



MID-TERM INTERNAL EVALUATION

Project title:	Strengthening Labour Inspection in Lesotho
XB Symbol:	LSO/15/02/USA
Country:	Lesotho
Technical field:	Labour inspection
Administrative unit:	DWT/CO Pretoria
Time frame:	24 months, January 2016 – December 2017
Budget:	US\$ 500,000
Donor:	United States Department of Labour
Evaluation manager:	Mr Sipho Ndlovu, DWT/CO-Pretoria
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1. Executive summary

Lesotho has ratified the ILO Convention concerning Labour Inspection in Industry and Commerce, 1947 (No. 81), and has, accordingly, an obligation to provide and maintain a system of labour inspection to secure compliance with legal provisions relating to conditions of work and the protection of workers in industrial and commercial workplaces. A labour inspection system was established in Lesotho in 1986 within the Ministry of Labour and Employment under the auspices of the Office of the Labour Commissioner. A number of studies carried out between 1997 and 2012 have pointed towards significant room for improvement with regard to the performance of the labour inspectorate in Lesotho.

Since August 2016, the ILO has been implementing the project LSO/15/02/USA, “Strengthening labour inspection in Lesotho”.

The project was designed to reach three medium-term objectives:

- Medium-term objective 1: Improved management of the labour inspectorate
- Medium-term objective 2: Inspections are conducted following an improved methodology
- Medium-term objective 3: Improved social and public engagement between the Lesotho Labour Inspectorate, other public organizations and employers’ and workers’ organizations

This is an internal mid-term evaluation of the project. Its purpose is to document key achievements, challenges, lessons learned and recommendations to improve project performance. The evaluation was carried out in September 2017 and considered project activities implemented from August 2016 until September 2017.

The evaluation found that the project was relevant and well-suited the policies and priorities of the ILO, the Government and social partners of Lesotho. The project was conceived to contribute to an improved labour inspection system in Lesotho. It contributed to priorities identified in the Lesotho United Nations Development Assistance Plan and aimed to achieve outcomes central to the Decent Work Country Programme for Lesotho.

Furthermore, the project was effective in delivering on the short-term objectives designed under each of the three medium-term objectives. By the second quarter of 2017, six labour inspection management tools had been created, a series of capacity building activities had been delivered and the project had succeeded in efforts to foster closer collaboration between government ministries in the area of labour inspection. These deliverables would likely have had greater impact if accompanied by the planned structural changes that had been announced by the Ministry of Labour and Employment but had not yet been implemented. These structural changes would have lent greater autonomy to the labour inspectorate and also increased the inspectorate’s budget. It must further be contended that at the time of the mid-term evaluation, the new tools and planning methodologies that had been introduced under the project were still being rolled out, hence their actual impact was difficult to assess.

Regarding validity of design, the above demonstrates to some extent that there were potential weaknesses in the project design. The project made a critical assumption that was not guaranteed to hold true and ultimately affected the project’s effectiveness and efficiency, notably that the Ministry of Labour and Employment would proceed with an anticipated restructuring. In view of the political situation of Lesotho, involving two changes in government since 2015, the budgetary situation of the Ministry of Labour and Employment and the bureaucratic steps involved in approving a restructuring of the Ministry, it would seem unreasonable to assume that the required facets of the anticipated restructuring would take place in time for the project to fully use the new structure as basis for reaching its objectives.

In terms of efficiency, it appears project resources were allocated efficiently with the limited means available. The project appear cost-effective as it utilizes the project budget to the best of its ability.

When looking at sustainability, the project has developed an exit strategy and sustainability plan, which outlines sustainability measures for each project output. These measures, if implemented, would likely contribute towards the sustainability of project achievements. The plan suggests, however, that these measures can only be implemented “within a formal structure through which all activities on the inspectorate will be coordinated”. The immediate threat to sustainability, therefore, is the current absence of such a formal structure in the form of a Labour Inspections Directorate with its own budget and strategic plans.

Several lessons may be learnt from the project. First, sound project design is essential for implementation, monitoring and evaluation. Second, coordinated and strategic technical backstopping is essential for project performance. Third, the importance of political will and support to reach project objective. Fourth, improved performance of the Lesotho labour inspectorate requires continuous training and performance management of labour inspectors. Fifth, an effective labour inspectorate has to be accompanied by adequate measures for prosecution.

The evaluation makes ten recommendations, concerning:

- Continuous need for engagement from ILO at political level to support restructuring of Lesotho Ministry of Labour and Employment;
- Need for ILO to support finalization of ongoing Labour Law revision in Lesotho;
- Importance of integrating the project’s tripartite technical working group in the National Advisory Committee on Labour;
- Relevance of mainstreaming gender in project design;
- Value of Lesotho benefiting from knowledge sharing on labour inspection within SADC region;
- Importance of facilitating practical implementation of labour inspection (e.g. transportation);
- Importance of identifying incentives for well-performing labour inspectors;
- Value of providing training to social partners on workplace compliance issues;
- Relevance of joint, tripartite labour inspection visits;
- Consideration of expanding labour inspection to informal sector.

2. Project background

Lesotho has ratified the ILO Convention concerning Labour Inspection in Industry and Commerce, 1947 (No. 81), and has, accordingly, an obligation to provide and maintain a system of labour inspection to secure compliance with legal provisions relating to conditions of work and the protection of workers in industrial and commercial workplaces. A labour inspection system was established in Lesotho in 1986 within the Ministry of Labour and Employment under the auspices of the Office of the Labour Commissioner. A number of studies carried out between 1997 and 2012 have pointed towards significant room for improvement with regard to the performance of the labour inspectorate in Lesotho, notably related to, *inter alia*:

- The number of labour inspections carried out;
- Skills and procedures applied for labour inspection;
- Completeness of registers of workplaces that are liable for inspection;
- Cooperation with employers’ and workers’ organizations in relation to labour inspection.

With support from the US Department of Labour (USDOL), the ILO is implementing project LSO/15/02/USA (“Strengthening labour inspection in Lesotho”) to address the challenges briefly outlined above. The project was effectively launched in August 2016, with the recruitment of the National Programme Coordinator, with a total budget of US\$ 500,000.

Under the overall goal of strengthening labour inspection in Lesotho, the project has one long-term outcome: “Improved workplace compliance with Lesotho’s labour laws” under which medium- and short-term objectives, as well as outputs, are formulated:

Medium-term objective 1: Improved management of the labour inspectorate

- Short-term objective 1.1: Management tools to aid efficient functions of the inspectorate developed and properly used
- Short-term objective 1.2: Information system developed to inform planning, monitoring and reporting of inspectorate’s activities and performance appraisal of inspectors

Medium-term objective 2: Inspections are conducted following an improved methodology

- Short-term objective 2.1: Capacity of labour inspectors enhanced

Medium-term objective 3: Improved social and public engagement between the Lesotho Labour Inspectorate, other public organizations and employers’ and workers’ organizations

- Short-term objective 3.1: Enhanced participation of labour market institutions that can support workplace compliance
- Short-term objective 3.2: Increased awareness of employers’ and workers’ rights by target groups

3. Evaluation background

This is an internal mid-term evaluation of the project “Strengthening labour inspection in Lesotho”. The evaluation is intended to serve three main purposes:

1. Give an assessment of the level of achievement to-date of objectives as set out in the project document;
2. Provide recommendations to improve performance and strategies;
3. Determine to what extent the strategic approach of the project reflects the ILO comparative advantage and how the project is integrated in the ILO programmatic framework.

The evaluation was carried out during September/October 2017.

The evaluation considered all project activities implemented from August 2016 to September 2017. In particular, the evaluation examined the impact of project activities on establishing a more effective labour inspection system in Lesotho. The evaluation took into consideration the project duration, existing resources and the political context. The evaluation was conducted in accordance with ILO’s Evaluation Policy and managed by Mr Sipho Ndlovu in ILO’s Office in Pretoria, South Africa (DWT/CO-Pretoria).

The evaluation had four phases:

Phase 1: Desk review and preparation of inception report (4-15 September 2017)

A desk review was carried out based on project documents and materials provided by DWT/CO-Pretoria. An inception report was subsequently prepared and shared with the evaluation manager.

Phase 2: Interviews (18-26 September 2017)

Field mission and face-to-face interviews with ILO staff members in DWT/CO-Pretoria and with project staff and stakeholders in Maseru, Lesotho.

Phase 3: Stakeholders' workshop (26 September 2017)

A stakeholders' workshop was conducted at the end of the field mission to share initial evaluation findings and receive feedback from stakeholders.

Phase 4: Report drafting and finalization

This phase was primarily concerned with drafting and finalizing the evaluation report. It also included continuous e-mail contact with ILO officials in DWT/CO-Pretoria and the project team in Lesotho.

