

# Protecting migrant workers' rights in Jordan

## Final Internal Evaluation Report

---

**Taghrid Khuri, PhD**

## Table of Contents

Executive Summary .....	2
1. Background.....	8
2. Purpose, scope and clients of the evaluation .....	11
3. Evaluation Methodology.....	11
4. Project Description .....	14
4.1 Design:.....	14
4.2 Activities.....	15
4.3 Management.....	18
5. Analysis .....	20
5.1 Design .....	20
5.1.1 Relevance and Strategic Fit .....	20
5.1.2 Validity of the design .....	20
5.2 Effectiveness .....	21
Achievements and Shortfalls .....	22
5.3 Efficiency .....	25
Efficiency of financial resources.....	25
Efficiency of Management Arrangements .....	25
5.4 Impact.....	26
5.5 Sustainability.....	26
6. Conclusions .....	27
6.1 Lessons learned .....	27
6.2 Good Practices .....	28
6.3 Recommendations .....	28
7. Annexes.....	32
7.1 Terms of Reference.....	32
7.2 List of interviewees .....	39
7.3 List of main reviewed documents.....	41
7.4 Outputs of stakeholder meeting.....	42
7.5 PAC membership.....	45
7.6 Acronyms.....	46
7.7 Lessons learned and good practices templates.....	47

## Executive Summary

### (1) Introduction

#### a. Project Objectives

This US Department of State-funded project built on on-going ILO efforts, and in partnership with the Business for Social Responsibility (BSR), sought to improve working conditions of migrants in the Qualifying Industrial Zone (QIZ) and beyond. The project is built around three key objectives:

- Objective 1: Better protection and services extended to workers and in particular migrant workers.
- Objective 2: Enhanced respect for workers' rights, with focus on migrant workers, through improved recruitment practices (mostly the mandate of BSR).
- Objective 3: Improved labour-management cooperation with win-win collective bargaining agreements in targeted sectors.

Those objectives were undertaken across three sectors: garments, construction, and domestic work.

#### b. Purpose

The objectives of the evaluation were to:

- Determine if the project has achieved its stated objectives and explain why/why not;
- Determine the implementation status of the project, effectiveness of project management, as well as degree of performance monitoring;
- Assess the project's achievements, contribution towards the DWCP, and synergies with other ILO projects in Jordan;
- Determine the impact of the project in terms of sustained improvements achieved, and long term benefits to the target groups;
- Provide recommendations on how to build on the achievements;
- Document lessons learned.

#### c. Scope

The evaluation covered the initial implementation from September 2011 to May 2014. In particular, the evaluation examined the impact of project activities on decreasing violations of workers' rights in the 3 said sectors.

It was guided by the core evaluation criteria: relevance, effectiveness, impact, sustainability, partnerships, and efficiency.

### (2) Findings

#### a. Relevance and Validity of design

The efforts of this project were very much in line with efforts undertaken by the Government of Jordan and more specifically the Ministry of Labour. The project was especially relevant given the adoption of the anti-trafficking legislation in 2009, national anti-trafficking strategy in 2010, and could further benefit from the adoption of the Convention 189 concerning decent work for domestic workers which was adopted in 2012 by the International Labour Conference. The project did take into account the significant gaps and needs in the current situation, especially with regards to the need for collective bargaining, capacity building, consolidated approach of the embassies towards the Jordanian government, and unified labour contracts.

However, the design of the project was challenged by turbulent political climate imposed by several cabinet changes and two dissolutions of parliament. Designed without sufficient stakeholder involvement due to donor imposed deadlines, it had the following drawbacks:

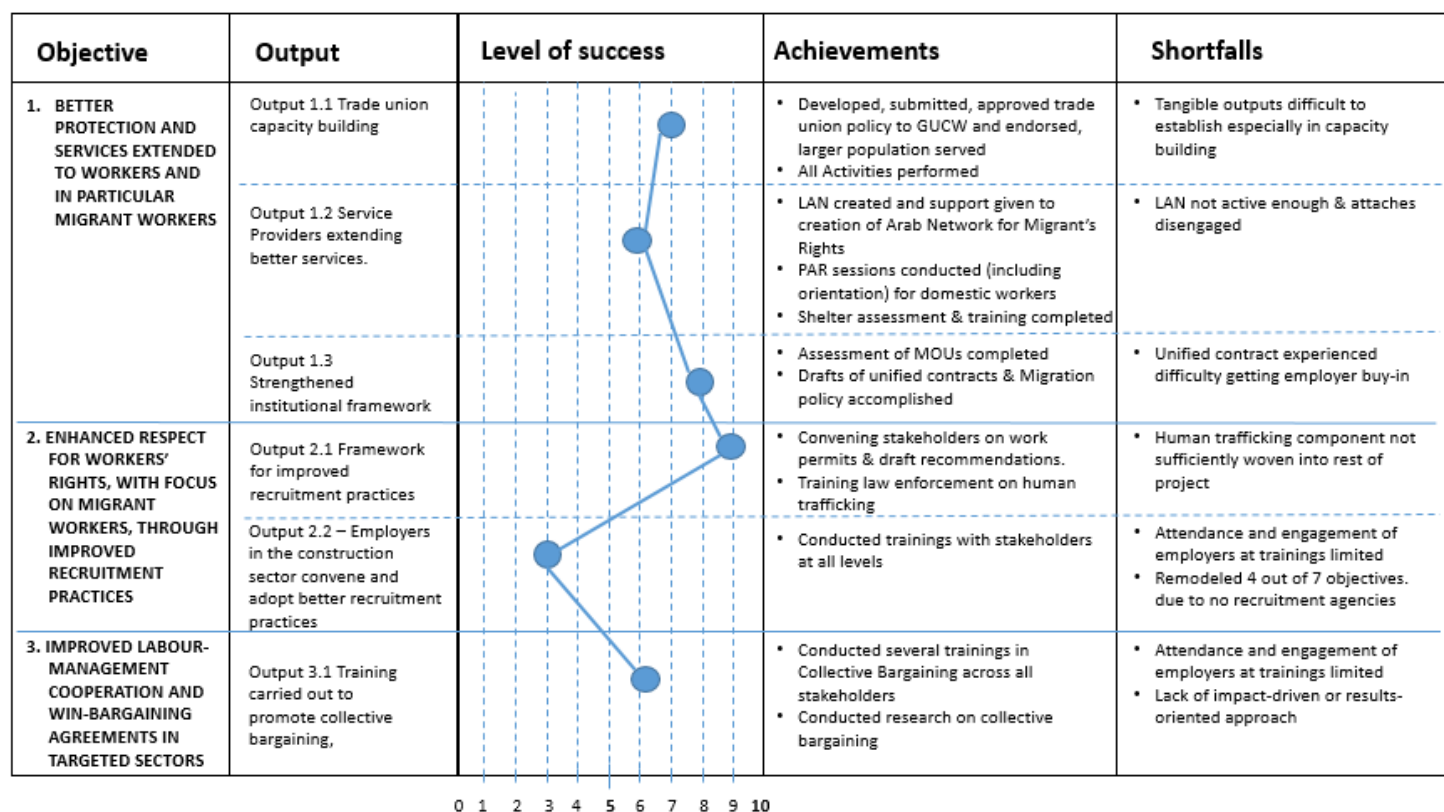
1. Activities may have been better designed to complement existing programs, such as Better Work Jordan, which already has a very strong presence in the garment industry with a similar mandate.
2. It lacked sufficient scoping out of the potential for impact, especially concerning Objective 2 (which was largely remodelled – see the Adjusted Log-frame on page 16)

As a result, the project lacked the strong backbone to bring it to successful implementation and fruition.

### b. Effectiveness

#### Achievements and Shortfalls

**Graph 1: Analysis of effectiveness in objective completion**



Note on the grading scale: the grading scale ranges from 0 to 10, 0 being no level of completion, with no impact, 10 being maximum effectiveness in achieving initial outputs and having significant impact. Reaching a level of 5 would entail reaching most of the original outputs, with relatively average level of impact.

### c. Preliminary Impact

The most noteworthy areas of impact are:

- Two final output documents were completed: for one, the unified contract which was modeled for the construction sector, and for two, the *National Policy to Regulate Migrant Labour*. Both of these could have significant impact for future GoJ policy-making.
- Wider visibility of formal worker representation through gatherings with national and migrant workers.
- A larger base of workers became aware of their human and worker rights, and the existing internationally accepted mechanisms.
- Strengthened coordination among embassies and NGOs on the national and regional levels evidenced by direct participation in international fora.
- Regional and inter-regional alliance building yielding safeguarding worker rights and combating related violations.

### d. Sustainability

- The unified contract in the garment sector will factor into continued safeguarding of migrant worker rights and upholding the sectoral collective bargaining agreement (CBA).
- National migration policy is an essential reference document, which will allow policy makers to make informed decisions regarding national and migrant workforce on mid and long terms.
- The Arab Network for Migrant Rights has the potential to monitor government performance on migrant workers' rights, as well as act as a resource on the current practices in each of the member countries.
- ANMR is a local capacity that will continue to monitor, advise, model and cross-fertilize best practices and serve as a local capacity for governments and international organizations operating in the region.

### e. **Efficiency**

#### Efficiency of Financial management

The total cost of the project was \$887,574, with an overall cost sharing contribution of \$145,000 by ILO HQ and the ILO-Regional Office for the Arab States (ROAS). The remaining amount stemmed from the contribution of the US Department of State – Federal Assistance. The total budget of the project was spent, hence the budget was not exceeded.

This Project operates within a country where the ILO is a 'non-resident agency', i.e. its financial management and operations are carried out and monitored by ROAS. This causes some limitations in terms of financial management.

### Efficiency of Management arrangements

In terms of management efficiency, the project demonstrated the following characteristics:

1. Cumbersome communication and management of project as the National Project Coordinator (NPC) was in Amman and the Project's technical backstopping officer (Senior International Labour Migration Specialist in) Beirut. This caused delays in matters requiring speedy implementation due to the need for approval or input from higher authority.
2. Backstopping the project by the technical specialist was not always consistent and timely; the same would apply to other technical resources in ROAS and HQs.
3. There was a strong involvement of independent consultants to perform key parts of the project.
4. There was gender observation in terms of staffing, consultants, trainees and project beneficiaries.
5. The management on the whole, performed well, especially in the face of the complexity of the design and the delayed response from the oversight entities.
6. Given the difficulties experienced especially in reaching Objective 2 (on recruitment agencies), some activities were deemed irrelevant. Therefore the project used a method of 'trial and error' to determine which course to take. The NPC was given leeway to modify and improvise. This allowed the NPC to complete certain outputs with similar learning outcomes but which varied from the original log-frame.

### **(3) Looking forward**

#### **a. Lessons learned**

The project was rich in lessons learned. These involved the following:

- Although a sectoral approach was acceptable to adopt, greater time should have been invested in appropriately selecting these sectors and determining how to work in each.
- The program could have taken a much more impact-driven approach in its activity-design. Training greatly enhances learning and raises awareness but it is not an end in itself.
- Greater care is needed in project design and implementation to complement existing projects and to make it compatible with local requirements.
- The program should have included more awareness raising programs. This could have included a serious media campaign, disseminating knowledge about worker rights and hotline numbers, and changing attitudes about workers.
- There is a strong and vital need for 'engaged' stakeholders and management. Although a Labour Attaché Network (LAN) was established it proved to be ineffective in responding to violations of migrant rights.

