



ILO EVALUATION

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This evaluation has been conducted according to ILO's evaluation policies and procedures. It has not been professionally edited, but has undergone quality control by the ILO Evaluation Office.

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I hope that the evaluation provides useful information and recommendations that inform future ILO technical assistance on labour law reform in the Pacific Island Countries.

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Contents

Acknowledgements.....	1
List of Acronyms and Abbreviations.....	4
I. Executive Summary	5
II. Background	10
1. Regional Background.....	10
2. Labour Law Reform in the Region.....	10
3. The ILO’s Approach to Labour Law Reform	12
III. Evaluation Purposes, Scope and Clients	13
IV. Overall Evaluation Approach	14
1. Evaluation Criteria and Questions	14
2. Evaluation Methodology.....	15
3. Evaluation Limitations.....	17
V. Evaluation Findings.....	18
1. Relevance.....	18
2. Effectiveness.....	20
3. Efficiency.....	30
4. Effectiveness of Management Arrangements.....	32
5. Impact and Sustainability.....	33
VI. Conclusion.....	36
VII. Good Practices and Lessons Learned	38
1. Good practices.....	38
2. Lessons learned	39
VIII. Recommendations.....	40
Annex 1 Terms of Reference	44
Annex 2 Bibliography	51
Annex 3 List of Key Informants	52
Annex 4 List of Focus Group Participants	54
Annex 5 Surveys	55
Survey to ILO’s Tripartite Constituents in the Member States.....	55
Survey to Participants of Training or Workshops	57
Annex 6 Good Practices and Lessons Learned	59

List of Acronyms and Abbreviations

AusAID	Australian Agency for International Development
CAS	The Committee on the Application of Standards
CSO	Civil Society Organization
DFAT	Department of Foreign Affairs and Trade
DLIR	Department of Labour and Industry Relations
DWCP	Decent Work Country Programme
DWT	Decent Work Team
FCEF	Fiji Commerce and Employers Federation
FGD	Focus Group Discussion
FTUC	Fiji Trades Union Congress
ILO	International Labour Organization
ITC	International Training Center
KII	Key Informant Interview
LLR	Labour Law Reform
MLC	Maritime Labour Convention
OSH	Occupational Safety and Health
PIC	Pacific Island Country
RBM	Results-based Management
ROAP	Regional Office for Asia and the Pacific
SDG	Social Development Goal
SNTF	Samoa National Tripartite Forum
SPC	Secretariat to the Pacific Islands Forum
TA	Technical Assistance
TOR	Terms of Reference
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
WEBC	Women Entrepreneurs Business Council

I. Executive Summary

Background & Context

In most Pacific Island countries (PICs), labour laws have been outdated and not aligned with international labour standards. Since its existence in the Pacific, the ILO has programmes to align with the ongoing changes and realities of employment and labour markets in the PICs, while identifying priority directions for shaping decent work in the future. The adoption of labour laws and regulations is an important means of implementing ILO standards, promoting the ILO Declaration and the Fundamental Principles and Rights at Work, and putting the concept of Decent Work into practice. In late 2010, CO-Suva started providing technical assistance (TA) for labour law reform (LLR) in several PICs, as part of the Australia-funded Labour Governance and Migration Project (LGMP). The LLR programme reflects a broader-based strategy to support local capacities to develop law and policy, as well as to implement new legislation by applying a full policy cycle approach.

Present Situation of the Project

Since the closure of the LGMP, the ILO has continued this programme of work and extended it to other countries in the Pacific. The ILO's TA on LLR to PICs focused on three areas: (1) promoting ratification of ILO instruments, such as the eight Fundamental Conventions and four Governance Conventions, as well as building the member states' capacity to comply with the reporting requirements for both ratified and unratified conventions; (2) amending existing laws or adopting new legislation, including labour inspection capacity building, to ensure that national laws and practices are aligned with Fundamental and Governance Conventions; and (3) strengthening tripartite labour advisory bodies. During the period under evaluation, the ILO carried out three Development Cooperation Projects funded by the donor countries to promote the LLR in the Pacific sub-region. It also facilitated several sub-regional training activities

- to strengthen the capacity of member states to ratify and apply international labour standards and to fulfill their reporting obligations, and
- to improve inspectors' fundamental skills.

Purposes, scope and clients of the evaluation

The purposes of this evaluation are to assess the effectiveness and impact of the ILO in implementing LLR in the PICs and to foster organizational learning. The evaluation has the following specific objectives:

- to assess the overall performance of the ILO in implementing and supporting LLR in PICs;
- to assess the impact and sustainability of the implementation results; and
- to identify challenges, key lessons learned, and good practices, and to provide recommendations to set the future direction of ILO work on labour laws in the Pacific.

This evaluation covers ILO TA in all 11 member states for the period of 2012-2018 ("the period under evaluation"), regardless of funding sources.

The primary audience and key user for this evaluation is the ILO CO-Suva that is responsible for delivering the ILO's mandates in PICs and Decent Work Technical Teams in Asia and the Pacific region. The secondary audiences include the ILO ROAP, as well as relevant constituents, donors, and academics.

Methodology of Evaluation

This evaluation followed the OECD-DAC evaluation criteria and the UNEG Norms and Standards. In order to ensure the triangulation of information, the evaluator utilized a combination of qualitative and quantitative methods to collect data. During the evaluation, the following activities were carried out:

- extensive review of various programme documents, including a Stocktake Report;
- 42 semi-structured key informant interviews with the representatives of the ILO, its tripartite constituents, CSOs, and other UN agencies;
- two focus group discussions; and
- the distribution of surveys to various agencies that had received training from the ILO.

A prominent challenge in this assignment is the lack of an overarching theory of change to guide the evaluation. In addition, CO-Suva's preparedness and coordinating capacity to provide useful information and timely support for this assignment was inadequate. As a result, the evaluator experienced great difficulty in identifying and locating the right people to interview. Due to the geographic distance and severe time and financial constraints, the evaluator was able to visit only three PICs: Fiji, Samoa, and Vanuatu. For the rest of the PICs, the evaluator heavily relied on secondary data obtained from the Stocktake Report, the review of the ILO project documents, and other general literature. Therefore, it was very challenging for the evaluator to collect and validate information.

Main Findings & Conclusions

Relevance

LLR has been the primary focus of DWCP across the Pacific for a number of years. Acknowledging that the starting points of LLR in PICs were very different, the ILO started LLR where the countries were and applied a public policy cycle that included the policy development before moving to the legislative process. As a result, the TA was a demand-driven process.

The traditional donors in the sub-region, such as Australia and New Zealand, are interested in bringing about sustained development and predictable situations in PICs. However, their domestic political environments and development cooperation priorities have greatly affected the availability and stability of their funding for the ILO to advance LLR work.

The ILO's LLR TA was strongly aligned with UNDAF 2013-2017. Its approach reflected the five programming principles of the UNDAF, namely the human rights-based approach; gender equality; environmental sustainability; results-based management; and capacity development. The ILO has been making a great effort to engage its tripartite constituents in general UN discussions. It is expected that all UN organizations could recognize the equal role of the tripartite constituents. It should also be noted that concerning LLR, which is country-specific, UNDAF as a regional framework appears to be vague, and how to show its results at the country level is still under exploration.

The LLR has also served as a platform for the furtherance of several SDGs, including SDG 5 Gender Equality, SDG 8 Decent Work and Economic Growth, and SDG 16 Peace, Justice, and Strong Institutions. In reality, the SDGs are very new to both the ILO and its constituents in the Pacific sub-region. There is still space for the ILO to improve its understanding of the SDGs and to strengthen its linkages with them.

Effectiveness

LLR is a lengthy process that takes an extended time to show long-term impact. In the period under evaluation, it has yielded mixed results.

In spite of a growing number of ratifications of the ILO Conventions among PICs, the ratification rate in the Pacific sub-region is still lower than the global and regional average. Efforts to improve reporting under the ILO's supervisory system have not secured a significant improvement in the reporting rate in the Pacific. Currently, nine of 11 ILO member states have overdue reports in different categories under Articles 19 and 22 of the ILO Constitution.

On the legislation development front, there is a spectrum of different cases. Significant progress was made with the passage of new labour legislation in Kiribati, Tuvalu, and Samoa. There was only some or piecemeal progress made in the rest of the sub-region.

In terms of building capacity to implement new legislation, collaborating with Work Safe New Zealand, CO-Suva organized several training sessions on Foundation Skills for Inspection. Due to lack of proper monitoring and documentation, however, it is difficult to assess the effectiveness of these activities. Interviews with the trainers and some participants revealed that at least some training was well prepared and delivered.

There is also some positive evidence showing that the tripartite constituents have benefited from capacity building activities. The employers' organizations are the most self-sufficient constituents within the tripartite. The employees' organizations have been the drivers of reform as workers demand their fundamental rights, but they are the constituents with the weakest capacity to engage in strong social dialogue.

The tripartite mechanism functions differently in the three PICs visited by the evaluator. In Samoa, the SNTF, through effective social dialogue, has collaboratively developed the Samoa National Employment Policy and the third DWCP. In Vanuatu, the TLAC still exists, but is struggling to determine how the three constituents can work together. In Fiji, the tripartite mechanism could not work for some time due to the conflict between the government and the union. Generally speaking, there are still tremendous obstacles to practical and real social dialogue in the Pacific, since in many PICs, the tripartite constituents cannot genuinely participate in policy discussions and other collaborations.

The sheer fact of lack of capacity on the part of ILO's counterparts makes it difficult to transfer knowledge and institutionalize capacity. Due to the fragility and weak governance structures prevalent in the sub-region, one cannot expect results in the short term. This challenge is further compounded by other deterrent factors in many countries, such as weak political will and stakeholder buy-in to LLR, as well as cultural barriers blocking local people from fully appreciating the value of LLR.

Efficiency

The Pacific sub-region is an extremely resource-intensive part of the world. Limited resources have posed a major challenge to the ILO's ability to do business in the sub-region. Limited human resources have forced staff in CO-Suva to play different professional roles, which can cause problems and lead to burnout. In spite of the challenging working environment, the dedication and professionalism of CO-Suva's staff has been complimented by its tripartite constituents and

external experts who were engaged in the LLR activities. Many countries have expected that the ILO could have in-country representatives, which is unfortunately unrealistic.

For most of the time during the period under evaluation, CO-Suva struggled with how to secure funding to continue this type of work. The brevity of the funding cycle made it impossible to make strategic long-term plans for the sub-region as a whole. As a result, the ILO could only react to the individual member states' demands. According to the Stocktake Report, an estimated US\$1,491,554 was spent on LLR and wider labour standards activities (including some salary components) between 2012 and 2017. Forty percent of expenditures were related to donor-funded development cooperation projects. PNG, Fiji, and Vanuatu attracted significantly more resources than other member states.

Effectiveness of management arrangements

The roles and responsibilities of the management team and the relevant specialists and staff in CO-Suva are more complicated than those in other ILO offices due to the large number of member states. It is expected that equal attention be given to the PICs, though they are very small in size.

The new addition of an international expert on decent work and international labour standards will improve CO-Suva's response to its member states on LLR, but will not bring fundamental change if the current fly-in-and-out business model continues. In fact, the new specialist's time is spread out thinly among the 11 member countries, as she has not been able to devote all of her time to LLR activities during her first year. How to define her function and budget her time between decent work and LLR in order to maximize the utility of an expert is a management decision that CO-Suva will have to make.

Impact and Sustainability

Government. Many training participants reported that attending ILO training and workshops improved their skills directly related to fulfilling their obligations to the ILO. In addition, the TA provided by the ILO specialists equipped the government staff with a better understanding of international standards on important labour issues and enhanced their awareness of human rights. Some skills adopted from the ILO training are transferrable and also benefit other work performed by the participants.

It should be noted that improved knowledge and skills at the individual level are not necessarily institutionalized in the recipient agencies and transformed into new institutional capacity. First, the capacity to absorb ILO training is uneven among the participants. Second, many labour ministries in PICs do not have long-term organizational planning. Finally, the ILO training was always short-term, and not enough for long-term skill transfer or capacity-building for the labour ministries.

Employers' organizations. Generally speaking, the employers' organizations expect to enhance the business sustainability of their member organizations by receiving ILO TA. They are also keen on urging their members to assume more social responsibilities and to ensure fair work conditions. In Samoa, The executive members of the employers' organizations reported that their members' decision-making capacity increased after they attended the training sessions. In Fiji, not only did the ILO provide training to the members of the employers' organizations, but it also provided TA to support the founding of the Women Entrepreneurs and Business Council and the Young Entrepreneurs' Council. At times, the sustainability of training benefits to the employers' organizations is affected by the recipient organizations' changing institutional priorities. The

restructuring of the Chamber of Commerce resulted in its loss of all staff who had some exposure to the ILO training.

Employees' organizations. Given that the evaluator was only able to meet with employees' organizations in one country, i.e. Samoa, the information from this type of constituent is severely limited. However, Samoa represents a good example of the ILO's engagement with the employees' organizations in the PICs. The ILO played a major role in the establishment of the umbrella body of the Samoa Workers' Congress in 2014, as well as in the development of its strategic plans.

Conclusion

The regional demand for LLR is still strong, as some countries have already commenced the second-round review of their labour legislation. To achieve long-term impact and sustainability, the ILO should look at building member states' capacity to develop local expertise on LLR. The current arrangements for implementing LLR requires a bit more affirmative action on the part of CO-Suva and the labour ministries in its member states.

As a normative organization, the ILO's competitive advantage lies in international labour standards. The path to achieving a good score on the observance and implementation of international labour standards in the Pacific sub-region may have been daunting but worthwhile. This aspect of the ILO's work needs more resourcing. As a small, specialized agency in the UN system, how to position itself strategically in the overall UN reform and provide sustainable and proactive responses to the need for LLR in the Pacific is a common challenge for the ILO's offices at different levels, from Suva to Bangkok to Geneva. There have to be sustained efforts by all stakeholders to achieve results. There is the potential to improve and have an impact. What matters is consistency and presence.

Recommendations

1. Developing an overall sub-regional strategy to ensure that the ILO allocates the right resources to the right work at the right time (high-priority, to be followed up immediately by CO-Suva and ROAP)
2. Strengthening donor coordination to benefit from development cooperation opportunities (medium-priority, to be followed up in the medium term by CO-Suva)
3. Coordinating resources within the UN system to achieve collaborative efforts (medium-priority, to be followed up in the medium term by CO-Suva)
4. Tapping into existing sub-regional resources through South-South cooperation to enhance connectivity and peer learning among the member states (medium-priority, to be followed up in the medium term by CO-Suva and member states)
5. Building a stronger presence on the ground to provide proximity support to the constituents (high-priority, to be followed up in medium term by CO-Suva)
6. Cultivating an M&E culture for better knowledge management (high-priority, to be followed up immediately by CO-Suva and ROAP)
7. Strengthening social dialogue by working in noncontroversial areas (medium-priority, to be followed up in the medium term by CO-Suva)

II. Background

1. Regional Background

The International Labour Organization (ILO) had worked in the Pacific island countries (PICs) for many years prior to opening its country office in Suva (CO-Suva), the capital of Fiji, in 1975. CO-Suva is part of ILO's Regional Office for Asia and the Pacific (ROAP). The primary objective of CO-Suva for the Pacific sub-region is to assist ILO's tripartite constituents, namely, Governments and Employers' and Workers' Organizations of the PICs, in their efforts to reduce Decent Work deficits and to pursue development for dignity through the achievement of rights at work, employment, social protection, and social dialogue. Today, the ILO has 11 member states in the Pacific sub-region covered by CO-Suva, including the Cook Islands, Fiji, Kiribati, the Marshall Islands, Palau, Papua New Guinea (PNG), Samoa, the Solomon Islands, Tonga, Tuvalu, and Vanuatu.¹ Scattered over one third of the globe and vastly different from each other, these member states are small in size, geographically dispersed, culturally diverse, and distant from major markets.

PIC economies lack diversity and rely on a few key sectors, such as minerals, agriculture and fisheries, forestry, and tourism. Their labour markets are characterized by informality, subsistence work, and a relatively high degree of public sector employment (over 50% of Palau's labour force, for example, works in the public sector). According to a recent report of the ILO, in Fiji, informality is estimated to represent 60% of the workforce, and in PNG and the Solomon Islands, as much as 80% of the workforce (ILO 2017). High levels of youth underemployment and unemployment are common, and young people are often faced with limited prospects for decent work. Women also are much less likely to participate in formal employment than men and are over-represented in unpaid family jobs and in the informal sector, where jobs yield lower productivity and lower earnings.

PICs receive high inflows of development aid, and some countries like Tuvalu, the Marshall Islands, Samoa, and Tonga are important recipients of remittances. Therefore, PICs are vulnerable to external shocks such as declines in development aid, tourism, foreign direct investment, etc. Moreover, the PICs are extremely vulnerable to the effects of climate change.

2. Labour Law Reform in the Region

A number of PICs have industrial relations systems with historical roots in colonial legal frameworks. In the period following independence, the old colonial legislation either has continued to be applied or has formed the foundation of new labour laws that further reinforce the existing legal paradigm. Today, labour legislation can be seen primarily in labour codes, which are supplemented by and are also evident in relevant provisions/articles of other legislation on criminal justice, incorporated societies, anti-discrimination, and education.

