



International Labour Organization

iTrack

Evaluation

ILO EVALUATION

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- **Evaluation Manager:** Ms. Lusiani Julia

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

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EXECUTIVE SUMMARY

Background and project description

The present Evaluation Report is mandated by the Terms of Reference (ToR) for the ***Independent Final Evaluation of Implementation of the National Employment Injury Insurance Scheme of Bangladesh***. In July 2015, the MoLE sent a letter to the Director of the ILO Country Office for Bangladesh, asking the ILO to coordinate the initiatives for the implementation of an Employment Injury Compensation Scheme in Bangladesh. A Letter of Intent was signed among the government of Bangladesh represented by the MoLE, ILO and the German government for introducing an Employment Injury Insurance (EII) in Bangladesh.

The ILO organized funding from multiple sources, including foremost its own ILO regular budget and regular budget supplementary account funds and funding from the Government of Italy. In the project funded by the Government of the Federal Republic of Germany (BMZ), with the total BMZ contribution of up to maximum USD 1,008,009 (Euro 900,000), ILO co-financed up to an amount of USD 214,947 during December 2015 to 31 December 2018.

The project focused on national level interventions. It was designed to achieve four distinct outcomes; (1) a commitment by key actors towards the development of a national Employment Injury Insurance (EII) scheme, based on the principles of ILO Convention 121 (C 121) and a mutual consensus with regards to the core elements of the scheme is reached and recorded; (2) a feasibility study of a national EII scheme to serve as a basis for engaging a tripartite national dialogue and for the drafting of a legal framework; (3) a bridging solution is developed for the transition period until the EII scheme is operational; and (4) a sound legal framework for Bangladesh EII scheme is developed.

Objective, Scope and Methodology of the Evaluation

The final evaluation of the 'Implementation of the National Employment Injury Insurance Scheme of Bangladesh' is designed to serve the purpose of; i) promoting accountability to the tripartite constituents, the donor and key stakeholders, and ii) promoting learning within ILO and among key stakeholders. The key audiences for the evaluation are the ILO constituents at the National level in Bangladesh, ILO ROAP, the donor (BMZ), ILO Decent Work Technical team in New Delhi, and ILO Bangladesh. The specific objectives of the evaluation are to:

- Assess the relevance of the intervention objectives and approaches, particularly in the adoption of a sustainable national EII scheme for workers employed in the formal sector in Bangladesh.
- Assess the project implementation effectiveness including the progress in achieving its intermediate objectives and results (including intended and unintended, positive and negative results), and effectiveness of management arrangements;
- Assess the project implementation efficiency;
- Assess the impact and sustainability and Identify factors (including challenges, opportunities) that enable the sustainability, particularly of the national stakeholders in Bangladesh;

- Provide recommendations and describe lessons learned and good practices that could be replicated.

The evaluation covers the Project implementation from 4 December 2015 to 31 December 2018 and was conducted by an independent consultant. The evaluator had no prior involvement with the programming-setting, or design of the ILO EII project and had no vested interest in the outcomes of the evaluation. The evaluator drew conclusions based on triangulation of evidence from different data collection methods and both primary and secondary data sources. Two methods of data collection were used to conduct the evaluation:

1. **Desk Review**- of reports, documents (EII current status, EII fact sheet, Technical progress report 2017, Preliminary feasibility study (2015), Completion of feasibility study- ILO Technical memo (2018), briefs and relevant documents of ILO Bangladesh country projects ('SDIR project', 'Sustainability Compact', 'Better Work', 'Migration project'), mission reports. In the course of the evaluation, the evaluator reviewed other relevant documents, particularly on the highlighted issues mentioned by the key informant interviewees.
2. **Key Informant Interviews** –These interviews were conducted to get an in-depth image of the present state of the project. KIIs have also helped to get to know the projects' stakeholders' strengths and weaknesses and the challenges faced by them during the project implementation period. KIIs were done individually or as group interviews in certain instances where 2-3 officials were available together. Since the sampling from the list of key informants was not based on quantitative and statistical techniques, the information provided were insights, rather than evidence that were extrapolated at the project level. A set of semi-structured questionnaire was developed and the evaluator conducted the interviews face-to-face or through Skype. For selecting the key informants, the evaluator followed purposive/ subjective sampling method. KIIs were conducted in December 2018, while the debriefing for the validation with the informants was conducted in late January 2019.

Findings

The findings will be presented in this section according to the Evaluation Criteria distinguished throughout this report. Regarding the first criteria, **Relevance and Strategic Fit**, the projects' objectives and interventions are closely aligned with ILO and national strategic and policy frameworks. Most stakeholders interviewed for the evaluation also stressed that the relevance of the project is high. Significantly, the project was undertaken in order to ensure that industrial workers are protected from the loss of livelihood as a result of any occupational injury or illness. The project rationale was justified based on Bangladesh's commitment to the ILO convention (article 121, in particular), its own 'National Social Security Strategy', the provisions of Bangladesh's Labour Law and Bangladesh government's commitment towards the Decent Work Country Programme (DWCP).

Regarding **Intervention Progress and Effectiveness**, the project was implemented to achieve four outcomes, with a set of activities planned for each outcome. It should however, be noted that the outcomes were inter-related in that, for example, achievement of first outcome – buy in of key national stakeholders was required for working towards the other three outcomes, and agreement on the scheme design and legal framework was a pre-requisite for the commitment of the stakeholders to operationalise the scheme.

ILO carried out the planned activities over the course of three years of the project. The activities included capacity building of MoLE of GoB, employers' and workers' association officials and representatives; consultations to obtain general preference parameters of the tripartite partners and other stakeholders including international alliances (Alliance, Accord, IBC), retailers sourcing their products from Bangladesh, etc.; design of the initial EII scheme – including a bridging solution, and a draft legal framework for operationalising the proposed EII scheme. Design of the scheme, bridging solution and legal framework was done with technical support of the ILO Geneva office and was preceded by an accident incidence survey by a Bangladeshi research institution (BIDS). Following the design process, the proposed scheme and legal framework was shared with the tripartite partners and other stakeholders for their feedback.

These activities have resulted in the realisation of the need for and the commitment to introduce such a protection scheme. There has been an agreement regarding the core elements of the scheme among the tripartite and other stakeholders, as relevant to the proposed outcome 1 of the project.

Outcomes 2 (feasibility assessment and design of EII scheme), 3 (design of an interim bridging solution) and 4 (development of draft legal framework) have been achieved to the extent that the relevant document drafts have been prepared. There remain some elements of disagreements among the tripartite partners, however, which render the proposed EII scheme and bridging solution not ready for implementation as of the end of the project. A Project Advisory Committee (PAC) was formed to facilitate consensus building. However, the PAC could only meet once during the project period, hence the lack of consensus among the stakeholders persists.

The evaluation identified the need for further consultation, clarity and modification – if necessary, to the design of the proposed EII scheme and legal framework before it can acceptable to all stakeholders and be implemented.

Efficiency of Resource Use has in general been satisfactory although the project's outcomes may be somewhat over-ambitious considering the time, resources and existing commitment of employers available. ILO Bangladesh and the head quarter revised the project budget in the second year of the project, making some strategic realignments in the project and reallocating the budget fitting with the realignment. The more investment in local human resources was deemed as needed due to the complexities in the local environment. It is the evaluator's observation that, the project has been able to create a buy in and commitment towards the EII scheme among the tripartite partners and other stakeholders. However, the issue of benefits and financing is quite complex given that each of the downstream actors in the market have progressively weak bargaining power because of the market structure and legal framework. The objective of agreeing upon an EII scheme, setting up an institution for its implementation within the three year time frame was, perhaps, too ambitious.

Regarding **Impact Orientation and Sustainability**, the project has developed local capacities – of the relevant government stakeholders, employer and employee representatives. The capacity building has taken place through study visits and technical support in developing the scheme and an understanding of it. There is an expressed commitment on the part the stakeholders to introduce such a scheme. The major area of differences between the workers and the employers appear to be about the contribution calculation and how the scheme is to be financed. Both the workers and the employers are also apprehensive of the government's capacity to manage and implement the scheme. The institutional arrangement of the scheme, however, provides for a tripartite committee to oversee its implementation, therefore there is scope for mutually beneficial interventions by all stakeholders. The scheme as proposed is in close alignment with the NSSS and the labour laws. As a result, there is a strong willingness on the

part of the government to introduce and operationalise the scheme, provided that the other stakeholders in the tripartite are in agreement about all aspects of it.

The proposed industry-wide EII scheme is deemed not to have any **gender bias**. Any worker whose health and livelihoods have been disrupted by illnesses or accident injuries that are related with their job will have protection and coverage under the scheme. The scheme is also designed to provide protection to the dependent household members in case of death of the worker due to workplace related illnesses or injuries. The coverage and benefits of the scheme are same for all workers irrespective of their gender. The proposed EII scheme ensures coverage of female workers more than proportionately to the extent that most (about 70%) of the workers in the RMG sector are women. On the other hand, the scheme fixes the benefits based on the reference wage of an ill or injured worker. This arrangement results in a situation where those in the higher income bracket would get more payment. Because of the industry situation that women are more than proportionately employed in the lower wage production lines, it is likely that the women and their dependents would get lower benefits on average compared to men.

Similarly, the proposed EII scheme does not, in itself, **discriminate** any worker for her/his disability of any form to the extent they are employed in the industries. The scheme is designed to give protection to a worker becomes disabled – either temporarily or permanently, following work place illness and accident injury. Thus it provides some protection to those who are vulnerable to disability

Recommendations

International trade unions have approached the ILO for technical support in providing compensation to the victims of recent relatively small scale accidents. International trade unions, brands and buyers are in touch with the ILO at a regular interval for updates on the bridging solution. The ILO has been requested to advise technically on the assessment of the rights to compensation benefits for victims of different RMG sector factory accidents. The arrangement for compensation in the aftermath of the Rana Plaza incident was massive and unaffordable for one single employer. Such incidents re-emphasise the need for the introduction of EII scheme. A few recommendations for taking forward the introduction of EII scheme came out through the evaluation of the 'Implementation of National Employment Injury Scheme of Bangladesh' project – the consultations with various stakeholders. The recommendations are presented below according to the Evaluation Criteria set out in this report.

Relevance and strategic fit

1. Continue to leverage cost-sharing with other agencies (for example GIZ, MoLE) by maintaining a high level of pro-active collaboration.
2. Prioritize to prepare a Theory of Change (ToC) and an M&E plan: There is a need to streamline and prioritize activities to be identified in the ToC following progress made during the time frame. It is also needed to identify and streamline indicators of the M&E plan and performance framework (PF). The plan should contain both quantitative and qualitative indicators.
3. Involve more pro-actively with the employers' and workers' organisations. This applies in particular to the senior management members of employers' organizations at national level. This is important as insurance for the workers is not at the top of their agenda, and therefore ways should be explored to enhance their engagement through exchanges with and the engagement of the employers' expert at national, regional and global level of ILO.

Effectiveness

4. More efforts need to be made for developing understanding and clarity of constituents, especially of workers – to make them better understand the importance of periodical payments. There is also a need to work on additional benefit of the workers from the scheme.
5. Maintain close relations with MoLE and increase the frequency of PAC meetings whereby decisions on scheme needs to be guaranteed.
6. Future discussions need to identify the differences of opinions among relevant stakeholders, seek to enhance clarity and find points of agreement on issues in the Scheme. Incentives for each stakeholder need to be clearly identified (e.g. potential benefit of the employers) and demonstrated with the representatives.

Impact and sustainability

7. MoLE should take the lead in facilitating the process in future, with ILO and other stakeholders providing technical support as required and sought by the MoLE. MoLE should lead the process following preparation of a roadmap for the introduction of an EII, taking employers and employees on board. Formation of a joint working group, with clear terms of reference and specific time frame may be considered to enhance ownership and consensus. Government-run public scheme is the only viable solution for a national scheme which will eventually cover at least all wage earners. Efforts need to be strengthened to enhance the current low confidence in the Government in Bangladesh.
8. The ILO has expressed concerns that national as well as international stakeholders have to come to realize that the cost of EII, although of an extremely low relative amount, has to be understood to be part of the purchasing prices of goods and services manufactured by the covered local enterprises and their workforces. There should be more concerted advocacy at multilateral forum by ILO and MoLE. This is a crucial political underpinning to the possible success of an EII scheme to come to reality.
9. The proposed scheme appears to have been prepared in consideration of RMG sector, as reflected in the document ‘Cost Estimate of the Proposed Injury Compensation Scheme in Bangladesh’. The view was articulated by the employers’ association representatives during the evaluation. The scheme needs to take into account and reflect the context of all the sectors where scheme could be implemented, model and strategies need to be adaptable to them all. Specific schemes which would imply the more hazardous sectors would likely never be covered if cost sharing is not spread over all sectors.

Social Inclusion

10. Health care including rehabilitation services to disabled workers can solve major issues of long-term financial problems of dependents of deceased workers and financial, health and employability issues faced by the disabled workers, which needs to be emphasised.

Lessons Learned and Good Practices

Finally, from the experience gained by evaluating the EII project, two Lessons Learned (LL) and one Good Practice (GP) have been compiled as follows:

Lessons learned

- The Lesson Learned is that in spite of the commitment from the highest level of the government (the Prime Minister) to introduce EII, lack of scope of facilitation and leadership from the government has led to non-achievement of project outputs.
- There is lack of clarity which has resulted in disagreement from employers regarding premium proposed in EII scheme. This acted as a major barrier in reaching tripartite agreement regarding the scheme.

Good practices

- The good practice is the knowledge development of tripartite constituencies through consultation process and exposure tour. The project organized several exposure visits for the representatives with an aim for better and practical understanding of EII scheme in developed and developing countries. These joint visits helped the representatives having better conceptual clarity of the issue.

ACRONYMS

BBS	Bangladesh Bureau of Statistics
BEF	Bangladesh Employers Federation
BGMEA	Bangladesh Garments Manufactures and Exporters Association
BKMEA	Bangladesh Knit Manufacturers and Exporters Association
BMZ	Bunders Ministerium Für Wirtschaftliche Zusamemenarbeit (German Federal Ministry for Economic Development and Cooperation)
DGUV	Deutsche Gesetzliche Unfallversicherung (German Social Insurance Scheme)
EII	Employment Injury Insurance
FGD	Focused Group Discussion
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit , GmbH (German International Cooperation)
GEIP	Global Programme for Employment Injury Insurance and Protection
GDP	Gross Domestic Product
ILO	International Labour Organization
IBC	Industrial Bangladesh Council
KII	Key Informant Interviews
MoLE	Ministry of Labour and Employment
NCCWE	National Coordination Committee for Workers Education
NGOs	Non – Governmental Organizations
NSSS	National Social Security Strategy
RMG	Ready Made Garment

SECTION ONE: INTRODUCTION

Composition of Bangladesh economy:

Bangladesh is striving to become a middle income country by 2021, with sustained GDP (Gross Domestic Product) growth of near or above 7% for the last few years. According to Bangladesh Bureau of Statistics (BBS) estimate the industries' sector grew at nearly 12% in the 2017-2018 fiscal year, compared to the GDP growth rate of an estimated 7.86%. Industries' growth rate has been consistently exceeding the GDP growth rate, increasing the share of industries in the GDP, which is expected to have risen to about 33.6% in 2017-2018. Within the Industries' sector, manufacturing sub-sector has been growing at a higher rate than the sector average, clocking growth of 13.4% in 2017-2018 – compared to 7% in Mining and Quarrying, 9.19% in electricity, gas and water, and 9.92% in Construction sub-sectors.

Since its emergence as an export oriented industry, the RMG (Ready Made Garment) sector has grown exponentially and has become the main driver of economic growth. The sector has grown on the back of women workers, creating employment opportunity for thousands of women. The relatively cheap labour pool, with requisite skills, service infrastructure and development of backward linkage industries has made Bangladesh an attractive sourcing destination of global brands, the tag line 'Made in Bangladesh' has promoted a positive image of the country around the world. With the experiences of both national and international markets this sector has grown and matured and has achieved export growth of 8.76% in FY2018.

The BBS estimates that over 12.6 million people have been employed in the industries sector. The RMG sector plays a critical role in the growth of the industries' sector and thus of GDP on the whole. According to the Financial Express¹ (6th August, 2017), RMG sector's contribution into the financial year 2016-17 was US\$28.14 billion. RMG sector is estimated to account for about 12.4% of GDP, it is overwhelmingly the biggest source of export earnings (80.7% in 2016-2017), employs about four million people – roughly half of whom are women.

