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Mid-term Internal Evaluation - Supporting progress on labour standards in the Democratic Republic of Congo

QUICK FACTS

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Technical office: LABADMIN/OSH

Evaluation management: Roger Nkambu Mavinga

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CONTEXT

Summary of project purpose, logic, and structure

This is the internal mid-term evaluation of the 'Supporting Progress on Labour Standards in the Democratic Republic of Congo' (SPNT/RDC) project, which aims to ensure capacity building and the establishment of conditions conducive to the respect of labour rights and the consolidation of decent work in the DRC, and to the achievement of Sustainable Development Goal (SDG) 8 on decent work and economic growth - more specifically, related target 8.8. With a total budget of US\$3.0 million funded by the United States Department of Labor (USDOL) - more specifically, the International Labour Office's Trade and Labor Affairs Branch (ILAB/OTLA) - the project is spread over four years (2021-2025) and is being implemented by the Kinshasa Country Office (CO) and the International Labour Organization (ILO), which entrusts coordination to its Labor Administration, Labor Inspectorate and Occupational Safety and Health Department (LABADMIN/OSH), working in collaboration with the Labour Law and Reform Unit (LABOURLAW). In addition, the project works closely with the DRC government - specifically, the Ministry of Employment, Labour and Social Security (METPS), the Ministry of Infrastructure and Public Works, the General Labour Inspectorate (IGT) as well as the Ministries of Justice (Courts) and Mines - as well as with workers' and employers' organizations and other social partners operating in the country.

Current project status

The DRC has significant deficits in terms of decent labour. Employment statistics show that 21% of the working population works more than 48 hours a week (25% men and 17% women), and only 14% of the population is covered by at least one social protection benefit. Workers in the informal economy and the agricultural sector remain excluded from the general social security system, and gender discrimination remains widespread in the DRC, both inside and outside the world of labour. Lastly, access to occupational safety and health (OSH) is still limited to workers in large companies, particularly those in the mining sector. The Congolese Labour Inspectorate and the Labour Courts (LC) suffer from a lack of skills and knowledge, clear operational procedures and insufficient human and financial resources. Added to this problem is the fact that employers' and workers' organizations have few means of jointly promoting respect for labour rights and acceptable conditions of work (ACW), so as to improve working conditions. This situation has a direct impact on the rights of workers in the DRC, both in the formal and informal sectors, as compliance with labour legislation is not formalized, slowing progress towards social justice and the formalization of acceptable labour standards (ALS), which are the foundation of decent work.

	<p>To meet these challenges, and in line with its mandate to promote rights at work, encourage the creation of decent jobs, develop social protection and strengthen social dialogue in the field of labour, the ILO launched the SPNT project in 2021.</p>
	<p>To achieve its aims and support the creation of an environment conducive to the observance of legislation and workers' rights, the project is based on a modular approach and a chain of cross-cutting, complementary interventions designed to consolidate conditions conducive to the observance of labour rights, by (a) strengthening the IGT's capacity to play its regulatory role (administrative, institutional and legal), reinforcing the skills of labour inspectors and equipping them with the tools they need to better carry out their duties and ensure compliance with workplace regulations in the sectors targeted by the project, and (b) strengthening the skills and understanding of the issues associated with ILOs and their implementation by all national stakeholders (government, IGT, employers' and workers' organizations) in order to foster convergence between the interventions of the tripartite constituents and provide concrete, better-integrated responses to the challenges posed by the creation of decent jobs and the introduction of ACW in the DRC. This approach is based on the one hand on building the capacities of tripartite constituents in terms of public-private cooperation mechanisms and support for the consolidation of an influential and inclusive social dialogue, enabling them to mobilize and unify their actions in order to influence reforms and the implementation of effective policies. In addition, the project aims to improve workers' access to effective remedies in the event of non-compliance with labour laws and standards, as well as to improve LCs' ability to deal effectively with labour grievances.</p>
	<p>The beneficiaries of the SPNT project are (a) the tripartite constituents in the DRC who benefit from the interventions and products deployed by the project, and (b) a wider public (other countries) who are interested in the issue of labour standards and who could benefit from the project's experiences. For their part, the final beneficiaries are the workers who, thanks to the project's spin-offs, will be able to enjoy better working conditions and legal recourse in the event of non-compliance with labour laws and standards.</p>
<p>Purpose, addressee, and scope of evaluation</p>	<p>The main objectives of this mid-term evaluation are to examine the relevance of the SPNT project, its coherence - i.e., its structure, cohesion and synergy with other initiatives deployed by the International Labour Office (ILO) - its effectiveness, efficiency (in terms of use of resources) and</p>

