal remuneration, the elimination of racial discrimination and better enforcement of legislation in general.

Promoting the rights of vulnerable groups, such as workers with HIV/AIDS or disabilities and indigenous peoples, are among the major areas of focus. Technical cooperation projects have included awareness raising, capacity building, information gathering and sharing, research, and training. The emphasis has been on providing advisory services and practical materials for capacity development.

With ILO support, more equality policies and action plans have been adopted and implemented at the national and workplace levels over the past four years. The work of bringing national legislation into line with the relevant ILO Conventions has continued. The ILO tools have been used more regularly; judges have increasingly referred to ILO Conventions in their case reviews; and, constituents are more aware of the perils of discrimination in the workplace and the overall economy.

The task team of the UNDAF Programming Network (UPN), led by ILO, the United Nations Children Fund (UNICEF), UNESCO, the Food and Agriculture Organization (FAO), the Office of the High Commissioner for Human Rights (OHCHR) and the UN Development Coordination Office (DOCO) recently conducted a desk review to determine the main areas covered in the UNDAFs, signed in 2010 for the period 2012–2016. Some of the main areas covered were Human rights based approach (HRBA), gender equality, capacity development and RBM. The result of these show that in 15 of the 23 UNDAFs reviewed, the elimination of discrimination and achieving gender equality is a key objective. However, ILO involvement under these outcomes is explicit only in five of the 23.

The section in the strategy for Outcome 17 on Integration of decent work dimensions, confirms the ILO's interest in ensuring "that gender equality and non-discrimination³³ are addressed as cross-cutting issues in DWCPs under all strategic objectives". It also confirms that targeted action is taken to address the rights and needs of persons with disabilities, migrant workers, indigenous peoples, or persons living with HIV/AIDS.

Table 6. Effectiveness Rating

Effectiveness		Raw Score Rating							
Criteria	Raw score	Poor		Satisfactory		Good		Very Good	
		1	1.5	2	2.5	3	3.5	4	4.5
1. ILO non-discrimination activities have demonstrated impact on the ratification and/or Application of the C 100, C111, and the other non-discrimination related conventions.	3.5								
2. ILO non-discrimination activities are mainstreamed into DWCP and UNDAF.	3								
3. Constituents use ILO non-discrimination n products (i.e. studies, training materials).	3								
4. Evidence of established linkages with national development partners and NGOs.	2.5								
Effectiveness Score	3								

4.4 Efficiency in the implementation of the strategy

The evaluation team noted a number of issues with respect to efficiency. One main issue is training activities, as required in the strategy. The large number of training and capacity-building activities developed as products of non-discrimination interventions are not systematically recorded or disseminated for further use. The strategy for Outcome 17 does not address the utilization or dissemination of these products.

It was frequently difficult to ascertain the number and categories of trainees who had been trained, how they had been selected, and how they would be applying the training

³³ Programme and Budget for the biennium 2010-11, page 65.

subsequently.³⁴ The ITC has developed a database for its own training courses that could be developed and adopted elsewhere. A comprehensive database of training tools and materials was not easily accessible to headquarters or to field activities, even for individual issues of discrimination.

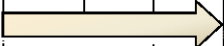




There were varying inputs from intended users for materials developed by headquarters and applied in the field. In the case of China, the Convention No. 111 manual developed for the country office was extensively piloted in the country, and was the result of inputs from constituents, the country office, the regional office and the ITC. In other cases, there was minimal input from the users, which undermined the efficient use of resources, and diminished the effectiveness of ILO interventions.

With respect to knowledge and knowledge management, the evaluation team noted the need for better management, developed under a multiplicity of individual and often small-scale research studies at headquarters and field locations. Research developed for a specific purpose (for example advocacy to the government to support employment of the disabled or to change the pension age for women, as under the ILO China programme) may be hard to retrieve and use when the specific purpose has been achieved and the programme ended. Nevertheless, such research should be considered an important part of the ILO's "situation analysis" for future work on non-discrimination, and could also contribute to the UNDAF database.

In recognition of the need to establish a more efficient approach to P&B work planning, and harmonize different parts of the Office engaged in the same issues, but from different perspectives as called for in the SPF, an OBW system was established in 2010. The coordination of this system relies on a network of Outcome Coordinators. The Coordinator for Outcome 17 is the Director of DECLARATION. The other units of the Office concerned with non-discrimination each have different reporting relationships.

³⁴ Support to Promote and Apply ILO Convention no.111 Final Project Report, ILO Office for China and Mongolia, page 23.

Table 7. Efficiency Rating

Efficiency		Raw Score Rating							
Criteria	Raw score	Poor		Satisfactory		Good		Very Good	
		1	1.5	2	2.5	3	3.5	4	4.5
1. The strategy for Outcome 17 provides clear guidance for its implementation.	2								
2. Identification of risks associated with strategy option / Identification of risks associated with achieving project outcomes.	2								
3. Clear division of labour among all contributing non-discrimination activities within outcome 17.	4								
4. Clear definition of risk mitigation measures, supported by theory, logic, empirical evidence and/or past ILO experience.	2								
Efficiency Score	2.5								

4.5 Impact and sustainability

The long-term impact of the current strategy cannot be measured given its short implementation period. However, there are a number of significant immediate impacts at the country level. It is evident that the ILO's non-discrimination activities have made significant contributions to the efforts of national constituents to address discrimination in employment and occupation. Over the past four years, more equality policies and action plans have been adopted and implemented at the national and workplace levels due to ILO support. The work of bringing national laws into line with the relevant ILO Conventions has continued. The ILO tools have been used more regularly, judges have increasingly referred to ILO Conventions in their case reviews and constituents are more aware of their rights.

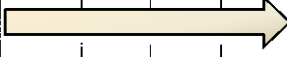

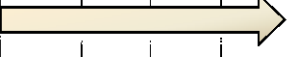
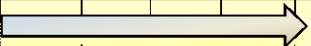
In order to help with the drafting of effective legislation, the Office provides advice to governments and the social partners in the form of technical comments on proposed labour legislation. It also promotes good practice through its labour legislation guidelines.³⁵ Together with the ITC, the Office delivers annual training on participatory labour law design and process, with particular attention to discrimination.

The sustainability of ILO non-discrimination work depends heavily on the Office's ability to maintain its relevance through its advisory services and active research programme and capacity-building activities. This would help create strong institutions and effective mechanisms to ensure enforcement of ILS and fundamental rights and principles. The ILO's comparative advantage is not only its standard-setting capacity, but its capacity-building potential through close collaboration with the International Training Centre. This will help to continue to build the capacities of national constituents to address

³⁵ ILO: Labour Legislation Guidelines, last updated 10 Dec. 2001, available at <http://www.ilo.org/public/english/dialogue/ifpdial/llg/index.htm>, accessed 3 Feb. 2011.

discrimination. It will do this by developing and applying training tools on labour inspection, gender equality and non-discrimination in the workplace through non-earmarked funds such as RBSA.³⁶

Table 8. Sustainability and impact rating

Sustainability and Impact		Raw Score Rating							
Criteria	Raw score	Poor		Satisfactory		Good		Very Good	
		1	1.5	2	2.5	3	3.5	4	4.5
1. Evidence of strong ownership of non-discrimination results among national constituents.	2.5								
2. Non-discrimination activities have resulted in tangible policies, laws, codes of practice.	3								
3. ILO non-discrimination activities have enable dialogue among national constituents and anti-discrimination NGOs .	2.5								
Sustainability Score	2.67								

4.6 Overall scoring of the strategy

Finally, evidence of results is always elusive in strategy evaluations. A scorecard of the progress in ratifications of ILS (which gives some basic indication of the success of the strategy) can always be produced at both global and national levels. However, it is vital to see how the strategy has strengthened the partners to proceed with further support to the ILS in dealing with discrimination and in enhancing their implementation.