The primary clients of the evaluation include the tripartite constituents of the ILO in Lesotho, the project management team, DWT/CO-Pretoria, LABADMIN/OSH, and the donor, USDOL. The findings and recommendations of the evaluation will serve to contribute towards improvement in the remaining project implementation period and towards the sustainability of project outcomes

3.1 Contextual information

At the time of the mid-term evaluation, the project was the only ongoing ILO development cooperation project in Lesotho and the National Project Coordination was the only ILO staff member based in-country. The project was originally conceived to represent continuity of some of the activities undertaken by the USDOL-funded Better Work project that was implemented by the ILO in Lesotho between 2010 and 2016 and which primarily targeted the textile sector.

The project was originally conceived as a two-phase project whereby the donor, USDOL, would make two contributions of USD 500,000. This commitment, however, was contingent on the Ministry of Labour and Employment of Lesotho engaging to hire new labour inspectors. Failing to do so, the donor would not consider a second phase. At the time of the mid-term evaluation, it was clear that, although the Ministry had made attempts to meet USDOL requirements, these efforts were not sufficient for the donor to extend the project. Subsequently, the project would reach its conclusion at the end of the first phase.

4. Methodology

In line with the results-based approach of the ILO, the evaluation sought to analyse achievement of outputs and outcomes against the indicators contained in the project's logical framework.

4.1 Evaluation criteria

The evaluation was conducted in adherence to OECD/DAC evaluation criteria, including:

- Relevance: The extent to which the project is suited to the priorities and policies of the target group, recipient and donor;
- Effectiveness: The extent to which the project is attaining its objectives;
- Validity of design: The extent to which the design of the project was suited to the context;
- Efficiency: The extent to which the project is being implemented in the most efficient way compared to alternatives;
- Sustainability: The extent to which the benefits of the project are likely to continue after the donor funding has stopped.

In addition, the evaluation addressed:

- Tripartism: The extent to which the capacity of ILO's tripartite constituents and key partners has been improved to address labour administration challenges;
- Gender equality: The extent to which gender equality has been addressed as a cross-cutting concern in the project.

4.2 Evaluation methods and data collection instruments

The evaluation used a mix of data sources collected through multiple methods. This included primary data which were collected directly from stakeholders about their first-hand experience with the project. This data were collected through interviews and some observation. It also included secondary data consisting of documentary evidence that had direct relevance for the evaluation. This data were collected through a desk review.

The evaluation commenced with a review of relevant project documentation, including documents pertaining to the project cycle, such as the project document, project implementation plans and technical progress reports. The review also covered documents that contributed to strategically contextualizing the project, both from an ILO perspective as well as nationally, such as the Lesotho Decent Work Country Programme, the United Nations Development Assistance Framework and documents pertaining to other ILO development cooperation interventions in Lesotho.

The document review familiarized the internal evaluator with the context and contents of the project and helped the evaluator understand progress to-date, including any modifications to the original implementation plan. The document review informed the questions that subsequently guided interviews with stakeholders.

The key instrument for data collection was semi-structured interviews with project stakeholders, largely administered through open-ended questions. Through these interviews, stakeholders were invited to voice their understanding and opinions of the project, its progress (or lack thereof) and reasons for the project's perceived successes or challenges to-date.

Data sources primarily consisted of a sample of representatives of the intended direct beneficiaries of the project, including staff of the Ministry of Labour and Employment of Lesotho, notably the Labour Commissioner and the Labour Inspectorate, as well as representatives of employers' and workers' organizations. The membership of the project's tripartite technical working group, which also constituted, albeit loosely, the Project Advisory Committee, also represented key informants.

Complementary data sources consisted of ILO staff members directly managing, backstopping and advising the project as well as the donor (USDOL).

Interviews took place face-to-face at ILO headquarters in Geneva and through field visits to DWT/CO-Pretoria, and to Maseru, Lesotho.

The interview questions reflected the evaluation questions outlined in the evaluation terms of reference. The interview questions were used in a flexible manner and were adjusted and refined if, and when necessary during the evaluation.

A stakeholders' debriefing workshop was conducted at the end of the field mission and was attended by project stakeholders, notably ILO's tripartite constituents. The objective of this workshop was to present initial evaluation findings and receive feedback and comments. The workshop had the dual objective of validating and adjusting the initial findings whilst also serving as a final data collection step.

4.3 Key evaluation questions

The following were key evaluation questions, as drawn from the mid-term evaluation Terms of Reference:

Relevance

- Is the project directly supporting the national development priorities and the Decent Work Country Programme?
- How relevant is the project for the intermediate and ultimate beneficiaries?
- How the project is integrated in the broader priorities set at national level?
- Does the project align with ILO's mainstreamed strategy on gender equality?

Validity of design

- Was the design process adequate?
- Is the project logical and coherent? Do outputs causally link to the intended immediate outcomes/objectives?
- Does the project adequately consider the gender dimension of the planned interventions?

Effectiveness

- Were outputs produced and delivered to-date as per the work plan?
- Has the quantity and quality of these outputs been satisfactory?
- To what extent were the immediate objectives/outcomes achieved?
- What is the stage of achievement of outcome level targets? What corrective action can be taken?

Efficiency of resource use and management arrangements

- Are resources (human resources, time, expertise, funds etc.) allocated and used strategically to provide the necessary support and to achieve the broader project objectives?
- Are the project's activities/operations in line with the schedule of activities as defined by the project team and work plans?
- How efficient is the project in utilizing project resources to deliver the planned results? How efficient is the project in delivering on its outputs and objectives?
- Is the management and governance arrangement of the project adequate? Is there a clear understanding of roles and responsibilities by all parties involved?
- Is the project receiving adequate administrative, technical and, if needed, political support from the ILO office and specialists in the field and the responsible technical units in ILO Headquarters?
- Is the project receiving adequate political, technical and administrative support from its national partners/implementing partners?

Sustainability

- To what level are project interventions owned and sustained by existing project management structures, the immediate beneficiaries?
- Does the project succeed in integrating its approach into the local institutions?
- Is the project strategy and project management steering towards impact and sustainability?
- Did the project update/elaborate on its sustainability strategy as required in the USDOL-ILO MPG?

5. Findings

The project “Strengthening labour inspections in Lesotho” has been assessed for its relevance, effectiveness, validity of design, efficiency and sustainability.

5.1 Relevance

The project is relevant and well-suited to the policies and priorities of the ILO, the Government and social partners of Lesotho.

Lesotho has ratified the ILO Convention concerning Labour Inspection in Industry and Commerce, 1947 (No. 81), and has, accordingly, an obligation to provide and maintain a system of labour inspection to secure compliance with legal provisions relating to conditions of work and the protection of workers in industrial and commercial workplaces. A labour inspection system was established in Lesotho in 1986. Studies, including a needs assessment undertaken by the ILO in 2012, have since pointed to significant room for improvement with regard to the performance of the labour inspectorate in Lesotho, notably concerning, *inter alia*, the comparatively low number of inspections carried out, incomplete information regarding workplaces that are liable for inspection, lack of involvement of employers’ and workers’ organizations and lack of coordination with other institutions within the Government.

The project was conceived to address these deficits and to contribute to an improved labour inspection system in Lesotho, notably through improving management of the labour inspectorate, improving methodologies for conducting inspections, and improving social and public engagement between the Lesotho labour inspectorate, other public institutions and employers’ and workers’ organizations.

The project is relevant as it contributes to priorities identified in the Lesotho United Nations Development Assistance Plan (LUNDAP), notably Outcome 1 (“By 2017, public and private institutions promote increased investments, manufacturing, trade and financial services and create decent employment in an inclusive and sustainable manner”) and Outcome 3 (“By 2017, national and local governance structures deliver quality and accessible services to all citizens respecting the protection of human rights and access to justice, and peaceful resolution of conflict”).

In addition, the project is relevant as it aims to achieve outcomes central to the Decent Work Country Programme for Lesotho (2012-17) under which Outcome 10 has been designed to improve labour inspection services (“workers and enterprises benefit from good governance of the labour market, from effective labour administration and inspection services”).

The project responds to Outcome 7 of the ILO’s Programme and Budget for 2016-17, “Promoting workplace compliance through labour inspection”, and its corresponding Country Programme Outcome for Lesotho (LSO 152), aimed at strengthening workplace compliance in line with international labour standards.

Moreover, the project is relevant as it addresses the needs of key partners in Lesotho, notably the Ministry of Labour and Employment and social partners – employers’ and workers’ organizations. The Ministry of Labour and Employment undertook a strategic planning exercise in early 2016, which resulted in the identification of key priorities, including professionalization of the labour inspectorate and improved quality of inspections and accident reporting. Through strengthening the labour inspection system in Lesotho, workplace compliance with national and international

standards will be improved, thus contributing to continued improvement of conditions of work in Lesotho.

