



# ILO EVALUATION

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*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.*



# ENHANCING THE LABOUR ADMINISTRATION CAPACITY TO IMPROVE WORKING CONDITIONS AND TACKLE UNDECLARED WORK

*EU-ILO Project in Ukraine*

## FINAL EVALUATION REPORT

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*An independent evaluation  
commissioned by*

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## Disclaimer

This report was prepared by an external, independent evaluation specialist, Thomas Vasseur, under the review and oversight of the ILO Evaluation Manager. The content, analysis and recommendation of this report do not reflect necessarily any official view of the ILO or the European Union or the Government of target country.

## Acknowledgments

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# 1. LIST OF ABBREVIATIONS

Acronym	Full Name
CMU	Cabinet of Ministers of Ukraine
ELAC	Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackling Undeclared Work
EU	European Union
EUD	European Union Delegation to Ukraine
FB	Facebook
HQ	ILO Headquarters in Geneva
ILO	International Labour Organization
ILO DWT/CO-Budapest	ILO Decent Work Team and Country Office for Central and Eastern Europe in Budapest
IS	Information System
LABADMIN/OSH	Labour Administration, Labour Inspection and Occupational Safety and Health Branch of the ILO
MP	Member of Parliament
MSP	Ministry of Social Policy
NTSEC	National Tripartite Socio-Economic Council
OSH	Occupational Safety and Health
PPE	Personal Protective Equipment
PSC	Project Steering Committee
SLS	State Labour Service of Ukraine
SRS	State Regulatory Service of Ukraine
ToR	Terms of Reference
UDW	Undeclared Work
VR of Ukraine	Verkhovna Rada of Ukraine

## 2. EXECUTIVE SUMMARY

### Project background and description

The project “Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work” is funded by the EU Delegation in Ukraine, under the European Neighbourhood instrument (Technical Cooperation Facility), with a value of € 1 million granted for an initial duration of 24 months; it was extended at no additional cost for a six-month period. The action started on 1 July 2017 and ended on 31 December 2019.

The project’s Development Objective aims for the Ministry of Social Policy of Ukraine, and in particular the State Labour Service, to contribute to safer and healthier working conditions for Ukrainian workers and to tackle “undeclared work” through the following outcomes:

1. Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection, are in line with the EU Acquis and ILO Conventions.
2. The ability of the MSP and the SLS to enhance working conditions and fight against undeclared work is improved.

### Evaluation scope, purpose and methodology

The purpose of this final evaluation involved: (a) supporting improvements in future programmes and policies, (b) promoting accountability to ILO key stakeholders and donors and (c) promoting learning within the ILO.

The external assessment aims to: (a) determine project effectiveness (achievement of project objectives at outcome and impact levels, extent to which results have been achieved); (b) assess the project implementation efficiency; (c) establish the relevance of the project outcomes and the level of sustainability attained; (d) provide recommendations toward the sustainability of project outcomes and initial impacts; (e) identify lessons learned and emerging potential good practices for key stakeholders, especially in view of a **second phase of the project due to start in January 2020**. This evaluation covers the implementation period since the project start until the time of the field visit, encompasses all (planned and unexpected) results, and spans all levels of achievements in its analysis, from activities to the achievement of objectives. Gender and anti-discrimination dimensions also are under the scope of this external review.

The primary clients of the evaluation include constituents of the ILO, project partners and stakeholders – in particular, project management, the ILO Office in Budapest, the ILO Regional Office for Europe, the LABADMIN/OSH Branch in Geneva, the EU, the MSP and the SLS.

The evaluation has applied ILO guidelines in relation to evaluation standards, methodology and ethics. The data collection involved a mixed method of research: the collected data was organized and guided by an evaluation matrix tailored for this assignment. The information was collected through direct individual and focus group interviews and completed by a review of project and contextual documents and enriched with

additional web-based research. The assessment process has involved (1) an inception phase that entailed a desk review and analysis of the project documentation and relevant literature and the drafting of an inception report featuring a detailed methodology, (2) a field phase where individual and focus groups stakeholder interviews were conducted in Kyiv during the week of 21 to 26 October 2019 as well as remote interviews with ILO employees from the Budapest regional office and ILO headquarters in Geneva. A presentation of the initial findings and feedback session to stakeholders concluded the field phase on 26 October 2019. The final (3) reporting phase of the external review comprised the submission of a draft report, feedback from the ILO and relevant stakeholders and a consequent final version of the report reflecting comments and necessary adjustments.

## **Findings**

### Validity of design

This project's strong design had a marked and positive effect on both the quantity and quality of work produced. The logic of intervention and the degree of detail about the process provided a strong framework for establishing durable change. They are the result of a combination of key elements: (1) a long-standing history of stakeholder relation-building and technical assistance provided by ILO in Ukraine, and (2) a permanent consultative and open exchange with Ukrainian institutions that allows for a deep understanding of root problems and shapes a response that privileges the construction of the change process and the sustainability of results over rapid but fragile outcomes. The ILO's seed money fund was quick to respond to MPS/SLS's first request for assistance to refine the design and appropriateness of the intervention. The formulation of capacity-building outcomes in the log frame, however, has been somewhat imprecise, unfortunately with regard to the measurement of the expected depth of change in institutional performance.

While the project design enjoyed a relevant logic of intervention, the longer-term strategic vision and deeper analytic work has been realised during implementation: Analytic rigour and knowledge production - including the creation of investigation-based tools - were applied to the project from its onset. Numerous strategic publications were made available to stakeholders in order to show the value of change and flesh out the core values of the project just as change began to unfold in this first project phase.

While gender equity and anti-discrimination policies were addressed by the project, the strategic definition of objectives and identification of results to capture the project's contribution to these issues should have been better elaborated in the project design.

The analysis of the problems in OSH and UDW has been translated into a valid response, the implementation of which has gone into a remarkable level of analysis of the legal, institutional and operational environment, so that it supports most, if not all, of the prominent strategic and policy instruments shaping the context of intervention: its international layer (ILO Conventions, ILO Global Decent Work strategy, several SDGs), its regional characteristic (EU Neighbourhood Partnership Agreement and the ILO Decent Work priorities in Eastern and Central Europe) as well as its national and local prioritization of programmatic responses to OSH, labour inspection and UDW situations (ILO Decent Work Country Programmes, national priorities of Ukraine). The implementation exercise has also acknowledged the fact that building a sustainable and

qualitative OSH national system and addressing UDW structurally require a longer-term effort, to be deployed over several project phases.

### Effectiveness

This ambitious, activity-intensive project has met many of its original expectations during its implementation. The intervention logic proposed a strong level of transformation involving substantial work, and the project has performed impressively, reflected in the quantity, timeliness and quality of deliverables. Indeed, delivering the core activities necessary to reform the labour administration in Ukraine within 30 months or less was a substantial task.

At the time of this external review, the project had produced substantial achievements that have contributed to a shift in the mind-set of those stakeholders who demonstrated a strong awareness of and supportive engagement in the project effort. Notably, the legal foundation of OSH has been changed in Ukraine thanks to a Concept of OSH Reform adopted by the CMU, as well as a national profile with project recommendations approved and analysis of the degree of concordance between the national legislation of selected EU directives and ILO Conventions on labour relations – a draft CMU resolution adopting the EU-ILO Project-supported Action Plan to Tackle UDW submitted by the Ministry of Social Policy to the Ministry of Justice, the transposition of EU directives, among other key outputs as well as numerous capacity-building activities equipping labour inspectors to change the way they perform and the sense of their work.

Smaller but significant milestones also have been reached in the area of labour inspection: the project has produced an analysis and recommendations on the improvement of the national legal framework for labour inspection as well as contributing to the formulation of a strategic plan for SLS's Labour Inspection activity. Several EU directives have also been transposed while the project supported the drafting of several legal acts on amending national legislation to strengthen the protection of workers and tackle UDW.

Tireless project team dedication and professional and relevant expertise from ILO staff have been key to ensuring a qualitative and timely implementation of a dense and ambitious project design. The presence of the project team at SLS premises gave the institution direct access to a formal and informal level of support that truly makes a difference from occasional technical support.

A change of national government, spurred by presidential and parliamentary elections, was an additional challenge to implementation that could have jeopardized the delivery of projects' activities, outputs and outcomes. Institutional reorganization and newly appointed staff meant some of the expected institutionalization of results was at risk. This situation has underlined the need for the project and ILO in general to maintain a strong advocacy effort coupled with the need to educate and communicate to a wide spectrum of institutional decision-makers on the negative consequences of UDW and a weak labour inspection environment. Solutions should be constructed over the long-term, and proposed changes should be supported until they are embedded in the legal framework and in the practice of labour inspection in the field.

### Efficiency

While the review appreciates the project's intrinsic value and the patience required to build durable answers, the efficiency of the project must be understood as an opening move to lay the foundation for a longer-term



investment: changing current practices and creating effective actions to tackle UDW will only bear fruit toward the end of the change process. Therefore, a way to measure the project so far is to verify if it fulfilled the primary steps of change (aligned legislation, strategic vision for the SLS, national action plan, and so on).

An allocation of € 1 million to reach this first milestone achieved in the field of OSH, labour relations and inspection, in concert with measures to fight UDW in Ukraine, is relatively small change compared to the long-term costs of illegal work and exposing workers to occupational risks to their safety, health and life on a daily basis. With a budget primarily composed of human resources costs of a small project team, external experts and the organization of capacity-building activities, a more stripped-down, low-cost budget is difficult to conceive. Indeed, behind the value of the intervention stands a uniquely mandated, experienced, expert and dedicated agency to do the work: the ILO.

### Sustainability and impact orientation

The obtained results confirm that the intervention is on track to generate durable impacts in OSH, UDW and labour inspection in the long run. The preconditions to produce lasting changes have been established successfully.

The early indicators of durable change achieved to date can be categorized as follows:

- Awareness and mindsets: Key stakeholders have become aware, supportive of and engaged in the change process proposed by the project. Interviewed stakeholders have explained overwhelmingly that the project has triggered a new mind-set about how OSH, Labour Inspection and UDW should be managed.
- Institutional engagement: The strategic planning work and capacity-building of the SLS by the project have been appreciated by the SLS – witnessed in its ongoing commitment and the first signs of changes in practices and attitudes of labour inspectors.
- Legislative validation: Recent government change has put on hold the project’s ability to advocate for the legal validation of key outputs. However, the progress realised with the adoption of key acts (OSH Concept, White Paper and Roadmap on OSH and commitment to the transposition of EU Directives and alignment with ILO Conventions) represent important indicators that the process has been validated to some extent and that wider implementation will start.
- Level of stakeholder engagement: The openness and level of dialogue on OSH, Labour Inspection, Labour Relations and UDW among key stakeholders has gained in visibility and shows a steady and increasing engagement among the different actors.

On this basis, the project has laid the foundation for a longer-term implementation that is expected to produce durable improvement in the OSH, UDW and labour inspection systems. The likeliness of the realization of this objective hinges mostly on the continuation of (financial – donor and technical – ILO) support as well as commitment at a higher political level. The vision, strategy and method have been developed. It is now a matter of pursuing the process until standards are actually implemented.

## Lessons learned

The evaluation has identified several lessons from the implementation experience.

- The quality, level of detail and the clarity of the strategic vision standing behind the transformative process is a key factor for the successful realization of change. The success of effective changes is not the sole result of process design; other important factors are involved – such as political stability. However, any weakness in the process design will be felt strongly at any stage later in the intervention.
- The limits of the project’s influence and of ILO’s role have been made clear. As much as the process and expert delivery of activities made possible the production of quality outputs, the project experience shows that the enforcement and sustainability of results remains limited without institutional or legislative validation. The response requires an active and strategic advocacy effort.
- While the project team, with the support of the National Coordinator, has been proactive in terms of communication, the intervention must overcome its intrinsically complex and technical nature to reach out to a wider range of stakeholders in order to remain on top of political, institutional and donor priorities.
- The project has made a difference regarding gender equity but does not promote its work sufficiently in this dimension. This is symptomatic of a culture of technical expertise hard at work but neglecting to sell itself.

## Good practices

The rigorous process outlined in detail by the project constitutes a strong good practice. The method – specifically building a strategic vision for labour inspection, the preparation of an aligned legislative environment and enforcement of international standards through practice – provides a remarkable perspective of intervention, and this evaluation suggests that the model should be replicated in specific contexts.

The delivery of technical assistance is often insufficient in scope to ensure a successful transformative process. But this project has provided an opportunity for the evaluator to identify several elements which, when brought together, meet the conditions for “good” or effective technical assistance: Relevant expertise, a proactive attitude, quality relationships built over time, permanent seconding of ILO on site for which the agency has earned credit and respect, and linking OSH, Labour Inspection, Labour Relations, UDW and SD in a strategic way.

## Conclusions

The project has been unanimously recognized by its partners and stakeholders for setting the stage for important changes. Its numerous achievements to date passed an important first milestone that confirms this intervention is on track to reach its long-term objective.

Even if non-experts may regard this project as unappealing, it is crucial to the well-being of workers in Ukraine. The project has advocated for long-term support for the intervention while enjoying a period of donor understanding and backing. But the need to gain a wide and clear understanding that they are no

noticeable, durable results without the patient work of the “pros” remains an issue. While the ILO is working hard on raising awareness about this delicate balancing act, the project should be able to tell stories and convey strong messages to the public that changes already have happened.

The project has adopted a proactive communication and advocacy stance which has brought about results (in terms of advocacy, triggering stakeholder’s interest, commitment and buy-in) and showed limitations (public awareness on UDW, higher political engagement), underlining the need for professional communication support. The ILO in Ukraine is aware of this outstanding need and both the project team and National Coordinators have actively communicated the project results as well as a need for further support. Nonetheless, results-oriented, impactful communication requires further development.

The human factor is essential to this technical assistance project: This has been expressed as a strong element in the stakeholders’ understanding of the project stake and approach and has also stimulated their commitment.

The project does address the gender dimension of its work, but it has insufficiently reported or communicated much about it. The next phase of this project can remedy this aspect through reporting and the definition of gender and anti-discrimination results indicators and shining a light on these policies in the workplace.

## Recommendations

The following recommendations have been formulated as a deduction and analysis of the findings identified during the evaluation:

### Key recommendation 1: Promote the project results (and process) through a more powerful communication.

Define a communication strategy aiming at – among other goals – to secure an adequate level of funding for the long-term support of the intervention (and ideally to a portfolio of interventions support of ILO DWCP country programme outcome).

Develop various visible supports (webpage, video, brochures, visuals, emails, key notes) targeting a non-expert audience (tailored to specific stakeholders: donors, government institutions/ministries, other “non-expert” stakeholders) conveying clear, strong messages illustrating the long-term benefits of the intervention and highlighting the link between the action and its impacts (visuals).

Integrate ILO’s added value and identity (through its specific competences and expertise) so the agency’s identity is associated with concrete, impactful results. The evaluation acknowledges ILO, at the HQ level, has already made significant efforts towards a more impactful communication. The recent material on ILO’s Flagship programme on OSH is an example of this.<sup>1</sup>

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<sup>1</sup> See link: <https://www.ilo.org/global/topics/safety-and-health-at-work/programmes-projects/safety-health-for-all/lang-en/index.htm>

Key recommendation 2: Develop an advocacy strategy targeting the appropriate higher political level (ministerial or as appropriately identified) to ensure the timely validation of future planned results (envisaged by the new project).

Key recommendation 3: Formalize the gender equality and anti-discrimination dimension of the future project through the formulation of a gender and anti-discrimination strategy.

Key recommendation 4: Promote the project as a relevant model of intervention for the countries from Eastern Neighbourhood Partnership sub-region through regional mechanism.

Key recommendation 5: **Ensure that the new project (and future potential successive) phases propose (measurable) indicator-based capacity-focused outcomes, allowing to identify the depth of change realized by the project and the formulation of realistic changes.**

Key recommendation 6: **Preserve the mainstreaming of ILO Conventions by systematically linking the promoted EU directives to its related ILO Convention.**

## 3. PROJECT BACKGROUND

### Brief Project Summary and Intervention Logic

The development objective of the project is to improve working conditions in Ukraine and fight against undeclared work.

The intervention logic has been elaborated on the basis of the following Results Chain:

The project is expected to contribute to the following Development Objective: “The Ministry of Social Policy, and in particular the State Labour Service, contributes to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work.”

The following outcomes are intended to help contribute to the Development Objectives:

Outcome 1: Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection are in line with the EU Acquis and ILO Conventions.

Outcome 2: The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved.

A set of project activities has been designed to obtain two outputs under the first outcome. First, the proposed activities were expected to formulate (1.1.) recommendations to bring national legislation on OSH and selected labour law issues in line with the EU Acquis presented to the national constituents and (1.2.) recommendations to improve national legislation and procedures regarding labour inspection and the SLS are proposed to the national constituents.

In order to increase the MSP and SLS’s ability to enhance the working conditions and improved the fight against undeclared in Ukraine (Outcome 2), the intervention has proposed a range of activities leading to (output 2.1) Modernise the SLS Information System, support the SLS in implementing a strategy to fight UDW (output 2.2) as well as to enhancing the capacity of the SLS manager and labour inspection to promote compliance (with international standards).

The project has applied the following multipronged strategy:

- Approaching Ukrainian legislation to the EU Framework Directive on OSH and its main specific directives whilst paving the way for the ratification of ILO Convention 187;
- Assisting the Ministry of Social Policy in the alignment of the UA legislation with a selected number of EU directives on working conditions;
- Providing the SLS with a robust corpus of knowledge, intelligence and training of labour inspectors to tackle undeclared work and,
- Improving the performance of the labour inspection by ensuring a full implementation of ILO Conventions No.81 and No.129, providing the necessary training to labour inspectors and giving technical assistance to the management of SLS for the labour inspection to be in line with EU good practices.

The main means of action of the project have included the following:

- Financial resources with 1 million EUR in funding from the EUD in Ukraine,
- Technical and operational support from ILO offices in Budapest and Geneva,
- Overall (supervision, advocacy, operational, legal...) support from the ILO office in Ukraine,
- Institutional arrangements with the EUD (grant agreement), appointed project counterparts in the MSP and SLS,
- A qualified project team, composed of a project manager and a national project coordinator.

Provide a brief summary of the projects' purpose, logic, structure and objectives. It should specifically outline the intervention logic, strategy and main means of action; geographic coverage; and management structure.

### **Brief Country Context Outline**

Ukraine has been facing long-standing structural problems of Ukraine, including a weak economic growth and employment creation, high share of informal economy and undeclared work, weak labour market governance. In the recent past, the country has experienced drastic political changes and new challenges such as the illegal annexation of Crimea and the destabilization of the situation in the Donetsk and Luhansk regions.

After a modest recovery from the global financial crisis, the Ukrainian economy has suffered from low economic growth (in 2012 and 2013), a period of instability characterised by a sharp devaluation of its national currency hryvnia, leading to wide-spread over-indebtedness of dollar mortgages/consumer credits.

In terms of employment, Ukrainian youth remains among the most affected as youth between 15 and 24 years of age, the unemployment rate of the 15-24 years of age's category remains twice as high as the average throughout the country – 22.4 per cent of the workforce.<sup>2</sup>

The country faces serious demographic challenges because of a rapidly aging population, migration, and internal displacement of the population. Rising unemployment throughout Ukraine poses additional constraints for displaced persons – which population is estimated at 1.65 million<sup>3</sup> - to find work in other regions of the country.

Traditionally, occupational safety and health (OSH) has been given much attention by the Government and social partners, especially in mining and metal industries. However, the large-scale privatization, creation of small and medium-sized enterprises as well as growing informality created a number of challenges for preventing and recording workplace accidents. The available statistics cover only the formal employment, demonstrating that workplace accidents have dropped by 13.4 per cent, while lethal accidents increased by 7.9 per cent.<sup>7</sup> The main reasons were organizational (63.9 per cent), psycho-sociological (24 per cent), technical (12.1 per cent), linked to substance abuse (2.5 per cent). In the first six months of 2015, 2,156

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<sup>2</sup> State Statistics Service of Ukraine Economic Activity of Population in Ukraine 2015 Statistical publication, State Statistics of Ukraine, 2016.

<sup>3</sup> Number of IDP registered by the Ministry of Social Policy as of 16 January 2017.

accidents have occurred (including 178 lethal). According to the State Statistics Service of Ukraine, 24.7 percent of workers still work in conditions that fail to meet the safety and health standards.<sup>8</sup>

The modernisation of the economy and the ongoing territorial and economic crisis resulted in several challenges with a particular impact on both OSH and labour relations. First, the need to improve implementation of existing legislation, in particular by enhancing the capacity of micro and small enterprises to put in place effective and efficient risk prevention strategies and compliance with the minimum labour requirements. Second, the need to improve the prevention of workplace accidents and work-related diseases. Third, the need to align Ukrainian legislation with EU legislation and with relevant International Labour Standards in both OSH and labour relations.

The Government initiated a reform of the Public Employment Service with the aim to streamline some of its functions, improve labour market information and expand its services to all jobseekers, though its process has been criticized by the social partners for the lack of consultation.

The adoption of the law of Ukraine “On Social Dialogue in Ukraine” in 2010 set a solid stage for the development of social dialogue as it established new tripartite institution, introduced representativeness criteria for the trade unions and employers’ organizations and promoted the consolidation of social partners.

Undeclared Work is a major issue in Ukraine. A recent study<sup>4</sup> concluded that *“in Ukraine, the informal economic behaviour is accepted as part of everyday life (...). The informal sector grows as a consequence of the deteriorating formal sector and it gains economic players forced by the need to survive”*.

The most commonly identified forms of UDW are the following: (a).Employment in informal sector (economic activity of non-registered enterprises, persons without registration/declaration to authorities); 2. Informal employment in formal sector – hired labour without concluding labour contract in registered enterprises; 3. Partial declaration/reporting of working hours and wages to authorities and payment of extra wages in envelopes; 4. Substitution of employment contracts for other contracts (civil contracts) to reduce employers’ social contributions and avoid other liabilities. UDW has multiple negative consequences, from affecting social benefits to loss in budget revenues.

In this context, the EU-Ukraine relations have been set out in the 2014 Association Agreement, which focused on support to core reforms, economy recovery and growth and governance as well sector cooperation in areas such as energy, employment policy, labour market reforms, social development and protection (...). As part of the AA, a Deep and Comprehensive Free Trade Area (DCFTA) entered into force on January 1, 2016 and offers Ukraine a framework for modernising its trade relations and for economic development by opening up markets and harmonising laws, standards and regulations in various sectors, notably international labour standards. In order to support implementation of this agreement, the EU is funding actions under the Technical Cooperation Facility 2016, financed under the European Neighbourhood instrument. The action will provide policy advice, advice on legal approximation process with the EU, and

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<sup>4</sup> MIROSHNYCHENKO, Ivan, The Nature and Extent of Informal Economy in Post-Crisis Ukraine, PhD Candidate, Scuola Superiore Sant’Anna, Doktori műhelytanulmányok 2013, pp. 229 -244, available at: <http://dfk-online.sze.hu/images/egyedi/doktori/doktori%20m%C5%B1helytanulm%C3%A1nyok/microshnychenko.pdf>

capacity building in priority areas covered by the EU-Ukraine Association Agreement and the Association Agenda.

### **Project's Objectives**

The objectives of the evaluated project have been the following:

**Development Objective:** The Ministry of Social Policy, and in particular the State Labour Service, contributes to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work

**Outcome 1:** Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection are in line with the EU Acquis and ILO Conventions

**Outcome 2:** The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved.

### **Project's Funding Arrangements**

The project, funded under the Technical Cooperation Facility signed in 2016, financed under the European Neighbourhood instrument, supports the Ministry of Social Policy (MSP), and in particular the State Labour Service (SLS), in the promotion of safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work.

The intervention has received 1 million EUR in funding through an Agreement with the EUD in Ukraine. The project timeframe has spanned from 01 July 2017 to 31 December 2019; a 30-month duration including a 6-month no-cost extension period.

### **Organisational arrangements for the Project's Implementation**

The ILO has maintained regular communication and information with the EU (EUD, SGUA, DG EMPL), providing regular exchanges on the progress of the project, the work plan or schedule of project activities.

The ILO has established close and regular communication with the MSP and the SLS with the latter providing office space to the project in its headquarters in Kyiv to allow the project staff to better understand the functioning and challenges faced by the SLS.

A steering committee with representatives of the ILO, the EU, the Ministry of Social Policy, the SLS, the employers' organizations and the workers' organizations has been set up to provide strategic guidance on implementation as well as offer a platform to update and share information with tripartite partners on the project's advancement and promote synergy.

