



International Labour Organization

iTrack

Evaluation

# ILO EVALUATION

- Evaluation Title: **Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean**
- ILO TC/SYMBOL: **RLA/18/04/EUR**
- Type of Evaluation : **Mid-Term, internal**
- Countries : **Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama, Peru and Mexico**
- Date of the evaluation: **June 2021**
- Name of consultant(s): **Rafael Muñoz Sevilla, Miek Van Gaalen**
- ILO Administrative Office: **RO-Lima**
- ILO Technical Backstopping Office: **MULTI**
- Other agencies involved in joint evaluation: **EU, OECD, OHCHR**
- Date project ends: **31 December 2022**
- Donor: country and budget US\$ **EU US\$ 4,064,341**
- Evaluation Manager: **Annie van Klaveren**
- Key Words: **Responsible business conduct; Sustainable Enterprises; Decent Work; Employers; Workers; Latin America and the Caribbean.**

**This evaluation has been conducted according to ILO's evaluation policies and procedures. It has not been professionally edited.**

## Contents

ACKNOWLEDGEMENTS .....	2
LIST OF ACRONYMS .....	3
EXECUTIVE SUMMARY .....	4
Lessons Learned .....	6
Good practices .....	7
1. INTRODUCTION TO THE EVALUATION .....	9
1.1. Purpose and Objectives .....	9
1.2. Scope of the evaluation .....	10
1.3. Clients .....	10
1.4. Evaluation Criteria and Evaluation Questions (EQs) .....	10
2. METHODOLOGY .....	12
2.1. Evaluation methods and techniques .....	12
2.2. Limitations .....	13
3. BACKGROUND AND CONTEXT .....	15
3.1. Responsible Business Conduct (RBC) in Latin America and the Caribbean .....	15
3.2. Contextual considerations for RBC in LAC countries .....	15
3.3. ILO's strategic objectives in the region of the Americas and the Caribbean .....	17
3.4. ILO's RBC Programming in nine LAC countries in 2019-2020 .....	17
4. THE RBCLAC PROJECT .....	19
5. FINDINGS .....	25
5.1. Relevance & Strategic Fit .....	25
5.2. Validity of the Project Design .....	36
5.3. Effectiveness of Management arrangements .....	43
5.4. Effectiveness .....	47
5.5. Efficiency .....	55
5.6. Sustainability and Impact Orientations .....	58
6. LESSONS LEARNED AND GOOD PRACTICES .....	61
6.1. Lessons Learned .....	61
6.2. Good practices .....	64
7. CONCLUSIONS .....	65
8. RECOMMENDATIONS .....	71
ANNEX 1: Terms of Reference .....	74
ANNEX 2: Inception Report .....	75
ANNEX 3: Main events and activities undertaken by ILO/RBCLAC .....	76
ANNEX 4: List of Documents Reviewed and cited .....	83
ANNEX 5: List of Persons Interviewed .....	86
ANNEX 6: Approaches and mandates of Implementing Agencies under the RBCLAC Project .....	88
ANNEX 7: ILO planned interventions by country .....	90
ANNEX 8: List of ratifications of ILO Conventions by Country .....	94
ANNEX 9: ILO Emerging Lessons Learned Template .....	96
ANNEX 10: ILO Emerging Good Practice Template .....	109

## ACKNOWLEDGEMENTS

---

The Internal Mid-Term Evaluation of the ILO's *Programme of Work in Support of Responsible Business Conduct in Latin America and the Caribbean (RBCLAC)* project was conducted between March and April 2021. Mr. Rafael Muñoz Sevilla and Ms. Miek van Gaalen, independent evaluators, conducted the study in collaboration with the ILO teams at HQ, RO and CO and national stakeholders. Mr. Muñoz/Ms van Gaalen would like to express sincere thanks to all parties involved in this study for their support and valuable contributions.

## LIST OF ACRONYMS

ACTEMP	ILO's Bureau for Employers Activities
ACTRAV	ILO's Bureau for Workers Activities
BHR	Business & Human Rights
CO	ILO Country Office
CONEP	<i>Consejo Nacional de Empresa Privada, Panama</i>
CONCAMIN	<i>Confederación de Cámaras Industriales de los Estados Unidos Mexicanos</i>
CSR	Corporate Social Responsibility
DWCP	Decent Work Country Programme
DWT	Decent Work Team
ENTERPRISE	ILO Department of Multinational Enterprises
EQ	Evaluation Question
ET	Evaluation Team
EU	European Union
EUD	European Union Delegation
EVAL	Evaluation Department of the ILO
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
ILO	International Labour Organization
ILS	International Labour Standards
IN	Infographic Note
IOs	Implementing Organizations (ILO, UN OHCHR and OECD)
IR	Inception Report
JSC	Joint Steering Committee
KII	Key Informant Interview
LAC	Latin America and the Caribbean
MNE	Multinational Enterprises
MTE	Mid-Term Evaluation
NAP	National Action Plan (on Business and Human Rights)
NCP	National Coordination Point (OECD)
NGOs	Non-governmental organizations
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSH	Occupational Safety and Health
PARDEV	ILO's Partnering for Development Department
RBC	Responsible Business Conduct
RBC-LAC	Responsible Business Conduct in Latin America and the Caribbean Project
REO	ILO Regional Evaluation Office
RO	ILO Regional Office
SME	Small-to-medium sized enterprise
TA	Technical Assistance
TL	Team Leader
TOR	Terms of Reference
ToT	Training of Trainers
UNGP	United Nations Guiding Principles on Business and Human Rights
UNWG	United Nations Working Group on Business and Human Rights

## EXECUTIVE SUMMARY

---

### **Background**

The current evaluation is an Internal Mid Term Evaluation of ILO's Programme of Support to "Responsible Business Conduct in Latin America and the Caribbean". RBCLAC (or "CERAC," by its Spanish acronym<sup>1</sup>), is a multi-agency, multi-country project, funded by the European Union (EU) through its Partnership Instrument, and jointly implemented by three organizations: International Labour Organization (ILO), Organization for Economic Cooperation and Development (OECD) and the United Nations Office of the High Commissioner for Human Rights (OHCHR). The project will undergo two evaluations, an internal midterm evaluation (MTE), and a final internal evaluation.

*The main purpose of this mid-term internal evaluation is to provide an independent assessment of the progress to date of ILO's component of the project, through an analysis of its relevance, validity of the project design, effectiveness, effectiveness of management arrangements, efficiency, and sustainability and impact orientation. The evaluation will serve to inform the mid-term independent evaluation to be conducted, as per EU guidelines, of the overall project.*

### **Project Description**

The RBCLAC Project project contributes to the promotion of smart sustainable and inclusive growth in the EU and Latin America and the Caribbean region, by supporting responsible business conduct practices in line with internationally agreed principles set out in UN, ILO, and OECD instruments. This is expected to help move towards a level playing field by limiting unfair competition driven by low RBC standards.<sup>2</sup>

As per the RBCLAC project documents, three international instruments guide responsible business conduct globally: 1) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (fifth revision, 2017)<sup>3</sup>; 2) OECD Guidelines on Multinational Enterprises (2011); 3) United Nations Guiding Principles on Business and Human Rights (OHCHR, 2011). These guidelines have been developed in their specific institutional context, and they are aligned and complement each other.

The Project's overarching objective is to contribute to the promotion of smart, sustainable and inclusive growth in the EU and Latin America and the Caribbean, which will help move towards a level playing field by limiting unfair competition driven by low RBC standards.

The specific objectives/outcomes of the project are: 1) In cooperation with national governments, and other stakeholders, National Action Plans on Business and Human Rights (NAPs) are developed and implemented, to ensure alignment of national policy, regulatory and legislative frameworks with internationally agreed RBC principles and standards and strengthened access to remedy; 2) – Support engagement of relevant stakeholders, in particular businesses, on RBC due diligence practices that respect human rights and have a positive impact on the environment, workers' rights and affected communities; and 3) To contribute to promoting and strengthening the adoption of RBC practices (executed by third parties such as employers' and workers' organizations, civil society and other stakeholders) to be implemented by Latin America and European companies, including but not limited to SMEs.

### **Methodology**

The evaluation set out to answer a list of specific questions organized according to the thematic criteria described above, agreed upon by the Evaluation Manager, the ILO-Project Staff, and the evaluators. The methodology for data collection and analysis was primarily qualitative in nature. The evaluators addressed the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. Qualitative data were obtained from remote key informant interviews (KIIs) and focus group discussions (FGDs). The list of informants can be found in Annex 4. Quantitative data were obtained from the performance reporting

---

<sup>1</sup> Conducta Empresarial Responsable en América Latina y el Caribe (CERAC)

<sup>2</sup> Joint Inception report of the RBCLAC Project, ILO, OHCHR, OECD, June 2019, p.8.

<sup>3</sup> [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy \(MNE Declaration\) - 5th Edition \(2017\) \(ENTERPRISES\)\(ilo.org\)](https://www.ilo.org/public/english/declaration/2017-05-01/declaration.htm)

data presented by the ILO in the semi-annual Technical Progress Reports (TPRs) to the EU; as well as from other secondary sources. The list of documents consulted can be found in Annex 3. Data collection methods and stakeholder perspectives were triangulated to bolster the credibility and validity of the results.

### **Relevance & Strategic Fit**

Based on the collected evidence, the MTE confirms that the RBCLAC Project has managed to start integrating RBC into political, social, and entrepreneurial agendas, both across the LAC region as well as in most of the respective countries included in the project. Consulted stakeholders agreed that the RBCLAC Project and the objectives it tries to achieve are considered both relevant and necessary. Interviewees confirmed that the ILO component of the RBCLAC project responds to the needs of the beneficiaries, and that it is aligned with national priorities, particularly in the area of human rights and national development frameworks, as well as with international frameworks and the SDGs.

### **Validity of the Project Design**

The logic that underlies the Project was found to be solid, and both the strategy as well as the intervention methodology are addressing the identified needs in a logical manner. However, some weaknesses in the project design were identified, such as that the design reflects to some extent a “top-down approach”. Also, the project did not contemplate the extent of the support may be required from the ILO during the project’s implementation in countries that already had a NAP in place. In addition, the design did not foresee the possibility of emerging opportunities, such as the emergence of political will in countries where this was not initially anticipated, leading to an increased interest for instance in developing a NAP.

In terms of available time and resources, there is an important gap between the objectives that have been established by the donor and what the (ILO) Project can possibly achieve with the available resources; as well as what lies within the organization’s mandate and the provision of the required assistance (internally from the ILO). In addition, the time that would realistically be required to achieve the desired changes was found to be underestimated.

The ILO RBCLAC Project has been able to successfully adapt (to the extent possible) to the many changes brought about by the COVID-19 pandemic. The RBCLAC Project has always been relevant: both before and during the pandemic and it can be expected to retain its relevance in the context of the post pandemic recovery scenario.

### **Effectiveness of Management arrangements**

The ILO has a limited number of staff currently assigned to the project. In view of the wide geographic coverage of the Project, the many demands from different regional and national actors and stakeholders, and the numbers and complexity of their actions (at regional and national level); this level of staffing is insufficient. In terms of the Project’s national governance structures, the overall ILO support for the Project, there is a need to make these processes more effective, especially at national levels.

### **Effectiveness**

The key result of the overall RBCLAC Project is that the RBC agenda is increasingly positioning itself in the region as well as in the countries (to different degrees). The following is a summary of the current state of the NAP development processes and progress across countries, to which the ILO RBCLAC project has contributed (in varying degree across the countries), and which shows what progress has been made so far in that regard: Peru: Final stage of the first NAP (expected to be approved in June 2021); Ecuador: Finished the elaboration of a roadmap (hoja de ruta) as a preliminary step for the elaboration of the NAP on Business and Human Rights and completed the first step of the roadmap; Panama: A National Plan for Public and Private Social Responsibility (2020-2030) that was adopted in 2020 is currently under review to allow for the inclusion of the effects of the COVID 19 pandemic; Chile: In the stage of a review of the first NAP / elaboration of the second NAP; Colombia: in the implementation stage of the second NAP as of January 2021.

## ***Efficiency of resource use***

The evaluation finds that the results that have been achieved to date, justify the expenses of the ILO RBCLAC project. There is an observed imbalance regarding budget implementation percentages with higher levels for employers' organizations as compared to activities with workers organizations, which can be attributed to the decision of ACTRAV to only undertake regional activities.

## **Sustainability and Impact Orientations**

The evaluation has found indications of emerging evidence of impacts: the processes of reflecting on the interconnectedness of the mandates of the IOs in their discourse and actions, and the organization of joint activities, and participation in activities organized by the others has started to create a lasting impact; the promotion of and integration of the MNE Declaration in NAPS and other documents and processes; increased capacities of constituents on the labour dimension of RBC and, in the context of the pandemic a joint discourse on the integration of RBC in the response to COVID-19.

In terms of orientations towards sustainability, overall, the basis for sustainability is being established to some extent through high quality technical assistance; capacity building; awareness raising; stakeholder support (to varying degrees across countries) regarding the Tripartite Declaration and for the principles of RBC; and the strengthening of a Responsible Business Conduct "community" at regional and some national levels. However, the evaluators were not presented with any evidence of the development of a sustainability/exit strategy for the RBCLAC project.

It is important to note that the elaboration of NAPS, is not possible in all cases, nor is it the only way to promote and implement an RBC agenda. This is even more pertinent in cases where the application of an RBC approach through a NAP/or a successful formulation of a NAP will currently not be possible. RBC-related processes and steps may proceed in a non-linear way, dependent on and adjusted to the specific context.

## **Lessons Learned**

1. The consolidation of RBC approaches and the (eventual) development of NAPs imply a complex, long-term process. Such processes require the continued support and commitment of multiple stakeholders including the Government, organizations of employers, workers' organizations, companies, and civil society.

2. In the absence of a common baseline across countries, different potential results across countries can be expected. At the outset of the Project, situations in the nine countries differed widely, and, therefore, the pace of implementation, achievement of intended results and factors driving the national process differ widely from one country to the next.

3. Enabling environments are not a guarantee for lasting support from constituents to a NAP process. At the start of the Project, there was an "enabling environment" in some countries, which favored the implementation of the project and which have catalyzed results in certain countries (Chile, Colombia, Peru). On the other hand, after the initial receptivity in Argentina and Brazil, following changes in Government, institutional leadership on this issue has remained absent, despite the interest and commitment in the employers' sector to RBC.

4. Changes in national contexts may require a need to "prepare the grounds" or adjustment of the short-term objectives for the ILO Project. In countries where the initial situation was less favorable the Project has had to "prepare the grounds" before the development of concrete activities could start. In the case of Ecuador, a less favorable initial context, with limited action foreseen, evolved in a favorable and accelerated manner, creating concrete opportunities for the project.

5. There may be multiple pathways to promote the labour dimension of the RBC agenda. As each country situation is so different, individualized and flexible support from the project may need to be tailored/adjusted according to the national priorities, which may not include the elaboration of a NAP on Business and Human Rights.

6. A lack of policy coherence may be reflected in a lack of institutional leadership and coordination at the country level, which may make it difficult to engage constituents and stakeholders in a national consultation on a NAP.

7. A lack of clear interagency coordination (at the national levels) may lead to confusion amongst national stakeholders as to what can be expected from the project. The three IOs have different counterparts, mandates, and spheres of influence. In that regard, in some countries, there is a lack of clarity as expressed by some key stakeholders, as to which agency is leading the project and what is the role of other agencies, especially in countries where a particular agency has no representation.

8. The success of the ILO contribution to the Project should be measured by the qualitative results, rather than by its quantitative results. The intensity of the respective negotiation, consultation and review processes has demanded a high level of dedication and a lot of energy from the project staff, with high levels of TA to establish the regional and national RBC agendas.

9. A focus on the quality of the national dialogue is preferable over a focus on the speed of the consultation and development process. In theory, the NAPS may be developed in a faster manner, however, they risk losing their legitimacy and national ownership. Therefore, it is preferable to work towards a high-quality NAP which is supported by the national stakeholders, rather than developing NAPs, simply to comply with the objectives defined by a project.

10. The success of the RBCLAC project depends on its capacity to provide technical assistance effectively. The project's donor must take into consideration that this type of project is largely based on the provision of specialized, high-quality technical assistance (TA) to stakeholders. Therefore, it is essential that sufficient human capacity resources are allocated for the continued implementation of the project. The provision of such TA must be based on a realistic budget that is sufficient to finance the required support.

11. Despite being understaffed, the high quality and dedication of the ILO RBCLAC project staff has been key for the project's good performance so far. A fully effective and efficient implementation of the Project would require designated Project staff in the respective countries and/or a strong support from the ILO Regional / Country Offices. To some extent, the project is currently understaffed.

12. Strengthening coordination processes and mechanisms. Strengthening coordination processes and mechanisms at all levels, through the creation of more formal and systemic coordination processes would improve the opportunities for the creation of interagency alignment, support and facilitate the joint identification of national collaboration efforts, synergies and opportunities for the sharing of information, tools and knowledge, across the organizations. Moreover, engaging multiple stakeholders in national processes that aim at creating a joint agenda for RBC consultations, practices, or activities, would improve the likelihood of continued national ownership of such processes/activities.

## **Good practices**

1. Increased use of virtual platforms: this has been beneficial to increase outreach for training, access to virtual tools and platforms numbers, increase inclusion and visibility of participants from remote areas, and a reduction in the costs of organizing events (in addition to a reduction in the carbon footprint due to reduced need for international travel).

2. Exercising quiet diplomacy: The ILO RBCLAC project staff has repeatedly had to adjust and respond, sometimes swiftly and diplomatically, to political decisions/events, changes in staff/personnel, changes in the priorities of countries (even occasionally responding to interest in the project from outside of the scope of the project) or other "calamities" with constituents.

3. Using leverage of cross cutting topics or "special interest" topics for the introduction of a broader RBC agenda. In some contexts, there are currently ILO-related structures in place at the national level, dedicated to the implementation of technical cooperation projects that are implemented by the ILO or for other projects that are implemented by national partners, and which are related to issues of special interest issues including the elimination of child labour or gender equality. Such specialized projects have at times successfully served as a platform for introducing the labour dimensions of RBC more broadly to national stakeholders.



4. Flexibility and Resilience: Converting Challenges into a Springboard for RBC. The social crises derived from the Covid-19 pandemic, have sensitized stakeholders, and supported to some degree the Project's discourse on the need to promote an RBC approach in entrepreneurship, and specifically the need to address the labour dimension of RBC. For instance, the crisis has revealed the need for implementation and monitoring of OSH regulations in the workplace, as well the need for more attention to the creation of family friendly work environments. The ILO RBCLAC Project has successfully capitalized on some of these pressing issues, by introducing targeted training and providing guidance and resources on these topics.

## Recommendations

1. **Apply Participatory approaches to project design from the beginning and throughout implementation.** The design of this type of projects should be done with the respective participation and contribution of the IOs and in consultation with national key stakeholders right from the beginning. The design should also take into account the different national contexts and specific country needs; and resource constraints of each country.
2. **Clarifying the connections and complementarities between DW and RBC.** Clarifying the connections and complementarities between DW and RBC could potentially increase the potential for synergies between ILO programming and potentially improve the integration of RBC within the ILO's DW programming.
3. **Prioritization of project activities in countries with an enabling environment.** During the remaining implementation period, the ILO should focus its efforts on countries with a conducive environment for the RBC agenda and thus, with larger potential for the achievement of results and impacts: concentrating on the so called "RBC champions". However, the project should honor current commitments and demands from ILO constituents.
4. **Prioritization of actions during the remaining implementation time of the current RBCLAC Project to ensure maximum impact.** During the remaining implementation time of the current RBCLAC Project, the ILO should emphasize activities that are likely to generate the largest impact. The ultimate goal does not necessarily have to be the same in all countries, *i.e.* the development of National Action Plans should not necessarily be the main focus. Also, at the national level, it would be appropriate to involve the following stakeholders more actively in the national processes and project activities: key employers' organizations (entrepreneurial sector); enterprises, as well as workers' organizations.
5. **Provide complementary high-level advocacy from the ILO, in support of the RCLAC project.** There is an important and essential role for the ILO to undertake high-level "advocacy" (in particular involving the Regional and Country Offices) to guide Governments and constituents in the direction policies and practices. In terms of institutional support from the ILO (HQ, ROs, COs) for the ILO RBCLAC project, there is room for improvement for the ILO RBCLAC project both in terms of support for activities, as well as in terms of advocacy and institutional policy to support the objectives of the project.
6. **Creating more and effective synergies within ILO.** It is important that the Project can fully benefit from and have access to experience, expertise, programmes and resources that are currently available within the ILO. Internal collaboration and coordination is a distinctive feature of the ILO, and improved alignment of the ILO Project with the DW Agenda and the respective departments with mandates linked to the labour dimension of RBC could be key to improve its impact and make the ILO RBC interventions more sustainable.
7. **Systematization of the RBCLAC Fund.** Providing follow up and systematization to projects/activities implemented with the support of the RBCLAC Fund is important for reasons of transparency, as well as, and even more important, in terms of the obtained results, impacts, organizational learning and dissemination of lessons learned and good practices.
8. **Design a Sustainability/exit plan for the Project.** The elaboration of a Project sustainability/exit plan is highly recommended. This could be done jointly amidst the three IOs and the EU.

## 1. INTRODUCTION TO THE EVALUATION

---

The ILO considers evaluation as an integral part of the implementation of technical cooperation activities. The current evaluation is an *Internal Mid Term Evaluation of ILO's Programme of Support to "Responsible Business Conduct in Latin America and the Caribbean"*. RBCLAC (or "CERALC," by its Spanish acronym<sup>4</sup>), is a multi-agency, multi-country project, funded by the European Union (EU) through its Partnership Instrument, and jointly implemented by three organizations: International Labour Organization (ILO), Organization for Economic Cooperation and Development (OECD) and the United Nations Office of the High Commissioner for Human Rights (OHCHR). The project will undergo two evaluations, an internal midterm evaluation (MTE), and a final internal evaluation.

The current MTE has been conducted by a team of two independent evaluators, with support and supervision by Ms. Annie Van Klaveren, Specialist, Multinational Enterprises, of the ENTERPRISES Department (HQ), who has been the Evaluation Manager (EM) for this evaluation. The Evaluation Team (ET) has coordinated closely with the Regional Office for Latin America and the Caribbean (RO), through Ms. Cybele Burga of the Regional Evaluation Office (REO), who has reviewed the reports produced as part of the evaluation.

An Inception Report (IR) was prepared with common evaluation instruments and preceded the elaboration of this Draft Report. The IR was based on conversations and exchanges with representatives from ILO-HQ and the ILO Regional Office (RO) for the Americas and Caribbean and included representatives of the RBCLAC Project team. Following interviews with stakeholders, preliminary findings were presented to the ILO RBCLAC Project Team and the EM on March 26<sup>th</sup> 2021, and the ET received immediate feedback from the participants.

The Terms of Reference (ToR) for the MTE were used to guide the process, and the ILO RBCLAC project team facilitated the identification of key documents for inclusion in the Document Review, key stakeholders for the interviews, as well as a selection of 2 countries for more in-depth case studies.

### 1.1. Purpose and Objectives

The main purpose of this mid-term internal evaluation is to provide an independent assessment of the progress to date of ILO's component of the project, through an analysis of its relevance, effectiveness, efficiency, effects, and orientation. The evaluation will serve to inform the mid-term independent evaluation to be conducted, as per EU guidelines, of the overall project.

The specific objectives of the evaluation are the following: (i) Assess the level of achievement of objectives as set out in the project document; assess performance as per the foreseen targets and indicators of achievement at output level and indicative achievements of outcomes; strategies and implementation modalities chosen; partnership arrangements, constraints, and opportunities. (ii) Determine to what extent the strategic approach of the programme reflects the ILO comparative advantage. (iii) Provide recommendations to improve performance and strategies, institutional arrangements and partnership arrangements, and any other areas within which the evaluation team wishes to make recommendations.

---

<sup>4</sup> Conducta Empresarial Responsable en América Latina y el Caribe (CERALC)

The midterm internal evaluation covers the time between 1 January 2019 to 31 December 2020, which is halfway through the project implementation. As for its geographic scope: the evaluation comprises the ILO component of the project and its linkages with the implementation of the project by the implementing partners at the regional level as well as in nine target countries. The evaluation covers ongoing project activities and will assess all outputs produced since the beginning of the project and the level of achievement of the three immediate outcomes and will provide recommendations for improvements.

### 1.2. Scope of the evaluation

The scope of the MTE sets boundaries around the object of evaluation and it determines what is included in the study, and what is excluded.

According to the TORS the MTE comprises the ILO component of the project and linkages with the implementation of the project by the implementing partners at the regional level as well as in the nine target countries (**Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico Panama, and Peru**). In terms of programmatic coverage, the MTE covers ongoing project activities and the level of achievement of the three mentioned immediate outcomes.

### 1.3. Clients

The principal client for the MTE is the Regional Office for Latin America and the Caribbean (ILO RO), the DWT/CO in the target countries, ILO's RBCLAC project management team, ENTERPRISES, ACT/EMP, ACTRAV, PARDEV and EVAL. External clients include the European Union, partner implementing agencies (OECD and OHCHR) and ILO constituents in the target countries.

### 1.4. Evaluation Criteria and Evaluation Questions (EQs)

Overall, the MTE will address the general areas of focus (evaluation criteria) and specific questions as per the TOR: *Relevance and Strategic Fit; Validity of Design; Project Progress and Effectiveness; Adequacy and Efficiency of Resource Use; Effectiveness of Management Arrangements; and Sustainability and Impact orientations*.

In line with the referenced recent guidance related to the inclusion of *Cross Cutting Policy Drivers* in evaluations, the ET has developed specific EQs that will assist with highlighting in the data collection process as well as in the reporting, the extent to which cross-cutting policy drivers have been addressed throughout ILO Programming.

In addition, as identified in the TORs, the project plays an important role in the "building back better strategy" for the COVID-19 crisis, by supporting the tripartite constituents in the region to design and implement responses to deal with the COVID -19 crisis and mitigate the adverse impacts that the crisis itself and the responses to it may have on people, the environment, and society.

Upon a thorough review of the large number EQs that were included in the TOR, and in consultation with the EM, the ET has identified the key questions, thus reducing the number of EQs to be answered, while reorganising them in Key EQs and Key Matrix Indicators (See Inception Report in Annex 2).

The EQs that will guide this evaluation therefore are established as follows:

Evaluation Criteria and Evaluation Questions (EQs)	
Criteria	Questions
<b>Relevance and strategic fit</b>	<ol style="list-style-type: none"> <li>1. To what extent does the project respond to the beneficiaries' needs and is it coherent with the national, regional, and international development policies and frameworks?</li> <li>2. To what extent does the project complement other relevant on-going programmes, projects, or activities in the countries?</li> <li>3. To what extent is the project relevant in the COVID-19 pandemic context?</li> </ol>
<b>Validity of the project design</b>	<ol style="list-style-type: none"> <li>4. To what extent is the project design appropriate, logical, and coherent?</li> <li>5. To what extent is the project realistic in terms of the expected outputs, outcome, and impact?</li> <li>6. To what extent does the project integrate the ILO cross-cutting policy drivers in its design?</li> <li>7. To what extent has the project adapted its approach to respond to the COVID-19 crisis?</li> </ol>
<b>Effectiveness of management arrangements</b>	<ol style="list-style-type: none"> <li>8. Are the management and governance arrangements of the project adequate?</li> <li>9. How effective is the support (technical and political) provided so far by the ILO (regional, country level and HQ) to the Project?</li> <li>10. To what extent has the ILO intervention applied innovative approaches for an effective and timely ILO action to mitigate the immediate effects of the pandemic on the world of work?</li> </ol>
<b>Effectiveness</b>	<ol style="list-style-type: none"> <li>11. What progress has the project made towards achieving its specific objectives?</li> <li>12. What are the reasons/factors behind that progress or lack of progress?</li> <li>13. To what extent was the project's crisis response effective?</li> </ol>
<b>Efficiency</b>	<ol style="list-style-type: none"> <li>14. To what extent has the project implementation, so far, been efficient?</li> </ol>
<b>Impact and Sustainability orientation</b>	<ol style="list-style-type: none"> <li>15. Has the project had any impact in promoting the understanding and implementation of RBC practices?</li> <li>16. How likely will the ILO project lead to results that will be sustained or integrated in other post-pandemic response over time?</li> </ol>

## 2. METHODOLOGY

---

The evaluation set out to answer a list of specific questions organized according to the thematic criteria described above, agreed upon by the Evaluation Manager, the ILO-Project Staff, and the evaluators. The methodology for data collection and analysis was primarily qualitative in nature. The evaluators addressed the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. Qualitative data were obtained from remote key informant interviews (KIIs) and focus group discussions (FGDs). Quantitative data were obtained from the performance reporting data presented by the ILO in the semi-annual Technical Progress Reports (TPRs) to the EU; as well as from other secondary sources. Data collection methods and stakeholder perspectives were triangulated to bolster the credibility and validity of the results.

### 2.1. Evaluation methods and techniques

#### *a. Document mapping*

In consultation with the EM, the ET conducted a document mapping of background data, relevant documents and research that has been created at the country and regional levels.

#### *b. Comprehensive document review*

The ET reviewed a variety of documents related to the Project. Examples include existing reports (Project Inception Report, First Interim Report), project agreement document and action fiche; EU Partnership Instrument Monitoring Systems, and project result matrix; existing documents and sources related to the project (brochure, joint alignment document, events, meeting and activity concept notes, links to events available on websites, social media reports, finalized outputs). The desk review of all the key project documents will be conducted at the early stage of the evaluation process. The results of the desk review will further inform the methodological approach of the evaluation and will ensure the use of specific evaluation techniques to evaluate and report on the evaluation findings.

#### *c. Two Case Studies*

As stated, the project intervenes in **9 countries**: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, and Peru, and includes activities at regional level. During the inception stage, the evaluation team, in consultation with the EM, and the Project CTA, have selected two countries for in depth study, based on the following selection criteria:

1. Countries with successful outcomes, despite a particularly challenging context. The rationale is that extreme cases, to some extent, may be more helpful for understanding how the process worked and how results have been obtained. (utilisation/usefulness focus)
2. Countries that have been identified as likely to provide good practices, and a potential for lessons learned, or those bringing exemplifying key issues as identified by the desk review and initial discussions. (utilisation/usefulness focus).
3. Countries that have not, or to a lesser extent, been subjected to recent evaluations. (Avoiding contributing to “evaluation fatigue” amongst stakeholders).

4. Diversity in economic and social context between selected case studies (Higher Income countries, Higher Middle Income /Lower Middle Incomes Countries and countries from different geographic subregions) (inclusiveness focus).

Based on these criteria and in consultation with the EM and the project team, **Chile** and **Peru** were selected.

#### ***d. Key Project Informant Interviews (KII) and Focus Group Discussions (FGD)***

The ET conducted a series of interviews and focus group discussions with key informants, representing: (a) Key project informants: ILO project staff in the region, ILO officials in Geneva and the offices concerned; OECD and the Office of the United Nations High Commissioner for Human Rights (OHCHR) project managers/regional focal points; EU project manager. (b) Representatives from the following groups: Government staff, employers, trade unions, individual experts who have received training or otherwise worked with the project, UN and other development agencies who are partners of the project. (c) Project Key Stakeholders, including: National authorities; Employers and Workers' Organizations. The complete list of informants consulted during the evaluation can be found in Annex 4

#### ***e. Evaluation debriefing***

At the end of data collection stage, the ET presented preliminary findings to the project staff and ILO-HQ backstopping Officers, in a conference call, to discuss and refine the findings and fill information gaps.

### **2.2. Limitations**

The findings for the case study are based on information collected from background documents and from key informant interviews. The accuracy of the evaluation findings is founded on the integrity of information provided to the evaluator from these sources and the ability of the evaluator to triangulate this information.