The Labour Force Survey, conducted by the BBS in 2016-2017, indicates that 58.2% of the population aged 15 years and older was in the labour force; i.e. either employed or actively seeking employment at the time of the survey. Of them 95.8% were employed in some form, bulk of the employment (85.1%) were in the informal sector. Of those employed, 40.6% (32.2% of men and 59.7% of women) were employed in the Agriculture sector, 20.4% (22% of men and 16.9% of women) in Industries sector and 39% (45.8% of men and 23.5% of women) in Service sector. Manufacturing accounted for 14.4% of those employed (14% of men and 15.4% of women) and construction 5.6% (7.5% of men and 1.4% of women).

The transformation of Bangladesh economy has meant that, the share of employment in the manufacturing sector in total employment has been increasing over time. A study by CPD (Centre for

¹ A financial daily newspaper in Bangladesh (<https://thefinancialexpress.com.bd/>)

Policy Dialogue) ²indicates that manufacturing sector's share in total employment has increased from 11% to 14.4% in the ten years between 2005-2006 and 2015-2016.

Table 1: Employment scenario of Manufacturing and RMG sectors in Bangladesh (CPD working paper 118, 2018)

Employment in Manufacturing & RMG sectors	1995-1996	2005-2006	2015-2016
Share of manufacturing in total GDP	15.3	15.6	17.6
Share of manufacturing employment in total employment	7.5	11.0	14.4
Share of RMG in manufacturing employment	-	32.8	36.5
Share of female employment in total RMG employment	-	45.2	45.8

The share of RMG in manufacturing sector employment has been increasing gradually, along with a steady share of female employment in the RMG sector, indicated increasing participation of women in the manufacturing sector (Table 2). The table below indicates that wage of manufacturing workers have increased only modestly over the four years between 2013 and 2017.

Table 2: Manufacturing wage and employment growth (CPD Working Paper 118, 2018)

Wage/employment	Year 2013	Year 2016	Year 2017	Average yearly change (%)
Average monthly income (wage) in manufacturing (Tk.)	11,703	12,380	12,068	0.78

Price fixation in the RMG sector:

The RMG factory owners incorporate labour wages, raw materials, packaging, shipments, taxes and other costs and contributions, and their profits in the price they negotiate with the buyers. The general practice of price fixation involves direct negotiation between the buyer and the manufacturer. The negotiation between buyers and manufacturers, who have been working together since in the past, is usually based on trend prices and there is little variation in negotiated prices. For new relationships, the buyer tries to negotiate the price as low as possible and may negotiate with more than one manufacturer at the same time. There is an intense downward pressure on the price the manufacturers can negotiate because of intense competition from other manufacturers within the country and outside, as well as there being little or no coordination between the manufacturers. The manufacturers are at a particular disadvantage during the lean period when they may settle for any cutting-making price that is being offered by the buyer to cover their overhead and labour costs, while their bargaining position strengthens when the factories have sufficient orders to maintain production at capacity.

Occupation hazard in manufacturing:

Accidents have been occurring regularly in the manufacturing sector of Bangladesh but it is only after the Tazreen Fashion fire and Rana Plaza building collapse that the government and the international

²<https://cpd.org.bd/>

community became concerned about the frequency and magnitudes of accidents in manufacturing—particularly export oriented sectors of Bangladesh. 716,000 (6.0%) workers working in the manufacturing industries were subject to occupational injuries or illness in 2014 according to Bangladesh Labour Force Survey 2015-2016. The table below showing trends of death and serious injuries at workplace lends to the fact that these are regular phenomenon with spikes being representative of bigger disasters in a particular year. Based on comparable statistics in other countries, the ILO considers there is likely under-estimation, or under-reporting of occupational accidents and illnesses.

Table 3: Injuries, death in accidents at workplace (source: BLFS, 2015-16)

Note: *Under-reporting estimates not reflected.*

Injuries, death in accidents at workplace ³					
	2016	2015	2014	2013	2012
Dead	1,240	951	465	1,727	233
Injured	544	907	444	2,307	172

Reasons for accidents vary between industrial activities, from sticking of needles (in textile or garment industries), being hit by heavy objects or fall of objects, falling from heights are some common source of accidents. The workers suffer from injuries like knee and ankle, bone fractures, injuries to spinal cord etc. due to these types of accidents. More serious types of accidents – in terms of numbers of death and injuries, are resulted from structural collapses, fire, explosions etc., although they tend to be less frequent compared regular occupational accidents.

Insurance coverage for occupational injury and illness:

Group insurance for manufacturing workers has been made mandatory under ‘The Compensation Act 2005’ of Bangladesh Labour Act 2006 and amendments in 2015 and 2018. As a labour-welfare measure this helps secure insurance coverage for workers. Group insurance is mandatory for an establishment having at least 100 permanent workers. Depending on the number of workers employed, every owner is obligated to pay between BDT 12,500 and BDT 0.1 million to insurance companies as annual premium.

Compulsory Group Insurance: (1) The Employer shall introduce group insurance in under the existing Insurance Act, in the establishments wherein 100 permanent workers are employed. (2) The amount claimed as insurance shall be in addition to other dues payable to a worker under this Act.

According to the group-insurance policy practiced in Bangladesh, each of the workers, in one of the listed occupations, or his or her nominees is entitled in principle to receive BDT 0.2 million for death (0.1 by the insurance provider and 0.1 by the employer) and BDT 0.125 million for any disability while

³Bangladesh occupational safety , health and environment foundation

at work⁴. As per BLA amendment 2018, an employer provides BDT 0.2 million to the dependents of the deceased worker due to work and non-work related death. If the employer in the RMG sector contributes to the Central Fund, the dependents of deceased may receive another BDT 0.1 million under group insurance coverage. In practice, group insurance for an RMG factory covers maximum 25 death cases per year. In addition to compensation of 0.2 million and group insurance coverage of 0.2 million, if the depended of the deceased worker applies for financial support from the Central Fund, they may receive up to BDT 0.3 million donation in case of death of the worker due to work related injuries or diseases. With right based compensation and welfare based donation, dependents of a deceased worker in the RMG sector may receive up to BDT 0.6 million lump sum amount.

Compliance and interpretation of insurance provisions is considered lax in relation to international general principles and practices of insurance and social insurance.

Insurance service providers in Bangladesh:

The Insurance sector in Bangladesh, immediately after independence, was limited to two nationalized insurance companies – one for life and one for general; and a foreign insurance company. Insurance market was opened up for private investors from mid-1980s. Currently, 18 life insurance companies and 44 general insurance companies are operating under Insurance Act 2010⁵. Few people in Bangladesh, including among those with a contributory capacity, are seeking insurance, including for the conventional areas such as car insurance.

⁴<https://cpd.org.bd/cpd-khondaker-golam-moazzem-group-insurance-coverage-rmg-sector/>

⁵<https://www.bb.org.bd/fnansys/insurance.php>

SECTION TWO: OVERVIEW OF PROJECT

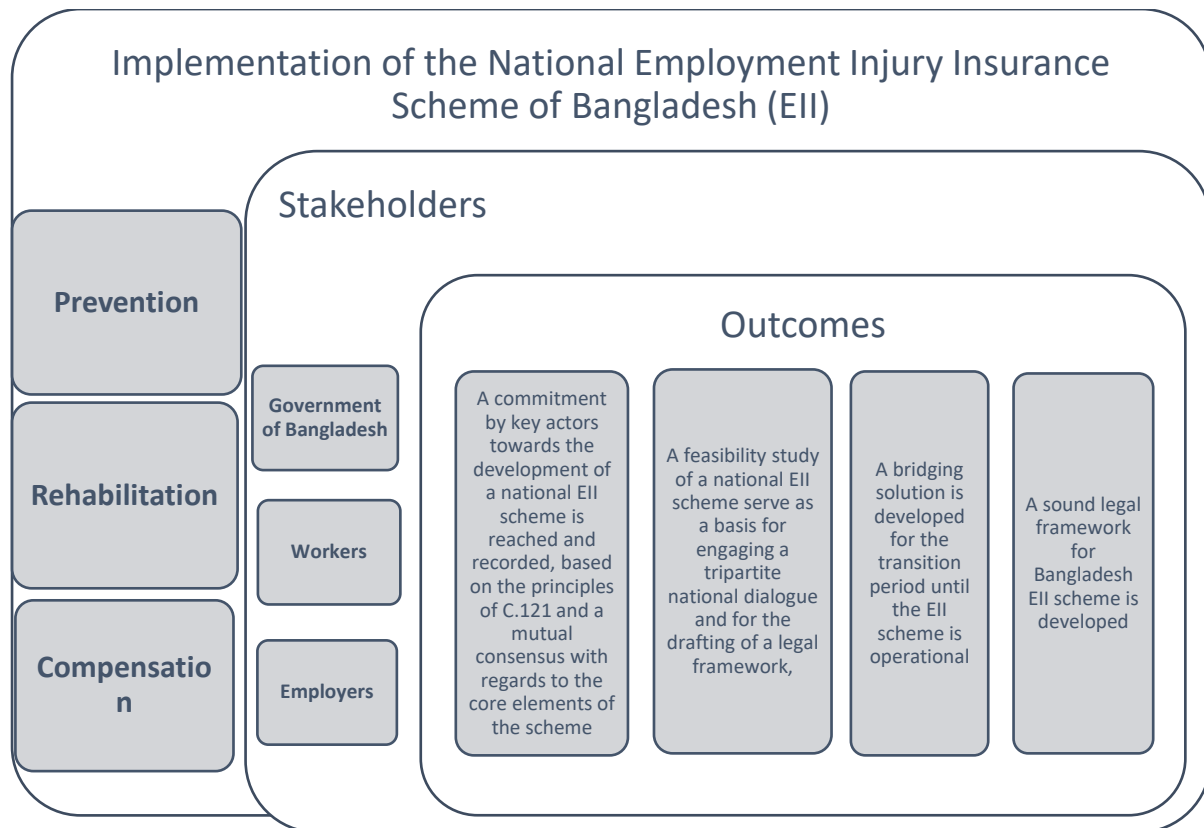
ILO acted as the neutral Chair of a multi-stakeholder coordination committee comprising of local and international trade unions, international brands and buyers, government, local employers' associations and local and international NGOs in the arrangement to compensate the victims after the Rana Plaza Building collapse in 2013, which took more than 1,100 lives and left around 1,900 injured. Under this Rana Plaza arrangement, coordinated and guided by the ILO, USD 30 million was disbursed to more than 5,000 claimants and long term medical care insured for the workers with disabilities.

Subsequently, based on the Ministry of Labour and Employment's (MoLE) positive experience in this ad-hoc compensation mechanism, on 9 July 2015, the MoLE sent a letter to the Director of the ILO Country Office for Bangladesh, asking the ILO to coordinate the initiatives for the implementation of an Employment Injury Compensation Scheme in Bangladesh. A Letter of Intent was signed among the government of Bangladesh represented by the MoLE, ILO and German government for introducing an EII in Bangladesh.

The ILO organized funding from multiple sources, including foremost its own ILO regular budget and regular budget supplementary account funds and funding from the Government of Italy. While a number of donors approached the ILO and expressed interest in funding the work of the ILO in response to the demand of the Government of Bangladesh (GoB), the project received funding from the Government of the Federal Republic of Germany (BMZ), with the total budget of up to maximum USD 1,008,009 (Euro 900,000). The ILO co-financed up to an amount of USD 214,947 during December 2015 to 31 December 2018.

Before the project started, the ILO had started some activities towards the project outcomes. Its inception followed the Letter of Intent signed by the Government of Bangladesh, the Government of Germany and the ILO in November 2015 and which spelled out the areas of work and the central coordination role, namely on policy, social dialogue, institutional development by the ILO.

The project focuses on national level interventions. It was designed to achieve four distinct outcomes; (1) a commitment by key actors towards the development of a national Employment Injury Insurance (EII) scheme is reached and recorded, based on the principles of ILO Convention 121 (C 121) and a mutual consensus with regards to the core elements of the scheme; (2) a feasibility study of a national EII scheme serve as a basis for engaging a tripartite national dialogue and for the drafting of a legal framework; (3) a bridging solution is developed for the transition period until the EII scheme is operational; and (4) a sound legal framework for Bangladesh EII scheme is developed.



Funded by- German Federal Ministry of Economic Cooperation and Development (BMZ)

SECTION THREE: EVALUATION BACKGROUND AND METHODOLOGY

Purpose of the Evaluation

The final evaluation of the ‘Implementation of the National Employment Injury Insurance Scheme of Bangladesh’ is designed to serve the purpose of; i) promoting accountability to the tripartite constituents, the donor and key stakeholders, and ii) promoting learning within ILO and among key stakeholders. The key audiences for the evaluation are the ILO constituents at the National level in Bangladesh, ILO ROAP, the donor (BMZ), ILO Decent Work Technical team in New Delhi, and ILO Bangladesh. The specific objectives of the evaluation are to:

- Assess the relevance of the intervention objectives and approaches, particularly in the adoption of a sustainable national EII scheme for workers employed in the formal sector in Bangladesh.
- Assess the project implementation effectiveness including the progress in achieving its intermediate objectives and results (including intended and unintended, positive and negative results), and effectiveness of management arrangements;
- Assess the project implementation efficiency;
- Assess the impact and sustainability and Identify factors (including challenges, opportunities) that enable the sustainability, particularly of the national stakeholders in Bangladesh;
- Provide recommendations and describe lessons learned and good practices that could be replicated.

The evaluation sought to address the ILO evaluation criteria that include 1) relevance and strategic fit, 2) intervention progress and effectiveness, 3) efficiency and 4) impact orientation and sustainability. For each of the criteria, the evaluation sought answer the questions listed below:

1) Relevance and strategic fit

- To what extent are the project strategies and approaches pertinent to stakeholders’ requirements and policies of partners and donors? And did the project strategies and approaches remain flexible and responsive to emerging concerns with regards to gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent the project design (outcomes, outputs and activities) align with National Social Security Strategy, related ILO P&Bs and DWCP as well as UN global (SDGs) and other country strategies (such as UNDAF)?
- How appropriate and useful are the indicators described in the project monitoring and evaluation plan in assessing the project’s progress at output and outcome level?
- Are the indicators gender sensitive?

2) Effectiveness (including effectiveness of management arrangements)

- To what extent has the project achieved its planned results (including intended and unintended, positive and negative)? If not, why? And what was the project’s contribution (or not) toward gender equality and non-discrimination and inclusion of people with disabilities?

- Will the project be likely to achieve the tripartite commitment towards the development of a national EII scheme? Are there any external factors that hindered or facilitated the achievement of the project?
- How effective has the project been at stimulating tripartite partners in providing recommendations for the EII scheme and drafting the legal framework?
- What were the major factors influencing the achievement or non-achievement of the project objectives? How effectively have these factors advancing gender equality, non-discrimination and inclusion of people with disabilities?
- To what extent do project management capacities and arrangements put in place support the achievement of the planned results?
- To what extent are the interaction and roles/responsibilities between the ILO office in Bangladesh, and other relevant projects in country (such as SDIR project, Sustainability Compact, Better Work, and Migration project) including those under the coordination of Global Programme for Employment Injury Insurance and Protection (GEIIP) and DGUV (German Social Protection Agency), and other GIZ project on Employment Injury Protection Scheme For the Workers in the Textile and Leather Industries clear and effective in achieving the influencing agenda goals of the project?
- To what extent have stakeholders, particularly workers' and employers' organizations been involved in project implementation?
- To what extent are the current function and format of the PAC and the EII committee working? Are these stakeholders helping to create the enabling environment? What can be done differently?

3) Efficiency of resource use

- To what extent has the project delivered value for money? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically and efficiently to achieve expected results? Could they have been allocated more effectively and if so, how?
- To what extent the project resources factor-in the cost of specific activities, outputs and outcomes to address gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent did the project leverage resources (financial, partnership, expertise) to promote gender equality and non-discrimination and inclusion of people with disabilities?

4) Impact orientation and Sustainability

- What strategies has the project put in place to ensure continuation of actions initiated after the project support ends?
- How effective has the project been in establishing national/local ownership? Are the linkages to broader sectoral and national action been made?
- To what extent the project outputs/benefits will be sustained?
- What were the intervention's long-term effects in terms of reducing or exacerbating gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent did the intervention advance strategic gender-related needs that can have a long-term positive bearing on gender equality and non-discrimination and inclusion of people with disabilities?