1. To give strategic guidance on project implementation;
2. To serve as a platform for the tripartite partners to be updated on the project progress and to share information on on-going related activities to promote synergy and coherence.

Guiding principles detailing the mandate and regularity of the meeting will be drafted during the inception phase of the project. A critical mass of 30% of women representatives will be ensured with the end goal of



achieving parity. The project geographical coverage has involved a central-level of intervention with national stakeholders based in Kyiv but has also entailed punctual activities in several regions of Ukraine.

The management structure of the project has relied on a Project Manager (Labour Inspection and OSH expert), a National Project Coordinator (part-time), an Administrative Assistant (part-time), as well as a remotely-based Finance Assistance (part-time) and backstopping officer.

### **Contributions, role of ILO, project partners and other Stakeholders**

ILO has fulfilled a management role to the project implementation and has appointed a dedicated expert team to plan, design, coordinate, implement and report on activities. ILO's role in the project has also involved ILO Ukraine country support as well as technical, administrative and financial remotely delivered from the Agency's offices in Budapest and Geneva. ILO has also played an active prior to the project through previous interventions in areas relevant to the project, which lessons learned and in-house expertise have led to the design and formulation of the reviewed project. In particular, ILO has used its long-standing collaboration with the labour inspection and OSH services of Ukraine as well as an earlier EU-funded project on improving OSH in Ukraine.

The MSP and the SLS have been the main counterpart to the project and these institutions have appointed employed as focal persons who will follow-up on the implementation of the project.

The other Social Partners, including Trade Unions, Employers' Associations have also been an important actor to the project as they have been actively involved in key activities of the project.

### **Brief Review of the Implementation of the Project**

The project has been marked by several milestones: The inception phase has represented an important period as it has been used to adjust the logic of intervention as well as upgrade the strategic vision and planning of activities. In relation to the OSH component, the adoption of the concept of OSH Reform by the CMU as well as the validation of the Roadmap for the EU Directives, Reform of OSH and Labour Relations has marked two important cornerstones in the project cycle. As far as labour inspection is concerned, the validation of the recommendations of the improvement of the labour inspection national legal framework and the formulation of the Labour Inspection Activity's Strategic Plan have been marking events for the project. The 2014 presidential election and ensuing administration change are also to be considered as an happening of influence of the validation of project realisations.

### **Project management arrangements**

The project has been managed by a team composed of an international Labour Inspection and OSH expert as the Project Manager, supported by a part-time (50%) National Project Manager, supporting the practical implementation and administration of project activities. Both team members have been based in Kyiv and accommodated at SLS premises. The project has also received the support from a part-timer (50%) providing clerical, translation and interpretation work. A part-time (50%), ILO-Budapest Office-based Finance Assistant has also been appointed to the project while an ILO HQ-based Programme Officer has dedicated circa 8% of his time to provide programmatic support. The Ministry of Social Policy and the SLS have appointed one counterpart each to follow up project implementation.

## 4. PURPOSE, SCOPE AND CLIENTS OF EVALUATION

### Evaluation purpose and objectives

The final evaluation of the project had three overall purposes: (a). Supporting improvements in future programmes and policies, (b). Promoting accountability to ILO key stakeholders and donor and (c). Promoting learning within the ILO.

The evaluation has been guided by the main following objectives:

- Determine project effectiveness: achievement of Project objectives at outcome and impact levels, and examine how and why the intended results have or have not been achieved; Identify relevant unintended/unexpected changes effects at outcome and impact levels;
- Assess the project implementation efficiency;
- Establish the relevance of the project outcomes and the level of sustainability attained; Provide recommendations regarding relevant stakeholders, toward the sustainability of the project outcomes and initial impacts;
- Identify lessons learned and emerging potential good practices for key stakeholders.

In particular, the findings, recommendations, lessons learned, and good practices identified in the evaluation report have been used to refine the strategy for a **second phase of the project due to start in January 2020**.

Tripartite constituents and key stakeholders have been thoroughly consulted through individual, focus group interviews as well as during the open discussion session during the presentation of preliminary findings in Ukraine

### Scope

The overall evaluation assignment has taken place from October to December 2019 and has focused on the project implementation period from the start of the project until the time of field visit (21-25 October 2019).

The external review has assessed the extent to which outcomes have been achieved, including the extent to which the main activities have led to reaching outcomes. The expected (i.e. planned) and unexpected results in terms of non-planned outputs and outcomes (i.e. side effects or externalities) have also been gauged by the evaluation. The evaluation's analysis has identified the degree of achievement of objectives while explaining how and why these results have been attained in specific manners versus other possible alternatives.

The gender dimension has also been integrated in the analysis and treated as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. The evaluation has reviewed data and information disaggregated by sex and gender. Further, it has assessed the relevance and effectiveness of gender-related strategies and outcomes to improve lives of women and men.

## Clients

The findings, conclusions and recommendations generated by this evaluation have been shared with the following key users:

- ILO tripartite constituents and national project partners and in particular:
- The Donor/Contracting Authority
- Project management and the ILO DWT/CO Budapest and the RO for Europe, the LABADMIN/OSH Branch in Geneva
- The MSP and the SLS.

This evaluation has entailed the following sequence of operations; further described into more details in the below methodology section).

<b>Desk Review:</b>	Home-based project literature review ( <i>October 2019</i> )
<b>Orientation Meetings:</b>	Remote briefings with ILO Budapest and Geneva, Project Team, National Coordinator for Ukraine and Evaluation Manager ( <i>17 October 2019</i> )
<b>Field missions/Interviews:</b>	Face-to-face individual and focus group discussions in Ukraine ( <i>21-25 October 2019</i> )
<b>Presentation of findings:</b>	Presentation of preliminary findings and final consultation with stakeholders ( <i>25 October 2019</i> )
<b>Draft report:</b>	Processing of collected information and evaluation report drafting ( <i>submitted on 18 November 2019</i> ).
<b>Final report:</b>	Addressing comments and submission of the final report on ...December 2019

## 5. METHODOLOGY

Please note that, for the purpose of easy of reading, the official title of the project “*Enhancing the Labour Administration Capacity to Improve the Working Conditions and Tackling Undeclared Work*” is referred to as “**ELAC**” further in this report.

### 5.1. EVALUATION CRITERIA AND QUESTIONS

The evaluation has applied principles, tools and guidelines as recommended by the ILO Evaluation Framework and Strategy, the ILO Guideline, the UN System Evaluation Standards and Norms, and the OECD/DAC Evaluation Quality Standards and criteria.

The evaluation findings have been organized around the overall ILO evaluation criteria of relevance, effectiveness, efficiency and sustainability (and potential impact) as per the ILO Policy Guidelines for Results-Based Evaluation.

The Gender dimension has been addressed in accordance with ILO and the evaluation data produced or collected will be sex-disaggregated, highlighting the specific needs of women and men and of marginalized groups.

Lessons Learned and Good Practices have been identified and reported in a dedicated section of this final report and are further described in specific annexes.

#### Evaluation Questions

An Evaluation Matrix elaborated around the key evaluation questions formulated in the ToR, along with Lessons Learned, Good Practices, are annexed to this report. This matrix is a central tool that helped gather and organise data collected as well as provide a basis for the structure of the evaluation report.

The questions provided in the terms of reference for this evaluation have been used as a basis for the evaluation matrix attached to the inception report.

Below is the list of questions provided in the ToR, grouped by evaluation criteria:

#### 1. Validity of Design

- Determine the validity of the project design, the effectiveness of the methodologies and strategies employed for it and whether it assisted or hindered the achievement of the project’s goals as set out in the Project Document. Were the timeline and objectives of the project clear, realistic and likely to be achieved within the established time schedule and with the allocated resources (including human resources)?
- Was the project design logical and coherent (both internal and external level taking into consideration other stakeholders initiatives on the issue)?
- Does the project design meet the ILO Guidance on Results-Based project design? Including: Clarity of the objectives (did they meet SMART criteria); How appropriate and useful were the indicators (and

targets) established in the project's performance monitoring plan (PMP) in terms of assessing project progress?

- To what extent were external factors and assumptions identified at the time of design? Have these underlying assumptions on which the project has been based proven to be true?
- Assess whether the problems and needs (institutional arrangements, roles, capacity and commitment of stakeholders) were adequately analysed and determine whether the needs, constraints, resources and access to project services of the different beneficiaries were clearly identified, taking gender equality and non-discrimination into account?
- Was the strategy for sustainability of project results defined clearly at the design stage of the project?

## **2. Relevance**

- Examine whether the project responded to the real needs of the Ministry of Social Policy and of the State Labour Service.
- Assess whether the problems and needs that gave rise to the project still exist or have changed. How relevant is the project with the EU Technical Cooperation Facility under the European Neighbourhood instrument?
- How well does the project fit into the ILO programming and implementation frameworks?
- Is the overall project coherent with other ILO initiatives on the topic and in the region (in particular, with the sister project on occupational safety and health in the mining industry in Ukraine)?
- Under implementation, did the strategy address the different needs and roles, constraints, access to resources of the target groups and did the project leverage resources to promote gender equality and non-discrimination?

## **3. Effectiveness** *(the extent to which the intervention's immediate objectives were achieved taking into account their relative importance)*

- Examine delivery of project outputs in terms of quality, quantity and timing.
- Assess whether the project has achieved its immediate objectives. Did the project have an influence on any changes in terms of strengthening of OSH, labour standards, labour inspection and fight against Undeclared Work (UDW)?
- Have unplanned outputs and results been identified and if so, why were they necessary and to what extent were they significant to achieve the project objectives?
- How did positive and negative factors outside of the control of the project affect project implementation and project objectives and how did the project deal with these external factors?
- To what extent have the intervention results been monitored and reported in terms of their contribution to specific SDGs and targets (explicitly or implicitly)?
- Assess the effectiveness of the project's gender mainstreaming and non-discrimination activities and strategies.

#### **4. Efficiency**

- Compare the allocated resources with results obtained. In general, did the results obtained justify the costs incurred?
- Has the project received adequate administrative, technical and - if needed - political support from the ILO National Coordinator for Ukraine, the ILO office in Budapest, technical specialists in the field and the responsible technical unit at headquarters (LABADMIN/OSH)?
- Were the management arrangements efficient to implement the project?
- To what extent did the project leverage partnerships (with constituents, national institutions and other UN/development agencies) that enhanced projects relevance and contribution to priority SDG targets, EU priorities and national development objectives?

#### **5. Sustainability and impact orientation**

- Assess to what extent a phase out strategy was defined and planned and what steps were taken to ensure sustainability (e.g. government involvement). Assess whether these strategies have been articulated/explained to stakeholders.
- Assess the likelihood of the results and approaches of the project continuing beyond the project life. Are the project's approaches replicable elsewhere?
- Assess the likelihood of the results and approaches of the project continuing beyond the project life. Are the project's approaches replicable elsewhere?
- Assess the degree to which the project sustainability strategy includes a gender perspective. Is it likely that the project will have long-term effects (impact) on OSH, UDW and labour inspection system.
- To which extent the results of the intervention are likely to have a long term, sustainable positive contribution to the SDGs and relevant targets (explicitly or implicitly)?

#### **6. Lessons Learned and Good Practices**

- Lessons learned from project implementation;
- Emerging Good Practices.

#### **Evaluation standards**

The evaluation has used the Standards and Norms of United Nations Evaluation Group, UNEG Ethical Guidelines for Evaluation, 2008, UNEG/FN/ETH (2008).

Qualitative and quantitative data were gathered using the following tools and methods:

- Review and analysis of primary information directly related to the project;
- Internet-based research and review of publications relevant to the evaluation context;
- Design of an evaluation matrix and evaluation questions;
- Individual and focus group, face-to-face, remote interviews.

## 5.2. EVALUATION METHODS AND DATA COLLECTION INSTRUMENTS

The evaluation tools and approaches derive from the evaluation methodology initially proposed and have been designed to enable capturing the diversity of information using instruments tailored to the type of data sought and applying approaches appropriate to each specific data collection context. The quantitative and qualitative data collected through various means has been organised as per the Evaluation Matrix's distribution of questions, related judgment criteria and indicators and fed with the identified source of information.

In light of the dynamic political and socio-economic context in Ukraine, the evaluation has also considered relevant exogenous factors, to provide a more nuanced understanding of the relationship between implementation of activities, constraining and facilitative factors in the environment, and interventions' outcomes and development sustainability.

### Evaluation Instruments

Evaluation tools have been used for each evaluation phase as follows:

#### Desk Review Evaluation Tools

The evaluation has regrouped key information extracted from documents directly relating to the evaluated actions and relevant contextual/thematic publications from complementary research. Key relevant data has been gathered in a systematic manner to identify trends, themes, and patterns related to the EQs.

#### Field Phase Evaluation Tools:

The field interview phase, a crucial moment in data collection as it involves an interaction with key informants, has required adjusting the tools (interview formats and questions) and approach to capture multi-dimensional information: Facts, Knowledge, Experience, Perception, Critical thinking, as well as Attitudes of the individuals visited.

- ✓ Stakeholder interviews:
  - *Face-to-face individual interviews*: "One-to-one" discussions where key evaluation topics have been prioritised based on the depth of knowledge specific to each informant.
  - *Face-to-face Focus Group Discussions (FGD)*: FGDs have been organised to gather either (a). representatives from the same stakeholder category (e.g. Trade Union representatives) or (b), representatives belonging to different departments of the same organisation (e.g. State Labour Services). FGD have offered the following purposes (1). To optimise the time allocated for field visits by meeting several stakeholders from the same category at once and (2) generate an exchange of perspectives among actors from the same category, as well as (3) to maximise the number of interviews (with a view of forming interview samples of beneficiaries).
  - *Remote interviews*: Such interviews have been organised with stakeholders located outside Ukraine and have mostly concerned ILO staff based in Budapest and Geneva offices.

- ✓ Interview formats: Interview formats have been tailored to the category of stakeholder, the position of the interviewee and its role in the action under evaluation.
- ✓ Sampling: Given that the field phase has exclusively focused on Kyiv-based stakeholders and that no end-users have been interviewed, the use of sampling has not been deemed as a relevant tool for this evaluation.

A proposed tentative list of interview topics has been tailored to several categories of stakeholders involved in the implementation of the project.

#### Sources of information and data:

The evaluation has used three different sources of information and data: (a). Primary information extracted from the project documentation, including reports, written productions and publications, (b) Relevant thematic or contextual information made available to the evaluation as well as identified through additional research, (c) information directly collected or handed by stakeholders during interviews.

The draft of the present Evaluation Report has applied the following analytical methods:

- **Descriptive analysis** has been used to understand the relevant context that has influenced projects' implementation, and to describe projects' objectives and interventions. Descriptive analysis has been used as a first step, before moving on to more interpretative approaches.
- **Content analysis** did constitute the core of the qualitative analysis. Documents and stakeholder consultation notes have been analyzed to identify common trends, themes, and patterns in relation to the evaluation questions.
- **Quantitative/Statistical analysis** has been used to interpret quantitative data.

As part of the process of synthesizing information derived from different data sources and through different means of data collection, the following methods have been used to ensure **validity of data**:

- **Triangulation** – i.e. comparing data generated from different data sources to identify trends and/or variations;
- **Complementarity** – i.e. using data generated through one method of data collection to elaborate on information generated through another, e.g. use stakeholder consultations to explore reasons for strengths or shortcoming indicated in existing documents.

#### **Gender dimension**

*During data collection*, the ET will apply a gender-sensitive approach when interviewing beneficiaries and other stakeholders adopting an attitude respectful and aware of gender and cultural factors. Interview questions will be formulated to ensure that they do not harm the safety and condition of females in their environment. Ad hoc field interview questions will be formulated in such a way to inform gender-specific indicators. Gender-specific interview questions have been formulated and will be further developed to capture relevant data that will be used to analyse this cross-cutting issue.

*In data analysis*, the gender equality dimension will be integrated into the evaluation analysis and informed by the data generated around gender-specific indicators, triangulated with the actions and context material.



### **Methodological approach**

The evaluation has used a variety of sources to gather both quantitative and qualitative data, integrate gender equality other non-discrimination issues as a cross-cutting ILO concern throughout the methodology and deliverables, including the final report. Whenever possible, gender data has been disaggregated when collecting, presenting and analysing information.

The evaluation has been conducted in a participatory manner and the methodology has ensured the involvement of ILO, including the project staff and key stakeholders in the implementation as well as in the dissemination processes.

### **Limitations**

The implementation of this evaluation did not encounter any major limitation. The ILO Ukraine staff, including the project team and national coordinators, have provided an outstanding organisation, interpretation and logistic support. This has been crucial to optimise the collection of information in the field. Interviewed stakeholders have been very collaborative and shared insightful feedback.

## 6. EVALUATION FINDINGS

### 6.1. VALIDITY OF DESIGN

**EQ 1.1.** DETERMINE THE VALIDITY OF THE PROJECT DESIGN, THE EFFECTIVENESS OF THE METHODOLOGIES AND STRATEGIES EMPLOYED FOR IT AND WHETHER IT ASSISTED OR HINDERED THE ACHIEVEMENT OF THE PROJECT'S GOALS AS SET OUT IN THE PROJECT DOCUMENT. WERE THE TIMELINE AND OBJECTIVES OF THE PROJECT CLEAR, REALISTIC AND LIKELY TO BE ACHIEVED WITHIN THE ESTABLISHED TIME SCHEDULE AND WITH THE ALLOCATED RESOURCES (INCLUDING HUMAN RESOURCES)?

**Finding 1.** A long-standing ILO active presence, thorough consultation and deep analysis leading to a sound design, substantially consolidated during implementation.

The project's logical framework has been designed on a strong foundation, which composition gathers ingredients such as a long-standing ILO presence and previous intervention, a high degree of knowledge and context analysis, continuous stakeholders. The finding number 9 under the EQ 1.5. provides further details on the justification of the intervention.

The deep consultation and analysis of the problems actually shows in the project design with a clear definition and categorisation of objectives, starting from the overall, long-term objective of contributing to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work, which are two national priorities necessary to the human and economic development of the country. The reconstruction of the project logic confirms the rationale is clearly articulated in both directions. Activities appears as contributing to the delivery of outputs while outputs logically lead to reaching proposed outcomes. Reciprocally, the logframe allows understanding how objectives will be reached while the proposed indicators enable to monitor progress and measure the extent to which outcomes will be reached by the end of the project. The logic of intervention effort did not stop at the design stage and indeed, continued during the implementation where the inception period has been dedicated to draft a detail-rich process which first steps involved a complete review of the existing labour inspection and labour relation frameworks.

**Finding 1 bis.** While the overall design is coherent, the formulation of outcome does not provide a clear indication of the expected change (outcome).

Both project outcomes are relevant as it addresses necessary and well justified priorities in relation to the legislation and policy framework as well as the capacity of the MSP and SLS. What misses however is a formulation and an indication of the expected changes in, on the one hand, the level of readiness of the improved framework to allow changes and, on the other hand, the degree of ability of the SLS to perform in line with international conventions and most efficient practices. The initial analysis acknowledges quite realistically that the legal, institutional and operational transformation of Ukrainian labour services until it fully ensures healthy, safe working conditions and durably resorb undeclared work involves an effort which length exceeds a single project phase duration. On the scale of this transformative process, it is important to have individual project phase objectives and its related outcomes to correspond to specific milestones along the transformation scale. Failing to provide specific outcomes and indicators for its realisation, measuring the contribution to the advancement along the transformation roadmap will be a challenge.

[ILO Ukraine Final Project \(UKR/16/03/EUR\) Evaluation - Thomas Vasseur - December 2019](#)

**Finding 2. A strong focus on the process – enhanced by the project team – with a design focused on durable solutions**

A remarkable feature of the project is that, beyond a solid logic of intervention, ELAC's implementation has been driven by very rational and detailed processes. For each project sub-component (OSH, Labour relations, Labour inspection and tackling UDW) specific processes have been designed, to gradually lead to the intended results: From awareness raising (e.g., through the analysis of the national legal framework on labour inspection) to capacity-building (e.g. involving SLS in the tables of concordance of EU and national legislation) and practice (e.g. field visits of SLS, experts and TU officials practicing new approaches, applying international standards and efficiency-driven spirit).

The project has also ensured that the processes behind each sub-component were also overall coherent vis-à-vis one another, i.e., that the coordination and timing of activities did not happen either too soon or too late in the process, building the steps gradually until the objectives were reached.

This has implied advancing on the enabling environment (alignment of the legislation) in parallel to the empowering the institution (SLS capacity).

One commendable initiative of the project is that it has dedicated the initial implementation period to review, jointly with the MSP and SLS, the strategic design of this intervention, from taking stock of the initial challenges and needs, to raising awareness (of the SLS and concerned actors), building a strategic vision, developing an action plan, to implementing activities indicated in the action plan.

**Finding 3. The project delivered on slightly over-ambitious objectives and activity-intensive commitment thanks to a total dedication of the team**

One shortcoming of the logframe, however, is that it has been slightly over-ambitious. On the one hand, the number of priorities tackled as well as the number of activities planned seems to have revealed an optimistic perspective on the estimation of the work to reach the objectives. A majority of the actions are labour-intensive in nature (consultative, analytical work on the national legislation...) and need to take into account the institutional capacity to follow a high-rate implementation pace. 24 months and one million Euros appears to be a quite modest investment in comparison to the depth of the changes sought, the availability of the stakeholders and the level of human resources involvement required to deliver the tasks.

This assessment of an "activity-heavy" project has actually been confirmed as one of the reasons motivating the non-cost extension (proposed by the EU and accepted by the ILO). Indeed, the project team had observed during implementation, that the overall volume of activities had exceeded the absorbing capacity of the stakeholders.

Another aspect leading the evaluation to consider the initial two-year project life cycle as tight relates to the fact that the workplan does not provide for time and activities beyond the final training stages of the project. The project team did make efforts to provide opportunities for the labour inspectors to practice the skills provided during the training though more time allocated from the design phase could have allowed reviewing the implementation practice and performance of the SLS.

**EQ 1.2** WAS THE PROJECT DESIGN LOGICAL AND COHERENT (BOTH INTERNAL AND EXTERNAL LEVEL TAKING INTO CONSIDERATION OTHER STAKEHOLDERS INITIATIVES ON THE ISSUE)?

**Finding 4. All key conditions to produce a logical and coherent project have been met**

The answers to the previous evaluation question (1.1) are providing a review explaining how the project is assessed as featuring a logical and coherent design. Explaining why the project design was strong can be attributed to the following:

- a. As explained under EQ 1.1., the level of experience (previous ILO seed-money project and other related ILO interventions), of consultation (owing to ILO long-term presence and trustful relations with stakeholders) and analysis (thanks to ILO's capacity in country and in HQ) has ensured not only the problems were analysed with scrutiny but also that the response was relevant and appropriate to the context (efficiency challenges of SLS...).
- b. ILO has put the lessons learned from its earlier self-funded support project to the SLS into action with the present project. This meant that the problems had been verified and that the response had been validated and tested (to some extent) by the SLS.
- c. The considerable further elaboration of the project proposal to dig further into the needs assessment and analysis resulting in the elaboration of fine-tuned process guiding the sequence of activities. The continuation of the process updated and developed by the project team actually corresponds to the follow-up phase of ELAC, thus highlight the longer-term vision of the initial intervention.
- d. The complementarity with other ILO project and contribution to the achievement of ILO country programme objectives in Ukraine. Strong synergies and joint activities have been created with the Danida-funded "sister project" of ILO. ELAC is also a good fit supporting ILO's country decent work objectives (working conditions, but also social dialogue...)
- e. ELAC addresses key national priorities (adopting international and European labour standards) and challenges (improving the working conditions and indirectly the labour market) of Ukraine while it raises awareness on the highly toxic situation of undeclared work in the country.

**EQ 1.3.** DOES THE PROJECT DESIGN MEET THE ILO GUIDANCE ON RESULTS-BASED PROJECT DESIGN? INCLUDING: CLARITY OF THE OBJECTIVES (DID THEY MEET SMART CRITERIA); HOW APPROPRIATE AND USEFUL WERE THE INDICATORS (AND TARGETS) ESTABLISHED IN THE PROJECT'S PERFORMANCE MONITORING PLAN (PMP) IN TERMS OF ASSESSING PROJECT PROGRESS?

**Finding 5. The project has been obviously guided by a results-based approach.**

The architecture of the logframe is robust and the causal relations between the output and the outcome level indicates that its construction has been guided by a results-based approach. The objectives, outcomes and output are considered SMART<sup>5</sup> allowing for the achievement of the objectives to be measured by indicators also meeting the SMART characteristics.