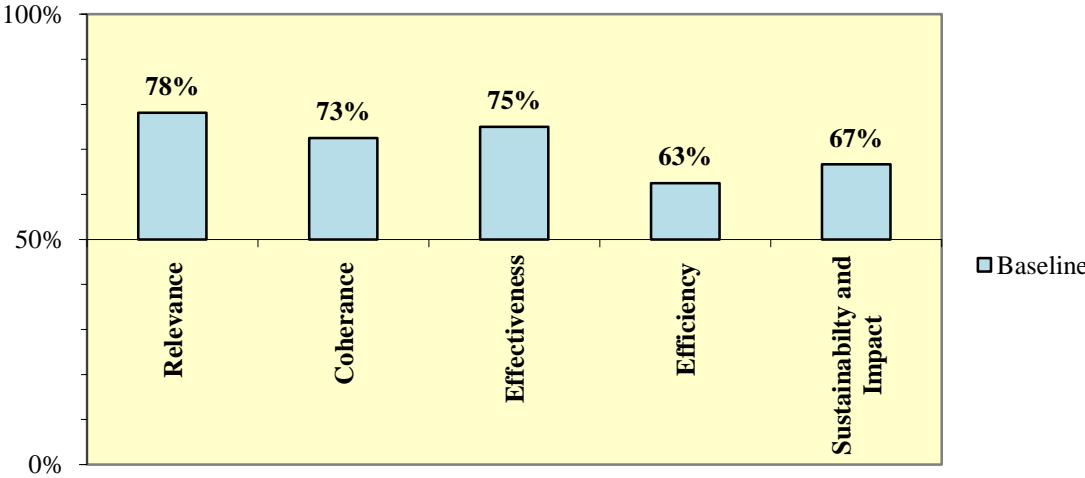
The evaluation team rated the relevance, effectiveness, coherence, efficiency, and sustainability of the strategy using a four-point scale based on the criteria established in the evaluation framework proposed in an inception report. Table 9 and Figure 7 show the results of the overall assessment of the strategy.

Table 9. Summary Overall Score

	Raw score	Weight	Weighted Score	%
Relevance	3.13	0.25	0.78	78%
Coherence	2.90	0.20	0.58	73%
Effectiveness	3.00	0.25	0.75	75%
Efficiency	2.50	0.15	0.38	63%
Sustainability and Impact	2.67	0.15	0.40	67%
Composite Score	2.84	1.00	2.89	71%
Score	Good			

³⁶ Current ITC courses include: “Enhancing labour inspection effectiveness in selected countries in Europe and Central Asia” and “Strengthening labour inspection services in Angola, Brazil, China, India and South Africa”. These training activities have also been offered at the national level, in Albania, Oman, Lebanon, The former Yugoslav Republic of Macedonia, and Yemen. In addition, guidelines concerning the role of labour inspection and the gender dimension in the workplace are being developed.

Figure 7. Overall Performance: ILO Strategy for the Elimination of Discrimination in Employment and Occupation



5. Lessons learned, conclusions and recommendations

This chapter presents the six lessons learned and six recommendations that emanated from the findings of the evaluation. The evaluation team identified four key areas where action seems necessary to strengthen the planning and implementation of the ILO strategy while ensuring its relevance to the guidance provided by the ILC, supervisory bodies and GB in the discussions of the GRs and approval of the subsequent action plans. These are: (i.) the strategic placement of Outcome 17 within the P&B outcome framework; (ii) the strengthening of future strategies to ensure effective, coherent and efficient implementation; (iii) the link between GRs and strategic guidance; and (iv) the important role of advocacy and resource mobilization.

5.1 Lessons learned

The following are the lessons learned:

1. The analytical underpinnings of ILO strategy, programmes and projects need strengthening in order to achieve greater relevance of ILO's Outcome 17.
2. The ability to measure the impact of the strategy depends on the evaluability of its results frameworks. Objectives should be more focused and clearer and indicators should have baselines, milestones, and targets.
3. Less fragmentation of non-discrimination activities within the ILO would increase the impact of its non-discrimination efforts. Fragmentation, mostly emerging from a compartmentalized attitude, presents significant challenges to OBW and RBM. In light of the mandate of the 2008 Declaration on Social Justice for a Fair Globalization and the GJP, more cross-cutting organizational approaches are needed.
4. The Office's plan of action for non-discrimination would develop a stronger internal vision and strategic action plan. As in the case of Gender Equality, a comprehensive Office-wide action plan would help promote the mainstreamed, cross-cutting nature of non-discrimination work and designate responsibilities to all parts of the Office.
5. Mainstreaming of non-discrimination would require the level of resources and political commitment offered to Gender Equality.
6. Important core activities such as research, advocacy, communication for awareness-raising and resource mobilization, and monitoring and evaluation, are key elements for the effective and efficient implementation of the strategy for Outcome 17.

5.2 Conclusions and recommendations

1. The P&B Outcome framework.

Conclusion

The current strategic outcome framework represents a significant simplification of expected results and a clear identification of priorities captured in all 19 outcomes. However, the complex nature of Outcome 17, which embraces discrimination issues under a multi-pronged approach, challenges the structure of the OBW system and may also create competition for resources between different outcomes. This may undermine the collaborative spirit of the strategy.

Recommendation 1

The results framework found in the SPF, treats non-discrimination at work as an outcome in its own right. This is consistent with the request of GB members in March 2009 that each of the four categories of fundamental principles and rights be assigned a dedicated outcome because of their distinct priorities. At the same time, the 2008 Declaration on Social Justice for a Fair Globalization has reiterated the centrality of gender equality and non-discrimination to all four strategic objectives. In order to improve service delivery to constituents in line with the 2008 Declaration, *more effective and efficient teamwork and cooperative methods are required to ensure the intent of OBW.*

2. Substantive strengthening of the existing strategy for Outcome 17

While the existing strategy for Outcome 17 provides interesting information and conforms to the model and layout of the other P&B strategies, it could provide precise strategic guidance for the mainstreaming of non-discrimination across the work of the Office.

There is a clear gap to be filled by a comprehensive Office-wide internal strategy paper that formally recognizes the mainstream, cross-cutting nature of non-discrimination work, which requires a designation of responsibilities to all parts of the Office so that everyone is required to consider it in their work.

