



ILO EVALUATION

Strengthening Labour Inspection in Lesotho

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Acronym List

AGOA	African Growth and Opportunity Act
CEACR	Committee of Experts on the Application of Conventions and Recommendations
DWCP	Decent Work Country Programme
DWT	Decent Work Team
FOA	Funding Opportunity Announcement
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ILAB	Bureau of International Affairs
ILO	International Labour Organization
IMS	Information Management System
LABADMIN/OSH	Labour administration, inspection and Occupational Safety and Health Branch
LI	Labour Inspectorate
M&E	Monitoring & Evaluation
MOLE	Ministry of Labour and Employment
NACOLA	National Advisory Committee on Labour
NCE	No Cost Extension
OSH	Occupational Safety and Health
PS	Principal Secretary
ROA	Regional Office for Africa
SADC	Southern African Development Community
SOP	Standard Operating Procedures
ToR	Terms of Reference
TWG	Technical Working Group
USDOL	United States Department of Labor

I. Executive Summary

Summary of the project purpose, logic and Structure

The project “strengthening Labour Inspection in Lesotho” funded by the United States Department of Labour (USDOL) was implemented between January 2016 and March 2018 (but operations started in August 2016 with the recruitment of the project coordinator). This project built on the foundations of the Better Work project funded by USDOL that closed in early 2016.

Lesotho has ratified the ILO Convention concerning Labour Inspection in Industry and Commerce, 1947 (No. 81). A number of studies carried out between 1997 and 2012 by the ILO pointed towards significant room for improvement with regard to the performance of the labour inspectorate in Lesotho.

The project’s long term objective was to better equip the labour inspection system in Lesotho and the employers’ and workers’ organizations to achieve workplace compliance with labour laws and ratified ILO standards. In order to achieve this long term objective, the project sought to achieve the following three immediate 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

The project was decentralized and thus under the responsibility of the ILO DWT/CO Pretoria. The project was managed by a national project coordinator based in Maseru and supported by an administrative and finance assistant based in Pretoria. In addition, the project received support from a senior programme officer in Pretoria. The LABADMIN/OSH Branch in ILO HQ is in charge of the technical backstopping of the project.

Present Situation of the Project

The project is closed. It was implemented between January 2016 and March 2018 (but operations started in August 2016 with the recruitment of the project coordinator).

Purpose, scope and clients of the evaluation

The project underwent an internal mid-term evaluation in September 2017. Given the short time lapse between the mid-term and the final evaluation of the project, the self-evaluation mainly focused on analysis and follow-up from the mid-term evaluation to provide recommendations to sustain results achieved under the project.

The primary clients of the evaluation include the national tripartite constituents of the ILO project partners and stakeholders, the project management unit, the ILO Office in Pretoria, the LABADMIN/OSH Branch in Geneva and USDOL. The findings and recommendations of the evaluation will be used by the ILO, national tripartite constituents and USDOL to contribute towards the sustainability of the project outcomes.

Methodology of evaluation

The final evaluation covers 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 evaluation. The evaluation was conducted following UN evaluation standards and norms and the Glossary of key terms in evaluation and results-based management developed by the OECD's Development Assistance Committee (DAC).

Qualitative data collection and tools were used to conduct this evaluation. Primary data was collected through observations and interviews/focus group discussions. Secondary data consisting of a desk review was conducted in parallel. A Stakeholders' workshop was held on 29 March 2018. It was the opportunity to check accuracy of the data collected and present preliminary findings and recommendations of the evaluation. Proposed recommendations to the national constituents were discussed at this occasion and concrete steps to address them were proposed by the constituents.

Main findings and conclusions

Relevance - The project was relevant and well suited to the policies of the ILO, the Government and social partners of Lesotho. The relevance was assessed against the Lesotho United Nations Development Assistance (LUNDAP) Plan, the ILO Conventions, the Country Programme Outcomes, the Decent Work Country Programme 2012-2017 and the needs of the labour inspectorate, the Ministry of Labour and social partners.

Validity of Design – The project Agreement was signed before the ILO developed the fully fledged project document. The Agreement details a two phased approach where a second phase would notably focus on initial training for the labour inspectors. As the second phase finally did not materialize, this design left out an important component to strengthen the labour inspectorate.

Effectiveness - Overall, the project reached most of its short term objectives, including the development of management tools, of an information system and raising awareness of the mandate of the inspectorate. In addition, the project made a real effort to include tripartite constituents in the process. However, a clear bottleneck was identified: the project products were not institutionalized during the implementation period, which prevented the project from fully reaching its long term objective.

Efficiency - Financial resources were used adequately and the delivery rate of the project reached 94% of the project budget. This delivery rate is highly satisfactory in the context of uncertainty related to the project implementation period highlighted in the validity of design section of the project.

The division of tasks between ILO units in Pretoria, the Regional Office for Africa (ROA) and ILO LABADMIN/OSH at HQ was sometimes unclear and resulted in some delays and contradictory advice to the project coordinator regarding implementation of activities.

Sustainability - A sustainability plan for the project was drafted late 2016 by a consultant. The plan was communicated to the constituents but was not discussed and endorsed during a tripartite meeting. Therefore, the sustainability plan was not perceived by the constituents as an output they had the responsibility of following up on.

A labour inspection strategy was drafted and should be accompanied by an implementation plan. The implementation of such plan would be a good way to sustain the results achieved under the project.

Ways to institutionalize training for labour inspectors were discussed several times and the training manual "Building modern and effective labour inspection systems" was identified as the potential curriculum to build the training course on. The National University of Lesotho was identified as the institution in which the training programme should be delivered.

An important tool to ensure sustainability of the project outputs was the Tripartite Working Group set up under the project. However, most project outputs were not endorsed by the TWG limiting the ownership over the projects products.

Constituents appreciated the bottom up approach undertaken during the strategic workplace compliance workshop that ensured ownership over the tools developed. This approach was preferred to the one constituting of the development of a tool by a consultant providing receiving inputs/comments from constituents.

The project provided financial support for the tripartite discussions on the labour law review. A law establishing a strong, independent labour inspection system is fundamental to ensuring better compliance with labour laws.

Gender - Even though gender equality was not mentioned specifically in the project design, it has to be noted that out of 37 labour inspectors/officers, 32 are women. The project also supported the training on gender equality, leadership and international labour standards for labour inspectors on two different occasions.

Tripartism and Social Dialogue - The project built the capacity of the tripartite constituents and a tripartite governance structure was set up taking the form of a Tripartite Technical Working Group (TWG). The TWG did not properly play its role as the tripartite project advisory committee, which prevented proper tripartite validation of the project workplan and outputs.

International Labour Standards – Lesotho has ratified ILO Convention No. 81. The issues dealt by the project are perfectly in line with the CEACR direct requests made to the Government in 2015. Unfortunately, most of the issues underlined by the CEACR are still pending based on the observations made during the field visit. The labour inspectors have prepared and sent the regular report form for the Labour Inspection Conventions in 2017 in line with article 21 of ILO Convention No. 81. The CEACR report will be published later in 2018 or early 2019.

Conclusions - The project scope and objectives were fully relevant to address the challenges faced by the labour inspectorate in Lesotho. Two components would have been necessary in the project strategy to achieve more sustainable improvements: the introduction of initial and professional training for labour inspectors and activities aimed at strengthening the labour court system. However, the training of the labour inspectors was forecasted to be included in the second phase of the project, which did not materialize and could therefore not be included here. In addition, the project supported the ongoing labour law review, which is notably touching upon the issues of fines for breaches of the labour law.

The project invested a lot of energy into implementing capacity building activities and developing tools to support the work of the labour inspectorate. It found innovative ways to move forward with project implementation when encountering challenges. Overall, the project reached most of its short term objectives, including the development of management tools, of an information system and raising awareness of the mandate of the inspectorate. In addition, the project made a real effort to include tripartite constituents in the process. However, a clear bottleneck was identified: institutionalization of the project products, which prevented the project from fully reaching its objective and be sustainable. Political will and support is crucial to the success of a project aimed strengthening national institutions. The Ministry has not provided the means and resources necessary to the project to make it fully successful and the ILO, as well as the donor, did not manage to find efficient leverage points to secure political commitment.

Lessons learned

- Identify and act upon project governance issues early on in order not jeopardize the delivery of the project outputs
- Ensure sufficient time between trainings for beneficiaries to internalize knowledge gained in their everyday work and offer them the opportunity to express their additional needs to the project.