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<sup>5</sup> Specific, Measurable, Attainable, Relevant, Time-bound

The complex nature of ELAC means that the effects of this type of intervention usually stretches beyond the results identified in the logframe. For instance, the change of attitude and behaviour in the stakeholder performance are additional indicators of changes realised by the project. However, since these effects are often not very tangible, it is hard to either quantify or qualify (nuanced indicators of changes). They are nonetheless important results, including in the case of ELAC.

The logframe has adequately been used as the framework for monitoring the progress on implementation and has also been used as an information tool for reporting purposes.

**Finding 6. The fine line between technical and “political” accountability could have been more clearly defined.**

The project document features a valid analysis of risks and assumptions which are also reported appropriately in an “assumptions” column of the logframe. While this is making the matrix quite exhaustive, the logframe could have brought an additional level of precision in relation to the accountability of the project vis-à-vis its results. Specifying the exact limit of responsibility on the commitment to achieving results is of importance for the specific situations when the achievement depends on factors external to the project and upon which ELAC is likely to exert less influence. Two different situations can be used as examples to illustrate the nuance. On the one hand, achieving the outcome 2 *“The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved”* depends on the SLS’s willingness to adopt the project recommendations. Failing to reach this outcome could be assessed as a relative responsibility of the project since the adoption of measures introduced by the project only requires SLS validation. In the case of the following output *“Recommendations to improve national legislation and procedures regarding labour inspection and the SLS are proposed to the national constituents”*, its realisation cannot be placed under the responsibility of the project since it requires the validation at a higher political level. In this case, the evaluation finds it relevant to dissociate the achievement of the project from its political validation since the absence of political validation does not mean the project has failed. For instance, the government changes that have occurred in the course of implementation have resulted in some expected ministerial decisions to be put on hold; a situation which, while affecting the expected results of the project, should not be considered as a project failure.

**EQ 1.4.** TO WHAT EXTENT WERE EXTERNAL FACTORS AND ASSUMPTIONS IDENTIFIED AT THE TIME OF DESIGN? HAVE THESE UNDERLYING ASSUMPTIONS ON WHICH THE PROJECT HAS BEEN BASED PROVEN TO BE TRUE?

**Finding 7. A rigorous assessment of external factors leading to relevant assumptions did precede the project design and was further conducted thoroughly during implementation.**

External factors and assumptions have been substantially reviewed at the time, but also in the period prior to the project design. The background to the design is briefly explained earlier in the report, in the findings under EQ 1.1. and EQ 1.5. ILO is ideally placed to assess the specific challenges and needs of institutions and other stakeholders with a stake in labour inspection, labour reforms and social dialogue as the agency has been entertaining collaborative (through advisory, technical assistance) relation with key stakeholders. As such ILO Ukraine has a direct access to the difficulties or achievements institutions are experiencing in its efforts to reform the labour environment. In the specific case of ELAC, ILO had allocated an initial amount

from its RBSA<sup>6</sup> funds to assist SLS in adopting international standards (ILO conventions and EU Directives, in the field of OSH as a matter of priority). Prior to this, the ILO had also produced a number of recommendations regarding the necessary legislative reforms, the SLS structure and organisation, its labour inspection function and overall efficiency.

Overall, the underlying assumptions made at the time of design have proven valid as all potential risks and opportunity had received a good level of scrutiny. The one dimension that may have been slightly undervalued is the capacity of the SLS to absorb the degree of involvement and the elevated number of activities proposed by ELAC over a restrained period of time.

Three years may have been a more realistic estimation than the two years initially provisioned, especially since the project team did prioritise the construction of an elaborated process of intervention to guide the logic of intervention, which initial steps involved a meticulous analysis of the existing frameworks the SLS had been functioning until this project.

**Finding 8. The recent political changes in Ukraine did put the emphasis on demarcating the project accountability and responsibility in relation to expected results.**

The political instability is a risk category assessed by the project at the time of design but this one is complicated as the degree of political effect on the activity and results of an external intervention cannot be measured accurately. The change of government and parliamentary constitution following the presidential election have indeed not threatened the results of the project but did put on hold its institutional validation. Indeed, several legislative changes introduced by the project, which were expecting validation by the Ministry of Social Policy have been frozen since the SLS seems to be awaiting institutional relocation under the Ministry of Development of Economy, Trade and Agriculture .

This is a good reminder that ELAC could be qualified as a factor of change, rather than an actor of change. As a factor of change, ELAC has produced valuable or even essential pieces of work such as making recommendations for the revision of the national legal framework on labour inspection. With such a contribution the project has put into the hands of decision-makers the matrix for changes. However, the decision of adopting the changes lies at a specific level of validation (SLS decision, ministerial decree, presidential decree...). ILO, as an agency, can advocate and promote further the project results and raise awareness on the necessity of change. Thus, it is important for a project, in its design stage, to identify the exact effect of the various levels of political leverage to recognise the limits of its influence but also identify where advocacy needs to be applied to get efficient results.

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<sup>6</sup> Regular Budget Supplementary Allocation.

**EQ 1.5.** ASSESS WHETHER THE PROBLEMS AND NEEDS (INSTITUTIONAL ARRANGEMENTS, ROLES, CAPACITY AND COMMITMENT OF STAKEHOLDERS) WERE ADEQUATELY ANALYSED AND DETERMINE WHETHER THE NEEDS, CONSTRAINTS, RESOURCES AND ACCESS TO PROJECT SERVICES OF THE DIFFERENT BENEFICIARIES WERE CLEARLY IDENTIFIED, TAKING GENDER EQUALITY AND NON-DISCRIMINATION INTO ACCOUNT?

**Finding 9.** A substantial analysis stands behind problem identification while needs have not only been defined but also expressed by national institutions.

There is very solid ground underneath the design of the project. The combination of ILO intervention's history, degree of knowledge and context analysis, stakeholders and donor consultation provide a strong legitimacy to the validity of the project design. Against this background, two additional factors have allowed ILO to deeply look into the problems and needs: Building the capacities of the SLS was actually an official request made from the Ministry of Social Policy to the ILO, to ensure a new labour inspection system to work efficiently and in accordance with ILO conventions, EU directives and European good practices. And ILO has responded to this request by securing seed money (circa 200,000 EUR) to develop a first response to address SLS capacity and labour inspection challenges.

Further to this initial intervention the EUD in Ukraine has approached the ILO to develop a more significant project to assist SLS in its capacity to implement international labour standards, among others, in view of implementing the EU-Ukraine Deep and Comprehensive Free Trade Area (DCFTA).

The analytical effort did not end at the design phase, but rather intensified when the implementation started with, among other, a review of the situation in terms of alignment of national legislation with EU legislation on OSH and labour relations, the national legal framework on labour inspection, the UDW in Ukraine, the organisation of the SLS IT system.

**Finding 10.** Gender and anti-discrimination are embedded though the response to its related needs is insufficiently detailed.

Gender equality and anti-discrimination should start with an initial assumption that those are complex issues, for which the theory of change is not as straightforward in the case of intervention such as ELAC. First, defining SMART objectives, outputs, outcomes and indicators in relation to those cross-cutting issues requiring a good deal of analysis both dimensions while embedded in the project and its objectives, are not the direct and only targets of the project. It is thus making it complex to quantify, quality the action and its effects in these terms.

However, this does not mean the design should deprive itself from conducting a specific assessment of its actions and effects on gender equality and anti-discrimination.

While the project proposal has expressed a genuine commitment towards gender equality and anti-discrimination, the description about how the intervention intends to tackle both horizontal issues is a bit succinct. Additional, indicators that would allow to track or measure the effects of ELAC in these two areas is lacking. And this is to be regretted as the evaluation has found the project has indeed made significant contributions in both areas, however, it seems to be under-reported.

The project design has indeed gathered a deep insight on the gender dimension as, in 2010, the ILO piloted a training programme on gender mainstreaming in Ukrainian labour inspection system.

[ILO Ukraine Final Project \(UKR/16/03/EUR\) Evaluation - Thomas Vasseur - December 2019](#)

**EQ 1.6. WAS THE STRATEGY FOR SUSTAINABILITY OF PROJECT RESULTS DEFINED CLEARLY AT THE DESIGN STAGE OF THE PROJECT?**

**Finding 11.** The main lines ensuring sustainability of results have been articulated, though it did lack some level of details (again, limits of responsibility and action/leverage of the project on the institutionalisation of results).

The project document does include a strategy for sustainability; however, it remains relatively general and deprived of details to form a clear understanding of how the results will be anchored durably in the Ukraine labour framework. Instead, the sustainability strategy emerges more obviously in the substance and logic intervention. When looking at ELAC's logframe, the sustainability strategy becomes more obvious and is embodied through three pillars: 1. The preparation of the alignment of legislation; 2. The institutionalisation of the proposed legislative alignment; and 3. The institutional strengthening of SLS so it is capacitated to implement the proposed legislative and operational changes.

There is also a missing part of the strategy, and this is one concerning the period following the implementation of ELAC. Obviously, the commitment to improve the working conditions, including the objective of bringing SLS in a state of full efficiency on discharging its duties, constitutes an endeavour that will last longer than a single (two-year) project phase. In this respect, the project proposal could have articulated the longer-term strategy into which ELAP – as a first step – is fitting.

To express it shortly, the strategy for sustainability is strong and embedded in the project implementation but not sufficient formally described in the sustainability section of the proposal.

**Finding 12.** The project team has brought the missing level of details to a vision of sustainability through a full-fledge process.

The project team has taken three important steps that are beneficial in ensuring the sustainability of results. First, as explained under the finding number 2, the project manager has concentrated the initial effort of reviewing and consolidating the roadmap to strengthen the SLS as an institution, starting by assisting the institution in developing its strategic vision. Second, the most recent project funded by the EUD, does actually address and provides the missing details of ELAC on sustainability. Thus, even though the follow-up project phase entitled "Towards safe, healthy and declared work in Ukraine" does not fall into the scope of this evaluation, the evaluation could appreciate that the logic and formulation of sustainability has been enhancing, especially through the much detailed logframe of this new phase.

The new approach proposes, as much as possible, an "irreversible" construction of sustainability where the "political validation" of project outputs is analysed and addressed through explicit mitigation measures; a significant step towards consolidating sustainability.



## 6.2. VALIDITY OF INTERVENTION DESIGN

**EQ 2.1.** EXAMINE WHETHER THE PROJECT RESPONDED TO THE REAL NEEDS OF THE MINISTRY OF SOCIAL POLICY AND OF THE STATE LABOUR SERVICE.

**Finding 13.** The project has paid a special attention to go very deep into needs identification as a primary step of the intervention process. And the results to date go to show it.

Until recently, labour inspection in Ukraine had been suffering from multiple difficulties affecting the capacity of the institution fulfilling its role and function efficiently. First, a complex legal environment composed of numerous pieces of legislation, lacking overall coherence. Second, a negative perception and self-consideration given labour inspection has often been considered as either acting against the position of employers or insufficiently supporting employees. ELAC, as explained under several previous findings, is a response shaped out of a very substantial assessment of dysfunctions of the labour inspection system. The needs have not only been analysed for the purpose of the project design but also on the occasion of the previous ILO project supporting SLS capacity, in combination with the long-term consultation and recommendations provided by the ILO to the Ministry of Social Policy and relevant actors.

The depth of the needs analysis is reflected in the appropriateness of the intervention logic, and even more so in the thorough scrutiny of the state labour services framework that has helped shaped learning and training activities of a very high relevance, using a long-term approach, gradually improving the legislative environment, in parallel with providing labour inspection with the tools and the process to regain efficiency and implement international standards. OSH, labour inspection, labour relations and the specific focus on tackling undeclared work are also responding to not only long-standing but also pressing needs of the Ukrainian labour markets where the negative consequences of poor occupational safety and health and undeclared work have taken massive proportions (*when crossing the various formal and informal data on work-related accidents and the consequences of UDW*).

**EQ 2.2.** ASSESS WHETHER THE PROBLEMS AND NEEDS THAT GAVE RISE TO THE PROJECT STILL EXIST OR HAVE CHANGED.

**Finding 14.** A response to decade-long, entrenched problems will not eliminate the problem in two years.

As already described in this report, the quality of problem analysis and the robustness of the architecture of the response have provided the crucial elements that make ELAC a sustainable solution to eradicating the challenges. However, ELAC alone, is insufficient, too modest in resources and too short in time, to expect that an under-performing labour inspection, inadequate legislation and undeclared work will disappear in 24 months. The nature of the issues requires long-term transformational approach. ELAC's ultimate value is that it has started to deeply tackle these issues, showed the long-term solutions and started to proceed already with fundamental changes.

**Finding 15.** However, the project has started to deal with the roots and has set the path to solve the problem.

The summary of key achievements attained by the project and gathered under the section 3.1. (*Background and project description*) of this report does provide an idea of the width and the depth of realisations in less than 30 months.

However, changes are even more complex than the corner stones carved by ELAC in terms of legislation alignment, national framework on labour inspection or national action plan to tackle UDW. While some outputs, such as the transposition of the EU Framework Directive (89/391/EEC) did not happen as expected with the recent political changes in Ukraine, the changes cannot be summed up to the tangible list of achievements.

During the interviews, the evaluation could clearly capture the invisible but profound shifts in the minds and approaches of the key stakeholders: An understanding, and belief acquired is the need to move from a compensation and protection approach to a prevention approach. Labour inspectors starting to understand how they could increase their impact through a different attitude. Trade Unions and SLS Labour Inspectors working in synergy and employers getting a different perception of labour inspection as a result. With ELAC, the level of interaction among stakeholders that previously did not communicate or trust each other much, has improved; driven by an understanding that an inclusive social dialogue is needed to address deteriorated working conditions. There is a diversity of profound, yet subtle, changes that can be captured as a result of ELAC's intervention.

**EQ 2.3.** HOW RELEVANT IS THE PROJECT WITH THE EU TECHNICAL COOPERATION FACILITY UNDER THE EUROPEAN NEIGHBOURHOOD INSTRUMENT?

**Finding 16.** The project is fully relevant to EU Technical Cooperation Facility under the European Neighbourhood instrument?

ELAC is more than relevant to the EU Technical Cooperation Facility; it acts as an enabling agent to support the objectives of the TC Facility and more specifically, it is a direct contribution to improve the capacity and preparation of Ukrainian institutions to implement and fulfil its obligations to the EU-Ukraine Deep and Comprehensive Free Trade Area (DCFTA).

In this context, it is also relevant to keep in mind that the added value of this ILO project is created by empowering the SLS to align and implement EU directives but also to help the country to implement ILO Conventions in relation to OSH, labour inspection and labour relations. Indeed, ILO's primary mandate is to promote the ratification and implementation of its conventions ahead of aligning legislation with another organization directives.

**EQ 2.4.** HOW WELL DOES THE PROJECT FIT INTO THE ILO PROGRAMMING AND IMPLEMENTATION FRAMEWORKS?

**Finding 17.** The intervention is a strong fit to ILO Frameworks and is making multiple contributions

ILO needs to start the process of consulting and updating its Decent Work Country Programme (DWCP) for Ukraine, as the current one will expire by the end of 2019 (2016-2019). The recommended priorities addressing deep-rooted problems, however, remain largely valid in the current context. This implies that the objectives pursued by the project also remains very supportive of ILO's DWCP.

Specifically, the project supports the realisation of DWCP Outcome UKR 155: "The effectiveness of the labour inspection system and of social dialogue mechanisms is strengthened." Additionally, it contributes to the DWCP Outcome 2.2. (Labour law is in compliance with International Labour Standards and EU Directives) as well as Outcome 2.4 (An effective Labour Inspection is set up), Outcome 3.3. (Occupational health and safety

legislation are updated and aligned to ILO standards and EU directives). ELAC also indirectly contributes to the achievement of the Outcome 2.3. (The capacity of social partners and social dialogue institutions is strengthened) as it has facilitated the concertation among SLS, Trade Unions and Employers 'Associations on Labour Inspection, Labour relation, OSH and UDW.

**EQ 2.5.** IS THE OVERALL PROJECT COHERENT WITH OTHER ILO INITIATIVES ON THE TOPIC AND IN THE REGION (IN PARTICULAR THE SISTER PROJECT ON OCCUPATIONAL SAFETY AND HEALTH IN THE MINING INDUSTRY IN UKRAINE)?

**Finding 18.** The project touches upon core ILO topics of the geopolitical sub-region...

ELAC is not only relevant to the Ukrainian context. It has indeed built a strong approach, process and experience which lessons are worth sharing with the other five countries in the Eastern Partnership as part of the wider group of countries concerned by the European Neighbourhood Policy of the European Union. For Armenia, Azerbaijan, Belarus, Georgia, Moldova that have or either are in a similar reform process and confronted with similar challenges, not bringing ELAC to this sub-regional level and sharing the learnings with these countries would be a missed opportunity.

**Finding 19.** ...while strong complementarity and synergies have been established with its sister project.

ELAC has also established strong synergies with other ILO projects, especially with its sister project on occupational safety and health in the mining industry in Ukraine. Joint activities have been organized for both projects for which resources have been mutualized. For example, this project and the OSH in mining project jointly organized a one-week training on OSH risk assessment in the mining sector, carried out in Poland, sharing the respective costs. The breakthrough achievements of ELAC in relation to OSH and labour inspection is particularly supportive of its sister project which intervenes on the mining sector, where the incidence rate of fatal work-related accidents is particularly high and prevalent.

The draft Action Plan to Fight UDW has also been shared with DANIDA project while the same project has been also involved in the National Communication Campaign to Fight UDW

**EQ 2.6.** UNDER IMPLEMENTATION, DID THE STRATEGY ADDRESS THE DIFFERENT NEEDS AND ROLES, CONSTRAINTS, ACCESS TO RESOURCES OF THE TARGET GROUPS AND DID THE PROJECT LEVERAGE RESOURCES TO PROMOTE GENDER EQUALITY AND NON-DISCRIMINATION?

**Finding 20.** The project has widely embraced the various needs, role, constraints, access to resources.

The project design has proposed a participatory approach, inclusive of all relevant stakeholders, which has been translated in collaborating closely with the MSP and SLS - central partners of the project -, as well as with other key actors, such as trade unions, employer associations, other public entities (e.g., Parliament, Ombudsman, OSH Institute, Ministry of Health) and other private and civil society organisations (e.g. ESOSH, StreetNet, BRDO, Academia). In reality, all interviewed stakeholders have warmly expressed their appreciation of the project team's acute pro-activeness in involving them in the project. As a matter of fact, those actors have been attending the training and events developed by ELAC. Trade Unions labour inspectors have been incited to take part in joint labour inspection team visits. Ombudsman was provided with technical advice on labour inspection mandate and legal framework and its staff was enrolled in several knowledge-sharing and capacity-building activities

The project team, with the support of ILO's National Coordinator, has also done regular advocacy on the core issues tackled by the project at the ministerial level.

Rather than being promoted as separate issues, gender equality and anti-discrimination have been made more visible through activities. The project seems to have been "shy" on communicating and thus raising awareness on its contribution to promote gender equality and anti-discrimination. Indeed, the project's realisation on those issues is not small as the human-rights (including gender-sensitive and anti-discrimination) based, international standards have been promoted and adopted in the alignment of the Ukrainian legislation brought by ELAC. This includes, for instance, among other examples, the analysis, technical advice and recommendations provided to SLS and TU on the alignment of national legislation with the EU acquis on equal opportunities and equal treatment of men and women in matters of employment and occupation, non-discrimination, special protection of pregnant women, women who have recently given birth or are breastfeeding and protection of the genetic heritage. Women participation to ELAC activities and events has also overall been strong and majoritarian: Women participation to all ELAC trainings has ranged from 52% to as much as 84% while the women's attended to all project actions has reached 51.17%.

**Finding 21. Issues relating to working conditions and UDW have also gained in visibility**

The active advocacy work and outreach performed by the project team, in addition to multiple communication initiatives (project public events, interviews, articles in the specialized press) and the national communication campaign to fight UDW has brought the issues of OSH, labour inspection and undeclared work to a more visible level. These topics are now considered as priority topics from tripartite stakeholders and the active discussions around it have also help re-invigorate the social dialogue in Ukraine.

**Finding 22. The project team has been active on the fundraising side**

The project team has also been pro-active on the fundraising front with one major achievement: the development and approval of a follow-up phase of the ELAC project. This is a commendable realisation on two accounts: First, this project has demonstrated ILO's longer-term vision for this initial intervention and has also consolidated the process leading the securing sustainable results. Second, the project has been developed early enough so as to avoid any discontinuation in the activities and dynamic that ELAC (and its preceding ILO-funded original intervention) has created.

Additionally, the project team has developed a concept note to fund the reengineering of SLS's business processes and the reshuffling of its IT system, in order to improve labour inspection efficiency, effectiveness and accountability. This initiative was taken to compensate for the fact that, while the project did propose a study for a new IT system for the SLS, it did not foresee the resources and effective implementation of this IT system. It is also currently developing a concept note for a new project, aimed at improving OSH in the Ukrainian forestry value chain.

The project team has however underlined the importance of fundraising effort to be supported by professional communication and fundraising support. Communication is the necessary marketing step so that products (projects) are not promoted individually but as part of a strong marketing identity.

## 6.3. EFFECTIVENESS

**EQ 3.1.** EXAMINE DELIVERY OF PROJECT OUTPUTS IN TERMS OF QUALITY, QUANTITY AND TIMING.

**Finding 23.** The effectiveness is on the strong side: the project has been highly productive and went the “extra mile”.

The evaluation has looked the project complexity, the number of stakeholders involved, the number (and geographical scope) of activities delivered, the planning of events, the substance and preparation work behind each action, the extra-achievements of ELAC, as well as the counselling and advocacy engagement in relation to the financial, human and time resources made available to the project.

When comparing the volume of human labour required to conduct considerable tasks such as the analysis of the national legal framework on Occupational Safety and Health and Labour Inspection and the list of key achievements (*summarized under the section 3.1 of this report*) as well as the outcome of these activities, it is pretty obvious this would not have been made possible without a maximum engagement of the project team.

This observation has been strongly confirmed vocally during evaluation interviews in Kyiv: the team has taken a pro-active stance when it comes to including Trade Unions, Employers Association but also a range of organisations that is wider than the primary social dialogue, thus inviting expert magazines on OSH in various sectors or representatives of the European Society of Occupational Safety & Health (...).

A rapid cost analysis contributes to appreciate the extent to which ELAC has also been a highly cost effective operation: A little over 50% (51.6%) of the budget has been allocated to ILO human resources and circa 12.5% have been used to provide for the various consulting services (research, publications, national awareness campaign on undeclared work). This means that with a very modest 36% remainder of the budget – or circa 360,000 EUR – an impressive number of trainings (in Kyiv and the regions), one study visit to Portugal and one training in Poland, regular seminars and countless advisory sessions have been provided. This is without mentioning how much the quality of trainings, publications and technical support has been unanimously praised by the organisations that have benefited from ELAC actions.

