



ILO - EVALUATION

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This evaluation has been conducted according to ILO's evaluation policies and procedures. It has been quality controlled by the ILO Evaluation Unit



**FINAL EVALUATION OF THE IMPROVED LABOUR DISPUTE
SETTLEMENT PROJECT**
Enhancing collective bargaining and amicable settlement of labour dispute
mechanisms in Bosnia and Herzegovina, the Former Yugoslav Republic of
Macedonia and Moldova (SBU/12/02/RBS)

FINAL EVALUATION REPORT

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ACRONYMS AND ABBREVIATIONS

ADA	Austrian Development Agency
ALDS	Alternative Labour Dispute Settlement
BiH	Bosnia and Herzegovina
CNSM	National Confederation of Trade Unions
DWCP	Decent Work Country Program
DWT/CO	Decent Work Technical Support Team/Country Office
EO	Employers' Organization
ESC	Economic and Social Council
FBiH	Federation of Bosnia and Herzegovina
ILO	International Labour Organization
ILS	International Labour Standards
IPA	Instrument for Pre-Accession Assistance
MLSP	Ministry of Labour and Social Policy
MMPSF	Ministry of Labour, Social Protection and Family
N/A	Non Applicable
OEM	Organization of Employers of Macedonia
RBSA	Regular Budget Supplementary Account
RS	Republika Srpska
SPF	Strategic Policy Framework
TOR	Terms of Reference
TU	Trade Union

I. EXECUTIVE SUMMARY

1. Project Background

‘Improved Labour Dispute Settlement’, a regional project targeting Bosnia and Herzegovina, the FYR of Macedonia and Moldova commenced implementation in 2012. Some of the sub-regional activities were completed at the beginning of 2015. The project aimed to strengthen the capacities of the social partners to establish and maintain suitable mechanisms for amicable settlement of labour disputes, including support to the examination of different models of mechanisms that can be adapted to local context.

The project interventions targeted two common problems identified in the three project countries: low effectiveness and coordination of collective bargaining processes in the public and private sector, and the absence of or underdeveloped mechanisms for amicable settlement of labour disputes. The results from the interventions contribute to the achievement of Outcome 12 of the ILO Strategic Policy Framework 2010-2015, and at the country level, the results contribute to the achievement of different country priorities, as defined in the Decent Work Country Programs.

The suite of interventions undertaken during the project can be categorized in three types: capacity-building activities, exchange of knowledge and experiences and technical assistance to social partners in Bosnia and Herzegovina, the FYR of Macedonia and Moldova.

2. Evaluation Background: purpose, scope and clients

This evaluation examines the results that emerged from the implementation of the project activities in BiH, FYRoM and Moldova during the period of 2012-2015 at the national and sub-regional levels. The purpose of the evaluation is to provide ILO with insights on activities that have been implemented and based on the experiences and evidence gathered propose recommendations for future programming in the area of amicable settlement of labour disputes.

Feedback from the social partner representatives is crucial for assessing the usefulness of the interventions and support received through the implementation of activities. The evaluation was conducted based on the key OECD/DAC evaluation criteria: relevance, effectiveness, efficiency, impact and sustainability.

This evaluation will provide a summary of findings at the national and sub-regional levels that will serve as a source for drawing conclusions and developing recommendations to be considered by ILO in future programming. Specialists, management and staff of the ILO DWT/CO Budapest, ILO Regional Office for Europe and tripartite constituents in the targeted countries are the main clients of this evaluation.

3. Evaluation Methodology

The evaluation is conducted by an evaluation team consisting of an External Evaluator (Team Leader) and two National Consultants in Bosnia and Herzegovina and Moldova. The Team Leader conducted field work in the FYR of Macedonia and prepared the evaluation report based on the input from the National Consultants who conducted field work in the other countries respectively.

Extensive sets of documents for each of the targeted countries was reviewed by the evaluation team. The Team Leader prepared an Interview Guide as a tool for conducting the interviews with the social partner representatives, ILO National Coordinators and ILO representative from the ILO DWT/CO Office in Budapest. All but one of the interviews were conducted in person, with the exception of one Skype interview. The evaluation team consulted and briefed frequently with each other during the interviews and preparation of the evaluation report. National Consultants had the opportunity to provide feedback on the draft evaluation report.

The structure of the evaluation report is based on the key evaluation criteria: relevance, effectiveness, efficiency, sustainability and impact of the interventions on national and on sub-regional level.

Although preparation of annual implementation reports for projects implemented under RBSA is not required, lack of them is a limitation to the evaluation due to absence of consolidated information and data.

4. Summary of Findings

The evaluation examined the relevance, effectiveness, efficiency and sustainability and impact of interventions on national level for each of the three targeted countries, but also common findings across the countries were explored and discussed.

General Findings

The interventions related to amicable settlement of labour disputes were highly relevant for all project countries. Alternative Labour Dispute Settlement (ALDS) is part of the DWCP in each of the countries. There is a difference regarding the level of priority of ALDS in the project countries. While in BiH and the FYR of Macedonia ALDS is a priority, in Moldova, according to the interviewed representatives of social partners, this issue currently is not among the country's priorities.

It should be noted that all activities were planned to contribute to the achievement of a specific outcome on national level as defined in the DWCP. Also, the interventions were effective because implementation of one intervention led to start with another intervention on a different level. The highest effectiveness of interventions was achieved in the FYR of Macedonia and Republika Srpska (BiH), and experiences gained can serve as examples of good practice for the other countries in the region. A set of factors contributed to the effectiveness of the interventions, particularly: involvement of the social partners in the planning and implementation of the interventions thus increasing the ownership and commitment, regular information sharing with the decision-makers, tripartite consultations and political will.

Taking into consideration the volume of activities implemented and available resources (both human and financial), the project can be categorized as being efficient. According to the social partners' representatives, the sub-regional events are highly efficient in presenting a platform for networking and sharing experiences and knowledge.

The evaluation of the project sustainability demonstrated that with each individual intervention, one element of sustainability has been built. ILO has been working closely

with tripartite constituents in planning and executing all activities and finding solutions for ALDS that will become an integral part of the system that is usually supported by the state budget. This will secure financial sustainability. At the same time the capacity building activities for the social partners ensure that skills and knowledge obtained during the training events and workshops remain within the institutions and are transferred inside the sectors and departments. The impact of the project will be seen in the upcoming years if the usefulness of the established mechanisms for ALDS for the citizens of the respective project countries as the final beneficiaries of this project is assessed.

Findings in BiH (FBiH and RS)

Interventions implemented in BiH (in both entities) are highly relevant for the needs of the country. While in Republika Srpska (RS) there is an established mechanism for ALDS, in Federation Bosnia and Herzegovina (FBiH) an effective mechanism for ALDS yet needs to be established in order to handle the growing number of labour dispute cases. The social partners from FBiH who were interviewed expressed their opinion that a mechanism similar to the one that is already functioning in RS should be established in FBiH.

In both entities the interventions are effectively implemented in accordance to the set objectives. Participants in capacity-building activities are satisfied with skills and knowledge gained through the project and find them useful in their work and in relation to ALDS. The effectiveness of interventions would be even better if the number of participants from the social partners is increased to at least three people from each institution/organization, which will ensure easier transfer of knowledge and experience to other colleagues in the workplace.

Efficiency of the interventions is positively evaluated by the social partners, emphasising that ILO did an excellent job in engaging highly skilled experts in the area of ALDS who supported the social partners and guided them in the process of reviewing different options and models for establishing functional mechanisms for ALDS.

The sustainability of interventions varies by entity. In FBiH, the sustainability started with the initiation of the tripartite discussions regarding the labour dispute settlements and should continue with the adoption of the Law on ALDS. In RS, sustainability, to a certain extent, is achieved with the establishment of the mechanism and the Agency for ALDS, but the efforts should continue through promotion of the mechanism to increase the utilization of it by the intended beneficiaries.

Findings in the FYR of Macedonia

The interventions for FYR of Macedonia have been highly relevant and at the same time a priority due to the absence of functional mechanism for ALDS at the start of the project. It is doubtful whether the current results would have been achieved without ILO engagement. The most important contribution of the project in FYR Macedonia is the establishment of a mechanism which would allow citizens involved in labour disputes to settle them free of charge – an important contribution in a country where the average monthly salary is among the lowest in Europe.

The effectiveness of the interventions is significant for the social partners in the FYR of Macedonia; they were nearly perfectly tailored to support the social partners in reviewing the different models and define a mechanism that will be suitable for the local context. All types of interventions (workshops, training, seminars, study tours, technical assistance) contributed equally to the establishment of the mechanism for ALDS.

Although the number of interventions was not large, all of them were efficiently implemented in terms of the quality of the experts, trainers and translation of publications provided by ILO.

Sustainability of the interventions in the FYR of Macedonia has its foundation in the adoption of the Law on ALDS in 2014, but it needs further support for practical implementation. ILO is already implementing an IPA-supported project, which includes one component completely devoted to the implementation of the established mechanism for ALDS. The Ministry of Labour and Social Policy (MLSP) is supported by ILO to draft all necessary bylaws and regulations that will additionally secure the sustainability of the already implemented interventions.

Findings in Moldova

The interventions implemented in Moldova related to ALDS are relevant for the country, but not a national priority. The majority of social partners are in agreement that there are other more essential priorities for the country compared to labour dispute settlement. Although ALDS is one of the priorities identified in the process of developing the DWCP for Moldova, the country context has changed since the approval of the project.

Mixed results are observable when the effectiveness of the interventions is evaluated. Whereas the capacity building activities are considered effective, the work of the tripartite working group is less effective, due to different perceptions of social partners. Presently, the work of the working group is suspended.

ILO provided valuable support in the implementation of the activities by engaging experts to advise the tripartite constituents on issues relevant to ALDS and by consulting all relevant stakeholders in the country, which is considered to be an efficient utilization of available resources.

Sustainability of the interventions in Moldova could not be fully assessed, not because they are complex, but because many interventions still need to be implemented and at this point it is difficult to predict the direction the next activities will take and whether and what type of mechanism for ALDS will be developed.

5. Conclusions and Recommendations

All the planned interventions of the project, except three activities (one in each of the targeted countries), were implemented. ILO provided continuous expert support to social partners in drafting legislation, regulations and bylaws based on the assessed need for particular activities. In addition, capacity-building activities were organized on national and sub-regional level aiming to increase the skills of the social partners in the area of amicable labour dispute settlement. Moreover, ILO provided opportunities for the social partners from the targeted countries, but also from the region, to network,

share experiences, knowledge and good practices. The approach of ILO to utilize a mix of interventions to achieve maximum effect should continue in the future as well.

ILO also played the role of a catalyst that encouraged social partners to engage in different types of activities to increase the awareness about the need for alternative mechanisms for labour dispute settlement that are actually functional. In some of the targeted countries these mechanisms are already in place and ILO should provide support to social partners to educate their constituents about the benefits of using this mechanism as compared to other options for dispute resolution, such as mediation or court cases. In countries where the mechanism is still just an option, ILO should provide guidance to social partners to explore all potential mechanisms available and suitable for the country context.