Recommendation 2

In order to reinforce the cross-cutting nature of Outcome 17, the strategy should provide more guidance on synergies to be found between discrimination based on different grounds. This would include providing more specific guidance on strengthening the pillars of the mainstreaming strategy, all of which are aspects of knowledge management, namely advocacy, communication, training/capacity-building and research.

Strengthening these dimensions will help to counteract the “verticalizing” tendency resulting from the situation whereby individual discrimination concerns are supported by different TC projects.

A case could equally be made for translating Outcome 17 strategy into an *action plan for mainstreaming non-discrimination into all strategic outcomes*, similar to the approach taken for gender equality.

Recommendation 3

Addressing knowledge-management issues (communication, research and training) as cutting across all non-discrimination work within the strategic framework, global products, and DWCP outcomes, may result in significant economies of effort and funds. At the country level, this approach in the spirit of aid-effectiveness, may also promote easier integration of DWCP into the UNDAF.

3. Link between the GRs and the strategy for Outcome 17

Conclusion

Although the strategy is aligned with the recommended outcomes of the second GR, few explicit links are made with the report or the AP for 2007–11. At the same time, the GRs themselves could take into account the key components of the strategy for Outcome 17.

Recommendation 4

Future reporting to the ILC on the status of the Office's response to recommended action, agreed by the ILC during discussions of previous GRs, should report on progress made in the achievement of milestones and objectives of the action plan. This would require establishing a results-based framework with performance indicators as part of the strategy and its plan of action.

4. Advocacy and resource mobilization for Outcome 17

Conclusion

As noted in the current P&B strategy for Outcome 17, while there is strong commitment to the principle of non-discrimination, it is among the outcomes that have received the least funding. Furthermore, while it is understood that addressing discrimination needs a comprehensive multi-pronged approach, the main risk is that extra-budgetary resources need to continue strengthening tripartite constituents' capacities to fight discrimination in employment, these will not be forthcoming.

There are lessons to be learned from successful advocacy related to other issues of non-discrimination. The one that has been most effectively mainstreamed is gender. This is due to the quality of resources made available to GENDER. It is also widely accepted by the donors, after over five decades of work and, in addition, has received special attention from the GB.

Recommendation 5

Both the Office and donors need to step up their commitment to support the non-discrimination Outcome 17 through increased resources, including RBSA. This would

require a special effort to present a strengthened strategic implementation approach, with better performance indicators to improve reporting on results so as to provide additional comfort to donors.

Recommendation 6

For Outcome 17 to achieve its potential, the Office should pay closer attention to other specific non-discrimination issues, which are assuming greater importance, as stated by the ILC in their discussion of the GRs. Closer attention should also be paid to non-discrimination as an overarching concept. Successful approaches used in promoting gender equality should be adapted to other non-discrimination issues.

6. Comments from the Office

1. We have taken careful note of the recommendations. Following paragraphs respond to a few general comments in the evaluation summary. The full report will be subject to a review according to the evaluation follow-up procedures. Many useful elements in the report will be examined with a view to further enhancing the already significant work of the ILO in the field of non-discrimination.
2. Non-discrimination is addressed by the Office at two major levels: a) as a cross-cutting theme which is mainstreamed in various ILO policies, projects and activities, and b) as one of the 19 ILO Outcomes. At the cross-cutting level, as the report highlights, non-discrimination and gender equality are mainstreamed under various Outcomes, different departments are engaged in research, production of tools and providing advisory services that promote equality and non-discrimination, including NORMES, GENDER, DECLARATION, MIGRANT and ILO/AIDS. This is where cross-fertilisation and lateral links with other Outcomes are established.
3. As regards activities under the specific Outcome on non-discrimination, i.e. Outcome 17, the introduction of Results-Based Management, the Strategic Policy Framework (SPF) and the Outcome Based Workplanning (OBW) serve to ensure that policies and activities are based on adopted strategies and that the achievements are measured in terms of impact.
4. In this regard, the management is satisfied with the recognition of the multi-pronged approach and the collaborative spirit of the strategy, and endorses the continued need for effective and efficient teamwork and cooperative methods. Further care will be taken to address general limitations and the inherent “verticalization” that, as reflected in the full report, are not specific to the implementation of outcome 17.
5. As regards the general thrust and content of the strategy, political decisions by the governance organs of the ILO, in particular the ILC, are guiding our efforts. A particular point of reference will be the discussions by the ILC in June 2012 of the General Survey on fundamental Conventions and of the recurrent item on fundamental principles and rights at work which are expected to lead to adoption of conclusions and a plan of action for the next few years.
6. Many questions contained in the recommendations of the evaluation report will be addressed in those discussions. It will be an occasion for the ILO constituents to determine the orientation of future work on non-discrimination and to address the issues of strategy and priorities. The evaluation report will be examined and taken into account in the preparation of those discussions.
7. The references in the report to successful ILO work in specific areas and the recommendations on advocacy and resource mobilization point to the need for

further action by the Office and donors to step up their commitment to support Outcome 17. It is hoped that further resources will be mobilised for activities in this field as a result of current efforts to improve focus and develop work plans resulting from the discussion of the Global Report on Non-Discrimination in 2011, and the need to follow up the comments of the supervisory bodies.

8. Production of new tools that are envisaged, for example on racial discrimination and on equality of treatment of migrant workers which would involve collaboration between different departments and programmes, and new knowledge-management tools and practices, also recommended by the evaluation report, are already integrated in the 2012-13 P&B work plan, in particular through global products on non-discrimination, to strengthen and contribute to the cross-cutting nature of non-discrimination at work. Attention will be paid to optimum allocation of RBSA resources for that purpose. Work has already been initiated.
9. Action will be taken to thoroughly review the evaluation report and to explore possible adjustments in any part of the Office work that might result in further improvements in delivery.

7. Annexes

Annex 1(a). Terms of Reference- Evaluation

Terms of Reference

Independent evaluation of the ILO's strategy to eliminate discrimination in employment and occupation

February 2011

Introduction

During the 309th session of the Governing Body (GB), the Programme Financial and Administrative Committee (PFAC) approved a work plan for 2011 which includes the evaluation of the ILO's strategy to eliminate discrimination in employment and occupation as stated in Outcome 17 and in other relevant Outcomes of the 2010-11.

Programme and Budget (P&B). A summary report of findings and recommendations will be presented to the PFAC at the 312th Session of the GB in November 2011, and the full report will be made available to GB members. The evaluation process started in December 2010 with the preliminary research and is expected to end with the submission and approval of the final report from the independent external evaluator by July 2011.

The point of departure for this high-level evaluation is the Second Global Report (GR) on discrimination entitled *Equality at Work: Tackling the Challenges*, and will take into account the Third Global Report on discrimination which will be discussed at the International Labour Conference in June 2011. The evaluation will provide impartial insights on how effectively the ILO is addressing the GR recommended outcomes for the 2007-1³⁷ namely: (i) promoting gender equality in the world of work, (ii) mainstreaming non-discrimination and equality in Decent Work Country Programmes, (iii) better laws and better enforcement, (iv) more effective non-regulatory initiatives, and (v) social partners better equipped to make equality a reality at the work place.