The evaluation was conducted considering the core ILO cross cutting priorities; gender equality and non-discrimination, promotion of international labour standard, tripartite process and local constituents' capacity building. Gender equality and non-discrimination, and inclusion of persons with disabilities were considered in analysing the relevant evaluation criteria.

Evaluation Scope, Methodology and Clients

The evaluation covers the Project implementation from 4 December 2015 to 31 December 2018 and was conducted by an independent consultant. The primary clients are the ILO constituents at the National level in Bangladesh, ILO ROAP, the donor (BMZ), ILO Decent Work Technical team in New Delhi, and ILO Bangladesh. The secondary clients are the other key stakeholders relevant to the project.

The evaluator had no prior involvement with the programming-setting, or design of the ILO EII project and had no vested interest in the outcomes of the evaluation. The evaluator drew conclusions based on triangulation of evidence from different data collection methods and both primary and secondary data sources. Two methods of data collection were used to conduct the evaluation:

1. **Desk Review-** of reports, documents (EII current status, EII fact sheet, Technical progress report 2017, Preliminary feasibility study (2015), Completion of feasibility study- ILO Technical memo (2018), briefs and relevant documents of ILO Bangladesh country projects ('SDIR project', 'Sustainability Compact', 'Better Work', 'Migration project'), mission reports. Project background documents and data were the most basic and important source of information about the project. Analyzing those documents helped understand the context and growth of the project. There was an attempt to try and analyze the extent of performance on certain indicators across the project based on the project reports. The evaluator analysed this to understand performance. In the course of the evaluation, the evaluator reviewed other relevant documents, particularly on the highlighted issues mentioned by the key informant interviewees. The preliminary list of documents was.
2. **Key Informant Interviews** –These interviews were conducted to get an in-depth image of the present state of the project. KIIs have also helped to get the projects stakeholders strengths and weaknesses and the challenges faced by them during the project implementation period. Following table shows a list of stakeholders for KII. KIIs were done individually or as group interviews in certain instances where 2-3 officials were available together. Since the sampling from the list of key informants was not based on quantitative and statistical techniques, the information provided insights, rather than evidence that were extrapolated at the project level. The informants for KIIs were selected on the basis of their involvement in the project. Hence the informants consisted of representatives of tripartite constituents, representatives of project implementing agencies (including management and technical personnel) and representatives of associated projects. A set of semi-structured questionnaire was developed and the evaluator conducted the interviews face-to-face or through Skype. KIIs were conducted in December 2018 and the debriefing for the validation were conducted in late January 2019. For selecting the key informants, the evaluator followed purposive/ subjective sampling method. The list of key informants is mentioned below⁶:

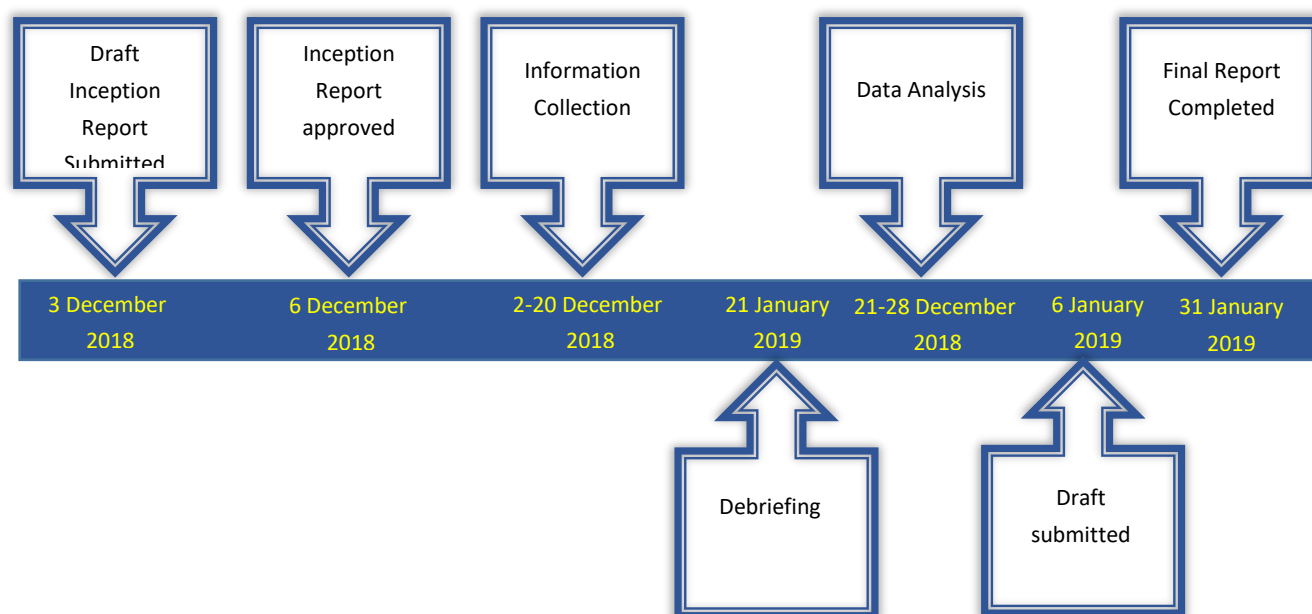
⁶ List of persons contacted and meeting schedule is in Annex 2

Executing agency	<p>Country director ILO CO Dhaka</p> <p>Programme people of ILO Dhaka</p> <p>ILO Delhi Workers Specialist</p> <p>Employers Specialist, ILO Delhi</p> <p>ILO HQ backstopping unit, GEIP (Global Programme for Employment Injury Insurance and Prevention)</p> <p>Representative of the projects SDIR</p> <p>GIZ's Employment Injury Protection Scheme for the Workers in the Textile and Leather Industries (EIPS)</p>
Government representatives	MoLE (Ministry of Labour and Employment)
Employers organizations	<p>BEF (Bangladesh Employers Federation)</p> <p>BGMEA (Bangladesh Garments Manufacturers and Exports Association)</p> <p>BKMEA (Bangladesh Knit Manufacturers and Exports Association)</p>
Workers organizations	<p>NCCWE (National Coordination Committee for Workers Education)</p> <p>IBC IndustryALL Bangladesh Council</p> <p>Bangladesh Institute of Labour Studies (BILS)</p>
National implementing partners	MoLE
Donor	Embassy of the Federal Republic of Germany

Regarding ethical issues, the evaluation followed norms and safeguards. These were:

1. Privacy of the participants was carefully maintained. Before interviewing any respondent, permission was sought and objectives of the evaluation were explained.
2. Interviews were recorded with consent of respondent for reference during analysis.
3. Commitment to producing an evaluation of developmental and practical value;
4. Avoid harm to participants
5. Respect for cultural norms;
6. Application of an inclusive approach ensuring access and participation of women
7. Assurance of voluntary participation of the stakeholders and free from external pressure
8. Commitment to confidentiality and anonymity of participants.

Triangulation of findings was achieved through triangulation by method that included document review, individual interviews and group interviews where feasible and appropriate and analysis of secondary data (methods) as well as through interviewing a range of stakeholders at different levels from a variety of institutions and reviewing a wide range of documents. The stakeholders were provided with opportunities to participate meaningfully in the evaluation process. At the end of the field mission, debriefing session at ILO Dhaka office was organized to validate preliminary findings, conclusions and recommendations. The report was finalized after incorporating feedback and comments from the stakeholders.



Limitations of the Evaluation

Every evaluation poses its own inherent limitations as to what can realistically be carried out within the scope of the mission, and this assignment was no exception. The proposed timeline had the mission being undertaken in December 2018 in the days prior to the Bangladesh Parliamentary Election. The government officials and employers –many of the employers are involved with politics and some were candidates in the election, were occupied with the preparation for the Election. As a result, many of them could not find the time for a meeting with the evaluator to give their inputs and opinion for the evaluation.

SECTION FOUR: FINDINGS

4.1 Relevance and Strategic Fit

Evaluation questions:

- To what extent are the project strategies and approaches pertinent to stakeholders' requirements and policies of partners and donors? And did the project strategies and approaches remain flexible and responsive to emerging concerns with regards to gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent the project design (outcomes, outputs and activities) align with National Social Security Strategy, related ILO P&Bs and DWCP as well as UN global (SDGs) and other country strategies (such as UNDAF)?
- How appropriate and useful are the indicators described in the project monitoring and evaluation plan in assessing the project's progress at output and outcome level? Are the indicators gender sensitive?

The 'Implementation of the National Employment Injury Insurance Scheme of Bangladesh' project was undertaken in order to ensure that industrial workers are protected from the loss of livelihood as a result of any occupational injury or illness. The project rationale was justified based on Bangladesh's commitment to the ILO convention (article 121, in particular), its own 'National Social Security Strategy', the provisions of Bangladesh's Labour Law and ILO and Bangladesh government's commitment towards the Decent Work Country Programme (DWCP).

The initial EII scheme proposal in context of ILO convention 121: The ILO convention 121 provides the guidelines for 'Employment injury benefit' facilities in its member states. The main aspects of convention 121 are aimed at prevention, rehabilitation and compensation. Under these aspects main features of convention 121 are as below⁷-

- Periodical payments, corresponding to at least 60% of the reference wage in cases of incapacity for work or invalidity either permanently or temporarily,
- Benefits for dependents and heirs; widow, disabled and dependent widower, dependent children and dependent parents in case of death of breadwinner (with periodical payments corresponding to at least 50% of the reference wage)
- Obligation to prescribe minimum amount for these payments
- Converting payments into a lump sum under certain conditions
- Supplementary benefits for disabled persons who require constant help of a third person.

The EII scheme proposed for Bangladesh creates the scope for periodic payment in line with the ILO convention. It fixes the compensation for disability to sixty percent of reference wage, and provides for a total sixty percent compensation proportionately distributed among dependents in case of death. The EII scheme also provides for coverage for costs of treatment at health service providers (general practitioner

⁷<https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang--en/index.htm>

and specialist care – including dental care, in- and out-patient services and maintenance at hospitals, sanatorium and other medical institutes), prosthetics, surgery and nursing at home. The legal framework for the EII scheme lists a number of diseases which constitutes occupational illnesses and thus suffering from them would create a claim for compensation, the list is deemed periodically reviewable and updatable. The legal framework specifies conditions – in relation to maintaining required safety and safeguards, which would disqualify a claimant from receiving compensation for injuries from occupational accidents.

Unlike the convention, the proposed EII scheme and its legal framework, however, does not provide for the costs and initiatives towards rehabilitation – vocational rehabilitation and return to work in the initial stage. However, later proposed EII includes rehabilitation. The EII on the other hand provides for a lump sum cost to the worker's heir for the dead worker's funeral.

The legal framework for the EII scheme proposes a financing mechanism through contribution by employers in lieu of payroll to create the fund from which the obligations would be paid out. It proposes the contributions rate to be annually adjustable with actuarial estimates.

The legal framework takes away the workers' rights for civil action law suits for compensation, except for the negligence cases, once the EII scheme is operational and provided the employer participates in the scheme, and thus provides protection for employers in case of accidents involving severe damages to a large number of workers.

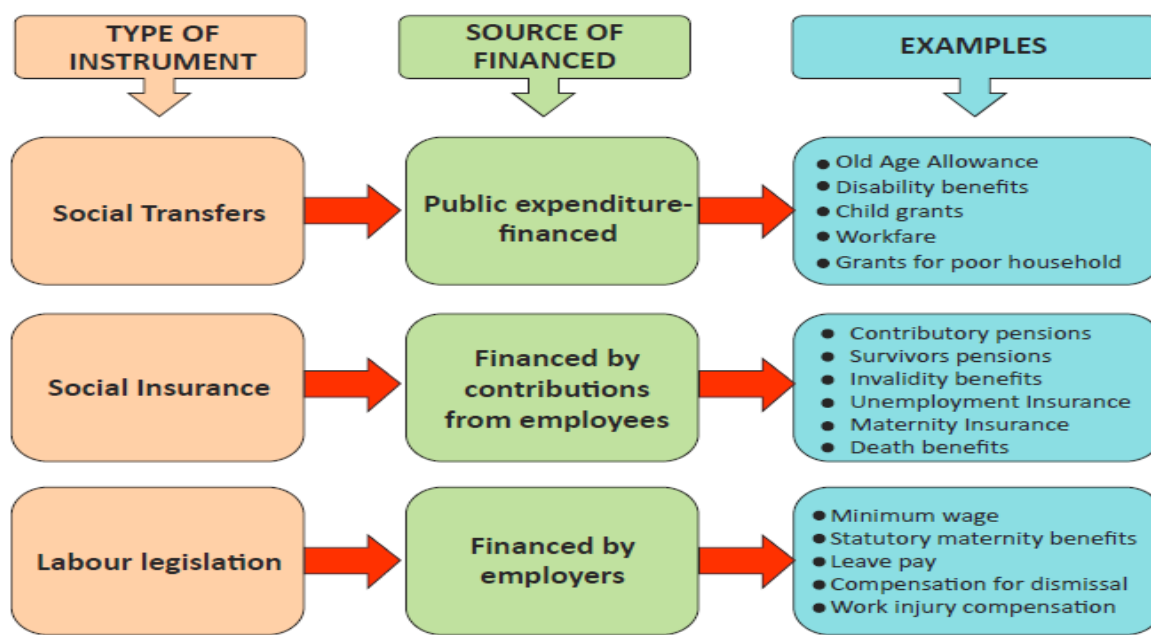
The legal framework also provides for an agency – within the government, to manage – raise and execute obligations, the fund. The legal framework also provides for a supervisory body comprising of representatives of tripartite – the government of Bangladesh, employers and employees.

Initial EII scheme proposal in the context of National Social Security Strategy (NSSS): The NSSS recognises the implication of illness and injuries for the wellbeing of breadwinners and their families. It mentions, “Health shocks are the most common challenge faced by households. Studies have suggested that 90% of households identified poor health as the main cause of economic difficulties.”⁸ It also recognises the hardship that disability of bread earner brings to a family, “Becoming disabled during working age has significant repercussions for families. Research suggests that 87% of those becoming disabled left employment within one year. As people lose employment, their incomes are slashed. Furthermore, 90% of care takers – mainly their wives – had to spend more time caring for their husbands, thereby reducing their own ability to gain an income The income loss can be considerable and they also face significant additional health costs.”⁹

⁸ NSSS page 19

⁹ NSSS page 21

Financing strategy (pg 64): there is specific mention about financing by employer



The NSSS identifies the absence of insurances for the unemployed and the injured workers as two critical social security gaps, “As Bangladesh continues to develop the manufacturing and organised services based income and employment opportunities, the importance of these two Social Security interventions will grow....The strategy for reforming the present Social Security system will need to pay attention to these aspects of protection for the working age Population.”¹⁰ The NSSS recommends setting up a National Social Insurance Scheme (NSIS), based on principles of employers and employees jointly paying contributions into a national social insurance fund. It would provide pensions as well as addressing other contingencies (such as disability, sickness, workplace accidents and injuries; unemployment and maternity).¹¹ The NSSS recommends the NSIS to be initially aimed at those in the formal sector from whom contributions can be collected relatively easily and to gradually expand it to the informal sector. ILO considers that this would preclude vast evasion and noncompliance with an NSIS. The contributory capacity of workers and employers need to be evaluated carefully and social dialogue must ensure that all parties are aware of the implications. In addition, the building up of national administrative capacities as well as the general public education towards the advantages of a NSIS should be secured and this takes time given the culture in Bangladesh that is not enabling for insurance in general.

The initial EII scheme proposal and its gradual implementation in line with national capacities, provides a sound basis to build upon whenever an NSSS is designed as an outcome seeking to develop a social security mechanism for workers against disruptions in livelihood due to workplace illnesses, accidents and injuries. It seeks to create a periodic payment mechanism for the duration of disability/disruption – life long for permanently disabled, compensation for dependent family members and also cover the cost of treatment thus reducing the burden resulting from the shock. Thus the EII scheme largely follows the

¹⁰ NSSS page 30

¹¹ NSSS page 55

concerns and recommendations of the NSSS, and is a fit with the government policy and strategic framework. One crucial area of departure in the EII is that it envisages contribution by the employers only, whereas the NSSS recommends setting up the insurance fund with contributions from both employees and employers. EII schemes cover non work related injuries and diseases can be co-funded by workers. At the initial stage, it is recommended to start with only work related injuries and diseases and with employers contribution.