In a large number of PICs, labour laws, which are mainly applicable to private-sector employees, aim to protect the health and welfare of workers. Such legislation typically includes provisions requiring labour secretaries to grant contracts of employment, and to guarantee the supply of housing, food, and healthcare for workers. Nonetheless, due to the lack of conformity in the ILO standards, these laws are more likely to include clauses with a discriminatory impact on women,

¹ Pacific islands comprise three ethno-geographic groupings: Melanesia, Micronesia and Polynesia. Papua New Guinea, Solomon Islands, Vanuatu, and FIJI belong to Melanesia. Palau and Republic of Marshall Islands are parts of Micronesia. Kiribati, Cook Islands, Samoa, Tuvalu, and Tonga are covered by Polynesia.

as well as provisions enabling employers to terminate contracts “at will” or to place restrictions on workers’ freedom of association and collective bargaining rights. In practice, existing dispute resolution processes are often subject to lengthy delays and political intervention. These weaknesses tend to undermine the general public’s confidence in the law and have a negative impact on transparency and good governance.

The United Nations Development Programme (UNDP) has observed that, against a background of economic and social challenges, existing governance structures in a number of PICs have limited institutional capacities and resources to maintain transparency and accountability (UNDP, 2013). Institutions within national legislatures, judiciaries, and law enforcement agencies are often under-resourced and lack the capacity to fulfil their roles and responsibilities. In addition, labour ministries are often small and poorly resourced, with weak capacities to implement their legal responsibilities.

During the last decade, various efforts have been made to reform the labour law system. For example, labour legislation review processes were launched in several countries, including Fiji, Vanuatu, PNG, Kiribati, Samoa, and Tonga. However, these processes have been lengthy and complex in some cases.

At the regional level, in 2005, the Pacific Plan was adopted by Pacific leaders and sought to improve transparency, accountability, equity, and efficiency in the management and use of resources in the Pacific. It prioritized, among other things, the ratification and implementation of international human rights conventions, including international labour standards (Pacific Islands Forum Secretariat, 2007). In 2010, at a high-level tripartite meeting on “Decent Work for Sustainable Development in the Pacific” in Vanuatu, Pacific Island Labour Ministers made the following commitments (“the Port Vila Statement”) to be delivered by 2015:

- All countries continue progress to ratify the eight Fundamental ILO Conventions and at least two ILO Governance Conventions,
- All countries have national laws and practices that are aligned with Fundamental and Governance Conventions,
- All countries ratify the Maritime Labour Convention (MLC, 2006) and at least four countries ratify the Seafarers’ Identity Documents Convention (Revised, 2003) (No. 185),
- All countries are encouraged to ratify the Work in Fishing Conventions 2007 (No. 188),
- Labour administrations – with input from the social partners – submit comprehensive and timely reports on the application of ratified Conventions (ILO, 2010).

The participants were convinced that the application of this Statement would not only help the progression of Decent Work in the Pacific, but would also contribute to the realization of the goals and objectives set out in the Pacific Plan, the Millennium Development Goals, and the United Nations Development Assistance Framework (UNDAF) for the Pacific region.

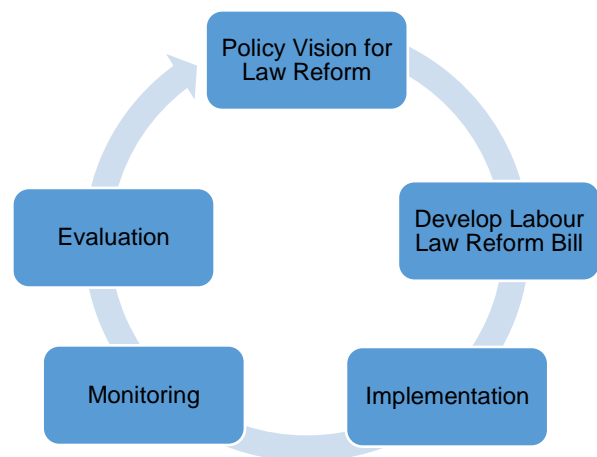
The commitments expressed in the Port Vila Statement lacked longer-term traction as there was no oversight by the ILO’s ongoing accountability mechanism in order to review and report on progress towards achieving the stated priorities. Some efforts were made, however, by the Secretariat to the Pacific Islands Forum (SPC) to monitor progress under the Pacific Plan on an annual basis, in accordance with its mandate.

3. The ILO's Approach to Labour Law Reform

Since its existence in the Pacific, the ILO has supported programmes to align with ongoing changes and realities of employment and labour markets in the PICs while identifying priority directions for shaping decent work in the future. The adoption of labour laws and regulations is an important means of implementing ILO standards, promoting the ILO Declaration and the Fundamental Principles and Rights at Work, and putting the concept of Decent Work into practice. CO-Suva is committed to offering technical cooperation and advisory services to member states and to assisting them in assessing and, where necessary, framing or revising their labour laws. This includes assistance in the development of national laws and regulations to allow ratification of Conventions or implementation of the corresponding principles.

In late 2010, CO-Suva started providing technical assistance (TA) for labour law reform (LLR) in Vanuatu, Kiribati, PNG, and Samoa, as part of a two-year Labour Governance and Migration Project funded by the Australian Agency for International Development (AusAID) under a Partnership Agreement between the ILO and the Australian Government. This initiative emphasized revising existing labour legislation to improve consistency with international labour standards. Since 2013, following the closure of AusAID funding, the ILO has continued this programme of work and extended it to other countries in the Pacific. In 2015, more emphasis was placed on supporting labour administrations to assess existing and future implementation capacities and provide targeted support to improve the implementation of labour legislation. This included a focus on labour inspection capacity, as it was evident that there were significant weaknesses in existing inspection services and limited capacity to address future needs. Moreover, to lay the groundwork for developing a new Decent Work Country Programme (DWCP), the LLR work has been focusing on securing good tripartite practices through the delivery of Good Practice Tripartism training, which has been tailored for the Pacific by ILO International Training Center (ITC) in Turin.

The LLR programme reflects a broader-based strategy for supporting local capacities to develop law and policy, as well as for implementing new legislation by applying a full policy cycle approach. An illustration of this approach is shown in the graph on the right. Such an approach recognizes that any programme focusing on LLR and its implementation must contain the essential elements of good public-sector policy management, including: (1) attention to the policy development process, and (2) focusing on implementation strategies, particularly with respect to labour inspection.



The ILO follows a standardized approach to designing and implementing LLR initiatives in PICs. The scope of an LLR process adopted by an ILO member state may include some or all of the following steps, depending on the context of the country concerned.

The ILO's engagement is initiated upon the receipt of a formal request for ILO TA from its member states in the sub-region. Then a Terms of Reference (TOR) sets the scope of the TA from the ILO. The first step is to conduct a review of existing labour legislation. The ILO provides the contextual and impact analysis and identifies the gaps between the existing laws and the

compliance requirements set out in the ILO conventions ratified by the member state. To validate the findings and recommendations of its review, the ILO supports the government in hosting various validation meetings and seminars with the broad stakeholders in the country. These events are typically known as tripartite “plus,” as they are open to civil society organizations (CSOs) and wider government agencies, including the Ministry of Justice, the Attorney General’s Office, the National Statistics Department, and other line ministries. In some cases, technical support from Australia and New Zealand employers’ and workers’ organizations are also engaged. Once the reform process is confirmed, the tripartite oversight mechanisms – such as the existing tripartite labour advisory bodies or a newly established working group – will be engaged to oversee the process.

The ILO encourages member states to develop clear drafting instructions prior to the preparation of draft legislation under its TA. It also facilitates validation workshops with tripartite constituents to discuss drafts. During this process, it conducts capacity assessments to determine the implications arising from changes to labour legislation, including the implications for employers’ and workers’ representative organisations, as well as for the government and judicial bodies. The ILO also encourages member states to request an optional formal technical review of draft labour bills by specialist units of the International Labour Office in Geneva, which may lead to additional law-drafting recommendations for the government to consider. In some cases, the ILO also provides TA for parliamentary processes. After the legislation is enacted, the ILO’s TA also applies to developing regulations to implement the legislation. Moreover, its implementation support includes training labour officials on new roles and responsibilities under new legislation, as well as training and seminars for employers and workers.

In addition to providing TA to individual member states, during the period under evaluation, the ILO implemented the following regional activities to promote the LLR in the Pacific sub-region:

(1) It carried out three Development Cooperation Projects funded by the donor countries, namely:

- Labour Governance and Migration Project funded by AusAID (2012),
- Implementing Occupational Safety and Health (OSH) and Labour Inspection Project in PNG funded by Japan SSN (2015-2017), and
- The training of judges, lawyers, and advocates on International Labour Standards, funded under the Department of Foreign Affairs and Trade (DFAT) Australia Grant Agreement (2016).

(2) It also facilitated several sub-regional training activities:

- Between 2014 and 2015, the ILO carried out activities to strengthen the capacity of member states to ratify and apply international labour standards and to fulfill their reporting obligations.
- In November 2016, the ILO delivered Foundation Skills Training for Inspectors for Tonga, Vanuatu, Kiribati, the Solomon Islands, the Cook Islands, and Tuvalu.
- Between 2016 and 2017, the ILO facilitated a sub-regional tripartite workshop on implementing and reporting on the MLC. The participants included government officials and employer and worker representatives from Fiji, Kiribati, Samoa, Tuvalu, and Vanuatu.

III. Evaluation Purposes, Scope and Clients

The ILO ROAP in Bangkok identified the ILO interventions on LLR in PICs as one of the thematic evaluations to be conducted in 2017. However, the planned regional thematic evaluation had to be postponed as per CO-Suva’s advice due to a recruitment process of an International Labour

Law Specialist to be based in Suva.² In April 2019, ROAP officially commissioned an independent regional thematic evaluation on ILO’s TA on LLR in the Pacific sub-region. According to the TOR (Attached as Annex 1), the purposes of this evaluation are to assess the effectiveness and impact of the ILO in implementing LLR in the PICs and to foster organizational learning. The evaluation has the following specific objectives:

- (1) to assess the overall performance (relevance and coherence, efficiency, and effectiveness) of the ILO in implementing and supporting LLR in PICs;
- (2) to assess the impact and sustainability of the implementation results; and
- (3) to identify challenges, key lessons learned, and good practices, and provide recommendations to set the future direction of ILO work on labour laws in the Pacific.

This evaluation covers ILO TA in all 11 member states for the period of 2012 – 2018 (“the period under evaluation”), regardless of funding sources. In order to prepare for the said thematic evaluation, ROAP then decided to conduct a stocktaking exercise of ILO TA of LLR in Pacific island member states from 2012- 2017, including the development cooperation projects. Based on the preliminary review during the inception phase, the evaluator suggested that some reform activities that commenced in 2011 and continued during and after 2012 should also be covered in this evaluation assignment in the interest of demonstrating the continuity and completeness of ILO’s TA in this area.

The primary audience and key user for this regional thematic evaluation is the ILO CO-Suva that is responsible for delivery the ILO’s mandates in PICs and Decent Work Technical Teams in Asia and the Pacific region. The secondary audiences include the ILO ROAP, as well as relevant constituents, donors, and academics.

IV. Overall Evaluation Approach

1. Evaluation Criteria and Questions

As required in the TOR, the OECD-DAC criteria were used to guide the evaluation. In addition, this evaluation followed the Norms and Standards adopted by the United Nations Evaluation Group. The table below shows evaluation criteria and questions.

Table 1: Evaluation criteria and questions

Evaluation Criteria	Questions to be addressed
Relevance and Coherence	<ul style="list-style-type: none"> • To what extent are the ILO approaches and interventions concerning labour law consistent with and pertinent to the current and long-term needs of the PICs and the interests/policies of donors? • To what extent are the ILO approaches and interventions concerning labour law aligned with the One UN plan, SDGs, and other relevant development plans or policy frameworks of the PICs or the Pacific sub-region?
Effectiveness	<ul style="list-style-type: none"> • What results have been achieved and what progress has been made in strengthening the capacity of relevant institutions and individuals

² Terms of Reference: Independent Evaluation of ILO’s Technical Assistance on Labour Law Reform in the Pacific Island Countries (2012-2018), P2.

	<p>concerning labour law reforms? How much progress has been made after long years of continued support?</p> <ul style="list-style-type: none"> • Which gaps remain and how could these gaps be addressed in the future? • To what extent has gender equity been mainstreamed in ILO approaches and interventions on labour law reform? • To what extent has social dialogue been used/mainstreamed in the process of the ILO's support for labour law reform, and if not, why? What have been the obstacles?
Efficiency	<ul style="list-style-type: none"> • Are the resources and inputs (human resources, funds, expertise, and time) for labour law reform being used strategically and in the most efficient manner? • Have any benefits or trade-offs arisen from the shift in emphasis from project-based funding to donors funding outcome-based work plans? To what extent has the development objective of labour law reform systematically been included in partnerships with donors?
Effectiveness of management arrangements	<ul style="list-style-type: none"> • Are the roles and responsibilities of the ILO management team and relevant specialists clearly defined and understood? • To what extent is the newly increased capacity (the new labour law specialist) relevant to the needs of the PICs?
Impact and Sustainability	<ul style="list-style-type: none"> • What are the tripartite constituents' perceived benefits from ILO interventions on labour law reform (differentiated by type of constituents)? What evidence exists of constituents benefiting from ILO interventions on labour law reform?

2. Evaluation Methodology

In order to ensure the triangulation of information, the evaluator utilized a combination of qualitative and quantitative methods to collect data. In September 2019, the evaluator conducted field missions in three PICs, namely Fiji, Samoa, and Vanuatu. During the evaluation, the following activities were carried out: extensive document review, key informant interviews (KIIs), focus group discussions (FGDs), and the distribution of surveys to various agencies that had received training from the ILO on various subjects related to the LLR.

(1) Document review

Before and during the field visits, the evaluator consulted the following documents:

- the Stocktake Report covering ILO interventions between 2012 and 2017;
- Various programme documents, such as relevant background studies and reports on outputs of the LLR programme, including training manuals, policy documents and guidelines, and the like;
- Relevant documents on UNDAF and Social Development Goals (SDGs), and some useful literature on LLR in PICs.

A complete list of sources of secondary data can be found in Annex 2 (Bibliography).

(2) Key informant interviews

The evaluator conducted a total of 42 semi-structured KIIs. The informants included 22 women and 20 men, who represented the key stakeholders at the national and regional levels, including the ILO, its tripartite constituents in Fiji, Samoa, and Vanuatu, CSOs, and other UN agencies active in the Pacific sub-region. A detailed list of the key informants is attached as Annex 3. The table below summarizes the breadth and depth of the data collection activities.

Table 2: Statistics on key informant interviews

Institutions	Key Informants	F	M
ILO	Current and former staff of CO-Suva	3	5
	National coordinators in PNG and Samoa	0	2
	ILO Geneva Office	0	1
	ILO Bangkok Office	0	1
Donor Countries	Donor representative from Japan	1	0
	Training providers from New Zealand	1	1
	Training providers from Australia	1	0
UN Agencies	UN coordination offices in Palau and Fiji	2	0
	UNDP Pacific Office in Fiji	2	1
Sub-total		10	11
Country	Constituents	F	M
Samoa	Government	4	4
	Employers' organization	1	0
	Employees' organizations	3	0
Vanuatu	Government	3	2
	Employers' organization	1	0
	Employees' organizations	0	0
Fiji	Government	0	2
	Employers' organization	0	1
	Employees' organizations	0	0
Sub-total		12	9
Total		22	20

(3) Focus Group Discussions

Two FGDs were conducted during the evaluation. In Samoa, one FGD was organized with four female training participants. In Vanuatu, one FGD was conducted with a group of civil society representatives, including three females and six males. A detailed list of participants of the focus group discussions is attached as Annex 4.

Table 3: Statistics on focus group discussions

Participants	F	M
Samoa: training participants	4	0
Vanuatu: civil society organizations	3	6
Total	7	6

(4) Survey

To assess the effectiveness of the ILO's TA, two generic surveys (Annex 5) were designed and distributed. One survey was distributed to the ILO's tripartite constituents to understand better

how the ILO has engaged its tripartite constituents in LLR. The other survey was distributed to the participants of various training activities provided by the ILO. These surveys were disseminated through CO-Suva and the ILO national coordinators in Samoa and PNG. A total of 29 valid responses were collected and analyzed.

Table 4: Statistics on survey responses

Responses	Survey on Tripartite		Survey on Training	
	F	M	F	M
Samoa (collected by national coordinator)	3	1	9	4
PNG (collected by national coordinator)	2	0	5	4
Fiji (collected by ILO Suva Office)	0	1	0	0
Sub-total	5	2	14	8

3. Evaluation Limitations

Lack of a theory of change. Evaluating a regional thematic program covering multiple countries over an extended period of time could present many challenges. A prominent challenge in this assignment is the lack of an overarching theory of change for the Pacific sub-region. As mentioned before, many ILO interventions were responsive to the requests of individual member states and needed to be tailored to the unique country contexts in different development stages. In addition, LLR, as a cross-cutting issue, has been touched upon in various initiatives, including but not limited to TA to improve domestic legislation, to build the capacity of the tripartite constituents, to promote member states' compliance in reporting responsibilities to the ILO conventions, etc. As a result, it is impossible to reconstruct a theory of change for the sub-region to guide this evaluation.