Below is a summary of the project's key achievements from inception until October 2019 (*Please note that some further achievements may have been reached between the field evaluation visit and the time of publishing this report*):

KEY ACHIEVEMENTS - OSH	
ACTIVITY	ACTION STATUS/NUMBER OF BENEFICIARIES
Concept of OSH Reform	<u>Adopted by CMU – Project's recommendations incorporated</u>
National OSH Profile overview of the current situation and recommendations	<u>Presented and validated</u>
"White paper" - EU Directives and Reform of OSH and Labour Relations' Legislation and ROADMAP	<u>Presented and validated</u>
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations (tables of concordance for 6 directives and Brief notes)	<u>Presented and validated</u>
EU Directives: 2009/104/EC (work equipment); 89/656/EEC(PPE);	<u>Transposed</u>
EU Directives: 89/654/EEC (workplaces);	<u>In adoption path</u>
EU Directives: 89/391/EEC (Framework);	<u>Currently being drafted</u>
EU Directives: 2003/88/EC (Working time); 91/533/EEC (obligation to inform);	<u>Standby status</u>
Transposing directives 89/391/EEC, 2009/104/EC, 89/656/EEC, 89/654/EEC, 91/533/EEC, 2003/88/EC, 92/57/EEC, 2006/54/EC and 92/85/EEC;	<u>Technical Advice provided</u>
Draft law "on Amending Some Legislative Acts of Ukraine to Strengthen the Protection of Workers' Rights and to Tackle the Use of Undeclared Work"	<u>Technical Advice provided</u>
International and EU OSH Acquis, risk assessment, etc.	<u>Trainings provided</u>
Analytical papers on OSH with the detailed recommendations on how to improve the situation and align with the ILO and EU standards	<u>10 papers</u>
EU standards on OSH, labour inspection, undeclared work (Project's seminars, conferences, trainings)	<u>365 stakeholders' representatives improved their knowledge</u>
Training of trainers on 6 EU OSH directives through the specialized trainings	<u>100 experts</u>
TOT on EU OSH standards, risk management in 3 sectors with the highest work-related accidents' incidence rate.	<u>85 SLS labour inspectors (labour protection) in 18 regions</u> <u>15 technical inspectors (trade unions)</u> <u>13 OSH experts</u>

### KEY ACHIEVEMENTS – LABOUR INSPECTION

ACTIVITY	ACTION STATUS/NUMBER OF BENEFICIARIES
Analysis and recommendations on the improvement of labour inspection national legal framework Support to the formulation of a Strategic Plan for SLS's Labour Inspection Activity	<u>30 SLS experts on labour relations and OSH learned strategic planning methods and drafted the strategic plan for labour inspection activity</u>
Study visit to Portugal of a Ukrainian decision-maker's delegation (to learn European best practices on OSH, labour inspection and on tackling UDW); State Labour Service of Ukraine and Authority for Working Conditions (ACT - Portugal) signed a Memorandum of Understanding on Collaboration	<u>8 decision makers visited ACT and learned the best practices on OSH, UDW, Labour Inspection</u>
Analysis and recommendations on modernization of the State Labour Service information systems Project concept note drafted – "Efficient, effective and accountable labour inspection in Ukraine" (modernization of SLS business-processes and IS)	<u>20 experts got acquainted with the Spanish labour inspectorate IS and provided their inputs to the Project Concept Note on SLS business process reengineering and IS modernization</u>

### KEY ACHIEVEMENTS – UNDECLARED WORK

ACTIVITY	ACTION STATUS/NUMBER OF BENEFICIARIES
Report on "Undeclared Work in Ukraine: Nature, Scope and Measures to Tackle It"	<u>Presented and validated</u>
Draft National Action Plan to fight UDW	<u>Submitted to the Government - MSP submitted to Ministry of Justice a CMU Resolution approving the draft Action Plan to Tackle UDW</u>
National information campaign on UDW	<u>Country-wide professional communication campaign. 30 specialists of communication units of SLS, other authorities, social partners were trained to better implement the National Information Campaign on UDW</u>
Trainings for labour inspectors on UDW	<u>256 SLS labour inspectors (lab. relations) of all regions &amp; 16 TU legal inspectors were trained on labour inspection techniques and communication skills to better detect and deter UDW</u>
Trainings on institutional communication	<u>Trainers' team (9 labour inspectors) were trained and can train their colleagues</u>

KEY ACHIEVEMENTS – EXTRA MILE	
ACTIVITY	ACTION STATUS/NUMBER OF BENEFICIARIES
OSH	<p><u>Recommendations to the Concept of OSH Reform incorporated</u></p> <p><u>Consultations on: EU Directives 92/57/EEC, 92/85/EEC and 2006/54/EC; on medical examination (Min.Health); and on ILO C161, C187 and R198</u></p>
LABOUR INSPECTION	<u>MoU signed between SLS (Ukrainian LI) and ACT (Portuguese LI)</u>
SYNERGIES	<p><u>National information campaign on UDW</u></p> <p><u>Draft Action Plan to Fight UDW shared with DANIDA project</u></p> <p><u>DANIDA project involved in the National Communication Campaign to Fight UDW</u></p> <p><u>Shared training on OSH risk assessment with OSH in Mining Project (carried out in Poland)</u></p>
TRADE UNIONS	<u>Trade Unions' Experts, Legal Inspectors and Technical Inspectors trained on OSH and UDW</u>
PROJECT VISIBILITY AND AWARENESS	<p><u>Bilingual project website</u></p> <p><u>Around 1,200 persons reached via project participation in 21 stakeholder's events</u></p> <p><u>10 articles and project manager interviews published in national OSH specialized journals (at least 14,300 copies/month)</u></p> <p><u>Project closure event</u></p>
RESSOURCE MOBILISATION	<p><u>New Technical Assistance project signed (3 years and EUR 2 million)</u></p> <p><u>New concept note submitted (for a new 5 years and USD 6,7 million TC project, aimed at improving the efficiency, effectiveness and accountability of Ukrainian Labour Inspection)</u></p> <p><u>New concept note, regarding a new project (aimed at improving OSH in the Ukrainian forestry value chain) is being developed in close collaboration with its main potential stakeholders (e.g., SLS, State Forestry Authority, Sectoral Social Partners, etc)</u></p>
PENSIONS	<u>Facilitation of the contact between Portuguese and Ukrainian Pension Authorities</u>



### KEY CHANGES RESULTING FROM THE PROJECT ACHIEVEMENTS

- The OSH Legal Framework is now more enabling of changes, especially of SLS which capacity can be built based on international conventions and practices.
- The involvement of relevant actors in the transposition of EU Directives and in the design of a White Paper on OSH has contributed to development an understanding, raise the awareness and earn the support of national institutions and stakeholders on the needs of the shift of the OSH paradigm; i.e. to move from a “protection approach” to a “prevention and risk-management or risk-reduction approach”.
- The OSH roadmap has contributed to change of minds and attitudes of stakeholders as it has developed a shared understand and a vision of the next steps ahead to further changes.
- The improvement of the labour inspection national framework has provided an enabling environment to shift the minds and working practices, external perceptions of labour inspection in a more efficient way, focused on improving conditions. The Strategic Plan for Labour Inspection Activity has provided the key strategic direction for the SLS and but also helped for labour inspection, inspectors and those concerns to make sense and be more results-focused (in relation to working conditions, fighting UDW...).
- Changes in minds and attitudes are multi-faceted and cover many aspects. One among other indicators is the observable change of attitude of trained labour inspectors when performing inspection visits. Inspectors are now aware of their “sensitisation” role. They thus adopt a softer approach, which in turn, generates a more welcoming attitudes from workers.
- The draft National Action Plan to fight UDW and its related training to labour inspectors and the national campaign that ensued has brought changes of several natures: UDW is now a more mainstreamed and discussed topics. The perception that UDW produces multiple negative consequences for the workers, the employers, the country’s economy (...) has grown and has earned the support of stakeholders (trade unions, Ombudsman...) and the wider public to some extent. The institutions (SLS) have acquired the skills to address UDW and while the Draft National Action Plan to fight UDW is still pending Government’s approval, the level of awareness at institutional level has increased.
- The change observed is the results of both technical inputs and permanent human and advocacy presence of the ILO project team, backed by the ILO National Office. It is a progressive, repetitive process that has implied constant advocacy work through conferences, seminars, training sessions and other project events.

#### **Finding 24. The density of activities has not undermined the quality of outputs**

Regardless of the fact that ELAC has been very much labour-intensive, not all of the expected outcomes have been realised as per the initial plan<sup>7</sup>. However, as described earlier in this report, the “frozen” validation of the National Action Plan to fight UDW or the incorporation<sup>8</sup> of the ILO recommendation 198 (on Employment Relationship) are not the consequence of the project failing to either the timely, qualitatively or effectively fulfilling its commitment, but of ELAC confronted with the consequence of the foreseen institutional reshuffling (transfer of the supervision over SLS from the Ministry of Social Policy to the Ministry of Development of Economy, Trade and Agriculture ) and pending the appointment of staff by the new government.

<sup>7</sup> It is important to stress, in this regard, that the project logframe was complemented and adapted to changing circumstances during the project, with the approval of the project Steering Committee and the donor. Moreover, all the outputs and outcomes of the revised logframe were achieved.

<sup>8</sup> The need to incorporate the provisions of the ILO Recommendation No. 198 into national legislation was not initially foreseen on the project proposal. It resulted from the analysis carried out during the project implementation phase. [ILO Ukraine Final Project \(UKR/16/03/EUR\) Evaluation - Thomas Vasseur - December 2019](#)

The project has been highly demanding and appears to have been slightly under-estimating the workload, given the demand of ad-hoc support and advocacy work with donors and institutions performed by the team. However, the quality of outputs has not suffered from external factors or the density of activities. On the contrary, the key activities of ELAC such as the table of concordances of EU directives and national legislation, as well as the publications from the project have been considered as key tools which have been used by the SLS in the re-organisation of its work.

#### **Finding 25. Identified factors of effectiveness**

The evaluation has identified the following aspects as key factors of effectiveness of the project:

- A dedicated and professional project team demonstrating a pro-active and culturally sensitive attitude.
- A relevant expert profile of the project manager with the necessary hands-on experience acquired through his professional career.
- The permanent and “in-premises” presence of the project team ensuring a hands-on advisory and “after-sale” (in opposition to one-time delivery and go type of assistance) function.
- A permanent support from the ILO National Coordinator for Ukraine, in addition to the ILO HQ-based support.
- A genuine interest and a growing engagement of the actors engaged in the project.

**EQ 3.2.** ASSESS WHETHER THE PROJECT HAS ACHIEVED ITS IMMEDIATE OBJECTIVES. DID THE PROJECT HAVE AN INFLUENCE ON ANY CHANGES IN TERMS OF STRENGTHENING OF OSH, LABOUR STANDARDS, LABOUR INSPECTION AND FIGHT AGAINST UNDECLARED WORK (UDW)?

#### **Finding 26. The immediate objectives have been reached and exceeded.**

Aside from few outputs, which planned approval has been put on hold (details are provided in the previous as well as other earlier section of this report), the project has achieved its immediate objectives and actually delivered more outputs than initially envisaged in the project document.

The project, according to the project proposal, analysed the current IT System of SLS along with the current status of data interchange between SLS and other public authorities and entities and proposed comprehensive recommendations on how to improve and modernize the SLS IT system (these recommendations are contained on the project report “Report and recommendations on modernization of the State Labour Service information system”). Moreover, and in order to ensure that the analysis and recommendations concerning the IT system of SLS (which were developed under the scope of the project activities 2.1.1 to 2.1.4) could effectively lead to the development and implementation of a new and modern IT System in SLS, the project designed and submitted a concept note for a new project (“Efficient, effective and accountable labour inspection in Ukraine”), aimed at improving the efficiency, effectiveness, transparency and accountability of Labour Inspection in Ukraine, through the reengineering of its business processes and the development and implementation of a new IT system.

This concept note and the analysis and recommendations preceding its drafting constitute an important “extra” outputs delivered by the project.

Altogether, the combination of planned and additional deliverables has contributed to initiate profound changes (*described under findings 5,8 and 15*), yet low in visibility but essential to the long-term transformation of the approach to OSH, labour inspection, labour relations and UDW.

ELAC did have an influence on changes in relation to improving OSH, labour relations, labour inspection and fight against UDW through several important advancements: The project recommendations have been incorporated in the “Concept of the Labour Protection Management System Reform in Ukraine” approved by the Government, the National Occupational Safety and Health profile of Ukraine, supported by ELAC, has been approved by national constituents. National legislation was approximated to several EU OSH directives and a number of legal acts aimed at transposing other EU directives are being drafted or undergoing their approval path.

The Government approved several measures aimed at unshadowing employment relationships and submitted for consultation with social partners and, subsequently, to the Ministry of Justice, the Draft National Action Plan to Fight Undeclared Work, along with the draft CMU Resolution for its adoption. Relevant legislative measures were included in the MSP “Indicative plan of development of draft laws”.

The unachieved aspect of the objectives of the project have revealed the limits of its influence and role vis-à-vis the context and the decision-making. It has also provided a reminder of the limits of ILO’s role but also lessons on how to conduct advocacy strategy.

**Finding 27-28. The project has produced changes – which nature is complex to capture – though essential in the quest to reach a durable solution.**

Understanding the value of the project is demanding as it requires paying the effort of looking at the mechanics of change and at creating the pre-conditions for its realisation. However, laying the foundations of the process that will pave the way leading to change is an unrewarding task as it is as invisible as it is work-heavy. It is actually visible, but only when identifying the right elements indicating that the first steps have been made. And thus, by transforming the SLS’s understanding, awareness, vision about its future work, role and responsibilities, by developing its strategic vision for OSH, labour relations, tackle undeclared work, one will understand these preliminary but essential steps have been made. And, not only for SLS, ELAC has also realised a change of paradigm in other stakeholders’ approach to labour inspection: Trade Unions, Employer’s Association, the Ukraine’s Ombudsman – among others are now considering and discussing the key topics of labour inspection in a different, more constructive manner. Those actors have begun to behave as advocate of a new approach, inspired by international instruments and standards. At the end of this first phase, the project has produced outputs for which crucial steps in the right direction are accountable for (National Action Plan, White Paper, shift of paradigm...).

More aware and more constructive attitudes of the stakeholder should also be appreciated as having made a contribution to Social Dialogue, through a regular stimulation and facilitation of interactions and exchanges among social partners.

Indeed, if the first indicators of a promising change are already there, it is also important to acknowledge that the driving process is a long one and that the appropriate amount of time and resources needs to be provided until long-term objectives are attained.

**EQ 3.3.** HAVE UNPLANNED OUTPUTS AND RESULTS BEEN IDENTIFIED AND IF SO, WHY WERE THEY NECESSARY AND TO WHAT EXTENT WERE THEY SIGNIFICANT TO ACHIEVE THE PROJECT OBJECTIVES?

**Finding 29.** The project logframe has been revised with a results-based approach in mind.

The project did not produce unplanned formal outputs *stricto sensu*, though it did overall manage to reach more than the sum of its activities, in that its dynamic and highly inclusive approach, and the attitude of the project team has been decisive in getting all stakeholders genuinely involved in the project as well as transforming its vision of the role of labour inspection and the positive contribution it can bring to improving working conditions in Ukraine.

The project has managed to upgrade the “Output 2.1: A modernized Information Management System is used by SLS staff” . The indicators of the logframe for this output were achieved and refer to the % of recommendations endorsed by SLS and improvement of data interchange.

On the course of the project the analysis of the current SLS IT system and data sharing with other authorities were extensively analysed and included on a report which provides comprehensive recommendations (“Report and recommendations on modernization of the State Labour Service information system”). This report along with its analysis and recommendations were validated and endorsed by SLS and by the Ministry of Social Policy. The project actually went a step further - not only to avoid the risk of seeing recommendations on the SLS future IT system disappear behind other priorities - but also to make the necessary fund-mobilisation effort (since the costs for the implementation of the IT system were not integrated in the budget of the project) by developing and submitting a concept note aimed at ensuring its effective development and implementation.

There is one effort produced by the project that can be considered as a proper output, while it cannot formally be categorized as such: The project proposal developed as a follow-up phase of ELAC (subject of a grant agreement approved and signed by the EUD). The reasoning behind acknowledging this new project development is two-fold:

- It unveils a clearer, better articulated, long-term vision that was relevant but only succinctly devised in the ELAC proposal. The document updates and formulates an exhaustive theory of change, equipped with a development goal, a description of expected impact as well as an explanatory strategic fit
- It offers an upgrade in the architecture of the logframe matrix with a high level of details on results indicators but also on the identifying the accountability of engaged stakeholders. This is made distinctive thanks to a separate description of assumptions, risks and mitigation measures. This specific aspect is providing relevant response to distinguish achievements that are the sole result of the project from realizations that required a certain level of political validation (of outputs requiring parliamentary vote or receiving ministerial – or higher – approval).

**Finding 30. The regular counselling offered by the project team should be considered as a valuable output.**

Quite often, outputs are only acknowledged as formal activities, identified through the logframe format and tangible as it can be measured quantitatively. However, the reality of project implementation, especially in the case of development initiatives, is more profound as embarking stakeholder on changes often demands a personal dedication and the right attitude, so that delivering technical assistance is not just a transfer of knowledge, but a hands-on and constant engagement sitting next to project partners. This human investment has been made generously and – received as such by stakeholders, should be recognised as key factor standing behind each action and output of the project. This is an important observation as it contributes to understanding that the success of technical assistance is not only purely “technical” but also had to do with the right attitude and commitment.

**EQ 3.4.** HOW DID POSITIVE AND NEGATIVE FACTORS OUTSIDE OF THE CONTROL OF THE PROJECT AFFECT PROJECT IMPLEMENTATION AND PROJECT OBJECTIVES AND HOW DID THE PROJECT DEAL WITH THESE EXTERNAL FACTORS?

**Finding 31. The limited capacity of SLS and overall state of affairs of labour in Ukraine has demanded a longer initial effort to the project.**

Though this is to be considered as an aggravating rather than negative factor, the state of labour inspection in Ukraine had been crippled by a number of challenges, which depth has required an investment probably higher than initially envisaged at the time of the project design. As highlighted in the mid-term review of this project, conducted by the ILO, ELAC had to tackle several layers of deficits, including the following:

- Challenges pertaining to national context: A very complex legal framework, characterized by incoherent and contradictory arrangements in addition to restrictions imposed on the powers and activities of labour inspectors. An ongoing decentralisation process affecting the role and functions of labour inspectors.
- Challenges specific to OSH and the labour inspection system: A lengthy transition from a “reparation” approach to a “risk management” approach. A shift from a labour protection approach to a holistic one also integrating health. An overload of legal acts. Limited employers’ obligations on OSH towards workers (...). An incoherent start of the national legislation approximation process with specific OSH directives put forward before the OSH Framework directive. Legal limitations to the operational scope of the SLS. These are only some of the main challenges identified in the initial context.
- Additional needs identified during implementation: Additional support needed to draft, and adopt the laws necessary to ensure the sustainable alignment of the national legislation with the EU and ILO international labour standards. The need to turn the law into practice, in complement the law-making component with the interventions to enhance the technical capacity of the employers on OSH risks management. Further support needed to ensure the effective implementation of the National Action Plan to Fight UDW. The need to address the challenges faced by the Ukrainian Statistics on Accidents at Work. The need to provide technical support to the Ukrainian authorities to define the legal framework regulating the provision of OSH services. The need to introduce the financial incentives for employers in order to induce them to improve OSH at workplace.

Put altogether, the combination of the above-listed challenges and needs increased the overall workload and density of the activities the project has to deploy.

**Finding 32.** The difficult relations among social partners have led the project to indirectly facilitate the social dialogue.

The state of the social dialogue is generally rather poor in Ukraine, characterised with strong opposition of views, especially among trade unions and employer's associations. Getting the prominent stakeholders to discuss constructively and go beyond the recurrent divergence of opinion can be considered as an additional challenge the project has had to deal with before getting the collective and active participation of all institutions in a constructive manner.

To the say of the interviewees met in Kyiv, the project has increased the quality of the dialogue by building a common awareness and recognition of the necessary reforms of labour inspection, thus changing some of the prevailing negative perceptions of labour inspection in its practices inherited from the past.

**Finding 33.** The recent political changes have jeopardised some results while offering new opportunities.

The presidential elections that took place in the middle of the project cycle have affected the project in several ways. There has been staff changes within the main counterpart of the project – the Ministry of Social Policy -; with some of the vacant positions are still awaiting appointment, and this is implying the standby on the validation of some project decisions as well as the expected necessary effort to establish relations with the new staff. Following the elections, there has been some reshuffling of ministries, among which the MSP is affected as the management of the SLS is expected to be placed under the Ministry of Development of Economy, Trade and Agriculture . There are also uncertainties about the main lines of the policy relating to labour and employment envisaged by the new government and the ILO has been actively involved in consultation with the concerned institutions to get a better understanding of the future policy directions while advocating for the long-standing ILO work conducted so far.

**EQ 3.5.** TO WHAT EXTENT HAVE THE INTERVENTION RESULTS BEEN MONITORED AND REPORTED IN TERMS OF THEIR CONTRIBUTION TO SPECIFIC SDGs AND TARGETS (EXPLICITLY OR IMPLICITLY)? ASSESS THE EFFECTIVENESS OF THE PROJECT'S GENDER MAINSTREAMING AND NON-DISCRIMINATION ACTIVITIES AND STRATEGIES.

**Finding 34.** Activities and results have been reported and communicated abundantly and the logframe has been adequately used to monitor progress and results, including contribution to SDGs.

The project results have been monitored regularly through the dedicated logframe-based monitoring tools, which information has been used to report on project implementation. The evaluation has been provided with a detailed and actual summary of project achievements while the Monitoring and Evaluation Logical Framework has been filled to provide an accurate overview of achievements against indicators. The contributions of the project to the SDGs have been highlighted. Overall, the level of reporting is assessed as satisfactory as the annual progress reports have been providing ample details on implementation, highlighting important issues and achievements. In addition, the project's steering committee has also been informed with thorough presentations on progress updates. All field missions realised by the project have been documented.

The publication production of the project has also been quite intensive with ELAC publishing a list (provided in annex to this report) of substantial documents (in both Ukrainian and English) that have evidenced the details of the technical assistance. In addition, the project has also developed a dedicated project webpage that is rich in information and updates on the project.

**Finding 35. The project has not done justice to itself: Gender mainstreaming and non-discrimination have been tackled though not reported sufficiently.**

As already explained earlier in this report (see finding 20), the project has achieved more than it has reported on gender mainstreaming and non-discrimination.

The project has recorded the attendance and participation of all individuals with a disaggregation by gender, which has given a relevant indicator on the high participation of women to activities throughout the project. However, the reporting has not covered much on the multiple implication and longer-term effects the approximation and implementation of the OSH and labour inspection legislation. The international standards introduced have covered the aspects of gender equality and anti-discrimination through the legal provision of the legal instruments and have thus brought these dimensions forward.

Gender and anti-discrimination certainly need to be upgraded and better integrated in the reporting of the future project phase. This should not require a huge effort though it will imply a more systematic recording on activities and results related to those dimensions.

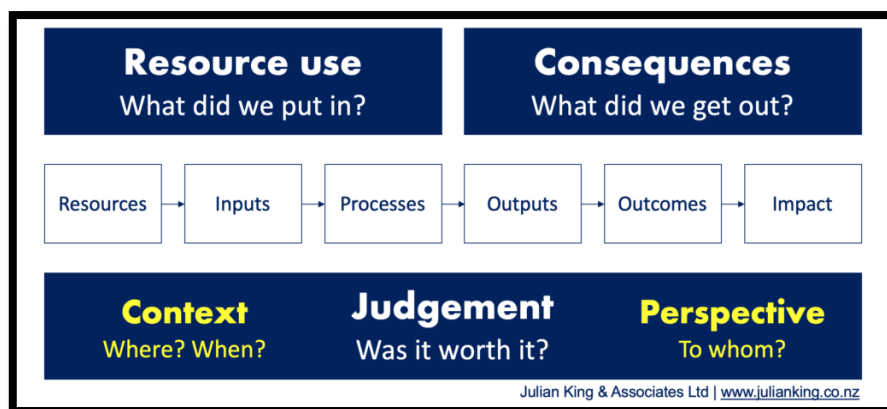
## 6.4. EFFICIENCY

**EQ 4.1.** COMPARE THE ALLOCATED RESOURCES WITH RESULTS OBTAINED. IN GENERAL, DID THE RESULTS OBTAINED JUSTIFY THE COSTS INCURRED?

**Finding 36.** The efficiency is rated high both in terms of costs of activities, cost of outputs and longer-term transformation investment.

As a preliminary note, the evaluation wishes to draw the reader's attention on the approach to efficiency when it comes to financial resources, usually defined as cost effectiveness. Calculating the sole ratio cost per activity or even the cost per result obtained does not provide meaningful information as long as it is not put into a wider perspective.

What ultimately matter the most is the long-term result (i.e. durable, profound institutional and effective change). ELAC can be considered as the first phase of a long-term endeavour, and for which, the expected changes will hopefully become a reality if the effort is continued and after sufficient time is granted for the changes to be constructed. As such, ELAC's judgement could be viewed from the perception as illustrated below:



The successful delivery of activities and attainment of ELAC objectives is providing an important confirmation that the investment in establishing an efficient labour inspection system is moving towards its longer-term goal. In actual facts, given the scale of the funds made available, essentially providing for the cost of human resources and support to training and research activities, there is no lower cost or cost-effective approach available. Given ILO's unique mandate, expertise and profile, there are also not many, -if any, alternative, in terms of "technical" response to the situation.

In brief, the initial results reached by the project are very encouraging as the project has laid solid foundations, developed a vision and fashioned a process paving the way for a strong return on investment.

The cost per activity as described under finding 20 is providing concrete indicators of the minimal expenses made to obtain quality outputs and results.