In so doing, the evaluation will analyse the coherence amongst the different strategies and programmes as presented in the P&B and Strategic Policy Framework (SPF) and assess their consistency with the outcomes recommended in the Second Global Report and the *Technical cooperation priorities and action plans regarding the elimination of discrimination in employment and occupation, endorsed by the Technical Cooperation Committee of the GB in November 2007*.³⁸ The evaluation will also assess results achieved

³⁷ ILO: Equality at work: Tracking the challenges. Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work; International Labour Conference, 96th Session 2007; pg.117

³⁸ Follow-up to the ILO Declaration on Fundamental principles and Rights at Work: Technical cooperation priorities and action plans regarding the elimination of discrimination in employment and occupation; ILO GB/300/TC/4, November 2007.

and their plausible sustainability.

The evaluation will, amongst other delivery vehicles, focus on the Decent Work Country Programmes (DWCP), including Country Programme Objectives of the outcome-based work plans, which are reflected in the DWCPs as the converging instrument for the implementation of ILO strategies at the country level. The analysis of the mainstreaming non-discrimination will take into account the implementation of the 1998 Declaration 2008 Declaration and the Global Jobs Pact.

Background

The ILO's Decent Work Agenda is at "the heart of social progress" and is based on the premise that economic and social progress must go hand in hand by converging the ILO's four strategic objectives and ensure policy coherence amongst efforts to ensure fundamental principles and rights at work are respected; opportunities to secure decent employment are created; social protection is enhanced; and tripartism and social dialogue are promoted.

Faced with the unprecedented crisis of 2008, the ILO's constituents addressed the crisis as a global employment crisis. They established the Global Jobs Pact to ensure that employment recovery and promoting decent work goals would not lag behind the recovery of financial systems.

The Pact looks beyond immediate recovery through a development path that enables all—including developing countries—to place employment and social protection at the centre of their economic, social and poverty reduction policies. This would be achieved through DWCPs that promote policy coherence to encourage non-discrimination in employment and occupation to ensure equal access for all men and women to decent work.

The Decent Work Agenda as a concept provides for an integrated policy framework in promoting employment and rights at work. At the national level, embodied in DWCPs it can ensure coherence amongst related policies and programmes. It is not a stand-alone concept, but an essential tool in policy-making (design, implementation, monitoring) applying to national policies as much as to international policies and treaties.

Context of the ILO's strategy for ending discrimination in employment and occupation

ILO action toward the elimination of discrimination in employment and occupation is firmly inscribed in the Organization's SPF for 2010–15 and the P&B for 2010–11. It is also in line with its constitutional mandate and confirmed by the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization. Moreover, it is central to the Global Jobs Pact which calls for vigilance to achieve the elimination of discrimination, and highlights the need to address the situation of vulnerable groups hit hardest by the crisis.

The Office's action plan for the elimination of discrimination as recommended in the

Second Global Report is defined by outcome 17 “Discrimination in employment and occupation is eliminated” of the P&B, but since the elimination of discrimination in employment is a cross-cutting issue, non-discrimination should be addressed under all other outcomes for P&B 2008-09 and 2010-11 (see Figure 1 below).

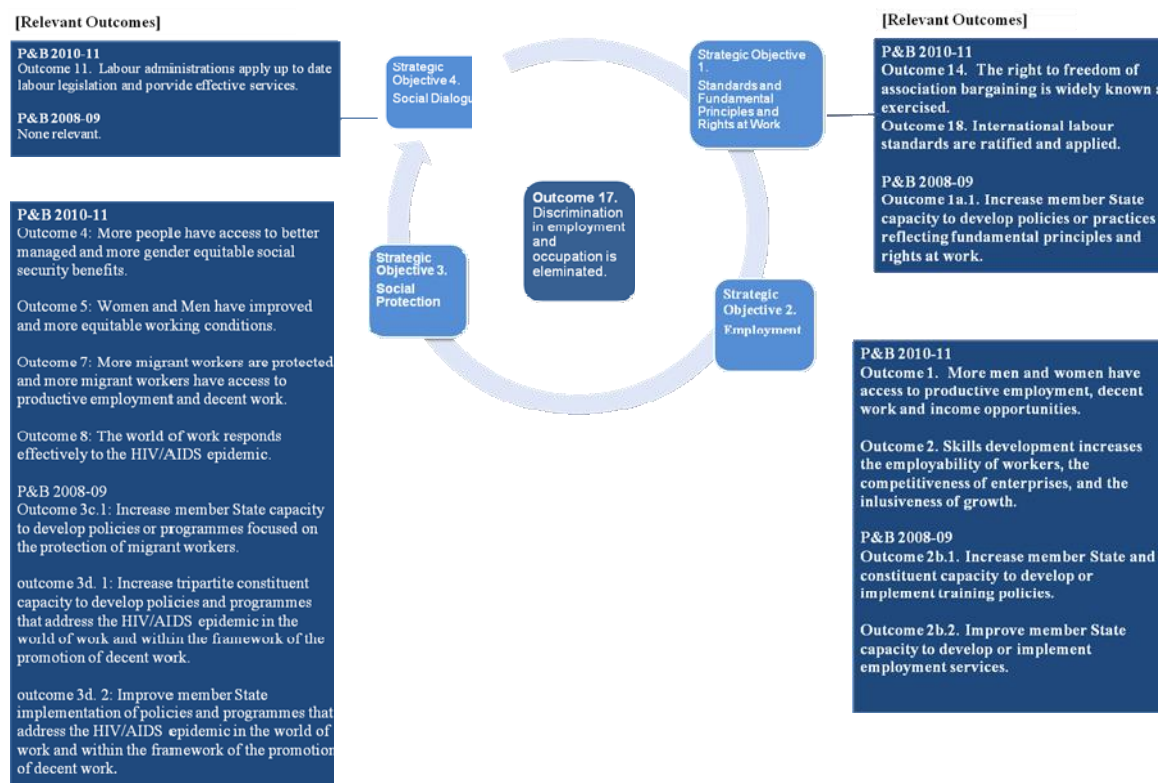
Specifically in reference to 2010-11, Outcomes 9 and 10 are important to ensure that both employers’ and workers’ organizations are involved in awareness raising campaigns and capacity building activities. The work under Outcome 5 on workers with family responsibilities, the wage gap and domestic workers is also related. Outcomes 7 and 8 support anti-discrimination research, data collection and exchange of good practices on labour migration and addressing discrimination based on HIV and AIDS, respectively. The Action Plan on the promotion of the HIV and AIDS in the World of Work Recommendation, 2010 (No. 200) will also be important to implementing this Outcome. It also includes Outcome 11 in addressing legislative reform and executing capacity building with anti-discrimination enforcement bodies.

Synergies should also be achieved with Outcome 15 in areas where forced labour occurs as a result of certain forms of discrimination, such as gender or race. Outcome 18 is key as international labour standards are instrumental in realizing the objective of non-discrimination. Outcome 19 as it relates to decent work indicators and statistics is essential for the data collection and analysis component of the strategy.