Difficulties in locating the right people. In the inception report, the evaluator suggested a detailed list of documents to consult and requested KIIs and FGDs with the key stakeholders. As CO-Suva has not gone through a major evaluation like this for some time, its preparedness and coordinating capacity to provide useful information and timely support for this assignment was inadequate. There was very limited institutional memory of the identity of the key contact persons in their past activities and programmes. In addition, over the past few years, many key actors involved in the LLR work in the sub-region became unreachable for interviews due to regular job or life changes, such as relocation or rotation. As a result, the evaluator experienced great difficulty finding the right people to interview. It is highly unfortunate that throughout the evaluation process, the evaluator was not able to interview the key development partners in the Pacific sub-region, such as the representatives of the Australia and New Zealand governments.

Inadequate coverage of the sub-region. Due to geographic distance and limited time and financial constraints, the evaluator was only able to visit three PICs in person: Fiji, Samoa, and Vanuatu. Even within these three countries, the evaluator was not able to meet with all ILO's tripartite constituents. For example, the evaluator failed to talk with the employees' organizations in both Fiji and Vanuatu after numerous efforts, due to conflicting schedules and the resulting unavailability of the representatives of these organizations. PICs are very diverse and cannot be represented by these three countries alone. Particularly in terms of economic development and national capacity, Fiji and Samoa are much more advanced than other countries in the Pacific sub-region. Similarly, the survey results were mainly from two countries where the ILO has a national coordinator, namely Samoa and PNG. For the rest of the PICs, the evaluator heavily relied on secondary data obtained from the Stocktake Report, the review of the ILO project

documents, and other general literature. Therefore, it was very challenging for the evaluator to collect and validate information.

V. Evaluation Findings

1. Relevance

- **To what extent are the ILO approaches and interventions concerning labour law consistent with and pertinent to the current and long-term needs of the PICs, and the interests/policies of donors?**

Relevance to the PICs

LLR has been the primary focus of DWCP across the Pacific for a number of years. It has featured as a DWCP priority in several countries during the period under evaluation, including PNG, Vanuatu, Samoa, Fiji, Kiribati, Tuvalu and the Solomon Islands.

All of the stakeholders interviewed confirmed the strong relevance of LLR to the needs of their countries. In the last decade, with the adoption of new business models and the introduction of new technology, many changes have taken place in the labour relations landscape in the Pacific that needed to be factored into the definition of industrial relations. It is also well recognized in the sub-region that the overarching labour legislation could have a huge impact on long-term economic development. As described above, in most countries, labour laws have been outdated and not aligned with international labour standards. Most PICs are small and lack the capacity to improve their labour legislation by themselves. The ILO's TA on LLR provided an opportunity for all stakeholders to review their labour laws and to visit the areas where the laws need to be strengthened or relaxed.

Acknowledging that the starting points of LLR in PICs were very different, the ILO did not rush the reform process in its member states. Instead, it started where the countries were and applied a public policy cycle that included a policy development phase before moving to legislation process. Initially, only a small group of countries was included in the Labour Governance and Migration Project funded by AusAID. The positive results of that project generated more demand in the sub-region. Such strong needs on the region's part can be validated based on their request for LLR to the ILO. As a result, the TA was a demand-driven process.

Relevance to the donors

The traditional donors in the sub-region, such as Australia and New Zealand, are interested in bringing about sustained development and predictable situations in PICs, due to immigration and trade connections with these countries. However, the donor countries' domestic political environments and development cooperation priorities have greatly affected the availability and stability of their funding for the ILO to advance LLR work. Many of these factors were out of the ILO's control. When good governance was a strong focus of the Australian government's development cooperation in the Pacific sub-region, the ILO was able to provide LLR TA through the Labour Governance and Migration Project in four PICs. With the transformation of AusAID into an executive agency within the Foreign Affairs and Trade portfolio and the consequent adjustment of the Australian government's funding strategies, the funding of LLR work in the Pacific sub-region was cut. In some cases, the availability of funding to a particular PIC was also affected by the bilateral relationship between the recipient country and donor countries.

In fact, the LLR itself has seldom been a primary interest of the donor countries in the economic development domain, compared with the goals of increasing employment and economic growth. In some cases, the ILO's expertise and presence in the Pacific makes it an efficient vehicle for the donors to extend their interventions into the sub-region. An example of this case was the Implementing OSH and Labour Inspection Project in PNG funded by the Japanese government. Japan has business interests in the Pacific sub-region, but it is too far away for it to implement projects directly there. Thus, implementing interventions through the ILO became an efficient arrangement, the results of which turned out to be satisfactory according to the Japanese representative.

- **To what extent are the ILO approaches and interventions concerning labour law aligned with One UN plan, SDGs, and other relevant development plans or policy frameworks of the PICs or the Pacific sub-region?**

It is well recognized by the ILO staff in the Suva office that today, the United Nations (UN) has merged into one umbrella organization. When DWCPs were designed, the ILO ensured that they were aligned with the UN's country and regional development frameworks.

Alignment with the One UN Plan

The UNDAF is a catalyst among the UN agencies for addressing interrelated development challenges by approaching them from different, but complementary, angles. All development priorities identified by the UNDAF outcomes are strictly interconnected. The UNDAF for the Pacific sub-region is a five-year strategic programme framework that outlines the UN system's collective response to development challenges and national priorities. The most relevant UNDAF to the period under evaluation of 2012 – 2018 is the UNDAF 2013 – 2017, which covers fourteen Pacific Island Countries and Territories.³ Its overarching ambition is to promote sustainable development and inclusive economic growth to address the social, economic, and environmental vulnerabilities affecting society at all levels and to ensure human security in the Pacific, with a focus on the most vulnerable groups.

The ILO's LLR TA was strongly aligned with UNDAF 2013-2017. To various degrees, its design and implementation approach reflected the five programming principles of the UNDAF, namely the human rights-based approach; gender equality; environmental sustainability; results-based management (RBM); and capacity development. The ILO has been reporting the activities and results of LLR under the outcome area 5 of UNDAF: good governance and human rights. The objective of this outcome area is to improve the quality of governance, including the inclusion of vulnerable groups in decision-making processes in the political and economic spheres and advancing compliance with international human rights norms and standards.

Alignment with the SDGs

The United Nations SDGs have provided a strong focal point for country action. The LLR has also been well aligned with the SDGs. It has served as a platform for the furtherance of several SDGs, including:

- **SDG 5 Gender Equality. Target 5.5** Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic, and public life; and **Target 5.6** Ensure universal access to sexual and reproductive health and

³ These fourteen countries are Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Nauru, Niue, Palau, Marshall Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.

- **SDG 8 Decent Work and Economic Growth. Target 8.5** By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value; **Target 8.7** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and prohibit and eliminate the worst forms of child labour—including the recruitment and use of child soldiers—and end child labour in all its forms by 2025; and **Target 8.8** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.
- **SDG 16 Peace, Justice and Strong Institutions. Target 16.7.** Ensure responsive, inclusive, participatory and representative decision-making at all levels.

It should be noted that a major purpose of LLR was to align national labour laws with the ILO conventions. All of these international labour law standards play a role in protecting human rights, which is also an objective of SDGs.

In practice, aligning ILO's work with the one UN development plan has encountered some challenges. The ILO is the only UN agency that has three constituents, while other UN agencies mainly deal with government agencies. The ILO has been making a great effort to engage its tripartite constituents in general UN discussions. It is expected that all UN organizations could recognize the equal role of the tripartite constituents. It should also be noted that "one UN" is still a new exercise and as a result, the UN agencies lack cohesion. When it comes LLR, which is country-specific, UNDAF as a regional framework appears to be vague; the best means of showing its results at the country level is still under exploration.

As for SDGs, the ILO's efforts to help its member states report on the SDGs has not gone beyond stating alignment with the SDGs in the DWCPs and collecting statistics about specific outcomes. In fact, the SDGs are very new to both the ILO and its constituents in the Pacific sub-region. There is still space for the ILO to improve its understanding of the SDGs and to strengthen its linkages with the SDGs.

2. Effectiveness

- **What results have been achieved and what progress has been made in terms of strengthening the capacity of relevant institutions and individuals concerning labour law reforms? How much progress has been made after long years of continued support?**

As explained in the Background section, the ILO's TA on LLR to PICs focused on three areas: (1) promoting ratification of ILO instruments, such as the eight Fundamental Conventions and four Governance Conventions, as well as building the member states' capacity to comply with the reporting requirements for both ratified and unratified conventions; (2) amending existing laws or adopting new legislation, including labour inspection capacity building, to ensure that national laws and practices are aligned with Fundamental and Governance Conventions; and (3) strengthening tripartite labour advisory bodies. The effectiveness of TA in the last area will be analyzed under the social dialogue question.

Ratification and Reporting of ILO Conventions

The ratification and the implementation of international labour standards is a key component of LLR in the Pacific sub-region. Compared with the whole Asia-Pacific region, PICs have a low ratification rate, with 129 ratifications in total and an average number of 11 ratifications per country, ranging from 0 (Tonga) to 38 (Fiji). Eight out of 11 member states joined the ILO in 2000 and later. Among this group, the number of ratifications is lower than average: 10 ratifications in Kiribati and Samoa, nine in Vanuatu, seven in Cook Islands, three in Marshall Islands, two in Palau and Tuvalu, and zero in Tonga. Countries which joined the ILO in the 20th century have higher level of ratifications: 38 in Fiji, 26 in PNG, and 22 in the Solomon Islands. The table below summarizes the ratification status of fundamental conventions in each member state of the ILO.

Table 4: Ratification of Fundamental Conventions by PICs

	ILO member since	Freedom of association		Forced labour		Discrimination		Child labour	
		C087	C098	C029	C105	C100	C111	C138	C182
Cook Islands	2015			2015	2015				2018
Fiji	1974	2002	1974	1974	1974	2002	2002	2003	2003
Kiribati	2000	2000	2000	2000	2000	2009	2009	2009	2009
Marshall Islands	2007								2019
Palau	2012								2019
PNG	1976	2000	1976	1976	1976	2000	2000	2000	2000
Samoa	2005	2008	2008	2008	2008	2008	2008	2008	2008
Solomon Islands	1984	2012	2012	1985	2012	2012	2012	2013	2012
Tonga	2016								
Tuvalu	2008								2019
Vanuatu	2003	2006	2006	2006	2006	2006	2006	2019	2006

Member states' reporting responsibilities are mainly outlined in two articles of the ILO Constitution. Under Article 19, member states are required to report at appropriate intervals, as requested by the Governing Body, on non-ratified Conventions and on Recommendations, indicating in their reports the extent to which effect has been given or is proposed to be given to those instruments. Under Article 22, reports are periodically requested from States that have ratified ILO Conventions. The report form to which each State is to conform its reports is approved by the Governing Body. In 2013, CO-Suva published a brochure on *Reporting on ILO Standards: Guide for Labour Officers in Pacific Island Member States*. According to CO-Suva, all PICs have received training and TA on reporting. For example, the ILO facilitated a Sub-Regional Tripartite Workshop on Implementing and Reporting on the Maritime Labour Convention in 2017, and on reporting under articles 19 and 22 of the ILO Constitution in 2018.

In spite of various efforts by CO-Suva, only modest progress on meeting reporting obligations could be identified during the period under evaluation. For example, Samoa and Tuvalu submitted their first report under the MLC (2006) in 2017. Beyond the period under evaluation, there has been some good progress in 2019. For example, Samoa has completed its reporting obligations under Article 19 and Vanuatu has also submitted a report under Article 19.

Generally speaking, the Pacific is still featured as a sub-region with a high outstanding reporting rate in meeting the obligations under the ILO Constitution. Today, there are nine countries that have overdue reports in different categories under Article 19 and 22 of the ILO Constitution, namely:

- Fiji, Kiribati, PNG, the Solomon Islands and Vanuatu in reporting on new instruments required under Article 19;
- Fiji, Republic of Marshall Islands, PNG, the Solomon Islands, Samoa, Tonga, Tuvalu, and Vanuatu in reporting on non-ratified conventions under Article 19; and
- Fiji, Kiribati, PNG, Samoa, the Solomon Islands, and Vanuatu in reporting on ratified conventions under Article 22.

Among the PICs, the Solomon Islands has the most challenging record. It was specifically mentioned by the Committee on the Application of Standards (CAS) for a serious failure to (1) submit reports on non-ratified Conventions and Recommendations, (2) supply information in reply to comments made by the Committee of Experts, and (3) submit instruments adopted by the Conference to the competent authorities.

Several factors have contributed to the low ratification and high outstanding reporting in the Pacific sub-region. The low capacity of the member states is a key reason. In many PICs, labour administration is very small, with a lack of stable and dedicated staff to carry out relevant responsibilities. For example, when the evaluator visited the region, there were only three staff members in the Department of Labour in Tuvalu who need to deal with all of the UN agencies. In the Solomon Islands, the person in charge of reporting does not even have an office from which to operate. There is a consistent need to deliver the same training in these countries due to turnover in the counterparts' office. Even though the ILO has produced various publications and learning materials, ensuring that continuity of knowledge is still difficult to achieve. In a few countries, lack of political will also results in lack of action. In the case of the Solomon Islands, the ILO CO-Suva invested considerable time and resources to support the country to meet its reporting obligations, including providing a fellowship to a government official to attend training in Turin, who never took on further ILO reporting responsibilities in her role upon her return to the country. To help Vanuatu meet its reporting obligation, the ILO sent a Fijian consultant twice to provide training by using the Pacific Guide on Reporting. However, due to the government's lack of capacity to absorb the TA, the consultant ended up completing seven reports by himself.

The inefficiency of the internal reporting system in the member states also contributed to the delays in reporting. In some member states, standard protocol requires all the communications related to ILO Conventions to go through the Ministry of Foreign Affairs. When the reporting request arrives at the implementation ministry, one month could have passed.

The complexity of the ILO reporting system itself has also increased the difficulties of reporting. Moreover, the ILO member states have to follow the same reporting system, irrespective of their size, capability, or development stage. Some government reporting staff in PICs may understand the general framework, but always had problems with particular terminologies and standards. According to them, some questions were repetitive and they had to repeat the same answer many times. Moreover, many countries lacked the resources to complete the reporting; they had no time or budget to travel from one place to another in order to collect information from different groups, such as people with disabilities, and the quality of the information collected could not be guaranteed.

Some stakeholders also pointed out that certain reporting questions lacked cultural sensitivity. Thus, they were constantly at a loss to interpret certain terminologies and to respond to these questions. For example, in the rural areas of some PICs, the chief system is the basic social structure. Under this system, young men can be asked to work in order to inherit the title of chief

in the future. However, under some circumstances, such a practice could be interpreted as slavery or child labour according to the ILO conventions.

It is also observed by some stakeholders that many experts in ILO's headquarters in Geneva were lawyers who were too legalistic in dealing with labour compliance and inspection. In their view, more labour industry experts with a better understanding of labour issues should have been involved in the training and discussions, especially in those related to inspection practices.

Labour Law Review and New Legislation

A relatively high ratification rate between 2000 and 2010 led to a desire to improve the implementation of the eight Fundamental Conventions of the ILO, and consequently resulted in the need for significant legislative amendments among PICs. The ILO provided TA to its member states on reviewing existing labour laws and drafting new laws. This process was benchmarked against the ILO Conventions and participated by the key stakeholders. The table below summarizes the progress on labour law review in different PICs.

Table 5: Progress on Labour Law Review in PICs

Category I	Good progress
Kiribati	With the ILO's TA, both the Employment and Industrial Relations Code and the Occupational Safety and Health Act were passed in 2015 and took effect in 2017.
Samoa	With the ILO's TA, the Labour and Employment Relations Act was passed in 2013, and the Occupational Safety and Health Act, along with its supporting Regulations were passed in 2014.
Tuvalu	With the ILO's TA, the Labour and Employment Relations Act was passed in 2017.
Category II	Some progress
Cook Islands	With the ILO's TA, the Employment Relations Bill was passed in 2012. The ILO conducted a labour law review in 2017 and recommendations were made. There has been no follow-up from the country since then.
Palau	The ILO reviewed the Labour Legislation Bill in 2014 and prepared model draft provisions in 2016. During 2017, a draft "ILO Legislation Act 2017" was prepared, which has yet to be enacted.
Vanuatu	In 2011, the ILO reviewed the draft Employment Relations Bill. In 2015, the Vanuatu Chamber of Commerce and Industry expressed a new preference for modest amendments to the existing Employment Act rather than passing new legislation. Currently, the ILO provides financial support for the consultations on the Employment Act. The ILO also provided TA to Seasonal Workers Act.
Category III	Limited or no progress
Fiji	CO-Suva did not directly engage with Fiji in LLR activities between 2012 and 2016 due to the sensitivity of an ongoing complaint concerning non-observance by Fiji of the <i>Freedom of Association and Protection of the Right to Organize</i> . However, the Employment Relations Advisory Board themselves conducted a review of the Employment Relations during this period. The Employment Relations (Amendment) Bill was adopted by the Parliament in 2016, which introduced some of the changes agreed to by the tripartite in a Joint Implementation Report.
PNG	- Industrial Relations Bill: The ILO reviewed the Bill in 2014, but the Bill never progressed through formal approval processes.