Strengthening of the local capacities for implementation of the ALDS is one of the priorities of ILO in safeguarding the sustainability of the interventions. Representatives from all social partners in all targeted countries have had an opportunity to participate in different capacity-building events. Local trainers are being trained to continue with the education of future mediators and arbitrators, as defined in the legislation. ILO needs to support social partners to identify the best candidates for local trainers and to provide them with continuous education in order to have an ample supply of skilled mediators and arbitrators.

Recommendations that are directed toward ILO and its role in the implementation of the interventions are presented below. Conclusions and recommendations that are specific for the individual countries are presented in Chapter 8.2.

1. ILO should continue with the practice of mixed interventions (activities for capacity building, sharing experiences and knowledge and technical support in drafting legislation/regulations) to address the issue of ALDS;
2. More emphasis should be put on documenting outputs such as number of participants disaggregated by gender at capacity building activities by country, or by social partner for national events;
3. ILO could stimulate the organization of regional events, such as conferences and/or study tours more frequently to support the sharing of knowledge and experience and transfer of know-how among countries that share similar context;
4. The social partners need to receive technical support by ILO for developing and implementing a strategy to educate their constituents about utilizing the mechanism for ALDS in each of the targeted countries. For instance, in RS and the FYR of Macedonia educational campaigns directed at primary target groups (employers and workers) should be organized and should include statistical data that will support the benefits of the mechanism for ALDS;
5. Social partners should be encouraged to identify individuals to be trained as local trainers in order to strengthen the local capacities by creating a pool of local trainers who will serve as education base for training potential future mediators and arbitrators;

6. ILO should support the organization of discussions, round tables and other similar events about international conventions and their effects on companies and country competitiveness, advantages and disadvantages of the laws that regulate collective bargaining, and practical aspects of collective bargaining such as collective agreements, which will target specific stakeholder group such as associations of employers from the region;
7. ILO could support the institutions/bodies that will implement ALDS mechanisms in the targeted countries to schedule regular monitoring/measurement of the effects of the mechanisms on the final beneficiaries through data collection via questionnaires and/or interviews of the users of the ALDS mechanisms;
8. From a management point of view, ILO should develop standard evaluation forms to be delivered to participants at different events and capacity building activities to obtain opinions and views from participants regarding the content of the event, usefulness of the topic and insight about the quality of organized events.

6. Lessons Learned

- 1) Larger presence of interventions that include sharing knowledge and experience on regional level is highly helpful and desirable in discussing and defining models and mechanisms for amicable settlement of labour disputes.
- 2) Utilization of regional expertise, i.e. involvement of experts from the region to support the identification of workable institutional solutions and mechanisms, is likely to contribute to build more trust in the process by the social partners.

II. INTRODUCTION

1. Improved Labour Dispute Settlement Project Background

“Improved Labour Dispute Settlement Project” (herein referred to as project) is a technical cooperation initiative funded from the ILO Regular Budget Supplementary Account (RBSA), implemented mostly during the period of 2012-2014, with some final (sub-regional) activities taking place in the first six months of 2015. The project represents a strategic combination of country-focused and sub-regional interventions aimed at strengthening social dialogue and relevant mechanisms in Bosnia & Herzegovina, FYR of Macedonia, Moldova and other countries of Central and Eastern Europe that share similar socio-economic context and are covered by the ILO DWT/CO-Budapest.

The project is contributing to Strategic Policy Framework 2010-2015 (SPF) Outcome 12 Social Dialogue and Industrial Relations, indicator 12.2.: ‘Number of member States that, with ILO support, strengthen the machinery for collective bargaining and labour disputes settlement, in line with international labour standards, and in consultation with the social partners.’ At the country level, the components of the project are contributing to the relevant priorities and outcomes under Decent Work Country Programmes (DWCPs) in BiH 2012-2015, FYR of Macedonia 2010-2013 and Moldova 2012-2015¹. In FYR of Macedonia, the activities implemented at the beginning of 2014 also contributed to the DWCP 2010-2013. In Table 1, the outputs from the country projects are linked with relevant outcomes from the DWCP in the three countries.

Table 1: Project outputs linked to DWCP priorities and outcomes by country

Country Priority Areas	Country Programme Outcome (CPO) and Outcome Indicator
Bosnia and Herzegovina	
Strengthening capacity of government institutions and the social partners to improve the governance of the labour market.	<p>1.1 Legal and institutional environment enabling the full realization of social dialogue</p> <p>Indicators:</p> <ol style="list-style-type: none"> 1. Tripartite constituents design and implement measures based on ILO recommendations to encourage and promote effective collective bargaining at various levels, and improve their coordination. 2. Regulation on the setting up of a mechanism for amicable settlement of labour disputes adopted in the Federation of BiH 3. Action Plan established to promote the ratification and implementation of C. 151.
FYR of Macedonia	
Capacity of government institutions and the social partners is strengthened to improve the governance of the labour market	<p>1.2 Establishment of an effective labour dispute settlement system</p> <p>Indicators:</p> <ol style="list-style-type: none"> 1. Applications for conciliation/mediation of labour disputes are submitted and processed 2. Number of mediators and arbiters trained 3. Ratification and effective implementation of Convention No. 151

¹ <http://www.ilo.org/budapest/what-we-do/decent-work-country-programmes/lang--en/index.htm>

Moldova	
Improving governance of the labour market	<p>1.1 Legal and institutional environment to enable a functioning social dialogue</p> <p>Indicators:</p> <ol style="list-style-type: none"> 1. Tripartite constituents design and introduce measures to encourage and promote effective collective bargaining at various levels (national, sectoral and enterprise level) 2. A functioning mechanism on LDS in place

The overall objective of the action is to promote collective bargaining (CB) as a flexible means to reach the economic crisis recovery. The objective of the project is to strengthen and equip a core group of individuals and institutions in the targeted countries with skills and knowledge needed to establish a framework within which the tripartite constituents can effectively settle labour disputes. Also, the project aims to offer to constituents a range of options when establishing such a mechanism, with due regard to the international experience and standards.

Based on the activities, research results and lessons learned in the period 2010-2012, labour dispute settlement came out as an area that needed interventions. ILO technical assistance provided during the previous biennium has contributed to reforming the legal and institutional frameworks of tripartite social dialogue in the target countries, as part of the ADA funded ILO regional technical cooperation project entitled “*Consolidating the Legal and Institutional Foundations of Social Dialogue in the Countries of Western Balkans and Moldova.*”² . One of the main lessons learned during the process of capacity building of social dialogue institutions has been that a meaningful social dialogue at a time of crisis can only be based on sound foundations of collective bargaining at various levels (national, sectoral and enterprise). At the same time, an effective and efficient collective bargaining requires functional mechanisms of amicable settlement of labour disputes arising in the process of negotiations as the success of negotiations can depend on their underlying dispute resolution means.

Two common problem have been identified in the targeted countries: low effectiveness and coordination of collective bargaining processes at various levels (national, sectoral, enterprise) in the public and private sectors; and underdevelopment or lack of operational mechanisms of amicable settlement of labour disputes. Consequently, the establishment of “legal and institutional frameworks enabling the full realization of the right to collective bargaining, including a functional mechanism of amicable settlement of labour disputes” has been identified as a country outcome to be achieved by 2014 in the target countries.

² The project was implemented in Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro and Serbia, from March 2008 till December 2011. Total budget: € 1,500,000.

The interventions and outputs implemented in the target countries can be categorized in three groups of activities: capacity-building activities (workshops, seminars); exchange of knowledge and experiences (round tables, conferences, study tours); and technical assistance (engagement of experts, publications translated in local languages). The main list of country-specific and sub-regional outputs according to the group activities are presented in Table 2.

Table 2: Main country-specific and sub-regional outputs

Capacity-building activities	Bosnia and Herzegovina
	Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out.
	Tripartite seminar on European good practices in mediation in the public service organized.
	Kick off workshop with full bipartite participation and capacity building of social partners, using the ILO Manual of Collective Bargaining and Dispute Resolution in the Public Service held
	Training of conciliators and arbitrators delivered in the Republika Srpska
	FYR of Macedonia
	Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out.
	Tripartite workshop on discussing various legal and institutional options in light of the above recommendations organized
	Training of Trainers on amicable settlement of labour disputes delivered
	Moldova
Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out.	
Awareness raising seminar on ALDS for MPs organized.	
Training of Trainers on amicable settlement of labour disputes delivered.	
Exchange of knowledge and experience	Bosnia and Herzegovina
	ILO Round Table on the Mechanism for Amicable Resolution of Labour Disputes at the State Level held.
	Tripartite Discussion on a potential regulatory framework on Amicable Settlement of Labour Disputes at the state and FBiH levels held.
	Participation of a tripartite delegation in the sub-regional conference on ALDS
	FYR of Macedonia
	Study tour to the Irish Labour Relation Commission organized
	Participation of a tripartite delegation in the sub-regional conference on ALDS
	Moldova
Participation of a tripartite delegation in the sub-regional conference on ALDS	
Technical Assistance	Bosnia and Herzegovina
	Regulation on ALDS drafted in the FBiH.
	Legal and technical advice during the process of drafting of the Law on peaceful settlement of labour disputes in the FBiH provided.
	Law on collective bargaining drafted in Republika Srpska. ³
	ILO Manual on prevention and resolution of labour disputes in the public sector translated and printed. Web version also available.
	Labour Dispute Systems: Guidelines for Improved Performance translated.
	FYR of Macedonia
Gap analysis of existing legal frameworks on labour disputes resolution	

³ This particular output was not delivered due to the circumstances

	carried out and recommendations for streamlining made.
	Legal and technical advice during the process of revision of the Law on peaceful settlement of labour disputes provided.
	Moldova
	Legal and technical advice in the process of drafting a regulation on ALDS provided.

2. Evaluation Background

The purpose of this evaluation is to assess the results of the work done in the target countries against the key criteria: relevance, effectiveness, efficiency, sustainability and impact potential in order to inform the next steps and future programming of ILO in the area of amicable settlement of labour disputes in the targeted countries. The findings from the evaluation will assist ILO to determine what should be done in the target countries and the broader sub-region prior to engaging into the design of the new DWCPs. In addition, the findings will help ILO to conceptualize future interventions on social dialogue and labour dispute settlement. The evaluation provides:

- A summary of results and achievements for each country
- Documented success stories and/or good practices
- Analysis of the relevance, effectiveness, efficiency, impact and sustainability
- Recommendations for future programming

The scope of the evaluation was the Projects/Country Programme Outcomes (CPOs) in Bosnia and Herzegovina, FYR of Macedonia, Moldova, and the related sub-regional outcome.

