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Towards Safe, Healthy and Declared Work in Ukraine

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Evaluation Report

Final Evaluation of the Project

**“Towards Safe, Healthy and Declared Work
in Ukraine”**

A project implemented by the ILO

Country of Intervention:

Ukraine

Evaluation commissioned by:

ILO/EVAL

Evaluation conducted by:

Thomas Vasseur
Independent Consultant

April 2023

Table of Contents

LIST OF ACRONYMS AND ABBREVIATIONS	2
ACKNOWLEDGEMENTS	3
1. EXECUTIVE SUMMARY	4
2. INTRODUCTION	12
3. BACKGROUND AND DESCRIPTION OF THE INTERVENTION	12
4. PURPOSE OF EVALUATION	16
5. METHODOLOGY	17
1.1. Evaluation Criteria and Evaluation Questions	17
1.2. Evaluation Approach, methodology and tools	19
1.3. Evaluation methods and tools	20
1.4. Stakeholder participation	20
1.5. Data sources	21
1.6. Evaluation ethics	21
1.7. Limitations of the evaluation	21
6. KEY EVALUATION FINDINGS	22
6.1 Evaluation Criteria: Relevance and Strategic Fit	22
6.2 Evaluation Criteria: Coherence and Validity of Design	24
6.3 Evaluation Criteria: Project Progress and Effectiveness	27
6.4 Evaluation Criteria: Efficiency of Resource Use	41
6.5 Evaluation Criteria: Effectiveness of Management Arrangements	42
6.6 Evaluation Criteria: Impact Orientation	43
6.7 Evaluation Criteria: Sustainability	45
7. CONCLUSIONS	47

8.	RECOMMENDATIONS	50
9.	LESSONS LEARNED	54
10.	POTENTIAL GOOD PRACTICES	56
11.	ANNEXES	57
	APPENDIX A. LIST OF KEY DOCUMENTS AVAILABLE TO THE EVALUATION	57
	APPENDIX B. LIST OF INTERVIEWEES	64
	APPENDIX C. LESSONS LEARNED	67
	APPENDIX D. POTENTIAL GOOD PRACTICES	70
	APPENDIX E. EVALUATION MATRIX	74
	APPENDIX F – TORS	82

List of figures

Figure 1.	Evaluation timeline & key deadlines	7
Figure 1.	Number of stakeholders interviewed by category	13
Figure 2.	Project relevance to key international policy documents	16

LIST OF ACRONYMS AND ABBREVIATIONS

Acronym	
CMU	Cabinet of Ministers of Ukraine
CVP	Communication and Visibility Plan
DNAP-2018	Draft National Action Plan to Fight UDW 2018
ELA	European Labour Authority
ESAW	European Statistics on Accidents at Work (Eurostat)
ESOSH	European Society of Occupational Safety and Health
EU	European Union
EUD	Delegation of the European Union to Ukraine
FAO	Food and Agriculture Organization
FB	Facebook
FL	Forced Labour
HQ	ILO Headquarters in Geneva
HT	Human Trafficking
IALI	International Association of Labour Inspection
ILO	International Labour Organization
ILO DWT/CO-Budapest	ILO Decent Work Team and Country Office for Central and Eastern Europe in Budapest
IOM	International Organization for Migration
IS	Information system
JRBTU	Joint Representative Body of Trade Unions
JRBEO	Joint Representative Body of Employers' Organizations
LABADMIN/OSH	Labour Administration, Labour Inspection and Occupational Safety and Health Branch of the ILO
ME	Ministry of Economy
MIMIC	Multiple Indicators Multiple Causes
MP	Member of the Parliament
MSLI	Moldova State Labour Inspectorate
MSP	Ministry of Social Policy
NAP-2021	National Action Plan to Reduce Undeclared Work 2021
NC	National Coordinator
NTSEC	National Tripartite Social and Economic Council
OSH	Occupational Safety and Health
PM	Project Manager
PO	Project Officer
PPE	Personal Protective Equipment
PSC	Project Steering Committee
PTSD	Post-Traumatic Syndrom Disorder

RF	Russian Federation
SLS	State Labour Service
SMM	Social Mass Media
UDW	Undeclared work
UN	United Nations
WG	Workgroup
WHO	World Health Organization

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1. Executive Summary

BACKGROUND & CONTEXT	
Summary of the project purpose, logic and structure	<p>This project is the continuation of the efforts of the previous phase “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”. The expected short-term impact of the project is an improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work, through two outcomes (1) bringing closer the legal framework on OSH to international labour standards and (2) Roll out systems and procedures for labour inspection services.</p> <p>The pandemic, and then, the impact of the war on labour led the project to repurpose some of its activities, in consultation with social partners, and the donors, to address the most pressing identified needs, including psychosocial support, raising awareness on human trafficking, and forced labour and support the social dialogue in times of war.</p>
Present project situation	<p>The project is almost completed while it has reached all its targets.</p>
Purpose, scope and clients of the evaluation	<p>The purpose of this final evaluation is to review the project performance over its entire period (40 months) and provide recommendations for the future.</p>
Methodology of evaluation	<p>The evaluation method has involved mixed quantitative and qualitative data collection tools and have been mainly qualitative in nature. It has been remotely managed involving online interviewing of key stakeholders. The data collection has been organized around the OECD/DAC evaluation criteria.</p>
MAIN FINDINGS & CONCLUSIONS	<p>Relevance and Strategic Fit</p> <p>The previous phase of this project had also been highly relevant as it was already addressing both fundamental work’s safety and health regulatory and normative challenges in supporting key labour inspection and OSH reforms so that Ukraine implements EU directives and advances on its European path, thus contributing to national, European, and international strategic priorities.</p> <p>This phase has maintained the strong initial relevance as it continued to address the same initially identified needs of reforming of work safety and health as well as labour inspection to comply with the national legislation, on both OSH and labour relations and curve undeclared work.</p>

Ukraine's obtention of EU candidate Status in June 2022 has consolidated the European Union future of Ukraine and the project's relevance in preparing the adoption and implementation of ILO Conventions and EU OSH directives; activities which are also contributing to the EU – Ukraine Association agreement objectives.

The project has demonstrated that it remained relevant despite major context changes. During the pandemic, the project managed to continue all activities by switching to remote virtual events and online and offline content, allowing partners to participate in advocacy roundtables, consultations, and training events.

To the evaluator, the project has shown a rare case of valuable relevance: a demonstration that a choice does not need to be made between prioritizing the “urgent” and the “important”, but that both can be addressed, and mutually consolidate the assistance. In doing so, the project has also been an advocate of the voices of social partners who want to see reforms move on as much as the conflict priorities to be addressed.

Coherence and Validity of Design

The original project design is found to be coherent as it is reflecting a thoroughly analysed Theory of Change, which is an updated version of the one developed for the previous phase. In both cases, the ToC finds its legitimacy in the fact that substantial and regular stakeholder consultations have taken place to review the project's assumptions, while the change process enjoys the clear and strong guidance of Ukraine's strategic objectives of implementation of OSH and labour inspection reforms to match the standards of the EU; the Community the country wants to join, as an overarching priority. The design has a strong logic, as it, firstly and logically fits and is a next step into the long-term process towards implementing EU OSH standards. The project design also translates well the change process, supported by a multi-track approach, combining the following complementary initiatives:

- a normative track (involving the transposition of EU directives, ILO Conventions & a facilitation of the consultative law drafting process).
- an institutional/reform track with capacity building activities to help establish an effective State Labour Services (SLS), and a facilitation track using soft skills to support the social dialogue.
- an advocacy track (backed by advocacy activities).
- a communication/public awareness track (allowing to mainstream Undeclared Work (UDW) while strengthening SLS capacity through practice of public awareness campaign).

While promptly reacting to addressing OSH priorities in a war context – a precedent for ILO - the project has demonstrated it was relevant in its response to urgent needs without changing, but rather adapting its Theory of Change, by integrating a fast

“crisis response” track to make the design also valid in the war context.

Project Progress and Effectiveness

Based on the project documentation review, the overall performance of the project is commendable. At the time of this evaluation, it has reached all its output level targets and exceeded it for the majority of activities. This is also the case of its repurposed activities which have all exceeded their projected targets.

Under the outcome 1, on OSH legal framework and UDW, the project has delivered beyond target on the number of technical recommendations, legislation revisions, advocacy, and training events. However, this technical and advocacy work has not yet materialized as the proposed reformed legislation has not been voted by the Parliament to date.

While the impact of COVID-19 had been quite significant, constraining to halt the many physical events organised by the project, the team rapidly adjusted by switching to remotely managed sessions which proved effective. The war and subsequent martial law have also limited the ability of the legal agenda to move forward. Regardless, the project performance has been unanimously confirmed during evaluation interviews. Behind the quantitative achievements, stands quality. As per interviewees, the project effectiveness is primarily the result of the team performance and ILO’s technical expertise. This has created ILO’s credibility over the years and a strong sense of trust, as a driver of stakeholder’s interest and involvement in the project activities and consultations.

After adjusting swiftly to the pandemic, by switching a great deal of activities in a remote management mode, the project has also delivered a highly effective and meaningful response to the urgent needs affecting the safety and health of workers and employers; especially in the area of psychosocial support, forced labour and human trafficking. Together with responsive social partners, a proactive project team and a flexible EU Delegation as a donor, this combination of good will has made a significant difference with modest, repurposed funds.

Efficiency of Resource Use

In light of the density of activities organized by the project, the level of exchange and interaction with multiple stakeholders, the long list of results obtained, under the management of a small team, the evaluation has found the two million Euro budget resources to have been very efficiently used, both in terms of cost per event and the overall value of the project results in view of the budget.

The funds reallocated, from the savings made from the switch from physical to virtual activities, as well as from the savings resulting from the in-house provision in-house of technical recommendations (instead of its foreseen outsource to external collaborators), to the response to the psychological distress,

forced labour and human trafficking exposure of workers in the war context, have allowed to reach a strong impact in terms of awareness raising and preparedness and prevention of such risks.

Effectiveness of Management Arrangements

The management arrangements have proven effective in ensuring the timely delivery of numerous activities, while maintaining high standards of quality, when considering the project annual quality feedback survey and the statements made by stakeholders to the evaluation.

The administrative, financial, and operational procedures of ILO have been tried and tested in the previous phase but also across other ILO projects. The delivery of activities through times of pandemic and the on-going war in Ukraine are two strong indicators of the effectiveness of management. Well-designed procedures alone are not enough to ensure smooth implementation: The project team's individual investment and dedication is a large part of the explanation of a project that shows flexibility, responsiveness, and availability to adjust to the changes the Ukrainian context has gone through but also to navigate in a complex context, requiring a constant advocacy effort.

Impact Orientation

The results of the project have produced an even more meaningful contribution to Ukraine's national development objectives, especially since the country has been granted the EU candidate status. Joining the EU has been a central political but also, developmental objective expressed by successive Ukrainian governments. The current government has recently presented a five-year plan where the commitment to the EU integration process is central.

In parallel to this, the Russian Forces aggression on Ukraine has obviously profoundly shaken the country and led to dealing with the emergency. Among other drastic changes, the martial law has affected the progress of the project. It has affected its operational orientation through the response to the dramatic effect on the safety and health risk at the workplace. However, it has also affected the materialisation of the long joint effort of partners, involving the process of drafting a modern OSH and labour inspection legislation.

The European perspective of Ukraine, recently strongly boosted with EU candidate status, has also given a strong impetus for the project to continue advancing in preparing the country to implementing EU OSH directives. However, the war in Ukraine and its impacts on the national context, with, among other consequences, the installation of the martial law, has also affected progress in the reform areas where the project has been active, while it has reduced the space for social dialogue.

These challenges have given even more sense to the importance of the active and visible advocacy efforts made by the project.

Sustainability

It is important to keep in mind that the ability of the project to clearly express it follows a long-term process, using a theory of change, explaining the steps until EU standards are effectively implemented in Ukraine, is a crucial to assess the sustainability of each phase as it allows to review the progress made against the process at the end of each phase.

The project is following a very clear process aiming at the effective implementation of labour standards. Until the war broke out, several key sustainability indicators had been positively fulfilled (stakeholder interest and commitment, normative technical progress, institutionalisation, public awareness and interest, ownership and increased capacity and performance of SLS). While the war and the martial have not directly challenged the sustainability of results, the delayed validated of the draft OSH law, the reduced social dialogue space – while they may be temporary constraints, required a close monitoring and underline the importance of such projects – as the one under evaluation, to exist and continue, and even more so, in times of conflict. Visibility and advocacy are likely to play a key role in the future, in ensuring the sustainability of the results achieved to date.

RECOMMENDATIONS, LESSONS LEARNED AND GOOD PRACTICES

Main findings & Conclusions

Conclusions

The project is supporting a two-in-one processe that stretches far beyond the enactment of the OSH draft law. Regardless of the current context, the achievement of the long-term objective of both processes requires the continuation of ILO project support.

Effectiveness can be truly measured at the end of the process: The effectiveness of this project and the previous phase will ultimately be measured against the concrete implementation of EU OSH directives in Ukraine. Aware of the long path until this happens, the evaluation also understands from stakeholders that this process needs to be accompanied and supported technically until the long-term goal is reached.

The time of active advocacy is now. Two consecutive phases have significantly advanced OSH at the technical level (OS concepts are owned, appropriate terminology is routinely used in the social dialogue, OSH law is drafted...). Social Partners are knowledgeable, aware, and willing to see the law voted and move further into implementation. A strong advocacy push is needed at higher level, as the current context is assaulted with so many competing priorities, that an impactful advocacy requires targeting the top decision-making level.

Social partners are asking for more social dialogue and deem ILO support to the (National Tripartite Social and Economic Committee) NTSEC as a necessary contribution in the future. Success is the result of technical expertise and human dimension. The ILO is not just a “technical expert”, **but also a trusted and respected** agency. It also is about the way knowledge is delivered. Stakeholders have expressed this as a clear statement that the human factor is equally important to achievements.

Recommendations

1. Continue supporting Ukraine is preparing its long-term European integration perspective and normative alignment, while attending pressing needs relating to OSH, UDW and LI, with a follow-up project.
2. Redesign the intervention into modular projects or components around core topics.
3. **(sub-recommendation on Psychosocial Support - PSS):** Reflect programmatic linkages between PSS, physical and sexual harassment, and HIV-AIDS risks in the PSS project response.
4. Increase impact of project pleading effort by formulating an advocacy strategy, allocating resources for its implementation, and developing a monitoring tool, to measure progress and results of advocacy efforts, and involve constituents and key decision-makers in the monitoring process.
5. Develop a Theory of Change with change indicators (this echoes the mid-term evaluation recommendation to track adoption of legal acts supported by the project).
6. Consider the admission of a Labour Administration, Labour Inspection and OSH Specialist for the ILO DWT/CO-Budapest.

Main lessons learned and good practices

Lessons learned: 1. The war has affected the project as its response to the crisis has widened its scope of activities and increased its workload. The completion of the project may be the right time to refocus around topics and reassess workload: the previous phase was ambitious, in the positive sense, as it tackled fundamental issues, requiring changing mindsets and build a culture of safety and health at work, of labour inspection and address the very deeply rooted situation of undeclared work in Ukraine. To the pressing needs (psychological health, forced labour, human trafficking) emerged from the war, this project has widened its initial scope to respond to urgent challenges

through a “crisis-response” track (repurposed activities). In parallel, the project has continued supporting important priorities, such as the social dialogue, labour inspection reform and the OSH legislation, which have been temporarily side-lined by other priorities and the martial law. The evaluation draws two conclusions from this observation: 1: The volume of “development” and “response” -tracks of the current project activities and the possible further development of the PSS component is likely to be too high to be managed under one project, while simultaneously ensuring discussions between the constituents, maintaining the social dialogue, and consistently remaining engaged in active advocacy. Thus, it is a relevant time to review the project activities and re-organise the various components of the project into several modular components rather than one large project; and 2: By maintaining the “development track” active, the project has helped keeping afloat fundamental priorities (progressing on EU standards) and practices (social dialogue) which may have been left in the shadow of “war-related” priorities, reminding that reforms need to move on even, in the dramatic context of Ukraine.

2. The project advocacy efforts have also substantially existed in the informal sphere: The EU financial support is not just supporting the delivery of technical expertise, it is also funding a team which, collaboratively with the ILO NC, has dedicated a substantial amount of time to advocacy, inside and outside project activities. It did not need the evaluator to ask since stakeholders have been willing to underline the importance of managing relationships. “It is not about maintaining good relationships. It is about exchanging on substance and continue the discussions after the roundtable is closed.” Indeed, the agenda is moving also in the informal space. This lesson learned leads has served as a basis for a recommendation, based on the assumption, future advocacy efforts may be even more impactful in terms of obtaining institutional validation of the legal OSH and LI reforms supported by the project. that, if driven by clear strategy and formalised as an activity.

Good practices

1. A highly inclusive project, and ILO Ukraine project team and staff deeply engaged in stakeholder relationship earns irreplaceable value and benefits: Involving a wide range of actors contribute to awareness raising: Roundtables organized by the project have invited a wide variety of actors, including lawyers, tribunals... This has allowed to gather the perspectives of the

judiciary into the law drafting but has also contributed to raise the understanding of the legislative, judiciary institutions on how to address OSH and its relation to (fundamental) labour rights. The team's personal engagement in stakeholder relationships has been observed as one factor strongly conditioning and contributing to stakeholder interest, motivation, and engagement in this other ILO projects. Staff commitment and attitude maybe an intangible good practice, but it it's the one practice that makes the difference to getting results.

2. Stakeholder relationship investment, combined with a flexible and open-minded approach have been key ingredients to the repurposing activities: With modest financial resources but a strong mobilisation across stakeholders, the repurposed activities have proven highly relevant, rapidly deployed and producing a great impact, while remaining strategic (not only focussing on the emergency but addressing the underlying causes): This good practice; i.e. a prompt, decisive contribution and commitment of social partners in the "crisis" response is clearly related to the team's engagement, to the understanding of the evaluation. The "success" of repurposed activities can be attributed to a combination of stakeholder trust (stakeholder are deeply engaged in contributing to the project urgent needs assessment and response), ILO staff attitude and donor (EU) flexibility.

2. Introduction

This report presents the findings, conclusions, lessons learned, best practices and recommendations from the final, external evaluation of the EU-funded, ILO Project entitled “Towards Safe, Healthy and Declared Work in Ukraine”. The project’s review has been conducted by an independent evaluation consultant who has conducted this home-based, remotely managed assignment. This evaluation assignment has been commissioned by ILO EVAL, and has taken place from January to April 2023, with the following key milestones.

EVALUATION TIMELINE & KEY DEADLINES	
ACTIVITY	DEADLINE
1. Kick-off meeting	17 January 2023
2. Desk review of project documentation and inception report	End January 2023
3. Remote stakeholder interviews	6 – 23 February 2023
4. Data analysis & Tri Draft evaluation report	By 14 March 2023
5. Presentation of findings to stakeholders	14 April 2023
6. Final version of the evaluation report	By end April 2023

Table 1. Evaluation timeline & key deadlines

3. Background and Description of the intervention

Background

The long-standing structural problems of Ukraine, such as low productivity, weak economic growth and employment creation, accumulated wage arrears, high share of informal economy and undeclared work, poor working conditions, weak labour relations, weak labour market governance, as well as lack of socio-economic recovery for conflict-affected or displaced population, continue to pose serious challenges to economic growth in Ukraine.

In addition, Ukraine faces the urgent challenge to reduce work-related accidents and occupational diseases and improve the prevention and protection of the safety and health of workers.

Under the EU-Ukraine Association Agreement, Ukraine committed to ensure gradual approximation to EU law, standards, and practices in the area of employment, social policy and equal opportunities, in particular through the alignment of its national legislation with the EU Directives on OSH, labour relations, anti-discrimination and gender equality.

Despite the progress and results achieved in the first phase of the ILO implemented project regarding alignment of national legislation with International Labour Standards and EU rules, awareness raising on undeclared work, and the capacity of labour inspectors and other stakeholders’ officials, numerous challenges remain.

Project overview

This project is the continuation of the efforts undertaken under the phase I entitled “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”, pursuing the following objective “The Ministry of Economy, and in particular the State Labour Service, contributes to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work.” through the outcome (1) Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection are in line with the EU Acquis and ILO Conventions and the outcome (2): The ability of the Ministry of Economy and the SLS to enhance working conditions and fight against undeclared work is improved.

The phase II, building on the deliverables of the phase I¹ project has been developed with the focus of promoting safe, healthy, and declared work in Ukraine. The expected short-term impact of the project is an improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work. The two outcomes to be achieved by the end of the project are (1) Legal framework on OSH is brought closer to international labour standards and (2) Systems and procedures for a roll out of labour inspection services are in place.

This project aims at promoting safe, healthy and declared work in Ukraine. The expected short-term impact is an improved compliance of Ukraine with key International Labour Standards on OSH and labour relations. The two outcomes to be achieved by the end of the project are (1) Legal framework on OSH is brought closer to international labour standards and (2) Systems and procedures for a roll out of labour inspection services are in place.

The project budget has a value of 2 million EUR and its implementation timeframe is a 40-month period, starting 01 January 2020 to 30 April 2023; inclusive of a four-month no-cost extension period.

The project addresses specific needs identified by the EU and national stakeholders and builds on the achievements of the first phase of the project “Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work”. This project builds on achievement of the previous first phase, addressing numerous remaining challenges.

The project has also provided technical assistance for the implementation of the “Concept of the Labour Protection Management System Reform” while it has continued to work on the alignment of relevant Ukrainian legislation with the International Labour Standards (ILS) and EU acquis on Occupational Safety and Health (OSH), labour relations, and labour inspection.

¹ Concept of OSH Reform, adopted by CMU – Project’s recommendations incorporated , National OSH Profile – overview of the current situation and recommendations, “White paper” - EU Directives and Reform of OSH and Labour Relations’ Legislation and ROADMAP, Analysis of the degree of concordance between the national legislation and some selected, EU Directives transposed: 2009/104/EC (work equipment); 89/656/EEC(PPE);EU Directives in adoption path: 89/654/EEC (workplaces);EU Directives drafted: 89/391/EEC (Framework); EU Directives in standby: 2003/88/EC (Working time); 91/533/EEC (obligation to inform);Technical advice on:transposing directives 89/391/EEC, 2009/104/EC, 89/656/EEC, 89/654/EEC, 91/533/EEC, 2003/88/EC, 92/57/EEC, 2006/54/EC and 92/85/EEC; draft law “on Amending Some Legislative Acts of Ukraine to Strengthen the Protection of Workers’ Rights and to Tackle the Use of Undeclared Work”;Trainings (International and EU OSH Acquis, risk assessment, etc.)

The intervention has also extended technical support for the implementation of the National Action Plan to Fight Undeclared Work, as well as the labour inspection and improvement of Ukrainian system of labour inspection effectiveness in enforcing the law. Finally, it has also continued supporting the on-going communication campaign, focused on raising awareness and understanding regarding UDW.

Outcomes and related outputs

The project has been articulated around the following two outcomes and related outputs:

OUTCOME	RELATED OUTPUTS
Outcome 1: Legal framework on OSH and undeclared work is brought closer to EU and International Labour Standards	<p>OUTPUT 1.1: Draft laws/regulations transposing EU OSH directives submitted</p> <p>OUTPUT 1.2: Advocacy roundtables held with legislative actors on EU OSH Directives</p> <p>OUTPUT 1.3: Training sessions on fighting undeclared work provided</p> <p>OUTPUT 1.4: Draft laws/regulations aimed at implementing the Action Plan to fight undeclared work submitted</p> <p>OUTPUT 1.5: Advocacy roundtables on undeclared work held with legislative actors</p>
Outcome 2: Systems and procedures for a roll-out of labour inspection services are in place	<p>OUTPUT 2.1: A labour inspection statute drafted and validated</p> <p>OUTPUT 2.2: Labour Inspectors trained on new legal frameworks and their implications for their work</p> <p>OUTPUT 2.3: Labour Inspection campaign on UDW rolled out, preceded by a communication campaign</p> <p>OUTPUT 2.4: Draft of an improved data collection system for LI provided</p>

Following the military aggression initiated by the Russian Federation against Ukraine on the 24 February 2022, the project has re-purposed its activities, in response to the urgent need to provide emergency and resilience assistance to Ukraine. This has led to the introduction of the following activities:

Activity Nb	Header of activity
1.2.A	Guidelines on OSH in hostilities
1.6.	Labor Inspection and Social Partners trained on Psychosocial Support (PSS) provision and advocacy
2.3.	Awareness raising to prevent Forced Labour and Human Trafficking (FLHT)

All proposed activities have been looked into through a gender lens perspective and reinforce equal consideration of women in different positions of the State Labour Service (SLS) of Ukraine. All proposed activities have been implemented after having conducted a gender analysis based on sex-disaggregated data. Furthermore, the project has been designed to contribute to the alignment of national legislation with the EU acquis and to the improvement of compliance with labour relations and OSH legislation which will have a positive impact in the promotion of the equality and non-discrimination of workers.

Stakeholders to the project

In line with ILO Tripartite principles, the project has primarily collaborated with government, employer, and worker representatives.

The project State Institutions counterparts have been the State Labour Service (SLS) of Ukraine and the Ministry of Economy (ME).

4. Purpose of Evaluation

Evaluation purpose

The main purpose of the final independent evaluation was to assess the progress towards the results, identify the main difficulties/constraints, assess the impact of the Project for the targeted populations, and formulate lessons learned and practical recommendations to improve future similar programmes.

The evaluation has also provided an opportunity for an in-depth reflection on the strategy and assumptions guiding the intervention.

This independent assessment has examined the relevance, coherence, effectiveness, efficiency, sustainability, and potential impact of the project. This evaluation has also identified strengths and weaknesses in the project design, strategy, and implementation as well as lessons learned and good practices. Recommendations for future similar projects are formulated at the end of this report.

Specific objectives

The specific objectives of the evaluation include an assessment of:

- Alignment with the country and constituents' needs, Changes in context and review of assumptions (relevance): Is the project's design adequate to address the problems at hand? Were the project objective and design relevant given the political, economic, and financial context?
- Results in terms of outcomes and outputs achieved (effectiveness): How has the project contributed towards the project's goals? To what extent did it contribute to the ILO's Programme & Budget, Country Programme Outcomes, and more largely SDGs?
- Use of resources in achievement of projected performance (efficiency): How have the resources been used to fulfil the project performance in an efficient manner with respect to cost, time, and management staff?
- Assessment of impact (impact): To what extent has the project contributed long-term intended impact?
- Sustainability: Will the project's effects remain over time?

Scope of the evaluation

This final evaluation has considered the overall project duration, i.e., from 01 January 2020 until 30 April 2023.

The evaluation has reviewed the project performance against planned outcomes and outputs to date, including repurposed activities. The cross-cutting dimensions has also been assessed, specifically, the integration of gender mainstreaming, disability inclusion, International Labour Standards, social dialogue, and environmental sustainability as well as contribution to SDGs, COVID-19 response and the project response - through the introduced repurposed activities – to the Russian Forces aggression.