Initial EII scheme proposal in the context of Bangladesh labour law: The EII creates the scope for compensation coverage for occupational illnesses and injuries resulting from occupational accidents like it does in the 2013 amendment of Bangladesh Labour Law (Section 28, Clause 7). The law provides for a group insurance, to be bought from an insurance provider, that would cover the cost of treatment of workers in case of occupational accidents (Section 45, Clause 11), it provides for compensation to the nominees or heirs, with some restriction with regards to duration of employment, in case of death of a worker; whereas the EII scheme covers compensation for illnesses, injuries, permanent and temporary disablement and death, with some eligibility restrictions in terms of duration of work disruptions and maintenance of safety protocol in case of minor injuries. The 2015 amendment of Labour Law provides for a Central Fund for Labour welfare in export oriented industries and industries with foreign investment, 50% of the fund for Beneficiary Welfare Account and 50% for Emergency account¹². The 2018 amendment accommodate payment of group insurance premium from the Central Fund. It would replace the earlier provision of group insurance premium payment by individual employers in export oriented industries and those with foreign investment.

The EII scheme expands the coverage of the compensation and replaces one off payment with periodic payments, except in exceptional circumstances; and is in line with the principles of relevant existing laws of Bangladesh. In fact, the legal framework of EII scheme proposes to replace the provision of donation under the Central Fund.

¹² (4) 50 (fifty) percent of the total fund received to the fund shall be deposited to the Workers' Welfare Account and 50 (fifty) percent to the Emergency Account.

(7) The donation from the **beneficiary welfare fund** shall be provided in the following cases, namely:-

- (a) In the course of employment if a worker dies, or dies subsequent to any injury sustained during work or dies of any occupational disease or becomes permanently disable due to an accident at work or due to effect of occupational disease, the beneficiary concerned or appropriate inheritors and dependents shall receive Taka three lac as donation from the fund;
- (b) If a worker becomes sick during his employment or dies when he is outside the course of his employment or becomes permanently disable, he or his inheritor shall receive a fund amounting to taka two lac as donation;
- (c) If a beneficiary loses any of his limb at the time of working which is not a reason for being permanently disabled, he shall be entitled to get a donation up to Tk. one lac from the fund;
- (d) Arrangements for treatment or financial supports for the beneficiaries;
- (e) Providing Scholarship or stipend for education of meritorious members of families of the beneficiaries;
- (f) Any other activities in relation to running the fund and related administration;
- (g) Establishment of specialized hospital as part of social security facilities; and
- (h) Any required initiatives for the fulfillment of the above-mentioned activities and any other activities for fulfilling the objectives of this Act.

(8) From the **Emergency Account** donations may be given for the following cases:

- (a) In case of transfer or permanent closure of any factory or establishment according to Section 28(A), the partial or full payment of money to the beneficiaries by the board in accordance with Rule 32.

Amendment 2018: group insurance premium will be paid from this account.

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Initial EII scheme proposal in the context of Decent Work Country Programme (DWCP) of ILO: The DWCP is one of the main instruments to promote decent work opportunities in the ILO's signatory countries, which i) promotes decent work aligned with the country's national development strategy and ii) seeks to create a mechanism of 'Tripartite Constituents' and through this tripartite constituent's dissemination ILO knowledge, instruments, advocacy and corporation services.

The EII is in **primarily** line with OSH priorities in the DWCP of Bangladesh. The priority 4 of DWCP for Bangladesh, seeks to promote social protection for all workers and vulnerable groups including protection against climate change. The expected outcomes relevant to the priority include –

(4.1) Employment injury social protection schemes for selected sectors developed and implemented.

The project sought to develop an EII scheme that would initially begin with the export sector – specifically the RMG sector, and gradually be scaled up to cover all formal sectors in Bangladesh. The scheme would provide social protection for the workers aligning with the NSSS of Bangladesh. The project helped develop the knowledge of the key stakeholders – the government, employers and workers, its legal framework for the scheme builds on a tripartite commitment towards the scheme and provides for its governance by a tripartite body.

EII in the context of EIPS: The ILO had sought 12 million USD in 2014 in its project proposal. Following its proposal, a Letter of Intent was signed between the governments of Bangladesh, Germany and the ILO. It was agreed to split the work of ILO with GIZ. There was an agreement in principle that ILO would lead as per the LoI. The Government of Germany also allocated USD 4 million to GIZ for a project on Employment Injury Protection Scheme (EIPS) in Textile and Leather Industries which was expected to work as a complimentary project to the ILO project, including other ILO activities around EII. However, it took a long time for the GIZ project to receive approval from the MoLE. The GIZ project contained “developing legal framework”, which was contrary to the Nov. 2015 Letter of Intent between the two governments and ILO, and which the MoLE considered an overlap of the activity under the already approved ILO project. In 2017, the MoLE asked GIZ to include a provision for capacity development of the Central Fund in the project document (TAPP: Technical Assistance Project Proposal, a format used by government for project approval). One year later, the MoLE issued a notice to GIZ for replacing the Central Fund with Department of Inspection for Factories and Establishments (DIFE). These changes in policy level decisions caused further delay for GIZ to operate the project as planned.

The ILO and GIZ collaborated in forming an Alumni Forum of the participants who joined any of the Study Visits on EII abroad. ILO noted a number of challenges faced with its GIZ counterparts with whom it met on a regular basis. Amongst those challenges were the inherent and unavoidable difficult coordination and the fact the ILO was faced with the hurdles without the necessary resources while GIZ could not move on with its own project as anticipated initially. From an ILO perspective, the dismantling of the coordination work between ILO and GIZ may not have been ideal. The GIZ work could have encompassed the role of key technical expertise from Germany DGUV and reporting to the BMZ German Partnership for textiles, and with GIZ key role at the supervisory and donor level up until a law is passed and the EII scheme is fully operational with ILO support. At all times, the ILO has appreciated the key and unique important political support role of the German Government and GIZ throughout the project. In ILO perspective, these challenges may have created

confusion on the government of Bangladesh and social partners' part in Bangladesh, delaying realisation of the outcomes.

4.2 Intervention Progress and Effectiveness

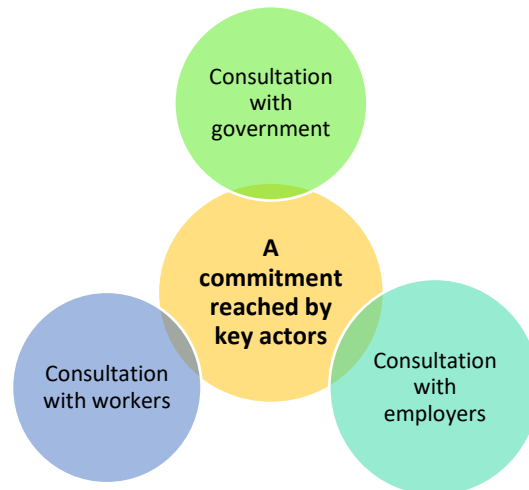
Evaluation questions:

- To what extent has the project achieved its planned results (including intended and unintended, positive and negative)? If not, why? And what was the project's contribution (or not) toward gender equality and non-discrimination and inclusion of people with disabilities?
- Will the project be likely to achieve the tripartite commitment towards the development of a national EII scheme? Are there any external factors that hindered or facilitated the achievement of the project?
- How effective has the project been at stimulating tripartite partners in providing recommendations for the EII scheme and drafting the legal framework?
- What were the major factors influencing the achievement or non-achievement of the project objectives? How effectively have these factors advancing gender equality, non-discrimination and inclusion of people with disabilities?
- To what extent do project management capacities and arrangements put in place support the achievement of the planned results?
- To what extent are the interaction and roles/responsibilities between the ILO office in Bangladesh, and other relevant projects in country (such as SDIR project, Sustainability Compact, Better Work, and Migration project) including those under the coordination of Global Programme for Employment Injury Insurance and Protection (GEIIP) and DGUV (German Social Protection Agency), and other GIZ project on Employment Injury Protection Scheme For the Workers in the Textile and Leather Industries clear and effective in achieving the influencing agenda goals of the project?
- To what extent have stakeholders, particularly workers' and employers' organizations been involved in project implementation?

The project was implemented to achieve four outcomes, with a set of activities planned for each outcome. It should however, be noted that the outcomes were inter-related in that, for example, achievement of first outcome – buy in of key national stakeholders was required for working towards the other three outcomes, and agreement on the scheme design and legal framework was a pre-requisite for the commitment of the stakeholders to operationalise the scheme. This section discusses the activities carried out under each outcome and the evaluator's observations regarding the achievement of them.

Outcome 1:

A commitment by key actors towards the development of a national EII scheme is reached and recorded, based on the principles of C.121 and a mutual consensus with regards to the core elements of the Scheme.



Planned activities:

1. Consultations with ILO partners (GIZ, DGUV, MoLE, donors) to confirm whom are the key actors that need to be consulted,
2. Consultation with key actors.

Activities carried out:

- In addition to several meetings with the MoLE focal person, there were three in-depth discussion meetings with the State Minister.
- The ILO HQ and a government delegation, led by the State Minister, MoLE participated in a planning workshop organized by GIZ in Malaysia.
- Visits were undertaken to Cambodia, Germany, Malaysia and South Korea to learn about the respective country's EII scheme and administrative mechanism.
- Several HQ missions took place during the project period. During these missions, there were meeting with the Ambassador of the Federal Republic of Germany, consultation meetings with GIZ and BMZ, in addition to meetings with tripartite stakeholders.
- The Senior Legal Expert, EII project, Senior Actuary, ILO met MoLE focal person, and GIZ, BEF, BGMEA, BKMEA, Jatiyo Sramik Federation and Bangladesh Institute of Labour Studies representatives.

During the missions, several one-to-one meetings and joint meetings with the key tripartite policy makers – including MoLE, BEF, BGMEA, BKMEA and NCCWE; and consultations with stakeholders, including Accord, Alliance and retailers; and local experts had taken place. Meetings also took place between the EII project, ILO and EIPS project, GIZ. Inputs from these meetings were reflected in the draft design of the EII scheme and the draft advocacy strategy.

The meetings and missions has resulted in an articulated appreciation, within the MoLE, employers' and workers' associations, about the inadequacy of current provisions for social protection of workers – in case of occupational illnesses and injuries and the need to introduce an expanded provision, namely the EII scheme as suggested by the ILO. However, there remain areas of these agreements, particularly with regards to financing of the scheme – specifically the employers' contribution to the scheme. The NCCWE

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view is that the EII scheme should be a separate mechanism from the Central Fund mechanism, whereas the employers, while they recognise the need for an EII type mechanism, are unwilling to contribute any further than they do for the Central Fund. The other challenges identified for the initiation of EII scheme include –

- A lack of confidence among the employers and workers about the capability of the designated agency to administer the scheme.
- There appear to be a general perception of challenge about the ‘payroll deduction’ process for creating the EII fund, for there not being any such precedence in Bangladesh.
- The workers’ association also sees periodic payment mechanism to be a challenge, particularly in the context where the recipients were residing in remote villages.
- Workers’ representatives also have reservations about indemnifying the employers from civil lawsuits in return for their contribution towards the EII scheme fund. They feel that this will make the employers less concerned about preventive measures for workers’ health and occupational safety.

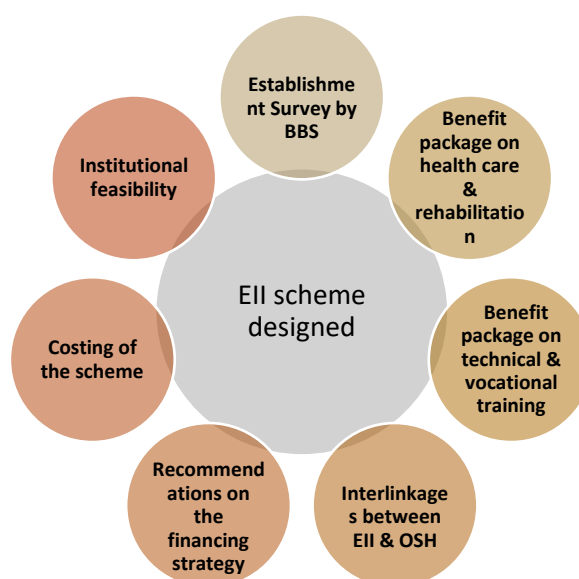
The MoLE has formed a Project Advisory Committee (PAC) which is chaired by the Secretary, MoLE and consists of representatives from Bangladesh Employers’ Federation (BEF), Bangladesh Garments Manufacturers and Exporters Association (BGMEA), Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), National Coordination Committee for Workers Education (NCCWE), IndustryALL Bangladesh Council (IBC).

The PAC has been able meet only once since its formation and hence the challenge of building consensus and shared commitment among the stakeholders persists. The MoLE recognises the need for the EII scheme, with a provision for rehabilitation services for injured workers who are unable to return to work in their previous form. It also recognises the employers’ reluctance to participate in the scheme in addition to their commitment to the Central Fund, and has taken the position that the initiative can only move forward if the other two stakeholders – the employers and the employees, can reach an agreement. Given the uncertainty, the government is reluctant to commit to a specific timeframe for the introduction of EII.

There is, however, an expressed commitment from the top level of the government, including the Prime Minister and Advisor to the Prime Minister. During the December 2016 visit of the ILO Director-General Guy Ryder to Bangladesh, the Prime Minister Sheikh Hasina raised a number of issues and provided a commitment towards the EII. She has repeated her demand for an EII scheme on multiple occasions.

Outcome 2:

Feasibility study of a national EII scheme serve as a basis for engaging in a tripartite national dialogue and for the drafting of a legal framework.



Achievements against planned outputs:

Planned output	Achievement
Establishment survey to be conducted by the Bangladesh Bureau of Statistics (BBS) on employment injuries and diseases, covering a large number of workers from all economic sectors	<p>BIDS conducted the survey in different sectors such as, RMG, textile, cement, ship building, ship breaking, leather, and pharmaceuticals sectors on behalf of the ILO and submitted data set and a report in October 2017. The data collection period was 2017 and data collected from the past three years. The ILO considered the data deficiencies, namely under-reporting deficiencies for work-related injuries in the sectors covered, and drafted its own report drawing on the basis of BIDS inputs. Initially the plan was for the BBS to conduct the survey, but they had declined to conduct it because of the ‘sensitivity’ of the issue. Following their declining to do it, the survey was commissioned to BIDS.</p> <p>The survey took longer than anticipated as it took a long time for the BIDS experts to design a questionnaire, this being a first survey of its kind in Bangladesh.</p> <p>There was objection from the MoLE to include sectors other than the RMG, in the survey. Consultations were held with the ministry to help them understand the necessity of including other sectors. The survey, having already started, had to remain suspended until the issue was resolved.</p> <p>There was also resistance from specific sector, the ship breaking industry, while conducting the survey, which was overcome with the help of the Department of Inspection for Factories and Establishments.</p>

Recommendations on the structure of the new law on employment injury insurance in the context of the labour code and other national legislation

The Senior Legal Expert of EII project, with assistance of a national expert to incorporate the context of Bangladesh's labour code and other legislations, drafted a report with recommendations for the structure of the law on the EII scheme. The recommendation was shared at a seminar with the tripartite in July 2018. The MoLE recommended specifying every detail of the draft legal framework to make it consistent with the relevant laws of Bangladesh. The recommendation also included detailing the administrative structure of EII in the law.

Benefit package for health care of disabled workers and payment methods to medical doctors proposed

A team of international health care expert and a national rehabilitation expert developed a draft benefit package.

Benefit package for physical and vocational training of disabled workers and payment methods to training institutions proposed

During the missions, they met health care and rehabilitation institutions and experts including BMA, CRP, Gonoshasthya Kendra, CDD, HI, Bangladesh Medical and Dental Council, BRAC, BILS, MoHFW, RMG factories and BGMEA clinics (for onsite health care). The mission also met representatives from BEF, BGMEA, DIFE and GIZ. These meetings helped conceptualising the perspectives of tripartite stakeholders on the provision of health care services to the injured workers, the assessment of permanent disability and its impact on loss of earnings capacity in the Bangladesh context as well as the provision of physical and vocational rehabilitation services.