	orientation towards impact and sustainability of the project. In addition, the evaluation aims to identify potential lessons and good practices for key stakeholders, as well as to formulate recommendations to guide the continuation of activities.
	This internal mid-term evaluation covers the first few years of the SPNT project's implementation (up to March 2024), with a particular focus on the results achieved since work began. In terms of geographical coverage, the scope of the evaluation extends to all the areas targeted by the project (Kinshasa, Kisangani, Kikwit, Lubumbashi, Kolwezi, Mbuji Mavi, Moanda).
	This evaluation is mainly addressed to (a) the SPNT project managers, (b) the donor (USDOL), (c) the LABADMIN/OSH and LABOURLAW departments at ILO headquarters in Geneva, (d) the ILO's Decent Work Team (DWT) based in Yaoundé, Cameroon, (e) the ILO's CO for the DRC, Angola, Central African Republic, Congo, Gabon and Chad, and (f) the ILO's constituents in the DRC.
Evaluation methodology	The evaluation was carried out according to a five-phase methodology: (a) preliminary consultations, (b) a literature review and inception report, (c) interviews with key stakeholders, (d) a workshop to validate preliminary findings and recommendations with key stakeholders, preceded by a debriefing session with the donor, and (e) data analysis and triangulation, and the production of an inception and final evaluation report. To gather the evidence needed to answer the evaluation questions, the external consultant reviewed over sixty documents provided by the ILO or obtained from other sources. In addition, she conducted individual semi-structured remote interviews with 21 key stakeholders representing a cross-section of the project's stakeholders. In complete transparency, these different interlocutors shared their experiences and perceptions of the project's results, which greatly contributed to ensuring the reliability of the findings formulated in this evaluation report.
Main results and conclusions	Relevance: The evaluation confirms the relevance of the SPNT project's interventions and its concrete contribution to the achievement of the SDGs - more specifically, SDG 8.8 - through measures aimed at upholding workers' rights, promoting safe workplaces and ensuring worker protection, as well as encouraging social dialogue, with a focus on improving working conditions for all - in particular occupational safety and health as a fundamental principle and right at work. The project's work in the construction sector is helping to improve the quality of labour inspectorates, thereby reducing the risk of accidents on building sites and improving health and safety at work.

The SPNT project is aligned with the priorities defined in the DRC's 2019-2023 National Strategic Development Plan (PNSD), which has the objectives of stimulating inclusive growth, creating jobs and accelerating the achievement of the SDGs. The project builds the capacity of labour actors by consolidating their knowledge and skills to improve compliance with labour laws and standards. In addition, it enhances human capital, ensures improved, rights-respecting and more inclusive working conditions for workers, so as to increase the number of decent and productive jobs and support the transformation of the economy.

Furthermore, the SPNT project is aligned with Articles 20, 23 and 30 of the ILO Strategic Plan 2022-2025, and does so by supporting capacity building for all to take advantage of the opportunities offered by the world of work; by strengthening labour institutions and the role of constituents to promote inclusive and sustainable economic growth and decent work for all; and the commitment to fostering the practice by institutions of social dialogue at all levels.