	<ul style="list-style-type: none"> - Employment Relations Bill: The ILO prepared an interim review report in 2013 and presented a final review report in 2014. Due to lack of engagement of the tripartite constituents, no progress has been reported since then. - Occupational Safety and Health Bill: The ILO conducted a formal technical review in 2013. Between 2015 and 2016, the ILO carried out the project “Implementing Occupational Safety and Health Legislation in PNG,” funded by Japan. In 2016, the ILO provided TA to finalize the Standard Operating Procedures for inspection in 2017. The Bill is currently awaiting a Certificate of Necessity from the State Solicitor.
Republic of Marshall Islands	The ILO supplied a briefing on how to conduct labour law reviews and the process and resources required to undertake this work. In response to the government’s request, a formal LLR is scheduled to take place in the last quarter of 2019.
Solomon Islands	In 2012, the ILO provided TA for the development of Regulations to formalise the Labour Advisory Board. In 2014, the ILO conducted a desk review and consultations with regard to the Workmen’s Compensation Act (1952). In 2016, the ILO proposed the possible scope of a review of wider labour legislation at the first meeting of the Labour Advisory Board. The Board has made no response since then.
Tonga	The ILO reviewed the Employment Relations Bill in 2012, which was followed by a serious delay between 2014 and 2017. In 2017, a specialist from ROAP visited Tonga to discuss the work programme, including the Employment Relations Bill.

Training on Labour Inspection

To support the implementation of new roles and responsibilities relating to labour inspection under the new and the proposed legislation, the ILO provided Foundation Skills Training on Inspection to Labour and OSH Inspectors in several member states during the period under evaluation, such as Samoa, Tuvalu, PNG, Vanuatu, Kiribati, the Solomon Islands, the Cook Islands, and Tonga. Some of this training was delivered with support from Work Safe New Zealand. Participants from some PICs, such as Fiji, were also selected to take part in the training in Turin.

The available monitoring information on these training activities is very limited. In most archived documents, only the training agenda could be found, while the participant lists were missing. It is also not clear whether pre- and post-training assessments were regularly conducted to evaluate the improvement of the knowledge and skills of the participants. Interviews with some training providers and participants revealed that at least in Samoa and PNG, the five-day Foundation Skills for Inspection training course was developed based on a needs analysis, but this training course has not undergone further evaluation.

The participants from both Fiji and Samoa confirmed that upon returning, they shared what they learned with their colleagues at home through presentations or on-the-job training. In terms of changes resulting from the training, almost all participants interviewed mentioned that the training improved their communication skills, enabling them to build professional relationships with the employers. Participants from Fiji also commented that the training activities allowed them to benefit from the knowledge and experience of people from other parts of the world. Since the training, they have adopted a preventive approach in their inspection work, rather than waiting for the problems to arise.

A facilitator’s guide, training workbook, training manual, and standard operating procedures were also developed with checklists to support the inspection staff from the member states over the

longer term. The participants from Samoa confirmed that they are still using some of these materials. It is not clear whether this is the same case in other PICs, as the evaluator did not have access to these stakeholders.

The capacity of the participants limited the methods that could be used for training. A train-the-trainer mode was experimented with in PNG to train inspection managers, but it did not succeed due to lack of capacity of the participants to understand the course fully. It should be noted that delivering a course on inspection is not tantamount to completing the work. Inspection is a skill that can be learned not only from training, but also from practical experience. The labour administration in the PICs needs ongoing mentor support, especially from experienced inspectors and their own peers. This requirement can be met in many ways, including on-the-spot, online, or telephone communication.

- **Which gaps remain and how could these gaps be addressed in the future?**

Gaps in subject matters

On the subject matter, LLR itself is a cross-cutting theme. To date, LLR in the Pacific sub-region has primarily focused on core labour standards, with an effort to cover all minimum terms and conditions of employment and inspection. Wider reviews of other legislation were limited to a desk review of social protection legislation. The need to address the new and recurring subject matters keeps evolving. Some common areas include child labour, sexual harassment in the workplace, and the minimum wage. Some PICs, such as Samoa, have initiated the second round of labour law review to address the issues not covered in the previous review. The ILO is expected to provide timely knowledge sharing and TA to the countries in need.

In addition, LLR has mainly focused on formal sector employment. Measures to extend the scope of labour protection remain relatively unexplored, despite the fact that the informal sector accounts for a majority of the workforce across the Pacific sub-region. Some efforts in this area have already been observed in countries like Fiji and Samoa. In Fiji, one council of the Chamber of Commerce is dedicated to helping women at the grassroots level to move from the informal sector to the formal one. In Samoa, in order to address the needs of people in the unorganized sector, questions on the informal economy have been included in government surveys. The Ministry of Labour is considering following the ILO recommendations on Transition from the Informal to the Formal Economy Recommendation (No. 204), as this move will encourage the government to detect the hidden issues and develop tools to cover the informal sector. Due to the limitation of this evaluation, initiatives to address the informal sector in the rest of the PICs are unclear.

LLR does not end with the passage of laws or the adoption of amendments. Implementation capacity is another challenge. Generally speaking, the local governments' capacity to implement law is low. In some cases, they need the ILO's help to understand their own laws. Their capacity to absorb their responsibilities under the new legislation is a significant issue. It takes a long time to strengthen institutions' capacity. In addition to the overall low capacity, the lack of vehicles and other resources facilitating access to isolated areas and remote regions for implementation will also be challenging.

To date, the ILO's TA on LLR has barely become involved in supporting the judiciary and other dispute settlement mechanisms. It is critical to have a strong judiciary to apply the law. The demand for TA in this area is evolving. Vanuatu expects to receive the ILO's TA to institutionalize an employment tribunal. The employer's organization in Samoa has also expressed a desire to learn how an employment tribunal operates in the jurisdiction of Fiji in order to inform their own

design. Due to the diversity of PICs, the employment disputes are resolved in different ways. It is generally recognized that alternative dispute resolution mechanisms, such as mediation and conciliation, would offer a good model in the context of the PICs, both financially and culturally.

Gaps in political buy-in

Every PIC has its own national political and legislative processes. Most labour ministries in the PICs are small departments with a lack of policy leadership in industrial relations. For example, the Department of Labour and Industry Relations (DLIR) in PNG had no dedicated policy or research functions in the field of industrial relations. For a period of time, there was also no dedicated “focal point” in the DLIR for LLR. In addition, the DLIR’s lack of engagement with the Public Service Commission significantly compromised the progress of the Industrial Relations Bill. Similarly, in Vanuatu, the Department of Labour had a low level of engagement with the Councils of Ministers. Usually, lack of high-level political buy-in not only leads to lengthy processes of development of the laws, but also affects the confidence of the social partners in the labour administration’s ability to manage an LLR process.

The domestic political situation could also complicate the LLR process in a particular country. Quite often, when challenging political situations such as elections arise, the governments of the member states would make progress on labour-related issues to generate political support, which may create a need for the ILO’s TA. These instances of political momentum are usually not the result of long-term strategic development considerations. Their appearance and duration are out of the control of the ILO. As a result, when the request for TA is motivated by political needs, the ILO may find itself in a stop-go-stop cycle and have to shift its own focus to other countries when the current TA recipient becomes inactive. In Vanuatu, significant political instability between 2012 and 2017 led to frequent changes in Ministers, which affected the progress of LLR in the country.

Gaps in capacity

Limited human and financial resources on both the ILO’s part and the part of its tripartite constituents is still a gap to be bridged. More details will be discussed in the later sections.

- **To what extent has gender equity been mainstreamed in ILO approaches and interventions on labour law reform?**

There are substantial gender disparities in labour force participation rates in PICs. Women are particularly over-represented in the informal economy. Generally speaking, there is still a strong cultural barrier to achieve gender equality in the sub-region, and most important positions are still dominated by men. At the same time, many countries have ratified CEDAW and are committed to equal treatment of men and women. The advancement of gender equality is at different stages in the PICs. Samoa is an exception, with solid achievements in gender equality: almost half (47%) of the 19 Government Ministries have female Chief Executive Officers, and 33% of top management-level positions are held by women in State-Owned Enterprises.

Gender equality is a cross-cutting policy at the ILO. It is considered a strength of the ILO’s work in the Pacific. There is good female participation and representation at certain tripartite organizations. All of the heads of the employer and union organizations in Samoa are women. In Vanuatu, at least 50% of the members of the Tripartite Labour Advisory Council (TLAC) are women. The Chair of the Labour Commission, the trade union, and the employers’ organization are all women. In Fiji, the director of the trade union congress is a woman. The situation in other countries, however, is unclear. Currently, there is no provision on gender balance in the labour laws that formalize the tripartite. It would be desirable to adopt such a provision in the future.

In all of the ILO's technical reviews, providing gender-responsive analysis is a guiding principle to follow. These analyses assess the impact of the new or amended legislation on gender, anti-discrimination, equal pay for work, equal standards in other aspects, etc. Moreover, gender equality is a standard benchmark for legislation and is taken into consideration in the draft laws. Equality is also considered for other vulnerable groups, such as youth and people with disabilities.

CO-Suva has not collected sex-disaggregated data at all times. There is no adequate record to analyze the gender profile of workshops and other training activities conducted under the period of evaluation. Some programme officers (POs) confirmed that they set a target of ensuring that at least 30% of their participants should be women. Others also stated that encouraging women's participation was included in their invitations to the tripartite constituents, but they left it to the invitee organizations to nominate participants. Moreover, they did not give feedback on gender balance to their constituents after these activities. In their views, promoting gender equality was always an objective, but it was seen as a "soft" thing to do – not a policy goal to be pursued confrontationally. Several years ago, there was a gender specialist in CO-Suva, but that position has not been filled for at least three years. Currently, there is no resource dedicated to addressing gender equality.

In LLR, there were not many specific activities or initiatives solely focusing on promoting gender equality. One exception was the ILO's support for the establishment of the Women Entrepreneurs Business Council (WEBC) in Fiji in 2013 through a partnership between the ILO and the government of Norway. WEBC is a subset of the Fiji Commerce and Employers Federation (FCEF) and part of its seven councils. WEBC's primary objective is to ensure that the voices of businesswomen – especially those at the grassroots level and in the informal sector – are heard at the policy level. It provides training to grassroots-level businesswomen in the informal sector, such as social media training, financial management training, and mentoring to help these women move from the informal to the formal sector. The ILO helped the WEBC to develop two strategic plans. Now, the WEBC is fully funded by the FCEF, with no financial reliance on outside donors.

- **To what extent has social dialogue been used/mainstreamed in the process of the ILO's support for labour law reform, and if not, why? What have been the obstacles?**

One important component of LLR is to establish tripartite bodies and tripartite oversight mechanisms to oversee the reform process and to provide advice on the development of legislation. During the period under evaluation, the ILO encouraged member states to use existing tripartite labour advisory bodies as the focal point for LLR and to work in line with priorities in DWCPs, or to establish a dedicated working group for this purpose where such bodies did not exist.

Establishment of tripartite advisory bodies

Social dialogue is a fundamental element of all the changes in industrial relations. It has proven to be a sound and valid approach to advancing LLR. In the Pacific sub-region, the ILO's strategy is to use the national tripartite forum to promote reform. Regardless of the starting point for these countries in LLR, it is critical to have a strong tripartite dialogue alongside the reform. This dialogue is also a learning and capacity-building opportunity for all three ILO constituents.

As a result, a key development in the Pacific sub-region during the period under evaluation has been the growth of tripartite social dialogue as a critical element of good labour governance. Although there continue to be challenges, significant strides have been made in **Kiribati** with the establishment of the Decent Work Agenda Steering Committee in 2010, which was subsequently

formalized in law in 2015. **Vanuatu** established the TLAC through amendments to the Employment Act in 2010 with the ILO's TA. In the **Solomon Islands**, the Labour Advisory Board was formed in 2012; in 2016, the Board's membership was confirmed. In addition, **Tonga's** Employment Relations Bill establishes a Tripartite Labour Advisory Board for the first time. The ILO has also provided technical support to the **Cook Islands** in preparing draft rules to establish a tripartite labour advisory council, which was approved by the Cabinet in 2016. **Samoa's** Labour and Employment Relations Bill formalized the establishment of the Samoa National Tripartite Forum (SNTF) in 2014.

In some countries, the development of tripartite social dialogue has been less successful. The tripartite advisory body existed for a long time in **PNG**, but it is not yet functional as it is very hard to get the ministry's support. **Tuvalu** is very small, and it is difficult to establish an employers' organization and unions.

Training on Good Practice Tripartism

To support the effective functioning of tripartite labour advisory bodies, collaborating with ILO-ITC, CO-Suva has rolled out a tailored training programme on Good Practice Tripartism since 2013 to address PICs' needs. This training has been delivered in Vanuatu, PNG, Samoa, and the Solomon Islands, as well as in Turin. The training usually included briefings on ILO Constitutional obligations, introduction of good practices relating to engagement in LLR, and clarification of DWCP development processes.

Due to a lack of proper records and documentation of training activities, the training's effectiveness can only be inferred from some anecdotal evidence from the participants. The Samoa Workers' Congress stated that upon returning from training abroad, the participants further provided two similar training sessions to about 20 colleagues in order to enhance their awareness of tripartism. Although it was unrealistic to expect immediate changes after the training, the participants who trained abroad in Turin appeared to be more focused at work and demonstrated more confidence when speaking.

It should be noted that in addition to LLR, there are other ILO projects focusing on building the capacity of employers' and workers' organizations. A good example is the Increased Capacities of Employers' and Workers' Organisations to Participate Effectively in the Development of Social and Labour Policy in Fiji, Samoa, Vanuatu, and Kiribati (2019 – 2022).

Function of tripartite mechanism

The tripartite mechanism functions differently in the three PICs visited by the evaluator.

- In **Samoa**, the SNTF, through effective social dialogue, has collaboratively developed and launched the Samoa National Employment Policy and the third DWCP. Since its formation and during the development of DWCP, the SNTF has met regularly on a range of issues to advance various elements of the ILO's work programme. This has included a special session of the SNTF to finalize Article 22 reporting under the ILO Constitution. In addition, the SNTF ratified the convention on tripartite in 2018 and recently endorsed the ratification of the four ILO Governance Conventions by the end of 2019 under SDGs 8.7. It is observed by the participants that when the SNTF is in session, all members can actively give a voice, and the forum can come up with a solution on which all the tripartite constituents agree. Moreover, as the tripartite approach also involves a lot of ministries and associations, such as the Ministry of Women, it serves as an efficient decision-making mechanism when the issues in question involve multiple stakeholders, such as child protection.

- In **Vanuatu**, the TLAC still exists, but is struggling to determine how the three constituents can work together. There is no clear work plan for the TLAC. According to social partners, the TLAC only meets when the ministry has needs for discussion. The tripartite constituents have different understandings of each other's roles. From the social partner's perspective, due to weak leadership and inadequate engagement from the government, regular and effective consultations cannot be practiced. When a change of administration took place in 2018, no proper handover was made within the Ministry, and the social partners had to bridge the knowledge gap by providing documents to the new government representative. The TLAC also lacks knowledge of DCWP, as it does not follow up on it. On the other hand, the government representatives hope that the social partners will understand the limits of their rights and address issues in a professional fashion that stimulates cooperation. In the views of the CSOs, the TLAC is inactive and invisible, only meeting between themselves without external consultations. Since the tripartite mechanism does not work properly, many labour disputes end up in court.
- In **Fiji**, the ILO's engagement in LLR between 2012 and 2016 was set against the background of a complaint to the Committee on Freedom of Association (Case No. 2723), which later became the subject of an Article 26 Complaint under the ILO Constitution. For a long time, the tripartite mechanism could not work due to the conflict between the government and the union. In March 2015, a Tripartite Agreement was signed by the Government, the Fiji Trades Union Congress (FTUC), and the FCEF in Geneva. In 2016, the Government of Fiji accepted a tripartite mission by the ILO to review the ongoing obstacles. On 29 January 2016, the Government of Fiji submitted a Joint Implementation Report signed by the Government, the FTUC, and the FCEF. At the end of the period under evaluation, the tripartite partners were expected to be ready to engage with each other and bring good faith to the negotiation table.

Obstacles

Inclusive dialogue. Ensuring equal participation among the three constituents and within each constituent is very challenging. Ideally, there are strong tripartite constituents that are able to articulate the main concerns and interests of their members in LLR. In reality, the process can prove to be more top-down than is ideal. In many countries, senior government staff in leadership positions have more authority than other tripartite members. In order to avoid their dominating the discussions, the ILO sometimes has to break up meetings and speak with participants individually. Among the different cultural groups, the traditional Polynesian chief system also plays an important role in communication dynamics. Under this system, when the chiefs speak, the people are passive listeners. When translating that approach into the tripartite setting, the chiefs do not expect the trade union to be strong. Their domination could thus distort the dynamics required for equal participation, and the trade union's ability to participate meaningfully is limited.

Low capacity. Generally speaking, the capacity of the ILO's tripartite constituents in PICs is low, particularly that of the unions. In almost all member states, the executive members of the employees' organizations are working on a volunteer basis. In some cases, trade unions only exist in name, with no office or staff. Only when the ILO staff visit their countries, do they hold themselves out as union leaders in order to meet with the ILO representatives. Unlike the employers' organizations, which can outsource their legal issues to their lawyers, the unions rely on various labour specialists in ILO's Suva, Bangkok and Geneva offices to help resolve their problems.