In the mission in October 2017, recommendation for a medical and rehabilitation scheme under the EII was presented to the TAC.

The presentation was delayed from July 2017, as the formation of TAC by the MoLE was delayed.

Framework development in the inter-linkages between the EII scheme with national policies and programmes for occupational safety and health (OSH) and labour inspection

A draft report on inter-linkages between the EII scheme and national policies and programmes for occupational safety and health (OSH) and labour inspection was developed.

The report was developed based on consultations with the constituents and review of existing occupational safety and health (OSH) and labour inspection mechanism, mainly through Department of Inspection for Factories and Establishments.

Recommendations on the financing strategy of the new law on employment injury insurance

Different options (pay-as-you-go, full funding by contributions or a combination of both) were discussed in the meetings with and in seminars with the constituent stakeholders. The participants were briefed about the up and down sides of each option. Pay-as-you-go approach was recommended for financing the scheme.

	Disagreement, however, remains between the workers and employers representatives on whether Central Fund should and can bear the cost of an EII scheme. The workers' representatives were against the use of Central Fund for the EII, while the employers were reluctant to contribute any more than what they do for the Central Fund.
Costing of various design options based on principles both in line with C.121 and acceptable to the key actors	<p>A cost estimate of the proposed injury compensation scheme was developed based on the benefits package (medical benefits, injury and incapacity compensation and compensation for death) and the estimates from the BIDS survey as well as from statistics of the countries hosting similar industries with similar economic conditions.</p> <p>The employers, however, are of the opinion that the proposed cost is an overestimation compared to what an actual payment liability would be. This is because they are of the opinion that accident, injury and death estimates are upwardly biased in the design¹³. Subsequent revisions to the draft EII legal proposal will eventually lead to a compromise between GOB, employers and workers. This is common practice for approving a new law on social insurance.</p>
Institutional feasibility of the EII scheme in the context of national public and private organizations linked to the EII scheme	<p>The draft legal framework proposes an institutional arrangement for managing and administering the EII scheme and for its governance.</p> <p>The management and administration of the scheme would be vested with an 'EII Agency', constituted under the direction of the EII Agency Governance Board – which in turn would have representation (3 from each side under draft legal framework) of the government, employers and workers.</p> <p>Much of the discussion during the design of EII scheme and drafting of the legal framework centred on the perceived capacity shortfall of the government EII agency. Therefore, there</p>

¹³ According to BEA, 'The basis of calculation needs detail clarification. The number of average industrial accidents in a year should be taken into consideration based on past records. Rana Plaza accident must not be taken as a bench mark for estimating industrial accidents. In Bangladesh, there is no monthly payment system exists in private sector in any form either as pension or any other compensation. Introducing a new system needs thorough study and very careful consideration. In addition, according to a reasonable estimation, 85% of the workers work in the informal sector where hardly any service record of workers/employees are maintained; mostly they work on daily/monthly master roll basis and precarious employment relationship exists. This is the reality and cannot be ignored.'

is a need for further consultations and reaching an agreement that meets each stakeholder's perspective.

Key Findings of Study conducted by BIDS

- Most reported accident in manufacturing sector is being **hit by objects**. For textile and RMG sector this percentages are respectively, 46 % and 13%.
- Percentage of **injuries led to death** for reported accidents for RMG sector is 1.7 % and 2.4 % for textiles.
- 25.1% of **accidents** made the worker **miss her/his next shift**
- 29.6% led to **absence** from work for a **few days to more than 30 days**.
- **Full disability** occurred in 0.3% cases in the RMG sector
- **Partial disability** occurred in 1.5% cases in RMG sector and 1.2% cases in textile sector.
- 91.7% of the RMG factories surveyed experienced an accident related to **needle sticking**.

In summary, the feasibility study, the benefits design, financing proposition and the legal frame for the introduction of an EII scheme, was drafted, shared and discussed among the tripartite stakeholders. However, in absence of agreement and commitment by all stakeholders, the scheme and the law cannot be formally adopted and taken forward for implementation by the government.

Outcome 3:

A bridging solution is developed for the period until the EII scheme is operational.



Achievements against planned output:

Planned output	Achievement
A bridging solution is developed for the period until the EII	A draft report on the Bridging Solution was developed as part of the development of the EII scheme and legal framework. The report was developed on the basis of consultations with key stakeholders, including the

scheme is operational	<p>ILO, DGUV, GIZ and tripartite constituents and review of existing legislation. It was presented at a seminar with tripartite partners.</p> <p>The draft proposed the Central Fund as the administrative agency – as one already existing for similar provision, for the bridging solution.</p> <p>As the current legislation covers much of the benefits under the ILO convention 121, the bridging solution proposed limited coverage of severe injuries and permanent incapacity and death. The high incidence, low cost cases were left out of the purview of the bridging solution.</p> <p>For financing the bridging solution draft report recommended fully funded system, to be mobilised through existing legislation.</p>
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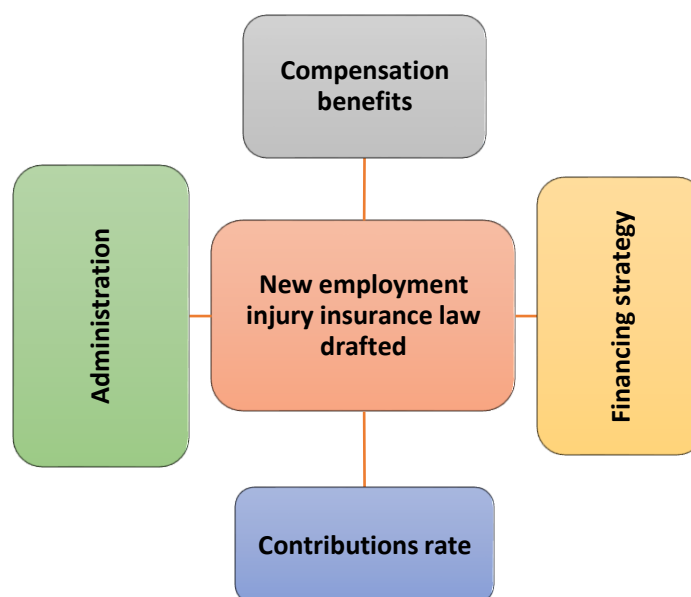
The EII Scheme

Dependent	Percentage of reference salary	Benefit duration
Widow	40%	Life, terminates at remarriage
Dependent widower	40%	Life, terminates at remarriage
Child 1	10%	Termination reaching the age 21
Orphans (no surviving parent)	30% for the first one, and 15% for each additional one	Termination reaching the age 21
Dependent parents	45% if both are alive 30% if only one is alive	Life

Although the bridging solution was developed, presented and discussed; it was not made operational in the project period, as there remained disagreement about the EII scheme and there was not a firm commitment towards a timeframe for implementation of the EII scheme.

Outcome 4:

A sound legal framework for a national EII scheme developed.



Achievements against planned output:

Planned output	Achievement
New employment injury insurance law and a set of regulations on financing strategy, benefits and administration of the new EII scheme.	<p>A draft of new employment injury insurance law was developed in consultation with key stakeholders, including relevant ministries, key stakeholders and experts, including lawyers working on labour right issues. Workshops and meetings were held for the stakeholder inputs into the draft law.</p> <p>The draft was shared in a meeting of tripartite national stakeholders in July 2017 and a revised draft was developed following the feedback of the meeting. The revised draft was shared in a seminar in presence of the State Minister, MoLE in November 2017. The draft was translated in Bangla.</p> <p>It was shared in a meeting of international brands and buyers in April 2018.</p>

Summary findings of progress and effectiveness:

ILO carried out the planned activities over the course of three years of the project. The activities included capacity building of MoLE of GoB, employers' and workers' association officials and representatives; consultations to obtain general preference parameters of the tripartite partners and other stakeholders including international alliances (Alliance, Accord, IBC), retailers sourcing their products from Bangladesh, etc.; design of the initial EII scheme – including a bridging solution, and a draft legal framework for operationalising the proposed EII scheme. Design of the scheme, bridging solution and legal framework was done with technical support of the ILO Geneva office and was preceded by an accident incidence

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survey by a Bangladeshi research institution (BIDS). Following the design process the proposed scheme and legal framework was shared with the tripartite partners and other stakeholders for their feedback.

These activities have resulted in the realisation of the need for and the commitment to introduce such a protection scheme. There has been an agreement regarding the core elements of the scheme among the tripartite and other stakeholders, as relevant to the proposed outcome 1 of the project.

Outcomes 2 (feasibility assessment and design of EII scheme), 3 (design of an interim bridging solution) and 4 (development of draft legal framework) have been achieved to the extent that the relevant document drafts have been prepared. There remain some elements of disagreements among the tripartite partners, however, which render the proposed EII scheme and bridging solution not ready for implementation as of the end of the project. A Project Advisory Committee – consisting MoLE Secretary and representatives from GoB, BEF, BGMEA, BKMEA, NCCWE and IBC was formed to facilitate consensus building. However, the PAC could only meet once during the project period, hence the lack of consensus among the stakeholders persists.

The evaluation identified the need for further consultation, clarity and modification – if necessary, to the design of the proposed EII scheme and legal framework before it can acceptable to all stakeholders and be implemented.

With regards to constituent commitment and their position to taking the process forward the following may be concluded:

Position of MoLE, GoB	Position of BGMEA, BKMEA & BEF	Position of NCCWE & IBC
Supportive of introduction of the EII scheme	Supportive of the introduction of EII scheme in principle	Supportive of introduction of the EII scheme
There has to be continued discussion among stakeholders	There is need for engaging in further discussions, and open to participation in the discussions	There should be plan to expedite the coverage of other sectors, in addition to the RMG sector
Law can be passed once the stakeholders reach an agreement on financing mechanism	Basis of cost calculation needs to be revisited	The EII Scheme should emphasise the coverage of rehabilitation services
	<p>The additional financial burden for the proposed EII scheme is unaffordable as:</p> <ul style="list-style-type: none"> • Export price continues to decrease due to competition; • Production cost continues to increase, employers are under increased pressure to meet the revised minimum wage; 	Any part of Central Fund should not be used for EII scheme. However, just to expedite the process, some portion of central fund can be used for an EII initially.

	<ul style="list-style-type: none"> • RMG exporters already contribute 0.03% of exports into the GoB Central Fund 	
	International brands and buyers need to share some responsibilities	

4.3 Efficiency

Evaluation questions:

- To what extent has the project delivered value for money? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically and efficiently to achieve expected results? Could they have been allocated more effectively and if so, how?
- To what extent the project resources factor-in the cost of specific activities, outputs and outcomes to address gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent did the project leverage resources (financial, partnership, expertise) to promote gender equality and non-discrimination and inclusion of people with disabilities?

The project was initiated as a two-year project, which was extended for a further year – keeping the total budget unchanged, as it was deemed necessary for the accomplishment of the project outcomes. It is to be mentioned that the ILO project and EIPS project of the GIZ were meant to be complementary – leading towards the same outcome, but ILO were to work more with the RMG sector and GIZ with the textile and leather sector. As mentioned earlier, in the relevance section, there were some changes sought by the MoLE in the GIZ project (leaving out the development of a legal framework – as it would be covered by the ILO project, and capacity building of the DIFE instead of the Central Fund as originally planned). These changes delayed the approval of the GIZ project and the implementation – particularly those that were to be done jointly, of both projects.

One month ahead of the project completion, i.e. as of November 2018, the project has spent US\$ 873,197 (including encumbrances) out of a total budget of US\$ 1,008,009. The expenditure is about 86.6% of the total budget. Based on the savings from the project fund, ILO is seeking to extend the project for a further 3 months (till March 2019) to enable the project can continue the dialogue between the tripartite in order to agree upon and operationalise the EII scheme in Bangladesh.

Table Y: Reallocation of budget in revision

Budget line	Original budget	Revised budget	Deviation
Personnel	368,636	325,043	(-11.83%)
Equipment	3,000	1,000	(-66.67%)
Office running costs	43,200	54,698	26.62%
Travel	58,200	52,609	(-9.61%)
Contractual	395,000	419,186	6.12%
Monitoring and Evaluation	9,500	25,000	163.16%

Provision for cost increase (to be expended as needed)	16,393	16,384	(-0.05%)
Programme Support Cost	114,080	114,080	0.00%
Total	1,008,009	1,008,000	

ILO Bangladesh and the head quarter revised the project budget in the second year of the project, making some strategic realignments in the project and reallocating the budget fitting with the realignment. In broad budget lines, the allocations involved taking the money of personnel, equipment and travel and reallocating them into operations, services from local expertise and monitoring and evaluation. There were reallocations within the broad budget lines as well. In the personnel category, for example, allocations were reduced from the sub-component of international ILO staff and increasing that for the local staff. The more investment in local human resources was deemed as needed due to the complexities in the local environment.

It is the evaluator's observation that, the project has been able to create a buy in and commitment towards the EII scheme among the tripartite partners and other stakeholders. However, the issue of benefits and financing is quite complex given that each of the downstream actors in the market have progressively weak bargaining power because of the market structure and legal framework. The employers (owners of factories) have a comparative advantage in their bargaining with the workers, primarily because of the availability of large pool of potential young workers and there being little unionisation of workers compared to that of the factory owners. The factory owners – particularly in the export sectors, are at a disadvantage in their bargaining with the buyers in the face of both domestic and international competition and a trend of negotiation between an individual buyer and a seller, instead of some kind of collective bargaining mechanism. The objective of agreeing upon an EII scheme, setting up an institution for its implementation within the three-year time frame was, perhaps, too ambitious.

The proposed industry-wide EII scheme is deemed not to have any gender bias. In other words, any worker whose health and livelihoods have been disrupted by illnesses or accident injuries that are related with their job will have protection and coverage under the scheme. The scheme is also designed to provide protection to the dependent household members in case of death of the worker due to workplace related illnesses or injuries. The coverage and benefits of the scheme are same for all workers irrespective of their gender. While the EII scheme does not have any gender bias, the project, however – in choosing RMG sector for the EII scheme to be introduced, ensures that female participants in the workforce are covered more than proportionately to the extent that most (about 70%) of the workers in the RMG sector are women. On the other hand, the scheme fixes the benefits based on the reference wage of an ill or injured worker. This arrangement results in a situation where those in the higher income bracket would get more payment. Because of the industry situation that women are more than proportionately employed in the lower wage production lines, it is likely that the women and their dependents would get lower benefits on average compared to men.

Similarly, the proposed EII scheme does not, in itself, discriminate any worker for her/his disability of any form to the extent they are employed in the industries. A disabled person would have the same rights, protection and compensation as any other worker. Moreover, the scheme is designed to give protection to a worker becomes disabled – either temporarily or permanently, following work place illness and accident injury. Thus it provides some protection to those who are vulnerable to disability.

4.4 Impact Orientation and Sustainability

Evaluation questions:

- What strategies has the project put in place to ensure continuation of actions initiated after the project support ends?
- How effective has the project been in establishing national/local ownership? Are the linkages to broader sectoral and national action been made?
- To what extent the project outputs/benefits will be sustained?
- What were the intervention's long-term effects in terms of reducing or exacerbating gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent did the intervention advance strategic gender-related needs that can have a long-term positive bearing on gender equality and non-discrimination and inclusion of people with

The project has developed local capacities – of the relevant government stakeholders, employer and employee representatives. The capacity building has taken place through study visits and technical support in developing the scheme and an understanding of it. These stakeholders have developed a buy in to the principle of the scheme – all of them recognise the need for protections such as those provided by the scheme to the workers. There is an expressed commitment on the part the stakeholders to introduce such a scheme. The major area of differences between the workers and the employers appear to remain how the scheme is to be financed. Both the workers and the employers are apprehensive of the government's capacity to manage and implement the scheme. The institutional arrangement of the scheme, however, provides for a tripartite committee to oversee its implementation, therefore there is scope for mutually beneficial interventions by all stakeholders.

The scheme as proposed is in close alignment with the NSSS and the labour laws. As a result there is a strong willingness on the part of the government to introduce and operationalise the scheme, provided that the other stakeholders in the tripartite are in agreement about all aspects of it.

While it is to be noted that the project has not attained its objectives to fullest, in the sense that it has not been able to get the tripartite to agree on the scheme and its institutional frame and has not been able to operationalise the Bridging Solution till date, the foundational work towards it has been completed in the project. The scheme requires further consultation, perhaps some modifications depending on the opinion of the stakeholders and an agreement between the tripartite partners before it can be operationalised.