The project relevance to the ILO's programme and policy frameworks, UN Development Cooperation Framework and other relevant national development frameworks has also been verified.

5. Methodology

1.1. Evaluation Criteria and Evaluation Questions

This evaluation has used the OECD/DAC evaluation criteria of **Relevance and strategic fit, Coherence and validity of the design, Project progress and effectiveness, Efficiency of resource use, Effectiveness of management arrangements, Impact orientation and sustainability and impact**, in addition to the cross-cutting issues of **human (labour) rights, gender equality and disability** to organize the data collection, findings and analysis in this assignment.

The findings corresponding to the evaluation questions grouped in sets around the above criteria, have been organized around the key thematic issues covered by the questions. The evaluation questions developed for this evaluation are covering the various aspects of each of the evaluation criteria. The interview questions have been formulated so that the data collected feeds the answers to the evaluation questions. The answers provided by interviewees have been compared and the trends in answers triangulated with the information from the reviewed documents, to identify and verify findings.

Lessons Learned and Good Practices have been extracted from the analysis, introduced in dedicated sections and reported in separate formats annexed to this final report.

The Evaluation Matrix has served as the key instrument for the elaboration of data collection tools as well as for the collection, organisation, and analysis of data.

The list of evaluation questions from the ToRs is as below:

Relevance and strategic fit

- Is the project relevant to the ILO's tripartite constituents' needs?
- Are the project objectives aligned with national development framework in fulfilling its obligations foreseen in the EU-Ukraine Association Agreement as well as EU Strategic Framework on Health and Safety at Work 2014-2020?
- How does the project contribute to the ILO's Programme & Budget (P&B) 2020-2021, Country Programme Outcomes, Decent Work Country Programme for Ukraine 2020-2024, United Nations Sustainable Development Framework, and SDGs?

Coherence and validity of the design

- Are the project strategies and structures coherent and logical?
- Does the project make a practical use of a monitoring and evaluation framework? How appropriate and useful are the indicators in assessing the project's progress? Are indicators gender sensitive? Are the assumptions for each objective and output realistic?
- To what extent did the project design take into account: Specific gender equality and non-discrimination concerns, including inclusion of people with disabilities?

Project progress and effectiveness

- What progress has the project made towards achieving the overall objective, outcomes, and outputs? How has the project benefited direct and indirect beneficiaries?
- How did outputs and outcomes contribute to ILO's mainstreamed strategies including gender equality, social dialogue, and labour standards?

- To what extent did the project respond to emerging needs in terms of COVID-19 pandemic? Did the pandemic hinder or reverse the progresses that had been made?

Efficiency of resource use

- To what extent have project activities been cost-efficient? Have resources (funds, human resources, time, expertise etc.) been allocated strategically to achieve outcomes?
- To what extent can the project results justify the time, financial and human resources invested in the project?
- To what extent has the project been able to build on other ILO or non-ILO initiatives either nationally or regionally, in particular with regard to the creation of synergies in cost sharing?

Effectiveness of management arrangements

- How does the project governance structure facilitate good results and efficient delivery? And if not, why not?
- How effective was communication among the project teams, the regional office and the responsible technical department at ILO headquarters? Has the project received adequate technical and administrative support/response from the ILO backstopping units?

Impact orientation

- What is the likely contribution of the project initiatives to the stated national development objectives?
- Is the project likely to produce long-term effects in terms of the improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work?
- What were the interventions long-term effects on more equitable gender relations or reinforcement of existing inequalities?

Sustainability

- Are the results achieved by the project likely to be sustainable? What measures have been considered to ensure that the key components of the project are sustainable beyond the life of the project?
- To what extent was sustainability of impact taken into account during the design of the project?

The logic of the Evaluation Matrix is articulated, based on the evaluation questions, through the following columns in the matrix: (the evaluation matrix is attached as the annex E of this report “Evaluation Matrix”.)

- **Judgment criteria:** In order for the answers to evaluation questions (EQ) to be justified and clearly explained, the evaluation has identified criteria covering the crucial aspects to be looked at. Cross analysing the various aspects has helped establish findings for each EQ. Judgment criteria has guided the formulation of more specific evaluation questions or topics, which has sought an answer to the review of documents and/or from evaluation interviews.

- **Judgment indicators:** In order to gauge the performance of the project against each criterion, answers to sub-questions also need to be weighed against judgment indicators. Rather than scale indicators, those indicators aim at identifying into more details at the factors or reasons that explain the under or overperformance of the project. Thus, indicators do not systematically aim at measuring but also identifying underlying factors in order to produce, for instance, lessons learned.

- **Source of information:** Evaluation findings have to be based on evidence. However, evidence is not systematically an absolute truth, but can come from various published sources as well as interviewees statements. Thus, this evaluation has indicated the source of the data used to build the evidence, so the reader is able to situate and appreciate the information. Obviously, the information sources and veracity of statements has been systematically verified by the evaluator.
- **Method of analysis:** This (last in the Evaluation Matrix) column specifies how the data collected is analysed and used to produce findings. The analysis of documents from the desk reviews allows to identify key issues for evaluation and also contribute to shape interview questions to verify or enquire deeper on facts that matter for the evaluation. The evaluation also triangulates the information from different document sources. Triangulation often involves comparing information on similar topics.

1.2. Evaluation Approach, methodology and tools

The evaluation has applied a non-experimental approach to analyse the contribution of the project interventions towards achieving its results, using both quantitative and qualitative techniques, with an emphasis put on the quality. The evaluation acknowledges that understanding the complexity of the Project requires to tap into the constructive critical thinking of the key stakeholders as an important element of evidence.

The analysis of project data has been conducted, integrating of a wider perspective of information, including stakeholder mapping; mapping of situation and contextual analyses, in-depth project and contextual documentary review, documenting of results and processes; analysis of results from M&E systems; analysis to determine factors which promoted or impeded the progress against intended results and attribution analysis to the extent possible; financial analysis; analysis of sustainability strategies and barriers to sustainability.

The gender and human rights dimensions, as well as other cross cutting issues, were integrated throughout the evaluation phases, from the design of the methodology, the elaboration of the tools allowing to collect disaggregated data, thus allowing to conduct targeted analysis for these specific aspects.

This evaluation process has involved the following phases:

1. Initial desk review of key project documents,
2. Drafting of the inception report, including the evaluation methodology.
 - 2.1. Development of data collection tools.
3. Data collection (stakeholder interview and complementary).
4. Data processing and analysis
5. Drafting of Evaluation Report.

The crosscutting issues have also been integrated throughout the evaluation phases, from the design of the methodology, the elaboration of the tools allowing to collect specific data for each dimension, thus allowing to conduct targeted analysis for these specific aspects.

Intended Users of this evaluation

The primary intended users of this evaluation are the Project Team, the ILO National Coordinator for Ukraine, the ILO DWT/CO-Budapest Office, the LABADMIN/OSH unit in ILO Geneva, the Tripartite Constituents in Ukraine, and the EU Delegation to Ukraine.

1.3. Evaluation methods and tools

The evaluation has used mixed methods to guide the data collection, which has mostly involved a qualitative collection and analysis of information.

The mix method approach has involved the following activities:

- **A desk review** of documents produced by the project and the ILO, complemented with context and thematic-relevant reports and publications gathered through the consultant's research or shared by interviewees.
- **An Evaluation Matrix**, expanding evaluation questions into sub-questions, judgment indicators and means of collection to organize the data collected.
- **Evaluation questionnaires, used for Key informant Interviews** developed for stakeholder interviews, and tailored to the different stakeholder categories. Questions have been refined and adjusted as the evaluation was deepening its understanding of the project.
- **Data analysis** was conducted in crossing evaluation interview notes with findings from the written documentation and complemented with additional available reports on the topic of the project.

1.4. Stakeholder participation

The direct feedback from stakeholders has been essential in informing this evaluation and the evaluation has made ample space for virtual interviews during the field interview phase, which has taken place from 06 to 23 February 2023. Except of one or two individuals whose availability had changed, interviewees have expressed a strong interest in the participation to this evaluation and to discussions.

Selection of Stakeholders for interviewing

In consultation with the project team, a list of stakeholders targeted for interviewing and surveying, has been established with the following criteria in mind:

- A representation of all project stakeholder categories, from the project team, local and national level, government and non-government actors, donors, and consultants.
- Collection of direct feedback from the hard-to-employ as users of the services supported by the project.

Number of stakeholders interviewed by category

Category of stakeholder	Number
Project Staff	4
ILO Staff (Ukraine, Moscow, Budapest, Geneva, Moldova Office)	11
Donor (EU)	2
Ministry (MSP, MOE)	5
State Institutions (MoE, NTSEC, Members of Parliament, line Ministries, Ombudsman, Government Office of Euro-Atlantic integration)	12
State Institution Moldova (MoL)	1
SLS	6
Trade Unions	7
Employers Associations	8
service providers	5
Consultants, OSH experts, OSH magazines, civil society	6
Total/Gender representation	55 (Female: 47.3%, Male 52.7%)

Table 2. Number of stakeholders interviewed by category

1.5. Data sources

The evaluation has been able to access a very rich list of documents shared by the project team, in addition to the various reports available on the dedicated project website. An additional number of publications and articles have been consulted as a result of internet-based search.

1.6. Evaluation ethics

This evaluation has been conducted with the highest standards of integrity and respect for the beliefs, manners, and customs of the social and cultural environment; for human rights and gender equality; and for the 'do no harm' principle for humanitarian assistance. This evaluator has committed to respect the rights of institutions and individuals to provide information in confidence, ensuring that sensitive data is protected and that it cannot be traced to its source and must validate statements made in the report with those who provided the relevant information.

1.7. Limitations of the evaluation

There have been no major limitations to this remotely managed evaluation, which could affect the data collection to be conducted in decent conditions. The project team has shared a substantial number of documents covering the multiple activities of the project and the project dedicated website also provides a wealth of information. Despite the ongoing war in Ukraine, all stakeholders, save for one or two individuals selected for interviewing, have made themselves available through online connection and excellent translation was provided to non-English speakers. The only limitation was a tight overall evaluation timeframe which has been eased by the flexibility of deadline within the overall timeframe of the assignment.

6. Key Evaluation Findings

6.1 Evaluation Criteria: Relevance and Strategic Fit

The high relevance of the preceding phase of this project has been maintained for this phase as well, before and during the context of the war in Ukraine. Regardless of the impact of pandemic and the war, the project has also kept a strong strategic sense, both in its development orientation and in its response to needs emerging from the conflict.

The opinions expressed during evaluation interviews are clearly supporting the existence of the project, as answering the needs, challenges, and priorities of the tripartite constituents. Promoting International Labour Standards while transposing and implementing EU Directives in the field of OSH and Labour Inspection, tackling UDW, reforming Labour Inspection was considered as priorities by the Social Partners before the war and are still considered as important issues to be tackled, after over a year of the Russian Forces aggression. Maintaining an active dialogue also earns a high level of support by the Social Partners.

In terms of strategic and policy relevance, the project scores high as it brings an important contribution to the key existing documents as follows:

RELEVANCE TO NATIONAL, EUROPEAN, AND INTERNATIONAL POLICY
UN - ILO - SDG
UKRAINE NATIONAL DEVELOPMENT FRAMEWORK
Ukraine Five-Year Development Plan In 2019, Ukraine has released a five-Year Development Plan that has set European integration as one of the key country priorities. This involves aligning to EU standards and directives, which the project actively supports in the field of OSH.
ILO Decent Work Country Programme 2020-2024 <i>Priority 3 on Improved working conditions and social protection:</i> Outcome 3.1 Increased compliance of national legislation and enforcement mechanisms on OSH and transition to formality with International Labour Standards.
ILO Programme and Budget 2020-21 <i>Outcome 7 "Adequate and effective protection at work for all" and Outcome 1 "Strong tripartite constituents and influential and inclusive social dialogue".</i>
UKR 154: "Occupational health and safety legislation is updated and aligned to ILO standards and EU directives"; contributing to ILO P&B output 7.2 "Increased capacity of member states to ensure safe and healthy working conditions".

UKR 155: "The effectiveness of the labour inspection system and of social dialogue mechanisms is strengthened"; contributing to ILO P&B output 1.3 "Increased institutional capacity of labour administrations".

UNPF Partnership Framework 2018-2022

Pillar 1 on Sustainable economic growth, environment and employment and outcome 1.2: "By 2022, all women and men, especially young people, equally benefit from an enabling environment that includes labour market, access to decent jobs and economic opportunities.

Sustainable Development Goals and related targets

Goal 8 on Decent Work.

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".

Target 8.3: "Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services."

Fundamental rights

The recognition of "a safe and healthy working environment" as a fundamental principle and right at work (*at the 110th Session in June 2022, the International Labour Conference, designating the OSH Convention (No. 155) and the Promotional Framework for OSH Convention, No. 187 as fundamental Conventions*), has consolidated the importance of the objective pursued by the project.²

EU Association and Membership

EU-Ukraine Association Agreement

Alignment of Ukraine national legislation with the EU Directives on OSH, labour relations, anti-discrimination, and gender equality, as listed in Annex XL to chapter 21 of the Agreement (*article 424 of the EU-Ukraine Association Agreement*).

EU Membership candidate Status to Ukraine

The project is supporting Ukraine in preparing to align and implement EU standards in several areas, including Health and Safety at work under the Chapter 19 - Social policy and employment - of the Acquis.

Table 2. Project relevance to key national and international policy documents

² This milestone decision was reflected by the Project among others through the dissemination of the ILO brochure "A safe and healthy working environment is a fundamental principle and right at work" translated into Ukrainian, as well as through the IX International Conference "OSH - 2022: European integration and innovations" organized by the "Occupational Safety and Health" Magazine, and the European Society of Occupational Safety and Health (ESOSH).

In parallel to its contribution to the fulfilment of key strategic and policy objectives, the project has demonstrated it was able to remain appropriate also in major context changes. During the pandemic, the project managed to continue all activities by switching to remote virtual events and online and offline content, allowing partners to participate in advocacy roundtables, consultations, and training events.

When the war broke out as a result of the Russian Forces aggression, the many pressing priorities Ukraine had to face, have put OSH and Labour Inspection reform aside, during the initial months of the conflict, which may have questioned the purpose of the project in such an emergency context. However, the evaluation has found the relevance of the project reinforced rather than weakened, mainly because of the following elements:

- The project's close consultation with the social partners has allowed to identify the most pressing needs that could be addressed within the scope and expertise of the project. The long-standing and trustful relationship between ILO and its partners has played a key role in deploying a timely and highly appropriate response, facilitated by the EUD flexibility in allocation the re-allocation of funds to support the PSS and HTFL-focused response. The war has increased the intensity of the risks of safety and health at work, letting emerge "new" (or rather underground) harmful phenomenon (unhealthy behaviours induced by stress and conducive to harassment).
- A rapid, effective, highly appropriate response to the crisis, highlighting the relevance of the contribution of the "development track" in the effectiveness of the "crisis response track."
- Remaining focused and continuously advocating for important, long-term response (especially in the context of war answers the needs to support these processes), at risk of being set-aside by the crisis context, the project has made an important contribution to advancing Ukraine to fulfilling one of its highest strategic objectives: integration with the EU. There is an expectation that the decision on granting Ukraine the status of EU candidate will become a strong incentive towards alignment of the Ukrainian legal framework on OSH with ILS and EU standards.

6.2 Evaluation Criteria: Coherence and Validity of Design

The evaluation has found the project design to be very valid and the project approach and articulation from its objective down to the activity level to be coherent to the long-term goal pursued by the intervention.

One main reason explaining this is that the project is enshrined in longer-term process – not just a one-phase project cycle - with a clear description of the expected change, thoroughly assessed needs and assumptions. These elements guiding the project design had already been explored, consulted, and analysed for the previous phase, and have been updated through consultations and analysis conducted for this phase as well. Even though the project document does not feature a chart that help visualise the intended change process, it is well reflected in the construction of the results framework, and its underlying logic.

The project objective is a logical evolution of the previous phase, which focuses on instilling a culture of OSH, and initiates the building of an efficient, modern labour inspection system. The theory of change enjoys a very strong high-level strategic dynamic as the project directly supports the development, preparing for the implementation of international and European standards, a condition to Ukraine EU integration's strategic objective.

The evaluation distinguishes the following elements in the approach of the ToC:

- The change process is supported by a multi-track approach, with tracks complementing one another.

- The multiple-track approach has combined (a) an advocacy fold (backed by advocacy roundtable activities), a communication/public awareness track (allowing to mainstream UDW while strengthening SLS capacity through practice of public awareness campaign), (b) a normative track (involving the transposition of EU directives and ILO Conventions and a facilitation of the consultative law drafting process), an (c) institutional/reform track with capacity building activities to help establish an effective SLS, and (d) a facilitation track using soft skills to support the social dialogue.

It is important to note that the project's engagement to respond to the challenges brought by the war has not made the original ToC irrelevant and that it could still answer positively to key questions: Was it coherent for the project to advance EU OSH standards both in the war context and in the EU integration context? Was there any coherence and strategic rationale behind balancing the intervention and resources between a "crisis response track" and "a reform track"? The evaluation has found the project did respond positively to both these questions.

The project has demonstrated it was relevant in its response to urgent needs without changing its long-term reform track, also showing there was no contradiction in advancing on both paths (obviously adjusting the pace of implementation to the context).

The repurposing of activities to address the psychological and forced labour/trafficking risks has not affected the coherence of the project. Indeed, both risks are not new phenomena in nature, but are novelty as it occurs in a context of war and those risks actually fall under occupational safety and health. The project has answered priorities of pre-existing deep-rooted issues which have been exacerbated and made visible by the war. Thus, by repurposing some activities, has adjusted its coherence to the context. By doing so, the project has also innovated, also addressing the additional risk of a displaced population. The ILO does not have a systematic approach to addressing OSH needs in an armed conflict, so the project had to innovate in this regard.

The project has not only adjusted to the risk induced by the impact of war activities; it has also adjusted to the changed legal context (martial law) but supporting a form of social dialogue through the support to the NTSEC and online exchanges.

The evaluation explains the project has been able to maintain its coherence to (1) the drastically changed context thanks to an ability of the project to consult, interact, assess and analyse the environment; (2) the responsiveness of constituents, (3) the flexibility and timeliness of the donor have been instrumental in preserving the coherence of the intervention with the choice made to respond to the urgency of the situation while not giving up on the reform track.

Behind the curtain of the emergency of the war, the safety and (psychological, but not only) health conditions of workers have never been so at risk, especially in professional sectors where safety and health were already at high risk. The risks are likely to have increased not only as a direct impact of armed hostilities, but also the behaviour-change under the stress of the context, which are conducive to increased risk-taking. Thus, the evaluation has found there is a strong rationale in the adjusted coherence of its response: it has addressed promptly immediate and higher OSH-related risks while ensuring this response will not end with the end of the conflict but has used this momentum to underline the importance of not delaying reform addressing risk that are not so different in nature (physical and psychological risks).

The project team has used a wide array of diverse tools and several elements to monitor and evaluate the implementation progress of the project:

- A detailed monitoring tool based on the project results framework, providing activity-level, outcome-level, and objective-level progress indicators. Indicators provide quantitative measurement progress for the activities offering meaningful quantitative indicators. Since the project is mostly qualitative in nature, the monitoring framework also includes qualitative indicators and a comment column which provides a contextual/analytical explanation required to understand the progress (or lack of) towards achievement.
- Records of project activity events with gender disaggregated attendance.
- Participant rating feedback on training/capacity-building events.
- Post awareness-raising campaign survey with analysis of results.
- Annual Stakeholder and Beneficiary implementation evaluation survey (before the war broke out, in 2020 and 2021). Results of Stakeholders' and Beneficiaries' Assessment of the Project Implementation in 2022. This offers a complementary tool to get "live" feedback at regular intervals, allowing for timely reaction and important for the feeling of ownership of constituents.
- Project collects satisfaction feedback on capacity-building/training content (webinar): Overall, the feedback has been very positive across all such activities.
- An internal mid-term evaluation was conducted.

The project has also tackled the issue of geographic coherence with the Ukrainian region's specificities which require even more attention as the war has further increased regional discrepancies in terms of exposure to OSH risks. Regional (and sectoral since some sectors depend on the regional economic characteristics) specificities are also a potential cross-cutting issue of passive discrimination as the regional discrepancy of situations vis-à-vis OSH and Labour Inspection and information was already important before the war and have increased further in relation to how exposed and affected geographical areas have been affected by armed hostilities. This requires attention and underlines the needs for SLS to have an information system. For instance, in the Eastern region of Donetsk and Luhansk, the situation and context make it very challenging for LI to visit companies (SLS office in the Donbass region has been destroyed). There are also huge differences in the SLS working context and conditions, depending on the geographic area of Ukraine (e.g.: some regions have seen an important number of companies which have relocated to safe areas. Some companies have relocated across several locations in sites where companies cannot monitor the safety of workers as employers are located remotely from worker 'sites). Hostilities have created new risks requiring LI perform their work investigation differently. For instance, the war-related risks have constrained LI to halt physical visit to unsafe areas in Eastern Ukraine. They also have adjusted their approach in their interactions with workers and employers, paying specific attention to the awareness raising dimension and also paying care to the psychosocial dimension on the workplace. The working modalities of some labour inspectors has also changed, especially constraining those covering regions of intense war hostilities to work remotely.

The following findings have been made in relation to gender:

- The SLS has been working on gender audit in 2022. Gender equality awareness raising campaign planned by SLS in 2023. Awareness-raising on FLHT (80-90% of UKR refugees targeted by awareness-raising campaign have been women and children. Also raise awareness of the current situation of remaining displaced Ukrainians in Moldova being composed of mostly women, often located in isolated areas.
- Drafting the new OSH law has involved discussions, facilitated by experts on several gender-specific aspects of the law, changing old legal provisions that discriminate gender (e.g.: forbidding women to travel for business purposes in certain professions, or certain professions to which access to women was denied).
- The switch from physical to online training has been reported by stakeholders, as beneficial to a number of women, who, because of their family/personal situations, were likely not able to join training activities, in the period of the pandemic.

6.3 Evaluation Criteria: Project Progress and Effectiveness

The overall performance of the project is commendable as, at the time of this evaluation, it has reached all of its output level targets and exceeded it for the majority of activities. This is also the case of its repurposed activities which have all exceeded its projected targets. The project has also delivered at outcome level, though, as explained in this section (other following finding sections), the expectation that the draft OSH would be adopted by the parliament has not happened as hoped. The process was halted when the war broke out and the submission of the law is expected in 2023.

Progress Review against the Project's Results Framework

The below tables give an overview of the project results as of 31.12.2022. It is based on the project's (repurposed) results framework and primarily provides a quantitative performance of the project. From a quantitative perspective, the project has exceeded most of its targets. In the few cases the project has not yet (as of end of 2022) reached its targets, it is important to note that this is explained by the fact that the achievement of the target depended on an institutional (political) decision. This explanation is provided in the project's result framework. **For the targets depending on external decisions, it is important to distinguish a result that is a performance of the project from a result describing an assumption (expectation) from a clearly identified process, but which is not completely "in the hand" of the project.** An analysis of the results follows the below tables.

The present, as well as further sections ("Project Progress", "Conclusion", "Best Practice", "Recommendations") of the present report, analyse the accountability of the project, and more specifically, the difference between an expectation of the project (expressed in the project document) and the results the project is accountable for (e.g.; while the project is not accountable for the transposition to national legislation, active advocacy has weighted positively and remains an activity with a strong potential.). **This distinction is important so as to identify the external factors so that the advocacy effort of the project can focus on these factors.**

At the output level, the project has, most of the times, exceeded its target. **One important quantitative fact is the higher-than-expected stakeholder participation to all project events. Paradoxically, rather than limiting the access of stakeholder to project events, the pandemic, followed by the conflict – constrained the project to switch to virtual meetings – has lifted the limitation of physical attendance, and permitted more stakeholders from various locations, to join events.**

At the outcome level, as indicated at the introduction of this section, the project has fully delivered for the areas under its direct control but has just been short of the expected institutional (CMU) validation (draft OSH law and Labour Inspection Statute) which would have crowned the long and patience work of transposing EU directives, through a consultative process and technical comments provided by the project. The outcome 1 level has seen the adoption of the National Action Plan to Fight Undeclared Work (in 2022). The outcome 2 intended change has obviously also been affected by the war, as the Labour Inspection Statute has not yet been adopted, though it is likely to happen in the future, it is hard to determine when, in the current war context of Ukraine.

OBJECTIVE LEVEL							
Objective or Target		Indicator	Baseline	Tar	Achievement		Variance Explanation Comment
Level/ Number	Intended change				Quantitative	% of target	
Long-term dvpt. objective	Improved safety and health at work as well as a reduction of undeclared work.	% Variation on the incidence rate of fatal work-related accidents	1.7% (2018 -16) ³	-		- 24% ⁴ / +40.5% ⁵	While no formula can quantify how much of the change is attributable to the project, the results framework of the project reflects the Theory of Change where the key leverages of long-term changes are identified and addressed.
	A reduction of undeclared work	% Informal employment	21% ⁶	15		20,3%/19.3% (@ Dec.21) ⁷	

³ Fatal WRA: 400 (2016); 366 (2017); 409 (2018); Employed Population: 16,276,900 (2016); 16,156,400 (2017); 16,360,900 (2018); Incidence rate fatal WRA: 2.46 (2016); 2.27 (2017); 2.5 (2018).

⁴ This figure refers to the period 31 December 2019 – 31 December 2022 and is calculated in order to ensure the comparability of the data, **by taking out**, from the total number of fatal work-related accidents between 2019 and 2022, the ones resulting from either the COVID-19 (65 in 2020 and 279 in 2021) and the war (217 in 2022). The variation of the Incidence Rate of fatal work-related accidents between 31/12/2019 and 31/12/2022 (IR2022/2019) was calculated as follows: IR2022/2019 = (1.92-2.53)/2.53)x100 = -24%; Where: IR2022 = (256/13,300,000)*100,000 = 1.92 and IR2019 = (422/16,668,000)*100,000 = 2.53; Given: Fatal WRA: 422 (2019); 588 (2020, excluding due to COVID-19); 333 (2021, excluding due to COVID-19); and 256 (in 2022, excluding the ones due to the war); and Employed Population: 16,668,000 (2019); 15,995,600 (2020); 15,693,369 (2021) and an ILO estimate of 13,300,000 (for 2022).

⁵ This figure refers to the period 31 December 2019 – 31 December 2022 and is calculated on the basis of the total number of fatal work-related accidents (i.e., **including** the ones due to COVID-19 and due to the war). The variation of the Incidence Rate of fatal work-related accidents (IRT) between 31/12/2019 and 31/12/2022 (IRT2022/2019) was calculated as follows: IRT2022/2019 = (3.56-2.53)/2.53) x 100 = +40.5%; Where: IRT2022 = (473/13,300,000)*100,000 = 3.56 and IRT2019 = (422/16,668,000)*100,000 = 2.53; Given: Fatal WRA: 422 (2019); 653 (2020, including 65 due to COVID-19); 612 (2021, including 279 due to COVID-19); and 473 (2022, including 217 due to the war); and Employed Population: 16,668,000 (2019); 15,995,600 (2020); 15,693,369 (2021) and an ILO estimate of 13,300,000 (for 2022).