The project's interventions in the construction sector support the IGT by strengthening labour inspectorate capacity to promote safe, legally compliant workplaces. In addition, the project is aligned with Objective 1 of the ILO's Programme and Budget (P&B) for the 2020-2021 biennium, which aims to support influential and inclusive social dialogue. Similarly, the project is relevant to the needs of the tripartite constituents, notably because it favours the use of a consensual intervention approach involving all stakeholders in the identification of approaches and solutions to support compliance with labour laws and standards, and because it is in line with priorities 1 and 2 of the Decent Work Promotion Program (DWPP) 2021-2024 for the DRC. It does so by focusing on the establishment of inclusive economic growth, the promotion of decent jobs and the promotion of social dialogue and fundamental labour rights. In the specific case of the project, capacity-building for tripartite constituents in the field of social dialogue - including its conditions, requirements, and benefits - has fostered closer ties and joint discussions on the issues and challenges facing the DRC in terms of decent labour and inter-institutional collaboration. Capacity building provides key stakeholders with the skills, tools and mechanisms they need to play their respective roles and support the progressive establishment of conditions conducive to compliance with labour standards.

Coherence and design : The evaluation confirms the appropriateness and relevance of the SPNT project's articulation and its components, which support cross-cutting actions, sustain the complementarity of the proposed

actions and thereby promote mutual enrichment. Analysis of the project reveals a logic model and a theory of change (ToC) that clearly articulate the main cause-and-effect relationships between the project's ultimate objective - namely, to support progress in labour standards in the DRC - and the short, medium and long-term results, and indicate how the changes to support the promotion of labour standards will take place.

Performance and effectiveness : Based on indications provided by the document review and interviews, and in light of the results obtained, the evaluation concludes that the SPNT project has been effective despite the complex environment in which it operates (dynamics of economic growth, insecurity, elections, difficulty of transport within the country), although efforts remain to be invested between now and the end of the project to complete certain interventions. As a first step, the project conducted a diagnosis of the Congolese labour inspectorate system, its organization and operation, highlighting the system's strengths, the challenges it faces and the solutions likely to guarantee its smooth operation.

The technical assistance provided by the ILO takes the form of a range of interventions tailored to specific needs, including capacity-building of labour inspectors and support for labour inspectorates. A pool of experts was set up within the IGT, with the creation of a Task-Force of 11 inspectors (eight men and three women), the provision of OSH training for the latter, the provision of teaching materials and personal protective equipment (PPE) for strategic inspection visits in the construction sector, and the pooling of training in the eight regions targeted by the project. The group was then closely involved in the roll-out of the pilot strategic planning and compliance exercise for the construction sector, as well as in the implementation of an action plan, with the support of ILO specialists. The main aim of the plan was to improve safety and health at work in construction companies, and to promote the implementation of an inspection policy. The testimonies gathered confirm that the strategic planning process has enabled the inspectors and the IGT to take a constructive approach, defining the essential parameters for the exercise and implementation of technical skills within the IGT. Building on the experience and lessons learned in the construction sector, the project intends to apply the same approach to the development of strategic compliance plans in the other two targeted sectors (mining and distribution). However, it will be necessary to take into account the time remaining for the project to cover, by April 2025, the compliance exercise planned for these sectors, leading to the formulation of a multi-sector

strategic compliance plan. Still to be supported is the development of an integrated electronic records management system (LIFT), designed to support comprehensive monitoring of inspections, which would address one of the major challenges identified regarding the lack of reliable information and statistics on the IGT's labour inspectorate work.

The SPNT project has also contributed to building the capacity and skills of tripartite constituents on more than seventeen themes covering ILS, the role and responsibilities involved in adopting and promoting ILS, and ILO supervisory mechanisms for the application of standards, the key concepts underpinning the fundamental rights of freedom of association and collective bargaining, and protection of the right to organize (Convention No. 87), occupational health and safety (OHS), the use of technology to report violations of workers' rights, and accountability for international conventions. Interviews confirm that capacity building has stimulated, among other things, the debate on representativeness within the trade union movement and employers, in addition to leading to the eighth professional election process for the period 2023-2026 officially designating the twelve most representative workers' organizations from 157 organizations validated by ministerial decree.