The evaluation was carried out with the participation of ILO and social partners in each of the three countries and includes evaluation of the joint performance in accomplishing the outputs and supporting the achievements of the outcomes. The evaluation covers activities carried out as part of the Improved Labour Dispute Settlement Project for the period of 2012-2014.

The evaluation is focused on the progress made from the implementation of activities to which ILO made a direct contribution. Key criteria for the evaluation are relevance, effectiveness, efficiency, sustainability and impact potential.

The main clients for the evaluation are ILO DWT/CO–Budapest management, specialists and staff, ILO Regional Office for Europe, as well as tripartite constituents in the target countries.

3. Evaluation Methodology

The evaluation was conducted by an evaluation team that consisted of an External Evaluator (Team Leader) and National Consultants in Bosnia and Herzegovina and Moldova. The National Consultants worked under the guidance of the Team Leader. The methodology included a broad desk review of relevant documents. The process also included meetings/interviews between the evaluation team and relevant stakeholders, and meetings with the ILO National Coordinators in the three countries.

The Team Leader prepared an Interview Guide to support the data collection and information from the relevant stakeholders based on the questions included in the TOR.

The evaluation was carried out in adherence with the ILO Evaluation Policy guidelines, UN Evaluation Group (UNEG) norms and OECD/DAC criteria for evaluating development assistance.

Evaluation criteria and questions

The evaluation applied the key criteria of relevance, effectiveness, efficiency, sustainability and impact potential in accordance with the evaluation questions defined in the Terms of Reference for the final evaluation, as follows:

Relevance

Are the project activities relevant to the needs of the constituents and to the countries development priorities?

Effectiveness

To what extent have the project objectives been achieved? Have there been any obstacles, barriers? What have been the intended and/or unintended results?

Efficiency

Given the resources available (time, expertise, funds, knowledge and know-how), how economically have been the inputs turned into the outputs?

Sustainability and impact potential

Are the results achieved likely to continue after the end of the project? Are they likely to produce longer term effects?

There are limitations to this evaluation that need to be taken into account. The lack of progress reports⁴ on activities, or about the implementation of the program on an annual basis resulted in fragmented information in different formats (research reports, analyses, promotional materials). Lists of participants are available for each event, but they are not consolidated and ready to be utilized. It would be useful to introduce a 'light reporting' where the progress of activities is documented continuously such as documented evidence about the number of participants per event, or per country and/or per institution.

III. FINDINGS

Findings from the evaluation are discussed in general according to the established criteria of relevance, effectiveness, efficiency, sustainability and impact, and the findings from

⁴ There is no official requirement to prepare progress reports on RBSA funded projects since the results are reported within the framework of biannual implementation reporting of the ILO.

each country are discussed in separate sections below. Conclusions and recommendations are generalized when appropriate and are specific when emphasized for one of the targeted countries. Findings are also discussed in relation to the achievement of the outcomes defined in the DWCP for each of the three countries.

4. General Findings

The regional evaluation of the interventions undertaken by ILO in the three targeted countries (BiH, the FYR of Macedonia and Moldova) and on sub-regional level in the field of amicable settlement of labour disputes demonstrated that activities were planned and executed in accordance with the identified needs in the process of developing the DWCP for each of the countries.

Relevance of the interventions

The desk review of available documents and findings from the field missions showed that interventions were highly relevant for the three countries. The priorities identified in the DWCPs included the amicable settlement of labour disputes as an important pillar in improving social dialogue and providing better governance of the labour market. The approach was tailored according to the needs of each country and the social partners, and the expertise identified in one country was utilized to transfer knowledge and know-how to another country (i.e. Republika Srpska experience shared and transferred to the social partners in the FYR of Macedonia).

There is a difference in perception about relevance and prioritization. While in BiH and the FYR of Macedonia interventions were relevant, and also considered to be a priority by the social partners, in Moldova according to some of the social partners, interventions were relevant, but not a priority at this point. ILO is putting significant efforts to keep the issues of ALDS on the agenda of the social partners and to facilitate continuous discussion among the stakeholders. The involvement of all social partners in identification of the needs and issues that should be addressed through the interventions secure commitment on the side of social partners, even in situations when they believe that ALDS is not a high priority, as is the case in Moldova.

Effectiveness of the interventions

All implemented interventions are in line with the planned activities defined in the proposal before the start of the project. The interventions were planned in a manner that contributed to the achievement of specific outcomes as defined in the DWCP for each of the targeted countries. The overall objective of the Improved Labour Dispute Settlement Project was to promote collective bargaining as a flexible means to reach economic crisis recovery.

The effectiveness of the interventions was different among the countries, it is even different within one country (as is the case for FBiH and RS in BiH). The common denominator for the three targeted countries related to effectiveness is that ILO planned all activities realistically, within the bounds of what was possible to achieve and structured the activities in such a way that an activity once implemented opened doors for the next activity on different level. The factors that influenced the effectiveness of

some interventions are complex and are closely related with the collective bargaining and negotiation skills of the social partners.

The effectiveness of interventions is most visible in the FYR of Macedonia. All interventions have been planned and implemented during 2012-2014 with the aim of establishing a functional mechanism for amicable settlement of labour disputes. Once the goal was achieved and the mechanism was established, the next step was already envisioned and commenced implementation in the form of a support system for smooth functioning of the mechanism. In Republika Srpska, the number of cases submitted to the Agency for ALDS is increasing annually, demonstrating that the established mechanism is functional and moreover that people trust the mechanism to settle their cases in lieu of going to the court system.

Efficiency of the interventions

The total value of the evaluated project is \$190,000 distributed among four components in amounts of \$40,000 - \$60,000 per country/sub-regional project for a period of three years. Taking into consideration the volume of activities undertaken, number of participants involved in the activities, the financial resources were efficiently utilized. As for the human resources involvement on the side of ILO, each National Coordinator in the targeted countries undertook a tremendous amount of work to communicate with the social partners to organize the local events and served as a liaison between the ILO office in Budapest and stakeholders in the country.

Without exception, the engagement of ILO staff in the process of implementation is highly valued by the social partners in the three countries. The selection of appropriate experts was also done efficiently by ILO and the experts' high calibre was underscored by the social partners through their engagement in problem-solving and addressing issues on different topics regarding amicable settlement of labour disputes.

One of the types of the interventions that justified its value for money according to all interviewed representatives of social partners in the three countries are the sub-regional events. These events are considered as a platform for sharing information, experiences, learning best practices and getting motivation to customize and implement particular solutions to the local context. Although, the international experience is also important, regional experience has more potential for successful replication in the countries that are going through stages previously implemented in other countries in the region.

In BiH and in the FYR of Macedonia ILO is the only implementer of activities in the area of ALDS, meaning there are no other players to complement the activities. In Moldova, there is project for settlement of disputes supported by the Swedish Government and ILO did some consultations to ensure complementarity of the activities.

Sustainability and impact potential

In all three countries, ILO is working closely with the social partners in the design and implementation of the interventions and that is increasing the probability of sustainability. Each of the interventions in this project is one piece of the puzzle that should lead either to establishment of a mechanism for ALDS or to improvement of the

existing mechanism. At the end of the series of interventions, the mechanism should be prescribed in a Law or a different piece of legislation that will provide the basis for continuous implementation in practice.

To summarize, the interventions are designed to lead to sustainable solutions through embedding the results in an existing or a new system that will support the sustainability in the future. For instance, in Republika Srpska, the mechanism for ALDS is implemented through the activities of the Agency for ALDS and is already demonstrating sustainability, but it needs additional support to handle all the cases, since its' budget is sufficient for only one third of the submitted cases. Social partners need to be aware that sustainability is not granted once for all time, but it should be continuously considered in the work of ALDS.

The impact of the whole project will be visible in the upcoming years when the benefits of the final beneficiaries – the users of ALDS, might be measured and the level of utilization of the mechanism for ALDS could be observed. However, the impact of individual interventions is noticeable at this point. The capacity building activities impacted the representatives of the social partners to commit and engage in the development of the appropriate mechanism for ALDS for the local context. In addition, participation in sub-regional events impacted the thinking of the social partners' representatives that sharing international experience is very useful to understand how the ALDS mechanisms work in practice, but the real value for practical implementation can be found in the regional experiences that are similar to the local context.

5. Bosnia and Herzegovina (BiH)

The data collection in BiH related to the regional evaluation was performed between June 2-5, 2015 with a field mission conducted in Sarajevo, and Banja Luka. The activities of the project in BiH included a mix of interventions which, in accordance with the project's main objective, would lead to strengthening capacities of the core group of individuals and institutions for amicable dispute settlement. Also through the interventions, the target group would be equipped with skills and knowledge needed to establish a framework within which the tripartite constituents can effectively settle labour disputes. At the end, the interventions would offer them a range of options when establishing such a mechanism with due regard to the international experience and standards.

Table 3: Interventions in BiH

Workshops, Seminars or capacity building activities	✓ Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out – 9 March 2012
	✓ Tripartite seminar on European good practices in mediation in the public service organized – 20-21 September 2012
	✓ Kick off workshop with full bipartite participation and capacity building of social partners, using the ILO Manual of Collective Bargaining and Dispute Resolution in the Public Service held
Round Tables, Discussions and Conferences aiming to exchange	✓ ILO Round Table on the Mechanism for Amicable Resolution of Labour Disputes at the State Level held – 11 December 2012

and share knowledge and experiences	✓ Tripartite Discussion on a potential regulatory framework on Amicable Settlement of Labour Disputes at the state and FBiH levels held – 11 July 2013
	✓ Participation of a tripartite delegation in the sub-regional conference on ALDS – 11-12 December 2013
Relevant publications translated to support the implementation of activities	✓ ILO Manual on prevention and resolution of labour disputes in the public sector translated and printed. Web version also available.
	✓ Labour Dispute Systems: Guidelines for Improved Performance translated.
Specific activities implemented in the Federation BiH	✓ Regulation on ALDS drafted in the FBiH.
	✓ Legal and technical advice during the process of drafting of the Law on peaceful settlement of labour disputes in the FBiH provided.
Specific activities implemented in Republika Srpska	✓ Law on collective bargaining drafted in Republika Srpska. ⁵
	✓ Training of conciliators and arbitrators delivered in the Republika Srpska.

The field mission conducted a number of individual and group interviews with stakeholders. The stakeholders included representatives of the tripartite constituents⁶, i.e. trade unions, associations of employers, relevant ministries and government institutions in both entities – the Federation of BiH and Republika Srpska. Each interviewee was provided with a list of activities initially planned to be conducted over the project’s duration (2012-2014) and asked to comment on his/her participation and provide feedback and overall impressions.