⁶ Informally Employed: 3,695,600 (2017); 3,541,300 (2018); 3,458,500 (Jan-June 2019); Employed Population: 16,156,400 (2017); 16,360,900 (2018); 16,355,500 (Jan-Mar 2019); % Informal Employment: 23% (2017); 22% (2018); 21% (Jan-Mar 2019).

⁷ Figure 1 is for 2020 and figure 2 is for 2021. In 2022, due to the aggression of the RF against Ukraine, the situation has drastically changed and considerable impact is expected on the informal employment and UDW, although the data is not available.

OUTCOME & OUTPUT-LEVEL: OUTCOME 1

Objective or Target		Indicator	Baseline		Achievement		Comment
Level/ Number	Intended change				Quantitative	Target (%)	
Short term impact	Improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work	Improved compliance with ILS (Conventions 81, 129, 155) as per ILO Committee of Experts on the Application of Conventions and Recommendations	1	0	0	Pending parliament vote	
Outcome 1	Legal framework on OSH and undeclared work is brought closer to international labour standards	Number of EU Directives transposed to national legislation	2	4	0	0 Pending parliament vote	The OSH draft Law, aimed at transposing the EU OSH Framework Dir 89/391/EEC, expected to be submitted to the CMU for adoption in March-April 2022 after tripartite consultations under the auspices of NTSEC, was put on hold because of the RF aggression against Ukraine in Feb. 2022. Consultations resumed in Nov. 2022. The submission of the draft OSH law is expected in 2023.
		National Action Plan to Fight Undeclared Work adopted by Government	Not adopted	National Action Plan adopted before mid-2021 with at least 50% of ILO recommendations included	National plan for 2023 adopted on 22.12.2022 Has 2 priorities: UDW and OSH	0 1 0 0 0 0	

		Legislation revised to bring the mandate of the Labour inspectorate closer to ILO C81 and C129	Legislation currently not revised	At least one law/regulation has been adopted before end of 2022 which	0	0 <i>Pending parliament vote</i>	MoE draft law "On Amending Some Legislative Acts on the Procedure of State Supervision of Compliance with the Labour Legislation" submitted to CMU for adoption but returned for further improvement and consultation. The resulting draft to be resubmitted to CMU, is expected to remain not properly aligned with ILO Conventions 81 and 129 on Labour Inspection. In Sep. 2022 the MoE published on its website the draft law "On Labour" which has a separate section on labour inspection.
Output 1.1	Draft laws/regulations transposing EU OSH Directives submitted.	Laws/regulations drafted, discussed with relevant stakeholders and submitted to Ministry and/or technical advice, recommendations and comments provided to drafts made by government, social partners and/or VR provided.	3	8	13	162.5 <i>Target exceeded</i>	6 sets of technical recommendations on how to better align 5 versions of the ME draft Law on OSH with relevant ILS & EU acquis, 4 technical recommendations regarding other 4 draft legal act aimed at transposing 4 EU OSH individual Directives + 1 ILO Technical note to the draft law on OSH
Output 1.2	Advocacy roundtables held with legislative actors on EU OSH Directives.	No. of political decision-makers participating in advocacy events/or events promoted by government, social partners and/or VR	0	40	328/1158 <i>(=1486)</i>	3700 <i>Target exceeded</i>	328 is the number of participants of the 7-day workgroup retreat to discuss, amend and fine tune the ME proposed draft law on OSH + technical meetings held to advocate the Project recommendations on better alignment of the draft OSH law with the International and EU labour standards 1158 is the nb of participants to online events covering OSH issues.
Additional output 1.2.A repurposing, since Apr. 2022	The Guidelines on OSH in armed conflict developed, validated and available for the national stakeholders	Document validated by the ILO and the stakeholders	0	1	0	0 <i>Pending validation</i>	Guidelines are developed but not yet validated.
Output 1.3	Training sessions on fighting undeclared work provided	No. of participants in the training sessions	0	30	500	1600 <i>Target exceeded</i>	500 is the average number of participants in each of the 6 relevant modules of the Project Summer Marathon of Online Trainings on International and EU Labour Standards.

Output 1.4	Draft laws/regulations aimed at implementing the Action Plan to fight undeclared work submitted	No. of draft laws/regulations (and/or of technical advice, recommendations or comments provided to drafts proposed by government, social partners or VR) implementing measures of the Action Plan to Fight UDW.	1	2	15	750 <i>Target exceeded</i>	15 is 4 explanatory notes with recommendations and 6 background papers and infographics with technical advice and recommendations on 6 relevant topics + 5 sets of the Project technical recommendations to 5 draft laws:
Output 1.5	Advocacy roundtables on undeclared work held with legislative actors	No. of political decision makers participating in advocacy events/or events promoted by government, social partners and/or VR	0	40	513	1 2 8 2 <i>Target exceeded</i>	513 is no of participants to meetings organized by the workgroups set up by VR Committee of Social Policy with ILO + technical meetings and consultations in VRU committee of Social Policy and Veterans' Rights + WG on drafts laws
Additional output 1.6. repurposing, since April 2022	Labour inspectors and social partners trained on providing psycho-social support (PSS) at workplaces and advocacy of PSS programmes	Number of labour inspectors trained	0	30	313	1 0 4 <i>Target exceeded</i>	
		Number of social partners trained	0	60	87	145 <i>Target exceeded</i>	

OUTCOME & OUTPUT-LEVEL: OUTCOME 2							
Level/Number	Objective or Target	Indicator	Baseline	Target	Achievement		Comment
	Intended change				Quantitative	% of target achieved	
Outcome 2	Systems and procedures for a roll out of labour inspection services are in place	Labour Inspection Statute adopted and rolled out (defining legal powers, recruitment and training, etc.)	Not existing	Statute adopted and shared with labour inspectors	0 <i>Pending adoption</i>		Statute pending enactment of draft law "On Amending Some Legislative Acts on the Procedure of State Supervision (Control) of Compliance with the Labour Legislation" recently submitted by MoE to CMU for adoption.

		% of OSH infringements detected during inspection visits that were corrected.	81	85	86.4 before the war, 39.3 (end 2022)	101% Target exceeded	The substantial decrease (from 86.4 to 39.3) on the detected infringements might be explained by the ongoing war. It had huge impact on the decrease on the number of infringements detected (lack of access to the part of the territory of Ukraine, substantial decrease on the number of inspection visits...)
		Variation on the average number of undeclared workers regularized following inspection visits.	-0.3%	10%	From +247 to -79.8	2470% Target exceeded (until before the war broke out)	The very high positive variation recorded in 2021 may be the result of the "Go to Light" campaign, while the negative variation is likely related to the war context and suspension of inspection visits.
Output 2.1	Labour inspection statute drafted and validated	Draft labour inspection statute (and/or technical advice, recommendations and comments to drafts made by government, social partners and/or VR) made available	Not existing	Until the end of 2025	2	Target reached (recommendations provided, on-going process)	Re-programed, during the 1 st Project Steering Committee sitting. The MoE proposed the regulation of labour inspection through 2 draft Laws. These 2 technical recommendations were already presented and advocated to national tripartite constituents and other stakeholders. Further consultations are on-going.
Output 2.2	Labour Inspectors trained on new legal frameworks and their implications for their work	Number of labour inspectors trained	0	60	320 (300+20)	533% Target (of 60 trainees) exceeded	300 labour inspectors trained on the module of International Labour Standards on LI (Summer Marathon of Online Trainings) 20 labour inspectors trained as trainers on OSH for SME.
Output 2.3	Labour Inspection campaign on UDW rolled out, preceded by a communication campaign	No. of people covered by the Communication Campaign to Fight UDW	0	500,000	31 mln	600% Target exceeded	31 mln corresponds to the no of individuals, in contact with UDW material, while 5.7 mln employers, workers & young people have been reached by the campaign.
		Number of inspection visits on UDW	11,232	50,000	628315 (18,146 inspection + 610,169 information)	267% Target exceeded for the overall nb of visits (not for inspection visits given the context)	Inspection visits peaked in 2020 (367,173) before sharply decreasing due to repeal by the Court decision of the CMU Decree that was defining the procedure for labour inspectors' visits on UDW and due to the restrictions imposed on inspection visits under martial law, reduced geographical coverage. A high nb of information visits is related to the LI role during and after the UDW campaign.

	The awareness raising initiatives to prevent forced labour and human trafficking are launched	Campaign launched by the SLS	0	1	1	100% <i>Target reached</i>	Campaign launched with strong impact
		Outreach by the SLS campaign (no. of persons from the risk group)	0	200,000	3,6 mln	1800% <i>Target exceeded</i>	Outreach 18 times larger than planned
		Awareness raising initiative launched by the Moldova State Labour Inspectorate	0	1	1	100% <i>Target reached</i>	Awareness raising initiative with strong coverage
		The Code of Conduct for Employers developed and validated	0	1	1	100% <i>Target reached</i>	
Output 2.4	Draft of an improved data collection system for LI provided	Technical description of data collection system provided	Not existing	1	1	100% <i>Target reached</i>	TOR on the SLS IS was developed by SLS with reference to the recommendations provided by the previous EU-ILO Project and advocated by the current Project.

CROSS-CUTTING GENDER EQUALITY INDICATOR							
Objective or Target		Indicator	Baseline	Target	Achievement		Comment
Level/Number	Intended change				Quantitative	% of target	
	Promotion of gender equality on project's knowledge-sharing and capability-building events	% of participants in the project's knowledge-sharing and capability-building events which are women	51.7% men; 48.3% women	50%	46% men 54% women	108 <i>Target exceeded</i>	

Project has delivered more than planned, first in a context of pandemic, and then in a context of war, with an ability to adjust, remaining relevant to both urgent and long-term priorities.

Summary of achievements as per results framework:

- **Under the Outcome 1:**

1. The project has proven adaptive and creative in its approach: The project repurposing involved the introduction of many unplanned activities, which translated into an additional number of actions and higher volume of work.

2. The continuous advocacy effort of the project team and the ILO office may not have always translated in the realisation of initial expectations; understandably since the war has drastically affected the context and institutional reform priorities, it however, has contributed to the effectiveness of the results. ILO has been highly effective in delivering on the technical level: both on the counselling and advocacy levels. On the technical level, it has revised the existing laws, formulated technical recommendations, and facilitated numerous multi-stakeholder roundtables to consult on OSH law formulation, in order to capture the inputs of the tripartite constituents and a wider range of actors. On the advocacy level, numerous meetings were organised with key institutions, in addition to countless informal exchanges where time was taken to explain the importance of OSH reforms. These efforts have also contributed to keep the topics of OSH and its importance in the context of war, at the center of discussions and interest. The draft OSH law may still not have been passed, but the stakeholders have praised the advocacy role of the project. During the evaluation interviews, several stakeholders have recommended for the project to continue approaching key institutions, including, the Ukrainian Government (PN office, CMU, Euro-Atlantic integration Office, EUD, MPs) at the highest level. EU. All stakeholders have shared the same strong opinions that EU integration, Ukraine to adopt EU standards (EU also expects the Ukrainian government to express its priorities) remain overarching labour-related objectives.

3. On the qualitative side of the results, interviewees by the evaluation have expressed their satisfaction about the fact that the project had contributed to making the draft OSH law simplified, more understandable, therefore more accessible to stakeholders, whereas it was not the case with the existing legislation.

4. The repurposing of activities to engage in the response to psychosocial dimension, have produced tremendous effectiveness and value for money with regards to the modest costs of PPS activities. It has created concrete results but also produce multiple positive effects, including:

- With the likely increased number OSH accidents in times of conflict, the PSS response has meant that it has indirectly saving lives preventively.
- The project has worked with TU and SME on supporting the creation of an OSH representative in the workplace, thus contributing to the prevention effort.

- **Under the Outcome 2:**

5. The SLS has also been involved in the PSS response with 200 labour inspectors, 70 NTSEC representatives, social partners representatives trained on PSS and PSS awareness raising. There has also been a great PSS coverage within the private sector with PSS practices adopted by many companies. PSS training has been extended to public institutions and professional sectors traditionally under a high level of psychological pressure (sea transport). The project was able to deliver more than planned by the repurposed activities: the hired consultant guided the enterprises through the process of development of the PSS programmes by the enterprises themselves.

6. The FHHT prevention public awareness effort has been massive among IDPs, train communication campaign (70000 individuals reached/month + 400,000 IDP reached by LI). The intervention has also involved the training of labour inspection from the labour inspection services in Moldova, while Moldova employers made aware of FL and HT and companies on responsible business conduct.

7. While the Social dialogue resumed, only to a limited extent to some extent 6 months after war started, the constituents appreciated project NTSEC support and dialogue facilitation in the period until limitations to SD are relieved.

8. Functional analysis has really help the MoE to develop a clearer vision on the role and functions of the future of SLS. Further ILO support will be needed to support process to modernize SLS.

In a context rendered very difficult, first because of the global pandemic, second because of the war, the project has continued to deliver and showed effectiveness in several ways.

- The project effectuated a first repurpose of its activities and implementation modalities, to tackle the challenges brought up by COVID-19 pandemic, in a time where constituents did not know what to do to cope with it. The project provided several trainings on OSH in times of COVID to national tripartite constituents, including labour inspectors (some of which co-organized with UN sister agencies, such as WHO and FAO), on how to, simultaneously, ensure safe and healthy working conditions and business continuity in times of COVID. Besides the trainings, dozens of publications (policy briefs, practical guidelines, reports, etc) on OSH in times of COVID (several of which sectoral and activity-based) where translated and disseminated, including publications from the ILO, WHO, FAO and French Ministry of Labour. The main outputs of these activities (including training materials, videos and publications) can be found [here](#) and [here](#). This first repurpose of the project did not imply any increased budget, as the activities were financed with the savings generated by: (a) the provision in-house of technical recommendations that were initially foreseen to be outsourced; and (b) the move from off-line to on-line (and therefore, more cost-effective) events.

- Project effectiveness in combination of normative and practical work connects the theory (rights) with its legal translation (transposition of directives) and application of initiatives derived from standards. This has been beneficial as it allows to relate theory to practice while not remaining dependent on political validation (e.g. practice of social dialogue, even in a war context of limited social dialogue, promoting OSH good practices even if OSH law not voted, support modernisation of labour inspection without waiting for the associated legal reforms to be passed): Gives flexibility to the project in advancing on practice track when the legal reform track await the political green light.

- The intervention has also demonstrated that the space dedicated to answer constituents' needs (social dialogue, address war-related labour challenges, training/tools to advance OSH communication...), that has been restrained by the war, has been accommodated in the context of the martial law.

- Project flexibility and ability to answer requests from constituents (Functional audit of SLS by MoE, EU questionnaire, for Office for Euro Atlantic and European Integration, SD from Employers' Associations and Trade Unions, explanation about the OSH law importance by the parliament ...).

- The SLS Awareness Raising OSH visits has contributed to: 1. Preventively minimise risk of labour relation conflict or breaching the law. Positive impact: no increase of complaints as compared to pre-war era. 2. Help develop an understanding of LI, its role, and benefits. Digitalisation of procedures: contribute to ease procedures related to employment relationships (portal info to employers and workers). Advice to employers and workers on the precautions and recommended actions in context of war.

On the specific thematic of Psychosocial support (PSS) and FLHT, the project has also opened several perspectives, that the evaluation has captured as follows:

- PSS was more than well received by employers' associations and TU's. The PSS component has been considered as highly relevant by employers and TU as psychological distress has hardly hit workers and employers. The project advice on PSS has been greatly appreciated and the trainings dedicated to addressing PSS at the workplace and the project recommendations have been relayed by constituents to companies and workers. As a result, employers have been able to offer PSS support, train staff on PSS so PSS becomes an integral part of health services. Companies have taken further the implementation of PSS measures by implementing its PSS programmes within companies.

- PSS trainings have opened space within companies where workers have started to talk openly about mental health for the first time and express their challenges.

- ILO has contributed to UNCT Action Plan on Human Trafficking response. Ukrainian government has required ILO's support to address the situation of FL and HT.

- Moldova and EU countries: The project has contributed to build bridges between Ukraine and Moldova. The awareness raising Campaign got Moldova Labour Inspectorate involved and it sparked strong interest and engagement from Moldova authorities.

- Communication: The "Go to Light" campaign has been developed by communication professionals and its impact has been measured (using sociological, research tools). According to impact indicators, this campaign has been powerful and has changed opinions far above the average share of the population impacted (18% of targeted audience: employers; workers, students). The project has made the appropriate investment to ensure the campaign messages were strongly visible across the country. SLS has been actively involved in the campaign.

- Visibility: The “Social Festival”, supported by the project, though it was moved to an online event, did record a strong attendance with 400 participants (participation of SLS) and attracted over 100 competitors. Strong messages on OSH and UDW were formulated by a very concerned Ukrainian youth, who has expressed its sensitiveness to professional risks, corruption and UDW.

“War has changed everything”. This statement requires to look into “how has war changed...” the various labour topics tackled by the project. In front of such a dramatic event as a war, questions sparkle: Has the “change everything” led to “question everything”? Does the emergency resulting from the war suppress everything? This is a starting and crucial question the project has had to face as it was engaged in development processes when the war broke out.

The response of the project to these questions has not been “one or the other”, “the emergency or the development path” but both. This approach, englobing both the “response” and “reform” track, looking at the results, has proven effective.

The context and response can be roughly distinguished into two periods: (a). The initial six months into the war, dealing with the reality and consulting on/preparing the response, (b). a “war normalcy” in which the necessary decisions (martial law), adjustments are being implemented and where the (human, social, political, legal, economic...) reality is organized.

War-driven priorities: The war has brought new hazards and increased war-induced, labour-related casualties and heightened the risk of hazards workers and companies have been exposed to directly and indirectly, as practices are, in principle, affected when economic survival involves at-risk practices and toxic behaviours affecting mental conditions (stress, depression) and physical behaviour (aggressive conduct leading to diverse forms of harassment, further leading to increased risk of sexually-transmissible diseases). Some professional sectors are more exposed to others, depending on the type of risk.

The war implies an increased risk of OSH accidents, Forced Labour, Human Trafficking and UDW. The final Project Progress Report indicates the following: “The unprovoked aggression of the RF against Ukraine in February 2022 has drastically changed the national context, made a huge impact on the migration flows, economy, and labour market. It also influenced the Government and Parliament priorities regarding the legislative processes by putting aside the OSH and labour inspection legislation and focusing on quick response to new circumstances by amending the legislation on labour relations for the period of martial law. According to the Decree of the Cabinet of Ministers No. 303 of 13 March 2022 the scheduled and non-scheduled inspection visits of the competent State authorities have been suspended during the martial law.” That also applies to the labour inspection.

All this had a direct impact on the project work plan and deliverables as well as on operational modalities of project implementation on the ground. The consultations with Ukrainian constituents helped to find solutions on how to better address new emerging needs, keeping relevance and maximizing value added of the Project. The relevant repurposing of the Project was done based on the agreements reached. As a result, such new challenges were addressed as OSH during and after armed conflict, psychosocial support to working men and women at workplace, prevention of human trafficking (HT) and forced labour.

The initially foreseen activities were also adjusted to better fit the new war-context (adaptation of the “Go to light!” campaign on UDW, of the SLS institutional communication strategy, support to SLS in implementation of the campaign about its support to the workers and employers during the martial law, etc.) The support from the Project was extended thanks to its no-cost extension for four months (until 30 April 2023). “

The EU flexibility with the utilization of funds has given the project, not only the flexibility, but also the space for innovation in devising a highly relevant response to needs emerging from war.

Advocacy and sustainability: The government is both constrained to reform to face war-imposed challenges but keen on reforming at a high speed, sometimes against practice principles of collective bargaining (confiscation of TU property). In this context, advocacy is needed to secure the validation of project results and advise on the right (rights-based way) the sustainability of the project achievements (draft OSH law...) does not only depend on the results of ILO’s technical expertise and guidance but on rights-based, standard-based advocacy, benefiting from a momentum (EU accession perspective and the needs of a rapid and relevant response to war-related human and labour market priorities). The wartime toxic practices have increased risks and worsened the labour market, as far as OSH (and its many facets: PSS, harassment, violence, high accident risks in “high risk sectors situation).

Political instability as a challenge: with constant changes of political decision-makers (in the Parliament and in the Government and its directorates and subordinate public authorities) and of project interlocutors challenged the smooth implementation of project activities, raised difficulties related to the regular contacts with main stakeholders and undermined efforts to ensure compromises with high-level political decision-makers. The consequent changes of institutional structures, representatives, priorities and strategies, have also been creating increased challenges to project implementation.

The project implementation has experienced a number of complex situations and challenges:

- Complaints have been expressed on the consultation process in the last stage (last version seen in August 2022) of the draft OSH law. The evaluation understands that constituents have not seen the latest version of the law. The constituents have appreciated the quality of the expert comments to the law and do consider the draft version as a significant advancement. What seems to have been the subject of critics is transparency of the final stage of the process. The project has been supporting the transparency of the process with publishing comments to the draft OSH law on its dedicated website; with the permission of the MoE. While the process is clearly not the responsibility of the project, it may be useful for the project/ILO to share standard practices in the tripartite consultation processes when drafting labour law. The feedback also underlines the need for the project/ILO to pursue its engagement in facilitation a form of social dialogue as long the context does not allow a full return to social dialogue. This period remains relevant for ILO to continue strengthening the capacity of the NTSEC.

- Civil Society: The evaluation understands CSO voices have not been heard very much in the OSH law consultations. This raises the issue of representativeness (of the civil society) and how the CS perspectives and concerns could be channelled.

The project has engaged with civil society through the following actions: Associations of OSH: Collaboration with Ukrainian Association of OSH experts (NGO), Ukrainian OSH magazines, exchanged info with the Ukrainian NGO Labour Initiatives. Close collaboration with La Strada NGO on - FL and HT..

- Though it is difficult to measure the impact of the war, available accounts indicate that the Ukrainian economy and the labour market has drastically changed since the war begins and continues to change as the war goes on. Industrial facilities and other infrastructures affecting the economy are being targeted by military activities⁸ (see ILO The impact of the Ukraine crisis on the world of work) (), Ukrainian State Customs Service). The information field and the perception of the work issues changed dramatically because of the war. The whole labour market changed dramatically. We face unemployment and lack of employees at the same time.

GENDER

The gender dimension tackled in draft OSH law (e.g.: professions that were considered as exclusive to men in the previous legislation are now declared as opened to both genders. (e.g.: forbidding women to travel for business purposes in certain professions, or certain professions to which access to women was denied).)

Gender and the situation and rights of women in the various labour dimensions, has routinely been taken to a higher level in the roundtables, discussions, and project events.

Women have a strong voice and participation in the project environment: women attendance has been gender-balanced as overall women participation to project events has slightly exceeded 50%. (SLS communication strategy course: 74% training with ECTS credit trainee were women, 50% trainees without ECTS credits were women).

Events attended by project (advocacy events): 8 events, 50% (4) of events recorded higher women participation.

Events organized by project have seen a slightly higher participation of women over men:

Capacity-building events: 40 events, 77.5% (31) of events recorded higher women participation, 5% recorded gender-balanced participation, 17.5% recorded higher men participation.

Technical events: 12 events, 50% (6) of events recorded higher women participation, Workshop on FL and HT recorded higher women participation.

Under a separate project, ILO has provided training on how to address violence and harassment at work (including gender-based violence) and how it is linked to HIV. The evaluation has learned from evaluation interview that only one small-scale survey⁹ on violence and harassment on the workplace has been conducted (in 2006) and that the depth of the phenomenon remains largely unknown.

⁸ According to the Prosecutor-General of Ukraine reports that 81,000 infrastructures objects have been destroyed by Russian attacks, amounting to 46 USD BLN worth of damage.

⁹ (<https://cms.law/en/int/expert-guides/cms-expert-guide-on-sexual-harassment-in-the-workplace/ukraine> :The Code of Labour Laws of Ukraine dated 10 December 1971 contains general provisions prohibiting discrimination in the workplace, including discrimination based on gender.)

The term sexual harassment is defined by Ukrainian legislation as any act of a sexual nature, expressed verbally (i.e., threats, intimidation, obscene remarks) or physically (i.e., touching, patting), humiliating or offending individuals who are in a relationship of labour, administrative, financial, or other subordination. This term was introduced into Ukrainian legislation in 2005 by the Law of Ukraine “On ensuring equal rights and opportunities for women and men” (No. 2866-IV dated 08 September 2005). In 2017, the law was amended by the term “gender-based violence” and other terms to ensure equal protection of rights for women and men.

Employers may also include provisions addressing sexual harassment at work into collective bargaining agreements, including disciplinary consequences for acts of harassment (up to the dismissal of offenders). However, this is not a widespread practice in Ukraine. According to the Law of Ukraine “On ensuring equal rights and opportunities for women and men”, employers are obliged to take measures in order to prevent and protect against sexual harassment and other forms of gender-based violence.

However, there are no direct requirements or procedures for prevention and protection, and there are no direct consequences for employers for failing to ensure all of that.

6.4 Evaluation Criteria: Efficiency of Resource Use

In light of the multiplicity of activities organized by the project, the level of exchange and interaction with multiple stakeholders, the long list of results obtained, under the management of a small team, the evaluation has found the two millions Euro budget resources to have been very efficiently used; both in terms of cost per event (further reduced due to switch to a virtual mode for the majority of activities during the pandemic and more recently since the war started), and in light of the results obtained with the budget value

The funds reallocated, from the savings made (both through the switch from physical to virtual activities and the provision in-house of technical recommendations instead of outsourcing them), to the response to the psychological distress, forced labour and human trafficking exposure of workers in the war context, have allowed to reach a strong impact in terms of awareness raising and preparedness and prevention of such risks.

The project has not only been actively communicating with stakeholders (Social Partners, SLS, MoE, NTSEC, MPs, Office for Euro-Atlantic Integration, Editions of Specialised OSH magazines, the Ombudsman, the civil society, various independent experts...) and to the public, but also has interacted with many stakeholders and developed synergies with other initiatives. In the first place, the many advocacy roundtables organised by the project have provided opportunities for the team to engage into substantial discussions about the importance of reforms; systematically gaining a strong interest among key actors. The project manager’s participation to a parliamentary discussion on OSH, along frequent informal interaction with social partners has contributed to create an environment of trust in ILO and the project, making communication both efficient and effective.

It has established a collaboration with the La Strada NGO in the Netherlands and Ukraine: to join Anti-Trafficking Task Force as part of the project’s repurposed activities tackling forced labour and human trafficking. In relation to OSH the project has exchanged information on labour rights with the Ukrainian NGO “Labour Initiatives” while it has regularly interacted with the Ukrainian Association of OSH experts and other such OSH expert associations.

ILO has engaged with UN entities in response to priorities emerging from the COVID-19 Pandemic (e.g., WHO and FAO) and from the war; (e.g.: contributing to the Action Plan of the UNCT on Forced Labour and Human Trafficking. In response to psychologically affected workers and employers, the project has collaborated with WHO in the dissemination of joint policy brief “Mental Health at Work”, in the context of the repurposed PSS activities.

