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FINAL EVALUATION

SUPPORTING RESPECT FOR THE WORKING CONDITIONS OF WORKERS IN THE AGRO-EXPORT SECTOR IN GUATEMALA

November 2022

Grantee: International Labor Organization (ILO)

Project Duration: October 2018– December 2022

Fiscal Year and Funding Level: FY 2018 -2022: US\$ 2,575,652.84

Evaluators: Rafael Munoz-Sevilla (lead) & Ricardo Zepeda

Evaluation Fieldwork Dates: September 19 – October 7, 2022

ACKNOWLEDGEMENT

This report describes the final evaluation of Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala project. Fieldwork for this evaluation was conducted during September 2022. Sistemas, Familia y Sociedad Ltd. (SFS) conducted this independent evaluation in collaboration with the project team and stakeholders, and prepared the evaluation report according to the terms specified in its contract with the United States Department of Labor. The evaluation team would like to express sincere thanks to all parties involved for their support and valuable contributions.

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Funding for this evaluation was provided by the United States Department of Labor under contract number 47QRAA20D0045 task order number 1605C2-22-F-00012. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

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LIST OF ACRONYMS

ACTEMP	ILO's Employers' Activities Branch
ACTRAV	ILO's Workers' Activities Branch
AGEXPORT	Guatemalan Association of Exporters
CABI	Central American Business Intelligence
CACIF	Coordinating Committee of Agricultural, Business, Industrial and Financial Associations
CAFTA-DR	Dominican Republic-Central America Free Trade Agreement
CAMAGRO	Chamber of Agriculture
CODECA	Comité de Desarrollo Campesino
CSR	Corporate social responsibility
DISI	MOL's Dirección de Sistemas de Información
ECMS	Electronic Case Management System
ENEI	National Employment and Income Survey
ET	Evaluation Team
FOA	Funding Opportunity Announcement
FGD	Focus Groups Discussions
GLI	General Labor Inspectorate
ILO	International Labor Organization
ILS	International Labor Standards
IE	Interim Evaluation
IRIS	ILO's Integrated Resource Information System
KII	Key Informant Interviews
LABADMIN/OSH	ILO's Labor Inspection and Occupational Safety and Health Branch
LINA	Labor Inspection Needs Assessment
LTO	Long Term Objective
M&E	Monitoring and Evaluation
MOL	Ministry of Labor
MPG	ILAB's Management Procedures & Guidelines for Cooperative Agreements
OSH	Occupational safety and health
PMP	Performance Monitoring Plan
ProDoc	Project document
RF	Results Framework
SCP	Strategic Compliance Plan

TCO	Total cost of ownership
TOR	Terms of Reference
TPRs	Technical Progress Reports
UDEO	Universidad de Occidente
USDOL	United States Department of Labor

EXECUTIVE SUMMARY

BACKGROUND AND PROJECT DESCRIPTION¹

The agricultural export (agro-export) sector is a pillar of Guatemala's economy and an important source of employment. Frequent complaints by workers in this sector and violations cited by labor inspectors are non-compliance in the areas of acceptable conditions of work (minimum wage, working hours, and occupational safety and health [OSH]). Non-compliance with labor rights continues notably due to ineffective enforcement of labor legislation by both administrative and judicial institutions. The decline in inspectors is at least in part attributed to the Labor Inspectorate having no system for professional advancement, performance evaluation, or other measures to motivate labor inspectors to continue employment, learning, or improvement.

In 2018, ILAB awarded the International Labor Organization (ILO) a three-year, \$2.5 million cooperative agreement for the 'Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala project'. The project was extended by one year and two months and is scheduled to close on December 31, 2022.

The project objective is improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector, and the high level goal for this project is that workers in Guatemala receive at least the minimum wage, working within legal limits for working hours, receive due compensation for overtime and operate in a safe and healthy working environment. To meet the project objective, the project developed two long term objectives (LTOs), with corresponding medium term objectives (MTOs). LTO 1 is: 'Increased effectiveness of labor inspections related to acceptable conditions of work' and LTO 2 is: 'Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work'.

The project's theory of change is that if the institutional capacity of the Labor Inspectorate and the Judiciary Branch on supervising and enforcing sanctions against labor violations are improved, then compliance with the labor law in the agricultural export sector will increase, and then workers in the agricultural export sector will work under acceptable conditions of work.

KEY EVALUATION RESULTS

RELEVANCE: The project was pertinent in responding to the needs of the different stakeholders, especially the Ministry of Labor (MOL)/General Labor Inspectorate (GLI) and the Judiciary, and the employers' organizations. However, the project's design as well as its focus on workers' organizations has been limited. In addition, the project has been flexible to adapt to changes in the context and to the varying needs and demands of project partners and managed to remain relevant through sustained engagement with stakeholders (especially MOL/GLI, the Judiciary and employers' organizations).

COHERENCE: The project is aligned with the priorities and policies of both, the Government of Guatemala and the MOL. In addition, it is important to underline that despite the changing priorities of the consecutive authorities in both the government and the MOL the project has had, and continues to have, the support from the Ministry's leadership.

¹ Adapted from the ILO Project Document

EFFECTIVENESS: With regards to **LTO 1**, the project developed a series of key products with high potential for improving the capacity of the Labor Inspectorate to effectively manage worker complaints following the 2017 Labor Code Reform. Most of such products were shaped within the framework of supporting the development of the Electronic Case Management System (ECMS). The ECMS was presented in September 2022 by the Vice-Minister of Labor and the project team to the 22 GLI Departmental Delegates and a number of Labor Inspectors in a workshop held in the city of Antigua.

Regarding **LTO 2**, Judges are found to have improved their knowledge on labor legislation, and most importantly, they have managed to harmonize jurisprudence criteria to uphold appropriate sanction resolutions for violations of acceptable conditions of work either through administrative procedures or through litigation in the courts. However, the extent to which this has contributed to judges upholding appropriate administrative sanction resolutions for violations of acceptable conditions of work remains unknown.

Despite the project's noted contributions to both LTOs, the ET could not yet find any evidence of any specific project contribution towards *"improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector"*. However, the achievement of the project's objective should be understood as a strategic longer-term goal.

EFFICIENCY: the project has been able to provide effective support to country stakeholders and has delivered most of the expected key outcomes with relatively limited funding and project staff and in a very challenging context. The ET concluded that the project has been implemented with an efficient use of resources.

Regarding the use of an outcomes-based budget (OBB) by the project, ILO made use of an OBB, ILO's *Integrated Resource Information System (IRIS)*. However, due to different project modifications, the IRIS is not yet fully aligned with the project's approved budget. In this regard the project hasn't yet been able to accurately track the planned vs. actual cost per outcome as defined in the USDOL approved budget. Additionally, the project didn't have access to budget information to know how much budget existed for particular activities. In this regard, some stakeholders opined that these factors could have negatively affected the project's ability to efficiently plan and implement activities. Moreover, the external audit report indicated that improved work plans and updated budget lines for each activity were necessary to improve monitoring of project performance, accomplishments, and eventually facilitate an improved financial delivery (Page 14)

Among the key strengths in project implementation, many stakeholders underlined the professionalism and qualifications of project staff and consultants. Also, several informants made reference to the contractor's (GLORSYS) highly quality technical capacities in developing the ECMS. Moreover, project staff, consultants and GLORSYS have demonstrated considerable flexibility to address the changing needs and demands of stakeholders. On the other hand, the ET found some weaknesses and areas that need improvement, the most salient being the (low) staffing level for the project; and, weaknesses in the project monitoring.

IMPACT: The ET was able to confirm some changes that have occurred in stakeholder policies/programs and resource allocation as a result of project activities, for example: the project drafted a Proposal for the Reform of the Internal Organic Regulations of the MOL; a new organization chart, procedures and workflows for the GLI were developed by the project; the Supreme Court of Justice approved the harmonized criteria proposed by the Judicial Branch in relation to the enforcement of labor regulations contained in Legislative Decree 7-2017; five

Sectorial Human Rights policies were developed by the project for five sectors (coffee, bananas, agrochemicals, rubber and livestock); the MOL/GLI purchased IT equipment (according to the technical specifications provided by the project) for 20 Departmental Delegations in order to support the ECMS deployment.

In addition the ET found that the implementation of the ECMS can potentially contribute to: Improving labor inspection processes in Guatemala; strengthening the overall efficiency and effectiveness of labor inspection; reinforcing labor inspectors' supervision, management and performance; obtaining real-time data/statistics; improving labor administration planning and policy decisions, based on objective and reliable data; increasing the transparency of the Labor Inspectorate; and facilitating the application of the appropriate sanctions in case of labor violations.

SUSTAINABILITY: The project management developed an Updated Sustainability Plan (October 2022). However, in the ET's opinion, the sustainability plan lacks clarity as to what exactly is expected to be sustained beyond the duration of the project, and how sustainability would be achieved. Moreover, the project has not developed a clear exit strategy, which would identify how the transfer of responsibilities from the project to the national partners is intended to take place.

With regard to **LTO 1**, concerning the activities that have been developed with the MOL/GLI, sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as well as the deployment of the ECMS before the next election process, which is currently foreseen for September 2023 (please refer to the Sustainability section for further details). While there is sufficient political will, the MOL currently does not have the required technical capacities and financial resources to be able to ensure the ECMS implementation. Continuing external support from USDOL, ILO and GLORSYS is therefore still needed.

Concerning the development of sector-related policies, it seems reasonable to expect that employers will continue with the development human rights policies in the near future. Nevertheless, external support may be relevant in order to scale-up (sectors, businesses, value chains) and to expedite necessary policy development and adoption processes across other sectors.

As for workers organizations, it is necessary to reinforce the capacities of workers and workers' organizations, and to assist them in gaining access to resources that are already available to them in both administrative and judicial institutions, and to increase the effective use of such resources, for instance with regard to the filing of complaints in relation to violations of labor rights.

With regards to **LTO 2**, the project has achieved important results in strengthening the capacity of judges to issue well-founded decisions. Nevertheless, additional external support to improve the quality of judicial processes in labor courts will be needed.

Ultimately, much of the project success and sustainability will directly depend on the political will that exists at the different levels to continue to support the reinforcement of the Labor Inspectorate, as well as to effectively enforce the labor law regulations.

Table 1. Performance Summary

Performance Summary	Rating
LTO 1: Increased effectiveness of labor inspections related to acceptable conditions of work	

Performance Summary	Rating
<p>The project delivered a series of key products, including the ECMS, with high <u>potential</u> for improving the capacity of the Labor Inspectorate to effectively manage worker complaints following the 2017 Labor Code Reform.</p> <p>Sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as well as the deployment of the ECMS before the next election process, which is currently foreseen for September 2023. While there is sufficient political will, the MOL currently does not have the required technical capacities and financial resources to be able to ensure the ECMS implementation.</p>	<p>Low Moderate Above-Moderate High</p> <p>Achievement</p> <p>Sustainability</p>
LTO 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work	
<p>Judges are found to have improved their knowledge on labor legislation, and most importantly, they have managed to harmonize jurisprudence criteria to uphold appropriate sanction resolutions for violations of acceptable conditions of work either through administrative procedures or through litigation in the courts. However, the extent to which this has contributed to judges upholding appropriate administrative sanction resolutions for violations of acceptable conditions of work remains yet unknown.</p> <p>With regards to sustainability, additional external support to improve the quality of judicial processes in labor courts will be needed.</p>	<p>Low Moderate Above-Moderate High</p> <p>Achievement</p> <p>Sustainability</p>

LESSONS LEARNED

Lesson Learned 1 – Interventions aimed at promoting compliance/adherence to regulations on working conditions usually require a significant amount of time and resources, as they call for transformative and systemic changes. USDOL and the grantees should be prepared to engage with national partners (e.g. MOL, judiciary, workers, and employers) during a prolonged period of time. Especially when supporting the improvement of working conditions / compliance with labor law legislation in countries with limited inspection, enforcement and judicial capacities.

Lesson Learned 2 - Risk assessment and mitigation strategies for the project. Sound risk assessment and mitigation measures need to be established in the projects’ design stage, and these should be updated during project implementation. Additionally, in complex situations, it may be necessary to reformulate the project to adapt to the changing context. This requires significant flexibility from both ILAB and from the grantees, in allowing for relevant and necessary adjustments when necessary.

Lesson Learned 3 - Project management skills. Overall, strong management skills, as well as good communication and coordination skills, are necessary for the project management to provide adequate technical assistance based on the implementation capacities and timelines of project partners (including governments). Additionally, project teams of projects that seek to strengthen labor inspection require qualified staff with sound knowledge of labor inspection and labor legislation.

Lesson Learned 4 - Project implementation must be guided by sound monitoring processes, to ensure that information about results is used in real time, to improve decision-making. Monitoring should be used for more than writing mandatory reports required by ILAB. A good monitoring system is useful as a tool that can assist management with the identification of problems, before or as they occur, and allow for quick corrective actions when required.

Lesson Learned 5 - Participation of the labor inspectorate staff in capacity building activities. Ideally, participation in capacity building activities for labor inspectors, departmental delegates and other relevant MOL/GLI staff should be compulsory. In addition, capacity building activities are found to be more effective when carried out in person rather than online.

PROMISING PRACTICES

Promising Practice 1 – Flexibility, capacity to adapt and sustained engagement with project partners were instrumental in project implementation. The project team demonstrated considerable flexibility, resulting in the adaptation of different components of the project, in order to meet the changing requirements of the MOL. This resulted in the continued provision of relevant support to the GLI, and allowed for the development of the ECMS. Additionally, the sustained engagement of the project with the judiciary and the employers' organizations has been conducive to support overall project implementation.

Promising Practice 2 – Participatory approaches were effective throughout the development of the ECMS. The project team, Departmental Delegates, Labor Inspectors, the Vice-Minister of Labor Office, and the General Labor Inspector collaborated in both the design and development of the ECMS. Such participatory approaches allowed for a better alignment of the ECMS with the requirements of the MOL and generated ownership among the MOL leadership, departmental delegates and labor inspectors.

Promising Practice 3 – The project combined diverse expertise from various fields to deliver a high-quality ECMS. While designing and developing the ECMS, the Project was able to tap into a range of areas of expertise. As a result the project was able to deliver a high-quality operational ECMS with capacity to effectively respond to current standards and needs of the MOL/GLI.

CONCLUSIONS AND KEY RECOMMENDATIONS

CONCLUSIONS

At its inception, the project faced multiple challenges and delays. However, it has been flexible to adapt to changes in the context and to the varying needs and demands of project partners; and at the same time, managed to remain relevant. The extensions awarded by USDOL allowed the project to compensate for the initial delays as well as to finalize/deliver a series of key products, including the ECMS. However, the sustainability of the ECMS will largely depend on its effective deployment before the next election process, which is currently foreseen for September 2023.

While there is sufficient political will within the current leadership, at present the MOL does not have the required technical capacities and financial resources to be able to ensure the ECMS implementation. Additionally, the ECMS implementation will require substantial capacity building at all levels and continued technical support from the IT specialists who developed the system. Therefore, external support from USDOL, ILO and GLORSYS is still needed in order to implement the ECMS.

The evaluation found some weaknesses in the Project's M&E Plan which undermined the project's monitoring of performance and financial delivery. The monitoring of project performance and

financial delivery should be improved by the ILO in the future. In addition, the project's sustainability plan needs to be reinforced and also include a clear exit strategy.

KEY RECOMMENDATIONS

Table 2. General Recommendations - For USDOL ILAB

Recommendations to USDOL/ILAB	Evidence	Page numbers
No.1. Project staff: in future Funding Opportunity Announcements (FOA) USDOL-ILAB should ensure that the staffing provisions will be sufficient to carry out complex projects.	The project design reflects an overly complex intervention and establishes very ambitious objectives that had to be implemented/achieved in a short time with very limited financial and human resources	Section 3.4. Efficiency. EQ 5, page 39.
No.2. OTLA M&E team and project managers should work more closely together on the review of monitoring plans and progress during implementation.	The absence of an M&E focal point has stalled the accomplishment of the related M&E activities such as the preparation and submission of appropriate M&E tools, i.e., the PMP and its data tracking table, as well as work plans, which are critical in determining the progress of the activities, delivery of outputs and achievement of outcomes	Section 3.4. Efficiency. EQ 9, page 39

Table 3. General Recommendations for USDOL ILAB and the Implementer

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
No.3. Provide continued assistance to the MOL/GLI in the implementation of the new inspection procedures and workflows and the ECMS in the country. In the short term, it is recommended that the ILO and USDOL provide continued assistance to the MOL/GLI in the following: i) <u>the implementation of the new inspection procedures and workflows;</u> and ii) <u>the implementation of the ECMS.</u>	Sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as well as the deployment of the ECMS before the next election process. External support from USDOL, ILO and GLORSYS is therefore still needed.	Section 3.6. Sustainability. EQ 12&13. Page 53
No.4. Support workers and workers' organizations. <u>In the future/through other projects</u> it would be worthwhile to provide support to workers and workers' organizations (representing both workers at the formal and informal sector) especially at the grass-root levels.	Effective and sustainable labor law compliance interventions will need the active participation of workers	Section 3.6. Sustainability. EQ 12&13. Page 53
No.5. Continue to support employers' organizations. <u>In future projects or through other projects</u> provide support to employers' organizations in scaling up their human rights policies to other sectors and/or among affiliated businesses as well as throughout their value chains.	Employers' representatives interviewed by the ET manifested that external support may be relevant in order to scale-up (sectors, businesses, value chains) and to expedite necessary policy development and adoption processes across other sectors.	Section 3.6. Sustainability. EQ 12&13. Page 53
No.6. Continue to provide support to improve the quality of judicial processes in labor courts. <u>In the future/through other projects</u> it would be worthwhile providing technical and	Additional external support to improve the quality of judicial processes in labor courts will be needed. Such support should include, for example, additional	Section 3.6. Sustainability. EQ 12&13. Page 53

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
financial assistance to the Judicial School for the development of a continuous training program for judges at the Labor and Social Welfare Courts.	training through the Judicial School on the Labor Code reform; etc.	
No.7. Gender mainstreaming. <u>In future projects USDOL and ILO</u> (and/or other grantees) should design gender strategies aiming at favoring equal protection of women's rights.	The ET was not provided with any evidence of the project in intentionally mainstreaming gender throughout its activities.	Section 3.3. Effectiveness. EQ 7, page 41

Table 4. Specific Recommendations- for the Implementer

Recommendations to the Implementer	Evidence	Page numbers
No.8. Strengthen the current Project Sustainability Plan. With the support from the Evaluation unit at the ILO Regional Office, the project management should develop a more systematic and more detailed Project Sustainability Plan along with an exit strategy.	In the ET's opinion, the sustainability plan lacks clarity as to what exactly is expected to be sustained, beyond the duration of the project, and how sustainability would be achieved. Furthermore, the project has not developed a clear exit strategy.	Section 3.6. Sustainability. EQ 12&13. Page 51
No.9. In the future ILO must develop sound M&E strategies inclusive of a robust PMP and the required baseline and monitoring information; OBB and updating of budget lines; as well as work-plans, in order to improve monitoring of project performance and financial delivery.	An M&E strategy inclusive of a robust PMP and the required baseline and monitoring information, regular submission of an improved work plan, and updating of budget lines or structure for each activity" are needed.	Section 3.3. Effectiveness. EQ 5, page 39
No. 10. For the remainder of the project and for any future projects ILO should strengthen coordination among Technical and Support units (such as Programming, Finances, Evaluation ²) in project design, monitoring (technical and financial) and evaluation. Further, the ILO should reinforce its support by support units <u>to project staff</u> in project monitoring (technical and financial) and evaluation.	An M&E strategy inclusive of a robust PMP and the required baseline and monitoring information, regular submission of an improved work plan, and updating of budget lines or structure for each activity" are needed.	Section 3.3. Effectiveness. EQ 5, page 39

Table 5. Specific Recommendations- for the Government/MOL

Recommendations to the Gvt/MOL	Evidence	Page numbers
No. 11. Approve and adopt key products developed by the project. It is recommended that the MOL considers the urgent and gradual incorporation of key products that have been developed by the project into its practices and procedures. As these have	Regarding the activities developed with the MOL/IGT, sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as	Section 3.6. Sustainability. EQ 12&13. Page 42

² Evaluation Unit: in the case of projects/programs whose evaluations are managed by the donor, such as USDOL Projects

Recommendations to the Gvt/MOL	Evidence	Page numbers
been prepared in collaboration with the project this may be done in a relatively short timeframe.	well as the deployment of the ECMS before the next election process	
No.12. Support the ECMS implementation, monitoring and evaluation by: a) including in the Internal Organic Regulations of the MOL or other relevant/specific regulation the mandatory use of the Electronic System by labor inspectors and other staff as relevant; b) promoting and facilitating the active and compulsory participation relevant MOL/GLI staff members in capacity building activities related to the ECMS. c) Allocating sufficient financial resources in the annual budget of the MOL, to ensure the maintenance of the ECMS, as well as its future updates, if required; d) Establishing linkages between the ECMS and other relevant MOL/Labor Courts databases. Moreover, support the monitoring and evaluation of the ECMS implementation by providing the project team with the timely provision of relevant and accurate data.	<p>Participation in capacity building activities for labor inspectors, departmental delegates and other relevant MOL/GLI staff ideally must be compulsory.</p> <p>The Thematic Evaluation of ILAB-supported ECMS underlined that Inspectors' reluctance was a major challenge for ECMS adoption in several countries. Proper and substantial training for labor inspectors and departmental delegates will be essential for the effective operation of the ECMS.</p> <p>At the moment of the final evaluation the project has yet produced and reported very little monitoring and performance data</p> <p>Project implementation must be guided by sound monitoring processes, to ensure that information about results is used in real time, to improve decision-making.</p>	<p>Lesson Learned 4. Page 44</p> <p>Lesson Learned 5. Page 44</p> <p>Effectiveness section, EQ 4. Pages 24, 28 and 29</p>
No.13. Promote good practices of social dialogue and tripartism. To the extent possible it is recommended for the MOL to formulate work-plan, with the participation of the employers and workers' organizations that would allow for the swift and effective operation of the Tripartite Council for Labor Inspection.	The project/ILO, the Guatemalan Social Partners and the MOL are working together to define a joint roadmap that will allow for the reactivation of the Tripartite Council for Labor Inspection in the near future.	Effectiveness section, EQ 4. Page 30.