The evaluation was conducted during the COVID-19 pandemic, which has affected the data collection. The evaluators were bound by lockdown restrictions and unable to travel to the countries covered by the project due to international flight limitations and national restrictions as a result of the pandemic. The interviews and focus groups were conducted mostly remotely using various virtual meeting platforms and phone calls.

Some challenges emerged in arranging individual (virtual) meetings with key stakeholders, within the limited time frame. Key Information Interviews (KIIs) were undertaken by one/both evaluators, based on a logic distribution of work, considering different time zones, and the availability of evaluators and interviewees. Occasionally, when unforeseen factors prevented the scheduled interviews from taking place, efforts were made to reschedule within the timeframe, however unfortunately this was not possible in all cases. In general, remote interviews and focus groups are not as productive as face-to-face meetings. The evaluators were also unable to have any informal meetings with informants, as is common during in-country visits. Further, an in-depth analysis of the national contexts across the target countries is beyond the scope of this evaluation.

To some degree, these factors may have limited the quantity and quality of the information collected. Where possible, the evaluators mitigated these shortcomings with additional, focused interviews and an exhaustive document analysis. Time constraints limited the duration of the whole evaluation process and (remote) fieldwork in the countries.

Despite these limitations, the evaluators consider that the KIIs and FGDs that were conducted have provided a solid representation of the views of key stakeholders and beneficiaries.

### 3.1. Responsible Business Conduct (RBC) in Latin America and the Caribbean

## TERMINOLOGY

The same document reflects that RBC practices in Latin America and Caribbean (LAC) countries were at different levels of progress. In some countries there were good advances, however, in others, RBC practices may be mainly associated with philanthropy. Nevertheless, practices were evolving towards a new approach aligned with RBC, both within companies and in relation to public sector operations and government policies.

The underlying assumption at the onset of the RBCLAC project was that further promoting RBC practices could contribute to overcoming conflicts between civil society, including communities, indigenous peoples, grassroots organizations, human rights defenders, and businesses in key sectors of Latin American communities in target countries.<sup>6</sup> The RBCLAC project therefore is designed to support governments and businesses in their efforts to promote and uphold responsible business conduct in line with international standards.<sup>7</sup>

A 2018 *Report on the promotion and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in the Americas*<sup>8</sup> was elaborated by the ILO as an integral part of the ongoing regional promotion of the MNE Declaration. The report summarized activities undertaken in the LAC region, in the framework of promotion and follow up of the MNE Declaration and it identified some relevant trends for MNEs and RBC in the region.

The report included an account of in-region follow-up under the MNE Declaration (2014-2017). Examples included capacity building for constituents, undertaking of studies on relevant topics, participation in regional events, and support to Governments for policy development. Both the ILO RO and several constituents had undertaken some relevant studies, such as the Bureau of Workers' Activities study on export processing zones and decent work (2017), and two RO studies on investment and trade.

The report, based on inputs from constituents, identified several contextual aspects and trends relevant for RBC in the region: (1) Dependence on and a reduction in FDI; (2) MNEs were concentrated in the

<sup>5</sup> European Delegation agreement, Annex 1, Description of the Action p.1.

<sup>6</sup> EUD Agreement, ANNEX 1, p.3.

<sup>7</sup> Responsible Business Conduct in Latin America and the Caribbean (ilo.org)

<sup>8</sup> Based on findings in *The MNE Declaration and its promotion and application in the America. Regional Office for the Americas, ILO 2018*.



largest economies; (3) LAC enterprises were mostly found in low-value adding stages of the international supply chains; (4) Some gender equality Issues were identified in relation to FDI; (5) Identification of relevant policy priorities in LAC; (6) Importance of the “*multilatinas*”; (7) Recent shifts in the sectoral make-up of investment the region; and, (8) China’s growing investment influence.

#### Relevant activities in LAC countries, prior to the start of the RBCLAC project

- Mechanisms for dialogue and consultation regarding MNE operations had been established by some governments and employers’ and workers’ organizations, and several governments and employers’ organizations reported on formal consultation on activities of MNEs with national employers’ and workers’ organizations, while some workers’ organizations had reported conducting such consultations. Moreover, workers’ organizations had reported on formal consultations on activities of MNEs with workers’ organizations of other countries.
- Some promotional activities for the principles of the MNE Declaration had been undertaken in the region: several governments, employers’ organizations and workers’ organizations reported on their engagement in some sort of promotional activity.
- In terms of promotional materials, by 2018, the development of relevant materials was yet limited<sup>9</sup>.
- In terms of the creation of focal points, there was reportedly much room for improvement at the national levels to promote the MNE Declaration.

#### Social Dialogue and Responsible Business Conduct in the LAC region

With regard to social dialogue and RBC in the region, a regional 2014 report by the ILO Director General, indicated an apparent need to improve the participation and representativeness of both workers’ and employers’ organizations throughout the region, to strengthen their capacity to influence decision-making through tripartite and bipartite social dialogue. In addition, there was a need for the strengthening of a culture of dialogue, with a view to reducing conflict and building of trust between the social actors.

Key elements for this **trust building process** were identified as: (1) the improvement of the exchange mechanisms for information; (2) extending the policy dialogue for the inclusion of competent organizations in related fields; (3) mainstreaming full and productive employment and decent work in economic and social policies and; (4) ensuring the active participation of the social actors in mechanisms for achieving coherence in policies that contribute to the promotion of decent work and sustainable development.

Other examples of relevant key aspects related to social dialogue in the LAC region were the increase of representativeness of parties that form part of national institutions for social dialogue; inter-sectoral dialogue (to ensure inclusion of other national institutions including those related to social security, vocational training, education, production, and statistics). The institutionalization of national dialogue at multiple levels national, subnational, and sectoral levels was another aspect that was highlighted as an

---

<sup>9</sup> According to the mentioned 2018 ILO report, only one government, one employers’ organization and five workers’ organizations reported on the development or commissioning of such materials.

important means to ensure the increased effectiveness and observance of agreements that were achieved through national social dialogue.

### 3.3. ILO's strategic objectives in the region of the Americas and the Caribbean

#### Regional Framework: Panama Declaration (2018)

In the period under review (2019-2020), all ILO-programming in the LAC region has been guided by the *Panama Declaration for the ILO Centenary (2018)*<sup>10</sup>, which has provided the broader, regional framework for the further development of country documents. It reflects the region's tripartite agreement on the future of work in the Americas, with the aim *to develop a vision of how to prepare a better future of work for present and future generations.* While recognizing the need for the ILO to play a leadership role in the world of work, the document establishes priorities for the ILO Office and its constituents in the region for 2018-2022, which should inform all policy development.

According to the *Panama Declaration*, action was required in multiple areas, with a need to develop **policy priorities in 17 areas, many of which are relevant for RBC and the principles of the MNE.**<sup>11</sup> Such policies must generate coherence between the objectives of economic growth and the creation of productive employment and decent work, incorporating a gender perspective.

ILO RO for Latin America and the Caribbean has identified the **following three main regional priorities,** to better align the regional priorities with the overall ILO priorities:

- 1) Productive development policies for inclusive growth with more and better jobs.
- 2) Transition to formal employment.
- 3) Respect for and application of International Labour Standards (ILS) and labour law.

### 3.4. ILO's RBC Programming in nine LAC countries in 2019-2020

#### Three Global Frameworks for Responsible Business Conduct (RBC)

The RBCLAC project contributes to the promotion of smart sustainable and inclusive growth in the EU and Latin America and the Caribbean region, by supporting responsible business conduct practices in line with internationally agreed principles set out in UN, ILO, and OECD instruments. This is expected to help move towards a level playing field by limiting unfair competition driven by low RBC standards.<sup>12</sup>

As per the RBCLAC project documents, the following international instruments guide responsible business conduct globally: 1) *ILO Tripartite Declaration of Principles concerning Multinational Enterprises*

---

<sup>10</sup> *Panama Declaration for the ILO Centenary: The future of work in the Americas*, AMRM.19/D.4. Adopted by the 19<sup>th</sup> American Regional Meeting, Panama City, Panama, 2-5 October 2018.

<sup>11</sup> The identified policy areas are: 1) Productive development policies, 2) Policies to promote and enabling environment for the creation and development of enterprises, 3) Policies to promote respect for fundamental principles and rights at work, 4) Policies to promote respect for freedom of association and collective bargaining, 5) Policies to promote the transition from the informal to the formal economy, 6) Workforce development policies, 7) Policies to promote environmental sustainability and to address the employment impacts of climate change, 8) Policies to promote equal opportunities and achieve greater social justice, 9) Wage policies, 10) Policies to respond to the new and diverse forms of employment, 11) Social protection policies, 12) Policies to promote a just transition, 13) Policies to foster productive, rights-based youth employment, 14) Policies to accelerate the eradication of child labour, 15) Policies to prevent and combat discrimination, 16) Policies to promote gender equality and 17) Labour migration policies.

<sup>12</sup> Joint Inception report of the RBCLAC Project, ILO, OHCHR, OECD, June 2019, p.8.

and Social Policy (fifth revision, 2017)<sup>13</sup>; 2) *OECD Guidelines on Multinational Enterprises* (2011); 3) *United Nations Guiding Principles on Business and Human Rights* (OHCHR, 2011).

Each of these sets of guidelines has been developed in a specific institutional context. The instruments are aligned and complement each other, while each organisation brings its own added value to their implementation based on their respective mandate and expertise.<sup>14</sup> Together, they provide a coherent approach and they have become the key reference points for responsible business. Their complementarity lies in the fact that they all reflect the expectation that businesses should consider the impact of their operations and supply chains on people, the planet and society as part of their core business considerations and not as an add-on, which includes the need to avoid and address negative environmental and social impacts.<sup>15</sup>

Funded by the European Union, the project brings together three implementing partners, which are joining forces for the first time around the issue of the promotion of RBC on such a large scale:), 1) the Organisation for Economic Cooperation and Development (OECD); 2) the International Labour Organization (ILO) and 3) the United Nations Office of the High Commissioner for Human Rights (OHCHR).<sup>16</sup> Recognizing the importance of good coordination in this type of inter-agency collaboration, coordination mechanisms and communication channels were identified and put in place during the inception phase of the project.<sup>17</sup>

#### *The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*<sup>18</sup>

This MTE addresses the ILO component of the RBCLAC project, zooming in on the first two years of implementation, with activities undertaken in the framework of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (commonly referred to as: "the MNE Declaration").

The overall goal of the MNE Declaration is to provide guidance to encourage positive contributions that companies can make to economic and social progress, and to minimize and resolve difficulties in their operations. The principles enshrined therein reflect good practice of business and provides policy guidance to governments, employers', and workers' organizations. The recommendations included in the Declaration are based on International Labour Standards (ILS) including the fundamental conventions that underpin the *ILO Declaration of Fundamental Principles and rights at work* (1998), and they also deal with forced labour, child labour, non-discrimination, freedom of association and collective bargaining.

In the same year of the adoption of the fifth revision of the MNE Declaration, ACTRAV provided guidance to trade unions on the importance of the MNE Declaration.<sup>19</sup>

---

<sup>13</sup> [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy \(MNE Declaration\) - 5th Edition \(2017\) \(ENTERPRISES\) \(ilo.org\)](#)

<sup>14</sup> *Responsible Business, Key Messages from International Instruments*, ILO, EU, OHCHR, OECD (2019). Available online: [wcms\\_732144.pdf \(ilo.org\)](#)

<sup>15</sup> Idem.

<sup>16</sup> EUD Agreement, Annex 1, p. 6.

<sup>17</sup> Idem. p. 11.

<sup>18</sup> [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy \(MNE Declaration\) - 5th Edition \(2017\) \(ENTERPRISES\) \(ilo.org\)](#)

<sup>19</sup> *The MNE Declaration, What is in it for trade unions? Your guide to the MNE Declaration 2017*. ILO Bureau for Workers ACTRAV, ILO Geneva, 2017. [wcms\\_647984.pdf \(ilo.org\)](#)

## 4. THE RBCLAC PROJECT

---

### 4.1. Introduction

The RBCLAC project is designed in close collaboration between the three agencies, while building on their respective mandates and comparative advantages. The overarching objective is to contribute to the promotion of smart, sustainable, and inclusive growth by supporting responsible business practices in line with internationally agreed principles set out in the UN, ILO, and OECD instruments. Funded by the EU, the project has three Implementing partners: ILO, OECD, and UN OHCHR.

In this regard, it is pertinent that the ILO is oldest of the agencies, and the only tripartite UN agency, which brings together governments, employers, and workers of 187 member states, to set labour standards, develop policies and to devise programmes that promote decent work for all men and women. The organization's tripartite structure gives an equal voice to workers, employers, and governments to ensure that the views of the social partners are closely reflected in labour standards and in shaping policies and programmes.<sup>20</sup>

Activities to be implemented under the project were designed to support and complement activities to be implemented by individual agencies, while some of the foreseen activities were to be implemented jointly. A description of all activities to be undertaken under RBCLAC was included in the EUD Agreement, identifying each implementing agency, as well as their linkage to other activities, where appropriate. This description, together with the project's LogFrame has been updated during the project's inception stage, as well as during the implementation, as reflected and explained in the annual reports.

### 4.2. Project objectives

The overarching objective of the project is to contribute to the promotion of smart, sustainable, and inclusive growth in the EU and Latin America and the Caribbean, by supporting responsible business conduct practices in line with internationally agreed principles set out in the UN, ILO, and OECD instruments. This will help move towards a level playing field by limiting unfair competition driven by low RBC standards.

The specific objectives/outcomes of the project are:

**S1** – In cooperation with national governments, and other stakeholders, National Action Plans on Business and Human Rights (NAPs) are developed and implemented, to ensure alignment of national policy, regulatory and legislative frameworks with internationally agreed RBC principles and standards and strengthened access to remedy.

**S2** – Support engagement of relevant stakeholders, in particular businesses, on RBC due diligence practices that respect human rights and have a positive impact on the environment, workers' rights, and affected communities.

---

<sup>20</sup> EUD Agreement, Annex 1, p. 8.

**S3 – To contribute to promoting and strengthening the adoption of RBC practices (executed by third parties such as employers’ and workers’ organizations, civil society, and other stakeholders) to be implemented by Latin America and European companies, including but not limited to SMEs.**

#### **4.3. Implementing organizations**

The project is implemented by three organisations: the OECD, ILO and OHCHR. The EU supports the project as principal donor. The OECD, ILO and OHCHR, each within its respective mandate and with their respective instruments and expertise, are the main actors for the implementation and the coordination of the activities devised under the project, in close consultation with relevant local and international stakeholders.

As stated, the three agencies are very different both in mandates, as well as in their institutional and governance structures.

The ILO is a specialised agency of the United Nations, currently with a membership of 187 countries. As the United Nations’ specialized agency for the world of work, in the framework of the project the focus of the ILO is on strengthening respect for labour rights in the context of NAPs on business and human rights or similar national policy frameworks, promoting social dialogue, and facilitating the sharing of good practices on the labour dimension of responsible business conduct. The underpinning international instrument guiding ILO’s activities in this area is the *ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* (MNE Declaration). It provides direct guidance to enterprises (multinational and national), as well as governments, employers’ and workers’ organizations on social policy and inclusive, responsible, and sustainable workplace practices.

The areas covered by the MNE Declaration are general policies, employment, training, conditions of work and life, and industrial relations. The guidance is founded substantially on principles contained in international labour standards and encourages dialogue at all levels (enterprise level, sectoral, national and between home and host countries of investment).<sup>21</sup>

OHCHR leads the business and human rights agenda within the UN system and promotes the dissemination and implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs), including through the support provided to the United Nations Working Group on Business and Human Rights (UNWG). The UNWG has been mandated by the UN Human Rights Council<sup>23</sup> to promote the effective and comprehensive dissemination and implementation of UNGPs, to identify exchange and promote good practice and lessons learned in the implementation of the UNGPs; to provide support for efforts to promote capacity building and the use of UNGPs, among others. In addition, the UNWG has the mandate to support the development and the implementation of National Action Plans (NAPs). In the implementation of the Action, OHCHR has a focal point in every country prioritized under the Action, as well as in Geneva.<sup>24</sup> OHCHR, in collaboration with the UNWG, provides advice, tools and guidance, and supports capacity building to a wide range of stakeholders, in particular States, NHRIs, civil society organizations, affected communities members, including indigenous peoples, and the business sector – business associations and business.

The *Organization for Economic Cooperation and Development* (OECD) is an intergovernmental organization, currently with 37 members. **Chile** joined the OECD in 2010, and Colombia joined in 2020.

---

<sup>21</sup> Inception report for the RBCLAC Project.

The OECD activities under the Project are based on its mandate and instruments in the field of RBC. The **OECD Guidelines for Multinational Enterprises**,<sup>18</sup> are recommendations from governments to business on responsible business conduct. The Guidelines cover both human rights and labour issues and are aligned with the UNGPs and the ILO fundamental conventions, and they include a broader range of areas such as environment, information disclosure, bribery, consumer interests, science and technology, competition, and taxation, thereby addressing all major areas of business responsibility. The Guidelines reflect the expectation that companies carry out due diligence to identify and address risks in these areas.<sup>22</sup>

The first joint interim report (2019) presented the approaches for each agency, with the three respective components of the RBCLAC project for each IO, as well as their alignment **with the three objectives of the project**. A summary table can be found in Annex 5.

#### 4.4. Governance framework

The collaboration between OECD, ILO and OHCHR in the implementation of the project is guided by the respective mandates, relevant instruments and tools, structure, field presence, government contacts and expertise of each organisation. The organisations intend to coordinate and collaborate in the implementation of their activities and to seek synergies at the country level.

The instruments that provide the framework for this Action are coherent, interlinked, and complementary. The organisations share the information gathered and outputs produced in the implementation of their respective activities.

In addition, a Joint Steering Committee (JSC) composed of representatives of the three implementing partners and the EU (at both HQ and field level) provides high-level guidance on the overall implementation of the project and provides strategic guidance. The JSC meets once a year to discuss progress (based on the project's yearly report, submitted prior to the JSC) and provide strategic guidance for the next year of implementation.

#### 4.5. ILO Project's components

As mentioned, the ILO participation in the RBCLAC focuses on the Implementation of the promotion of the MNE Declaration in the participating countries. The ILO project has three main components: 1) Support LAC governments in the adoption and implementation of National Action Plans on Business and Human Rights; 2) Improve the understanding and capacity of stakeholders (mainly enterprises) in undertaking processes of due diligence and; 3) Facilitate the exchange of experiences and lessons learned and develop initiatives that promote RBC practices.

The actions that are to be implemented by the ILO under the project, have been designed to be complementary to, and be complemented by, actions of the OECD and OHCHR, and *vice versa*, as clearly reflected in the project's Description of Activities. To achieve the identified objectives, the ILO supported project foresees the provision of support to the promotion of sustainable and inclusive growth in the region, by supporting RBC practices.

---

<sup>22</sup> Inception report for the RBCLAC Project.

Working with a range of stakeholders, which include Governments, business and employers' organizations, workers' organizations, as well as other stakeholders (such as civil society actors and academia), ILO actions are intended to foster the adoption of National Action Plans on Business and Human Rights. In addition, the development of tools and resources on RBC to foster implementation, synergies and knowledge sharing in this area, ultimately benefitting working women and men in the nine target countries.

Activities under the Project include a mix of *regional* and *country-specific* activities in each of the nine countries: **Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, and Peru.**<sup>23</sup>

## **Implementation of the ILO-RBCLAC project in the context of the COVID-19 Pandemic**

---

The ILO RBC project is a 4-year project (2019 -2022). The second year of implementation has been undertaken in an emerging, highly challenging, and unpredictable context, created by the COVID-19 pandemic, which has increasingly affected the LAC region since March 2020.

Several countries in the region have experienced a prolonged first wave of cases, and/or are in the "second wave". Very recently, the first vaccine deliveries are starting to be rolled out for certain countries in the region.<sup>24</sup> Several countries are experiencing humanitarian, economic and political crises and political resulting from the pandemic and its consequences.<sup>25</sup>

The ILO's *Panorama Laboral 2020* for the LAC region referred to the devastating economic effect of the global crisis in the region in 2020: in addition to the massive loss of human life and many cases of illnesses across all countries, there are serious consequences for the region's economy, businesses and their environment, supply chains, and employment. An important decrease in the BNP was reported (-8.1% compared to 2019, during its first three trimesters, as reported by CEPAL). In addition, percentages of participation in the labour force and occupation had gone down with 5.4 and 6.0 points respectively, while unemployment had increased 1,9 points to a level 10.6 %, which is the highest level over the past decades, and which represents an increase of 5.4 million unemployed people, bringing it to a total of 30.1 million people without a job. This crisis affects women and young people disproportionately in terms of unemployment indicators.<sup>26</sup>

Governments across the region have responded and continue to respond to the economic and unemployment crisis with a range of measures, including wage subsidies, employment retention measures, and other social programmes.<sup>27</sup> Companies of all sizes have been faced with difficult decisions sometimes resulting in massive restructurings or lay-offs, while many have developed different innovative strategies, including facilitating remote work options, where possible. Trade unions and other organizations have had to adjust their priorities and organizations, according to the emerging and

---

<sup>23</sup> See: EU Action on Responsible Business conduct in Latin America and Caribbean for a narrative overview of ILO-activities that were foreseen at the onset of the project. (undated)

<sup>24</sup> See for instance: [PAHO outlines COVID-19 vaccine rollout for Latin America and the Caribbean | Devex](#), 3<sup>rd</sup> of March 2021.

<sup>25</sup> See for instance OECD: *COVID-19 in Latin America and the Caribbean: Regional socio-economic implications and policy priorities*, December 2020.

<sup>26</sup> *Panorama Laboral*, Regional Office of the ILO for Latin America and the Caribbean, December 2020.

<sup>27</sup> The OECD Country Policy Tracker provides daily updates on measures announced by Governments by more than 90 countries including the 9 Latin American countries subject of this evaluation. <https://www.oecd.org/coronavirus/country-policy-tracker/>

changing needs and trends. ACTRAV has provided guidance on the role of workers' organization in the context of the pandemic<sup>28</sup>

## **Restructuring for Recovery and Resilience in Response to the COVID 19 crisis** <sup>29</sup>

---

In response to the COVID-19 pandemic, the ILO has provided global policy guidance for responses and recovery, as well as guidance to its constituents. It has created a [portal on COVID and the world of work](#)<sup>30</sup>, a [Helpdesk on international labour standards'](#) section on [business and COVID-19](#)<sup>31</sup>, and [ILO- An Employer's guide on managing your workplace during COVID-19](#)<sup>32</sup>, amongst others. In addition, the organization provides [regular updates on country policy responses related to COVID-19](#)<sup>33</sup>. For example, together with UNICEF and UN Women, the ILO produced joint guidance for employers, especially in view of the effects of the pandemic on workers and their families.<sup>34</sup>

In addition, the ILO ENTERPRISES Department's "[\*Restructuring for recovery and resilience in response to the COVID-19 crisis\*](#)",<sup>35</sup> provides [guidance specifically addressed to companies](#). It highlights that good practices in restructuring are important in the response to the crisis, and that such responses must be consistent with the provisions of International Labour Standards (ILS). Suggestions for steps that employers' and workers' organizations can take to support enterprises and workers during restructuring are provided, including 1) Informing and consulting through social dialogue, 2) Identifying and weighing the options of measures that can be taken to maintain business; 3) implementing changes in line with national legislation and practice and 4) evaluating periodically whether change measures have been effective. Checklists are also included for employers and workers.

The document [highlights the relevance of the MNE Declaration in the context of the pandemic](#)<sup>36</sup>:

*"The continued prominent role of multinational enterprises in the process of social and economic globalization renders the application of the principles of the MNE Declaration important and necessary in the context of foreign direct investment and trade, and the use of global supply chains. The parties concerned have the opportunity to use the principles of the MNE Declaration as guidelines for enhancing the positive social and labour effects of the operations and governance of multinational enterprises to achieve decent work for all, a universal goal recognized in the 2030 Agenda for Sustainable Development."*<sup>37</sup> (emphasis added by ET)

On the issue of **recovery**, it offers the following guidance:

*"In considering changes in operations (including those resulting from mergers, takeovers or transfers of production) which would have major employment effects, multinational enterprises should provide reasonable notice of such changes to the appropriate, government authorities and representatives of the workers in their employment and their organizations so that the implications may be examined jointly in order to mitigate*

---

<sup>28</sup> See for instance: *COVID-19: Que papel deben asumir las organizaciones de trabajadores? Recomendación 205, sobre el empleo y el trabajo decente para la paz y la resiliencia*. ACTRAV

<sup>29</sup> Restructuring for recover and resilience in response to the COVID-19 crisis, ILO, ENTERPRISES Department. April 2020.

<sup>30</sup> ILO-Portal in the world of work. [COVID-19 and the world of work \(COVID-19 and the world of work\) \(ilo.org\)](#)

<sup>31</sup> [Business and COVID-19 \(ilo.org\)](#)

<sup>32</sup> [COVID-19: An employer's guide on managing your workplace during COVID-19 \(ilo.org\)](#)

<sup>33</sup> [Country policy responses \(COVID-19 and the world of work\) \(ilo.org\)](#)

<sup>34</sup> Family -Friendly policies and other Good Workplace practices in the Context of COVID-19: Key steps employers can take. Interim recommendations, March 2020.

<sup>35</sup> [wcms\\_742725.pdf \(ilo.org\)](#)

<sup>36</sup> *Restructuring for recovery and resilience in response to the COVID-19 crisis*, ILO, ENTERPRISES Department. April 2020, p. 19.

<sup>37</sup> MNE Declaration, Introduction.



*adverse effects to the greatest possible extent. This is particularly important in the case of the closure of an entity involving collective lay-offs or dismissals.”<sup>38</sup>*

### **Selected MNE Principles in the context of COVID-19 response and recovery**

In addition, in May 2020, the ILO produced a document with selected specific MNE principles that are relevant for enterprises in their response to the COVID-19 pandemic and preparation for recovery and resilience<sup>39</sup>:

MNE Principles with particular relevance in the context of COVID-19 Response and Recovery	
Contribute to the realization of the <b>fundamental principles and rights at work</b> .	Para. 9
Carry out <b>due diligence</b> to identify, prevent, mitigate, and account for how they address their actual and potential adverse impacts on human rights.	Para. 10
<b>Consult</b> with government, employers’ and workers’ organizations to ensure operations are consistent with national development priorities.	Para. 11
Endeavour to increase <b>employment opportunities and standards</b> , taking the employment policies and objectives of governments into account.	Para.16
Use <b>technologies</b> which generate employment.	Para. 19
Contribute to the aim of <b>facilitating the transition to the formal economy</b> , recognizing that decent work deficits are most pronounced in the informal Advancing social justice, promoting decent work economy.	Para. 21
Complement and help to stimulate further <b>development of public social security systems</b> .	Para.22
Endeavor to provide <b>stable employment</b> for workers and observe freely negotiated obligations concerning <b>employment stability</b> and social security, promote security of employment, providing reasonable notice of intended changes in operations and avoiding arbitrary dismissal.	Paras. 33 & 34

Source: *Restructuring for recovery and resilience in response to the COVID-19 crisis*, ILO, ENTERPRISES Department (emphasis added)

<sup>38</sup> MNE Declaration, paragraph 34.

<sup>39</sup> [PowerPoint Presentation \(ilo.org\)](#)

## 5. FINDINGS

---

### 5.1. Relevance & Strategic Fit

*The current section analyses the relevance and appropriateness of the ILO RBC programming related to the needs of the constituents; national and international development frameworks (including to the SDGs). It also analyses the strategic fit of the RBC activities with on-going programmes, projects, or activities in the country. The section also studies the extent to which the project is relevant in the COVID-19 pandemic context, as well as in the context of recovery and/or restructuring processes.*

#### **Summary of main findings:**

*Based on the collected evidence, the MTE confirms the project's overall relevance. The RBCLAC Project has managed to start integrating RBC into political, social, and entrepreneurial agendas, both across the LAC region as well as in most of the respective countries included in the project. Consulted stakeholders agreed that the RBCLAC Project and the objectives it tries to achieve are considered both relevant and necessary.*

*Interviewees confirmed that the ILO component of the RBCLAC project responds to the needs of the beneficiaries, and that it is aligned with national priorities, particularly in the area of human rights and national development frameworks, as well as with international frameworks and the SDGs.*

*In regards to the synergies and complementarities with other ILO programmes, the MTE has found little concrete evidence yet that such synergies and complementarities are effectively and intentionally sought, or that they have effectively been created across countries. As for the coherence and complementarity with other IOs (OECD and OHCHR); the evaluators found that there have been significant interagency collaboration and coordination efforts, and that this has resulted in important improvements at the institutional and project management levels.*

*Regarding the RBCLA relevance in the COVID-19 pandemic context, the ILO component of the RBCLAC COVID-19 has maintained, or to some extent even increased, its relevance during the COVID-19 pandemic.*

#### **5.1.1. Overall Relevance of the RBCLAC project**

Based on the collected evidence, the MTE confirms that the RBCLAC Project **has managed to start integrating RBC into political, social, and entrepreneurial agendas**, both across the LAC region as well as in most of the respective countries included in the project. Consulted stakeholders agreed that the RBCLAC Project and the objectives it tries to achieve are considered **both relevant and necessary**.

It is also relevant in the context of the Free Trade Agreements (FTAs) of the EU, the progress in Europe with regard to the ongoing development of mandatory due diligence requirements for companies throughout their value chains<sup>40</sup>, and the concept of due diligence in human rights, as actively promoted by the UN<sup>41</sup>. At the middle-long term, RBC is expected to become an indispensable element for business conduct, both in Latin America and globally, since this is increasingly required among Governments,

---

<sup>40</sup> See for instance [EU: European Commission adopts report on corporate due diligence and accountability \(globalcompliancenews.com\)](https://globalcompliancenews.com/eu-commission-adopts-report-on-corporate-due-diligence-and-accountability/)

<sup>41</sup> UN Guiding Principles on Business and Human Rights, An introduction, UN Working Group on Business and Human Rights.

institutions, and investors who are seeking international collaboration, have an interest in supporting particular initiatives, or want to invest in projects or businesses in the region.

Moreover, key stakeholders opined that most Governments and other stakeholders consider that the RBCLAC Project, including the ILO component and its respective objectives is perceived as positive. Employers' organizations also confirmed that overall, engaging on this topic is positive and necessary for their prestige. The active engagement in most of the countries of different Ministries in an ongoing dialogue with the ILO RBCLAC project, or their participation in the respective national processes related to the incorporation of relevant RBC principles and/or practices (including those related to the labour dimension) in their national policies, is an indicator of their interest.

However, despite this observed generally positive discourse amid stakeholders, including among representatives from the employers' sector, several informants point out that in certain countries/sectors, employers continue to demonstrate some degree of mistrust or fear towards conversations about RBC. To illustrate this, some interviewees referred to the fact that, the course of consultations or events, some civil society actors had been very vocal and quick to make allegations against companies about perceived non-compliance with RBC practice and regulations in specific *sectors*, while employers argued that a lack of compliance with such regulations is rather located in the *informal sector*, and to a lesser extent less in the formal sector.

As confirmed by key stakeholders, such reported reluctance of employers' organizations to engage with the project's activities, or with the NAP consultation processes, has occasionally caused the RBCLAC team to have to recur to "quiet diplomacy", to facilitate a continuation of the dialogue between parties, and the team had to occasionally persuade parties in some countries to return to the conversation table.

In this regard, some employers (for example in **Peru**) have argued that there has been an excessive attention to specific sectors, whereas in their opinion small and medium enterprises (SMEs) in particular, are the ones that are less inclined to comply with RBC principles. On the other hand, in countries such as **Chile, Costa Rica, Ecuador, Panama and Mexico**, stakeholders reported that employers' organizations and companies gradually understand that they can and will have to embrace RBC and its different dimensions, as this is increasingly considered to be a distinctive aspect as well as an added value for companies.