Due to limited resources, it is difficult for the ILO to make sure the tripartite structure works properly in all 11 member states. Internet costs are high in the region, and not everyone has or responds to emails. Sometimes, phone calls cannot go through. In some countries, the tripartite advisory bodies don't follow the regular schedule, and only convene when the ILO staff visits. In countries where relations among the tripartite members are cordial, the tripartite advisory bodies can meet regularly and work closely. The challenge is that after social dialogue, due to lack of capacity of the constituents, there is not much action taken to follow up on the good decisions.

Culture barrier. In spite of the ILO's efforts, local people do not always have enough understanding of the ILO's work and approaches. How to fit the ILO standards into the existing social-structural and cultural systems in certain countries is another challenging issue. During the interviews, the stakeholders from all three countries visited by the evaluator raised this concern. For example, how are they to interpret and apply the concepts flowing from the ILO Conventions, such as gender equality or child labour, in a specific context in the PICs? In their view, there is a need for a new way of determining what is comfortable and acceptable.

3. Efficiency

- **Are the resources and inputs (human resources, funds, expertise, and time) for labour law reform being used strategically and in the most efficient manner?**

The ILO ROAP and Decent Work Team (DWT) in Bangkok provides a range of technical services and expertise that support work throughout Asia and Pacific. CO-Suva covers 11 member states in the Pacific sub-region, providing services and assistance in various areas, including Enterprise and Entrepreneurship, LLR, OSH, Employment Policy, MLC, Migration, Child labour, Social Security, and Disaster Recovery Support. Limited resources have posed a major challenge to the ILO's ability to do business in the Pacific sub-region.

Human resources

CO-Suva does not have adequate human resources. There are three POs in CO-Suva, serving as the link between the member states, the ILO programmes, and the specialists. The POs are spread out thinly, as each of them covers three countries and is also responsible for certain thematic issues across all 11 member states. In addition, there are two national coordinators based in PNG and Samoa, respectively. In eight out of eleven ILO member states, there is no office or staff presence. Due to the vast geographical spread of the member countries, expensive and unreliable flights, and costly communication, it is difficult to manage ILO work, including LLR—both virtually (from Suva) and in-country. Due to the lack of staff presence and office infrastructure on the ground, POs are left at the liberty of availability of constituents. As not being able to gather information or intelligence in a timely fashion, the ILO is constrained from providing adequate services to the constituents.

Many countries have expected that the ILO could have in-country representatives, which is unfortunately unrealistic. Even in countries with national coordinators, the ILO's contribution to local LLR is constrained due to lack of resources. For example, there is an ongoing review in Samoa on its labor law, funded by the Australian government and implemented by Adam Smith International. The ILO has provided comments to the amendment. It is conceivable that after the amendment is passed, there will be a need to provide training, but it is uncertain whether the ILO will have the budget to do that.

LLR work began in 2011 with the launch of the Labour Governance and Migration Project funded by AusAid in four countries. Under this project, in 2012, there were two Labour Law Experts and an Administration Support Officer based in Fiji, as well as a Project Officer based in Vanuatu. During 2013, following the closure of the project, a single labour law expert was retained in Suva. However, this position was not a regular post guaranteed through the ILO's regular budget. CO-Suva had to find resources on an ad hoc basis from a variety of sources to maintain the technical assistance on LLR. Since August 2016, there have been no labour law specialist positions in Fiji. The DWT provided technical backstopping between 2012 and 2017 to support LLR activities, particularly during 2016 and 2017 when there was no in-country specialist in Suva. However, the "Relying on the DWT" business model turned out not to be suitable for the PICs. It cost at least US\$10,000 for a 10-day mission – of which two to three days were for traveling – to get a DWT specialist into the PICs, and the specialist could visit two countries at most. With only one or two missions to the region per year, the Bangkok-based specialist was not able to provide close and sustained technical input related to the LLR to the Pacific sub-region. The leadership in CO-Suva made a great effort to keep the LLR alive. Eventually, a new expert was recruited in 2018 under the dual job description of Decent Work and International Standards, with the intention of strengthening the LLR work in the Pacific.

Financial resources

In addition to manpower, financial resources have also been limited in the Pacific sub-region, including the resources for LLR activities. Since the Australian project, there has been no major development cooperation funding for LLR. As a result, CO-Suva needed to secure funding to continue LLR work on an annual basis.

The ILO's Programme and Budget sets out the strategic priorities of the organization and is approved by the Governing Body every two years. The delivery of Programme and Budget priorities through a biennial work programme is accomplished primarily through DWCPs in the Pacific. Normally, in its regular core funding, the ILO has a budget of around US\$400,000 for its main programming work, which needs to be divided among 11 countries for two years. On average, each country only gets US\$33,000 for its programme. The DWCP entails the priorities from the tripartite constituents of the ILO. If the activities related to the LLR are not prioritized by the tripartite constituents, they won't be strategically planned in the DWCP.

According to the Stocktake Report, an estimated USD\$1,491,554 was spent on LLR and wider labour standards activities (including some salary components) between 2012 and 2017. Forty percent of expenditures were related to donor-funded development cooperation projects. PNG, Fiji, and Vanuatu attracted significantly more resources than other member states, whereas countries such as Tonga, the Cook Islands, the Marshall Islands and Palau had the lowest expenditures.

LLR requires long-term engagement. Priorities need to remain constant for an extended period of time. However, due to the brevity of the funding cycle, the resources for the LLR need to be negotiated on an annual basis. This approach was full of uncertainties and did not allow a long-term perspective to be established. As a result, the ILO can only react to the demands of the member states, without having a long-term strategic framework to respond to member states' LLR needs across the Pacific sub-region.

- **Have any benefits or trade-offs arisen from the shift in emphasis from project-based funding to donors funding outcome-based work plans? To what extent has the**

development objective of labour law reform systematically been included in partnerships with donors?

As discussed in the Background section, between 2012 and 2018, CO-Suva's received development cooperation funding from the Australian and Japanese governments for three projects. The strength of these projects lay in the fact that these interventions had clear objectives and target outcomes. Moreover, the monitoring and reporting requirements were specified in the project agreements. The weakness of these projects were that they were short and standalone, and only covered limited member states. Thus, their position and contribution to the ILO's long-term objectives were not well articulated.

LLR work is currently embedded in DWCP, which is outcome-based in the absence of special outside funding. This arrangement responds well to the fact that there is still a strong need in the Pacific sub-region for the ILO's TA on LLR. It is the ILO's responsibility to assist its member states in implementing the Conventions after they have ratified them. Theoretically, embedding LLR into country DWCPs enables the ILO to design and implement interventions in its member states with a long-term perspective. However, due to an uncertain funding situation for a regular technical expert position during the period under evaluation between 2012 and 2018, this benefit could be not fully realized. After years of strong advocacy, CO-Suva was able to recruit an international specialist in 2018.

As analyzed in the Relevance Section, LLR has not been a priority of development intervention of donors in the Pacific sub-region. The ILO's engagement with donors appears to be tenuous. CO-Suva was not able to connect the evaluator with the governments of the donor countries for consultation, including those governments that have funded ILO's LLR work in the past, such as Australia and New Zealand. Without extensive consultation with these key stakeholders, it is not clear how much effort the office has made to engage the donor community in the past.

Interviews with the POs showed some piecemeal evidence that CO-Suva is taking a more flexible approach to engaging donors in order to create synergy. To revive the contact with the donors, the new International Labour Standard Specialist is in the process of developing a concept note for the Australian Government related to Alliance 8.7 of SDGs, which includes four topics: forced labour, human trafficking, modern slavery, and child labour. These subjects do not solely focus on LLR, but entail broader issues related to LLR.

Sometimes, donors' funding goes directly to the ILO member states. For example, the New Zealand government is helping the Cook Islands to design new occupational legislation. In this case, the ILO contracts with the country to provide TA in order to ensure the new legislation's compliance with international standards.

4. Effectiveness of Management Arrangements

- **Are the roles and responsibilities of the ILO management team and relevant specialists clearly defined and understood?**

The roles and responsibilities of the management team and relevant specialists and staff in CO-Suva are more complicated than in other ILO offices. No doubt, the roles and responsibilities can be clearly defined and understood in the job description. However, in reality, the job description does not reflect the volume of work and the complexity of the ground situation. For example, applying the same job description to 11 countries would be completely different from applying it to a single country. In the current structure, each PO is responsible for programming in three

countries and on several thematic areas. Human resources constraints have forced staff in CO-Suva to play different roles, which can cause confusion and lead to stress and burnout. Better incentives should be built in to improve the system and achieve efficient management.

Due to time differences and workloads, the communication between ILO staff in CO-Suva and specialists in Bangkok and Geneva can also be further improved. It is expected that equal attention be given to the PICs, though they are very small in size. In fact, the sentiment that the PICs should receive the attention they deserve is quite pervasive among the tripartite constituents in the countries that the evaluator has visited. They consider themselves distinct from the Asian continent, demographically, economically, and culturally. There is a strong expectation of more financial resources and more technical support from those ILO experts who have a good understanding of the cultures and contexts of the Pacific sub-region, rather than experts only for Asia.

- **To what extent is the newly increased capacity (the new labour law specialist) relevant to the needs of the PICs?**

In September 2018, a new international specialist was recruited under the joint title of Decent Work and International Standards Specialist. A Bangkok-based international standards specialist is providing backup support to her through the transition. No doubt, her joining the Suva office is beneficial to LLR work. It is expected that the entire sub-region could benefit from this newly available human resource and her expertise. Some member states have reflected that this change represents a major improvement of the ILO, as there is now a regular specialist residing in the sub-region to follow up on all LLR-related issues in a timely manner. At the same time, there are already some signs showing that this new capacity still cannot meet the increased expectations. Some constituents stated that when the specialist was physically working in-country with them, she was helpful in providing methodology and clarifying the procedures, and progress was made. However, her stay has always been brief—no more than several days—and could not meet the huge demand in the field for the thorough guidance and timely follow-ups that are necessary to develop local capacity.

In fact, the new specialist's time is spread out thinly among the 11 member countries, as she has not been able to devote all of her time to LLR activities during her first year. Under the joint job description of Decent Work and International Labour Standard Specialist, her portfolio also includes child labour, Alliance 8.7, research work and publications, and fundraising. As a result, her focus on LLR is substantially diluted. Her missions to the field in the first year were also limited, as she joined the ILO at the end of the first year of the biennial 2018 – 2019, when the budget was already fixed and no funds were allocated to the new position. The situation is expected to improve in the new biennial cycle.

In summary, this new resource will enable the CO-Suva to be responsive to PICs' request for technical assistance in an improved manner, but will not achieve to respond to such needs strategically and proactively if the current business model of flying specialists in and out continues. How to define her function and budget her time between decent work and LLR in order to maximize the utility of an expert is a management decision that CO-Suva will have to make.

5. Impact and Sustainability

- **What are the tripartite constituents' perceived benefits from ILO interventions on labour law reform (differentiated by type of constituents)? What evidence exists of constituents benefiting from ILO interventions on labour law reform?**

Government

Many training participants reported that attending ILO training and workshops improved their skills directly related to fulfilling their obligations to the ILO. For example, through the Training on Reporting Obligations under the ILO Constitution, the government officials in Samoa learned how to respond to direct requests and observations from ILO headquarters in Geneva in order to meet the reporting obligations for the ratified conventions.

In addition to training, the TA provided by the ILO specialists equipped the government staff with a better understanding of international standards on important labour issues and enhanced their awareness of human rights. When the member states do not have a provision to deal with a specific legal issue, such as unlawful termination, the government officials are eager to seek reference from the international conventions. The officials feel more comfortable giving advice after consulting the ILO on the subject matter.

The Inspection Foundations Skills Training has allowed the government staff in Samoa to carry out inspection activities better. With improved communication skills and techniques, they know how to approach employers, learn about their views, and resolve disputes with them.

Some skills adopted from the ILO training are transferrable and also benefit other work performed by the participants. For example, they can apply the survey techniques gained from the ILO training to prepare questions in general labour market surveys, where they ask employers to release information on employee records, normal hours of work, pay, training needs, etc. One trainee in Samoa reflected that she could still apply these acquired skills after she left the inspection unit, as long as data collection is still part of her work. Similar feedback has also been received from the Ministry of Employment, Productivity, and Industrial Relations in Fiji.

It should be noted that improved knowledge and skills at the individual level are not necessarily institutionalized in the recipient agencies and transformed into new institutional capacity. Several factors affect the sustainability of the ILO intervention.

First, the capacity to absorb ILO training is uneven among the participants. Many government officials do not have industrial relations backgrounds, lacking a solid foundation from which to understand and apply ILO training fully. As discussed above, ministries of labour in PICs are small, with limited staffing. In addition to the ILO, they are also responsible for other development agencies, such as the World Bank and other UN agencies. Being preoccupied with too many things, they sometimes prioritize their most urgent needs. The time and attention required to reflect on and absorb the learning benefits of ILO interventions is simply not available.

Second, many labour ministries in PICs do not carry out long-term organizational planning. Ratifying new conventions and meeting the subsequent reporting obligations has added to the member states' workloads, even though these developments would benefit them in the long run. Samoan officials admitted that eventually, they would need to create a new position to undertake such responsibilities, and it takes time to go through bureaucratic approval procedures within the government system. Meanwhile, in other countries, such a long-term vision does not even exist. The training participants have often been moved to new posts without proper handover of skills, activities, contacts, or documents. For example, in Vanuatu, the new official who is designated to do the reporting had to teach himself how to provide proper information to satisfy the reporting requirements by searching the instructions on the ILO website, which, according to him, was at times confusing and frustrating.

Finally, the ILO training was always short-term, lasting one or two weeks at the most, which was satisfactory for workshops or training, but not sufficient for long-term skill transfer or capacity-building for the labour ministries. Taking one or two persons out of country and expecting them to return to change the system is unrealistic. In addition, these trainings are irregular activities, depending on the availability of funds and experts.

Employers' organizations.

Generally speaking, the employers' organizations expect to enhance the business sustainability of their member organizations by receiving ILO TA. They are also keen on urging their members to assume more social responsibilities and ensure fair work conditions. On the OSH front, how to obtain an adequate supply of information is a major challenge for employers. They expect the ILO to help them to apply the minimum standards to all employees. In Samoa, the ILO has offered training to the members of the employers' organizations, helped the working groups to operationalize the inspection activities, and brought the stakeholders together to review the progress. Similarly, to ensure better working conditions for employees in other aspects, the ILO national coordinator also provided toolkits and brochures. The executive members of the employers' organizations reported that their members' decision-making capacity increased after they attended the training sessions. These activities also strengthened their partnerships with other stakeholders.

In Samoa, some representatives from the employers' organizations stated that they could have conducted the labour law review in 2012 by themselves, but the ILO-led review process allowed them to have more exposure to international knowledge and practices. When there are no ongoing formal law reviews, they still benefit from TA from the ILO. For example, they recently began using the term "casual workers" and, through the ILO national coordinator, they have found a great deal of definition in different scenarios, which helped to clarify and define work mobility in the country. They hope that in the future, more online information will be made available to the private sector.

In Fiji, with the support of the ILO, the Chamber of Commerce produced a number of publications to guide their members on gender equality, child labour, HIV/AIDS, and corporate responsibilities. Not only did the ILO provide training to the members of the employers' organizations, but also provided TA to support the founding of the Women Entrepreneurs and Business Council and the Young Entrepreneurs' Council.

In both Samoa and Fiji, the employers' organizations demonstrated their strong willingness to maximize the value of having an ILO office in their countries and to seek new opportunities to improve their work.

Sometimes, the sustainability of training benefits to the employers' organizations is affected by the changing institutional priorities of the recipient organizations. In Vanuatu, two staffers from the Chamber of Commerce and Industry received ILO training. Upon returning, they trained three colleagues, which was not considered proper due to limited capacity. Then an organizational restructuring took place, and the organization no longer positioned itself as a training center, focusing instead on representing its members. Within a short period of time, all five people who had some exposure to the ILO training left the organization.

Employees' Organizations

For employees' organizations, the ILO is an important ally that supports them to implement the ideas of social justice and decent work. The ILO strongly advocates for the practices and

standards of various labour rights at different levels, from Geneva to local. The employees' organizations receive TA and sometimes financial support from the ILO throughout its formation and development. Without the ILO's involvement, it is hard for the employees' organizations to exist and develop. Given that the evaluator was only able to meet with employees' organizations in one country, i.e. Samoa, the information from this type of constituent is severely limited. However, Samoa represents a successful example of the ILO's engagement with the employees' organizations in the PICs.

Building unions is a priority under DWCP in Samoa. The ILO played a major role in the establishment of the umbrella body of the Samoa Workers' Congress in 2014. The leadership of CO-Suva mobilized region-wide assistance to set up the umbrella body and to identify the national coordinator. Furthermore, the ILO provided support to the official launch of the organization, for which the Prime Minister of Samoa was invited as a speaker.

Since the establishment of the Samoa Workers' Congress, the ILO has further supported the draft of its strategic plans in which various benchmarks were set to guide the development of the organization. A number of workshops were conducted within the country and abroad to train the key members of the organization. Through these training sessions, the organization was able to present the workers' concerns, such as the minimum wage, at the national tripartite forum. Currently, the training focus of the Congress is to demonstrate the building blocks of unionism to youth in their early 20s – the society's future leaders – in order to enhance their awareness of the role of unions and teach them how to organize themselves.