#### **b. Good practices**

- ILO is responsive to changes in the climate in which the project operates, e.g. in the case of the drastic political changes in the country (several cabinet changes), and the labour movement.
- ILO remained observant to its overall commitments toward the government of Jordan and DWCP in spite of the necessary changes on the operational level.
- Under the framework of DWCP the several synergies were built with other projects such as BWJ and PAR (Participatory Action Research).
- Knowledge management: when designing future projects the NPC was often consulted as a resource person, e.g. developing the MAGNET project, the ILO/IOM association through PAVE project and the Walk-in-Freedom DFID-funded interregional project.

### c. Recommendations

- It is both crucial and critical to continue with this project in some format in order to keep up the 'momentum' that has been created. The learning curve needs to be maintained to yield synergies that would push the goals of the project further. This could be carried out through BWJ in the garment sector, and the recently launched two regional projects on migration in the Arab States (MAGNET and the Regional Advocacy Strategy on ILO's Domestic Workers Convention No. 189), in addition to hands-on engagement in the construction sector by ACTRAV possibly through a national framework to regulate the construction sector.
- Now that activities are concluded and outputs endorsed by the relevant stakeholders they may be leveraged to harvest a political will for a second phase.
- Despite delays in kick-off and some roadblocks, the project does comprise some good components, which could lay down the foundations for future efforts to harness workers' rights. This of course should be done with greater consideration for existing efforts, and more contextual and practicable project design to avoid redundancies.

Some of the main overall recommendations include:

- Supporting the creation of a more solid regulatory environment in partnership with the government, for instance by advocating for the developed *National Policy to Regulate Migrant Labour*. For instance, this would include:
  - Allowing workers to form unions and accept registration of independent unions.
  - Allowing unions to form for a wider number of occupations.
  - Revising existing processes to ensure fair and productive labour management practices.
- A need to promote multilateral agreements between the Government of Jordan (GOJ) and all sending countries together to allow for greater standardization.
- There is a continued need for capacity building for the unions to empower the workers, building on the work of DWCP.
- There is also a need to continue the work done on the unified contract in the Construction Sector through a tripartite consultative process.

- Continuous efforts are needed towards a classification of occupations within the context of an institutional framework to formalize the 'construction' sector. CAQA (Certification association and Quality Assurance) and ALO (Arab Labour Organization) could potentially drive this effort.
- There should also be some reflection on how to deal with the huge surge in Syrian refugees as they comprise part of the workforce in the construction sector.

Some individual recommendations were made at sector level:

### Domestic work:

- Future intervention should consider providing domestic workers with formal representation.
- Increase scrutiny of recruitment offices in Jordan and sending countries, overseen by the GOJ directly.

### Garment sector:

- Most of the follow up steps should be placed under the existing program Better Work Jordan which focuses on the garment sector.

### Construction sector:

- This sector needs special focus and potentially a separate project.
- An overarching national framework should be developed using the already achieved benchmarks through this project (*Unified Contract, Trade Union Policy for Migrant Workers in the Construction Sector, Capacity Building on Collective Bargaining, etc.*).
- In order to regulate the sector, a continued support to the social partners (employers and workers) is needed, mainly to support social dialogue and collective bargaining, which will lead to better industrial relations.



## **1. Background**

Jordan has been developing its economy, becoming increasingly integrated into the world economy through its trade agreements with the EU and the USA. In particular, the garment and textile sectors have continued to grow, with an increase of exports by 34% to 1.06 billion dollars in 2010. The hospitality and tourism industry has also continued to boom with the growth of tourism and the development of large infrastructure programs such as the Disi Water Conveyance Project, the Saraya Aqaba project and the Abdali Centre, amongst others.

These booms have meant an increased demand for cheap labour, all of which cannot be supplied by local labour – both because of actual demand constraints and because of the lack of acceptance of low wages by local Jordanian labourers. This has therefore left a gap in the market which has been filled by migrant workers. The Ministry of Labour estimated in 2009 that the number of registered foreign workers was around 322,000 with another estimated 100-150,000 not registered. In a sample of 6 Qualified Industrial Zones (QIZs), it was estimated that approximately 75% of the workers were non-nationals (MoL, 2009).

There is a general awareness within the Ministry of Labour and the Government of Jordan for the need to improve current working conditions of these workers. In fact, the government is currently engaged in modifying 39 articles that were raised for Parliament to discuss or change. Already, the Government has undertaken some work to improve working conditions in certain sectors:

### Garment & Apparel

- Improving compliance programs by hiring new inspectors, and training them to lead targeted inspections in the apparel sector.
- Creating the “Golden List”- a set of factories which are actually complying with national labour law – to recognize factories which are abiding by norms.
- Enhancing inter-ministerial coordination.
- Creating a National Tripartite Advisory Committee.
- Some amendments to the Labour Code (although these remain insufficient), which give migrant workers the right to join trade unions.
- Working with the ILO through Better Work Jordan (since 2008) to improve labour standards and enterprise formation in QIZs which involves many stakeholders at ministry level and key public-private institutions.

### Domestic

- Improving rights and protection of workers through regulations.
- Creating a standard contract for non-Jordanian domestic workers.
- Setting up a committee to regulate the recruitment of foreign domestic workers (which would fall under the Ministry of Labour).
- Engaging in dialogues with employers in these sectors.

In the case of the construction sector, there is a lack of understanding and awareness of workers' conditions, despite the large amount of Foreign Direct Investment. This is in part

the result of the large amount of subcontracting in the sector. There is only one 'official' trade union in this sector, but its membership base does not include more than 10% of the workers in this sector.

### General efforts

- Signing a cooperation agreement between the Ministry of Labour and the Criminal Justice Department to combat Human Trafficking. Already, Article 29 addresses Forced Labour. The Ministry has also created a 'hotline' for human trafficking victims, and inaugurated a shelter to protect them.
- Establishing a dedicated Migration Department within the Ministry of Labour, headed by a legal expert.
- Creating a department called "combatting human trafficking" as part of the Ministry of Labour, headed by a specialist in the field.

Some bi-lateral Ministry-Embassy efforts have also been made. The Philippines for example has recently entered into a new agreement with the Jordanian government to have a minimum wage contract of US\$400 per month in October 2014. There has also been some effort to regulate the recruiting agencies, firstly by ensuring their accreditation in both Jordan and the Philippines and secondly by insisting that Jordanian agencies create partnerships with recruitment agencies in Philippines. Other areas of support to migrant workers include the establishment of a list of agencies in good standing in both countries and pre and post arrival seminars to inform the workers of their rights.

Even employer associations have made efforts to improve workers' rights and raise awareness. For example, the Jordan Chamber of Industry (JCI) produced a guide for migrant workers to educate them on their rights and obligations.

Despite these advances, the workers are still subject to very difficult conditions:

- There are many violations of worker rights such as withholding passports, not paying on time, or paying very little.
- Migrant workers fall prey to the demands of the recruiter in the sending country. These often ask for large sums of money to facilitate the employment search and dispatch to the receiving country
- Although there are already 17 professional unions, two main reasons are preventing these unions from operating efficiently. Firstly, many occupations remain outside of any professional classification and therefore do not have union representation. Secondly, many professional unions fail to actually amass sufficient grass-roots strength and awareness. In some cases this is related to the fact that these unions find it difficult to organize their members, especially in sectors with fragmented employer structures (for example, the domestic sector has almost as many employers as employees) and irregular sectors.

As a result there are several areas which would necessitate action:

- **Need to regulate recruitment processes more strictly:** There is a lack of regulatory framework for migrant workers, in particular in terms of regulations on recruitment. These regulations only cover domestic workers and are not properly enforced. This means that employers essentially dictate the skills profile and contract conditions of future employees. Recruitment agencies on their part, often charge incredulous rates and mislead the workers in question. There have even been some allegations of trafficking by some of the multilateral organizations. There is therefore a serious need to more strictly regulate recruitment processes.
- **Political advocacy for law enforcement:** Despite the creation of certain articles and legislation to protect migrant workers, these are not sufficiently binding. For example, the law on human trafficking still lacks penal enforcement clauses and a penal code. Political advocacy for enforcement would be necessary.
- **Political advocacy for trade union rights and empowerment:** There is a need for serious political advocacy around the rights of trade unions and their political empowerment.
- **Trade Union capacity building:** Some significant capacity building of the trade union workers would be necessary in order to ensure that they are: aware of their rights, able to find legal counsel, and included in negotiations and collective bargaining, both between themselves and with the government.
- **Stakeholder consultations:** There is scope and need to start stakeholder consultations, to replicate and adjust some of the approaches and tools developed by ILO and BSR to other economic sectors, in particular the construction industry, e.g. to engage investors and contractors in order to raise standards in particular with regard to fundamental labour rights and health and safety.
- **Collaboration between sending countries:** Given the diversity of the origin of workers, there is a lack of coordination between the source countries. Finding mechanisms to ensure collaboration on the issue should be sought out including working with labour attachés.

Three major events have created significant impetus and the right environment towards improving migrants' working conditions. These will continue to stimulate further policy and changes in these areas.

- With the signing of free trade agreements with the EU and the USA, Jordan faces greater pressure to improve workers' rights. There will therefore be greater impetus and incentives for employers to abide by the standards expected by their export countries.
- There has recently been some outcry from the international community as to the violations of workers' rights in Jordan, especially in light of the huge influx of Syrian refugees.
- The Arab spring has developed a social consciousness around workers' rights generally, and provoked a growing number of labour strikes which highlight the discontent of workers not just towards employers but also towards established unions. This will likely provide the right environment for the establishment of independent unions with a far greater desire for change. These have already gained momentum, strengthening their membership base, and heightening their clout in calling labour strikes, much to the discontent of official unions.

Given that the ILO's priority areas encompass migration policy, working and living conditions, and recruitment and providing a voice to unions, these gaps fall directly under these priorities.

## 2. Purpose, scope and clients of the evaluation

All of the below is according to the evaluation TOR which was used as a reference.

### Purpose

The objectives of the evaluation are to:

- Determine if the project has achieved its stated objectives and explain why/why not;
- Determine the implementation status of the project, effectiveness of project (in terms of management and effectiveness) as well as degree of performance monitoring;
- Assess the project's achievements, contribution towards the DWCP, and synergies with other ILO projects in Jordan;
- Determine the impact of the project in terms of sustained improvements achieved, and long term benefits to the target groups;
- Provide recommendations on how to build on the achievements;
- Document lessons learned.

### Scope

The evaluation covers the initial implementation from September 2011 to May 2014. In particular, the evaluation examines the impact of project activities on decreasing violations of workers' rights in the 3 said sectors.

It is guided by the core evaluation criteria: relevance, effectiveness, impact, sustainability, partnerships, and efficiency.

### Clients

The primary clients of the evaluation are the ILO Regional Office for Arab States (Beirut), and the ILO constituents, the Project Management and the donor. Secondary clients include other units within the ILO that may indirectly benefit from the knowledge generated by the evaluation.

## 3. Evaluation Methodology

The evaluation is a final internal evaluation which employs the evaluation standards and requirements set by the ILO Evaluation Office Guidelines. It is carried out by an independent senior evaluator with oversight by the Regional M&E Officer at ILO ROAS, and designed as a participatory exercise to yield lessons learnt for the parties involved such as project and program staff, partners, and constituents. The evaluation focuses on the major components: project design, implementation of planned activities, sustainability, lessons learnt and good practices, while answering questions in tandem with the DAC criteria: Relevance, Effectiveness, Efficiency, Impact, and Sustainability.

The methodology of the evaluation included:

### **1. Desk Review**

The evaluation started with a desk review of the project related documents and reports. A list of the main reviewed documents is provided in Annex 8.3. There were additional reports and documents requested by, and provided to the evaluator throughout the evaluation exercise.

### **2. Data collection**

The collection of information consisted of primary and secondary sources. Secondary data encompassed reviewing the project document, work plan/s, budget and financial reports, progress and mission reports as well as related studies, research reports, and other relevant documents (mentioned above).