Action to eliminate discrimination against persons with disabilities falls primarily under the umbrella of Outcome 2 (Skills) which has an indicator (2.3) related to disabled persons. ILO work regarding persons with disabilities is also linked to all the Employment Outcomes (especially indicators 1.1, 1.2 and 1.4, 2.1, 2.2, 2.4 and 2.5 and 3.2 and 3.4), indicators related to social protection (indicator 8.2 on HIV/AIDS); indicators related to social dialogue (indicators 9.2, 9.3, 10.1 and 10.2) and as well as indicators related to Outcome 17 (Indicator 17.1) and Outcome 19 (Indicators 19.1 and 19.2).

Specifically, in reference to 2008-09 P&B, it is important to include the joint immediate outcome on gender equality and labour inspection, as well as 1c on application of ILS.

Figure 1. Interrelation of four strategic objectives and relevant outcomes to achieve elimination of discrimination at work



Promoting relevant ILO standards

Promoting the ratification of Conventions relevant to equality and non-discrimination remains an important strategy to encourage action at the national level.³⁹ The Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards continued to provide guidance to the ILO constituents and the Office in identifying and prioritizing issues to be examined and action to be considered in the context of Conventions relevant to non-discrimination.⁴⁰

Ratification of ILO Conventions regarding migrant workers and indigenous and tribal peoples, as well as those addressing people with disabilities, is an important step

³⁹ The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100), have now been ratified by 169 and 168 member States, respectively. In line with the conclusions on gender equality at the heart of decent work, adopted by the International Labour Conference in 2009, the Office is working towards universal ratification of Conventions Nos. 100 and 111, and improved ratification of two other key equality Conventions – the Workers with Family Responsibilities Convention, 1985 (No. 156), and the Maternity Protection Convention, 2000 (No. 183).

⁴⁰ In June 2010, the Conference Committee discussed the application of Convention No. 100 by India, of Convention No. 111 by the Czech Republic, the Islamic Republic of Iran and the Russian Federation, and of Convention No. 169 by Peru.

toward better protection against discrimination of these groups.⁴¹

Domestic workers, most of whom are women and girls, and also migrants or members of historically disadvantaged groups, are particularly exposed to multiple forms of discrimination with respect to conditions of employment and work.

Promoting policy and institutional coherence

The Decent Work Country Programme is the conduit for achieving policy and institutional coherence among the Office's strategic objectives and outcomes, including the elimination of discrimination in the labour market at the national level and national policies and institutions. The means of actions are direct technical assistance in the form of technical cooperation operations or advices on the development and implementation of effective anti-discrimination and equality legislation and policies, and the establishment of effective national institutions. The Office supports these efforts through legislative assistance, research, the preparation of guides and practical tools, the facilitation of training workshops for constituents, and the promotion of social dialogue on equality issues. The evaluation will also look at global tools and actions undertaken for activities under Outcome 17.

Purpose and scope of the evaluation

The purpose of this evaluation is to assess the contributions made by the ILO's strategy (including the global action plan) across all sources of funding, including RBSA, in support of constituents' efforts towards the elimination of discrimination in employment and occupation. The analysis will take into account the Office's strategic planning outcomes and operations with a particular focus on DWCPs as the main framework for ILO's work at the country level; relevant global products and contributions in the context of recent ILO frameworks for action, e.g. the 2008 Declaration on Social Justice for a Fair Globalization and the Global Jobs Pact. The evaluation will take into account the ILO's strategic positioning and comparative advantage to ensure better coordination and focus more coordinated action as a pivotal element of the ILO's Decent Work Agenda and among the agendas of UN system.

The evaluation will provide impartial insight on the continued relevance, coherence, effectiveness and efficiency of the ILO's strategy to eliminate discrimination in employment and occupation. The evaluation will:

- Provide independent assessment of the relevance and effectiveness of the strategy based on its application at the country level within the framework of the DWCP framework. For this purpose, the evaluation will base its findings and draws lesson from five case studies which will also assess the relevance and

⁴¹ Technical advice to the Central African Republic and Nicaragua resulted in the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), by both countries in August 2010. Technical assistance to Afghanistan led to the ratification of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), in April 2010.

coherence of the ILO strategy and programmes to national priorities, and activities carried out by other UN agencies and development partners.

- Assess and determine ways of optimizing synergies across the ILO to maximise the support to constituents in addressing discrimination in employment and occupation.
- Contribute to the accountability and to learning from experience, in the application of results-based and framework, choice and use of indicators, and reviewing and reporting of progress within the P&B framework as well as DWCP.
- Assess the Office's capacities and performance in supporting the strategy, including management arrangements and global and national partnerships involving constituents and other UN agencies.
- Present key findings, draw lessons and provide a set of clear and forward-looking recommendations with options for management to make adjustment in the current strategy which could be presented at the ILC discussion of the recurrent item on the fundamental principles and rights at work planned for 2012.

Evaluation stakeholders

The principal client for the evaluation is the Governing Body, which is responsible for governance-level decisions on the findings and recommendations of the evaluation and ILO management and staff working directly towards the elimination of discrimination in employment and occupation. It is also to serve as a source of information for the ILO partners and national policy makers.

Evaluation methodology

The terms of reference have been prepared in line with the ILO's evaluation framework, endorsed by the Governing Body in November 2005 (GB.294/PFA/8), taking into account particular characteristics of the ILO's operational strategy for the elimination of discrimination in employment and occupation. This will include a review of a number of P&B outcomes that contribute to the four ILO strategic objectives and specifically to P&B Outcome 17 as illustrated in Figure 1.

The evaluation will be participatory in nature; it will include consultations with member States, international and national representatives of workers' and employers' organizations, ILO staff at headquarters and in the field, UN Country Team and partners, and other global and stakeholders will be done through interviews, meetings, group discussions, and electronic communication.

The analysis will have two parts:

- The first phase will be an extensive desk review of relevant documents which will be provided to the evaluation team by the concerned ILO Departments and Programmes who contribute to the achievement of Outcome 17. The desk review will include the evaluability assessment of the ILO's strategy (including the global action plan) based on the instrument that EVAL has developed. The desk-based review will also analyze selected reporting and other programme documentation, key performance criteria, and indicators to compare and assess

the coherence, continuity and evidence of reported results over time. Attention will be given to main means of action, implementation performance, perceptions of major progress and significant achievements, as well as notable products and outputs in the main means of action. Application of good practices, including a results-based management approach, and use of lessons learned will also be considered. Drawing from available country and global programme documents, reporting and evaluations, an analysis of how results are planned, monitored and progress reported will be prepared, and policies and practices reviewed.

- The second phase will consist of at least three case studies of decent work country programmes (DWCPs) and global products. The countries for the case studies will be determined following the desk review. The case studies will seek to determine whether the strategy for the elimination of discrimination in employment and occupation (Outcome 17) has been effectively included to foster inclusive growth through a process based on equality of opportunity for all. The case studies will include field visits to at least two of the selected countries and include interviews, questionnaire, and mining of data from programme and project evaluations conducted within the period under review. To complement the two field visits, the evaluation team will conduct teleconference with key stakeholders in countries not visited.