Emerging good practices

- Use of the ILO Approach to Strategic Compliance Planning for Labour Inspectorates to refine/reorient project strategies
- Train a member of the inspectorate on M&E techniques and align indicators and targets for the project with indicators/targets of the inspectorate
- Hold collaboration workshops to establish working relations between the various actors working on the labour market issues and propose/implement concrete MoUs

Recommendations to the Ministry of Labour and Employment

- Institutionalize the tools and labour inspection strategy developed under the project
- Institutionalize initial and/or professional training for labour inspectors
- Submit a brief to the Labour Commissioner summarizing the labour inspection views and suggestions on labour inspection provisions of the proposed revised labour law
- Redistribute project equipment to the labour inspectorate as soon as possible
- Secure access to vehicles for labour inspectors
- Move forward with the redeployment of Ministry staff to the labour inspectorate to have a total of 50 labour inspectors/officers in the unit

Recommendations to the tripartite constituents

- Revive the tripartite Technical Working Group to continue collaboration between the various Ministries and the social partners on the issue of inspection
- Reflect priority issues related to labour inspection in the Decent Work Country Programme 2019-2023

Recommendations to the ILO

- Continue collaboration with the US Embassy in Maseru and other representations such as the European Union
- Deliver projects as One ILO
- Promote the production of project tools by the beneficiaries themselves
- Provide means of transportation for labour inspectors following financial commitment from the Ministry regarding maintenance, fuel, driver and insurance from the Ministry
- Include a component on justice system in charge of labour cases in labour inspection projects
- Conduct a follow up activity to the strategic compliance workshop

Recommendations to USDOL

- Do not systematically hold ILO requests, while waiting for the host Government information/action
- Reinforce communication-collaboration between USDOL in Washington D.C and the US Embassy in the country to enhance project results

II. Project Background & Description

The project “strengthening Labour Inspection in Lesotho” funded by the United States Department of Labor (USDOL) was implemented between January 2016 and March 2018 (but operations started in August 2016 with the recruitment of the project coordinator). This project built on the foundations of the Better Work project funded by USDOL that closed in early 2016.¹

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. The Labour Commissioner reports to the Principal Secretary (PS) of Labour who reports to the Minister.

Various studies in 1997, 2005, 2011 and 2012 pointed towards significant room for improvement with regard to the performance of the labour inspectorate in Lesotho: for example, there showed a persistent under-achievement with regard to the number of inspections carried out, skills and procedures to be followed, 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.

The project’s long term objective was to better equip the labour inspection system in Lesotho and the employers’ and workers’ organizations to achieve workplace compliance with labour laws and ratified ILO standards. In order to achieve this long term objective, the project sought to achieve the following **three immediate 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

Regarding the improvement of the inspectorate management and procedures (**Objective 1**), the project developed six inspection tools (SOP, code of conduct for labour inspectors, improvement notice, compliance order, prohibition notice and checklists) rolled them out and compiled them to form a toolkit. Following a tripartite workplace compliance workshop, a yearly inspection plan was developed with a target of 40 inspections/per inspector per year and identifying four priority sectors (construction, retail, garment and security). Following a feasibility study, the project supported the inspectorate in the development of a paper based information management system made of an excel based tracking system (paper based billboards/posters for districts without computers). A labour inspector focal point to gather data on labour inspections and improve reporting both to the ILO and the social partners was appointed and trained. The inspection manager together with the the labour inspector focal point answered 2015 CEACR observations on ILO Convention No. 81. A labour inspection strategy was drafted with inputs from tripartite constituents. However, the structural autonomy of the labour inspectorate was not improved as the restructuring process of the Ministry was not finalized.

¹ Better Work Lesotho, LES/14/52/USA; LES/12/01/USA; LES/11/50/USA.

Regarding the capacity building element of the project (**Objective 2**), 11 capacity building activities² have been carried out for labour inspectors and social partners on topics such as OSH, International Labour Standards, OSH, HIV/AIDS, Gender mainstreaming or the informal economy. The adaptation of the training manual “Building modern and effective labour inspection systems” was undertaken but the tool has not been rolled out.

Regarding tripartite engagement to foster labour law compliance (**Objective 3**), the project set up a tripartite working group on labour inspection to guide the implementation of the project. 13 radio broadcasts were aired by the labour inspectors on 4 priority themes and awareness raising posters and leaflets in the construction sector were distributed to the OSH inspectors for them to disseminate when they go inspect workplaces in the construction sector.

In addition, it has to be noted that the project together with the ILO Pretoria Office provided support to the labour law revision process.

The project was decentralized and thus under the responsibility of the Director of the ILO Decent Work Team for Eastern and Southern Africa and Country Office for South Africa, Botswana, Lesotho and Swaziland. The project was managed by a national project coordinator based in Maseru and supported by an administrative and finance assistant based in Pretoria. In addition, the project received support from a senior programme officer in Pretoria. The LABADMIN/OSH Branch in ILO HQ was in charge of the technical backstopping of the project.

III. Evaluation Background

Overall Scope of the evaluation

The project underwent an internal mid-term evaluation in September 2017. Given the short time lapse between the mid-term and the final evaluation of the project, the self-evaluation mainly focuses on analysis and follow-up from the mid-term evaluation to provide recommendations to sustain results achieved under the project.

Specific Scope

More specifically, the final self-evaluation serves two main purposes:

- i. Update the mid-term evaluation findings related to:
 - The level of achievement of the project based on the following criteria: relevance, validity of design, efficiency, effectiveness, sustainability, gender and social dialogue
 - Lessons learned and emerging good practices
- ii. Provide new recommendations to:
 - Sustain project results achieved in Lesotho
 - Improve the design of future development cooperation projects

² These capacity building activities were composed of 1 to 5 day trainings facilitated by the ILO.

Clients of the evaluation

The primary clients of the evaluation include the national tripartite constituents of the ILO project partners and stakeholders, the project management unit, the ILO Office in Pretoria, the LABADMIN/OSH Branch in Geneva and USDOL. The findings and recommendations of the evaluation will be used by the ILO, national tripartite constituents and USDOL to contribute towards the sustainability of the project outcomes and for the ILO organization learning.

IV. Methodology

The final evaluation covers 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 evaluation. The evaluation was conducted following UN evaluation standards and norms and the Glossary of key terms in evaluation and results-based management developed by the OECD's Development Assistance Committee (DAC).

Qualitative data collection and tools were used to conduct this evaluation. Primary data was collected through observations and interviews/focus group discussions. Secondary data consisting of a desk review was conducted in parallel.

The following three steps have been followed to carry out the evaluation:

- **Desk review.** The desk review included the review of the project document, status and progress reports, PMP, the mid-term evaluation final report, the project budget, and selected project outputs such as the labour inspection strategy, the SOPs, the inspection checklists etc.
- **Key Informant Interviews.** Interviews and focus group discussions were conducted with the following stakeholders: ILO staff based in Maseru and Pretoria, the Labour Commissioner, the Inspections Manager, the labour inspectors, employers' workers representatives, USDOL staff and US Embassy representative in Maseru. The interview questions reflected the questions outlined in the evaluation Terms of Reference. The interview questions were used in a flexible manner and were adjusted and refined when necessary to gather the information necessary.
- **A Stakeholders' workshop held on 29 March 2018:** The stakeholders' workshop was the opportunity to check accuracy of the data collected and present preliminary findings and recommendations of the evaluation. Proposed recommendations to the national constituents were discussed at this occasion and concrete steps to address them were proposed by the constituents.

Limitation

An interview was scheduled with the Principal Secretary (PS) of Labour. The PS was also invited to the stakeholders' workshop. Unfortunately, the Principal Secretary did not meet the evaluator. This is considered as a limitation as approval of project outputs at the PS level was identified as one of the bottlenecks for the project. However, this constraint does not significantly impact the validity of the evaluation as the role of the PS in project activities was minimum.

V. Main Findings

As indicated above, the final self-evaluation builds on the findings from the mid-term evaluation and complements them in regards of developments that occurred under the project since September 2017. Therefore, the findings section below briefly summarizes the findings from the mid-term evaluation per evaluation (in blue) before updating/complementing the findings.

Relevance

Mid-term evaluation finding: The mid-term evaluation considered that the project was relevant and well suited to the policies of the ILO, the Government and social partners of Lesotho. The relevance was assessed against the Lesotho United Nations Development Assistance (LUNDAP) Plan, the ILO Conventions, the Country Programme Outcomes, the Decent Work Country Programme 2012-2017 and the needs of the labour inspectorate, the Ministry of Labour and social partners.

Final evaluation finding

The Labour commissioner, the employers' organizations and workers' organizations re-confirmed that that labour inspection issues are a priority for them.