1. PROJECT CONTEXT AND DESCRIPTION

1.1. PROJECT CONTEXT³

The agricultural export (agro-export) sector is a pillar of Guatemala's economy and an important source of employment, with a growth of 3.2% in 2016 and a variety of export products. According to an economic prospection study prepared by Central American Business Intelligence (CABI) for the Chamber of Agriculture (CAMAGRO), the main products for export are: Unroasted coffee, fresh fruit, processed fruit, fresh vegetables, processed vegetables, sugar and palm oil. Employment in agriculture (% of total employment) in Guatemala was reported at 29% of the total labor force in 2019, according to the World Bank collection of development indicators. According to the National

³ Adapted from the ILO Project Document.

Employment and Income Survey (ENEI) 4,467,917 persons were working in the informal sector in 2016, with agriculture being the economic activity that absorbs the major percentage of occupied people in the informal sector (37%).

Frequent complaints by workers in this sector and violations cited by labor inspectors are non-compliance in the areas of acceptable conditions of work (minimum wage, working hours, and occupational safety and health [OSH]). Non-compliance with labor rights continues notably due to ineffective enforcement of labor legislation by both administrative and judicial institutions. The decline in inspectors is at least in part attributed to the Labor Inspectorate having no system for professional advancement, performance evaluation, or other measures to motivate labor inspectors to continue employment, learning, or improvement.

1.2. PROJECT DESCRIPTION

In 2018, ILAB awarded the International Labor Organization (ILO) a three-year, \$2.5 million cooperative agreement for the Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala project. The project was extended by one year and two months and is scheduled to close on December 31, 2022.

The project objective is improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector, and the high level goal for this project is that workers in Guatemala receive at least the minimum wage, working within legal limits for working hours, receive due compensation for overtime and operate in a safe and healthy working environment.

The project's theory of change is that if the institutional capacity of the Labor Inspectorate and the Judiciary Branch on supervising and enforcing sanctions against labor violations are improved, then compliance with labor law in the agricultural export sector will increase, and then workers in the agricultural export sector will work under acceptable conditions of work.

The **Project Objective** is: Improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector and to achieve this, the project developed two Long-term Outcomes (LTOs) and six Medium-term Outcomes (MTOs):

- **LTO 1:** Increased effectiveness of labor inspections related to acceptable conditions of work.
 - **MTO 1.1:** Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance in agro-export sector.
 - **MTO 1.2:** Labor Inspectors capacities to perform quality inspections are strengthened.
 - **MTO 1.3:** Workers' and employers' organizations take more actions to promote compliance with labor laws.
 - **MTO 1.4:** Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issued and collected, and violations remediated.
 - **MTO 1.5:** Pilot Case Management System is replicated in one or more additional regions of Guatemala.
- **LTO 2:** Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work.
 - **MTO 2.1:** Judges apply standardized criteria and other acquired knowledge in decision-making on new labor administrative sanctions resolutions.

2. EVALUATION PURPOSE

2.1. EVALUATION PURPOSE

The purpose of this final performance evaluation is to: (1) assess if the project has achieved its outcomes, identifying the challenges encountered in doing so, and analyzing the driving factors for these challenges; Assess the intended and unintended effects of the project; (2) assess lessons learned and emerging practices from the project (e.g., strategies and models of intervention) and experiences in implementation that can be applied in current or future projects in Guatemala and in projects designed under similar conditions or target sectors; and, (3) assess which outcomes or outputs can be deemed sustainable, as well as assessing the coherence of the project's sustainability measures, the extent to which sustainability was considered in the project design, and its relevance to the country context.

2.2. EVALUATION SCOPE AND METHODOLOGY

An independent two-person evaluation team (ET), with a Lead Evaluator (LE) and a National Monitoring and Evaluation (M&E) Expert, conducted this evaluation, including fieldwork from September 19 to October 7, 2022.

The evaluation team investigated all aspects of project implementation and assessed the performance and achievements of the project by the end of September 2022. The ET gleaned information from a diverse range of project stakeholders and institutions that participated in and were intended to benefit from interventions in Guatemala.

The evaluation team used multiple sources of evidence, combining primary qualitative data with secondary quantitative data. The use of mixed methods and data from mixed sources or “triangulation” helped the evaluation team overcome the bias that comes from using single information sources, single methods, or single observations. The ET obtained relevant information for this evaluation by conducting:

- A document review,
- Direct data collection from stakeholders, including remote and face-to-face key informant interviews (KIIs) and focus group discussions (FGDs), and
- Quantitative analysis of secondary data.

The evaluation team assessed the relevance of project services in relation to target groups and institutions' needs, the coherence of project activities with regard to other the interventions of other institutions, the efficiency and effectiveness of the project in attaining its expected outcomes, the impact of implementation on project objectives, and the project outcome's potential for sustainability. During the fieldwork, the ET observed an ECMS implementation workshop and conducted a brief survey of participants. The ET also captured promising practices, lessons learned, and emerging trends.

At the end of the fieldwork, the ET conducted a remote (virtual), interactive and participatory validation session with MOL/project staff for clarification and the validation of preliminary findings, before writing this final report (agenda and participant list is shown in Annex C). In addition, the ET provided a post-fieldwork debriefing to USDOL ILAB to share initial findings.

2.2.1. SAMPLING

Stakeholders interviewed by the evaluation team included: ILAB staff, ILO and project staff, Ministry of Labor (MOL) staff, employers and workers' organizations and representatives, from the judicial power.

Gender representation was dependent on purposive interviews – the people involved in the project according to their position, organization, roles, and responsibilities. The evaluation's sampling is provided in Table 4 below, and a list of Key Informant Interviews (KII) and Focus Groups Discussions (FGD) participants is shown in Annex D.

Table 5. Interviewees per Type of Institution

KII AND FGD DATA COLLECTION STRATEGY				
KII Stakeholder Type		KII Sample Size		
Sex		M	F	Total
US Government (ILAB)		2	5	7
Project Team and Consultants		3	2	5
Ministry of Labor		17	10	27
Employers' Organizations		1	4	5
Workers' Organizations		3	0	3
Judiciary		2	3	5
ILO		7	3	10
TOTAL		35	27	62
FGDs		FGD Sample Size		
3		20 (14M-6F)		
TOTAL NO. INDIVIDUALS				
FGD	Focus Group Discussion	Location		
FGD-1	Departmental Delegates: 6 (3M-3F)	Antigua		
FGD-2	Labor Inspectors: 4 (4M)	Guatemala City		
FGD-3	Labor Inspectors: 10 (7M-3F)	Guatemala City		

KIIs and FGDs were conducted using semi-structured guided questions. Both KII and FGD evaluation tools included two questions with rating scales – an Achievement Rating and a Sustainability Rating, with a scale from 1-5 indicating Low, Moderate, Above-Moderate, High, and Other (No Answer) – to provide quantifiable evidence to support the qualitative data collection.

2.2.2. ETHICAL CONSIDERATIONS

The evaluation team observed utmost confidentiality related to sensitive information and feedback elicited during the KIIs and FGDs.

The evaluation team respected the rights and safety of participants in the evaluation. No information, opinions or data that were provided by interviewees were explicitly linked to any participant in the evaluation. Companies' identities have been omitted when highlighting any labor violations cited in the report. The version of the report that will be published by USDOL will omit all key informants' personal information.

2.2.3. LIMITATIONS

The evaluation team has based its conclusions on information collected from background documents, KIIs, FGDs, and secondary quantitative data. The evaluation team assessed the integrity of this information to determine the accuracy of the evaluation results.

The application of ratings may in no way be considered as a non-formal impact assessment. Scorecard ratings expressed the opinions of the majority of interviewed stakeholders, using

broadly defined scales. The criteria used by each interviewee to rate the project's levels of achievement and sustainability varied from one person to another. Scorecards do not replace an in-depth analysis of the issues presented in the report.

Primary data collected from beneficiaries may reflect the opinions of the most dominant groups without capturing the perceptions of less vocal groups. The evaluation team considered this possibility and made sure that all parties could freely express their views. Although people from the same regions were interviewed individually, this fact may limit the representativeness of the opinions collected.

At the end of the fieldwork, the ET conducted a remote (virtual), interactive and participatory validation session. A limitation that should be noted is that, because of logistical challenges in organizing the meeting this session was attended only by project staff, the Vice-Minister of Labor and a representative from an employers' organization. Nevertheless, the evaluation team and MOL/project staff were able to review and discuss at length the evaluation's preliminary findings and recommendations.

The evaluation relied on secondary performance information contained in semi-annual and in available monitoring databases. The quality of the data affects the accuracy of the statistical analysis. The evaluation team was not able to check the validity and reliability of performance data given the limited time and resources.



PHOTO CREDIT: Anacafé

3. EVALUATION RESULTS

Following the Organization for Economic Cooperation and Development's Development Assistance Committee (OECD DAC) evaluation criterion, this section provides an assessment of the relevance, coherence, effectiveness, efficiency, and the sustainability of the project across its major outcomes, following the evaluation questions included in the evaluation Terms of Reference (TOR).

3.1. RELEVANCE AND VALIDITY

1. To what extent did the project's objectives and interventions respond to relevant stakeholders' needs and capacities, organizational structure, procedures and processes of MOL and counterparts?

The 2020 Interim Evaluation (IE)⁴ had found that the agricultural export sector in Guatemala had been growing rapidly, and it was one of the main sources of recent employment growth in Guatemala. However, labor law statutes in Guatemala's agro-export sector, especially regulations related to acceptable conditions of work are currently not fully enforced, and in particular those related to minimum wages, hours of work, and occupational safety and health standards).

Since the reform of the Labor Code in 2017 through Decree 07-2017, the MOL's General Labor Inspectorate (GLI) has had the ability to impose administrative sanctions for specific cases of non-compliance with regulations. While GLI has attempted to apply this new sanction power, employers yet continue to fail to comply with such imposed sanctions. This is resulting in the

⁴ Independent Interim Evaluation "Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala" Sistemas, Familia y Sociedad, 2020.

referrals of cases to Labor Courts by the labor inspectorate, in an effort to achieve both the enforcement of the sanction resolution as well as to remedy the underlying violation.

In an effort to help Guatemala with meeting its labor-related commitments under the United States-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR), the project under review aims to improve the efficiency and effectiveness of the Guatemalan Ministry of Labor (labor inspection) and the Judiciary (labor courts) with regard to the enforcement of labor legislation, particularly in the agricultural export sector, so that employees' working conditions and rights will be protected and that their working environment will be safe.

Through the analysis of primary and secondary data, the evaluation team (ET) found that the project objectives have remained relevant to the Guatemalan context, where labor law enforcement by the Ministry of Labor/Labor Inspection and the Labor Justice system continues to be a major challenge.

Interviews with key stakeholders confirmed that the project was pertinent in responding to the needs of the different stakeholders, especially the MOL/GLI; the Judiciary. There is wide-spread agreement among key stakeholders who were consulted by the ET that the strengthening of the capacity of both the Labor Inspectorate and the Judicial System in Guatemala is central for upholding compliance of employers with labor laws.

Moreover, several informants opined that the effectiveness of the labor administration largely depends on the respective capacities of the workers and employers' organizations to contribute to the application of relevant labor law. In this regard, it was found that, while the project has provided valuable support to Employers' Organizations, the project's design as well as its focus on workers' organizations has been limited.

Additionally, the institutional capacities of the MOL, the GLI and the employers' organizations are generally considered to be sufficient for implementing this type of project, whereas it was found that the implementation capacity of the Guatemalan trade union organization is generally weak.

2. To what extent was the project adapted to changes in the context to remain relevant? How has the organizational structure/processes and procedures changed, if it all?

Since its inception, the project has faced multiple challenges (please refer to EQ.5 in the Effectiveness section for more details). However, despite these challenges, document review and interviews with key stakeholders show that the project has been flexible to adapt to changes in the context and to the varying needs and demands of project partners and managed to remain relevant through sustained engagement with stakeholders (especially MOL/GLI, the Judiciary and employers' organizations).

For example, as previously described in the IE, the project activities related to the Judiciary had to be put on hold until the Supreme Court Judges were nominated; this was initially expected to be done by October 2019. However, since the election process was rescheduled for April 2021, during the second semester of 2020 the project management engaged with a sitting Judge of the Supreme Court, as well as with the recently nominated Director of the Labor Court. As a result, the project was able to start supporting the Judiciary through a series of training activities. This established the foundation of a larger cooperation among the project and the judiciary, including the Supreme Court of Justice (please refer to the Effectiveness section for more details).

Also, during the first semester of 2019, the project developed a work-plan with the employers with the provision to start their implementation in the second semester of 2019. However, for reasons that will be explained hereafter (please refer to the Effectiveness section) the implementation of this work-plan stagnated. Nevertheless in the second semester of 2020, the project management,

with the support of the ILO ACTEMP⁵ Specialist in the Region, managed to reconnect with the Chamber of Agriculture (CAMAGRO), and the agreed on work-plan was then implemented between 2021 and 2022 (please refer to the Effectiveness section for further details).

The planning and development of the Electronic Case Management System (ECMS) is the best example of the project's successful efforts to remain relevant, including efforts by the project staff, project consultants, and the contracting firm (GLORSYS).

The ECMS terms of reference (TOR) were approved in February 2021 by the current MOL authorities, which was before the hiring of the contracting firm (August 2021). These TORs include the foundational requirements for the definition and delineation of the scope of the design and development of the System. The TORs also establish the cost for the development of the system.

However, during the design phase, the MOL, as a result of adjustments in the Ministry's approach to the inspection procedures and phases, introduced new requirements to be included in the ECMS. Moreover, the optimization of processes (improvement of current processes, adding new processes, removing processes that are no-longer valid/relevant) conducted jointly between the project and the MOL demanded additional modifications to the System's design.

In this regard by end September 2022 GLORSYS mapped 270 System functions (in summary, the tasks that the system has to perform) in the current ECMS version 46% of these functions had been included in the approved TORs while 54% were new (unforeseen) requirements.

This example illustrates that the project was able to adapt to significant changes in the context and maintain its relevance, although this required a great amount of flexibility from both the project team and GLORSYS (as most of the new requests were not in the initial TORs that were approved by the current MOL administration) which in turn introduced additional delays in the development/programming process of the ECMS.

3.2. COHERENCE

3. To what extent are the project's objectives and interventions coherent regarding the priorities and capacities of the MOL and the priorities and policies of the host Government?

Overall, the project is aligned with the priorities and policies of the Government of Guatemala, as reflected in the General Government Policy ("Política General de Gobierno" in Spanish) 2020-2024. This policy included among its objectives: access to prompt and fair justice, improved compliance with the law and national coverage of justice institutions. In addition, as reflected in the project's Technical Progress Reports, in 2021, President Alejandro Giammattei authorized an increase in the MOL's budget of Q25 million (3.2 million USD).

The guiding policy principles on which the National Policy on Decent Work (Política Nacional de Empleo Digno –PNED- in Spanish) 2017-2023 include, among others: human rights, decent work, and tripartite social dialogue. Among its objectives, the PNED includes, reducing precarious working conditions and promoting decent work. Moreover, Goal 15 of the National Policy explicitly refers to: "Strengthening inspection mechanisms for effective verification of compliance with labor legality".

In this regard, the project's TPRs in 2021 report that the MOL hired 17 new labor inspectors and purchased vehicles and equipment for the 22 Departmental delegations across the country (including IT equipment for the rolling-out of the ECMS).

⁵ Bureau for Employers' Activities

Several stakeholders opined that both the increase in the MOL's budget, the hiring of new labor Inspectors along with improvements in the departmental delegations equipment denote, to some extent, the Government and MOL's interest in the project and demonstrates a political will to reinforce labor inspection in Guatemala.

Finally, it is important to underline that since the launching of the project in 2018, Guatemala has had two Governments, three different Ministers and Vice-Ministers of Labor as well as six different General Labor Inspectors. Despite the changing priorities of the consecutive authorities, the project has had, and continues to have, the support from the Ministry's leadership, as was confirmed by the Vice-Minister Office to the ET.

3.3. EFFECTIVENESS

4. To what extent has the project made progress towards its objective and outcomes?

With regards to LTO 1, the project developed a series of key products with high potential for improving the capacity of the Labor Inspectorate to effectively manage worker complaints following the 2017 reform. These include, for example, a proposal for the reform of the Internal Organic Regulations of the MOL; updated GLI's Flowcharts and Handbooks; Standardization of Technical Criteria of the GLI; or, studies on the Application of Administrative/judicial Sanctions). Most of the aforementioned products were shaped within the framework of supporting the development of the ECMS.

The ECMS (designed to allow inspectors and their supervisors to plan, implement and monitor labor inspections in real-time) was presented in September 2022 by the Vice-Minister of Labor and the project team to the 22 GLI Departmental Delegates and a number of Labor Inspectors (those from Guatemala City) in a workshop celebrated in the city of Antigua.

Regarding LTO 2, Judges are found to have improved their knowledge on labor legislation, and most importantly, they have managed to harmonize jurisprudence criteria to uphold appropriate sanction resolutions for violations of acceptable conditions of work either through administrative procedures or through litigation in the courts. However, the extent to which this has contributed to Judges upholding appropriate administrative sanction resolutions for violations of acceptable conditions of work remains yet unknown as explained in Section D. below.

Despite to the project's noted contributions to both LTOs, the ET could not yet find any evidence of any specific project contribution towards *"improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector"*.

As underlined by the IE, the achievement of the project's objective should be understood as a strategic longer-term goal that involves a substantial dedication of time and resources (both technical and financial). Also, the IE observed that the achievement of this strategic goal would require profound transformations for the Guatemalan labor administration which in turn, necessitates a strong commitment and political will from the Guatemalan authorities to work towards such a goal.

At the moment of the final evaluation the project has yet produced and reported very little monitoring and performance data (please refer to Annex 1. Results during LOP, as per the PMP, for further details). The ET's analysis of the key results achieved by the project is therefore based mainly on qualitative information that was gathered through document review and interviews with key stakeholders.

What are the key results achieved, specifically regarding the:

- a. **Capacity of the Labor Inspectorate** to effectively manage worker complaints, following the administrative labor inspection procedure, on minimum wage, hours of work, and OSH violations, responding to the new sanction procedure (2017 reform)?

The project was officially launched in September 2018, and the hiring process of the project staff was concluded by the ILO in December of that year. Throughout 2019, the project made progress in the implementation of activities that had been agreed upon with the MOL, delivering some key outputs.

As reported by the IE, the project had conducted a Labor Inspection Needs Assessment (LINA) and also had developed an Action Plan, which was based on the results of the LINA. In addition, the project had supported the elaboration of Strategic Compliance Plans (SCPs) in four different economic sectors: palm sector, coffee sector, private security sector and pyrotechnics sector (child labor).

The project also conducted a case study on the application of administrative sanctions in the Escuintla's Departmental Delegation as well as a proposal on the Standardization of Technical Criteria of the General Labor Inspectorate.

Likewise, the project designed and elaborated the workflow process of the GLI based in the Delegation of Escuintla, as a model Departmental Delegation. In addition, the project elaborated the GLI Procedures Handbook.

“There should be procedures handbooks for all inspectors to handle the cases properly”.

Labor Inspector

In addition, the project provided training on occupational safety and health (OSH) for Labor Inspectors and Departmental Delegates; as well as training for the GLI staff on the Labor Code reform and on International Labor Standards (ILS) with relevance for labor inspection.

Following elections in 2019, on **January 2020** a new Government took over, which led to a series of changes in the leadership of both the MOL and the GLI. In addition, the COVID- 19 pandemic largely disrupted the MOL's operations for several months. On **July 1st 2020**, the President of the Republic appointed a new Minister and a new Deputy Minister of Labor. Subsequently, a new General Labor Inspector was designated. This resulted in the project having to bring the new leadership up to speed, which in turn, introduced delays in project implementation.

The change of authorities at the MOL along with the process of revisiting/defining the EMCS ensued in functional and structural adjustments within the GLI and changes in the approach to the inspection procedures and phases (for example, elimination of the conciliation procedure; or changes in the notification process). As a result some of the products delivered by the project in 2019 (GLI's Flow Process and Handbook; Standardization of Technical Criteria of the GLI; and Application of Administrative/judicial Sanctions) had to be revised and updated. In this regard, and in parallel of the ECMS design and development process, **during 2021-2022** the project delivered the following products:

- 1) **A proposal for the reform of the Internal Organizational Regulations of the MOL⁶**, including an update of the General Labor Inspectorate Regulations of 1957, which comprises a revised GLI's substantive functions and organizational chart.

⁶ In Spanish: Propuesta de Reforma del Reglamento Orgánico Interno del MTPS

2) **Updated Procedures for the GLI**, including:

a. An updated Labor Inspection's procedures handbook

The new labor inspection handbook systematizes processes and describes both the labor inspection procedures and phases, along with their corresponding flowcharts. Both the procedures and the flowcharts were approved by the MOL and were included in the ECMS design.

b. A procedures handbook for the Departmental Delegations

This procedures handbook contains the description and flowcharts of the most common procedures that must be followed by the GLI's Departmental Delegations, including those required by the ECMS.

c. The procedures handbook for GLI Units (related to the LI process)

This manual describes the procedures of the different departments of the GLI, specifically related to labor inspection. These departments include, for example, the Sub-General Inspectorates; the Department of Occupational Health and Safety; and the Legal Department.