Since the need has been realised, there is local capacity and since there is something tangible that the stakeholders can work with, it is likely that the tripartite will carry forward what has been achieved so far. There will, however, likely be need of technical support from technical experts – from actuarial and legal aspects at least, and mutually acceptable and trusted facilitator of the process to move it forward.

SECTION FIVE: CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The Relevance and Strategic Fit was found to be particularly high. The projects' objectives and interventions are closely aligned with ILO and national strategic and policy frameworks. Most stakeholders interviewed for the evaluation also stressed that the relevance of the project is high. Significantly, the project was undertaken in order to ensure that industrial workers are protected from the loss of livelihood as a result of any occupational injury or illness. The project rationale was justified based on Bangladesh's commitment to the ILO convention (article 121, in particular), its own 'National Social Security Strategy', the provisions of Bangladesh's Labour Law and Bangladesh government's commitment towards the Decent Work Country Programme (DWCP).

Regarding ***Intervention Progress and Effectiveness***, the project was implemented to achieve four outcomes, with a set of activities planned for each outcome. It should however, be noted that the outcomes were inter-related in that, for example, achievement of first outcome – buy in of key national stakeholders was required for working towards the other three outcomes, and agreement on the scheme design and legal framework was a pre-requisite for the commitment of the stakeholders to operationalise the scheme.

ILO carried out the planned activities over the course of three years of the project. The activities included capacity building of MoLE of GoB, employers' and workers' association officials and representatives; consultations to obtain general preference parameters of the tripartite partners and other stakeholders including international alliances (Alliance, Accord, IBC), retailers sourcing their products from Bangladesh, etc.; design of the initial EII scheme – including a bridging solution, and a draft legal framework for operationalising the proposed EII scheme. Design of the scheme, bridging solution and legal framework was done with technical support of the ILO Geneva office and was preceded by an accident incidence survey by a Bangladeshi research institution (BIDS). Following the design process the proposed scheme and legal framework was shared with the tripartite partners and other stakeholders for their feedback.

These activities have resulted in the realisation of the need for and the commitment to introduce such a protection scheme. There has been an agreement regarding the core elements of the scheme among the tripartite and other stakeholders, as relevant to the proposed outcome 1 of the project.

Outcomes 2 (feasibility assessment and design of EII scheme), 3 (design of an interim bridging solution) and 4 (development of draft legal framework) have been achieved to the extent that the relevant document drafts have been prepared. There remain some elements of disagreements among the tripartite partners, however, which render the proposed EII scheme and bridging solution not ready for implementation as of the end of the project. A Project Advisory Committee (PAC) was formed to facilitate consensus building. However, the PAC could only meet once during the project period, hence the lack of consensus among the stakeholders persists.

The evaluation identified the need for further consultation, clarity and modification – if necessary, to the design of the proposed EII scheme and legal framework before it can acceptable to all stakeholders and be implemented.

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Efficiency of Resource Use has in general been satisfactory although the project's outcomes may be somewhat over-ambitious considering the time, resources and existing commitment of employers available. ILO Bangladesh and the head quarter revised the project budget in the second year of the project, making some strategic realignments in the project and reallocating the budget fitting with the realignment. The more investment in local human resources was deemed as needed due to the complexities in the local environment. It is the evaluator's observation that, the project has been able to create a buy in and commitment towards the EII scheme among the tripartite partners and other stakeholders. However, the issue of benefits and financing is quite complex given that each of the downstream actors in the market have progressively weak bargaining power because of the market structure and legal framework. The objective of agreeing upon an EII scheme, setting up an institution for its implementation within the three year time frame was, perhaps, too ambitious.

Regarding **Impact Orientation and Sustainability**, the project has developed local capacities – of the relevant government stakeholders, employer and employee representatives. The capacity building has taken place through study visits and technical support in developing the scheme and an understanding of it. There is an expressed commitment on the part the stakeholders to introduce such a scheme. The major area of differences between the workers and the employers appear to be about the contribution calculation and how the scheme is to be financed. Both the workers and the employers are also apprehensive of the government's capacity to manage and implement the scheme. The institutional arrangement of the scheme, however, provides for a tripartite committee to oversee its implementation, therefore there is scope for mutually beneficial interventions by all stakeholders. The scheme as proposed is in close alignment with the NSSS and the labour laws. As a result there is a strong willingness on the part of the government to introduce and operationalise the scheme, provided that the other stakeholders in the tripartite are in agreement about all aspects of it.

The proposed industry-wide EII scheme is deemed not to have any **gender bias**. Any worker whose health and livelihoods have been disrupted by illnesses or accident injuries that are related with their job will have protection and coverage under the scheme. The scheme is also designed to provide protection to the dependent household members in case of death of the worker due to workplace related illnesses or injuries. The coverage and benefits of the scheme are same for all workers irrespective of their gender. The proposed EII scheme ensures coverage of female workers more than proportionately to the extent that most (about 70%) of the workers in the RMG sector are women. On the other hand, the scheme fixes the benefits based on the reference wage of an ill or injured worker. This arrangement results in a situation where those in the higher income bracket would get more payment. Because of the industry situation that women are more than proportionately employed in the lower wage production lines, it is likely that the women and their dependents would get lower benefits on average compared to men.

Similarly the proposed EII scheme does not, in itself, **discriminate** any worker for her/his disability of any form to the extent they are employed in the industries. The scheme is designed to give protection to a worker becomes disabled – either temporarily or permanently, following work place illness and accident injury. Thus it provides some protection to those who are vulnerable to disability

5.2 Recommendations

International trade unions have approached the ILO for technical support in providing compensation to the victims of recent relatively small scale accidents. International trade unions, brands and buyers are in touch with the ILO at a regular interval for updates on the bridging solution. The ILO has been requested

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to advise technically on the assessment of the rights to compensation benefits for victims of different RMG sector factory accidents. The arrangement for compensation in the aftermath of the Rana Plaza incident was massive and unaffordable for one single employer. Such incidents re-emphasise the need for the introduction of EII scheme. A few recommendations for taking forward the introduction of EII scheme came out through the evaluation of the 'Implementation of National Employment Injury Scheme of Bangladesh' project – the consultations with various stakeholders.

The recommendations are presented in this section according to the Evaluation Criteria set out in this report.

Relevance and strategic fit

1. Continue to leverage cost-sharing with other agencies (for example GIZ, MoLE) by maintaining a high level of pro-active collaboration.

Responsible Unit	Priority	Time Implication	Resource Implication
ILO office in Dhaka	High	First half of 2019 in particular, but continuous thereafter	Part of ongoing investments.

2. Prioritize to prepare a Theory of Change (ToC) and an M&E plan: There is a need to streamline and prioritize activities to be identified in the ToC following progress made during the time frame. It is also needed to identify and streamline indicators of the M&E plan and performance framework (PF). The plan should contain both quantitative and qualitative indicators.

Responsible Unit	Priority	Time Implication	Resource Implication
ILO office in Dhaka, MoLE	Medium	2019	Part of ongoing investments; could potentially result in budget savings.

3. Involve more pro-actively with the employers' and workers' organisations. This applies in particular to the senior management members of employers' organizations at national level. This is important as insurance for the workers is not at the top of their agenda, and therefore ways should be explored to enhance their engagement through exchanges with and the engagement of the employers' expert at national, regional and global level of ILO.

Responsible Unit	Priority	Time Implication	Resource Implication
ILO, MoLE	High	2019	Part of ongoing investments.

Effectiveness

4. More efforts need to be made for developing understanding and clarity of constituents, especially of workers – to make them better understand the importance of periodical payments. There is also a need to work on additional benefit of the workers from the scheme.

Responsible Unit	Priority	Time Implication	Resource Implication
ILO, MoLE	High	2019	Part of ongoing investments.

5. Maintain close relations with MoLE and increase the frequency of PAC meetings whereby decisions on scheme needs to be guaranteed.

Responsible Unit	Priority	Time implication	Resource Implication
ILO, MoLE	High	2019	In part ongoing investments, but reallocations are needed for additional PAC meeting

6. Future discussions need to identify the differences of opinions among relevant stakeholders, seek to enhance clarity and find points of agreement on issues in the Scheme. Incentives for each stakeholder need to be clearly identified (e.g. potential benefit of the employers) and demonstrated with the representatives.

Responsible Unit	Priority	Time implication	Resource Implication
ILO, MoLE	High	2019	Part of ongoing investments.

Impact and sustainability

7. MoLE should take the lead in facilitating the process in future, with ILO and other stakeholders providing technical support as required and sought by the MoLE. MoLE should lead the process following preparation of a roadmap for the introduction of an EII, taking employers and employees on board. Formation of a joint working group, with clear terms of reference and specific time frame may be considered to enhance ownership and consensus. Government-run public scheme is the only viable solution for a national scheme which will eventually cover at least all wage earners. Efforts need to be strengthened to enhance the current low confidence in the Government in Bangladesh.

Responsible Unit	Priority	Time implication	Resource Implication
ILO, MoLE	High	2019	Part of ongoing investments.

8. The ILO has expressed concerns that national as well as international stakeholders have to come to realize that the cost of EII, although of an extremely low relative amount, has to be understood to be part of the purchasing prices of goods and services manufactured by the covered local enterprises and their workforces. There should be more concerted advocacy at multilateral forum by ILO and MoLE. This is a crucial political underpinning to the possible success of an EII scheme to come to reality.

Responsible Unit	Priority	Time implication	Resource Implication
ILO	High	2019	Part of ongoing investments.

9. The proposed scheme appears to have been prepared in consideration of RMG sector, as reflected in the document 'Cost Estimate of the Proposed Injury Compensation Scheme in Bangladesh'. The view was articulated by the employers' association representatives during the evaluation. The scheme needs to take into account and reflect the context of all the sectors where scheme could be implemented, model and strategies need to be adaptable to them all. Specific schemes which would imply the more hazardous sectors would likely never be covered if cost sharing is not spread over all sectors.

Responsible Unit	Priority	Time implication	Resource Implication
ILO, MoLE	High	2020	Part of ongoing investments.

Social Inclusion

10. Health care including rehabilitation services to disabled workers can solve major issues of long-term financial problems of dependents of deceased workers and financial, health and employability issues faced by the disabled workers, which needs to be emphasised.

Responsible Unit	Priority	Time Implication	Resource Implication
ILO	Medium	2020	Part of ongoing investments.

SECTION SEVEN: LESSONS LEARNED AND GOOD PRACTICES

This section compiles two lessons learned and one good practice from the experience gained by evaluating the EII scheme project in the present report, namely:

Lessons learned

1. The Lesson Learned is that in spite of the commitment from the highest level of the government (the Prime Minister) to introduce EII, lack of scope of facilitation and leadership from the government has led to non-achievement of project outputs.
2. There is lack of clarity which has resulted in disagreement from employers regarding premium proposed in EII scheme. This acted as a major barrier in reaching tripartite agreement regarding the scheme.

Good practices

1. The good practice is the knowledge development of tripartite constituencies through consultation process and exposure tour. The project organized several exposure visits for the representatives with an aim for better and practical understanding of EII scheme in developed and developing countries. These joint visits helped the representatives having better conceptual clarity of the issue.

ANNEX-1: Terms Of Reference

Terms of Reference

Final Independent Evaluation

Implementation of the National Employment Injury Insurance Scheme of Bangladesh

Project Code : BGD/15/05/DEU

Administrative unit : CO-Dhaka

Geographical coverage: Bangladesh

Technical Unit : Global Programme for Employment Injury and Protection (GEIP)

Timing and Type of evaluation: Final Independent

A. Brief Project Background

1. After the Rana Plaza Building collapse in 2013, where an eight storied building collapsed which took more than 1,100 lives and left around 1,900 injured, to adequately compensate the victims, the ILO acted as the neutral Chair of a multi-stakeholder coordination committee comprising of local and international trade unions, international brands and buyers, government, local employers' associations and local and international NGOs. Under this Rana Plaza arrangement, USD 30 million was disbursed to more than 5000 claimants and long term medical care insured for the workers with disabilities. Based on the Ministry of Labour and Employment's (MoLE) positive experience in this ad-hoc compensation mechanism, After the Rana Plaza Building collapse in 2013, where an eight storied building collapsed which took more than 1,100 lives and left around 1,900 injured, to adequately compensate the victims, the ILO acted as the neutral Chair of a multi-stakeholder coordination committee comprising of local and international trade unions, international brands and buyers, government, local employers' associations and local and international NGOs. Under this Rana Plaza arrangement, USD 30 million was disbursed to more than 5000 claimants and long term medical care insured for the workers with disabilities. Based on the MoLE positive experience in this ad-hoc compensation mechanism, on 9 July 2015, the MoLE has sent a letter to the Director of the ILO Country Office for Bangladesh, asking the ILO to coordinate the initiatives for the implementation of an Employment Injury Compensation Scheme in Bangladesh. This letter indicates that the Work Injury Insurance Scheme/Occupational Accident Insurance Scheme initiated by the Government of Germany can particularly be mentioned and invites the ILO to take the necessary steps to design a combined scheme for this purpose.

2. On 1 June 2015, the Government of Bangladesh has adopted a National Social Security Strategy. One important component of this strategy is the design of a mandatory National Social Insurance Scheme (NSIS) based on the principle of employers and employees jointly paying contributions into a national insurance fund. This fund would provide for pension as well as other contingencies, including workplace accident/injuries.

3. The project is funded by the Government of the Federal Republic of Germany (BMZ) with the total budget of up to maximum USD 1,008,009 (Euro 900,000). The ILO co-finances up to an amount of USD 214,947. The project duration is from 4 December 2015 to 31 December 2018. Before the project started, the ILO has started some activities to the project outcomes. The project focuses on national level interventions. The project foresees four distinct outcomes as follows: (1) a commitment by key actors towards the development of a national Employment Injury Insurance (EII) scheme is reached and recorded, based on the principles of ILO Convention 121 (C 121) and a mutual consensus with regards to the core elements of the scheme; (2) a feasibility study of a national EII scheme serve as a basis for engaging a tripartite national dialogue and for the drafting of a legal framework; (3) a bridging solution is developed for the transition period until the EII scheme is operational; and (4) a sound legal framework for Bangladesh EII scheme is developed

4. The Government of Germany also allocated USD 4 million to GIZ for a project on Employment Injury Protection Scheme in Textile and Leather Industries which was expected to work as a complimentary project to the ILO project. However, it took a long time for the GIZ project to receive approval from the MoLE. The GIZ project contained “developing legal framework” which the MoLE considered a overlap on the activity under the already approved ILO project. In 2017, the MoLE asked GIZ to include in the project document (TAPP: Technical Assistance Project Proposal, a format used by government for project approval) provision for capacity development of the Central Fund. In one year later, the MoLE issued a notice to GIZ for replaced Central Fund with Department of Inspection for Factories and Establishments (DIFE). These changes in policy level decisions caused further delay for the GIZ to operate the project as planned. The ILO and GIZ collaborated in forming an Alumni Forum of the participants who joined any of the Study Visits on EII abroad.

5. More specifically, the partnership on EII with the German Federal Ministry of Economic Cooperation and Development builds on the progress achieved prior to 2016 in Bangladesh to establish legal, financial and institutional basis for the new EII scheme. The ILO is also committed

to collaborate with GIZ in such a manner to optimize the respective expertise of each organization for the conduct of the planned activities. Initial discussions between ILO and GIZ have already been held on this collaboration. Initial discussions with *Deutsche Gesetzliche Unfallversicherung* (DGUV/ German Social accident Insurance) have also been held on collaboration. In December 2014 the Bangladesh Labour Welfare Foundation (BLWF), DGUV and GIZ have signed a cooperation agreement to promote an exchange on work injury insurance. The German Federal Ministry of Economic Cooperation, GIZ and DGUV agreed that ILO should coordinate the activities as well as the interactions between the agencies and the various donors. The national level project teams in the ILO and the GIZ were in regular contact for sharing update on the progress and challenges faced. At the HQ level, the ILO and DGUV were also in contact for sharing information on the global context related to the project. GIZ joined the tripartite study visit in Malaysia and Cambodia organized by the ILO project.