The activities implemented in BiH (also known as BiH103) contributed toward the achievement of the following outcome included in the DWCP 2012-2015:

Table 4: Outcome indicators for the implemented activities in BiH

Outcome 1.1: Legal and institutional environment enabling the full realization of social dialogue
Outcome Indicators:
Tripartite constituents design and implement measures based on ILO recommendations to encourage and promote effective collective bargaining at various levels, and improve their coordination.
Regulation on the setting up of a mechanism for amicable settlement of labour disputes adopted in the Federation of BiH by the end of 2015
Convention No.151 ratified

5.1. Context

Bosnia and Herzegovina (BIH) consists of two entities - Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) and District of Brcko⁷. This particular fact is very important to note as not all of the implemented project activities and project outcomes could have been evaluated on equal basis in each of its constituent parts.

Institutions that are in charge of labour issues have been separately established in each entity. For example, while BiH has a Ministry for Civil Affairs and a sector for Labour

⁵ This particular output was not delivered due to the circumstances

⁶ List of interviewed people is provided in Annex 2

⁷ District of Brcko is out of scope for this report.

and Employment within it, each of the two entities have their own Ministries of Labour (Federal Ministry of Labour and Social Policy-FBiH and Ministry of Labour and War Veterans-RS).

Ministry of Civil Affairs of BiH is responsible for official communication with ILO and, in particular, for the ratification of ILO conventions on the state level. Currently, with regards to the Project, Conventions No. 154 and No. 151 have been ratified and expected to come into force as of September 2015 and March 2016, respectively. In addition, the BiH Ministry of Justice, in coordination with the Sector for Labour and Employment from the BiH Ministry of Civil Affairs, has drafted a new Law on Strike for the employees of the BiH institutions. Labour and employment are regulated by separate Laws on Labour in each of the two entities, while on the state level this area is still unregulated.

FBiH consists of 10 cantons and is decentralized, while Republika Srpska is completely centralized and autonomous in regulation of its labour market and labour market institutions. Such a situation substantially reflects on all tripartite constituents involved in this project, to the point that they have different jurisdictions based on whether they are representative at the entity or the state level. Therefore, same associations exist in both entities and at the state level such as the Association of Employers.

Generally, the assistance of ILO provided at the state level within the scope of the evaluated interventions was limited to drafting a new Law on Strike for the employees of the BiH institutions and ratification of the two Conventions. The majority of project interventions were designed to help in the improvement of labour dispute settlement mechanisms and enhancement of collective bargaining in FBiH and Republika Srpska. As the two entities were not on the same level of development of institutions and mechanisms for amicable labour dispute settlement at the beginning of the implementation, the interventions had to be adjusted to their specific needs.

5.2. Findings in FBiH

In general, all institutions have been adequately represented in the implementation of interventions for the period of 2012-2014. Their representatives participated in numerous activities, such as workshops, seminars, roundtables and discussions, but also were exposed to regional and international experiences during the sub-regional events. The interviewees shared the same highly positive reflection on all the activities and substantial technical assistance provided by ILO in the field of ALDS. To their knowledge, no other international organization has provided assistance related with this matter at the same level of expertise. Therefore, they have found their cooperation with ILO and especially with ILO National Coordinator in BiH very successful and valuable.

Relevance of the interventions

For several years FBiH has been facing a tremendous problem with the increasing number of labour disputes which cannot be settled at the same pace as the new ones emerging on an annual basis. For example, in 2013 the number of new appeals against

local employers exceeded the number of settled labour disputes by almost 3,000⁸ cases. As such a negative trend could be expected to continue, all the interviewees expressed the need for a more efficient mechanism for labour dispute settlement. In their opinion, introducing institutions similar to those already functioning in Republika Srpska would be highly relevant for FBiH.

The problem of the increasing number of labour disputes as one of country priorities has also been discussed in the context of BiH DWCP 2012-2015. While the interventions have been created to solve this problem, due to the fact that the Law on ALDS and the Agency for ALDS has not been established, the interviewees agree this issue will have to remain among the priorities with DWP for the next planning period. Publications provided as part of the interventions are considered highly relevant by the stakeholders for the present and future activities.

Effectiveness of the interventions

The activities have been conducted mostly in accordance with the set objectives. The only exception is the Training of conciliators and arbitrators which was not organized in FBiH due to the fact that the Agency for ALDS was not established. All other planned events aimed at training and sharing knowledge and experiences in the field of ALDS have been well organized and contributed to the development of knowledge and skills of all stakeholders. Without exception, all interviewees believed that sharing the knowledge and experiences, as well as skills development make this the most important outcome of the interventions.

Other interventions such as translation of publications and technical assistance in drafting the Law on ALDS demonstrated limited progress. While the publications have been distributed to all stakeholders, their primary use is informative without possibilities for practical implementation. The Law on ALDS has been drafted in a participative and consultative process with participation of all relevant stakeholders. However, although it is finalized, it has not yet been passed mostly due to budget constraints, which have affected the possibility of establishing the Agency for ALDS. Another challenge that has substantially affected the achievement of expected outcomes is related to the fact that the stakeholders' representatives in the interventions undertaken were rarely the key decision-makers.

Efficiency of the interventions

All interviewed representatives evaluated the interventions as highly efficient in terms of the use of resources (time, expertise, knowledge and know-how, budget). Their general impression is that all resources invested into this project from ILO and their institutions were worth the effort. According to stakeholders interviewed, the greatest benefit for them is the knowledge and expertise obtained from excellent trainers and consultants engaged by ILO. In addition, they highly appreciated the possibility to share experiences and different views among each other under the efficient coordination by ILO experts.

All the information have been provided efficiently and on time. The only complaint is about the limited number of participants from each institution at the events organized,

⁸ Data obtained from Association of Employers of FBiH.

which could be reconsidered in the future. According to interviewed representatives of the social partners, three participants per institution would be an appropriate level of participation because three employees from one institution increase the probability of pushing forward the implementation of the obtained knowledge.

Sustainability and impact potential

Apart from the fact that the drafted Law on ALDS has not been passed, sustainability and potential impact of interventions can be assessed in light of initiated tripartite discussions, awareness of all the stakeholders that alternative mechanisms of labour dispute settlement are highly needed and their readiness to cope with the challenges in order to achieve its establishment in FBiH. The adoption of the Law will lay the foundation for establishing the mechanism for amicable labour dispute settlement, which will ensure sustainability and give opportunity to address the increasing number of disputes. This is also supported by the fact that an overall decrease of labour disputes and especially decrease of the number of those settled through courts will remain among the country's priorities in the upcoming period.

5.3. Findings in Republika Srpska

The interventions implemented in Republika Srpska for the period 2012-2014 were directed into further institutional development related to amicable labour dispute settlement. At the same time local experiences from Republika Srpska were used as an example of good practices for the rest of BiH and the Western Balkans. In that sense, the interviewed stakeholders expressed their strong satisfaction with what has been done to correct initial weaknesses, strengthen the institutions, enhance the process and put it on solid ground.

In general, all stakeholders positively evaluated the overall project activities, as well their participation. They have been adequately informed, consulted and involved in the interventions. As one stakeholder stated, ILO is 'is irreplaceable when it comes to any kind of technical assistance in the field of labour law and regulation of labour market institutions'. The assistance of ILO in the field of labour dispute settlement and collective bargaining was assessed as very important as there were no other international organizations which provided help on the same level and with the same high calibre expertise.

Relevance of the interventions

The problem of the increasing number of labour disputes and an inefficient way of settling them through courts is common for both entities in BiH. Consequently, amicable labour dispute settlement and collective bargaining are highly relevant issues and a high priority in BiH. In Republika Srpska, however, an alternative way of amicable labour dispute settlement was found through the establishment of Agency for ALDS. The role of the Agency is to settle labour disputes before they are taken to courts. If in 2010, 6,000 court cases were registered for labour disputes, in 2015 the number is only 470⁹. The representative from the Association of Employers expressed concern that the data

⁹ Data obtained from the Agency for ALDS

from the Agency are not sufficient to evaluate the success in settling public disputes in the absence of official statistical data.

Stakeholders are confident that the interventions were adequately shaped and relevant, especially for further institutional improvements which reflected in both the Law on ALDS and activities of the Agency for ALDS. The translated publications in particular were used by the Agency for ALDS for training of conciliators and arbitrators, as well as for the capacity building of the Agency staff. Publications are considered very useful, although 'not all the ideas and concepts are applicable to local conditions'.

Effectiveness of the interventions

Project activities were conducted in accordance with the objectives set. All stakeholders agreed that the most important outcome has been the reduced number of direct appeals to courts and success of the Agency for ALDS in dealing with this issue. However, it should be noted that the overall success of the Agency for ALDS is strongly dependent on the support from all social partners obtained through coordination and the help provided by ILO.

The number of cases sent to the Agency is increasing annually. For example, in 2015 the Agency was allocated a budget sufficient to handle 300 cases by the Government. At the time of the evaluation (June 2015), 900 requests for labour disputes settlement were submitted to the Agency¹⁰, with the majority of them coming from employees or management of public companies. The awareness among the employers for settling the labour disputes alternatively is at high level, while public companies are obliged to appeal to the Agency prior to appealing to the court¹¹.

Project strengths clearly overwhelm its weaknesses. The biggest drawback comes from the small number of representatives of the social partners that have the opportunity to participate in project activities. Interviewed representatives of the social partners consider the number of participants in the project activities crucial for getting ownership over the changes and reforms that are expected or should take place inside the institutions. In addition, for successful implementation of activities it is important that the number of people with increased capacities and understandings about the processes that should take place is larger. The more people that support the processes, the larger the probability for their success. The most important challenge appeared in the process of ratification of Convention No. 151. After the initial negative opinion on the document given by the officials of Republika Srpska, social dialogue was initiated by the Agency for ALDS and coordinated by ILO, which helped the process of ratification to come to its successful end¹². The Law on Collective Bargaining was never drafted since currently collective bargaining is regulated by the Law on Labour, which all social partners find to be a better solution at the moment.

Efficiency of the interventions

¹⁰Data obtained from Agency for ALDS

¹¹ Document provided to the National Consultant in the Ministry for Labour and War Veterans

¹² Ministry of Civil Affairs of BiH coordinated the process of ratification of convention 151 and after obtaining positive opinions of Federation BiH, Republika Srpska and District of Brcko the convention 151 is expected to be put into force with 1 year delay

The project’s interventions were evaluated as highly efficient in terms of use of resources by social partners. The stakeholders stressed that ILO always engaged highly professional experts, provided guidelines, information, knowledge, and assisted in developing the local skills and institutional capacities. Moreover ‘the assistance is always directed at what is really needed’ and the benefits doubled the costs that is ‘much different from any other international organization operating in the region’.

Sustainability and impact of the interventions

In Republika Srpska results achieved through this project are strongly linked with the results of previously undertaken interventions in the field of amicable labour dispute settlement and collective bargaining. Therefore, sustainability has already been proved by many facts: improvement of institutional capacity, training of a number of conciliators and arbitrators, initiation of social dialogue among all partners and developing strong determination of relevant actors to accept alternative mechanism for labour dispute settlement.

Positive experiences regarding amicable labour dispute settlement had also a wider impact on other legal disputes. In particular, the Local Government has taken into consideration the possibility for other types of legal cases such as cases initiated by public utility companies against their debtors to be settled through the Agency for ALDS prior to turning the cases to the court system.