3) Technical Studies on the **Application of Administrative/Judicial Sanctions** (finalization pending: Nov. 2022)

Studies that have been undertaken include proposals for the improvement of GLI procedures; as well as for the application of administrative or judicial sanctions (in cases where the violations identified cannot be corrected through the intervention of the Labor Inspectorate: administrative sanctions are applied). Judicial sanctions may be applied in cases that have been reviewed by labor courts.

In addition, as detailed below, the Project implemented an on-line training program for labor inspectors and reviewed both the labor inspectors hiring process as well as performance management procedures.

On-line training program for labor inspectors (University of Occidente –UdeO)

The program was implemented between February and November 2021. According to the TPRs 200 Labor Inspectors and the personnel of the Ministry of Labor and Social Welfare were enrolled in the on-line “Specialist Certificate Course in Labor Law” which was offered by the project, in association with the Universidad de Occidente (UDEO). However, as reported in the TPRs, only 65 of the trainees (32.5%) has completed the course, while none of the participants has taken the final evaluation exams, hence, none of the trainees was officially certified.

According to the statements of several stakeholders who were interviewed by the ET, this situation can be explained by the following: i) the course and exams were not mandatory for the inspectors; and ii) due to their intense workload, many of the inspectors who participated did eventually not have enough time to consistently attend the classes and were thus unable to complete the course.

Review and update of the labor inspectors hiring process and development of the performance management plan

The project carried out an analysis of the regulations related to selection processes and the recruitment requirements for labor inspectors. Based on this analysis, a proposal was prepared to update/improve these processes. In addition, the project prepared a proposal for a Performance Management Manual of the General Labor Inspectorate, together with an implementation Plan.

According to the project team, these products are expected to be completed by the end of November 2022.

- b. **Development, testing and eventual adoption of the Electronic Case Management System (ECMS)?** Is the ECMS relevant, compatible with the internal MOL system (is data compatible and transferable) and of sufficient quality, among others? Are there any major gaps or challenges to the eventual adoption of the ECMS? What are the main reactions to the ECMS, in its current state, amongst key MOL stakeholders?

The project was able to design and develop a new Electronic Case Management System (ECMS) to enable inspectors and their supervisors to plan, implement and monitor labor inspections in real-time. Moreover, the system incorporates the new administrative sanctioning procedure that was established in the 2017 Labor Code, which will allow the Labor Inspection to issue sanctions and remediate violations.

In a nutshell, the ECMS is a software system that allows creating labor inspection files from the start, through verbal or written complaints; assign the cases to inspectors; schedule inspection visits; monitor actions taken by inspectors; issue sanction in base of labor violations; and manage notifications to the concerned parties.

The ECMS is designed for use on many electronic devices (computer, tablet, cell phone) and on all operating systems, through a Web browser and a good Internet connection. Additionally, the source code is the property of the MOL so that, in the future, the MOL it can make changes and improvements that may be required.

As reported by the IE, **during 2019-2020**, with the participation of Departmental Delegates and labor inspectors, the project conducted a series of activities that facilitated the preparation of the grounds for the ECMS development.

This included, an assessment of the existing labor inspection electronic case management system (File Master); the design and development of the workflow process of the GLI (based on a case study conducted in the Delegation of Escuintla); the GLI Procedures Handbook with the objective to define a standardized roadmap that contributes to streamlining the processes, improvement of the effectiveness in the resolution of cases by labor inspectors and the monitoring by the GLI.

In addition, the project prepared a proposal for the graphic design of ECMS; conducted an analysis of the required operational infrastructure and equipment for the ECMS, as well as for its management and administration by the GLI and the Delegations. Moreover, in order to facilitate the implementation process of the ECMS, the project documented the phases that need to be undertaken for the development of a plan for change management and sustainability of the ECMS in the Departmental Delegations of the GLI.

Finally, the project concluded the analysis of the total cost of ownership (TCO) including a description of the requirements for the design and development of the electronic case management system in October 2020.

The TOR for the “Design and Development of the ECMS” were finalized in November 2020 and approved by the MOL in February 2021. The Invitation to Tender was then published on the United Nations Global Market (UNGM) website in March 2021 and bids started by April 2021. The contract was eventually awarded to GLORSYS, a Guatemalan IT company, and a contract between the project and GLORSYS was signed in August 2021.

Since September 2021 to date, the project team, GLORSYS and the MOL have been working together in the design and development of the ECMS. While this largely contributed to the process of updating and optimizing of the labor inspection processes, this effort also required, the additional revision and renewing of several products that already had been delivered by the project, such as: GLI’s Flowcharts and Handbook; Standardization of Technical Criteria of the GLI;

studies on the Application of Administrative/judicial Sanctions. While all relevant stakeholders opined that this process eventually has contributed to improve the quality of the ECMS, they also confirmed that it has introduced substantial delays in the ECMS design and programming.

In September 2022, the ECMS was eventually presented by the Vice-Minister of Labor and the project team to the 22 GLI Departmental Delegates and a number of Labor Inspectors (those from Guatemala City) in a workshop celebrated in the city of Antigua.

“I am excited and I look forward to working with the new case management system.
Technology is a necessity, not a luxury”.

Departmental Delegate

Regarding the question about the data compatibility and transferability, some of the software developers who were interviewed by the ET, revealed that in practice, the File Master data are not compatible with the current ECMS, as the File Master is a “closed system” and the MOL does not own File master’s source-code. As a result, data cannot be (automatically) exported to other data management systems.

The software developers consulted by the ET concurred that it would be possible to export File Master data manually. However, other stakeholders considered that it would not be worthwhile since the File Master is largely underutilized by labor inspectors; data in the File Master are reportedly outdated and considered to be unreliable; and manually exporting data would require significant time and effort.

There is consensus among relevant informants on that a transfer from the File Master to the new system would not be relevant/useful. Also, inspectors can always refer to File Master (if needed).

In terms of reactions to the ECMS, key MOL stakeholders, (through FGD and KII with the ET), and Departmental Delegates and Labor Inspectors who attended the ECMS presentation workshop, generally manifested great satisfaction with the ECMS. For example, they manifested that the new system:

- Is easy to use.
- Will make administrative work easier.
- Will lessen their current work-load.
- Unifies procedures which introduce legal/administrative certainty.
- Will allow avoiding mistakes derived from inspectors’ handwritten records.
- Will make the inspection process more effective.
- Will contribute to increasing the transparency of the operations of the Labor Inspectorate.
- Will allow the issuing of administrative sanctions by the labor inspectorate in cases of observed labor violations.

The system (ECMS) is very practical and easy to use, even for elderly inspectors.

Departmental Delegate

The findings of the abovementioned FGD/IIIs are consistent with the results of a brief survey that was conducted by the ET among Departmental Delegates (please refer to the Impact section for more details)

On the other hand, during an interview with the ET, the Vice-Minister of labor manifested that the MOL would have wanted a system with more functionalities, but nevertheless, she recognized that the current ECMS is an excellent platform. Moreover the Vice-Minister expressed her desire to implement the ECMS across all the Labor Inspection Delegations in the country during the next 12 months (before the next general elections in September 2023).

Regarding the gaps or challenges to the eventual adoption of the ECMS, Departmental Delegates interviewed by the ET did not foresee any major challenges. They expect the labor inspectors to be open to routinely use the system. However, other stakeholders who were interviewed considered that, potentially, the unwillingness of labor inspectors to use the system could be a major challenge for its implementation. In this regard, the Thematic Evaluation of ILAB-supported ECMS⁷ underlined that inspectors' reluctance was a major challenge for ECMS adoption in several countries.

On this subject, some key stakeholders opined that the mandatory use of the ECMS by labor inspectors and departmental delegates will need to be included in the reformed Internal Organic Regulations of the MOL.

On the other hand, ILO's purchase, installation and testing of the pending IT equipment that is necessary to run the ECMS system, will require some time (the corresponding Budget Revision was only received and approved by USDOL in September 2022). Some stakeholders consulted by the ET opined that this process (purchase, installation, testing) may still take up to six months.

Moreover, the MOL IT Department (Dirección Sistemas de Información-DISI) capabilities to manage the system and equipment are limited due to a lack of technical/financial/human resources and reinforcements are expected to be needed. In addition, according to key informants who were interviewed by the ET, as well as to the ILAB USDOL ECMS thematic evaluation, technical issues (software and hardware) are expected to affect the smooth implementation of the system, especially during its first year of operation.

Additionally, there is wide-spread agreement among relevant stakeholders who were interviewed by the ET, that proper and substantial training for labor inspectors and departmental delegates will be essential for the effective operation of the ECMS. Such training should include training on the system (software) operation, as well as on labor law, including the 2017 Labor Law reform, as well as on the updated GLI procedures/processes.

However, there is consensus among key stakeholders who were consulted by the evaluators that **the biggest risk** for the deployment of the ECMS is the fact that the current USDOL/ILO **project is ending in December 2022**. There is agreement that the MOL currently does not have the required technical or financial capacities to implement it independently and without external financial and technical support.

Further, the General elections in in Guatemala foreseen for September 2023 may eventually lead to yet another change of Administration which may cause further changes in the MOL authorities. In turn, according to many stakeholders, this may negatively affect the adoption/scaling-up of the ECMS (if at all) and is a threat to its sustainability.

c. Actions of employers' and workers' organizations to promote compliance with labor laws, including the development of sector-related policies?

⁷ Thematic performance evaluation. USDOL ILAB Labor Administration Electronic Case Management System in Honduras, Paraguay, Peru, Philippines, Colombia, Sri Lanka, and Vietnam. Sistemas, Familias y Sociedad (SFS)

The project has been very effective in supporting employers' organizations in the development and adoption of sectorial human rights policies intended to promote compliance with labor laws. However, the number of specific relevant activities with workers (as per the project's design) was limited. The project managed to opening up a process to facilitate the future reactivation of the Tripartite Council for Labor Inspection, which aims at enabling social dialogue on relevant issues, including those related to labor inspection priorities and labor law compliance.

Employers' Organizations

In 2014, with the support of the ILO, the Coordinating Committee of Agricultural Business, Industrial and Financial Associations (CACIF)⁸, adopted its Institutional Business Policy on Human Rights. In 2018, with the support of the ILO REFRAME Project, the Chamber of Agriculture (CAMAGRO)⁹ developed and adopted an "Institutional Business Policy on Human Rights" (Política Institucional Empresarial de Derechos Humanos, in Spanish).

In 2020, CAMAGRO requested support from the project and the ILO-San Jose Office of Employers' Activities (ACTEMP) to promote the development and adoption of human rights policies, employers' organizations and companies affiliated with CAMAGRO.

Development of **sectorial** Human Rights Policies in the Agricultural Sector

From 2021 to date, ILO/ACTEMP and CAMAGRO supported the development and adoption of Human Rights Policies by five sectorial/employers' organizations ("gremiales", in Spanish): 1) APIB (Bananas), 2) AGREQUIMA (fertilizers), 3) ANACAFÉ (Coffee), 4) Chamber of Rubber Producers (Gremial de Huleros de Guatemala in Spanish) and 5) several livestock organizations.

Training of Trainers in Human Rights Management in **Companies** of the Agricultural Sector

On March 2, 2022 the project delivered a four week on-line Training of Trainers course on "Human Rights Management in Companies of the Agricultural Sector", directed to company directors, supervisors, and human resources managers, in order for them to understand the role of businesses with regard to respecting human rights, and on planning and managing the implementation of the human rights policies in their respective companies. The course consisted of 4 modules: 1) Business and Human Rights. 2) Corporate Governance in Human Rights; 3) Due Diligence; and, 4) Reparation and improvement actions. Documentation provided confirmed that 33 representatives from 17 businesses affiliated to CAMAGRO attended the training course.

The course aimed to provide knowledge and tools to guide companies to tailor their efforts specifically towards respect for human rights, based on their respective business activities and in line with the United Nations Guiding Principles on Business and Human Rights¹⁰. On March 9, 2022 the course was also included in the AGROPORTAL¹¹, CAMAGRO'S on-line training platform, so its affiliates can access to it free of charge.

According to a CAMAGRO representative who was interviewed by the ET, the aforementioned sectorial organizations are currently following up on this training, by supporting the companies that attended the course with the development of their respective human rights policies.

Design and implement a Compliance Management System of the Human Rights Policy for the Agro and Export sectors.

⁸ CACIF is the overall employers' organization (federation) in Guatemala.

⁹ CAMAGRO is affiliated to CACIF.

¹⁰ <https://agroportal.camaradelagro.org/course/index.php?categoryid=1>

¹¹ <https://agroportal.camaradelagro.org>

According to the project team and the ACTEMP representative who were interviewed by the ET, a “management and audit tool” is currently under development. Such tool will allow companies to carry out a continuous assessment of their own compliance and improvement standards, thus complying with due diligence procedures. According to respondents, the management and audit tool is expected to be delivered by the project by the end of November 2022.

The private sector adopting human rights policies is a very important and positive step in order to advance towards the respect of labor laws and standards

ILO Official

Workers’ Organizations

Labor Rights Campaign for Agricultural Sector Workers

In April 2021, in coordination with the Ministry of Labor and Social Welfare, the project launched a campaign to disseminate Labor Rights among agricultural workers. The campaign included radio spots; posters in 5 Mayan languages: and posts in social networks.

Assessment on the perspective of the trade union sector regarding compliance with labor legislation and the services provided by the GLI

The document included recommendations from the trade union sector to improve compliance with labor legislation as well as suggestions for the improvement of the services provided by the GLI. The approbation and presentation of the assessment is pending the approval of the participating unions.

Training program for unions

The Project Document foresaw the development and implementation of a training program for unions on managing legal resources and on administrative and judicial procedures for individual and collective conflict resolution. However, the ET found that due to the COVID-19 Pandemic; to disagreements between workers’ organizations that are aligned with the *Movimiento Sindical y Popular Autónomo Guatemalteco* and those that are organized in the *Sindicatos Globales de Guatemala*; but also because of the prioritization of the ECMS’ development, the project has not yet been able to conduct any activity aimed at strengthening the capacities of the main workers’ organizations with presence in the agro-export sector.

Tripartite activities

The project/ILO, the Guatemalan Social Partners and the MOL are working together to define a joint roadmap that will allow for the reactivation of the Tripartite Council for Labor Inspection in the near future, which would eventually facilitate a social dialogue on issues related to labor inspection priorities and labor law compliance.

In this regard, the project provided support to conduct an assessment of the current status Tripartite Council for Labor Inspection as well for the development of mediation workshops for employers, workers and government. .

On October 5 the Vice-Minister of Labor sent a letter to the leadership of the social partners to request that they appoint representatives at the tripartite Council. During the Course of this evaluation the Vice-Minister informed the ET that such representatives had already been appointed and also that she expected the Council to reconvene before the end of the year and that the introduction of the ECMS to the social partners will be one of the salient points in the meeting’s agenda.

d. Knowledge by judges of the appropriate sanction resolutions for violations of acceptable conditions of work?

The project contributed to an observed improved knowledge of labor legislation within the judiciary, through training activities, especially in matters related to ILS and jurisprudential criteria as approved by the Constitutional Court.

But most importantly, with the project support, Judges and Magistrates managed to harmonize jurisprudence criteria to uphold appropriate sanction resolutions for violations of acceptable conditions of work either through administrative procedures or through litigation in the courts. However, the extent to which this has contributed to Judges upholding appropriate administrative sanction resolutions for violations of acceptable conditions of work remains yet unknown as the project could not establish baselines and targets and neither collect information on resolutions for violations of acceptable conditions of work.

Capacity Building

Training on Jurisprudential Criteria -Judicial School

As described in the IE, during November and December 2020, the project had developed a series of weekly training events on International Labor Standards (ILS) with the Labor Court Judges and staff.

Following these training sessions the Judiciary and the Supreme Court of Justice asked the ILO to further analyze Fundamental Rights at Work in Guatemala, based on the most recent resolutions on labor matters issued by the Constitutional Court. As a result, in March 2021, the project, along with the Constitutional Court's Constitutional Justice Institute delivered a training course (five modules) on "Updated Jurisprudential Criteria approved by the Constitutional Court for Labor and Social Welfare Magistrates and Judges". This training course was delivered online, through the Judicial Studies School platform. 100 Judges, Magistrates and Labor Justice Assistants attended the training.

Training on International Labor Standards for Judges and Magistrates (ILO/ITC)

In 2021, the project, through the ILO's International Training Centre (ITC) delivered an online training on International Labor Standards and their judicial application for Judges and Magistrates of Labor and Social Welfare.

This training course aimed at strengthening the capacities and knowledge of judges in the most relevant international labor standards, such as Freedom of Association, Labor Inspection, Equal Treatment and Non-Discrimination, Collective Bargaining, Grounds of the Employment Relationship and Jurisprudence of the International Court of Justice.

The course was delivered during three weeks (45 hours in total), between November 8 to 26, 2021. The course included three interactive self-guided modules on the ITC web platform and nine live sessions (Zoom webinars) with presentations and collaborative practical exercises; as well as self-assessments of knowledge of the ILS at the beginning and end of the course.

81 people participated (40 men and 41 women) in the training course, including Judges from several Departments of Guatemala, Magistrates and Key Staff of the Labor and Social Welfare Courts. According to the statistics gathered by the ITC, the average score in the initial self-assessment test was 4.7/10 while the final assessment test showed an average score of 7.03/10. This seems to indicate that trainees noticeably improved their knowledge in regards to ILS.

Harmonization of criteria to support the enforcement of sanctions

In coordination and collaboration with the General Labor Inspectorate of the Ministry of Labor, as well as the Directorate of Labor Management and Labor Misconduct Courts of the Judiciary and the Supreme Court of Justice, the project conducted a technical study on “Executive Proceedings in Administrative-Sanctioning Matters” as well as a revision of the administrative-sanctioning process. The objective of these studies was to conduct a useful legal analysis of executive proceedings in administrative-sanctioning matters, including a breakdown of good practices and obstacles faced by the General Labor Inspectorate.

Also, along with the School of Judicial Studies and the Labor and Social Welfare Judges the project prepared a proposal to harmonize the criteria for the definition of labor misdemeanors and the contentious-administrative process of labor and social welfare. This document brings together and consolidates ten topics that were submitted for discussion to all judges in Guatemala that are related to administrative Labor and Social Welfare procedures.

As a result, ten harmonized criteria were agreed-on by Labor and Social Welfare Judges in relation to the Labor and Social Welfare Administrative Litigation Process and the Misconduct Procedure.

This is the first text which addresses the reforms to the Labor Code, from a judicial perspective and harmonizes criteria in relation to the enforcement of labor regulations contained in Legislative Decree 7-2017. The text was prepared by the Judicial Branch and approved by the Supreme Court of Justice.

5. How effective were the project’s strategies? What were the key internal or external factors that limited or facilitated result achievement and what were the main reasons for these factors? How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness of project interventions?

The IE confirmed that the project’s strategy and intervention logic were based on three building blocks: (1) Increased effectiveness of the General Labor Inspectorate to address non-compliance issues in the agro-export sector; (2) Workers' and employers' organizations take more actions to promote compliance with labor laws; (3) Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work.

Overall, and based on document review and interviews with key stakeholders, the IE and the current evaluation acknowledge that the project strategy is sound.

However, from interviews with key stakeholders conducted during both the IE and the current evaluation, the ET found that in order to be *operational* and *effective*, this strategy needs a strong degree of national ownership and *political* commitment from the national authorities and social partners; a moderately stable political and institutional context; along with sufficient time and resources (financial, human, technical) to be fully developed and to be embraced by the labor inspectorate and judicial system.

In addition, the ET found that for actually improving compliance with minimum wage, hours of work and occupational safety and health legislation in Guatemala multifaceted interventions are required. These entail systemic changes that demand long-term processes and implementation schedules, and these cannot be expected to be achieved in a project aiming at the short term (four years).

The ET analyzed the key internal or external factors that limited or facilitated result achievement as described below.

The project was pre-defined by the USDOL, without consultation and participation of the relevant national stakeholders. According to the interviews by the ET, especially with MOL and Union representatives, this hindered the acceptance and national ownership of the project.

Additionally, the project design reflects an overly complex intervention and establishes very ambitious objectives and indicators, that had to be implemented/achieved in a relatively short time (four years), with very limited financial and human resources and in an exceptionally unstable and challenging context.

Moreover, the project had been faced with multiple external challenges which were beyond its control, but which had affected implementation. As explained in the IE report, due to a series of developments that occurred in 2020, the implementation of the activities related to the MOL/GLI was disrupted: there was a change of Government in January 2020, as well as a series of changes in the authorities of the Ministry of Labor. In addition, as of March 2020, due to the COVID-19 pandemic, the Ministry of Labor closed its access for the public, for a period of 6 months and there was virtually no communication from the authorities of the Ministry of Labor with either the social partners or international cooperation agencies.

In the case of the project's foreseen activities with workers and employers' organizations as well as the Judiciary, multiple coinciding factors led to a stagnation of these activities. These include, changes in the management structure of the CACIF and AGROEXPORT; disagreements between workers' organizations that are aligned with the Movimiento Sindical y Popular Autónomo Guatemalteco and those that are organized in the Sindicatos Globales de Guatemala; or significant delays in the election process of judges to the Supreme Court of Justice and the Appeals Courts.

A significant internal factor that caused additional challenges was the resignation of the Project Director on May 1st, 2020. As a result, the project was operating without a Project Director for almost a year (May 2020 to March 2021) and managed by one National Officer and one Administrative Assistant. In addition, no M&E focal point was available from the start of the project until June 2021.

Also, the IE underlined some weaknesses in the Project's M&E system. As summarized and emphasized by the External Audit Report¹² (June 2021): *"an M&E strategy inclusive of a robust PMP and the required baseline and monitoring information, regular submission of an improved work plan, and updating of budget lines or structure for each activity"* were needed in order to improve *"monitoring of project performance, accomplishments, budget and eventually facilitate an improved financial delivery"*.