According to the interviews, such initiatives have enabled interested parties to acquire a better understanding of the ILO and its normative system, as well as of the measures to be taken to promote respect for and application of labour laws and standards within their organization. Capacity-building in the areas of freedom of association, collective bargaining, health and safety, and improving OSH is a measure which, according to those interviewed, helps to establish good labour practices and ensures a stable working environment for both workers and employers. In addition to equipping trade unions with the skills to uphold fundamental labour right and informing them of their responsibilities to promote safe workplaces and ILS, capacity building has probably initiated a change in perception about the benefits that adopting and respecting labour standards can bring, for both trade unions and employers. This suggests the latter will be more willing to use and put them into practice. Between now and the end of the project, the project needs to develop support for union campaigns, aimed at raising awareness and promoting labour rights among members, as well as deploying activities to prevent, monitor and remedy violations of NTAs.

With regard to workers' access to effective remedies (state and non-state) in the event of non-compliance with labor laws and standards, interventions to date have focused primarily on improving the capacity of public

institutions to deal effectively with labor-related grievances. The ILO has come to support the LC's in a self-assessment approach, enabling tripartite constituents to assess the performance of the LC's. With the support of ILO specialists and the help of a tool, the self-diagnosis of the LC's enabled government representatives and social partners to gain a common understanding of the situation prevailing in the LCs of Kinshasa (Gombe and Matete), as well as fostering a process of reflection aimed at gaining a better understanding of these institutions, and the development of an action plan to support the LCs in identifying actions to prioritize, resource needs, possible reform timetables and areas where technical assistance from the ILO and other partners would be required. This experience could make it possible to explore how to apply, or even replicate, the approach in the provinces of the six other LCs (Lualaba, Kuilu, North Kivu, Tshopo and Central Kongo), in order to strengthen access to justice for all, provided that additional financial resources are mobilized for this purpose. By the end of the project, the processes enabling trade unions to prevent, monitor and remedy violations of workers' rights still need to be developed. The same applies to the use of a mobile application to support these organizations in monitoring cases of workers' rights violations. It is therefore still too early to judge the improvement in the means of redress available to workers, or to assess the number of cases or grievances received and processed.

The diagnostic study on social dialogue mapped out the institutions and players involved in bipartite and tripartite social dialogue, identified the legal framework for social dialogue and analyzed the functioning of existing dialogue frameworks, as well as the constraints linked to the deployment of public-private social dialogue, in order to provide guidelines for consolidating social dialogue in the public and private sectors. Raising social partners' awareness of the relevance of social dialogue, as well as providing training on the principles of effective social dialogue, led to the signing of the bipartite National Charter for Social Dialogue (CNBDS), providing the DRC with a permanent framework for social dialogue between employers and employees, and consolidating a platform for joint action on issues of common interest. To ensure its effectiveness, the permanent framework established by the CNBDS has set up a coordination office which has enabled joint discussions to be held on tax and compensation issues. This represents an important change in practice, as for the first time employers and workers are jointly demanding that the government provide benefits for workers. As for the promotion of tripartite dialogue at national level, the tripartite constituents have jointly drawn up a draft decree for the creation of a High

Council for Social Dialogue (HCDS), to replace the previously dissolved and unreplaced Permanent Framework for Social Dialogue.

Efficiency and management system : To implement the SPNT project, the ILO has a total budget of US\$3.0 million for the period 2021-2025. Although 75% of the total budget should have been disbursed by March 31, 2024, the most recent financial data provided by the project indicates that this proportion was instead 48%. Such a situation is essentially explained by the low disbursement of sums linked to the achievement of the project's LTOs, in particular LTOs 2, 3 and 4, which was justified by choices concerning the order of implementation of the interventions — for example , consolidate social dialogue before considering interventions linked to legal appeals or campaigns, as well as support for the promotion of awareness campaigns carried out by worker organizations among their members. Knowing that a series of interventions are in development or planned by the end of the project, the pace of disbursements should possibly accelerate at the level of each result.

The evaluation confirms that the human, financial and technical resources of the project — including support from ILO headquarters and support from USDOL/ILAB — were used in a manner to ensure the achievement of results in a timely manner, by pooling and the desire to combine the technical expertise of an extended team of experts from headquarters and DWT in Yaoundé, according to the specialties of each, in order to create an assistance support network technique favourable to the promotion of labour standards. The interviews confirm that the quality of the technical expertise made available to the tripartite constituents, including support throughout the project, contributed to creating a climate of exchange and productive collaboration between all stakeholders.