**Finding 37. The human factor ranks high among the reasons of efficiency**

The high efficiency realized by the project is obviously the outcome of more than one factor. If the quality and relevance of the project design and arrangements has set an environment conducive to effectiveness, the performance of the project team has clearly conditioned the stakeholder engagement, the quality of the contextual analysis and derived products, the pace of implementation and the quality of outputs. The role of the human dimension is also the combination of the following elements: Relevant expertise, pro-active attitude, quality of relation built over time, permanent presence of ILO for which the agency has earned credit and respect.

**EQ 4.2.** HAS THE PROJECT RECEIVED ADEQUATE ADMINISTRATIVE, TECHNICAL AND- IF NEEDED- POLITICAL SUPPORT FROM THE ILO NATIONAL COORDINATOR FOR UKRAINE, THE ILO OFFICE IN BUDAPEST, TECHNICAL SPECIALISTS IN THE FIELD AND THE RESPONSIBLE TECHNICAL UNIT AT HEADQUARTERS (LABADMIN/OSH)?

**Finding 38. The project has received strong support from the ILO National Coordinator for Ukraine, as well as from ILO Budapest and ILO LABADMIN/OSH**

The project appears to have received strong support from the ILO National Coordinator for Ukraine and especially from the National Coordinator, who have acted very closely with the project team in its advocacy efforts with institutions. The change of staff after the presidential election have required a great deal of interaction with the newly appointed responsible persons within ministries and parliamentary appointees. The project team and national coordinator have worked jointly for the results of ELAC to be appreciated and preserved within these institutions. The remote support provided by the ILO offices in Budapest and Geneva, including the administrative and financial aspects has also contributed to ensure a smooth and timely implementation of activities.

**Finding 39. The project and some ILO Ukraine interventions could use some communication and fundraising support.**

The project experience has reflected on the importance of visibility and communication.

If the stakeholders involved in the project have all been convinced and supportive of the methodology proposed by the project, winning the support of political decision-makers, an adequate mobilisation of the donor community and the understanding of the wider public remains a battle which field is in communication and visibility.

The tyranny of transformative interventions such as ELAC lies in its complexity and the patience required to settled durable solutions to fundamental problems, such building the conditions for decent working conditions and the fact, which makes it hard to “sell” in an environment where rapid and visible fixes get most of the attention.

This situation means that such projects need a communication effort that will compensate the deficit of attention when competing for financial, political and public support. The compensation can only be achieved through impactful and efficient communication, which should target three types of audiences requiring different tools and approaches:

- a. Government institutions: Continued advocacy, consulting, counselling.
- b. Donor community: Brief, visually strong support translating the technical complexity in key messages about the value and content of the methodology. Strategic fundraising approach relying on a strong communication around ILO's agency unique added-value and efficient fundraising-oriented project formulation (country strategy, portfolio of projects...), favouring pooled and long-term donor support to strategic efforts versus fragmented, small-scale projects.
- c. Wider public, specifically affected population groups: Impactful public awareness campaigns highlighting the causal relations between ILO interventions and the elimination of the concrete negative consequences of inadequate labour inspection and undeclared work.

While the evaluation understands ILO global and regional headquarters have acknowledged and worked towards improving communication overall (improved website), communication and fundraising support requires further support.

#### **EQ 4.3. WERE THE MANAGEMENT ARRANGEMENTS EFFICIENT TO IMPLEMENT THE PROJECT?**

**Finding 40. ILO's implementation experience and tested procedures and the project team performance has ensured efficient management setup.**

The project management arrangements have been efficient as it would have otherwise been a real challenge to deliver so much in a timely and qualitative manner.

Indeed, the volume, quality and rate of delivery (in only 30 months given the complexity of the intervention) are strongly indicating that the management has been pro-active, dense and efficient. All stakeholders have expressed their satisfaction about the project team supportive, communicative and open attitude and have experienced it as a vector of efficiency.

The presence of project team at SLS premises and a pro-active, two-way communication attitude has ensured knowledge and the approach was understood along the way. Team did provide numerous consultations, which contributed to efficient implementation.

#### **EQ 4.4. TO WHAT EXTENT DID THE PROJECT LEVERAGE PARTNERSHIPS (WITH CONSTITUENTS, NATIONAL INSTITUTIONS AND OTHER UN/DEVELOPMENT AGENCIES) THAT ENHANCED PROJECTS RELEVANCE AND CONTRIBUTION TO PRIORITY SDG TARGETS, EU PRIORITIES AND NATIONAL DEVELOPMENT OBJECTIVES?**

**Finding 41. The project team has been pro-active in developing partnerships and relations with important stakeholders**

The project has taken an open and participatory approach as it has multiplied exchange with a wide range of stakeholders: Staff from the Parliament, Ombudsman office, Ministry of Social policy, SLS, CMU, have been invited to the project's training. A wide range of stakeholders (involving 365 of its representatives) from various Tus, Employer's Associations from several professional sectors, journalists from specialist magazines, university professors, representatives from European Society of Occupational have all been invited to participate in projects' activities and sensitized about the topics central to the project. In parallel, the project has facilitated contacts between Portuguese and Ukrainian authorities dealing with pensions while a MoU was signed between the SLS and Portuguese Labour Inspection Authority (ACT).

The project does not appear to have developed synergies with relevant interventions of other agencies of the United Nations system and this is an option worth exploring in the future.

The project action against UDW has shed the light on the multiple harmful consequences of this plague and has uncovered the relevance of developing potential future relations with a wider range of the various actors with a stake in the fight against UDW (stakeholders, pensioners, health, migration...).

**Finding 42. Helping the EUD in getting continued EU Brussels support and the new constituents are important targets.**

The ILO has been enjoying a strong appreciation of its contribution to raising standards and practices of several dimensions affecting decent work and the EUD's strong support to the Project is a clear illustration of this acknowledgement. However, the EUD unit responsible for following this project is also required to justify its choices and convince to Brussels about the priorities it makes. The project manager and the ILO National Coordinator for Ukraine have been acting as a steady advocate for the long-term solutions the Agency has been deploying and this effort must be continuous so as to keeping a level of visibility when EUD staff turn-over occurs.

## 6.5. SUSTAINABILITY AND IMPACT ORIENTATION

**EQ 5.1.** ASSESS TO WHAT EXTENT A PHASE OUT STRATEGY WAS DEFINED AND PLANNED AND WHAT STEPS WERE TAKEN TO ENSURE SUSTAINABILITY (E.G. GOVERNMENT INVOLVEMENT). ASSESS WHETHER THESE STRATEGIES HAVE BEEN ARTICULATED/EXPLAINED TO STAKEHOLDERS.

**Finding 43. The initial document draws the main lines of the strategy guiding the project, suggesting a phase-out lays beyond the project cycle.**

The project proposal does not explicitly formulate a phase out strategy though it is embedded in the intervention. A project phase out strategy would not be appropriate to fulfilling the development objective of improving the working conditions in Ukraine as this endeavour implies a commitment of technical assistance that exceeds the project cycle duration. The rationale of ILO's engagement is making sense only if the technical assistance is pursued until the changes sought are realised. Thus, in this sense, the long-term commitment of assistance should be considered as the phase out strategy of the project. This means that the transformation initiated with this first project will most likely require several successive interventions until phasing out becomes a possibility and that the legislation and institutional environment effectively enables safe, healthy and declared working conditions in Ukraine. In quantitative terms, based on experience in comparable contexts, an estimated period of up to 10 years could be necessary.

The evaluation has understood that the awareness/acknowledgement that this project is part of a long-term effort is acquired by all stakeholders.

**Finding 44.** The project framework strategy has been upgraded and further details in the course of implementation, offering a strong vision supported by a clear process.

The follow-up phase of this project has responded to the phase out strategy by furthering the long-term vision and process that is guiding the continuation of this action. The new action “Towards safe, healthy and declared work in Ukraine” is providing a more exhaustive answer to the phase out with a refined project strategy and a thoroughly developed theory of change’s results chain and a detailed logic of intervention.

The funding of this project by the EUD at an early stage can be interpreted as a sign of EUD’s understanding of the importance that this form of technical assistance should be delivered in a continued manner and as long as the development objective is not reached.

**EQ 5.2.** ASSESS THE LIKELIHOOD OF THE RESULTS AND APPROACHES OF THE PROJECT CONTINUING BEYOND THE PROJECT LIFE. ARE THE PROJECT’S APPROACHES REPLICABLE ELSEWHERE?

**Finding 45.** The results and approaches are likely to continue provided the intervention continues. The approval of a following phase is a crucially important decision.

Some the project results will certainly continue to exist after this project’s phase while the persistence of others depends on its institutionalisation through legislative acts. The approach remains highly relevant and acknowledge by all actors. However, echoing the previous finding (43 and 44), it is essential to grasp that the life of results is secured along the same very principles applying to organic life: there is no sustainability without a gestation period and each result is only blooming once it has entered into the legislation and institutional practice.

Among the results which can be considered as durable is the shift in the minds of all involved actors for a risk-management approach to OSH, reformed and efficient labour inspection and labour relations. However, this shift will only become irreversible if the effort is pursued and only the tangible achievements (such as the effective implementation on law and in practice of the OSH reform concept adopted by the CMU) have entered the legislation and the capacities have been built to enforce the reforms.

**Finding 46.** The approach and the process further refined during the project cycle offers an interesting model with potential for replication in contexts sharing similar characteristics.

One characteristic and strong value of the project is the depth of the assessment of the challenges and needs which has led to understanding the mechanism of change and the design and implementation of a process to guide change. This preparatory, consultative, analytical work performed during implementation has helped build on the original design to deliver a process of change, anchored in reality and has served as a basis to deliver over 40 pieces of training and related learning, hands-on documents. This indicates the level of expertise injected in the project and illustrates how ILO is unique and the added value it brings to project.

Two important considerations actually confer the project methodology relevant for replicability (with specific countries in mind):

- a. Countries that have transitioned from socialist regime to market-oriented economy share a lot in common, and even more so in the case of Eastern and Central Europe with a similar institutional history, culture and organisation and with State institutions that have experienced similar transitional challenges.
- b. Countries belong to geopolitical regions sharing a political and strategic orientation driven by partnership agreements with the EU.

As such, the approach and process developed by the project proposes a model that could be applied to Western Balkans countries that have entered an EU accession process and to the six countries that have signed the Neighbourhood Agreement with the EU.

**EQ 5.3. ASSESS THE DEGREE TO WHICH THE PROJECT SUSTAINABILITY STRATEGY INCLUDES A GENDER PERSPECTIVE**

**Finding 47. Gender is embedded in the sustainability strategy though it is not formalized.**

The gender dimension is actually embedded in the process promoted by the project, especially through the gender-based principles integrated in international conventions as well as the important participation of women in project activities. However, this has not been specifically reflected in the sustainability strategy of the project.

In principle, since the sustainability of the gender-specific results and effects is ensured by the process and long-term vision by the project, the need to design a sustainability strategy specific to gender does not appear as a priority need. But, capturing the effect of the intervention in relation to gender as well as defining indicators allowing to measure the extent to which the rights and the position of women as workers or as members of working families is a step that the future project should take.

**EQ 5.4. IS IT LIKELY THAT THE PROJECT WILL HAVE LONG-TERM EFFECTS (IMPACT) ON THE OSH, UDW AND LABOUR INSPECTION SYSTEM.**

**Finding 48. The project has developed the necessary process to ensure long-term effects on OSH, UDW and Labour Inspection. The approach is promising and is expected to bring results under certain conditions.**

It is obviously early to tell with certainty that the project will generate durable impact on the long run on OSH, UDW and labour inspection. However, the pre-conditions to produce lasting changes have successfully been established by the project.

The early indicators of durable change achieved to date can be categorised as follows:

- Awareness and mind-sets: Key stakeholders have become aware, supportive of and engaged in the change process proposed by the project. Interviewed stakeholders have unanimously explained that the project has brought a new mind-set about how OSH, Labour Inspection and UDW should be dealt with.
- Institutional engagement: The strategic planning work and capacity-building of the SLS by the project have received the appreciation of the SLS, witnessed its commitment and see the beginning of changes in practices and attitudes of labour inspectors.
- Legislative validation: Even though the recent government change requires for the project to advocate on the legal validation of key outputs currently on-hold, the adoption of key acts (OSH Concept, White Paper and Roadmap on OSH and Labour Inspection and transposition of a number of EU Directives) provide key indicators that the process has been validated and that its implementation has started.
- Level of engagement of stakeholders: The level, openness of the dialogue on OSH, Labour Inspection, Labour Relations and on the fight against UDW among key stakeholders has gained visibility and is experiencing a continuous and increasing engagement from the different actors.

On this basis, it can be stated that the project has laid the foundations for a longer-term effort expected to produce durable improvement on OSH, UDW and labour inspection system. The likeliness of this objective to be realized will mostly depend on the continuation of the (financial – donor and technical – ILO) support as well as the commitment of the higher political level. The vision, the strategy and the method have been developed. It is now a matter of pursuing the process until standards are actually implemented.

**EQ 5.5.** TO WHICH EXTENT THE RESULTS OF THE INTERVENTION ARE LIKELY TO HAVE A LONG TERM, SUSTAINABLE POSITIVE CONTRIBUTION TO THE SDGs AND RELEVANT TARGETS (EXPLICITLY OR IMPLICITLY)?

**Finding 49.** The long-term results are expected to make positive contributions to several SDGs, initially implicitly but more explicitly as awareness is raised.

As briefly underlined (*under finding number 41*), the scope of benefits from the intervention, and therefore positive contributions to SDGs and relevant targets is very wide as its direct and indirect effects are multiple.

The evaluation refers here to the expected benefits of a long-term intervention rather than the long-term benefit of this particular project as the strategic approach is built on the principle that results are maximised and durable only if the intervention is given sufficient time and resources until this stage is reached.

The long-term effects expected are directly contributing to several SDG targets and indirectly virtually contribution to all targets:

- Contribution to strong institutions: Efficient labour inspection.
- Contribution to Decent work and Economic Growth: Protected workers, decent salaries...
- Poverty Reduction: Quality, durability and safe employment ensuring stable livelihood for the household.
- Tackling corruption: Enforcement of national legislation based on international standards reducing the practice of corruption.
- Prevention of migration and conflict prevention: strong labour inspection institutions contribute to provide positive environment for decent work opportunities and prevent labour opportunities-driven migration.
- Contribution to national budget: Declared work ensures relevant taxes are collected and contribute to fund economic and social priorities (Contribution to pension funds...).
- Contribution to worker's health and safety: promotion and enforcement of OSH regulations improve OSH working conditions of workers.
- Contribution to industry innovation: Labour-related tax collection also contribute to fund industry innovation.
- Contribution to reduced inequalities: Labour-related tax collection and reduction of UDW contributes to reduce anti-discrimination in relations to access to employment and wage disparities.
- Contribution to gender equality: Gender equality principles embedded in the promotion and enforcement of national legislation ensure that gender equality is respected on the workplace.

## 6.6. LESSONS LEARNED AND GOOD PRACTICES

### EQ 6.1. LESSONS LEARNED FROM PROJECT IMPLEMENTATION.

#### **Finding 50. The importance of proceeding strategically and drafting an elaborated process.**

Development projects and most importantly the results of development projects are recurrently threatened by the tyranny of time; the pressing need to see rapid visible results without always assessing the solidity of the foundations, the immersed part of the iceberg.

If there is one element of importance to retain from the project, it is the process guiding the change: its legitimacy (a proper assessment preceding the project design, taken to very deep level during its implementation), credibility (consultation, participation and support of national stakeholders) and appropriateness (to the context, needs and strategic choices made by Ukraine: EU partnership agreement...).

The value lesson here is that the more valid and detailed the process is, the higher is the likeliness of producing durable effect. Obviously, the success of effective changes is not the sole result of the process design, as other factors are involved – such as the political stability – however, any weakness in the process design will be strongly felt at any later stage in the continuation of the intervention. The strategic development of the SLS's labour inspection, the formulation and validation of strategic framework (OSH, labour inspection...) are essential step of the process which must take place before the capacity-building effort is deployed.

#### **Finding 51. The limits of the project's influence and of ILO's role have been further defined.**

As much as the process and expert delivery of activities have ensured the production of quality outputs, the project experience has shown that without institutional or legislative validation (such as the approval of National Action Plan to Fight UDW or the transposition of the EU Framework Directive 89/391/EEC through the national framework law on OSH) the enforcement and sustainability of results remains limited.

While the actions levers are never quite under the control or direct decision of the project (e.g. government change, ministry-level validation...), there are however ways for the project to advocate, or at least raise awareness on the conditions required for its overall objective to be fulfilled. Thus, a lesson for future similar intervention is that, in between a direct leverage and limited influence, there is room to developing sophisticated advocacy strategy to serve converting outputs (securing outputs through institutionalisation) into sustainable outcomes.

#### **Finding 52. Behind a communicative project, the perceived institutional modesty of ILO in relation to its contribution indicates the need for a more impactful communication.**

The risk related to “preserving” the project's outcomes as explained under the previous finding (number 51) is partly incumbent to the challenge of mainstreaming a complex technical assistance among other competing development priorities that are enjoying stronger overall, including donor interest. Communication, among other mitigation measures, is crucial weapon in the battle for continued “political”, strategic interest and support.

The project team and ILO Ukraine, in full awareness of this necessity, have not spared efforts to communicate on the project results through dedicated project events, numerous stakeholder meetings, media visibility (interviews...), promotion material and an information-rich webpage.

A lesson from the project is that the interest and support for such “technical”, relatively low profile but crucial interventions such as ELAC, must stay atop priorities and over time. For interventions of this nature, communication is essential and must be integrated in the project strategy.

**Finding 53. Self-assertion should pay off in the long-term.**

Deriving from the observation made in the previous lesson learned (finding 52), the identify, the values, the expertise provided by a project such as ELAC and implemented by an organisation such as ILO make a decisive factor of impactful communication; obviously as long as it create a strong added-value. And the evaluation has been able to verify the value is strong and rather unique.

However, as much as technical experts are able to advocate to gather interest and mobilise funding, the need for professional support in communication has been capture by the evaluation. Communication is persuasive and impactful internally as it helps strengthen the organisational “self-confidence” by formulation the competence of an organisation and its staff in simple terms. It also helps the recognition of this expert beyond the “circle” of experts, so it gets understood by decision-makers that are not experts and who need to be educated, “impacted” before making strategic choices.

Thus, it appears that a condition for the communication effort to produce effective results will involve ILO being assertive in clearing communicating on the various elements of its added-value: International and national expertise, mandate, country presence/knowledge/understanding/strategic formulation, acknowledgement and credibility from stakeholders, quality and relevance of its interventions.

As a side remark in relation to self-assertion, the comparative promotion of ILO convention and EU directive provides an interesting opportunity to reflect on ILO put forward its mandate, expertise and international advisory authority in front of donors and institutions. Putting ILO conventions before EU directives is effectively of secondary importance since one is very similar to the other in substance and conveys the very same fundamental principles of justice, human rights and freedom. With Ukraine having committed to European values and the Easter Neighbourhood Partnership, the support to the alignment to EU directives is a strategic, political, pragmatical and efficient choice as it is reflecting the choice the country has made. Consequently, aligning to EU directives may appear as the most pragmatical option to support this choice.

However, there may be a lesson to be drawn from this invisible debate: Whether it is about aligning the national legislation to EU or international standards, ILO is the expert agency to conduct such a task and the foundation of this expertise are ILO conventions. ILO is the expert agency for international labour standards: not just about ratifying international labour standards, but also assisting States to turn ratified conventions into reality. Thus, as a matter of principle, but also of mandate and expertise recognition as well as agency and visibility, ILO may be more self-assertive about its role, expertise, national and international recognition. This confers the ILO a unique capacity and position that has to be communicated (reminded) to and recognized by all. It is mainly a matter of principle as the substance and values of ILO Conventions and EU Directives are very similar. However, it is important for ILO to raise awareness on the fact that Conventions are fundamental to EU directives and should therefore be as visible as its EU equivalent. Referring to ILO [ILO Ukraine Final Project \(UKR/16/03/EUR\) Evaluation - Thomas Vasseur - December 2019](#)



convention first could also be considered as an important element of promotion of ILO's identity and added value as part of effective communication and in front of competitive fundraising situations.

**Finding 54.** The project does make a difference on the gender front but does not talk about it. It is symptomatic of a culture of technical expertise hard at work but neglecting to sell its quality.

There is a gap between the actual (positive) contribution of the project to gender equality and the (limited) extent to which the project has (promoted) reported on this dimension of its achievements.

This could also be symptomatic of the project insufficiently promoting the effect of its actions to general stakeholders that are beyond or outside the sphere of the tripartite, regular direct partners of ILO projects. Thus, a lesson from experience is that the gender dimension should also be an integral part of the results promoted by the project, even though the project is not gender-specific in nature. Gender-related results and achievements are actually taken into account and can be positively appreciated by key stakeholders, and especially donors.

#### EQ 6.2. EMERGING GOOD PRACTICES

**Finding 55.** A complete process design as a key strategic and ownership element.

The thorough process proposed by the project – and actually further detailed and refined in the continuing phase of ELAC, described under the finding number 46, constitute a very strong practice. The method, encompassing building a strategic vision for labour inspection, the preparation of an aligned legislative environment and enforcement of international standards through practice, is actually such a remarkable perspective of intervention that the evaluation has identified it as a model that be replicated in specific contexts. The implementation has shown that sufficient time must be allocated and prioritised for the construction of the process of intervention as it provides the backbone of all activities, outputs and outcomes.

**Finding 56.** The key ingredient of “good” technical assistance: Expertise, pro-active in communication and visibility, long-term and in-country, “in-institution” presence.

The delivery of technical assistance, when it is limited to the transfer of knowledge, is not good enough to ensure successful transformative process as in the case of labour inspection effectively contribution to better working conditions in Ukraine, for instance.

The project has provided an opportunity for the evaluation to identify several elements which, when brought together, meet the conditions for “good” or effective technical assistance: Relevant expertise, pro-active attitude, quality of relation built over time, permanent presence of ILO for which the agency has earned credit and respect (further details provided under finding 9 and 37).

**Finding 57.** Linking OSH, LI, LR, UDW and SD in a strategic way. Showing the ugly faces of UDW and the “mechanic” of the solution.

Even though the project document's section on strategy depicts how the action intends to tackle OSH, Labour Inspection, Labour Relations and UDW, the evaluation has found it could have promoted more explicitly how the underlying strategy connects coherently these issues in order to contribute to its

simultaneous improvement. The project angle can also be considered as a best practice as with a minimal number of components, a single project addresses the several penalising factors preventing inclusive economic growth and decent work in Ukraine:

- ✓ The health and safety priority concerns in the core sector of the Ukrainian economy (metal industry, coal mining, agricultural and forestry-related activities)
- ✓ The massive UDW practice in some core sectors (agriculture, construction, ...),
- ✓ An inefficient and ineffective labour inspection legal framework
- ✓ Difficult labour relations
- ✓ A tensed social dialogue
- ✓ The need to enforce international standards in the Ukrainian labour market (OSH...)
- ✓ The need for Ukraine to implement its international commitment (EU Eastern Neighbourhood Partnership agreement).

The good practice in relation to the above lies in the efficiency of a single intervention “hitting several big birds with one stone”.

## 7. CONCLUSIONS

### **Conclusion 1. The project is unanimously praised and has done the groundwork for important changes.**

*(Relates to findings nb 1, 1 bis, 4, 5, 7, 20, 23, 26)*

The project, from its insightful assessment phase, to its strategic vision, its elaborated process, dynamic implementation has been unanimously praised by its partners and related stakeholders. Its numerous achievements to date have laid an important milestone confirming this first intervention is on the right track to reach its long-term objective.

### **Conclusion 2. The project is as crucial as it is unappealing to a non-expert eye...**

*(Relates to findings nb 1, 8, 9, 17, 36)*

The following quote from Saint-Exupéry's fox from his book "Le Petit Prince": "*L'essentiel est invisible pour les yeux*" – "What is essential is invisible to the eye" could apply to the project. Indeed, the characteristics of this project makes it as abstruse as it is fundamental. The solution to long-standing challenges is rarely low-cost, rapid and simple. This also makes it relatively unattractive as its relevance to the problem is not obvious.

Though the project has performed well in advocating for long-term support for the intervention while enjoying donor understanding and backing, the need to get a wide and clear understanding that they are no noticeable, durable results without the patience for the pro" is still there. As much as ILO is working hard on raising awareness on this fact, the project should already be able to tell stories and convey strong messages that changes have already happened.