The primary data collection was carried out from Jordan (i.e. remotely with regional management and oversight; in person for partners and stakeholders and day-to-day managers):

Interviews were carried out at the following levels:

#### In house:

This included interviews with project staff, ILO management, technical experts and related staff.

#### Ministries:

This included interviews with heads of key departments in the Ministry of Labour (Head of Migration department, and Head of Labour Inspectors Training Center) and in the Ministry of Justice (as suggested in the TOR and schedule of interviews set by Project Coordinator and facilitated by the ROAS M&E Officer), and Ministry of Interior (meeting Head of the counter-Trafficking Unit in the Criminal Investigation Department).

#### LAN:

This included interviews with key embassies – including the Embassies of the Philippines, Indonesia, Sri Lanka and Bangladesh.

#### Unions/Workers:

This included interviews with union heads of the considered sectors, and construction workers.

#### Employers

This included meeting with the Jordan Chamber of Industry and employers' representation at the garment sector. Employers in the construction sectors rescheduled the meeting several times and eventually regretted not being able to attend it.

#### Other relevant stakeholders

This included interviews with other consultants and organizations such as the Phoenix Centre and Tamkeen.

### **3. Stakeholders Workshop**

Additionally, a stakeholders' workshop was carried out using a quasi-structured focus group methodology, with a representative participation of the tripartite partners at the end of the interview phase. The purpose of the stakeholders' workshop was to gather further information to fill certain gaps, validate information and share with the participants the preliminary findings of the evaluation to date. Some of the outputs are included in Annex 8.4.

### **4. Evaluation Report**

Findings of the evaluation are presented in this draft report, which also includes conclusions on project sustainability, good practices, lessons learned and recommendations for future steps. The draft report was presented to the ROAS M&E Officer, and circulated to the relevant partners and related parties for comments. The feedback of the partners and stakeholders was compiled, consolidated and sent to the evaluator who finalized the report in light of the provided feedback. The final report was submitted to the ROAS M&E Officer.

## 4. Project Description

### 4.1 Design:

The project was led by ILO with their partner Business for Social Responsibility (BSR) whose work initially centred on the recruitment practices of migrant workers in the construction sector. This entailed working with private recruitment agencies and labour brokers in this sector. It focused on a three core objectives to address the rights of migrant workers in Jordan. Each of these was coupled with a few set outputs per objective.

- **OBJECTIVE 1: BETTER PROTECTION AND SERVICES EXTENDED TO WORKERS AND IN PARTICULAR MIGRANT WORKERS**
  - Output 1.1 Trade union capacity building program implemented to improve outreach, legal and other support services to workers
  - Output 1.2 Service providers are in a better position to provide assistance to migrant workers encountering labour violations
  - Output 1.3 Strengthened institutional framework and ability of the MoL to protect migrant workers' rights
- **OBJECTIVE 2: ENHANCED RESPECT FOR WORKERS' RIGHTS, WITH FOCUS ON MIGRANT WORKERS, THROUGH IMPROVED RECRUITMENT PRACTICES**
  - Output 2.1 Framework for improved recruitment practices in the construction sector in place
  - Output 2.2 Employers in the construction sector convene and adopt better recruitment and employment practices
- **OBJECTIVE 3: IMPROVED LABOUR-MANAGEMENT COOPERATION AND WIN-WIN COLLECTIVE BARGAINING AGREEMENTS IN TARGETED SECTORS (CONSTRUCTION AND QIZ)**
  - Output 3.1 Training carried out to promote collective bargaining, and background research on collective bargaining in the construction and QIZ sectors

Three focus sectors were chosen: the garment industry, the domestic workers sector, and the construction sector. These were seen as large, growing (most attractive sectors for immigration workers in Jordan), and high-risk sectors with the largest violations.

The project attempted to tackle the vulnerability of migrant workers at all points in the migration-employment process:

1. At the recruitment stage as a measure of prevention to avoid vulnerability at the workplace (exacerbated through high recruitment fees, continued control of the agency over the workers, contract substitution etc.);
2. At the employment stage, with different approaches adopted for the apparel, construction and domestic work sectors;
3. And, if needed post-employment, in case of disputes or other work-related conflicts obliging the migrant workers to leave the job.



The project was designed by BSR and ILO-HQ, with little consultation of other involved parties. BSR approached the ILO in order to partner with them to attract funding from the US Department of State – Federal Assistance. The proposal was based on a 3-day scoping mission in Jordan. Its original design was very generic. As a result, the project coordinator was asked to write an inception report refining the design, after meeting with related staff and technical specialists.

### 4.2 Activities

The activities were drafted based on a training needs assessment performed by an ILO-HQ training consultant. A two-day training was performed by the afore-mentioned consultant. Twenty six participants attended including law enforcement officers, 6 prosecutors and 10 labour inspectors.

After an initial draft, and during the inception phase, the various activities were amended in the log-frame to better suit the needs and realities on the ground. Below is a list of each activity and how it was adjusted.

ORIGINAL LOGFRAME	REVISED LOGFRAME	CHANGE RATIONALE
1.1.1. Develop a trade union policy on migrant workers developed and submitted to GUCW for endorsement	None	None
1.1.2. Provide capacity-building training for unionists in the construction sector	None	None
1.1.3 Develop promotional outreach materials and information leaflets for workers including migrant workers in cooperation with GUCW and GTUTI and translate into several languages	Support GUCW and GTUTI in their efforts to reach out to workers, especially migrant workers, through translating and publishing existing material	Wider spread of material already developed by GTUTI and GUCW through providing assistance with the translation to several languages.
1.1.4 Translate, print and disseminate outreach material	None	None
1.2.1 Organize a workshop for labour attachés and other embassy staff members from key migrant source countries to exchange good practices regarding the operation of shelters and legal assistance	Establish a Labour Attaché Network (LAN) of Labour Attachés (LAs) and Welfare Officers from key migrant source countries and enhance the legal services extended to migrant workers	<ul style="list-style-type: none"> <li>- The establishment of a LAN is essential to strengthen the role the diplomatic missions play in protecting the rights of their citizens abroad.</li> <li>- Comprehensive training on shelter management is carried out under activity 1.2.3</li> </ul>
1.2.2 Perform a shelter assessment	None	None
1.2.3 in close collaboration with NCHR provide direct assistance to migrants in distress, in particular domestic	Enhanced services provided to migrant workers, particularly domestic workers, through strengthening shelter	Assistance to migrant workers in distress is institutionalized through strengthening shelter management abilities, which



## Protecting Migrant Workers' Rights in Jordan – Final Internal Evaluation

workers	management procedures and skills of shelter service providers	would ensure sustainability of services well after the conclusion of the project
<b>1.2.4</b> Conduct PAR sessions	None	None
<b>1.3.1</b> Assess MOUs between Jordan and four countries of origin	None	None
<b>1.3.2</b> Provide follow up as required, e.g. through support for operation agreements to support implementation and drafting of new agreements (e.g. with India and Bangladesh)	Through policy advice and social dialogue, enable the MoL to develop a basic entitlement floor for the protection of migrant workers based on the guidelines provided in the ILO's Multilateral Framework on Labour Migration	Preparation to introduce a multi-lateral framework on labour migration
<b>1.3.3</b> Develop standard employment contracts for migrant workers and amend bilateral agreements accordingly (contracts will include clauses on minimum wage requirements, regulation of overtime work, non-cash benefits, social security provisions)	Develop a comprehensive unified standard employment contract for migrant workers (to include, among others, clauses on minimum wage requirements, regulation of overtime work, non-cash benefits, leave entitlements, responsibilities of workers and employers, employment termination procedures and recourse to legal help)	The introduction of the multi-lateral approach to labour migration management negates the need to examine and amend bilateral agreements
<b>2.1</b> Framework for improved regulation, monitoring and performance of PrEAs in place	Framework for improved recruitment practices in the construction sector in place	<ul style="list-style-type: none"> <li>- PrEAs are non-existent in the construction sector and the "recruitment" function is carried out by employers and their middlemen;</li> <li>- Rigidity in work permits fosters an environment conducive to exploitative practices;</li> <li>- Misleading information on qualifications is leading to injuries in the workplace and sometimes death</li> </ul>
<b>2.1.1</b> Convene stakeholder consultations and policy dialogue on the possible extension of regulation on PrEAs and disseminate ILO Guide to Private Employment Agencies	Convene stakeholder consultations and policy dialogue on issues related to permits and qualifications in the construction industry	See change rationale 2.1
<b>2.1.2</b> Draft recommendations and provide further input to the legal review process, based on ILO Convention 181	Draft recommendations and provide further input on the work permit and qualification system in the construction industry	To enhance and regulate the processes and systems
<b>2.1.3</b> Train labour inspectors on the monitoring and enforcement of PrEAs regulations based on ILO	Train law enforcement officials on how to combat forced labour and other exploitative workplace practices using the	the role of law enforcement officials in identifying and investigating cases of forced labour is better explained and

## Protecting Migrant Workers' Rights in Jordan – Final Internal Evaluation

training manual “How to monitor the recruitment of migrant workers”	SAP-FL e-learning tool	strengthened through continuous training with the use of the e-Learning tool
<b>2.2</b> Employers and recruitment agencies in QIZ and construction convene and adopt better recruitment and employment practices	Employers in the construction sector convene and adopt better recruitment and employment practices	The Project Advisory Committee agreed to confine BSR’s work to the construction sector.
<b>2.2.3</b> Conduct one convening focused on ethical recruitment practices with recruitment agencies from India, Bangladesh, Egypt and Jordan and suppliers within the QIZ, buyers and main construction contractors (ILO/BWJ and BSR)	Conduct one convening focused on recruitment practices with employers and other key stakeholders in the Jordanian construction sector	The absence of recruitment agencies in the construction sector leaves the “recruitment” function at the hands of employers and their middlemen who should be the target group of this convening
<b>2.2.4</b> Develop “ethical recruitment toolkit” based on inputs from the convening and previous BSR research with practical guidance on criteria for “good recruiters”, contract standardization practice and disintermediation business models to reduce prevalence of brokers (BSR, with ILO input)	Develop “ethical recruitment toolkit” based on inputs from the Amman convening and previous BSR research with practical guidance for employers, on contract standardization practice (BSR, with ILO input)	See change rationale 2.2.3
<b>2.2.5</b> Train Jordanian recruitment agencies and employers in construction by using the toolkit (BSR)	Engage with employers and other key construction sector stakeholders on the application of the toolkit (BSR)	See change rationale 2.2.3
<b>2.2.6</b> Conduct one convening focused on good practices concerning migrant labour that includes factory management and buyers within the QIZ (BSR and ILO/BWJ)	Conduct one convening focused on good practices concerning migrant labour with NGOs, labour attachés, companies, unions and ministries	QIZs are not covered by BSR as agreed upon during the PAC meeting
<b>2.2.7</b> Conduct three trainings based on the BSR migrant workers implementation toolkit and ethical recruitment toolkit with factory managers of suppliers located within the QIZ (BSR and ILO/BWJ)	Conduct three trainings based on the BSR migrant ethical recruitment toolkit	See change rationale 2.2.6
<b>3.1</b> Training and technical advisory programme carried out to increase number of collective bargaining agreements in construction and QIZ	Training carried out to promote collective bargaining, and background research on collective bargaining in the construction and QIZ sectors	The background research on the status of collective bargaining is necessary to provide clear understanding of the strengths and weaknesses of collective bargaining and work relations in the construction and apparel sectors
<b>3.1.1.</b> Collective Bargaining training for workers	None	None

<b>3.1.2</b> Conduct ILO training programme on collective bargaining, regulations, stages techniques to officials from the Jordan Chamber of Industry (JCI) and the Jordan Garments, Accessories and Textiles Exporters' Association (JGATE)	Conduct ILO training programme on collective bargaining regulations, stages, techniques to officials from Jordan Chamber of Industry (JCI) and Jordan Garments, Accessories and Textiles Exporters' Association (JGATE) and the Jordanian Constructions Contractors Association (JCCA)	JCCA represents the employers' organizations in the construction sector
<b>3.1.3</b> Undertake bipartite workshops on how to conclude collective bargaining agreements for the construction and QIZ sectors	Enhance officials' understanding of what collective bargaining is and assist in the promotion of collective bargaining on the national level	The timid progress in the ratification of C87 is partially attributed to the little understanding of the basics of collective bargaining
<b>3.1.4</b> Provide technical advisory services to both employers and unions as required	Conduct research on the status of collective bargaining in Jordan	Conducting the research should provide an insight on the status of collective bargaining in Jordan and lay down the foundations for future initiatives concerning work relations

### 4.3 Management

The project was managed on the ground by the National Project Coordinator (NPC) with the support of a project administrative and finance assistant. The NPC was hired in March 2012, 6 months into the beginning of the project. The local team (composed of the NPC and the Administrative and Finance assistant as full-time employees) was responsible for all day-to-day management aspects of the project.