The evaluation considers that, even if the SPNT project was able to demonstrate diligence in the use of the funds granted, while succeeding in reaching an impressive number of listeners and stakeholders, the fact that the coordination of different components is ensured by limited staff on the ground constitutes an area of fragility. Although this situation has not prevented the achievement of significant results so far, it is nevertheless important to review the situation to support the team in place between now and the end of the project and ensure that all interventions are completed. It would be appropriate to consider granting additional financial resources with a view to recruiting a program assistant who could support the existing team until the end of the project.

Impact orientation and sustainability: To be able to evaluate the impacts of an initiative like the SPNT project, which requires deploying structuring interventions to support the promotion of labor standards as well as mobilizing and rallying actors from the public and private sectors and social partners, it is necessary to be part of a long-term support perspective which goes well beyond the period covered by the project. That said, the evaluation judges that there are already some promising advances. The efforts deployed so far have made it possible to consolidate the acquisition of skills, tools and intervention mechanisms, as well as facilitate the establishment of a conducive ecosystem allowing national stakeholders to continue the work in the DRC. The creation of a duly trained Task Force within the IGT made it possible to constitute a core of inspectors authorized to deploy training in the other regions targeted by the project, thus promoting a decentralization of knowledge and skills and making it possible to multiply the number of inspectors reached. It is reasonable to believe that these interventions will be accompanied by a change in the practice of inspectors which will allow them to fully exercise their OHS control mission in companies, in the sectors targeted by the project, and to ensure longer-term follow-up. Finally, the ramification of the training offered as part of the project among tripartite constituents, the IGT, the LC and members of the beneficiary institutions makes it possible to consolidate a network of actors committed to continuing the work of promoting labour rights. That said, continued progress in achieving impact will depend on the effective implementation of future interventions.

General conclusion: The evaluation confirms that the interventions carried out by the SPNT project are relevant and aligned with the national priorities of the DRC, the DWCP as well as SDG 8 — more precisely, target 8.8. These initiatives and interventions put the promotion of decent work and the promotion of labour standards at the forefront of national discussions while strengthening the mobilization and commitment of all stakeholders.

Efforts to promote an ecosystem supporting the establishment of conditions conducive to respect for labor rights and the consolidation of decent work in the DRC are based on targeted and complementary interventions. This is particularly the case for the institutional strengthening of the IGT to enable it to fulfill its role as regulator of the labor market, through the creation of a Task Force of lead inspectors within it, as well as through the development of a strategic and compliance plan in the construction sector, which plan should support a similar approach in the mining sector and the distribution

	sector and lead to the development of a multi-sector strategic compliance plan by the end of the project.
	Capacity building of employers' organizations, workers' organizations and government stakeholders, on various themes, has yielded results and had multiple impacts on the understanding of issues related to decent work and labour rights , on social dialogue and the convergence of actions, supporting the adoption of consensual approaches aimed at promoting and defending labour rights more effectively, resulting in increased mobilization and commitment public and private sectors.
	The project components provide key stakeholders with skills and capacities allowing them to be better equipped to promote respect for labour standards and consolidate the collaboration mechanisms they need to play their respective roles and engage a constructive dialogue, particularly in sectors targeted by the project where the necessary reforms can be implemented.
	All this being said, the project remains ambitious in its approach, and OLT 3, aimed at facilitating workers' access to effective remedies, through increased understanding and awareness of their rights, must be accompanied by knowledge of the options available to them in the event of violation of said rights. This component still remains to be developed by the end of the project.