### **Conclusion 3. ...which calls for the need to use efficient communication to compensate this handicap.**

*(Relates to findings nb 39, 52, 53, 56)*

The project has taken a pro-active communication and advocacy stance which has both brought results (in terms of advocacy, getting stakeholder's interest, commitment and buy-in) and showed limitations (public awareness on UDW, higher political engagement...); thus, underlining the need for professional communication support. ILO in Ukraine is quite aware of this need and both the project team and National Coordinators have actively communicated on the project results and need for further support. However, the necessity for results-oriented, impactful communication remains actual. And this can be very strongly justified when understanding that, given the dramatic numbers of work security and safety-related casualties in Ukraine, this project is ultimately saving lives. More than this, it actually prevents from the loss of lives and provides an institutional response to ensure the response is sustainable.

### **Conclusion 4. The human factor is essential...also in technical assistance project.**

*(Relates to findings nb 30,37,38)*

Through the evaluation interviewed, one observation has been made; even though when the question was not asked: An appreciation of the personal commitment and motivation of the project team. This has been expressed as a strong element in the stakeholders' understanding of the project stake and approach and has also stimulated their commitment. This factor is important enough to be listed among the key conclusions from the project.

**Conclusion 5. There is some homework to be done on reporting about gender and anti-discrimination.**

*(Relates to findings nb 10,35,47, 48, 54)*

The need to formalize the description of the results achieved in relation to gender has been pointed out in the findings number 20, 35, 47 and 54: The project does address the gender dimension though it does not sufficiently report or communicate much about it. The next phase of this project can remedy this aspect though reporting and the definition of gender and anti-discrimination result indicators.

**Conclusion 6. With a design has highlighting the necessity to correlate OSH, LI and UDW in addressing the issue of working conditions in Ukraine, the project implementation has brought up the level of attention and support ELAC's appropriate and durable response requires.**

*(Relates to findings nb 27, 28, 43, 44)*

A strength in ELAC's design lies in addressing the deep-rooted causes of challenging working conditions in Ukraine through a sustainable-oriented solution and a coherent approach linking the institutional response to the plague generated by the UDW phenomenon. While the level of awareness is not yet commensurate to the size of the UDW phenomenon, ELAC has managed to use the correlation between the institutional response and the visible negative consequence (UDW) to raise the level of attention of both UDW and its response.

**Conclusion 7. Despite the project's efforts to promote its sound response to improving working conditions, the general understanding and awareness on the causes of poor working conditions, the response to the problem still suffers from low visibility.**

*(Relates to findings nb 49)*

While, as underlined in the above conclusion number 6, ELAC has contributed to mainstreaming the importance of building OSH and LI to international standards levels as means to improving the working conditions, ELAC has also acted as an advocate on the need to continue raising the visibility and awareness necessary to change the cultural, institutional attitudes towards UDW.

**Conclusion 8. The effect of the political context (2014 election) on the validation of project outputs have raised an awareness and the need to identify where achievements are the sole responsibility of the project and where expect results require a degree of political or institutional validation.**

*(Relates to findings nb 8,11,33)*

The project implementation's experience – after the 2014 presidential election - has highlighted the challenge of institutionalising project accomplishments when its validation is not under the direct control of the project. While this challenge has been identified in the design of the project, but not explicitly foreseen in the logical of intervention, this important aspect has been addressed in the follow-up phase's logical framework matrix.

**Conclusion 9. The intervention has seen an improvement of its strategic vision and further development of its roadmap during the implementation period, further consolidated in the logic of intervention of the follow-up phase.**

*(Relates to findings nb 12, 13, 15)*

There has been an incremental strategic and methodological formulation between ELAC's initial project formulation – translating a thorough analysis and understanding of challenges to decent work in Ukraine; its implementation – utilised to developed a strong and clear long-term vision, and capitalised to formulate a coherent and detailed follow-up phase, which has received a timely funding support for a smooth continued effort.

**Conclusion 10. ELAC offers the potential of a valid model of intervention, possibly applicable outside of Ukraine.**

*(Relates to findings nb 46)*

The methodology and strategic vision elaborated during ELAC's implementation and its follow-up phase's project document has reached a level of formulation, obtained sufficiently convincing results in a typology of context present a number of features shared with other geographic regions, resulting in a model worth replicating outside Ukraine.

**Conclusion 11. Though this was not a formal objective of ELAC, the project actually did contribute to improving the social dialogue in Ukraine.**

*(Relates to findings nb 27, 28, 32)*

ELAC has encouraged and facilitated the active inclusion of a wide range of actors, including the traditional tripartite social dialogue stakeholders and the civil society, making it worth capturing and reporting on how ELAC has contributed to improving the social dialogue in Ukraine.

**Conclusion 12. ELAC has underlined the commitment for ILO to fulfil its mandate in promoting international Conventions while supporting the process of Ukraine into aligning to EU directives**

*(Relates to findings nb 16, 53)*

The project document has not been very explicit about the distinction between EU Directives and International Conventions when it comes to international standards used as references for national legislation alignment. While there is no competition in the promotion of EU Directive and ILO Standards, it is important to recall that ILO's core mandate and expertise lies in the promotion of International Conventions, Ukraine's strategic commitment with the EU Neighbourhood Partnership also implies an alignment to EU Directives.

## 8. RECOMMENDATIONS

### Key Recommendation 1.

*(relates to Conclusion nb 3)*

**Promote the project results (and process) through a more powerful communication.**

<b>To be implemented by:</b>	Project team, ILO Ukraine, ILO HQ
<b>Specific suggested actions:</b>	Define a communication strategy aiming – among other goals to secure an adequate level of funding for the long-term support of the intervention (and ideally to a portfolio of interventions support of ILO DWCP country programme outcome). Develop various visible supports (webpage, video, brochures, visuals, emails, key notes...) targeting a non-expert audience (tailored to specific stakeholders: donors, government institutions/ministries, other “non-expert” stakeholders) conveying clear strong messages illustrating the long-term benefits of the intervention and highlighting the link between the action and its impacts (visuals). Integrate ILO’s added value and identity (through its specific competences and expertise) so the agency’s identity is associated with concrete, impactful results.
<b>Degree of priority:</b>	High
<b>implementation time frame:</b>	Asap, from the initial period of the implementation of the new project.
<b>Required resources:</b>	ILO Project Team, ILO NC for Ukraine and the necessary engagement of communication professionals.
	This key recommendation involves a suggested process with the following steps:

### Sub Recommendation 1.

**Step 1: Define a results-oriented communication strategy.**

### Sub Recommendation 2.

**Step 2: Develop communication products.**

**Key Recommendation 2.***(relates to Conclusion nb 8)*

**Develop an advocacy strategy targeting the appropriate higher political level (ministerial or as appropriately identified...) to ensure the timely validation of future planned results (envisaged by the new project)**

**To be implemented by:** Project team with support of ILO Ukraine

**Specific suggested actions:** Explore more impactful advocacy by applying a multi-pronged strategic approach: 1. Use “impactful communication to raise awareness on the importance of OSH and efficient SLS: target, 2. (Use momentum of recently elected Gov to) Continue direct advocacy at higher political level (MP, ministerial) but in close coordination with ILO NC, 3. Continue advocacy with donors (EU in the first place and other donors as well).

Even though advocacy is not an exact science, the project may gain efficiency in developing an advocacy strategy. This would help identify with more accuracy the areas where the project team needs to specifically channel its energy and efforts. (1.a. Defining the boundaries of ILO’s responsibilities and actions (e.g. write legislation, advocate, not lobby...) , 1.b. mapping stakeholders: 2. Devising strategy based on the principle of responsibility and ownership (each stakeholder should do its part). 3. direct project advocacy to targeted stakeholders, 4. Assisting stakeholders in becoming more efficient advocates, 5. Advocating (strong communication) stakeholder (EU) with leverage on the appropriate political decision-makers.

**Degree of priority:** Medium

**implementation time frame:** Asap, from the initial period of the implementation of the new project.

**Required resources:** Project team with support of ILO Ukraine.

**Sub Recommendation 1.**

ILO Ukraine interventions share a common characteristic of not embedding “end-users” as target beneficiaries tackling deep-rooted plight, but rather build durable solutions which impact on citizens usually become tangible only after a long-haul institutional capacity-building effort. Thus, given that the above situation is likely to apply to more than one project, it may be relevant for ILO Ukraine to conceive a communication strategy that applies to its overall portfolio of on-going and future project.

**Sub Recommendation 2.**

Increase visibility by connecting the (unattractive) technical (SLS capacity building, alignment of legislation) to the (moving) human side by connecting the problem (deep-rooted problem and catastrophic consequences) to the durable solutions (the project). The visibility effort should have multiple targets and different forms: 1. Public Campaign: Various population groups (wider public, youth, workers and their families), 2. Advocacy interventions: higher political level and key stakeholders (TU, EA, CS).

**Key Recommendation 3.***(relates to Conclusion nb 5)*

**Formalise the gender equality and anti-discrimination dimension of the future project through the formulation of a gender and anti-discrimination strategy.**

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<b>To be implemented by:</b>	Project team
<b>Specific suggested actions:</b>	Develop of a gender and anti-discrimination strategy with capturing the activities of the project touching upon these crosscutting issues, as well as appropriate indicators and expected results. This does not need to be an artificial, formatted exercise, but rather an identification of the achievements realised by the project in relation to those issues. Indicators could include the gender and anti-discrimination provisions made in the ILO Conventions and EU directives as well as the direct or indirect expected longer-term positive benefits to women and discriminated population groups.
<b>Degree of priority:</b>	Medium
<b>implementation time frame:</b>	During the inception of the implementation of the new project
<b>Required resources:</b>	Project team time.

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**Key Recommendation 4.***(relates to Conclusion nb 10)*

**Promote the project as a relevant model of intervention for the countries from Eastern Neighbourhood Partnership sub-region through regional mechanism.**

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<b>To be implemented by:</b>	Project Team, ILO Ukraine, ILO Budapest
<b>Specific suggested actions:</b>	Formalise the overall process of intervention initiated by the ELAC project and further developed in the new project. Consider developing a regional support mechanism (the model established through ILO's ESAP project in the Western Balkans could provide a relevant approach) to share the model.
<b>Degree of priority:</b>	Medium
<b>implementation time frame:</b>	In the course of implementation of the new project
<b>Required resources:</b>	ILO staff



**Key Recommendation 5.***(relates to Conclusion nb 3)*

**Ensure that the new project (and future potential successive) phase proposes (measurable) indicator-based capacity-focused outcomes, allowing to identify the depth of change realized by the project and the formulation of realistic changes.**

**To be implemented by:** Project Team

**Specific suggested actions:** If the realisation of an Outcome usually is the sole result of the project (activities), the change expected from this outcome may require a (political/institutional) validation for which a commitment may or may not be obtained at the design stage. From this perspective, the next project phase should identify capacity-focused outcomes, which expected realisation does not depend on a level of political validation assessed as a low probability, but purely on the demonstrated performance of the supported institutions and using indicators reflecting the application of the acquired capacity. Measuring the degree of realisation of the outcome and its achievement of change should use a range of performance indicators. As an example, the number (or the relative increase) of SLS Labour Inspectors performing inspection visits in application of the OSH risk prevention and mitigation could provide an indication of change for capacity-focus outcomes.

**Degree of priority:** Medium

**implementation time frame:** In the course of implementation of the new project

**Required resources:** ILO staff

**Key Recommendation 6.***(relates to Conclusion nb12)*

**Preserve the mainstreaming of ILO Conventions by systematically linking the promoted EU directives to its related ILO Convention.**

**To be implemented by:** Project Team, ILO Ukraine, ILO Budapest

**Specific suggested actions:** Form

**Degree of priority:** Medium

**implementation time frame:** In the course of implementation of the new project

**Required resources:** ILO staff

**Recommendation 7.***(relates to Conclusion nb 11)*

**Identify the project's contribution to improving Ukraine's social dialogue through the establishment of indicators.**

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<b>To be implemented by:</b>	Project Team
<b>Specific suggested actions:</b>	Formalise the overall process of intervention initiated by the ELAC project and further developed in the new project. Consider developing a regional support mechanism (the model established through ILO's ESAP project in the Western Balkans could provide a relevant approach) to share the model.
<b>Degree of priority:</b>	Medium
<b>implementation time frame:</b>	In the course of implementation of the new project
<b>Required resources:</b>	ILO staff

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**Recommendation 8.***(relates to Conclusion nb 9)*

**Develop a detailed Theory of Change narrative and visualisation.** *(Please note that the evaluation has been able to verify this recommendation is addressed in the approved follow-up phase's project proposal.)*

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<b>To be implemented by:</b>	Project Team
<b>Specific suggested actions:</b>	Though appropriate action has been taken prior to this recommendation, the suggestion in the evaluation context is to have a ToC narrative and visualised Results Chain developed systematically in the design of each potential successive phase of the intervention.
<b>Degree of priority:</b>	Low <i>(as the evaluation could verify this recommendation has already been addressed in the project design).</i>
<b>implementation time frame:</b>	Prior to the implementation of the new project (design stage)
<b>Required resources:</b>	ILO staff

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**Recommendation 9.***(relates to Conclusion nb 9)*

**Develop a full-fledge project Logframe allowing for (1) a close monitor of implementation progress and (2) a clear accountability of the project over its planned results and a distinction from achievements pending institutional/political validation .** *(Please note that the evaluation has been able to verify this recommendation is addressed in the approved follow-up phase's project proposal.)*

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<b>To be implemented by:</b>	Project Team
<b>Specific suggested actions:</b>	The Logframe should systematically identify for each level (output, outcome and impact) whether or the extent to which the realisation of each output, outcome and impact depend on
<b>Degree of priority:</b>	<i>Low (as the evaluation could verify this recommendation has already been addressed in the project design).</i>
<b>implementation time frame:</b>	Prior to the implementation of the new project (design stage)
<b>Required resources:</b>	ILO staff

## 9. ANNEXES

### 9.1. TERMS OF REFERENCE

#### Terms of Reference

#### Independent Final Evaluation

<b>ILO Project Code</b>	<b>UKR/16/03/EUR</b>
<b>Project Title</b>	Enhancing the labour administration capacity to improve working conditions and tackle undeclared work
<b>Project dates</b>	01/07/18 – 31/12/19
<b>Responsible Chief</b>	Markus Pilgrim, DWT/CO Director
<b>Administrative Unit in charge of the project</b>	Budapest DWT, CO/Budapest
<b>Unit in charge of backstopping</b>	LABADMIN/OSH Branch, Governance Department
<b>Timing of evaluation</b>	Final
<b>Type of Evaluation</b>	Independent
<b>Donor</b>	EU
<b>Budget</b>	1 million EUR
<b>Evaluation Manager</b>	Emil Krstanovski

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## I. Background and description of the project

The Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, was signed on 21 March 2014 (political section) and on 27 June 2014 (economic section) and entered into force on 1 September 2017. It offers Ukraine a framework for modernising its trade relations and for economic development by opening up markets and harmonising laws, standards and regulations in various sectors, notably international labour standards. In order to support implementation of this agreement, the EU funded actions under the Technical Cooperation Facility 2016, financed under the European Neighbourhood instrument. The project was funded under this framework. In this context, the project supports the Ministry of Social Policy (MSP), and in particular the State Labour Service (SLS), in the promotion of safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work.

Development Objective of the project is: “The Ministry of Social Policy, and in particular the State Labour Service, contributes to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work.” With the following outcomes:

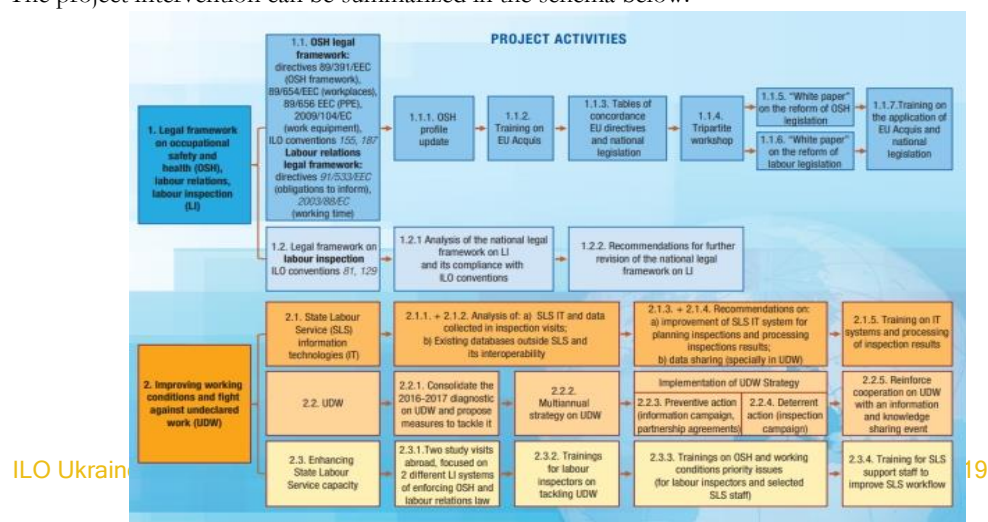
Outcome 1: Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection are in line with the EU Acquis and ILO Conventions.

Outcome 2: The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved.

To reach this objective, the project adopted the following multipronged approach:

- Approaching Ukrainian legislation to the EU Framework Directive on OSH and its main specific directives whilst paving the way for the ratification of ILO Convention 187;
- Assisting the Ministry of Social Policy in the alignment of the UA legislation with a selected number of EU directives on working conditions;
- Providing the SLS with a robust corpus of knowledge, intelligence and training of labour inspectors to tackle undeclared work and
- Improving the performance of the labour inspection by ensuring a full implementation of ILO Conventions No.81 and No.129, providing the necessary training to labour inspectors and giving technical assistance to the management of SLS for the labour inspection to be in line with EU good practices.

The project intervention can be summarized in the schema below:



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

### Purpose

The main purposes of the final independent evaluation are to support improvements in future programmes and policies, to promote accountability to ILO key stakeholders and donor and also to promote learning within the ILO. The main objectives of the evaluation are as follows: -

- Determine project effectiveness: achievement of Project objectives at outcome and impact levels, and examine how and why the intended results have or have not been achieved; Identify relevant unintended/unexpected changes effects at outcome and impact levels;
- Assess the project implementation efficiency;
- Establish the relevance of the project outcomes and the level of sustainability attained; Provide recommendations regarding relevant stakeholders, toward the sustainability of the project outcomes and initial impacts;
- Identify lessons learned and emerging potential good practices for key stakeholders.

In particular, the findings, recommendations, lessons learned, and good practices identified in the evaluation report will then be used to refine the strategy for a **second phase of the project due to start in January 2020**.

### Scope

The evaluation should focus on all the activities that have been implemented since the start of the project to the moment of the field visit. In analysing and documenting whether the outcomes have been achieved or not, an integral step will be the assessment of main activities leading to this outcome (i.e. their relevance for the outcome).

The evaluation should cover expected (i.e. planned) and unexpected results in terms of non-planned outputs and outcomes (i.e. side effects or externalities). Some of these unexpected changes could be as relevant as the ones planned. Therefore, the evaluator should reflect on them for learning purposes.

The analytical scope should include identifying levels of achievement of objectives and explaining how and why these results have been attained in such ways (and not in other alternative expected ways, if this would be the case).

The gender dimension should be considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. In terms of this evaluation, this implies involving both men and women in the consultation, evaluation analysis and evaluation team. Moreover, the evaluators should review data and information that is disaggregated by sex and gender and assess the relevance and effectiveness of gender-related strategies and outcomes to improve lives of women and men.

### Clients

The primary clients of the evaluation include the constituents of the ILO, project partners and stakeholders, in particular - project management, the ILO Office in Budapest, the RO for Europe, the LABADMIN/OSH Branch in Geneva, the EU, the MSP and the SLS.

Tripartite constituents and key stakeholders will be consulted, and their inputs will be sought throughout the evaluation process

## 9.2. LIST OF REVIEWED DOCUMENTS

List of reviewed documents	
Document Title	Author and date
Project Agreement, including project document and annexes (Logframe, Budget)	EU-ILO, June 2017
Request for No-Cost Extension	ILO, 07.02.2019
No-Cost Extension Justification and annexed (revised workplan, budget, logframe, signed agreement)	ILO, 16.03.2019
Project Mid-Term Review	ILO, June 2018
Project Mission Reports: Lisbon 27-31 March 2018, Lviv 1-3 October 2018, ToT on OSH Nov-Dec 2018, ToT on UDW Oct 2018, Kamianets – Podilsky 30 May 02 June 2018, Ivano-Frankivsk 10-12 December 2018, Rih 21-23 Jan 2019	ILO, 2018 – 2019 Sofia Lytvyn, Antonio Santos
Notes from Steering Committee Notes from Sitting Nb 1 and related documents (Agenda, Steering Committee ToR, SC Resolution, List of members, Project Summary Presentation, Project Workplan)	ILO, 07.11.2017 Sofia Lytvyn Antonio Santos
Notes from Steering Committee Notes from Sitting Nb 2 and related documents (Agenda, SC Resolution nb 2, Project Results Presentation)	ILO, 29.05.2018 Sofia Lytvyn Antonio Santos
Notes from Steering Committee Notes from Sitting Nb 3 and related documents (Agenda, SC Resolution nb 3, Project Results Presentation)	ILO, 13.12.2018 Sofia Lytvyn Antonio Santos
Notes from Steering Committee Notes from Sitting Nb 4 and related documents (Agenda, SC Resolution nb 3, Project Results Presentation)	ILO, 01.08.2019 Sofia Lytvyn Antonio Santos
Project Latest Results presentation	ILO, 30.09.2019 Sofia Lytvyn Antonio Santos
Project gender disaggregated attendance at all seminars	ILO, 21.10.2019 Sofia Lytvyn
ILO Decent Work Country Programme Ukraine 2016-2019	ILO Ukraine, 2016
Project Annual Report and annexes (Workplan, Budget forecast) July 2017 – June 2018	ILO, 16.07.2018 Sofia Lytvyn Antonio Santos
Project Annual Report and annexes (Workplan, Budget forecast) July 2018 – June 2019	ILO, 29.08.2019 Sofia Lytvyn Antonio Santos
Project Leaflet on implementation results	ILO, September 2019 Sofia Lytvyn Antonio Santos
Project Leaflet on implementation results Year Two	ILO, September 2019 Sofia Lytvyn Antonio Santos
Project Document Towards safe, healthy and declared work in Ukraine	ILO, October 2019 Antonio Santos
National Occupational Safety and Health Profile Ukraine	ILO, June 2018 Antonio Santos
Guidelines and recommendations to the concept on the reform of the national system for occupational risk prevention and promotion of occupational safety and health	ILO, November 2017 Antonio Santos

## List of reviewed documents

Document Title	Author and date
Brief notes on the main aspects of the alignment between Ukrainian national legislation and selected EU directives	ILO, May 2018 Antonio Santos
Ukrainian Labour Inspection Legal Framework, Analysis and Recommendations, Working paper for the tripartite workshop	ILO, 21 June 2018 Antonio Santos
Evaluation of existing information systems of the State Labour Service of Ukraine and of other institutions related to labour inspection with particular focus on SLS activities to tackle undeclared work	ILO, December 2018 Antonio Santos
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations, Council Directive No. 89/391/EEC, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work	ILO, April 2018 Antonio Santos
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations , EU Council Directive No. 91/533/EEC, of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship	ILO, April 2018 Antonio Santos
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations, Directive No. 2003/88/EC of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time	ILO, April 2018 Antonio Santos
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations , Directive No. 2009/104/EC,of the European Parliament and of the Council, of 16 September 2009, concerning the minimum safety and health requirements for the use of work equipment by workers at work	ILO, April 2018 Antonio Santos
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations , EU Council Directive No. 89/654/EEC, of 30 November 1989, concerning the minimum safety and health requirements for the workplace	ILO, April 2018 Antonio Santos
Analysis of the degree of concordance between the national legislation and some selected EU directives on OSH and labour relations , Council Directive No. 89/656/EEC, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace	ILO, April 2018 Antonio Santos
Ukrainian National Action Plan to Fight Undeclared Work, Draft Proposal (With amendments proposed by the Ministry of Social Policy and the State Labour Service, incorporated on 10th December 2018)	ILO, August 2018 Antonio Santos
Undeclared work and Labour Inspection, Distribution materials	ILO, 5 november 2019 Antonio Santos
State Labour Service information system and its modernization, Technical workshop	ILO, 18-19 September 2019 Antonio Santos
EU Directives and Reform of OSH and Labour Relations' Legislation	ILO, January 2018 Antonio Santos
State Labour Service Inspection Activity Strategic Plan, Training Workshop	ILO, 24-25 September 2019 Antonio Santos
OSH Roadmap	ILO, 2019 Antonio Santos
Undeclared Work in Ukraine: Nature, Scope and Measures to Tackle It, Working paper	ILO, April 2018 Antonio Santos
EU Directives and reform of OSH and Labour Relations's Legislation	ILO, 2019, Mr. Manuel Roxo, ACT, Portugal
Training for trainers OSH – risk management (assessment and control) methodologies and labour inspector's gesture, Part I Occupational Risk Management and Occupational Safety and Health Management Systems	ILO November 2018, Antonio Santos
Training for trainers OSH – risk management (assessment and control) methodologies and labour inspector's gesture, Part II Occupational Safety and Health in Forestry	ILO November 2018, Antonio Santos