6. The partnership will support the development of national capacities of the Bangladesh government and social partners towards the formal institutional set-up of the country's own sustainable social security system for EII. This includes in particular setting up the legislative framework as well as the design of the public institution required for its operationalization to protect all formal sector workers and employers in case of work injuries (including accidents and diseases). It is expected that the operationalization phase of the new public EII administration will start after 2017; first covering workers of the ready-made-garment (RMG) sector and gradually extending coverage thereafter to all wage earners in Bangladesh.

7. The overall objectives of the project is the introduction of a sustainable national EII scheme for workers employed in the formal sector in Bangladesh, starting with the RMG. In broad terms, the project under the partnership will contribute to:

(a) reach the commitment from key actors to the development of a national EII scheme based on principles that are both in line with C 121 and acceptable to them. To be in line with C 121, the national EII scheme shall at least provide for:

- i. Tripartite governance;
- ii. Coverage of all workers of the formal sector, starting with the RMG sector and gradually extending to other sectors;
- iii. Medical care and allied benefits;
- iv. Periodic payments of at least 60% of reference wage in case of total incapacity for work and 50% in case of death with adjustments for cost of living increases (possibility of lump sum if incapacity is less than 25%);

v. Periodic payments for as long as the injured workers is in need of health care or remains incapacitated, or, in case of death, for as long as dependents are considered as incapable of self-support;

vi. Provisions for measures/benefits related to the rehabilitation of workers; and

vii. Provisions taken with respect to the prevention of accidents.

(b) provide through the completion of the on-going feasibility study with the Government of Bangladesh and social partners the basis to complete the legislative framework that will determine the coverage, eligibility, benefits, financing, institutional and other governance aspects relevant to the new EII scheme. In order to have the buy-in from the key actors, the completion of the on-going feasibility study has been identified by employers and the Ministry of Labour and Employment (MOLE) as the major milestone to further discussions among social partners on the EII scheme. The completion of the feasibility study will also serve as a basis for engaging a tripartite national dialogue.

(c) develop a bridging solution for the period until the EII scheme is operational. The country, and more specifically the RMG sector, cannot afford another Rana Plaza or Tazreen accident without a proper solution already in place to provide for appropriate health care and compensation to the victims in an efficient and diligent manner.

(a) build up national government capacities towards the adoption of the necessary legislation for the creation of the EII scheme as well as the creation of a Social Security Institution capable of administering the EII scheme.

8. The project also contributes ILO Programme and Budget (P&B) Outcome 4 (promoting sustainable enterprise). In relation to Bangladesh's Decent Work Country Programme 2017 - 2020 and Country Programme Outcomes (CPO), the project contributes to country priority 4 on promotion of social protection for all workers and vulnerable groups including against climate change. The project directly contributes to a larger Country Programme Outcome (CPO), creating synergies with other ILO outcomes for Bangladesh on labour conditions (OSH, labour inspection) and the review of the labour regulations, initiatives related to the development of social security schemes, workers' rights and promoting gender equality in Bangladesh. The project will mainly contribute to CPO BGD 301 "coverage of social protection improved".

9. The project is working in close collaboration with the GIZ's Employment Injury Protection Scheme for the Workers in the Textile and Leather Industries (EIPS), both the projects are benefitted from exchange of knowledge acquired from various sources. The ILO Dhaka is also implementing a project on "Promoting social dialogue and harmonious industrial relations in Bangladesh RMG industry". The activities of this project benefit the negotiation process during designing the EII scheme. Another ILO project "Improving Working Conditions in the RMG

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sector” is closely linked with this project as it provides policy guidance on OSH and training to factory inspectors in addition to many other work. A survey conducted by this project included questionnaire on employment related injuries in this sector which allowed the project to cross check data received from establishment survey.

10. The project managed by the National Project Coordinator (NPC) based in Dhaka, reporting to the ILO Country Office of Bangladesh (CO-Dhaka) and the Director, Global Program for Employment Injury and Protection (GEIP). Activities have been substantially subsidized from Regular Budget staff time of GEIP, Geneva as a suitable onsite CTA (acceptable candidates declined and retracted their applications) could not be found. Initially, arrangement was made for the right international senior experts of the project to act as CTA and eventually GEIP closely followed this project at the request of ILO senior management and invested significant resources that contribute to the reportable outcomes. The availability of NPC with an EII technical background and experience on the Rana Plaza Compensation allowed the project to operate well thru the HQ’s GEIP and ILO Dhaka daily collaboration in that context. The NPC is assisted by an Administrative Assistant in Dhaka. The ILO’s GEIP is responsible for the technical backstopping of the project.

11. A tripartite project advisory committee (PAC) was formed by the MOLE. The PAC meets at the start of the project and every six months, to monitor the project’s progress, advice on its implementation and on ways to sustain project results. The PAC consists of representatives of MOLE, Bangladesh Employers Federation (BEF), Bangladesh Garments Manufacturers and Exporters Association (BKMEA), and National Coordination Committee for Workers Education (NCCWE). In addition to the PAC, a Technical Advisory Committee (TAC) on “health care and rehabilitation for the injured workers” and a high level tripartite committee on EII was formed by the MOLE.

12. Main partners are MOLE, Ministry of Finance, Ministry of Health, Employers (BEF, BGMEA, BKMEA), workers (NCCWE, IBC), and NGO (BILS, OSHE, CARITAS, CRP). These Bangladeshi partners are supported by the ILO, BMZ, GIZ, DGUV, other providers of development assistance, global buyers, etc.

13. The project documents has no reference on its link to specific Sustainable Development Goals (SDG) and related target and indicators. However, it noted that the national EII scheme will contribute directly to the National Development Plan of Bangladesh, namely the vision of

the Perspective Plan 2010-21 “to build Bangladesh into a resilient, productive, innovative and prosperous nation with caring society consisting healthy, happy and well-educated people.” More specifically, the project directly contributes to the realization of the 12th item of the National Tripartite Plan of Action on Fire Safety for the Ready-Made Garment (RMG) sector in Bangladesh. It stipulates more specifically that action will be taken “to ensure that compensation for families of workers who die and workers who are injured as a result of occupational accidents and diseases in the RMG sector is provided in a transparent and equitable manner” irrespective of the dependent’s gender and it refers to the concept of loss earnings and the provisions of ILO C 121.

14. Given the concept of social security was new for the key tripartite constituents, series of one to one consultations and study visits in relevant countries Employment Injury Insurance Scheme were organized for the constituents for them to have a first-hand experience on the topic. There were confusions on difference between public insurance and private insurance. Moreover, the country context allows a negative impression with the word “insurance”. There were several changes in the MoLE during the project period including the focal joint secretary and the senior secretary, MoLE who was the signatory of the Letter of Intent. The MoLE considers employers consent to make contribution in the EII fund the most important way forward for them before any changes in the Bangladesh Labour Law. From the employers’ side major concerns raised included their 0.03% contribution in the Central Fund which covers welfare of workers included but not limited to work related injuries and diseases. This Central Fund was included into the Labour Law amendment in 2015 and became operational only from July 2016. Thus the impact could not be captured while designing the project, but later was considered while designing the draft legal framework on EII. The other major concerns raised by the employers was related to the heavy investment they had for factory remediation, increase in minimum wage due from December 2018, and stagnant price for the goods they supply to the international brands and buyers. The workers representatives are fully on board for a sustainable EII scheme and has shared publicly their support for the scheme. For deciding the way forward, the MoLE formed the above mentioned EII tripartite committee which is in the process of submitting recommendations on the draft design of EII scheme shared with them. The employers association mentioned that as they were busy with minimum wage setting, they would require till mid November 2018 for submission of their draft recommendations. The project had to take into account all these changes in context and have changed course of implementation as suggested by the constituents with due diligence. Due to delay in several stages, a no cost extension of one year was approved by the donor as well as by the Project Advisory Committee (PAC) chaired by the MoLE. The changes in methodology in implementing the project was shared on a regular basis with the donor. Though annual report was required as per pro-doc, in the initial phase, quarterly update was shared with the donor through PARDEV.

B. Purpose and Objectives of the Evaluation

15. The final evaluation is due as per the ILO evaluation policy guidelines for result-based evaluation that states that all projects over US\$ 1 million and/or lasting more than 30 months must undergo at least one independent evaluations. The evaluation will be managed by evaluation manager who has no prior involvement in the project and will be conducted by an independent evaluation consultant. The independent final evaluation will be guided by the ILO Evaluation Policy (2017) and will adhere to UNEG Norms and Standard (2016).

16. The main purpose of this final evaluation are two folds. First it is aimed to promoted accountability to the tripartite constituents, the donor and key stakeholders. Secondly, it is aimed to promote learning within ILO and among key stakeholders. The evaluation findings will be used to inform similar interventions in the future, and will form the base of the follow up intervention for the introducing an sustainable EII in Bangladesh

17. The specific objectives of the evaluation are to:

- ☐ Assess the relevance of the intervention objectives and approaches, particularly in the adoption of a sustainable national EII scheme for workers employed in the formal sector in Bangladesh.
- ☐ Assess the project implementation effectiveness including the progress in achieving its intermediate objectives and results (including intended and unintended, positive and negative results), and effectiveness of management arrangements;
- ☐ Assess the project implementation efficiency;
- ☐ Assess the impact and sustainability and Identify factors (including challenges, opportunities) that enable the sustainability, particularly of the national stakeholders in Bangladesh;
- ☐ Provide recommendations and describe lessons learned and good practices that could be replicated.

18. The evaluation will ensure that issues and inputs from stakeholders and tripartite constituents are being adequately covered in the objectives of the evaluation.

C. Evaluation scope and clients

19. *Scope:* the evaluation will encompass all activities and components of the project during the whole duration from December 2015 until the time of final evaluation. The evaluation will focus at the country policy level in Dhaka, Bangladesh. The evaluation will address overall issues of relevance and strategic fit of the programme, the achievement and effectiveness, adequacy and efficiency in the use of resource, as well as effectiveness of the programme management arrangements, impact and sustainability. The evaluation will also examine the programme's

performance in relation to the ILO's cross-cutting issues on gender, non-discrimination, social dialogue, and labour standards. The evaluation will ensure that these concerns will be integrated throughout its methodology and all deliverables, including the final report.

20. The evaluation will also give specific attention to how the intervention is relevant to the ILO's programme and policy frameworks at the national and global levels, UNDAF and national sustainable development strategy (or its equivalent) or other relevant national development frameworks, including any relevant sectoral policies and programme.

21. *Client:* the primary clients are the ILO constituents at the National level in Bangladesh, ILO ROAP, the donor (BMZ), ILO Decent Work Technical team in New Delhi, and ILO Bangladesh. The secondary clients are the other key stakeholders relevant to the project.

D. Evaluation Criteria and Questions

22. The evaluation should address the following ILO evaluation criteria: relevance and strategic fit, intervention progress and effectiveness; efficiency of resource use; effectiveness of management arrangements; and impact orientation and sustainability of the intervention as defined in the ILO Policy Guidelines for results-based evaluation, 2017 (Annex 1).

23. The core ILO cross-cutting priorities, such as gender equality and non-discrimination, promotion of international labour standards, tripartite processes, and constituent capacity development should be considered in this evaluation. In particular, gender dimension will be considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. To the extent possible, data collection and analysis should be disaggregated by sex as described in the ILO Evaluation Policy Guidelines and relevant Guidance Notes (Annex 1).

24. It is expected that the evaluation address all of the questions detailed below to the extent possible. The evaluator may adapt the evaluation criteria and questions, but any fundamental changes should be agreed upon between the ILO evaluation manager and the evaluator. The evaluation instruments (to be summarized in the inception report) should identify the general areas of focus listed here to be addressed in the evaluation.

25. Suggested evaluation criteria and evaluation questions are summarised below:

1) Relevance and strategic fit

- To what extent are the project strategies and approaches pertinent to stakeholders' requirements and policies of partners and donors? And did the project strategies and approaches remain flexible and responsive to emerging concerns with regards to gender equality and non-discrimination and inclusion of people with disabilities?

- To what extent the project design (outcomes, outputs and activities) align with National Social Security Strategy, related ILO P&Bs and DWCP as well as UN global (SDGs) and other country strategies (such as UNDAF)?
- How appropriate and useful are the indicators described in the project monitoring and evaluation plan in assessing the project's progress at output and outcome level? Are the indicators gender sensitive?

2) Effectiveness (including effectiveness of management arrangements)

- To what extent has the project achieved its planned results (including intended and unintended, positive and negative)? and If not, why? And what was the project's contribution (or not) toward gender equality and non-discrimination and inclusion of people with disabilities?
- Will the project be likely to achieve the tripartite commitment towards the development of a national EII scheme? Are there any external factors that hindered or facilitated the achievement of the project?
- How effective has the project been at stimulating tripartite partners in providing recommendations for the EII scheme and drafting the legal framework?
- What were the major factors influencing the achievement or non-achievement of the project objectives? How effectively have these factors advancing gender equality, non-discrimination and inclusion of people with disabilities?
- To what extent do project management capacities and arrangements put in place support the achievement of the planned results?
- To what extent are the interaction and roles/responsibilities between the ILO office in Bangladesh, and other relevant projects in country (such as SDIR project, Sustainability Compact, Better Work, and Migration project) including those under the coordination of Global Programme for Employment Injury Insurance and Protection (GEIIP) and DGUV (German Social Protection Agency), and other GIZ project on Employment Injury Protection Scheme For the Workers in the Textile and Leather Industries clear and effective in achieving the influencing agenda goals of the project?
- To what extent have stakeholders, particularly workers' and employers' organizations been involved in project implementation?
- To what extent are the current function and format of the PAC and the EII committee working? Are these stakeholders helping to create the enabling environment? What can be done differently?

3) Efficiency of resource use

- To what extent has the project delivered value for money? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically and efficiently to achieve expected results? Could they have been allocated more effectively and if so, how?
- To what extent the project resources factor-in the cost of specific activities, outputs and outcomes to address gender equality and non-discrimination and inclusion of people with disabilities?
- To what extent did the project leverage resources (financial, partnership, expertise) to promote gender equality and non-discrimination and inclusion of people with disabilities?

4) Impact orientation and Sustainability

- ☐ What strategies has the project put in place to ensure continuation of actions initiated after the project support ends?
- ☐ How effective has the project been in establishing national/local ownership? Are the linkages to broader sectoral and national action been made?
- ☐ To what extent the project outputs/benefits will be sustained?
- ☐ What were the intervention's long-term effects in terms of reducing or exacerbating gender equality and non-discrimination and inclusion of people with disabilities?
- ☐ To what extent did the intervention advance strategic gender-related needs that can have a long-term positive bearing on gender equality and non-discrimination and inclusion of people with disabilities?

E. Methodology

26. The evaluation will comply with evaluation norms, standards and follow ethical safeguards, as specified in the ILO's evaluation procedures. The ILO adheres to the United Nations system of evaluation norms and standards as well as to the OECD/DAC Evaluation Quality Standards.

27. Both qualitative and quantitative evaluation approaches should be considered for this evaluation. The evaluation fieldwork will be qualitative and participatory in nature. Qualitative information will be obtained through field visits, interviews and focus groups as appropriate. Opinions coming from stakeholders will improve and clarify the quantitative data obtained from project documents. The participatory nature of the evaluation will contribute to the sense of ownership among stakeholders. Quantitative data will be drawn from project documents including the Technical Progress Reports (TPRs). Sound and appropriate data analysis methods should be developed for each evaluation question. Different evaluation questions may be combined in one tool/method for specific targeted groups as appropriate. Attempts should be made to collect data from different sources by different methods for each evaluation question

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and findings be triangulated to draw valid and reliable conclusions. Data shall be disaggregated by sex where possible and appropriate. To the extent possible, the data collection, analysis and presentation should be responsive to and include issues relating to diversity and non-discrimination, including disability issues.

28. The methodology should include examining the intervention's Theory of Change, specifically in the light of logical connect between levels of results and their alignment with the ILO's strategic objectives and outcomes at the global and national levels, as well as with the relevant SDGs and related targets. In addition, the methodology should ensure involvement of key stakeholders in implementation as well as in dissemination processes (e.g. stakeholder workshop, debriefing with the project team, etc.). The methodology should also clearly state the limitations of the chosen evaluation methods, including those related to representation of specific group of stakeholders.

29. A detailed methodology will be elaborated by an independent evaluator on the basis of this ToR. The detailed approach and methodology should include key and sub-question(s), detailed methods, data collection instruments, and work plan and data analysis plans to be presented as a key element in the inception report.

