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Evaluation title	Cluster evaluation of eight RBSA-funded interventions with ILS focus in the Asia and Pacific Region
ILO DC Symbol	AFG/18/01/RBS, FIJ/20/01/RBS, LAO/20/01/RBS, MMR/20/01/RBS, PHL/20/02/RBS, VNM/20/01/RBS, IDN/20/01/RBS, TLS/20/02/RBS
Type of evaluation	RBSA funded activity cluster evaluation
Evaluation timing	Final
Evaluation nature	Independent
Countries	Afghanistan, Fiji, Indonesia, Lao PDR, Myanmar, Philippines, Timor-Leste, Viet Nam
P&B Outcome	Outcome 2
SDGs	8
Day when evaluation was approved by EVAL	25 April 2023
ILO Administrative Office	ROAP
ILO Technical Office	NORMES
Joint evaluation agencies	N/A
Project duration	Accumulated, December 2019 - March 2023
Donor and budget	RBSA
Name of consultant	David Tajgman
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Evaluation Office oversight	Craig Russon
Evaluation budget	
Key words	RBSA, international labour standards

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

# From tolerance to embrace:

Cluster evaluation of eight RBSA-funded projects  
with ILS focus in the Asia and Pacific Region

By

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## List of abbreviations and acronyms

AFG	Afghanistan
AHRC	Alteneo Human Rights Centre
BWC	Bureau for Working Conditions
C	Convention
CAS	Committee on the Application of Standards
CBD	Confidence building dialogue
CDM	Civil disobedience movement
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CFA	Committee on Freedom of Association
CO	Country Office
COVID-19	Coronavirus disease 2019
CPO	Country program outcome
DC	Development cooperation
DCM	Direct contacts mission
DOLE	Department of Labour and Employment
DW	Decent Work
DWA	Decent Work Agenda
DWT	Decent Work Team
EU	European Union
FGD	Focus group discussion
FJI	Fiji
FMCS	Federal mediation and conciliation service
FoA	Freedom of association
FPRW	Fundamental principles and rights at work
GA	Gap analysis
GB	Governing Body
HLM	High level mission
HLWG	High level working group
HQ	headquarters
ICFTU	International Confederation of Free Trade Unions
IA	Implementation agreement
IDN	Indonesia
ILS	International labour standards
IR	Industrial relations
ITCILO	International Training Centre of the ILO
JP	Joint Programme
LAO	Lao PDR
LFTU	Lao Federation of Trade Unions
MEPIR	Ministry of Employment, Productivity, and Industrial Relations
MLC	Maritime Labour Convention
MMR	Myanmar
MoAF	Ministry of Agriculture and Forestry
MoICT	Ministry of Information, Culture and Tourism
MoLISA	Ministry of Labour, Invalids and Social Affairs
MoLSA	Ministry of Labour and Social Affairs
MoLSAMD	Ministry of Labour, Social Affairs, Martyrs and Disabled
MoLSW	Ministry of Labour and Social Welfare
NCE	No cost extension
NCM	national complaint mechanism



NOHSAB	National Occupational Safety and Health Advisory Board
NPA	National plan of action
NPA	National action plan
NUAWE	National Union of Afghanistan Workers and Employees
OCT	Outcome Coordinator Team (Lead)
OHCHR	Office of the High Commissioner for Human Rights
OIC	Officer in charge
OSH	Occupational safety and health
P&B	Programme and budget
PARDEV	Partnering for Development
PC	Project coordinator
PHL	Philippines
PIC	Pacific island country
PM	Project manager
R	Recommendation
RBSA	Regular Budget Special Account
RD	Regional Director
ROAP	Regional Office for Asia and the Pacific
SRM	Standards review mechanism
TA	Technical assistance
TLW	Timor-Leste
ToC	Theory of change
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNOCT	UN Office of Counter Terrorism
UNODC	UN Office on Drugs and Crime
US-DOL	United States Department of Labour
USD	United States Dollars
VNM	Viet Nam
WFCL	Worst forms of child labour

## Acknowledgements

The evaluator would like to thank all those who generously contributed to the evaluation, in particular the stakeholders from the four countries the evaluator visited, those who provided documentary information and completed questionnaires and surveys, and those who engaged in video interviews. Sincere gratitude is extended to the current and former staff in various ILO Offices, departments and the ITC/ILO for their support providing all types of data and information, and particularly those who made themselves available for the interviews.