The project has interacted with other ILO projects, closely related to the intervention, including “Towards an effective, influential, and inclusive social dialogue in Ukraine.”, also supporting the social dialogue in Ukraine. The other ILO project entitled “Rights at Work: Improving Ukraine’s Compliance with Key International Labour Standards” has provided complimentary technical assistance to the Ukrainian constituents on international standards.

The part of the awareness raising campaign on Forced Labour and Human Trafficking that has stretched in Moldova and involved the Moldova State Labour Inspection and business associations, besides creating a cross-border synergy in the response to FL and HT THB-FL, has also opened a bridge between Moldova and Ukraine. The recent EU candidate status granted to Moldova has opened the opportunity to seek EU support in reforming the labour inspection services, where the ILO Ukraine experience in supporting the reform of SLS is a highly relevant experience.

6.5 Evaluation Criteria: Effectiveness of Management Arrangements

The management arrangements have proven effective in ensuring the timely delivery of numerous activities, while maintaining high standards of quality, if considering the project annual quality feedback survey and the statements made by stakeholders to the evaluation. The project team has been staffed with a Project Manager (who had been managing the previous project phase and who was replaced in October 2021 by a successor after his transfer to another ILO post), a national Project Coordinator, a project assistance, and a part-time finance-administrative position. In term of OSH expertise, the project has relied on various sources. In the first couple of years, the project has relied on the expertise of the former manager, as an OSH professional. After his departure, the project has continued to rely partly from the remote support of the former manager, complemented by Geneva-based OSH expertise, since the ILO Budapest office has currently no such expertise available.

The administrative, financial, and operational procedures of ILO have been tried and tested in the previous phase but also across other ILO projects. The delivery of activities through times of pandemic and the on-going war in Ukraine are two strong indicators of the effectiveness of management. Though, well-designed procedures alone are not enough to ensure smooth implementation. The project team's individual investment and dedication is a large part of the explanation of a project that shows flexibility, responsiveness, and availability to adjust to the changes the Ukrainian context has gone through but also to navigate in a complex context, requiring a constant advocacy effort.

As the war broke out, the PM and PO were evacuated, in February 2022, leading to a situation when the project switched to a remote management modus operandi. This new context has obviously constrained the project and the team to adjust to new modalities, involving a great deal of online events and consultations. Hopefully, the project team had already acquired remote management

experience from COVID time. Remote communication within Ukraine has become a necessity in the security context imposed by the war and the project has managed to deliver despite this constraint. On the longer-term, it will be important to capture lessons learned on the effect of remote management on implementation performance, especially when it comes to the ability to conduct advocacy activities remotely.

The project has been communicating very actively through a large diversity of events and products:

- Project Steering Committee with high-level attendance (the new Head of SC and Deputy Ministry of Economy was presented during the 5th PSC).

The Project FB page is one of the main tools for maintaining the project visibility.

- Newsletter No. 6 for July – December 2022 was released.
- The Project Factsheets for 2020-2022 and for July – December 2022 were released and promoted.
- The Project manager’s video was released by the ILO under “Meet the manager” category.

Overall, the project has been extremely active in terms of external communication with an impressive number of actions in the media. Altogether, **a total of 572 of various media action/events** have been organised or supported by the project. The project has also maintained a content-rich dedicated website, providing a wealth of relevant information and tools **actually used** by the social partners. A dedicated YouTube channel was opened to broadcast regular informative videos while a Facebook page was created and recoded a steady level of interest throughout the project (tens of thousands of participants comments have been posted on a regular basis).

The communication has been fluid and smooth between the project and other ILO offices and units.

The project has received timely and excellent administrative support. On the technical level, the quality of support has been appreciated by the project, though, the remote technical capacity available is rather limited as there are currently no Labour Administration, Labour Inspection and OSH Specialist in ILO Budapest and the Geneva-based LABADMIN/OSH team is small in relation to the number of countries and projects under its responsibility.

Even though, the project was able to bridge the gap with internal resources, including the former PM (who is a Labour Administration, Labour Inspection and OSH Specialist), the evaluation understands this limited technical back-up capacity should be addressed in the future, namely through the admission, by the ILO sub-regional office in Budapest, of a Labour Administration, Labour Inspection and OSH Specialist.

6.6 Evaluation Criteria: Impact Orientation

National Development objectives have been confronted with urgent needs emerging from the war, though it has not changed in nature. The project has shown a rapid adaptation to respond to urgent priorities while it continues addressing national development priorities. Even if ILO is not an emergency agency, its response is appreciated by all as very appropriate. This relevance to an urgent crisis context is identified by the evaluation by the ability of the project to tap in its development-oriented resources: durable presence in the country and practice of consulting constituents, characterized by trustful relationships, leading to a deeper understanding of challenges and there, a more appropriate response.

The fact that all technical recommendations formulated by the project were accepted by all constituents is a recognition that the project is impactful and that the project enjoys an elevated position, above the debate, as it is consistently, rights and standard-based. This elevated position is crucial, as long as the project messages are rooted in rights and standards, it strengthens ILO's credibility and legitimacy to comment (and educate/explain) on any situation challenging labour rights, as was the case with the change worker-employer relationship, where the employer had less contractual constraints and obligations under the martial law.

Long-term effects depend on continued advocacy: The project has recorded important signs of recognition from the Ukrainian Government and State Institutions of Project, for instance with the Euro-Atlantic Integration Office, requesting assistance to the project to fill EU questionnaire on the Chapter 19 (employment and labour policy), or the Deputy PM asking ILO to conduct a functional audit of the SLS, or else, an invitation to the project PM to speak about the OSH reform at a parliament session.

The human physical, psychological, suffering relates to the economic dimension as the resources needed to address physical, psychological problems require a performing, growth-driven - rather than survival - economy. The economy of Ukraine, other than being profoundly impacted by the war, is changing. Many SME companies have relocated to Western Ukraine, while the physical connection of the heavier industry in the Donetsk and Eastern regions with the rest of the country is challenged, leaving the oversight of OSH conditions, affecting the economic performance, with a lack of information. It is important to "link the dots" in the rationale of the advocacy script to change the mindset focused on the emergency and limited to the superficial consideration of addressing the emerged cap of the iceberg. Advocacy is education on the articulation of the urgent crisis phenomenon and the more complex mechanisms explaining how deeper rooted, longer-term focused vision can change the short-term crisis challenges (e.g., unpaid workers will not stay long in the job as livelihood becomes survival livelihood. In turn, companies not paying employees are not likely to economically survive long).

The great majority of stakeholders have expressed the opinion that the OSH reform is not only crucial but also actual to the current context. In relation to OSH and the impact of public awareness campaign: according to TU the impact of the campaign has been strong, and OSH is being taken more seriously by workers, employers, and the population.

With the war, the number are likely to have further increased and there is a risk of worker become disabled as a result of the war¹⁰. Not only there is an economic cost to addressing the health of affected workers, but the Ukrainian economy is losing its production human capital.

The SLS website has improved in its communication appearance and content (the www.pratsia.in.ua website has become efficient tool, used and more visited than before, in its old form). The feedback from UDW campaign indicates that the SLS has become increasingly perceived as a useful institution, workers and employers seek information and advice from, increasingly since the war began.

¹⁰ (<https://injuryfacts.nsc.org/international/work-related-injuries-around-the-world/work-related-deaths-around-the-world/>): Fatal and non-fatal injury rates have progressively decreased for years until 2018 and increased since - 2020: fatal injuries: under 4 per 100,000 in 2018 and 5.4 in 2020, non-fatal: under 60 in 2018, over 85 in 2020) = increased cost of work-related injuries.

6.7 Evaluation Criteria: Sustainability

One key outcome of the project that has created an environment favourable to the sustainability of the project results is the fact that all stakeholders are defending the need to reform OSH, Labour Inspection, and address UDW. The two consecutive phases of this project have introduced concepts and terminologies now used commonly by all constituents. Speaking a common language is an absolute condition to moving forward and the continuation of the dialogue, formally or informally is another essential condition to moving forward. The war has obviously and understandably affected progress on the legal side, and one may imagine that the OSH draft law may already have been voted by now, if not for the war.

Project has developed a twin-track approach to maintain, if not, increase its relevance to both long-term EU accession perspective and responsive to needs emerging from the conflict. This interaction between the strategic track and the response track has created substantial added value and strengthened the rationale for supporting the process expressed in the project title: “Towards Safe, Healthy and Declared Work in Ukraine underlines the concept, committing along the path until deemed necessary for the goal to be reached) pursued by the adjusted project.

Available donor funding may be organized along “development” and “crisis response” lines, however, separating funding for both tracks may cancel added value. Indeed, the efficiency of the project (reallocating budget lines) comes from (1) synergy internal to the project “Donor invest in a (strategic goal-driven) process not just a project” where the relevance of the crisis response is to be credited to the long-term and fundamental work of the project (including the human factors: ILO and partners have learned to mutually know and understand, trust each other, (2) external synergy (a) with other ILO projects (itself enjoying history and capitalized knowledge) and (b) with constituent activities.

Continued support as a key factor to sustainability of results: the strategic goal is a construction through projected phases. Achieving project results and objectives does not mean achieving sustainability. E.g., OSH draft law is a fundamental (project) achievement in itself but does not guarantee sustainability as long as the law is not implemented, and by-laws formulated and technical support for its concrete implementation is not provided.

Priorities dictated by the war are potentially an additional threat to sustainability, on top of lack of political validation (voting the OSH law) that the technical level alone cannot address. The project has pro-actively responded to secure project results and explain labour reforms, besides being of strategic importance, are also responding to actual needs as occupational safety and health has been acutely exposed to direct and indirect war hazards.

The various project’s advocacy initiatives may not have been crowned with institutional validation (e.g., validation of the draft OSH law by the CMU), but it played an effective role in keeping important and necessary labour inspection and OSH reforms above the surface in a sea of competing and urgent priorities while contributing to maintaining a vivid social dialogue, formally (through the NTSEC) and informally. These advocacy efforts have also sometimes also concretely paid off (e.g., Removal of some sections of legal texts with were deemed as incompatible with international standards).

The effects of advocacy, based on the stakeholders' feedback to the evaluation, has also paid off. All interviewees have insisted that, even in time of conflict, OSH, LI, and social dialogue remained important priorities). Opinions were clearly expressed that if targeting the appropriate (high) level and stakeholders, with clear, accessible (non-overly technical) messages, a strategically designed advocacy could produce strong impact.

The project's insight to the crisis-emerged needs it has responded to, has indicated that, besides the unprecedented situation, it is touching upon more fundamental, pre-existing phenomena and threats: HT and FL, risk of accidents and stress-induced toxic behaviour (physical, sexual harassment, HIV/AIDS...).

It is important to recognise the fundamental nature of those phenomena – and the project has done so in advocating for a response to PSS – as this implies that those phenomena are expected to last and are likely to grow in the continued war context. In turn, this acknowledgment means that these phenomena will require continuation of the response, not only from an emergency response perspective, but also an institutionalised response.

Expertise needed: Employer associations and TU have insisted ILO expertise is still strongly needed in explaining how to apply the OSH law. This application aspects represent a substantial amount of work.

7. Conclusions

The project is supporting two-in-one processes, that stretch far beyond the enactment of the OSH draft law. Regardless of the current context, the achievement of the long-term objective of both processes requires the continuation of ILO project support. The recent EU membership strategic objective for Ukraine has consolidated the rationale for the adoption of the OSH law and that is was a legitimate project expectation, but, that it could not be recorded in the project results framework as such (as results in a project framework are the results of a project commitment and accountability).

Passing the law is far from being the end of the process, as by-laws and more detailed technical guidance needs to be formulated and MOE, SLS and constituents need practical guidance on the concrete implementation of the legal provisions. Stakeholders have repeatedly asked for this support in the coming period during interviews, recognising there is a substantial knowledge gap when it comes to complying with the future OSH law. And this is one strong argument to justify a third phase of this process-oriented intervention, which started in 2018.

The effectiveness of the evaluated intervention can be truly measured at the end of the longer-term EU implementation standards process it supports: the effectiveness of this project and the previous phase will ultimately be measured against the concrete implementation of EU OSH directives in Ukraine. Aware of the long path until this happens, the evaluation also understands from stakeholders that this process needs to be accompanied and supported technically until the long-term goal is reached. Thus, this project can be considered as a part of a phased investment (and also a contribution to the EU accession process. The project has demonstrated the effectiveness and promptness of response has tapped in the development resources, knowledge and trustful relationships built over the years.

The reality of (political, war) context instability implies that the timing of the institutional validation of technical achievements is not guaranteed to occur with the project implementation cycle. However, the normalization process does not end with the adoption of the law but rather concludes a first chapter and opens a new one (by law, translation of the legal provisions into concrete recommendations and practical guidance to institutions on how to implement legislation.

The time of active advocacy is now. Two consecutive phases have significantly advanced OSH at the technical level (essential concepts are owned, appropriate terminology is routinely used in the social dialogue, OSH law is drafted...). Stakeholders are knowledgeable, aware, and ready to implement: a strong advocacy push at higher level, as the current context is assaulted with so many competing priorities, that an impactful advocacy requires targeting top decision-making level. (OSH elevated to a fundamental right: the ILO June 2021 conference during which OSH has been recognised as a fundamental right will consolidate the advocacy effort).

Safety and health at work has become an even more pressing problem with the war, with the different forms of risk of safety and health potentially affecting even more negatively the Ukrainian economy: burnout had been a growing concern even before the pandemic. A 2018 Gallup study of 7,500 US workers showed that 67% experienced burnout on the job. In 2019, the World Health Organization (WHO) included it in its International Classification of Diseases, defining it as an 'occupational phenomenon', rather than a medical condition.

Social partners are asking for more social dialogue and deem ILO support to the NTSEC as a necessary contribution: Different stakeholders have different views on the consultative process leading to the draft OSH law. Complaints have been expressed about the fact that the last draft of the law has not been shared with them so they could not see the last modifications. While the draft law indicates a great deal of consensus has been reached for the law to get to a stage where it could be submitted to the parliament, a degree (the evaluation is not positioned to schematise the complexity and nuances of the debate and it recognises the project's support has strongly contributed to consensus) of disagreement and conflicting perceptions among constituents remains.

The evaluation assesses the role of the project as crucial in maintaining the dialogue among constituents, not only in terms of the facilitation function (through NTSEC and directly), but also in its ability to bring explanations of standards, concrete applications, benefits and bringing experience from application in other countries.

The process leading to adopting Standards is not only the result of an automatic technical acceptance as it needs to build the ownership, commitment, and support of stakeholder through roundtables, technical discussions so divergences can be overcome to replace rigid, conservative, or ideological positioning with evidence-based reasoning. This effort, which can be qualified as constant, intrinsic advocacy has been the recipe of success for the project. Stakeholders have, in great majority, expressed this same conclusion during interviews.

Success (efficiency, effectiveness, and impact) is the result of technical expertise and human dimension (open attitude, facilitation, investing in relationship = factor of time investment). ILO is not just a "technical expert" agency. It also is about the way knowledge is delivered. ILO consults, ILO listens, ILO facilitates, and ILO brings in experiences from other countries: this altogether builds credibility and trust. Stakeholders have not only expressed this as a compliment but as a clear statement that the human factor is equally important to achievements. It is not "another technical agency".

Dialogue facilitation is still needed (confirmation of mid-term evaluation conclusion and recommendation). The facilitation work, and lengths of time dedicated to translating sometimes theoretical provisions from international labour standards contributes for all stakeholders to "speak a common language". For stakeholders to understand, own the concepts and its related benefits, change mindsets and advocate - including within constituents' institutional structural layers, acquiring, and speaking a common language is an absolute essential. There is a recognised awareness about this fact among stakeholders as interviewees have expressed it verbally to the evaluation.

Acknowledging flexibility as a key factor to efficiency means recognising that flexibility goes along with a consultative and participatory approach. When the war broke out, the project team and the ILO in Ukraine, in general, have turned towards the constituents and consult on challenges. One of the strongly emerging challenges was the distress of workers and employers.

The project team's ability to respond both (a) promptly, (b) appropriately and (c) strategically relied on two dimensions: (a) the promptness is enabled because the ILO routinely maintains regular and deep contacts with constituents, the (b) appropriateness can be explained by the trust of stakeholders towards ILO: stakeholders express challenges as they are because they trust ILO. This ensures that challenges are real and accurately identified needs. The (c) strategic orientation is ensured as ILO has the technical capacity and ability to tap in global experience to link a problem emerged from a crisis; to

not only address the emergency but also to introduce what is structural cross-cutting issue: psychological distress at work, in times of war, but also in the structural harsh working conditions of specific sectors of the Ukrainian economy. The project has done more than attending the psychological needs of workers and employers directly or indirectly affected by the war. It has developed technical, capacitive content (training), raised awareness, and introduced the topics in the discussion among constituents.

Communication: The project has communicated a lot, in several different ways, with several different purposes, targeting various audiences. Looking back on the communication efforts - activities and achievements - the project has been under-resourced as, with this level of communication, a full-time communication position is required.

On-going consultations require further advocacy: There is a number of legal acts, elaborated with the facilitation, consultation and advocacy support of the project, whose enactment is pending. The Social Partners have expressed a strong willingness in being consulted on the latest versions of legal acts (OSH law) and are willing to see the legal process to go ahead. Based on the feedback of Social Partners and the analysis of the evaluation, a clear conclusion at the end of the project cycle is that these institutional processes need a strong advocacy push, targeting the appropriate decision-making level, i.e.: the parliament, the Government Office of Euro-Atlantic and European Integration, the CMU and the EU.

8. Recommendations

RECOMMENDATION 1: Continue supporting Ukraine in preparing its long-term European integration perspective and normative alignment, while attending pressing needs relating to OSH, UDW and LI, with a follow-up project phase.

DETAILS: Much work remains to be done, both in pursuing the strategic objective of the project and addressing the pressing needs related to health and safety in the war context while also supporting a necessary form of social dialogue. This is the message strongly expressed by the vast majority of stakeholders. One development track, much work needs to be done on the OSH law is voted (bylaws and guidance on how to operationalise the implementation of the law), while on the crisis response track, OSH increased risks in conflict need further attention to prevent further deterioration of the work environment. The recent candidate status granted by Ukraine by the EU; OSH being promoted as a fundamental right are strong reminders that strategic commitment needs to be supported, in times of conflict as much as in time of peace.

Addressed to	Priority	Time Frame	Resource implication
Project team/ ILO/EUD	High	ASAP	High

RECOMMENDATION 2.: Redesign the intervention into modular projects or components around core topics.

DETAILS: The project's response to pressing needs emerging from the war has increased the volume of activities and widened the scope of the project to issues that require substantial attention, such as PSS. It makes more strategic sense, programmatic coherent, and management sense to re-organise individual activities around core themes. More specifically, the following is recommended to be considered:

- Redesign the intervention into modular projects or components around core topics. This will clarify the concept and modality of intervention, i.e., maintain components around the core topics (of OSH, LI, UDW) while keeping together the "response" and "reform" tracks. Consider the PSS, HT and FL, as potential standalone component, though placed under from OSH (since mental health falls under the health fold of OSH and LI). As far as OSH is concerned, consider, and develop advocacy as a formal activity with dedicated strategy and resources. Advocacy is time consuming. Taking advocacy to a high level requires times and resources and needs to be factored in, in the project design phase.

- The PSS component is obviously relevant to OSH as it deals with the psychological aspect of health at work. However, further addressing PSS should be standalone project as addressing PSS properly means it is not done at an activity or component level (a wide of activities can be envisaged on the legal, capacity (develop online content), awareness raising, social dialogue, labour inspection...): addressing PSS in more strategic manner would first require assessing the situation, conducting surveys and research. PSS would also need to be addressed on the legislative side and in parallel, through a national action plan and strategy (to address the expected post-traumatic syndromes for the affected population, including the military and demobilized soldiers).

Clearly, the ability of the project to intervene on both the “development track” and the “crisis response track” has been a strong added value which has contributed to the strong relevance of the repurposed activities. In the current funding context where the evaluation understands, both EU Enlargement and Reconstruction funds are available, fundraising reconstruction and enlargement activities under one project may not be an appropriate option. Thus, the evaluation recommends ILO to consult with the EU to determine whether reform activities need to be packaged separately from reconstruction activities.

Addressed to	Priority	Time Frame	Resource implication
Project team/ ILO	High	ASAP	High

RECOMMENDATION 3. (sub-recommendation on PSS): Reflect programmatic linkages between PSS, physical and sexual harassment, and HIV-AIDS risks in the PSS project response:

DETAILS: In ILO’s consideration of the future response to PSS in the work environment, programming PSS will require to identify.

PTSD, traumatized individuals (workers, soldiers, demobilized soldier) may present a risk of aggressive or violent behaviour, - including sexual behaviours.¹¹ While there are many competing priorities, there is a need to support addressing PSS, harassment, and HIV in a professional environment in a holistic manner. Since the Global Fund on HIV/TB/Malaria supports programmes targeting key populations (those living with or at risk of HIV), the EU could be a potential donor to support a modest budget to address these issues in the world of work.

Addressed to	Priority	Time Frame	Resource implication
Project team/ ILO/EUD	Medium	Short-term	Low

RECOMMENDATION 4: Increase impact of project pleading effort by formulating an advocacy strategy, allocating resources for its implementation, and developing a monitoring tool, to measure progress and results of advocacy efforts, and involve constituents and key decision-makers in the monitoring process.

DETAILS: Develop results-oriented strategy could involve:

- Identify stakeholder with a direct or indirect influence in the law-making and law enactment process. Assess knowledge gap, understanding and perception on the importance of OSH reform. Identify leverages (institutional relationship among stakeholders and political decision-making level.

¹¹ Domestic violence in Ukraine: <https://businessfightspoverty.org/gbv-and-domestic-violence-in-ukraine-and-how-businesses-can-help/> :“domestic and gender-based violence was quite common in Ukraine even before the full-scale Russian invasion. (According to statistics, one in five women in Ukraine has experienced violence. Data from another survey in 2019 show that 67% of women aged 15 and older have experienced psychological, physical, or sexual abuse from a partner or other person. It is worth noting that the respondents of this survey lived near the line of contact in the Luhansk and Donetsk regions of Ukraine, which Russia partially occupies. In the first eight months of 2021, over 203,000 reports of domestic violence were registered, 90% of which were from women. In general, the number of reports of domestic violence has been growing every year since 2018.”

- Monitor the political calendar and identify opportune moment to organize impactful advocacy events (and nature of event: public event, individual interview).
- Develop advocacy content adjusted to the nature of advocacy event and to audience (translate technical language in a non-expert friendly way).
- Develop an advocacy content to include (a) Awareness-raising/educational content (crash course on OSH), (b). Benefits (using a short cost-benefits analysis highlighting the specific benefit to each stakeholder), (c). Justification (supporting strategic priorities - EU standards - and pressing needs: exposed health and safety, economic loss of not addressing health and safety risks).
- The advocacy strategy should primarily target, involved the following stakeholders (CMU, Parliament Committee on Social Policy, Government Office for Euro-Atlantic and European integration, OMBUDSMAN to support ILO messages).
- Among other resources needed to undertake advocacy as an activity, a full-time advocacy + communication (to address communication needs of the project, possibly also communication capacity-development support of the SLS) is a central and minimum requirement.

Addressed to	Priority	Time Frame	Resource implication
Project team/ ILO/EUD	High	Short-term	Medium

RECOMMENDATION 5: Develop a Theory of Change with change indicators (this echoes the mid-term evaluation recommendation to track adoption of legal acts supported by the project).

DETAILS: This ToC rather than reporting purpose, may have with two primary purposes:

(1) Allow to track changes and assess relevance of TOC (and of its assumptions)/adjust TOC (The project supports a longer process and using change tracking indicators allows to measure progress in longer-term process and perspectives (e.g. capacity-building and modernisation of SLS is a long-term effort and indicators to measure change is important to situate progress. Implementation progress report on delivery (and effects of activities to some extent - e.g., appreciation of training quality) but it does not report on how an institution changes over time. Most of times, this type of information is known to the project, sometimes informally recorded. However, a framed and systematic approach allows to use a common language (agreed upon indicators) among stakeholders and address situations.

(2) it also allows to produce evidence that can be used for advocacy purpose (e.g., stats on increased at-risk OSH practices in conflict can strengthen advocacy Indicators do no need to be quantitative, the purpose is to get some (realistically achievable) level of feedback rather to formally track whatever change can be tracked and feed discussing.

(3) Accountability: the project responsibility is primarily with the delivery of qualitative outputs. Change is more complex (assumptions are not truth), not the exclusive result of project intervention, and subject to a share of unpredictable events. Change is an expectation at various level involving different degree of accountability: at Output level project is mostly accountable (e.g., trained LI are expected to be able to practice new skills). At outcome level, the accountability is high but less than at output level (e.g., Reduced UDW is expected from trained LI but also

depends on other factors (LI motivation LI under pressure, LI role focus on awareness in times of conflict, degree of alignment of legal framework on LI with the ILO standards). At the objective level, more factors, including political, intervene and the project influence is less than at activity level. However, since the project is committed to support change, it still has a responsibility to report on change.

Practically, the evaluation recommends the following basic rules for a change tracking framework:

It has to be actionable: create the minimum additional workload to the project team. This means that information feeding change indicators should be almost readily available (e.g., feedback from SLS on change LI practices on the ground).

The main effort is at the project design stage: define change indicators. Consult key stakeholder on information they agree are relevant indicators and which they are able to collect easily and regularly (at least to form a baseline and endline in the project cycle). Relation to the results framework: the output of change indicator could be the insertion of a column next to the column “intended change”, entitled “indicators of change”, composed of max 3-4 indicators.

Addressed to	Priority	Time Frame	Resource implication
Project team/ ILO/EUD	Low	Short-term	Low

RECOMMENDATION 6: Consider the admission of a Labour Administration, Labour Inspection and OSH Specialist for the ILO DWT/CO-Budapest.

DETAILS: Based on the finding that the project has relied for an important part; on the OSH expertise from the former project manager, technical expertise OSH support is identified as a continued future need in Ukraine. In order to ensure the timely provision by the Office of necessary technical backup on Labour Inspection and OSH to the ILO projects and constituents of the Central and Eastern Europe Sub-region., it is recommended for the ILO DWT/CO-Budapest to hire a Labour Administration, Labour Inspection and OSH Specialist. The latter assumes somehow more importance, considering the specific needs of countries such as Moldova and, more recently, of Georgia (which is moving from DWT/CO-Moscow to DWT/CO-Budapest, effective 1 July 2023).