RECOMMENDATIONS, LESSONS LEARNED AND GOOD PRACTICES

Main recommendations and follow-up

Recommendation 1. By April 2025, focus efforts on completing certain interventions to ensure the achievement of LTOs, as planned, so that the project can have a lasting impact, particularly with regard to:

- LTO 1: Adoption of a multi-sector strategic compliance plan; the finalization of the ethical guide intended for the IGT; the adoption of a digital tool allowing the monitoring of its operations in order to improve institutional functioning; and strengthen the capacity of the IGT to identify and deal with violations.
- LTO 2: Provide technical assistance to support employers' and workers' organizations in conducting promotional campaigns among their members on the promotion of labour rights and acceptable

	<p>conditions of work, as well as supporting the capacity building required to defend more effectively protect workers' rights and enable them to put an end to non-compliance with relevant laws and standards in the workplace.</p> <ul style="list-style-type: none"> • LTO 3: Support the training of judges and provide technical assistance to enable labour courts to consolidate judicial services and improve their capacity to deal with labour-related grievances. Provide the training and technical assistance required to enable workers to defend, monitor and remedy labour rights violations and consolidate access to effective remedies (state and non-state) for non-compliance with laws and labour standards.
	<p>Recommendation 2. Knowing that the SPNT project has already produced interesting results, and with the aim of ensuring the sustainability of the achievements, consider granting a six-month extension of the project, without additional funding, in order to ensure that the interventions can be carried out as planned.</p>
	<p>Recommendation 3. With a view to promoting the consolidation of interventions by April 2025, and considering that the coordination of the different components in the field is ensured by a small team, it would be appropriate to reconsider the resources allocated to coordination and to plan for the granting additional financial resources, allowing the recruitment of a program assistant to support the Project Management Team (PMT), in order to constitute a team capable of assuming all responsibilities related to the project by the end of the this last.</p>
	<p>Recommendation 4. Finalize the signing of the memorandum of understanding (MoU) with the National School of Administration (ENA) in order to ensure the modalities of support, by the latter, for the provision of continued and quality training to inspectors of the IGT, once the project is completed.</p>
	<p>Recommendation 5. During the multi-sectoral strategic planning exercise, consider presenting and supporting the establishment of an integrated electronic records management system (LIFT) allowing the collection of general information on inspections that can operate on all platforms (desktop, tablet, mobile phone). The system should be accompanied by an instruction and user guide as well as training for labour inspectors.</p>
	<p>Recommendation 6. In order to sustainably consolidate tripartite social dialogue between all stakeholders and guarantee their active involvement in promoting compliance with legislation, it would be desirable, by the end of</p>

	<p>the project, to prioritize among all stakeholders the interventions and advocacy likely to ensure the establishment of a permanent tripartite social dialogue framework (HCDS), knowing that the promulgation of a ministerial decree to formalize the creation of such a framework is still awaited.</p>
	<p>Recommendation 7. Pay particular attention, between now and the end of the project, to training and provide technical assistance focused on prevention and on the processes and mechanisms for resolving individual and collective (state and non-state) conflicts, aimed at employers' and workers' organizations.</p>
	<p>Recommendation 8. Ensure that the bipartisan constituents support and continue the advocacy, with the government of the DRC, in favour of the ratification of Conventions Nos. 155, 161 and 176, relating to OSH, and ensure that these conventions apply to all branches of economic activity and to all workers.</p>
Principales leçons apprises et bonnes pratiques	<p>Lesson learned 1. Taking advantage of the diagnostic studies carried out as part of the project made it possible to identify and clearly understand the challenges associated with IGT and social dialogue, in addition to proposing avenues for improvement and capacity building of the IGT and tripartite constituents. This helps these actors to play their respective roles in order to sustainably support the promotion of labour standards in the DRC.</p>
	<p>Lesson learned 2. Taking advantage of the diagnostic studies carried out as part of the project made it possible to identify and clearly understand the challenges associated with IGT and social dialogue, in addition to proposing avenues for improvement and capacity building of the ITG and tripartite constituents to bring these actors to play their respective roles in order to sustainably support the promotion of labour standards in the DRC.</p>
	<p>Good practice 1. The establishment of a Task Force made up of duly trained labour inspectors within the IGT, responsible for replicating the training, makes it possible to constitute a pool of reference trainers, responsible for the regional deployment of the training. Peer training is a practice that promotes not only learning between inspectors, but also the transfer of knowledge and the increase in the skills of inspectors on duty, thus ensuring the sustainability of the training process.</p>