30. The methodology for collection of evidences should be implemented in three phases:

(1) an inception phase based on a review of existing documents including the project document, work plans, monitoring plans, progress reports, government documents, minute of meetings, policy framework, draft regulations or laws that relate to EII scheme, study and survey reports produced by the project or the relevant stakeholders;

(2) a fieldwork phase to collect and analyze primary data including to conduct interviews and focus group discussions with the internal project staff, the relevant ILO staff in Bangladesh, and the tripartite stakeholders. the evaluator will work together with the project management to ensure that the respondents who can provide information to answer the questions are invited to the focus group meetings, or if availability does not allow, that the separate meetings are organized. If the evaluator wishes to speak with stakeholders such as donors,

buyer representatives, NGO or similar this can be discussed with the project management; and

(3) a data analysis and reporting phase based on the inception report and fieldwork. The evaluator will draft the final evaluation report. The draft report will be sent to the evaluation manager directly by the evaluator. The evaluation manager will forward the report to stakeholders for their inputs/comments to the report. The evaluation manager will consolidate the comments and forward them to the evaluation team for consideration in finalizing the draft

report. The evaluator will finalize the report, taking into consideration the stakeholder comments.

31. The gender dimension should be considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation.

32. The evaluator may adapt the methodology mentioned above, but fundamental changes should be agreed between the evaluation manager and the evaluator, and reflected in the inception report.

F. Main deliverables

33. The evaluator will provide the following deliverables and tasks:

☐ **Deliverable 1:** Inception report. The inception report will include among other elements the evaluation questions and data collection methodologies and techniques, and the evaluation tools (interview guides, questionnaires, etc.). The instrument needs to make provision for the triangulation of data where possible. The evaluators will prepare an inception report as per the ILO Checklist 3: Writing the inception report (Annex 1). The inception report shall be submitted within 5 days after issuing the contract.

☐ **Deliverable 2:** Stakeholder workshop. The evaluation team will conduct a stakeholder workshop in Dhaka to validate information and data collected through various methods and to share the preliminary findings with the ILO and local stakeholders at the end of evaluation mission. The stakeholder workshop will be organized by the project team. Evaluation findings to be deliver in a PowerPoint presentation should be based on facts, evidence and data. This precludes relying exclusively upon anecdotes, hearsay and unverified opinions. Findings should be specific, concise and supported by triangulation of quantitative and qualitative information derived from various sources to ensure reliability, validity and generalizability.

☐ **Deliverable 3:** First draft evaluation report. To be submitted within 8 days after the completion of the evaluation mission. Evaluation report should include action-oriented, practical and specific recommendations assigning or designating audiences/implementers/users. The draft evaluation report should be prepared as per the ILO Checklist 5: Preparing the Evaluation Report which will be provided to the evaluator. The first draft evaluation report will be improved by incorporating evaluation manager's comments and inputs.

☐ **Deliverable 4:** Revised and Final evaluation report with evaluation summary (with title page, the executive summary and annexes including lessons learned and good practices in the standard ILO template). The evaluator will incorporate comments received from ILO and other key stakeholders into the final report. The report should be submitted within 2 days after receiving consolidated comments from the evaluation manager. The report should be finalized as per the ILO Checklist 5: Preparing the Evaluation Report which will be provided to the

evaluator. The quality of the report and evaluation summary will be assessed against the ILO Checklists 5, 6, 7, and 8 which will be provided to the evaluator.

34. The reports and all other outputs of the evaluation must be produced in English and Bangla. All draft and final reports including other supporting documents, analytical reports and raw data should be provided in electronic version compatible with WORD for windows. Ownership of the data from the evaluation rests jointly between ILO and ILO consultant. The copy rights of the evaluation report rests exclusively with the ILO. Key stakeholders can make appropriate use of the evaluation report in line with the original purpose and with appropriate acknowledgement.

G. Management Arrangements and Work Plan

35. Ms. Lusiani Julia, Senior Programme Officer in ILO Jakarta Office, is designated to manage this independent evaluation with oversight provided by the ILO Evaluation Office. A qualified independent consultant will be commissioned to conduct this evaluation. The evaluation will be funded from the project budget. A list of tasks of the evaluation manager is following:

- Draft and finalize the evaluation ToR upon receiving inputs from key stakeholders;
- Review CVs and proposals of the proposed evaluators;
- Liaise with the project team and provide project background documents to the evaluator;
- Coordinate with the project team on the field visit agenda of the evaluator;
- Brief the evaluation consultant on ILO evaluation procedures;
- Circulate the report to all concerned for their comments;
- Review and provide comments of the draft evaluation report; and
- Consolidate comments and send them back to the evaluators.

36. The project team will handle administrative contractual arrangements with the evaluator and provide any logistical and other assistance as required. They will be responsible for the following tasks:

- Provide project background materials to the evaluator;
- Prepare a list of recommended interviewees;
- Schedule meetings for field visit and coordinate in-country logistical arrangements;
- Be interviewed and provide inputs as requested by the evaluator during the evaluation process;
- Review and provide comments on the draft evaluation reports;

- Organize and participate in the stakeholder workshops; and
- Provide logistical and administrative support to the evaluator, including travel arrangements and all materials needed to provide all deliverables.

37. The evaluator reports to the evaluation manager. The evaluator will be selected through a competitive process from qualified independent consultants. The consultant will lead the evaluation and will be responsible for delivering the above evaluation deliverables using a combination of methods as mentioned above.

38. Indicative time frame and responsibilities

No.	Task	Responsible person	Time frame
1	Preparation, sharing and finalization of the TOR, and ToR approved	Evaluation Manager/Regional M&E Officer	By 5 November 2018
2	Issuance of EOI, advertisement of consultant, and selection of consultant	Evaluation Manager/Regional M&E Officer/Project management	By 15 November 2018
3	Issuance of contracts	Project	By 14 November 2018
4	Draft mission itinerary for the evaluator and the list of key stakeholders to be interviewed	Project	By 7 November 2018
5	Brief evaluators on ILO evaluation policy and the project (Evaluator to start desk study, Skype calls with project manager)	Evaluation Manager and Project Manager	By 15 November 2018
7	Document review and development of the inception report submitted to Evaluation Manager	Evaluator	21 November 2018
8	Approve Inception report	Evaluation Manager	23 November 2018
9	Conduct Evaluation Mission and Stakeholder Workshop	Evaluator	26 November – 2 December 2018
10	Draft report submitted to Evaluation Manager	Evaluator	10 December 2018

11	Share the draft report with all concerned stakeholders for comments for one week	Evaluation Manager	14 December 2018
12	Consolidate comments into the draft report and send to the evaluator	Evaluation Manager	10 January 2019
13	Revised report Submit to Evaluation Manager	Evaluator	18 January 2019
14	Submission of the evaluation report to ILO Evaluation Office for approval ¹	Evaluation manager and ILO Evaluation Office	21 January 2019

H. Required Qualifications and Duration

39. An independent consultant with the following relevant, skills, experience and qualifications are being sought

- ☐ No previous involvement in the delivery of the project;
- ☐ University Degree with minimum eight years' experience at the national level and/or five years' experience at the international level in social protection, employment injury insurance, actuary and OSH;
- ☐ Minimum five years of experience in conducting programme or project evaluations;
- ☐ Knowledge of, and experience in applying, qualitative and quantitative research methodologies;
- ☐ Knowledge of ILO's roles and mandate and its tripartite structure as well as UN evaluation norms and its programming;
- ☐ Excellent analytical skills and communication skills;
- ☐ Demonstrated excellent report writing skills in English and Bangla;
- ☐ Working experience in Bangladesh social security system.

40. It is foreseen that the duration of this evaluation will between 12 November 2018 – 21 January 2019. The **field mission in Dhaka, Bangladesh is expected during 28 November - 2 December 2018.**

Below are indicative working days required and tasks to be completed. Numbers of days foreseen for the consultant in one task can be reallocated to another task where justified and in consultation with the evaluation manager.

Tasks	Number of working days
Desk review of project related documents; Skype briefing with evaluation manager, project manager, donor, DWT-Bangkok, and ILO HQ; Prepare inception report.	5 days
Conduct Field visits and interviews relevant project staff, stakeholders, and beneficiaries; conduct a national stakeholder workshop.	5 days
Analysis of data based on desk review, field visit, interviews/questionnaires with stakeholders; draft report	8 days
Revise and Finalize the report including explanations on why comments were not included.	2 days
Total	20 days

ANNEX-2: Meeting and De-briefing Schedule

29.11.2018

- Meeting with Ms Noushin Safinaz Shah, Programme Officer, National Employment Injury Social Security System, ILO CO Dhaka

2.12.2018

- Meeting with ILO programme team (Md. Siddikur Rahman, Programme Officer, Bangladesh Sustainability Compact, Khadija Khondker, Programme Officer, Md. Saidul Islam, Programme Officer)

4.12.2018

- Meeting with Tuomo Poutiainen, Country Director ILO CO Dhaka
- Meeting with ILO Delhi workers Specialist Mr. Syed Sultan Uddin Ahmmed
- Meeting with ILO Delhi Employers Specialist Mr. Ravindra Peiris

5.12.2018

- Meeting with EIPS team in GIZ Dhaka Bangladesh: Dr. Silvia Popp, Project Manager, EIPS and Mr. Syed Moazzem Hussain, Technical Advisor, EIPS
- Meeting with Mr Andreas Hartmann, Head of Development Cooperation, Embassy of the Federal Republic of Germany
- Meeting with President, Bangladesh Employers' Federation, Mr Farooq Ahmed

6.12.2018

- Meeting with representatives of Industri ALL Bangladesh Council- IBC: Salauddin Shapon, General Secretary , Mr Md Towhidur Rahman, President, Mr Rashedul Alom Razu, President, and Samima Nasreen, Member
- Meeting with BKMEA: Md. Shahidul Islam, Sr. Assistant Secretary, Research & Development Cell, Md. Faruk Hossain, Assistant Joint Secretary, Research & Development Cell, Md. Sharif Hossain, Sr. Joint Secretary, (Chief of Compliance & Labour Affairs)

9.12.2018

- Meeting with representatives of NCCWE, Bangladesh: Mr Alhaj Shukkur Mahmud, Dr Wajedul Islam Khan, Mr Mezbauddin, Mr Razekuzzaman Ratan, Mr Choudhury Ashikul Alam, Mr Kamrul Ahsan

10.12.2018

- Meeting with Vice President (Finance) of BGMEA: Mr Md Nasir, Md. Rafiqul Islam, Additional Secretary (Labour), Nur Mohammad Amin Rasel, Additional Secretary, Omar Gias, Joint Secretary (Communication & Trade Fair)

12.12.2018

- Meeting with Mr Siddukur Rahman, Sustainability Compact, ILO Bangladesh

18.12.2018

- Meeting with Mr Shahjahan Mian, Additional Secretary, Ministry of Labour and Employment

26.12.2018

- Meeting with Mr Uttam Das, Programme Officer, ILO Bangladesh

10.1.2019

- Skype meeting with ILO HQ (Mr. Raphael, Senior Actuary and Mr. Hiroshi Yamabana, Senior Policy Advisor)

21.1.2019

- Validation workshop in ILO Bangladesh Country Office

Annex 3 Lessons learnt and Good Practice

ILO Lesson Learned Template

Project Title: Independent Final Evaluation of Implementation of the National Employment Injury Insurance Scheme of Bangladesh

Project TC/SYMBOL: BGD/15/05/DEU

Name of Evaluator: Nazme Sabina

Date: 31 January 2019

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)	<i>The Lesson Learned is that in spite of the commitment from the highest level of the government (the Prime Minister) to introduce EII, lack of scope of facilitation and leadership from the government has led to non-achievement of project outputs.</i>
Context and any related preconditions	<i>According to the design, this project was managed by ILO with support from region and head quarter. ILO worked closely with MoLE. The project expected that the MoLE would drive the project within the government. However, as MoLE has not facilitated the process as per design, it was not able to convince employers to initiate the pilot scheme in RMG. Additional Secretary (International Development) of MoLE is responsible for co-ordinating all projects under this Ministry. However, focal point for this project from MoLE was Additional Secretary (Administration) where co-ordination between this project and other related (including ILO) projects was inadequate.</i>
Targeted users / Beneficiaries	<i>ILO, GIZ, MoLE, NCCWE, BEF, BGMEA, BKMEA, IBC</i>
Challenges /negative lessons - Causal factors	<i>As mentioned above, relevant representation and adequate co-ordination from MoLE is apparent; the Ministry was mostly dependent on ILO for next steps. There was turn over at high level; such as the Secretary who was committed and was aware of the scheme was retired in the middle of the project. ILO project team tried to meet the new Secretary to brief her about the project. The team was not able to get appointment of the new Secretary in the final year of the project. In addition, there was lack of confidence between government and private sector in rolling out of the project.</i>
Success / Positive Issues - Causal factors	<i>It appears that endogenously generated agreement tend to be sustained in the long run</i>
ILO Administrative Issues (staff, resources, design,	<i>Financial support for process facilitation</i>

ILO Lesson Learned Template

Project Title: Independent Final Evaluation of Implementation of the National Employment Injury Insurance Scheme of Bangladesh

Project TC/SYMBOL: BGD/15/05/DEU

Name of Evaluator: Nazme Sabina

Date: 31 January 2019

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)	<i>The Lesson Learned is that there is lack of clarity which has resulted in disagreement from employers regarding premium proposed in EII scheme. This acted as a major barrier in reaching tripartite agreement regarding the scheme.</i>
Context and any related preconditions	<i>The feasibility study, the benefits design, financing proposition and the legal frame for the introduction of an EII scheme, was drafted, shared and discussed among the tripartite stakeholders. However, the employers shared opinion that the rate of incidence ILO considered for premium of scheme is overestimated. According to them, percentage of injuries led to death for reported accidents for RMG sector is about 1.7 % and 2.4 % for textiles which was found in BIDS survey and which is lower than the rate assumed in the proposed EII Scheme. The employers were not convinced about the basis for the calculation by ILO. There appears lack of clarity of the estimation while discussing this with the stakeholders.</i>
Targeted users / Beneficiaries	<i>ILO, GIZ, MoLE, NCCWE, BEF, BGMEA, BKMEA, IBC</i>
Challenges /negative lessons - Causal factors	<i>The reservation about calculation of the costs and the capability of government agency to efficiently manage the fund resulted in stalemate of the implementation of the Scheme. Given the uncertainty, the government is reluctant to commit to a specific timeframe for the introduction of EII.</i>
Success / Positive Issues - Causal factors	<i>Common understanding and consensus fastens operationalization of scheme.</i>
ILO Administrative Issues (staff, resources, design,	<i>Areas where further clarity is required should be actively explored in the consultation process. No additional administrative issues arisen.</i>

ILO Emerging Good Practice Template

Project Title: Independent Final Evaluation of Implementation of the National Employment Injury Insurance Scheme of Bangladesh

Project TC/SYMBOL: BGD/15/05/DEU

Name of Evaluator: NazmeSabina

Date: 31 January 2019

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

GP Element	Text
Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)	<i>The good practice is the knowledge development of tripartite constituencies through consultation process and exposure tour. The project organized several exposure visits for the representatives of MoLE, BGMEA, BKMEA, BEF, NCCWE, IBC, with an aim for better and practical understanding of EII scheme in developed and developing countries such as, Germany, Cambodia, and Malaysia. These joint visits helped the representatives having better conceptual clarity of the issue.</i>
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	<i>This is relevant to generate understanding of potential benefits of EII, its functioning in different settings and enable the key stakeholders assess the EII scheme proposed for Bangladesh and give feedback. It is deemed helpful for reaching consensus and commitment by key actors towards the development and implementation of EII scheme based on the principles of C 121. The Scheme has relevance to the National Social Security Strategy. There is a commitment from the governments of Bangladesh and Germany to implement EII scheme.</i>
Establish a clear cause-effect relationship	<i>See box above.</i>
Indicate measurable impact and targeted beneficiaries	<i>EII scheme institutionalized and operationalized.</i>
Potential for replication and by whom	<i>Other countries and projects of ILO where there are multiple stakeholders</i>
Upward links to higher ILO Goals (DWCPs, CPOs or ILO's Strategic Program Framework)	<i>Objective 4 of DWCP</i>
Other documents or relevant comments	