Addressed to	Priority	Time Frame	Resource implication
Project team/ ILO/EUD	Medium	Short-term	Medium

9. Lessons learned

1. Ukrainians who have massively found refuge in EU countries have joined other Ukrainian workers already employed by EU-based companies, implementing EU directives. Ukraine's post-conflict reconstruction economy will be in acute need of such qualified workers with EU to return or relocate (e.g., Ukrainian workers in Poland) to Ukraine. In turn, those workers will have expectations in relation to the quality and safety of their professional environment. Thus, the implementation of labour standards, especially OSH standards will be a key factor that is expected to weight in the decision-making process of those migrant, refugees, or displaced workers. There are obviously more urgent priorities though this is an important issue, which can determine much of the future, depending on how early this (EU standards) is implemented. Labour standards are a determining motivator of migration. What does prevent post-war recovery from being built during the war? This situation offers an illustrative situation of the relevant necessity of the project in the short and long-term and in that the long-term is to be addressed now. The project has been playing a key role in advocating for the strategic, longer-term.

2. The project response to the crisis has widened its scope of activities and inflated the workload. The end of the current phase may be the right time for the project to refocus around topics and avoid work overload: the previous phase was ambitious, in the positive sense, as it tackled fundamental issues, requiring changing mindsets and build a culture of health and safety at work, of labour inspection and address the very deeply rooted situation of undeclared work in Ukraine. During the second phase and, responding to urgent challenges, the project widened its response to include a "crisis-response" track. The war has created a new situation and pressing needs (psychological health, forced labour, human trafficking) the project has included in its response, in addition to its planned activities. The team has also continued to support the discussions between the constituents, maintaining the social dialogue and consistently remaining engaged in active advocacy. At the end of this "adjustment phase", it is a relevant time to review activities and re-organise the various components of the project around themes of intervention.

3. Virtuality and digitalisation and access: While it is certainly important to reflect on the limitation of virtuality when it comes to human (labour) rights, there has been no alternatives to date to online (or offline content). Even more so in the context of a pandemic or a war. Virtual interaction has brought the following benefits to the project:

- Continue most project activities remotely (during the pandemic and the war).
- Increase the virtual attendance to project events (contributing to a more gender-balanced attendances to women facing more constraints to physically attend events).
- Increase the training outreach with an important number of ToT activities, allowing for a higher attendance.
- Develop a dedicated, content-rich project website, featuring technical resources actually used by stakeholders.
- Digitalisation of services have allowed companies which have relocated to escape war hostilities have relied much on digital services.

- Ukraine has entered in the digitalisation era; a process accelerated by several factors (access to global markets...) - two of which are the pandemic and the war. Digitalisation and electronic activities have been the main solution to address much of the physical communication challenges. And this project is not exception.

The evaluation is classifying this observation as a lesson learned rather than a good practice, as digitalisation is neither the ideal solution, not it is deprived of drawbacks, however, it is no longer an option. With communication issues likely to remain a challenge in a context of a possible protracted war, and the need to reach out stakeholders and citizens in and outside of Ukraine, it has become clear that digitalisation and online/off content requires to be considered in the project design phase and handled by digital/online content professionals.

10. Potential Good Practices

1. Advocacy exists in the informal sphere: the EU financial support is not just supporting the delivery of technical expertise, it is also funding a team which, collaboratively with the ILO NC, has dedicated a substantial amount of time to advocacy, inside and outside project activities. It did not need the evaluator to ask since stakeholders have been willing to underline the importance of managing relationships. “It is not about maintain good relationships. It is about exchanging on substance and continue the discussions after the roundtable is closed.” Indeed, the agenda is moving also in the informal space. Even if the security context means that the project team is currently not located in Kyiv, the team communicates remotely with stakeholders.

2. Involving a wide range of actors contribute to awareness raising: roundtables organized by the project have invited a wide range of actors, including lawyers, tribunals (...) this has allowed to gather the perspectives of the judiciary into the law drafting but has also contributed to raise the understanding of the legislative, judiciary institutions how to address OSH and its relation to (fundamental) labour rights.

3. The good practice of the advocacy endeavour of the project can be transformed into a best practice for ILO (if advocacy is recognised, supported as a core activity, supported by a strategy): the project has entertained exchanges with the parliament which seems to have been appreciated by MPs. This has culminated with the invitation of the parliament for the Project Manager to present the draft OSH law. The evaluation sees the much-discussed situation of draft OSH law stalled, in a context characterized with more pressing, visible priorities, as an opportunity for ILO to do the advocacy to support its technical work. It seems quite legitimate for the ILO to advocate and educate on the importance of getting technical advancement validated by political institutions. There are no major arguments opposing to this: ILO’s technical contribution and facilitation role is recognised and praised by all stakeholders, without exception. The relevance of the intervention is clearly confirmed, and further engagement is also required by all stakeholders. The war, characterized with numerous priorities and needs, does not make the project less relevant. On the contrary: stakeholders confirm that the “response track” developed by the project, as a result of constituents’ consultation, has answered pressing needs and professional risks and threats, which is also pressing on the legislative, institutional side, in order to prepare Ukraine to prepare its recovery and reconstruction phase. Taking advocacy to the higher, political sphere is also not affecting ILO’s neutral positioning, as it is only echo-ing, at a technical level, the highest strategic commitments the country has taken towards the EU integration and other association and free trades agreements (e.g., the free trade agreement signed between Ukraine and Canada stipulates that Ukraine has to ratify and apply ILO Conventions. Speaking a common language: Another good practice that is result, not formulated as such in the results framework, and also a major indicator of change is the fact that a common language is spoken by all constituents. This is also an indicator that concepts are understood, owned and supported. Speaking a common language also allows to avoid progress being halted in misunderstandings. Additionally, it is enabling social partners to build stronger statements in the debate and get its voices more heard.

11. Annexes

Appendix A. List of key documents available to the evaluation

Project Website: www.ilo.org/shd4Ukraine

Project FB Page: <https://www.facebook.com/shd4Ukraine>

Project YouTube channel: <https://www.youtube.com/c/EUILOProjectUkraine>

DOCUMENTS RELATED TO THE PREVIOUS EU-ILO PROJECT	
1.	Evaluation report (Summary) for the previous EU-ILO Project “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”;
2.	Evaluation report (full version) for the previous EU-ILO Project “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”;
3.	Table for monitoring implementation of the key recommendations.
PROJECT DOCUMENTS	
4.	Project document FULL Version including budget mid-term evaluation report of the project
5.	Project Brief
6.	Project Leaflet
7.	Project Newsletter № 1 , Project Newsletter № 2 , Project Newsletter № 3 , Project Newsletter № 4 , Project Newsletter № 5 and Project Newsletter № 6
8.	Project inception report
9.	Project progress report (January 2020-June 2022), including: Work plan revised, Visibility and Communication Plan, and Monitor & Evaluation Logical Framework
PROJECT STEERING COMMITTEE DOCUMENTS	
10.	Actual budget (as of January 2023)
11.	Steering Committee ToR
12.	Members of Project Steering Committee as of 19 July 2022
	Meeting 1
13.	• Minutes
14.	• Resolution including agenda
	Meeting 2
15.	• Resolution including agenda
	Meeting 3
16.	• Resolution including agenda
	Meeting 4
17.	Resolution
18.	Agenda
	Meeting 5
19.	Resolution

20.	Agenda
WEBINARS, WORKSHOPS AND TRAINING SESSIONS REPORTS	
21.	Feedback report on 3 webinars on “How OSH at workplaces mitigates the consequences of COVID-19”
22.	Short feedback report on 3 webinars on “How OSH at workplaces mitigates the consequences of COVID-19”
23.	Overall evaluation of summer marathon_ infographic
24.	Full statistics on the “Summer Marathon of Online Trainings on International and European Labour Standards”
25.	Feedback report on WHO-ILO online-seminar “COVID-19: occupational health and safety for health workers. Presentation of WHO and ILO interim guidance”
26.	Evaluation of the tripartite workshops to present Project technical recommendations on how to better align with the International and European Labour standards the following four national draft/acting legal acts aimed at transposing 4 individual OSH directives
27.	Report based on the results of training “Psychosocial support at workplace in war and post-war times” for labour inspectors of the State Labour Service of Ukraine (April-May 2022)
28.	Report based on the results of trainings “Psychosocial support at workplace in war and post-war times” for the Secretariat of the National Tripartite Social and Economic Council and social partners (June 2022)
29.	Report based on the results of training “With care for everyone! Psychosocial support at workplace in war and post-war times and advocacy for relevant programmes” for labour inspectors, representatives of employers’ associations, trade unions, staff of the National Tripartite Social and Economic Council Secretariat (July 2022)
30.	Report on the trainings on communication for State labour Service of Ukraine (October 2021-October 2022)
MAIN PROJECT OUTPUT DOCUMENTS	
	4 Explanatory notes on how to better align the CMU draft Law No. 2708 “On Labour” with International and European Labour Standards and best practices:
31.	• On employment relationship
32.	• On employers’ obligations to inform workers on the essential aspects of the labour contract or employment relationship and to ensure transparent and predictable working conditions
33.	• On working time
34.	• On part-time
	20 Technical recommendations on the alignment of national draft legal acts with the main applicable International and European Labour Standards and best practices:
	• 5 Technical recommendations on labour relations :

35.	✓ Technical recommendations to the draft law concerning the definition of the concept of employment relationship and the indicators of its existence (No. 5054)
36.	✓ Technical recommendations to the draft law concerning regulation of the non-standard forms of employment (No. 5161)
37.	✓ Technical recommendations to the draft Law of Ukraine “On amending the Labour Code of Ukraine concerning the Regulation of Some Matters of Employment Relationship” (No. 5054-1)
38.	✓ Technical recommendations to the draft Law "On Amending Some Legislative Acts of Ukraine concerning Deregulation of Employment Relationship" (No. 5388)
39.	✓ Technical recommendations to the VRU alternative draft law, concerning regulation of non-standard forms of employment (No. 5161-1)
	• 13 Technical recommendations on OSH
40.	✓ 1 st Set of Technical recommendations to the first version of the draft Law “On occupational safety and health of workers”
41.	✓ 2 nd Set of Technical recommendations to the second version of the draft Law “On occupational safety and health of workers”
42.	✓ 3 rd Set of Technical recommendations to the third version of the draft Law “On occupational safety and health of workers”
43.	✓ 4 th Set of Technical recommendations to the fourth version (of 16 th May, 2021) of the draft Law “On occupational safety and health of workers”
44.	✓ 5 th Set of Technical recommendations to the fifth version (of 18 th July, 2021) of the draft Law “On occupational safety and health of workers”
45.	✓ Technical comments to the ME draft Law “On Occupational Safety and Health of Workers” (version submitted to CMU in October 2021)
46.	✓ Technical note on the 2022 draft Occupational Safety and Health (OSH) Law proposed by the Government of Ukraine

47.	✓ 1 st Set of Technical recommendations to the first version of the draft Legal Act “On the minimum requirements for the provision of safety and health signs at work”
48.	✓ 2 nd Set of Technical recommendations to the draft CMU Resolution “On approval of the Minimum Requirements for the Provision of Safety and Health Protection Signs at Workstations”
49.	✓ Technical recommendations to the draft legal act "On approval of the Minimum Safety and Health Protection Requirements for Workers in Workplaces"
50.	✓ Technical recommendations to the draft legal act on Minimum safety and health requirements for the use of work equipment by workers at work

51.	✓ Technical recommendations to MSP Order No. 1804, of 29.11.2018, “On approval of the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the Workstation”
52.	✓ Technical recommendations to draft legal act on Minimum workers’ safety and health requirements for temporary or mobile construction sites
	• 2 Technical recommendations on labour inspection :
53.	✓ Technical recommendations ” to the ME draft Law on OSH, in particular, its Section VIII - Final Provisions, aimed at amending the Code of Labour Laws’ chapter on labour inspection (Chapter XVIII - Supervision (Control) of Compliance with the Labour Legislation).
54.	✓ Technical recommendations to the The ME draft Law “On Amending Some Legislative Acts on the Procedure of State Supervision (Control) of Compliance with the Labour Legislation”.
55.	7 background papers (and respective 7 infographics) regarding the main International and European Labour Standards on: Employment relationship: background paper and infographic • Employer’s obligation to inform workers and to ensure transparent and predictable working conditions: background paper and infographic Working time: background paper and infographic Part-time: background paper and infographic Telework: background paper and infographic Labour inspection: background paper and infographic OSH: background paper and infographic
LIST OF ALL PUBLICATIONS (AND SUBTITLED VIDEOS) ON COVID-19 TRANSLATED INTO UKRAINIAN AND DISSEMINATED BY THE PROJECT AMONG NATIONAL TRIPARTITE CONSTITUENTS AND OTHER STAKEHOLDERS	
56.	Working from home: From invisibility to decent work
57.	Working from home: How do I set up a workstation?
58.	Safe Return to Work: Ten Action Points
59.	Social dialogue on occupational safety and health in the Covid-19 context. Ensuring a safe return to work - Practical examples
60.	A safe and healthy return to work during the COVID-19 pandemic
61.	Check list on OSH for employers
62.	An employer's guide on managing your workplace during COVID19

63.	Safe return to work: Guide for employers on COVID-19 prevention
64.	Check list on OSH for labour inspectors
65.	COVID-19: Occupational health and safety for health workers
66.	COVID-19 and logging: Prevention and control checklist
67.	COVID-19 action checklist for the construction industry
68.	COVID-19 and mining: Prevention and control checklist
69.	27 fact sheets on COVID-19 – tips on OSH measures/COVID-19
70.	Prevention and mitigation of COVID-19 at work for small and medium-sized enterprises ACTION CHECKLIST
71.	Preventing and mitigating COVID-19 at work

4 VIDEO/RADIO AND ARTICLES PUBLISHED IN NATIONAL SPECIALIZED MAGAZINES ABOUT PROJECT ACTIVITIES AND DELIVERIES	
72.	Antonio Santos, EU-ILO Project Manager, about World OSH Day 2020 – Labour Protection and Fire Safety Magazine, April-May 2020 (Ukrainian)
73.	Antonio Santos, EU-ILO Project Manager, about draft law on OSH – OSH Magazine, January 2021 (Ukrainian)
74.	Antonio Santos, EU-ILO Project Manager, about draft law on OSH – Labour Protection and Fire Safety Magazine, May 2021 (Ukrainian)
75.	Article about the online conference dedicated to the World OSH Day 2021 and organized by the State Labour Service, the “Occupational Safety and Health” Magazine with the support of the EU-ILO Project – OSH Magazine, May 2021 (Ukrainian)
76.	VIDEO: Volodymyr Honcharuk, the State Labour Service, talks about the “Go to Light!” information and awareness-raising campaign, supported by the EU-ILO Project , on the Pryamiy TV Channel, July 2021 (Ukrainian)
77.	RADIO: How to improve OSH approaches and new draft laws on non-standard forms of employment in Ukraine? Listen to the interview of Antonio Santos, EU-ILO Project Manager, in the Radio Ukraine International program «The Art of Work», on 20 July 2021 (English)
78.	On interim progress and tasks in reforming the OSH field in Ukraine – the interview of Antonio Santos, EU-ILO Project Manager, for the "Occupational Safety and Health" magazine, August 2021 (English)
79.	How to align the draft laws on deregulation of employment relationship (№5388) and on non-standard forms of employment (№5161) with ILO and EU standards – interview of Antonio Santos, the ILO Project Manager, for Socportal, September 2021 (Ukrainian)
80.	Article on the fourth Project Steering Committee and change of management – OSH Magazine, November 2021 (Ukrainian)
81.	Importance of the draft laws on OSH and labour inspection to be aligned with ILO and EU standards – the interview of Zsolt Dudás, ILO Project Manager, for the "Trade Union News" newspaper, November 2021 (Ukrainian)
82.	The necessary steps for Ukraine to implement the international and European standards on OSH – the interview of Zsolt Dudás, ILO Project Manager, for the Labour Protection and Fire Safety Magazine, December 2021 (Ukrainian)
83.	What support will the ILO Project provide to Ukraine on OSH, labour inspection and undeclared work in 2022 – the interview with
	Zsolt Dudás, ILO Project Manager, for the OSH Magazine, December 2021 (Ukrainian)
84.	The economic benefits of OSH for the business – the interview with Zsolt Dudás, ILO Project Manager, for the Labour Protection and Fire Safety Magazine, January 2022 (Ukrainian)
85.	Repurposing of the Project and the importance of social dialogue in challenging times – the interview with Zsolt Dudás, ILO Project Manager, for the Labour Protection and Fire Safety Magazine, May 2022 (Ukrainian)

86.	Ukraine works: How Labour Inspectors are supporting employers and workers in Ukraine – a news item about the SLS's services launched during the wartime with the support of the ILO Project , the ILO website, July 2022
87.	Video: Project Manager Zsolt Dudás on the Project's work results in 2022
PPPs PRODUCED BY THE PROJECT AND PRESENTED IN KNOWLEDGE-SHARING EVENTS ORGANIZED BY THE PROJECT AND/OR IN WHICH THE PROJECT PARTICIPATED	
88.	On-line training on labour inspection
89.	On-line training on employment relations
90.	On-line training on employer's obligation to inform workers and to ensure transparent and predictable working conditions
91.	On-line training on part-time work
92.	On-line training on telework
93.	On-line training on working time
94.	On-line training on OSH
95.	Webinar for Trade Unions "COVID-19 pandemic: how OSH at workplaces mitigates consequences"
96.	Webinar for Employers' Organizations "COVID-19 pandemic: how OSH at workplaces mitigates consequences"
97.	Webinar for Labour Inspectors "COVID-19 pandemic: how OSH at workplaces mitigates consequences"
98.	On-line seminar COVID-19: Occupational Health and Safety of Health Workers (WHO/ILO interim guidance from 2 February 2021)
99.	Webinar "COVID-19 in Ukraine: Implications for the Food Sector"
100.	VIII OSH Conference 2021: "OSH at work: time to change"
101.	Presentation at the OSH Day 2021 dedicated webinar of the Railway and transport construction worker's trade union
102.	"What is a resilient OSH System? Invest on what, to achieve that?" — presentation of the EU-ILO Project at the online conference dedicated to the World OSH Day —2021 (23 April 2021)
103.	Presentation "How did the OSH Day start" at the OSH Day 2021 dedicated webinar of the Railway and transport construction worker's trade union
104.	Presentation at the OSH Forum "Occupational Safety 2021"
105.	Presentation at the online seminar "Safety in confined spaces"
106.	Learning from work-related accidents
107.	Presentation at the UN Work Group on Medical and Health Response to COVID-19
108.	Presentation at the launch of "Metinvest Polytechnic"
109.	Presentation at the OSH Forum "Occupational Safety 2020"
110.	Presentation at the VIII International Conference "OSH at work: time to change" – 2021
111.	Presentation on the problems of adaptation of Ukrainian legislation on OSH to EU acquis at the Working group 4 of the EU-Ukraine Civil Society Platform
112.	Presentation for nomination "Work safely — save lives and health" within the 16th Ukrainian Student Advertising Festival in 2021
113.	Presentations to the III International Conference on Occupational Safety in Construction

114.	Presentation to the FTUU seminar “Strengthening trade unions’ influence on the reform of the labour protection legislation. Improve by changing!”
115.	Presentation at the IX International Conference "OSH – 2022: European integration and innovations"
116.	Presentation on the liberalization of the Ukrainian legislation at the Working group 4 of the EU-Ukraine Civil Society Platform
117.	Presentation to the webinar “Preventing exploitation and ensuring decent work for refugees from Ukraine”
118.	Recommendations of the ILO-ELA workshop “Reducing the risks of labour exploitation, trafficking in human beings, forced labour and undeclared work faced by the Ukrainian displaced persons”
119.	"Ukraine without forced labour" – initiative of the Confederation of Employers of Ukraine
REPORT OF STAKEHOLDERS AND BENEFICIARIES EVALUATION SURVEY ON PROJECT IMPLEMENTATION IN 2020 - 2021	
120.	Presentations of trainings “Psychosocial support at workplace in war and post-war times”
121.	Full report on Results of Stakeholders’ and Beneficiaries’ Evaluation of Project Implementation in 2020 (made my the Project every year)
122.	Infographic on Results of Stakeholders’ and Beneficiaries’ Evaluation of Project Implementation in 2020 (made my the Project every year)
123.	Infographic of the internal mid-term evaluation of the EU-ILO Project on the implementation period from 1 January 2020 to 30 June 2021, and recommendations regarding its further implementation.
124.	Full report on Results of Stakeholders’ and Beneficiaries’ Evaluation of Project Implementation in 2021 (made my the Project every year)
125.	Infographic on Results of Stakeholders’ and Beneficiaries’ Evaluation of Project Implementation in 2021 (made my the Project every year)
REPORT OF THE IMPLEMENTATION OF THE COMMUNICATION AND AWARENESS-RAISING CAMPAIGN “GO TO LIGHT!” IN 2020	
126.	Report of the Implementation of the communication and awarenessraising campaign “Go to Light!” in 2020
127.	Report of the Implementation of the communication and awarenessraising campaign “Go to Light!” in 2021
MAIN (TECHNICAL, ORGANIZATIONAL OR ADVOCACY) EVENTS ORGANIZED AND/OR PARTICIPATED BY THE PROJECT (E.G., MEETINGS, WORKSHOPS, ROUND-TABLES, SEMINARS, WEBINARS, TRAINING SESSIONS AND CONFERENCES)	
128.	List of events including sex-disaggregated statistics of participants (where available)
129.	Video record of the events where available (or link to its location)
STATISTICS ON THE PROJECT COMMUNICATION AND VISIBILITY	
130.	EU-ILO Project Social Media statistics report

Appendix B. List of interviewees

ILO	
ILO UKRAINE PROJECT TEAM	
1.	Mr. Zsolt Dudas, Project Manager (October 2021-till now)
2.	Mr. António Santos, Project Manager (January 2020-October 2021)
3.	Ms. Sofia Lytvyn, National Project Coordinator (January 2020-March 2022), ExColl
4.	Ms. Inna Holiuk, Project Assistant
ILO UKRAINE	
5.	Mr. Sergiy Savchuk, ILO National Coordinator for Ukraine
6.	Mr. Dzemaal Hodzic, CTA of the DANIDA Project “Inclusive Labour Markets for Job Creation in Ukraine”
7.	Ms. Larysa Savchuk, ILO National HIV Focal Point in Ukraine
8.	Mr. Andriy Figol, National Coordinator of the ILO Project “Rights at Work: Improving Ukraine’s Compliance with Key international Labour Standards”
ILO GENEVA LABADMIN/OSH	
9.	Markus Pilgrim, DWT/CO Director
10.	Iulia Drumea, ACTEMP
11.	Linda Chikan, Financial manager of the Project in Budapest
12.	Veronika Tomka, Communication officer
ILO DECENT WORK COUNTRY TEAM/COUNTRY OFFICE	
13.	Joaquim Pintado Nunes, Branch Chief LABADMIN/OSH
14.	Justine Tillier, Programme and Operations Officer LABADMIN/OSH

DELEGATION OF THE EUROPEAN UNION TO UKRAINE	
15. Ms. Mira Didukh	Sector Manager. Healthcare and Social Policy
16. Mr. Martin Schroeder	Head of Local and Human Development

UKRAINE NATIONAL STAKEHOLDERS	
VERHOVNA RADA OF UKRAINE	
PARLIAMENTARY COMMITTEE ON SOCIAL POLICY AND PROTECTION OF VETERANS’ RIGHTS	
17.	Danylo Bondar Deputy Chief of Secretariat, member of Project Steering
SECRETARIAT OF THE OMBUDSMAN IN UKRAINE	
18.	Yuri Ivanov Chief of the Department
19.	Olena Stepanenko Former Secretary of the National Tripartite and Social Council, Former specialist on labour rights in the Secretariat of Ombudsma, an expert on labour issues
20.	Olena Kolobrodova Former Ombudsman’s representative, member of Project Steering Committee
MINISTRY OF ECONOMY OF UKRAINE	

21.	Yuri Kozovoy	Director of the Directorate on labour market development and remuneration for work, Deputy Chair of Steering Committee	
22.	Roman Poklonsky	Head of the Expert group on working conditions and OSH development and remuneration for work	
23.	Olexander Shutenko	State expert of the Expert group on working conditions and OSH,	
24.	Hanna Shkura	State expert of the Expert group on working conditions	
STATE LABOUR SERVICE OF UKRAINE			
25.	Ihor Dehnera	Head of SLS Deputy Chair of Steering Committee	
26.	Volodymyr Honcharuk	Deputy Director of Department on Labour	
27.	Olena Konovalova	State Labour Service of Ukraine	
28.	Liudmyla Kharchuk	State Labour Service of Ukraine	
29.	Olexandr Ihnatov	State Labour Service of Ukraine	
FEDERATION OF TRADE UNIONS OF UKRAINE			
30.	Hryhoriy Osovy	Head of FTUU	
31.	Vasyl Andreyev	FTUU Deputy Head, Head of Trade Union of construction	
32.	Yurii Andriyevsky	Federation of Trade Unions of Ukraine	
33.	Diana Kazakova	Federation of Trade Unions of Ukraine	
CONFEDERATION OF FREE TRADE UNIONS OF UKRAINE			
34.	Petro Tuley	Deputy Head, member of project Steering Committee	
35.	Serhiy Symenko	OSH specialist , Confederation of Free Trade Unions of Ukraine	
36.	Rodian Kolyshko	Confederation of Free Trade Unions of Ukraine	
37.	Volodymyr Davydenko	Head of Legal Department, CEU	
38.	Oleksandr Shubin	Deputy Head, First Deputy Head of the Joint representative body of the trade unions at the national level	
39.	Dmytro Lyakh	Head of legal protection department	
FEDERATION OF EMPLOYERS OF UKRAINE			
40.	Natalia Hosteva	Head of the Department on deregulation, member of	
ASSOCIATION OF EMPLOYERS' ORGANIZATIONS OF UKRAINE			
41.	Vasyl Kostytsya	Deputy Head, member of Project Steering Committee	
ASSOCIATION OF EMPLOYERS			
42.	Andriy Shevtsov	Scientific and practical centre of preventive and clinical medicine	
43.	Halina Rogolj	OSH Expert, CEU	
44.	Svaitoslav Khanenko	Head of Council of All-Ukrainian Union of Employers in Health Sector	
45.	Svitlana Sokunenko	OSH Expert, CEU	
46.	Oksana Medvedsko	Executive director, CEU	
47.	Rodion Kolyshko	Adviser to the CEU	
CONFEDERATION OF EMPLOYERS OF UKRAINE			
48.	Oleksiy	President, member of Project Steering Committee	
NATIONAL TRIPARTITE SOCIAL AND ECONOMIC COUNCIL			
49.	Lyudmyla Ischenko	Deputy Secretary of NTSEC	
50.	Oleg Savko	Acting chief, leading specialist of unit on information and	
51.	Yevheniy Kokoshko	Leading specialist of unit on relations with State authorities, NGO and international organizations	
52.	Natalia Neniuchenko	Former Secretary of the National Tripartite Social and	
Labour Protection and Fire Safety Magazine			

53.	Olexandra Dziuba	Labour Protection and Fire Safety Magazine, Chief Editor,	
54.	Olga Bogdanova	European Society of OSH expert (ESOSH), Chair of Management Board	
55.	Dmytro Matviychuk	Chief Editor, Specialized OSH magazine	
Service providers on development of "Go to light!" campaign, "Ukraine works!" campaign and			
56.	Olena Lobova	Communication expert	
57.	Natalia Shumeiko	Communication expert	
58.	Daria Shkil	Director of Old School	
59.	Maria Datsiuk	Communication officer of the Project	
Service provider for organization of 17th Ukrainian Students Advertising Festival			
60.	Yevgeniy Romat	Director of PE "Modern Marketing"	
Piloting of psychosocial support at workplace			
61.	Ksenia Lepekha	Trainer, expert/facilitator for development and implementation of pilot PSS programmes at enterprise	
62.	Marko Skral	CMU	

MOLDOVA STAKEHOLDER			
63.	Ala Lipciu	ILO NC for Moldova	
64.	Corina Ajder	Secretary of State, Ministry of Labour and	



► Template 4.1: Lessons Learned

Towards Safe, Healthy and Declared Work in Ukraine

Project

DC/SYMBOL:

UKR/19/01/EUR

Name of

Evaluator:

Thomas Vasseur

Date: 22.03.2023

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.