In regards to the organizational capacity of project implementers, the findings of the IE as well as the interviews conducted by the ET during the course of the current evaluation confirm that the MOL/GLI's capacities are sufficient for ensuring an appropriate implementation and follow-up of the project. However, document review and interviews with stakeholders revealed a generalized and chronic lack of human resources, training, equipment, technology, transportation, and financial resources.

The IE and the current evaluation confirmed that the institutional capacity of employers' organizations is adequate, in terms of their ability to act as implementing partners of the project. Nevertheless, it must be noted that the agricultural sector is largely embedded in Guatemala's informal economy. According to the IE and interviews with employers' representatives conducted by the ET during the course of the current evaluation, the level of informality in the agricultural sector would be estimated up to 80%. This means that only 20% of the agricultural producers

¹² Report of the External Auditor to the International Labor Organization on the audit of USDOL funded project, "Supporting Respect for the Working Conditions of Workers in the Agro Export Sector in Guatemala" (Guatemala Project) As of June 30. Commission on Audit, Republic of the Philippines. June 2020.

(those in the formal economy) are currently organized, under the different employers' organizations, and therefore their reach is relatively limited.

The IE also revealed (and this was confirmed again during the current evaluation process) that the Guatemalan trade union organization is generally weak; with limited representation, and low levels of affiliation and negotiating capacities. Additionally, stark divisions among the different unions are hampering their capacity to secure workers' rights and contribute to the shaping of national labor policies.

Among the factors that facilitated the projects achievement of results, key stakeholders who were consulted by the ET identified the following:

The hiring of a new project coordinator in February 2021, allowed for more strategic project management. This resulted in a renewed dynamism on the part of both the Project Management and the MOL leadership, which contributed to improved communication and coordination between the project and the MOL/GLI. In turn this contributed to advance the activities related to the reinforcement of the GLI's capacities and the ECMS development.

The project extensions awarded by USDOL, which allowed the project to compensate for the delays (caused by factors out of the project's control) during the inception phase, as well as to provide continued assistance to the MOL to ensure the finalization of the ECMS.

The project team demonstrated considerable flexibility to adapt to changing MOL requirements in order to continue to provide the relevant supports to the GLI and to develop the ECMS. Moreover, many stakeholders who were consulted by the ET, including representatives from the MOL management, underlined that the professionalism demonstrated by GLORSYS combined with their flexibility to adjust to the changing needs, have been instrumental in the ultimate success of the ECMS development process.

Additionally, the sustained engagement of the project with key stakeholders, for example the judiciary, and, in the case of the employers' organizations the engagement by ILO/ACTEMP Specialist have also been conducive to support the overall project implementation.

6. How effective was the project in assessing the needs and gathering relevant data on the labor inspection system to support the design and development of the ECMS?

The ET concluded that the project was very effective in assessing the needs and gathering relevant data on the labor inspection system to support the design and development of the ECMS. According to the survey conducted by the ET among departmental delegates, 79% opined that the ECMS is adapted to the procedures and legal framework of the Guatemalan labor administration

In this regard, as mentioned before, during 2019-2020 the project, with the participation of Departmental Delegates and inspectors, had mapped the inspection procedures and designed the screens and the modules for the electronic system. These were approved by the MOL, and served as input to establish the TCO and the TOR for the ECMS.

Moreover, for the design and development of the ECMS in 2021 the MOL constituted a "task force" composed of the Vice-Minister; a Vice-Minister's advisor; the General Labor Inspector; Departmental Delegates; and Labor Inspectors (from Guatemala City).

The project team, GLORSYS and the MOL task force worked together in the design and development of the ECMS.

This allowed to better align the ECMS (as defined in the TOR) with the updated inspection procedures, workflows and flowcharts (as defined by the new MOL/GLI authorities) during September 2021- September 2022 and, at the same time, improve inspection processes.

However this required a great amount of flexibility from the project team and GLORSYS (as many of the MOL requests were not included in the TOR that was approved by the current MOL administration) and this introduced delays in the development/programming process.

7. How effective was the project in mainstreaming gender? Did a gender analysis inform the project approach? How was gender equality targeted within training, strategy and content, budget allocations, among others? Are there specific gender related results?

The ET was not provided with any evidence of the project in intentionally mainstreaming gender throughout all its activities. It was also not presented with a of gender analysis, which would have been a first step to inform the project approach/strategy. In addition, the Evaluation team was not presented with any evidence of gender equality being addressed or targeted within the trainings that were provided nor with their respective, strategies, contents or budget allocations. Additionally, the ET found that the project design does not contain any specific gender related results and indicators.

3.4. EFFICIENCY

8. How efficient was the project's use of resources? How effectively has the project used outcomes-based budgeting systems? Are budgets updated and expenditures discussed regularly between USDOL and implementers and also between various levels of the ILO structure (project, country, regional, HQ)? Has the project tracked the planned vs. actual cost per outcome?

Based on the financial information that was made available to the evaluators by the ILO, by end-October 2022 the project's expenditures and encumbrances amounted to approximately 75% of the total budget.

Table 7. Project expenses and balances (end-October 2022)

Budget	Actuals	Encumbrances	Balances
2,575,652.84	1,573,952.46	366,822.65	634,877.73

Source: ILO San José

While this evaluation was being conducted, the USDOL approved a budget modification to assign 185,435 USD to the purchase by the ILO of IT equipment to support the ECMS implementation, which would raise the project's financial delivery rate (including encumbrances) to 83%.

Table 8. Project expenses and balances, including ECMS IT equipment (end-October 2022)

Budget	Actuals	Encumbrances	Balances
2,575,652.84	1,573,952.46	552,257.65	449,442.73

The relatively low financial delivery rate would be due, as explained to the ET by ILO/Project staff, to the initial challenges and delays in project implementation (please refer to the Effectiveness section); the COVID-19 pandemic, which prevented conducting face-to-face activities (for example training) so instead, these activities had to be done online, which reduced costs; another factor was the fact that the project director position was vacated for almost one year, which reduced staff expenditures.

Along these lines, the Audit Report confirmed that the causes of project low delivery costs were due to a multitude of inter-related external factors over which ILO has no direct control, including

changes in authorities in Guatemala due to the general elections, or the COVID-19 pandemic which started in March 2020 and affected the implementation and adjustment of activities well into 2022.

On the other hand, with regard to identified internal factors, the project was implemented without a Project Director for almost a year; moreover, the Audit Report explained that “[ILO’s] PARDEV [department] commented that, there are instances where scheduling or preplanning of overall programs was not always efficiently done in field offices. The field offices include both the regional and country offices”

Nevertheless, according to the external Audit Report “the project was generally implemented in accordance with the terms of the USDOL CA¹³ and the USDOL’s regulations for grants, as well as the generally accepted accounting principles as applied by the ILO under its Financial Regulations, Rules and Procedures”.

As explained below, ILO’s Integrated Resource Information System (IRIS) is not yet fully aligned with the project’s approved budget. In this regard, the data that were made available to the evaluation did not allow the team to carry out an accurate analysis of the project-related spending and thus, the extent to which the project has efficiently used its resources so far can only be assessed on the basis of qualitative information.

Based on document review and interviews with key stakeholders, the ET considers that the project has been able to provide effective support to country stakeholders and has delivered (or is in the process of delivering) most of the expected key outcomes with relatively limited funding and project staff (with the support from the ILO Regional Specialists) and in a very challenging context. The ET concludes therefore that the project has been implemented with an efficient use of resources.

Regarding the use of an outcomes-based budget by the project; section 4.2.1.5 of the Management Procedures and Guidelines (MPG) for Cooperative Agreements notes that USDOL requires budget-performance integration and outcomes-based budgets that allow the tracking of costs of particular outcomes, the outputs, and activities that support them. In the detailed outcomes-based budget, the recipient must: (a) show how the budget supports project outcomes and design in a cost-effective way; and (b) link the budget to the activities, outputs and outcomes reflected in the PRODOC Package. The recipient must provide a breakdown of the total administrative costs into direct administrative costs and indirect administrative costs.

According to the external Audit Report “the Final draft of the revised PRODOC was submitted in April 2020 and was approved by USDOL in June 2020. In the revised and approved PRODOC there were 31 new activities. It was noted that as of June 30, 2021, eight outputs pertaining to the said 31 activities were already incorporated in the IRIS but with no budget, expenditures, and encumbrances”. In this regard, the Auditors underlined “the need for budget revision and its corresponding update in Integrated Resource Information System (IRIS) module” and they also recommended that “the project should facilitate financial delivery through adequate evaluation and monitoring of budget utilization”.

The IL-32521 Guatemala Follow-Up Resolution Letter – FINAL (September 2022) informed that “the ILO was working on integrating the realigned budget into the ILO’s IRIS financial system”. Further, “on March 23, 2022, the ILO received Award Modification 2 which approves the ILO’s request to extend the project to December 31, 2022, and revise the project’s budget.”

¹³ Cooperative Agreement

In addition, the abovementioned Follow-Up Resolution Letter indicates that “On April 29, 2022, the project submitted to USDOL as part of the TPR covering the period ending March 31, 2022, the project workplan which contains key information including: (i) the major project activities and outputs with indicated timelines for completion as well as responsible focal point; (ii) pertinent data as basis in procuring inputs and incurring expenditures; and (iii) corrective action to put the project back on schedule, which is aligned to activities and outputs identified in the Results Framework (RF) prescribed by the USDOL OTLA MPG”.

The Follow-Up Resolution Letter also informs that “since then (May 2022), the ILO Project continuously discusses with the Grant Officer Representative about the project’s plan. The ILO Project has also reviewed the approved budget in Modification 2 and undertaken steps to ensure accurate information for planning”. Further, the letter informs that “the Updated Project Workplan of June 2022 and the Updated Budget Report June 2022 were concurrently submitted to the GOR for review and information”.

Document review and interviews with key stakeholders revealed that the ILO made use of its own outcomes-based budgeting system, the ILO’s IRIS. However, due to the different project modifications (approval of the project document package in June 2020; as well as Modification 1 and 2) IRIS is not yet fully aligned with the project’s approved budget. Moreover, until the external Audit process conducted in 2021 there wasn’t any proof of regular discussions on updates of budgets and expenditures between USDOL and the ILO, but also not between the ILO teams (San Jose, Lima and Guatemala). The ET concluded that the project has not yet been able to accurately track the planned vs. actual cost per outcome as defined in the USDOL approved budget.

Additionally, the project didn’t have access to budget information to know how much budget existed for particular activities. In this regard, key informants believe that these factors could have negatively affected the project’s ability to efficiently plan and implement activities. Moreover, the external audit report indicated that improved work plans and updated budget lines for each activity were necessary to improve monitoring of project performance, accomplishments, and eventually facilitate an improved financial delivery (Page 14). Furthermore, some stakeholders opined that ILO (San Jose, Lima) especially during the absence of a project director should have more closely monitored the project,

9. What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement? How did ILO and the project respond to the recommendations of the Interim Performance Evaluation and audit findings and follow-up actions?

Among the key strengths in project implementation many stakeholders underlined the professionalism and qualifications of project staff and Consultants. In addition the ILO provided access to internal technical resources including support of the ACTEMP, ACTRAV and Social Dialogue Regional Specialists. Also, several informants made reference to GLORSYS’ highly quality technical capacities in developing the ECMS.

Moreover, as already mentioned in other sections of this report, despite the challenging context for implementation, project staff, consultants and GLORSYS have demonstrated considerable flexibility to address the changing needs and demands of stakeholders, where possible, which in turn has allowed for significant contributions towards the strengthening of the capacity of MOL/GLI, the judiciary and the employers’ organizations.

On the other hand, document review and interviews with key informants showed some weaknesses and areas that need improvement, the most salient being the staffing level (as stipulated in the FOA) for the project; and, weaknesses in the Project Monitoring Plan.

The staffing level (as stipulated in the FOA) for the project was found to have been too low. As already highlighted by the MTE, the ET observed that the human resources that were assigned for the project's implementation (namely: 1 Project Coordinator, 1 National Officer and 1 Administrative Assistant) were found to be scarce, especially for a project of such complexity. In addition, as already mentioned in the Effectiveness section, no M&E focal point was available from the start of the project until June 2021.

Weaknesses in the Project Monitoring Plan. Document review and interviews with key stakeholders revealed flaws in the project M&E plan. The Audit report summarized these as follows: "The absence of an M&E focal point has stalled the accomplishment of the related M&E activities such as the preparation and submission of appropriate M&E tools, i.e., the PMP and its data tracking table, as well as work plans, which are critical in determining the progress of the activities, delivery of outputs and achievement of outcomes". Both the IE and the Audit Report concurred that in most cases baseline data and targets were found to be either not available or not specified. Moreover, every so often, end-line data were yet to be determined or were not specified.

Moreover, the IE underlined that "it will be difficult for the project to establish any benchmarks; or to ensure data comparability; or to systematically collect the necessary data for the measurement of achievement against the performance indicators and analysis of results; and thus, it is difficult to assess on an ongoing basis the project outcomes and impact, and to inform management decisions based on data analysis."

In addition, the Audit Report noted that "More than recognizing its importance, the (M&E) strategy was required in the implementation of the project in order to facilitate, inter alia: (a) evaluation of budget allocation and expenditures at the output level to effect appropriate decision in cases of budget deficits and for adjustments/reallocation of the budget whenever necessary, thus optimally utilize the project funds; and (b) documentation of possible savings, and identification of outputs that will benefit from the budget reallocation.

Regarding the extent to which the ILO and the project responded to the audit findings and follow-up actions, through document review the ET found that all of the audit findings are CLOSED (please refer to Annex 2.ILO's response to the audit findings and follow-up actions for further details).

The Grant Officer's Follow-Up Resolution Letter of September 30, 2022, states that "the external audit detailed seven (7) findings of which five (5) remained open when USDOL issued a corrective action letter on April 21, 2022. The corrective action letter requested that the ILO submit required supporting documentation to close the five remaining findings. USDOL received the ILO's official response to the corrective action letter on June 20, 2022. The responses provided and corrective actions taken have been deemed sufficient to address the remaining findings and, as a result, all of the findings are now closed."

Regarding the extent to which the ILO and the project responded to the recommendations of the Interim Performance Evaluation through document review and interviews the ET found that at the time this evaluation was being conducted, out of the eight (8) recommendations specifically addressed to the ILO/Project, four (4) were completed; two (2) are ongoing; and two (2) are still pending (please refer to Annex 3. ILO's response to the Interim Performance Evaluation for further details)

3.5. IMPACT AND CONSEQUENCE

10. What were the most significant changes, if any, that have occurred, or are likely to occur, in stakeholder policies, programs, or resource allocation as a result of project activities (from the perspective of stakeholders)?

Based on document review and interviews that were conducted with key stakeholders, the evaluation team was able to confirm some changes that have occurred in stakeholder policies/programs and resource allocation as a result of project activities.

a. Policies / Programs

- The Vice-Minister of labor asked the project to draft a **Proposal for the Reform of the Internal Organic Regulations of the MOL**, which is expected to be approved by the MOL before the end of the project according to the information conveyed to the ET by the project team.
- A **new organization chart, procedures and workflows** for the GLI were developed by the project and they are included in the Proposal for the reform of the Internal Organic Regulations of the MOL.
- **The Supreme Court of Justice** approved the **harmonized criteria proposed by the Judicial Branch** in relation to the enforcement of labor regulations contained in Legislative Decree 7-2017.
- **Five Sectorial Human Rights policies** were developed by the project, with the support of ILO/ACTEMP and CAMAGRO, and these were adopted by employers' organizations *-gremiales-* for each of these sectors (coffee, bananas, agrochemicals, rubber and livestock). In addition, the aforementioned *gremiales* are supporting their affiliates to develop and adopt **Company Human Rights policies**.

b. Resource allocation

- The MOL/GLI purchased **IT equipment** (according to the technical specifications provided by the project) **for 20 Departmental Delegations in order to support the ECMS deployment**.

11. What is the potential of the ECMS in the view of MOL stakeholders?

According to KIIs and FGD conducted by the ET with MOL/GLI staff and other key stakeholders, the implementation of the ECMS can potentially contribute to:

- Improving labor inspection processes in Guatemala.
- Strengthening the overall efficiency and effectiveness of labor inspection.
- Reinforcing labor inspectors' supervision, management and performance.
- Obtaining real-time data /statistics.
- Improving labor administration planning and policy decisions, based on objective and reliable data.
- Increasing the transparency of the Labor Inspectorate.
- Facilitating the application of the appropriate sanctions in case of labor violation.

The findings of the abovementioned FGD/KIIs are consistent with the results of a brief survey that was conducted by the ET as part of the final evaluation among 19 of the 22 Departmental Delegates who attended the ECMS presentation workshop. The survey found for instance that:

- 95% of the respondents agreed that the ECMS is a suitable tool for storing data and would allow for automatization of both the inspection processes and the management of labor violation cases.
- 89% of the departmental delegates opined that they expect that the implementation of the ECMS will contribute to improving labor inspection processes in Guatemala.
- 84% were in agreement that the implementation of the ECMS is expected to contribute to strengthening the effectiveness of labor inspection
- 79% opined that the implementation of the ECMS will be expected to contribute to improving labor administration planning and policy decisions based on objective data.
- 79% were in agreement that the implementation of the ECMS is expected to contribute to increasing the transparency of the Labor Inspectorate.
- 74% of the delegates have expressed confidence in that the implementation of the ECMS is expected to contribute to facilitating the application of the appropriate sanctions in case of labor violation.

3.6. SUSTAINABILITY

12. Are the steps being taken towards sustainability in line with the sustainability strategy? Is the project tracking useful sustainability indicators? AND 13. Does the sustainability strategy identify risks or opportunities and integrate appropriate responses or mitigation measures, in terms of technical, financial, legal, economic, social, institutional, gender and environmental results?

The project management developed an Updated Sustainability Plan (October 2022). Upon careful examination, in the ET's opinion, the sustainability plan lacks clarity as to what exactly is expected to be sustained beyond the duration of the project, and how sustainability would be achieved. For instance, an identification of the respective responsibilities of the ILO/project staff and the project partners is missing: it remains unclear who within the MOL or other partners will be responsible for the sustainability of some of the project's results. In addition, the plan fails to clearly identify the estimated amounts and types of (financial, technical, human) resources that are likely to be required to sustain each of these particular outcomes (how much) as well as who will be the source for such resources. Finally, there is no clear timeframe (when) included that explains when these resources should be available.

In addition, whereas the Sustainability Plan includes a "Risk Assessment Matrix" it does not include specific mitigation or possible contingency actions or strategies to address such risk factors.

Furthermore, the project has not developed a clear exit strategy, which would identify how the transfer of responsibilities from the project to the national partners is intended to take place. And finally, there is no indication in the sustainability plan of the intended monitoring process of the implementation of the sustainability and exit plans.

Regarding the tracking of useful sustainability indicators related to the project, as discussed in the IE, and further confirmed in the current evaluation process, the project management has not yet been able to properly produce, monitor and report its performance data. This leads to the conclusion by the evaluators that, to the best of their knowledge, the project has not yet been able to track any sustainability indicators.

The ET has examined the main sustainability prospects of the key project interventions implemented so far.

Regarding the activities developed with the MOL/IGT, including the approval and use by the MOL/GLI of the products that have been developed by the project (for example, the proposal for the reform of the Internal Organic Regulations of the MOL; or the updated GLI workflows, procedures and handbooks) along with the eventual implementation and standard utilization of the ECMS by labor inspectors and departmental delegates can potentially allow for a more effective management of worker complaints. In addition, it can also be reasonably expected that these results will facilitate the adherence of labor inspectors to proper administrative labor inspection procedures on minimum wage, hours of work, and OSH violations, in line with the 2017 Labor Code reform.

Interviews with key stakeholders (including MOL authorities) revealed that sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as well as the deployment of the ECMS before the next election process, which is currently foreseen for September 2023. As explained before, another change of Administration brings with it the risk of potential additional changes in the MOL authorities which in turn will possibly affect the adoption/scaling-up of the ECMS (if at all) negatively and is therefore a threat to its sustainability.

Several informants opined that there is currently sufficient political will amongst the present MOL leadership to deploy the ECMS across all the Departmental Delegations. However, such deployment will require substantial capacity building at all levels (GLI, DISI, departmental Delegations, Labor Inspectors) and continued technical support from the IT specialists who developed the system.

In this regard, it is important to note that there is widespread agreement among key stakeholders that the MOL currently does not have the required technical capacities and financial resources to be able to ensure the ECMS implementation. Representatives of the MOL leadership have emphasized to the ET that continuing external support from USDOL, ILO and GLORSYS is therefore still needed in order to achieve its full potential.

Concerning the development of sector-related policies by employers, CAMAGRO has (both independently and with support of the project) been supporting the adoption of such policies by its members since 2018. In this regard and also based on interviews conducted by the ET, it seems reasonable to expect that employers will continue with the development of sectorial as well as business-specific Human Rights policies in the near future.

Nevertheless, employers' representatives interviewed by the ET manifested that external support may be relevant in order to scale-up (sectors, businesses, value chains) and to expedite necessary policy development and adoption processes across other sectors.

As for the Workers organizations, the Project Document states that in order "to improve compliance with the revised Labor Code, it is critical that workers organizations and employers' organizations fully understand the inspection process and the roles of their sectors". Several stakeholders who were interviewed by the ET manifested that workers and workers' organizations indeed have a decisive role to play in improving the effectiveness of labor inspections through the improved enforcement of regulations on acceptable conditions of work.

Nevertheless, as explained in the Effectiveness section, the project has not yet been able to conduct any activity with any of the main workers' organizations with presence in the agro-export sector aiming at the strengthening of their capacities.

Several key stakeholders opined that effective and sustainable labor law compliance interventions will need the active participation of workers. In this regard, it is necessary to reinforce the capacities of workers and workers' organizations, in particular with regard to: labor

law; workers' rights; unionism; unionization; collective bargaining; and to assist them in gaining access to resources, that are already available to them in both administrative and judicial institutions, and to increase the effective use of such resources, for instance with regard to the filing of complaints in relation to violations of labor rights.