The ILO's support has also enabled the Workers' Congress to carry out their responsibilities related to the reporting. According to their President, the organization is in a better position than before to get involved in the regional maritime reporting. When the regional conference on Maritime Labour Convention was held, they always made sure to send a person to participate through ILO funding.

VI. Conclusion

As part of the ROAP, the Pacific sub-region of the ILO is composed of 11 countries that are vastly different from each other. There is a strong need for LLR as the old legal systems in most countries are outdated and cannot meet the needs of the rapidly changing landscape of industrial relations. In recent years, there has been a growing recognition of the importance of labour legislation as a fundamental institution of labour market governance. The reform process in the Pacific has to be dynamic and flexible, as different countries proceed according to their own pace and capacity.

The international labour standards set the basis for labour policy concurrence and legal coherence region-wide. Most PICs are undertaking major LLR initiatives with ILO TA, or are about to commence such processes. The impetus for legislative change (particularly in the private sector, where terms and conditions of employment are significantly compromised compared to the public sector) is largely driven by a desire for better implementation of the eight Fundamental Conventions of the ILO.

Since 2011, CO-Suva has provided TA to its member states in the Pacific on LLR in three areas: (1) promoting ratification of ILO instruments and building the member states' reporting capacity; (2) benchmarking against international conventions, amending existing laws, or adopting new

legislation, including labour inspection capacity building; and (3) strengthening tripartite labour advisory bodies. These three areas are interrelated and exert influence on one another.

The DWCP is the vehicle through which resources are mobilized and serves as the basis for the ILO to provide TA on LLR. The DWCP consolidates the consensus among the tripartite constituents on the relevance and necessity of LLR to the long-term development of the member states. Originally launched in only four countries through the Labour Governance and Migration *Project* funded by AusAID, and then spread to almost all member states in the Pacific sub-region, the evolution of ILO TA on LLR has clearly demonstrated its demand-driven nature.

The ILO's approaches to the development and administration of LLR are well aligned with the overall One UN system and SDGs. The ILO is recognized in the UN system as the leader in implementation of SDG 8, i.e. Decent Work and Economic Growth and its indicators. As co-chair of UN Pacific Strategy results groups and outcome groups 3 and 6, the ILO also leads the UN's work in the area of economic empowerment and human rights. Like many other UN agencies, the ILO is trying to improve its understanding of and strengthen its linkage and coherence with the One UN plan and the SDGs.

LLR is a lengthy process and takes an extended time to yield long-term results and impact. In the period under evaluation, i.e. between 2012 and 2018, there have been mixed results. There are still notable compliance issues, citations for reporting failures, protracted labour law reviews, and weak social dialogues in spite of the progress achieved in establishing tripartite institutions.

- The period under evaluation has seen a growing number of ratifications of the ILO conventions among PICs. However, the ratification rate is still lower than the global and regional average. Efforts to improve reporting under the ILO's supervisory system have not secured a significant improvement in the reporting rate in the Pacific. Currently, nine of 11 ILO member states have overdue reports in different categories under Articles 19 and 22 of the ILO Constitution.
- On the front of legislation development, there are different cases along the spectrum. Significant progress was made with the passing of new labour legislation in Kiribati, Tuvalu, and Samoa. There was only some or piecemeal progress made in the rest of the sub-region.
- In terms of building capacity to implement new legislation, collaborating with Work Safe New Zealand, the ILO CO-Suva organized several training sessions on Foundation Skills for Inspection. Due to a lack of proper monitoring and documentation, it is hard to assess the effectiveness of these activities. Interviews with the trainers and some participants revealed that at least some of the training was well-prepared and delivered.
- There is also some positive evidence showing that the tripartite constituents have benefited from capacity building activities. The employers' organizations are the most self-sufficient constituents within the tripartite. The employees' organizations have been the drivers of reform as the workers demand their fundamental rights, but they are the constituent with the weakest capacity to engage in strong social dialogue. There are still tremendous obstacles to practical and real social dialogue in the Pacific, since in many PICs, the tripartite constituents cannot genuinely participate in policy discussions and other collaborations.

The challenges of PICs are linked to the global trends in the future of work, but are also a reflection of the particular context of the region. First of all, the Pacific sub-region is an extremely resource-intensive part of the world. There is no particularly easy way to avoid high costs when doing work in this sub-region. All the discussions and analysis should be done within this parameter, as this is a basic fact of life there at all times. Secondly, the sheer fact of lack of capacity on the part of

ILO's counterparts makes it difficult to transfer knowledge and institutionalize capacity. Due to the fragility and weak governance structures prevalent in the sub-region, one cannot expect results in the short term. This challenge is further compounded by other deterring factors in many countries, such as weak political will and stakeholder buy-in to LLR, as well as cultural barriers for local people to appreciate fully the value of LLR.

How to use limited resources strategically and efficiently is a big challenge for CO-Suva. During the period under evaluation, the ILO implemented several projects funded by the Australian and Japanese governments, but LLR has not been a priority for donors in the economic domain in the sub-region. For most of the time, CO-Suva struggled with how to secure funding to continue this type of work. The brevity of the funding cycle made it impossible to develop strategic long-term plans for the sub-region as a whole. As a result, the ILO could only react to the demands of the individual member states.

Limited human resources have forced staff in CO-Suva to fulfill different roles that can cause problems and lead to burnout. In spite of the challenging working environment, the dedication and professionalism of CO-Suva's staff has been complimented by its tripartite constituents and external experts who were engaged in the LLR activities. The new addition of an international expert on decent work and international labour standards will improve CO-Suva's response to its member states on LLR, but will not bring about fundamental change if the current fly-in-and-out business model continues. The regional demand for LLR is still strong, as some countries have already commenced the second-round review of their labour legislation. The new specialist will be able to provide support to ensure that some countries have the latest labour laws, but due to inadequate resources, the office still will not be able to manage to meet the increasing expectations of the constituents. To achieve long-term impact and sustainability, the ILO should look at building member states' capacity to develop local expertise on LLR. The current arrangements for implementing LLR requires a bit more affirmative action on the part of CO-Suva and the labour ministries in its member states.

As a normative organization, the ILO's competitive advantage lies in international labour standards. The path to achieving a good score on the observance and implementation of international labour standards in the Pacific sub-region may have been daunting but worthwhile. This aspect of work needs more resourcing. As a small, specialized agency in the UN system, how to position itself strategically in the overall UN reform and provide sustainable and proactive responses to the need for LLR in the Pacific is a common challenge for the ILO's offices at different levels, from Suva to Bangkok to Geneva. There have to be sustained efforts by all stakeholders to achieve results. There is potential to improve and have an impact. What matters is consistency and presence.

VII. Good Practices and Lessons Learned

Several emerging good practices and lessons learned can be summarized based on the document review, KIIs, and FGDs. Since the field mission only provided the evaluator with limited exposure to the countries and key stakeholders involved in the LLR work, only the good practices and lessons learned that could be well validated and articulated are listed in Annex 6: Good Practices and Lessons Learned.

1. Good practices

- 1) For training to be effective and conducive to the desired behavioral changes on the participants' part, adequate pre-training preparation should be done to allow the trainers to

design activities that are tailored to the participants' needs. During the training, interactive methods such as role play could engage the participants better than simply giving lectures. The production of training manuals could facilitate self-learning by the participants.

- 2) In-country presence through a national coordinator can make a big difference in engaging constituents, strengthening social dialogue, advancing various initiatives, and generating tangible and lasting impact of LLR activities, as shown in the case of Samoa. This has enabled the LLR activities to be well planned and thoroughly followed. However, such support is very resource-intensive and cannot be replicated region-wide.
- 3) To build the capacity of tripartite constituents in fragile countries, mentoring of workers and employers' organizations by their counterparts from jurisdictions with mature social dialogue mechanisms is an effective approach. As shown in the cases of Kiribati, Vanuatu, Samoa, and—to a lesser extent—PNG, without one-to-one mentoring meetings as part of LLR workshops, it is unlikely that workers and employers would have been actively engaged in formulating and discussing positions on LLR. Receiving this practical support from Australia and New Zealand was especially cost-effective as it saved on the significant costs of obtaining similar support from Bangkok.
- 4) Tripartite Labour Advisory Bodies can serve as strong focal points for reform and policy dialogue in LLR. During the period under evaluation, the ILO has increasingly focused on strengthening tripartite labour advisory bodies, including through legislative recognition of these institutions. The absence of strong public policymaking practices in the sub-region means that these bodies can play a profound role in promoting social change in small-island developing countries.
- 5) Generating strong political buy-in and adopting a strong public policy framework have proven to be effective approaches to promoting LLR. In Kiribati, the draft law languished for over a year until the Minister of Labour re-established LLR as a priority. This significantly altered the trajectory of the legislation and enabled it to be enshrined in the law. In Tuvalu, the ILO provided technical support to the labour administration so as to obtain Cabinet endorsement for key policy priorities. This smoothed the path for the tripartite dialogue and eventual legislation.

2. Lessons learned

- 1) A complicated regional thematic evaluation requires thorough preparation for data collection, including adequate mobilization of stakeholders for participation. When there is a weak M&E system, an evaluability assessment should be considered before conducting the actual evaluation in order to reduce uncertainty about evaluation investment and achieve cost-effectiveness.
- 2) Multiple factors can affect the process of LLR. Among them, one lesson learned is that “ownership” of the LLR process should not be confined to labour ministries without reference to other public sector stakeholders, including the legislature and other line ministries. Countries with strong political buy-in that have clear mandates from their Cabinets are more likely to maintain momentum and complete the reform process.
- 3) The business model of flying specialists in and out and providing short-term training does not generate sustainability in a context where the capacity to absorb TA is low. Multiple approaches have to be employed in order to consolidate resources and facilitate long-term south-south exchange and learning among PICs.
- 4) The size and scope of law reform stretches the capacities of labour administrations. In most cases, LLR has involved a full repeal of core labour legislation. It is particularly challenging

for smaller labour administrations to absorb the level of technical support required for large-scale reform where there is limited internal policy capacity. In later labour law reviews, the ILO should place more emphasis on helping countries to consider a step-by-step approach.

- 5) Labour law reform cannot occur in isolation from capacity building. During the period under evaluation, more resources were invested in building the capacities of labour administrations to implement their legal obligations effectively, and building the capacities of employers and workers organisations. Strengthening the capacities of tripartite labour advisory bodies became a critical part of the reform process as they increasingly became a focal point for LLR under DWCPs.
- 6) The ILO should get feedback from the implantation agencies. There is currently no follow-up after the completion of each training session. Regular follow-up, for example every six months, should be considered and practiced to ascertain what results have been achieved after training. Some unions attended the training, but returned to old patterns of behaviour afterwards.
- 7) There is scope for the ILO to increase its focus on developing and publishing knowledge products. The delivery of knowledge products for broad use was limited. There are opportunities for CO-Suva to share good practices and develop guidance on LLR, either through a global product based on experience across jurisdictions, or through the development of regional products for labour administrations, employers, and workers.
- 8) Results were more limited in countries facing problems with good governance and/or lack of political will on the part of tripartite constituents. In PNG, the programme was not successful in terms of influencing any of the tripartite constituents to take significant ownership of the law reform process.

VIII. Recommendations

LLR is an important component of the ILO portfolio in the Pacific sub-region. It is a long-term process. Lack of reasonable investment of human, financial and technical resources makes it difficult to develop intermediate- and long-term interventions in a strategic manner. How to surmount the resource-intensive nature of this type of work is a core concern. It is impossible to adjust management or financial arrangements related to the LLR without affecting ILO's work in other aspects. This is particularly true for an office where resources have already been stretched to capacity. Keeping that factor in mind, the following measures are proposed with a focus on the LLR work, but also with implications for the overall work of CO-Suva in some cases. Moreover, as the evaluator only had limited exposure to the stakeholders in specific PICs, the following recommendations mainly focus on the sub-Pacific region as a whole, instead of on individual member states.

1) Developing an overall sub-regional strategy to ensure that the ILO allocates the right resources to the right work at the right time. Currently, Co-Suva provides TA on LLR according to the DWCP or the requests from individual member states. An overall regional strategy would allow CO-Suva to prioritize its interventions and focus its resources on advancing reform in the countries with strong commitment and proper capacity. With a new regular position on international labour standards, the office is in a better position to develop such a long-term plan for the Pacific. This approach requires improved communication and cooperation between the Bangkok regional office and CO-Suva in order to:

- Ensure that strong strategic leadership is in place to guide the operation of CO-Suva;

- Determine true resource availability and improve resource utilization in Suva by (1) clarifying roles and matching responsibilities with proper staff grades, and (2) increasing resources when necessary and possible; and
- Develop a standardized and transparent screening process to determine suitable TA activities for member states in different readiness categories and to set appropriate expectations with tripartite stakeholders.

Responsibility	Priority	Timeframe for follow up	Resource implication
CO-Suva and ROAP	High	Immediately	Yes

Prioritizing its work does not mean that the ILO could ignore requests from those PICs with low capacity. Instead, the ILO should actively seek development cooperation funding and tap into existing resources in the Pacific to fulfill its responsibilities to all member states. To achieve the objective of consolidated resources, the following measures should be taken:

- 2) Strengthening donor coordination** to benefit from development cooperation opportunities. Getting development cooperation funding to supplement ILO's regular funding would allow CO-Suva to address LLR in a more comprehensive way in a particular country or on a specific subject matter in multiple member states. CO-Suva should actively reach out to the donor and development community to brief its initiatives on LLR. It should make sure to respond to procurement invitations from Australia, New Zealand, and other donors either individually or jointly with other UN agencies that have the same or similar stakeholders. In the long run, the ILO should consider hiring in-country officers to cover countries like the Solomon Islands and the Cook Islands in order to respond to donors' procurement calls in a timely fashion and to meet donors' expectations for in-country implementation capacity.

Responsibility	Priority	Timeframe for follow up	Resource implication
ILO CO-Suva	Medium	Medium term	Yes

3) Coordinating resources within the UN system to achieve collaborative efforts. Each UN agency benefits from the overall improved capacity of the stakeholders in the Pacific resulting from the initiatives operated by other UN members. LLR, as a cross-cutting issue, has good potential to be a component of many employment and economic development interventions. The ILO should be proactive in seeking joint programs with other UN agencies at the project/program level to maximize the utilization of its expertise. On certain subject matters, it should take the leadership to ensure that UN agencies deliver with coordinated actions under one goal. A good example could be promoting the new Convention on Violence and Harassment at work. Moreover, the ILO should improve the utilization of existing UN coordination mechanisms, such as the UN coordination office. It should also remain abreast of the new knowledge and engagement products in the UN system, such as Solevaka,⁴ an online platform that can help overcome the unique challenges of distance and isolation in Pacific geography.

Responsibility	Priority	Timeframe for follow up	Resource implication
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⁴ More information can be found at the website of Solevaka: <https://solevaka.org/>.

ILO CO-Suva	Medium	Medium term	Yes
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4) Tapping into existing sub-regional resources through south-south cooperation to enhance connectivity and peer learning among the member states. The Pacific sub-region is not homogeneous; some countries are better resourced and organized, more skilled and trained than others. However, there still exists a great deal of common ground when it comes to LLR. The demand and willingness for exchange and learning within the region is strong. Some regional champions have emerged as a result of the ILO’s TA in the past decade. Some executives of the constituents have served in their constituencies for a long time, and gained extensive experience. This is particularly the case for the employers’ organizations. Under their leadership, good materials and practices related to LLR were developed for their own countries. These are great resources for the sub-region as they can contextualize these materials and practices in other PICs and provide tailored and timely assistance to their neighbouring countries. CO-Suva is in the best position to bring about South-South cooperation, given its thorough understanding of the sub-region as a whole and its in-depth knowledge of the strengths and weaknesses of each member state. Arrangements that can be made include regional workshops, site visits, and secondment arrangements. Given that most countries speak English, the language barrier for communication is low.

Responsibility	Priority	Timeframe for follow up	Resource implication
CO-Suva and member states	Medium	Medium term	Yes

5) Building stronger ILO presence on the ground to provide proximity support to the constituents. The “flying specialists in and out” business model does not work in the Pacific sub-region, given the capacity required and the costs involved. CO-Suva should reorient the workload and budget, so that the program staff and the international standards specialist should spend more time on the ground to work alongside its tripartite constituents. This model would allow the ILO to accelerate its internal process so as to provide timely TA and follow-ups, as well as prompt the collective actions from the tripartite constituents to get results faster.

It should be noted that the major PICs are also where development interventions are most likely to take place in the Pacific sub-region. When financial situations allow it, the ILO should consider establishing more sub-regional offices independently or under UN joint presence in order to timely respond to interventions initiated by the donor countries.

Similarly, more bespoke training should be planned and delivered within the Pacific rather than out of the region. This is a cost-effective way to enable more participants from three constituents to benefit from training and to facilitate regional exchange. It’s also an effective way to foster the growth of training experts specialized in Pacific context and build mentor relationships within the region. Moreover, this approach would allow the ILO to engage with government officials from Ministries of Labour, Finance, and Planning and other line ministries and legislatures to spread out the benefit of a coordinated approach.