## List of reviewed documents

Document Title	Author and date
Training for trainers OSH – risk management (assessment and control) methodologies and labour inspector’s gesture, Part II Occupational Safety and Health in Construction	ILO November 2018, Mr Karel Van Damne, General Counsellor, Federl Public Service Employment, Work and Social Dialogue, inspection service well-being at work, Belgium
Training for trainers OSH – risk management (assessment and control) methodologies and labour inspector’s gesture, Part II Occupational Safety and Health in road Transport	ILO November 2018, Mr Karel Van Damne, General Counsellor, Federl Public Service Employment, Work and Social Dialogue, inspection service well-being at work, Belgium
EC Guidance on risk assessment at work, Health and Safety	ECSC – EC- EAEC, Brussels, Luxembourg, 1996
Guidelines on Occupational Safety and Health Management Systems	ILO – OSH 2011, ILO Geneva
Training for trainers, “inspection techniques and soft skills to detect and deter undeclared work” labour inspection techniques, distribution materials	ILO, October 2018, Joaquim Pintado Nunes Senior Specialist, Team lead Labour Administration and Labour Inspection
Training for trainers, “ <i>Inspection techniques and soft skills to detect and deter undeclared work (UDW)</i> ”	ILO October 2018, Antonio Santos
Training for the members of the workgroup on the development of the table of concordance between the national legislation and the council directive no. 89/391/eec of 12 june 1989	ILO 28 November 2017, Antonio Santos
Training for the members of the workgroup on the development of the table of concordance between the national legislation and the council directive no. 91/533/eec of 14 October 1991	ILO 11 December 2017, Antonio Santos
Training for the members of the workgroup on the development of the table of concordance between the national legislation and the council directive no. 89/656/eec of 30 Novermber 1989	ILO 5 December 2017, Antonio Santos
Training for the members of the workgroup on the development of the table of concordance between the national legislation and the council directive no. 89/654/eec of 30 Novermber 1989	ILO 29 November 2017, Antonio Santos
Training for the members of the workgroup on the development of the table of concordance between the national legislation and the council directive no. 2003/88/ec of the European Parliament and of the council of 4 Novermber 2003	ILO 4 December 2017, Antonio Santos
Training for the members of the workgroup on the development of the table of concordance between the national legislation and the council directive no. 2009/104/ of the European Parliament and of the council of 16 September 2009	ILO 30 November 2017, Antonio Santos
Tripartite workshop “Validation of the National OSH Profile for Ukraine. Degree of concordance of the national legislation with the selected EU Directives on OSH and labour relations”	ILO 24 May 2018, Antonio Santos
“Formulation of a Biannual Action Plan to Fight Undeclared Work”, Tripartite workshop, distribution materials	ILO 4-7 June 2018, Antonio Santos
“Formulation of a Biannual Action Plan to Fight Undeclared Work”, Tripartite workshop, Supporting materials to develop strategy and action plan to tackle undeclared work in Ukraine	ILO 4-7 June 2018, Antonio Santos
Ukrainian labour inspection legal framework, Main challenges and recommendations, Tripartite Workshop, 21 June 2018	ILO 21 June 2018, Antonio Santos
Undeclared Work in Ukraine, <i>Compliance and Contribution Collection in the Prevalence of Undeclared Work</i>	ILO, 4 September 2018 Antonio Santos

## List of reviewed documents

Document Title	Author and date
<b>Presentation “Draft Ukrainian National Action Plan to Fight UDW”</b>	ILO, 5 September 2018 Antonio Santos
<b>SMALL MATTERS, Global evidence on the contribution to employment by the self-employed, micro-enterprises and SMEs</b>	ILO, 2019

## 9.3. LESSONS LEARNED

ILO Lesson Learned Nb 1	
<b>Project Title: Enhancing the labour administration capacity to improve working conditions and undeclared work</b> <b>Project TC/SYMBOL: UKR/16/03/EUR</b>	
<b>Name of Evaluator: Thomas Vasseur</b> <b>Date: 18 November 2019</b> <b>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.</b>	
LL Element	The importance of proceeding strategically and drafting an elaborated process.
<b>Brief description of lesson learned (link to specific action or task)</b>	<p>Development projects and most importantly the results of development projects are recurrently threatened by the tyranny of time; the pressing need to see rapid visible results without always assessing the solidity of the foundations, the immersed part of the iceberg.</p> <p>If there is one element of importance to retain from the project, it is the process guiding the change: its legitimacy ((a proper assessment preceding the project design, taken to very deep level during its implementation), credibility (consultation, participation and support of national stakeholders) and appropriateness (to the context, needs and strategic choices made by Ukraine: EU partnership agreement...).</p> <p>The value lesson here is that the more valid and detailed the process is, the higher is the likeliness of producing durable effect. Obviously, the success of effective changes is not the sole result of the process design, as other factors are involved – such as the political stability – however, any weakness in the process design will be strongly felt at any later stage in the continuation of the intervention. The strategic development of the SLS's labour inspection, the formulation and validation of strategic framework (OSH, labour inspection...) are essential step of the process which must take place before the capacity-building effort is deployed.</p>
<b>Context and any related preconditions</b>	The pre-conditions are a long-standing presence of ILO in the country and a thorough consultation process ensuring a valid project design. In the case of this project, the initial ILO seed-money project preceding ELAC has helped refine the logic of intervention.
<b>Targeted users / Beneficiaries</b>	MSP, SLS, tripartite dialogue actors / Workers and employers
<b>Challenges /negative lessons - Causal factors</b>	There are no specific challenges. In essence, the more through the needs assessment and the more detailed the process, the more the likeliness of risk of failure related to the design of intervention is reduced.
<b>Success / Positive Issues - Causal factors</b>	A long-term vision relying on a comprehensive, details-rich process is an important condition to achieve durable solutions.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	Requires staff intervention.

<b>ILO Lesson Learned Nb 2</b> <b>Project Title: Enhancing the labour administration capacity to improve working conditions and undeclared work</b> <b>Project TC/SYMBOL: UKR/16/03/EUR</b>	
<b>Name of Evaluator: Thomas Vasseur</b> <b>Date: 18 November 2019</b> <b>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.</b>	
<b>LL Element</b>	<b>The limits of the project's influence and of ILO's role have been further defined.</b>
<b>Brief description of lesson learned (link to specific action or task)</b>	<p>As much as the process and expert delivery of activities have ensured the production of quality outputs, the project experience has shown that without institutional or legislative validation (such as the approval of National Action Plan to Fight UDW or the transposition of the EU Framework Directive 89/391/EEC through the national framework law on OSH) the enforcement and sustainability of results remains limited.</p> <p>While the actions levers are never quite under of the control or direct decision of the project (e.g. government change, ministry-level validation...), there are however ways for the project to advocate, or at least raise awareness on the conditions required for its overall objective to be fulfilled. Thus, a lesson for future similar intervention is that, in between a direct leverage and limited influence, there is room to developing sophisticated advocacy strategy to serve converting outputs (securing outputs through institutionalisation) into sustainable outcomes.</p>
<b>Context and any related preconditions</b>	The political factor (change of government in the case of Ukraine) have put on hold the legislative validation (synonym to sustainability in this case) of several project outputs and are thus required extra advocacy efforts from ILO to obtain support from recently appointed officials.
<b>Targeted users / Beneficiaries</b>	MSP, Ministry of Development of Economy, Trade and Agriculture , Members of Parliament/ Workers and employers
<b>Challenges /negative lessons - Causal factors</b>	Reorganisation of institutions (SLS under Min. of Economy), ensuring newly appointed officials are knowledgeable, aware and supportive of the project results and its validation.
<b>Success / Positive Issues - Causal factors</b>	Convincing results obtained by the project so far. Strong appreciation and support of the project by its key partners.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	Requires staff intervention.

<b>ILO Lesson Learned Nb 3</b> <b>Project Title: Enhancing the labour administration capacity to improve working conditions and undeclared work</b> <b>Project TC/SYMBOL: UKR/16/03/EUR</b>  <b>Name of Evaluator: Thomas Vasseur</b> <b>Date: 18 November 2019</b> <b>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.</b>	
<b>LL Element</b> <b>Behind a communicative project, the perceived institutional modesty of ILO in relation to its contribution indicates the need for a more impactful communication.</b>	
<b>Brief description of lesson learned (link to specific action or task)</b>	<p>The risk related to “preserving” the project’s outcomes as explained under the finding number 51 is partly incumbent to the challenge of mainstreaming a complex technical assistance among other competing development priorities that are enjoying stronger overall, including donor interest. Communication, among other mitigation measures, is a crucial weapon in the battle for continued “political”, strategic interest and support.</p> <p>The project team and ILO Ukraine, in full awareness of this necessity, have not spared efforts to communicate on the project results through dedicated project events, numerous stakeholder meetings, media visibility (interviews...), promotion material and an information-rich webpage.</p> <p>A lesson from the project is that the interest and support for such “technical”, relatively low profile but crucial interventions such as ELAC, must stay atop priorities and over time. For interventions of this nature, communication is essential and must be integrated in the project strategy.</p>
<b>Context and any related preconditions</b>	<p>The complexity and technicality of ILO intervention creates a communication challenge: How to convey the importance and priority of such projects, as ELAC, to “non-expert” stakeholders.</p>
<b>Targeted users / Beneficiaries</b>	<p>Ministries, Members of Parliament, donors...</p>
<b>Challenges /negative lessons - Causal factors</b>	<p>The complexity of the project mechanisms and the length of the transformative process, if not communicated powerfully and clearly, are likely to receive limited understanding and support from key stakeholders.</p>
<b>Success / Positive Issues - Causal factors</b>	<p>The value of the intervention process and results have been appreciated by project partners and the donor.</p>
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	<p>May requires communication professional counselling.</p>

**ILO Lesson Learned Nb 4**

**Project Title: Enhancing the labour administration capacity to improve working conditions and undeclared work**

**Project TC/SYMBOL: UKR/16/03/EUR**

**Name of Evaluator: Thomas Vasseur**

**Date: 18 November 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	Self-assertion should pay off in the long-term.
<p><b>Brief description of lesson learned (link to specific action or task)</b></p>	<p>Deriving from the observation made in the previous lesson learned (finding 52), the identify, the values, the expertise provided by a project such as ELAC and implemented by an organisation such as ILO make a decisive factor of impactful communication; obviously as long as it create a strong added-value. And the evaluation has been able to verify the value is strong and rather unique.</p> <p>However, as much as technical experts are able to advocate to gather interest and mobilise funding, the need for professional support in communication has been capture by the evaluation. Communication is persuasive and impactful internally as it helps strengthen the organisational “self-confidence” by formulation the competence of an organisation and its staff in simple terms. It also helps the recognition of this expert beyond the “circle” of experts, so it gets understood by decision-makers that are not experts and who need to be educated, “impacted” before making strategic choices.</p> <p>Thus, it appears that a condition for the communication effort to produce effective results will involve ILO being assertive in clearing communicating on the various elements of its added-value: International and national expertise, mandate, country presence / knowledge / understanding / strategic formulation, acknowledgement and credibility from stakeholders, quality and relevance of its interventions.</p> <p>As a side remark in relation to self-assertion, the comparative promotion of ILO convention and EU directive provides an interesting opportunity to reflect on ILO put forward its mandate, expertise and international advisory authority in front of donors and institutions. Putting ILO conventions before EU directives is effectively of secondary importance since one is very similar to the other in substance and conveys the very same fundamental principles of justice, human rights and freedom. With Ukraine having committed to European values and the Easter Neighbourhood Partnership, the support to the alignment to EU directives is a strategic, political, pragmatcal and efficient choice as it is reflecting the choice the country has made. Consequently, aligning to EU directives may appear as the most pragmatcal option to support this choice.</p>

	<p>However, there may be a lesson to be drawn from this invisible debate: Whether it is about aligning the national legislation to EU or international standards, ILO is the expert agency to conduct such a task and the foundation of this expertise are ILO convention. ILO is the expert agency for international labour: not just about standards but also assisting States to ratify and turn conventions into reality. Thus, as a matter of principle, but also of mandate and expertise recognition as well as agency and visibility, ILO may be more self-assertive about its role, expertise, national and international recognition. This confers the ILO a unique capacity and position that has to be communicated (reminded) to and recognized by all. It is mainly a matter of principle as the substance and values of ILO Conventions and EU Directives are very similar. However, it is important for ILO to raise awareness on the fact that Conventions are fundamental to EU directives and should therefore be as visible as its EU equivalent. Referring to ILO conventions first could also be considered as an important element of promotion of ILO's identity and added value as part of effective communication and in front of competitive fundraising situations.</p>
<b>Context and any related preconditions</b>	Self-assertion is part of a process to achieve impactful communication, involving the promotion of ILO's combination of expertise
<b>Targeted users / Beneficiaries</b>	Ministries, Members of Parliament, donors...
<b>Challenges /negative lessons - Causal factors</b>	The complexity of the project mechanisms and the length of the transformative process, if not communicated powerfully and clearly, are likely to receive limited understanding support from key stakeholders.
<b>Success / Positive Issues - Causal factors</b>	Taking stock of ILO assets and specific added value and integrating it in communication supports.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	

**ILO Lesson Learned Nb 5**

**Project Title: Enhancing the labour administration capacity to improve working conditions and undeclared work**

**Project TC/SYMBOL: UKR/16/03/EUR**

**Name of Evaluator: Thomas Vasseur**

**Date: 18 November 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                      The project does make a difference on the gender front but does not talk about it. Is symptomatic of a culture of technical expertise hard at work but neglecting to sell its quality.**

<b>Brief description of lesson learned (link to specific action or task)</b>	<p>There is a gap between the actual (positive) contribution of the project to gender equality and the (limited) extent to which the project has (promoted) reported on this dimension of its achievements.</p> <p>This could also be symptomatic of the project insufficiently promoting the effect of its actions to general stakeholders that are beyond or outside the sphere of the tripartite, regular direct partners of ILO projects. Thus, a lesson from experience is that the gender dimension should also be an integral part of the results promoted by the project, even though the project is not gender-specific in nature. Gender-related results and achievements are actually taken into account and can positively be appreciated by key stakeholders, and especially donors.</p>
<b>Context and any related preconditions</b>	No pre-conditions besides capturing the elements and achievements relating to gender and anti-discrimination.
<b>Targeted users / Beneficiaries</b>	Project stakeholders / women, discriminated population groups
<b>Challenges /negative lessons - Causal factors</b>	Insufficiently developed strategy and indicators to capture results relating to gender and anti-discrimination.
<b>Success / Positive Issues - Causal factors</b>	The project has indeed produced results on these crosscutting issues.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	



## 9.4. BEST PRACTICES

### Best Practice Nb 1

**Project Title:** A complete process design as a key strategic and ownership element

**Project TC/SYMBOL:** UKR/16/03/EUR

**Name of Evaluator:** Thomas Vasseur

**Date:** 18 November 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	A complete process design as a key strategic and ownership element
<b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b>	The thorough process proposed by the project – and actually further detailed and refined during its implementation phase, described under the finding number 46, constitute a very strong practice. The method, encompassing building a strategic vision for labour inspection, the preparation of an aligned legislative environment and enforcement of international standards through practice, is actually such a remarkable perspective of intervention that the evaluation has identified it as a model that be replicated in specific contexts.
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	The conditions are: a quality and profound understand of the needs (thorough consultation, a strong analysis using ILO country presence, stakeholder relations) to build a sustainability-driven answer.
<b>Establish a clear cause-effect relationship</b>	The process design has helped the targeted institutions and related stakeholders to grasp the long-term vision and the path to build the capacities and environment towards the long-term objective, through a clear step-by-step guidance.
<b>Indicate measurable impact and targeted beneficiaries</b>	A shift (to be completed over time) of paradigm and approach of stakeholder to its role and function (labour inspection). Transposition of ILO Conventions and EU Directives. Approval of OSH roadmap. Initial changes of professional practice (labour inspectors).
<b>Potential for replication and by whom</b>	<b>This approach can be replicated in other regions (Countries of the European Neighbourhood partnerships, but also potentially in the Western Balkans) and in other capacity-building interventions.</b>
<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)</b>	<b>Support realisation of DCWP objectives</b>

Other documents or relevant comments	
<p><b>Best Practice Nb 2</b></p> <p><b>Project Title: A complete process design as a key strategic and ownership element</b></p> <p><b>Project TC/SYMBOL: UKR/16/03/EUR</b></p> <p><b>Name of Evaluator: Thomas Vasseur</b> <b>Date: 18 November 2019</b></p> <p>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.</p>	
<p><b>LL Element</b> <b>The key ingredient of “good” technical assistance: Expertise, pro-active in communication and visibility, long-term and in-country, “in-institution” presence.</b></p>	
<p><b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b></p>	<p>The delivery of technical assistance, when it is limited to the transfer of knowledge, is not good enough to ensure successful transformative process as in the case of labour inspection effectively contribution to better working conditions in Ukraine, for instance. The project has provided an opportunity for the evaluation to identify several elements which, when brought together, meet the conditions for “good” or effective technical assistance: Relevant expertise, pro-active attitude, quality of relation built over time, permanent presence of ILO for which the agency has earned credit and respect.</p>
<p><b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b></p>	<p>Good technical assistance requires the combination of the several assets ILO offers to ensuring quality of needs assessment, project design and project implementation: Long-term presence of ILO staff (thanks to low turn-over and therefore strong institutional memory), deep, trustful relations with stakeholders allowing for understanding/assessment of needs, regular consultation and effective participation of stakeholders in the design and implementation phases of interventions, technical expertise and professionalism allowing for efficient implementation and effective results.</p>
<p><b>Establish a clear cause-effect relationship</b></p>	<p>The conditions or pre-requisite listed above are defining the criteria for “good technical”, i.e., an intervention that understands the problems, designs the appropriate response, follows a sustainability-driven strategy and delivers convincing results and not just visible or short-term results.</p>
<p><b>Indicate measurable impact and targeted beneficiaries</b></p>	<p>The measurable impacts actually correspond to the fulfilment of project-level objectives as indicators of progress along the long-term transformative process, fragmented (in units of project cycle).</p> <p>The direct beneficiaries are the institutions and concerned stakeholders. The long-term and end-beneficiaries are the workers, the employers and the institutions.</p>

<b>Potential for replication and by whom</b>	This approach can be replicated in other regions (Countries of the European Neighbourhood partnerships, but also potentially in the Western Balkans) and in other capacity-building interventions.
<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)</b>	Support realisation of DCWP objectives
<b>Other documents or relevant comments</b>	

### Best Practice Nb 3

**Project Title: A complete process design as a key strategic and ownership element**

**Project TC/SYMBOL: UKR/16/03/EUR**

**Name of Evaluator: Thomas Vasseur**

**Date: 18 November 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**                      **Linking OSH, LI, LR, UDW and SD in a strategic way. Showing the “ugly” faces of UDW and the “mechanic” of the solution.**

<p><b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b></p>	<p>Even though the project document's section on strategy depicts how the action intends to tackle OSH, Labour Inspection, Labour Relations and UDW, the evaluation has found it could have promoted more explicitly how the underlying strategy connects coherently these issues in order to contribute to its simultaneous improvement. The project angle can also be considered as a best practice as with a minimal number of components, a single project addresses the several penalising factors preventing inclusive economic growth and decent work in Ukraine:</p> <ul style="list-style-type: none"> <li>✓ The health and safety priority concerns in the core sector of the Ukrainian economy (metal industry, coal mining, agricultural and forestry-related activities)</li> <li>✓ The massive UDW practice in some core sectors (Construction, agriculture,...),</li> <li>✓ An inefficient labour inspection legal framework</li> <li>✓ Difficult labour relations</li> <li>✓ A tensed social dialogue</li> <li>✓ The need to enforce international standards in the Ukrainian labour market (OSH...)</li> <li>✓ The need for Ukraine to implement its international commitment (EU Eastern Neighbourhood Partnership agreement).</li> </ul> <p>The good practice in relation to the above lies in the efficient of a single intervention "hitting several big birds with one stone".</p>
<p><b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b></p>	<p>No specific conditions required (apart from the conditions for "good" technical assistance as described in best practice number 2). This best practice shows the importance of identifying and highlighting the various linkages between the problems, identified needs and the response. The logic of intervention also shed the light on the fact that pressing issues (UDW) are not solve by "rapid" replies but constructed, strategic responses.</p>
<p><b>Establish a clear cause-effect relationship</b></p>	<p>The alignment to international standards and enforcement of those standards by a coherent, efficient labour inspection system ensures health and safety risks are minimized while the legislative and operational framework empowers labour inspection and supports workers and employers to tackle UDW. The project intervention highlights the cause-effect relations.</p>
<p><b>Indicate measurable impact and targeted beneficiaries</b></p>	<p>The direct beneficiaries are the institutions and concerned stakeholders. The long-term and end-beneficiaries are the workers, the employers and the institutions.</p>
<p><b>Potential for replication and by whom</b></p>	<p>This approach can be replicated in other regions (Countries of the European Neighbourhood partnerships, but also potentially in the Western Balkans) and in other capacity-building interventions.</p>

<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)</b>	Support realisation of DCWP objectives
<b>Other documents or relevant comments</b>	

## 9.5. LIST OF STAKEHOLDERS INTERVIEWED

List of interviewed stakeholders		
	Name and Position	Organisation
1	EU-ILO Project team: Mr. António Santos, Project Manager Ms. Sofia Lytvyn, National Project Coordinator	ILO Ukraine
2	ILO National Coordinator for Ukraine: Mr. Sergiy Savchuk (ILO NC, Ukraine)	ILO Ukraine
3	Mr. Dzemat Hodzic, CTA of the DANIDA Project (TBC) Ms. Maria Kupris, National Coordinator of the project on OSH in mining	ILO Ukraine
4	Arsenio Fernandez Rodriguez, Former backstopper of the Project until June 2019 Justine Tillier, assisted drafting of the project proposals, facilitates the reporting, liaise with ILO departments in Geneva, manages project site	ILO Geneva
5	Markus Pilgrim, DWT/CO Director	ILO Budapest
6	Ms. Mira Didukh, Back stopper of the Project, Sector Manager. Regional and Local Development, Mr. Martin Schroeder, Policy Officer Health – Employment – Justice – Home Affairs	EU Delegation to Ukraine
7	Ms. Olga Bogdanova, Mr. Dmytro Hryhorenko Ms. Tamara Bylko,  Mr. Dmytro Matviichuk, Ms. Tetiana Komarova,	The European Society of Occupational Safety & Health (ESOSH) Professor at the National University of Bio-Resources and Environment and Labour Hygiene Expert OSH Magazine Labour Protection and Fire Safety Magazine
8	Mr. Yuri Kuzovoy, Director-general	Ministry of Social Policy, Directorate on Decent Works Norms and Standards
9	Ms. Olga Krentoska,	Ex-Chair of the Project SC, Ex-First Deputy Minister of Social Policy of Ukraine
10	Mr. Roman Cherneha, Head (until 04.12.2019) Ms. Alla Horbatiuk, Deputy Head Mr. Igor Degnera, Director of the Department on Labour (currently acting Head of SLS) Mr. Volodymyr Honcharuk, Deputy Director of the Department on Labour Ms. Natalia Vizhyl, Head of Unit on Labour Protection Ms. Ludmyla Kharchuk, Head of Unit on Labour Hygiene Mr. Yousef Radetsky, Director of the Department on the Supervision Over High-Risk Facilities Mr. Olexander Ihnatov, Deputy Director of the Department on the Supervision Over High-Risk Facilities Mr. Oleh Nelen, Head of Unit on Mining Supervision Ms. Maryna Kukaylo, Specialist for International Relations and European Integration Sector	State Labour Service of Ukraine
11	Mr. Yurii Andriyevsky, Head of Labour Protection Department Ms. Tetiana Horiun, Head of Unit on Technical Inspection	Federation of Trade Unions of Ukraine (FPU)