Validity of Design

Mid-term evaluation findings: A weakness was identified in the project design: assumption that the Ministry of Labour will be restructured and create a labour inspection unit. A lack of a risk mitigation strategy was also identified. However, the project was deemed creative in overcoming challenges faced. A no cost extension was requested but not granted at the time of the mid-term evaluation, creating uncertainty regarding the project total life span.

Final evaluation findings:

The Bureau of International Labor Affairs of USDOL (ILAB) published a competitive Funding Opportunity Announcement (FOA) to fund a technical assistance project in Lesotho to improve labour law enforcement on 4 September 2015. This notice already indicated the three main objectives of the project: 1) improved management of the labour inspectorate and systems for management and service delivery, 2) improved technical and management skills of the labour inspectorates' managers and inspectors, and 3) creation of a sustainable training program for new labour inspectors. However, no applicant (including the ILO) responded to this FOA. USDOL further considered the ILO as the only organization able to deliver this project on the ground and following ILO's agreement, directly awarded the project to the ILO at the end of December 2015, on the basis of a detailed budget narrative. This agreement forecasted an initial award of USD 500,000 within a 24-month period of performance (phase I) with the option of an additional award of USD 500,000 for an additional 24-month period of performance (phase II). The intent of Phase II was to ensure the continuation of Objective 2 and implementation of Objective 3. This second phase was contingent to funding availability and the determination by ILAB that a sufficient number of new

labour inspectors had been hired by the government to improve enforcement of labour laws (for a minimal total of 50 labour inspectors).

As the objectives of the project were defined by the donor before the ILO drafted the project document, there was limited room for the ILO to propose its own strategy to strengthen labour inspection in Lesotho. In addition, Objective 3 regarding the creation of a sustainable training programme for new labour inspectors was de facto excluded from the project (phase I).

Against this background, officials from the ILO Office in Pretoria conducted a scoping mission to Lesotho in early 2016 to discuss the development of the project strategy, reflected in a full fledge project document that was presented to the donor in April 2016.

The project started implementation when the national project coordinator came on board in August 2016. In November 2016, the project requested a 6-month no-cost extension to maintain an implementation period of two years. However, it took one year before a 3 month no-cost extension was finally granted by the donor on 15 November 2017. The project was designed to be implemented over a two-year period and not 20 months as it finally materialized.

In the meantime, the project coordinator was asked to accelerate implementation of activities (in case the NCE would not be granted), which resulted in “fatigue” from some of the project beneficiaries that have been asked to participate in project activities very regularly and had not sufficient time to measure the impact of these activities (products, trainings) on their everyday work.

The mid-term evaluation indicated a main weakness in the project design: the assumption that the Ministry of Labour would be restructured and would create a more autonomous labour inspection directorate, with its own resources. As of March 2018, the proposed new structure was still with the Human Resource department of the Ministry of Labour and Employment for finalization and submission to the Ministry of Public Service for endorsement. The implementation of this new structure would have probably had a positive impact on project delivery. However, it would probably not have been the key to the institutionalization of project products – one of the main issue faced by the project. Project tools and strategies could have been endorsed and operationalized following the Principal Secretary endorsement under the current Ministry structure.

The project was originally planning on developing an electronic Information Management System (IMS) for the labour inspectorate. However, following the conduct of a feasibility study it was considered unrealistic to develop such a system for the labour inspectorate unit in Lesotho as it proved to be too costly (lack of infrastructures and technology). In this context, the holding of a strategic compliance workshop³ was timely for the project to reorganize and prioritize project activities as it resulted in the creation of a paper based IMS. In this regard, the project was creative in overcoming shortcomings of the original project design by creating a manual case tracking management system.

³ This workshop provided the labour inspectorate with a new methodology to achieve compliance outcomes in light of limited resources and mismatched powers.

Effectiveness

Mid-term evaluation finding: An evaluation was conducted of the progress achieved against the indicators set up in the M&E framework. Some indicators were not available/updated to assess project progress at the time.

Mid-term objective 1- Improved management of the labour inspectorate

The expected new Labour Inspection Unit had not been created. The overall restructuring of the Ministry was awaiting approval by the Ministry of Public Service. However, the project had been effective in delivering on the related short term objectives: development of 6 labour inspection management tools, a compliance strategic workshop and excel-based tracking system for the inspectorate. These products were being rolled out at the time of the mid-term evaluation.

Final evaluation findings

The proposed new structure of the Ministry of Labour and Employment was not finalized as of early April 2018. It should create a separate Directorate for labour inspection, which would enhance independence of the LI. The proposed structure is under discussion with the Human Resources Department of the Ministry. This reform would have proven helpful for the project, as it would have given more autonomy to the inspectorate. However, the current system was not identified as the main reason that prevented decision making within the current inspection unit.

Six inspection tools (SOPs, code of conduct for labour inspectors, improvement notice, compliance order, prohibition notice and checklists) were developed, rolled out and compiled to form a toolkit the week before the self-evaluation field visit. This toolkit compiling the various tools will be distributed to all the labour inspectors and officers. However they still need to be cleared by the PS to be used as official tools.

A labour inspection plan was endorsed following the strategic compliance workshop. This plan sets targets regarding the number of inspections to be conducted (40 per year/per labour inspector) as well as four priority sectors: garment, retail, construction and security. The labour inspection plan was not shared with the evaluator but based on focus group discussions, the inspectors will not reach their target of 40 inspections. One of the reason preventing the inspections from taking place is the lack of transportation means (3 cars for the entire Ministry).

The inspection excel tracking system (each inspector has been provided with a sheet to capture inspections) has been finalized as an alternative to the Computerized Information System initially planned for the project. It will be in use as of April 2018 according to the inspections manager. A focal point to gather data on labour inspections and improve reporting both to the ILO and the social partners has been appointed and trained. However, gathering data on labour inspection can prove challenging for reasons linked to technology and due to the hierarchical flow of information within the Ministry.

The inspection manager together with the M&E officer have answered 2015 CEACR observations on ILO Convention No. 81.

The labour inspection strategy has been finalized with inputs from tripartite constituents. The strategy has to be approved by the PS and an implementation plan should be developed under the lead of the inspections manager.

Mid-term objective 2- inspections are conducted following an improved methodology

7 capacity building activities had been carried out. 90% of inspectors demonstrated improvements in relevant skills areas after completion of training modules. The adaptation of the training manual “Building modern and effective labour inspection systems” was underway.

Final evaluation findings

A total of 11 capacity building activities were conducted for labour inspectors and social partners under the project. They covered themes such as: OSH, International Labour Standards, HIV/AIDS and labour inspection and the informal economy. Inspectors recognized the quality/value of the various training activities they participated in. They reported being more capable to conduct inspection visits. The increased capacity of the inspectors were also noticed by the employers’ and workers’ representatives. Due to the short time frame of the project, inspectors reported that they did not have sufficient time to fully assess the impact of these trainings on their everyday work.

The scope of current inspections is largely limited to foreign-owned companies and the related issue of work permits, which is not aligned with the priorities agreed upon during the strategic compliance workshop.

All tripartite constituents recognized the improvement made thanks to the use of the new improvement notice developed under the project. This allows the inspectors to deliver their inspection reports to the employers on the spot and does not require the use of a computer and/or printer.

The adaptation of the training manual “Building modern and effective labour inspection systems” was finalized and handed over to the inspectorate. The tool could be used to institutionalize the labour inspection training programme. However, the training manual has not been rolled out.

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

The tripartite working group on labour inspection was created, but not as a sub-committee of the National Advisory Committee on Labour (NACOLA). However it was operational. The project supported the consolidation of various policies including the Draft Labour Inspection Policy into one labour policy. 3 awareness raising campaigns were successfully launched on employers’ and workers’ rights. The project also support the on-going national labour law reform process. Collaboration between the various Public Inspection Agencies in other Ministries had been fostered.

The tripartite Technical Working Group was established to guide project implementation and was scheduled to meet every three months. It was created as a platform for coordination and collaboration between the Ministry of Labour Employment, the other Ministries involved in law compliance issues and the social partners. The PS was supposed to chair the TWG but in practice the chair was the Inspections Manager.

The TWG was originally planned to be established as a subcommittee of t NACOLA. NACOLA is facing its own challenges and met only once in 2017. The TWG was not integrated as a subcommittee to NACOLA, but this was not the reason why it was not fully operational. Tensions broke within the group in 2016 due a decision made by the TWG later overthrown by the Ministry of Labour and Employment and interest in the TWG was progressively lost by the tripartite members.

In addition, the members of the TWG were informally consulted on the tools developed by the project, but not as a group as these tools had not been previously cleared by the PS. Consequently, the TWG did not play its role of advisory committee to the project.