Both employers' and workers' organizations underscored the relevance of the project by recognizing the need to strengthen the labour inspection system in Lesotho and to include social partners in the planning and implementation of this system.

5.2 Effectiveness

The original project work plan envisaged launch of the project in January 2016. Due to administrative delays, related *inter alia* to procedural matters linked to signature of the grant agreement with the donor, recruitment of human resources and uploading the project budget in ILO's financial system, the project was only launched in August 2016. The project work plan was adapted accordingly and to-date, delivery of project delivery has largely followed the revised work plan.

The project's long-term outcome was defined as "Improved workplace compliance with Lesotho's labour laws". Two indicators had been established to measure progress towards this outcome:

- Improvement in the percentage in the CEACR (Committee of Experts on the Application of Conventions and Recommendations) noting compliance with Convention No. 81;
- Reduction in the percentage of labour law infractions/violations reported during follow-up inspection visits.

Both these indicators will be measured in 2018 against a baseline set in 2015.

The project contained three medium-term objectives:

- Improved management of the labour inspectorate
- Inspections are conducted following an improved methodology
- Improved social and public engagement between the Lesotho Labour Inspectorate, other public organizations and employers' and workers' organizations

Under each medium-term objective, short-term objectives were defined, with corresponding performance indicators. Progress was reported to the donor on a quarterly basis.

Improved management of the labour inspectorate

The performance indicator for this medium-term objective was that a "Labour Inspection Unit (within the Ministry of Labour and Employment) has been formally created". In order to support this, the project would facilitate management tools to aid the efficient functioning of the inspectorate and develop an information system to inform planning, monitoring and reporting of the inspectorate's activities and performance appraisals of inspectors.

To-date, the envisaged Labour Inspection Unit within the Ministry of Labour and Employment has not been created. This must be considered a serious challenge for the project and the project document itself does highlight as a critical assumption that "The Ministry will proceed with the anticipated restructuring", thereby establishing the Labour Inspection Unit. At present, labour inspectors are loosely grouped under the Office of the Labour Commissioner and supervised by a Labour Inspection Head. The labour inspection function is poorly financed and equipped and labour inspectors, *inter alia*, do not dispose of vehicles or transportation arrangements to enable labour inspections to be carried out.

The envisaged restructuring of the Ministry of Labour and Employment is pending approval by the Ministry of Public Service. It must be added, in this context, that since the project was launched, Lesotho has seen a change of government (June 2017) and the political leadership of the Ministry of

Labour and Employment, and other ministries, has changed in the course of the project's life cycle. These processes have inevitably delayed any plans to restructure the Ministry.

In spite of the above, the project has been effective in delivering on the related short-term objectives. A number of tools have been developed or updated to strengthen the functions of the inspectorate, including standard operating procedures for labour inspections, procedures for inspection and enforcement and a code of conduct for inspections. By the second quarter of 2017, six labour inspection management tools had been created. This exceeded the established target of four.

A compliance strategic planning workshop was hosted during which labour inspectors were assisted in developing annual compliance strategic plans that identify priority sectors and issues that the labour inspectors will focus on. The labour inspectors confirmed that the compliance strategic planning exercise had contributed significantly to improving the way in which inspections were undertaken and was also seen to increase the number of inspections that were brought to completion, although numerical evidence to this effect was not available at the time of the mid-term evaluation.

Whilst the project had envisaged development of an IT-based information system to inform planning, monitoring and reporting of the inspectorate's activities, a feasibility study revealed that such a system would be too costly for the Ministry of Labour and Employment to sustain. A simpler excel-based case tracking system was developed as part of the above-mentioned compliance strategic planning exercise.

It must be emphasized that the above deliverables would likely have much greater impact if accompanied by the planned structural changes within the Ministry itself. To the extent that the labour inspectorate lacks means, such as transportation, to facilitate inspections, the labour inspectors remain constrained in the exercise of their function. Reportedly, labour inspections were commonly carried out in enterprises located within walking distance from the Ministry itself.

It must further be contended that at the time of the mid-term evaluation, the new tools and planning methodologies that had been introduced were still being rolled out, hence their actual impact was difficult to assess.

Inspections are conducted following an improved methodology

This medium-term objective would primarily be achieved through enhancing the capacity of labour inspectors. Consequently, the project supported a number of capacity building activities and a total of seven training sessions had been conducted to-date, including in areas such as:

- International Labour Standards
- Labour inspection and the Sustainable Development Goals (notably target 8.8)
- Identifying hazards generated through construction work
- Mainstreaming gender in labour inspections
- HIV/AIDS and labour inspection

The project had also facilitated a study tour for labour inspectors to the Department of Labour of South Africa to create an opportunity for learning and observing the functions of the labour inspectorate in South Africa.

The case management tracking system that was introduced under the first medium-term objective was being used to monitor the extent to which labour inspectors applied improved skills and knowledge in the execution of their function. At the time of the mid-term evaluation, data indicated

that as many as 90 percent of inspectors demonstrated improvements in relevant skills areas after completion of training modules organized under the project.

The project had also envisaged, as part of the second medium-term objective to adapt the ILO's labour inspection training manual "Building modern and effective labour inspection systems" to the context of Lesotho. This is a comprehensive modular training package (16 modules) the adaptation of which would be at considerable cost. At the time of the mid-term evaluation, this work item had been placed on hold due to budgetary constraints.

Improved social and public engagement between the Lesotho Labour Inspectorate, other public organizations and employers' and workers' organizations

This medium-term objective would be achieved through enhancing the participation in labour inspection of labour market institutions that could support workplace compliance and also by increasing the public awareness of employers' and workers' rights. The main conduit for achieving this objective would be through the establishment of a tripartite advisory committee on labour inspection that would serve as a sub-committee of the National Advisory Committee on Labour (NACOLA).

A tripartite technical working group on labour inspection was set up to provide guidance to the project. This working group involved 20 members, including labour inspectors, social partners and representatives of government ministries and departments involved in labour inspection. Whilst the tripartite working group served as a useful platform to discuss and guide project activities, it lacked the political authority associated with affiliation to the NACOLA.

The project supported the Ministry of Labour and Employment in consolidating various policies into one consolidated labour policy as part of the ongoing revision of Lesotho's labour law.

The project has successfully launched three awareness-raising campaigns focussing on employers' and workers' rights, including through media channels. Newspaper articles had been published on the importance of compliance with labour law and the development of labour policy and three radio interviews had been conducted addressing the issue of labour inspection.

The project also facilitated a collaboration workshop to foster collaboration between government ministries who played a role in the labour market, and social partners.

It must be contended, however, that the absence of the planned tripartite advisory committee on labour inspection, affiliated to NACOLA, puts into question the sustainability of achievements under this medium-term objective.

5.3 Validity of design

The above demonstrates to some extent that there were potential weaknesses in the project design. The project made a critical assumption that was not guaranteed to hold true and ultimately affected the project's effectiveness and efficiency, notably that the Ministry of Labour and Employment would proceed with an anticipated restructuring. In view of the political situation of Lesotho, involving two changes in government since 2015, the budgetary situation of the Ministry of Labour and Employment and the bureaucratic steps involved in approving a restructuring of the Ministry, it would seem unreasonable to assume that the required facets of the anticipated restructuring would take place in time for the project to fully use the new structure as basis for reaching its objectives.

At the time of the mid-term evaluation, ILO had requested the donor for a 3-month no-cost extension to the project, which, if approved, would postpone project closure date from December

2017 to March 2018. The request included a revision of the scope of the project in terms of revised performance indicators. This demonstrates that the performance framework set out in the project document was not entirely realistic within the established time schedule. It must be added, however, that the initial request for a no-cost extension with a revised work plan was submitted to the donor already in November 2016, hence shortly after the actual project launch. The absence of feedback from the donor to this request, in spite of a series of reminders, caused some uncertainty regarding the project's ultimate lifespan. It must be presumed that a more timely response from the donor on this matter may have facilitated earlier and appropriate adjustments to the project work plan.

The project was affected by external factors, such as changes in Government and the political leadership of the Ministry of Labour and Employment. Considerable decision-making regarding project activities rested with the senior echelon of the Ministry, which on occasion caused delays, notably during periods of turn-over in the Ministry.

Ultimately, the project lacked a risk management strategy, which could possibly have mitigated the effects of the assumption not coming to bear.

Finally, it must be argued that out of the three medium-term objectives originally designed for the project, only one objective was directly within the sphere of control of the project itself. Medium-term objective one relied on the Ministry of Labour and Employment undertaking a formal restructuring and Medium-term objective three relied on the formation of a statutory body under the NACOLA. Only Medium-term objective two could realistically be controlled by the project as it entailed implementation of methodologies introduced by the project.

The project must be commended, however, for responding creatively when challenges arose. When a feasibility study revealed that the planned IT-based information system to inform planning and monitoring of the inspectorate's activities could not be implemented due largely to connectivity issues, an alternative case management system was designed and implemented.