The technical backstopping and managerial support and oversight were carried out by the technical specialist who is a Senior Migration Specialist at ROAS, in Beirut, as well as support by the Regional Programming Unit in addition to several departments in HQ.

The project was implemented in partnership with BSR, responsible for convening of stakeholders in the QIZ (e.g. international buyers, companies in the construction industry) to work on namely activities 2.2.3 through 2.2.7 which focus essentially on ethical recruitment and employment of migrant workers. BSR envisaged the project as one focused around recruitment agencies and their recruitment practices. The methodology to achieve this would center on the development of an 'ethical recruitment toolkit' which would provide workers with guidelines on recruitment practices.

The team reported directly to ILO-ROAS and the donor in the form of quarterly progress reports to document progress and analyse any changes in the objectives or the scope.

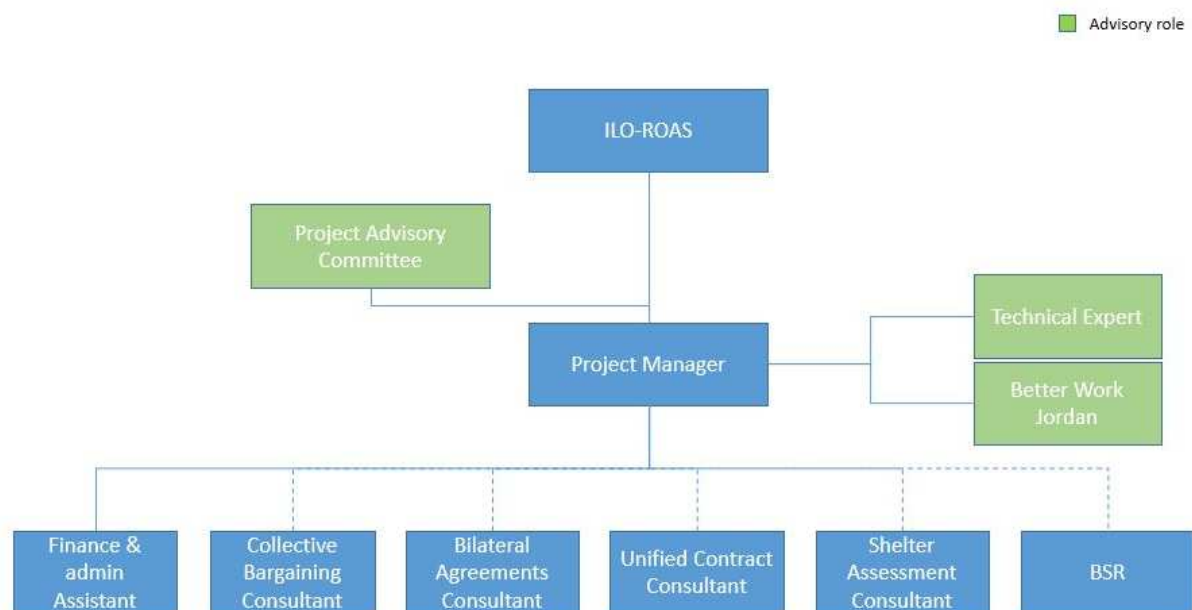
In order to ensure the necessary involvement of stakeholders, the project was overseen by the PAC (Project Advisory Committee) which was to meet once every four months to review project progress, recommend adjustments and support timely implementation. Chaired by the Ministry of Labour, its members were tripartite in nature including members from

Ministries, Unions and Chambers of Commerce, employers' associations, embassies and NGOs.

The team was also to be supported by:

- (1) Better Work Jordan (BWJ), which was to be consulted for all matters related to work in the garment sector;
- (2) Multiple consultants including:
  - A consultant was hired to work on collective bargaining. She was responsible for writing up the document *National Study on the state of Collective Bargaining in the construction and garment sectors*. She also carried the training on collective bargaining. All documents were duly shared with the concerned/ relevant stakeholder by ROAS according to ILO protocol.
  - Another consultant was hired to carry out an evaluation of the bilateral agreements between Jordan and four sending countries, Egypt, Philippines, Indonesia and Sri Lanka.
  - A local independent researcher was hired to research and produce a draft of the unified contract for migrant workers in the garment sector and another unified contract for migrant workers in the construction sector. The contracts came as a result of benchmarking process of international best practices, thorough consultations with stakeholders, and focus group discussions, which was sent to the legal department in HQ and ROAS for review and endorsement.
  - A consultant was recruited to carry out the assessment of shelters in Jordan and another to create a first draft of the National Migration Policy.

### Project Organizational Structure



## **5. Analysis**

### **5.1 Design**

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

As outlined in the background section, the efforts of this project were very much in line with recent efforts undertaken by the Government of Jordan and more specifically the Ministry of Labour. This is especially relevant given the adoption of new anti-trafficking legislation in 2009, national anti-trafficking strategy in 2010 and the launch of ILO's C189. The project did take into account the significant gaps and needs in the current situation, especially with regards to the need for collective bargaining, capacity building, consolidated approach of the embassies towards the Jordanian government, and unified labour contracts.

Although the project was very much in line with national priorities, the project log-frame suffered from numerous drawbacks.

Firstly, the project could have been designed taking into account existing efforts on the ground, most notably Better Work Jordan. The decision to add the garment industry to the project scope complicated the efforts and created blurred responsibilities. Some effort was made to analyse which activities were 'peripheral' for Better Work Jordan and therefore should have been built on to complement existing activities, i.e. the unified contract and the outreach activities.

Secondly, given the hasty design of the project, it did not sufficiently scope out the potential for impact in two particular areas.

- a) In terms of ethical recruitment practices in the construction sector (the sector to be handled by BSR), the design failed to recognize that there are no clearly defined 'recruitment agencies' to apply or enforce these practices. This issue is reinforced by the fact that there is a good proportion of the work in these sectors which is done underground as part of the informal economy. As a result, a year into the project, it became obvious that this goal was unattainable.
- b) In terms of the choice of the sectors, the project chose based on tactical rather than impact considerations. The choice of the construction sector was also dubious. This industry is so large, that the project resources could not have tackled this sector in a sufficiently comprehensive way. Other areas, such as the agriculture or hospitality industries were not considered at all. There was therefore a sector marginalization which cannot be explained coherently. Regardless of such considerations, it was stated in multiple interviews, that handling 3 sectors, given the limited resources of the project was an unrealistic decision.

#### **5.1.2 Validity of the design**

The project had clear objectives, outcomes and activities, each of which was followed and monitored by the National Project Coordinator. In the final progress report, an analysis was

made as to how much each of the activities was completed. There were clear indicators to demonstrate the completion rate, and a quantitative score put to each (a percentage).

Despite this, there were significant concerns regarding several factors.

Firstly, it was suggested that the project was spread too thin. The project remained relatively theoretical, which made it difficult to quantify to what extent the project objectives were fulfilled. Additionally, the objectives were designed as relatively separate entities without putting into place coagulant factors to bring it together to drive national policy and inform policy advocacy. These objectives are deemed necessary for long-term impact and sustainability.

Secondly, the project changed scope over the course of its short life, i.e. assuming recruitment agencies existed in the construction sector while they didn't, dropping the ethical recruitment practices toolkit altogether, and including a new section under collective bargaining. This was also a result of the fact that the project was not outlined concretely; the log-frame was actually the product of the Project Coordinator (NPC) as revised in the inception report.

### 5.2 Effectiveness

The project had several components and carried out several activities some of which were more effective than others.

Outcomes under Objective 1.

- Improved policy towards migrant workers
- Greater representation of workers
- Strengthened legal protection of migrant worker

Outcomes under Objective 2.

- Strengthened institutional capacity of recruitment of migrant workers
- Enhanced understanding by the related legal
- Greater agreement among lawyers, prosecutors and judges on the definitions and enforcement of the 'law to combat human trafficking'

Outcomes under Objective 3.

- Officials are better informed about the status of collective bargaining in the construction and garment sectors in Jordan
- Social partners in the construction sector are prepared to engage in collective bargaining processes

There were four major reasons for the lack of effectiveness of the project namely:

- a) It did not tackle the most important barrier to change: low political will to ensure enforcement (e.g. through the penal system) and ensure proper follow up
- b) Lack of targeted technical support from ILO-ROAS. The NPC would contact ROAS for advice or explanation of certain issues but there was seemingly no structured pre-planned interventions. For example, the NPC requested support in choosing a new shelter assessment consultant but received this backing with significant delay.
- c) Lack of focus and attention to sustainability of some outcomes



## Protecting Migrant Workers' Rights in Jordan – Final Internal Evaluation

- d) Issues related to personnel continuity and commitment – at both ministerial and project team levels as well as in the case of a consultant.

These factors do not include issues related to initial design, only those which affected implementation.