The evaluation will seek to extract lessons from the implementation of the current action plan on the second global report on equality at work and identify issues that could feed into the discussion of discrimination within the context of the ILC discussion of the recurrent item on the fundamental principles and rights at work planned for 2012. Each country case study will seek to identify any concrete achievements and assess: (i) the **coherence**⁴² of the activities under Outcome 17 with other country programme outcomes that can contribute to the application of the fundamental principle of non-discrimination; the activities should have mutually reinforcing outcomes; (ii) the **relevance** of the activities to the Office's strategic and P&B objectives and indicators; (iii) the **effectiveness** of the activities in coordination of contributions from other outcomes that also address the issue of discrimination and equality; (iv) the **efficiency** in the implementation of the activities to ensure that it does not overtax available resources nor create insolvable bottlenecks; (v) the **value added of ILO activities** to constituents' efforts to strengthen national legal frameworks; and (vi) enforcement systems to guard against discrimination, and finally **sustainability** and immediate impact of the results of the activities.

The evaluation will ensure that all data will be sex-disaggregated and that the different needs of women and men are considered in the evaluation process. The evaluation will seek to identify good practices in the promotion of non discriminatory practices in employment and occupation and lessons learned relating to gender equality, HIV/AIDS, migrant workers, and other vulnerable groups.

Management

⁴² Including assessments of complementarities, coordination and consonance

An evaluation team composed of an independent external evaluator, a senior evaluator from the ILO's Evaluation Unit and national research assistants for the case studies will conduct the evaluation. The ILO Evaluation Unit will be responsible for the overall management of the evaluation and the independent consultant will be the team leader.

The independent consultant will be selected by the Evaluation Unit, based on a documented assessment of the strengths of the qualifications provided during the expression of interest for the assignment.

Applicants must have a strong understanding of international norms and standards, and the ILO fundamental principles and rights at work. The evaluator should also have proven experience in the conduct of policy and strategy evaluations, familiarity with the role of the UN system and with rights-based programming, monitoring and evaluation. Candidates should also demonstrate excellent written and oral communication skills in English, with working knowledge of either French or Spanish.

Interested candidates should include details of their background and knowledge of the subject area, previous programme, organizational and thematic evaluation experience relevant to this assignment, a statement of availability for the assignment, and their CV.

Roles and responsibilities

The Director of the ILO Evaluation Unit has designated a senior evaluation officer to manage the evaluation process and participate as a member of the evaluation team and such will take the lead role as in funding, tendering, contracting, and implementation management. A point person from DECLARATION has been appointed to facilitate coordination with Sector experts and provide relevant documentation as requested by the team, this person will observe as the key technical liaison to the evaluation team, assisting in the identification of key stakeholders at Headquarters and the field, and will coordinate the internal review and timely feedback on the evaluation drafts.

The appointed ILO evaluation officer will on behalf of the ILO Evaluation Unit:

- Approve the TORs, Ensure quality throughout the evaluation process;
- Comment and approve the drafts and final evaluation reports;
- Organize briefings for the ILO Evaluation Unit with ILO stakeholders and staff on the evaluation and coordinate internal contributions;
- Provide feedback to the evaluation team and peer reviewers;
- Ensure country offices are aware of the evaluation and fully involved and available to contribute to the evaluation;
- Chair, organize, facilitate in evaluation workshops as needed;
- Organize the presentation of evaluation results, and assist with the necessary follow-up to the evaluations.

The ILO Evaluation Unit officer is responsible for the quality assurance of the final report and the final evaluation summary. The ILO Evaluation Unit will take the lead role for funding, tendering, contracting, and implementation management presented to the Governing Body

The Independent external evaluator will provide technical leadership and is responsible for:

- The inception report, first draft of the report and final report, and provides technical and methodological advice within the team.
- The triangulation of the findings from case studies in the preparation of the final report.
- Ensuring that each case study is summarized as annexes to the final report.

The evaluation team will:

- Conduct the evaluation as per the TORs; and
- Be responsible for findings conclusions and recommendations of the evaluation.

The final report and its content are the property of the ILO who will own all copyrights.

Outputs

The following written outputs will be produced:

- The team leader will provide an inception report based on the desk review and initial interviews with key stakeholders (list provided by EVAL). This report should not exceed more than 10 pages excluding annexes). The report will present the methodology for the evaluation, including a discussion of its strengths and weaknesses with respect to dealing with programme system dynamics and attribution. It will also suggest data collection methods, including for data collection in the field. In addition, the inception report will present detailed field visit schedules to facilitate logistics of fieldwork in advance.
- A draft evaluation report (no more than 50 pages with annexes as needed) to be delivered to EVAL according to the delivery schedule in Word and pdf- files.
- A final evaluation report (50 pages maximum excluding annexes) to be delivered in Word and pdf-files, not later than three weeks after receiving the comments to the draft report from EVAL, ILO key stakeholders and constituents consulted.
- The final report should include one section on lessons learned and another on recommendations. The lessons learned should have direct links to findings and clearly identify the intended beneficiary.
- The recommendations should be addressed to specific actors and entities accountable for the design and implementation of the action plan. Recommendations should be limited to a maximum of ten and presented in order of priority. Recommendations should be clear and precise, ensuring that they are actionable, time-bound (when possible), and take into account the cost implication of their implementation.
- A summary report of findings and recommendations, prepared by the Evaluation Unit, to be presented to the November 2011 Governing Body, including a written response from the Office.

Timeframe

The evaluation timeframe is from February through June/July 2011. A timetable is shown below.

Task	Time frame
Preliminary research and Consultations on draft terms of reference	February 2011
Finalize TOR	February 2011
Formation of evaluation team	February/ March 2011
Desk review and interviews at ILO headquarters	March/ April 2011
Team leader presents inception report	April 2011
Staff and constituent interviews	April/ May 2011
Case studies/field missions conducted	May 2011
Draft report circulated	June 2011
Final evaluation report	July 2011
Summary for the GB prepared	August 2011
Governing Body discussion	November 2011
Follow up plan of action	December 2011

At evaluation start up, the detailed set of questions will be finalized to address issues raised during desk reviews and an initial round of interviews.

Annex 1(b). Terms of Reference-Case Studies

Terms of Reference

Independent evaluation of the ILO's strategy to eliminate discrimination in employment and occupation

May 2011

Purpose and scope of the case studies

The case studies will review and assess the relevance, effectiveness, coherence, efficiency and sustainability of the results of the activities (technical assistance and technical cooperation) carried out to support constituents' efforts to address discrimination in employment and occupation. The case studies will also seek to determine the extent to which ILO activities supported national constituents' capacities to respond to comments and recommendations of the ILO Supervisory Bodies regarding follow-up to the ILO 1998 Declaration on the Fundamental Principles and Rights at Work, mainly the fundamental principle regarding the elimination of discrimination.