The stakeholders from the Agency for ALDS and the Association of Employers consider that the sustainability of amicable labour dispute settlement should be strengthened through further communication and promotion of this mechanism and activities of the Agency. It was stressed that the local employers would especially benefit from such a promotional campaign. In addition, employers would also benefit from training and debates in the field of negotiations, collective bargaining, labour dispute preventions and settlement, protection, labour relations and labour market analysis.

6. The former Yugoslav Republic of Macedonia

The fieldwork in the Former Yugoslav Republic of Macedonia (the FYR of Macedonia) took place between June 15-July 1, 2015 and the data were collected from different representatives of the social partners who participated in the interventions for amicable settlement of labour dispute in the period between 2012 and 2014. The activities, as part of the project that is subject to this evaluation, were mainly focused on strengthening the capacities of the social partners to create a model for amicable settlement of labour disputes that would be suitable and acceptable for the context in the country. Representatives from the social partners were exposed to different regional and international experiences related to institutionalized forms of settling labour disputes. The mix of interventions are presented in the Table below.

Table 5: Interventions in the FYR of Macedonia

Workshops, Seminars or capacity building activities	✓ Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out – 15 May 2012
	✓ Tripartite workshop on discussing various legal

	and institutional options in light of the above recommendations organized – 21-24 February 2012
	✓ Training of Trainers on amicable settlement of labour disputes delivered – implemented in 2015
Study Tours and Conferences aiming to exchange and share knowledge and experiences	✓ Study tour to the Irish Labour Relation Commission organized – 12-16 November 2013
	✓ Participation of a tripartite delegation in the sub-regional conference on ALDS – 11-12 December 2013
Technical Assistance	✓ Gap analysis of existing legal frameworks on labour disputes resolution carried out and recommendations for streamlining made.
	✓ Legal and technical advice during the process of revision of the Law on peaceful settlement of labour disputes provided.

The field mission included a number of individual and group interviews with representatives from the social partners that had opportunities to participate in one or more activities undertaken as part of the project. The activities implemented in the FYR of Macedonia (as part of the project MKD102) contributed toward the achievement of the following outcome that were part of the DWCP 2010-2013:

Table 6: Outcome indicators for the implemented activities in the FYR of Macedonia

Outcome 1.3: Establishment of an effective labour dispute settlement system
Outcome Indicators
Applications for conciliation/mediation of labour disputes are submitted and processed
Number of mediators and arbiters trained
Ratification and effective implementation of Convention No. 151

6.1. Context

The efforts to establish a mechanism for amicable settlement of labour disputes in the FYR of Macedonia date back to 2007, when the first ever Law on ALDS was adopted, which unfortunately never started to be implemented due to budget constraints. In the following years, ILO initiated activities and provided support to address the issues in the Law that were a barrier for the implementation of the legislation. A variety of activities were implemented to provide the social partners with different examples of functioning models in the region and in Europe, and at the same time to strengthen their capacities about the amicable settlement of labour disputes. In the meantime, appeals to courts were the most utilized mechanism to address labour disputes in the country. Although, the Law on Mediation provides the opportunity to settle labour disputes outside the court system, it is not utilized since the expenses for the case need to be covered by the parties involved in the dispute.

In 2013, with ILO support and based on the regional and international experiences, social partners started the initiative for revising the Law on ALDS. In particular, the main changes were made in the model of the mechanism that will be utilized for settling labour disputes. In a wide consultative process, and with participation of all social partners, a model with licenced mediators and arbitrators who will be registered with the Ministry of Labour and Social Policy (MLSP) was developed and assessed to be suitable and appropriate for the local context. The most important feature of the mechanism is that

all expenses will be covered by the state budget and will not be a burden for the parties involved in the case. The Law was adopted in 2014 and is implemented from January 1, 2015.

ILO is currently implementing an IPA-funded project on Promoting Social Dialogue, whose overall objective is to extend and enhance tripartite and bipartite social dialogue as a means to achieving economic growth and social progress. The project consists of three interlinked components: 1) enhancing tripartite social dialogue on national and local levels; 2) encouraging collective bargaining and setting sectoral collective bargaining infrastructures; and 3) establishing an operational amicable settlement of labour disputes mechanism. The third component is focused on supporting the mechanism for ALDS to become fully operational and to be utilized in practice.

6.2. Findings in the FYR of Macedonia

Representatives from the social partners were involved in all activities and interventions that were implemented in the period 2012-2014. Social partners were represented by different people in different activities according to the topics of the workshops, seminars, and study tours. The draft of the Law on ALDS was regularly shared with the social partners at every stage and they had opportunities to give their comments, provide feedback and discuss issues of concern. According to interviewed representatives, the social partners highly appreciate the continuous involvement of ILO in addressing the issues related to amicable settlement of labour disputes. In particular, the stakeholders value the contribution of ILO and the National Coordinator in engaging the social partners in tripartite dialogue regarding the appropriate and acceptable mechanism for amicable settlement of labour disputes. The interviewed representatives are confident that without the engagement of ILO, the process of establishing the mechanism for ALDS would be rather slow and most probably incomplete at this point.

Relevance of the interventions

The absence of a functional mechanism for amicable settlement of labour disputes, despite the fact that this issue was regulated in the national legislation makes the interventions highly relevant for the country. All representatives of the social partners that were interviewed agreed that the issue of amicable settlement of labour dispute was a priority for the country and although there was agreement among the different stakeholders, someone like ILO was needed to facilitate the process in the right direction.

Many of the collective disputes that emerged in the past would be handled differently if there was a mechanism present, especially in situations when the dispute concerns large number of citizens, such as the strike of the medical doctors at the State Clinical Centre in Skopje. The court cases and cases settled based on the Law on Mediation are expensive and sometimes last for a long time and the parties involved are required to cover the expenses incurred.

The established mechanism for ALDS is giving an opportunity to the citizens to try to settle their individual and collective disputes in a shorter time frame and free of charge. The expenses for settling the disputes will be covered by the state budget, meaning that no financial expenses will have to be covered by the parties involved in the dispute.

Effectiveness of the interventions

The number of interventions undertaken under MKD102 was not large, but each activity contributed to the achievement of the outcome defined in the DWCP. According to interviewed stakeholders, the interventions were perfectly tailored to address the issues of concern of the social partners regarding the mechanism for ALDS.

Capacity building of the partners was significantly increased with new knowledge about the existing mechanisms in the region and internationally. Moreover, the opportunity to meet with representatives from other countries at sub-regional events, and learn about their mechanisms and their experiences were indispensable in developing the mechanism that will be suitable for the Macedonian context. First-hand experience from the study visit in Ireland added value to the knowledge of the social partners and assisted them to fully understand the benefits of a functional mechanism for all parties involved. As one of the interviewees stated 'theory is good and the knowledge gained from the workshops was valuable, but cannot be compared with the experience when you see the theory transformed in practice'.

The selection of the experts according to interviewed people contributed toward the achievement of the outcomes as well to the effectiveness of the interventions. The only weakness identified is the long period of establishing the mechanism i.e. the changes in the Law and the start of implementation. However, social partners' representatives are optimistic that the length of the process add to the quality of the defined solutions.

Efficiency of the interventions

The activities were implemented in the most efficient manner compared to the resources available. Taking into consideration that most of the interventions included expertise from international experts, interviewed stakeholders are confident that ILO did a tremendous amount of work in providing know-how that was needed for the proper implementation of the activities. Social partners had opportunities to send their representatives to attend workshops and seminars on a regional level at the right time, in order to get the knowledge and experiences of other countries in the region that will be valuable for the establishment of the ALDS in the country.

The information regarding the events and capacity-building activities was shared on time with the social partners, with proper explanation of the expectations from the activities. This communication assisted social partners to select the most appropriate representatives, although sometimes they needed more time to confirm the names of participants due to administrative procedures in their institutions.

Publications provided by ILO, as well as analysis performed are also assisting for better efficiency of interventions, providing useful information, good practices and guidance about the different processes that are undertaken during the establishment of the mechanism for ALDS.

Sustainability and impact of the interventions

The interventions were planned in a way to support the process of establishing the mechanism for ALDS that will become integral part of the system the will be sustainable. The changes to the Law on ALDS have been adopted and the Law came into force at the

beginning of 2015. These facts support the claim of the interviewed representatives of the social partners that once the Law become part of the legal system, its sustainability is secured. Yet, while the adopted Law has the potential to be sustainable, it is important that it is implemented in practice. The experience with the Law on ALDS from 2007 demonstrated that adoption of legislation does not ensure its implementation. With the IPA project activities, ILO supports the MLSP to develop all necessary bylaws, manuals and other administrative documents to secure smooth implementation of the law.

The impact from the implementation of the Law will be seen in the future, but there is impact from the other interventions. The capacity building activities had an impact on the participants and their ability to be actively involved in the process of developing the Law and other supporting documents for proper implementation. In addition, some participants in the activities, thanks to their better understanding of the amicable settlement of labour disputes, were motivated to apply to be trained as future mediators and arbitrators. Moreover, as the representative of the trade union emphasized, participation in the activities motivated them to organize activities to educate their membership about the benefits of utilizing the amicable settlement of labour disputes through their regional branches.

7. Republic of Moldova

Field research in Moldova took place between June 26 and July 7, 2015. The activities in Moldova in the area of amicable settlement of labour disputes for the period 2012-2014 included technical support for the drafting of ALDS regulation. Also, capacity building activities were delivered for the representatives of the social partners to better understand the labour disputes and how they could be settled. Representatives from the social partners were exposed to regional and international experiences in ALDS through participation in sub-regional events.

Table 7: Interventions in Moldova

Workshops, Seminars or capacity building activities	✓ Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out – 21 June 2012
	✓ Awareness raising seminar on ALDS for MPs organized. – not implemented
	✓ Training of Trainers on amicable settlement of labor disputes delivered – 24-26 April 2012
Round Tables, Discussions and Conferences aiming to exchange and share knowledge and experiences	✓ Participation of a tripartite delegation in the sub-regional conference on ALDS – 11-12 December 2013
Technical support	✓ Legal and technical advice in the process of drafting a regulation on ALDS provided.

Individual and group interviews were conducted with the respective stakeholders, representatives of the social partners that have been included in the implementation of the interventions related to ALDS in Moldova. The implemented activities as part of the project MDA103 are contributing the achievement of the Outcome 1.1 that is part of the DWCP for Moldova for the period of 2012 - 2015.

Table 8: Outcome indicators for the implemented activities in Moldova

Outcome 1.1: Legal and institutional environment enabling a functioning social dialogue in place
Outcome Indicators
Tripartite constituents design and introduce the measures to encourage and promote effective CB at various level (national, sectoral and enterprise level)
A functioning mechanism on LDS in place

7.1. Context

In Moldova, the coordination and effectiveness of collective bargaining processes was assessed at a minimum level during the assessment process for the development of the DWCP 2012-2015 and ILO focused its activities on supporting the introduction of different mechanisms for collective bargaining, including the amicable settlement of labour disputes.