Objective	Output	Level of success	Achievements	Shortfalls
1. BETTER PROTECTION AND SERVICES EXTENDED TO WORKERS AND IN PARTICULAR MIGRANT WORKERS	Output 1.1 Trade union capacity building	7	<ul style="list-style-type: none"> <li>Developed, submitted, approved trade union policy to GUCW and endorsed, larger population served</li> <li>All Activities performed</li> </ul>	<ul style="list-style-type: none"> <li>Tangible outputs difficult to establish especially in capacity building</li> </ul>
	Output 1.2 Service Providers extending better services.	6	<ul style="list-style-type: none"> <li>LAN created and support given to creation of Arab Network for Migrant's Rights</li> <li>PAR sessions conducted (including orientation) for domestic workers</li> <li>Shelter assessment &amp; training completed</li> </ul>	<ul style="list-style-type: none"> <li>LAN not active enough &amp; attaches disengaged</li> </ul>
	Output 1.3 Strengthened institutional framework	8	<ul style="list-style-type: none"> <li>Assessment of MOUs completed</li> <li>Drafts of unified contracts &amp; Migration policy accomplished</li> </ul>	<ul style="list-style-type: none"> <li>Unified contract experienced difficulty getting employer buy-in</li> </ul>
2. ENHANCED RESPECT FOR WORKERS' RIGHTS, WITH FOCUS ON MIGRANT WORKERS, THROUGH IMPROVED RECRUITMENT PRACTICES	Output 2.1 Framework for improved recruitment practices	9	<ul style="list-style-type: none"> <li>Convening stakeholders on work permits &amp; draft recommendations.</li> <li>Training law enforcement on human trafficking</li> </ul>	<ul style="list-style-type: none"> <li>Human trafficking component not sufficiently woven into rest of project</li> </ul>
	Output 2.2 – Employers in the construction sector convene and adopt better recruitment practices	3	<ul style="list-style-type: none"> <li>Conducted trainings with stakeholders at all levels</li> </ul>	<ul style="list-style-type: none"> <li>Attendance and engagement of employers at trainings limited</li> <li>Remodeled 4 out of 7 objectives. due to no recruitment agencies</li> </ul>
3. IMPROVED LABOUR-MANAGEMENT COOPERATION AND WIN-BARGAINING AGREEMENTS IN TARGETED SECTORS	Output 3.1 Training carried out to promote collective bargaining,	6	<ul style="list-style-type: none"> <li>Conducted several trainings in Collective Bargaining across all stakeholders</li> <li>Conducted research on collective bargaining</li> </ul>	<ul style="list-style-type: none"> <li>Attendance and engagement of employers at trainings limited</li> <li>Lack of impact-driven or results-oriented approach</li> </ul>

0 1 2 3 4 5 6 7 8 9 10

### Achievements and Shortfalls

#### Achievements

There were three major successes throughout this project:

- The first one was the development of **the unified contracts** (Activity 1.3.3) especially for sectors which had previously been neglected.
- The second one was the **Policy for Unions to Regulate Workers' Affairs in the Construction Sector**. The consultant who was hired to help with this, worked closely with the unions as well, in order to obtain buy-in and commitment. Nevertheless, this will have to be discussed and validated by employers. The document outlines the guidelines that need to be taken into consideration when creating institutional protection of workers and their rights. The document was also forwarded to the Head of the Construction Union who has adopted it and has requested technical support from ILO to put it into effect.
- The third was the **National Migration Policy**, as the adoption of which would significantly improve the government's ability to regulate the migrant workforce in Jordan. This is a solid reference document which indicates clearly how to regulate and facilitate migration. This would place Jordan ahead of other countries in the

region, especially the GCC. However, it should be stated that with regards to the initial outline of the log-frame this was actually a replacement for Output 1.3 which focused more on capacity building and empowerment of the Migration Department / MoL. Nevertheless, this may be the first step or foundation towards this end-goal. The document is currently with the ROAS and ILO HQ, and if approved, it will be forwarded to the MoL.

In addition to these tangible outcomes, all of the original outputs were implemented. For example, the awareness-raising workshops were conducted. However, despite the fact that all activities were completed, some did not prove impactful. This is specifically due to the poor attendance of employers. It was therefore hard to establish long-term vision specifically for the future of industrial relations and ensure that awareness was sufficiently raised.

Another example of lack of attendance was the Stakeholder Workshop led by this evaluator whereby only four attendees participated representing the stakeholders.

The Labour Attachés' Network (LAN) (Activity 1.2.1) was formed. However, there were varying levels of commitment from the embassies taking part. For example, hand-over from one attaché to the next also decreased participation and involvement. Another example was demonstrated in the inconsistent attendance and follow-up on project meetings by the attachés.

### **Shortfalls**

Although most of the activities were said to be completed, they lacked the context of a bigger and larger vision and the congruent impact. As a result, there were complaints both by internal staff and by some of the external stakeholders as to the actual effectiveness and impact of this project. Five endogenous factors are worth noting here.

The first one is the creation of the Labour Attachés' network (Activity 1.2.1.). Although this was indeed created there was sporadic involvement of the different embassies. There was a lack of engagement and mobilization due to continuous rotations among embassy staff.

The second one concerns the Migration policy (Activity 1.3.2.). Given the complexities of policy it is essential to begin working on policy aspects early on in the project. However, the Project Coordinator was depending on technical support from either the (the Senior Migration Specialist) or from the regional office to provide a good consultant to perform this piece of work. When such advice was not forthcoming, this process got delayed until the appropriate consultant was hired for the last 3-4 months of the project. This greatly delayed the project, making follow-up more difficult.

The third issue concerned the actual effectiveness of the trainings and workshops which were led by this project (Activities 2.2, 2.2.3, 2.2.5-7, 3.1.1-3). There was a clear lack of impact-driven design of the workshops and very little follow up was conducted. Given the fact that organizing workers in sectors as fragmented as domestic work is so difficult, such follow up would have been critical to ensuring impact. It was additionally difficult to organize the workers given the government's and "formal" unions' unwillingness to allow for an independent labour movement. Many of the existing unions have found a balance in the



existing status quo and were not comfortable with the development of new 'free / independent' unions. In the construction sector, there was additional resistance since the Head of the Construction Workers Union is himself an employer. This lopsided situation caused a significant conflict of interest and therefore stagnation of progress. Even ACTRAV's work with construction workers to formulate their own unions was futile as they remained unregistered and unrecognized by the government. There is a need for greater emphasis in supporting workers and their representation that stretches well beyond the scope of this project.

The fourth significant shortfall, and perhaps the most notable one, was that of recruitment policies and creating an ethical recruitment toolkit (Activities 2.2.4-5, 2.2.7). Large changes had to be made to the scope of the project in this area because of its mismatch with the reality on the ground. It was decided that the 'ethical recruitment toolkit' would not contribute to enhancing recruitment practices for migrant workers in this sector. According to the Project revision form: "... during direct engagement with stakeholders, it became increasingly evident that the construction companies, the construction industry associations and the trade union movement, did not view a recruitment toolkit as the right solution to migrant problems surrounding recruitment of migrant workers". The shortcomings of this solution included:

- » A toolkit could not address or attempt to change the market realities that drive the behaviour of contractors and workers;
- » It did not address the gaps between worker supply and demand;
- » External best practices from other countries were mostly unsuitable to Jordan's unique labour market particularly given the pending influx of Syrian refugees;
- » A toolkit was unlikely to reach the small and medium sized companies where most violations occur;
- » A toolkit would likely only be read by HR personnel in large companies, if at all;
- » Unlike the textiles and garment industry, there was no external pressure from buyers (private home buyers, investors, etc.) or from the workers' union to adopt practices found in such a toolkit.

It was therefore decided through common agreement that BSR's efforts would be redirected towards "creating an enabling environment for better migrant workers recruitment practices" according to the project revision form.

It should be noted that some of these delays or shortfalls cannot be fully attributed to the project itself but to exogenous factors.

One of the most important exogenous factors which delayed this project has been the dynamics at play within the Ministry of Labour. Over the timeframe of the project, there were 3 changes in government, and a concurrent 3 turnovers of the Director of the Migration Department. This reshuffling caused a serious lack of continuity and follow-up of issues. In addition, there was also some lack of capabilities and expertise within the MoL in order to tackle these issues in the most appropriate manner. The project suffered heavily from this lack of capacity and the disengagement of the second to last Director of the Migration Department. According to the Project Revision report: "The National Project Coordinator (NPC) had to constantly revisit activities with several focal points and provide support to new

focal points when they were requested by senior management to report on the activities of the project and those of the Decent Work Country Programme.”

### 5.3 Efficiency

#### Efficiency of financial resources

The total cost of the project was \$887,574, of which \$145,000 was cost shared by ILO SAP/FL in Geneva and by ILO-ROAS and the remaining amount stemmed from the contribution of the US Department of State. Although the Project coordinator suggested a one-time extension in August 2013, there were no requests for additional financial support or funds. Given the fact that expenditures can only be made on a case by case basis, the budget was not exceeded and remained true to the original budget. This is definitely an achievement despite creating an inefficient timing and logistical delays in disbursement of the funds.

This Project operates within a country where the ILO is a ‘non-resident agency’, i.e. its financial management and operations are carried out and monitored by ROAS. ILO on a global level is working to obtain recognition of its residency status in Jordan. Until then many adaptations are implemented in the financial workflows and systems. Accountancy is done in the regional office due to limitations in roll-out of the Integrated Resource Information System (IRIS) in the field. Moreover, advances and petty cash are transferred to staff accounts, which is a regular practice by ILO and other UN agencies for all advance payments.

In consequence, the Project Coordinator was requested and had to open an account in her name where the project advances and petty cash were transferred as requested for each activity.

Furthermore, a banking transfer fee is deducted for each transaction. This banking fee is considered normal cost of operations and is paid by the project. This sometimes results in receipt of funds requested minus the banking fees. The banking fees are beyond the control of ILO ROAS, and deductions for salaries and DSA are reimbursable on cumulative basis.

#### Efficiency of Management Arrangements

##### Relationship with BSR

The relationship with BSR was relatively complex. At first, as partner focusing on recruitment policies, they attempted to implement a framework which did not work in Jordan – namely the Ethical Recruitment Toolkit. However, they misjudged the context and the specificities of the country, which made their activities irrelevant. That being said, the activities were eventually amended to make them more compatible with local needs and conditions

##### Oversight roles

The oversight roles of the project were not clearly defined and there were multiple people involved. For instance, the ILO HQ's Declaration Officer changed three times over the course of the project. The fact that multiple technical experts from the Decent Work Team in Beirut were providing technical support to the project also made project implementation more challenging. This lack of oversight and connection to ROAS also meant that the Project Coordinator sometimes lacked key support from the oversight organizations – for example in obtaining support to find appropriate consultants to perform the migration policy report. This may have been due to the hierarchical nature of communication in this project.

### Involvement of consultants

A significant level of technical expertise was needed to achieve the goals of the project, especially in designing and delivering capacity building programs of quality. As a result, external consultants with such knowledge were necessary. However, identifying local consultants with this level of expertise was a continuous challenge since according to the project revision form, "the limited local capacities were either over stretched with work or would charge inflated fees to undertake such assignments".

The difficulties around consultants was demonstrated by two cases: (1) the difficulty in finding a consultant to do the migration policy (hence delaying this portion of the project until the last 4 months of the project and (2) the shelter assessment consultant who did not submit his report and failed to report back to headquarters.

## **5.4 Impact**

The most noteworthy areas of preliminary impact are:

- Wider visibility of formal worker representation through gatherings with national and migrant workers.
- A larger base of workers became aware of their human and worker rights, and the existing internationally accepted mechanisms.
- Strengthened coordination among embassies and NGOs on the national and regional levels evidenced by direct participation in international fora.
- Regional and inter-regional alliance building yielding safeguarding worker rights and combating related violations.

## **5.5 Sustainability**

There is potential for the project sustainability through the following components:

- The unified contract in the garment sector will factor into continued safeguarding of migrant worker rights and upholding the sectoral collective bargaining agreement (CBA).
- National migration policy is an essential reference document, which will allow policy makers to make informed decisions regarding national and migrant workforce on mid and long terms.

- The Arab Network for Migrant Rights (ANMR) is a local capacity that will continue to monitor, advise, model and cross-fertilize best practices and serve as a local capacity for governments and international organizations operating in the region.

However, this project, given its awareness-based nature remains relatively frail in its sustainability. Some specific outputs will still necessitate close attention, in particular:

- Getting the National Migration Policy accepted by the government. This could ensure that the project's sustainability is significantly reinforced, as such legislation will be long-lasting in impact. However, such impact will necessitate sufficient enforcement measures are put into place
- Getting the approval of employers and the government in terms of the unified contract for the construction industry. Once again, such legislative measures could prove to have significant impact in the long run.

Some work is also underway to ensure follow-up and build on the existing knowledge and awareness. This will be done in the form of the Regional Project on Migration, MAGNET, which will include Jordan.

The awareness and the capacity-building which has been created can form the foundation on which to build further projects to improve the rights of migrant workers in Jordan. However, all efforts will fall flat unless three issues are addressed directly in subsequent projects:

- Any kind of follow up should focus on aligning stakeholders and engaging them in a meaningful and effective manner, to stir political will for enforcement
- Trade unions should be significantly empowered – both from the bottom-up through further capacity-building and top-down through legislation.
- The evolving situation of Jordan in terms of Syrian refugees should be taken into consideration. Without an understanding of how to address this within the larger scheme, the GoJ would be turning a blind eye to a very defining and crucial circumstance.