Nonetheless, social partners were invited to participate in selected project activities including the strategic compliance workshop and were consulted for the development of the labour inspection strategy. In addition, tripartite constituents including representatives from other Ministries participated in a collaboration workshop which resulted in a number of specific proposals to improve collaboration and enhance labour law compliance. Draft MoUs were drafted with support of the project to implement some of these proposals, but the proposals were not put forward by MoLE.

Regarding increased awareness of workers' and employers' rights, 13 radio broadcasts were aired by the labour inspectors on four priority themes. 4 newspaper articles were also written. Suggestions on the topics to be covered were presented to social partners before the TWG but the project did not receive feedbacks.

Awareness raising posters and leaflets in the construction sector developed by ILO were adapted to the Lesotho context and were distributed to the OSH inspectors for them to disseminate when they go inspect workplaces in the construction sector.

Trade unions requested to take the lead on the development of promotional flyers to promote workers' rights but no product was delivered.

Efficiency

Mid-term: The internal management arrangements were judged adequate. The exact division of Labour between the ILO Pretoria Office and LABAMDIN/OSH Branch was perceived as sometimes unclear. The bureau for Employers' activities was not involved in project activities contrary to the bureau for Workers' activities. The Steering committee was not formed as a sub-committee of the Statutory National Advisory Committee on Labour (NACOLA) but as a technical working group. The

Director of the Pretoria Office played a supportive role to move forward with planned reforms. Financial resources were used adequately.

Final evaluation findings

Financial resources were used adequately and the delivery rate of the project should reach 94% of the project budget once all financial transactions are recorded in the ILO system. This delivery rate is highly satisfactory in the context of uncertainty related to the project implementation period highlighted in the validity of design section of the self-evaluation report.

The division of tasks between ILO units in Pretoria, the Regional Office for Africa (ROA) and ILO LABADMIN/OSH at HQ was sometimes unclear and resulted in some delays and contradictory advice to the project coordinator regarding implementation of activities. Confusion on the roles and responsibilities emerged regarding the provision of technical inputs on labour inspection and the coordination of the mid-term and final evaluations of the project.

The national project coordinator was based within MoLE. This was overall very positive as it fostered strong collaboration between the national project coordinator and the Ministry counterparts. However, the perception that the project coordinator was under the authority of the MOLE was felt by the social partners.

The project identified and trained a labour inspector on M&E techniques. This labour inspector was then in charge of following up on the M&E framework of the project. The project identified this strategy in its project document. However, the training of the relevant staff was carried out one year after the start of project implementation. It would have been more beneficial to draft the indicators with the M&E focal point at the beginning of project implementation

Sustainability

Mid-term: Important ownership of the project by national constituents was noted by the evaluator and a sustainability plan was already available. The project played a role in the advancements of the labour law review initiated since 2006.

A sustainability plan for the project was drafted late 2016 and shared with tripartite constituents. This is considered a good practice and is now a requirement for all USDOL funded projects. Unfortunately, the sustainability strategy was drafted by a consultant and not the tripartite constituents. In addition, the plan was communicated to the constituents but was not discussed and endorsed during a tripartite meeting. Therefore, the sustainability plan was not perceived by the constituents as an output they had the responsibility to follow up on.

A labour inspection strategy was drafted and inputs from the tripartite constituents were integrated in the strategy. The document must now be endorsed by the PS and an implementation plan to put the strategy in action should be drafted as soon as possible. The implementation of such a plan would be a good way to sustain the results achieved under the project.

The need for initial and professional training for labour inspectors is outlined in the labour inspection strategy. Having well trained/professional labour inspectors is key for a well-functioning inspectorate in the long-term. Ways to institutionalize training were discussed several times and the training manual “Building modern and effective labour inspection systems” was identified as the potential curriculum to build the training course on. The existing training programme and recruitment process for labour arbitrators was identified as an example to follow. The National University of Lesotho was identified as the institution in which the training programme should be delivered. As mentioned in the validity of design section, initial/professional training programme for labour inspectors was identified as an element of the potential Phase II of the project. This decision negatively impacted sustainability of Phase I as a standalone project.

An important tool to ensure sustainability of the project outputs was the Tripartite Working Group set up under the project. However, as mentioned above, most project outputs were not endorsed by the TWG limiting the ownership over the projects products.

However, it has to be noted that labour inspectors highly appreciated the approach taken under the strategic compliance workshop. Based on this workshop, labour inspectors developed their own tools based under ILO guidance and inputs. This bottom up approach ensured better ownership over the tools developed. This approach was preferred to the one constituting of the development of a tool by a consultant providing receiving inputs/comments from constituents.

The project provided financial support to the tripartite discussions on the labour law review. Consultations were held with the labour inspectorate, but there are still some concerns regarding the provisions related to labour inspection. A law establishing a strong, independent labour inspection system is fundamental to ensuring better compliance with labour laws. The current law review is an opportunity to make it happen.

Gender

Mid-term: The project supported one capacity building activity for labour inspectors on gender equality. The project design did not mention explicitly gender equality.

Even though gender equality was not mentioned specifically in the project design, it has to be noted that out of 37 labour inspectors/officers, 32 are women.

Since the mid-term evaluation, another activity on leadership and gender Conventions was carried out. The training resulted in the labour inspectors coming up with a vision for the inspectorate under the leadership component and was considered as an eye-opener by some of the labour inspectors.

Tripartism and Social dialogue

Mid-term review: An important component of the project has been building the capacity of the tripartite constituents. Tripartite constituents played an active role in the technical working group

set up under the project. Recommendations from the midterm evaluation were supposed to be shared with constituents.

As mentioned in the mid-term evaluation report, the project has been building the capacity of the tripartite constituents and a tripartite governance structure (through the Technical Working Group) was foreseen for the project. However, as mentioned in the effectiveness section, the TWG did not properly play its role as the tripartite project advisory committee and the employers representative regretted their lack of integration in the awareness raising activities implemented under the project.

International Labour Standards

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.

The issues dealt by the project are perfectly in line with the CEACR direct requests made to the Government in 2015. Unfortunately, most of the issues underlined by the CEACR are still pending based on the observations made during the field visit. The requests made by the ILO supervisory bodies are the following:

- *The Committee encourages the Government to submit a formal request for technical assistance relating to the revision of the national labour legislation, and to provide information on any measures taken to bring the national legislation into full compliance with the requirements of the Convention.*
- *The Committee requests the Government to provide information on the progress made with recruiting labour officers to assume conciliation duties and gradually relieving labour inspectors from these tasks.*
- *The Committee requests the Government to provide a copy of the labour inspection policy, once adopted, and information on other arrangements made to give effect to Article 5(b).*
- *The Committee requests the Government to provide detailed information on the content and duration of any training provided to labour inspectors, the number of inspectors that participated in this training and its impact on the effective discharge of their duties.*
- *The Committee requests the Government to provide information on the progress made in relation to the amendment of the Labour Code and other provisions establishing sufficiently dissuasive penalties for the violation of labour legislation, and to provide information on the impact of the activity of the newly appointed inspection manager on the effective enforcement of such penalties.⁴*

The labour inspectors have prepared and sent the regular report form for the Labour Inspection Conventions in 2017. The CEACR report will be published later in 2018 or early 2019.

⁴ For more details please see:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNT_RY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3239902,103188,Lesotho,2015.

VI. Conclusions

The project scope and objectives were fully relevant to address the challenges faced by the labour inspectorate in Lesotho. Two components would have been necessary in the project strategy to achieve more sustainable improvements: the introduction of initial and professional training for labour inspectors and activities aimed at strengthening the labour court system. However, the training of the labour inspectors was forecasted to be included in the second phase of the project, which did not materialize and could therefore not be included in this project. In addition, the project supported the ongoing labour law review, which is notably touching upon the issues of fines for breaches of the labour law.

The project invested a lot of energy into implementing capacity building activities and developing tools to support the work of the labour inspectorate. It found innovative ways to move forward with project implementation when encountering challenges. Overall, the project reached most of its short term objectives, including the development of management tools, of an information system and raising awareness of the mandate of the inspectorate. In addition, the project made a real effort to include tripartite constituents in the process. However, a clear bottleneck was identified: institutionalization of the project products, which prevented the project from fully reaching its objective and be sustainable. Political will and support is crucial to the success of a project aimed strengthening national institutions. The Ministry has not provided the means and resources necessary to the project to make it fully successful and the ILO, as well as the donor, did not manage to find efficient leverage points to secure political commitment.