Responsibility	Priority	Timeframe for follow up	Resource implication
CO-Suva	High	Medium term	Yes

6) Cultivating an M&E culture for better knowledge management. CO-Suva has an urgent need to strengthen its monitoring and evaluation function. With proper M&E arrangements in place, it can establish a feedback loop from the constituents and other stakeholders to identify effectiveness and capacity gaps and to document and analyze what works and why. Some basic M&E compliance will enable the office to collect disaggregated data based on gender, age, country, and other indicators and to understand better the impact of their work on different groups. With an improved monitoring and data collection mechanism being institutionalized, the evaluability of its work will be substantially improved. There is also space for the ILO to place increased emphasis on developing and publishing knowledge products in order to share good practices and develop guidance on LLR. CO-Suva should coordinate with the Bangkok office to arrange Results-based M&E capacity-building for the office staff. Basic M&E training activities for PICs can also be included in the ILO's new development cooperative projects and other initiatives to ensure the tripartite constituents' accountability to ILO's interventions.

Responsibility	Priority	Timeframe for follow up	Resource implication
CO-Suva and ROAP	High	Immediately	Yes

7) Strengthening social dialogue through working in noncontroversial areas. LLR is an important technical field that can help achieve the integration of tripartism and social dialogue. Interventions that have the objective of building the capacity of tripartite constituents should be conducted on a regular basis. In countries where the tripartite constituents cannot work together, CO-Suva should consider the interventions that are important to all three parties but less controversial, such as eliminating child labour. These interventions favour the emergence of a climate of trust among the participants and quickly enable them to appreciate the advantages of tripartism and social dialogue.

Responsibility	Priority	Timeframe for follow up	Resource implication
CO-Suva	Medium	mediate term	Yes

Annex 1 Terms of Reference

Independent Evaluation of ILO's Technical Assistance and Development Cooperation projects on Labour Law Reform in the Pacific Island Countries (2012-2018)

Relevant CPO	PNG101, FJI101, FJI102, FJI902, KIR126, TON101, VUT101, , WSM101, , COK101, COK126, MHL126
Biennium	2012-13, 2014-15, 2016-17, and 2018-2019
Administrative Unit in charge	CO-Suva
Unit in charge of backstopping	DWT-Bangkok
Type of Evaluation	Regional Thematic
Donor	RBSA and RBTC from Biennium 2012-13, 2014-15, 2016-17, and 2018-2019
Evaluation mission dates	to be confirmed (estimated in August/September 2019)
Evaluation Manager	Pamornrat Pringsulaka, ROAP

Background

1. A number of Pacific island countries have industrial relations systems with historical roots in legal frameworks implemented by colonial administrations that were in the past responsible for Pacific Island territories. Labour legislation (with some exceptions relating to the public sector) in a number of countries is characterized by a protective approach largely directed at the health and welfare of private sector workers and reinforces the protectionist approach of early colonial administrations. Labour laws are also often missing a number of protections expressed in ILO standards. This includes the presence of provisions that discriminate against women, enable termination of employment “at will” by the employer, as well as limiting the right to freedom of association and bargain collectively. In addition, dispute resolution processes are also often subject to lengthy delays. These weaknesses undermine confidence in the law, impact on transparency and undermine good governance.
2. Increasingly, there are more imperatives for ILO member States to pay greater attention to improving compliance with the ILO's Fundamental Conventions. Most ILO member States in the Pacific region have ratified these Conventions, but there is a continuing gap between ratified Conventions and their application in law and practice.
3. Since late 2010, the ILO Office of Pacific Island Countries has started providing technical assistance for labour law reform in Vanuatu, Kiribati, Papua New Guinea (PNG), and Samoa. This has included particular attention to improving the implementation of the ILO's Fundamental Conventions. Later this support has extended to Fiji, Tuvalu, and the Solomon Islands, Marshall Islands, and Cook Islands.
4. Labour law reform and its implementation has been a priority in Decent Work Country Programmes (DWCPs) in the Pacific region for more than 10 years. During 2012 – 2018, it has featured as a priority in seven DWCPs, including PNG, Vanuatu, Samoa, Fiji, Kiribati, Tuvalu, and the Solomon Islands, Marshall Islands and Cook Islands.

5. The ILO Regional Office for Asia and the Pacific (ROAP) has identified the ILO interventions on labour law reform in the Pacific island countries from 2012 -2018 as one of the thematic evaluations to be conducted in 2017. However, the planned regional thematic evaluation has to be postponed as per the Country Office-Suva’s advice due to a recruitment process of Labour Law Specialist to be based in Suva. In order for preparation of the said thematic evaluation, ROAP then decided to conduct a stocktaking exercise of ILO technical assistance development cooperation projects of labour law reform in Pacific Island Member States from 2012 – 2017. The stocktake report, completed in February 2018, documents the current status, achievements, and effectiveness of the ILO technical assistance, including the use of relevant resources on labour law reform in the Pacific Countries. The stocktake report will serve as direct input and background information for preparation of this regional thematic evaluation on labour law reform in the Pacific Island Countries, 2012-2018.

Purpose and Objective of the Evaluation

6. The purposes of this regional thematic evaluation are to assess effectiveness and impact of the ILO in implementing labour law reform in the Pacific island countries during 2012 – 2018 and to foster organizational learning. The evaluation has the following specific objectives:
- (1) To assess the overall performance (relevance and coherence, efficiency, and effectiveness) of the ILO in implementing and supporting labour law reform in the Pacific island countries;
 - (2) To assess the impact and sustainability of the implementation results; and
 - (3) To identify challenges, key lessons learned and good practices, and provide recommendations to set the future direction of ILO work on labour laws in the Pacific.

Evaluation Criteria and Questions

7. The regional thematic evaluation will address the following evaluation criteria and questions.

Evaluation Criteria	Questions to be addressed
Relevance and Coherence	<ul style="list-style-type: none"> • To what extent are the ILO approaches and interventions concerning labour law consistent and pertinent to current and long-term requirements of the Pacific island countries, interests/policies of donors, and policies of partner governments? • To what extent are the ILO approaches and interventions concerning labour law are aligned with One UN plan, SDGs, and other relevant development plans or policy frameworks of the Pacific island countries or the Pacific sub-region?
Efficiency	<ul style="list-style-type: none"> • Are the resources for labour law reform being used strategically and in most efficient manner? • How economically are resources and inputs (human resources, funds, expertise, and time) converted to results? Do the results justify the cost? • What time and cost efficiency measures could be introduced without impeding the achievement of results?

Evaluation Criteria	Questions to be addressed
	<ul style="list-style-type: none"> • Are there any benefits/trade-offs to the shift in emphasis from project-based funding to donors funding outcome-based work plans? To what extent has the development objective of labour law reform systematically been included in partnerships with donors?
Effectiveness	<ul style="list-style-type: none"> • What results have been achieved and what progress has been made in terms of strengthening capacity of relevant institutions and individuals concerning labour law reforms? How much progress has been made after long years of continued support? • Which gaps remain and how could these gaps be addressed in the future? • To what extent has gender been mainstreamed in ILO approaches and interventions on labour law reform? • To what extent has social dialogue been used/mainstreamed in the process of the ILO support on labour law reform and if not why? What have been the obstacles?
Effectiveness of management arrangements	<ul style="list-style-type: none"> • Are the roles and responsibilities of ILO management team and relevant specialists, clearly defined and understood? • To what extent is the newly increased capacity (the new labour law specialist) relevant to the needs of the Pacific island countries? • Is the current arrangement for implementing the labour law reform effective? If not, how to improve it.
Impact and Sustainability	<ul style="list-style-type: none"> • What are the tripartite constituents' perceived benefits from ILO interventions on labour law reform (differentiated by type of constituents)? What evidence exists of constituents benefiting from ILO interventions on labour law reform? • What actions are required for achieving long-term impact?

8. It is expected that the evaluation address all of the questions detailed above to the extent possible. The evaluator may adapt the evaluation criteria and questions, but any fundamental changes should be agreed upon between the ILO evaluation manager and the evaluator.

Scope

9. The thematic evaluation on labour law reform in the Pacific island countries will cover ILO technical assistance for period of 2012-2018, regardless of funding sources. The geographic scope will cover all 11 Pacific island countries which are ILO member states: Fiji, PNG, Solomon Islands, Kiribati, Vanuatu, Samoa, Marshall Islands, Tuvalu, Palau, Cook Islands, and Tonga.

Audience

10. The primary audience and key user for this regional thematic evaluation is the ILO Country Office for the Pacific Islands Countries and Decent Work Technical Teams in Asia and the Pacific region. Secondary audiences include ILO Regional Office for Asia and the Pacific, constituents, donors, and academics.

Methodology

11. The evaluation will comply with evaluation norms, standards and follow ethical safeguards, as specified in the ILO's evaluation procedures. The ILO adheres to the United Nations system of evaluation norms and standards as well as to the OECD/DAC Evaluation Quality Standards.
12. The details of the methodology will be elaborated by the evaluator on the basis of the ToR and documented in the Inception Report, which is subject to approval by the Evaluation Manager. The detailed methodology should include key and sub-question(s), detailed methods, data collection instruments and data analysis plans to be presented as a key element in the inception report.
13. The evaluation will be conducted in three phases: an inception phase including desk review to produce the inception report; a data collection phase including field visits and possible surveys; and data analysis and reporting phase to produce the evaluation report.
14. It is expected that the evaluation will apply mixed methods that draw on both quantitative and qualitative evidence and involve multiple means of analysis. These include but are not limited to:
 - (1) Desk review of relevant documents that related to labour law reform in the Pacific island countries (the stocktake report, ILO IRIS Strategic Management Module –implementation planning, implementation reports, development cooperation projects – PRODOC, evaluation reports, DWCPs, United Nations Development Assistance Framework (UNDAF) evaluations, Common Country Assessment (CCA), UNDAF documents, the Sustainable Development Goals (SDGs) related documents, where relevant). ILO will provide the consultant with information if the consultant cannot directly access to such information.
 - (2) Interviews and group discussions with constituents, donors, UN agencies and relevant ILO management and specialists, field visits to be determined during an inception phase.
 - (3) Additional methods, e.g. an online survey, case studies, may be added by the evaluator.
15. The gender dimension should be considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. Data shall be disaggregated by sex where possible and appropriate.

Main Deliverables

16. The evaluator will provide the following deliverables and tasks:

Deliverable 1: Inception report. The inception report will include among other elements the evaluation questions and data collection methodologies and techniques, the evaluation tools (interview, guides, questionnaires, etc.), proposed countries to be visited with clear justification of the selection. The selection of country visits will be done in consultation with ILO Suva and evaluation manager, and proposed schedule of field visits. The instrument needs to make provision for the triangulation of data where possible.

Task 1 and Task 2: Field visits and Debriefing Presentation. The evaluator will conduct field visits as specified in the inception report and debrief ILO management team in CO-Suva and ROAP on preliminary findings from the field visits before departing the region. Evaluation findings should be based on facts, evidence and data. This precludes relying exclusively upon anecdotes, hearsay and unverified opinions. Findings should be specific, concise and supported by triangulation of

quantitative and qualitative information derived from various sources to ensure reliability, validity and generalizability.

Deliverable 2: First draft evaluation report. Evaluation report should include action-oriented, practical and specific recommendations assigning or designating audiences/implementers/users. The draft evaluation report should be prepared as per the ILO Checklist 5: Preparing the Evaluation Report which will be provided to the evaluators. The first draft evaluation report will be improved by incorporating evaluation manager’s comments and inputs.

Deliverable 3: Final evaluation report with evaluation summary. The evaluators will incorporate comments received from ILO and other key stakeholders into the final report. The report should be finalized as per the ILO Checklist 5: Preparing the Evaluation Report which will be provided to the evaluators.

17. The reports and all other outputs of the evaluation must be produced in English. All draft and final reports including other supporting documents, analytical reports, and raw data should be provided in electronic version compatible with WORD for windows. Ownership of the data from the evaluation rests jointly between ILO and ILO consultants. The copy rights of the evaluation report rests exclusively with the ILO. Key stakeholders can make appropriate use of the evaluation report in line with the original purpose and with appropriate acknowledgement.

Timeframe

18. It is foreseen that the duration of this evaluation will fall within July – November 2019. The field missions to the Pacific region (and perhaps also Bangkok) is proposed for Aug/September 2019 (date to be confirmed). Total level of effort for this evaluation is 35 days.

19. The following is the proposed schedule

Dates	Tasks	Level of Effort	Responsible	Outputs/ Deliverables	Term of Payment
Inception Phase (July – June 2019)					
July 2019	Initial briefing with evaluator to fine-tune the methodology , documents and format of inception report	1 day	Evaluator and Evaluation Manager	Briefing visit and agreed format for inception report	n/a
July 2019	Desk review and prepare inception report	7 days	Evaluator	Draft Inception Report	n/a
July 2019	Share draft inception report with relevant officials and send comments back to the evaluator		Evaluation Manager	Comments on Draft Inception Report	n/a

Dates	Tasks	Level of Effort	Responsible	Outputs/Deliverables	Term of Payment
Mid-August	Finalize inception report per comments received from the ILO	1 day	Evaluator	Final Inception Report	20% upon submission of the inception report to the quality that is acceptable to the ILO.
Data Collection Phase (August/September 2019)					
September	Interviews/Group Discussions/field visits/debriefing (face to face and skype)	13 days	Evaluator	Debriefing Presentation	DSA
Data Analysis and Reporting Phase (Sept/October 2019)					
October 2019	Draft report	10 days	Evaluator	Draft report	50% upon submission of the draft report to the quality that is acceptable to the ILO.
– 12 – 28 October 2019	Share draft final report with relevant officials and send comments back to the evaluator by 28 October 2019		Evaluation Manager	Consolidated comments	n/a
November 2019	Final report to be submitted and finalized no later than 8 November 2019	3 days	Evaluator	Final Report with a concise executive summary	30% upon submission of the final report to the satisfaction of the ILO.
Total level of effort of evaluator		35 days			

Management, Coordination, and Responsibilities

20. The thematic evaluation will be overseen and managed by Ms. Pamornrat Pringsulaka, Regional Monitoring and Evaluation Officer, ILO-ROAP. The consultants will report directly to Ms. Pamornrat on all aspects of consultancy deliverables and day-to-day work schedules. Ms. Pamornrat or other assigned ILO officials will provide support in accessing key internal documents and reviewing protocols and will facilitate meetings with key stakeholders, if necessary.
21. CO-Suva, Labour Law specialists, DWT-Bangkok, PROGRAM, and EVAL will be invited to review the TOR and all deliverables of this evaluation.
22. The tripartite constituents in the Pacific island countries will be invited to review and provide comments on all deliverables of this evaluation.
23. Final approval of the evaluation report rests with ILO Evaluation Office

Quality Assurance

24. The consultants will be required to ensure the quality of data (validity, reliability, consistency and accuracy) throughout the analytical and reporting phases. It is expected that the report shall be written in an evidence-based manner such that all observations, conclusions, recommendations, etc. are supported by evidence and analysis.

Required Qualifications

25. The following desired skilled, relevant experience, and qualifications from qualified consultants are being sought:
- At least 10 – 15 years of professional experience working on labour law. Working experience on labour law reform in the Pacific region would be an advantage.
 - Strong evaluation and related applied research in international development field background.
 - Must be fluent in English and have excellent writing and presentation skills.
 - Ability to conduct interviews, analyze and synthesize information and write reports.
 - Prior knowledge of UN or the ILO's roles and development interventions in the Pacific region.