Overall, workers' organizations have been less involved in the ILO component of the RBCLAC Project at national levels. Some informants have stated that RBC "is not a top priority on their agendas". For some key stakeholders, the underlying reason for this view may be that trade unions may be more inclined to support *mandatory adherence to RBC principles*, (such as through a binding treaty or legislation) and that some stakeholders question the effectiveness of *voluntary adherence* of companies to such principles.

Another reason can be found in the decision of ACTRAV to only engage in regional activities, which prevented the engagement of the project at local level, with a few exceptions. However, as reported in the project's TPRs, workers' organizations from countries across the region have participated in regional events, including the training events for unions on the labour dimension of RBC.<sup>42</sup>

---

<sup>42</sup> This online training event, implemented by the ILO ITC in 2020 had 47 participants from trade unions from 7 countries.

### 5.1.2. *Relevance in view of the needs of beneficiaries*

**Interviewees confirmed that the ILO component of the RBCLAC project responds largely to the needs of the beneficiaries.**

Many stakeholders who participated in one or more of the training opportunities that have been presented through the ILO component of the RBCLAC project, have stated in interviews that they effectively have gained an increased understanding of relevant international labour standards and regulations, as well as of the relevance and guidance for RBC, provided by the *MNE Declaration*. For many of the interviewees, this newly gained understanding has started to be translated in an institutional desire to engage in follow up activities, and an interest for this knowledge to be developed into policies and/or tools/instruments, as well as to disseminate good practices in line with these regulations.

The ILO has managed to include several of its constituents namely, Ministries of Labour, Employers' Organizations and (to a lesser extent) Workers' organizations in the consultation processes to which the Project was intended to contribute, in most countries in the region. Interviews with national stakeholders in most countries confirmed their participation in regional and/or national meetings and/or trainings, as well as in consultations held at national levels, (related to RBC and its labour dimension), and/or their inclusion in (multi-stakeholder) conversations or mechanisms related to various steps that may be part of the national processes of the development of national action plans.

For instance, the ILO supported the participation of constituents and other stakeholders in reviews of multiple diagnostics on specific issues and their participation in multi-stakeholder consultations and working groups (**Peru**); the three agencies participated in the review of the NAP on Social Responsibility and accompanied the MITRADEL in the review as well as in the engagement in the process. (**Panama**); as well as support for the development of a roadmap for a NAP, preceding the future development of a NAP on Business and Human Rights (**Ecuador**). In two other countries, namely **Chile** and **Colombia**, where a NAP was already in place, stakeholders confirmed that, with the support of the ILO, they have actively participated in consultations related to the review of such Plans and/or development of updated NAPs.

Several informants are of the opinion that, without the ILO's involvement, the constituents would have remained outside of these processes, although their level of participation in such processes may vary per country.

As mentioned, in line with the mandate of the UN Working Group on Business and Human Rights (UNWG) the OHCHR is the UN agency that usually guides these NAP development and consultation processes. The OHCHR has its natural allies in Governments and representatives of civil society, human rights organizations and/or environmental organizations and/or organizations that represent and/or bring together indigenous populations. These categories of stakeholders are usually not the "natural allies" of the ILO, which, as mentioned, derives its mandate from its tripartite constituents, and which is reflected in its tripartite structure, including Governments, employers' organizations, and workers' organizations. In turn, the ILO's tripartite constituents, are not the "natural counterparts" of the OHCHR or the OECD. The OECD tends to be more directly connected to the Ministries of Economy and Industry across countries.

In this regard, the participation of the ILO in the project is complementing mandates of the other implementing agencies, as the interagency collaboration has created the potential of engaging

Ministries of Labour, as well as workers' and employer's organizations in the national processes, actors who might otherwise have remained outside of such conversations.

However, the evaluation found that there is room for a better inclusion and participation of the ILO constituents (especially the social actors) in the conversation and project activities at national levels. In its two years of implementation, constituents have been involved to varying degrees in the national activities and consultations related to NAP development processes. In some countries, the ILO has yet to secure the active participation of several of its constituents in the project (for instance, Government counterparts in **Argentina, Mexico, Brazil**).

In some countries, where upcoming elections may drastically change the political landscape in the near future, additional direct support may be required from the ILO RBCLAC project, to ensure continued involvement in the process from one or more of its tripartite stakeholders (Government, Employers, organizations, workers' organizations). Such changes in the political landscape are expected to occur in **Ecuador and Peru**. In the case of **Peru**, follow up may be particularly relevant, as the approval of the NAP is expected for the end of June 2021, after a lengthy development process that has involved many stakeholders. A new Government will be installed in July 2021. (See Peru case study)

In several countries, the NAP process is led at the national level by national Government counterparts that are not the Ministries of Labour. In most cases, the ILO RBCLAC Project Team has successfully collaborated with these Government institutions. This includes for instance, the Ministry of Justice and Human Rights in **Peru**, Ministry of Justice and human rights in **Chile**, Ministry of Foreign Affairs and Vice Ministry of External Affairs in **Ecuador**, Presidency in **Colombia**. In addition, the establishment of multi-stakeholder working groups or platforms in some countries has facilitated such national dialogues. (*f.i. Chile, Colombia, Ecuador, Peru*).

In **Panama**, the ILO RBCLAC project has informed the national stakeholders including the Ministry of Labour, trade unions and the *Consejo Nacional de Empresa Privada* (CONEP) of the existence of a NAP on Social Responsibility and Human Rights, and invited them to engage in the review process. The MITRADEL was already involved in the review, and the Project supported the participation of the Ministry. This has been a complex process which had started in 2017 with a diagnostic on the status of CSR in the country and resulted in the elaboration of a NAP on Social Responsibility and Human Rights 2020-2030. The first version of the NAP had been developed by the Ministry of Industry and Internal Commerce (MICI), which then sought endorsement of other Ministries. The NAP is currently under review, to incorporate consequences of the COVID 19 pandemic, and this process is led by the MICI, with the participation of other stakeholders, including the Ministry of Labour.

In several countries, beneficiaries include national as well as regional/local actors. In the case of **Mexico**, during the first year of implementation; the two national Confederations of Employers (CONCAMIN<sup>43</sup> and COPARMEX<sup>44</sup>) requested the undertaking of a mapping of good practices and recommendations of how they can effectively participate in a NAP process. Based in this request, the project revised the LogFrame, replacing the value chain mapping that had initially been foreseen. In addition, regional employers' organizations/chambers of commerce, such as the Council of the Industrial Chamber of Jalisco (*Consejo de cámaras Industriales de Jalisco CCIJ*), and *Competitividad Laboral Juarez*.

---

<sup>43</sup> Confederación de Cámaras Industriales de los Estados Unidos Mexicanos

<sup>44</sup> Confederación Patronal de la República Mexicana

Representatives of both Institutions received training under the RBCLAC project and demonstrate a strong interest in developing/implementing further activities.

Similarly, in **Peru**, several regional chambers of commerce (*Cámaras de Comercio Regionales*) participated in the consultations held in different regions, the context of the consultations related to the development of a NAP which stakeholders reported as very relevant and important. In **Argentina**, the Council for Argentinian Companies for Sustainable Development (*Consejo de Empresas Argentinas para el Desarrollo Sostenible* – CEADS) has participated in several activities in the first year of implementation of the project and is keen on pursuing further collaboration with the project.

In a few countries, the ILO Project Team has also collaborated with, or participated in events organized by the national networks of the Global Compact (*f.i.*, in **Chile, Colombia, Ecuador, Mexico, Peru**), which could therefore also be considered a beneficiary. The Global Compact, an UN-led initiative aiming to create a principles-based approach to doing business, through the adoption of the Ten Global Compact Principles<sup>45</sup>, is considered by some of the interviewed stakeholders as “a logical and strategic ally” for the ILO. The UN Global Compact aims to mobilize a global movement of sustainable companies and stakeholders. To make this happen, the UN Global Compact supports companies to do business responsibly by aligning their strategies and operations with Principles on human rights, labour, environment and anti-corruption; and to take strategic actions to advance broader societal goals, such as the UN SDGs, with an emphasis on collaboration and innovation.

However, the ET learned from several key stakeholders, that a formal collaboration of the ILO with the Global Compact may be difficult or even impossible in several countries in the region. This may be partly because the Global Compact has different national structures across countries in the region, and partly, as mentioned by some stakeholders, and partly due to the reported reluctance from some constituents in certain countries to cooperate with the Global Compact. However, a positive example of such collaboration was found in the case of **Peru**, where the Secretariat of the Global Compact lies with the National Confederation of Employers (CONFIEP). In **Argentina**, the secretariat is with UNDP, and in **Chile** with the university of Andres Bello, which may potentially make institutional agreements more challenging, as potential collaboration agreements would need to be negotiated on a case-by-case basis.

These examples illustrate the relevance of the project activities for the different needs of groups of beneficiaries, as well as the high degree of flexibility demonstrated by the RBCLAC project to adjust activities to better meet such needs.

### 5.1.3. **Alignment with National Frameworks**

The ILO component of the RBCLAC project is aligned with national priorities, as confirmed by the stakeholders who were consulted across countries, particularly in the area of human rights and national development frameworks. National activities were found to be well aligned for example with the following frameworks/policies:

- **Argentina:** National Action Plan for Human Rights (2017-2020)
- **Chile:** National Human Rights Plan (*Plan Nacional de DDHH*)
- **Colombia:** National Strategy for Human Rights; Peace Accords (2016) : National Development Plan (2018-2022).

---

<sup>45</sup> [The Ten Principles | UN Global Compact](#). The principles are related to respect for human rights, labour, the environment, and anti-corruption. The Global Compact is a UN initiative that was created by former UN Secretary General Kofi Anna, in 2010.

- **Costa Rica:** National Policy on Social Responsibility (2017-2030)
- **Ecuador:** National Development Plan (2018-2021)
- **Mexico:** National Programme for Human Rights (2020-2024), which includes an agreement for the development of a national policy on RBC.
- **Panama:** Public and Private Plan for Social Responsibility (2020-2030)
- **Peru:** National Plan for Human Rights (2018-2021)

However, a “conducive environment” for the promotion of RBC is yet absent in **Brazil**, where multiple examples were presented of private sector actors who are publicly committed to RBC; however, at the same time they are allegedly responsible for violations against human rights and a lack of protection of the environment. In this regard, recent studies<sup>46</sup>, are drawing attention to such discrepancies, including a lack of respect for human rights, failing to comply with environmental law or regulations related to the conservation of indigenous lands, and a lack of respect for the social well-being and the rights of workers. Similarly, the MTE was informed that there is currently no explicit commitment of the current administration of Brazil to RBC.

A formal commitment from the current Government for the development of a NAP is presently also absent in **Argentina**, although at the start of the project the previous Government actively engaged with the project. To some extent this is the case in **Costa Rica**, which has a National Policy on Social Corporate Responsibility in place, however the Government has not committed yet to the development of a NAP on Business and Human Rights.

#### 5.1.4. *Alignment with International Frameworks*

Generally speaking, and as confirmed by stakeholders across countries, and as referenced in the TORs for the evaluation, the ILO component of the RBCLAC Project is aligned with international frameworks and the SDGs. This includes: the ILO Programme & Budget (P&B)<sup>47</sup>; UN Development Cooperation Frameworks (UNDAF/UNSCF) for instance in **Peru, Ecuador, Colombia, Panama**, and it is also expected to contribute to the Sustainable Development Goals (SDGs)<sup>48</sup>.

In this regard, a joint document issued by the IOs and the EU<sup>49</sup>, containing key messages from international instruments, underscored that the implementation of international standards on responsible business conduct has become essential to contribute to the achievement of the SDGs. The document states that by making a positive contribution to economic growth and development, effectively avoiding and coping with possible negative impacts on people, the environment and society, companies can become powerful drivers to achieve the SDGs. For example, by ensuring respect for human rights and decent working conditions, companies can drive large-scale positive changes in the supply/ value chain through the SDGs.

<sup>46</sup> <https://www.internationalrivers.org/news/press-release-policy-brief-eight-organisations-alert-the-oecd-on-serious-weaknesses-in-brazils-responsible-business-conduct-policies/>

<sup>47</sup> According to Outcome 4 in the ILO P&B 2020-2021, Sustainable enterprises are generators of employment and promoters of innovation and decent work. The RBCLAC project is directly linked to **Output 4.4.**, which aims at increasing the capacity of member States and enterprises to develop policies and measures that promote the alignment of business practices with decent work and a human-centred approach to the future of work. Accordingly, the project has one regional CPO (RLA154) and components in 9 CPOs reflecting the countries where the activities are carried out. TORs for the MTE, Section 1.2.

<sup>48</sup> As per the TOR, within the framework of the 2030 Agenda the project contributes to objective “8.3: Promote development-oriented policies that support productive activities, creating decent jobs, entrepreneurship, creativity and innovation, and fostering the formalization and growth of micro, small and medium-sized enterprises, including through access to financial services.” TORs for MMTE, Section 1.2.

<sup>49</sup> *Responsible Business, key messages from international instruments*, RBCLAC, ILO, OECD UN OHCHR and EU. 2019.

#### 5.1.5. *Synergies and complementarities with other ILO programmes.*

Despite the seemingly high potential for the generation of synergies and complementarities, in view of the relevance of the ILO mandate, the ILS and the ILO's prioritization of Decent Work (DW) programming, and considering the ILO's tripartite mandate, the MTE has found little concrete evidence yet that such synergies and complementarities are effectively and intentionally sought, or that they have effectively been created across countries.

This may be attributed to the fact that, as confirmed by key stakeholders from across the agencies, it has taken some time for IOs to fully understand and align the mandates of the three agencies, and, more specifically regarding the ILO, to understand the functioning and limitations of the tripartite structure, including the potential for contributions of constituents and other key stakeholders and other external actors to the project. While the project design may initially seem somewhat straightforward, any new interagency collaboration effort needs an amount of time to create the foundation for such a collaborative effort, and to be eventually able to jointly and effectively capitalize on that.

The case of **Ecuador** may be one exception to this finding on synergies: The project initially foresaw limited activities under the project in this country, namely, the inclusion of multiple Trainings of Trainers (ToT) in the SCORE methodology as part of the ILO RBCLAC project activities, to be undertaken in that country. This collaboration between the ILO and ILO-RBCLAC Project has resulted in the joint elaboration of a training module, for global use on Corporate Social Responsibility for SMEs, with a focus on the labour dimension of CSR.<sup>50</sup>

However, at a more general level, the ILO RBCLAC component was found by some interviewees to have functioned 'in a somewhat independent manner', and to some extent separate from the overall ILO structure. Key stakeholders confirmed that it was in some countries even somewhat disconnected from the "national ILO agendas".

In this regard, some key stakeholders have referred to **the absence of decent work references and goals within the project**). The respective agendas of the OECD and OHCHR are not necessarily based on the Decent Work agenda *per se*, as their respective objectives under the RBCLAC project are explicitly linked to **due diligence** with regard to RBC and human rights respectively. However, the ILO's mandate and comparative advantage lies specifically in areas related to the ILO's Decent Work agenda. While there is a focus on the labour dimension of RBC in the ILO activities under the RBCLAC project, there is, according to some interviewees, no explicit explanation of the link between the two concepts of DW and RBC in the project's design as to their connection and/or complementarities.

Other key stakeholders have observed that the ILO's traditional standard-setting work largely overlaps with many different aspects of what is included in RBC, however they state that this has not been sufficiently framed or conceptualized as such by the ILO. The ILO could, in their view, improve the explanation, rather than presenting RBC or the labour dimension of RBC as something that could be interpreted as something new and separate from the DW agenda.

On the other hand, global and regional ILO experts from different areas (NORMES, ACTRAV, ACTEMP, MULTI, Gender) have participated in the regional events, and in the preparation for and implementation

---

<sup>50</sup> See second annual report to the JSC, March 2021, p 88.



of national trainings for groups of stakeholders, which represents an institutional effort to collaborate with the ILO RBCLAC project.

In addition, a few key internal and external stakeholders reported that there was a high level of initial enthusiasm for the project within the ILO, and there were high expectations from it. However, once it became clear that there were limited financial resources available for implementation of activities in each country, the enthusiasm was reported to have dissipated quickly. This same sentiment was expressed by some national stakeholders.

What also may be perceived as an internal synergy is the fact that especially in **Central America**, ACT/EMP is involved in and consulted on all activities, and the ACT/EMP Regional Expert participates in all meetings related to the ILO RBCLAC project. However, according to some interviewees, this may have given the (wrong) impression that the ILO RBCLAC component is considered an “Employers’ only initiative”.

Several internal and external stakeholders who were consulted, have mentioned a need for increased support to the ILO component of the RBCLAC project, both from the ILOs Regional Office, the DW Teams as well as from the ILO Country Offices (COs), where these exist.

Although there is ample reference in the TPRs to a search for synergies by the project with EU funded projects: WIN WIN, WE EMPOWER and SPOTLIGHT as well as with SCORE, the ET has found that there is yet much room for the effective creation of formal synergies with ILO projects and programmes. For example, this could apply to the SCORE programme and/or other ongoing projects and international cooperation programmes, such as those undertaken within Result 04 (promoting sustainable enterprises) of the ILO’s P&B or those related to Green Jobs on environmental sustainability issues. Similarly, as mentioned by some, in several countries, child labour and youth employment projects are being implemented by Governments, which may present potential leverage opportunities for the RBC agenda.

#### **5.1.6. Coherence and complementarity with other IOs (OECD and OHCHR)**

Several stakeholders from the implementing agencies, who were consulted by the evaluation team, have indicated that there have been significant interagency collaboration and coordination efforts, and that this has resulted in important improvements at the institutional and project management levels. Evidence can be found in the joint regional events that have been successfully organized, and the participation of individual agencies in the events organized by one or more implementing partners. However, they equally concur that there is a continued need for further strengthening of interagency coordination, in particular with regard to the implementation of activities at the national levels.

As confirmed by stakeholders from the three IOs, and as described in the project’s first Interim Report, a significant effort was made by the three IOs during the first year, to ensure that the agencies speak with one voice. This has resulted, for example, in a joint brochure, with key messages on RBC from the main instruments underpinning the project<sup>51</sup>, which has been widely disseminated in English, Spanish and Portuguese through events that were organized under the project and has also been used as a tool for

---

<sup>51</sup> Namely: *The UN Guiding Principles on Business and Human Rights (UN Guiding Principles)*, the *ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO MNE Declaration)* and the *OECD Guidelines for Multinational Enterprises (OECD MNE Guidelines)*.

promoting international policy coherence<sup>52</sup>. Overall, stakeholders indeed have confirmed that the agencies were found to appear in events as speaking with one voice at events.

As described in detail in the Interim Reports, the three IOS have vastly different institutional structures in the region, and as a result, their presence in each of the target countries differs accordingly. For instance, the **OECD** has National Contact Points (NCPs) in 7 of the target countries<sup>53</sup>, which are mandated to mediate in certain cases of complaints against a company<sup>54</sup>. In addition, the OECD has a regional NCP coordinator based in Lima, Peru.

Of the three IOs, the **OHCHR** currently has the largest institutional presence across countries in the region dedicated to the RBCLAC project. There is an OHCHR regional office for South America (ROSA), located in Santiago, Chile, as well as a regional office for Panama and Central America based in Panama; and Country Offices in Colombia and Peru. The chairperson of the UNWG is also based in Santiago, Chile.<sup>55</sup>

While the perceived lack of coordination/alignment between agencies at national levels may be partly explained by the limited resources available for the project for each country, some stakeholders also attributed this to the limited field presence of some of the implementing agencies, including of the ILO, in some countries. In addition, some stakeholders referred to a perceived sensitivity in some countries towards collaboration with one or more of the agencies. There may thus be a comparative advantage for collaboration of national stakeholders with one agency over another. This may on the one hand limit to some extent the opportunities for each individual agency to effectively engage in in some of the target countries, while giving some agencies an advantage over others, when it comes to implementing activities in particular national contexts.

In this regard, several external stakeholders stated that, in comparison to other agencies, the ILO had less access to permanent ILO staff, to continuously support the RBCLAC project, with a small number of Project staff exclusively dedicated to the ILO RBCLAC component.

The field structure of the ILO in the LAC region includes the following: a Regional Office (Lima, Peru), and three Subregional Offices (a Sub Regional Office for Central America in Costa Rica; a Subregional Office for the Southern Cone in Chile; and an Office for the Andean Countries, based in Lima). ILO Country Offices are located in Argentina, Brazil, Chile, Mexico (Mexico and Cuba)<sup>56</sup>. The ILO also has “project offices”<sup>57</sup> in **Colombia** and **Ecuador**. However, this means that there is no official ILO presence in some of the countries that are part of the RBCLAC Project (**Colombia, Ecuador, Panama**).

---

<sup>52</sup> *Responsible Business Conduct in Latin America and the Caribbean, Interim Report, 20202, p.38.*

<sup>53</sup> Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and, Peru.

<sup>54</sup> An NCP this is a non-judicial grievance and mediation mechanism to handle complaints regarding non-observance of the OECD Guidelines by a company. See: *OECD Due Diligence Guidance for Responsible Business Conduct, OECD, 2018.*

<sup>55</sup> The OHCHR's field presence for the LAC region is described in the Project's Inception Report (p. 24).

<sup>56</sup> ILO Field presence in Latin America and the Caribbean includes: RO–Latin America and the Caribbean: ILO Regional Office for Latin America and the Caribbean; DWT/CO–Lima: ILO DWT and Country Office for the Andean Countries ; DWT/CO–Port-of-Spain: ILO DWT and Office for the Caribbean ; DWT/CO–San José: ILO DWT and Country Office for Central America ; DWT/CO–Santiago: ILO DWT and Country Office for the South Cone of Latin America ;CO–Brasília: ILO Country Office for Brazil ; CO–Buenos Aires: ILO Country Office for Argentina ; CO–Mexico: ILO Country Office for Mexico and Cuba; and ILO–CINTERFOR: Inter-American Centre for Knowledge Development on Vocational Training (CINTERFOR).

<sup>57</sup> ILO Project Offices do not have an official ILO Representative in the countries

In this regard, some key stakeholders were of the impression that the ILO RBCLAC project may have received less institutional support from the ILO, as compared to other agencies.

Key stakeholders and project staff have confirmed that the absence of national ILO presence and RBCLAC project staff, makes it difficult to provide the necessary level of support that the project would ideally require on an ongoing basis, to maximize its potential. As mentioned by some of these interviewees, such support should allow for representation/participation in relevant national meetings with constituents and other national stakeholders, interagency and interinstitutional coordination, both with the other IOs as well as with their respective stakeholders at the national levels regarding their respective activities. Due to the low staffing of the RBCLAC project, the ILO Project staff has been stretched to the limit, especially during the pandemic.

In addition, the tripartite character of the ILO creates its own particular dynamic as there are many internal rules about consultation, participation, and representation mechanisms for tripartite constituents and ILO departments. As a result, there are multiple and differentiated levels of coordination, expectations, and distribution of responsibilities within the ILO, which, in practice, creates complex and complicated coordination at the local levels. This level of complexity may not always be evident for other agencies and stakeholders.

Moreover, in some cases, political sensitivities exist among the three ILO constituents at the country levels, which, as was stated by some key stakeholders, “may be best attended by permanent ILO staff instead of the RBCLAC Project”, as certain situations may require a particular level of formal representation from the organization. Some stakeholders explained that such tasks may not necessarily be best addressed by staff from a temporary project such as the ILO RBCLAC project, as more formal approaches may be better.

Nevertheless, the impression amongst the project’s stakeholders is that a constructive collaboration and consultation process between the three IOs has been put into motion. The three IOs are generally engaged in processes of mutual learning, resolving communication obstacles, and improving consultation processes between them. In addition, most stakeholders confirmed that the IOs have managed to clearly establish their respective approval processes and institutional responsibilities. Interviewees from the three agencies have confirmed that they have mostly learned to appreciate the respective added value of each institution for the project.

#### **5.1.7. *Relevance in the COVID-19 pandemic context***

As will be explained in more detail in the effectiveness section, the ILO component of the RBCLAC COVID-19 has maintained, or to some extent even increased, its relevance during the COVID-19 pandemic. The IOs have quickly responded with contingency plans, which were presented to the donor, and during 2020, all training activities were moved online. Based on the increasing numbers of participants in virtual events, and the fact that after some initial delays, most of the planned activities have been implemented as originally foreseen, this leads to the finding that **the ILO Project has demonstrated a high degree of resilience in these exceptional circumstances.**

In some cases, in response to the pandemic, governments have reprioritized and focused on immediate response to the crisis (health, economic aspects), putting some initiatives that were under development under the project on the backburner. Some stakeholders observed that it is difficult in the current

circumstances to ensure that Governments commit to new, long-term policies, as the situation is still evolving.

In the case of **Panama**, the Government initially suspended its National Public and Private Plan for Social Responsibility (2020-2030), which had recently been adopted. However, upon intervention by the OHCHR Project this decision was reversed, avoiding the false impression that RBC is not a priority during a crisis, while allowing for a reformulation of the Plan to include the needs resulting from the COVID 19 pandemic.

Another example of the Project's swift response to the consequences of the pandemic was the selection of a project under the RBCLAC Fund that was designed to address the consequences of the COVID 19 crisis for women entrepreneurs<sup>58</sup>.

## 5.2. Validity of the Project Design

*This section of the evaluation examines and analyses the coherence and validity of the project design and whether the ILO cross cutting policy drivers have been and are taken into consideration in the design. The section also explores whether the project design has maintained such relevance in the rapidly changing context emanating from the COVID-19 crisis.*

### **Summary of main findings:**

*Generally speaking, the logic that underlies the Project was found to be solid, and both the strategy as well as the intervention methodology are addressing the identified needs in a logical manner. However, the ET identified some weaknesses in the project design, such as that the design reflects to some extent a "top-down approach", and the fact that some of the current national actors have not been consulted on the design. Also, the project did not contemplate the extent of the support that may be required from the ILO during the project's implementation in countries that already had a NAP in place. Further, the risk of changes in national priorities and key allies in Governments may not have been sufficiently considered in the project design. In addition, the design did not foresee the possibility of emerging opportunities, such as the emergence of political will in countries where this was not initially anticipated, leading to an increased interest for instance in developing a NAP.*

*In terms of available time and resources, there is an important gap between the objectives that have been established by the donor: namely, impact on policies; development of NAPs (Component I); and what the (ILO) Project can possibly achieve with the available resources; as well as what lies within the organization's mandate and the provision of the required assistance (internally from the ILO). In addition, the time that would realistically be required to achieve the desired changes was found to be underestimated.*

*ILO's cross-cutting policy drivers - International Labour Standards (ILS), Social Dialogue, Gender equality and non-discrimination, have been integrated in an adequate manner. However, Just Transition to Environmental Sustainability has remained somewhat absent in the ILO project's activities.*

*The ILO RBCLAC Project has been able to successfully adapt (to the extent possible) to the many changes brought about by the COVID-19 pandemic and the emerging contextual challenges. Stakeholders confirmed unanimously that the RBCLAC Project has always been relevant: both before and during the pandemic and it can be expected to retain its relevance in the context of the post pandemic recovery scenario.*

### **5.2.1. Project's design logic and coherence**

In general, the logic that underlies the Project was found to be solid, and both the strategy as well as the intervention methodology are addressing the needs that **have been identified by the EU, in a logical manner.**

However, consultations with some key stakeholders identified some weaknesses in the project design, such as the perception that the project's design, reflects to some extent a "top-down approach", and that some of the current national actors have not participated in the design.

In this regard, several key stakeholders referred the fact that despite an intensive and constructive inception process in which the agencies have fully participated, the project design still reflects to some extent a "Top-Down" approach. This was attributed to the initial design process: the EU, as the donor

agency, has designed the foundation of the project, while the three IOs implement it. In this regard, it is important to note that stakeholders emphasized appreciation for the continued, active involvement of the donor in the project. However, several stakeholders explained that the initial design of the project was largely based on previous assessments undertaken through an external consultancy. There has been little consultation on the design with many of the current national partners who are involved in the project's implementation. In some cases, key stakeholders have stated that some current stakeholders at national levels are unfamiliar with the project.

The design allows for flexibility: it does not identify (explicitly) the specific activities that are to be undertaken at national levels, nor does it specify the extent of anticipated participation of specific national or regional actors in the different countries. In this regard, the ILO has elaborated a planning of activities for each country, however, this also remains quite generic. (See Annex 5)

Several key stakeholders have applauded this flexibility as an advantage for the implementation of the ILO RBCLAC project, considering that it has allowed the project team flexibility in terms of the definition of the type of activities to be implemented. This has allowed for a better response to the actual needs of national partners. On the other hand, this may have contributed to some extent to the uncertainty that was perceived amongst some external national stakeholders as to what they can expect from the project at national levels. Expectations among national stakeholders continue to be high in terms of how much and what type of support the ILO can provide to them.

Also, the project did not contemplate the extent of the support that may be required from the ILO during the project's implementation in countries that already had a NAP in place (**Colombia and Chile**). The project design also did not foresee that potential support or advocacy efforts/activities may be required in case of setbacks in relevant processes/policies, due to changes of Government.

Changes in key allies in the Government, following elections, have occurred in **Argentina** and **Brazil**. In Argentina, this has led to a disruption as the willingness of the previous Government towards the development of a NAP does no longer exist, while there also has been no progress in this area in Brazil. Changes in Government are also expected to occur later in 2021 in **Ecuador and Peru**, following the elections in these countries. In such cases, project staff and stakeholders in several countries have reported on the many challenges for the project implementation, in terms of the continuation of relevant activities and development of policies related to RBC and/or the development of a national NAP.

Elections in the LAC region are often followed by institutional restructuring processes, and policy reviews. Also, many stakeholders referred to the risks of the high levels of staff turnover as a common phenomenon in the region. The risk of such changes occurring and the additional demands that this may put on the project staff, may not have been sufficiently considered in the project design.

Moreover, also not foreseen in the design, was the possibility of emerging opportunities, such as the emergence of political will to develop a NAP in countries where this was not initially anticipated. This occurred in the case of **Ecuador**, prompting an increased demand to the ILO Project for support to national actors to participate in such processes. In the case of **Panama**, the special interest in gender equality was further deepened by the disproportional adverse effects of the COVID-19 crisis on women. In addition, Project staff and documentation reported on the increasing interest from two Central American countries which are outside the scope of the project, namely **Guatemala and Honduras**, but which have made considerable progress in recent years with regard to their national consultations on a

NAP on business and human rights. In the case of **Guatemala**, this has resulted in a formal request to be included in the project.

In the case of the latter, the ET was informed that the ILO RBCLAC project was able to negotiate with the donor to include country in the project, on the condition that this would not imply any additional cost for the project. While this is an unforeseen opportunity to advance the RBC agenda in the region this implies additional work for the RBCLAC staff who are already overburdened, and it adds the potential risk of creating expectations that may be difficult to meet later on.

To some extent, the project team showed flexibility to adapt the interventions to address new/emerging realities as well as to make adjustments that have been considered necessary, based on the multiple changes that have occurred in the national contexts.

In terms of whether the ILO component is generating an improved understanding of the relevance of ILS amongst stakeholders, the ET finds that the chosen approach (technical support, sensitizing of constituents and other actors, capacity building, development of tools and connecting actors on the subject) is indeed successful as stakeholders who were interviewed found to have gained improved understanding of the relevance of ILS from participating in ILO trainings and events, and therefore they have a better understanding of the specific aspects of the labour dimension of RBC that were addressed. The evaluation team found multiple examples of how this newly gained knowledge is indeed found to be increasing the internal capacity and interest amongst a range of stakeholders to develop more tools and practices for an RBC approach for use in their respective areas of influence and action, especially amongst the interviewed representatives of employers' organizations.