In regards to the reinforcement of the capacities of the Judiciary, the project has achieved important results in strengthening the capacity of judges to issue well-founded sentences. Nevertheless, members of the judiciary and other key stakeholders interviewed by the ET opined that additional external support to improve the quality of judicial processes in labor courts will be needed. Such support should include, for example, additional training through the Judicial School on the Labor Code reform; Labor Law; International Labor Standards; constitutional jurisprudence; as well as the newly harmonized criteria (that were developed under the current project) related to the enforcement of labor regulations contained in Legislative Decree 7-2017.

Ultimately, as underlined by the MTE “much of the project success and sustainability will directly depend on the political will that exists at the different levels to continue to support the reinforcement of Labor Inspectorate, as well as to effectively enforce the labor law regulations”.

4. LESSONS LEARNED AND PROMISING PRACTICES

4.1. LESSONS LEARNED

Lesson Learned 1 – Interventions aimed at promoting compliance/adherence to regulations on working conditions usually require a significant amount of time and resources, as they call for transformative and systemic changes. USDOL and the grantees should be prepared to engage with national partners (e.g. MOL, Judiciary, Workers, and Employers) during a prolonged period of time. Especially when supporting the improvement of working conditions / compliance with labor law legislation in countries with limited inspection, enforcement and judicial capacities. Specifically, the implementation of Labor Law reforms; the strengthening of the labor inspectorate; the design and implementation of electronic case management systems, etc. require the dedication of a significant amount of time and resources. In addition, the pace of such developments is generally dependent on factors that are outside the control of USDOL and the grantees.

Lesson Learned 2 - Risk assessment and mitigation strategies for the project. Technical assistance/development cooperation projects are often implemented in complicated and challenging contexts. Such projects usually are designed to address complex and multi-dimensional problems. It is also important to recognize that the majority of such projects face significant challenges during their implementation. However, some of these are foreseeable and recurrent (for example, election processes and changes in the management and staff of the project partners, especially the MOL). In this regard, sound risk assessment and mitigation measures need to be established in the design stage, and these should be updated during project implementation. Additionally, in complex situations it may be necessary to reformulate the project to adapt to the changing context. This requires significant flexibility from both the ILAB end and from the grantees, in allowing for relevant and necessary adjustments when necessary.

Lesson Learned 3 - Project management skills. Overall, strong management skills, as well as good communication and coordination skills are necessary for the project management, to provide adequate technical assistance based on the implementation capacities and timelines of project partners (including governments). Additionally, project teams of projects that seek to strengthen labor inspection, require qualified staff with sound knowledge of labor inspection and labor legislation.

Lesson Learned 4 - Project implementation must be guided by sound monitoring processes, to ensure that information about results is used in real time, to improve decision-making. Monitoring must closely follow the actual progress of different components of the project. When necessary the attention of management must be called (both grantee and ILAB) as to whether the desired results are effectively being achieved or not. In some cases adjustments must be made and compromises may need to be found. Thus, monitoring should be used for more than writing mandatory reports required by ILAB. A good monitoring system is useful as a tool that can assist management with the identification of problems, before or as they occur, and allow for quick corrective actions when required.

Lesson Learned 5 - Participation of the labor inspectorate staff in capacity building activities. Participation in capacity building activities for labor inspectors, departmental delegates and other relevant MOL/GLI staff ideally must be compulsory, specifically, the requirement of having finished training and having received certification in the use of ECMS (for all relevant staff of the labor inspectorate). In addition, capacity building activities are found to be more effective when carried out in person, with reserved time in the schedules of inspectors, delegates, DISI staff, etc., rather than online.

4.2. PROMISING PRACTICES

Promising Practice 1 – Flexibility, capacity to adapt and sustained engagement with project partners were instrumental in project implementation. The project team demonstrated considerable flexibility, resulting in the adaptation of different components of the project, in order to meet the changing requirements of the MOL. This resulted in the continued provision of relevant support to the GLI, and allowed for the development of the ECMS. Moreover, the high degree of professionalism demonstrated by GLORSYS, in combination with the flexibility to pivot when needs changed, have contributed to the ultimately successful development process of the ECMS. Additionally, the sustained engagement of the project with the judiciary and the employers' organizations has been conducive to support the overall project implementation.

Promising Practice 2 – Participatory approaches were effective throughout the development of the ECMS. At its inception, the project, conducted a series of activities, with the participation of Departmental Delegates and Labor Inspectors, which have facilitated the preparation of the grounds for the eventual development of the ECMS (for example the mapping of the inspection procedures in the Delegation of Escuintla). During 2021/22 the project team, GLORSYS and the MOL task force (composed of the Vice-Minister; a Vice-Minister's advisor; the General Labor Inspector; Departmental Delegates; and Labor Inspectors) collaborated in both the design and development of the ECMS. Such participatory approaches allowed for a better alignment of the ECMS with the requirements of the MOL, as well as with the labor inspection procedures and workflows. Moreover, this participatory approach generated ownership among the MOL leadership, departmental delegates and labor inspectors.

Promising Practice 3 – The project combined diverse expertise from various fields to deliver a high-quality ECMS. While designing and developing the ECMS, the Project was able to tap into a range of areas of expertise (from among staff, consultants, MOL/GLI staff) in subjects such as labor inspection, labor legislation, development and optimization of procedures; along with IT expertise. As a result, according to key stakeholders, the project was able to deliver a high-quality operational electronic case management system with capacity to effectively respond to current standards and needs of the MOL/GLI.

5. CONCLUSIONS

At its inception the project faced multiple challenges and delays. However, it has been flexible to adapt to changes in the context and to the varying needs and demands of project partners; and at the same time, managed to remain relevant through sustained engagement with stakeholders (especially MOL/GLI, the Judiciary and employers' organizations).

The extensions awarded by USDOL allowed the project to compensate for the initial delays as well as to finalize/deliver a series of key products, including the ECMS, which hold large potential for improving the capacity of the Labor Inspectorate to effectively manage worker complaints following the 2017 reform.

However, the sustainability of the ECMS will largely depend on its effective deployment before the next election process, which is currently foreseen for September 2023. Another change of Administration brings with it the risk of potential additional changes in the MOL authorities which in turn may negatively affect the implementation of the ECMS.

While there is sufficient political will within the current leadership, at present the MOL does not have the required technical capacities and financial resources to be able to ensure the ECMS implementation. Additionally, it is worth noting that the ECMS implementation will require substantial capacity building at all levels (GLI, DISI, departmental Delegations, and Labor Inspectors) and continued technical support from the IT specialists who developed the system. Therefore, external support from USDOL, ILO and GLORSYS is still needed in order to implement the ECMS.

The evaluation found some weaknesses in the Project's M&E Plan, as the ILO was not able to establish baselines and targets for most indicators; or to systematically collect end-line data. This negatively affected the project's ability to monitor project performance and financial delivery. Both aspects, monitoring of project performance and financial delivery should be improved by the ILO in the future.

In addition, the project's sustainability plan needs to be reinforced in order to be more specific in regards to what exactly is expected to be sustained beyond the duration of the project, and how sustainability would be achieved. Moreover, the plan should include a clear exit strategy, which would identify how the transfer of responsibilities from the project to the national partners is intended to take place.

6. RECOMMENDATIONS

6.1. GENERAL RECOMMENDATIONS – FOR USDOL ILAB

Table 9. General Recommendations - For USDOL ILAB

Recommendations to USDOL/ILAB	Evidence	Page numbers
No.1. Projects' staff: in future Funding Opportunity Announcements (FOA) USDOL-ILAB should ensure that the staffing provisions (for both "technical" and M&E personnel) will be sufficient to carry out complex projects and to implement activities with maximum effectiveness.	<p>The project design reflects an overly complex intervention and establishes very ambitious objectives and indicators, that had to be implemented/achieved in a relatively short time (four years), with very limited financial and human resources</p> <p>No M&E focal point was available from the start of the project until June 2021.</p>	Section 3.4. Efficiency. EQ 5, page 39

Recommendations to USDOL/ILAB	Evidence	Page numbers
No.2. OTLA M&E team and project managers should work more closely together on the review of monitoring plans and progress during implementation. To the extent possible, the OTLA M&E team should work with project managers/M&E Officers to review monitoring plans and progress reports, and to provide feedback on these in order to promote organizational and project focused learning and adaptation.	Document review and interviews with key stakeholders revealed flaws in the project M&E plan. The absence of an M&E focal point has stalled the accomplishment of the related M&E activities such as the preparation and submission of appropriate M&E tools, i.e., the PMP and its data tracking table, as well as work plans, which are critical in determining the progress of the activities, delivery of outputs and achievement of outcomes	Section 3.4. Efficiency. EQ 9, page 39

6.2. GENERAL RECOMMENDATIONS - FOR USDOL/ILAB AND THE IMPLEMENTING PARTNER

Table 10. General Recommendations For USDOL ILAB and the Implementer

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
No.3. Provide continued assistance to the MOL/GLI in the implementation of the new inspection procedures and workflows and the ECMS in the country. In the short term, it is recommended that the ILO and USDOL provide continued assistance to the MOL/GLI in the following: i) <u>the implementation of the new inspection procedures and workflows</u> , through training at the GLI (HQ level) and Departmental Delegations; and ii) <u>the implementation of the ECMS</u> by: a) supporting the installation and testing of the new equipment(to be purchased by the ILO); b) training DISI staff on the equipment and system administration; c) planning and delivering a training plan (both in new Inspection procedures and ECMS) for all Departmental Delegates and all Labor Inspectors; d) training decision-makers on using data for inspection system monitoring and strategic planning; e) training GLI's units/departments as relevant; f) providing continuous technical support by GLORSYS; g) improving communication / information exchange between the labor Inspection and the Judiciary through secure electronic means; h) evaluating the ECMS implementation performance and results.	Interviews with key stakeholders (including MOL authorities) revealed that sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as well as the deployment of the ECMS before the next election process, which is currently foreseen for September 2023. However, such deployment will require substantial capacity building at all levels (GLI, DISI, departmental Delegations, Labor Inspectors) and continued technical support from the IT specialists who developed the system. External support from USDOL, ILO and GLORSYS is therefore still needed in order to achieve its full potential.	Section 3.6. Sustainability. EQ 12&13. Page 53
No.4. Support workers and workers' organizations. <u>In the future/through other projects</u> it would be worthwhile to provide support to workers and workers'	Effective and sustainable labor law compliance interventions will need the active participation of workers	Section 3.6. Sustainability. EQ 12&13. Page 53

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
<p>organizations (representing both workers at the formal and informal sector) especially at the grass-root levels. This can be done by strengthening their technical knowledge as well as their institutional capacities, in particular with regard to: labor law; workers' rights; unionism; unionization; collective bargaining; and to assist them in gaining access to and increase the effective use of resources that are already available to them in both administrative and judicial institutions, for instance with regard to the filing of complaints in relation to violations of labor rights.</p>		
<p>No.5. Continue to support employers' organizations. <u>In future projects or through other projects</u> aiming at improving labor law compliance/respect for workers' rights it would be useful to provide support to employers' organizations in scaling up their Human Rights policies to other sectors and/or among affiliated businesses as well as throughout their value chains.</p>	<p>Employers' representatives interviewed by the ET manifested that external support may be relevant in order to scale-up (sectors, businesses, value chains) and to expedite necessary policy development and adoption processes across other sectors.</p>	<p>Section 3.6. Sustainability. EQ 12&13. Page 53</p>
<p>No.6. Continue to provide support to improve the quality of judicial processes in labor courts. <u>In the future/through other projects</u> it would be worthwhile providing technical and financial assistance to the Judicial School for the development of a continuous training program for judges at the Labor and Social Welfare Courts, including, for example: the Labor Code reform; Labor Law; International Labor Standards; constitutional jurisprudence; harmonized criteria related to the enforcement of labor regulations contained in Legislative Decree 7-2017.</p>	<p>Additional external support to improve the quality of judicial processes in labor courts will be needed. Such support should include, for example, additional training through the Judicial School on the Labor Code reform; etc.</p>	<p>Section 3.6. Sustainability. EQ 12&13. Page 53</p>
<p>No.7. Gender mainstreaming. <u>In future projects USDOL and ILO</u> (and/or other grantees) should analyze the causes of gender inequality specifically related to each project, as well as the specific needs/difficulties of women and vulnerable groups. Moreover, it is necessary for future interventions to design gender strategies aiming at favoring equal protection of women's rights, as well as, at responding to their particular needs.</p>	<p>The ET was not provided with any evidence of the project in intentionally mainstreaming gender throughout all its activities.</p>	<p>Section 3.3. Effectiveness. EQ 7, page 41</p>

6.3. SPECIFIC RECOMMENDATIONS – FOR THE IMPLEMENTING PARTNER

Table 11. Specific Recommendations for the Implementer

Recommendations to the Implementer	Evidence	Page numbers
<p>No.8. Strengthen the current Project Sustainability Plan. With the support from the Evaluation unit at the ILO Regional Office the project management should develop a more systematic and more detailed Project Sustainability Plan. Taking into account the results achieved thus far, as well as the expected challenges, the plan should describe the components of the project that are expected to be sustained after the project ends, with a well-defined timeline; an identification of which specific institutions will be expected to be responsible for sustaining such results; as well as an explanation as to the availability of the required financial and human resources that to ensure the sustainability. It should also clearly identify underlying assumptions, risks and mitigation strategies. Also important in this regard as part of the sustainability plan, is the development of a clear <i>exit strategy</i>, which identifies the gradual transfer of responsibilities from the project/ILO to the national partners (MOL, Judiciary, Employers and Workers organizations).</p>	<p>The project management developed an Updated Sustainability Plan (October 2022). In the ET's opinion, the sustainability plan lacks clarity as to what exactly is expected to be sustained, beyond the duration of the project, and how sustainability would be achieved.</p> <p>Furthermore, the project has not developed a clear exit strategy</p>	<p>Section 3.6. Sustainability. EQ 12&13. Page 52</p>
<p>No.9. In the future ILO must develop sound M&E strategies inclusive of a robust PMP and the required baseline and monitoring information; OBB and updating of budget lines; as well as work-plans, in order to improve monitoring of project performance and financial delivery.</p>	<p>The IE underlined some weaknesses in the Project's M&E system. As summarized and emphasized by the external audit report: "an M&E strategy inclusive of a robust PMP and the required baseline and monitoring information, regular submission of an improved work plan, and updating of budget lines or structure for each activity" were needed in order to improve "monitoring of project performance, accomplishments, budget and eventually facilitate an improved financial delivery".</p>	<p>Section 3.3. Effectiveness. EQ 5, page 39</p>
<p>No. 10. For the remainder of the project and in future projects ILO should strengthen coordination among Technical and Support units (such as Programming, Finances, Evaluation¹⁴) in project design, monitoring (technical and financial) and evaluation. Further, the ILO should reinforce its support</p>	<p>The IE underlined some weaknesses in the Project's M&E system. As summarized and emphasized by the external audit report: "an M&E strategy inclusive of a robust PMP and the required baseline and monitoring information, regular submission of an</p>	<p>Section 3.3. Effectiveness. EQ 5, page 39</p>

¹⁴ Evaluation Unit: in the case of projects/programs whose evaluations are managed by the donor, such as USDOL Projects

Recommendations to the Implementer	Evidence	Page numbers
by support units <u>to project staff</u> in project monitoring (technical and financial) and evaluation.	improved work plan, and updating of budget lines or structure for each activity” were needed in order to improve “monitoring of project performance, accomplishments, budget and eventually facilitate an improved financial delivery”.	

6.4. SPECIFIC RECOMMENDATIONS – FOR THE GOVERNMENT/MOL

Table 12. Specific Recommendations for the Government/MOL

Recommendations to the Gvt/MOL	Evidence	Page numbers
No. 11. Approve and adopt key products developed by the project. In order to improve the capacity of the Labor Inspectorate to effectively manage worker complaints in line with the 2017 Labor Code reform, it is recommended that the MOL considers the urgent and gradual incorporation of key products that have been developed by the project into its practices and procedures. These should include the proposal for the reform of the Internal Organic Regulations of the MOL; the updated GLI's Flowcharts and Handbooks; standardized Technical Criteria of the GLI; Labor Inspectors Performance Management Manual and implementation Plan; as well as the implementation of the Strategic Compliance Plans produced by the project. As these have been prepared in collaboration with the project this may be done in a relatively short timeframe.	Regarding the activities developed with the MOL/IGT, sustainability will largely depend on the effective approval and implementation by the MOL/GLI of the updated regulations, procedures, etc. as well as the deployment of the ECMS before the next election process	Section 3.6. Sustainability. EQ 12&13. Page 42
No.12. Support the ECMS implementation, monitoring and evaluation by: a) including in the Internal Organic Regulations of the MOL or other relevant/specific regulation the mandatory use of the Electronic System by labor inspectors and departmental delegates (and other staff as relevant); b) promoting and facilitating the active and compulsory participation of labor inspectors, departmental delegates and other relevant MOL/GLI staff members in capacity building activities related to the ECMS. Moreover, capacity building activities must be carried out in person and the GLI and departmental delegations must allow for reserved time in the schedules of inspectors, delegates, DISI staff, etc. to attend to such trainings; c) Allocating sufficient financial resources in the annual budget of the MOL, to ensure the	Participation in capacity building activities for labor inspectors, departmental delegates and other relevant MOL/GLI staff ideally must be compulsory. The Thematic Evaluation of ILAB-supported ECMS underlined that Inspectors' reluctance was a major challenge for ECMS adoption in several countries. Proper and substantial training for labor inspectors and departmental delegates will be essential for the effective operation of the ECMS. At the moment of the final evaluation the project has yet produced and reported very little monitoring and performance data	Lesson Learned 4. Page 44 Lesson Learned 5. Page 44 Effectiveness section, EQ 4. Pages 24, 28 and 29

Recommendations to the Gvt/MOL	Evidence	Page numbers
<p>maintenance of the ECMS, as well as its future updates, if required; d) Establishing linkages between the ECMS and other relevant MOL databases, as well between the Labor Inspectorate and Labor Courts system. Moreover, support the monitoring and evaluation of the ECMS implementation by providing the project team with the timely provision of relevant and accurate data that support key performance indicators related to the implementation of the ECMS.</p>	<p>Project implementation must be guided by sound monitoring processes, to ensure that information about results is used in real time, to improve decision-making.</p>	
<p>No.13. Promote good practices of social dialogue and tripartism. To the extent possible it is recommended for the MOL to formulate work-plan, with the participation of the employers and workers' organizations that would allow for the swift and effective operation of the Tripartite Council for Labor Inspection.</p>	<p>The project/ILO, the Guatemalan Social Partners and the MOL are working together to define a joint roadmap that will allow for the reactivation of the Tripartite Council for Labor Inspection in the near future.</p>	<p>Effectiveness section, EQ 4. Page 31.</p>

ANNEX A. RESULTS DURING LOP, AS PER THE PMP

Indicator	Baseline	Target End of Project	Actuals (Sept. 2022)
Project Objective: Improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector			
LT Outcome 1: Increased effectiveness of labor inspections related to acceptable conditions of work.			
% of labor inspections in the agro-export sector / Total of inspections in all sectors	N/A	20%	2.2% (These data only include inspections in the agricultural sector carried out ex officio through operational plans, the information was provided by resolution No. 947-2022 of the Office of Public Information of the MOL, in the period of March 2018 - June 2022)
# of acceptable conditions of work infractions identified in the agro export sector	N/A	Tbd	N/A
# of procedural actions resulting from identified violations			522 (According to the Annual Reports on the Work of the General Labor Inspection Services)
% of LI visits in the agro-export sector resulting in procedural actions	N/A		N/A
# of administrative sanctions	N/A		N/A
% of administrative sanctions	N/A		N/A
% of administrative sanctions	N/A		N/A
Department of Labor Indicator - DOL1 Number of targeted labor ministries implementing strategy and/or action plan to enforce labor legislation (and/or to inspect worksites), resulting from a DOL-funded project.	N/A		N/A
Department of Labor Indicator - DOL1 Number of targeted government partners that implement inspections or deliver other important government services using improved tools or resources from a DOL-funded project and/or direct technical assistance.	N/A		N/A
MTO 1.1. Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance issues in the agro-export sector			
ST Outcome 1.1.1: Labor Inspectorate implements recommendations and strategies from LINA			
% of recommendations from LINA Action Plan implemented by the MOL	N/A	70%	N/A
ST Outcome 1.1.2: Strategic Compliance Plans (SCP) for the Inspection are developed and implemented through the SCP/ILO methodologies for enhancing effectiveness of strategic inspections			
The strategic Compliance Plan is implemented by MOL and other relevant actors	N/A	YES	N/A
MT Outcome 1.2: Labor inspectors capacities to perform quality inspections are strengthened Labor			
Percentage of inspections that show a quality according to the best practices and minimum technical conditions internationally accepted.	N/A		N/A
ST Outcome 1.2.1: Labor inspectors access new career and performance incentives			
Number of new or revised performance tools handed over and used by MOL	0	4	1 (More tools for the MoL to be revised and developed Q3-Q4 2022)
ST Outcome 1.2.2: Labor inspectors are trained on priority labor subjects			
Percentage of labor inspectors that demonstrate that have enough capacities regarding acceptable conditions of work violations.	N/A	60%	N/A