For that purpose a working group with participation of all social partners was established and coordinated by the National Confederation of Trade Unions (CNSM). The working group's main task was to draft the Law on Amicable Settlement of Labour Disputes through a consultative process and with the involvement of all social partners. The working group drafted the Law, but its work is currently suspended since March 2015, because there is no consensus among the stakeholders regarding the benefits and guarantees for future mediators. Also, during the process of drafting the Law, the working group did not consult the Ministry of Justice (MOJ). It is important to mention that the MOJ was responsible for drafting the Law on Mediation which adoption is envisioned in the Justice Sector Reform Strategy (2011-2016) adopted by Moldovan Parliament. The Law on Mediation, which is recently adopted states that labour disputes are subject to mediation. Since MOJ was not involved in the activities of the working group, it is not aware of such an initiative and should be approached by the working group.

There is a lack of political will on the Government and employers' side that prevents the adoption of necessary decisions.

7.2. Findings in Moldova

All relevant stakeholders were included in the implementation of the activities, regardless whether the activities were related to capacity building, sharing of experiences or drafting the regulation. There are different perceptions about the level of involvement, such as the opinion of the Ministry of Labour, Social Protection and Family (MMPSF) that they were included late in the process. Each representative of the social partners interviewed stated that the role of ILO and its experts was indispensable for the functioning of the working group and overcoming the problems in the process of drafting the regulation.

Relevance of the interventions

The activities implemented in Moldova are based on the DWCP 2012 – 2015, as they were identified as relevant for improving the governance of the labour market. The amicable settlement of labour disputes is an important component that will improve the labour market relations. The social partners are unified in thinking that the ALDS is

relevant for the country, but the Government of Moldova and employers believe that this is not currently a priority for Moldova. This differs from the opinion of CNSM which, strongly believes that ALDS is a priority, especially for their constituents, and is ready to continue with the efforts to support the adoption of the Law.

The place that ALDS has on the agenda of different stakeholders affects significantly how the issues and problems related to the settlement of public disputes are handled and the level of readiness by the social partners to finalize the process of regulating public disputes settlement mechanism. It might also suggest that what was once relevant and a priority (at the time of the DWCP development) is changed due to changes in the context within Moldova.

Effectiveness of the interventions

There are mixed results regarding the effectiveness of the interventions. The main focus of the project activities was to support Moldovan constituents to create a mechanism for amicable settlement of collective disputes. Capacity building activities and participation in sub-regional events were successfully implemented leading to two achievements: increased capacities of the social partners to participate actively in the development of the mechanism for amicable settlement of labour disputes on one hand, and exposure to different models, systems and mechanisms for ALDS in other countries in the region and in Europe. The sub-regional conference in Turin served as platform to present best practices of other countries in settling the labour disputes to Moldovan constituents. The main outcome of Moldovan delegation attendance was the tripartite agreement to consider the creation of a similar mechanism in Moldova.

When the tripartite working group was established, ILO was requested to assist and advise the working group members during the drafting process. The major input provided to the working group was the expertise of ILO experts, who were involved in the discussions of the working group at different phases of the Law drafting process. Furthermore, ILO experts facilitated the dialogue among the members of the working group and discussed with the leadership of CNSM whether to exclude the right to strike from the current draft Law. An agreement was reached and the working group continued the discussions. ILO created a dialogue platform through the workshop and tripartite meetings to facilitate discussions and to encourage key actors to come up with solutions.

However, since March, 2015 the working group suspended its activity as there are several issues to be considered and agreed upon. These are the status, benefits and guarantees for future mediators, but also the need for a new Law on ALDS, in a situation when the Labour Code could be amended to address the labour disputes settlement. More importantly, the working group have not identified a proper mechanism for amicable settlement of labour disputes for Moldova, which is a prerequisite for the development of other aspects of the mechanism. Due to the unfinished state of the Law drafting process ILO did not engage in raising awareness among members of the Parliament and did not provide a comprehensive opinion on the draft Law. Nevertheless, ILO representatives met the acting Minister of Labour to discuss further developments and political support for this initiative.

Efficiency of the interventions

Providing expertise in the area of social dialogue, in particular with regards to amicable settlement of collective disputes has been recognized as a highly valued contribution offered by ILO experts. ILO consulted all social partners when the activities were drafted. Tripartite format was successfully used for this project as well. Moreover, ILO recommended to the working group to include one additional member – the representative of the National Tripartite Commission for Consultation and Collective Bargaining, which was positively received.

The available resources were efficiently utilized in terms of proper involvement of ILO experts, but also the opportunity for national constituents to meet their colleagues from other countries during the sub-regional events. ILO provided information regarding the activities on time and with needed details to all social partners.

Sustainability and impact of the interventions

In the design of the interventions ILO ensured the sustainability in translating all actions into Law, which will be the foundation for establishing mechanism for amicable settlement of labour disputes. In practice, the results in ensuring the sustainability of the interventions are mixed. It is difficult to anticipate what will happen next as long as the drafting process is still pending. In these circumstances local partners need continuous support to finalize the process and start the implementation of the new Law. Up to now, all key actors expressed interest in continuing the drafting process and readiness to find appropriate solutions for the issues faced by the working group. Moreover, the Ministry of Labour, Social Protection and Family is interested in presenting the Law to the Government once all parties will reach an agreement and the final version of the draft law will be discussed in tripartite format.

The capacity building activities had an impact on the participants by equipping them with knowledge and skills to be utilized during the drafting process and discussions within the working group, and among different stakeholders related to amicable settlement of labour disputes.

8. Conclusions and Recommendations

Conclusions and recommendations provided below are mostly on the level of the whole project, but there are some specific conclusions and recommendations that are targeting individual countries and are noted as such.

8.1. Conclusions

The envisioned interventions with some exceptions (one intervention in each country) were implemented in the planned period 2012 - 2014. Social partners were regularly informed, involved and consulted in the process of the implementation of activities. ILO through its National Coordinators, kept the social partners engaged continuously, which contributed to commitment of the parties in the implementation of the activities. The social partners highly appreciate the involvement of ILO in the establishment of the mechanisms for ALDS in each of the target countries. They believe that without ILO support, the activities related to ALDS would be lagging behind, because besides the expertise and know-how that is provided by ILO, its staff and experts serve as facilitators

in achieving consensus among social partners on issues for which they have different views, as in the case of Moldova.

It is important to note that the implementation of the project contributed toward the awareness raising about the need for alternative mechanisms of labour dispute settlement. The social partners are more knowledgeable about the benefits from the introduction of mechanisms for ALDS and represent great promoters of the mechanism. Besides the awareness raising, the institutional capacities of the social partners are increased, although not at the same level, such as the case with Republika Srpska and the FBiH, mainly due to the expressed readiness of the social partners.

As envisioned with the activities, in each of the targeted countries a piece of legislation has been drafted and/or adopted to regulate the amicable settlement of labour disputes. ILO provided technical support in the drafting of the legislations through engaging experts, providing publications translated into local languages to the social partners and providing know-how on international labour standards. In BiH and the FYR of Macedonia Convention No. 151 was ratified. Social partners from the targeted countries had opportunities to learn about the European good practices from EU member states on ALDS, taking into consideration that all three countries have aspirations to become EU members.

Social partners demonstrated readiness to continue with the capacity building activities for amicable settlement of labour disputes to ensure proper implementation and wide utilization of the established mechanisms. They are also willing to learn and share experiences with the other countries from the region and consider that these practices will help them to improve the mechanism for ALDS in their respective countries. However, in BiH social partners expressed the desire to include more decision-makers in the capacity building activities that will safeguard the implementation of the obtained knowledge and skills at institutional level.

Last, but not least, the interventions within this project contributed to further development of the social dialogue among the tripartite constituents, which is essential for building the trust among the parties and continuous collaboration among the social partners to address issues relevant for their constituents.

8.2. Recommendations

Developed recommendations are organized according to their scope – general and country specific for easier reference. The following recommendations emerged from the information and data collected and the analysis of the findings:

8.2.1. General Recommendations

1. ILO should continue with the practice of mixed interventions (activities for capacity building, sharing experiences and knowledge and technical support in drafting legislation/regulations) to address the issue of ALDS; more emphasis should be put on documenting outputs such as number of participants disaggregated by gender at capacity building activities by country, or by social partner for national events;

2. ILO could stimulate the organization of regional events, such as conferences and/or study tours more frequently to support the sharing of knowledge and experience and transfer of know-how among countries that share similar context;
3. The social partners need to receive technical support by ILO for developing and implementing a strategy to educate the constituents to utilize the mechanism for ALDS in each of the targeted countries. For instance, in RS and the FYR of Macedonia educational campaign directed at primary target groups (employers and workers) should be organized, which will include statistical data that will support the benefits of the mechanism for ALDS;
4. Social partners should be encouraged to identify individuals to be trained as local trainers in order to strengthen the local capacities by creating a pool of local trainers who will serve as education base for training potential future mediators and arbitrators;
5. ILO should support the organization of discussions, round tables and other similar events about international conventions and their effects on companies and country competitiveness, advantages and disadvantages of the laws that regulate collective bargaining, and practical aspects of collective bargaining such as collective agreements, which will target specific stakeholder group such as associations of employers from the region;
6. ILO could support the institutions/bodies that will implement ALDS mechanisms in the targeted countries to schedule regular monitoring and measurement of the effects of the mechanisms on the final beneficiaries through data collection via questionnaires and/or interviews of the users of the ALDS mechanisms;
7. From an administrative and management point of view, ILO should develop standard evaluation forms to be delivered to participants at different events and capacity building activities to obtain opinions and views from participants regarding the content of the event, usefulness of the topic and insight about the quality of organized events.

8.2.2. Recommendations for BiH

8. ILO could provide support to social partners in FBiH to organize training of conciliators and arbitrators once the Law on Amicable Labour Dispute Settlement is passed and Agency for ALDS is established;
9. Two constituent parties in BiH (government officials and trade unions) demonstrated great dedication to amicable labour dispute settlement and the activities of the Agency, but the Associations of Employers in both entities have not shown the same enthusiasm about it. ILO should undertake direct activities with these social partners on ALDS in the future to motivate them to become more actively involved in this process; and
10. ILO should develop a strategy to motivate the decision-makers in BiH to take more active role in the capacity building activities to ensure proper

implementation on institutional level. ILO National Coordinator could meet with the decision-makers on a quarterly basis to discuss the upcoming planned activities and review the most suitable participants from the individual institution in terms of their position to implement the obtained knowledge in their sector/department of the institution.

8.2.3. Recommendations for FYR of Macedonia

11. ILO should support the MLSP in the FYR of Macedonia to secure continuous education for the licenced mediators and arbitrators in order to ensure quality service to be provided to the interested parties to settle labour disputes.