VII. Lessons learned & emerging good practices

Lessons learned

- 1. Identify and act upon project governance issues early on in order not jeopardize the delivery of the project outputs**
 - The TWG was set up to provide technical guidance to the project notably regarding the implementation of the project workplan. However, tensions broke within the TWG and tripartite constituents progressively lost interest in this group. This negatively impacted the project as project tools were therefore not systematically reviewed and endorsed by all partners involved in the project.

- 2. Ensure sufficient time between trainings for beneficiaries to internalize knowledge gained in their everyday work and offer them the opportunity to express their additional needs to the project.**
 - If project implementation is too short and beneficiaries are required to participate in various trainings and activities too often, then there is a risk a “fatigue” from the

beneficiaries and they do not have sufficient time to gauge the impact of the training on their work and to adjust further training to fill remaining knowledge gaps.

Emerging good practices

- 1. Use of the ILO Approach to Strategic Compliance Planning for Labour Inspectorates to refine/reorient project strategies**
 - The holding of the strategic planning workshop was timely for the project to reorganize and prioritize project activities. This activity took place in a context where the project could not pursue its output related to the creation of an electronic management system for the inspectorate. The workshop provided the project with new suggestions to move forward on the achievement of the project objectives with the endorsement of the tripartite constituents.
- 2. Train a member of the inspectorate on M&E techniques and align indicators and targets for the project with indicators/targets of the inspectorate**
 - First, the training of a member of the inspectorate on M&E is beneficial to both the Ministry of Labour and the project as it enhances coherence between the strategies of the project and the inspectorate.
 - Second, it is beneficial to the project as it ensures that the indicators used are regularly updated and fully aligned with the Ministry priorities.
 - Third, it is beneficial to the inspectorate as it allows it to better report on its activities to the ILO and most importantly to MoLE management and the social partners. It therefore enhances the visibility and understanding of their mandate and of their performance.
- 3. Hold collaboration workshops to establish working relations between the various actors working on the labour market issues and propose/implement concrete MoUs**
 - Collaboration meetings between various ministries and institutions notably allows to identify common priorities, share knowledge/data, avoid duplication of work between institutions and often results in concrete suggestions to move forward on a given topic. Regarding labour inspection, inspectors rely on data collected by other institutions to fully implement their mandate (information related to health insurance, OSH, labour market statistics etc.)

VIII. Recommendations

Recommendations of the mid-term review

The next section is an update on the recommendations made under the mid-term review before moving to the recommendations specific to the final self-evaluation:

Continuous need for engagement from ILO at political level to support restructuring of Lesotho Ministry of Labour and Employment

The Director of the CO-Pretoria conducted a mission to Lesotho to secure political commitment and will in September 2017. Even after closure of the project, the ILO office in Pretoria and in particular the Senior Programme Officer in the Office will continue collaboration with the national constituents in the context of the development of the new Decent Work Country Programme.

Need for ILO to support finalization of ongoing Labour Law revision in Lesotho

The project financially supported the holding of tripartite meetings on the labour law review in Lesotho. In addition, the ILO office in Pretoria supported the holding of a retreat to the University of Cape Town (UCT) to get inputs from professors to facilitate the finalization of the Bill.

Importance of integrating the project's tripartite technical working group in the National Advisory Committee on Labour

As mentioned in the findings section, the National Advisory Committee has its own issues and the importance of bringing the TWG under NACOLA was not addressed by the constituents.

Relevance of mainstreaming gender in project design - NA

Value of Lesotho benefiting from knowledge sharing on labour inspection within SADC region

At the 2018 meeting of SADC Ministers for employment and Labour and social partners held in early March, the Ministers committed to establish a tripartite regional forum on labour inspection to share experiences and exchange information on best practices.⁵

Importance of facilitating practical implementation of labour inspection (e.g. transportation) - No improvement has been noticed.

Importance of identifying incentives for well-performing labour inspectors - Incentives such as importance of training and reclassification have been discussed and could be addressed through the institutionalization of training for labour inspectors and the restructuring of the Ministry.

Consideration of expanding labour inspection to informal sector - A training for labour inspectors on expanding labour inspections into the informal economy was coordinated by the project in February 2018. At the end of the workshop the inspectors formulated a plan on how to pilot expanding inspections into the informal economy. The draft labour law provisions also explicitly include the informal economy.

⁵ For more information on cooperation in the SADC region: <https://www.tralac.org/news/article/12814-2018-meeting-of-sadc-ministers-for-employment-and-labour-and-social-partners.html>

Recommendations from the final self-evaluation

Recommendations to the Ministry of Labour and Employment

- 1. Institutionalize the tools and labour inspection strategy developed under the project**
 - Endorsement of the 6 inspection tools by the PS should be made a priority. The Labour commissioner/inspection manager should secure a meeting with the Principal Secretary as soon as possible for presentation, comments and endorsement of these documents.
 - A realistic implementation plan to operationalize the labour inspection strategy should be developed by the labour inspection manager in close consultation with the labour commissioner. The labour commissioner should inform the PS regularly of the progress made.

- 2. Institutionalize initial and/or professional training for labour inspectors**
 - Well qualified labour inspectors are key to a well-functioning inspectorate. The first step has been undertaken by domesticating the manual “Building modern and effective labour inspection systems” under the project. The Ministry has to take the lead to enter into collaboration with the University of Lesotho. This proposal has been

- 3. Submit a brief to the Labour Commissioner summarizing the labour inspection views and suggestions on labour inspection provisions of the proposed revised labour law**
 - Inspectors have reported that they participated in the labour law review meetings in Maseru. However, there are still concerns regarding certain provisions related to the labour inspections provisions.

- 4. Redistribute project equipment to the labour inspectorate as soon as possible**
 - A new list of recipients for the equipment handed over by the Better Work programme should be drafted in collaboration between the labour commissioner and the labour inspection manager as soon as possible. The list should then be validated by the PS as soon as possible.

- 5. Secure access to vehicles for labour inspectors**
 - Lack of transportation for conducting labour inspection visits has been recurrent. Management within the Ministry should make sure that the inspectors have access to a means of transport to conduct visit.

- 6. Move forward with the redeployment of Ministry staff to the labour inspectorate to have a total of 50 labour inspectors/officers in the unit**
 - Staff to be redeployed has already been identified. Designation has to be made by the Ministry of Public service. The PS, through the Deputy PS has started negotiations with the Ministry of Public Service. However, the MoL still has to provide a training plan for this new inspectors before the redeployment.

Recommendations to the tripartite constituents

- 7. Revive the TWG to continue collaboration between the various Ministries and the social partners on the issue of inspection**
 - Concrete proposals have been made to enhance collaboration between the various ministries and the social partners (including the Ministry of Local Government and Ministry of Public works). One of the member of the TWG should be identified to take the lead on the initiative.
- 8. Reflect priority issues related to labour inspection in the Decent Work Country Programme**
 - The process of designing the Decent work Country Programme (DWCP) for the period 2019-2023 is ongoing. The Ministry of Labour and the social partners must make sure that their priorities in terms of labour inspection are well reflected in the proposed programme.

Recommendations to the ILO

- 9. Continue collaboration with the US Embassy in Maseru and other representations such as the EC**
 - The US Embassy in Maseru is interested in compliance issues within the framework of the AGOA as well as child labour issues. These themes are also priority areas for the ILO and collaboration between the ILO and the US could ensure better leverage within the national institutions
- 10. Deliver projects as One ILO**
 - Role of responsibilities among ILO staff in the DWT team, the Regional Office for Africa and the technical units in HQ shall be clarified from the start and clearly documented. This can be materialized through the organization of a meeting or joint mission at the beginning or project and/or through the conduct of joint annual project reviews.
- 11. Promote the production of project tools by the beneficiaries themselves**
 - Inspectors recognized the added value of producing their own tools under the facilitation of the ILO instead of being provided by a tool provided by a consultant on which they would have provided comments (bottom up approach).
- 12. Provide means of transportation for labour inspectors following financial commitment from the Ministry regarding maintenance, fuel, driver and insurance from the Ministry**
 - The project could support the provision of means of transportation at the beginning (buy or better repair) and secure formal commitment from the Ministry that they will provide maintenance and fuel as a prerequisite to ILO support.
- 13. Include a component on justice system in charge of labour cases in labour inspection projects**
 - Proper law enforcement cannot be achieved if the justice system is not functioning properly. A component on collaboration between the inspectorate and the justice system and/or on the capacity of the justice system to handle labour cases should be included in the design of labour inspection projects.