LESSON LEARNED ELEMENT	1.The project has been very active on the advocacy level, and could use the formulation of an advocacy strategy to increase its impact.
Brief description of lessons learned (link to specific action or task)	The project advocacy efforts have also substantially existed in the informal sphere: The EU financial support is not just supporting the delivery of technical expertise, it is also funding a team which, collaboratively with the ILO NC, has dedicated a substantial amount of time to advocacy, inside and outside project activities. It did not need the evaluator to ask since stakeholders have been willing to underline the importance of managing relationships. “Its is not about maintaining good relationships. It is about exchanging on substance and continue the discussions after the roundtable is closed.” Indeed, the agenda is moving also in the informal space. A conclusion from this finding leads to consider the added value of formalizing advocacy efforts so it can serve a strategic with expected results
Context and any related preconditions	The context is characterised by a highly competing environment as the war has created numerous urgent priorities. Thus, advocacy becomes an even more important endeavour in order to get development reforms high on the political agenda.
Targeted users /Beneficiaries	ILO is the user of advocacy (together with social partners and Ombudsman)/Beneficiaries are both the targeted institutions (CMU, MPs, Office for Euro-Atlantic integration, MoE)
Challenges /negative lessons - Causal factors	The OSH and SLS legal reforms are confronted with other war-related pressing priorities, and face difficulties to draw attention so that related legislative acts are adopted.
Success / Positive Issues - Causal factors	The active advocacy efforts of the project team and the EU directives transposition and further consultative process has led to ensure stakeholder commitment and maintain a minimum level of attention in the war context.
ILO Administrative Issues (staff, resources, design, implementation)	



Towards Safe, Healthy and Declared Work in Ukraine

Project

DC/SYMBOL:

UKR/19/01/EUR

Name of

Evaluator:

Thomas Vasseur

Date: 22.03.2023

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>LESSON LEARNED ELEMENT</p>	<p>2. The project has embodied very strongly a very efficient approach addressing the “emergency and development nexus” where the development tracks and crisis response tracks have mutually nurtured one another.</p>
<p>Brief description of lessons learned (link to specific action or task)</p>	<p>The war has affected the project as its response to the crisis has widened its scope of activities and increased its workload. The completion of the project may be the right time to refocus around topics and reassess workload: the previous phase was ambitious, in the positive sense, as it tackled fundamental issues, requiring changing mindsets and build a culture of health and safety at work, of labour inspection and address the very deeply rooted situation of undeclared work in Ukraine. To the pressing needs (psychological health, forced labour, human trafficking) emerged from the war, this project has widened its initial scope to respond to urgent challenges through a “crisis-response” track (repurposed activities). In parallel, the project has continued supporting important priorities, such as the social dialogue, labour inspection reform or the OSH legislation, which have been, at present, side-lined by other priorities and the martial law. The evaluation draws two conclusions from this observation: 1.The volume of “development” and “response” -tracks of the current project activities and the possible further development of the PSS component is likely to be too high to be managed under one project. the discussions between the constituents, maintaining the social dialogue and consistently remaining engaged in active advocacy. Thus, it is a relevant time to review the project activities and re-organise the various components of the project into several modular components rather than one large project. 2. By maintaining the” development track” active, the project has help keeping afloat fundamental priorities (progressing on EU standards) and practices (social dialogue) which may have been left in the shadow of “war-related” priorities, reminding that reforms need to move on even, in the dramatic context of Ukraine.</p>

Context and any related preconditions	The urgent priorities emerging from the war in Ukraine have opened a “crisis response” track in addition to the “reform track” the project in particular and Ukraine in general, has engaged in.
Targeted users /Beneficiaries	Social Partners/workers and employers, including those in displacement.
Challenges /negative lessons - Causal factors	One major challenge is to tap into the development-oriented skills and perspective to make the crisis response, timely, relevant and, ideally, strategic (e.g.: Address PSS in the emergency, though with the perspective of continuing addressing PSS with a development perspective.
Success / Positive Issues - Causal factors	The project was able to tap in its development culture, technical expertise and close relationships with constituents to devise a relevant crisis response. The donor flexibility and prompt reaction to reallocate funding to crisis activities is an important contributing factor.
ILO Administrative Issues (staff, resources, design, implementation)	No major or complicated administrative issues. It requires strong human dedication and commitment.



► Template 4.2: Emerging good practices

Towards Safe, Healthy and Declared Work in Ukraine

Project

DC/SYMBOL:
UKR/19/01/EUR

Name of Evaluator:

Thomas Vasseur

Date: 22.03.2023

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

GOOD PRACTICE ELEMENT	1. The project staff attitude (consultative, facilitative, deeply engaged in stakeholder relation, flexible) is highly regarded by stakeholder and has played a key role in the project ownership and the change of mindset to engage in the project activities.
Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)	<p>Highly inclusive project, and ILO Ukraine project team and staff deeply engaged in stakeholder relationship earns irreplaceable value and benefits: Involving a wide range of actors contribute to awareness raising: Roundtables organized by the project have invited a wide range of actors, including lawyers, tribunals (...) this has allowed to gather the perspectives of the judiciary into the law drafting but has also contributed to raise the understanding of the legislative, judiciary institutions how to address OSH and its relation to (fundamental) labour rights. One factor strongly conditioning stakeholder interest, motivation, and engagement in this other ILO projects. Staff commitment and attitude maybe an intangible good practice, but it's the one practice that makes the difference to getting results.</p> <p>Stakeholder relationship investment, combined with a flexible and open-minded approach have been key ingredients to the repurposing activities: With modest financial resources but a strong mobilisation across stakeholders, the repurposed activities have proven highly relevant, rapidly deployed and producing a great impact, while remaining strategic (not only focussing on the emergency but addressing the underlying causes): This good practice relates to the previous one. The "success" of repurposed activities can be attributed to a combination of stakeholder trust (stakeholder are deeply engaged in contributing to the project urgent needs assessment and response), ILO staff attitude and donor (EU) flexibility.</p>

Relevant conditions and Context: limitations or advice in terms of applicability and replicability	The long and active presence of ILO is an important condition to build trust and obtain strong stakeholder engagement.
Establish a clear cause- effect relationship	Acknowledgement of ILO technical expertise, recognition of ILO as a neutral technical authority and appreciation of ILO staff personal engagement are key ingredients to trust building as a condition to change mindsets and support to reforms.
Indicate measurable impact and targeted beneficiaries	The most tangible indicator is the feedback opinion and consideration of ILO, coupled with a strong involvement in and contribution to project activities and discussions.
Potential for replication and by whom	This is valid for all ILO projects, especially, reform change projects.
Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	Indirectly contributes to objectives at all levels.
Other documents or relevant comments	



Towards Safe, Healthy and Declared Work in Ukraine

Project

DC/SYMBOL:
UKR/19/01/EUR

Name of Evaluator:

Thomas Vasseur

Date: 22.03.2023

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

GOOD PRACTICE ELEMENT	2. The project staff has been proactive on the advocacy level, and though it has not resulted in the institutional adoption of legal acts, it has produced an impact on stakeholders and kept high, the awareness on the importance of OSH and Labour Inspection reforms.
Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)	Advocacy exists in the informal sphere: the EU financial support is not just supporting the delivery of technical expertise, it is also funding a team which, collaboratively with the ILO NC, has dedicated a substantial amount of time to advocacy, inside and outside project activities. It did not need the evaluator to ask since stakeholders have been willing to underline the importance of managing relationships. “It’s is not about maintain good relationships. It is about exchanging on substance and continue the discussions after the roundtable is closed.” Indeed, the agenda is moving also in the informal space.
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	The relevant conditions are those described in the previous good practices, i.e., investing in stakeholder relationship to build trust, earn respect and legitimacy as a neutral and technical authority on the topics tackled by projects.
Establish a clear cause- effect relationship	The cause- effect relationship is that, without legitimacy, engagement/consultation/facilitation, and neutrality, no trust can be earned. Advocacy initiatives are only given attention from trusted and respected partners.
Indicate measurable impact and targeted beneficiaries	Indicators are complex as it is difficult to demonstrate a direct effect of advocacy on stakeholders and decision-makers. However, in the context of the project, the several request for assistance from Ukrainian institutions (outside the scope of the project activities, and invitation to speak at the Parliament can be considered a having a positive impact of advocacy as ILO is offered to be given a voice at high level.
Potential for replication and by whom	This is valid for all ILO projects, in Ukraine, not exclusively.

Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	Advocacy could have more direct upward links to higher ILO goals, especially if advocacy is approach as a stand-alone activity, driven by a strategy, expected results, supported with expertise and resources.
Other documents or relevant comments	

Appendix E. Evaluation Matrix

EVALUATION MATRIX

CRITERIA	EVALUATION QUESTIONS	JUDGEMENT CRITERIA	JUDGEMENT INDICATOR	SOURCE OF INFORMATION	METHOD OF ANALYSIS
1. Relevance and strategic fit	1.1 Is the project relevant to the ILO's tripartite constituents' needs?	<ol style="list-style-type: none"> 1. ILO's tripartite constituents' needs are assessed and identified. 2. Project design/documents explains how ILO's tripartite constituents' needs are addressed. 3. Adaptability of Project approach. 4. Approach is reflected in the results framework. 5. Feedback from stakeholders, information confirming relevance. 6. Agility of the project to adapt its strategy to the war situation and its capacity to remain relevant to constituents in this changed environment. 	<ol style="list-style-type: none"> 1. The analysis is done in depth with clear deception of needs Extent to which ILO's tripartite constituents' needs 2. Project approach is coherent to needs analysis and clear. 3. Approach is flexible and allows (has proved) to adjust to context changes. 4. Coherence/clear linkages can be established between Results framework (outcome, outputs, activities) and description of project approach. 5. Degree of confirmation of relevance expressed through stakeholder interviews. 6. Extent to which repurposed activities have been relevant to ILO's tripartite constituents' needs 	<p>Sources:</p> <ul style="list-style-type: none"> - Project documents - Strategic, policy, context related documents or publications, - Remote interview notes - Complementary report or publication relevant to the topic. 	<ul style="list-style-type: none"> - Identification and analysis of relevant information identified during the desk review. - Feedback on crucial (qualitative/quantitative) findings from stakeholders and/or relevant publication. - Triangulation of desk review findings with stakeholder statements, and complementary info from research (verification of source). Comparative analysis to establish findings.
	1.2. Are the project objectives aligned with national development framework in fulfilling its obligations foreseen in the EU-Ukraine Association Agreement as well as EU Strategic Framework on Health and Safety at Work 2014-2020?	<ol style="list-style-type: none"> 1. Project document refers to national development framework, and specifically in relation to its obligations foreseen in the EU-Ukraine Association Agreement as well as EU Strategic Framework on Health and Safety at Work 2014-2020? 2. Project document features explanation on how objectives, outcomes, outputs and rationale is aligned with national development framework. 3. Project objectives are also aligned to status of EU candidate country to Ukraine. 	<ol style="list-style-type: none"> 1. Availability and clarity of references to national development framework and obligations in the EU-Ukraine Association Agreement as well as EU Strategic Framework on Health and Safety at Work 2014-2020. 2. Availability and clarity of causal links between project objectives, outcomes, outputs and its alignment, contribution to national development framework and obligations in the EU-Ukraine Association Agreement as well as EU Strategic Framework on OSH 2014-2020. 	Idem	Idem

		4. Alignment of repurposed activities with national development framework.	3. Extent to which project supports compliance with EU candidate status requirements. 4. Extent to which repurposed activities are aligned with national development framework.		
	1.3. Does / How does the project contribute to the ILO's Programme & Budget (P&B) 2020-2021, Country Programme Outcomes, Decent Work Country Programme for Ukraine 2020-2024, United Nations Sustainable Development Framework, and SDGs?	1. Project documents refers to the ILO's Programme & Budget (P&B) 2020-2021, Country Programme Outcomes, Decent Work Country Programme for Ukraine 2020-2024, United Nations Sustainable Development Framework, and SDGs? 2. Description of project approach ensuring its contribution to ILO and UN strategic objectives. 3. Measurable (quantitative, qualitative) contribution of project results (short, long term), including repurposed activities, to ILO and UN strategic objectives. 4. Repurposed activities contribute to ILO and UN strategic objectives.	1. Availability and clarity of references to the ILO's Programme & Budget (P&B) 2020-2021, Country Programme Outcomes, Decent Work Country Programme for Ukraine 2020-2024, United Nations Sustainable Development Framework, and SDGs? 2. Availability and clarity of logic and description of how the project contributes to the respective objectives of ILO and UN Strategic documents.) 3.((numerical and/or qualitative) Evidence and clarity of links between project results framework and results framework of ILO (Programme Implementation Report - PIR) and UN Strategic documents.) 4. Extent to which Repurposed activities contribute to ILO and UN strategic objectives.	Idem	Idem
2.Coherence and validity of the design	2.1. Are the project strategies and structures coherent and logical?	1. Project strategies are clearly defined and rooted (using information from lessons learned from previous experience, stakeholder consultation and context analysis). 2. Project structure are coherent and proportionate to achieving project objectives. 3. Coherence of repurposed activities with project strategy and changed context.	1. Availability and clarity of Project strategies, extent to which it is evidenced based and logic (clarity and verification of ToC, its assumptions) and context analysis). 2. Clarity of logic explaining how structures (quantity, quality – expertise, the resources available, its organization (management, reporting mechanisms) are adequate and proportionate to achieving objectives. 3. Extent to which repurposed activities remained coherent with project strategy and changed context.	Idem	Idem
	2.2. Does the project make a practical use of a monitoring and evaluation framework? How	1. Availability of an M&E framework.	1. M&E framework featuring targets and related indicators (or use of surveys to gather feedback)	Idem	Idem

	<p>appropriate and useful are the indicators in assessing the project's progress? Are indicators gender sensitive? Are the assumptions for each objective and output realistic?</p>	<p>2. Use and usefulness of M&E framework.</p> <p>3. Appropriateness and usefulness of indicators.</p> <p>4. Availability and usefulness of gender-sensitive indicators</p> <p>5. Validity of assumption.</p> <p>6. Repurposed activities are included in the M&E framework.</p>	<p>2. Data is actually and regularly collected. Data is actually used for reporting, decision-making (adjustment, correction, learning...)</p> <p>3. Availability and appropriateness of indicators (activity, output, outcome levels). Indicators allow to measure progress towards objectives; but also allow (outcome to describe change resulting from project activities). Indicators contribute to learning (on project short-term impact, longer-term projections).</p> <p>4. Availability of gender-disaggregated indicators, outcome-level gender-disaggregated indicators (allowing to measure gender-specific changes).</p> <p>5. Availability of assessment/stakeholder consultation that objectives and outputs are realistic (and risks analysed)</p> <p>6. Extent to which repurposed activities are included in the M&E framework.</p>		
	<p>2.3. To what extent did the project design take into account: Specific gender equality and non-discrimination concerns, including inclusion of people with disabilities?</p>	<p>1. Dimensions of gender equality and non-discrimination concerned (including inclusion of people with disabilities) integrated in project design and approach.</p> <p>2. Specific strategies, activities, data collection included in project document.</p> <p>3. Repurposed activities have included specific gender equality and non-discrimination concerns.</p>	<p>1. Extent to which specific gender and discrimination situation (needs, challenges assessed) are described in project documents and addressed by the project.</p> <p>2. Degree to which strategies, activities, data collection are addressing gender equality and non-discrimination situations.</p> <p>4. Extent to which repurposed activities have included specific gender equality and non-discrimination concerns.</p>	<p>I Idem</p>	<p>Idem</p>

3.Project Progress and Effectiveness	3.1. What progress has the project made towards achieving the overall objective, outcomes, and outputs? How has the project benefited direct and indirect beneficiaries?	<p>1. Evidence of progress made (including for repurposed activities) towards achieving the overall objective, outcomes, and outputs.</p> <p>2. Evidence of direct and indirect effects/benefits to the project beneficiaries.</p>	<p>1. Extent to which overall objective, outcomes, and outputs targets have been fulfilled quantitatively and qualitatively(including for repurposed activities).</p> <p>2. Extent to which benefits (including for repurposed activities) have been as planned and meaningful (as expressed by stakeholders). Ability of project to respond to changing context and changing needs.</p>	Idem	Idem
	3.2. How did outputs and outcomes contribute to ILO's mainstreamed strategies including gender equality, social dialogue, and labour standards?	<p>1. Availability of ILO's mainstreamed (global and for Ukraine) strategies (including gender equality, social dialogue, and labour standards) to which the project (including its repurposed activities) can relate.</p> <p>2. Evidence of contribution of project outputs (including its repurposed activities) and outcomes to ILO's mainstreamed strategies.</p>	<p>1. ILO's mainstreamed strategies are clear and feature objectives and results to which the project (including its repurposed activities) can clearly related to.</p> <p>2. Degree to which project(including its repurposed activities) outputs and outcomes have contributed (quantitatively and qualitative) to ILO's mainstreamed strategies.</p>	Idem	Idem
	3.3. To what extent did the project respond to emerging needs in terms of COVID-19 pandemic? Did the pandemic hinder or reverse the progresses that had been made? To what extent did the project respond to emerging needs after to the Russian invasion?	<p>1. Ability of the project to timely identify, adjust and respond to related COVID-19 emerging needs and to emerging needs resulting from the on-going war in Ukraine.</p> <p>2. Evidence of the pandemic, the on-going war, hindering or reversing the progresses</p> <p>3. Repurposed activities provide an effective response to emerging needs after to the Russian invasion.</p>	<p>1. Emerging needs and challenges identified clearly. Adaptive mechanism efficient in responding to emerging needs.</p> <p>2. Hindering and enhancing pandemic-relating factors identified. Extent to which project response and adaptive mechanisms have contributed to limiting hindering effects of pandemic.</p> <p>3. Extent to which repurposed activities provide an effective response to emerging needs after to the Russian invasion.</p>	Idem	Idem
	4.1. To what extent have project activities been cost-efficient? Have resources (funds, human resources,	1. Cost-efficiency rationale described in the project document.	1. Definition of cost)efficiency in the context of the project. Clarity of justification of cost-efficiency (e.g. expertise used	Idem	Idem

4.Efficiency of resource use	time, expertise etc.) been allocated strategically to achieve outcomes?	<p>2. Availability of rationale for the distribution of resources</p> <p>3. Cost-efficiency maintained in the pandemic context; in the conflict context, including repurposed activities.</p>	<p>matching expertise required to addressing needs).</p> <p>2. Clarity, coherence of logic guiding distribution of resources</p> <p>3. Clarity of rationale for reallocation of resources in the pandemic context; in the conflict context (including repurposed activities).</p> <p>4. Identified opportunities for greater cost-efficiency.</p>		
	4.2. To what extent can the project results justify the time, financial and human resources invested in the project?	<p>1. Explanation of the roles of the time, financial and human factors to obtaining results (including repurposed activities).</p> <p>2. Other identified factors which have affected positively or negatively on the use of resources and/or the project implementation (including repurposed activities)..</p>	<p>1. Identification of elements explaining the time necessary (planned or unplanned) to achieve results (including repurposed activities).</p> <p>2. Identification of elements explaining the financial resources necessary (planned or unplanned) to achieve results (including repurposed activities).</p> <p>2. Identification of elements explaining the human resources necessary (planned or unplanned) to achieve results (including repurposed activities).</p> <p>4. Identified situations where time, financial and human resources could have been saved or produced stronger results (including repurposed activities).</p>	Idem	Idem
	4.3. To what extent has the project been able to build on other ILO or non-ILO initiatives either nationally or regionally, in particular with regard to the creation of synergies in cost sharing?	<p>1. Synergies, interactions with, use of other projects or initiatives that have enabled cost sharing.</p> <p>2. Outcomes of the synergies, interactions with other projects/initiatives to the benefit of the project (including repurposed activities).</p>	<p>1.Evidence of synergies, interactions with, use of other projects or initiatives that have enabled cost sharing. Synergies planned in the project design; ad hoc synergies established in the course of implementation.</p> <p>2. Results from synergies, interactions with, use of other projects or initiatives that have enabled cost sharing.</p> <p>3. Other results from synergies, interactions with other projects.</p>	Idem	Idem
5.Effectiveness of	5.1. How does the project governance structure facilitate	<p>1. Clear definition of project governance structure and (consultation, decision) mechanisms.</p>	<p>1. Clarity of project governance structure functioning and roles/responsibilities of its bodies.</p>	Idem	Idem

managem ent arrangem ents	good results and efficient delivery? And if not, why not?	<p>2. Effective fulfilment of project governance bodies.</p> <p>3. Results/effects of implementation of project governance structure (including on repurposed activities).</p> <p>4. Identified factors of efficiency/weaknesses.</p>	<p>2. Evidence of extent to which project governance structure/bodies have fulfilled its roles.</p> <p>3. Evidence of project governance structure contributing to efficient delivery of qualitative results (including on repurposed activities)..</p> <p>4. Availability of identified factors of efficiency/weaknesses.</p>		
	5.2. How effective was communication among the project teams, the regional office and the responsible technical department at ILO headquarters? Has the project received adequate technical and administrative support/response from the ILO backstopping units?	<p>1. Clarity of communication channels/mechanism.</p> <p>2. Communication among the project teams, the regional office and the responsible technical department at ILO headquarters, contributing to effective project implementation and results.</p> <p>3. Effectiveness of (technical, administrative) support provided (including on repurposed activities) (appropriate, timely).</p>	<p>1. Extent to which communication channels/mechanism have been clearly defined.</p> <p>2. Extent to which communication has been effective (timely, leading to appropriate decisions...), (including on repurposed activities).</p> <p>3. Extent to which project implementation has been (positively or negatively) affected as a result of the support/response provided by relevant ILO entities (availability of concrete examples).</p>	Idem	Idem
6.Impact orientation	6.1. What is the likely contribution of the project initiatives to the stated national development objectives?	<p>1. Evidence of quantitative and qualitative contribution of project initiatives (including repurposed activities) to the specific national development objectives</p> <p>2. Other indirect, unexpected contributions of the project.</p>	<p>1. Extent to which of project results (including on repurposed activities) provide meaningful contributions to relevant national development objectives.</p> <p>2. Evidence of other indirect, unexpected contributions from the project (including in the context of the pandemic, the conflict)</p>	Idem	Idem
	6.2. Is the project likely to produce long-term effects in terms	1. Availability, in the project document, of the description of the long-term effects	1. Clarity of the long-term effects description in the project document and the	Idem	Idem

	<p>of the improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work?</p>	<p>sought by the project resulting from the improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work.</p> <p>2. Project results to date, its short-term impact, indicators of projected effects confirm the project (including on repurposed activities) has contributed to advancing toward longer-term effects.</p> <p>3. Identified factors (pandemic, conflict...) that have or are likely to have affected the projected long-terms of the project.</p>	<p>strategic path, approach leading to reaching these effects.</p> <p>2. Evidence (analysis from project documentation, observed stakeholders' strategies or decision, stakeholder interview feedback) that the observed effects (including of repurposed activities) to date match the initial assumptions and expectations by the end of the project cycle.</p> <p>3. Identified factors or events that have affected the expected effects and how it has affected these effects. Identified needs/gaps to be addressed in order to ensure expected long-term effects.</p>		
	<p>6.3. What were the interventions long-term effects on more equitable gender relations or reinforcement of existing inequalities?</p>	<p>1. Availability of project description of expected long-term effects (including of repurposed activities) on more equitable gender relations or reinforcement of existing inequalities and the strategy/approach to achieve.</p> <p>2. Intervention's recorded effects to date</p>	<p>1. Description of expected long-term effects (including of repurposed activities) on more equitable gender relations or reinforcement of existing inequalities, the underlying strategy is available, clear and realistic (based on valid assumptions, information)</p> <p>2. Effects at the end of the project cycle are recorded and allow to inform whether the expected long-terms effects remain a realistic projection.</p>	<p>Idem</p>	<p>Idem</p>
<p>7.Sustainability</p>	<p>7.1. Are the results achieved by the project likely to be sustainable? What measures have been considered to ensure that the key components of the project are sustainable beyond the life of the project?</p>	<p>1. The project document describes how it intends to support sustainability of the project results (including of repurposed activities).</p> <p>2. The project has effectively implemented a strategy and related actions ensuring the sustainability of the project results.</p>	<p>1. Extent to which the project document features a clear, valid, assumption-based sustainability strategy.</p> <p>2. Extent to which the project strategy/approach to support sustainability has been effectively implemented.</p> <p>3. Degree of the likeliness of sustainability of results (including of repurposed activities).</p>	<p>Idem</p>	<p>Idem</p>

		<p>3. Availability of tangible results of sustainability measure indicating results are likely to be sustainable.</p> <p>4. Remaining gaps, threats to ensuring sustainability and needs to be addressed</p>	<p>4. Extent to which identified remaining gaps or threats to sustainability of results can be realistically addressed (e.g. need for resources to continue supporting the long-term objectives...)</p>		
	<p>7.2. To what extent was sustainability of impact taken into account during the design of the project?</p>	<p>1. Availability of impact sustainability description in the project document.</p> <p>2. Impact sustainability analysis (including for repurposed activities) is available at the end of the project cycle.</p>	<p>1. Impact sustainability is defined, the factors affecting sustainability are assessed. An approach to support sustainability of impact is formulated as part of the project design. (e.g. advocacy, awareness raising strategy to support legal enactment of OSH standards...)</p> <p>2. Extent to which impact sustainability analysis (including of repurposed activities) provides a basis to provide guidance /recommendations to strengthen sustainability of impact. Elements available to the evaluation to formulate related recommendations.</p>	<p>Idem</p>	<p>Idem</p>



Terms of Reference

Final Independent Project Evaluation for “Towards Safe, Healthy and Declared Work in Ukraine”

1. Key facts

Title of project being evaluated	Towards safe, healthy and declared work in Ukraine
Project DC Code	UKR/19/01/EUR (107220 / 502410)
Project Duration	40 months
Start Date	01 January 2020
End Date	30 April 2023 (No Cost Extension (NCE) is approved)
Type of evaluation	Independent
Timing of evaluation	Final
Donor	European Commission, NEAR-ENI
Administrative Unit in the ILO responsible for administrating the project	DWT/CO- Budapest
Technical Unit(s) in the ILO responsible for backstopping the project	LABADMIN/OSH
P&B outcome (s) under evaluation	Outcome 7: Promoting safe work and workplace compliance including in global supply chains.
SDG(s) under evaluation	SDG 8 - Decent Work and Economic Growth
Budget	EUR 2,000,000

2. Background information

The long-standing structural problems of Ukraine, such as low productivity, weak economic growth and employment creation, accumulated wage arrears, high share of informal economy and undeclared work, poor working conditions, weak labour relations, weak labour market governance, as well as lack of socio-economic recovery for conflict-affected or displaced population, continue to pose serious challenges to economic growth in Ukraine.