## 6. Conclusions

### 6.1 Lessons learned

The project was rich in lessons learned. These involved the following:

**Sectoral Approach:** It was admitted that although a sectoral approach was the right way to address these issues given the resources available, the project was spread too thin. Greater research to rationalize sector choice would also have been necessary, as well as an increased number of cross-cutting initiatives. These two elements would have ensured that the project was sufficiently relevant and manageable.

**Stakeholder involvement in design:** Given that of the 25 outputs, 19 were amended in the new inception report's amended log-frame, this demonstrates the importance of creating a

project design adapted to local context and needs. As a result, it would have been necessary to involve all relevant key stakeholders (MoL, unions, LAN, Tamkeen, and Phenix) to craft the project. This would have, e.g., avoided the large discrepancies in the conceptualization and implementation of the 'ethical recruitment toolkit'.

**Output-driven:** There was a realization of the importance of having output and results-driven workshops. This would have been necessary to ensure continued engagement and sustainability of the project in the long run. Numerous stakeholders complained about the lack of follow up and concrete ensuing actions from the workshops and convenings that were conducted.

**Coordination with local projects:** There was some overlap with various existing initiatives, including efforts made by the GoJ's ministries. In the future, the ILO needs to ensure that it coordinates and harmonizes its projects instead of having piecemeal programs running in parallel and overlapping with one another. This will allow for a coherent national strategy. It will also preserve ILO's credibility with essential partners such as the MoL.

**'Engaged' oversight entities and managers:** No project can succeed without the utmost engagement and dedication from stakeholders and managers. ILO-ROAS, as well as PAC should have been more heavily engaged in the process of overseeing this project. This would have helped guide the project in the right strategic direction and sped up certain processes (e.g. selecting consultants or providing in-house technical expertise).

### 6.2 Good Practices

The seriousness by which the ILO and certain partners handled the project and its progress showcased exemplary good practices on the following:

- ILO was responsive to changes in the climate in which the project operates, e.g. in the case of the drastic political changes in the country (several cabinet changes), and the labour movement.
- ILO was responsive to changes in the climate in which the project operates, in the drastic political changes in the country (several cabinet changes), and in the labour movement where labour strikes were responded to fairly quickly.
- ILO remained observant of its overall commitments toward the government of Jordan and DWCP in spite of the necessary changes on the operational level.
- Under the framework of DWCP the several synergies were built with other projects such as BWJ and PAR (Participatory Action Research)

Knowledge management: when designing future projects the NPC was often consulted as a resource person, e.g. developing the MAGNET project, the ILO/IOM association through PAVE project and the Walk-in-Freedom DFID-funded interregional project.

### 6.3 Recommendations

Category	Recommendation	Potential outputs	Rationale

## Protecting Migrant Workers' Rights in Jordan – Final Internal Evaluation

Following on from existing output	1.2.1 Improving the efficiency of LAN	<p>A. Launching multilateral negotiations between the GoJ and the 4 major sending countries, with the LAN at the fore-front of this effort</p> <p>B. Plan out what kind of value-added the ILO can provide the LAN (e.g. research, concrete targets?)</p>	<p>Multi-lateral negotiations would be important to ensure that there is greater pressure on the government and there is a coherent way of dealing with all the countries involved</p> <p>The LAN also needs a significant boost in terms of responsibilities and value-added to the participants</p>
	1.3.3 Tri-partite approval of the unified contract	<p>A. Tri-partite meetings set up in order to brainstorm and agree on unified contract (ILO and BWJ to act as mediators)</p> <p>B. Spread the tri-partite-committed unified contract to other sectors in phases</p>	<p>The unified contract will be worthless unless it has a tri-partite commitment of enforcement.</p> <p>The unified contract should not be limited to 1-2 sectors. However its spread to other sectors should happen in phases, tackling the easiest sectors first.</p>
	2.1.2,2.2,2.3 Continue to build the capabilities of workers, especially in terms of their ability to organize themselves through unions	<p>A. Create a capability building plan for different sectors based on their needs. The capability building plan should have clear outputs and learning objectives at the end of each section</p>	<p>This area was particularly useful according to many workers. However, the workshops were not sufficiently output-driven. These workshops should follow up with concrete actions and support</p>
	3.1 Continue to build on existing work that has been done in capacity-building in Collective Bargaining	<p>A. The social partners in this sector still require a great deal of training on collective bargaining especially on the sectorial level</p>	<p>This significantly helped the unions to be able to interact and comment on the unified contract. Further training would ensure that collective bargaining principles start driving negotiations and future political interactions</p>
New outputs	I. Reinforce legislative power over migrant workers' conditions & increase political will to enforce it	<p>A. Support the government in registering and classifying sectors and occupations according to Article 98</p> <p>B. Develop a unified labour law and a national framework to organize the various sectors</p> <p>C. Advocate for and support the MoL to issue strict penal procedures to ensure enforcement of migration laws, with a strong emphasis on inspections and inspectors</p> <p>D. With the expertise of a migration expert, set up sector-specific regulation (e.g. Domestic Workers committee that mediates on the life and work conditions of domestic workers)</p>	<p>Without a legislative framework and the political will to enforce it, there cannot be a significant push for employers to adhere to policies, nor sufficient bargaining power for unions.</p>

## Protecting Migrant Workers' Rights in Jordan – Final Internal Evaluation

		<p>E. Providing high-quality training for key government officials on (a) legislating this issue, (b) discussing practical challenges to the justice system and (c) sensitizing government officials to the need for legislation in this area</p> <p>F. Obtain tripartite commitment to pursue migrant workers' rights as a priority.</p>	
	II. Improve image of migrant workers and heighten awareness of migrant worker issues	<p>A. Launch an awareness program for youth to modify the perception of migrant workers</p> <p>B. Launch more general media campaign to change salient culture of devaluing migrant workers</p>	<p>There is insufficient awareness of the hardships and the positions of migrant workers.</p> <p>A significant awareness of such problems and a change in attitude at civil society level could exercise significant pressure on the government to tackle this issue</p>
	III. Increase focus on Human trafficking	<p>A. Refine and enforce Article 29 to Combat Forced Labour</p> <p>B. Improve awareness of Human trafficking especially targeted at employers, and in the agriculture sector</p>	<p>There is a general lack of awareness and regulation of human trafficking.</p> <p>Even purely from an economic point of view, Jordan should fix this to prevent further outcries from the international community.</p>
	IV. Reflection on how to incorporate Syrian refugees	<p>A. Conduct diagnostic of situation and understand skill level</p> <p>B. Come up with strategy, in cooperation with the GoJ for how to integrate Syrian refugees in productive way</p>	<p>This is becoming a true problem within Jordan and should be addressed directly in order to avoid issues of mal-treatment.</p>

Some recommendations were made at sector level:

### Domestic work:

- Would need an advisor to complete the achievements of the project, in particular to formulate and enshrine multilateral agreements
- Increase scrutiny of recruitment offices in Jordan and the sending countries

### Garment sector:

- Most of the follow-up steps should be placed under the existing program Better Work Jordan which focuses on the garment sector

### Construction sector:

- This sector needs special focus and preferably a separate project
- It should learn from the domestic workers project by formalizing relationships between sending countries and Jordan



There are perhaps some very concrete upcoming opportunities which can include these recommendations. In particular the following upcoming projects or potential projects could do so:

- There is an ILO regional project called MAGNET which will be addressing collective bargaining and union organization and coordination. The relevant points in the table above could be included in the Jordan approach.
- The Head of the Migration Department at MoL declared that the EU is funding a project in Jordan to develop a Strategy for Migrant Workers. The Prime Minister has formed a task force comprised of the concerned bodies such as MoL, MoI (Ministry of Interior), and the DOS (Department of Statistics). This could be an interesting opportunity for the ILO to advocate the unified contract as well as a more comprehensive national framework for addressing migrant workers' rights.

If and where the above recommendations cannot be linked or integrated onto existing or upcoming projects, there will be a need to hire a coordinator to ensure continuity with the work which has been accomplished up to now. This will be essential to capitalize on the momentum generated, especially in the case of the construction sector.

It should be noted that the importance of migrant workers and their protection should not be underestimated. Jordan could be a pioneer in the region if it creates a comprehensive and enforced policy to support migrant workers. Many other interventions and agencies (such as the IOM or the American Bar Association) are in expectation of developments.



## 7. Annexes

### 7.1 Terms of Reference

#### Terms of Reference

#### Internal Final Evaluation

#### Protecting migrant workers' rights in Jordan JOR/11/04/USA

##### 1. Introduction and rationale for the independent final evaluation

Since September 2011, the International Labour Organization has implemented “*Protecting migrant workers' rights in Jordan*”, a project funded by the US Department of State with a total budget of 749,569USD for a period of 32 months.

The project aimed to address issues affecting workers, in particular migrant workers, in three sectors known to be vulnerable to exploitative practices, namely construction, Qualified Industrial Zones (QIZs) and domestic work. The project strategy addresses the empowerment of migrant workers and their representative organizations in Jordan, as well as the need to engage with enterprise managers and owners to increase their awareness and capacity to respect workers' rights, specifically through their recruitment and employment practices. The project also draws on the good practices and approaches developed by ILO and in particular those under Better Work Jordan (BWJ), seeking to complement and amplify these as necessary in the QIZs, but also drawing on these lessons for work in other sectors. It draws also on the extensive experience of ILO in the promotion of respect for workers' right and of Business for Social Responsibility (BSR) in promoting engagement of enterprises in Corporate Social Responsibility.

This document describes the Terms of Reference for an Internal Final Evaluation to be undertaken at the end of the current project, adhering to ILO's policies and procedures on evaluations. It will be conducted by an ILO official and managed by the project Chief Technical Advisor, with support from the Regional Monitoring and Evaluation Advisor at the ILO Regional Office for Arab States (ROAS) in Beirut.

The project's performance will be reviewed with regard to relevance, design, effectiveness, efficiency, and sustainability.

##### 2. Project background

The project “*Protecting migrant workers' rights in Jordan*”, led by ILO with BSR as a key partner, adopted a three pronged strategy to bring about improvements in respecting the fundamental rights of workers in Jordan, particularly foreign migrant workers. It aimed at supporting trade unions in reaching out and empowering migrant workers, as well as providing them with better services and information. It also aimed at engaging factory and QIZ managers, employers and recruitment agencies to increase their awareness and capacity to respect workers' rights, through improved recruitment and employment practices; and finally, in supporting labour-management cooperation it aimed at bringing the two parties

together to conclude more and better collective bargaining agreements in the QIZ and the construction sector. The project aimed at supporting the Ministry of Labour to enable it to fulfil particular functions essential to protecting migrant workers' rights, including better regulation of private employment agencies (PrEAs). The project targeted men and women workers, in particular migrant workers, and employers in three sectors vulnerable to exploitative labour practices, namely construction, apparel production in QIZs and, to a lesser extent, domestic work.

### **Development Objective:**

Mitigate violations of workers' rights in garments and construction sectors and domestic work.

### **Immediate objectives:**

1. Better protection and services extended to workers, and in particular migrant workers;
2. Enhanced respect for workers' rights, with a focus on migrant workers;
3. Concluding improved labour management cooperation through collective bargaining agreements in QIZ and construction sectors.