The evaluator is particularly thankful for the support provided by Maria Borsos, Programme Officer who served as the evaluation manager and Pamornrat Pringsulaka, Monitoring and Evaluation Officer at the ILO Regional Office for Asia and the Pacific in Bangkok, throughout the evaluation process.

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## Executive summary

### Background and context

The ILO's Regional Office for Asia and the Pacific (ROAP) commissioned this evaluation of eight projects<sup>1</sup> funded by the ILO's Regular Budget Supplementary Account (RBSA) during the 2020-21 budgetary biennium.

The RBSA funding modality was first proposed and adopted with the ILO's Programme and Budget (P&B) for the Biennium 2008-2009. The original rationale was set out there; it has since evolved, leaving certain principles intact. The RBSA is compiled from voluntary contributions made by like-minded donors to support the Decent Work Agenda (DWA). The funds are unearmarked for the Office to use, provided their use is guided by the Strategic Objectives of the Organization and are subject to the Office's system of results-based management of activities. In practice, funds are allocated regionally, with proposals for their use generated at the level of ILO Country Offices. It is said that in practice funds tend to be allocated for the achievement of Decent Work objectives and outcomes that are difficult to fund from other sources. In principle, RBSA funding should be used to seed activities that may attract bilateral donor funding; to complement other resources already available for the same or related objectives; and to be made available in ways that minimize transaction costs and maximize flexibility. The funds can be used to bolster work on institutional priorities.

Uses for RBSA funding are solicited by PROGRAM in Geneva, normally in a first and second round during a budgetary biennium. The allocation process starts with PROGRAM and PARDEV sending a Minute jointly to Regional Directors, DWT/CO Directors, and OCT Leads. The Minute gives guidance on programming resources under the round. It states the strategic focus for use of the funds in terms of an overarching aim or objective, followed by areas of strategic focus within which progress should be advanced. RBSA funding aims to be used strategically to deliver results at the country level in line with the P&B. Proposals for RBSA funding in the first round of Biennium 2020-2021 needed follow guidance to support work in one of the following areas of strategic focus:

- a. Immediate and long-term responses to the impact of the COVID-19 pandemic on the world of work, in particular through human-centered, innovative and coordinated solutions with potential to catalyze stronger partnerships and leverage additional resources.
- b. Promoting social dialogue and supporting the social partners for their contribution to and participation in decent work-related COVID-19 responses and the achievement of the SDGs at country level.
- c. Promoting compliance with international labour standards as a tried-and-trusted foundation to inform policy responses for better recovery with a focus on the follow-up to:
  - ILO supervisory bodies' comments; or
  - Governing Body decisions resulting from the work of the Standard Review Mechanism Technical Working Group.

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<sup>1</sup> As mentioned elsewhere in this report, there is an issue as to whether the groups of activities funded by RBSA are "projects" or better called "RBSA-funded interventions". See footnote 41 at page 22. Both terms are used in this report, largely because the term "project" is widely used in practice; this was the case in the Term of Reference for this evaluation. Systematically using the term "RBSA-funded intervention" may be true to the administrative/M&E mechanism of funding CPO's but overly complicates matter. The issue is raised perhaps for some consolidated administrative consideration on how to term these blocks of funds given to pursue particular results.

The eight projects – shown in the table below – were approved under that guidance and their ILS focus would be the subject of evaluation.

#### DC Code, CPO and Project Titles

<p><b>AFG/18/01/RBS</b>  <b>CPO: Strengthened capacity of member states to ratify and apply international labour standards and to fulfil their reporting obligations</b></p>
<p><b>FJI/20/01/RBS</b>  <b>CPO: Strengthened capacity of member states to ratify and apply international labour standards and to fulfil their reporting obligations</b>  <i>(Proposal title: Promoting compliance with international labour standards as foundation to inform policy responses for better COVID-19 recovery in the Pacific)</i></p>
<p><b>IDN/20/01/RBS</b>  <b>CPO: Effective industrial relations to improve working conditions and productivity.</b>  <i>(Proposal title: Strengthening social dialogue to promote decent work and business sustainability amid the Covid-19 pandemic)</i></p>
<p><b>LAO/20/01/RBS</b>  <b>CPO: Increased quality of labour standards and protection through labour law implementation</b>  <i>(Proposal title: Strengthened implementation of National Plan of Action (NPA) to Eliminate Child Labour and Promote Decent Work for Youth in Lao PDR towards achieving SDG 8.7)</i></p>
<p><b>MMR/20/01/RBS</b>  <b>CPO: Protection against unacceptable forms of work is strengthened, in particular Forced Labour and Child Labour</b>  <i>(Proposal title: Implementing a national complaints mechanism to end force labour in Myanmar)</i></p>
<p><b>PHL/20/02/RBS</b>  <b>CPO: Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations.</b>  <i>(Proposal title: Increased national capacity for policy and legislative reforms, including COVID-19 responses, based on international labour standards and address recommendations of the Standards Review Mechanism)</i></p>
<p><b>TLS/20/02/RBS</b>  <b>CPO: Tripartite constituents effectively engage in social dialogue to apply labour regulations and international labour standards</b>  <i>(Proposal title: Social dialogue for constructive labour relations, application of international labour standards and decent work)</i></p>
<p><b>VNM/20/01/RBS</b>  <b>CPO: Employment policies and programmes provide better opportunities in decent employment and sustainable entrepreneurship for women and men, particularly ones in the vulnerable groups</b>  <i>(Proposal title: Equal opportunity in post COVID-19 recovery: Making structural transformation work for all)</i></p>