ST Outcome 1.2.3: Labor inspectors have better understanding of common mistakes in labor inspections and what information judges need to enforce sanctions.			
# of tools, procedures developed and used to coordinate actions by the inspectorate and the judiciary	0	1	N/A
MT Outcome 1.3: Workers' and employers' organizations take more actions to promote compliance with labor laws.			
% of workers and employers' organizations participating in project activities that take action on labor law compliance	0	70%	N/A
ST Outcome 1.3.1: Workers and employers organizations are more aware of labor issues, acceptable conditions of work, new sanctions procedure, and avenues for resolving labor conflicts			
# of social dialogue platforms fostered by the project to promote compliance	0	2	10
ST Outcome 1.3.2: Employers have more knowledge and tools to promote self-compliance in the agro-export sector following technical assistance			
MT Outcome 1.4: Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issues and collected, and violations remediated.			
ST Outcome 1.4.1: Design and develop a new electronic case management system for labor inspection to incorporate the new administrative sanctioning procedure			
Availability of the electronic case management system with the most high international quality.		YES	N/A
ST Outcome 1.4.2: Increase MOL's capacity to follow up on labor inspection in the country through the electronic case management system			
MOL is prepared to use the electronic case management system.	N/D	YES	N/A
MTO 1.5: Pilot Case Management System is replicated in one or more additional regions of Guatemala.			
ST Outcome 1.5.1: At least two regions have implemented the Case Management System as a pilot regions.			
Percentage of inspections that are processed and administered using the electronic case management system in the two selected regions.	N/D	75%	N/A
ST Outcome 1.5.2: The selected regional offices at key regions have the necessary equipment and conditions (facilities and electronic ones) to implement the system in each venue.			
All necessary equipment is installed, tested, and operative in each region.	NO	YES	N/A
LT Outcome 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work			
# of cases			N/A
% of cases			N/A
ADD TARGETS			
Percentage of labor judges who incorporate in their sanctions the main concepts and domestic and international labor legislation doctrine and the new administrative sanction procedures.			N/A
% of judges	N/A		N/A
% of rulings			N/A
MT Outcome 2.1: Judges apply standardized criteria and other acquired knowledge in decision-making on new labor administrative sanctions resolutions			
ST Outcome 2.1.1: Judges have increased knowledge of administrative sanctions procedure and agree on standardized legal criteria			
% of judges trained by the project who demonstrate sound knowledge of the administrative sanctions procedure and standardized legal criteria	NA	70%	78 judges (information obtained from the reports of the training process for judges)
ST Outcome 2.1.2: Judges are more knowledgeable about labor law issues, including international legal standards			
The revised curriculum for new judges integrate training on labor law and International Labor Standards	NO	YES	N/A

ST Outcome 2.1.3: New informatics linkage established between Labor Inspectorate and Labor Courts system enables both to track key stages of sanctions procedure and facilitate communication			
Availability and use of the new informatics linkages between the labor inspectorate and the labor court	NO	YES	N/A

Source: Project Management

ANNEX B. ILO'S RESPONSE TO THE AUDIT FINDINGS AND FOLLOW-UP ACTIONS

Findings	Auditor's Recommendations	USDOL's Comments / Follow-Up Resolution
I. COMPLIANCE WITH AGREEMENT, REGULATIONS AND RULES		
1. The need to rationalize the proposal for no-cost extension through December 2022	The auditors recommended that Management review the detailed justification for the extension, revised budget, and revised work plan (in compliance with the MPG requirements for project extension and the DC Manual), to evaluate the available technical and financial project resources, deliver optimal budget utilization, achieve expected outcomes, accomplish the outputs and activities for another no-cost project extension as well as ensure that re-phasing/extending through December 2022 as the optimum period of time for project extension or timeline.	This finding is CLOSED. The ILO submitted an official request for a project modification to USDOL to extend the project through December 31, 2022, and to realign project resources with the project's remaining work. USDOL approved this modification on March 18, 2022.
2. Delayed development and installation of the revised ECMS	The auditor recommended that Management expedite the delivery of the ECMS as a priority outcome of the project within the approved updated timeline. Management should draft a separate work plan, activity tracking table, and revise the budget to facilitate evaluation and monitoring as well as report to the GOR immediate resolution of any existing or potential developments, problems, delays, conflicts of interest, or adverse conditions that may have a significant impact on ECMS implementation as prescribed in the MPG.	This finding is CLOSED. The ILO project submitted a separate ECMS workplan and activity tracking table as part of the Technical Progress Report in April 2022. The workplan was updated in June 2022. Since the ILO provided a timeline, which USDOL reviewed and accepted. No further documentation is required to close the audit.
II. FINANCIAL MANAGEMENT AND REPORT		
3. Low financial delivery and budget utilization	The project should facilitate financial delivery through adequate evaluation and monitoring of budget utilization hence, the preparation of work plans that: (i) identify the major project activities and outputs with indicated timelines for completion as well as responsible focal point; (ii) include pertinent data as basis in procuring inputs and incurring expenditures; and (iii) include corrective action to put the project back on schedule, which is aligned to activities and outputs identified in the Results Framework (RF) prescribed by the USDOL OTLA MPG.	This finding is CLOSED. The ILO submitted a project workplan containing project activities and outputs with timelines for completion, and corrective action aligned to activities identified in the Results Framework. On March 23, 2022, USDOL approved the ILO's request to extend the project to December 31, 2022. No further information is needed to close the finding.
4. The need for budget revision and its corresponding update in IRIS module	Project Management initiate to: (i) facilitate the revision of the budget for every activity and budget lines; (ii) update the project's budget structure to be consistent with the revised PRODOC, revise the project's financial requirements and rephrased timeline	This finding is CLOSED. The ILO submitted an official request for a project modification to USDOL to extend the project through December 31, 2022, and to realign project resources with the project's remaining work. USDOL approved this

	thus, improve the monitoring of accomplishments, budget and delivery rate of project fund.	modification on March 18, 2022. The ILO stated that the ILO revised the budget for each activity, and the ILO's budget structure has also been integrated within the new Project Document.
III. PROJECT PERFORMANCE DATA AND REPORTING		
5. The need to prioritize M&E Strategy delivery	Management should facilitate the delivery of M&E strategy with its M&E Consultant in the collection and establishment of a comprehensive baseline data and necessary monitoring information, inter alia: (i) utilizing the results of needs assessment and consultancy that was already implemented; (ii) revisiting the planning processes relative to the setting up of M&E strategy, with its resultant plans; and (iii) consultation with various relevant Guatemala authorities regarding accomplished activities as indicated in the TPRs to initiate and develop a robust M&E strategy.	This finding is CLOSED. The ILO submitted an M&E corrective action plan in the April 2022 TPR that outlines the steps the project will take to meet all the M&E requirements as noted in the OTLA MPG in response to this recommendation. The ILO has also been working with and will continue to receive technical assistance from OTLA's M&E team. The ILO must submit all M&E data in the October 2022 TPR and Final TPR. No further information is needed to close this finding.
6. Inadequacy of required information and delayed submission of the Work Plans	Management would move forward to: (i) prepare and submit on a regular basis (quarterly and semi-annually) the work plan as an attachment to the TPR which clearly and completely documents an accurate and valid information especially in reporting the accomplishments aligned with the activities of the revised and approved PRODOC and compliant with Item 4.2.1.3 of USDOL OTLA MPG; and (ii) enhance the work plan by including the traffic light status of the target activities, such as not yet started, on track, delayed or completed, to exact appropriate and timely interventions.	This finding is CLOSED. As noted in Recommendation #3, the ILO submitted a project workplan containing project activities and outputs with timelines for completion, and corrective action aligned to activities identified in the Results Framework. Additional documentation is not needed to close this finding.
7. Inadequacy of a robust PMP	Management should deliver a robust PMP by: (i) providing the relevant data in reporting all the targeted and accomplished activities and outputs corresponding to the indicators as a basic project document attached to the TPRs; (ii) facilitating the identification and adjustment of clear and measurable indicators, to complement the PMP, for a robust monitoring of performance based on the planned activities and outputs; and (iii) providing robust and complete baseline data to determine whether a change at the outcome level has occurred and to measure the progress towards them.	This finding is CLOSED. As stated in Recommendation #5, the ILO submitted an M&E corrective action plan in the April 2022 TPR that outlines the steps the project will take to meet all of the M&E requirements as noted in the OTLA MPG. The ILO must submit all M&E data in the October 2022 TPR and Final TPR. Additional information is not needed to close this finding.

ANNEX C. ILO'S RESPONSE TO THE INTERIM PERFORMANCE EVALUATION

Recommendations addressed to ILO	Status	Comments
3. Strengthen the Project's Staff Structure. The evaluation deems that it is urgent to strengthen the project's staff structure. In this regard, in the short term, and in order to comply with the Terms and Conditions of the grant, the ILO should engage a National Coordinator that meets the minimum M&E and project management qualifications as noted in the FOA.	COMPLETED	A new Coordinator was hired by the ILO on March 1 st , 2021.
4. Accelerate the TCO process for the development of the ECMS. It is essential for the ILO to accelerate, to the extent possible, the analysis and approval process for The Total Cost of Ownership (TCO) and to initiate the international bidding process as soon as possible, in order to proceed with the implementation of the ECMS...	COMPLETED	Approval of TCO and TORs by ILO/INFOTEC, launching of the International bid for the Design and Implementation of the ECMS. A company (GLORSYS) was selected and hired to build the ECMS.
6. Introduction of the ECMS in other Departmental Delegations. The evaluation recommends that the ILO, in coordination with the MOL and based on technical criteria, prepare an estimate for the possible introduction of the ECMS into other Departmental delegations ...	PENDING	While the project managed to build the ECMS, its introduction/implementation in the GLI's Departmental Delegations is still pending
7. Continued technical assistance from the ILO to the MOL in some key aspects. There was general agreement among the informants about the need for continued technical assistance from the ILO, related to certain key aspects: a) Conclude the standardization of the criteria for labor inspection; b) Complete the procedural manual for the GLI; etc.	ONGOING	The project provided continued technical assistance to the MOL. Most products were/are currently in the process of being delivered by the project. Regarding the support the Ministry of Labor in the development and implementation of SCPs in priority sectors, the project team informed that support was offered by the Project Team but no response from MOL was obtained.
8. Adoption of Human Rights Policies and Management Processes. It is recommended that the project, together with the Regional ACTEMP Specialist and CAMAGRO, provide technical assistance for the development, follow-up and adoption of human rights policies and their respective management processes for employers' organizations in the agro- export sector.	COMPLETED	The project (with the support from ILO/ACTEMP) and CMAGRO developed 5 Sectorial Human Rights policies and their respective management tools
9. Support to workers' organizations. The evaluation recommends that the project, in coordination with the Regional ILO Workers' Activities Branch (ACTRAV) Specialist, develop actions aimed at strengthening the capacities of the main workers' organizations with presence in the agro-export sector...	PENDING	The project has not yet conducted any activity aimed at strengthening the capacities of the main workers' organizations with presence in the agro-export sector
10. Judiciary: Improvement of knowledge and standardization of criteria. Based on interviews, the evaluation recommends that the project develop interventions that aim to generate better knowledge of labor legislation within the Judiciary, and to standardize the criteria related to the application of sentences in the labor field...	COMPLETED	The project contributed to improved knowledge of labor legislation within the judiciary and also, Judges and Magistrates managed to harmonize jurisprudence criteria to uphold appropriate sanction resolutions for violations of acceptable conditions of work.
11. Strengthen the social dialogue and tripartism There was agreement among the interviewees about the importance of promoting social dialogue and tripartism in Guatemala. In this regard, representatives of the MOL, employers and Employees underlined the importance of support from the ILO/the project to define a joint roadmap that allows for the reactivation of the existing Tripartite Council for Labor Inspection.	ONGOING	The project provided support to the MOL, employers and Employees to reactivate the Tripartite Council for Labor Inspection. It is expected for the Tripartite Council to resume its activity by end October 2022.

ANNEX D. LIST OF DOCUMENTS /AUDIOVISUAL PRODUCTS REVIEWED

Project Operational and Reporting Documents

- Project Document (April 20, 2020)
- Sustainability Plan Update October 2022
- Technical Progress Reports: December 2018 through April 2022
- Federal Financial Reports: September 2018 through April 2020

Project's Products

- Labor Inspectors training materials and other related documents (2019)
- Labor Inspection Needs Assessment (LINA) (2019)
- LINA Action Plan (2019)
- Technical study on the application of administrative sanctions based on case studies and operations and legal workflows (2019)
- Standardization of Technical Criteria of the General Labor Inspectorate (2019)
- Assessment of the current labor inspection electronic case management system (File Master) (August 2019)
- Plan, work schedule and document related to the preparation of institutional conditions and commitments of the Ministry of Labor and Social Prevision in the Departmental Delegation of Escuintla (November 2019)
- Flow Process of the GLI (November 2019)
- Procedures Handbook for the GLI (February 2020)
- ECMS' Management of Institutional Change and Sustainability (February 2020)
- Workplan and roadmap for the design and development of the ECMS for the GLI in Guatemala (October 2020).
- Labor Inspection Internal Regulations Draft (undated)
- El Procedimiento Ejecutivo en materia Administrativo-Sancionatoria en Guatemala. November 2020
- APIB Human Rights Policy (undated)
- Agrequisia Human Rights Policy (undated)
- Anacafe Human Rights Policy, December 2021

Background Documents

- Independent Interim Evaluation. Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala. SFS, 2020
- Report of the External Auditor to the International Labor Organization on the audit of USDOL funded project, "Supporting Respect for the Working Conditions of Workers in the Agro Export Sector in Guatemala" (Guatemala Project) As of June 30
- 2021 CACIF's Institutional Business Policy on Human Rights (2014)
- Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector. A Report on Findings from Rapid Appraisal Research as well as the Judiciary institutional capacities needs to be taken into account. Verité, 2017
- Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87) Guatemala (Ratificación: 1952) ILO/NORMLEX.
https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:2556382,en

- Independent Evaluation of the ILO's Strategy and Actions for Strengthening Labor Inspection Systems (2010–15). ILO Evaluation Office, Geneva, 2015
- Situación Laboral de trabajadores/as agrícolas en Guatemala. Comité de Desarrollo Campesino (CODECA), 2013
- The situation of farm workers in Guatemala. CETIM (Centre Europe – Tiers Monde) Geneva, 2013
- Notice of Availability of Funds and Funding Opportunity Announcement for Improving the Enforcement of Labor Laws in Guatemala. U.S. Department of Labor. Bureau of International Labor Affairs. Funding Opportunity Number: FOA-ILAB-18-04
- Management Procedures and Guidelines for Cooperative Agreements. U.S. Department of Labor. Bureau of International Labor Affairs. Office of Trade and Labor Affairs June 20, 2019
- Strategies and practice for labor inspection. Committee on Employment and Social Policy. ILO Governing Body Geneva, November 2006
- Cheong, D., Jansen, M. and Peters, R (eds.). 2013. Shared Harvests: Agriculture, Trade, and Employment. International Labor Office and United Nations Conference on Trade and Development.
- Independent Cluster Evaluation of the ILO's Operations to Support Decent Work in Guatemala, 2018-2019. ILO DWT/CO-San Jose, 2020

ANNEX E. STAKEHOLDERS' LIST (KII & FGD)

First Name	Last Name	Organization	Title	Type of Stakeholder
US Department Of Labor				
Tara	Barancik	USDOL	Grants Officer Representative for the project	USDOL Representative
Keith	Goddard	USDOL	Project manager	USDOL Representative
Lili	Bacon	USDOL	OTLA/TAC M&E Focal Point	USDOL Representative
Shreeya	Banjade	USDOL	OTLA/TAC M&E	USDOL Representative
Lauren	Jowell	USDOL	OTLA/TAC M&E	USDOL Representative
Danielle	Crooks	USDOL	International Relations Officer	USDOL Representative
Rob	Wayss	USDOL	International Relations Officer	USDOL Representative
Project Team and Consultants				
Guillermo	Gándara	Project Team	Project Director	Project Team representative
Cristina	Gonzalez	Project Team	Project Officer	Project Team representative
Karla	Morales	Consultant	Consultant for Procedural – Job Responsibilities Manuals	Consultant
Benjamín	Domínguez	Consultant	Consultant for the Labor Inspection Electronic System	Consultant
Julio	Rueda	Consultant	GLORSYS Project Director	GLORSYS representative
MOL				
María Isabel	Salazar	Ministry of Labor	Vice-Minister of Labor	MOL representative
Ricardo	Grajeda	Ministry of Labor	General Labor Inspector	MOL representative
Erick	Cortéz	Ministry of Labor	DISI Director	MOL representative
Dulce	Zúñiga	Ministry of Labor	Former General Labor Inspector	MOL representative
Eleonora	Escribá	Ministry of Labor	International Affairs Director	MOL representative

First Name	Last Name	Organization	Title	Type of Stakeholder
Alicia	Oliva	Ministry of Labor	International Affairs Assistant	MOL representative
Yeymy Nohemí	Pur Cojon	Ministry of Labor	Escuintla's GLI Delegate	MOL representative
Edwin	Valdés	Ministry of Labor	Guatemala's GLI Delegate	MOL representative
José Mercedes	Pérez Hernández	Ministry of Labor	Guatemala's GLI Delegate	MOL representative
Arnoldo Pascual	Saquic Yaxón	Ministry of Labor	Chimaltenango's GLI Delegate	MOL representative
Elsa Marina	Hernández Recinos	Ministry of Labor	Quetzaltenango's GLI Delegate	MOL representative
Carlos	Ortiz	Ministry of Labor	Baja Verapaz's GLI Delegate	MOL representative
Olson	Mérida	Ministry of Labor	Huehuetenango's GLI Delegate	MOL representative
Mabel	Yiliu	Ministry of Labor	Suchitepéquez's GLI Delegate	MOL representative
Moisés	Cristales Tax	Ministry of Labor	Labor Inspector	MOL representative
Juan Carlos	Jiménez	Ministry of Labor	Labor Inspector	MOL representative
Eleodoro	Pérez	Ministry of Labor	Labor Inspector	MOL representative
Ervin Adolfo	Pérez Luis	Ministry of Labor	Labor Inspector	MOL representative
Keneth	Urizar	Ministry of Labor	Labor Inspector	MOL representative
Karen Marisol	García Morales	Ministry of Labor	Labor Inspector	MOL representative
José Rodolfo	Cornejo Coronado	Ministry of Labor	Labor Inspector	MOL representative
Pedro Antonio	Rivera López	Ministry of Labor	Labor Inspector	MOL representative
Wilson Gamaliel	Santos Molina	Ministry of Labor	Labor Inspector	MOL representative
José Luis	Arévalo Solís	Ministry of Labor	Labor Inspector	MOL representative

First Name	Last Name	Organization	Title	Type of Stakeholder
Yoselin Lorena	Viana Arreola	Ministry of Labor	Labor Inspector	MOL representative
Manuel Arnoldo	Campos Sagastume	Ministry of Labor	Labor Inspector	MOL representative
Rosa Alejandra	García	Ministry of Labor	Labor Inspector	MOL representative
Remy Emmanuel	Esqueque Cortez	Ministry of Labor	Labor Inspector	MOL representative
Employers' Organizations				
Marlene	Mazariegos	CAMAGRO	Commercial and Labor Manager	Employers' representative
Edgar	Quijada	APIB (Bananas)	Human resources	Employers' representative
Cindy	Estrada	APIB (Bananas)	Human resources	Employers' representative
Yolanda	Mayora	AGEXPORT	Manager – Corporate Sustainability	Employers' representative
Marta	Villagrán	Anacafé	Strategic Management Coordinator	Employers' representative
Workers' Organizations				
Julio	Coj	UNSI TRAGUA	Coordinator	Workers' representative
Carlos	Mancilla	Confederación de Unidad Sindical de Guatemala, CUSG	Coordinator	Workers' Representative
Luis Armando	López	Central General de Trabajadores de Guatemala, CGTG	Coordinator	Workers' representative
Judiciary				
Diana Carolina	Ruiz	Labor Misconduct Court	Judge	Judiciary representative
Victoria	García	Labor Court	Judge	Judiciary representative
Carlos Fernando	De La Cruz	Labor Court	Judge	Judiciary representative
Nicolás	Balán	Labor Court	Judge	Judiciary representative
Sandra	Mazariegos	Labor Court	Judge	Judiciary representative
ILO				

First Name	Last Name	Organization	Title	Type of Stakeholder
Carlos	Linares	ILO Guatemala	National Project Coordinator	ILO representative
Cybele	Burga	ILO Lima	Senior Evaluation Officer	ILO representative
Javier	Barbero	ILO Geneva	Labor Administration/Labor Inspection Specialist	ILO representative
Walter	Romero	ILO San José	Senior Program Officer	ILO representative
Magaly	Barboza	ILO San José	Assistant Program Officer	ILO representative
Leonardo	Ferreira	ILO San José	Deputy Director	ILO representative
Lizette	Dormond	ILO San José	Senior Finances Officer	ILO representative
Oscar	Valverde	ILO San José	ACTRAV Senior Specialist	ILO representative
Randall	Arias	ILO San José	ACTEMP Senior Specialist	ILO representative
Fernando	García	ILO San José	Labor Administration and Social Dialogue Specialist	ILO representative

ANNEX F. STAKEHOLDER WORKSHOP AGENDA AND PARTICIPANTS

USDOL Final Evaluation

SUPPORTING RESPECT FOR THE WORKING CONDITIONS OF WORKERS IN THE AGRO-EXPORT SECTOR IN GUATEMALA

VIRTUAL (REMOTE) PRESENTATION & VALIDATION SESSION ON PRELIMINARY RESULTS

Objective: To clarify and validate the final evaluation preliminary findings

AGENDA

- Welcome and introduction of participants
- Evaluation team presentation of preliminary findings and conclusions
- Questions for clarification and discussion
- Check and validation of current Project results
- Next steps
- End of meeting

PARTICIPANTS

Name	Institution	Role
Guillermo Gandara	ILO/Project Team	Project Director
Cristina Gonzalez	ILO/Project Team	Project Officer
Maria Isabel Salazar	Ministry of Labor	Vice-Minister of Labor
Marlene Mazariegos	CAMAGRO	Employers' representative

ANNEX G. TERMS OF REFERENCE

TERMS OF REFERENCE

Final Version | September 9, 2022

FINAL EVALUATION

SUPPORTING RESPECT FOR THE WORKING CONDITIONS OF WORKERS IN THE AGRO- EXPORT SECTOR IN GUATEMALA

SUBMITTED TO

United States Department of Labor
Bureau of International Labor Affairs
200 Constitution Ave. NW
Washington, DC 20210
www.dol.gov/ilab

PREPARED BY

Sistemas, Familias y Sociedad (SFS)

Funding for this evaluation was provided by the United States Department of Labor under contract number 1605C1-21-F-00030. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

1. BACKGROUND AND JUSTIFICATION

The United States Department of Labor (DOL), through its Bureau for International Labor Affairs (ILAB), has contracted with Sistemas, Familia y Sociedad (SFS) under order number 1605C2-22-F-00012 to conduct performance evaluations of technical assistance projects in Guatemala, Georgia, Armenia and Vietnam.