In addition, Ukraine faces the urgent challenge to reduce work-related accidents and occupational diseases and improve the prevention and protection of the safety and health of workers.

Under the EU-Ukraine Association Agreement, Ukraine committed to ensure gradual approximation to EU law, standards, and practices in the area of employment, social policy and equal opportunities, in particular through the alignment of its national legislation with the EU Directives on OSH, labour relations, anti-discrimination and gender equality.

Despite the progress and results achieved in the first phase of the ILO implemented project regarding alignment of national legislation with International Labour Standards and EU rules, awareness raising on undeclared work, and the capacity of labour inspectors and other stakeholders' officials, numerous challenges remain.

In particular, additional technical assistance is needed for the implementation of the "Concept of the Labour Protection Management System Reform" which forms the basis of this project and was approved by the Ukrainian Cabinet of Ministers. In essence, the current phase II continues to work on the alignment of relevant Ukrainian legislation with the International Labour Standards (ILS) and EU *acquis* on Occupational Safety and Health (OSH), labour relations, and labour inspection.

In addition, technical support is needed for the implementation of the National Action Plan to Fight Undeclared Work (currently under national constituent's consultation), as well as for the effective implementation of ILO Conventions C81 and C129 (labour Inspection Conventions) and improvement of Ukrainian system of labour inspection effectiveness in enforcing the law. Building on the deliverables of the phase I of the EU-ILO project, the phase II project has been developed with the focus of promoting safe, healthy, and declared work in Ukraine. The expected short-term impact of the project is an improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work. The two outcomes to be achieved by the end of the project are (1) Legal framework on OSH is brought closer to international labour standards and (2) Systems and procedures for a roll out of labour inspection services are in place.

In order to achieve the above, the project has provided in-depth knowledge to legislative actors on EU legislation (EU OSH and labour relations directives), International Labour Standards (ILO C81, C129 and R198) and flexible work arrangements. In addition, it has provided technical assistance to the drafting of laws/regulations (transposing 8 EU OSH Directives, implementing 3 legislative measures foreseen in the Action Plan to Fight UDW and aligning labour inspection system with ILO C81 and C129), as well as to its submission and advocacy. It has also continued the on-going communication campaign, focused on raising awareness and understanding regarding UDW.

The logical framework which depicts the underlying results chain, indicators, targets, sources of verification, assumptions, risks and mitigation measures regarding each project objective can be found in Annex I.

The project contributes to national development framework in fulfilling its obligations foreseen in the EU-Ukraine Association Agreement. It is also foreseen that this project supports the effective implementation of the set of comprehensive measures aimed at fighting undeclared work in Ukraine, outlined in the draft Action Plan to Fight Undeclared Work and in line with

the concerns laid down on the CMU Decree No. 649, of 5 September 2018, “On measures aimed at unshadowing employment relationships”. The project also fosters the effective implementation of the ILO Conventions 81 and 129 (labour inspections), ILO Convention 155 (OSH and the Working Environment), ILO Recommendation 198 (defining employment relationship) and ILO Recommendation 204 (transition from the informal to the formal economy).

This project also contributes towards the achievement of several objectives of the then Decent Work Country Programme (DWCP) for Ukraine 2020-2024. In particular, it contributes to the achievement of Outcome 2.1, Outcome 2.4 and Outcome 3.3.

Moreover, it also contributes to the accomplishment of some important objectives of the ILO Programme & Budget (P&B) 2018-2019, that set out the strategic objectives and expected outcomes for the Organization’s work as a whole, in particular: Outcome 2, Outcome 6 and Outcome 7. It is also expected that the implementation of the project might contribute to the achievement of the Country Programme Outcomes (CPO) UKR154, UKR826 and UKR155.

The project also contributes to the advancement of all categories of the recent initiative of EU institutions, to build a more inclusive and fairer European Union - the European Pillar of Social Rights.

It also supports the EU Strategic Framework on Health and Safety at Work 2014-2020, it is aligned with the concerns highlighted by the European Parliament Resolution on “effective labour inspections as a strategy to improve working conditions in Europe”, and it is consistent with the EU policies on UDW, including the activities of the European Platform for Tackling UDW in which ILO participates as a permanent observer.

Most importantly, the project contributes to the attainment of the Sustainable Development Goals (SDGs), especially in what concerns the promotion of inclusive and sustainable economic growth, full and productive employment, and decent work for all (SDG 8), targets 8.5 and 8.8.

All proposed activities have been looked into through a gender lens perspective and reinforce equal consideration of women in different positions of the State Labour Service (SLS) of Ukraine. All proposed activities have been implemented after having conducted a gender analysis based on sex-disaggregated data. Furthermore, the project has been designed to contribute to the alignment of national legislation with the EU *acquis* and to the improvement of compliance with labour relations and OSH legislation which will have a positive impact in the promotion of the equality and non-discrimination of workers.

Following the military aggression initiated by the Russian Federation against Ukraine on the 24 February 2022, the European Commission, in response to the urgent need to provide emergency and resilience assistance to Ukraine, adopted decision C (2022)1588 Final which exceptionally expanded the objectives of the ongoing EU assistance (bilateral and regional), allowing to address immediate needs and to build resilience for better crisis response. Given the ongoing crisis, the ILO through its aforementioned project (EU implementing partner) was requested to assess its ability to continue the implementation and inform the respective EU Delegation interlocutor in charge. The partial repurposing of the project, approved by the EUD on the 19th April 2022 in an accelerated manner, includes new elements introduced, based on the needs identified jointly with Ukrainian interlocutors:

- 1) Prevention of Trafficking in Human Beings and Forced Labour, (THB-FL)**, affecting the Ukrainian displaced population by the conflict, both within and outside of the country (in case of the latter it is primarily in Moldova but also in other destination and transit countries).
- 2) Psycho-social first aid, information provision and referral**, in cooperation with SLS, tripartite social partners to be rolled out via trainings and then selected pilots at the enterprise/institutional level.

3) Development of Guidelines on Occupational Safety and Health (OSH) in time of armed conflict, focusing on safety during and in the aftermath of conflict, and in the following reconstruction phase, touching upon the issues related to mines including in agriculture, forestry, and of course in urban settings, OSH in the context of post-war reconstruction.

The partial repurposing activities were added to the logframe and the workplan as it fits neatly with the activity 1, 2 into the capacity building of the SLS component, while the activity 3 into the OSH component of the project.

There were also few activities that were partially suspended in the context of the new situation, while the feasibility of implementation of these were periodically reviewed and assessed by the project team in cooperation with EUD Kyiv. These are explained and spelled out in the annexed repurposing concept note. (See annex III)

Project management set-up: An international Labour Inspection and OSH expert is managing the project (Project Manager). The Project Manager is based in the SLS premises in Kyiv and benefited from the Government support in terms of office space. The Project Manager reports to the Director of the Decent Work Team and Country Office for Central and Eastern Europe in Budapest who has a direct supervisory role. The Project Manager has the lead responsibility for overall project management and implementation of the Project and ensure delivery of activities resulting in outputs in line with the project work plan and budget. Due to the departure of the previous Project Manager to another ILO post, a new Project Manager was selected/hired as of 15th October 2021. The official handover was conducted through an organised mission 9-13th October 2021 to ensure smooth and orderly transition. A National Project Coordinator, under the direct supervision of the Project Manager, based in Kyiv, supports the practical implementation, monitor progress (up- dating of M&E plan), and administration of project activities. A Project Administrative Assistant also based in Kyiv provides clerical, translation, and interpretation support to the project. An ILO DWT/CO-Budapest-based Assistant (50%) provides support in IRIS and pertinent financial matters. The project also gets programmatic support (including coordination with the ILO Donors' department) from a Programme Officer (25%), based in ILO HQ in Geneva. It should be mentioned that since the outbreak of hostilities the project team works by remote, from outside of duty station.

3. Purpose, objectives, and scope of the evaluation

ILO considers evaluation as an integral part of the implementation of development cooperation activities. Provision is made in the project in accordance with ILO evaluation policy and based on the nature of the project and the specific requirements agreed upon at the time of the project design and during the project as per established procedures.

The project document states that a final evaluation is conducted, which will be used to assess the progress towards the results, identify the main difficulties/constraints, assess the impact of the programme for the targeted populations, and formulate lessons learned and practical recommendations to improve future similar programmes. Furthermore, the evaluation will be used to provide an opportunity for an in-depth reflection on the strategy and assumptions guiding the intervention.

This final evaluation will examine the relevance, coherence, effectiveness, efficiency, sustainability, and potential impact of the project. It will provide recommendations for future similar projects. This evaluation will also identify strengths and weaknesses in the project design, strategy, and implementation as well as lessons learned and good practices.

Specifically, the evaluation, including the repurposed activities, will examine the following aspects:

- **Alignment with the country and constituents' needs, Changes in context and review of assumptions (relevance):** Is the project's design adequate to address the problems at

hand? Were the project objective and design relevant given the political, economic, and financial context?

- **Results in terms of outcomes and outputs achieved (effectiveness):** How has the project contributed towards project's goals? To what extent did it contribute to the ILO's Programme & Budget, Country Programme Outcomes, and more largely SDGs?
- **Use of resources in achievement of projected performance (efficiency):** How have the resources been used to fulfil the project performance in an efficient manner with respect to cost, time and management staff?
- **Assessment of impact (impact):** To what extent has the project contributed long-term intended impact?
- **Sustainability:** Will the project's effects remain over time?

The evaluation will comply with ILO evaluation policy¹², and the UNEG ethical guidelines¹³ will be followed.

The evaluation should cover the life span of the project which is from 01 January 2020 up until 30 April 2023 based on the EU approval of the no cost extension request made by the project team. The evaluation will examine the project outcomes and outputs to date. As cross-cutting themes, the evaluation will also take specific note of integration of gender mainstreaming¹⁴, disability inclusion, International Labour Standard, social dialogue¹⁵, and environmental sustainability as well as contribution to SDGs and COVID-19 response¹⁶.

The evaluation will give attention to how the project is relevant to the ILO's programme and policy frameworks, UN Development Cooperation Framework and other relevant national development frameworks.

The primary clients of this evaluation are Ministry of Economy and State Labour Service (SLS); Worker's representative organizations; Employer's representative organizations; Ukrainian Parliament (Verkhovna Rada); Government Office for Coordination of the European and Euro-Atlantic Integration (Government Office); European Commission, NEAR-ENI; ILO staff in Ukraine; ILO DWT/CO- Budapest; ILO Regional Office for Europe and ILO LABADMIN/OSH. Secondary users include project stakeholders and units within the ILO that may indirectly benefit from the knowledge generated by the evaluation.

4. Evaluation criteria and questions (including Cross-cutting issues/ issues of special interest to the ILO)

The evaluation utilizes the standard ILO evaluation framework and follows the OECD/DAC evaluation criteria:

Relevance and strategic fit

- Is the project relevant to the ILO's tripartite constituents' needs?
- Are the project objectives aligned with national development framework in fulfilling its obligations foreseen in the EU-Ukraine Association Agreement as well as EU Strategic Framework on Health and Safety at Work 2014-2020?
- How does the project contribute to the ILO's Programme & Budget (P&B) 2020-2021, Country Programme Outcomes, Decent Work Country Programme for Ukraine 2020-2024, United Nations Sustainable Development Framework, and SDGs?

¹² https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/policy/wcms_603265.pdf

¹³ <http://www.unevaluation.org/document/detail/2866>

¹⁴ https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_746716.pdf

¹⁵ https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_746717.pdf

¹⁶ https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_757541.pdf

Coherence and validity of the design

- Are the project strategies and structures coherent and logical?
- Does the project make a practical use of a monitoring and evaluation framework? How appropriate and useful are the indicators in assessing the project's progress? Are indicators gender sensitive? Are the assumptions for each objective and output realistic?
- To what extent did the project design take into account: Specific gender equality and non-discrimination concerns, including inclusion of people with disabilities?

Project progress and effectiveness

- What progress has the project made towards achieving the overall objective, outcomes, and outputs? How has the project benefited direct and indirect beneficiaries?
- How did outputs and outcomes contribute to ILO's mainstreamed strategies including gender equality, social dialogue, and labour standards?
- To what extent did the project respond to emerging needs in terms of COVID-19 pandemic? Did the pandemic hinder or reverse the progresses that had been made?

Efficiency of resource use

- To what extent have project activities been cost-efficient? Have resources (funds, human resources, time, expertise etc.) been allocated strategically to achieve outcomes?
- To what extent can the project results justify the time, financial and human resources invested in the project?
- To what extent has the project been able to build on other ILO or non-ILO initiatives either nationally or regionally, in particular with regard to the creation of synergies in cost sharing?

Effectiveness of management arrangements

- How does the project governance structure facilitate good results and efficient delivery? And if not, why not?
- How effective was communication among the project teams, the regional office and the responsible technical department at ILO headquarters? Has the project received adequate technical and administrative support/response from the ILO backstopping units?

Impact orientation

- What is the likely contribution of the project initiatives to the stated national development objectives?
- Is the project likely to produce long-term effects in terms of the improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work?
- What were the interventions long-term effects on more equitable gender relations or reinforcement of existing inequalities?

Sustainability

- Are the results achieved by the project likely to be sustainable? What measures have been considered to ensure that the key components of the project are sustainable beyond the life of the project?
- To what extent was sustainability of impact taken into account during the design of the project?

The evaluator may adapt the evaluation questions stated above, but any fundamental changes should be agreed with the evaluation manager and reflected in the inception report.

5. Methodology

This evaluation is summative, and it includes examining whether the intervention's Theory of Change (ToC) holds true with particular attention to the long and short term impact of the project intervention, identification of assumptions, risks, and mitigation strategies, and the logical connect between levels of results against the targeted indicators stipulated in the project logical framework (see Annex I) and their alignment with ILO's strategic objectives and outcomes at the global and national levels, as well as with the relevant SDGs and related targets. The evaluation will use both primary and secondary data collection techniques and apply mixed method (quantitative and qualitative) data analysis approaches to respond to evaluation questions and fulfil the purpose of the evaluation to capture intervention's contributions to the achievement of expected and unexpected outcomes. Data collection and analysis methodology includes:

- **Desk review of existing documents:** The evaluator will conduct systematic analysis of existing documents and obtain existing qualitative and quantitative evidence prior to primary data collection. The desk review also facilitates assessment of the situation and available data to plan the evaluation and develop the inception report.
- **Key informant interviews:** Online individual interviews will be conducted with a pre-agreed list of stakeholders who have in-depth exposure and understanding of the project and their context. Interview guide(s) will be developed during the inception phase to stimulate a discussion on concerned evaluation questions.
- **Focus group discussions:** Focus group discussions with direct and indirect beneficiary will be organized to collect their insights on the project.
- **Preliminary finding briefing:** Upon completion of primary data collection, the evaluator will present preliminary findings to ILO National Coordinator, project staff in Ukraine, ILO's DWT Technical Specialist based in Budapest and ILO's Ukraine tripartite constituents for validation. The evaluator will also collect further insight from the group to feed them into the final report.
- **Triangulation:** To enhance the data quality and analysis as well as overcome bias that comes from single information sources, and the use of single methods or single observations; the evaluator is expected to employ data triangulation technique to ensure accuracy, robustness, and reliability of the evaluation results.
- **Data disaggregation:** Data gathered and analysed during the evaluation process should be presented with appropriate gender disaggregation. The data collection, analysis and presentation should also be responsive to issues related to diversity and non-discrimination, including disability issues especially while examining incidence rate of work-related accidents.

Limitation of the Evaluation: The evaluation manager foresees a major limitation that can be impediment to the evaluation process. **Access to secondary data and primary data collection:** the current security issue in the country may create limitations to obtain secondary data as much as the evaluation requires as the priorities of the government and social partners may have shifted to other pressing issues. Hence, the evaluator is expected to find out a solution for the existing limitation and present in the inception report how the team intends to overcome the limitation. It is important to note that due to the prevailing security situation of the country the evaluation was conceived as an online only endeavour due to inherent risks. Exceptions to this should be based on UNDS approved security clearances, justified based on the current evaluation grid of the UNCT in Ukraine approved by DO (tbc). The current evaluation budget has been constructed with the online methodology only in mind – any changes to that might have financial implications, however the project stands ready to re-adjust the evaluation budget to ensure robustness of the exercise, based on the needs and the recommendation of the evaluation team.

Detailed evaluation approach and methodology, including the evaluation workplan should be part of the inception report. Any changes to the methodology should be discussed with the Evaluation Manager and approved by the Evaluation Manager during the inception phase.

The evaluator will make sure the involvement of key stakeholders in the evaluation process beginning of the inception phase up until dissemination of the evaluation products.

Work Assignments:

a) Kick-off meeting

The evaluator will have an initial consultation with the evaluation manager, the regional evaluation officer, CTA of the project, relevant project team members and programme officers. The objective of the consultation is to reach a common understanding regarding the status of the project, the priority assessment questions, available data sources and data collection instruments and an outline of the final assessment report. The following topics will be covered: status of logistical arrangements, project background and materials, key evaluation questions and priorities, outline of the inception and final report.

b) Desk Review

The evaluator will review project background materials before conducting interviews. Documents to review include but are not limited to Action Plan to Fight Undeclared Work, the then Decent Work Country Programme (DWCP) for Ukraine 2020-2024, Programme & Budget (P&B) 2020-2021, EU Strategic Framework on Health and Safety at Work 2014-2020, project document including results framework, project progress reports, and project monitoring tools and systems.

c) Inception Report

The evaluator will draft an Inception Report, which should describe, provide reflection, and fine-tune the following issues:

- Project background
- Purpose, scope and beneficiaries of the evaluation
- Evaluation matrix, including criteria, questions, indicators, data source, and data collection methods
- Methodology and data collection tools
- Main deliverables
- Management arrangements and work plan

d) Primary Data Collection (Key Informant Interviews & Focus Group Discussions)

Following the inception report, the evaluator will have remote interviews with stakeholders together with a national consultant supporting the process if necessary. Individual or group interviews will be conducted with key stakeholders that include but not limited to Ministry of Social Policy (MSP) and State Labour Service (SLS); Worker's representative organizations; Employer's representative organizations; Ukrainian Parliament (Verkhovna Rada); Government Office for Coordination of the European and Euro-Atlantic Integration (Government Office); European Commission, NEAR-ENI; ILO Ukraine; ILO DWT/CO-Budapest; and ILO LABADMIN/OSH.

Focus Group Discussions will be conducted with direct beneficiaries of the project by the national consultant/ interpreter, who will be contracted separately.

e) Preliminary finding presentation

Upon completion of data collection, the evaluator will provide a briefing of preliminary findings to ILO.

6. Main deliverables

The main outputs of the evaluation consist of the following:

- Deliverable 1: Inception Report
- Deliverable 2: PowerPoint Presentation on findings
- Deliverable 3: Draft evaluation report (to be prepared within three weeks upon completion of interviews)
- Deliverable 4: Final evaluation report with separate template for executive summary and templates for lessons learned and good practices duly filled in (as per ILO's standard procedure, the report will be considered final after quality review by ILO Evaluation Office)

The final report will follow the format below and be in a range of **35-40 pages** in length, excluding the annexes:

1. Title page
2. Table of Contents, including List of Appendices, Tables
3. List of Acronyms or Abbreviations
4. Executive Summary with key findings, conclusions and recommendations
5. Background and Project Description
6. Purpose of Evaluation
7. Evaluation Methodology and Evaluation Questions
8. Key evaluation findings (organized by evaluation criteria)
9. A table presenting the key results (i.e. figures and qualitative results) achieved per objective (expected and unexpected)
10. Clearly identified conclusions and recommendations (identifying which stakeholders are responsible and the time and resource implications of the recommendations)
11. Lessons Learned (in prescribed template)
12. Potential good practices (in prescribed template)
13. Annexes (list of interviews, TORs, list of documents consulted, good practices and lessons learned in the ILO format, etc.)

The quality of the report will be assessed against the ILO Evaluation Office (EVAL) Checklists 4.2, 4.3, 4.4¹⁷. The deliverables will be submitted in the English language and structured according to the templates provided by the ILO.

7. Management arrangements and work plan (including timeframe)

Management Arrangements

The evaluator will report to the ILO's evaluation manager and should discuss any technical and methodological matters with him. The ILO project office in Ukraine will provide administrative and logistical support during the data collection. The evaluation manager will coordinate with the regional evaluation officer and the ILO Evaluation Office, who approves and signs off the final evaluation report.

The evaluator is responsible for conducting the evaluation according to the terms of reference (ToR). He/she will:

- Review the ToR and propose any refinements to evaluation questions and methodology during the inception phase
- Review project background materials (e.g., project document and progress reports).

¹⁷ Link to Checklists can be found here: https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_761031.pdf

- Prepare an inception report (including Evaluation Questions Matrix (EQM), data collection instruments, prepare list of stakeholders to meet/interview, work plan and others).
- Develop and implement the evaluation methodology (i.e., conduct interviews, review documents) to answer the evaluation questions.
- Conduct preparatory consultations with the evaluation manager prior to the evaluation mission.
- Conduct key informant interviews and collect information according to the suggested format.
- Analyse findings from desk review, key informant interview and focus group discussions.
- Present preliminary findings.
- Prepare an initial draft of the evaluation report with input from ILO specialists and constituents/stakeholders.
- Prepare the final report based on the ILO, donor and other stakeholders' feedback obtained on the draft report.

The ILO Evaluation Manager in close consultation with the Regional Evaluation Officer (REO) is responsible for:

- Drafting the ToR.
- Finalizing the ToR with input from ILO colleagues and other stakeholders.
- Hiring the evaluator.
- Providing the evaluator with the project background materials and documents.
- Assisting the implementation of the evaluation methodology, as appropriate (i.e., participate in meetings, review documents).
- Reviewing the inception report, initial draft final report, circulating it for comments and providing consolidated feedback to the evaluator on the inception report and the final report.
- Reviewing the final report.
- Coordinating with the ILO Evaluation Office for the clearance of the final report and submitting the relevant documentation.
- Disseminating the final report to stakeholders.
- Coordinating follow-up as necessary.

The Project team is responsible for:

- Reviewing the draft TOR and providing input.
- Providing project documents and background materials, including studies, previous project phase evaluation report, analytical papers, reports, tools, publications produced, and any relevant background notes.
- Providing a proposed list of stakeholders.
- Participating in the preparatory briefing prior to the assessment missions.
- Scheduling interviews and focus group discussions.
- Ensuring necessary logistical arrangements for the missions.
- Reviewing and providing comments on the initial draft report.
- Participating in the debriefing on the findings, conclusions, and recommendations.
- Providing translation for any required documents: ToR, PPP, final evaluation report, executive summary of the final evaluation report, summary of lessons learnt and emerging good practices, etc.
- Making sure appropriate follow-up action is taken including filling out the management response matrix.

Evaluation stakeholders and partners:

- Actively engage and participate in the evaluation process (data collection, reviewing and provide comments on the draft and final reports, participate in debriefing and dissemination sessions, etc.).

Evaluation Tentative Timeframe

The evaluation is planned to commence in January 2023 and be completed in March 2023. The following table describe the tentative timeline:

Responsible person	Tasks	Number of Payable Working days	Indicative Date
Evaluator & Evaluation Manager	Kick-off meeting	0.5	9 th Jan 2023
Evaluator	Desk review of documents related with project, drafting inception report	5	18 th Jan 2023
Evaluator	Submit inception report		20 th Jan 2023
Evaluation Manager	Review of inception report		27 th Jan 2023
Evaluator	Revise and resubmit inception report	0.5	31 st Jan 2023
Evaluator with the logistical support of project staffs	Interviews & focus group discussions	7	1 st Feb – 20 th Feb 2023
Evaluator	Data analysis & Triangulation	5	10 th Feb – 23 rd Feb 2023
Evaluator	Draft evaluation report and Submission of the draft report to the evaluation manager	5	20 th Feb – 28 th Feb 2023
Evaluation manager	Circulating the draft report to key stakeholders		1 st Mar 2023
Evaluation manager	Send consolidated comments to evaluator		7 th Mar 2023
Evaluator	Presentation of findings	0.5	10 th Mar 2023
Evaluator	Revising draft final report and submit	1	13 th Mar 2023
Evaluation Manager	Review of Second Draft		17 th Mar 2023
Evaluator	Integration of second round review/comments and finalization of the report	0.5	24 th Mar 2023
Evaluation Manager	ILO Evaluation Office approval		31 st Mar 2023

Total estimated payable working days of consultant: 25 Days

Terms of Payment

- 10 per cent of the total fee against deliverable 1 above approved by the evaluation manager and regional evaluation officer.
- 30 per cent of the total fee against deliverable 2 and 3 above.
- 60 per cent of the total fee against deliverable 4 above, approved by the ILO Evaluation Office.

8. Profile of the evaluation team

The evaluator is expected to have the following qualifications:

- Proven experience in the evaluation of labour governance, labour inspection, OSH, labour standard related projects.
- Prior experience in the region, particularly in Ukraine, is asset.
- High professional standards and principles of integrity in accordance with ILO Evaluation Policy and United Nations Evaluation Group Norms and Standards.
- An advanced degree in a relevant field.
- Proven expertise on evaluation methods.
- Understanding of the ILO Decent Work agenda and tripartite foundations as well as its evaluation policy and practice through EVAL self-induction programme.
- Full command of English. Command of Ukrainian is an advantage.
- The consultant should not have any links to project management or any other conflict of interest that would interfere with the independence of the evaluation.
- Previous experience in evaluations for UN agencies is preferred, particularly ILO.

Given the current security issues in the country, the consultant who implement this evaluation may remotely work with a national interpreter, who will provide necessary support for data collection.

9. Legal and ethical matters

- This evaluation will comply with ILO evaluation guidelines and UN Norms and Standards.
- The ToRs is accompanied by the code of conduct for carrying out the evaluation “Code of conduct for evaluation in the ILO”. The selected consultant will sign the Code of Conduct form along with the contract.
- UNEG ethical guidelines will be followed throughout the evaluation.
- The consultant will not have any links to project management or any other conflict of interest that would interfere with the independence of the evaluation.