## Purpose, scope and clients of the evaluation

Organizational learning is the main purpose of this evaluation. The evaluation also serves to provide accountability to the donors and ILO constituents.

The evaluation's scope is eight RBSA funded projects purposefully sampled. Seven were funded from the ILO's RBSA from the 2020-2021 biennium and one (AFG) was funded from 2018-2019 RBSA. The funding ranged from USD150,000 to USD1,000,000. One project operated in each of the relevant countries: Afghanistan, Fiji, Indonesia, Lao PDR, Myanmar, Philippines, Timor-Leste, and Viet Nam. Each had results in the ILO's normative work as either a primary or secondary objective within the ILO's system of results-based management; five as primary, three as secondary.

There are several primary users of the evaluation findings. They include ILO constituents, RBSA funding partners, ILO Country Offices, ILO Regional Office for Asia and the Pacific (ROAP), ILO DWTs and HQ (technical departments, Evaluation Office, PARDEV and PROGRAM). Secondary user of the evaluation findings are other interest partners, academic, other ILO units and regions, and the public.

An overarching evaluation question was agreed at the inception phase of the evaluation. The question is: "How good are current approaches taken for using RBSA funding – as reflected in the selected interventions – for supporting the ILO's normative work?"

## Methodology of the evaluation

The main organizational learning purpose and specific objectives set out in the evaluation ToR set the scene for a complex evaluation drawing commonly on the individual experiences of the eight projects. A set of common key and subordinate evaluation questions were set out in the

inception report. The key questions are aligned with the OECD/DAC evaluation criteria required in the ToR.

- *Relevance*: To what extent did interventions respond to stakeholders' needs?
- *Coherence*: To what extent were interventions consistent with other activities and policies of stakeholders?
- *Effectiveness*: To what extent did interventions achieve their immediate intended objectives?
- *Efficiency*: To what extent have resources been used efficiently to achieve expected immediate objectives?
- *Impact*: To what extent did the interventions make a difference?
- *Sustainability*: To what extent are achieved immediate results and/or longer-term objectives likely to last?

Documents were reviewed for preparation of an inception report; preliminary questionnaires were prepared and sent to 30 key informants involved in the framing and/or implementation of the 8 projects. Twenty-one responses were received. A data collection mission was undertaken to Indonesia, Lao PDR, Philippines and Viet Nam. An additional open-ended question was sent to participants in a distance learning event supported by one of the projects.

Some limitations were encountered in data collection. These included the failure of responsible officials to respond to requests for information or interviews; reliance was placed on otherwise available documentary evidence, but this has so far prevented triangulation of data collected elsewhere. Some projects remain active and thus final substantive or financial reports have not yet been made; their activities are also still being undertaken. The need for interpretation and availability of information elsewhere undermined in some cases the pursuit of complementary information sources, i.e. interviews at a distance. Likewise, for the unavailability of potential informants or the undermining of their institutions or positions in the cases of Afghanistan and Myanmar.

The evaluation report is divided into two parts. The first main part delivers the evaluation background, analysis, findings, conclusions, lessons learned, and recommendations. The second part is the report the factual findings – or stories – of each of the 8 projects in the evaluation. The first part is based on the second.

## Main findings and conclusions

The main findings of the evaluation are organized by the OECD/DAC criteria.