The principal outputs are:

- 1.1. Trade unions have enhanced capacity to provide support services to workers, including through collective bargaining;
  - Indicators:
    - Number of material translated and 50% of material disseminated;
    - 40 construction unionists trained, new policy on migrant workers submitted;
    - 100 migrant workers received rights-based orientation.
  -
- 1.2 Improved services available to migrant workers encountering labour violations;
  - Indicators:
    - Labour Attaché Network formed and meets.
    - Arab Network for Migrants' Rights established and launched;
    - 15 embassy staff trained, 15 NGO staff trained;
    - Operational guidelines for shelters reviewed.
- 1.3 Strengthened capacity of Ministry of Labour to support migrant workers' rights;
  - Indicators:
    - Bilateral agreements assessed. Recommendations submitted;
    - Draft unified employment contract in construction and garment sectors submitted;
    - National Migration policy document drafted and submitted.
- 2.1. Improved regulation, monitoring and performance of PrEAs;
  - Indicator:
    - 100 law enforcement officials trained.
  -
- 2.2. Better recruitment practices adopted by employers in selected sectors through promotion of safe recruitment corridors;
  - Indicator:
    - Rights based material developed and disseminated.
  -
- 3.1. More collective bargaining agreements concluded in construction and QIZ.
  - Indicators:

- 80 representatives of workers and employers trained.
- 20 MoL representatives trained.

Activities to achieve these outputs include targeted training, stakeholder consultations and workshops, awareness-raising, network-building, direct assistance through service providers, and on-going technical guidance to stakeholders.

### **3. Purpose, Scope and Clients of Evaluation**

#### **Purpose**

The objective of the evaluation is to:

- Determine if the project has achieved its stated objectives and explain why/why not;
- Determine the implementation status of the project, effectiveness of project management, as well as degree of performance monitoring;
- Assess the project's achievements, contribution towards the DWCP, and synergies with other ILO projects in Jordan;
- Determine the impact of the project in terms of sustained improvements achieved, and long term benefits to the target groups;
- Provide recommendations on how to build on the achievements;
- Document lessons learned.

#### **Scope**

The evaluation will cover the initial implementation from September 2011 to May 2014. In particular, the evaluation will examine the impact of project activities on decreasing violations of workers' rights in the 3 said sectors.

It will be guided by the core evaluation criteria: relevance, effectiveness, impact, sustainability, partnerships, and efficiency.

#### **Clients of Evaluation**

The primary clients of the evaluation are the ILO Regional Office for Arab States (Beirut), and the ILO constituents, the Project Management team, and the donor. Secondary clients include other units within the ILO that may indirectly benefit from the knowledge generated by the evaluation.

### **4. Suggested Analytical Framework**

The evaluation will identify the most relevant questions pertaining to this initiative. The following questions are indicative of the kinds of information the ILO is seeking.

#### **1. Relevance and Strategic Fit**

- a. How did the Project contribute to national priorities as identified in the United Nations Development Assistance Framework (UNDAF)?
- b. How have the stakeholders taken ownership of the Project concept and approach since the project started?

- c. How well did the Project design take into account local efforts already underway to address migrant workers' rights and make use of existing capacity to address these issues?

•

## **2. Validity of the Design**

- a. Was the intervention logic coherent and realistic? Do outputs causally link to outcomes, which in turn contribute to the broader development objective of the project?
- b. Were the objectives clear, realistic and likely to be achieved within the established time schedule and with the allocated resources? Were the problems and needs adequately analysed?
- c. How appropriate and useful were the indicators described in the Project progress documents for monitoring and measuring results? Were the means of verifications for the indicators appropriate?

## **3. Project Progress and Effectiveness**

- a. Has the Project made sufficient progress towards its planned outputs and activities?
  - Do the benefits accrue equally to men and women migrant workers?
- b. Which components of the Project had the greatest impacts? What have been the supporting factors? How can the Project build or expand on these achievements?
- c. What alternative strategies would have been more effective in achieving the Project's objectives?
- d. Have there been major obstacles in the implementation? If yes, where?

## **4. Efficiency of Resource Use**

- b. How effectively have resources (funds, human resources, time, expertise, etc.) been used in reaching achievements?
- c. Have funds and activities been delivered in a timely manner? Were there any major delays? What were the reasons, and how was this delay in the work plan dealt with?

•

## **5. Effectiveness of Management Arrangements**

- a. Were management capacities adequate? Did the project governance structure facilitate good results and efficient delivery?
- b. How effective was the communication between project team, regional office, and responsible technical department?
- c. How effectively did the Project management monitor performance and results? What M&E system were put in place, and how effective was it? Was relevant data systematically being collected and analyzed to document progress and inform management decisions?
- d. Did the Project receive adequate political, technical and administrative support from its national partners?

•

## **6. Impact Orientation and Sustainability**

- a. What observed changes can be causally linked to the interventions?
- b. Are national partners willing and committed to continue working towards the goals of the initiative?
- c. Has the Project successfully built or strengthened an enabling environment? (Laws, policies, people's attitude, etc.)

- d. What are recommendations for the sustainability and the management of the initiative considering the socio-political changes in the country?

### Main Outputs

The expected outputs to be delivered by the evaluator are:

- a. **Inception brief** including statement of methodology. The Inception brief should include the evaluators' understanding of what is being evaluated and why, as well as how each aspect of the evaluation will be addressed by way of proposed methods, proposed sources of data and data collection procedures.
- b. **Draft Evaluation Report**
  - The evaluator will provide a briefing to the stakeholders on findings. The Regional Monitoring and Evaluation Advisor will receive the draft report and ensure that the evaluation meets the required criteria. The draft report will be circulated to key external and internal stakeholders. Comments on the draft will be collected by the REO and forwarded to the evaluator within two weeks. Special attention will be given to the quality and quantity of the recommendations.
- c. **Final Evaluation Report and cover page** — the final report should include key project and evaluation data, and follow the structure noted below:
  - Executive Summary
  - Project Description
  - Purpose, Scope and the Clients of the Evaluation
  - Methodology
  - Clearly identified findings for each criterion
  - Conclusions
  - Recommendations (including tracking table with relevant follow-up responsibilities)
  - Lessons learned and good practices.
  - Annexes, including TORs, persons contacted, etc.

The final evaluation report will be circulated for review. Comments will be consolidated and provided to the evaluator. In preparing the final report the evaluator should consider these comments, incorporate as appropriate and provide a brief note explaining why any comments might not have been incorporated.

### 7. Methodology/Approaches to Evaluation

The internal final project evaluation will be conducted by an ILO official not involved in the project's management, following the ILO's guidelines and policies on independent evaluations. The evaluation (in-country) will be conducted with the support of the ILO national coordinator.

In line with the participatory principles the evaluation expert will be expected to present and discuss:

- The evaluation methodology to project stakeholders and partners at the beginning of the evaluation,
- The initial findings and recommendations with the project team at the end of the field visit so as to have them benefit from this evaluation and gear them towards better directions for future activities.
- 

The evaluation methodology includes:

- a) A desk review of project documents and materials provided by the project team to the evaluation consultant.
- b) Presentation/Induction with project staff and key stakeholders and partners to the project explaining the process, methodology, objectives and principles of the participatory evaluation.
- c) Key interviews with project staff, project partners, and key project stakeholders.
- d) Presentation of findings and recommendations and their discussion with the immediate project team and select stakeholders and partners to the project.
- f) Preparation of first draft report, followed by circulation and comments, and production of final report.
- e) Presentation of findings in a debriefing session to ILO ROAS team.

### 7. Management arrangements, work plan and timeframe

The evaluation will be conducted between April and May 2014.

The ILO ROAS and programme management will be responsible for providing all logistical support to facilitate the evaluation process. The evaluation will be managed by the Regional Monitoring and Evaluation Advisor at ROAS Beirut, in consultation with the CTA. All arrangements related to the organization of interviews and the stakeholder workshop will be handled by the National Project Coordinator.

**Table 1: The Evaluation Timetable and Schedule**

Responsible Person	Tasks	Timeline
Evaluator	Desk review of project documents. Submission of inception report	3 days
Evaluator	Interviews with relevant focal points in the ILO Regional Office for Arab States and HQ	2 days
Evaluator	One week for field data collection including induction and interviews with direct and indirect stakeholders, including Programme Management.  Conduct debriefing on findings, conclusion, and recommendation of the evaluation with key stakeholders in the form of a workshop/debriefing session	8days
Evaluator	Draft Evaluation Report	4days
ROAS	Circulate draft report to key stakeholders	10 days
Evaluator	Integration of comments and finalization of the Evaluation Report	2 days
Evaluator	Presentation of findings / recommendations / lessons learned to ILO ROAS team	1 day

### 8. Qualifications

**The Evaluation Consultant** is expected to have the following qualifications:

- At least 10 years' experience in evaluating development projects, preferably with experience in evaluating development projects
- Fluent in written and spoken Arabic and English.

- Excellent writing skills.
- At least 5 years' experience working in the labour protection/international migration field.
- Knowledge of the ILO structure and mandate on Decent Work and Gender.
- Acquaintance with the Jordanian Social Context.

## 7.2 List of interviewees

Phase	Organization	Name	Title
Desk Review phase	ILO		
	ROAS	Jean-Francois Klein	Chief Regional Programming Services
		Azfar Khan	Senior International Labour Migration Specialist & Project CTA
		Shaza Al Jundi	Jordan Desk Officer , RPS
		Mustapha Said	Senior Worker's Specialist
	HQ	Beate Andrees	DECLARATION
		Helene Harroff Tavel	DECLARATION/MIGRANT
		Leanne Melnyk	DECLARATION
		Alix Nasri	DECLARATION
Field Phase	ILO in the field		
	ILO (Jordan)	Alia Hindawi	National Project Coordinator
		Phil Fishman	Programme Manager (Better Work Jordan)
	Government		
	MoL	Ibrahim Saudi AI	Head of Migration
		Ibrahim Saket AI	Head of the Labour inspection training center
		Majed Al Jazi	Head of recruitment agencies section of the migration department at MoL
		Dr. Mohammed Al Qudah	Assistant Secretary General for the Technical Matters
	MoJ	Judge Musaimi AI	Head of the counter trafficking committee
	CID	Lt. Col Imad Al Zoubi	Head of the counter trafficking unit of the criminal investigation. Get to him through Mohannad Shibly
	Employers		
	Jordan Chamber of Industry	Nada Al Wakid	Head of International Relations Department
	Jordan Garment Accessories and Textile Empoters	Farhan Ifram	Board member
		Dina Al Hayek	Board member



## Protecting Migrant Workers' Rights in Jordan – Final Internal Evaluation

	<b>Jordan Construction Contractors Association</b>	<b>Omar Al Fazzaa</b>	Representative of JCCA till the end of the project
	<b>Workers</b>		
	<b>Garment Sector Union</b>	<b>Fathallah Al Omrani</b>	Head of Union
	<b>Union for public services Free professions (domestic work)</b>	<b>Khaled Abou Marjoub</b>	Head of union
	<b>Construction Sector Union</b>	<b>Mahmoud Al Hiyari</b>	Head of union
	<b>worker/beneficiary</b>	<b>Omar Khawaja</b>	Worker
		<b>Mohammad Taminimi</b>	Worker
	<b>Embassies</b>		
	<b>Philippines</b>	<b>Ms. Florenda Herrera</b>	Head of POLO office and shelter
	<b>Indonesia</b>	<b>Mr. Arief Hidayat</b>	Labour Attaché
	<b>Bangladesh</b>	<b>Lubna Yasmin</b>	Labour Attaché
	<b>Sri Lanka</b>	<b>Christie Roban</b>	Third Secretary
	<b>NGOs</b>		
	<b>Tamkeen</b>	<b>Linda Al Kalash</b>	Center director
	<b>Phenix Center</b>	<b>Ahmad Awad</b>	Center director
	<b>Adaleh</b>	<b>Salah Jaber</b>	lawyer/project focal point
	<b>Adel</b>	<b>Hussein Al Omari</b>	lawyer/project focal point

Note: Those in yellow were not interviewed due to overlaps, redundancies, or unavailability.