8.2.4. Recommendations for Moldova

12. ILO should continue to support the working group that is drafting the Law on ALDS, since there is still a lack of expertise to identify model for ALDS that will reflect the Moldovan reality; and

13. Social partners should advocate with the Government and Parliament in the process of adoption of the Law on ALDS in Moldova, and, if needed, ILO should provide support on building their advocacy capacities or developing an advocacy strategy.

9. Lessons Learned and Emerging Good Practices

9.1. Lessons Learned

The evaluation of the interventions within the regional project contributed to the elaboration of the following lessons learned:

1. Sharing the knowledge and experience on a regional level should be more present in future interventions. Representatives of the social partners without exception agreed that regional experience that is similar to their local context is very helpful in discussing and defining models and mechanisms for amicable settlement of labour disputes. Social partners expressed their desire to meet with their regional colleagues more frequently.
2. Utilization of regional expertise, i.e. involvement of experts from the region to support the identification of workable institutional solutions and mechanisms, is likely to contribute to build more trust in the process by the social partners. While European institutions and practices vary depending on national social and economic contexts, cultures and IR systems, European expertise has been valued for its contribution to developing “universal” skills and good practices relevant for a particular topic regardless of the national context.

9.2. Good Practices

Taking the achieved results from the interventions as a base to develop a project that will further support the implementation of the mechanism for ALDS and getting funding from other donors as is the case in the FYR of Macedonia should be used as a good

practice and be shared with other countries to motivate them to seek additional funding for activities from various sources.

Study tours are a good practice to get first-hand experience about the topic or issue that is dealt with on a national level that should be used more frequently. In particular, study tours regarding the topics that are hard to be overcome in the negotiation processes among the social partners should be considered. The focus in organizing study tours might be on sub-regional exchange of experience and transfer of know-how, such as creation of a sub-regional network of ALDS agencies/bodies which might meet on regular basis.

10. Appendices

Appendix 1: Terms of Reference

ILO DWT/CO-Budapest

Final Evaluation Terms of Reference:

Enhancing collective bargaining and amicable settlement of labour dispute mechanisms in Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Moldova (Improved Labour Dispute Settlement) Project

TC code: SBU/12/02/RBS
ILO Responsible Office: Decent Work Technical Support Team and Country Office for Central and Eastern Europe (DWT/CO-Budapest)
Funding source: ILO Regular Budget Supplementary Account (RBSA)
Outcomes: BIH103; MDA103; MKD102; SBU105
Budget: \$190,000 (SBU105 \$60,000; BIH103 \$40,000; MDA103 \$40,000; MKD102 \$50,000)
ILO SPF Outcome: Outcome #12: Social Dialogue and Industrial Relations

I. Background and context

Improved Labour Dispute Settlement project is a technical cooperation initiative funded from the ILO Regular Budget Supplementary Account and implemented during the period of 2012-2014. It represents a strategic combination of country-focused and sub-regional interventions aimed at strengthening social dialogue and relevant mechanisms in Bosnia & Herzegovina, FYR of Macedonia, Moldova and other countries of Central Europe that share similar socio economic context and are covered by the ILO DWT/CO-Budapest.

This evaluation is conducted in accordance with the ILO Procedures for the use of the Regular Budget Supplementary Account (RBSA) stipulating that RBSA-funded outcomes are being subject to independent evaluation procedures in order to examine the results achieved with RBSA resources and their contribution to broader ILO programming and country cooperation frameworks, including DWCPs.

The project is aligned with the ILO's Strategic Policy Framework (SPF) 2010-2015¹³ that sets priorities and expected outcomes that the ILO aims to influence with its targeted interventions. Specifically, it is contributing to SPF Outcome 12 Social Dialogue and Industrial Relations, indicator 12.2. 'Number of member States that, with ILO support, strengthen the machinery for collective bargaining and labour disputes settlement, in line with international labour standards, and in consultation with the social partners.'

At the country level, the components of the project are contributing to the relevant priorities and outcomes under Decent Work Country Programmes (DWCPs) in BiH 2012-2015, FYRoM 2010-2013 and Moldova 2012-2015¹⁴.

II. Project description

Project rationale and objectives

¹³ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_102572.pdf

¹⁴ Full texts available at <http://www.ilo.org/budapest/what-we-do/decent-work-country-programmes/lang-en/index.htm>

The objective of the project is to give a concentrated boost to strengthen and equip the core group of individuals and institutions in the targeted countries with skills and knowledge needed to establish a framework within which the tripartite constituents can effectively settle labour disputes, and to offer them a range of options when establishing such a mechanism with due regard to the international experience and standards.

Labour dispute settlement came out as an area of need as a result of previous research and lessons learned from earlier collaboration in the framework of relevant DWCPs and other ILO activities in 2010-2012.

ILO technical assistance provided during the previous biennium has contributed to reforming the legal and institutional frameworks of tripartite social dialogue in the target countries, i.e. in the framework of the implementation of ADA-ILO joint TC project on “Consolidating the legal and institutional foundations of social dialogue in the Western Balkan countries and Moldova”.

One of the main lessons learned during the process of capacity building of social dialogue institutions has been that a meaningful social dialogue at a time of crisis can only be based on sound foundations of collective bargaining at various levels (national, sectoral and enterprise). At the same time, an effective and efficient collective bargaining requires functional mechanisms of amicable settlement of labour disputes arising in the process of negotiations as the success of negotiations can depend on their underlying dispute resolution means.

Low effectiveness and coordination of collective bargaining processes at various levels (national, sectoral, enterprise) in the public and private sectors, as well as still underdevelopment or lack of operational mechanisms of amicable settlement of labour disputes have been identified as common problems in the target countries.

Consequently, the establishment of “legal and institutional frameworks enabling the full realization of the right to collective bargaining, including a functional mechanism of amicable settlement of labour disputes” has been identified as a country outcome to be achieved by 2014 in the target countries.

The overall objective of the action is to promote collective bargaining (CB) as a flexible means to reach the economic crisis recovery.

Strategy

The adopted strategy consists in enhancing the capacity of tripartite policy makers to take jointly, in accordance with relevant international labour standards, necessary measures to promote effective collective bargaining at all levels in both the private and the public sectors, including the setting up and/ strengthening of mechanisms of amicable settlement of labour disputes (ALDS).

The action is a mix of interventions at national and sub -regional levels. Below is a list of main country-specific and sub-regional outputs:

Bosnia and Herzegovina (BIH103)

- ✓ Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out.
- ✓ Law on collective bargaining drafted in Republika Srpska.¹⁵

¹⁵ This particular output was not delivered due to the circumstances

- ✓ Tripartite seminar on European good practices in mediation in the public service organized.
- ✓ Regulation on ALDS drafted in the FBiH.
- ✓ Training of conciliators and arbitrators delivered in the RS.
- ✓ ILO Manual on prevention and resolution of labour disputes in the public sector translated and printed. Web version also available.
- ✓ Kick off workshop with full bipartite participation and capacity building of social partners, using the ILO Manual of Collective Bargaining and Dispute Resolution in the Public Service held
- ✓ ILO Round Table on the Mechanism for Amicable Resolution of Labour Disputes at the State Level held.
- ✓ Tripartite Discussion on a potential regulatory framework on Amicable Settlement of Labour Disputes at the state and FBiH levels held.
- ✓ Legal and technical advice during the process of drafting of the Law on peaceful settlement of labour disputes in the FBiH provided.
- ✓ Labour Dispute Systems: Guidelines for Improved Performance translated.
- ✓ Participation of a tripartite delegation in the sub-regional conference on ALDS

The Former Yugoslav Republic of Macedonia (MKD 102)

- ✓ Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out.
- ✓ Gap analysis of existing legal frameworks on labour disputes resolution carried out and recommendations for streamlining made.
- ✓ Tripartite workshop on discussing various legal and institutional options in light of the above recommendations organized.
- ✓ Training of Trainers on amicable settlement of labour disputes delivered.
- ✓ Legal and technical advice during the process of revision of the Law on peaceful settlement of labour disputes provided.
- ✓ Study tour to the Irish Labour Relation Commission organized.

Moldova (MDA 103)

- ✓ Tripartite workshop on European practice (Belgium, Germany and Ireland) on collective bargaining in light of ILS carried out.
- ✓ Legal and technical advice in the process of drafting a regulation on ALDS provided.
- ✓ Awareness raising seminar on ALDS for MPs organized.
- ✓ Training of Trainers on amicable settlement of labour disputes delivered.
- ✓ Participation of a tripartite delegation in the sub-regional conference on ALDS.

Sub-regional level (in cooperation with ITC Turin)

- ✓ Sub-regional conference on ALDS organized.
- ✓ Expertise and knowhow in order to establish a sub-regional case database provided.

Present status

Good results have been achieved in FYROM where a new law has been adopted with the help of the ILO and additional funds have been raised from the EU to continue and further expand this work in 2015. Positive developments have been promoted in BiH in each of the two autonomous entities of the country (the Federation of Bosnia and Herzegovina and the Republika Srpska). Better progress has been accomplished in the

Republika Srpska where partners were actively involved into the drafting of new tools and their validation. The progress in the Federation has been so far rather limited, but there are good chances for a new boost to be given at the upcoming sub-regional validation event on labour dispute settlement in Montenegro in April 2015. In Moldova activities are still very much work in progress: a tripartite working group has been established and draft regulations are being finalized, however there is a lack of political will on the government and employers' side that prevents the adoption of necessary decisions.

In the overall, it can be stated that as a result of a series of steps and activities, the partners have increased capacity, tripartite constituents' staff have been trained, new laws and regulations are under consideration or in preparation and the partners can speak to each other with renewed competency. The work done allowed for improved cooperation and dialogue when all social partners were involved in training and awareness-raising events that enhanced competence and created a common language. Regional seminars also put social partners on an equal footing with counterparts in other countries and laid the groundwork for future networking.

An important sub-regional event on labour dispute settlement that is planned for the week of April 20th 2015 in Montenegro will provide an opportunity to validate the developed tools and methodologies for professional conciliators with a group of experts coming from the countries. It will also serve the purpose of dissemination. The results of the sub-regional event will be incorporated into the evaluation analysis.

Management arrangements

The activities have been managed by DWT/CO-Budapest under technical guidance and supervision of Senior Specialist on Social Dialogue and Labour Law, in collaboration with Senior Specialists on Employers' and Workers' activities. Relevant HQ departments contributed to training on global tools. ITC Turin was involved in the organization of the sub-regional event.

III. Purpose, scope and clients

The purpose of this evaluation is to assess the results of the work done in order to inform the next steps and further programming. It would help determine what the ILO should be doing in the target countries and the broader sub-region prior to engaging into the design of new DWCPs and conceptualizing future interventions on social dialogue and labour dispute settlement.

The scope of the evaluation will be the projects/Country Programme Outcomes (CPOs) in Bosnia & Herzegovina, FYR of Macedonia, Moldova, and the related sub-regional outcome.