The cases studies will review the means of action for achieving the Decent Work Country Programme Outcomes (CPOs) that are linked to Outcome 17 strategy of the Programme and Budget (P&B). In doing so, the cases studies will focus on the activities that address different types of discrimination as stipulated in the two main Conventions that address discrimination, namely the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In addition the cases will consider the Gender Equality Conventions (No. 156 and No. 183) and other Conventions that have an important impact on non-discrimination and equality (No. 97, No. 143, No. 159, No. 169).

The case studies will examine the various approaches used by the ILO to support constituents' efforts to eliminate various types of discrimination, within the context of DWCP's TC operations (XBTC, RBTC) direct support (RB) and RBSA.

The case studies should identify the current state of discrimination and inequality in the world of work and occupation in the selected countries. These cases should also identify how the different types of non-discrimination activities relate to both the ILO's strategy and action plan and the additional concerns raised by GB discussions.

Methodology

The following evaluation framework should guide each case study:

Evaluation Questions

EQ 1(a) How has the organizational structure of ILO in the region/country affected the approach to anti-discriminatory practices in the country?

Evaluation Questions

EQ 1(b) What evidence is there of what works and doesn't in integrating all forms of discrimination (gender, racial, ethnic, age, disability and sexual orientation, immigration and migrant status, and nationality) in the ILO decent work agenda for the country?

EQ 2(a) Has ILO DWCP's and TC operations supported the strengthening of organizational structures to motivate and safeguard achievements of national non-discrimination objectives?

EQ 2(b) Does ILO capacity-building activities include strengthening of national entities that ensure equality in the work place?

EQ 3 What is the ILO's role in the international efforts to support national efforts on issues related to equality and non-discrimination in the world of work?

EQ 4 Has the ILO used an appropriate mix of downstream and upstream activities to implement the strategy under outcome 17?

EQ 5 Is there coherence among activities from other country programme outcomes that support the strategy?

EQ 6 Has the level of resources (staff, funding and knowledge) been sufficient to support the achievement of CPO's that support Strategic outcome 17? What are the evidences?

EQ 7 How effectively and efficiently does the ILO use its discrimination expertise to support national goals through its DWCP?

EQ 8 How effective are ILO systems for knowledge sharing and tracking progress in non-discriminatory practices for the different types of discrimination?

EQ 9 How does ILO's knowledge sharing compare to international best practices?

EQ 10 What change does ILO need to make to its monitoring and lessons learning systems to track achievements of its non-discrimination work?

EQ 11 What have been the most evident impacts and contributions of ILO's strategy and practice on non-discrimination in the work place?

The case studies will be based on an extensive desk review of relevant documents which will be provided to the evaluation team by the concerned ILO Departments and Programmes who contribute to the implementation and achievement of the strategy Outcome 17.

Criteria for the selection of case studies

A basic criterion for the selection of the country case studies is that as far as possible the countries selected are implementing a Decent Work Country Programme which includes projects or some activities dealing with various aspects of discrimination and equality in employment. A second criterion is to start from the point of view of the strategy being evaluated, and to ask what role ILO could play in a particular context, which areas should it be operating in but is not, etc. A third criterion could be in terms of the role of the elimination of discrimination strategy in the context of a particular DWCP, whether it stands on its own or is part of a migration project, etc. Finally, the selection of country case studies considered a balanced regional representation.

Based on these criteria, the evaluation team has selected the following countries and categorized them by thematic tracks:

Themes	Countries	Focus	Researchers	Type
Support the promotion, implementation and application of ILO Convention on Discrimination (No. 111)	China	Determine effectiveness of the interventions on the drafting of non-discrimination legislature and guidelines for their application and enforcement.	F.Guzman/ J.Haile/ O.Aulet-Leon	Desk review and field visits
	Selected countries of West Africa, participating in the PAMODEC project Benin and Burkina Faso		F. Guzman/ M.Bonne-Moreau	Desk review and meta analysis of existing studies
Discrimination of Indigenous peoples	The Laikipia Maasai in Kenya	Review ILO work in promotion and advocacy for the ratification of ILO Convention No. 169.	F. Guzman/ D. Nam	Review the outcomes of the research project that ILO conducted with the Working Group on Indigenous
	Philippines	Review the results and assess the effectiveness of ILO activities for promoting and protecting the cultural heritage of the indigenous in the world of work and occupation.	F. Guzman/ IPEA	Populations/Communities of the African Commission on Human and Peoples Rights (ACHPR), funded by the European Commission through the European Initiative for Democracy and Human Rights.
	Brazil	The case studies will review actions taken to follow up the comments of the Committee of Experts on the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The case study should assess the impact of the several training activities undertaken to strengthen the capacities and develop advocates within government and the trade		Review training modules on non-discrimination used for the Philippines.

		unions.		
Gender discrimination and domestic workers And Migration	Arab States; Jordan Lebanon	Assess the extent to which the activities carried out to improve knowledge of selected ILO Conventions and Recommendations relating to gender equality, focusing on Conventions Nos. 100, 111, 156 and 183, can be implemented in practice in the context each region with a view to promoting their ratification and improved implementation. In addition, identify trends and key responses to address the situation of domestic workers in the regions as it relates to the standard-setting discussion at the Conference.	F. Guzman/ D. Nam	ILC Report “Decent Work for Domestic Workers”;
	Europe		F.Guzman/ O.Aulet-Leon	Meta analysis based on ILO work , i.e. <i>Gender and migration in Arab states: The case of domestic workers</i> (Geneva, June 2004);
	Southern cone countries of South America		IPEA	
			F. Guzman/ J. Haile/ O.Aulet-Leon	ILO: <i>Gender and migration in Arab states, The case of domestic workers</i> (Beirut, 2004),
	China			
		In the case of migration, the case studies will seek to identify ILO support to tripartite efforts to discuss comments of the Committee of Experts on Conventions Nos. 100, 111, 97 and 143 on equality of treatment for migrant workers with a view to improving national legislation on discrimination in employment and occupation specifically regarding Migrant Workers engaged in domestic work.		
		In the case of China, the researchers will identify lessons and good practices that can be have global relevance.		
Discrimination based on HIV/AIDS status	China	Assess the extent to which the ILO’s programme on HIV/AIDS workplace education is achieving its intended objectives.	F. Guzman/ J.Haile/ O.Aulet-Leon	
	Viet-Nam	Identify key elements of the the Opportunity for All Initiative in Viet Nam that are replicable globally. Special attention should be given to the participation of employers and workers	F. Guzman/ D. Nam	

organizations.			
Discrimination based on disabilities	China	Assess to what extent ILO activities are promoting employability of the people with disabilities through legislation. Identify lessons learned and good practices.	F. Guzman/ J. Haile/ O. Aulet-Leon