Regarding the internal logic, overall, the LogFrame is presented in an adequate manner. A review of the indicators for the RBCLAC project confirms that these have been adjusted over time, to better reflect the changing realities and contexts. However, the ET wishes to point out the following:

- 1) Indicators remain mostly quantitative in nature, and do not yet reflect the qualitative aspects of the change processes.
- 2) Some of the targets that have been identified in the LogFrame could be considered as indicators of *collective change* (collective impact, systemic impact) to which the RBCLAC project aims to contribute. However, these targets may need further refinement, as some are currently formulated in a very broad manner.

For instance, for the overall objective, the target "8 approaches related to RBC in LAC influenced" theoretically leaves a lot of room for interpretation as to what qualifies as an approach, it omits to specify which of the three IOs contribute to this change, and in what manner.

Similarly, under specific objectives 1, 2 and 3, in the LogFrame, the ET finds that the identified targets remain somewhat general: S1: "8 policy processes, related to improving the coherence on RBC, including NAPS, influenced"; S2: "9 processes related to due diligence practices of businesses operating in LAC: their contributions to environmental protection, decent working conditions and the respect for human rights have been influenced", and, S3: 9 practices related to responsible businesses conduct influenced.

However, the details that have been provided in the narrative report do provide explanations how this has been interpreted by the ILO RBCLAC team and the respective changes that were made to the LogFrame have been explained and justified sufficiently in the Interim Reports. For example, the cancellation of some activities that were initially foreseen was based on consultation with stakeholders, such as 2 value chain value mappings that were planned, which was replaced by more general descriptions that would allow for sharing of knowledge about the labour dimension of RBC, which was considered to be more relevant for stakeholders' needs; the inclusion of country specific guidance to enhance learning for employers; and based on the experience of the project in some countries, the inclusion in the Logframe of the provision of technical reports as inputs for the National consultation processes. Also, based on exceeded numbers of events and participants in events, following the increased use of virtual platforms in 2020, outputs and indicators were adjusted accordingly, ensuring transparency and a realistic and up to date reflection of what can be achieved.

#### **5.2.2. Available time and resources.**

Stakeholders have agreed that overall, the RBCLAC project is ambitious: the ambition lies both in its objectives, its wide geographic coverage, the range of involved actors, the intended alignment of activities among the IOs with different structures, mandates and technical and human resources and capacities, etc.

In this regard, and based on conversations with key stakeholders, both from within the ILO as well as among national stakeholders, the ET has found that there is an important gap between the objectives that have been established by the donor: namely, impact on policies; development of NAPs (Component I); and what the (ILO) Project can possibly achieve with the available resources; as well as what lies within the organization's mandate and the provision of the required assistance (internally from the ILO). In addition, the time that would realistically be required to achieve the desired changes was found to be underestimated in the design.

Furthermore, the wide geographic coverage, the range of variations in contexts, in terms of the risk of recurring political, economic, and social changes in the different countries, have not necessarily sufficiently been taken into consideration, at the time of the definition of the project's objectives. As described in the section on contextual considerations, and as confirmed by stakeholders, many countries in the LAC region demonstrate certain institutional weaknesses, a high dependency on FDI, and, despite high levels of ratifications of ILS (See Annex 7) there is in many countries a lack of implementation of such standards, and a weak, or absent, social dialogue.

Overall, considering the abovementioned factors, the available time and (human and financial) resources for the ILO Component of the Project are not considered optimal. Please refer to section 5.3 for more details on the availability of human resources and to section 5.5. on the use of human technical and financial resources

#### **5.2.3. Integration of ILO cross-cutting policy drivers**

ILO's cross-cutting policy drivers - *International Labour Standards (ILS), Tripartism and Social Dialogue, Gender Equality and non-discrimination*, have been integrated in an adequate manner. However, *Just Transition to Environmental Sustainability* has remained somewhat absent in the ILO project's activities.

- *International Labour Standards (ILS)*



The evaluation has found that there is an adequate integration of the continuum of ILS in the ILO RBCLAC project, through the development of guides that describe the relevance of the ILS for the labour dimension of RBC; the holding of technical trainings on relevant issues; seminars, webinars; and the multiple (in-person and virtual) presentations on the relevant international norms and regulations, that have taken place. To quote one key stakeholder: “the ILO has been developing all these ILS tools for such a long time, now it is only a matter of explaining that this actually is RBC.” It is important to note that only the actual implementation of the ILS that have been ratified by Governments, through national legislation and standard-setting and monitoring/enforcement can ensure that enterprises are bound by such regulations.

In addition, some activities implemented during the Project were related to thematic areas which are covered by ILS, such as child labour; gender equality; and regulations on Occupational Safety and Health. More activities are foreseen by the ILO RBCLAC project regarding the rights of indigenous populations and the implementation of C169<sup>59</sup> in 2021.

- *Gender quality and non-discrimination*

Gender equality and a gender sensitive approach was presented in the TPRs as a cross cutting issue throughout the ILO RBCLAC project activities. The evaluation found multiple examples of where indeed this had been the case, and in addition, gender focused activities had been undertaken in several countries.

Gender equality was indeed addressed during multiple processes related to the development of NAPs in several countries. For instance, in the case of **Peru**, the ILO funded a baseline study that was undertaken in preparation of the NAP, which was dedicated specifically to gender equality. Another example is found in **Argentina**, where in 2019, two joint webinars were co-organized in collaboration with CEADS, which addressed **gender and human rights**. In the same year, in **Panama**, CONEP, with support of the ILO RBCLAC project, organized a workshop to present an interactive gender webtool and trained businesses in the prevention of gender-based discrimination in the workplace. **Chile**, which has made gender mainstreaming in employment policies one of main Decent Work Country Programme (DWCP) focus.

In some countries (**Colombia, Panama**) gender equality has served as an important entry point for the introduction of a discussion of other aspects related to RBC. In these cases, the increased focus on and attention for generating better levels of gender equality has opened the door for the introduction for other human rights and RBC issues, including those relevant in the context of the labour dimension of RBC. Collaborating with multiple national stakeholders on gender equality, through training and the joint creation of tools in **Panama**, for instance, has generated an interest in these stakeholders for the introduction of additional training and creation of tools on other RBC issues<sup>60</sup>. Also in **Panama**, the Project supported two workshops related to gender equality in 2020.

Some of the virtual tools that have been developed with the support of the ILO RBCLAC Project, have specifically addressed the reduction of gender inequality, while other tools include a related component or specific section, such as for instance the ILO RBCLAC *Toolkit on the labour dimension for employers* (2020).

---

<sup>59</sup> Convention 169 Indigenous and Tribal Peoples Convention (1998).

<sup>60</sup> It is important to note that Panama is part of the Gender Parity Initiative (GPI), and the Government has, together with the IADB and the World Economic Forum promoted this initiative with the objective of accelerating the equal integration of women into the labour force, through smart public policies and inclusive business practices designed and developed by a high-level public-private collaboration model.

Gender equality also appeared on the agenda of the regional tripartite events that were organized under the project, as well as some of the regional events in the framework of response to the COVID-19 crisis, for instance in the tripartite session *on Support for families in times of COVID-19* which was co-organized by the OECD and the ILO as part of the Regional Forum in 2020. Another example of how gender aspects were included as cross-cutting issues in particular thematic areas was the attention to the role of girls in agriculture (**Colombia**). Further actions on business action on gender equality are foreseen in **Mexico** in 2021.

As an example of attention to the non-discrimination of **people with disabilities**, the ILO RBCLAC project supported a roundtable discussion on disability as part of support to the consultations for the NAP process in **Peru** in 2019.<sup>61</sup>

The adverse consequences of business operations and the treatment of **indigenous peoples** has received some attention in the process of the implementation of the RBCLAC project. For instance, in the context of a preparatory meeting preceding the *IV Regional Forum on Business and Human Rights (2019)*, a declaration was adopted and subsequently presented during the plenary session. In addition, the mentioned virtual toolkit for employers includes a section related to indigenous populations. Also, in the context of the elaboration process for the NAP in **Peru**, the ILO RBCLAC project reviewed a baseline study on indigenous people.

For 2021, the ILO has committed to developing regional and national trainings (**Colombia**), in collaboration with ACTEMP, related to the implementation of C169, and the intersection with RBC, and specifically on good practices related to the participation of indigenous populations in line with the Convention.

- *Tripartism and Social Dialogue*

The Project has attempted to create tripartite and sometimes bipartite participation, although, it has at times been difficult for the other IOs and the EU to fully grasp the nature of tripartism, and at the same time, recognize its complexity. Some examples of tripartite action can be found across the region, such as tripartite sessions in the context of the *IV Regional Forum of Business and Human Rights in 2020*, or a session on the role of SMEs in COVID 19 times. In 2020, training courses organized by the ITC on the labour dimension of RBC were for instance tailored to each separate category of constituents. At national levels (to different extents) the ILO Project managed to bring together and to jointly engage tripartite actors around the issue of the labour dimension of RBC.

With regard to **social dialogue**, overall, and to different extents depending on the countries, the NAP building process demands and at the same time promotes social dialogue. Additionally, the ET identified some efforts by the project to encourage a tripartite approach at country levels. For example, in **Chile**, where in 2020 the RBCLAC project was presented to the Superior Labour Council as a way to strengthen social dialogue<sup>62</sup>. In **Costa Rica**, the ILO engaged with the government since late 2019 to define a strategy to strengthen the tripartite network of enterprises against child labour "*Red de Empresas contra el trabajo infantil*" from an RBC perspective. In addition, in the context of the COVID-19 response, the ILO organized the tripartite forum on Just Transition, with the participation of the Minister of Labour, Minister of Environment, the Employers organizations and Union's representatives. This forum provided

---

<sup>61</sup> As referenced in the first Interim report on the RBCLAC project, 2020, p. 87.

<sup>62</sup> Mentioned in the Second Annual report to the JSC, 2021, p. 59.

the space to discuss actions tripartite actors can take within the environmental national policy and from the RBC perspective.

- *Just Transition to Environmental Sustainability*

Although this is expected to be a cross cutting policy driver, **this aspect is not clearly reflected in the design of the ILO RBCLAC Project**, and the ET has found no evidence of any specific guidance or efforts on this in the implementation reports or from the interviews with stakeholders.

The OHCHR appears to be more engaged on this issue. In some cases, the evaluation was presented with some references of interviewees to some initial conversations about “green jobs”, however a just transition towards a green economy does overall not appear as a cross cutting priority for the ILO RBCLAC project.

#### **5.2.4. *Adaptation to the COVID-19 crisis***

The ET has found that ILO RBCLAC Project **has been able to adapt** (to the extent possible) to the many changes brought about by the COVID-19 pandemic and the implementation has successfully continued, despite the still emerging contextual challenges. For instance, in 2020, after some initial delays, project activities that had been planned, have been resumed and have moved *on-line*.

Stakeholders confirmed unanimously that the RBCLAC Project has **always been relevant: both before and during the pandemic and it** can be expected to retain its relevance **in the context of the post pandemic recovery scenario**.

The pandemic has to some extent brought the need for RBC more to the forefront, and it has underscored the need for RBC approaches. In certain countries, RBC has become more of a priority, due to the adverse consequences brought about by the pandemic for safety at work, decent working conditions, job security, and the lack of social protection as well as for the survival of companies of all sizes. In some cases, the need to respond to the immediate consequence of the pandemic has resulted in a reformulation of priorities for constituents, placing the development of longer-term policies on the backburner.

On the other hand, in countries like **Peru, Colombia and Panama**, the pandemic triggered a reformulation effort in the context of the consultation process on the NAPs which in turn has created an opportunity to introduce some aspects related to the pandemic into the national policies that are being elaborated.

### 5.3. Effectiveness of Management arrangements

*This section aims to provide an overview of the project management structures and arrangements that are in place, both in the ILO as well as with other implementing agencies and stakeholders, and the challenges that may have been encountered in the management and governance of the RBCLAC Project in the region and in the country. Specifically, it will assess how the project management has responded and to what extent and what ways it has adjusted to the specific challenges from the COVID 19 developments for management and governance.*

#### **Summary of main findings:**

*The ILO has a limited number of staff currently assigned to the project. Despite the high-level quality of technical support that has been provided by the ILO Project Team, as well as their demonstrated flexibility, which has been indispensable for the success of the project so far, it was found that in view of the wide geographic coverage of the Project, the many demands from different regional and national actors and stakeholders, and the numbers and complexity of their actions (at regional and national level); this level of support is insufficient.*

*In terms of the Project's national governance structures, the overall ILO support for the Project and the Project's MEL systems, there is a need to make these processes more effective, especially at national levels. In terms of the project's response to the pandemic crisis and adjustment of its activities, the ILO RBCLAC Project has increasingly and successfully resorted to the use of technology and has been able to continue with its training (seminars webinars, online information etc.).*

#### **5.3.1. ILO RBCLAC Project staff**

Considering the wide geographic coverage of the Project, the large number of actors and the complexity of their actions (at regional and national level); as well as the large number of stakeholders involved in the project, it became evident from the interviews that the limited number of technical (4) and supporting staff (2) who are currently assigned to the project is scarce. Further, each staff member is dealing with multiple countries, and the CTA is also dealing with multiple countries in addition to her work as an overall project coordinator. Stakeholders as well as ILO project staff have confirmed that across the region, and at national levels, there is an increasing demand for additional support from the staff, which, with the current limitations and field presence, cannot be provided.

However, and despite the delays in the contracting of staff (which in turn led to some delays in the initial stages of implementation) informants who were consulted for this MTE agree that the ILO Project staff has demonstrated a high level of professionalism, has provided effective support, undertaken multiple coordination efforts with large numbers of stakeholders, and facilitated or provided valuable technical contributions and support. The ILO component is therefore considered by stakeholders to have been managed and implemented in a satisfactory manner. Overall, the ILO project was found to have progressed adequately, and in a timely manner.

In this regard, it must also be mentioned that the virtuality in 2020 has resulted in a considerable increase in demands on the ILO RBCLAC project staff: ranging from an increase in requests for staff presence in a growing number of virtual meetings, to growing demands for support following such events, and resulting from the project's initiatives and activities. For instance, the technical assistance (TA) and training that is provided through the project usually results in increased knowledge amongst

stakeholders, which in turns generates an increased demand for support from actors, for the implementation and further activities at national levels.

In this regard, as confirmed by many internal and external stakeholders, **the high quality of the staff assigned to the Project has proven to be indispensable for its successful implementation to date.**

#### **5.3.2. *Effectiveness of the Governance structures***

**At the regional level:** Despite some initial difficulties, stakeholders who were consulted agree that the Joint Steering Committee (JSC) is an adequate and effective forum for the global governance of the project.

**At the national levels:** According to stakeholders who were consulted, whereas there is a constant and fluid communication and coordination between the three IOs and the national counterparts, there are no formalized interagency governance mechanisms (definition of joint workplans, coordination of follow up, etc.) involving the three IOs and the national partners in the respective countries.

#### **5.3.3. *Monitoring, Evaluation and Learning***

The RBCLAC Action Document includes a joint LogFrame for the project, which contains the indicators for each of the three IOs. This LogFrame has been updated on multiple occasions, with the most recent version included as an annex to the Second Annual Report to the JSC (version of March 2021).

The joint annual reports describe in detail the activities that have been undertaken by each of the agencies (separating those organized jointly by the IOs and/or those separately by individual IOs; and separating activities at regional levels from joint or individual activities at national levels). The reports include descriptions of the concrete results that have been achieved, including for instance reporting on coordination meetings/technical of meetings, roundtables, types and formats of trainings with their respective numbers of participants (often disaggregated by gender and sectoral representation), identifying the organizing/ co-organizing or participating institutions. These reports include many live weblinks to the online recordings of the virtual events, as well as links to publication, reports and tools that have been made available online.

Despite this detail in the reports, the MTE has found that project has not defined a Monitoring/ follow up and/or learning Plan, related to the RBCLAC project (joint / per agency). In this regard, the (virtual) regional events have created more virtual spaces for the presentation and exchange of lessons learned, best practices, however no systematized process is in place yet (for the entire Project, or for the ILO component of the Project), to facilitate the systematic exchange of lessons learned both in and/or between the countries. The emerging character of the project results in learning about emerging challenges and opportunities and it is important that these lessons be shared widely to allow for mutual and joint learning.

#### **5.3.4. *Communication and Visibility strategy***

In terms of communication and visibility strategy, the EU Agreement provides for specific requirements as to what is expected. The ILO RBCLAC component has one staff person dedicated to communication and visibility of the project. The joint efforts have resulted in the creation of a distinctive logo for the

Project, combining the logos of the three agencies and the EU. In addition, each IO has their dedicated RBCLAC section on their respective websites.

For each of the three winners of the first call for proposals for the RBCLAC Fund, the project has designed a specific logic framework, describing the exact expectations in terms of results, outputs, systematization of lessons learned and recommendations, and communication activities.

In general terms, the RBCLAC project was found to be well known, although several stakeholders who were interviewed across countries had not been made aware of the first call for proposals for the RBCLAC Fund, and, some were unfamiliar with the details/requirements for the proposals.

In terms of the multiple online tools and interactive platforms that have been created by the project, these have proven to be important and useful: multiple stakeholders have confirmed that the (interactive) webtools that have been developed under the project (gender equality, the self-assessment tools for employers and good practices for employers) and other tools that are available online are important and can be easily accessed and used. (See Effectiveness Section)

#### **5.3.5. *ILO support for the ILO RBCLAC project***

Despite the overall supportive attitude in the consulted ILO departments towards the RBCLAC project, in practice, based on information received from key stakeholders, there are some challenges with the amount of institutional support that it has received for the implementation of the ILO component.

In particular, the Project's direct work with the national social partners has at times been hampered, due to the centralization at regional level/HQ, requiring that all national actions obtain the prior approval of the regional department (ACTEMP<sup>63</sup>) or HQ department (ACTRAV<sup>64</sup>). According to several stakeholders, ACTRAV has prioritized regional actions with trade unions over national actions, which has made it difficult for the ILO Project to implement actions with workers' organizations at national levels (See Efficiency section). Consequently, and generally speaking, (with subregional and national nuances), the ILO RBCLAC Project has secured relatively higher levels of participation from ACTEMP and the employers' sector at the national levels.

Multiple informants consider that the ILO RBCLAC Project would benefit from more, continued, and high-level political-institutional support from the ILO (ROs, COs, DWT, specialists ACTRAV/ACTEMP), especially for activities at national levels.

Overall, the technical backstopping that was requested by the ILO RBCLAC project from the ILO was provided, mostly by specialists from the respective regional offices as well as from MULTI<sup>65</sup>. This support has been highly valued by the different stakeholders, who recognize that the ILO is known for its expertise and high-quality training in these areas.

#### **5.3.6. *General Innovative approaches***

Overall, the project is building onto the ILO's wide area of legal and normative expertise, as well as work with tripartite constituents, and the project reflects the way the ILO usually works best: awareness

---

<sup>63</sup> Bureau for Employers' Activities

<sup>64</sup> Bureau for Workers' activities

<sup>65</sup> Multinational Enterprises and Enterprise Engagement Unit

raising, training/capacity building, creation of guides and resources, and the implementation and monitoring of relevant actions/practices.

What stands out in this case as innovative approaches are: a) the joint implementation and complementary actions in the area of RBC, between the selected three IOs and b) the organization of a regional virtual training on COVID-19 response, for employers' and workers' organizations from 8 target countries, with the aim to develop joint action in response to the crisis.

#### **5.3.7. Effectiveness in the Project's response to the crisis.**

As mentioned, the ILO RBCLAC Project has increasingly and successfully resorted to the use of technology, to continue with its training (seminars webinars, online information etc.). Multiple tools that were developed by the project have been shared online, some of them as interactive tools and, in the case of the employers' guide, this was shared on interactive platforms. Overall, the ILO has been successful in undertaking or participating in online training events, and many of these recorded events remain available online.

The ILO RBCLAC Project's organization of *online activities*, webinars, Training of Trainers (ToT) activities, as well as the ILO's participation in large events such as the annual *Regional Forum on Business and Human Rights*, organized by the OHCHR, has contributed to an increased visibility of the ILO component of the RBCLAC Project, together with increased opportunities for exchanges of knowledge and experiences. In addition, this new virtuality has led to a considerable reduction of the costs of organizing/participating in such events.

At the same time, this increased virtuality has resulted in growing numbers of participants overall. An added advantage is that, as confirmed in interviews with multiple stakeholders), this has allowed for the inclusion and participation of representatives from more remote areas, who might otherwise not have been able to participate in such events. The shared perception amongst stakeholders is that this increased use of technology has not been a factor for the exclusion of any (remote or vulnerable) groups.

The ILO RBCLAC Project has thus adjusted well to a rapidly changing context. However, multiple key stakeholders underlined that due to its nature, design, objectives, and mandates, RBCLAC cannot be used as a COVID-19 emergency-response project. Nevertheless, the financial support from the RBCLAC Fund has also provided a creative opportunity to include COVID-19 aspects. For example, one selected project comprised both the issue of gender equality as well as the effects of the pandemic on women entrepreneurs in Colombia<sup>66</sup>.

---

<sup>66</sup> Project *Women and COVID-19: Overcoming the disproportional impacts of the pandemic in economically critical sector through responsible business conduct*. Funded by the RBCLAC Fund and implemented in Colombia.

## 5.4. Effectiveness

*This section aims to provide a global overview of the main results achieved and challenges encountered in the implementation of the RBCLAC Project in the country and whether there were any unexpected results. Furthermore, the section analyses the effectiveness of the project strategy as well as the effectiveness of the project's response in the context of COVID 19 pandemic.*

### **Summary of main findings:**

*The key result of the overall RBCLAC Project is that the RBC agenda is increasingly positioning itself in the region as well as in the countries (to different degrees). The ILO-RBCLAC Project has successfully generated an increased awareness in the region and at national levels, about the relevance of the ILO's international legal instruments for the labour dimension of RBC, including the Tripartite Declaration for Multinational Enterprises, amongst participants in the multiple events that have been organized in the first two years of the project, and through the accompaniment of individual stakeholders.*

*The following is a summary of the current state of the NAP development processes and progress across countries, to which the ILO RBCLAC project has contributed (in varying degree across the countries), and which shows what progress has been made so far in that regard:*

- **Peru:** Final stage of the first NAP (expected to be approved in June 2021)
- **Ecuador:** Finished the elaboration of a roadmap (hoja de ruta) as a preliminary step for the elaboration of the NAP on Business and Human Rights and completed the first step of the roadmap.
- **Panama:** A National Plan for Public and Private Social Responsibility (2020-2030) that was adopted in 2020, is currently under review for implementation to allow for the inclusion of the effects of the COVID 19 pandemic. The three IOs have sent in their comments.
- **Chile:** In the stage of a review of the first NAP / elaboration of the second NAP.  
**Colombia:** Finished the elaboration of the second NAP in December 2020.

*Delays in such national processes have occurred in **Argentina, Brazil** and **Costa Rica**. Each of these countries have at some point announced an interest in elaborating a NAP, however, there has not been any recent firm commitment to the development of a NAP.*

### 5.4.1. Effectiveness of the project's strategy

**The regional strategy** of the ILO-RBCLAC project consists in 1) organizing joint and individual regional events and training, related to the mandate of the ILO (labour dimension of RBC) and 2) participating in regional events organised by the other IOs in the framework of the RBCLAC project.

**At national levels,** the ILO-RBCLAC project provides support to its constituents and other stakeholders, to facilitate national processes led by the UN OHCHR regarding the development of National Action Plans on Business and Human Rights. (Component I); technical assistance and training of stakeholders in areas related to the labour dimension of RBC (Component II), and finally to contribute to the sharing and diffusion of knowledge and experience and bringing together stakeholders/initiatives through the operation of the RBCLAC Fund (Component III).



The joint implementation strategy (IOs plus EU) of the Project has indeed created some opportunities, as well as some challenges, in particular at the start of the Project. However, after almost 2 years of implementation, the following factors have contributed to the Project's achievements:

1. The RBCLAC Project has manifested a high degree of flexibility and adaptation of the interventions to the different needs and (national) contexts, even in the context of the COVID 19 pandemic.
2. The coordinated implementation by the three IOs with very different mandates, counterparts and visions is an important outcome, with its own merit.
3. The IOs have successfully created a "common narrative" about RBC, and together, they add a particular weight to the support processes and the promotion of RBC.
4. Especially in the context of the UN Cooperation Frameworks, joint, complementary, and aligned interagency action appears to be the correct course to follow.

#### **5.4.2. Main results achieved.**

Awareness about the labour dimension of RBC, and its underlying normative frameworks and guidance, including the Tripartite MNE Declaration has been increased amongst constituents and other stakeholders, including the natural allies of the other two implementing agencies. The Project has allowed for the organization of joint regional events which have brought together large numbers of attendees from across the target countries, especially since most of these events have been held virtually.

In addition, the ILO has contributed to the project through the organization of multiple regional events and training courses targeting its constituents from different countries. In addition, the ILO contributed to evidence gathering and knowledge sharing through the elaboration of two regional mappings of experience in the region with the labour dimension of RBC (experiences of workers and employers respectively). The sharing of knowledge and increasing access to online training tools about the labour dimension of RBC was also found to have been facilitated through the sharing of training tools including guides for employers online as well as the creation of multiple online platforms (Employers and RBCLAC Fund).

At national levels, the ILO contributed to the elaboration processes related to NAPs in multiple countries (for instance the funding of baseline studies, accompaniment of constituents, technical assistance, and facilitation of dialogue). Secondly the ILO project has contributed to the capacity building in constituents and other national stakeholders in different areas related to the labour dimension of RBC). Translating materials into Portuguese as well as the development of national tools have been other examples of how the project has contributed to increased awareness and access to training tools about the labour dimension of RBC.

The section includes a sampling of main events and activities that have been undertaken. Please refer to Annex 3 for more details.

### Joint Regional Events

Amongst the regional events that were more widely known amongst stakeholders, are the two annual regional forums on Business and Human Rights, organized by the OHCHR, and which have now been supported by the project. In addition, the ILO has co-organized and/or participated in multiple regional webinars addressed to actors in the private sector. Please refer to Annex 3 for more details.

### (Virtual) Events and courses organized by the ILO RBCLAC project

In addition, the ILO organized several **regional virtual events**, with the collaboration or participation of one or multiple IOs or agencies. The annual reports list the many activities in which each of the IOs participated as well as numbers of participants, with, in most cases, information on numbers of participants, disaggregated by gender and institutional representation.

Some selected examples of such activities and numbers of participants can be found in Annex 3

As mentioned previously, interviewees who were participants in the ILO trainings are highly appreciative of these trainings and the opportunities to learn from experiences and good practices of others, including across the target countries. Evaluations of such trainings were systematically undertaken at the end of such events through questionnaires. The ET notes the relatively high numbers of women in these events.

### Regional Mappings and the Creation of Platforms

In terms of generation and sharing of knowledge, the ILO RBCLAC project has assisted with the undertaking of **two mappings** in the region. While, as mentioned previously, the project initially also foresaw the mapping of two value chains in the region, in view of a review of challenges and opportunities this objective was modified during the project and replaced by the objective of generating **7 knowledge tools** to share knowledge on the labour dimension of RBC.

As moment of undertaking of the MTE, two regional mappings have been produced. Please refer to Annex 3 for more detail.

In addition, 2 virtual platforms have been created by the Project, as detailed in Annex 3.

### RBCLAC Fund

One of the components of the ILO's part in the RBCLAC project was the management and administration of the RBCLAC Fund. The Fund is intended to provide a competition opportunity to generate proposals amongst stakeholders. The Fund would provide three grants (US\$85.000-100.000 each) for selected initiatives that contribute to the promotion and implementation of responsible business. Staff reported that the administration and management of this initiative has implied a much heavier workload than was anticipated for the ILO RBCLAC team than originally foreseen, including the creation of a virtual platform for this purpose.

The calls for proposals generated a great response as the project received 226 proposals, following the launch of the first call for proposals in March 2020 (from NGOs, workers' and employers' organizations, academia, national and local governments, among others). The three winners of the first call were presented by the ILO Regional Director of the ILO (fall 2020) during the regional forum and included the

*Business and Human Rights Resource Centre; the Ideas para la Paz Foundation (FIP) of Colombia; and the German- Colombian Chamber of Commerce/Holland House Colombia.*

Some stakeholders mentioned that the RBCLAC Fund has created high expectations in the countries, and some have expressed their subsequent disappointment about the limited funding that was made available for the constituents per country, while others reported to the ET that they had not been aware of this fund at the time it was launched.

At the moment of the MTE, the second and final call for proposals was in the closing stage<sup>67</sup>, with three final proposals to be selected. The ILO RBCLAC project provided guidelines to first three grantees, in terms of expected results, outputs, reports and visibility products, including in some cases recommendations and lessons learned. No final reports were yet available to the ET. The annual reports included some preliminary results from the three initiatives however the MTE has not received any information regarding the evaluation of these initiatives. A full analysis is therefore outside of the scope of this evaluation.

### *ILO RBCLAC activities at national levels*

- ***Contribution of the ILO to the development processes related to NAPs***

An important finding from this MTE is that the level of complexity of the elaboration processes of National Action Plans on business and human rights can vary widely, per country and dependent on the timing of engagement and specific context. Interviews with stakeholders have made it clear that such processes are not linear: The level of participation of different constituents may vary; some may have been involved from the beginning or they may need to be brought on board (**Panama**). The respective (potential) needs for technical support/assistance and accompaniment from the ILO may thus also vary widely according to the national context, and the chosen process.

While in some countries there is clear leadership from a particular Government institution (**Ecuador, Panama, Peru, Chile, Colombia**) in others such leadership or coordination with other Ministries is not evident (**Argentina, Brazil, Mexico**). Participation levels and numbers of stakeholders participating in the process may vary widely: some processes involve a limited number of stakeholders in the process (**Panama**). In other countries there is significant involvement of multiple Government agencies (**Colombia, Ecuador**); Some countries have multi-stakeholder bodies/working groups (**Ecuador**), others have established thematic working groups for the study of a specific topic /baseline/ action line (**Peru**). Also, in **Peru**, the multi stakeholder roundtable involved in the NAP consultation process, has counted with the participation of over a hundred participants from different sector of society, which has implied an enormous leadership effort by the Ministry of Justice and Human Rights.( see Peru Case study for more details)

***Grosso modo, the ILO RBCLAC project staff has contributed to these diverse processes in varying ways.*** Although the exact contribution of the ILO project has not always led to tangible/ measurable results as these actions are often of a more qualitative character, the ILO project has contributed to the overall project in the following way:

---

<sup>67</sup> Following an evaluation of the experience with the first round, and in view of the limited time remaining, it was decided to combine the remaining funds into one call for proposals in 2021.

- **Advocacy:** In some countries, following elections, political changes and institutional shifts have occurred. During the implementation of the project, multiple shuffles in some national cabinets or leading Ministries resulted at times in the loss of valuable ILO RBCLAC counterparts. This has at times resulted in steps backwards and/or delays in the development of relevant policies and/or a NAP. New officials or staff at times required the need for investing time in bringing people up to speed with the project, forcing the project ILO RBCLAC Team and the ILO to step up their advocacy efforts, which, according to key stakeholders, has taken up a significant amount of dedicated project staff's time. (f.i., **Argentina, Brazil, Panama, Peru**).
- **Financial support:** In the context of support to national processes, the ILO has funded multiple baseline studies, thematic studies, and assessments, which in turn have contributed to the definition of action lines in NAPS. For instance, in **Peru**, the ILO contributed to the financing of six out of the 24 thematic baseline studies that were undertaken. In **Mexico**, the ILO funded an external consultant to undertake a mapping of good practices and recommendations of employers, and their role in the future development of a NAP.
- **Technical support:** In several cases, the ILO RBCLAC Project has facilitated/provided technical support to Ministries. For instance, **Argentina** received support for the elaboration of a roadmap in 2019; in **Chile**, technical meetings with the Government and employers' organizations were organized to develop strategies for the dialogue related to the development of review of the NAP. In **Colombia**, the ILO supported workers' and employers' organizations regarding their inputs for the draft NAP (2020). In **Panama**, the Ministry of Labour (MITRADEL) received TA from the ILO for a *Protocol for the Prevention of Violence in the workplace*. Stakeholders who were interviewed across the different countries have underlined the importance of this technical support from the ILO.
- **Facilitating dialogue between actors:** the ILO has facilitated dialogue between multiple actors for instance in **Argentina (2019), Chile, Colombia, Costa Rica, Panama, Peru**. In the case of Costa Rica, this was related specifically to the just transition to a green economy.
- ***Building of the capacity of national actors on issues related to the labour dimension of RBC.***

As previously mentioned, multiple regional trainings have been organized by the three IOs, jointly, separately or in collaboration with other institutions, with an opportunity to participate for tripartite actors from the different countries.