The present terms of reference (TOR) pertain to the final performance evaluation of the Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala project. This document serves as the framework and guidelines for the evaluation. It is organized into the following sections:

1. Background
2. Purpose, Scope, and Audience
3. Evaluation Questions
4. Evaluation Design and Methodology
5. Evaluation Team, Management, and Support
6. Roles and Responsibilities
7. Evaluation Milestones and Timeline
8. Deliverables and Deliverable Schedule
9. Evaluation Report
10. Annexes

6.1. PROJECT CONTEXT¹⁵

The agricultural export (agro-export) sector is a pillar of Guatemala's economy and an important source of employment, with a growth of 3.2% in 2016 and a variety of export products.¹⁶ According to an economic prospection study prepared by Central American Business Intelligence (CABI) for the Chamber of Agriculture (CAMAGRO), the main products for export are: Unroasted coffee, fresh fruit, processed fruit, fresh vegetables, processed vegetables, sugar and palm oil. Employment in agriculture (% of total employment) in Guatemala was reported at 29% of the total labor force in 2019, according to the World Bank collection of development indicators. According to the National Employment and Income Survey (ENEI) 4,467,917 persons were working in the informal sector in 2016, with agriculture being the economic activity that absorbs the major percentage of occupied people in the informal sector (37%).

Frequent complaints by workers in this sector and violations cited by labor inspectors are non-compliance in the areas of acceptable conditions of work (minimum wage, working hours, and occupational safety and health [OSH]). Non-compliance with labor rights continues notably due to ineffective enforcement of labor legislation by both administrative and judicial institutions. The decline in inspectors is at least in part attributed to the Labor Inspectorate having no system for professional advancement, performance evaluation, or other measures to motivate labor inspectors to continue employment, learning, or improvement.

¹⁵ Adapted from ILO Project Document

¹⁶ Study on AGRO product gaps in Guatemala. CABI for Guatemala. See at: <https://www.camaradelagro.org/cabi-camagro-presentan-expectativas-economicas-agro-2017/>

6.2. PROJECT SPECIFIC INFORMATION

In 2018, ILAB awarded the International Labor Organization (ILO) a three-year, \$2.5 million cooperative agreement for the Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala project. The project was extended by one year and two months and will be closing December 31, 2022.

The project objective is improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector, and the high level goal for this project is that workers in Guatemala receive at least the minimum wage, working within legal limits for working hours, receive due compensation for overtime and operate in a safe and healthy working environment.

The project's theory of change is that if the institutional capacity of the Labor Inspectorate and the Judiciary Branch on supervising and enforcing sanctions against labor violations are improved, then compliance with labor law in the agricultural export sector will increase, and then workers in the agricultural export sector will work under acceptable conditions of work.

The Project Objective is: Improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector and to achieve this, the project developed two Long-term Outcomes (LTOs) and six Medium-term Outcomes (MTOs):

- **LTO 1:** Increased effectiveness of labor inspections related to acceptable conditions of work
 - **MTO 1.1:** Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance in agro-export sector
 - **MTO 1.2:** Labor Inspectors capacities to perform quality inspections are strengthened
 - **MTO 1.3:** Workers' and employers' organizations take more actions to promote compliance with labor laws
 - **MTO 1.4:** Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issued and collected, and violations remediated
 - **MTO 1.5:** Pilot Case Management System is replicated in one or more additional regions of Guatemala
- **LTO 2:** Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work
 - **MTO 2.1:** Judges apply standardized criteria and other acquired knowledge in decision-making on new labor administrative sanctions resolutions

An interim performance evaluation was carried out during October and November 2020. The recommendations of the evaluation were:

Specific Recommendations¹⁷:

1. Strengthen the Project's Staff Structure (Addressed to: ILO).

¹⁷ The following recommendations are linked to EQ.20. (Sustainability): What are the recommended next steps/priorities to support the sustainability of project activities? They highlight aspects that should be priorities for the remaining implementation period.

2. Accelerate the Total Cost of Ownership (TCO) process for the development of the Electronic Case Management System (ECMS) (Addressed to: ILO).
3. Grant the project a no-cost 6-month extension implementation period (Addressed to: USDOL-ILO).
4. Introduction of the ECMS in other Departmental Delegations (Addressed to: ILO-MOL).
5. Continued technical assistance from the ILO to the MOL in some key aspects (Addressed to: ILO-MOL).
6. Adoption of Human Rights Policies and Management Processes (Addressed to: ILO-CAMAGRO).
7. Support to workers' organizations (Addressed to: ILO-Workers' Organizations):
8. Judiciary: Improvement of knowledge and standardization of criteria (Addressed to: ILO-Judiciary).
9. Strengthen the social dialogue and tripartism (Addressed to: ILO-MOL-Employers' and Workers' Organizations).
10. Workplan for the implementation and follow-up of the recommendations (Addressed to: ILO).

2. PURPOSE AND SCOPE OF EVALUATION

6.3. EVALUATION PURPOSE

This final performance evaluation will assess the performance and achievements of the Guatemala project. The focus of the evaluation will assess the relevance, effectiveness, efficiency and resource use, the impact and sustainability of the project.

The evaluation team will glean information from a diverse range of project stakeholders and institutions who participated in and were intended to benefit from interventions in Guatemala.

The purpose of this final performance evaluation is to:

1. Assess if the project has achieved its objectives, identifying the challenges encountered in doing so, and analyzing the driving factors for these challenges;
2. Assess the intended and unintended effects of the project;
3. Assess lessons learned and emerging practices from the project (e.g., strategies and models of intervention) and experiences in implementation that can be applied in current or future projects in the focus country(ies) and in projects designed under similar conditions or target sectors; and
4. Assess which outcomes or outputs can be deemed sustainable, as well as assessing the coherence of project's sustainability measures, the extent to which sustainability was considered in the project design, and its relevance to the country context.

6.4. INTENDED USERS

The evaluation will provide evidence to inform decision-making, understanding of lessons learned, and recommendations for future projects.

The primary audience of the evaluation includes ILAB, ILO and its implementing partners, and the Government of Guatemala. The evaluation findings, conclusions, and recommendations will serve

to improve project implementation and inform stakeholders in the design and implementation of subsequent projects in the country and elsewhere as appropriate.

3. EVALUATION QUESTIONS

Following discussions with ILAB and ILO, the evaluation team developed key questions for this evaluation in accordance with the Organization for Economic Co-operation and Development Assistance Committee (OECD-DAC) criteria: Relevance/Validity, Coherence, Effectiveness, Efficiency, Impact, and Sustainability.¹⁸

This final evaluation will assess the project's performance and achievements in meeting their objectives, the relevance of project services to target groups' and institutions' needs, project efficiency, including resource use, effectiveness and impact (or potential impact and consequence) on project objectives, and the potential for sustainability. It will also capture promising practices, lessons learned, and emerging trends. Other areas of interest for this evaluation include insights as to why the project experienced delays with activities, and how well the project adapted and responded to the recommendations of the interim evaluation. The team may identify further areas of inquiry that may be included in the analysis as appropriate.

With this in mind, the evaluation team will apply a set of evaluation questions as follows:

Relevance

13. To what extent did the project's objectives and interventions respond to relevant stakeholders' needs and capacities, organizational structure, procedures and processes of MOL and counterparts?
14. To what extent was the project adapted to changes in the context to remain relevant? How has the organizational structure/ processes and procedures changed, if it all?

Coherence

15. To what extent are the project's objectives and interventions coherent regarding the priorities and capacities of the MOL and the priorities and policies of the host Government?

Effectiveness

16. To what extent has the project made progress towards its objective and outcomes? What are the key results achieved, specifically regarding the:
 - a. Capacity of the Labor Inspectorate to effectively manage worker complaints, following the administrative labor inspection procedure, on minimum wage, hours of work, and OSH violations, responding to the new sanction procedure (2017 reform)?
 - b. Development, testing and eventual adoption of the Electronic Case Management System (ECMS)? Is the ECMS relevant, compatible with the internal MOL system (is

¹⁸ Note that the OECD/DAC criteria have been revised as of January 2020: <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>.

data compatible and transferable) and of sufficient quality, among others? Are there any major gaps or challenges to the eventual adoption of the ECMS? What are the main reactions to the ECMS, in its current state, amongst key MOL stakeholders?

- c. Actions of employers' and workers' organizations to promote compliance with labor laws, including the development of sector-related policies?
 - d. Knowledge by judges of the appropriate sanction resolutions for violations of acceptable conditions of work?
17. How effective were the project's strategies? What were the key internal or external factors that limited or facilitated result achievement and what were the main reasons for these factors? How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness of project interventions?
18. How effective was the project in assessing the needs and gathering relevant data on the labor inspection system to support the design and development of the ECMS?
19. How effective was the project in mainstreaming gender? Did a gender analysis inform the project approach? How was gender equality targeted within training, strategy and content, budget allocations, among others? Are there specific gender related results?

Efficiency

20. How efficient was the project's use of resources? How effectively has the project used outcomes-based budgeting systems? Are budgets updated and expenditures discussed regularly between USDOL and implementers and also between various levels of the ILO structure (project, country, regional, HQ)? Has the project tracked the planned vs. actual cost per outcome?
21. What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement? How did the project respond to the recommendations of the Interim Performance Evaluation and audit findings and follow-up actions?

Impact and consequence

22. What were the most significant changes, if any, that have occurred, or are likely to occur, in stakeholder policies, programs, or resource allocation as a result of project activities (from the perspective of stakeholders)?
23. What is the potential of the ECMS in the view of MOL stakeholders?

Sustainability

24. Are the steps being taken towards sustainability in line with the sustainability strategy? Is the project tracking useful sustainability indicators?
25. Does the sustainability strategy identify risks or opportunities and integrate appropriate responses or mitigation measures, in terms of technical, financial, legal, economic, social, institutional, gender and environmental results?

These evaluation questions will provide the structure for the evaluation and be tailored to the specific objectives, expected results, activities, and stakeholders of the project. The evaluation team identifies the data sources it intends to use to answer these questions in Appendix A.

4. EVALUATION DESIGN AND METHODOLOGY

An evaluation team composed by a Lead Evaluator (LE) and a National Consultant/ Monitoring and Evaluation Expert will be responsible for this evaluation. The evaluation team that carried out the independent interim evaluation will be the same to carry out this final evaluation. The team will address the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. The LE will work remotely while the National Consultant/ Monitoring and Evaluation Expert will be present in the field.

It will obtain data for this evaluation by conducting:

- A document review
- Fieldwork including key informant interviews (KIIs) and focus group discussions (FGDs), which will be conducted either remotely or in-person as relevant.
- Non-participant observation of ECMS implementation workshop for testing of systems' functionality
- Quantitative analysis of secondary data

The evaluation team will use the sources described below to evaluate the project.

6.5.A. DOCUMENT REVIEW

The evaluation team will review the following documents, if available, before conducting field visits. The team will use the documents to assess the six evaluation criteria.

- Project documents, including Results Framework and Performance Monitoring Plan
- Technical Progress Reports (TPRs), including performance Data Tracking Tables
- Reports on needs assessments, stakeholder analysis, and specific project activities
- Independent interim evaluation (2020)
- Sustainability Plans and Risk Management Plans
- Work plans and activity logical sequencing
- Federal Financial Reports (FFR), Budgets and Records of Expenditures
- Any other relevant documents or deliverables

6.6.B. FIELDWORK

The local evaluator is based in country and will conduct the fieldwork in close consultation with the lead evaluator, who will be conducting interviews remotely. The lead evaluator is in charge of consolidating and analyzing the information collected by the evaluation team and writing the evaluation report.

Prior to beginning fieldwork, the evaluation team will host a logistics call with the project's staff to plan the field visit and data collection. ILO will assist the evaluation team in scheduling KIIs and FGDs. The evaluation team reserves the right to add to or modify this list in the process of fieldwork or desk review, as appropriate.

The fieldwork itinerary will be determined based on scheduling and the availability of KII and FGD participants. Meetings will be scheduled in advance of the field visit and coordinated by ILO project staff, in accordance with the evaluation team's requests. The evaluation team will conduct KIIs and FGDs with stakeholders without the participation of any project staff.

The national consultant will conduct face-to-face KIIs and FGDs. He will also conduct field visits to the Guatemalan MOL delegations in Guatemala City, Chimaltenango and other sites, as needed. The local evaluator will be in charge of collecting and reviewing data from the Labor Inspectorate Electronic Case Management System (ECMS). The local evaluator will attend an ECMS presentation workshop planned for September 19-21, 2022 and carry out a sample survey amongst participants (see annex).

Whenever possible and with the permission of the informants, audio recordings will be made for the purpose of the study only; the recordings will be destroyed once the analysis is completed. These recordings will be for the evaluation team only and will not be shared with ILAB, ILO, or anyone else.

6.6.1. 1. KEY INFORMANT INTERVIEWS

The evaluation team will conduct approximately 30 KII/FGDs over 12 days with project stakeholders in Guatemala or remotely by video or phone calls, as appropriate. The evaluation team will attempt to interview an equal distribution of male and female respondents, and will assess the number of male and females as the interviews are being conducted, to may make specific requests for more gender equality, as needed. The evaluation team will conduct a KII with the ILAB Project Managers (former and current) and with representatives of the following organizations; however, the number of KIIs and participants for each organization will depend on availability.

Exhibit 1: KII Data Collection Strategy

Stakeholder Type	Method	Sample Size	Potential Respondents
US Government	KII	6	USDOL/ILAB representatives; US Embassy Labor Reporting Officer at Guatemala City, USDOL FTA Implementation Advisor
Grantee and Implementing Partners	KII/FGD	22	ILO Staff at ILO's San José Sub-regional Office; ILO staff at Lima Regional Office; Project staff in Guatemala; consultants/ firms in charge of training of labor inspectors and/ or implementing ECMS
Host-Country Government	KII, FGD	KII: 9	Ministry of Labor and Social Welfare (MOL's authorities, Labor Inspectorate staff, MOL's IT Department, other relevant MOL offices related to labor inspection

		FGD: 10/12 Total: 20 individuals	activities); Guatemala, Escuintla, Chimaltenango labor inspectorate members and delegate who participated in the case study
Judiciary	KII/FGD	KII: 2 FGD 1: 5/6 FGD 2: 5/6 FGD 3: 5/6 Total: 20 individuals	Judiciary Labor Administration/ Labor Courts; School of Judicial Studies; Magistrates/Judges
Employers' Associations	KII	4	Agrarian Chamber of Guatemala -CAMAGRO; Association of Guatemalan Exporters -AGEXPORT; Asociación Nacional del Café (Anacafé); Asociación de Productores Independientes de Banano (APIB)
Workers' Organizations	KII	5	CUSG: Confederación de Unidad Sindical de Guatemala; UNSITRAGUA: Unión Sindical de Trabajadores de Guatemala; CGTG: Confederación Central General de Trabajadores de Guatemala; Sindicatos Globales de Guatemala

6.6.2. 2. FOCUS GROUP DISCUSSIONS

Pending discussions with ILAB and ILO, the evaluation team will facilitate one or two FGDs with Labor Inspectors after the occurrence of the ECMS implementation workshop. Each FGD will be composed of 6 to 12 participants in Guatemala. In identifying FGD participants, the evaluation team will work with ILO to select a relevant sample of participants and to the extent possible gender balance and diversity of perspectives.

6.6.3. 3. ECMS WORKSHOP OBSERVATION

The national consultant will observe the ECMS presentation workshop planned for September 19-21, 2022, in which the project will test data-entry into ECMS and the systems' functionality with a sample of labor inspectors. A follow up survey of the participants' perceptions of the ECMS demonstration and likelihood of future use will be conducted as part of this evaluation (see annex E).

6.6.4. 4. ETHICAL CONSIDERATIONS

The evaluation team will observe utmost confidentiality related to sensitive information and feedback elicited during the KIs and FGDs. To mitigate bias during the data collection process and give informants maximum freedom of expression, only the lead evaluator and the local consultant will be present during KIs. However, when necessary, ILO staff may accompany the evaluation team to make introductions, facilitate the evaluation process, make respondents feel comfortable, and allow the evaluator to observe the interaction between ILO staff and the interviewees.

The evaluation team will respect the rights and safety of participants in this evaluation. During this study, the evaluation team will take several precautions to ensure the protection of respondents' rights:

- No interview will begin without receipt of informed consent from each respondent.
- The evaluation team will conduct KIs and FGDs in a confidential setting, so no one else can hear the respondent's answers.
- COVID-19 precautions and social distancing will be implemented during face-to-face interviews and FGDs.
- The evaluation team will be in control of its written notes at all times.
- The evaluation team will transmit data electronically using secure measures.
- The evaluation team will talk with respondents to assess their ability to make autonomous decisions and their understanding of informed consent. Participants will understand that they have the right to skip any question with which they are not comfortable or to stop at any time.

6.6.5. 5. INTERACTIVE VALIDATION SESSION AND POST-TRIP DEBRIEFING

After the end of fieldwork, the lead evaluator will conduct an interactive, participatory validation session (virtually, if need be) with stakeholders to review initial findings, collect any clarifying information to improve evaluation accuracy, and obtain input on recommendations of the evaluation. The date and format of the meeting will be determined in consultation with ILAB and the ILO. The evaluation team will promote gender balance and participation from the different project stakeholders (MOL, Judges/magistrates, Labor Inspectorate, private sector, workers' organizations, grantee) to provide meaningful opportunity for them to express their perspectives. The goals of the validation session are to: jointly examine and contrast the main aspects of the evaluation, and at the same time, validate findings, conclusions and recommendations in a participatory and consensual manner.

When fieldwork is complete, the evaluation team will provide a post-trip debriefing by video call to relevant ILAB staff to share initial findings and PowerPoint slides from the stakeholder validation session, and to seek any clarifying guidance needed to prepare the report.

6.6.6. 6. OUTCOME ACHIEVEMENT AND SUSTAINABILITY RATINGS

The evaluation team should objectively rate the level of achievement and potential for sustainability of

each of the project's outcomes on a four-point scale (low, moderate, above-moderate, and high).

ACHIEVEMENT

“**Achievement**” measures the extent to which a development intervention or project attains its objectives/outcomes, as described in its performance monitoring plan (PMP).

For assessing the achievement of program or project outcomes, the evaluation team should consider the extent to which the objectives/outcomes were achieved and identify the major factors influencing the achievement or non-achievement of the objectives/outcomes.

Project achievement ratings should be determined through triangulation of qualitative and quantitative data. The evaluation team should collect qualitative data from key informant interviews and focus group discussions through a structured data collection process, such as a survey or rapid scorecard. Interviews and focus groups can also provide context for the results reflected in the Data Reporting Form submitted with the Technical Progress Report (TPR). The evaluation team should also analyze quantitative data collected by the project on key performance indicators defined in the Performance Monitoring Plan (PMP) and reported on in the TPR Data Reporting Form. The evaluation team should consider the reliability and validity of the performance indicators and the completeness and accuracy of the data collected. The assessment of quantitative data should consider the extent to which the project achieved its targets and whether these targets were sufficiently ambitious and achievable within the period evaluated. The evaluation team should assess each of the project's objective(s) and outcome(s) according to the following scale:

- **High:** met or exceeded most targets for the period evaluated, with mostly positive feedback from key stakeholders and participants.
- **Above-moderate:** met or exceeded most targets for the period evaluated, **but** with mostly neutral or negative feedback from key stakeholders and participants.
- **Moderate:** missed most targets for the period evaluated, **but** with mostly positive feedback from key stakeholders and participants.
- **Low:** missed most targets for the period evaluated, with mostly neutral or negative feedback from key stakeholders and participants.

SUSTAINABILITY

“**Sustainability**” is concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn. When evaluating the sustainability of a project, it is useful to consider the likelihood that the benefits or effects of a particular output or outcome will continue after donor funding ends. The evaluation will assess the conditions and the willingness of relevant stakeholders to sustain the desired outcomes and impacts. Indicators of sustainability could include agreements/linkages with local partners, stakeholder engagement in project sustainability planning, and successful handover of project activities or key outputs to local partners before project end, among others.

The project's Sustainability Plan (including the associated indicators) and TPRs (including the attachments) are key (but not the only) sources for determining its rating. The evaluation team should assess each of the project's objective(s) and outcome(s) according to the following scale:

- **High:** strong likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources¹⁹ are in place to ensure sustainability;
- **Above-moderate:** above average likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are identified but not yet committed;
- **Moderate:** some likelihood that the benefits of project activities will continue after donor funding is withdrawn and some of the necessary resources are identified;
- **Low:** weak likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are not identified.

In determining the rating above, the evaluation team should also consider the extent to which sustainability risks were adequately identified and mitigated through the project's risk management and stakeholder engagement activities. **For final evaluations**, the evaluation team should assess the risk environment and its expected effects on the project outcomes after the project exits and the capacity/motivation/resources/linkages of the local actors/stakeholders to sustain the outcomes produced by the project.