Annex 2 Bibliography

- Stocktake of ILO Technical Assistance and Development Cooperation Projects on Labour Law Reform in Pacific Island Countries (2012 – 2017), 2018
- Programme documents related to the labour law reform in the Pacific island countries, such as the Stocktake Report, planning and implementation reports, documents related to training and workshops, development cooperation projects – PRODOC, evaluation reports, DWCPs, etc.
- Output of labour law reform activities, such as ILO law review reports, draft bills and amendments
- Documents related to United Nations Development Assistance Framework (UNDAF) and SDGs, such as UNDAF for the Pacific Region 2013-2017, Independent Evaluation of UN Development Assistance Framework (2013 – 2017) for the UN Country Team in the Pacific
- ILO Office for Pacific Island Countries, Summary Report of the High Level Forum on Climate Change and Decent Work in the Pacific, July 2019
- ILO Committee on Technical Cooperation, Thematic evaluation report: Strengthening institutions, processes, legal frameworks and capacity of tripartite constituents for tripartism and social dialogue, Geneva, March 2004
- ILO, A Study on the Future of Work in the Pacific, May 2017
- Malo Miguel _ A., Labour market institutions in small Pacific island countries: Main guidelines for labour market reforms, Munich Personal RePEc Archive, 2017
- ILO Evaluation Office, Independent Final Evaluation Summary of ILO Action Plan for Gender Equality 2010 – 2015
- ADB and ILO, Improving labour market outcomes in the Pacific: Policy Changes and Priorities, June 2017
- UNDP, Evaluation of the Regional Programme for Asia and Pacific (2008 – 2013), 2013
- Fast-track Evaluation of the Pacific Programme of Cooperation in the Pacific Island Countries (1997 – 2001), 2002
- Relevant information from ILO websites and newsletters

Annex 3 List of Key Informants

Institution	Key Informant	F	M
ILO	Gagan Rajbhandari, CO Suva OIC (2019 – now)		M
	Donglin Li, CO Suva Director (2016-2019)		M
	Gerasimova Elena, ILS Specialist, CO Suva	F	
	Tomasi Peni, National Coordinator, Samoa		M
	Thomas Kugam, National Coordinator, PNG		M
	Raj Bimlesh, PO Tuvalu		M
	Edward Bernard, PO Vanuatu		M
	Surkafa Katofono, PO Fiji	F	
	Colin Fenwick, Labour Law Reform, Head of the Unit, Geneva		M
	David Lamotte, CO Suva Director (2011 – 2015)		M
	Anne Margaret Boyd, former Legal Law Reform Specialist CO Suva	F	
	Jajoon Coue, International Labour Standard Specialist, Bangkok Office		M
Donor Countries	Sho Sudo. CTA of ILO Japan Multi-bi programme	F	
	Antoinette Baker, trainer for Inspection, New Zealand	F	
	Rod Dickson, Technical Specialist – Hazardous Substances, Worksafte New Zealand		M
	Rosemary J Owens, Professor Emerita, the University of Adelaide, Australia	F	
UN Agencies	Sharon Sakuma, Un coordination officer in Palau	F	
	Julie van Dassen, Access to Justice Technical Adviser, UNDP Pacific Office in Fiji	F	
	Grace Kiernan, Access to Justice Specialist, UNDP Pacific Office in Fiji	F	
	Madelene Eichhorn, UN Coordination and Management Specialist Resident Coordinator's Office, Fiji	F	
	Patrick Tuimalealiifano, Deputy Team Leader, Inclusive Growth		M
Sub-total		10	11
Samoa	Key Informant	F	M
Government	Helen Uiese, Assistant Chief Executive Officer, Industrial Relation, OSH, Seasonal Works, and Work Permit Division, Ministry of Labour	F	
	Roger Molin, Senior Legal Officer, Legal Division, Ministry of Labour		M
	Pale Asalemo, Assistant Commissioner of Samoa Law Reform Commission		M
	Mose Sua, Chairman, Public Service Commission		M
	Timothy Fesili, Assistant CEO Legal Division, Public Service Commission		M
	Eleline Siimamao, Assistant CO Policy Division, Public Service Commission	F	
	Faalau Lagaia, Principal Legal Officer, Public Service Commission	F	
	Declan Mulipola, Principal Human Resource Management, Public Service Commission	F	
Employer	Jennifer Ula Fruean, President of Samoa Chamber of Commerce and Industry/ Vice Chairman of Pacific Island Private Sector Organization	F	
Employee	Tili Afamasaga, President of Samoa Workers Congress/ President of Samoa Teachers Association	F	
	Tanya Toailoa, Secretary of Samoa Workers Congress/ Manager Legal Division with Samoa National Provident Fund	F	

	Saina Tomi, Senior Organizer of the Samoa First Union	F	
	Sub-total	8	4
Vanuatu	Key Informant	F	M
Government	Murielle Metsan Meltenoven, Commissioner, Department of Labour and Employment Services, Ministry of Internal Affairs	F	
	Jean Lop, Labour Officer, Occupational Safety and Health Unit, Department of Labour and Employment Services, Ministry of Internal Affairs		M
	Gino Kalnpel, Legal Officer Labour Department, Department of Labour and Employment Services, Ministry of Internal Affairs		M
	Jennifer Warren State Counsel, State Law Office	F	
	Angelyne Glenda Dovo, Parliamentary Counsel, State Law Office	F	
Employer	Astrid Boulekone, General Manager, Vanuatu Chamber of Commerce and Industry	F	
	Sub-total	4	2
Fiji	Key Informant	F	M
Government	Joeli Pulu, Manager Central Eastern, Labour Standard Services, Ministry of Employment, Productivity and Industrial Relations		M
	Atish Kumar, Director Labour Standard Services, Ministry of Employment, Productivity and Industrial Relations		M
Employer	Nesbitt Hazelman, Chief Executive Officer of Commerce and Employers' Federation		M
Employee			
	Sub-total	0	3
	Total	22	20

Annex 4 List of Focus Group Participants

Country	Participant	F	M
Samoa	Gaulua Sefulutasi, Labour Inspector, Labour Migration, Ministry of Labour	F	
	Cedrela Tamati, Principal labour Inspector, Industrial Relation, Ministry of Labour	F	
	Toaiva Aleki, Principal Apprenticeship & Labour Market Officer, Ministry of Labour	F	
	Josie Solomona, Officer Manager, Samoa Hotel Association / Chamber of Commerce	F	
Vanuatu	Dr. Andrina Thomas Secretary, Women against Crime and Corruption	F	
	Harold Obed, Secretary, VANGO		M
	Neanett Yiu Hing- FAERUA, Second Political Advisor, Ministry of Foreign Affairs, International Cooperation and External Trade	F	
	John Chetack Sam, VSPD Board chairman		M
	Arhur Simrai, VSPD Community engagement Officer		M
	Madlene Netvunei, Youth KOBLE	F	
	Ken kalsong, Youth KOBLE		M
	Willie Sablan, Vanuatu Disability Promotion Advocacy		M
John Chetack Sam, VSPD Board chairman		M	
Total		7	6

Annex 5 Surveys

Survey to ILO's Tripartite Constituents in the Member States

Welcome to this survey! We aim to use this survey to better understand the effect of the ILO's technical assistance to its member states in the Pacific island region on labour law reform. Please complete this survey based on your own experience. This survey is anonymous. Please make sure not to provide your name. We encourage you to provide comments after selecting the answers to the questions. This way we will better understand your perspective.

Which country are you from? _____.

Your sex: Female
 Male

You work at: Government agency
 Employers' organization
 Workers' organization

Q1. Did you get involved in the review of existing labour laws or the draft of new labour laws between 2012 and 2018 in your country?

Yes. If so, in what capacity? _____.

No.

Q2. Did your organization receive any technical assistance during the drafting or review process? If so, please describe.

_____.

Q3. How would you rate your level of satisfaction with ILO's technical assistance?

- Very satisfied
- Somewhat satisfied
- Normal
- Somewhat unsatisfied
- Very unsatisfied

Please further explain why you chose the above answer.

_____.

Q4. How would you rate the participation level of your organization in this process?

- Very high
- High
- Normal
- Somewhat low

- Very low

If the participation level of the tripartite is low or very low, could you please further explain why?

Q5. Has your country established a tripartite labour advisory body?

_____ Yes.

_____ No.

If so, how active is it in general?

- Very active
- active
- Normal
- Somewhat inactive
- Very inactive

If it is inactive or very inactive, could you please provide possible explanations?

Q6. What is the current situation of the review process or the proposed legislation?

Q7. If it has not been passed yet, what are the key reasons for that? Please choose the applicable reasons and rank them.

- It is not a priority on my country's legislation agenda.
- Key technical issues in the legislation are not resolved yet.
- There are strong disagreements among key stakeholders.
- The tripartite lacks the capacity to move it forward.
- If there are other reasons, please further clarify.

Q8. What follow-up support does your organization need from the ILO in order to further improve labour law legislation and implementation?

Thank you for your participation!

Survey to Participants of Training or Workshops

Welcome to this survey! We aim to use this survey to better understand the effect of the ILO's training activities in the Pacific island region between 2012 and 2018 by collecting your feedback on the activities. Please complete this survey based on your own experience. This survey is anonymous. Please make sure not to provide your name. We encourage you to provide comments after selecting the answers to the questions. This way we will better understand your perspectives.

Which country are you from? _____.

Your sex: Female
 Male

You work at: Government agency
 Employers' organization
 Workers' organization
 Other institution

Please select the training activities that you have participated in:

- the Good Practice Tripartism Training**
- the Foundation Skills for Inspection**
- the training on Reporting Obligations under the ILO Constitution**
- the training on strengthening labour governance**
- Other training. Please specify _____**

Q1. Was the subject matter of the training relevant to your work?

- Completely relevant
- Mostly relevant
- Somewhat relevant
- Mostly irrelevant
- Completely irrelevant

Please further explain why you chose the above answer.

Q2. Have you improved your knowledge and skills on the subject matter as a result of the training?

- Significant improvement
- Some improvement
- No improvement

Please further explain why you chose the above answer.

Q3. Are you able to apply what you have learned from the training directly to your daily work?

- A. I can apply it immediately.
- B. I can apply it in a short time frame of 1 to 2 years.
- C. The application requires a long-term time frame of 3 to 5 years.
- D. It is not applicable.

Please further explain how the application of the new knowledge from training activities will be applied in your particular work environment and/or what kinds of conditions and/or preparations are required for the application.

Q4. What are the positive and negative factors affecting the application of what you have learned from the training?

Q5. Do you think the overall arrangement, (such as organization, sequencing, content, format) of the training was efficient?

- A. Very efficient
 - B. Efficient
 - C. Not efficient
- Please further explain why you chose the above answer.

Q6. Do you have any suggestions for how to improve similar activities in the future?

Thank you for your participation.

Annex 6 Good Practices and Lessons Learned

- Good Practices #1

ILO Emerging Good Practice Template	
<p>Project Title: Evaluation of ILO’s Technical Assistance on Labour Law Reform in Pacific Island Countries (2012 – 2018) Project TC/SYMBOL:</p> <p>Name of Evaluator: Sadie Xinxin Yang Date: October 16, 2019</p> <p>The following emerging good practice has been identified during the course of the evaluation. Further text can be found in the full evaluation report.</p>	
GP Element	Text
Brief summary of the good practice	In Samoa and PNG, bespoke <i>Foundation Skills Training for Inspectors</i> was designed and delivered with support from New Zealand Work Safe.
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	<p>To help member states to implement new legislation, the ILO trained labour officials, employers, and workers in new roles and responsibilities related to inspection. This consisted of a one-week training programme to build skills in dealing with difficult people and handling conflicts of interest.</p> <p>At the design stage, the ILO provided relevant legislation and policies to the trainers and put them in contact with officials in the labour ministries. During the training, the course used scenarios and role play relevant to the trainees. The course was participatory and encouraged the trainees to make it relevant to their own countries. Training manuals, including inspection checklists, were developed in PNG and Samoa according to the context of each country. Trainee Manuals and Facilitator Manuals were produced based on these two training events and are still used by some trainees.</p> <p>The limitation of these activities is that no pre- or post-training evaluations were conducted to assess the knowledge and skill improvement of the trainees. However, at the end of the training, the participants were asked to give feedback by listing one to five things that they found most useful.</p> <p>This design and implementation approach of the training activities can be applied and replicated in further training. Some factors out of the control of the ILO may affect the institutionalization of the new capacity. For example, the level of turnover in Ministries meant that by 2017, only two staff members in Samoa who had participated in the training remained.</p>
Establish a clear cause-effect relationship	All government participants who were interviewed by the evaluator confirmed that the training improved their communication skills, helping them build professional relationships with the employers. Participants also commented that since the training, they have adopted preventive approaches in their work, rather than waiting for problems to arise.
Indicate measurable impact and targeted beneficiaries	The main targeted trainees were government officials with inspection responsibilities. The impact of the training is reflected by the change in their behaviour and thinking related to inspection.
Potential for replication and by whom	Great potential for replication by other trainers

Establish a clear cause-effect relationship	Due to the coordination and support provided by the national coordinator, Samoa has one of the strongest tripartite in the Pacific.
Indicate measurable impact and targeted beneficiaries	The impact can be measured by how well the tripartite forum functions in the country. The target beneficiaries are the tripartite constituents in the country.
Potential for replication and by whom	The potential for replication is limited, given the cost of establishing such a position.
Upward links to higher ILO Goals	Samoa DWCP (2017 – 2020) Priority 3: Promoting social dialogue and capacity building of Employers' and Workers' organization.
Other documents or relevant comments	N/A

- **Lessons Learned #1**

ILO Lesson Learned Template	
<p>Project Title: Evaluation of ILO's Technical Assistance on Labour Law Reform in Pacific Island Countries (2012 – 2018) Project TC/SYMBOL:</p> <p>Name of Evaluator: Sadie Xinxin Yang Date: October 16, 2019</p> <p>The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.</p>	
LL Element	Text
Brief description of lesson learned	A complicated regional thematic evaluation requires thorough preparation for data collection and adequate mobilization of stakeholders for participation. When there is a weak M&E system, an evaluability assessment should be considered before conducting the actual evaluation in order to reduce uncertainty about evaluation investment and achieve cost-effectiveness.
Context and any related preconditions	This regional thematic evaluation on the ILO's TA on LLR in the Pacific was originally planned in 2017, then postponed until 2019. When the evaluation was finally launched in August 2019, CO-Suva was not adequately prepared for this important exercise. When the evaluator was on the ground, many staff in CO-Suva provided strong support under the leadership of the Officer in Charge, especially those from Samoa, Vanuatu, and PNG, to facilitate data collection activities. Still, the stakeholders in the member states and international development partners did not adequately participate due to the last-minute mobilization and the office's lack of evaluation experience.
Targeted users / Beneficiaries	ROAP and CO-Suva

<p>Challenges /negative lessons - Causal factors</p>	<p>CO-Suva has a weak M&E system. Many useful tools for evaluation, such as sex-disaggregated data, participant lists of training related to LLR, pre- and post-training assessments, and follow-up monitoring of training impacts are missing. In this case, the evaluation has to rely heavily on site visits, key information interviews, and focus group discussions in order to collect data. This approach requires early mobilization of key stakeholders in member states and the development community to participate in the evaluation. If CO-Suva was not sure whether adequate engagement could be mobilized, it could suggest an evaluability assessment to determine:</p> <ul style="list-style-type: none"> - the extent to which a program is ready for evaluation, including the readiness of the office and its stakeholders; - the changes that are needed to increase its readiness; and - whether the type of evaluation approach proposed in the inception report is suitable to judge the performance of the TA under evaluation. <p>Evaluability assessment is a systematic process that helps identify whether program evaluation is justified, feasible, and likely to provide useful information. If the readiness of evaluation is confirmed, CO-Suva should mobilize stakeholders' participation as early as possible and work with the stakeholders to prioritize key evaluation questions and generate their buy-in to the evaluation results. Ideally, a logic model for the TA under evaluation could be developed, which would serve as a visual representation of the underlying logic or theory of TA on LLR.</p> <p>In reality, neither evaluability assessment nor the mobilization was done. This result was partially due to the already heavy workload borne by the staff in the office and partially because of the office's lack of evaluation experience. The M&E capacity of the office should be further strengthened.</p>
<p>Success / Positive Issues - Causal factors</p>	<p>A Stocktake Report was prepared to summarize ILO TA and development cooperation projects on LLR in PICs between 2012 and 2017. This report served as an excellent background document for the evaluation.</p>
<p>ILO Administrative Issues (staff, resources, design, implementation)</p>	<p>CO-Suva should have actively engaged in the design of the evaluation and improved its readiness for it.</p>

• **Lessons Learned #2**

ILO Lesson Learned Template	
<p>Project Title: Evaluation of ILO's Technical Assistance on Labour Law Reform in Pacific Island Countries (2012 – 2018)</p>	
<p>Project TC/SYMBOL:</p>	
<p>Name of Evaluator: Sadie Xinxin Yang</p>	<p>Date: October 16, 2019</p>
<p>The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.</p>	
LL Element	Text

Brief description of lesson learned (link to specific action or task)	Multiple factors can affect the process of LLR. Among them, one lesson learned is that “ownership” of the LLR process should not be confined to labour ministries without reference to other public-sector stakeholders, including Ministers and legislatures.
Context and any related preconditions	<p>The process of developing new labour legislation in Vanuatu has been lengthy. Between 2012 and 2015, the ILO provided extensive technical support in developing a draft of the Employment Relations Bill. However, in 2015, the VCCI changed its position and requested modest amendments to the existing Employment Act rather than passing new legislation. This significantly impacted the LLR process.</p> <p>Moreover, the Department of Labour had a low level of engagement with Ministers and other public stakeholders. For example, the State Law Office in charge of drafting new legislation has insisted that the ILO had to follow Vanuatu’s official drafting process in order to ensure the country’s ownership of the legislation. Without first obtaining the Attorney-General’s approval, the ILO should not engage its consultant to draft legislation. Otherwise, the draft will not be reviewed by the State Law Office.</p> <p>In addition, significant political instability had led to frequent changes in Ministers between 2012 and 2017. A major cyclone also halted the law reform process for a period of time while the Vanuatu Government and UN agencies attended to recovery efforts.</p>
Targeted users / Beneficiaries	Programme management and staff of LLR, and tripartite constituents.
Challenges /negative lessons - Causal factors	<p>The protracted process in LLR in Vanuatu is a result of the combination of several factors:</p> <ul style="list-style-type: none"> ● the changing positions of stakeholders; ● a lack of broad buy-in from key government agencies; and ● political changes and natural disasters.
Success / Positive Issues - Causal factors	There has been some success in embedding the TLAC as the focal point for LLR. Over the longer term, TLAC should be encouraged to engage with other stakeholders in the public sector so as to strengthen its mandate to develop proposed labour legislation.
ILO Administrative Issues (staff, resources, design, implementation)	At the design stage, the ILO should map the key public stakeholders in the LLR process, and engage with them during the implementation of LLR to ensure country ownership and buy-in.