5.4 Efficiency

Management arrangements

The internal management arrangements of the project appear to have been adequate to ensure delivery of project outputs and activities.

The day-to-day management of the project is ensured by a National Project Coordinator (NPC) who is based in the Ministry of Labour and Employment in Maseru. The Ministry provides office space for the project.

The project is also supported by a Financial and Administrative Assistant (FAA) who is based in DWT/CO-Pretoria, South Africa. This arrangement is occasioned by the fact that the FAA cannot access the ILO's financial system in Maseru. The size of the ILO's development cooperation portfolio in Lesotho is not large enough to justify installation of ILO's financial management system (FISEXT) in that location. Whilst the placement of the FAA in Pretoria seems to have worked well during the first year of project implementation, it was observed that the absence of an FAA *sur place* in Maseru resulted in the NPC having to undertake a level of administrative tasks that would normally have been delegated to the FAA (e.g. in relation to preparation of workshop logistics). It is also questionable whether the project is able to take full advantage of the support of an FAA who is based in a different location.

The NPC reports to the Director of DWT/CO-Pretoria and is in regular touch with the Programming Unit of that office regarding project progress. The project also receives technical backstopping from Specialists in DWT/CO-Pretoria, including the Social Dialogue and Labour Administration Specialist, the Gender Specialist, the HIV/AIDS Specialist and the Workers' Activities Specialist. The project also receives technical support from the Labour Administration, Labour Inspection and Occupational Safety and Health Branch (LABAMIN/OSH) in ILO headquarters. This Branch also provides general backstopping to the project and acts as the interface with the donor on the project.

It was observed that the technical backstopping to the project from both DWT/CO-Pretoria and ILO headquarters appears to be provided on a needs basis, notably in relation to capacity building activities and training activities. The exact division of labour, in terms of technical backstopping to the project, between Specialists in DWT/CO-Pretoria and at ILO headquarters remains somewhat unclear and it was not evident that any one Specialist had assumed or been delegated a clear responsibility to consistently technically guide and monitor the project. One Specialist interviewed indicated that the technical backstopping of the project had constituted rather unwelcome additional work. Whilst the involvement of the Bureau for Workers' Activities in the project was reported, there appeared to be no particular involvement of the Bureau for Employers' Activities. Support and guidance from the two Bureaux must be considered important in view of the project's objective of improving the engagement of employers' and workers' organizations in the Lesotho labour inspectorate.

The project relies on adequate political support from the management of DWT/CO-Pretoria. The achievements of the project can only be sustained in the longer term if the Ministry of Labour and Employment undertakes planned restructuring to ensure greater independence and increase in resources for the labour inspectorate. The Director of DWT/CO-Pretoria plays a supportive role in encouraging the Government to move forward with planned reforms in this respect.

In terms of project oversight, the project initially envisaged the establishment of a tripartite Project Advisory Committee that would exist as a sub-committee of the statutory National Advisory Committee on Labour (NACOLA) and provide project oversight. This Project Advisory Committee has not been created. Rather, a tripartite technical working group has been established and is convened quarterly to discuss matters pertaining to the project. Whilst this working group was reported to serve a meaningful purpose in terms of providing a forum for tripartite exchange on labour inspection issues, it was acknowledged that the group lacked statutory affiliation to NACOLA and thus its existence beyond the project's life span itself was perceived to be tenuous. This may pose a risk in terms of the sustainability of some project achievements.

Resource use

The project budget originally contained provisions for overhead costs of project staff, consisting of the National Project Coordinator and a Financial and Administrative Assistant. Originally, this amounted to USD 174,700, thus around 35% of the total project budget. Additional overhead costs were office rent for the Financial and Administrative Assistant within DWT/CO-Pretoria and security costs. Originally, these amounted to USD 20,600. The remainder of the budget was allocated to activity costs.

The project experienced an eight-month delay in its initial stage and subsequently requested a no-cost extension to compensate for this. The requested no-cost extension would only cover three months, however, which, if approved, would result in savings on overhead costs and additional resources for activity costs, most of which would be allocated to workshops and seminars.

It appears resources were allocated efficiently with the limited means available. The project appears cost-effective as it utilizes the project budget to the best of its ability. The project did not have to meet the cost of office space in Maseru as this was provided by the Ministry of Labour and Employment.

The project did not dispose of a vehicle in Maseru and the NPC relied on the Ministry of Labour and Employment for transportation. Given the constraints faced by the Ministry in terms of access to transportation, as also experienced by the evaluator during the mid-term evaluation, it may have improved efficiency if the project budget had made provisions for a project vehicle.

5.5 Sustainability

How effectively has the project built national ownership?

The project has built a discernible level of national ownership amongst the tripartite constituents.

The Ministry of Labour and Employment has taken ownership of the project concept and approach by being involved in all areas of implementation, spanning from awareness raising to implementation of capacity building training programmes and new approaches to carrying out labour inspection. The National Project Coordinator is housed in the Ministry of Labour and Employment, which further enhances the sense of ownership of the project.

The social partners have taken some ownership of the project, primarily by being involved in, and benefiting from, project activities, such as training workshops.

The stakeholders that demonstrated the least ownership were other government ministries involved in labour inspection, such as the Ministry of Mining, whose direct involvement in the project was less consistent.

The tripartite technical working group that was established, and which also included representation from other government ministries, has served as an instrument to advance tripartite ownership of the project. However, it is questionable to what extent this sense of ownership extends beyond the actual membership of the working group. The fact that the working group has no affiliation to the statutory National Advisory Committee on Labour (NACOLA) also puts into question the sustainability of the working group beyond project implementation.

The project has developed an exit strategy and sustainability plan, which outlines sustainability measures for each project output. These measures, if implemented, would likely contribute towards the sustainability of project achievements. The plan suggests, however, that these measures can only be implemented “within a formal structure through which all activities on the inspectorate will be coordinated”. The immediate threat to sustainability, therefore, is the current absence of such a formal structure in the form of a Labour Inspections Directorate with its own budget and strategic plans.

Has the project successfully built or strengthened an enabling environment?

The project has strengthened the enabling environment by laying the foundation for a reinforced labour inspection system in Lesotho. The project also facilitated social dialogue between the tripartite constituents and contributed to raising awareness amongst the general public on the role of labour inspection.

The project also played a role in advancing the review of Lesotho’s labour laws which has been an ongoing process since 2006. It is difficult to predict how long it will take to complete the necessary approvals for these instruments to take effect, but once passed, the reforms will have an impact on

labour inspection by strengthening attention to, *inter alia*, occupational safety and health and HIV and AIDS in the work place.

However, sustainability has to be ensured by resources beyond the project life as evidenced by the project's sustainability and exit plan. It would have been advisable to have a follow-up or second phase of the project to further build on what was achieved so far. Several stakeholders expressed concern that reforming national systems, such as labour inspection, takes time.

5.6 Gender equality

The project supported one capacity building activity for labour inspectors on gender equality. The training resulted in a series of action plans on mainstreaming gender into labour inspection. However, the project itself did not contain resources to support implementation of these action plans, and any implementation of the plans was, subsequently, not monitored.

With regard to relevance, the project design made no explicit reference to gender equality, nor did it demonstrate particular alignment with ILO's gender equality policy or the provisions mandated by the Governing Body of the ILO at its 292nd session in March 2005:

"...that all future ILO technical cooperation programmes and projects systematically mainstream gender throughout the project cycle. Specifically, this implies [...] the inclusion of data disaggregated by sex and gender in the background analysis and justification of project documents; the formulation of gender-sensitive strategies and objectives and gender specific indicators, outputs and activities consistent with these..."

Overall, thus, the project design did not adequately consider the gender dimension of the planned interventions. Lesotho has ratified key Conventions relevant to gender equality, such as the Convention on Equal Remuneration, 1951 (No. 100) and the Convention on Discrimination (Employment and Occupation), 1958 (No. 111). Labour inspection plays an important role in monitoring observance of these conventions and the project could possibly have played a more prominent advocacy role in this respect.

Regarding efficiency, it is not possible to determine how resources were spent on male and female beneficiaries as there is no data in this respect. Stakeholders seemed to concur that there was little impact regarding gender equality.

5.7 Tripartism and social dialogue

An important component of the project has been capacity building of tripartite constituents. This has generally consisted of tripartite training. Both employers' and workers' representatives suggested that this training had been beneficial. In particular, an inter-collaboration workshop was organized to foster collaboration and coordination amongst government stakeholders involved in labour market issues and social partners. Reportedly, this activity had considerable awareness-raising effect.

Tripartite stakeholder participation in the mid-term evaluation has been ensured through various means. The evaluator consulted with tripartite stakeholders through interviews and a stakeholders' workshop in order to gather necessary data. The draft evaluation report was also shared with tripartite constituents. The tripartite stakeholders will also be involved in follow-up to the evaluation recommendations insofar as specific recommendations relate to them.