6.7. C. QUANTITATIVE ANALYSIS OF SECONDARY DATA

Secondary data will consist of available monitoring data, and, where relevant, Labor Inspectorate application (ECMS) data²⁰. The evaluation team will work with ILAB to secure prompt access to secondary data from ILO, relevant government bodies, and external sources. After gaining access to the data, the evaluation team will immediately assess their quality and relevance in answering the research questions and develop a list of relevant indicators. The evaluation team's analysis of these data will inform the correlation and validation of findings from the qualitative data collection.

The evaluation team will analyze project monitoring data to assess the performance of activities relative to expected results. The evaluation team's analysis, which will rely on descriptive statistics such as counts, tabulated proportions, and means, will identify common trends, patterns, and any changes in stakeholders' motivation, behavior, capacity, practices, policies, programs, relationships, or resource allocation as a result of project activities. The evaluation team will use project monitoring data and quantitative data collected during evaluation fieldwork (please see Appendix C for rapid scorecard template), triangulated with relevant qualitative data collected during interviews and FGDs, to develop summary achievement and sustainability ratings for the project on a four-point scale: low, moderate, above-moderate, and high.

6.8. D. LIMITATIONS

The evaluation team will base its conclusions on information collected from background documents, KIIs, FGDs, and secondary quantitative data. Data collection methods and

¹⁹ Resources can include financial resources (i.e. non-donor replacement resources), as well as organization capacity, institutional linkages, motivation and ownership, and political will, among others.

²⁰ Information can be provided in general statistical terms, not individual, following report models that the system can provide, especially according to the availability of the data collected and processed by each departmental delegation.

stakeholder perspectives will be triangulated to bolster the credibility and validity of the results. The application of ratings may in no way be considered as a non-formal impact assessment. Primary data collected from beneficiaries may reflect the opinions of the most dominant groups without capturing the perceptions of less vocal groups. The evaluation team will consider this possibility and make sure that all parties can freely express their views.

Some stakeholders may lack access to, or capability of, the technology necessary for conducting virtual interviews. Additionally, some respondents may lack the ability to connect remotely from a location that allows for privacy and confidentiality. Wherever possible, the evaluation team will work with the project to provide a computer connection and private room for stakeholders who do not have a reliable and/or confidential place to be interviewed.

This evaluation will rely on secondary performance information in quarterly and annual reports and in available monitoring databases. The quality of the data will affect the accuracy of the statistical analysis. The evaluation team will not be able to check the validity and reliability of performance data given the limited time and resources.

5. EVALUATION TEAM, MANAGEMENT AND SUPPORT

Rafael Muñoz-Sevilla will serve as Lead Evaluator. He will be responsible for overseeing the implementation of the evaluation methodology, conducting the remote virtual interviews during fieldwork, consolidating the findings from all data collection methods, conducting the post-fieldwork validation session, and writing the evaluation report. Mr. Muñoz-Sevilla is an evaluation expert with over 20 years of experience conducting rigorous evaluations of labor rights programs in 30 countries. He has extensive experience on projects related to labor rights protection and promotion in Latin America and Southeast Asia, including seven evaluations and assessments of ILAB-funded projects.

Ricardo Zepeda will serve as Monitoring and Evaluation Expert/Local Consultant. As a Guatemalan national, Mr. Zepeda will be conducting the face-to-face interviews and FGD for the evaluation, observe the ECMS implementation workshop, and will support Mr. Muñoz-Sevilla with scheduling and data analysis, as appropriate. Mr. Zepeda is a sociologist specialized in the promotion and protection of Human Rights and relevant experience working in the Guatemalan rural sector.

The same evaluation team conducted the independent interim evaluation and will be able to capitalize on their in depth knowledge of the project.

The evaluation team will promote transparency and dialogue with a clear dissemination strategy. This process includes:

- Developing and sharing with ILAB an explicit plan that details how the data collected will be used.
- Providing a draft report in a timely fashion that gives ILAB and ILO enough time for a thorough review.

- Producing a professional, complete report, along with a utilization-focused executive summary that support dissemination and publication.

SFS' monitoring and evaluation experts and management personnel will provide logistical, administrative, and technical support to the evaluation team, including in-country travel arrangements and all materials needed to provide the deliverables specified in the TOR. SFS staff will also be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards. During fieldwork, the lead evaluator will be supported by the local consultant, who will provide support with scheduling, FGD with labor inspectors, field visits to MOL offices in the rural sector (Escuintla, other sites to be determined), review of the ECMS and, as appropriate, data analysis.

In light of the COVID-19 pandemic, to protect the health and safety of Mr. Zepeda and the respondents, SFS will also ensure that social distancing measures are implemented and masks are worn during all interviews and interpersonal interactions. Masks will also be provided for participants who may not already have them. To the greatest extent possible, in-person interviews will be conducted outdoors or arranged in locations where there is good ventilation.

6. ROLES AND RESPONSIBILITIES

The evaluation team will conduct the evaluation according to the TOR.

SFS (the Evaluator) is responsible for accomplishing the following items:

- Receiving and responding to or incorporating input from ILO and ILAB on the TOR draft
- Finalizing and submitting the TOR and sharing concurrently with ILO and ILAB
- Reviewing project background documents
- Reviewing the evaluation questions and refining them as necessary
- Developing and implementing an evaluation methodology, including document review, remote and face-to-face KIIs and FGDs, and secondary data analysis, to answer the evaluation questions
- Conducting planning meetings or calls, as necessary, with ILAB and ILO
- Deciding the composition of field visit KII and FGD participants to ensure the objectivity of the evaluation
- Capturing photographs of and anecdotes or quotes from stakeholders interviewed during fieldwork to incorporate in the stakeholder validation session presentation, final report and infographics
- Ensuring that appropriate health and safety, informed consent, ethics and do no harm protocols are understood and followed throughout the evaluation process
- Presenting preliminary findings verbally to project field staff and other stakeholders as determined in consultation with ILAB and ILO
- Preparing an initial draft of the evaluation report for 48-hour and a second draft for two-week review and sharing it with ILAB and ILO
- Preparing and submitting the final report and infographics

ILAB (the Donor) is responsible for the following items:

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on final draft
- Providing project background documents to SFS, in collaboration with ILO

- Briefing ILO on the upcoming field visit and working with them to coordinate and prepare for the visit and to ensure health and safety of evaluation team members and participants
- Reviewing and providing comments on the draft evaluation report and infographics
- Approving the final draft of the evaluation report and infographics
- Participating in the pre- and post-trip debriefing and interviews
- Including the ILAB evaluation contracting officer's representative (COR) on all communication with SFS

ILO (the Grantee) is responsible for the following items:

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on the final draft
- Providing project background materials to SFS, in collaboration with ILAB
- Preparing a list of recommended interviewees with feedback on the draft TOR
- Scheduling meetings during the field visit and coordinating all logistical arrangements
- Helping SFS to identify and arrange for interpreters as needed to facilitate worker interviews
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the interactive stakeholder validation meeting
- Providing in-country ground transportation to meetings and interviews
- Taking appropriate health and safety measures for themselves, the local consultant, and participants, in the COVID-19 environment (please see precautions described in Evaluation Management section above)
- Including the ILAB program office on all written communication with SFS.

7. EVALUATION MILESTONES AND TIMELINE

The tentative timetable is as follows. Actual dates may be adjusted as needs arise.

Activity	Date (2022)
Evaluation launch call	Weds, Aug 3
Draft TOR submitted to ILAB and ILO	Fri, Aug 19
ILAB and ILO feedback on draft TOR due to SFS	Mon, Aug 29
Final TOR, field itinerary, and list of stakeholders submitted to ILAB and ILO	Fri, Sep 2
ILAB and SC send suggestions/edits to field itinerary and stakeholder list	Wed, Sep 7
Logistics call with ILAB and ILO	Thurs, Sep 8
Submission of data collection instruments to ILAB	Mon, Sep 12
In-briefing with ILO	Tues, Sep 13
Interviews with USDOL and ILO staff	Sept 14-15
Fieldwork in Guatemala	Sept 19 – 30
Interactive stakeholder validation session (remote, if needed)	Tue, Oct 4
Post-evaluation debriefing with ILAB	Tue, Oct 11
Initial draft report for 48-hour review submitted to ILAB and ILO	Mon, Nov 7

Activity	Date (2022)
48-hour review comments due to SFS	Wed, Nov 9
Disseminate draft report and executive summary to ILAB, ILO, and other key stakeholders for 2-week review	Tue, Nov 15
2-week review comments due to SFS	Tue, Nov 29
Revised draft report and draft 1-page infographic summary submitted to ILAB	Mon, Dec 12
ILAB approval to finalize report and infographic summary	Mon, Dec 19
Final 508-compliant report and final 1-page infographic summary submitted to ILAB	Wed, Jan 11

8. DELIVERABLES AND DELIVERABLE SCHEDULE

1. Draft TOR: August 19, 2022
2. Final TOR, field itinerary, and draft list of stakeholders: September 2
3. Logistics call, including TOR feedback: August 26
4. Draft data collection instruments: September 12
5. In-briefing with ILO: September 13
6. Interactive stakeholder validation session (remote, if needed): October 4
7. Initial draft report for 48-hour review: November 7
8. Draft report for 2-week review: November 15
9. Revised draft report and draft 1-page infographic summary: December 12
10. Final 508-compliant report and final 1-page infographic summary: January 11

9. EVALUATION REPORT

Within 3 weeks after the stakeholder meeting, the lead evaluator will complete a draft report of the evaluation following the outline below and SFS will share it with the ILAB COR, ILAB Project Managers, and SC for an initial 48-hour review. Once the lead evaluator receives comments, they will make the necessary changes and submit a revised report. ILAB, SC, and other stakeholders will then have 2 weeks (10 business days) to provide comments on the revised draft report. The lead evaluator will respond to comments from stakeholders, where appropriate, and provide a final version within 2 weeks of ILAB acceptance of the revised draft evaluation report. The evaluation team will also produce a one-page summary using data visualization techniques and infographics to facilitate dissemination of major results.

A quality report is an “action-oriented evaluation report” meaning that its content is focused, concise, and geared toward a particular audience, calling their attention to important results. It highlights desired changes in practice, behavior or attitudes (both at the individual and

organizational level) and outlines possible next steps through the use of a variety of media, including data visualization. The final version of the report will follow the format below, be no more than 30 pages in length, excluding the annexes, and will be Section 508 compliant:

1. Table of Contents
2. List of Acronyms
3. Executive Summary (providing an overview of the evaluation, summary of main results/lessons learned/good practices and key recommendations, not to exceed five pages)
4. Evaluation Objectives and Methodology
5. Project Context and Description
6. Evaluation Results (answers to evaluation questions with supporting evidence)
7. Lessons Learned and Promising Practices
8. Conclusions (interpretation of facts including criteria for judgements)
9. Recommendations (specific actions the evaluation team proposes be taken by ILAB and/or SC that are based on results and conclusions and critical for successfully meeting project objectives; as well as judgements on what changes need to be made for future programs)
10. Annexes, including: TOR; List of documents reviewed; Stakeholder validation session agenda and participants; List of Meetings and Interviews; Any other relevant documents.

The electronic submission will include 2 versions: one version, complete with all appendices, including personally identifiable information (PII) and a second version that does not include PII such as names and/or titles of individuals interviewed.

7. ANNEX A: EVALUATION DESIGN MATRIX

#	Evaluation Questions	Data Sources
Relevance and Validity		
1	To what extent did the project's objectives and interventions respond to relevant stakeholders' needs and capacities, organizational structure, procedures and processes of MOL and counterparts?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - Performance Monitoring Plan (PMP) - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body; Workers, Employers.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Judges/Magistrates; Project Consultants</p>
2	To what extent was the project adapted to changes in the context to remain relevant? How has the organizational structure/ processes and procedures changed, if it all?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - Performance Monitoring Plan (PMP) - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body; Workers, Employers.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Judges/Magistrates; Project Consultants</p>
Coherence		

#	Evaluation Questions	Data Sources
3	To what extent are the project's objectives and interventions coherent regarding the priorities and capacities of the MOL and the priorities and policies of the host Government?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Performance Monitoring Plan (PMP) - National Policies and Programs, e.g.; National development Plan/strategies; sectoral Plans/Strategies; National Employment Plan - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body; Workers, Employers.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Judges/Magistrates; Project Consultants</p>
Effectiveness		
4	<p>To what extent has the project made progress towards its objective and outcomes? What are the key results achieved, specifically regarding the:</p> <ol style="list-style-type: none"> Capacity of the Labor Inspectorate to effectively manage worker complaints, following the administrative labor inspection procedure, on minimum wage, hours of work, and OSH violations, responding to the new sanction procedure (2017 reform)? Development, testing and eventual adoption of the Electronic Case Management System (ECMS)? Is the ECMS relevant, compatible with the internal MOL system (is data compatible and transferable) and of sufficient quality, among others? Are there any major gaps or challenges to the eventual adoption of the ECMS? What are the main reactions to the ECMS, in its current state, amongst key MOL stakeholders? Actions of employers' and workers' organizations to promote compliance with labor laws, including the development of sector-related policies? Knowledge by judges of the appropriate sanction resolutions for violations of acceptable conditions of work? 	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body; Workers, Employers.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Judges/Magistrates; Project Consultants</p>

#	Evaluation Questions	Data Sources
5	How effective were the project's strategies? What were the key internal or external factors that limited or facilitated result achievement and what were the main reasons for these factors? How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness of project interventions?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body; Workers, Employers.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Judges/Magistrates; Project Consultants</p>
6	How effective was the project in assessing the needs and gathering relevant data on the labor inspection system to support the design and development of the ECMS?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on ECMS - PMPs - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Project Consultants</p>
7	How effective was the project in mainstreaming gender? Did a gender analysis inform the project approach? How was gender equality targeted within training, strategy and content, budget allocations, among others? Are there specific gender related results?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - Performance Monitoring Plan (PMP) - Work plans - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Workers, Employers.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Judges/Magistrates.</p>

#	Evaluation Questions	Data Sources
Efficiency		
8	How efficient was the project's use of resources? How effectively has the project used outcomes-based budgeting systems? Are budgets updated and expenditures discussed regularly between USDOL and implementers and also between various levels of the ILO structure (project, country, regional, HQ)? Has the project tracked the planned vs. actual cost per outcome?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Financial reports - Interim evaluation report <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff.</p> <p><u>FGD:</u> ILO staff; Project Consultants</p>
9	What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement? How did ILO and the project respond to the recommendations of the Interim Performance Evaluation and audit findings and follow-up actions?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Interim evaluation report <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body.</p> <p><u>FGD:</u> ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
Impact and consequence		

#	Evaluation Questions	Data Sources
10	What were the most significant changes, if any, that have occurred, or are likely to occur, in stakeholder policies, programs, or resource allocation as a result of project activities (from the perspective of stakeholders)?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Judicial Body.</p> <p><u>FGD:</u> ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
11	What is the potential of the ECMS in the view of MOL stakeholders?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on ECMS - PMPs - Work plans - Interim evaluation report - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff.</p> <p><u>FGD:</u> ILO staff; Labor inspectors; Project Consultants</p>
Sustainability		
12	Are the steps being taken towards sustainability in line with the sustainability strategy? Is the project tracking useful sustainability indicators?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - Sustainability Plan - PMP - Work plans - Any other relevant documents <p><u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Project Consultants;</p> <p><u>FGD:</u> ILO staff; Project Consultants</p>

#	Evaluation Questions	Data Sources
13	Does the sustainability strategy identify risks or opportunities and integrate appropriate responses or mitigation measures, in terms of technical, financial, legal, economic, social, institutional, gender and environmental results?	<u>Document review:</u> <ul style="list-style-type: none">- Technical Progress Reports (TPRs)- Reports on specific project activities- Sustainability Plan- PMP- Work plans- Any other relevant documents <u>KII:</u> ILAB Staff; ILO Staff; MOL Staff; Project Consultants; <u>FGD:</u> ILO staff; Project Consultants

8. ANNEX B: INFORMED CONSENT AGREEMENT – KII/FGD

Evaluators must review this form in detail with all informants before the interview and be sure that they understand it clearly before obtaining their signature. If the informant is illiterate or expresses discomfort signing the form but verbally consents to proceeding with the interview, the evaluator may sign the form to indicate that they received verbal consent.

Purpose:

Thank you for taking the time to meet with us today. My name is [NAME]. I am a researcher from an organization called SFS, a company that provides monitoring and evaluation services. I am in Guatemala to conduct a study about the USDOL financed project Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector implemented by the International Labor Organization (ILO).

You have been asked to participate today so that we can learn more about the support you (or your organization) may have received from [the ILO, or partner XX]. We would like your honest impressions, opinions and thoughts about various issues related to (the implementation of activities of) this program. I am independent consultant and have no affiliation with those who provided you with assistance. In addition, I do not represent the government, employers, employers' organizations, or workers' organizations.

Procedures: If you agree to participate, we ask you to discuss your experience and opinion of the activities and services implemented under this program. The interview will take about (xx minutes, hour) of your time. Although we will publish our results in a public report, all of your answers will be kept confidential. Nothing you tell us will be attributed to any individual person. Rather the report will include only a composite of all of the answers received by all of the individuals we interview. Although we may use quotes, none of the individuals interviewed will be named in the report.

Risks/Benefits: There is no risk or personal gain involved in your participation in this interview. You will not receive any direct benefit or compensation for participating in this evaluation. Although this study will not benefit you personally, we hope that our results will help improve support provided to enterprises and workers in Guatemala.

Voluntary Participation: Participation in this interview/FGD is completely voluntary. You do not have to agree to be in this study. You are free to end the interview/leave the FGD at any time or to decline to answer any question which you do not wish to answer. If you decline to participate in the interview, no one will be informed about this.

Do you have any questions at this time? [Interviewer should answer any questions]

Do I have your permission to proceed?

9. ANNEX C: RIGHT TO USE

United States Department of Labor

Right to Use

I, _____, grant to the United States Department of Labor (including any of its officers, employees, and contractors), the right to use and publish photographic likenesses or pictures of me (or my child), as well as any attached document and any information contained within the document. I (or my child) may be included in the photographic likenesses or pictures in whole or in part, in conjunction with my own name (or my child's name), or reproductions thereof, made through any medium, including Internet, for the purpose of use, dissemination of, and related to USDOL publications.

I waive any right that I may have to inspect or approve the finished product or the advertising or other copy, or the above-referenced use of the portraits or photographic likenesses of pictures of me (or my child) and attached document and any information contained within the document.

Dated _____, 20__

Signature or

Parent/guardian if under 18

Name Printed

Address and phone number

Identifier (color of shirt, etc.): _____

10. ANNEX D: PERFORMANCE SUMMARY AND RAPID SCORECARD TEMPLATES

Performance Summary	Rating
LTO 1 (insert LTO wording)	
Summary of overall assessment given	<div> <div>Achievement</div> <div>Sustainability</div> </div>
LTO 2 (insert LTO wording)	
Summary of overall assessment given	<div> <div>Achievement</div> <div>Sustainability</div> </div>
LTO 3 (insert LTO wording)	
Summary of overall assessment given	<div> <div>Achievement</div> <div>Sustainability</div> </div>
LTO 4 (insert LTO wording)	
Summary of overall assessment given	<div> <div>Achievement</div> <div>Sustainability</div> </div>

From your perspective²¹, rate how effectively (e.g., moving project toward its intended results) the project has been regarding each of its specific outcomes:


Project Outcome (Circle one rating 1-5 for each element)	Comments
<p>Outcome 1:</p> <div style="text-align: center;"> </div>	
<p>Outcome 2:</p> <div style="text-align: center;"> </div>	
Outcome 3:	

²¹ Based on the triangulation of information from the project database and other sources and the data collected through interviews and FGD during the evaluation process.

<div><div>1234</div><div>Low Moderate Above-moderate High</div></div>	
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What outcomes, components or/and practices implemented by the project do you consider as being those more critical for the project to become sustainable in the long term? Currently, what is the likelihood that those outcomes/ components/ practices remain sustainable?

Outcome/ Component/ Practice	Likelihood that it becomes sustainable
1.	<div><div>1234</div><div>Low Moderate Above-moderate High</div></div>
2.	<div><div>1234</div><div>Low Moderate Above-moderate High</div></div>

<p>3.</p>	<p>3.</p> <div data-bbox="1039 305 1669 446"><p>1 2 3 4</p><p>Low Moderate Above-moderate High</p></div>
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11. ANNEX E: PERFORMANCE SUMMARY AND RAPID SCORECARD TEMPLATES

Survey to Evaluate the Workshop on the Electronic Case Management System (ECMS) (Antigua, September 19-20, 2022)

Organization: _____

1. Please give us your opinions on Electronic Case Management System (ECMS):

	1	2	3	4	5
a. The ECMS is a suitable tool for storing data and would allow for automating the inspection processes and the management of labor violation cases.					
b. The ECMS is adapted to the procedures and legal framework of the Guatemalan labor administration					
c. The ECMS is easy to use					
d. It is likely that in the future the ECMS will be used regularly and easily by labor inspectors.					
e. The implementation of the ECMS will contribute to improving labor inspection <u>processes</u> in Guatemala					
f. The implementation of the ECMS will contribute to strengthening the <u>effectiveness</u> of labor inspection					
g. The implementation of the ECMS will contribute to improving labor administration planning and policy decisions based on objective data.					
h. The implementation of the ECMS will contribute to facilitating the application of the appropriate sanctions in case of labor violation					
i. The implementation of the ECMS will contribute to increasing the transparency of the Labor Inspectorate					
j. It is very likely that the ECMS will be progressively implemented in the Departmental Delegations					
k. The Ministry of Labor has adequate technical and financial capacity to progressively implement the ECMS at the national level					
l. The Ministry of Labor has adequate technical and financial capacity to sustain and improve the ECMS in the future without the need for significant support from external donors.					
1 = I strongly disagree	2 = I disagree		3 = I'm not sure		4 = I agree
					5 = I fully agree

2. What could be the potential challenges or resistances in the implementation of the ECMS?

3. What could be the main potential positive impacts of the ECMS implementation?

Thank you!