Additionally, at the national levels, trainings have been organized for representatives from each target country. This includes joint trainings with other IOs, as well as individually organized sessions by the ILO, to strengthen capacities and knowledge in participants about international standards that are relevant for the labour dimension of RBC. Such training sessions have included training for Government representatives, representatives from employers' sectors and from SMEs.

ILO has also provided training on specific issues related to the labour dimension of RBC, based on specific ILS instruments. For example: In **Argentina (on C190)** the ILO participated in a series of webinars and training workshops with the Argentinean Business Council for Sustainable Development (CEADS) on the relation between Human Rights and DW as well as the adoption and implementation of ILO Convention 190 on the elimination of violence and harassment in the world of work. Another example of such training was the online tripartite ILO ToT course in **Chile** related to **C187**, directed to the participants of

the Labour Roundtable on Occupational Health and Safety for the ports sector. Participants included officers from the labour inspectorate, Union leaders, employers' representatives (CAMPORT) and members of the OSH institutions. In **Colombia**, OHCHR coordinated with the Ministry of Mines and Energy about the implementation of **C169** related to the participation of indigenous populations. ILO organized a training for the national petroleum company ECOPETROL on ILS.

Selected Examples of Training for ILO constituents are provided in Annex 3.

As stated earlier, SMEs have been identified by some key stakeholders as a category of enterprises that would benefit from training on RBC. Therefore, ILO training under the project has also targeted this sector. Training for SMEs on the labour dimension of RBC has been undertaken in multiple countries including **Colombia and Ecuador**. One of the three finalist of the first calls for proposals under the RBCLAC Fund was dedicated to the training and certification of SMEs in Colombia, Ecuador, and Panama in RBC practices.<sup>68</sup>

In addition, in several countries, Training of Trainer (ToT) training was provided in the SCORE methodology (**Colombia, Ecuador**). For instance, a two-day session was held in **Colombia** on ILS in Global Supply Chains, for trainers in the SCORE methodology, and directed to SMEs. The session, held in Bucaramanga, Colombia had participants from labour consultants and officials from the Ministry of Labour). In November of 2020, the RBCLAC Project, together with the ILO SCORE Program trained three groups of **Ecuadorian** SMEs on social corporate responsibility including the pressing needs from the pandemic, relevant issues were included in the training.

When the pandemic's multiple consequences became more evident during 2020, the ILO project also engaged in multiple trainings at national levels, on different aspects related to the labour dimension of RBC in the context of COVID 19 (for instance, **Brazil and Colombia**).

### **Translation of training materials and the elaboration of national tools.**

The following are some illustrative examples of results from contributions of the ILO at national levels:

1. In **Brazil**, a course for SMEs about RBC, Decent Work and Value Chains was translated into Portuguese with funding from the ILO RBCLAC. This translation was important, as it will allow for the organization of a course in Portuguese, which will be undertaken in 2021 with the assistance of ILO/ITC.
2. In the case of **Mexico**, the online ILO self-assessment tool for employers was adapted for use at the national level with the support from the ILO, including national legislation. Based on the adaptation 90 labour counsellors were trained.
3. In **Panama**, CONEP, the National Council of Private Enterprises (*Consejo Nacional de Empresa Privada* -CONEP), in collaboration with the ILO, co-organised a workshop for representatives of the employer's sector about the management of entrepreneurial diversity in the context of creating gender equity in the workplace. The workshop trained 26 representatives from the business sector, allowing for a presentation of tools to help companies with the implementation of relevant gender sensitive policies. CONEP also has developed a webtool for employers, with support from the ILO,

---

<sup>68</sup> Project for the training and certification of SMEs in Colombia, Ecuador, and Panama in RBC practices, implemented by CERPME,

which includes Good Practices of Multinationals in the area of **gender equality**. In addition, CONEP has expressed an interest in continuing with training in this area, as well as in other RBC related subjects.

This Effectiveness Section has presented only a snapshot of the many different actions that were undertaken by, or with support of the ILO, in the first two years of the RBCLAC project. The section demonstrates that the activities have benefitted large numbers of constituents in the region and in the nine target countries. This is contributing to an increased better awareness and understanding of the relevant guidelines and relevant ILS for RBC in the region, with a notable growing interest among stakeholders to engage in practices and actions in these areas.

#### 5.4.3. **Main Challenges**

The first challenge was caused by the long inception stage for the project, which to some extent delayed the start of the implementation of the activities foreseen under the project. However, the inception stage ensued an in-depth process of consultation with and technical inputs from the EU, OECD, OHCHR and the ILO, which was important for the alignment of activities.

Additionally, based on the reviewed documentation including the joint annual reports, as well as on the information received during interviews with stakeholders, the evaluators have identified the following main challenges that have occurred in the region, as well as in the countries where the project is implemented.

**Common challenges in the region:** A few examples of the most common challenges in the region are political instability (change in Government, Ministries, Department Heads, and/or key staff), institutional weakness and deterioration of the economic situation, already before the COVID 19 pandemic hit; a lack of prioritization of RBC for workers' organizations; health crisis (COVID 19), and its economic, financial and social consequences, as well as the pandemic's effects for companies and employment.

**Specific Challenges:** Some countries have faced one or multiple political/social crisis/es during the implementation of the RBCLAC project (**Chile, Costa Rica, Ecuador, Perú**). Multiple countries experienced changes in the Governments' commitment to the RBC agenda (**Argentina, Brazil, Mexico**) due to changes following elections or changes in elected/appointed officials.

Another common challenge identified by some stakeholders, was the high level of informality of the economy and employment in some countries (for instance in **Panama, Peru, Colombia, Ecuador**).

In 2020, without any doubt the **biggest challenge for all countries in the region was the emerging COVID-19 pandemic**, which has created emergent and recurring health crises, with, as described, previously, multiple economic, fiscal, social and other consequences a phenomenon that continues to evolve, and which affected the implementation in multiple ways, including forcing project staff to work virtually from their homes across their different countries of origin for prolonged periods of time.

As mentioned previously a challenge was encountered in some countries, where the ET observed a persisting degree of resistance against or /fear of engaging in a conversation on RBC among some representatives of the employers' sector (**Perú, Mexico**). In addition, also mentioned, in several countries there is a reported lack of trust, and sometimes even a reluctance to work with some of the IOs.

Stakeholders reported in several cases on a lack of coordination of the RBC agenda between national actors in several countries, including sometimes resistance to coordinate with key stakeholders (**Argentina, Brazil, Costa Rica, Mexico, Peru**). Moreover, several of the OECD policy reviews that were undertaken under the project bring to light a **lack of policy coherence** in several countries.

#### *5.4.4. Effectiveness of the project's crisis response*

As for the participation through social dialogue in articulating, implementing, and sustaining coherent response strategies to mitigate the effects of the pandemic on the world of work, stakeholders highlighted two points in their responses.

- 1) The COVID 19 crisis is far from finished: it is still an unknown, ongoing process, with potentially re-emerging/recurring waves, and a lot is unknown about the exact consequences in each country (economic, social, financial, employment, entrepreneurial context etc.).
- 2) Social dialogue cannot solve the pandemic Some key stakeholders emphasized that swift crisis responses and policies will continue to be required to support people, institutions, and companies, will need to be put in place to address its consequences and to work towards a recovery. The traditionally slower processes of social dialogue are not considered the right process to do that.

However, although more evidence is needed, targeted efforts such as some of the projects that were funded under the RBCLAC Fund and which have addressed one or more aspects of the COVID-19 effects may potentially contribute evidence on such topics and their relevance for the labour dimension of RBC in the context of the pandemic, such as the effect of the pandemic on women . However, more evidence will need to be gathered on an ongoing basis as to the effects of the pandemic for employment, behavior of enterprises etc.

Despite the extremely challenging context caused by the pandemic, many stakeholders agreed during interviews that the crisis has also made clear that a lack of RBC equals weaknesses in national entrepreneurial and employment systems, and that if constituents pay more attention to and address different aspects of RBC, including the labour dimension, this will eventually increase resilience of companies and thus increase the potential to contribute to the recovery of countries.

## 5.5. Efficiency

*The efficiency section explores how efficiently the ILO has allocated and managed human and financial resources for implementing activities under the RBCLAC project; the extent to which the ILO has been able to take a leadership role in generating partnerships around RBC, and in leveraging national government and partner resources. It also examines the extent to which the project has leveraged new resources or has repurposed existing financial resources to mitigate COVID-19 effects.*

### **Summary of main findings:**

*The evaluation finds that the results that have been achieved to date, justify the expenses of the ILO RBCLAC project. There is an observed imbalance regarding percentages of budget implementation with higher levels for employers' organizations as compared to activities with workers organisations, which can be attributed to the decision of ACTRAV to prioritize regional events.*

*The reassigned funds that were left unspent in 2020 due to the pandemic have been used to digitalize training material as well as to extend staff support for one staff member of the project until March 2022, maximizing its potential within the limited resources.*

#### 5.5.1. Allocation of resources

- **Use of human technical and financial resources.**

Based on a review of relevant documentation provided to the evaluators by the ILO RBCLAC Project, and compared with the feedback received from stakeholders during interviews, **the results that have been achieved to date, justify the expenses of the ILO RBCLAC project.**

The Budgetary Implementation is consistent with the level of the Project's performance, and in line with the achievement of expected results and established objectives. In many cases, due to the shift from in-person training to virtual training platforms, the numbers of participants in meetings and trainings that were undertaken by the ILO RBCLAC project have increased significantly. In some cases these have exceeded the targets that were set for the entire project duration.

In view of the fact that the project has had a very small project staff structure, this is a significant achievement.

Overall budget execution rates were good; reported at 60% in 2019 (with only 6 months implementation), and 90% in 2020, which is considerable in view of the many challenges that the project has faced. To date, the project has reported that operation costs have been relatively low (34%), which can be partly attributed to the increased virtuality.



A breakdown of the expense rates of the Budget for the ILO component, to date, according to activity, reflects the following:

Budget line	% Execution of total budget
Staff and operational cost	56%
- <i>Staff cost</i>	57%
- <i>Operational cost</i>	34%
Component I – Support for development and implementation of NAPs	36%
Component II- Increase capacity on due diligence processes	20%
Component III- Facilitate the sharing of experiences and lessons learned and development of joint initiatives that promote RBC practices	45%

A breakdown of the budget per project component reveals that in terms of execution of the budget, considerable differences exist between the execution levels of the respective lines of activities.

For instance, under component I, the activities implemented under Awareness raising and knowledge sharing have resulted in the highest level of budget execution, while knowledge sharing activities among employers score relatively high, (66% and 61% execution rate respectively). However, as is to be expected in view of the limitations for activities with workers activities at national levels, expenses foreseen with regard to the planned facilitation of knowledge-sharing among workers, as well as support for the drafting of NAPs (labour dimension) and the implementation of NAPs in Chile and Colombia have remained lower with 23% and 28% rates respectively. The promotion of RBC practices in Ecuador also has a lower rate of execution of the budget, (with 26% executed).

Under Component II, related to increasing the capacity on due diligence processes, an overall low level is reported (20% of the allocated budget). However, 72% of the budget reserved for employers for the creation of training for employers on the labour dimension of RBC has already been executed under this component. In comparison, as a logical consequence of the described limitations, the execution of the budget for workers is very low: the budgeted expenses related to the engagement of workers in national dialogue is only 2%. and the development of tools for worker's organizations on due diligence (5%).

For component III, the implementation of the RBCLAC Fund has resulted in a 50% execution of that part of the budget.

An analysis of the numbers leads to the conclusion that 75% of the resources received in 2020 has been executed. As reported by project staff the remaining 25% of unspent budget can be attributed to the fact that for 2020, a series of activities had been foreseen, which included travel expenses and per diems for constituents for their participation in training activities and in other meetings. The project was able to re-assign these funds towards the digitalization of training materials. In addition, with the approval of the donor, a part of the budget has been reassigned to extend the contract of the Communications staff member until December 2021.<sup>69</sup>

A cost-efficient measure has been the Project's response to the request to the Government of Guatemala to be included in the project. The ET was informed by key project staff that, upon consultation of the IOs with the donor, it was agreed that, in view of the progress in Guatemala, as well as its strong interest in

<sup>69</sup> The contract was initially ending in June 2021.

the project, Guatemala can be included in activities of the project on the condition that there is no additional cost to the project.

The evaluation finds therefore that the project has been implemented making efficient use of the available resources, and through reassigning funds to extend staff support for the project until December 2021, maximizing its potential within the limited resources. The low execution levels with regard to the workers activities are explained as a result of the internal decision made by ACTRAV to organize regional events only.

#### **5.5.2. *Connectedness and Coordination***

Synergies between the IOs have reduced the administrative costs: the organization of joint events and/or participation in each other's events have reduced the costs of separate agencies having to organize their separate activities. Mutual learning has occurred among stakeholders of the respective IOs, including the respective leadership, managers and staff of the IOs and the EU. In addition, constituents, counterparts, Government staff, academia, and the range of partners, including CSO representatives and organizations of indigenous populations, who have participated in these events, have had increased access to learning opportunities and materials presented by the three IOs, especially through the virtual events and access to a larger number of free online tools.

However, improved internal complementarity (for the ILO) between existing structures, teams, and international cooperation projects, will potentially increase the potential for higher levels of effectiveness and efficiency for the organization and its constituents. This is particularly relevant considering the limited number of project staff compared to the high number of target countries (9).

#### **5.5.3. *Efficiency of the COVID-19 mitigation response***

Considering the earlier statement from different key stakeholders and the donor that the Project is not construed as an emergency response to the COVID-19 crisis the project is somewhat limited as to how the project could be able to mitigate the effects. Moreover, the effects continue to emerge. However, as mentioned in the previous sections, the ILO Project has been innovative in integrating a response in its activities including specific training on RBC in the context of response to the COVID crises, training on specific aspects such as family friendly work environments, and a project to address the adverse effects of COVID-19 on women entrepreneurs (funded through the RBCLAC Fund).

## 5.6. Sustainability and Impact Orientations

*The impact section relates to the strategic orientation applied in influencing wider and long-term development changes. The sustainability section assesses the likelihood that ILO's support to RBCLAC interventions and/or whether the achievements will be continued or even scaled up and replicated by national partners.*

### **Summary of main findings:**

*Although it may yet be too early to assess impact, the ET has found indications of emerging evidence of impacts: the processes of reflecting on the interconnectedness of the mandates of the IOs in their discourse and actions, and the organization of joint activities, and participation in activities organized by the others has started to create a lasting impact; the promotion of and integration of the MNE Declaration in NAPS and other documents and processes; increased capacities of constituents on the labour dimension of RBC and , in the context of the pandemic a joint discourse on the integration of RBC in the response to COVID-19.*

*In terms of orientations towards sustainability, overall, the basis for sustainability is being established to some extent through high quality technical assistance; capacity building; awareness raising; stakeholder support (to varying degrees across countries) regarding the Tripartite Declaration and for the principles of RBC; and the strengthening of a Responsible Business Conduct "community" at regional and some national levels. However, the evaluators were not presented with any evidence of the development of a sustainability /exit strategy for the RBCLAC project in its entirety, nor specifically for the ILO RBCLAC Project component. Sustainability orientations or guidance could include continued collaboration on both with the constituents and/or other national counterparts, beyond the implementation period of the project.*

*In this regard, it is important that the elaboration of NAPS, is not possible in all cases, nor is it the only way to promote and implement an RBC agenda. This is even more pertinent in cases where the application of an RBC approach through a NAP/ or a successful formulation of a NAP will currently not be possible. RBC-related processes and steps may proceed in a non-linear way, dependent on and adjusted to the specific context.*

### **5.6.1. Orientations towards impact**

While the RBCLAC project is more than halfway through its implementation, impacts will mostly become evident at the longer term, and it may be early to assess this aspect. However, the ET has found the following indications of emerging impacts.

1. Based on the interviews, the evaluators consider that the ILO RBCLAC project is contributing to the overall objectives, with a strong potential to continue in the remaining implementation time: Three agencies of a very distinct nature and with very different mandates, are showing an interconnectedness in their discourse and actions, through the organization of joint activities, and participation in activities organized by the others.

This is a remarkable achievement, as prior to this project, in practice they had never collaborated in a similar manner on this topic. As a result of the RBCLAC Project, the agencies have had to i) question themselves on their differences as well as their potential complementarities; ii) analyze the added value of having the other agencies in the project; and to iii) coordinate and collaborate with them,

thus reducing competition and encourage collaboration between the agencies. This is, per se, a positive impact for the three agencies, the countries and for the region.

2. The promotion of the *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* in the LAC region and in the respective target countries with regard to (the labour dimension of) RBC has continued and has been taken to a next level. Whereas, as described, the promotion of the MNE Declaration is part of an ILO-wide process, the RBCLAC project has managed to increase the scale and frequency of such promotional efforts, especially if compared to previous efforts that appeared more isolated.
3. Building the capacity of ILO constituents on the labour dimension of RBC, through their participation in relevant regional and national processes, effective participation in the adoption and implementation of NAPS on business and Human Rights, and the generation of a better understanding of RBC practices, and the potential application of such RBC practices by national actors is another impact that is likely to continue.
4. In the context of the COVID 19 pandemic, and despite multiple contextual challenges, a joint discourse on RBC due diligence, both in terms of risk assessment as well as in terms of its response, has now been adopted by the three IOs as an appropriate response to the crisis.

However, the institutionalization and full consolidation of these processes and eventually their replication still has a long way to go.

#### 5.6.2. ***Orientations towards sustainability***

Overall, the basis for sustainability is being established to some extent through high quality technical assistance; capacity building; awareness raising; stakeholder support (to varying degrees across countries) regarding the *Tripartite Declaration* and for the principles of RBC; and the strengthening of a Responsible Business Conduct “community” at regional and some national levels.

The ILO is uniquely qualified to promote and mainstream RBC related issues, based on its substantial experience and technical capacities in the area; extensive knowledge of the needs and support required by countries; and maintaining excellent relations with constituents (Governments, trade unions, employers’ organizations) and civil society organizations. Continued building onto the existing ILO experience and on the support provided by ILO national and regional structures; other ILO departments and experts, could prove to be an essential element to successful project implementation and sustainability prospects in the long-term.

Some challenges for sustainability were identified through the assessment of primary and secondary evidence, the main identified limitations for sustainability are: insufficient capacities and/or national resources in some countries; and the absence of an enabling environment, including, in several countries, a lack of full ownership in relevant Government entities of relevant processes, especially on behalf of the political establishment.

In this regard, the sustainability is currently to a large extent dependent of the specific national context. What can potentially be achieved and sustained in the future, will therefore largely depend on

Governments and strategies of employers' organizations/companies. Several stakeholders have pointed out that it is yet too soon to "demand sustainability of the project".

Additionally, the evaluators did not find any evidence of the development of a sustainability /exit strategy for the RBCLAC project in its entirety, nor specifically for the ILO RBCLAC Project component. Such orientations or guidance might include continued collaboration on both with the constituents and/or other national counterparts, beyond the implementation period of the project.

According to key stakeholders consulted, if the NAPS are elaborated in a technical and solid manner (following the step-by-step guide of the OHCHR), their continued application and implementation will be more likely, even if there are changes in the Government. In this regard, the participatory, multi-stakeholder processes that were undertaken in some countries reflect that there is a high level of ownership amongst the diverse stakeholders who have participated in its development. (**Chile, Colombia**).

However, the evaluation process also has led to the finding that the elaboration of NAPS, is not the only way to promote and implement an RBC agenda. This is even more pertinent in cases where the application of an RBC approach through a NAP/ or a successful formulation of a NAP will currently not be possible. RBC-related processes and steps may proceed in a non-linear way, dependent on and adjusted to the specific context.

The IOs and the donor should assume that achieving the formulation and/or implementation of a NAP will not be possible in all cases. In some cases (**Brazil, Argentina**) the predisposition of Governments and/or the employers' sector is not so evident.

Conversely, in countries such as **Panama** and **Ecuador**, support for the development of or review of a NAP process was initially not foreseen under the project; however, Governments have indicated more recently their willingness to participate in the reformulation or development of a NAP and have invited the ILO to participate.

Other countries (**Chile, Colombia**) were already in the process of developing a second NAP, which is opening possibilities for the ILO and its national constituents to participate in its design, and to provide support for the implementation. In addition, it is providing a learning opportunity for other countries, who can learn from this experience. For example, stakeholders in Ecuador and Peru have mentioned that they have benefitted from the experiences with the NAPs in Colombia and Chile.

In addition, one final aspect of sustainability to consider is the potential uptake of capacity building/training and the translation of such knowledge into action. In this regard, the successful undertaking of detailed baseline studies on relevant themes in the framework of the national consultation on the NAP in Peru, and their subsequent use for the elaboration of action lines in the NAP may include potential lessons for other countries, when they consider the elaboration of their own lines of action and/or this may prompt a discussion on the need for baselines studies on some of these issues.

## 6. LESSONS LEARNED AND GOOD PRACTICES

---

*The evaluation identified some lessons learned and good practices which were driven by some of the challenges faced as well as the positive results obtained. In this section we list the most relevant of these, so they can be taken into consideration in current and/or future interventions.*

### 6.1. Lessons Learned

1. The consolidation of RBC approaches and the (eventual) development of NAPs imply a complex, long-term process. Such processes require the continued support and commitment of multiple stakeholders including the Government, organizations of employers, workers' organizations, companies, and civil society. Generating impacts in political, institutional, and social areas is complex, especially in countries in the LAC region where country contexts tend to present multiple and recurring challenges (political, institutional, lack of technical capacity, and in many cases, there is an absence of social dialogue, etc.). Moreover, for instance, in Brazil, multiple levels of governance (federalism) present additional challenges at the governance level.

2. In the absence of a common baseline across countries, different potential results across countries can be expected. At the outset of the Project, situations in the nine countries differed widely, and, therefore, the pace of implementation, achievement of intended results and factors driving the national process differ widely from one country to the next.

3. Enabling environments are not a guarantee for lasting support from constituents to a NAP process. At the start of the Project, there was an "enabling environment" in some countries, which favored the implementation of the project and which have catalyzed results in certain countries (**Chile, Colombia, Peru**). On the other hand, after the initial receptivity in **Argentina and Brazil**, following changes in Government, institutional leadership on this issue has remained absent, despite the interest and commitment in the employers' sector to RBC. Such setbacks may need continued or increased monitoring and support from both the ILO RBCLAC project as well as from the ILO.

4. Changes in national contexts may require a need to "prepare the grounds" or adjustment of the short-term objectives for the ILO Project. In countries where the initial situation was less favorable (for example, **Panama**) the Project has had to "prepare the grounds" before the development of concrete activities could start. In the case of **Ecuador**, a less favorable initial context, with limited action foreseen, evolved in a favorable and accelerated manner, creating concrete opportunities for the project. Constituents have expressed a strong interest in an increased accompaniment from the ILO RBCLAC project for their national process and further activities.

5. There may be multiple pathways to promote of the labour dimension of the RBC agenda. In **Costa Rica**, despite a favorable context (A National Policy on Social Responsibility in place since 2017, an Interinstitutional Coordination Committee and a multi stakeholder platform) a solid commitment to the elaboration of a NAP on Business and Human Rights has yet to be formalized. As each country situation is so different, individualized and flexible support from the project may need to be tailored/adjusted according to the national priorities, which may not include the elaboration of a NAP on Business and Human Rights.

6. A lack of policy coherence may be reflected in a lack of institutional leadership and coordination at the country level, which may make it difficult to engage constituents and stakeholders in a national consultation on a NAP. There may also be a lack of coordination among the Government institutions, with different Government Departments assuming different roles in the national processes. For instance, in the case of Panama, whereas the MICI oversees the review process of the NAP on social responsibility, with the participation of a limited number of stakeholders, the Ministry of Labour collaborates directly with the ILO Project and is actively involved in different projects that promote RBC practices through programmes implemented by several of its Departments. In addition, a lack of coherence in national policies and/or fragmented national efforts, with responsibilities distributed across different institutions in charge of particular issues.

7. A lack of clear interagency coordination (at the national levels) may lead to confusion amongst national stakeholders as to what can be expected from the project. The three IOs have different counterparts, mandates, and spheres of influence. In that regard, in some countries, there is a lack of clarity as expressed by some key stakeholders, as to which agency is leading the project and what is the role of other agencies, especially in countries where a particular agency has no representation.

8. The success of the ILO contribution to the Project should be measured by the qualitative results, rather than by its quantitative results. The intensity of the respective negotiation, consultation and review processes has demanded a high level of dedication and a lot of energy from the project staff, with high levels of TA to establish the regional and national RBC agendas.

9. A focus on the quality of the national dialogue is preferable over a focus on the speed of the consultation and development process. In theory, the NAPS may be developed in a faster manner, however, they risk losing their legitimacy and national ownership. Therefore, it is preferable to work towards a high-quality NAP (i.e. technically sound, based on evidence), which is supported by the national stakeholders (through their effective participation and ownership), rather than developing NAPs, simply to comply with the objectives defined by a project. However, it may be important to identify priorities and avoid trying to “cover everything” at once, as processes may otherwise become very slow and cumbersome.

10. The success of the RBCLAC project depends on its capacity to provide technical assistance effectively. The project’s donor must take into consideration that this type of project is largely based on the provision of specialized, high-quality technical assistance (TA) to stakeholders. Therefore, it is essential that sufficient human capacity resources are allocated for the continued implementation of the project. The provision of such TA must be based on a realistic budget that is sufficient to finance the required support.

11. Despite being understaffed, the high quality and dedication of the ILO RBCLAC project staff has been key for the project’s good performance so far. A fully effective and efficient implementation of the Project would require designated Project staff in the respective countries and/or a strong support from the ILO Regional / Country Offices. To some extent, the project is currently understaffed.

12. Strengthening coordination processes and mechanisms. The RBCLAC project staff has spent a considerable amount of time in improving coordination and has succeeded in establishing a certain degree of interagency coordination. However, up to now, such coordination is mostly undertaken on an informal basis. Strengthening coordination processes and mechanisms at all levels, through the creation of more formal and systemic coordination processes would improve the opportunities for the creation of interagency alignment, support and facilitate the joint identification of national collaboration efforts,

synergies and opportunities for the sharing of information, tools and knowledge, across the organizations.

Further, defining joint work plans with the IOs and adjusting them to the guidance and priorities of the respective countries for the remaining implementation time, contributes to the potential for increasing national ownership of RBC programming as well as improving the anchoring in the national priorities of countries. Also, including sustainability considerations in such work plans would clarify for instance joint and separate responsibilities, assumption of the costs, and technical/financial/human commitments; the transfer of knowledge/responsibilities; and the timeframe.

Moreover, based on experiences across countries, engaging multiple stakeholders in national processes that aim at creating a joint agenda for RBC consultations, practices, or activities, would improve the likelihood of continued national ownership of such processes/activities.



## 6.2. Good practices

1. Increased use of virtual platforms: this has been beneficial to increase outreach for training, access to virtual tools and platforms numbers, increase inclusion and visibility of participants from remote areas, and a reduction in the costs of organizing events (in addition to a reduction in the carbon footprint due to reduced need for international travel).

2. Exercising quiet diplomacy: The ILO RBCLAC project staff has repeatedly had to adjust and respond, sometimes swiftly and diplomatically, to political decisions/events, changes in staff/personnel, changes in the priorities of countries (even occasionally responding to interest in the project from outside of the scope of the project) or other “calamities” with constituents. This has in some cases resulted in jumping on emerging opportunities that were not foreseen (for example, Ecuador, Guatemala, Honduras) or in acting quickly to prevent setbacks (Peru).

3. Using leverage of cross cutting topics or “special interest” topics for the introduction of a broader RBC agenda. In some contexts, there are currently ILO-related structures in place at the national level, dedicated to the implementation of technical cooperation projects that are implemented by the ILO or for other projects that are implemented by national partners, and which are related to issues of special interest including the elimination of child labour or gender equality. As mentioned previously, such specialized projects have at times successfully served as a platform for introducing the labour dimensions of RBC more broadly to national stakeholders.

4. Flexibility and Resilience: Converting Challenges into a Springboard for RBC. Without exception, the multiple crises caused by the COVID 19 pandemic, have revealed underlying systemic weaknesses and exposed increased vulnerabilities of specific categories (women, children, informal workers, indigenous populations), who have frequently found themselves excluded from protection mechanisms and deprived of social and/or other services, leading to a risk of increasing marginalization of such groups. In addition, the private sector, including employers and companies of all sizes have been faced with many challenges affecting their production, value chains, operations, relations and challenges with the employment of workers and staff. The social crises, and the fact that the pandemic has affected everybody in one way or another, have sensitized stakeholders, and supported to some degree the Project’s discourse on the need to promote an RBC approach in entrepreneurship, and specifically the need to address the labour dimension of RBC. For instance, the crisis has revealed the need for implementation and monitoring of OSH regulations in the workplace, as well the need for more attention to the creation of family friendly work environments. The ILO RBCLAC Project has successfully capitalized on some of these pressing issues, by introducing targeted training and providing guidance and resources on these topics.

## 7. CONCLUSIONS

---

*The following chapter presents a **synthesis of the conclusions drawn from the analysis of the findings** and is organized in correspondence with the evaluation sections: Project's Relevance and strategic fit; Validity of the project design; Project progress and effectiveness; Efficiency of resource use; Effectiveness of management arrangements; Impact and Sustainability orientation.*

### 7.1. Project's Relevance and strategic fit.

- 7.1.1. Based on the collected evidence, the MTE confirms that the RBCLAC Project has managed to successfully start integrating RBC into political, social, and entrepreneurial agendas, both across the LAC region as well as in most of the respective countries included in the project. Consulted stakeholders agreed that the RBCLAC Project and the objectives it tries to achieve are considered both relevant and necessary.
- 7.1.2. Most Governments and other stakeholders consider that the RBCLAC Project, including the ILO component and its respective objectives, is perceived as positive. Employers' organization confirmed that overall, engaging on this topic is positive and necessary for their prestige. The active engagement in most of the countries of different Ministries in an ongoing dialogue with the ILO RBCLAC project, or their participation in the respective national processes related to the incorporation of relevant RBC principles and/or practices (including those related to the labour dimension) in their national policies, is an indicator of their interest.
- 7.1.3. Despite this generally positive discourse amid stakeholders, including among representatives from the employers' sector, several informants point out that in certain countries/sectors, employers continue to demonstrate some degree of mistrust or fear towards conversations about RBC. On the other hand, in countries such as Chile, Costa Rica, Ecuador, Panama and Mexico, stakeholders reported that employers' organizations and companies gradually understand that they can and will have to embrace RBC and its different dimensions, as this is increasingly considered to be a distinctive aspect as well as an added value for companies.
- 7.1.4. Overall, workers' organizations have been less involved in the ILO component of the RBCLAC Project at national levels, however, workers' organizations from across the region have participated in regional events, including training events for unions on the labour dimension of RBC.
- 7.1.5. Interviewees confirmed that the ILO component of the RBCLAC project responds largely to the needs of the beneficiaries, and that it is aligned with national priorities, particularly in the area of human rights and national development frameworks, as well as with international frameworks and the SDGs.
- 7.1.6. At a more general level, the ILO RBCLAC component was found by some interviewees to have functioned "in a somewhat independent manner", and, to some extent, separate from the overall ILO structure. Key stakeholders confirmed that it was in some countries even somewhat disconnected from the national ILO agendas. In this regard, some key stakeholders have referred to the absence of decent work references and goals within the project. The respective agendas of the OECD and UN OHCHR are explicitly linked to due diligence regarding RBC and human

rights respectively. However, the ILO's mandate and comparative advantage lies specifically in areas related to the ILO's Decent Work Agenda. While there is a focus on the labour dimension of RBC in the ILO activities under the RBCLAC project, there is, according to some interviewees, no explicit explanation of the connection between the two concepts of DW and RBC in the project's design as to their connection and/or complementarities.