In terms of social dialogue, the project has had some impact. ILO considers social dialogue to include all types of negotiation, consultation or exchange of information between or among representatives

of the tripartite constituency on issues of common interest relating to economic or social policy. The project had as one of its medium-term objectives to create a tripartite advisory committee on labour inspection, which would constitute a sub-committee of the statutory National Advisory Committee on Labour (NACOLA). Whilst this sub-committee was not formally created, the tripartite working group that was created to advise the project did *de facto* play the role of an advisory committee.

Tripartite constituents played an active part in the technical working group that was established to oversee and guide project implementation.

6. Conclusions

The project, to-date, is relevant and well-suited to the policies and priorities of the ILO and its tripartite constituents in Lesotho. It has been especially relevant for addressing the national priorities identified in the Lesotho Decent Work Country Programme, as well as the UNDAF, along with the strategic priorities of the Lesotho Ministry of Labour and Employment.

Furthermore, the project has been effective in providing the labour inspectorate with tools and capacity to improve the management of the labour inspectorate as well as to enhance methodologies for carrying out inspections. However, critical assumptions for the project were not met, which has made it difficult for the project to continuously measure progress against established performance indicators. At the time of the mid-term evaluation, the project had submitted for consideration to the donor a request for a no-cost extension which also contained a revised indicator framework.

Regarding efficiency, the project has made every effort to economically convert resources into results. The project's management arrangements, albeit it involved several stakeholders, also appear to have been efficient. The assignment of the project's Financial and Administrative Assistant to DWT/CO-Pretoria, whilst borne out of necessity, rendered the National Project Coordinator somewhat shorthanded in Maseru when it came to logistical and administrative support to project activities.

As for sustainability, the benefits of several activities under the project are likely to continue after the donor funding has stopped. This will, however, to some extent rely on the continued engagement and oversight of the tripartite technical working group on labour inspection and the conclusion of the restructuring of the Ministry of Labour and Employment to give more structural and financial independence to the labour inspectorate.

At the time of the mid-term evaluation, data on the project's performance indicators were not readily available, and it should be an urgent priority for the project to establish such data, including establishing appropriate baselines, in order to establish progress towards the longer-term outcome.

7. Lessons learned

Project design is essential for implementation, monitoring and evaluation

The mid-term evaluation has given ground to reiterating the importance of good project design for the implementation, monitoring and evaluation of any project. The project was somewhat overambitious in terms of objectives within the available time frames. This involved achievements that were beyond the control of the ILO and the tripartite constituents, such as the approval and implementation of the restructuring of the Ministry of Labour and Employment and the establishment of an adequately-resource Labour Inspection Directorate.

Moreover, the start-up time of the project was underestimated, with project launch taking place only eight months after the envisaged start date. It is difficult to fully understand what caused these delays apart from the reported “administrative issues” that are commonplace to all ILO development cooperation projects and can largely be factored into the project work plan.

The value of a good logical frameworks for project management purposes cannot be overestimated and indicators should be specific and measurable. The project document contains a well-elaborated logical framework but subsequent reporting to the donor remains narrative with limited data to measure progress on established performance indicators. Thus, at the time of the mid-term evaluation, there were few numerical data to assess progress on indicators.

It is important to avoid committing things beyond the project lifetime and to be clear in the logical framework what is controllable. As it stands, the ultimate assessment of project performance will only take place once the report of the Committee of Experts on the Application of Conventions and Recommendations issue their report for 2018, which is after project closure.

The project design would have benefited from a proper risk assessment with relevant mitigation measures. As noted previously, some of the assumptions in the project document were unlikely to hold true and ultimately affected the project’s effectiveness.

Good project design should also pay due attention to gender equality. It should mainstream gender in the situation analysis, the project outcomes, outputs and indicators, including sex-disaggregated data. The project could, for example, have considered development of tools to address inequality and discrimination through labour inspection, as a complement to the gender mainstreaming capacity building activity that was delivered.

Coordinated and strategic technical backstopping is essential for project performance

The project received technical backstopping from ILO Specialists based in DWT/CO-Pretoria and at ILO headquarters (LABADMIN/OSH). It was not evident, however, how the provision of technical support and backstopping was planned nor where technical responsibility and “ownership” of the project rested. Insofar as the project was limited in size and duration, this appears not to have caused any concern. It must be maintained, however, that any project would benefit from consistent support and guidance from the nearest technical specialist in the relevant field.

Moreover, a project that has as one of its objectives to foster engagement with social partners in the area of labour inspection must also be able to rely on consistent engagement from the Specialists in Employers’ and Workers’ Activities. The project, to-date, has benefited from support from the Workers’ Activities Specialist in DWT/CO-Pretoria but had not so far received a technical mission from the Specialist in Employers’ Activities. Consolidated support from both Specialists would be an advantage to a project that also promotes strengthened mechanisms for social dialogue.

The importance of political will and support to reach objectives

A project that sets out to improve the labour inspection system of a country requires significant political support from the government concerned. The project relied on political commitment from the Ministry of Labour and Employment to bring to completion a restructuring of the Ministry that would render the labour inspectorate more independent and better resourced. The project also relied on political will to constitute a tripartite project advisory committee which would be integrated into the statutory National Advisory Committee on Labour. Finally, the project relied on buy-in from various government ministries to reach the objective of enhancing coordination between labour market institutions that can support workplace compliance. It is evident that any sustainability of project achievements will rely to a large extent on continued commitment and

effort by the Ministry of Labour and Employment, notably in terms of maintaining structures that can sustain and monitor continued implementation of tools and methodologies introduced by the project. Key amongst these is the compliance strategic planning tool that emerged as a good practice under the project, which has facilitated planning of labour inspections, monitoring of performance of inspectors and follow-up to inspections.

Such political will and commitment has to be fostered and nurtured through dialogue between the political leadership of the ILO and the Ministry of Labour. More so in circumstances where there are changes in government over the life cycle of a project. Notably, in a country where the ILO is a non-resident agency, such as Lesotho, the regular engagement of the Director of the responsible ILO field office with the Ministry leadership is a necessity in order for the project to receive the requisite support from the government's side. This is a role that can with difficulty be played by national project staff.

Improved performance of the labour inspectorate requires continuous training and performance management of labour inspectors

Whilst numerical targets for labour inspections set by the Ministry of Labour and Employment may not being met for the period 2016-17, the project has clearly contributed to shifting attention from "quantity" of inspections to "quality" of inspections. The Ministry of Labour and Employment reported that since the launch of the project, labour inspectors conducted their work with greater self-assurance.

Continuous training and skills enhancement for labour inspectors is required to keep up the standard of their work. More so, as labour inspectors are frequently appointed through a civil service "placement system", it is important to ensure that they are equipped with the necessary skills and methodologies to execute their function.

Similarly, it is important to ensure that new qualified labour inspectors are educated in Lesotho. The proposal raised in the project exit strategy to revive the Institute of Labour Studies at the University of Lesotho as a source for recruitment of inspectors was also highlighted in evaluation interviews. The project could facilitate tripartite dialogue around this option with a view to leveraging government support for the proposal.

Ensuring a system of incentives for well-performing labour inspectors is another area of importance. Related to this is the need to establish collective and individual, clear and unambiguous, performance indicators for the inspectors.

An effective labour inspectorate has to be accompanied by adequate measures for prosecution

Evaluation interviews with the Labour Court clearly indicated that the court was unable to cope with its current case load and that it had, in fact, stopped receiving new cases. The Court was evidently understaffed with only one legal staff handling the case load. It was reported that two additional staff members were under recruitment, though there was uncertainty as to when the recruitment could be complete.

It would appear that this situation may to some extent jeopardize the credibility of the labour court system and its proceedings as a dispute resolution mechanism. Things may change once additional staff members join the court and it would seem important for the ILO to engage in dialogue with the Government to reiterate the importance of expediting the recruitment process.