14. Conduct a follow up activity to the strategic compliance workshop

- The tripartite constituents recognized the value added of this activity on the project. It allowed the inspectors to develop their own tools (bottom up approach) instead of solely providing comments on products developed by consultants. It ensured ownership of the products. Project staff and the Ministry manifested their interest in following up on this experience to enhance the results achieved.

Recommendation to USDOL

15. Do not systematically hold ILO requests, while waiting for the host Government information/action

- USDOL/ILAB held the decision to grant the no cost extension request during its exchanges with MoE on the recruitment/reshuffling of MoLE staff to the labour inspectorate for one year. The political time is disconnected from the project implementation time and does not answer to the same incentives. This delay caused uncertainty, which negatively impacted the project as mentioned above. Consequently, even though these bilateral discussions between the USDOL and the Ministry were important they should have not held the decision to extend the project to make it fit its 2 year original implementation period. The no cost extension would not have prevented USDOL from providing funding for the second phase of the project starting in 2017 if necessary.

16. Reinforce communication/collaboration between USDOL in Washington D.C and the US Embassy in the country to enhance project results

- USDOL/ILAB works towards the implementation of the African Growth and Opportunity Act (AGOA) focusing in particular on the labour provisions of the Act.⁶ The US embassy in Maseru is also promoting trade in the framework of the AGOA. In this context, both institutions should collaborate to communicate more directly with the project beneficiaries in Lesotho.

⁶ For more information on USDOL/ILAB work on the AGOA: <https://www.dol.gov/agencies/ilab/our-work/trade/agoa>

IX. Annexes

Annex 1: Lesson learned templates

ILO Lesson Learned Template	
<p>Project Title: Strengthening Labour Inspection Lesotho Project TC/SYMBOL: LSO/15/02/USA</p> <p>Name of Evaluator: Justine Tillier Date: 29/03/2018</p> <p>The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.</p>	
LL Element	Text
<p>Brief description of lesson learned (link to specific action or task)</p>	<p>Identify and act upon project governance issues early on in order not jeopardize the delivery of the project outputs.</p> <p>A Tripartite Technical Working Group (TWG) was set up to provide technical guidance to the project notably regarding the implementation of the project workplan. However, tensions broke within the TWG and tripartite constituents progressively lost interest in this group. This negatively impacted the project as project tools were therefore not systematically reviewed and endorsed by all partners involved in the project. If the project coordinator had reported these difficulties earlier during the project implementation period, the ILO could have convened a specific session of the TWG to address internal issues or identified other avenues to make sure that tripartite constituents had an opportunity to comment on project outputs.</p>
<p>Context and any related preconditions</p>	<p>This situation took place in a context where social dialogue at the country level (within the National Advisory Committee on Labour) is difficult and where the outputs of the project were not cleared at the level of the Principal Secretary of Labour.</p>
<p>Targeted users / Beneficiaries</p>	<p>The lesson learned is intended to all staff working in the framework of development cooperation projects.</p>

Challenges /negative lessons - Causal factors	The project did not address these issues early on as the TWG still conducted meetings even though the outcomes of these meetings were not satisfactory. In addition, the project was not considered the reason why the TWG was not fulfilling its mandate.
Success / Positive Issues - Causal factors	
ILO Administrative Issues (staff, resources, design, implementation)	The issue is related to the governance structure of the project based on a tripartite technical working group. This TWG was supposed to guide the implementation of the project workplan, provide comments on products and endorse the outputs in a tripartite manner.

ILO Lesson Learned Template

Project Title: Strengthening Labour Inspection Lesotho

Project TC/SYMBOL: LSO/15/02/USA

Name of Evaluator: Justine Tillier

Date: 29/03/2018

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

LL Element	Text
Brief description of lesson learned (link to specific action or task)	<p>Ensure sufficient time between trainings for beneficiaries to internalize knowledge gained in their everyday work and offer them the opportunity to express their additional needs to the project.</p> <p>If project implementation is too short and beneficiaries are required to participate in various trainings and activities too often, this can cause a risk a "fatigue" from the beneficiaries and they do not have sufficient time to gauge the impact of trainings on their work and to adjust further training to fill remaining knowledge gaps.</p>

<p>Context and any related preconditions</p>	<p>The project started implementation when the national project coordinator came on board 8 months after the signature of the Agreement. The project rapidly proposed a 6-month no cost extension to maintain an implementation period of two years. However, there were many delays (1 year) before a 3 month no cost extension (NCE) was finally granted.</p> <p>In the meantime, the project coordinator was asked to accelerate the rate of activities (in case the NCE would not be granted), which resulted in "fatigue" from some of the project beneficiaries that have been asked to participate in project activities very regularly and had not sufficient time to measure the impact of these activities (products, trainings) on their everyday work.</p>
<p>Targeted users / Beneficiaries</p>	<p>The lesson learned is intended to all staff working in the framework of development cooperation projects.</p>
<p>Challenges /negative lessons - Causal factors</p>	<p>Delays in started up operations and granting a no cost extension created this situation.</p>
<p>Success / Positive Issues - Causal factors</p>	
<p>ILO Administrative Issues (staff, resources, design, implementation)</p>	<p>The late startup of operation was notably due to the fact that the project was awarded before a project document/strategy for the project was clearly articulated. In addition, the donor maintained uncertainty about the project implementation period for over a year.</p>

Annex 2: Emerging Good Practice Template

ILO Emerging Good Practice Template

Project Title: Strengthening Labour Inspection Lesotho
 Project TC/SYMBOL: LSO/15/02/USA

Name of Evaluator: Justine Tillier
 Date: 29/03/2018

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

GP Element	Text
<p>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</p>	<p>Use of the ILO Approach to Strategic Compliance Planning for Labour Inspectorates to refine/reorient project strategies.</p> <p>The holding of the strategic planning workshop was timely for the project to reorganize and prioritize project activities. This activity took place in a context where the project could not pursue its output related to the creation of an electronic management system for the inspectorate. The workshop provided the project with new suggestions to move forward on the achievement of the project objectives with the endorsement of the tripartite constituents.</p>
<p>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</p>	<p>In today's world of work, the traditional enforcement model - reactive and routine inspections - is no longer sufficient to achieve effective and efficient enforcement and sustained compliance. The emerging strategic compliance model developed by the LABADMIN/OSH Branch - proactive, targeted, and tailored interventions engaging multiple stakeholders - provides the labour inspectorate with a new methodology to achieve compliance outcomes in light of limited resources, mismatched powers and a need to shoulder greater responsibility for promoting compliance in the ever-evolving world of work.</p>

Establish a clear cause-effect relationship	The project could not implement its output related to the development of an electronic information system due to a lack of resources at national level. The project then implemented this tripartite workshop where participants actively sought other ways to promote compliance in this complicated context. As a result of this activity, the labour inspectorate developed a simple excel base management system as well as tailored paper-based inspection tools to be able to conduct inspection visits and has started using these new tools.
Indicate measurable impact and targeted beneficiaries	The inspectorate conducted 1385 inspection visits using the revised tools and provided the annual inspection report to the ILO at the end of 2017.
Potential for replication and by whom	This model can be replicated by ILO staff working on labour administration/inspection issues in developing countries.
Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	Outcome 7 - Promoting safe work and workplace compliance including in global supply chains.
Other documents or relevant comments	ILO Approach to Strategic Compliance Planning for Labour Inspectorates http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_606471.pdf

ILO Emerging Good Practice Template

Project Title: Strengthening Labour Inspection Lesotho

Project TC/SYMBOL: LSO/15/02/USA

Name of Evaluator: Justine Tillier

Date: 29/03/2018

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

GP Element

Text

<p>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</p>	<p>Train a member of the inspectorate on M&E techniques and align indicators and targets for the project with indicators/targets of the inspectorate.</p> <p>First, the training of a member of the inspectorate on M&E is beneficial to both the Ministry of Labour and the project as it enhances coherence between the strategies of the project and the inspectorate.</p> <p>Second, it is beneficial to the project as it ensures that the indicators used are regularly updated and fully aligned with the Ministry priorities.</p> <p>Third, it is beneficial to the inspectorate as it allows it to better report on its activities to the ILO and most importantly to MoLE management and the social partners. It therefore enhances the visibility and understanding of their mandate and of their performance.</p>
<p>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</p>	<p>The project identified this strategy in its project document. However, the training of the relevant staff was carried out one year after the start of project implementation. It would have been more beneficial to draft the indicators with the M&E focal point at the beginning of project implementation.</p>
<p>Establish a clear cause-effect relationship</p>	<p>This strategy reinforced ownership of the project within the labour inspectorate and motivated the labour inspectorate to collect data. The inspector trained was instrumental in drafting the country report to the CEACR.</p>
<p>Indicate measurable impact and targeted beneficiaries</p>	<p>The inspectorate conducted 1385 inspection visits using the revised tools and provided the annual inspection report to the ILO.</p>
<p>Potential for replication and by whom</p>	<p>This model can be replicated by ILO staff for a wide range of decentralized development cooperation project.</p>
<p>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)</p>	<p>Outcome 7 - Promoting safe work and workplace compliance including in global supply chains.</p>