- 7.1.7. Other key stakeholders have observed that the ILO's traditional standard-setting work largely overlaps with many different aspects of what is included in RBC, however this has yet not been sufficiently framed or conceptualized as such by the ILO.
- 7.1.8. Significant interagency collaboration and coordination efforts were reported, which has resulted in important improvements at institutional and project management levels. Evidence can be found in the joint regional events that have been organized and the participation of individual agencies in the event organized by one or more of the other agencies. In addition, agencies have engaged in co-organizing events. However, there is a perceived lack of interagency coordination at national levels, which may be partly explained by the availability of relatively limited resources per country.
- 7.1.9. Another factor may be the level of complexity of the ILO's own tripartite character and its respective dynamics, which may not always be evident or easy to understand for other agencies and (national) stakeholders.

## **7.2. Validity of the project design**

- 7.2.1. Generally speaking, the logic that underlies the Project was found to be solid, and both the strategy as well as the intervention methodology are addressing the identified needs in a logical manner.
- 7.2.2. Some weaknesses were identified in the project design, such as the perception among key stakeholders that, despite the long inception process in which the implementing agencies actively participated, the design still reflects to some extent a "top-down approach", as well as the fact that some of the current national actors have not been consulted on the design.
- 7.2.3. The risk of changes occurring in national priorities and key allies in Governments, for instance following elections, and the additional demands that such changes have placed on the project staff, may have been insufficiently considered as a risk in the project design. In addition, the design did not foresee the possibility that additional opportunities, such as the emergence of political will in countries where this was not initially anticipated, leading to an increased interest for instance in developing a NAP.
- 7.2.4. The ET finds that the chosen ILO approach (technical support, sensitizing of constituents and other actors, capacity building, development of tools and connecting actors on the subject) is indeed successful, as stakeholders were found to have gained an improved understanding of the relevance of ILS of the specific aspects of the labour dimension of RBC. The evaluation team found multiple examples of how this newly gained knowledge is indeed found to be increasing the internal capacity and interest amongst a range of stakeholders to develop more tools and practices for an RBC approach for use in their respective areas of influence and action, especially amongst the interviewed representatives of employers' organizations.

- 7.2.5. In terms of available time and resources, the ET has found that there is an important gap between the objectives that have been established by the donor: namely, impact on policies; development of NAPs (Component I); and what the (ILO) Project can possibly achieve with the available resources; as well as what lies within the organization's mandate and the provision of the required assistance (internally from the ILO). In addition, the time that would realistically be required to achieve the desired policy changes was found to be underestimated in the design.
- 7.2.6. ILO's cross-cutting policy drivers - International Labour Standards (ILS), Social Dialogue, Gender equality and non-discrimination, have been integrated in an adequate manner. However, Just Transition to Environmental Sustainability has remained somewhat absent in the ILO project's activities.
- 7.2.7. The ET has found that the ILO RBCLAC Project has been able to successfully adapt (to the extent possible) to the many changes brought about by the COVID-19 pandemic and the emerging contextual challenges. In 2020, after some initial delays, most project activities that had been planned, have been resumed and have moved on-line. Stakeholders confirmed unanimously that the RBCLAC Project has always been relevant: both before and during the pandemic and it can be expected to retain its relevance in the context of the post pandemic recovery scenario.
- 7.2.8. Despite the seemingly high potential for the generation of synergies and complementarities with other ILO programmes, in view of the relevance of the ILO mandate, the ILS and the ILO's prioritization of DW programming, and considering the ILO's tripartite mandate, the MTE has found little evidence yet that such synergies and complementarities are effectively and intentionally sought or that they have effectively been created across countries. This may be due to the fact, that it has taken some time for IOs to fully understand and align the mandates of the three agencies, and to understand the functioning and limitations of the tripartite structure of the ILO, including the potential of the respective contributions of key stakeholders and other external actors to the project.

### **7.3. Effectiveness of management arrangements**

- 7.3.1. The ILO project has a limited number of staff currently assigned to the project. Despite the high-level quality of technical support that has been provided by the ILO Project Team, as well as their demonstrated flexibility, which has been indispensable for the success of the project so far, it was found that in view of the wide geographic coverage of the Project, the large number of demands from different regional and national actors and stakeholders to interact with, and the numbers and complexity of their actions (at regional and national level); this level of support is insufficient.
- 7.3.2. Stakeholders as well as ILO project staff have confirmed that across the region, and at national levels, there is a growing demand for additional support from the project staff, which, with the current limitations and field presence, cannot be provided.
- 7.3.3. In terms of the Project's national governance structures, the overall ILO support for the Project and the Project's MEL systems, stakeholders have identified a need to make these processes more effective, especially at national levels. In terms of the project's response to the pandemic crisis, and its swift adjustment of activities, there is a general agreement that, the ILO RBCLAC Project has increasingly and successfully resorted to the use of technology, to continue with its

training (seminars webinars, online information etc.). In addition, multiple tools that were developed by the project have been shared online, some of them as interactive tools and, in the case of the employers' guide, this was shared on interactive platforms. Overall, the ILO has thus been successful in undertaking or participating in online training events, and many of these recorded events remain available.

#### **7.4. Project progress and Effectiveness**

- 7.4.1. Considering the fact that this is an MTE, with over about a year and a half of project implementation remaining, and the fact that the project is implemented in extremely challenging contexts, it is remarkable that the project has to some extent been able to exceed its intended results in 2020 (numbers of participants and events).
- 7.4.2. The key result of the overall RBCLAC Project is that the RBC agenda is increasingly positioning itself in the region as well as in the countries (to different degrees). To contribute to this collective interagency effort, the ILO RBCLAC staff members have provided support to its constituents and to other stakeholders, through a range of activities, including: participation in (technical and other) meetings with different constituents and other stakeholders, providing TA and support to constituents, review of proposals and technical documents, including review of baseline studies; facilitation of dialogues between stakeholders, bringing constituents into national dialogues or processes, as well as coordinating with experts in the ILO about particular aspects of such processes.
- 7.4.3. In this regard, the ILO-RBCLAC Project has successfully generated an increased awareness in the region and at national levels, about the relevance of the ILO's international legal instruments for the labour dimension of RBC, including the ILO's Tripartite Declaration for Multinational Enterprises, for instance amongst many participants in the multiple events that have been organized in the first two years of the project, and through the accompaniment of individual stakeholders. One way to measure the result of the collective effort of the IOs, is the progress achieved in the national processes related to the RBC agenda.
- 7.4.4. Awareness about the labour dimension of RBC, and its underlying normative frameworks and guidance, including the Tripartite MNE Declaration has increased amongst large numbers of constituents and other stakeholders, including among some of the natural allies of the other two implementing agencies. The Project has allowed for the organization of joint regional events which have brought together large numbers of attendees from across the target countries, especially since most of these events have been held virtually.
- 7.4.5. The ILO has contributed to the project through the organization of multiple regional events and training courses targeting its constituents from different countries. In addition, the ILO contributed to evidence gathering and knowledge sharing through the elaboration of two regional mappings of experience in the region with the labour dimension of RBC (experiences of workers and employers respectively). The sharing of knowledge and training tools about the labour dimension of RBC was facilitated through the online sharing of training tools including interactive guides for employers as well as the creation of multiple online platforms (Employers and RBCLACFUND).
- 7.4.6. At national levels, the ILO contribution has resulted in multiple contributions to the elaboration processes related to NAPs across multiple target countries (for instance the funding of baseline

studies, accompaniment of constituents, technical assistance, and facilitation of dialogue). Secondly the ILO project has contributed to the capacity building in constituents and other national stakeholders in different areas related to the labour dimension of RBC). Translating materials into Portuguese as well as the development of national tools are other examples of how the project has contributed to increased awareness and access to relevant training tools and best practices.

#### **7.5. Efficiency of resource use**

- 7.5.1. The evaluation finds that the results that have been achieved to date, justify the expenses of the ILO RBCLAC project. There is an observed imbalance regarding budget implementation percentages of the budget implementation with higher levels for employers' organizations as compared to activities with workers organizations, which can be attributed to the decision of ACTRAV to only undertake regional event.
- 7.5.2. The reassigned funds that were left unspent in 2020 due travel restrictions related to the pandemic have been used to digitalize training material as well as to extend staff support for one staff member of the project until March 2022, maximizing its potential within the limited resources.

#### **7.6. Impact and Sustainability orientation**

- 7.6.1. Although it may yet be too early to assess impact, the ET has found indications of emerging evidence of impacts: the processes of reflecting on the interconnectedness of the mandates of the three IOs in their discourse and actions; the organization of joint activities; and participation in activities organized by the others has started to create a lasting impact; the promotion of and integration of the MNE Declaration in NAPS and other documents and processes; increased capacities of constituents on the labour dimension of RBC and, in the context of the pandemic a joint discourse on the integration of RBC in the response to COVID-19.
- 7.6.2. In terms of orientations towards sustainability, the evaluation has found that overall, the basis for sustainability is being established to some extent through high quality technical assistance; capacity building; awareness raising; stakeholder support (to varying degrees across countries) with regard to the Tripartite Declaration and for the principles of RBC; and the strengthening of a Responsible Business Conduct "community" at regional and some national levels.
- 7.6.3. The evaluators did not find any evidence of the development of a sustainability /exit strategy for the RBCLAC project in its entirety, nor specifically for the ILO RBCLAC Project component. Sustainability orientations or guidance might include continued collaboration on both with the constituents and/or other national counterparts, beyond the implementation period of the project.
- 7.6.4. In this regard, it is also important that the elaboration of NAPs, is not possible in all cases, and that there may be alternative ways to promote and implement an RBC agenda. This is even more pertinent in cases where the application of an RBC approach through a NAP/ or a successful formulation of a NAP will currently not be possible. Additionally, it is important to note that RBC-related processes and steps may proceed in a non-linear way, dependent on and adjusted to the specific context.

- 7.6.5. Finally, it is important for the project to consider that the potential uptake of capacity building/training and the translation of such knowledge into action is key for the sustainability of results.

## 8. RECOMMENDATIONS

*The following recommendations are based on the findings and flow from lessons learned and the conclusions. The recommendations might be useful to the ILO, the EU and the IOs during the remaining implementation period and beyond it.*

### **General Recommendations**

#### **1. Apply Participatory approaches to project design from the beginning and throughout implementation.**

Addressed to	Priority	Resource	Timing	Related to
The European Union and the IOs	High	Medium	Mid-term	Findings and conclusions: 5.2. / 7.2 Validity of the project design

The design of this type of projects should be done with the respective participation and contribution of the IOs and in consultation with national key stakeholders right from the beginning. The design should also take into account the different national contexts and specific country needs; and resource constraints of each country.

### **Specific recommendations**

#### **2. Clarifying the connections and complementarities between DW and RBC**

Addressed to	Priority	Resource	Timing	Related to
ILO	Medium	Medium	Short-term	Conclusion 7.1.6, 7.1.7

As observed in the report, the ILO's traditional standard-setting work largely overlaps with many different aspects of what is included in RBC, although this has not been sufficiently framed or conceptualized as such by the ILO. Internally, the ILO could, improve the explanation, rather than presenting RBC or the labour dimension of RBC as something that could be interpreted as something new and separate from the DW agenda. Clarifying the connections and complementarities between DW and RBC could potentially increase the potential for synergies between ILO programming and potentially improve the integration of RBC within the ILO's DW programming.

#### **3. Prioritization of project activities in countries with an enabling environment.**

Addressed to	Priority	Resource	Timing	Related to
The ILO, European Union and the IOs	High	Low	Short-term	LL: 1, 2, 3, 4, 5, 8, 9

During the remaining implementation period, the ILO should focus its efforts on countries with a conducive environment for the RBC agenda and thus, with larger potential for the achievement of results and impacts: concentrating on the so called "RBC champions". However, the project should honor current commitments and demands from ILO constituents.



**4. Prioritization of actions during the remaining implementation time of the current RBCLAC Project to ensure maximum impact.**

Addressed to	Priority	Resource	Timing	Related to
The ILO, European Union and the IOs	High	Low	Short-term	LL: 1, 2, 3, 4, 5, 8, 9

During the remaining implementation time of the current RBCLAC Project, the ILO should emphasize activities that are likely to generate the largest impact in terms of (the labour dimension of) RBC, public policies, entrepreneurial sector/companies, and trade unions. The ultimate goal does not necessarily have to be the same in all countries, *i.e.* the development of National Action Plans should not necessarily be the main focus.

It may be equally relevant to: (i) Develop/ encourage/support other frameworks; policies or processes that can assist countries to address (specific aspects of the labour dimension of) RBC. (ii) Improved anchoring of the RBC, (if possible, within the DW agenda where appropriate), in the countries in the region. This should be a central goal for the remaining implementation time, and it implies the holding of consultations and striving towards institutional agreements with national partners in terms of prioritizing and defining relevant actions.

Also, at the national level, it would be appropriate to involve the following stakeholders more actively in the national processes and project activities: key employers' organizations (entrepreneurial sector); enterprises, as well as workers' organizations.

**5. Provide complementary high-level advocacy from the ILO, in support of the RCLAC project.**

Addressed to	Priority	Resource	Timing	Related to
The ILO	Medium	Medium	Short-term	Findings and conclusions 5.1/7.1. Project's Relevance and strategic fit. 5.3/7.3. Effectiveness of management arrangements

If political leaders or other stakeholders are not convinced of the need for developing an RBC Plan (either a NAP on Business and Human rights, or of a NAP that includes addressing labour dimension of RBC through the development of relevant policies and practices), the Project is not in a position to "impose" such a plan. There is however an important and essential role for the ILO to undertake high-level "advocacy" in such cases (in particular involving the Regional and Country Offices) to guide Governments and constituents in the direction of RBC policies and practices.

In terms of institutional support from the ILO (HQ, RO) there is room for improvement for the ILO RBCLAC project both in terms of support for activities, as well as in terms of advocacy and institutional policy to support the objectives of the project.

## 6. *Creating more and effective synergies within ILO*

Addressed to	Priority	Resource	Timing	Related to
The ILO	Medium	Medium	Short-term	Findings and conclusions 5.1/7.1. Project's Relevance and strategic fit. 5.1/7.3. Effectiveness of management arrangements

Creating better synergies within the ILO is important for a more effective implementation of the RBCLAC Project. It is important that the Project can fully benefit from and have access to experience, expertise, programmes and resources that are currently available within the ILO (HQ Departments, Regional Experts, Regional and Country Offices.). Internal collaboration and coordination is a distinctive feature of the ILO, and improved alignment of the ILO Project with the DW Agenda and the respective departments with mandates linked to the labour dimension of RBC could be key to improve its impact and make the ILO RBC interventions more sustainable.

## 7. *Systematization of the RBCLAC Fund*

Addressed to	Priority	Resource	Timing	Related to
The ILO	Medium	Low	Mid-term	5.1. Relevance and strategic fit 5.3. Effectiveness of management arrangements 5.4. Effectiveness

Providing follow up and systematization to projects/activities implemented with the support of the RBCLAC Fund is important for reasons of transparency, as well as, and even more important, in terms of the obtained results, impacts, organizational learning and dissemination of lessons learned and good practices.

## 8. *Design a Sustainability/exit plan for the Project*

Addressed to	Priority	Resource	Timing	Related to
The ILO, the IOs and the EU	High	Low	Short-term	Conclusion 7.6.3

The elaboration of a Project sustainability/exit plan is highly recommended. This could be done jointly amidst the three IOs and the EU. A sustainability plan should identify, as a minimum, the differentiated actions for each target country and while considering the results achieved thus far, consider anticipated risks and challenges to be faced ahead. It should also reflect the extent of the existence of an “enabling environment” in each of the different countries, including the current institutional capacities, available human and financial resources allocated to RBC and include relevant formal political commitments. The plan should describe what is to be sustained beyond the duration of the project, with a well-defined timeline. This would include results such as performance changes, specific interventions, systems, or procedures that are to be developed and established; specifying what agency/institution will be responsible for sustaining such results; and an explanation as to how resources will be allocated and by whom, to ensure sustainability.

## ANNEX 1: Terms of Reference



RBCLAC Evaluation  
ToR

## ANNEX 2: Inception Report



RBCLAC Evaluation  
IR

## ANNEX 3: Main events and activities undertaken by ILO/RBCLAC

### Joint Regional Events

Amongst the regional events that were more widely known amongst stakeholders, are the two annual regional forums on Business and Human Rights, organized by the OHCHR, and which have now been supported by the project. In addition, the ILO has co-organized and/or participated in multiple regional webinars addressed to actors in the private sector.

- 2019: IV Regional Forum on Business and Human Rights, Buenos Aires Argentina, June 2019: organized by the UN OHCHR with the participation of the ILO and OECD. (Approx. 400 participants, representatives from the regional and national level of governments, businesses, academia and civil society organizations).
- V (Virtual) Regional Forum on Business and Human Rights (2020), organized by the UN OHCHR with the participation of the ILO and OECD. (approx. 4400 participants, of 40% were reported to belong to CSOs including NGOs, community organizations, trade unions and academia; 25% to State institutions, including governments, judiciary and NHRIs; and 30% to the business sector, and 5% to international organizations).
- 9th Annual Virtual Forum on Human Rights, organized by OHCHR (November 2020). This forum had a special session on the LAC region in November 2020). Participants in this forum highlighted the need for policy coherence, multi-stakeholder engagement and participation as part of due diligence process.
- Organization of or participation in multiple joint virtual activities, aimed at the business sector (including a regional business roundtable in July 2020, organized together with the IOE; A joint session with OHCHR on working from home in the context of the pandemic; a joint session with UN OHCHR and UNICEF and the Global Compact to share good practices on adaptation models in view of school closures and nurseries; and multiple webinars with the participation of academic institutions, OECD and or OHCHR.

### (Virtual) Events and courses organized by the ILO RBCLAC project

In addition, the ILO organized several **regional virtual events**, with the collaboration or participation of one or multiple IOs or agencies. The annual reports list the many activities in which each of the IOs participated as well as numbers of participants, with, in most cases, information on numbers of participants, disaggregated by gender and institutional representation.

Some selected examples of such activities and numbers of participants are:

- COVID 19 and child labour (June of 2020); The event was joint by 128 participants (83 women, 27 from Government, 29 CSOs and 51 from the business sector), and raised awareness about renewed risk for child labour increase deriving from the social stress generated by the COVID 19 pandemic.

- *Occupational Health and Safety and RBC*: Training for Employers (ILO, together with the OECD, Oct 2020); 100 participants (of whom 67 women, 33 men) from businesses or employers' organizations in the region were *trained on due diligence in supply chains and labour dimension of RBC*.
- *International frameworks, labour issues and RBC*: Training for trade unions (organized by the ILO-ITC with the participation of other IOs) (Nov. 2020). At this occasion, **42 union representatives** (22 women and 20 men from 7 countries) were *trained in the labour dimensions of RBC and international frameworks and informed about activities for RBCLAC in 2021*.
- *Course on Investment, Sustainable Development and Recovery* (Aug-Sept 2020), organized by the ILO, together with World Association of Investment Promotion Agencies (WAIPA), United Nations Industrial Development Organization (UNIDO) and United Nations Conference on Trade and Development (UNCTAD). **37 Government officials** (including representatives from target countries) were trained in investment, sustainable development, and recovery.
- *Regional Course about COVID and the response and the disproportional effect of the crisis for women and children, (Oct 2020) (ILO)*. In this case, 24 Participants including **workers organizations** (13) and **business representatives** (11) from 8 target countries. This course for workers and business representatives was considered an *innovation*, as it was aiming to create awareness and generate practical *joint action between workers and business representatives*. Participants reported to have increased their capacity in terms of joint practical responses to the COVID 19 crisis in the region, on equal opportunities in the workplace, as well as an increased their awareness of the disproportionate impact the pandemic on women and children.

As mentioned previously, interviewees who were participants in the ILO trainings are highly appreciative of these trainings and the opportunities to learn from experiences and good practices of others, including across the target countries. Evaluations of such trainings were systematically undertaken at the end of such events through questionnaires. The ET notes the relatively high numbers of women in these events.

### Regional Mappings and the Creation of Platforms

In terms of generation and sharing of knowledge, the ILO RBCLAC project has assisted with the undertaking of **two mappings** in the region. While, as mentioned previously, the project initially also foresaw the mapping of two value chains in the region, in view of a review of challenges and opportunities this objective was modified during the project and replaced by the objective of generating **7 knowledge tools** to share knowledge on the labour dimension of RBC.

As moment of undertaking of the MTE, the following regional mappings have been produced:

- Regional mapping of the experiences of trade unions with the labour dimension of RBC (2020). This includes a consolidation of experiences and main projects in which regional/local employers' organizations have addressed the labour dimensions of RBC<sup>70</sup>. This study was subsequently presented to the training course for the mentioned **trade unions**.
- Regional mapping of norms, resources, and initiatives of employers regarding the labour dimension of RBC. This includes a consolidation of experiences and main projects in which regional/local

---

<sup>70</sup> See Annex 4 in the Second Annual report to the JSC.

employers' organizations have addressed the labour dimensions of RBC which was also presented during the regional training for trade unions.

In addition, 2 virtual platforms have been created by the Project:

- The Virtual Platform on RBC for Employers. This platform provides overall guidance on the international instruments underpinning RBC, and practical resources and good practices on issues such as the fundamental principles and rights at work, gender, indigenous peoples, occupational health and safety, and wages, among other labour-related topics.<sup>71</sup> The Guide for Employers on the labour dimension of RBC was launched in 2020, as an interactive tool.
- Virtual Platform for the RBCLAC Fund. The RBCLAC Fund platform was developed by the ILO for the reception of the proposals, their assessment and awards, as well as for administration and follow up of the RBCLAC Fund on the implementation of the project by the awardees.
- Virtual platform for training SMEs on CSR issues and how this has an incidence in their participation on international markets.<sup>72</sup>

### RBCLAC Fund

One of the components of the ILO's part in the RBCLAC project was the management and administration of the RBCLAC Fund. The Fund is intended to provide a competition opportunity to generate proposals amongst stakeholders. The Fund would provide three grants (US\$85.000-100.000 each) for selected initiatives that contribute to the promotion and implementation of responsible business. Staff reported that the administration and management of this initiative has implied a much heavier workload than was anticipated for the ILO RBCLAC team than originally foreseen, including the creation of a virtual platform for this purpose.

The calls for proposals generated a great response as the project received 226 proposals, following the launch of the first call for proposals in March 2020 (from NGOs, workers' and employers' organizations, academia, national and local governments, among others). The three winners of the first call were presented by the ILO Regional Director of the ILO (fall 2020) during the regional forum and included the *Business and Human Rights Resource Centre*; the *Ideas para la Paz Foundation (FIP) of Colombia*; and the *German- Colombian Chamber of Commerce/Holland House Colombia*.

Some stakeholders mentioned that the RBCLAC Fund has created high expectations in the countries, and some have expressed their subsequent disappointment about the limited funding that was made available for the constituents per country, while others reported to the ET that they had not been aware of this fund at the time it was launched.

At the moment of the MTE, the second and final call for proposals was in the closing stage<sup>73</sup>, with three final proposals to be selected. The ILO RBCLAC project provided guidelines to first three grantees, in terms of expected results, outputs, reports and visibility products, including in some cases

---

<sup>71</sup> [www.guiaempleadores.org](http://www.guiaempleadores.org)

<sup>72</sup> Flyer: *International labour standards in global supply-chains, How to comply with these standards, and to be more competitive and sustainable* (In Spanish). Training Module of the ILO for SMEs, and other enterprises, 1-21 October, 2020.

<sup>73</sup> Following an evaluation of the experience with the first round, and in view of the limited time remaining, it was decided to combine the remaining funds into one call for proposals in 2021.

recommendations and lessons learned. No final reports were yet available to the ET. The annual reports included some preliminary results from the three initiatives however the MTE has not received any information regarding the evaluation of these initiatives. A full analysis is therefore outside of the scope of this evaluation.

### *ILO RBCLAC activities at national levels*

- ***Contribution of the ILO to the development processes related to NAPs***

An important finding from this MTE is that the level of complexity of the elaboration processes of National Action Plans on business and human rights can vary widely, per country and dependent on the timing of engagement and specific context. Interviews with stakeholders have made it clear that such processes are not linear: The level of participation of different constituents may vary; some may have been involved from the beginning or they may need to be brought on board (**Panama**). The respective (potential) needs for technical support/assistance and accompaniment from the ILO may thus also vary widely according to the national context, and the chosen process.

While in some countries there is clear leadership from a particular Government institution (**Ecuador, Panama, Peru, Chile, Colombia**) in others such leadership or coordination with other Ministries is not evident (**Argentina, Brazil, Mexico**). Participation levels and numbers of stakeholders participating in the process may vary widely: some processes involve a limited number of stakeholders in the process (**Panama**). In other countries there is significant involvement of multiple Government agencies (**Colombia, Ecuador**); Some countries have multi-stakeholder bodies/working groups (**Ecuador**), others have established thematic working groups for the study of a specific topic /baseline/ action line (**Peru**). Also, in **Peru**, the multi stakeholder roundtable involved in the NAP consultation process, has counted with the participation of over a hundred participants from different sector of society, which has implied an enormous leadership effort by the Ministry of Justice and Human Rights.( see Peru Case study for more details)

Grosso modo, **the ILO RBCLAC project staff has contributed to these diverse processes in varying ways**. Although the exact contribution of the ILO project has not always led to tangible/ measurable results as these actions are often of a more qualitative character, the ILO project has contributed to the overall project in the following way:

- **Advocacy:** In some countries, following elections, political changes and institutional shifts have occurred. During the implementation of the project, multiple shuffles in some national cabinets or leading Ministries, resulted at times in the loss of valuable ILO RBCLAC counterparts. This has at times resulted in steps backwards and/or delays in the development of relevant policies and/or a NAP. New officials or staff at times required the need for investing time in bringing people up to speed with the project, forcing the project ILO RBCLAC Team and the ILO to step up their advocacy efforts, which, according to key stakeholders, has taken up a significant amount of dedicated project staff's time. (f.i., **Argentina, Brazil, Panama, Peru**).
- **Financial support:** In the context of support to national processes, the ILO has funded multiple baseline studies, thematic studies, and assessments, which in turn have contributed to the definition of action lines in NAPs. For instance, in **Peru**, the ILO contributed to the financing of six out of the 24 thematic baseline studies that were undertaken. In **Mexico**, the ILO funded an external consultant



to undertake a mapping of good practices and recommendations of employers, and their role in the future development of a NAP.

- **Technical support:** In several cases, the ILO RBCLAC Project has facilitated/provided technical support to Ministries. For instance, **Argentina** received support for the elaboration of a roadmap in 2019; in **Chile**, technical meetings with the Government and employers' organizations were organized to develop strategies for the dialogue related to the development of review of the NAP. In **Colombia**, the ILO supported workers' and employers' organizations regarding their inputs for the draft NAP (2020).). In **Panama**, the Ministry of Labour (MITRADEL) received TA from the ILO for a *Protocol for the Prevention of Violence in the workplace*. Stakeholders who were interviewed across the different countries have underlined the importance of this technical support from the ILO.
- **Facilitating dialogue between actors:** the ILO has facilitated dialogue between multiple actors for instance in **Argentina (2019), Chile, Colombia, Costa Rica, Panama, Peru**). In the case of Costa Rica, this was related specifically to the just transition to a green economy.
- ***Building of the capacity of national actors on issues related to the labour dimension of RBC.***

As previously mentioned, multiple regional trainings have been organized by the three IOs, jointly, separately or in collaboration with other institutions, with an opportunity to participate for tripartite actors from the different countries.

Additionally, at the national levels, trainings have been organized for representatives from each target country. This includes joint trainings with other IOs, as well as individually organized sessions by the ILO, to strengthen capacities and knowledge in participants about international standards that are relevant for the labour dimension of RBC. Such training sessions have included training for Government representatives, representatives from employers' sectors and from SMEs.

ILO has also provided training on specific issues related to the labour dimension of RBC, based on specific ILS instruments. For example: In **Argentina (on C190)** the ILO participated in a series of webinars and training workshops with the Argentinean Business Council for Sustainable Development (CEADS) on the relation between Human Rights and DW as well as the adoption and implementation of ILO Convention 190 on the elimination of violence and harassment in the world of work. Another example of such training was the online tripartite ILO ToT course in **Chile** related to **C187**, directed to the participants of the Labour Roundtable on Occupational Health and Safety for the ports sector. Participants included officers from the labour inspectorate, Union leaders, employers' representatives (CAMPORT) and members of the OSH institutions. In **Colombia**, OHCHR coordinated with the Ministry of Mines and Energy about the implementation of **C169** related to the participation of indigenous populations. ILO organized a training for the national petroleum company ECOPETROL on ILS.

#### *Selected Examples of Training for ILO constituents*

1. *Training for representatives of Governments:* For instance, in **Ecuador**, staff of the **Ministry of Labour**, was trained in the SCORE methodology, and the Office of the Attorney General received

training on the State's responsibilities in issues of human rights); in **Mexico** (Ministry of Labour); and in **Panama** (Ministry of Labour) have received training on the labour dimension of RBC in 2020.

2. Training for representatives from of the employers' sectors about the labour dimension of RBC (**Argentina, Brazil, Colombia, Mexico, Panama**). In Panama, the ILO RBCLAC project trained representatives of employers' organizations about gender equality.
3. Capacity building in representatives of central trade unions included training about the labour dimension of RBC in **Chile** (2019). In **Mexico**, representatives of two of the unions' confederations participated in a regional course on the same issue. In addition, two national trade unions received training in **Panama** (2019). In **Peru**, trade unions received training from the ILO in ILS as well as on their participation in the NAP process.

As stated earlier, SMEs have been identified by some key stakeholders as a category of enterprises that would benefit from training on RBC. Therefore, ILO training under the project has also targeted this sector. Training for SMEs on the labour dimension of RBC has been undertaken in multiple countries including **Colombia and Ecuador**. One of the three finalist of the first calls for proposals under the RBCLAC Fund was dedicated to the training and certification of SMEs in Colombia, Ecuador, and Panama in RBC practices.<sup>74</sup>

In addition, in several countries, Training of Trainer (ToT) training was provided in the SCORE methodology (**Colombia, Ecuador**). For instance, a two-day session was held in **Colombia** on ILS in Global Supply Chains, for trainers in the SCORE methodology, and directed to SMEs. The session, held in Bucaramanga, Colombia had participants from labour consultants and officials from the Ministry of Labour). In November of 2020, the RBCLAC Project, together with the ILO SCORE Program trained three groups of **Ecuadorian** SMEs on social corporate responsibility including the pressing needs from the pandemic, relevant issues were included in the training.

When the pandemic's multiple consequences became more evident during 2020, the ILO project also engaged in multiple trainings at national levels, on different aspects related to the labour dimension of RBC in the context of COVID 19 (for instance, **Brazil and Colombia**).