8. Recommendations

Based on the mid-term evaluation and its conclusions, the following recommendations are made to the project stakeholders:

- In view of the significance attached to the restructuring of the Ministry of Labour and Employment for the achievement of the project, notably the establishment of a separate and adequately-resource Labour Inspectorate within the Ministry, there is a continuous need for the leadership of DWT/CO-Pretoria to engage with the political leadership of the Ministry of Labour and Employment to consider how the ILO could be of further support in advancing implementation of the planned restructuring. The Government of Lesotho is represented on the Governing Body of the ILO for the period 2017-20, which may serve as additional motivation for the Government to move forward with the planned restructuring of the Ministry of Labour and Employment to secure the best possible environment for the project achievements to be sustained.
- In the same vein, Lesotho's Labour Law has been subject to protracted revision since 2006, and is yet to be brought to conclusion. The proposed revisions to the Labour Law would further enhance the role of labour inspection in the country. It would seem important for the ILO to avail necessary technical support, combined with political dialogue, to facilitate conclusion of the revision process.
- The National Advisory Committee on Labour (NACOLA) has legitimacy as a tripartite statutory platform for social dialogue in Lesotho. The project's technical working group should be integrated into the framework of the NACOLA and possibly be formally recognized as a sub-committee on labour inspection, in order to provide oversight after the project itself has closed. This would seem particularly important in order to sustain social and public engagement in labour inspection issues.
- Project design should make every effort to mainstream gender in the situational analysis and the intervention logic. Sex disaggregated data should be included in the indicators so that gender equality outcomes may be monitored throughout the project and properly evaluated in the mid-term evaluation. These elements could feature in a separate gender equality strategy for the project. It is also important to ensure adequate resources are made available in the project budget to ensure implementation of any such strategy.
- The labour inspection system in Lesotho could benefit from drawing on "good practices" from other countries within the SADC region. The project facilitated a study tour for labour inspectors to the Department of Labour in South Africa which was reported as a particularly good experience in terms of facilitating learning. Similar exchanges through SADC fora could be considered. The African Regional Labour Administration Centre (ARLAC) based in Harare, Zimbabwe, could be an important partner in this respect, also to facilitate further capacity building through ARLAC-run training courses that are supported by ILO.
- The labour inspectors consistently raised concerns that lack of resources, notably lack of transportation, impacted negatively on their effectiveness and prevented them from carrying out more inspections. It is important that such concerns do not constitute a "refuge". The project could consider measures to plan inspections in such a way that transportation does not become an obstacle. Collaboration with other Ministries that are involved in labour inspection (e.g. the Ministry of Mining) could facilitate joint inspections whereby inspectors share available vehicles. Such arrangements could be formalized

through Memoranda of Understanding between the Ministry of Labour and Employment and other line ministries.

- In order to ensure continuous recruitment of labour inspectors, and to uphold a high standard of inspection, it is necessary for the Ministry of Labour and Employment to identify incentives for inspectors as well as to undertake regular performance management with clear and unambiguous performance indicators for inspectors. The Ministry of Labour and Employment, through its Human Resource Department, could develop a framework for the implementation of a user friendly performance management system and follow up on its proper use and management.
- In addition to training qualified labour inspectors, the Ministry of Labour and Employment may also consider offering training to employers' organizations and their membership on workplace compliance issues. The employers' organizations noted that lack of compliance was often due to lack of awareness or "ignorance" on the part of employers. It was also suggested that employers, with the right training, could carry out self-inspections to ensure better compliance and readiness for inspections.
- The project could consider encouraging tripartite inspection visits as a means to strengthening tripartite engagement in labour inspection. Both the employers' and workers' organizations interviewed were favourable to such an approach. The project could develop relevant guidelines for conducting such joint inspections.
- Several evaluation interviews raised concern that labour inspection was limited to enterprises in the formal economy and recommended that the project consider broadening its scope to also cover workplaces in the informal economy. It would seem, however, that in view of the project's limitations as regards budget and remaining time, as well as the challenges associated with the internal organization of the labour inspectorate within the Ministry of Labour and Employment, the recent adoption of new planning methods and application of new labour inspection methodologies, that any expansion of the scope of the labour inspectorate would need to be carefully considered in view of available resources and capacities. It would seem prudent to consolidate the achievements of the project before reviewing the possibility of extending the coverage of the labour inspectorate to the informal sector.

Annex 1: List of interviewees

ILO headquarters (Geneva)

- Ms Laetitia Dumas, LABADMIN/OSH
- Ms Valkyrie Hanson, LABADMIN/OSH
- Ms Kassiyet Tulegenova, PARDEV

DWT/CO-Pretoria

- Mr Joni Musabayana, Director
- Mr Sipho Ndlovu, Evaluation Manager and Senior Programme Officer
- Ms Mwila Chigaga, Senior Gender Specialist
- Ms M Machailo-Ellis, Senior Employers' Activities Specialist
- Mr Rédha Ameer, HIV/AIDS Specialist
- Mr Limpho Mandoro, Social Dialogue and Labour Administration Specialist
- Mr Mandigona Matema, Senior Finance and Administrative Officer
- Ms Chriselda Mamotho Tabane, Finance and Administrative Assistant

ILO-Lesotho

- Ms Lirontso Lechoba, National Project Coordinator

Tripartite constituents

- Ms Maseithati Seleteng, Principal Secretary, Ministry of Labour and Employment
- Ms Mamohale Matsoso, Labour Commissioner, Ministry of Labour and Employment
- Mr Molebatsi Koalepe, Inspections Manager, Ministry of Labour and Employment
- Ms Fumane Khabo, President of the Labour Court, Ministry of Labour and Employment
- Ms Nthabiseng Letsie, Labour Inspector/M&E Officer, Ministry of Labour and Employment
- Ms Tefelo Maboe, District Labour Officer, Ministry of Labour and Employment
- Ms Mankabi Mokete, Senior OSH Inspector, Ministry of Labour and Employment
- Ms Mantai Malataliana, Senior OSH Inspector, Ministry of Labour and Employment
- Ms Manaleli Sehlabi, OSH Inspector, Ministry of Labour and Employment
- Ms Kuenia Marumo, Labour Officer, Ministry of Labour and Employment
- Mr Mpho Manyeli, Labour Inspector, Ministry of Labour and Employment
- Ms Mpho Molise, Labour Inspector, Ministry of Labour and Employment
- Ms Mamorema Makha, Labour Officer, Ministry of Labour and Employment
- Ms Mathabo Tsiamé, Labour Inspector, Ministry of Labour and Employment
- Ms Nthabiseng Khalane, Senior Legal Officer, Ministry of Labour and Employment
- Mr Pokane Koatla, Mines Inspector, Ministry of Mining
- Mr Boithatelo Lebitso, Mining Engineer, Ministry of Mining
- Ms Lindiwe Sephomolo, Chief Executive Officer, Association of Lesotho Employers and Business
- Mr Shaw Lebakae, Secretary-General, United Textile Workers' Union (UNITE)
- Mr Tsepang Makakole, Deputy Secretary-General, Independent Democratic Union of Lesotho

US Embassy in Maseru

- Mr Daniel Koboyashi, Political and Economic Affairs Officer

Annex 2: Terms of Reference



Terms of Reference

Mid-term Internal Evaluation – Project on Strengthening Labour Inspection In Lesotho

XB Symbol:	LSO/15/02/USA
Programme title:	Strengthening Labour Inspection in Lesotho
Country:	Lesotho
P&B Outcome:	Outcome 7.1 (Workplace compliance)
DWCP Outcomes:	LSO152 - Strengthening workplace compliance in line with international labour standards
Technical field:	Labour inspection
Administrative unit:	DWT/CO Pretoria:
Responsible Chief:	Mr. Joni Musabayana, Director DWT/CO Pretoria, musabayana@ilo.org
Collaborating ILO Units:	LABADMIN/OSH
Time frame:	24 months, Jan 2016 – Dec 2017
Budget:	US\$500,000
Donor:	United States Department of Labour

1. Background

The Terms of Reference (TOR) are designed to conduct a mid-term internal evaluation of the USDOL-funded Project on Strengthening Labor Inspection in Lesotho. The project is being implemented by the Ministry of Labour and Employment (MOLE) with technical assistance from the International Labour Organization (ILO).

The **long-term outcome** of the project - The labour inspection system in Lesotho, and the employers' and workers' organizations, are better equipped to achieve workplace compliance in line with national labour legislation and the international labour standards.

In the **medium-term** the project seeks to achieve the following **three objectives**:

1. **Improved management and procedures** of the labour inspectorate,
2. **Improved methodology to conduct inspection visits** and
3. **Improved partnerships with labour administrations, other public institutions and employers' and workers' organizations** to promote workplace compliance with national labour law.

1.1 Project rationale

Lesotho, having ratified ILO Convention No. 81 in 2001, concerning Labour Inspection in Industry and Commerce, has an obligation to provide and maintain a system of labour inspection to secure compliance with legal provisions relating to conditions of work and the protection of workers in industrial and commercial workplaces. A labour inspection system was established in 1986 within the Labour Department as a specific unit consisting of industrial relations and occupational safety and health sections. General labour inspection is managed by the Labour Inspection manager who reports to the Labour Commissioner.

Various studies in 1997, 2005, 2011 and 2012 have pointed towards significant room for improvement with regard to the performance of the labour inspectorate in Lesotho: for example, there is a persistent under-achievement with regard to the number of inspections carried out, skills and procedures can be improved, the register of workplaces that are liable for inspection is incomplete, there is a lack of cooperation with employers and workers' organizations, lack of coordination with other inspectorates within the Government, a lack of incentives, a significant lack of use of modern technology and availability of transport, etc.