ILO Emerging Good Practice Template

Project Title: Strengthening Labour Inspection Lesotho

Project TC/SYMBOL: LSO/15/02/USA

Name of Evaluator: Justine Tillier

Date: 29/03/2018

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

GP Element	Text
Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)	<p>Hold collaboration workshops to establish working relations between the various actors working on the labour market issues and propose/implement concrete MoUs.</p> <p>Collaboration meetings between various ministries and institutions notably allows to identify common priorities, share knowledge/data, avoid duplication of work between institutions and often results in concrete suggestions to move forward on a given topic. Regarding labour inspection, inspectors rely on data collected by other institutions to fully implement their mandate (information related to health insurance, OSH, labour market statistics etc.)</p>
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	<p>The project facilitated this workshop, which resulted in a list of concrete proposals to improve collaboration with other Ministries. The project even supported the Ministry staff to draft proposed MoUs. Unfortunately, these MoUs were not followed through by higher management within the Ministry. Therefore, it is crucial to secure political commitment from the beginning of the process for the Ministry management to gain ownership over the proposals and implement them.</p>
Establish a clear cause-effect relationship	<p>The draft MoUs were drafted as a follow up to the collaboration workshop.</p>
Indicate measurable impact and targeted beneficiaries	<p>Beneficiaries are the labour inspectorate as well as any institution that enters into collaboration with the labour inspectorate.</p>
Potential for replication and by whom	<p>This model can be replicated by ILO staff for a wide range of activities in developing countries.</p>

Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	Outcome 7 - Promoting safe work and workplace compliance including in global supply chains.
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Annex 3: List of interviewees

ILO headquarters (Geneva)

Laetitia Dumas, Senior Coordinator for development cooperation

Andrew Christian, Labour Inspection Specialist

DWT/CO-Pretoria

Mr Joni Musabayana, Director

Mr Siphon Ndlovu, Senior Programme Officer

ILO-Lesotho

Ms Lirontso Lechoba, National Project Coordinator

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 Nthabiseng Letsie, Labour Inspector/M&E Officer, Ministry of Labour and Employment

Ms Tefelo Maboe, District Labour Officer, Ministry of Labour and Employment

Ms. Malebie Lebie, Labour Inspector, Ministry of Labour and Employment

Mr. Mpho Manyeli, Labour Inspector, Ministry of Labour and Employment

Ms. Mampho Nkong, labour inspector, Ministry of Labour and Employment

Ms. Neoang Moabi, labour inspector, Ministry of Labour and Employment

Ms Kuenta 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

Social Partners

Ms. Malikhabiso Majara, Lesotho textile Exporters Association

Ms Lindiwe Sephomolo, Chief Executive Officer, Association of Lesotho Employers and Business

Mr. Daniel Maraisane, National Treasurer, Lesotho Labour Council

US Embassy in Maseru

Ms. Mamoabi Kolobe, Economic Specialist

USDOL/ILAB

Rakiyah Canty, International Relations Officer

Annex 4: Self-Evaluation ToRs



Final Self-Evaluation

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:	27 months, January 2016 – March 2018
Budget:	US\$500,000
Donor:	United States Department of Labour

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I. Background and Context

The project “strengthening Labour Inspection in Lesotho” funded by the United States Department of Labour (USDOL) has been implemented between January 2016 and March 2018 (but operations started in August 2016 with the recruitment of the project coordinator). This project built on the foundations of the Better Work project funded by USDOL that closed in 2015. It consisted of assessments, advisory services and training on issues such as supervisory skills, HR management, occupational safety and health, management systems, comparative Advantage / Organizational Capacity. Apart from core service delivery, the project also supported capacity building measures for stakeholders, including labour inspectors of the Ministry of Labour and Employment.

The project long term objective is to better equip the labour inspection system in Lesotho and the employers’ and workers’ organizations to achieve workplace compliance with labour laws and ratified ILO standards. In order to achieve this long term objective, the project sought to achieve the following **three immediate objectives**:

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

The project is decentralized and thus under the responsibility of the Director of the ILO Decent Work Team for Eastern and Southern Africa and Country Office for South Africa, Botswana, Lesotho and Swaziland. The project is managed by a national project coordinator based in Maseru and supported by an administrative and finance assistant based in Pretoria. In addition, the project receives support from a senior programme officer in Pretoria. The LABADMIN/OSH Branch in ILO HQ is in charge of the technical backstopping of the project.

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 has been the main vehicle for achieving Outcome 10 the Lesotho Decent Work Country Programme (2012-2017) - *Workers and enterprises benefit from good governance of the labour market - from effective labour administration and inspection services*. The project has also been the main vehicle for meeting the expectations of the ILO Country Programme Outcome aimed at strengthening workplace compliance in line with international labour standards (CPO LSO 152).

The project is fully aligned with the Sustainable Development Goal 8 “*Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*”. The project contributes to the priorities of the Lesotho United Nations Development Assistance Plan (LUNDAP) and is in line with the key priorities of the Ministry of Labour identified in 2016 following a strategic planning exercise.

The final self-evaluation will be carried out by the technical backstopping unit (LABADMIN/OSH Branch), in close collaboration with the project officer, the ILO DWT for Eastern and Southern Africa and Country Office for South Africa, Botswana, Lesotho and Swaziland, and the ILO Regional Office for Africa.

The project underwent an internal mid-term evaluation in September 2017. Given the short time lapse between the mid-term and the final evaluation of the project, the self-evaluation will mainly focus on analysis and follow-up from the mid-term evaluation to provide recommendations to sustain results achieved under the project.

II. Purpose, scope and clients of the evaluation

1. Purpose

The final self-evaluation serves two main purposes:

- iii. Update the mid-term evaluation findings related to:
 - The assessment of the level of achievement of the project objectives at output and outcome levels; the strategies and implementation modalities chosen; partnership arrangements, constraints and opportunities
 - Lessons learned and good practices
- iv. Provide recommendations to sustain results achieved under the project for future similar projects (notably based on the mid-term evaluation recommendations)

2. Scope of the evaluation

The scope of the evaluation covers the full project period from January 2016 – March 2018. The evaluation will notably assess progress against all outputs produced since the mid-term evaluation and assess the overall level of achievement of the three immediate outcomes.

3. Client of the evaluation

The primary clients of the evaluation include the constituents of the ILO (represented by the Project Advisory Committee), project partners and stakeholders, the project management unit, the ILO Office in Pretoria, the LABADMIN/OSH Branch in Geneva and USDOL. The findings and recommendations of the evaluation will be used by the ILO and national tripartite constituents and possibly USDOL to contribute towards the sustainability of the project outcomes.

III. Evaluation Questions

The evaluation will update the findings of the mid-term evaluation on the following 7 evaluation criteria and themes: relevance, effectiveness, validity of design, efficiency, sustainability, gender and social dialogue and tripartism.

In addition, the final self-evaluation will follow-up on lessons learned and recommendations from the mid-term evaluation.

1. Findings update

a) Relevance

Mid-term evaluation: The mid-term evaluation considered that the project was relevant and well suited to the policies of the ILO, the Government and social partners of Lesotho. The relevance was assessed against the Lesotho United Nations Development Assistance (LUNDAP) Plan, the ILO Conventions, the Country Programme Outcomes, the Decent Work Country Programme 2012-2017 and the needs of the labour inspectorate, the Ministry of Labour and social partners.

No update questions

b) Effectiveness

Mid-term evaluation: An evaluation was conducted of the progress achieved against the indicators set up in the M&E framework. Some indicators were not available/updated to assess project progress at the time.

Mid-term objective 1- Improved management of the labour inspectorate

The expected new Labour Inspection Unit had not been created. The overall restructuring of the Ministry was awaiting approval by the Ministry of Public Service. However, the project had been effective in delivering on the related short term objectives: development of 6 labour inspection management tools, a compliance strategic workshop and excel-based tracking system for the inspectorate. These products were being rolled out at the time of the mid-term evaluation.

Mid-term objective 2- inspections are conducted following an improved methodology

7 capacity building activities had been carried out. 90% of inspectors demonstrated improvements in relevant skills areas after completion of training modules. The adaptation of the training manual “Building modern and effective labour inspection systems” was underway.