The main clients of the evaluation will be ILO DWT/CO-Budapest management, specialists and staff, as well as tripartite constituents in the target countries.

IV. Methodology

The assessment team will be comprised of: (i) one External Evaluator (Team Leader, Ms Marija Nashokovska) and (ii) a National Consultants in Bosnia and Herzegovina and Moldova (under identification).

The Team Leader is responsible for conducting the assessment according to the terms of reference and preparing the final evaluation report (in English). The National Consultant will work under the guidance of the Team Leader.

The Team Leader will be responsible to:

- Review the available project literature and materials;
- Prepare the interview framework and guidance for consultants in BiH and Moldova;
- Supervise consultants in BiH and Moldova. Local researchers/evaluators will carry out the interviews with national stakeholders and prepare records from these interviews;
- Conduct Skype interview(s) with the ILO DWT/CO management and specialists, including Senior Specialist on Social Dialogue and Labour Law on 2 June 2015;
- Meet with the ILO partners/stakeholders to conduct individual and/or group interviews, in coordination with the ILO National Coordinators in FYR Macedonia;
- Prepare an evaluation report (based in part on inputs from local evaluators in BiH and Moldova);
- Finalize evaluation report based on ILO feedback;
- Upon completion of research and field missions, the evaluator will provide a debriefing to the ILO/Budapest on the preliminary findings, conclusions and recommendations.

The National Consultant is required to carry out interviews with the national stakeholders in accordance with the questionnaire prepared by the Team Leader and under the guidance of the Team Leader, document and summarize the findings (in national language and in English) based on the replies to the questionnaire (7 workdays approximately).

He/she will:

- Review the project materials and Evaluation Terms of Reference in order to become fully familiar with the strategy and objectives of the project;
- Familiarize with the interview guide prepared by the Team Leader;
- Meet with the ILO partners/stakeholders to conduct individual and/or group interviews, in coordination with the ILO National Coordinators in the target country;
- Document and summarize the findings for submission to the Team Leader;
- Provide national perspectives in the assessment process and assist in the formulation of the main findings, conclusions and recommendations of the evaluation.

The National Consultant should have a background in socio-economic development issues; be familiar with the ongoing development programmes in the country, have experience in research, interviewing skills and good writing skills.

V. Norms and standards

The evaluation will be carried out in adherence with the ILO evaluation policy guidelines, UN Evaluation Group (UNEG) Norms and standards and OECD/DAC criteria for evaluating development assistance.

To the extent possible data collection and analysis will be disaggregated by gender.

VI. Criteria and questions

The evaluation will apply the key criteria of relevance, effectiveness, efficiency, sustainability and impact potential. It will seek answers to the following questions:

Relevance

Are the project activities relevant to the needs of the constituents and to the countries development priorities?

Effectiveness

To what extent have the project objectives been achieved? Have there been any obstacles, barriers? What have been the intended and/or unintended results?

Efficiency

Given the resources available (time, expertise, funds, knowledge and know-how), how economically have been the inputs turned into the outputs?

Sustainability and impact potential

Are the results achieved likely to continue after the end of the project? Are they likely to produce longer term effects?

The list of questions can be adjusted by the evaluation consultant in coordination with the ILO evaluation manager. Based on the analysis of the findings the evaluation will provide practical recommendations that could be incorporated into the design of potential future initiatives.

VII. Evaluation arrangements and professional requirements

The evaluation will be conducted by (i) one External Evaluator (Team Leader, Ms Marija Nashokovska) and (ii) a National Consultants in Bosnia and Herzegovina and Moldova (under identification). It will require 23 working days in the period from the end of May to June and possibly beginning of July 2015 and will include travel to Skopje, Sarajevo and Chisinau. Interpretation during the field missions will be provided as necessary.

A tentative timeline can be found below:

TASK	TIME	ESTIMATED # DAYS
Desk review	May	3
Orientation meeting/Skype interview	Beginning of June	1
Field research and visits (by Lead evaluator in FYROM and by local evaluators in BiH and Moldova)	June	9
Data analysis and draft report	End of June	7
Final report	Beginning of July	3
Total		23

Requirements:

- University degree in social sciences or economics
- experience in international development evaluation, i.e. in the UN system

- understanding of the ILO's tripartite foundations and standards
- familiarity with the issues of social dialogue and dispute settlement
- knowledge of the region and target countries
- analytical skills
- fluency in English
- knowledge of the national languages of the target countries an advantage

Outputs:

The evaluator will provide a draft evaluation report in English (preferably up to 30 pages, without annexes). The report will follow the format recommended by the ILO

Evaluation Office and include:

- ✓ Executive Summary with key findings, conclusions and recommendations¹⁶
- ✓ project background
- ✓ evaluation purpose, scope, clients and methodology
- ✓ description of the status of the project and overview of the work done (stocktaking)
- ✓ findings
- ✓ conclusions and recommendations
- ✓ lessons learnt and good practices
- ✓ annexes including the TORs, a list of those consulted in each country

The draft report will be circulated by the evaluation manager and shared for comments with the stakeholders. Further to receipt of combined comment from the evaluation manager, the evaluator will prepare a final report that will be subject to approval by the ILO Evaluation Office.

The final report should be delivered not later than two weeks after receiving the comments to the draft report.

Essential parts of the report will be translated into the national languages for the constituents' use.

¹⁶ The executive summary should address the project purpose, project logic, project management structure, present situation/status of project, evaluation purpose, evaluation scope, evaluation clients/users, evaluation methodology, main findings, conclusions, main recommendations, important lessons learned, and good practices.

Appendix 2: List of persons interviewed

ILO DWT/CO-Budapest	
Cristina Mihes	Senior Specialist in Social Dialogue and Labour Law
Bosnia and Herzegovina	
Lejla Tanovic	ILO National Coordinator
Alija Remzo Bakšić	Director of BIH Association of Employers
Jure Bilić	President of the Trade Unions organised in the institutions of BiH
Damir Dizdarević	Assistant Minister for Labour and Employment
Fazila Musić	Assistant Minister for Justice
Ismet Bajramović	President of Confederation of Independent Trade Unions of BiH (SSSBiH)
Fatima Fazlić	Head of Cabinet and Chief Lawyer of Confederation of Independent Trade Unions of BiH (SSSBiH)
Džana Kadribegović	Assistant Minister for Labour and Employment, Federal Ministry of Labour and Social Policy
Mladen Pandurević	Director of Association of Employers of FBiH (UPFBiH)
Saša Ačić	Director of RS Union of Employers' Associations (UUPRS)
Rajko Kličković	Head of Department for Labour and Employment, RS Ministry of Labour and War Veterans
Velka Odžaković	Secretary General of Confederation of Trade Unions (SSRS)
Borislav Radić	Director of RS Agency for ALDS
Mira Vasić	Assistant Minister for Labour, RS Ministry of Labour and War Veterans
The FYR of Macedonia	
Emil Krstanovski	ILO National Coordinator
Stojan Trajanov	Expert for drafting the Law on ALDS; Retired State Councillor on Labour, Ministry of Labour and Social Policy
Lile Petrova	Legal Associate, Federation of Trade Unions of Macedonia
Eleonora Jovanovich	Advisor for Labour Legislation, Ministry of Labour and Social Policy
Orhan Sherifi	Advisor for Labour, Ministry of Labour and Social Policy
Belinda Nikolovska	Executive Director of the Organization of Employers of Macedonia
Svetlana Ristovska Antic	Coordinator of the Organization of Employers of

Macedonia

Moldova

Ala Lipciu

ILO National Coordinator

Radu Drumea

National Confederation of Employers from Moldova

Valeriu Berlinschi

National Commission of Collective Consultancy and Bargain

Eugen Covrig

National Confederation of Trade Unions

Sergiu Morari

Ministry of Labour and Social Protection

Nicolae Suruceanu

National Confederation of Trade Unions

Ion Pregeluz

National Confederation of Trade Unions

Appendix 3: Bibliography

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ILO Lesson Learned Template

Evaluation Title: Enhancing collective bargaining and amicable settlement of labour dispute mechanisms in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Moldova Project
Project TC/SYMBOL: SBU/12/02/RBS

Name of Evaluator: MARIJA NASHOKOVSKA

Date: July 2015

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

LL Element	Text
Brief description of lesson learned (link to specific action or task)	<p>Knowledge sharing is an important component of the project. Larger presence of interventions that include sharing knowledge and experience on regional level is highly helpful and desirable in discussing and defining models and mechanisms for amicable settlement of labour disputes.</p> <p>This lesson is linked to the task of selecting the most appropriate format of knowledge sharing that is suitable to the current context and to the specific stage of development of the countries. In this regards, it is believed that ILO could stimulate the organization of regional events, such as conferences and/or study tours more frequently to support the sharing of knowledge and experience and transfer of know-how among countries that share similar context. Sharing the knowledge and experience on a regional level should be more present in future interventions.</p>
Context and any related preconditions	<p>Representatives of the social partners without exception agreed that regional experience that is similar to their local context is very helpful in discussing and defining models and mechanisms for amicable settlement of labour disputes. Social partners expressed their desire to meet with their regional colleagues more frequently.</p>
Targeted users / Beneficiaries	<p>TC project design and implementation teams</p>

Challenges /negative lessons - Causal factors	
Success / Positive Issues - Causal factors	
ILO Administrative Issues (staff, resources, design, implementation)	Regional events are costly, so national contributions should be sought, e.g. to fund travel/ participation and provide venue at no cost.

ILO Lesson Learned Template

Evaluation Title: Enhancing collective bargaining and amicable settlement of labour dispute mechanisms in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Moldova Project
Project TC/SYMBOL: SBU/12/02/RBS

Name of Evaluator: MARIJA NASHOKOVSKA

Date: July 2015

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

LL Element

Text

Brief description of lesson learned (link to specific action or task)	<p>Utilization of regional expertise, i.e. involvement of experts from the region to support the identification of workable institutional solutions and mechanisms, is likely to contribute to build more trust in the process by the social partners. While European institutions and practices vary depending on national social and economic contexts, cultures and IR systems, European expertise has been valued for its contribution to developing “universal” skills and good practices relevant for a particular topic suitable to the national context.</p>
Context and any related preconditions	<p>It is a must to select appropriate sources of expertise and knowledge that is relevant to the current needs and specific development conditions. Thanks to the project the social partners from the target countries had opportunities to learn about the European good practices from EU member states on ALDS, taking into consideration that all three target countries have aspirations to become EU members. This made them well-equipped not only to contribute to the attainment of immediate project objectives, but also to the broader national development goals.</p>
Targeted users / Beneficiaries	<p>TC project design and implementation teams</p>
Challenges /negative lessons - Causal factors	
Success / Positive Issues - Causal factors	

ILO Administrative Issues (staff, resources, design, implementation)	ILO should aim to select TC project management with specific expertise in the region and/or the country of the project
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