Based on the challenges briefly outlined above, this USDOL-funded and ILO-implemented project's goal is a strengthened labour inspection system in Lesotho. Through the improved labour inspection system, the workplace compliance with national and international labour legislation and standards will be improved, thus contributing to the continued improvement of conditions of work in Lesotho and the protection of workers while engaged in their work.

The long-term outcome is that the labour inspection system in Lesotho, and the employers' and workers' organizations, will be better equipped to achieve workplace compliance with national labour laws.

1.2 Project internal logic and strategy approach

The project strategy is premised on a human rights based approach and seeks to strengthen the labour inspectorate as well as employers' and workers' organizations to improve workplace compliance with labour laws. In line with the inspectorate's priorities the assessment of workplace compliance will expand into the informal sector.

The project hypotheses:

"If the capacities of the labour inspectorate, employers' and workers' organizations are strengthened, then workplace compliance will be improved".

These strengthening activities include sub-hypotheses:

- "If the management and efficacy of the labour inspectorate is strengthened then the quality and activities of the inspectors can be improved"
- "If the labour inspectors' technical skills are improved then they would be more competent to provide advice on compliance"; and
- "If workers' and employers' organizations are equipped with the knowledge of workers' and employers' rights and are given the platform to raise these issues then the quality of the inspectorates work would be improved by creating contextually relevant strategies and improve levels of compliance within the country".

1.3 Strategic frameworks within which the project works

The project fits with **Outcome 7** of the ILO Programme and Budget 2016-17, focusing on Promoting workplace compliance through labour inspection. In particular, it addresses all three Indicators on policies to strengthen workplace compliance, strengthened collaboration with social partners and other inspectorates in Government, and improved information systems to support workplace compliance.

The project will be the main vehicle for achieving the Lesotho Decent Work Country Programme Outcome 10: Workers and enterprises benefit from good governance of the labour market - from effective labour administration and inspection services. The project will address all the Outputs under this Outcome.

Finally, the project will be the main vehicle for meeting the expectations of the ILO Country Programme Outcome aimed at strengthening workplace compliance in line with international labour standards.

1.4 Project Management arrangements

The project is implemented within the framework of the Lesotho Decent Work Country Program as a vehicle for achieving the Outcome 10 and its related Outputs. In this regard the project is overseen by the National Committee on Labour (NACOLA), which is a gazette and state funded tripartite body for social dialogue on all elements of the Labour market. A technical working group on Labour inspection was established at a project introductory workshop, which also constitutes the Project Advisory Committee. This tripartite Project Advisory Committee (PAC) is intended 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. The project seeks to link its work with relevant on-going

constituent activities to encourage ownership and promote sustainability of the project activities and results. The National Project Coordinator is expected to inform the Project Advisory Committee on all operational aspects of the project on a quarterly basis.

The Project office was to be embedded in the labour inspectorate within Ministry of Labour and Employment (MOLE), centrally located in Maseru, near key government agencies, embassies, workers' and employers' groups.

The Project was to be managed by a National Project Coordinator (NPC) familiar with USDOL funded projects as well as ILO policies, procedures, rules and regulations, apart from being well versed in the issues covered by the project.

The NPC based in Maseru, reports to the ILO Pretoria Director (DWT/CO–Pretoria: ILO DWT for Eastern and Southern Africa and Country Office for South Africa, Botswana, Lesotho and Swaziland) through the Senior Program Officer based in Pretoria.

The NPC has the lead responsibility for overall project management, implementation and supervision, and ensures delivery of activities resulting in outputs in line with the project work plan and budget. The NPC is expected to adhere to ILO procedures and financial regulations, as well as to requirements of the grant agreement.

With support from a Monitoring and Evaluation Officer in the ILO Pretoria office, the NPC is responsible for the development of reports required by the USDOL as per the grant agreement and the 2015 Management Procedures and Guidelines.

The NPC is supported by a project-funded Finance and Administrative Assistant (FAA), who is based in the ILO office in Pretoria for effectiveness reasons, to be able to liaise and collaborate with the ILO administrative and financial colleagues and systems. Regular secretarial support will be provided to the NPC by Ministry of Labour and Employment in Maseru, where the NPC is based.

Technical support is provided by the Social Dialogue Specialist of the Decent Work team based in Pretoria, as well as from Labour Administration/Inspection Specialists based in the LABADMIN/OSH Branch in HQ.

Technical backstopping for the project is to be provided by the LABADMIN/OSH Branch in HQ.

2. Purpose, scope and clients of the evaluation

2.1 Purpose

The Internal evaluation serves three main purposes:

- i. Give an assessment of level of achievement of objectives as set out in the project document ; assess performance as per the foreseen targets and indicators of achievement at output level and indicative achievements of outcomes; strategies and implementation modalities chosen; partnership arrangements, constraints and opportunities

- ii. Provide recommendations to improve performance and strategies, institutional arrangements and partnership arrangements, and any other areas within which the evaluation team wish to make recommendation.
- iii. Determine to what extent the strategic approach of the programme reflects the ILO comparative advantage and how the project is integrated in the ILO programmatic framework.

2.2 Scope of the evaluation

The scope of the evaluation covers the project period from January 2016 – June 2017. The evaluation will assess all outputs produced since the beginning of the project and assess the level of achievement of the three immediate outcomes and will provide recommendations for improvements. The evaluation will integrate gender equality as a cross cutting concern throughout the methodology and deliverables of the evaluation. The evaluation will assess progress in capacitating both immediate and ultimate beneficiaries.

2.3 Client of the evaluation

The primary clients of the evaluation include the constituents of the ILO (represented by the Project Advisory Committees), project partners and stakeholders, the project management unit, the ILO Office in Pretoria, and USDOL. The findings and recommendations of the evaluation will be used to contribute towards improvement in the remaining project implementation period and toward the sustainability of the project outcomes.

3. Evaluation Criteria

The evaluation will cover the following evaluation criteria i) relevance and strategic fit, ii) validity of design, iii) project progress and effectiveness, iv) efficiency of resource use, v) effectiveness of management arrangements and iv) impact orientation and sustainability as defined in ILO policy guidelines for results-based evaluation¹. Gender concerns were based on the ILO Guidelines on Considering Gender in Monitoring and Evaluation of Projects (September, 2007). The evaluation will be conducted following UN evaluation standards and norms² and the *Glossary of key terms in evaluation and results-based management* developed by the OECD's Development Assistance Committee (DAC). In line with the results-based approach applied by the ILO, the evaluation will focus on identifying and analysing results through addressing key questions related to the evaluation concerns and the achievement of the outputs and outcomes/immediate objectives of the project using the logical framework indicators.

Key evaluation questions

As mentioned in the previous section and in line with ILO evaluation guidelines, the project should be assessed against six evaluation criteria. A number of questions have been developed for each set of criteria, as set out in the table below. The following key evaluation

¹ ILO policy guidelines for results-based evaluation: Principles, rationale, planning and managing for evaluations, 2012

² ST/SGB/2000 Regulation and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation

questions (second column; these are not extensive) are expected to be answered through this mid-term internal evaluation:

Table 1: Key evaluation questions

Evaluation criteria	Related key evaluation questions
a. Relevance and strategic fit	<ul style="list-style-type: none"> ▪ Is the project directly supporting the national development priorities and the Decent Work Country Programme? ▪ How appropriate is the intervention strategy at micro, macro and meso levels, and did it prove effective in meeting the project's objectives? ▪ How relevant is the project for the intermediate and ultimate beneficiaries? ▪ How have the needs of the project's stakeholders changed since the beginning of the project? In what ways / to what extent did these changes affect the relevance of the project and how has the project adapted to those changes? ▪ How the project is integrated in the broader national priorities set at national level? ▪ Does the project align with ILO's mainstreamed strategy on gender equality?
b. Validity of design	<ul style="list-style-type: none"> ▪ Was the design process adequate? ▪ Is the project logical and coherent? Do outputs causally link to the intended immediate outcomes/objectives? ▪ How do the immediate objectives link to the broader development objective? ▪ Does the project adequately consider the gender dimension of the planned interventions? ▪ To what extent does the project design meet the guidance in the USDOL-ILO MPG? Are the activities and outputs of the project consistent with the overall goal and the attainment of its outcomes? Were the outcomes, targets and timing realistically set? ▪ To what extent does the PMP meet the guidance in the MPG? How appropriate and useful are the indicators described in the project document in assessing the project's progress?
c. Project progress and effectiveness	<ul style="list-style-type: none"> ▪ Were outputs produced and delivered so far as per the work plan? Has the quantity and quality of these outputs been satisfactory? How do the stakeholders perceive them? Do the benefits accrue equally to men and women? ▪ To what extent were the immediate objectives/outcomes achieved? ▪ What is the stage of achievement of outcome level targets? What corrective action can be taken? ▪ Are there any unintended results of the project?