### **7.3 List of main reviewed documents**

- Progress reports – in particular the second progress report (April-June 2014) and the last progress report (January-March 2014)
- Terms of Reference
- Project Inception Report
- Narrative budget project revision form USDOS 29042013
- Agreement ILO and BSR (signed)
- Annex II Project Doc
- Project Document EN
- USDOS F Standard Indicators
- Executive summary and narrative

### 7.4 Outputs of stakeholder meeting

#### Stakeholders Workshop Meeting Notes

The stakeholders' workshop was held on Tuesday the 27<sup>th</sup> of May 2014. Eighteen people who are tripartite members were invited to participate as representative of the three sectors, in addition to NGOs.

Ten of them confirmed their participation however only four showed up. Those were the Head of the Migration Department at the MoL, a worker, a research office (NGO) member, and a representative of the Philippines embassy.

The evaluation consultant led and moderated the workshop. She started with a brief overview of the three objectives and their outputs. Due to the time limitation, a few major issues were the focus of the discussion that turned out to be a brain storming session. These issues included:

- (1) Collective bargaining
- (2) Unified contract
- (3) Regulating the construction sector

#### (1) Collective Bargaining

##### Core achievements:

- Capacity building in the construction sector.
- Two levels of skill training: basic and intermediate.
- Collective demands led to study of real-life cases to eventually come up with the unified contract.

##### Major shortfalls:

- There is a strong belief among traditional unions that collective representation will jeopardize national security. Collective representation is a socio-political conflict/struggle.
- The shortfall lies in the demand by the workers and their unions for a collective bargaining umbrella and institutional framework. Hence there is an absence of law to organize workers associations: The law of the federation of worker unions.

##### Next steps:

- There is a need for continued capacity building in collective bargaining activities - for more collective bargaining education.
- Collective organizing should lead to the freedom of forming associations and unions.
- A comprehensive revision of the legislation relating to union organizing, in accordance with the international agreements. The MoL contended that that it is important to bring the legislation as close and as is realistically possible to the international agreements.
- The regional project MAGNET that addresses collective bargaining and union organizing in seven countries should be addressing that for Jordan.
- The Head of the Migration Department at MoL declared that the EU is funding a project in Jordan to develop a Strategy for Migrant Workers. The Prime Minister has formed a task force comprised of the related bodies such as MoL, MoI (Ministry of Interior, and DOS (Dept. of Statistics)

## **(2) Unified Contract**

### Core achievements

- A consultant produced the unified contract for the “construction” sector. For effective implementation the UC needs to have a clause that allows for periodic revisions.
- This is currently being reviewed before being passed on to the MoL

### Shortfalls

- An outstanding problem/ obstacle is the lack of occupational classification.
- CAQA and ALO may work on that. CAQA Certification association and Quality Assurance

### Next steps

- MoL has to undertake a decision to classify the skills and industries. In conjunction with the tripartite partner (of the workers unions). There is a need for occupational & skill classification, in order to formalize the construction sector (note: Article 98 of the Jordanian law gives the right to unions to classify the occupations)
- There's a need for a national institutional framework, including a method of supplying congruent work permits

## **(3) Regulating the construction sector**

### Core achievements

- A consultant was hired to create the following report: *Policy for Unions to regulate workers affairs in the Construction Sector*. The document was forwarded to the Head of the construction union who adopted it and is requesting technical support from ILO to effect it
- There is also a second consultant who was paid to produce a report coined *National Policy to Regulate Migrant Labour*. This document is currently with ROAS and is to be formally forwarded to MoL

### Next steps

- There should be a commitment by the GOJ to implement these and proper follow up done with the head of the Construction Union
- In the next phase, what might be needed is a mechanism to continue with the work, either by assigning a full-time in-house expert or to have another project that will have the mandate to continue where this project left off

### General recommendations

- The commitment of the tripartite members is paramount to the continuation and follow-up of the activities that have been achieved so far. The ILO also needs to continue to follow up with the GoJ (MoL) and the employers (mainly JGATE JCCI) in that direction.
- Need to regulate each sector separately. And need to have a migration expert to oversee that.
- The salient culture and social norms tend to look down upon migrant workers and consider their work menial and of less value. There is a need to design and formulate a media program (and campaign) to change the salient culture of devaluing the

migrant worker, especially those from certain regions and countries as well as the domestic workers.

- The GoJ/MoL has 4 bilateral agreements with the 4 countries that send their domestic workers to Jordan. The recommendation is for the GoJ to have a multi-lateral approach to migration policy. Currently the GoJ has a bilateral agreement with each of 4 sending countries. Hence it needs to move from the bilateral agreement to a multi-lateral agreement that applies to workers from all sending countries in the same manner.
- The penal system dealing with the domestic workers sector, penalizes the domestic worker in case she runs away or gets into trouble. The recommendation is to move the penalty of any breach of the contract to the employer (i.e. the recruitment agency).

### **7.5 PAC membership**

The membership of the PAC will be tripartite-plus in composition, as follows:

- Representative of Ministry of Labour (ML);
- Representative of Ministry of Justice (MoJ) as chair of the National Committee to Combat Human Trafficking (NCCHT);
- Representative of General Federation of Jordanian Trade Unions (GFJTU);
- Representative of General Union for Construction Workers (GUCW);
- Representative of Jordan Garments, Accessories, and Textile Exporters' Association (JGATE);
- Representative of Jordanian Constructions Contractors Association (JCCA);
- Representative of National Center for Human Rights (NCHR);
- Representative of Jordan Chamber of Industry (JCI);
- Representative of the Association of Private Employment Agencies recruiting migrant domestic workers;
- Other invitees of UN, US Embassy, TUs, organizations, etc.

## **7.6 Acronyms**

BSR – Business for Social Responsibility  
BWJ – Better Work Jordan  
DOS – Department of Statistics  
DOS – US Department of State  
DWCP - Decent Work Country Programme  
DWJ – Decent work Jordan  
GCC – Gulf Cooperation Council  
GOJ – Government of Jordan  
GUCW - General Union of Construction Workers  
GTUTI - General Trade Union for Workers in the Textile Industry  
ILO – International Labour Organization  
ILO ROAS - International Labour Organization - Regional Office for Arab States  
JCI – Jordan Chamber of Industry  
JCCA - Jordanian Construction Contractors Association  
JGATE - Jordan Garments, Accessories and Textiles Exporters' Association  
LAN – Labour Attaché Network  
MAGNET - Migration and Governance Network  
MoI – Ministry of the Interior  
MOJ – Ministry of Justice  
MoL – Ministry of Labour  
MOM – Minutes of Meeting  
MOU – Memorandum of Understanding  
NPC – National Project Coordinator  
PAC – Project Advisory Committee  
PAR – Participatory Action Research  
PrEA – Private Employment Agencies  
QIZ – Qualifying Industrial Zones  
SAP-FL – Special Action Programme to combat Forced Labour



## 7.7 Lessons learned and good practices templates

### Overview of Lessons Learned

Description of lesson learned	Context	Targeted users	Causal factors	ILO admin issues
<ul style="list-style-type: none"> <li>Sectoral approach works well for these projects</li> </ul>	<ul style="list-style-type: none"> <li>Had to choose which sectors to focus on</li> </ul>	<ul style="list-style-type: none"> <li>Sectors</li> </ul>	<ul style="list-style-type: none"> <li>Need to focus the project</li> </ul>	<ul style="list-style-type: none"> <li>Lack of HR resources</li> </ul>
<ul style="list-style-type: none"> <li>Importance of using an impact-driven approach in project design &amp; evaluation</li> </ul>	<ul style="list-style-type: none"> <li>Project scope and design</li> </ul>	<ul style="list-style-type: none"> <li>Trade Unions</li> <li>GOJ ministries</li> <li>LAN</li> </ul>	<ul style="list-style-type: none"> <li>Project has many trainings &amp; awareness-driven activities without being able to measure impact</li> </ul>	<ul style="list-style-type: none"> <li>Lack of ability to follow up</li> </ul>
<ul style="list-style-type: none"> <li>It is essential to ensure that project is geared to local needs &amp; no overlap with other projects. Therefore, stakeholder involvement in design is tantamount</li> </ul>	<ul style="list-style-type: none"> <li>Jordan has specific needs given no recruitment agencies</li> <li>Jordan already has many ILO projects</li> </ul>	<ul style="list-style-type: none"> <li>All stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Overlap with existing projects in Jordan</li> <li>Unable to implement some activities as not applicable to Jordan (19 out of 25 outputs were amended)</li> </ul>	<ul style="list-style-type: none"> <li>Lack of ability to follow up</li> </ul>
<ul style="list-style-type: none"> <li>Engaged oversight entities and managers</li> </ul>	<ul style="list-style-type: none"> <li>Geo. dispersed leadership</li> <li>Many stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Project coordinator or</li> </ul>	<ul style="list-style-type: none"> <li>Lack of sufficient involvement and engagement of PAC and ILO-ROAS</li> </ul>	<ul style="list-style-type: none"> <li>See causal factors</li> </ul>

### Overview of Good Practices

Description of good practice	Context	Targeted beneficiaries	Causal factors	Impact	Potential for replication
<ul style="list-style-type: none"> <li>ILO responsive to changes in country climate</li> </ul>	<ul style="list-style-type: none"> <li>Much political reshuffling &amp; labour movement</li> </ul>	<ul style="list-style-type: none"> <li>ILO</li> </ul>	<ul style="list-style-type: none"> <li>Needed to address important changes in Jordan to remain relevant</li> </ul>	<ul style="list-style-type: none"> <li>Able to maintain continuity of project</li> </ul>	<ul style="list-style-type: none"> <li>HIGH</li> </ul>
<ul style="list-style-type: none"> <li>ILO remained observant to commitments to GoJ</li> </ul>	<ul style="list-style-type: none"> <li>19 out of the 25 outputs were changed during the project</li> </ul>	<ul style="list-style-type: none"> <li>GoJ</li> </ul>	<ul style="list-style-type: none"> <li>Need for adaptation to the local needs and context of Jordan (no recruitment agencies)</li> </ul>	<ul style="list-style-type: none"> <li>All commitments were met</li> </ul>	<ul style="list-style-type: none"> <li>HIGH</li> </ul>
<ul style="list-style-type: none"> <li>Synergies with existing projects in the context of the DWCP</li> </ul>	<ul style="list-style-type: none"> <li>DWCP operates in Jordan and had some overlapping mandates</li> </ul>	<ul style="list-style-type: none"> <li>DWCP &amp; Jordan community</li> </ul>	<ul style="list-style-type: none"> <li>Need to ensure that overlap was eliminated and no contradictory actions taken</li> </ul>	<ul style="list-style-type: none"> <li>Created synergies with PAR and BWJ</li> </ul>	<ul style="list-style-type: none"> <li>MEDIUM</li> </ul>
<ul style="list-style-type: none"> <li>Knowledge management</li> </ul>	<ul style="list-style-type: none"> <li>Other projects with similar mandates necessitated support from the NPC</li> </ul>	<ul style="list-style-type: none"> <li>Other ILO projects</li> </ul>	<ul style="list-style-type: none"> <li>Importance of maintaining continuity &amp; sustainability</li> </ul>	<ul style="list-style-type: none"> <li>NPC was consulted for MAGNET, PAVE projects</li> </ul>	<ul style="list-style-type: none"> <li>MEDIUM</li> </ul>