Annex 2. List of Persons and Organizations Interviewed by the Evaluation Team

Name	Unit/Title	Agency
ILO Headquarters Geneva		
SECTOR I		
<i>DECLARATION</i>		
Kamran Fannizadeh	DECLARATION-Director	ILO Headquarters Geneva
Andrea Davila	DECLARATION	ILO Headquarters Geneva
Leanne-Marie Melnyk	DECLARATION	ILO Headquarters Geneva
Momar Ndiaye	DECLARATION	ILO Headquarters Geneva
Ingryd Torres	DECLARATION	ILO Headquarters Geneva
Issa Wael	DECLARATION	ILO Headquarters Geneva
Lisa Wong	DECLARATION	ILO Headquarters Geneva
<i>IPEC</i>		
Constance Thomas	IPEC-Director	ILO Headquarters Geneva
<i>NORMES</i>		
Katerine Landuyt	NORMES	ILO Headquarters Geneva
Claire Marchand	NORMES	ILO Headquarters Geneva
SECTOR II		
<i>EMP/MULTI</i>		
Emily Sims	EMP/MULTI	ILO Headquarters Geneva
<i>EMP/SKILLS</i>		
Barbara Murray	EMP/SKILLS	ILO Headquarters Geneva
Debra Perry	EMP/SKILLS	ILO Headquarters Geneva
SECTOR III		
<i>ILO/AIDS</i>		

Sophia Kisting	ILO/AIDS-Director	ILO Headquarters Geneva
Ingrid Sipi-Johnson	ILO/AIDS-Legal Officer	ILO Headquarters Geneva
Anna Torriente	ILO/AIDS-Senior Legal Officer	ILO Headquarters Geneva
<i>MIGRANT</i>		
Patrick Taran	MIGRANT-Senior Migration Specialist	ILO Head quarters Geneva
<i>TRAVAIL</i>		
Manuela Tomei	TRAVAIL-Director	ILO Headquarters Geneva
SECTOR IV		
<i>ACTRAV</i>		
Claude Akpokavie	ACTRAV	ILO Headquarters Geneva
Anna Biondi	ACTRAV	ILO Headquarters Geneva
<i>ACT/EMP</i>		
Roy Chacko	ACT/EMP	ILO Headquarters Geneva
Sanchir Tugshimeg	ACT/EMP	ILO Headquarters Geneva
<i>GENDER</i>		
Jane Hodges	GENDER-Director	ILO Headquarters Geneva
Raphael Crowe	GENDER-Senior Gender Specialist	ILO Headquarters Geneva
Edward Lawton	GENDER-Chief Technical Advisor	ILO Headquarters Geneva
<i>PROGRAM</i>		
Joe Thurman	PROGRAM-Director	ILO Headquarters Geneva
Stewart Kershner	PROGRAM	ILO Headquarters Geneva
Peter Rademaker	PROGRAM	ILO Headquarters Geneva
<i>EVAL</i>		

Guy Thijs	EVAL-Director	ILO Headquarters Geneva
Carla Henry	EVAL-Senior Evaluation Officer	ILO Headquarters Geneva
Craig Russon	EVAL-Senior Evaluation Officer	ILO Headquarters Geneva
<i>ITC-ILO</i>		
Tzehainesh Teklè	Standards and Fundamental Principles and Rights at Work Programme-Senior Programme Officer	ITC-ILO
Benedetta Magri	Gender and Non Discrimination Programme-Programme Officer	ITC-ILO
Alessandro Chiarabini	International Labour Standards and Human Rights Programme-Programme Manager	ITC-ILO
Meeting with ILO Programme Officers/Managers in China		
Ann Herbert	Director	ILO China
Guan Jinghe	Deputy Director	ILO China
Sophia Kagan	ILO MDG-F Programme Consultant	ILO China
Dong Yi	MDG-Fund YEM Programme Coordinator	ILO China
Wu Rulian	National Program Coordinator on HIV and AIDS	ILO China
Liu Chunxiu	National Project Manager	ILO China
Zhang Hongman	National Project Manager	ILO China
Samina Hasan	Programme Analyst	ILO China
Sining Duan	Programme Assistant	ILO China
Zhu Changyou	Programme Officer	ILO China
Huang Qun	Programme Officer	ILO China

Yi Dong	UN Joint Programme Coordinator	ILO China
Sophia Kagan	Programme Officer	ILO MDG-Fund Culture & Development

ILO Tripartite Constituents- China

Sun Jianfu	Deputy Chief	All-China Federation of Trade Unions
Xu Lu	Director, Division of International Organization	All-China Federation of Trade Unions
Shang Xiaoming	Deputy Director, International Department	China Enterprise Confederation (CEC)
Hao Bin	Deputy Director General	Department of International Cooperation Ministry of Human Resources and Social Security, The People's Republic of China
Wang Rong	Department of Employment Promotion	Ministry of Human Resources and Social Security, People's Republic of China
Rong Sicai	Division of International Organizations-Director	Ministry of Human Resources and Social Security, People's Republic of China

Civil Society Organizations

Huang Yizhi	Chief Coordinator	Beijing Yirenping Center
Tong Lihua	Director	Beijing Zhicheng Migrant Workers' Legal Aid and Research Center
Wang Fang		Beijing Zhicheng Migrant Workers' Legal Aid and Research Center
Xu Ling	Deputy Director	China Disabled Persons' Federation
Liu Bohong	Gender Expert	Deputy Director of Women's Studies Institute of ACWF

Luo Qiuyue	Coordinator	Employment Service and Administration Center of China Disabled Persons' Federation
Zhang Yin	Deputy Division Chief	International Liaison Department ACWF
Lu Pin	Coordinator	Media Monitor for Women Network
Xie Yan	CEO	One Plus One Beijing, Disabled Persons Cultural Center
Zhang Liping	Vice President	Zhejiang Women's Federation

UN

Joern Geisselmann	UN Programme Coordinator	MDG-Fund Culture & Development Partnership Framework
Yang Fan	Director General	National Project Director of MDG-Fund Culture and Development Programme, State Ethnic Affairs Commission (SEAC)
Pablo Barrera	Coordination Specialist	Office of the United Nations Resident Coordinator in China
Mark Stirling	Country Coordinator	UNAIDS
Julia Broussard	Country Programme Manager	UNESCO
Manuel Couffignal	Programme Officer	UNFPA
Abhimanyu Singh	Chair	UN Gender Theme Group
Huang Jinxia	Project Officer Child Protection Section	UNICEF
Samina Hasan	ILO Programme Specialist	UN Women
Joern Geisselmann	UN Programme Coordinator	MDG-Fund Culture & Development Partnership Framework

Universities		
Liu Xiaonan	Associate Law Professor	Constitutional Research Institute of China University of Political Science and Law
Zhou Wei	Law Professor	Law School of Sichuan University
	Director	Human Rights Center of Sichuan University
Embassies		
Gry-Irene Skorstad	Second Secretary	Norwegian Embassy
Arjen Van der Berg	Counsellor	The Royal Netherlands Embassy

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- I. Gender Discrimination and Domestic Workers
- II. Discrimination against Migrants
- III. Discrimination of Indigenous Peoples
- IV. Discrimination based on HIV/AIDS
- V. Support the Promotion, Implementation and Application of ILO Convention on Discrimination (Convention No. 111)
- VI. Disabilities
- VII. References

ANNEX 5. OUTCOME 17 – DISCRIMINATION AT WORK