d. Adequacy and efficiency of resource use,	<ul style="list-style-type: none"> ▪ Are resources (human resources, time, expertise, funds etc.) allocated and used strategically to provide the necessary support and to achieve the broader project objectives? ▪ Are the project's activities/operations in line with the schedule of activities as defined by the project team and work plans? ▪ Are the disbursements and project expenditures in line with expected budgetary plans? If not, what were the bottlenecks encountered? Are they being used efficiently? ▪ How efficient is the project in utilizing project resources to deliver the planned results? How efficient is the project in delivering on its outputs and objectives?
e. Effectiveness of management arrangements	<ul style="list-style-type: none"> ▪ Is the management and governance arrangement of the project adequate? Is there a clear understanding of roles and responsibilities by all parties involved? ▪ Is the project receiving adequate administrative, technical and - if needed - political support from the ILO office and specialists in the field and the responsible technical units in HQ? ▪ Is the project receiving adequate political, technical and administrative support from its national partners/implementing partners? ▪ Is the project collaborating with other ILO programmes and with other donors in the country/region to increase its effectiveness and impact? ▪ Are the available technical and financial resources adequate to fulfil the project plans? ▪ How effective is the technical backstopping support provided so far by ILO (regional office, DWT Pretoria and Geneva) to the programme? ▪ Have targets and indicators been sufficiently defined for the project? ▪ How effectively the project management is monitoring project performance and results? Is a monitoring & evaluation system in place and how effective is it? Is relevant information systematically collected and collated? Is the data disaggregated by sex (and by other relevant characteristics if relevant)?
f. Sustainability and Impact orientation	<ul style="list-style-type: none"> ▪ To what level are project interventions owned and sustained by existing project management structures, the immediate beneficiaries? ▪ Does the project succeed in integrating its approach into the local institutions? ▪ Is the project strategy and project management steering towards impact and sustainability? ▪ Did the project update / elaborate on its sustainability strategy as required in the USDOL-ILO MPG?

4. Methodology

The mid-term evaluation will be conducted in three steps:

4.1 Document review

The evaluator shall familiarize him/herself with the project through a review of relevant documents. These documents include inter alia: Project Document, progress reports, work plans, monitoring and evaluation tools, monitoring data and monitoring reports and selected project outputs (list provided below)

4.2 Key Informant Interviews

- a. The evaluator shall carry out key informant interviews with the following ILO staff:
 - Labour Administration and Social Dialogue Specialist/Focal point, Senior Programme Officer, NPC, FAA, M&E Officer, Decent Work Team Director ILO Pretoria, technical backstopping unit (LABADMIN/OSH in ILO/HQ)
- b. During visits to project sites the evaluator will carry out key informant interviews with the following stakeholders
 - i. Interviews with the Ministry of Labour and Employment Inspectorate management i.e. Labour Commissioner, Inspections Manager
 - ii. Interviews with labour inspectors
 - iii. Interviews with employers representatives
 - iv. Interviews with workers representatives
 - v. Interviews with relevant representatives of project partners.
- c. Interviews/focus group discussions or group interviews to solicit feedback on opportunities and constraints to the delivery of project outputs and outcomes, as well as achievements thus far.
- d. Interviews/consultations will be conducted face-to-face or by telephone. The evaluation manager with the support of the project staff will arrange the interviews and where necessary provide a venue and communication facilities.
- e. A list of interview categories will be provided to the evaluator for selection.
- f. Where possible the evaluator will ensure the validity of findings by using good practices in eliminating bias.

4.3 Stakeholder review workshop

- a. One stakeholder review workshop will be organized at the end of the field visit. The workshop will be the opportunity for the evaluator to present preliminary findings of the evaluation and for the stakeholders to provide feedbacks.
- b. The evaluator will propose the agenda of the workshop. Project staff will arrange the workshop and provide venue and facilities to the evaluator.

5. Main deliverables

The evaluator will provide the following main outputs:

- An inception report
- A draft report
- A stakeholders' workshop
- A final report (with lessons learned and good practices templates completed)
- An evaluation summary using the ILO Evaluation Summary template

The evaluator will produce (a) an inception report with a section of definitions for activities, outputs, outcomes and objectives that there is a underrating of the results chain and (b) final report according to the ILO evaluation guidelines and reflecting the key evaluation questions. The quality of the report will be determined by conformance with Checklist 4 'Formatting Requirements for Evaluation Reports', and Checklist 5 'Rating for Quality of Evaluation Reports'. The maximum length of the final report should be about 20 pages long.

The expected structure of the final report as per the proposed structure in the ILO evaluation guidelines is outlined below:

- Cover page with key intervention and evaluation data
- Executive Summary
- Acronyms
- Description of the Project
- Purpose, scope and clients of evaluation
- Methodology
- Findings (organized by evaluation criteria)
- Conclusions
- Country Specific Recommendations
- Lessons learned and good practices

The evaluator is required to append the following items:

- Terms of Reference
- Data collection instruments
- List of meetings / consultations attended
- List of persons or organisations interviewed
- List of documents / publications reviewed and cited
- Any further information the evaluator deems appropriate can also be added.

6. Management Arrangement and Work Plan

6.1 The Evaluator

The evaluator should be a suitably qualified evaluation expert with extensive experience in evaluations particularly within the UN system and ideally also the subject matter in question. Full command of English as working language will be required.

6.2 Evaluation Manager

The evaluator will work directly with the Evaluation Manager based at the ILO Pretoria Office working in collaboration with the Senior Monitoring and Evaluation Officer based at the ILO Regional Office based in Abidjan. The Evaluation Manager will handle technical and all issues related to the evaluation i.e. issues related to the methodology logistics etc. The evaluation will be carried out with full logistical support and services of the project, with the administrative support of the MOLE and ILO Office in Pretoria.

6.3 Work plan & Time Frame

The evaluation process is expected to be concluded within 6 weeks (effectively translating into 20 work days as per the work plan below). The Evaluation Manager will be the direct focal point for support during this time.

The draft report is expected to be submitted **not later than 30 September 2017** to the Evaluation Manager. Five days will be allocated to concerned parties to provide inputs, where after the Evaluation Manager will return the draft report to the evaluator **not later than 06 October 2017**. The final report should be submitted to the Evaluation Manager **not later than 13 October 2017**.

The table below gives an indication of the planned activities in the final evaluation process with the corresponding time.

Table 1: planned activities in the final evaluation process with the corresponding timelines.

Phase	Responsible Person	Tasks	Proposed timeline	Number of days
I	Evaluator	<ul style="list-style-type: none"> Desk Review of project related documents Telephone briefing with the evaluation manager, ILO LABADMIN-OSH- HQ and ILO Project staff in Maseru and Pretoria Preparation of the inception report 		5
II	Evaluator (logistical support by the project and CO)	<ul style="list-style-type: none"> Field visit /interviews with stakeholders 		5
III	Evaluator	<ul style="list-style-type: none"> Preparation of the workshop Workshop with project stakeholders Debrief meeting in Pretoria 		3
IV	Evaluator	<ul style="list-style-type: none"> Draft report based on desk review, field visit, interviews /questionnaires with stakeholders in Maseru and the final workshop Debriefing in Pretoria 		5
V	Evaluation manager	<ul style="list-style-type: none"> Circulate draft report to key stakeholders Stakeholders provide comments Consolidate comments of stakeholders and send to team leader 		5
VI	Evaluator	<ul style="list-style-type: none"> Finalize the report including explanations on why comments were not included 		2
VII	Evaluation Manager	<ul style="list-style-type: none"> Review the revised report and submit it to EVAL for final approval 		2
		Total number of working days for Evaluator		20

The evaluation will comply with UN Norms and Standards and UNEG ethical guidelines was followed. This TOR is accompanied by the code of conduct for carrying out the evaluation.

7. Documents to be provided to the Evaluator

- ILO evaluation guidelines and standard templates
- Project Document
- Lesotho Decent Work Country Programme
- Quarterly Progress reports
- M&E framework and other applicable M&E documentation
- Project key outputs:
 - Exit & Sustainability Plan
 - Inspection tools and guidelines
 - Formative Research for Strengthening Labour Inspection in Lesotho Inspection: November 2016.ort

8. Profile of the Evaluator

- An Advanced qualification in economics; development studies; business, development management and other related graduate qualifications
- A minimum of five-ten (5-10) years' professional experience in midterm, final or post-project evaluations and/or impact assessment of externally funded projects.
- Proven experience with logical framework approaches and other strategic planning approaches, M&E methods and approaches (including quantitative, qualitative and participatory), information analysis and report writing.
- Experience of conducting evaluations within the ILO.
- Excellent communication and interview skills.
- Excellent report writing skills.
- Demonstrated ability to deliver quality results within strict deadlines.