	<p>Ms. Iryna Sydoriak, Deputy Director of Legal Protection Department Ms.Svitlana Samosud, Mr. Vasyl Andreyev, Ms. Kateryna Klymenko</p> <p>Ms. Olesia Briazgunova</p> <p>Mr. Hlib Kolesov</p>	<p>Head of Trade Union of Agro-Industrial Complex Workers Head of Construction Sector Workers Deputy Head of Construction Sector Workers Confederation of Free Trade Unions of Ukraine (KVPU) International relations department, Confederation of Free Trade Unions of Ukraine Lawyer, Confederation of Free Trade Unions of Ukraine</p>
12	<p>Mr. Vyachyslav Bykovets</p> <p>Ms. Olha Tarasenko</p>	<p>Member of Council of Confederation of Employers of Ukraine Head of All-Ukrainian Association of Employers of Recreation Sector</p>
13	<p>Mr.Olexander Drozdyk</p>	<p>Ex-member of the Project SC, ex-member of the Verkhovna Rada's Committee of Social Policy, Employment and Pension Security</p>
14	<p>Danylo Bondar, Deputy Head of Committee Secretariat</p>	<p>Verkhovna Rada's Committee of Social Policy and Veterans</p>
15	<p>Ms. Olena Stepanenko - Ombudsman representative on social and economic rights Ms. Svitlana Hlushchenko, Director of Department of Social Rights Monitoring Ms. Tetiana Stashkiv – Head of Unit on the Right to Work Department of Social Rights Monitoring Ms. Lesia Halushkina, specialist of Unit on the Right to Work, Department of Social Rights Monitoring</p>	<p>Ombudsman of Ukraine</p>

## 9.6. EVALUATION MATRIX





ILO UKRAINE PROJECT EVALUATION MATRIX

EVAL. CRITERI	Evaluation Questions	Judgement Criteria	Judgement Indicator	Source of Information	Method of analysis
1. VALIDITY OF DESIGN	1.1 Determine the validity of the project design, the effectiveness of the methodologies and strategies employed for it and whether it assisted or hindered the achievement of the project's goals as set out in the Project Document. Were the timeline and objectives of the project clear, realistic and likely to be achieved within the established time schedule and with the allocated resources (including human resources)?	1. Project has a valid design/logframe 2. Project has a valid strategy 3. Project applies a specific methodology 4. Project Logframe has SMART objectives 5. Timely, qualitative implementation of activities and achievement of objectives,	1. Design based on an intervention logic and justified by priority needs 2. Project fit into a strategic framework with a vision 3. Methodology tailored to project, context, clear, proven or following a clear logic 4. Logframe explains how activities contribute to achieving project objectives 5. Identified (human, financial, other) resource-related reasons for late or poor activity delivery or delivery overstretching available resources	Sources: - Project documents - Strategic, policy, context related documents or publications, - Remote or face-to-face interview notes - Records of Beneficiary, stakeholder feedback	- Triangulation of quantitative and qualitative primary or secondary information (which source is assessed as reliable)
	1.2. Was the project design logical and coherent (both internal and external level taking into consideration other stakeholders initiatives on the issue)?	1. Project design is logic  2. Project is coherent	1. Logframe articulates causal relation between needs, (strategic) response to needs, from activity to component to objective level.  2.1. Internal coherence: coherence between activities, components, expected results, achievement of objectives  2.2. External coherence: Coherence with international/national strategic, policy, programmatic and (other project) level. Coherence with other stakeholder priorities and interventions (project stakeholders, donors, other relevant international, national actors)	Idem	Idem

	<p>1.3. Does the project design meet the ILO Guidance on Results-Based project design? Including: Clarity of the objectives (did they meet SMART criteria); How appropriate and useful were the indicators (and targets) established in the project's performance monitoring plan (PMP) in terms of assessing project progress?</p> <p><i>Interview Topics:</i></p> <ul style="list-style-type: none"> <li>- How relevant were outputs definition and indicators?</li> <li>- How challenging is it to formulate expected (short/Med/Long-t) effect of project (e.g. enforcement of aligned legislation)? What can a project realistically commit to change and describe it as a projection?</li> </ul>	<p>1. Results-based approach has been applied to project design</p> <p>2. Project objectives are SMART</p> <p>3. A PMP has been designed Indicators and targets are appropriate and useful.</p>	<p>1. Sound explanation/relation of intervention approach and activities lead to expected results</p> <p>2. Are objectives Specific, Measurable, Attainable, Relevant, Time-bound?</p> <p>3.1 PMP is available and has produced evidence that has been used to assess project progress/take corrective actions?</p> <p>3.2. Indicators and Targets are SMART. Indicators allow to measure degree of (quantitative/qualitative) implementation of activities and achievement of objectives.</p>	Idem	Idem	
	<p>1.4. To what extent were external factors and assumptions identified at the time of design? Have these underlying assumptions on which the project has been based proven to be true?</p>	<p>1. Availability of analysis identifying external factors and assumptions in project document.</p>	<p>1. External factors and assumptions clearly identified, and risk assessment/mitigation measures formulated.</p> <p>2. Evidence of underlying assumptions verified/effectively occurring during project implementation</p>	em	Idem	
	<p>1.5. Assess whether the problems and needs (institutional arrangements, roles, capacity and commitment of stakeholders) were adequately analysed and determine whether the needs, constraints, resources and access to project services of the different beneficiaries were clearly identified, taking gender equality and non-discrimination into account?</p> <p><i>Interview Topics:</i></p> <ul style="list-style-type: none"> <li>- What are the challenges of assessing specific needs related to gender and non-discrimination? Challenges to address those needs in the project strategy, outcomes, activities and in tracking and reporting specific results on gender and non-discrimination?</li> </ul>	<p>1. Problems and needs adequately analysed</p>	<p>1.1. Project document features a well-founded (with reference to valid, reliable sources of information)., detailed, updated analysis of problems and needs (specific to institutional arrangements, roles, capacity and commitment of stakeholders).</p> <p>1.2. Project beneficiaries, stakeholders, donors are consulted and in agreement with analysis</p>	em	Idem	

	<p>- How challenging was it to establish gender-specific objectives and indicators? Is there a more relevant/recommendation for such a project to capture the complexity of addressing, tracking and reporting on these cross-cutting issues?</p> <p>- Any suggestions of contextualized/realistic indicators?</p>	<p>2. Needs, constraints, resources and access to project services of the different beneficiaries were clearly and formally identified.</p> <p>3. Needs, constraints, resource and access to project have also been formally analysed and identified in relation to Gender equality and non-discrimination is available.</p>	<p>2.1. Formal needs identification process (through reports, stakeholder consultation, lessons learned from previous interventions) has taken place and is documented.</p> <p>2.2. Constraints, resources and access to project services of the different beneficiaries have been identified and estimated.</p> <p>3. Evidence of the process with clear description of problems and needs identification and analysis.</p>			
	<p>1.6. Was the strategy for sustainability of project results defined clearly at the design stage of the project?</p> <p><i>Interview Topics:</i></p> <p>- If distinguishing the sustainability of project results as follows:</p> <p>a. Outputs are delivered: Aligned legislation is drafted. Beneficiary institutions are empowered to implement aligned legislation and other project outputs through training &amp; technical assistance.</p> <p>b. Outcomes: Draft legislation is proposed and voted</p> <p>- long-term results: Aligned legislation is enforced.</p> <p>To which extent do you expect “a” and “b” to be sustainable?</p> <p>What are the risk factors of sustainability (staff turnover, lack of resources, willingness, remaining insufficient institutional capacity, other factors ...) for the enforcement of the revised legislation, and implementation of tools (IT database...), roles (of labour inspectors)?</p>	<p>1. Availability of a sustainability strategy for project results.</p>	<p>1.1. The sustainability strategy for project results is detailed (description of means, approach, degree of sustainability and risk factors to achieve sustainability) and sound (rationale is explained and based on reliable information)</p> <p>1.2. Sustainability strategy has been developed at design stage of project.</p>	em	Idem	

2.RELEVANCE	<p>2.1. Examine whether the project responded to the real needs of the Ministry of Social Policy and of the State Labour Service.</p> <p><i>Interview Topics:</i></p> <p>-At this stage of implementation, are there still outstanding capacity (or other such as resources) gaps preventing MSP and SLS to take further to outcomes of the project?</p> <p>- Do these gaps - if any - justify the continuation of the intervention, for instance, through a follow-up project phase?</p>	<p>1. Needs have been expressed by/confirmed with MSP and SLS.</p> <p>2. Needs have been verified based reliable information.</p>	<p>1. MSP and SLS have been formally consulted and there is document evidence of needs.</p> <p>2. Needs are verified and confirmed with other key stakeholders (donors, ILO, civil society...)</p>	Idem	Idem	
	<p>2.2. Assess whether the problems and needs that gave rise to the project still exist or have changed.</p>	<p>1. The project has a mechanism (M&amp;E) allowing to monitor evolution of problems and needs.</p> <p>2. The project and involved stakeholder effectively monitor evolution of problems and needs.</p> <p>3. The project effectively adjusts to evolving problems and needs when/if deemed necessary.</p>	<p>1. The monitoring mechanism allows to effectively monitor problems and needs (relevant type of information and stakeholders collected on a regular basis). The project management and partners have regular access to this information.</p> <p>2. The relevant information is effectively collected.</p> <p>3. Evidence that the information collected is effectively used to make informed decisions and take corrective actions.</p>	Idem	Idem	Reco : Dv p
	<p>2.3. How relevant is the project with the EU Technical Cooperation Facility under the European Neighbourhood instrument?</p>	<p>1. Clear references to and linkages with and contribution to of the project to priorities stated in EU Technical Cooperation Facility under the European Neighbourhood instrument.</p>	<p>1. References to and linkages with EU TCF/EN in the project document strategy and approach is available in project document.</p>	Idem	Idem	Idem

		2. Project is relevant to EU TCF/EN instrument.	2. The project documents provides a logic explanation on how strategy, objectives and activities are relevant supportive of EU TCF/EN.			
2.4. How well does the project fit into the ILO programming and implementation frameworks?	1. Clear references to and linkages with and contribution to ILO implementation frameworks  2. Project is coherent with and complementary to ILO programming.	1. References to and linkages with ILO Strategic global and national objectives (Decent Work...) in the project document strategy and approach is available in project document.  2. Evidence of coherence, complementary and synergies with ILO interventions. Joint interventions activities, smooth coordination with other projects.	Idem	Idem	Idem	Idem
2.5. Is the overall project coherent with other ILO initiatives on the topic and in the region (in particular the sister project on occupational safety and health in the mining industry in Ukraine)?	1. Evidence of project coherence with other ILO initiatives on the topic and in the region (in particular the sister project on occupational safety and health in the mining industry in Ukraine).	1.1. Evidence of coherence/complementary of the project with other ILO initiative on the topic and in the region in particular the sister project on occupational safety and health in the mining industry in Ukraine) at the strategic and activity level.  1.2. Identified duplications with ILO (and any other) interventions 1.3. Concerned stakeholders are aware and informed about the various ILO interventions and any opportunity for synergy, joint activity, increased impact is identified and taken. 1.4. Regular communication and sharing of information are taking place and allows to maintain coherence (see 1.3)	Idem	Idem	Idem	Idem

	<p>2.6. Under implementation, did the strategy address the different needs and roles, constraints, access to resources of the target groups and did the project leverage resources to promote gender equality and non-discrimination?</p> <p><i>Interview Topics:</i></p> <ul style="list-style-type: none"> <li>- Are there sufficient resources available or planned to ensure the enforcement of the aligned legislation?</li> <li>- Has the project trickled the mobilisation of additional resource for enforcement of the aligned legislation or other outstanding needs (from the government budget or other resources)?</li> </ul>	<p>1. Evidence of a strategic design explained how the different needs and roles, constraints, access to resources of the target groups are addressed.</p> <p>2. Evidence allowing to verify that initial strategy have allowed to effectively address the different needs and roles, constraints, access to resources of the target groups.</p> <p>3. Evidence of the project leverage resources to promote gender equality and non-discrimination.</p>	<p>1. Availability of a clear approach/mechanism ensuring different needs and roles, constraints, access to resources of the target groups are addressed in the project document.</p> <p>2. Documented (reports...)/recorded (through interviews) evidence allowing to verify that initial strategy have allowed to effectively address the different needs and roles, constraints, access to resources of the target groups.</p> <p>3.1. Evidence of allocated resources in the initial project budget to promote gender equality and non-discrimination.</p> <p>3.2. Evidence of other additional resources mobilized directly or indirectly by the project for the promotion of gender equality and non-discrimination.</p>	Idem	Idem	I d e m
3.EFFECTIVENESS	<p>3.1. Examine delivery of project outputs in terms of quality, quantity and timing.</p> <p><i>Interview Topics:</i></p> <ul style="list-style-type: none"> <li>- Based on project implementation report, the project has/will have exceeded most of its output targets. Do you expect any delay or missed target by the end of December?</li> </ul>	1. Evidence of timely, quantitative and qualitative delivery of outputs	<p>1. 1. Evidence of timely delivery of outputs as per the implementation or at a time that did not affect negatively the projects, its stakeholders and beneficiaries. (timing of outputs vs original plan.</p> <p>1.2. Evidence of quantitative delivery of outputs as per the implementation plan or in quantities that did not affect negatively the projects, its</p>	Idem	Idem	I d e m

		stakeholders and beneficiaries. (quantitative achievements vs initial targets).			
		1.3. Evidence of qualitative delivery of outputs as per the quality standards defined by the project or which satisfied stakeholders and beneficiaries and met minimal standards (qualitative achievements vs quality standards initially set: quality of training content, training delivery, quality of information products, quality of technical expertise...)			
3.2. Assess whether the project has achieved its immediate objectives. Did the project have an influence on any changes in terms of strengthening of OSH, labour standards, labour inspection and fight against Undeclared Work (UDW)?  <i>Interview Topics:</i>  - In brief, how would you describe (max two) key changes brought by the project in relation to: a. strengthening of OSH and labour standards, b. labour inspection and fight against Undeclared Work How did the project integrate into its work and promote International Labour Standards/relevant Conventions?	1. Evidence of the project having successfully achieved its immediate objectives.  2. Available evidence of influence or changes in terms of strengthening of OSH, labour standards, labour inspection and fight against Undeclared Work (UDW)? Extent to which the project did integrate into its work and promote International Labour Standards/relevant Conventions	1. Documented evidence (report, tangible results, stakeholders, beneficiaries' feedback or statements) of the completion of objectives (capacities increased, legislation improved and aligned to standards, evidence of effective implementation of project outputs)  2.1. Identified tangible elements or indicators of influence or changes in terms of strengthening of OSH  2.2. Identified tangible elements or indicators of influence or changes in terms of labour standards and/or labour inspection.  2.3. Identified tangible elements or indicators of influence or changes in terms of fight against Undeclared Work (UDW)?	Idem	Idem	I d e m

<p>3.3. Have unplanned outputs and results been identified and if so, why were they necessary and to what extent were they significant to achieve the project objectives?</p>	<p>1. Evidence of identified unplanned outputs and results</p>	<p>1.1. Evidence of such identified unplanned outputs and results and justification for these outputs and results.</p> <p>1.2. Evidence of identified unplanned outputs and results contribution to achieving project objectives.</p>	<p>Idem</p>	<p>Idem</p>	<p>I d e m</p>
<p>3.4. How did positive and negative factors outside of the control of the project affect project implementation and project objectives and how did the project deal with these external factors? <i>Interview Topics:</i></p> <p>- Has the project been affected by any external factors that was not identified at the design stage?</p>	<p>1.1. Identified positive factors outside of the control of the project and its effect on implementation and objectives.</p> <p>1.2. Identified project responses to these positive factors.</p> <p>1.3. Identified negative factors outside of the control of the project and its effect on implementation and objectives.</p> <p>1.4. Identified project responses to these negative factors.</p>	<p>1.1. Evidence of project's capacity to identify these positive factors</p> <p>1.2. Evidence project's capacity to take advantage of these positive factors to improve implementation and objectives.</p> <p>1.3. Evidence of project's capacity to identify these negative factors .</p> <p>1.4. Evidence project's capacity to mitigate these negative factors to limit or cancel its impact on implementation and objectives.</p>	<p>Idem</p>	<p>Idem</p>	<p>I d e m</p>
<p>3.5. To what extent have the intervention results been monitored and reported in terms of their contribution to specific SDGs and targets (explicitly or implicitly)? Assess the effectiveness of the project's gender mainstreaming and non-discrimination activities and strategies. <i>Interview Topics:</i></p> <p>- Besides the M&amp;E plan annexed to annual report, has the project (or its partners) maintained detailed record</p>	<p>1. Extent of the project's results contribution to specific SDGs and targets.</p>	<p>1.1. Existence of a monitoring and reporting mechanism allowing to capture/measure the results' contribution to specific SDGs and targets.</p> <p>1.2. Estimation of results contribution to SDGs and targets.</p> <p>2.1. Indicators and evaluation of effectiveness of the project's</p>	<p>Idem</p>	<p>Idem</p>	<p>I d e m</p>



	<p>of activities (e.g. female attendance, participation to project activities)?</p> <p>- In relation to outcomes, has the SLS IT database produced data that can inform some results reflecting the effects of the project (statistics relating to UDW)?</p>	2. Degree of effectiveness of the project's gender mainstreaming and non-discrimination activities and strategies.	gender mainstreaming and non-discrimination activities and strategies.			
4.EFFICIENCY	<p>4.1. Compare the allocated resources with results obtained. In general, did the results obtained justify the costs incurred?</p> <p><i>Interview Topics:</i></p> <p>- Has the project been affected by insufficient budgeted resources at any stage of implementation?</p>	1. Value for money of intervention's results (not only in pure cost for results calculation in terms of long-term investments and expected changes)	1. Evaluation of results against resources with a wide perspective on the short time but also longer-term, direct and indirect results and impacts.	Idem	Idem	I d e m
	<p>4.2. Has the project received adequate administrative, technical and- if needed- political support from the ILO National Coordinator for Ukraine, the ILO office in Budapest, technical specialists in the field and the responsible technical unit at headquarters (LABADMIN/OSH)?</p> <p><i>Interview Topics:</i></p> <p>- Has the project implementation been affected by the lack of/inadequate logistics, financial, administrative or technical support?</p>	1. Has the project received sufficient administrative, technical and political to ensure smooth implementation and achieve its objectives.	<p>1.1. Extent to which support have been adequate (i.e. timely, sufficient, qualitative (level of expertise), relevant (answering needs accurately) and powerful (provide sufficient leverage to address political obstacles or ensure political support)).</p> <p>1.2. Identified situation where support did not allow to address an issue. Lessons learned from these situations.</p>	Idem	Idem	I d e m
	<p>4.3. Were the management arrangements efficient to implement the project?</p> <p><i>Interview Topics:</i></p>	1. Degree of efficiency of management arrangements	<p>1.1. Clarity and efficiency of definition of roles and responsibilities.</p> <p>1.2. Clarity and efficiency of communication, coordination and reporting mechanism</p>	Idem	Idem	I d e m

	- Has the project implementation been affected as a result of its management (insufficient staffing, lack or inadequate knowledge or expertise, lack of exchange or communication)?		1.3. Clarity and efficiency of administrative, financial, overall operational implementation modalities. 1.4. Project and support staff adequately experienced, trained (on project implementation mechanisms) and qualified. 1.5. Human performance (engagement in project activities and implementation of rules and regulations).			
	4.4. To what extent did the project leverage partnerships (with constituents, national institutions and other UN/development agencies) that enhanced projects relevance and contribution to priority SDG targets, EU priorities and national development objectives?  <i>Interview Topics:</i>  - Are there any stakeholders with a key influence on OSH, labour legislation, labour inspection, UDW that have not sufficiently been solicited, lobbied or involved in order to maximize project results?	1. Capacity of project to leverage partnership	1. Number of partnerships 2. Diversity of partnerships (with different categories of stakeholders 3. Relevance of partnerships (added-value of partnerships and assets - expertise, knowledge, reach out... - ) brought by partners 4. Results of partnerships: achievements of partnerships and its contributions to SDG targets, EU priorities and national development objectives.	Idem	Idem	Idem
5. SUSTAINABILITY AND IMPACT ORIENTATION	5.1. Assess to what extent a phase out strategy was defined and planned and what steps were taken to ensure sustainability (e.g. government involvement). Assess whether these strategies have been articulated/explained to stakeholders.  <i>Interview Topics:</i>  At this stage of the project, which is of the following phase out option is more likely:	1. Availability of a phase out strategy.  2. Relevance of phase out strategy.  3. Validation of phase out strategy.	1. Existence of a written phase out/sustainability strategy.  2. Phase out strategy is clearly articulate (detailed approach, resources necessary and secured, implementation plan, roles and responsibilities defined...).  3. Phase out strategy formally shared to all concerned	Idem	Idem	Idem

<p>a. Government institutions have the capacity and resources to progress towards the enforcement of the aligned legislation.</p> <p>b. Government institutions have the capacity and resources to progress towards the enforcement of the aligned legislation, with limited ILO assistance (or through other ILO projects)</p> <p>c. A further project phases is necessary until government institutions are empowered to enforce the aligned legislation.</p>		<p>stakeholders. Phase out strategy is understood and accepted by stakeholders.</p>			
<p>5.2. Assess the likelihood of the results and approaches of the project continuing beyond the project life. Are the project's approaches replicable elsewhere?</p> <p><i>Interview Topics:</i></p> <p>What are the short, medium and long-term effects of the project?  When do you expect to see those short/mid/long-term effects of the project?  What - if any - sort of assistance will be needed to ensure/support the positive effect to take place (enforcement)?</p>	<p>1. Degree of durability of approach and results</p> <p>2. Replicability of approach.</p>	<p>1. Identified indicators, tangible elements providing sufficient evidence that the project's results and approach will last beyond the project's life.</p> <p>2. Analysis of project approach: Extent to which a sufficient number of characteristics have been verified as when articulated together, form well-articulated principles and methodology so it forms a model of intervention. Extent to which the model is not tight to the context of intervention exclusively but can be applied to contexts featuring comparable characteristics.</p>	Idem	Idem	I d e m
<p>5.3. Assess the degree to which the project sustainability strategy includes a gender perspective</p>	<p>1. Availability of a sound project sustainability strategy specifically addressing the gender perspective.</p>	<p>1. Extent to which the project strategy specific also ensure sustainability of the gender dimension through specific measures, means, mechanisms, disaggregated data.</p>	Idem	Idem	I d e m
<p>5.4. Is it likely that the project will have long-term effects (impact) on the OSH, UDW and labour inspection system.</p>	<p>1. The project document has analysed formulated foreseen its longer-term effects</p>	<p>1. Analysis and forecast of long-term effects (on effects (impact) on the OSH, UDW and labour</p>	em	Idem	

	<p><i>Interview Topics:</i></p> <p>- To which extent will the Labour Inspection database be able to inform on the longer-term effects of the intervention?</p>	(impact) on the OSH, UDW and labour inspection system.	inspection system ) is rational, well-founded (informed), and specific (sufficiently detailed).			
	5.5. To which extent the results of the intervention are likely to have a long term, sustainable positive contribution to the SDGs and relevant targets (explicitly or implicitly)?	<p>1. Availability of the project /phase sustainability strategy explaining its sustainable positive contribution to the SDGs and relevant targets.</p> <p>2. Identification of elements/information leading to expect that the project will produce a sustainable positive contribution to the SDGs and relevant targets.</p>	<p>1. Degree to which the sustainable positive contribution (to SDGs and targets) is well articulated (rational), founded (informed) and validated (considered credible by concerned stakeholders).</p> <p>2. Assessment of other implicit (identified) elements concurring to the sustainable strategy explicitly formulated.</p>	em	Idem	
6. LESSONS LEARNED AND GOOD PRACTICES	6.1. Lessons learned from project implementation. What lessons learned and good practices have you identified from the project implementation?	<p>1. Availability of lessons learned already captured by the project.</p> <p>2. Other lessons learned identified by the evaluation.</p>	<p>1. Lessons learned are identified by the project and provide relevant opportunity for improvement of project implementation or future interventions.</p> <p>2. Lessons learned are identified by the evaluation and provide relevant opportunity for improvement of project implementation or future interventions.</p>	Idem	Idem	
	6.2. Emerging Good Practices	<p>1. Availability of Good Practices already captured by the project.</p> <p>2. Other Good Practices identified by the evaluation.</p>	<p>1. Good Practices are identified by the project and provide relevant opportunity for improvement of project implementation or future interventions.</p> <p>2. Good Practices are identified by the evaluation and provide relevant opportunity for improvement of</p>	em	Idem	

			project implementation or future interventions.			
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