### **Translation of training materials and the elaboration of national tools.**

The following are some illustrative examples of results from contributions of the ILO at national levels:

4. In **Brazil**, a course for SMEs about RBC, Decent Work and Value Chains was translated into Portuguese with funding from the ILO RBCLAC. This translation was important, as it will allow for the organization of a course in Portuguese, which will be undertaken in 2021 with the assistance of ILO/ITC.
5. In the case of **Mexico**, the online ILO self-assessment tool for employers was adapted for use at the national level with the support from the ILO, including national legislation. Based on the adaptation 90 labour counsellors were trained.

---

<sup>74</sup> Project for the training and certification of SMEs in Colombia, Ecuador, and Panama in RBC practices, implemented by CERPME,

6. In **Panama**, CONEP, the National Council of Private Enterprises (*Consejo Nacional de Empresa Privada* -CONEP), in collaboration with the ILO, co-organised a workshop for representatives of the employer's sector about the management of entrepreneurial diversity in the context of creating gender equity in the workplace. The workshop trained 26 representatives from the business sector, allowing for a presentation of tools to help companies with the implementation of relevant gender sensitive policies. CONEP also has developed a webtool for employers, with support from the ILO, which includes Good Practices of Multinationals in the area of **gender equality**. In addition, CONEP has expressed an interest in continuing with training in this area, as well as in other RBC related subjects.

## ANNEX 4: List of Documents Reviewed and cited

### ILO Policy Guidance ( Including COVID -19 Guidance)

1. *ILO Tripartite Declaration of Multinational Enterprises and Social Policy*. (5th edition, 2017 (PDF). [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy \(MNE Declaration\) - 5th Edition \(2017\) \(ENTERPRISES\) \(ilo.org\)](#)
2. *Policy brief: Restructuring for recovery and resilience in response to the COVID-19 crisis*. [Policy brief: Restructuring for recovery and resilience in response to the COVID-19 crisis \(ilo.org\)](#) (PDF)
3. *The MNE Declaration, What is in it for trade unions? Your guide to the MNE Declaration 2017*. ILO Bureau for Workers ACTRAV, ILO Geneva, 2017. [wcms\\_647984.pdf \(ilo.org\)](#)
4. *COVID-19: Que papel deben asumir las organizaciones de trabajadores? Recomendación 205, sobre el empleo y el trabajo decente para la paz y la resiliencia*. ACTRAV.
5. [COVID-19: An employer's guide on managing your workplace during COVID-19 \(ilo.org\)](#)
6. [Country policy responses \(COVID-19 and the world of work\) \(ilo.org\)](#)
7. *Family -Friendly policies and other Good Workplace practices in the Context of COVID-19: Key steps employers can take*. ILO, Interim recommendations, March 2020.

### ILO Regional - Reports for LAC region

8. *Multinational Enterprises, Development and Decent Work, Report on the promotion and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in the Americas*, 2018, 19<sup>th</sup> American Regional meeting. [Multinational enterprises, development and decent work - Asia and the Pacific \(ilo.org\)](#)
9. *Regional Initiative: Latin America and the Caribbean free of Child Labour*. [The Latin America and the Caribbean Free of Child Labour Regional Initiative \(ilo.org\)](#)
10. *Igualdad de géneros, Fuentes de información OIT*, Red Regional de Bibliotecas OIT para América Latina y el Caribe, Serie Bibliografías Temáticas Digitales, (actualización marzo 2017).
11. *Panama Declaration for the ILO Centenary: the future of work in the Americas*, 2018. [Conclusions of the 19th American Regional Meeting: Panama Declaration for the ILO Centenary: The future of work in the Americas](#)

### OHCHR Guidelines relevant for RBC

12. *The United Nations Guiding Principles on Business and Human Rights*. [Introduction to the UN Guiding Principles on Business & Human Rights \(business-humanrights.org\)](#)

### ILO Evaluation Guidelines, Terms of Reference, and Other Relevant Evaluation-related documents

13. ILO Evaluation Office, *ToR Internal Mid Term Evaluation Responsible Business Conduct in Latin America, and the Caribbean (March 2021)*
14. ILO Evaluation Office, *ILO Policy Guidelines for Evaluation - Principles, rationale, planning and managing for evaluations - i-eval resources - 3<sup>rd</sup> Edition*.
15. ILO Evaluation Office, *ILO Code of Conduct: Agreement for Evaluators - Updated October 2018*
16. *Evaluation Planning Matrix Template*
17. ILO Evaluation Office, *Checklist 3 - Writing the Inception Report*
18. ILO Evaluation Office, *Checklist 4 – Validating methodologies*
19. ILO Evaluation Office, *Checklist 5 - Preparing the Evaluation report*

20. ILO Eval Office, *Implications of COVID-19 on evaluations in the ILO, An internal guide on adapting to the situation*. March 25, 2020.
21. ILO ENTERPRISES Department, *Restructuring for recovery and resilience in response to the COVID-19 crisis*, 2020.

#### **RBCLAC: Project-specific documentation:**

22. RBCLAC website: [Responsible Business Conduct in Latin America and the Caribbean \(ilo.org\)](https://www.ilo.org/rbclac)
23. Project Brochure. [Flyer Project RBCLAC \(ilo.org\)](https://www.ilo.org/rbclac)
24. *Responsible Business Key messages from International Instruments* (PDF, 2019): [Responsible Business Key messages from International Instruments \(ilo.org\)](https://www.ilo.org/rbclac)
25. *Joint Statement: Joining forces in Latin America and the Caribbean to help minimize the Corona Virus (COVID-19 crisis) and foster responsible and sustainable business*.
26. Compiled Project Agreement (includes Annex I – Description of the action, Narrative overview ILO activities and Annex III RBC LAC OHCR and ILO Consolidated Activity based budget)
27. RBCLAC Project Inception Report + annexes
28. Reports 2019 (includes RBCLAC 1st. Interim Narrative Report 2019, Joint ILO-OHCHR Template Reporting Indicators)
29. Project report 2020 (Final draft)
30. Project Budget (Feb 2021)
31. ILO specific indicators 2019- 2021.
32. Summary report and annexes (2nd Joint Steering Committee)
33. Flyer: *International labour standards in global supply-chains, How to comply with these standards, and to be more competitive and sustainable* (In Spanish). Training Module of the ILO for SMEs, and other enterprises, 1-21 October, 2020.

#### **OECD**

34. *OECD Guidelines for Multinational Enterprises*. [Guidelines for multinational enterprises - OECD](https://www.oecd.org/dai/guidelines-for-multinational-enterprises/)
35. *OECD Due Diligence Guidance for Responsible Business Conduct* (2018). [OECD Due Diligence Guidance for Responsible Business Conduct - OECD](https://www.oecd.org/dai/guidance-for-responsible-business-conduct/)
36. *Note: COVID-19 and Responsible Business Conduct*, OECD Centre for Responsible Business Conduct (2020). [COVID-19 and responsible business conduct \(oecd.org\)](https://www.oecd.org/dai/covid-19/responsible-business-conduct/)
37. “Better Criteria for Better Evaluation; Revised Evaluation Criteria Definitions and Principles for Use”, OECD, December 2019. [revised-evaluation-criteria-dec-2019.pdf \(oecd.org\)](https://www.oecd.org/dai/better-criteria-for-better-evaluation-revised-evaluation-criteria-definitions-and-principles-for-use/)
38. “COVID-19 and Responsible Business Conduct”, OECD. Updated December 2020. [https://read.oecd-ilibrary.org/view/?ref=129\\_129904-k3xp17fqbl&title=COVID-19-in-Latin-America-and-the-Caribbean-Regional-socio-economic-implications-and-policy-priorities](https://read.oecd-ilibrary.org/view/?ref=129_129904-k3xp17fqbl&title=COVID-19-in-Latin-America-and-the-Caribbean-Regional-socio-economic-implications-and-policy-priorities)
39. Blog: “Latin America and the Caribbean in times of COVID-19: Preventing the Vulnerable from falling behind”, OECD, March 2020. <https://oecd-development-matters.org/2020/03/31/latin-america-and-the-caribbean-in-the-time-of-covid-19-preventing-the-vulnerable-from-falling-behind/>
40. OECD: *COVID-19 in Latin America and the Caribbean: Regional socio-economic implications and policy priorities*, December 2020.

#### **Economic Commission for Latin America (ECLAC)**

41. "Sectors and Businesses facing COVID-19 emergency and reactivation" ECLAC, July 2020. [Sectors and businesses facing COVID-19: Emergency and reactivation | Publication | Economic Commission for Latin America and the Caribbean \(cepal.org\)](#)

#### **EU**

42. *Study on Due Diligence requirements through the supply chain, Final Report*. European Commission. First edition. January 2020.

#### **Other Documentation related to the COVID-19 crisis in the LAC region**

43. [PAHO outlines COVID-19 vaccine rollout for Latin America and the Caribbean | Devex](#), 3<sup>rd</sup> of March 2021.

#### **UN Global Compact**

44. *The Ten Principles*. UN Global Compact. [The Ten Principles | UN Global Compact](#).

## ANNEX 5: List of Persons Interviewed

Name	Institution, DG/Department, title	Role in the project	Location/Country
Project team			
Olga Orozco	ILO, Regional Office, Lima	Project manager	Medellin
Nicolas Torres	ILO, DTW/CO Santiago, Chile	National Officer	Santiago
Catalina Muñoz	ILO, DWT/CO, San José, Costa Rica	National Officer	San José
Project backstopping, HQ			
Githa Roelans	ILO, MultinationalEnterprises Unit, Unit Head, Geneva	Overall strategic guidance	Geneva
Annie van Klaveren	ILO, MultinationalEnterprises Unit, Specialist, Geneva	Technical backstopping	Geneva
Project partners, ILO			
Amanda Villatoro	ILO, Bureau for Activities with Workers (ACTRAV), Senior Specialist, <b>Geneva</b>	Focal point for activities with workers	Geneva
Andres Yuren	ILO, Bureau for Activities with Employers (ACTEMP), Regional Specialist	Focal point for activities with employers	Geneva
Implementing partners			
Costanzo Fisogni	EU, EEAS, <b>Brasilia</b>	Programme manager, EU	Brasilia
Alexia Ghyoot	Project Manager, OHCHR, Geneva	Programme manager, OHCHR	Geneva
Luis Rodriguez- Pinero	OHCHR, Geneva	OHCHR	
Froukje Boele	Project Manager, OECD, <b>Paris</b>	Programme manager, OECD	Paris
German Zarama	OECD, Focal Point LAC		
National stakeholders			
Matías Rodríguez	Ministry of Justice and Human Rights, NAP Responsible Officer, <b>Chile</b>	Government representative/ beneficiary	Santiago
Marcela Paiva	Ministry of Foreign Affairs, OECD NCP, <b>Chile</b>	Government Representative /beneficiary	Santiago
Magdalena Castillo	CAT <b>Chile</b>	Workers' representative/ beneficiary	Santiago
Daniel Sánchez	Ministry of Justice and Human Rights, Vice-Minister of Human Rights and Access to Justice <b>Peru</b>	Government representative/ beneficiary	Lima
José Luis Altamiza Nieto	National Confederation of Private Entrepreneurial Institutions (CONFIEP), Head of Regions and Relations with SMEs, <b>Peru</b>	Employer sector representative /beneficiary	Lima
María Camila Aqudelo	National Association of Entrepreneurs	Employer sector	Colombia

Name	Institution, DG/Department, title	Role in the project	Location/Country
	of Colombia (ANDI), Vicepresidencia Jurídica, Abogada, <b>Colombia</b>	representative /beneficiary	
Nicolás Mayorga	Presidency, Presidential Advisor for Human Rights Coordinator of the Area for Enterprises and Human Rights, <b>Colombia</b>	Government representative/beneficiary	Colombia
Diego Gonzalez	Global Compact Network Colombia, Senior Professional, <b>Colombia</b>		Colombia
Esmirna Sánchez María de los Ángeles Chinchilla	Labour Ministry, National Director on Social Security, <b>Costa Rica</b>	Government representative/beneficiary	Costa Rica
Jorge Araya	UCCAEP, Executive Sub Director, <b>Costa Rica</b>	Employer sector representative /beneficiary	Costa Rica
Verónica Aguilar, with technical team	Ministry of Foreign Affairs and Human Mobility, Vice Secretary for multilateral Relations, Director of Human Rights and Peace, <b>Ecuador</b>	Government representative/beneficiary	Ecuador
Dulce María García Mejía, with technical team	Vice ministry of Exterior Commerce, Director of Negotiations on Public Procurement, and Intellectual Property, Ecuador	Government representative/beneficiary	Ecuador
Noelia Caro	CCIJ, Director, Mexico	Employer sector representative /beneficiary	México
Claudia Ochoa	Competitividad Laboral, Coordinator, <b>Mexico</b>	Employer sector representative /beneficiary	México
Analisa Montenegro	CONEP, Executive Director, <b>Panama</b>	Employer sector representative /beneficiary	Panama
Bredio Mitre, with multiple members of departments and technical teams (Gender, Child Labour)	Labour Ministry, International Relations, Director of the Office of International Technical Cooperation, <b>Panama</b>	Government representative/beneficiary	Panama
Licenciada Oderay Montoya, with member of technical team	Social Worker of the Directorate against Child Labour and the protection of Adolescent Workers		
María José Alzari	CEADS, labour specialist, <b>Argentina</b>	Employers' representative/beneficiary	Argentina
Nicolo Giangrande	U:VERSE, Coordinator of the Cátedra Barão do Rio Branco, <b>Brazil</b>	Academia, civil society/beneficiary	Brazil



## ANNEX 6: Approaches and mandates of Implementing Agencies under the RBCLAC Project

<b><i>ILO approach:</i></b> Focusing on strengthening respect for labour rights in the context of National Action Plans on Business and Human Rights, or similar frameworks, promoting social dialogue, and facilitating the sharing of good practices on the labour dimension of RBC.		
<b>Component I</b>	Aims at supporting the development and implementation of NAPs on BHR, ILO's focus is on effectively and meaningfully <b>involving ILO's tripartite constituents</b> , namely employers' and workers' organizations, as well as Ministries of Labour.	<ul style="list-style-type: none"> <li>- Technical meetings</li> <li>- Seminars</li> <li>- Trainings</li> </ul>
<b>Component II</b>	<b>Enhancing stakeholders' capacity skills</b> (mainly enterprises) to understand & implement due diligence processes, with an emphasis on <b>social dialogue</b> as a means of prevention.	<ul style="list-style-type: none"> <li>- Developing knowledge products</li> </ul>
<b>Component III</b>	<b>Management of a fund</b> to achieve the following in the 9 countries: <ol style="list-style-type: none"> <li>1) Facilitate collaboration among RBC initiatives.</li> <li>2) Facilitate the development of projects conceived and executed by third parties (companies, employers' organizations, CSO, public bodies and others).</li> </ol>	<ul style="list-style-type: none"> <li>- Development of TORs for RBCLAC Fund.</li> <li>- Calls for Proposals (Initially 3 rounds).</li> <li>- Administration and follow up on approved proposals.</li> </ul>
<b><i>OECD Approach:</i></b> The OECD action is based on its mandate and guidance, (including the <i>OECD Guidelines for Multinational Enterprises</i> , which include recommendations from Governments to businesses on RBC. This includes UNGPs and ILO fundamental conventions), and guidance on due diligence in specific <i>sectors</i> (minerals, extractive industries, garment, and footwear, as well as general Due Diligence Guidance for RBC applicable to all sectors of the economy (2018).		
<b>Pillar I</b>	Strengthening Government policies for RBC (enabling environment)	<ul style="list-style-type: none"> <li>- Collaborate with governments in development of coherent policy framework for RBC, so Governments will meet their duty to protect the public interest from potential negative impact of businesses:</li> </ul> <p>Specifically:</p> <ul style="list-style-type: none"> <li>- Drafting of <b>RBC Policy Reviews</b> for consolidation and implementation of a strong RBC framework. (Inter-ministerial WG)</li> <li>- <b>Analyze</b> national policy, regulatory and legislative frameworks.</li> </ul>
<b>Pillar II</b>	Helping business to conduct due diligence in priority sectors	<ul style="list-style-type: none"> <li>- With a focus on <b>specific sectors</b>, increase capacity on due diligence processes.</li> </ul> <p>Specifically:</p>

		<ul style="list-style-type: none"> <li>- Regional diagnostics (identify risks and trends)</li> <li>- Based on diagnostics, develop particular regional capacity building</li> </ul>
<b>Pillar III</b>	Reinforcing NCPs (especially in their role in the implementation of NAPs on BHR)	<ul style="list-style-type: none"> <li>- Strengthening capacity of NCPs which act as non-judicial avenues for access to remedy and resolution of disputes related to company behaviour.</li> </ul> <p><i>Specifically:</i></p> <ul style="list-style-type: none"> <li>- Develop <b>NCP Needs assessment</b> in 7 countries with NCP.</li> <li>- Development of <b>individual roadmaps of future capacity building activities for each NCP (2020-2022)</b></li> </ul>
	At Regional level: a regional network of NCPs has been created.	<ul style="list-style-type: none"> <li>- Setting up peer learning activities for NCPs</li> </ul>
<p><b><u>UN OHCHR Approach:</u></b> In fulfilment of its role of leading business and human rights agenda within the UN system, and promoting the dissemination and implementation of UNGPs (United Nations Guiding Principles on Business and Human Rights), is mandated to do the following: promote effective implementation of UNGPs; identify exchange and promote Good Practices and Lessons Learned in its implementation; provide support for efforts to promote capacity building and the use of UNGPs. Under the project, OCHR is to provide advice, tools, and guidance to a wide range of stakeholders: States, NHRIs, CSO, affected community members, including indigenous peoples, and the business sector.</p>		
<b>Component I</b>	OHCHR and UNWG support Governments in the development and implementation of NAPs and RBC-related policies, through an inclusive governance	<ul style="list-style-type: none"> <li>- <b>Capacity building on UNGPs, BHR related standards and NAPs</b>, for: NHRIs, CSOs, affected communities' members (including indigenous peoples; business sector – business associations and business enterprises; academia and trade unions.</li> </ul>
<b>Component II</b>	Enhancing the understanding of HR due diligence of key actors (in particular enterprises)	<ul style="list-style-type: none"> <li>- Develop training and capacity building materials on HR, due diligence and grievances and remediation.</li> <li>- Workshops, addressed to businesses and CSO, including sharing of Good Practices and peer-to-peer learning.</li> </ul>
<b>Component III</b>	Promotion of Best Practice on Responsible Business Conduct (RBC)	<ul style="list-style-type: none"> <li>- Annual regional gathering of key interested parties. (Regional Consultation on Business &amp; Human Rights), to take stock of efforts, share Best Practices and Lessons Learned on implementation of UNGPs.</li> <li>- Sharing experiences and Good Practices also shared during annual UN Forum on Business &amp; HR (OHCHR and UNWG – Geneva).</li> </ul>

*Own elaboration based on narrative in the Project's First Interim report (2019).*

## ANNEX 7: ILO planned interventions by country

### Component 1: *Technical assistance for developing/implementing the NAPs*

**1.1. Regional level:** Activities at the regional level are proposed to foster an enabling environment for RBC in order to promote the establishment and implementation of NAPs. These include a regional training course on “Multinational enterprises, development and decent work: responsible business conduct, instruments and practice”, and a training course on “Investment facilitation and sustainable development” for investment promotion agencies. This will be supported by the development or regional adaptation of a series of regional tools addressing regional priorities, such as indigenous peoples, migrant workers, and access to remedy.

It is worth noting that the proposed trainings and activities will be based on existing courses and ongoing capacity building activities carried out by the ILO, in collaboration with its International Training Centre, and adapted to address issues that are of regional priority and relevance.

**1.2. National level:** The activities proposed for each target country have been decided in consultation with ILO’s field offices to ensure relevance, ownership and sustainability beyond the project cycle. While regional priorities are relevant to the aims of the proposed national activities, the activities proposed here are tailored to address the specific priorities, needs and challenges identified in each country. They build on current ILO engagement, and synergies have been identified for greater impact. A series of training workshops are proposed in the 8 countries for employers’ organizations and for workers’ organizations, to engage effectively in the establishment and implementation of the NAP, acknowledging the key role of social dialogue and the social partners in such a process. The national activities aim to increase the capacity of workers’ and employers’ organizations to participate in the development and effective implementation of NAPs.

- **Brazil:** activities proposed seek to build the capacity of governments, workers’ and employers’ organizations to engage in the development of a NAP, with a focus on improving working conditions and productivity among SMEs (garment sector), strengthening local capacity to realize the Fundamental Principles and Rights at Work, eradication of child labour, and integration of migrant workers into the labour market. Activities to build the capacity of constituents on business and human rights will include training and seminars on international labour standards, key international instruments and policy frameworks.
- **Chile:** activities aim at strengthening the capacity of governments, workers’ and employers’ organizations to implement the NAP. A particular focus is given to the implementation of international labour standards on Occupational Safety and Health (OSH) and indigenous peoples, strengthening mechanisms for the eradication of child labour (agriculture, and garment sectors), realizing collective rights of migrant workers, and strengthening social dialogue through a series of training workshops for workers’ and employers’ organizations to effectively engage in the implementation of the NAP.
- **Colombia:** activities are proposed to strengthen the capacity of governments, workers’ and employers’ organizations to implement the NAP, with a focus on indigenous peoples, child labour, strengthening social dialogue and improving working conditions and productivity among SMEs, building on the SCORE project (extractive sector, the manufacturing sector - particularly garment,

textile- and floriculture) which assists governments, industry associations and trade unions to develop export and domestic industrial sectors, with a particular focus on competitiveness and decent work in small and medium enterprises (SMEs).

- **Costa Rica:** proposed activities will build the capacity of governments, workers' and employers' organizations to engage in the development of a NAP with a focus on raising awareness on RBC practices, child labour and migrant workers. The establishment of an inter- ministerial working group under the coordination of the Ministry of Foreign Trade (COMEX) is proposed to facilitate efforts towards developing a NAP. Activities will facilitate inclusive dialogue to validate and implement the NAP and strengthen the capacity of government and employers' and workers' organizations on international labour standards, policy frameworks and key instruments on business and human rights.
- **Ecuador:** activities to be conducted in Ecuador aim at creating an enabling environment for responsible business conduct and strengthening the capacity of governments, workers' and employers' organizations to engage in the development of a NAP. Activities will focus on improving working conditions and productivity among SMEs, child labour and strengthening social dialogue through capacity building activities aimed at employers' and workers' organizations.
- **Mexico:** the proposed activities seek to strengthen the capacity of governments, workers' and employers' organizations to engage in the development of a NAP, with a focus on raising awareness on RBC practices in priority sectors (likely agriculture, food processing and mining). Activities will have a focus on building from ongoing work towards the eradication of child labour in the most affected zones in Mexico, and raising awareness of international labour standards in Special Economic Zones.
- **Panama:** proposed activities aim to strengthen the capacity of governments, workers' and employers' organizations to engage in the development of a NAP, with an emphasis on raising awareness on the concept of RBC, and facilitating "whole-of-government" approach. This entails the establishment of an inter-ministerial working group, led by the Ministry of Foreign Affairs, to spearhead the development of a NAP. Training is proposed to increase the knowledge of government and employers' and workers' organizations on business and human rights, the integration of migrant workers into the labour market, and the sustained eradication of child labour.
- **Peru:** activities will be conducted to facilitate the inclusion of business and human rights issues in the NAP, and strengthen the capacity of governments, workers' and employers' organizations to engage in its development.

**Component 2:** Enhance stakeholder's skills (mainly enterprises) to understand and implement due diligence processes as a tool to identify, prevent and decrease the occurrence of risks and diminish businesses adverse impacts on environmental and social issues.

**2.1 Regional level:** A series of activities are proposed to build the capacity of national stakeholders to promote and conduct due diligence processes. They include a training course on “International Labour Standards and Corporate Social Responsibility: Understanding workers’ rights in the framework of due diligence”, the development of a regional training package on responsible business conduct for employers’ organizations, to be delivered as a Training of Trainers (ToT) and embedded in the service offering of the target employers’ organizations, and the development of a training package and course to build the capacity of workers’ organizations on the topic, followed by a series of seminars to build their capacity at the national level to engage in due diligence processes are proposed. Regional thematic activities are also proposed on the issues of indigenous peoples and migrant workers, in line with regional priorities.

**2.2. National level:** At the national level, tools will be developed to increase the capacity of companies to perform quality due diligence processes. This will include the documentation of due diligence practices at sectoral level, developing tools to guide businesses on conducting due diligence processes (in collaboration with national partners –universities and NGOs) and implementation of pilot programmes in two sectors.

- **Brazil:** proposed activities aim to increase national stakeholders’ understanding of due diligence through a training course on business and human rights, and a series of roundtable meetings with key business representatives and other experts. Activities also aim to strengthen the capacity of workers’ organizations to undertake due diligence processes, in the form of a toolkit for business on “Due Diligence in the context of workers’ rights” and a supporting Training of Trainers (TOT) national training delivery. Activities will focus in the garment and agriculture sectors.
- **Chile:** activities are proposed to document due diligence good practices applied to the monitoring of working conditions and labour rights in global supply chains in the retail sector. Outcomes of documented good practices may be published in a national study, which may be used as a basis for further engagement and dialogue among relevant stakeholders.
- **Costa Rica:** proposed activities aim to enhance companies’ understanding of due diligence, and strengthen their capacity to undertake due diligence processes. Company guidelines will be developed on business and human rights, and due diligence, and implemented through pilot programs in the agriculture (sugar cane and pineapples) and financial sectors.
- **Colombia, Peru and Ecuador:** activities are proposed to increase the understanding of due diligence and strengthen capacity to undertake due diligence processes. A training course will be developed to encourage social dialogue to advance the discussion on business and human rights at sectoral level between multi-partite representatives, with a focus on labour intensive sectors such as the extractive, agriculture and manufacturing sectors. A series of roundtable meetings on due diligence will also be conducted regularly with key business representatives and other experts.
- **Mexico:** the development of tools to increase the capacity of companies to perform quality due diligence processes is proposed. This entails identifying best due diligence practices in businesses and disseminating the acquired knowledge in selected sectors. Proposed activities also aim to strengthen the Ministry of Labour’s platform on OSH, with a focus on child labour, gender inequality, indigenous people's rights and other issues addressed by international labour standards.

- **Panama:** activities aim to increase understanding of due diligence through the development of due diligence guidelines for companies, to be delivered as TOT programs for businesses and training and advocacy materials for companies and other key stakeholders. Activities also aim to implement a pilot program to strengthen capacity to undertake due diligence processes in 2 sectors to be identified by government and workers' and employers' organizations.

**Component 3.** Facilitate through financial support, either under the form of grants or of punctual technical assistance, the development of joint initiatives that promote CSR/RBC practices to be implemented by Latin American and Caribbean and European companies

The third component will only be executed at the regional level. Activities are proposed to facilitate knowledge sharing and best practices exchanges to encourage the implementation of RBC practices by companies operating in the region. Two core activities are proposed, namely:

- I. A Regional Seminar for employers' organizations and relevant companies is proposed to encourage the exchange of best practices between Latin American and European Companies.
- II. The conduction of a regional "Multi-Latinas and European company's forum", with the aim of sharing good practices in an array of topics concerning good responsible business practices, such as social dialogue, eradication of child labour, and women's economic empowerment among others.

## ANNEX 8: List of ratifications of ILO Conventions by Country

### Ratifications of ILO Conventions

Most of the nine LAC countries have ratified the ILO's eight core Conventions and these are in force in all countries<sup>75</sup>. Brazil is the only exception with 7 ratifications, as it has not ratified C8g (related to Freedom of Association).<sup>76</sup>

In addition, the selected countries each have ratified multiple Governance conventions, as follows:

Country	C81 Labour Inspection Convention 1947	C122 Employment Policy Convention 1964	C129 Labour Inspection (Agriculture) Convention 1969	C144 Tripartite Consultation ILS Convention, 1976
Argentina	Y		Y	Y
Brazil	Y	Y		Y
Chile		Y		Y
Colombia	Y		Y	Y
Costa Rica	Y	Y	Y	Y
Ecuador	Y	Y		Y
Mexico				Y
Panama	Y	Y		Y
Peru	Y	Y		Y
<b>TOTAL</b>	<b>7</b>	<b>6</b>	<b>3</b>	<b>9</b>

Based on NORMLEX (Accessed on 16 February 2021)

In terms of the ratifications of ILO's technical conventions, current numbers are included in the next table, with **Brazil** in the lead with the highest number of ratifications (88) followed by **Mexico** (72) and **Argentina** (70).

Summary Overview - Ratification of ILO Conventions				
Country/ILO Convention	Eight Core Conventions	# ILO Governance Conventions	# Technical ILO Conventions (currently in force)	Most recent ratifications 2019-present) <sup>77</sup>
Argentina	Y	3	70	
Brazil		3	88	MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006) - 07 May 2020
Chile	Y	2	53	P029 - Protocol of 2014 to the Forced Labour Convention, 1930 - (19 Jan 2021)
Colombia	Y	3	41	C189 Domestic Workers Convention, 2011 (ratified in 2014)
Costa Rica	Y	4	50	C156 - Workers with Family Responsibilities Convention, 1981 (No. 156) - 11 Jul 2019

<sup>75</sup> Based on ILO NORMLEX Accessed on 18 February 2020).

<sup>76</sup> Based on ILO NORMLEX Accessed on 16 February 2021).

<sup>77</sup> Ratifications that have occurred during the period of implementation of the current project.

				P029 - Protocol of 2014 to the Forced Labour Convention, 1930 - 16 Nov 2020.
<b>Ecuador</b>	Y	3	50	C156 Workers with Family Responsibilities, 1981 (2013) C189 Domestic Workers Convention, 2011 (2013)
<b>Mexico</b>	Y	1	72	C189 - Domestic Workers Convention, 2011 (No. 189) - 03 Jul 2020.
<b>Panama</b>	Y	3	67	
<b>Peru</b>	Y	3	65	C183 Maternity Protection Convention, 2000 (2016) C 189 – Domestic Workers Convention, 2011 (2018)

Prepared by MTE - ET for RBCLAC, based on information from NORMLEX (accessed on 16 February 2021).