Annex I: Monitor & Evaluation Logical Framework Matrix of the Project

MONITORING AND EVALUATION LOGICAL FRAMEWORK¹⁸

Objectives		Indicators	Baseline	Targets	Achievement of targets as of 31 December 2021	Sources of Verification	Assumptions	Risks	Mitigation Measures
Nature	Intended changes								
Long term impact /Development objective	Improved safety and health at work as well as a reduction of undeclared work	% Variation on the incidence rate of fatal work-related accidents	1.7% (2018-16) ¹⁹	-5%	-4.7%²⁰/+33%²¹	SLS records + State Statistics Service			
		% Informal employment	21% ²²	15%	30.3%/19.3%²³	State Statistics Service			
Short term impact	Improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work	Improved compliance with ILS (Conventions 81, 129, 155) as per ILO Committee of Experts on the Application of Conventions and Recommendations	1	0	0	Complaint procedures registered by CEACR			

¹⁸ The figures for the relevant targets' achievement, as of 31 December 2021, are in bold red font.

¹⁹ Fatal WRA: 400 (2016); 366 (2017); 409 (2018); Employed Population: 16,276,900 (2016); 16,156,400 (2017); 16,360,900 (2018); Incidence rate fatal WRA: 2.46 (2016); 2.27 (2017); 2.5 (2018).

²⁰ This figure refers to the period 31 December 2019 – 31 December 2021 and is calculated in order to ensure the comparability of the data, by taking out, from the total number of fatal work-related accidents in 2020 (443) and in 2021 (539) the number of cases due to COVID-10 (65 in 2020 and 153 in 2021). The variation of the Incidence Rate of fatal work-related accidents between 31/12/2019 and 31/12/2021 (IR_{2021/2019}) was calculated as follows: IR_{2021/2019} = (2.43-2.55)/2.55)x100 = -4.7%; Where: IR₂₀₂₁ = (386/15,915,300)*100,000 = 2.43 and IR₂₀₁₉ = (422/16,578,300)*100,000 = 2.55; Given: Fatal WRA: 422 (2019); 378 (2020, excluding due to COVID-19); and 386 (2021, excluding due to COVID-19); and Employed Population: 16,578,300 (2019); 15,995,600 (2020); and 15,915,300 (2021).

²¹ This figure refers to the period 31 December 2019 – 31 December 2021 and is calculated on the basis of the total number of work-related accidents (i.e., including the ones due to COVID-19). The variation of the Incidence Rate of fatal work-related accidents (IRT) between 31/12/2019 and 31/12/2021 (IRT_{2021/2019}) was calculated as follows: IRT_{2021/2019} = (3.39-2.55)/2.55)x100 = +33%; Where: IRT₂₀₂₁ = (539/15,915,300)*100,000 = 3.39 and IRT₂₀₁₉ = (422/16,578,300)*100,000 = 2.55; Given: Fatal WRA: 422 (2019); 443 (2020, including 65 due to COVID-19); and 539 (2021, including 153 due to COVID-19); and Employed Population: 16,578,300 (2019); 15,995,600 (2020); and 15,915,300 (2021).

²² Informally Employed: 3,695,600 (2017); 3,541,300 (2018); 3,458,500 (Jan-June 2019); Employed Population: 16,156,400 (2017); 16,360,900 (2018); 16,355,500 (Jan-Mar 2019); % Informal Employment: 23% (2017); 22% (2018); 21% (Jan-Mar 2019).

²³ Figure 1 is for 2020 and figure 2 is for 2021. The data for Q1 of 2022 were not available yet. At the same time in 2022 the situation has drastically changed due to the invasion of the Russian Federation to Ukraine. It might have considerable impact on informal employment and also on UDW.

Outcome 1	Legal framework on OSH and undeclared work is brought closer to international labour standards	Number of EU Directives transposed to national legislation	2	4	0 ²⁴	Records of CMU, ME and/or VR	<ul style="list-style-type: none"> Government and Parliament committed to comply with international agreements in the area of labour inspection; Government to make available sufficient staff to draft transposing law/regulation 	<ul style="list-style-type: none"> Vested bureaucratic interests try to blunt reform efforts and go for quasi reforms that look good on paper but change little on the ground New Government and Parliament have other priorities than reform of Labour Inspectorate 	<ul style="list-style-type: none"> Develop close collaboration with new Government, new Parliament, and social partners. Advocacy supporting legal reforms foreseen in the project, however other possible risk mitigation strategies such as promoting OSH through social partners at the factory level are not taken in
		National Action Plan to Fight Undeclared Work adopted by Government	Not adopted	National Action Plan adopted before mid-2021 with at least 50% of ILO recommendations included	<ul style="list-style-type: none"> Action Plan adopted²⁵; on 27/4/2021; Action plan achieved coverage²⁶: 70%; 28%; 42%; 83%. 	Records or website of ME, SLS or of the Project.			
		Legislation revised to bring the mandate of the Labour inspectorate closer to ILO C81 and C129	Legislation currently not revised	At least one law/regulation has been adopted before end of 2022 which provisions improve alignment of Ukrainian legislation with the two ILO conventions	0 ²⁷	Records of CMU, ME and/or VR			

²⁴ The OSH draft Law, aimed at transposing the EU OSH Framework Directive 89/391/EEC, was expected to be submitted to the Parliament for adoption in March-April 2022 after the round of additional tripartite consultations under the auspices of NTSEC. However, the process was put on hold because of invasion of Russian Federation to Ukraine in February 2022.

²⁵ The National Action Plan to Reduce UDW 2021 was adopted on 27 April 2021, by the multilateral national Workgroup led by SLS.

²⁶ This National Action Plan to Reduce UDW 2021 (NAP-2021) includes 18 measures (11 preventive measures, 4 measures to improve detection and 3 measures concerning the improvement of current legislation). Fifteen of them, representing about 83% of the 18 measures of the NAP-2021, were already foreseen in the Draft National Action Plan to Fight UDW 2018 (DNAP-2018), developed with the support of the previous EU-ILO Project (specifically the measures M1.1, M1.6, M1.8, M1.9, M2.2, M3.1, M3.2, M3.3, M3.4, M3.5, M4.2, M4.5, M4.7, M4.8, and M4.10. of the DNAP-2018). These fifteen measures, on the other hand, make around 42% of the total 36 measures foreseen in that DNAP-2018. In addition, ten other measures of the DNAP-2018 (measures M1.2, M1.3, M1.4, M1.5, M2.1, M4.1, M4.3, M4.4, M5.3 and M5.7), representing about 28% of its 36 measures, have already been (or are currently being) implemented and, are, therefore, outside the scope of the recently adopted NAP-2021. Overall, out of the 36 measures of the DNAP-2018, a total of 25 measures (around 70%) were in fact "taken on board" by the stakeholders: 28% have already been/are being implemented; and about 42% are foreseen in the adopted NAP-2021.

²⁷ ME submitted its draft law "On Amending Some Legislative Acts on the Procedure of State Supervision (Control) of Compliance with the Labour Legislation" to CMU for adoption, but CMU returned it for further improvement and consultation. On the basis of the content of the discussions and decisions taken by the ME during the consultation held, it is expected that the resulting draft, to be resubmitted to CMU, remains not properly aligned with ILO Conventions 81 and 129 on Labour Inspection.

								<ul style="list-style-type: none"> • The aggression of the RF against Ukraine generates other Government priorities 	<p>order to stay focused on the reform of the legal framework</p> <ul style="list-style-type: none"> • Advocacy through the NTSEC and Parliament on the importance of implementation of ILO and EU standards in hostilities • Development of additional guidelines on OSH in hostilities to respond to the new risks caused to by the aggression of the RF while the new legal framework is not in place
Output 1.1	Draft laws/regulations transposing EU OSH Directives submitted.	Laws/regulations drafted, discussed with relevant stakeholders and submitted to Ministry and/or technical advice, recommendations and comments	3	8	12 ²⁸	Records of Project and Ministry			

²⁸ 6 sets of technical recommendations on how to better align 5 versions of the ME draft Law on OSH with relevant ILS (e.g., ILO C155, C161, C187 and P2002) and EU Acquis (e.g., EU OSH Framework Directive 89/391/EEC); 2 sets of technical recommendations on how to better approximate SLS draft legal act on safety and health signs at work with relevant ILS (e.g., ILO C155, C161, C187 and P2002) and EU Acquis (e.g., EU Directives 92/58/EEC and 89/391/EEC); and , 4 technical recommendations regarding other 4 draft legal act aimed at transposing 4 EU OSH individual Directives (on minimum safety and health requirements for the use of work equipment, use of PPE, workplaces and temporary or mobile construction sites).

		provided to drafts made by government, social partners and/or VR provided.							
Output 1.2	Advocacy roundtables held with legislative actors on EU OSH Directives.	No. of political decision-makers participating in advocacy round tables and/or in work-groups, workshops or round tables promoted by government, social partners and/or VR	0	40	328/1188 ²⁹	Attendance sheets			
Additional output 1.2.A <i>repurposing, since April 2022</i>	The Guidelines on OSH in hostilities developed, validated and available for the national stakeholders	Document validated by the ILO and the stakeholders	0	1	0	Records of the Project			
Output 1.3	Training sessions on fighting undeclared work provided	No. of participants in the training sessions	0	30	500 ³⁰	Attendance sheets			
Output 1.4	Draft laws/regulations aimed at implementing the Action Plan to fight undeclared work submitted	No. of draft laws/regulations (and/or of technical advice, recommendations or comments provided to drafts proposed by government, social partners or VR) implementing measures of the Action Plan to Fight UDW.	1	2	15 ³¹	Records of Project and ME, and Project Website			

²⁹ Figure 1 (328) is equal to the number of participants of the 7-days workgroup retreat (15-23 October 2020) to discuss, amend and fine tune the ME proposed draft law on OSH and of the technical meetings held to advocate the Project recommendations on better alignment of the draft OSH law with the International and EU labour standards; figure 2 (1188) is equal to the number of the participants (decision makers and OSH experts) of the online events covering OSH issues and organized by the stakeholders where the project recommendations were advocated.

³⁰ Average number of participants in each of the 6 relevant modules (employment relationship; employer's obligation to inform workers and to provide transparent and predictable working conditions, working time, part-time, telework and labour inspection) of the Project Summer Marathon of Online Trainings on International and EU Labour Standards.

³¹ 4 explanatory notes with recommendations and 6 background papers and infographics with technical advice and recommendations on 6 relevant topics (employment relationship; employer's obligation to inform workers and to provide transparent and predictable working conditions, working time, part-time, telework and labour inspection) and 5 sets of the Project technical recommendations to 5 draft laws: on employment relationships (5054 and 5054-1), non-standard forms of employment (5161 and 5161-1), deregulation of employment relationship (5388).

Output 1.5	Advocacy roundtables on undeclared work held with legislative actors	No. of political decision makers participating in advocacy round tables and/or in work-groups, workshops or round tables promoted by government, social partners and/or VR	0	40	454 ³²	Attendance sheets			
Additional output 1.6. repurposing, since April 2022	Labour inspectors and social partners trained on providing psycho-social support (PSS) at workplaces and advocacy of PSS programmes	Number of labour inspectors trained	0	300	200	Attendance sheet			
		Number of social partners trained	0	60	70	Attendance sheet			
Outcome 2	Systems and procedures for a roll out of labour inspection services are in place	Labour Inspection Statute adopted and rolled out (defining legal powers, recruitment and training, etc.)	Not existing	Statute adopted and shared with labour inspectors	0 ³³	SLS Statistics	The new Government will not re introduce the moratorium on labour inspections and will shift to the good practice of inspection visits	New Government and Parliament have other priorities than reform of Labour	<ul style="list-style-type: none"> • See outcome 1 • Providing additional knowledge and tools to the SLS and other
		Variation on the % of OSH infringements detected during inspection visits that were corrected.	81% ³⁴	85%	86.4% ³⁵				
		Variation on the average number of undeclared workers	-0.4% ³⁶	10%	61% ³⁷				

³² Meetings organized by the workgroups set up by VR Committee of Social Policy with ILO and Project representatives and several technical meetings and consultations in VRU committee of Social Policy and Veterans' Rights, VRU Committee on Integration of Ukraine into EU to advocate for alignment of draft laws on labour relations with the International and EU labour standards and other stakeholders.

³³ It is referred to in the draft law "On Amending Some Legislative Acts on the Procedure of State Supervision (Control) of Compliance with the Labour Legislation" recently submitted by ME to CMU for adoption, but it will only be developed once this draft Law is enacted.

³⁴ The baseline available corresponds to the % of infringements on safety regulations, detected during inspection visits in 2018, which were corrected. It was calculated as follows: 290,609/357,502.

³⁵ Calculated on the basis of SLS data, for the period 1 January to 31 December 2021, as follows: 86.4% = (296,451 / 343,298); where: Total number of OSH infringements detected (2021) = 343,298; and Number of OSH infringements detected that were corrected (2021) = 296,451.

³⁶ Based on SLS data for the period between 1 January to 31 December 2019, the variation on the average number of undeclared workers regularized following inspection visits, was -0.4%. It was calculated as follows: Variation = $\frac{((203,234/11,232)-(237,250/13,060))/(237,250/13,060)}{1}$ x100 = [(18.1-18.2)/18.1]x100 = -0.4%.

³⁷ For the period 31/12/2019 to 31/12/2021, the variation on the average number of undeclared workers regularized following inspection visits was 61%. During this period (first two years of the project), the average number of undeclared workers that were regularized following labour inspector's visits (enforcement and information visits) raised from 20.9 workers per inspection visit to 33.6 workers per

		regularized following inspection visits.					without prior notification	Inspectorate, including due to the aggression of the RF against Ukraine • The new risks for the mental health and of FL and HT emerge due to the aggression of the RF against Ukraine	stakeholders to respond to the new risks, caused by the aggression
Output 2.1	Labour inspection statute drafted and validated	Draft labour inspection statute (and/or technical advice, recommendations and comments to drafts made by government, social partners and/or VR) made available	Not existing	Until the end of 2022 ³⁸	2 ³⁹	Records of the project and Project Website			
Output 2.2	Labour Inspectors trained on new legal	Number of labour inspectors trained	0	60	300 ⁴⁰ /20 ⁴¹	Attendance sheets			

inspection visit. The number reflects an increased efficiency and effectiveness of labour inspection visits. With less 32.7% of inspection visits (7,564 in 2021 compared with 11,232 in 2019) and with more 86.3% of information visits (103,759 in 2021, compared with 55,697 in 2019), labour inspection managed to increase in 8.5% the number of regularized undeclared workers (from 234,430 in 2019 to 254,342 in 2021), which reflects the success of the strategy of focusing the inspection visits on employers of sectors of activity more prone to UDW. With less inspection visits (complemented by more information visits) labour inspection managed to obtain a higher number of undeclared workers regularized. The indicator was calculated as follows: Variation = $\{[(254,342/7,564)-(234,430/11,232)]/(234,430/11,232)\} \times 100 = [(33.6-20.9)/20.9] \times 100 = 61\%$.

³⁸ Re-programmed, following the Project Steering Committee review of the Project Work Plan, during its first sitting.

³⁹ ME proposed the regulation of labour inspection through two draft Laws, aimed at amending the Chapter XVIII - Supervision (Control) of Compliance with the Labour Legislation of the current Code of Labour Laws: the ME draft Law on OSH (in its Section VIII - Final Provisions); and the ME draft Law "On Amending Some Legislative Acts on the Procedure of State Supervision (Control) of Compliance with the Labour Legislation". The Project provided 2 sets of technical recommendations on how to better align these two draft Laws with ILO C89 and C129 on Labour Inspection. These two technical recommendations were already presented and advocated to national tripartite constituents and other stakeholders within several forums and further consultations are ongoing.

⁴⁰ 300 labour inspectors trained on the module of International Labour Standards on Labour Inspection, within the scope of the Project "Summer Marathon of Online Trainings on International and EU Labour Standards"

⁴¹ 20 labour inspectors trained as trainers on OSH for SME.

	frameworks and their implications for their work								
Output 2.3	Labour Inspection campaign on UDW rolled out, preceded by a communication campaign	No. of people covered by the Communication Campaign to Fight UDW	0	500,000	At least 5,7 million⁴²	Media monitoring.			
		Number of inspection visits on UDW	11,232 ⁴³	50,000	17,993⁴⁴/470,932⁴⁵	SLS data			
Additional output 2.3.A <i>repurposing, since April 2022</i>	The awareness raising initiatives to prevent forced labour and human trafficking are launched	Campaign launched by the SLS	0	1	1	SLS records			
		Outreach by the SLS campaign (no. of persons from the risk group)	0	200,000	400,000	SLS records			
		Awareness raising initiative launched by the Moldova State Labour Inspectorate	0	1	1	MSLI records			
		The Code of Conduct for Employers developed and validated	0	1	0	Project records, EO's records			
Output 2.4	Draft of an improved data collection system for LI provided	Technical description of data collection system provided	Not existing	By the end of 2020	Rescheduled for 2022⁴⁶	Records of the Project and Project Website			
Cross-cutting gender equality indicator	Promotion of gender equality on project's knowledge-sharing and capability-building events	% of participants in the project's knowledge-sharing and capability-building events which are women	51.7% men; 48.3% women	50%	47% men 53% women	Attendance sheets			

⁴² Number of people (employers, workers and young people) reached by the National Communication Campaign on UDW through the campaign channels (National TV channels, intercity trains, Project and SLS Websites and Facebook pages, NV.ua special project, etc.), as of 31 December 2021.

⁴³ SLS data on the number of inspection visits on UDW carried out in 2019.

⁴⁴ SLS data on the accumulated number of inspection visits on UDW carried out between 1 January 2020 and 31 December 2021. The relative lower number of inspection visits was accompanied by the increase on the number of information visits (for example, from 55,697, in 2019, to 367,173, in 2020. In 2021 the number of inspection visits reduced to 103,759, due to repeal by the Court decision of the CMU Decree that was defining the procedure for labour inspectors' visits on UDW.

⁴⁵ Number of information visits on UDW in 2020-2021.

⁴⁶ The support depends on the progress made by the SLS in coordination with ME. However, the progress might be under risk because of the invasion of the Russian Federation to Ukraine.

Annex II: Essential Documents/Weblinks

- Code of Conduct Form: <http://www.ilo.org/legacy/english/edmas/eval/template-code-of-conduct.doc>
- Checklist preparing the evaluation report: Checklist 4.2: [wcms_746808.pdf \(ilo.org\)](https://www.ilo.org/wcms/746808.pdf)
- Guidance Note on Integrating gender equality in monitoring and evaluation of projects, and UNEG documents: <https://www.ilo.org/wcms/165986.pdf>
- Guidance Note on Evaluation lessons learned and emerging good practices: <https://www.ilo.org/wcms/165981.pdf>
- SDG related reference material at: <http://www.ilo.ch/eval/eval-and-sdgs/lang-en/index.htm>
- Template for title page of the evaluation report: <http://www.ilo.org/legacy/english/edmas/eval/template-titlepage-en.doc>
- Template for evaluation summary: <http://www.ilo.org/legacy/english/edmas/eval/template-summary-en.doc>
- Lessons Learned (submitted by Evaluator): <http://www.ilo.org/legacy/english/edmas/eval/template-lesson-learned.doc>
- Template: Emerging Good Practice (submitted by Evaluator): <http://www.ilo.org/legacy/english/edmas/eval/template-goodpractice.doc>
- Guidance note 7 Stakeholders participation in the ILO evaluation: http://www.ilo.org/eval/Evaluationguidance/WCMS_165986/lang-en/index.htm
- ILO EVAL: [Guidance Note 3.2 on Integrating social dialogue and ILS in monitoring and evaluation of projects](https://www.ilo.org/eval/Evaluationguidance/WCMS_165986/lang-en/index.htm)
- Implication of COVID-19 on evaluations in the ILO: Practical tips on adapting to the situation: <https://www.ilo.org/wcms/744068.pdf>
- Protocol to collect evidence on ILO response to COVID-19: <https://www.ilo.org/wcms/757541.pdf>

Background

Following the military aggression initiated by the Russian Federation against Ukraine on the 24 February 2022, the European Commission, in response to the urgent need to provide emergency and resilience assistance to Ukraine, adopted its decision C (2022)1588 Final which exceptionally expanded the objectives of the ongoing EU assistance (bilateral and regional), allowing to address immediate needs and to build resilience for better crisis response. Given the ongoing crisis, the ILO through its aforementioned project (EU implementing partner) was requested to assess its ability to continue the implementation and inform the respective EU Delegation interlocutor in charge.

The current document should be seen as such, it aims to inform the EU Delegation about **partial repurposing** of our project activities, in line with consultations with our tripartite constituents, interlocutors, needs identified, requests received, as well as based on the input received within the ILO structures, UN system and beyond. Utmost efforts were made to seek, solicit and incorporate input from agencies and organisation in Ukraine and in neighbouring countries bearing the brunt of the most significant population displacement (both in sheer numbers as well as in its dynamics) in Europe post WWII, in order to ensure coordination and avoid duplication.

Indicative list of new activities

The activities envisaged to be included within the project framework consist of the following areas for our involvement, based on consultations/needs identified:

1) Prevention of Trafficking in Human Beings and Forced Labour, (THB-FL), affecting the Ukrainian displaced population by the conflict, both within and outside of the country (in case of the latter it is primarily in Moldova but also in the coming weeks and months efforts will be made in other destination and transit countries) through:

i) Information campaign by provision of accurate, reliable and practical information to the population on the move through the network of Labour Inspectors (SLS, 15 out of 23 regions can be mobilised), Trade Union volunteers and existing info web portals on destination countries, in transport hubs and transport itself within the country and outside. Additional trainings on indicators of Trafficking in Human beings and Forced labour will be provided to Labour Inspectors, positioning them in the respective National Referral Mechanisms (NRMs), and possibly in the multi-disciplinary mobile teams envisaged to include Law Enforcement bodies. Maximum efforts will be made to use existing materials and additional tailor-made materials will be developed in the coming weeks to address specific considerations in line with the ILO’s mandate/legal base and know-how such as addressing Trafficking for labour exploitation and Forced Labour for both adults and children.

ii) An effort against THB-FL will be supported by the ILO through capacity building, awareness raising for Employers organisations, business associations and chambers of commerce within Ukraine, Moldova and to the extent feasible in the other destination countries in the region. Through sharing of good practices, guiding principles and codes of conduct an increasing awareness and commitment to prevent these worse forms of labour exploitation will be developed by the Employers organisation and business. Considering that globally as well as within Europe over 92% of victims of THB-FL are in the private sector, the importance of the role of employers and businesses cannot be overlooked.

2. Psycho-social first aid, information provision and referral, is envisaged to take place in the five western regions of Ukraine. The focus would be on enterprises that have been already relocated and/or in the process of being relocated to safety from the war-affected areas to the safer regions and those that are still operating. The relocations are organised and supervised by the Ministry of Economy and the identified regions for the intervention are coordinated with them. The next steps will commence being rolled out per region, first an induction training (each training with 20 participants max) and consequently pilot interventions/visits will be rolled out. The project will develop the training materials and agenda and through the expertise available at the OSH Institute and through their network of experts. The interventions, as per the SLS suggestions will be implemented in close cooperation with the respective HR departments of these enterprises as the focal point for the psycho-social intervention, that will include information provision, referrals to existing support networks, active listening skills. To that end and building on the communication trainings we have had with SLS, they emphasised the need for soft skills/listening skills trainings for inspectors. Some visits could combine taking a psychologist from OSH Institute network but mainly this component aims to be focusing on psycho-social first aid, referrals, information provision, listening.

3. We are currently conceptualising **development of a paper on Occupational Safety and Health (OSH) in time of armed conflict**, focusing on safety during and in the aftermath of conflict, and in the following reconstruction phase. This will touch upon the issues related to mines including in agriculture, forestry, and of course in urban settings, OSH in the context of post-war reconstruction/clearance of damaged buildings etc. The project envisages to have Ukrainian experts in the field of OSH to lead the project with first-hand experience and network on the ground in the country – this will be complemented by international expertise.

In addition to these, within the framework of the current project and its activities already approved and in line with the workplan, focus is on institutional resilience of Labour Inspection that will be strengthened through our project working on the Training curriculum development of the SLS, the recently updated and revised modules developed by the ILO are under discussion (with SLS management), translation and adaptation of these. While currently the 17 modules developed are on the offer, sectorial ILO publications of relevance (agriculture, construction etc) are also being discussed. The newly adopted by the GB Labour Inspection guidelines are in the pipeline to be translated into Ukrainian. Last but not the least, we are continuing the translation/adaptation of the new ILO OSH toolkit that includes guidance on legislation and checklist for the tripartite constituents in all elements of Occupational Health and Safety at work. These activities are carried out uninterrupted, by remote. All the new activities proposed contribute to the institutional resilience of SLS, their capacity and operational capability to address needs in emergencies.

Indicative amount of project funds intended to be spent on repurposed project activities: 152.000EUR. There are sufficient operational funds at this stage to accommodate this in the current budget with 9 months remaining till the envisaged end of the project. Further, the situation in Ukraine is volatile and subject to change, the ILO will periodically reassess the operational modalities on the ground and further repurposing might become desirable and preferable - should these occur, we will closely coordinate this with respective EUD interlocutors.

Activities suspended in the interim:

The Parliament of Ukraine has adopted Law 7160 on the 15th March 2022 on Regulation of Labour Relations during wartime effectively froze all legislative developments in the field of labour relations, OSH, Labour Inspection, the project has been heavily involved

in. Some other activities are by their nature would require more conducive circumstances. The following activities are suspended in light of the current situation in Ukraine from the original project document/workplan:

Output 1.1 Draft laws/regulations transposing EU OSH directives submitted

Activity 1.1.1+1.1.2: Support the establishment of a technical drafting committee responsible of developing the draft legal act to transpose EU Directive 1999/92/EC (explosive atmospheres) and drafting process

Output 1.4: Draft laws/regulations aimed at implementing the Action Plan to fight undeclared work submitted

Activity 1.4.3+1.4.4: Participate in technical assistance and consultation meetings promoted by stakeholders during the process of drafting laws/regulations introducing more flexible work regimes and transposing the EU Directives 2003/88/EC (WT). For both activities:

- conducting the training for the drafting committee on the directive
- provision of technical comments and recommendations to the draft legal act
- presentation of the technical comments and recommendations at the tripartite event
- revision and comments to the revised legal act after the recommendations are incorporated and the consultations with the social partners are conducted

Output 1.5: Advocacy roundtables on undeclared work held with legislative actors

Activity 1.5.1: Conduct round tables in the competent legislative body and/or to participate in events promoted by stakeholders, to advocate for the adoption of the legal acts aimed at incorporating the provisions of the ILO Recommendation 198 into national legislation (draft law 5054) and the transposition of EU Directive 91/533/EEC (OBL INF), EU/2019/1152 (TRANSP PRED WORK COND), Council Directive 1999/70 (FIXED TERM CONTRACTS)- draft laws 5388, 5161.

Output 1.2: Advocacy roundtables held with legislative actors on EU OSH Directives

- Tripartite workshop on OSH/LI Law against the background of overall labour reforms: case of Georgia
- Business case for OSH/LI – workshop with Employers and Business community and other stakeholders

Output 2.3. Labour Inspection campaign on UDW rolled out, preceded by a communication campaign

- Presentation of UDW campaign results for the stakeholders and mass media (campaign fully completed the next phase was supposed to be implemented by SLS autonomously)