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

The tripartite working group on labour inspection was created, but not as a sub-committee of NACOLA. However it was operational. The project supported the consolidation of various policies including the Draft Labour Inspection Policy into one labour policy. 3 awareness raising campaigns were successfully launched on employers’ and workers’ rights. The project also support the on-going national labour law reform process. Collaboration between the various Public Inspection Agencies in other Ministries had been fostered.

Update questions:

- Did the changes in leadership positions at the Ministry of Labour resulting from the elections impact project implementation? (lack of awareness of the project, shift in Ministry priorities etc.)?
- It was forecasted in the project document that an M&E officer from the Ministry of Labour would be seconded to work on the project? What was the contribution of the Ministry official to the project?
- Were the indicators of the project updated? Were they relevant to measure project results?

- Were there any progress regarding the creation of the Labour Inspection Unit within the Ministry?
- What was the impact of the project tools developed and piloted on the labour inspection system of Lesotho?
- Was there any follow up to the compliance strategic planning workshop? If not, why? If so, discuss impact.
- Have there been any improvement regarding the transportation issue faced by the inspectors?
- Was the adaptation of the LI training manual “Building modern and effective labour inspection systems” completed? If so, are there mechanisms, plans and resources in place to institutionalize this training manual?
- Was a consolidated Labour Policy adopted at national level? If so, are there signs it is being implemented? If not, what barriers preclude this?
- Has there been any progress on the mandate of the tripartite advisory committee of the project in relation to the tripartite National Advisory Committee on Labour?
- Was there any downside to the tripartite working group not being part of NACOLA? What prevented it from happening?
- How effectively were external partners/stakeholders identified and utilized/brought into the project?

c) Validity of Design

Mid-term: A weakness was identified in the project design: assumption that the Ministry of Labour will be restructured and create a labour inspection unit. A lack of a risk mitigation strategy was also identified. However, the project was deemed creative in overcoming challenges faced. A no cost extension was requested but not granted at the time of the mid-term evaluation, creating uncertainty regarding the project total life span.

Update question:

- What was the effect of the late granting of the no cost extension request in terms of work-planning, communication with national stakeholders and project delivery?

d) Efficiency

Mid-term: The internal management arrangements were judged adequate. The exact division of Labour between the ILO Pretoria Office and LABAMDIN/OSH Branch was perceived as sometimes unclear. The bureau for Employers’ activities was not involved in project activities contrary to the bureau for Workers’ activities. The Steering committee was not formed as a sub-committee of the Statutory National Advisory Committee on Labour (NACOLA) but as a technical working group. The Director of the Pretoria Office played a supportive role to move forward with planned reforms. Financial resources were used adequately.

Update questions:

- Was any activity organized in collaboration with the bureau for Employers’ activities since the mid-term evaluation?

- Was there any improvement regarding the clarification of roles and functions and collaboration between the project, the LABADMIN/OSH Branch and the ILO Pretoria Office?
- What is the final delivery rate of the project (project allocation against actual expenditures)?

e) **Sustainability**

Mid-term: Important ownership of the project by national constituents was noted by the evaluator and a sustainability plan was already available. The project played a role in the advancements of the labour law review initiated since 2006.

Update questions:

- What steps have been undertaken by the project, as well as the national constituents to implement the sustainability and exit strategy of the project?
- What is the current status of the labour law review?
- How will the project's results feed into the upcoming ILO Decent Work Country Programme 2018-2022?
- To what extent have local/national resources been identified to implement activities in this regard?
- Is a new LUNDAP under development? Will the priorities of the project be integrated in the new plan?
- Will the technical working group on labour inspection continue to exist after project closure? What are the steps necessary to make it happen (time, resources, focal point etc.)?
- What further concrete steps can be taken to ensure sustainability (expect ILO direct financial support) - This can include regular high level follow up with the Ministry of Labour by the Director of the ILO Pretoria Office, institutionalization labour inspectors training programmes, wide dissemination of awareness raising products etc.

Additional questions based on the sustainability strategy adopted in December 2016

- Were any actions taken by the Human Resources of the Ministry to set up a sustainable performance management system?
- Was a tripartite training team responsible to implement training on labour inspection set up? If not, would it be possible to set it up now using the inspectors that have been the most involved in ILO training activities?
- Was a MoU or any other sort of collaboration built with institutions to offer a certified programme on Labour Inspection?
- Were any contacts established with the African Regional Labour Administration Centre (ARLAC)?
- Were tripartite discussions carried out about the revival of the Institute of Labour Studies as a standalone centre for labour studies or as a unit under the National University of Lesotho?
- Have any outside resources been identified or how the Ministry will fund ongoing training?

f) Gender

Mid-term: The project supported one capacity building activity for labour inspectors on gender equality. The project design did not mention explicitly gender equality.

Update questions:

- Were there any steps taken towards mainstreaming gender issues within the project since the mid-term evaluation?

g) Tripartism and Social dialogue

Mid-term review: An important component of the project has been building the capacity of the tripartite constituents. Tripartite constituents played an active role in the technical working group set up under the project. Recommendations from the midterm evaluation were supposed to be shared with constituents.

Update questions:

- Were the recommendations from the mid-term evaluation shared with tripartite constituents and were specific recommendations addressed in a tripartite manner? what were the outcomes and reactions? How were the tripartite constituents identified? Were they the same throughout the project ? (referring to the emergence of RemMoho).

2. Follow up questions to lessons learned from the mid-term evaluation

Key lessons learned from the mid-term evaluation:

The project needs support from the Director of the ILO Office in Pretoria to secure political commitment and will. The Labour Court is understaffed but an announcement of additional recruitment was made. Shift from quantitative to qualitative labour inspections was notice. A proposal raised in the project exit strategy to revive the Institute of Labour Studies at the University of Lesotho as a source of recruitment of inspectors was highlighted in the evaluation interviews was made.

Follow up questions:

- Did the Director of the ILO Pretoria office (or another senior official) maintain regular contact or conduct a mission to Lesotho to support the project's intervention and secure political commitment recently? What was the nature of the engagement? Outcomes? Effects on the project?
- What tangible elements show that labour inspectors are now more capable to conduct quality oriented inspections? How can this trend be further secured?
- Were the additional staff of the Labour Court mentioned above recruited? Has the ILO supported action on this matter?
- Has there been any improvement in the case load of the Labour Court?

- Has there been any follow up regarding the reviving of the Institute of the Labour Studies since the mid-term evaluation?

3. Follow up questions to recommendations from the mid-term evaluation

- 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

Follow up questions

- What were the actions taken by the project and the national stakeholders to address these recommendations?
- How did the project decide to prioritize some of these aspects (this could be related to financial resources and time available)?
- Are there some points missing in this overview?

IV. Methodology

The final self-evaluation will be conducted in three steps:

1. Document review
2. Key Informant Interviews: including ILO staff in Maseru and Pretoria, interviews with the Ministry of Labour and Employment Inspectorate management i.e. Labour Commissioner, Inspections Manager, Interviews with labour inspectors, Interviews with employers representatives, Interviews with workers representatives, Interviews with relevant representatives of project partners, interviews with USDOL staff and US Embassy representative in Maseru.
3. Stakeholder review workshop: One stakeholder review workshop will be organized at the end of the field visit to present preliminary findings of the evaluation, and collect data as inputs for the stakeholders' analysis. The workshop will be facilitated by the ILO HQ officer in her role of facilitator of this self-evaluation.

V. Outputs and Timeline

The evaluator will provide the following main outputs:

- A stakeholders' workshop (Week 26-30 March)
- A final report based on the mid-term evaluation findings and completed with the additional information collected during the field visits on the 7 evaluation criteria and themes, the lessons learned, good practices and the recommendations, and analysis by stakeholders during the workshop (draft version by 13 April – final version incorporating comments by 4 May)
- An executive summary

The expected structure of the final report is as follows. The report should be 20 pages maximum excluding annexes

- Executive Summary
- Description of the Project
- Purpose, scope and clients of evaluation
- Methodology (and methodological limitations)
- Findings (organized by evaluation criteria)
- Recommendations (including to whom and timeline)
- Lessons learned and good practices

Annexes

- List of Interviewees
- Schedule
- Documents reviewed
- TORs
- Lessons Learned
- Good practices

VI. Management Arrangements

The final self-evaluation will be facilitated by Justine Tillier, Technical Officer in the LABADMIN/OSH Branch that is backstopping the project, with guidance from the EVAL focal point of Governance Mr. Ricardo Furman in collaboration with the Senior Programme Officer, DWT/CO Pretoria.