### Other relevant Conventions:

Country	Domestic Workers C189	Occupational Safety and Health C155	Indigenous and Tribal Peoples C169	Equal Remuneration C100
Argentina	2014	2014	2000	1956
Brazil	2018	1992	2002	1957
Chile	2015	--	2008	1971
Colombia	2014	--	1991	1963
Costa Rica	2014	--	1993	1960
Ecuador	2013	--	1998	1957
Mexico	--	1984	1990	1952
Panama	2015	--	--	1958
Peru	2018		1994	1960

Based on: RBCLAC project First Interim Report (2019)



## ANNEX 9: ILO Emerging Lessons Learned Template

### ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>The consolidation of RBC approaches and the (eventual) development of NAPs imply a complex, long-term process.</i>
<b>Context and any related preconditions</b>	<p>These consultation and development processes require the continued support and commitment of multiple stakeholders, including the Government, organizations of employers, workers' organizations, companies, and civil society.</p> <p>In addition, they require consultation between IOs as well as the tripartite constituents of the ILO, involving multiple departments of the ILO.</p> <p>Generating impacts in political, institutional, and social areas is complex, especially in countries in the LAC region where country contexts tend to present multiple and recurring challenges (political, institutional, lack of technical capacity, and in many cases, there is an absence of social dialogue, etc.).</p> <p>Moreover, for instance, in Brazil, multiple levels of governance (federalism) present additional challenges at the governance level.</p>
<b>Targeted users / Beneficiaries</b>	ILO, ILO (departments such as ACTRAV, ACTEMP, MULTI), RO, Cos, DWTs, ILO Constituents, EUD, IOs
<b>Challenges /negative lessons - Causal factors</b>	<p>The project has demonstrated the importance of allocating appropriate levels of resources (time and human, technical and financial resources), as such processes can in most contexts not be established in a limited period of time (such as within the duration of a lifespan of a programme/project).</p> <p>Time, and human and financial resources allocated for the RBCLAC project have proven to be insufficient to fully achieve the objectives of a NAP process in all countries.</p>
<b>Success / Positive Issues - Causal factors</b>	The high technical quality, commitment and flexibility of the ILO staff dedicated to the project has to a large extent contributed to the success of the project so far, however, at the longer term such a big workload would not be reasonable or sustainable.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	<p>The staff and resources allocated for the first stage of the project have proven to be to some extent insufficient.</p> <p>For the remaining implementation time for the project a prioritization will be necessary.</p> <p>If a second stage for the project is considered for the project, the required time and staff must be reconsidered based on this experience.</p>

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>In the absence of a common baseline across countries, different potential results across countries can be expected.</i>
<b>Context and any related preconditions</b>	At the outset of the Project, situations in the nine countries differed widely, and, therefore, the pace of implementation, achievement of intended results and factors driving the national process differ widely from one country to the next. There is thus no one fits all model of what works best.
<b>Targeted users / Beneficiaries</b>	ILO, ILO (departments such as ACTRAV, ACTEMP, MULTI), RO, COs, DWTs, ILO Constituents, EUD, IOs
<b>Challenges /negative lessons - Causal factors</b>	<p>In addition, changes in the conditions and contexts occurred which in some cases changed the baseline. For instance, changes in social context or political willingness: whereas an initial willingness to commit to a NAP existed in some countries, changes have occurred in the course of the years in some countries.</p> <p>In addition, the consequences of the ongoing COVID-19 pandemic, which has so far already severely affected LAC countries, is yet unknown and these will become more known in the next years. This may result in further far reaching economic and social consequences and may require further reviews of baselines (for instance in terms of informality etc.).</p>
<b>Success / Positive Issues - Causal factors</b>	<p>In other countries, where such pre-existing willingness was absent, such political willingness changed in a positive direction and countries are now committed to developing a NAP and or engaging in promoting RBC practices.</p> <p>The project has provided sufficient flexibility and adjusted its objectives, targets on the basis of the changes that have occurred ( for instances, taking into consideration that increased virtuality has led to reaching higher numbers of participants in online meetings and trainings etc.).</p> <p>Baselines may emerge, for instance in the case of Peru, where multiple baseline studies were undertaken as part of the national consultation process, such studies led to emerging knowledge, which in turn informed the development of the NAP. The extent of this body emerging knowledge could not be foreseen at the onset of the RBCLAC programme.</p>
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	The flexibility of the design has allowed for adjusting to some extent to such changing circumstances, tailoring activities to changing contexts, incorporating some activities that were not foreseen in the initial design.

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>Enabling environments are not a guarantee for lasting support from constituents to a NAP process.</i>
<b>Context and any related preconditions</b>	<p>At the start of the Project, there was an “enabling environment” in some countries, which favored the implementation of the project and which have catalyzed results in certain countries (<b>Chile, Colombia, Peru</b>).</p> <p>On the other hand, after the initial receptivity in <b>Argentina and Brazil</b>, following changes in Government, institutional leadership on this issue has remained absent, despite the interest and commitment in the employers’ sector to RBC.</p> <p>Such setbacks may need continued or increased monitoring and support from both the ILO RBCLAC project as well as from the ILO.</p>
<b>Targeted users / Beneficiaries</b>	ILO, ILO (departments such as ACTRAV, ACTEMP, MULTI), RO, COs, DWTs, ILO Constituents, EUD, IOs
<b>Challenges /negative lessons - Causal factors</b>	<p>Multi-stakeholder consultation processes can be challenging, as they involve reconciling differing and/or opposing views. Participants, including ILO constituents, may need to be accompanied through challenging conversations, in order to avoid a drop out through the process of consultation and/or implementation of a NAP.</p> <p>Political commitments may change in election outcomes and/or changes in leadership of Government/Ministries in charge of policies/consultation processes.</p> <p>National processes and institutional contexts for developing relevant NAPs or policies relevant to RBC have varied widely across countries and these are not static but may challenge over time.</p>
<b>Success / Positive Issues - Causal factors</b>	This means for a project such as the RBCLAC project that a continued engagement of the Project staff with the range of national actors is necessary, in order to be able to ensure a minimum level of (continued) engagement with RBC practices/development of policies and or practices throughout multiple Governments/Ministers, as well as considering how the changing contexts (economic, institutional, political contexts) may affect such processes/practices.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	Ideally, a minimum level of qualified RBCLAC Project staff structure should be considered to be allocated to the project for each country in order to be able to ensure such continued accompaniment from the ILO, with a higher level of staff (ILO-P4) for more challenging contexts ( such as Brazil).

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>Changes in national contexts may require a need to “prepare the grounds” or adjustment of the short-term objectives for the ILO Project.</i>
<b>Context and any related preconditions</b>	<p>In countries where the initial situation was less favorable (for example, <b>Panama</b>) the Project has had to “prepare the grounds” before the development of concrete activities could start.</p> <p>In the case of <b>Ecuador</b>, a less favorable initial context, with limited action foreseen, evolved in a favorable and accelerated manner, creating concrete opportunities for the project. Constituents have expressed a strong interest in an increased accompaniment from the ILO RBCLAC project for their national process and further activities.</p> <p>In <b>Argentina</b>, the initial engagement of the Government changed following elections, and additional work may be required to encourage future engagement of the Government.</p>
<b>Targeted users / Beneficiaries</b>	ILO, EUD
<b>Challenges /negative lessons - Causal factors</b>	In some countries, the longer term objectives of engaging in national processes, has not been possible, and instead the project’s contribution has been limited to targeted actions, for instance support a particular group of stakeholders, with shorter term objectives.
<b>Success / Positive Issues - Causal factors</b>	The flexibility of the Project has allowed for instance in Ecuador and Panama to engage with national stakeholders on specific activities with shorter-term objectives, in support of such processes.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	The ILO RBCLAC must be both proactive, as well as responsive to the changing needs of constituents and other stakeholders, and in view of changes in the political, social and economic contexts, which are beyond the control of the project.

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>There may be multiple pathways to promote of the labour dimension of the RBC agenda.</i>
<b>Context and any related preconditions</b>	<p>Elaboration a NAP on RBC and human rights has proven not to be the only way to achieve a action and a national agenda on the subject.</p> <p>For instance, in <b>Costa Rica</b>, despite a favorable context (A National Policy on Social Responsibility in place since 2017, an Interinstitutional Coordination Committee and a multi stakeholder platform) a solid commitment to the elaboration of a NAP on Business and Human Rights has yet to be formalized. However, there are many good examples of companies engaged in RBC practices in the country.</p> <p>In <b>Panama</b>, a National Policy on Social responsibility was initially developed without the participation of the Ministry of Labour. The Project was then able to bring on board other national stakeholders during the review process, to include RBC related aspects.</p>
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD
<b>Challenges /negative lessons - Causal factors</b>	Trying to “cover everything in one go” may potentially delay the adoption process of a NAP, as it may be difficult to achieve agreement between stakeholders about every single aspect that is covered by a NAP, and it may also result in potential difficulties with the allocation of sufficient resources for the actual implementation. This also constitutes a risk of stakeholders dropping out during the consultation or implementation process.
<b>Success / Positive Issues - Causal factors</b>	<p>As each country situation is so different, and processes are led by different national actors, individualized and flexible support from the project may need to be tailored/adjusted according to the respective national priorities, which may not include the elaboration of a NAP on Business and Human Rights.</p> <p>Engaging constituents and other stakeholders in RBC related activities that they consider a priority may be a way to ensure their immediate engagement (for instance engagement of employers on gender equality in Panama and Argentina, child labour in Colombia, or on informality and SMEs in Peru).</p>
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	It is important for the ILO/RBCLAC staff to engage with all constituents and other stakeholders at their level of interest/engagement and recognize and respond to their priorities and concerns. This includes engaging at national levels.

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>A lack of policy coherence may be reflected in a lack of institutional leadership and coordination at the country level, which may make it difficult to engage constituents and stakeholders in a national consultation on a NAP.</i>
<b>Context and any related preconditions</b>	<p>The baseline in each country is different, and countries have different policies in place that are related to RBC and human rights, as well as different levels of engagement with the ILO Decent Work agenda.</p> <p>In addition, there may also be a lack of coordination among the Government institutions, with different Government Departments assuming different roles in the national processes.</p> <p>For instance, in the case of Panama, whereas the MICI oversees the review process of the NAP on social responsibility, with the participation of a limited number of stakeholders, the Ministry of Labour collaborates directly with the ILO Project and is actively involved in different projects that promote RBC practices through programmes implemented by several of its Departments.</p> <p>In addition, there may be a lack of coherence in national policies and/or fragmented national efforts, with responsibilities distributed across different institutions in charge of particular issues.</p>
<b>Targeted users / Beneficiaries</b>	ILO, RBCLAC, IOs, EUD
<b>Challenges /negative lessons - Causal factors</b>	<p>In most cases, the overall RBCLAC Project collaborates directly with the Government agency in charge of NAP processes, (usually not the Ministry of Labour, which is the natural ally – ILO constituent).</p> <p>In some cases, after initial engagement the Ministry of Labour has become disengaged from undertaking such a national NAP consultation process.</p> <p>This has occasionally resulted in a lack of information within the Labour Ministry or in other key national stakeholders, including constituents, requiring efforts to connect the respective Ministries and/or stakeholders with an interest in pursuing further consultation/action on RBC.</p>

	<p>Similarly, policies on social corporate responsibility may be developed under/by different Ministries, such as the Ministry of Industry, Economy, Foreign Affairs or others. This may be confusing for national stakeholders, in particular ILO constituents, who may not know with whom to engage (as these ministries may not be their natural counterparts/allies).</p>
<p><b>Success / Positive Issues - Causal factors</b></p>	<p>Such confusion/lack of alignment or inter-ministerial coordination may be prevented by opening up consultations/development of policies and or action plans and asking for inputs and feedback through multi stakeholder processes, such as for instance the roundtable in Peru that has been open for any interested party from early on in the process.</p> <p>Working towards the alignment of such policies and strategies, through accompaniment and coordination is a crucial part of the work of the project, ensuring that fundamental rights and principles are considered throughout these policies/action plans.</p>
<p><b>ILO Administrative Issues (staff, resources, design, implementation)</b></p>	<p>ILO project staff has the large task of identifying emerging proposals for policy/ action plan development with relevance for RBC and in particular potential effects of the labour dimensions of such instruments, and connect interested parties, in particular the constituents to the activities of the main Government actors that are leading such processes.</p>

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>A lack of clear interagency coordination (at the national levels) may lead to confusion amongst national stakeholders as to what can be expected from the project.</i>
<b>Context and any related preconditions</b>	<p>The three IOs have different counterparts, mandates, and spheres of influence.</p> <p>In that regard, in some countries, there is an observed lack of clarity as expressed by some key stakeholders, as to which agency is leading the project and what is the role of other agencies, especially in countries where a particular agency has no representation.</p>
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD
<b>Challenges /negative lessons - Causal factors</b>	<p>While overall there is an impression amongst stakeholders that the project's IOs have presented themselves as speaking with one voice, stakeholders were not always able to identify the different complementary roles of the IOs related to the project across several countries.</p> <p>Also, while there is a regular communication and coordination at the management level between the implementing IOs, this does not prevent the fact that communication about the overall project activities may not always be clear to all stakeholders, due to the simple fact that IOs have different natural counterparts.</p> <p>As a result, for instance, it has at times been somewhat difficult for the interactions of stakeholders with the evaluation to clearly distinguish between "the ILO component" of the project or the OHCHR contribution of the project, or how these mandates/actions complement each other, as national stakeholders report on their overall perception of "the project" according to their interactions with their direct national partners.</p>
<b>Success / Positive Issues - Causal factors</b>	Overall, there is the perception amongst stakeholders that there is one project in which several agencies collaborate.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	The ILO RBCLAC project staff should attempt to be as specific as possible with its constituents/counterparts as to what exactly can be expected in terms of the project's contribution for the remaining time, what is being done by the other IOs, and how the project decides to prioritize actions in different countries/with respective stakeholders or counterparts.



## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>The success of the ILO contribution to the Project should be measured by the qualitative results, rather than by its quantitative results.</i>
<b>Context and any related preconditions</b>	Objectives and targets have been largely defined in terms of quantitative results. However, as observed by stakeholders, the actual success and strength of the project lies mainly in the <i>process and follow up actions</i> . Especially in the case of consultations on a NAP or other relevant national policies it is often the process of the dialogue amongst stakeholders that has been found to be the most important result of the project, bringing stakeholders in alignment with regard to the identification of an RBC agenda and the promotion of RBC practices.
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD
<b>Challenges /negative lessons - Causal factors</b>	The intensity of the respective negotiation, consultation and review processes has demanded a high level of dedication and a lot of energy from the ILO RBCLAC project staff, with high levels of TA necessary to establish the regional and national RBC agendas. This intensity is not necessarily reflected by the achievement of mere goals that are expressed in numbers.  When comparing such processes across countries, the elaboration of NAPs for instance is at very different stages, and has been undertaken in different ways: comparing a NAP elaborated over multiple years with the participation of hundreds of stakeholders in a multistakeholder process does not compare with a NAP smaller technical committee from within one Ministry for instance. Therefore, the level of potential for contribution of the ILO and ILO constituents to such processes also varies widely.
<b>Success / Positive Issues - Causal factors</b>	In terms of gender disaggregated data, it is also important to clearly identify whether gender-sensitive actions are resulting from actions undertaken: numbers of attendees at events and trainees in training offered through the project is an important indicator, but more important is what has been done following their attendance/training.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	Rather than aiming for the achievement of target numbers (attendees, numbers of policies etc.) , it is important to pay attention to the telling of the full stories of how the process is unfolding, identifying concrete challenges and obstacles that have been faced and overcome, how the ILOS project has contributed/facilitated this, and how exactly progress has been achieved in such processes.  As for numbers of attendees of events, numbers of participants in training etc, it is the action following such training which is really what most matters in terms of achievement of outcomes and impacts of such activities. This could perhaps be better reflected in the design as well as in the monitoring and implementation reports.

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>A focus on the quality of the national dialogue is preferable over a focus on the speed of the consultation and development process.</i>
<b>Context and any related preconditions</b>	<p>In theory, the NAPS may be developed in a faster manner, however, they risk losing their legitimacy and national ownership.</p> <p>Therefore, it is preferable to work towards a high-quality NAP (<i>i.e.</i> technically sound, based on evidence), which is supported by the national stakeholders (through their effective participation and ownership), rather than developing NAPs, simply to comply with the objectives defined by a project.</p> <p>However, it may be important to identify priorities and avoid trying to “cover everything” at once, as processes may otherwise become very slow and cumbersome.</p>
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD
<b>Challenges /negative lessons - Causal factors</b>	Emphasis on deadlines may be important in order to achieve measurable progress, however, this may also lead to push back from national stakeholders who feel pressured into accepting something they do not agree with and or are not ready for.
<b>Success / Positive Issues - Causal factors</b>	<p>It is thus important to allow for sufficient time for generating evidence, allowing for consultation, discussion of findings, review, feedback and, if considered appropriate and necessary, allowing for an update of evidence/information that is required to make recommendations for a policy, in cases where situations or contexts change.</p> <p>While this may lead to apparent “cumbersome processes”, they also encourage a dialogue of higher quality, with increased inputs from and alignment of stakeholders, which will contribute to an increased level of national ownership.</p>
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	The allocation of sufficient time and staff to continuously accompany such national consultation and dialogue processes needs to be considered in the design. Prioritization may be necessary to ensure a minimum level of progress, and to avoid discouragement about the length of the process or the level of complexity.

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>The success of the RBCLAC project depends on its capacity to provide technical assistance effectively.</i>
<b>Context and any related preconditions</b>	<p>The project's donor must take into consideration that this type of project is largely based on the provision of <u>specialized, high-quality technical assistance (TA) to stakeholders</u>.</p> <p>Therefore, it is essential that sufficient human capacity resources are allocated for the continued implementation of the project.</p> <p>The provision of such TA must be based on a realistic budget that is sufficient to finance the required support.</p>
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD
<b>Challenges /negative lessons - Causal factors</b>	The complexity of working on this issue has been underestimated in the initial design. This has resulted in the need to adjust targets and results.
<b>Success / Positive Issues - Causal factors</b>	<p>The success of the Project has been identified as having been able to put RNC on the national agendas, as well as being able to discuss with a range of national stakeholders some or several of the different aspects related to the labour dimension of RBC, in different fora as well as with different national stakeholders.</p> <p>The provision of targeted TA, tailored to the needs and interest of different national stakeholders (constituents as well as other stakeholders) has been crucial to ensure the continued engagement of such stakeholders on RBC related issues. (for instance, working on gender related issues in a particular context has opened the door for adding other issues to the conversation), or introducing issues of particular concern to some constituents to the national conversation has ensure their continued participation in the dialogue and collaboration with the NAP process.</p>
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	<p>Flexibility in the provision of TA, tailoring this to their specific training or capacity building needs is important to generate opportunities/leverage for further work on RBC.</p> <p>Also, working more directly with national stakeholders is important for their engagement in the national processes related to RBC. (This is particularly relevant in the case of trade unions, in which case this has happened only to a limited extent).</p> <p>Ensuring the continued provision of high quality technical training, including with the assistance from ILO experts in different areas will be essential for continued success.</p>

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	<i>Despite being understaffed, the high quality and dedication of the ILO RBCLAC project staff has been key for the project's good performance so far.</i>
<b>Context and any related preconditions</b>	<p>A fully effective and efficient implementation of the Project would require designated Project staff in the respective countries and/or a strong support from the ILO Regional / Country Offices.</p> <p>To some extent, the project is currently understaffed.</p>
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD.
<b>Challenges /negative lessons - Causal factors</b>	The ILO RBCLAC project staff has had an excessive workload, in particular during the pandemic when the demand for assistance increased, as a result of the increased virtuality.
<b>Success / Positive Issues - Causal factors</b>	The same increased virtuality has increased the outreach, as higher number of participants were reached through training and participation in events. In addition, representatives from remote areas, who might otherwise have been left out, have been increasingly included as a result of the use of technology for training/participation in events.
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	<p>While there is unanimous agreement among stakeholders about the excellent quality of the staff as well as of the support provided by the staff, it is also generally recognized that staff has been overburdened, and that the current levels of staff is insufficient for the ambitious goals which the project aims to achieve.</p> <p>Ideally, the project should be represented in each of the countries by an ILO representative at a certain professional level, who is able to interact with the national stakeholders on an ongoing basis, ensuring ILO representation, support and follow up that is necessary for the project's success.</p>

## ILO Emerging Lesson Learned Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean Project  
**TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

LL Element	Text
<b>Brief description of lesson learned (link to project goal or specific deliverable)</b>	Strengthening coordination processes and mechanisms.
<b>Context and any related preconditions</b>	The RBCLAC project staff has spent a considerable amount of time in improving coordination and has succeeded in establishing a certain degree of interagency coordination.
<b>Targeted users / Beneficiaries</b>	ILO, IOs, EUD.
<b>Challenges /negative lessons - Causal factors</b>	Up to now, such coordination is mostly undertaken on an informal basis.
<b>Success / Positive Issues - Causal factors</b>	<p>Strengthening coordination processes and mechanisms at all levels, through the creation of more formal and systemic coordination processes would improve the opportunities for the creation of interagency alignment, support and facilitate the joint identification of national collaboration efforts, synergies and opportunities for the sharing of information, tools and knowledge, across the organizations.</p> <p>Further, defining joint work plans with the IOs and adjusting them to the guidance and priorities of the respective countries for the remaining implementation time, contributes to the potential for increasing national ownership of RBC programming as well as improving the anchoring in the national priorities of countries. Also, including sustainability considerations in such work plans would clarify for instance joint and separate responsibilities, assumption of the costs, and technical/financial/human commitments; the transfer of knowledge/responsibilities; and the timeframe.</p> <p>Moreover, based on experiences across countries, engaging multiple stakeholders in national processes that aim at creating a joint agenda for RBC consultations, practices, or activities, would improve the likelihood of continued national ownership of such processes/activities.</p>
<b>ILO Administrative Issues (staff, resources, design, implementation)</b>	--

## ANNEX 10: ILO Emerging Good Practice Template

### ILO Emerging Good Practice Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean  
**Project TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

GP Element	Text
<b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b>	<p><u><i>Increased use of virtual platforms and tools:</i></u></p> <p>The increased use of virtual platforms and other means of technology by the Project has been beneficial to increase outreach of the Project for training, access to virtual tools and platforms numbers, as well as to increase inclusion and visibility of participants from remote areas. In addition, it has implied an important reduction in the costs of organizing events (in addition to a reduction in the carbon footprint due to reduced need for international travel).</p>
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	<p>The global COVID-19 pandemic resulted in initial delays of project activities, due to lock down and social distancing restrictions across the countries included in the project. However, after these delays, the RBCLAC project was able to recur to organising meetings and training events of different scales in online formats and develop online and interactive training materials.</p> <p>This virtuality, especially the use of platforms, has become increasingly sophisticated and more common in use, allowing for larger numbers of participants, including with break-out rooms for smaller groups, and allowing for the holding of parallel meetings etc. Although these large-scale virtual events imply a lot of organisation for project staff, overall, holding virtual events requires less logistics than the combined work of organising the participation, travel, lodging of participants and the logistics of in person-meetings.</p> <p>In addition, the <u>publication of interactive tools</u> on virtual platforms was found to have been another example of the effective use of technology. For instance, the virtual regional guide for Employers on the Labour Dimension of RBC has provided the inspiration for the development of a similar guide, adjusted for the context in Mexico, which was found to be useful for national users. In addition, a manual on Gender Equality for Employers was developed in Panama, which has inspired employers' organisations in the country to engage more on this particular topic. This cost-effective manner of publications was found to have made a positive</p>

	<p>impact. However, a minimum knowledge amongst users of the use of such technology and access to hardware and internet that supports the use of these platforms and tools must be ensured.</p> <p>In addition, the use of a virtual platform for the organization and administration of the RBCLAC Fund, the registration of participating organisations and the selection process for the final projects to be funded, was successfully undertaken through an online platform, specifically created for the Fund. This was also found to have been effective and useful for managing the first call for proposals and resulted in a large response in terms of project proposals.</p>
<b>Establish a clear cause-effect relationship</b>	<p>The increased use of virtual platforms for meetings and trainings has reduced the cost for the organization of such events and allowed for the participation of larger numbers of participants/trainees. For example, an online training by three experts on ILS and global supply chains in Colombia, allowed for the participation of 400 participants from the Santander region.</p> <p>The best example of how virtual meetings have allowed for increasing numbers of participants in the V Regional Meeting on Business and human Rights, organized by OHCHR, and with the participation of the ILO and OECD, which resulted in over 4400 participants from the region.</p> <p>In addition, under the RBCLAC project, regional trainings for particular groups of stakeholders were organized (trade unions, employers; organizations), bringing together participants from across the countries without the need for international or in-country travel.</p> <p>Moreover, the above-mentioned virtual guides and tools, as well as trainings provided by the ILO as well as by ILO's-ITC in Turin were considered to have resulted in larger numbers of participants and provide easy access for potential users. For example, the ILO organized a virtual training on Occupational Safety and Health and RBC in November 2020, with over a hundred participants from across the region.</p> <p>In terms of virtual tools, interviewed stakeholders mentioned the usefulness of the virtual tools for employers on how to address gender inequality on the work floor in Panama, and the Self-Assessment Guide for Employers that was adapted for Mexico. These guides are expected to be used for further training and action of stakeholders (employers).</p>
<b>Indicate measurable impact and targeted beneficiaries</b>	<p>The project has reported on higher numbers of participants in a range of meetings (roundtables, meetings, workshops) and trainings that have been organized by the IOs and the Project during 2020 and in early 2021.</p>

	<p>Stakeholders from across countries have reported positively about the increased virtuality, allowing for participation in more meetings, and allowing for more participants from different countries, including those from remote areas, which may otherwise have been excluded from such participation.</p> <p>In terms of access to virtual tools, stakeholders reported these will be used for further awareness raising and training of employers on these subjects.</p>
<b>Potential for replication and by whom</b>	<p>It is recommended to continue with the provision of virtual meetings and training across the region, as well as the creation of virtual tools adjusted to the national contexts, despite the fact that some have found virtual meetings to be less personal. With regard to the mentioned virtual tools for employers, these should be accompanied by further training in the use of such tools, accompanied by follow up to ensure the effective use of these tools after the training.</p>
<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)</b>	<p>CPOs (per country)</p> <p>Country Programmes /DWCP's where applicable</p> <p>P&amp;B</p>
<b>Other documents or relevant comments</b>	



## ILO Emerging Good Practice Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean  
**Project TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

GP Element	Text
<b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b>	<u><i>Exercising quiet diplomacy.</i></u> Maintaining good and constructive relationships with each of the constituents as well as with other national stakeholders in a crucial element of a project of this characteristics that involves the collaboration of a multitude of stakeholders, with potentially very different mandates, goals and sometimes even opposing perspectives.
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	<p>The ILO RBCLAC project staff has repeatedly had to adjust and respond, sometimes swiftly and diplomatically, to political decisions/events, changes in staff/personnel, changes in the priorities of countries (even occasionally responding to interest in the project from outside of the scope of the project) or other “calamities” with constituents.</p> <p>In this regard, the ILO/project has played an important role in ensuring that employers in particular cases could have a voice, and that their concerns were heard and followed up on. Even if this has implied a relatively large time commitment on behalf of the ILO/project staff, it has been found very important to ensure that these concerns and contributions are heard. As a result, in some cases a paradigm shift has occurred in the position of employers vis-a vis RBC.</p> <p>This has in some cases resulted in jumping on emerging opportunities that were not foreseen (for example, Ecuador, Guatemala, Honduras) or in acting quickly to prevent setbacks (Peru).</p>
<b>Establish a clear cause-effect relationship</b>	<p>The investment of time in listening to concerns of stakeholders, and addressing them when appropriate, clarifying underlying assumptions and risks with stakeholders, engaging in constructive dialogue, and overall maintaining constructive attitudes towards constituents and investing time and effort in the engagement of the different constituents and stakeholders has proven to be fruitful in several countries.</p> <p>Specifically, in the case of employers’ organisations in some countries, who have occasionally been reluctant to engage with activities/ processes related to RBC, this diplomacy on behalf of the project has been a crucial factor in ensuring the continued participation of stakeholders/constituents.</p> <p>In other countries, particularly in those without in-country project staff capacity, it has been much more difficult to provide such accompaniment by the project.</p>

<b>Indicate measurable impact and targeted beneficiaries</b>	<p>This is an important aspect of the work of the ILO, that is often not “measured” and frequently remains “invisible” in the reporting on results.</p> <p>However, when speaking with stakeholders and staff this is proving to be a key aspect of the awareness raising and advocacy work related to the RBCLAC project, especially when debates are heated and opinions among stakeholders are at opposing ends of the spectrum or simply not aligned.</p> <p>ILO (RO, DWT, CO, Departments), EUD, IOs</p>
<b>Potential for replication and by whom</b>	ILO (RBCLAC staff, RO, DWT, CO, Departments)
<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO’s Strategic Programme Framework)</b>	<p>CPOs</p> <p>Country Programmes</p> <p>P&amp;B</p>
<b>Other documents or relevant comments</b>	

## ILO Emerging Good Practice Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean  
**Project TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

GP Element	Text
<b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b>	<u>Using leverage of cross cutting topics or “special interest” topics for the introduction of a broader RBC agenda.</u>
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	In some contexts, there are currently ILO-related structures in place at the national level, dedicated to the implementation of technical cooperation projects that are implemented by the ILO or for other projects that are implemented by national partners, and which are related to issues of special interest issues including the elimination of child labour or gender equality. .
<b>Establish a clear cause-effect relationship</b>	Such specialized projects have at times successfully served as a platform for introducing the labour dimensions of RBC more broadly to national stakeholders. Engagement on these particular issues, and understanding their importance in terms of comparative advantage for employers, has thus become a first step in opening up towards integrating additional RBC related practices.  In Peru engagement of employers on informality, an issue of concern has facilitated an engagement in communication campaign/training of SMEs.
<b>Indicate measurable impact and targeted beneficiaries</b>	Examples in the report indicated that specific activities in the areas of child labour and gender equality have generated an interest and engagement of employers in some countries on such issues. Once having understood the importance of such RBC practices this has been found to be a possible trigger of interest in additional training on other RBC related practices that may be a benefit for employers.
<b>Potential for replication and by whom</b>	There are many issues of importance to RBC, as described in the multiple international RBC instruments, which may potentially be explored as entry points for widening RBC practices.  The sharing of such established practices that have been established in national contexts (Panama, Mexico) has the potential for replication in other countries ( virtual manuals and trainings on such aspects as well as on other RBC practices).
<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's</b>	National CPOs  Country Programmes  P&B

Strategic Programme Framework)	
Other documents or relevant comments	

## ILO Emerging Good Practice Template

**Evaluation Title:** Internal Mid-term Evaluation, Responsible Business Conduct in Latin America and the Caribbean  
**Project TC/SYMBOL:** RLA/18/04/EUR

**Name of Evaluators:** Rafael Muñoz Sevilla, Miek Van Gaalen

**Date:** May 2021

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

GP Element	Text
<b>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</b>	<i>Flexibility and Resilience: Converting Challenges into a Springboard for RBC.</i> As described in the report, countries in the region have been prone to multiple political, social and economic crises, followed by the devastating and the yet emerging effects across countries from the global pandemic.
<b>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</b>	<p>At the writing of the report, the pandemic is yet ongoing and its full effects are yet unknown. This creates for a challenging context for the implementation of this project.</p> <p>Without exception, the multiple crises caused by the COVID 19 pandemic, have revealed underlying systemic weaknesses and exposed increased vulnerabilities of specific categories (women, children, informal workers, indigenous populations), who have frequently found themselves excluded from protection mechanisms and deprived of social and/or other services, leading to a risk of increasing marginalization of such groups.</p> <p>In addition, the private sector, including employers and companies of all sizes have been faced with many challenges affecting their production, value chains, operations, relations and challenges with the employment of workers and staff.</p> <p>The social crises, and the fact that the pandemic has affected everybody in one way or another, have sensitized stakeholders, and supported to some degree the Project's discourse on the need to promote an RBC approach in entrepreneurship, and specifically the need to address the labour dimension of RBC.</p> <p>For instance, the crisis has revealed the need for implementation and monitoring of OSH regulations in the workplace, as well the need for more attention to the creation of family friendly work environments. Gender inequalities have become more visible, as well as the vulnerabilities of informal workers, migrants, minorities, children and youth, and indigenous populations.</p>
<b>Establish a clear cause-effect relationship</b>	The ILO RBCLAC Project has successfully capitalized on some of these pressing issues, by introducing targeted training and providing guidance and resources on these topics. As such, the challenging context has made the need for RBC more visible and understood as an important tool for creating more resilience in society and in companies.
<b>Indicate measurable impact and targeted beneficiaries</b>	<p>Due to the design of the Project, there are no targeted beneficiaries in response to the effect of the COVID crisis. It has been confirmed that the project cannot be converted into an emergency response.</p> <p>However, the project has found creative ways of addressing the consequences of the pandemic in terms of the need for RBC practices (training on family friendly practices on</p>

	the workforce, practices in terms of working from home etc.). In addition, the RBCLAC Fund has supported a project that addresses the disproportional effects of the COVID pandemic on women.
<b>Potential for replication and by whom</b>	Based on the training that has been provided by the project, and based on emerging needs and identified priorities, the project should continue to find synergies between responses to the COVID 19 crisis (national policies/international cooperation programmes) and making RBC part of the (future) recovery plans that will be elaborated in the near future, for instance in national decent work programmes.
<b>Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)</b>	CPOs Country Programmes P & B
<b>Other documents or relevant comments</b>	