**The projects were found to be highly relevant.** Country Offices tend to know what their constituents want. In some cases, the interventions were initiated on the basis of constituents' requests. A dichotomy was observed between what is relevant and what stakeholders feel is needed. Taking some action to help implement ILS is certainly relevant, provided it has been well formulated and targeted. But in some cases, although project interventions were relevant, stakeholders' needs as to the normative work were perhaps not so well perceived. As a result, what was delivered may not have been what stakeholders thought was needed. Or what was thought to be needed was not delivered.

**There was significant evidence of coherence,** particularly for the RBSA interventions that aimed at promoting ratification. Constituents agreed that it was valid for the ILO to nudge them on the possibility to ratify despite evidence of resistance to ratification. Upon considering the cases where RBSA interventions were aimed at helping implement ratified Conventions, the

evaluator found that coherence should be presumed. This is despite the fact the national law and/or policy or practice was contrary to a ratified Convention. The fact of ratification should be held to demonstrate national policy coherent with the international standard, and thus for evaluation purposes that interventions supporting implementation of the Convention should be seen as coherent with that implied national policy.

**In terms of effectiveness**, the ILO's implementation report offers a measure of the effectiveness of RBSA DC supports by reporting on the achievement of results in terms of the P&B. Outcome 2 results were registered for Fiji, Indonesia, Myanmar, Philippines, and Viet Nam. Of these, RBSA funds were implicated in results for Fiji. In terms of results other than those for under Outcome 2, social dialogue results were registered for Indonesia and Timor-Leste, both with RBSA-funded project contributions; and an employment policy result was registered for Viet Nam, with ILO contribution coming from the RBSA-funded project. As seen in the individual project stories, most of the projects achieved most of their intended immediate outputs. The project in Myanmar successfully retooled its outputs. The Taliban take-over in Afghanistan was the reason given for so much of the planned outputs of the RBSA project in the country falling away. The COVID-19 crisis impacted on basic delivery of projects' activities. In some ways this impact was baked into project proposals, as they were prepared well into the pandemic. Nevertheless, the impact of Zoom fatigue and delays arising from lock-downs were perceived. Details are provided in the report of effectiveness in respect of the promotion of ratification and the support for implementation of ratified Conventions.

**In terms of efficiency**, it was found that periodic monitoring of the projects aided in evaluation. Most projects engaged project management staff, and they called on specialist support as needed. The RBSA projects attracted and complemented other resources. Project interventions and related resource allocations were generally well suited to their purposes and theory of change. There were examples of synergistic work with other projects and UNCT agencies.

**Clear impacts could be observed from the eight projects.** They made a difference. Two unintended consequences were reported, one dealing with Office support for reporting on ratified Conventions and the other on the use of implementation agreements.

**In respect of sustainability**, a few examples of change that was likely to be sustained were identified. The most sustainable change is that brought in by making a ratification. Unfortunately this could not be observed. Ratifications are likely to come from RBSA project work, but this is impossible to know for sure.

## Recommendations

The evaluation made the following recommendations, based on findings in respect of this group of projects:

Recommendation 1: Maintain the current RBSA funding modality for normative P&B outcomes but adjust practices to assure greater precision in executing core normative work tasks. This is particularly important in cases where they are mixed with DC interventions with non-ILS focused tasks and outputs.

Recommendation 2: Establish a modality for providing RBSA funds specifically for core normative work at the request of Country Offices, ideally at the request of constituents.

Recommendation 3: All other considerations being equal, give preference to RBSA project proposals where specialist human resources in country will be responsible for project delivery.

Recommendation 4: Promote and support the continued and expanded undertaking of core normative work by making RBSA funds available on an *ad hoc* basis for those work items in DC projects that are not directly ILS focused.

Recommendation 5: Amend guidance on the use of implementation agreements to include within such agreements a specific commitment appropriate to the content of the agreement for the implementing partner to make subsequent use of the capacity or product generated under the agreement.

Recommendation 6: Develop an IT solution to log (for internal use) core normative work interventions by country and Convention; promote use to avoid redundancy, strengthen continuity, and improve use of products.

Recommendation 7: ILS reporting – whether government reports or social partner observations, under art. 19 or art. 22 – should strive to take account of RBSA interventions, and RBSA interventions should strive to make their work known to supervisory bodies.

Recommendation 8: Concretize a clear understanding of core normative work and use it to prioritize related normative work interventions, particularly where RBSA funds are being used.

## Important lessons learned and emerging good practices

The evaluation identified the following lessons learned and emerging good practices:

Lesson learned 1: Ratification are not assured by ILO DC or TA support. They can arise unexpectedly, completely without ILO support. And they are not likely to arise without reminder of the possibility. It is good practice for the Office to nudge and remind its constituents of ratification possibilities.

Lesson learned 2: Specialist personnel with substantive project delivery responsibilities present in the country benefiting from the approved RBSA funding may improve delivery.

Lesson learned 3: Experiences noted here show that DW-focused – not ILS specialised – DC can do core normative work and contribute results. This is an important and good practice. It should be promoted and supported. Such work is sometimes done with little or no support from ILS Specialists. ILS Specialists also backstop and provide quality assurance support to such projects' activities. This should also be supported and best prioritised within their workplans over their support to non-core normative work.

Lesson learned 4: Any hesitancy among donors noted by key informants to fund “ILS work” is in fact probably a hesitancy to fund core normative work. RBSA funds should thus be made available particularly to do core normative work. The low costs of doing such work, particularly integrative normative work (ratification promotion), and the unexpectedness with which the need for such work often arises, suggests that funding for full-blown RBSA projects may not be warranted. A more flexible modality should be available to country offices to have the needed financial resources to do this type of work on short notice.

Lesson learned 5: In the projects where P&B outcomes have been mixed, the ILS outcomes targeting core normative work did not get proper attention.

Lesson learned 6: The ILS focus of projects in fragile states may not be delivered upon either entirely or partially. Such projects are significant to the extent they keep the Decent Work and

workers' rights message alive in hostile environments. This is an important and worthy thing that can pay dividends if and when the winds of change blow in favour of these messages. Its absence is something to be avoided.

Lesson learned 7: RBSA "projects" often do not have a project brand. They often have the character of a resource flow enabling activities or interventions. Forcing a brand or a project logic may not be warranted and may be an inefficient use of resources. Standard CPO monitoring coupled with activity progress reporting may be sufficient for purposes otherwise served by a brand identity where such an identity would not be consistent with the logic of activities within the RBSA-funded intervention.



Main Part

# 1. Introduction

I-1. **This report is arranged in two parts.** The first is the main part. It delivers the evaluation background, analysis, findings, conclusions, lessons learned, and recommendations. The second is the story part. It shares the factual findings – or stories – of each of the 8 projects under evaluation. The first part is based on the second.

I-2. **The evaluator has aimed to make this report as brief and to the point as possible.** The most salient facts of the projects are presented in the stories with this aim in mind; many details potentially included have not been.<sup>2</sup>

## 1.1. Evaluation background

I-3. **The ILO's Regional Office for Asia and the Pacific (ROAP) commissioned this evaluation of eight projects funded by the ILO's Regular Budget Supplementary Account (RBSA) during the 2020-21 budgetary biennium.** As a cluster evaluation, it is undertaken as “an envelope of evaluations of projects combined into a single evaluation based on results or strategic, thematic or geographical area or scope”.<sup>3</sup> The thematic focus in this case is the ILO's normative work, i.e. international labour standards, as a subject for RBSA funded interventions in Asia and the Pacific.

I-4. **Organizational learning is the main purpose of this evaluation.** According to the evaluation terms of reference, “[t]he evaluation findings and insights will serve organisational learning purposes e.g. to develop cross-learning, including success stories to innovate and feed into regional learning on ILS interventions and strategies and facilitate further reflection on what needs to be done to promote ILS more effectively through DC.” The evaluation also serves to provide accountability to the donors and ILO constituents.

I-5. **There are several primary users of the evaluation findings.** They include ILO constituents, RBSA funding partners, ILO Country Offices, ILO Regional Office for Asia and the Pacific (ROAP), ILO DWTs and HQ (technical departments, Evaluation Office, PARDEV and PROGRAM). Secondary user of the evaluation findings are other interest partners, academic, other ILO units and regions, and the public.

I-6. **The evaluation's scope is eight RBSA funded projects purposefully sampled.** Their codes, titles, links to CPOs are set out in Table 5 below at page 5. Seven were funded from the ILO's RBSA from the 2020-2021 biennium and one (AFG) was funded from 2018-2019 RBSA. The funding ranged from USD150,000 to USD1,000,000. One project operated in each of the relevant countries: Afghanistan, Fiji, Indonesia, Lao PDR, Myanmar, Philippines, Timor-Leste, and Viet Nam. Each had results in the ILO's normative work as either a primary or secondary objective within the ILO's system of results-based management; five as primary, three as secondary. Two started their work in fragile states where the Governments have since been overtaken by *de facto* authorities. The stories of the projects and factual findings for the evaluation are detailed in the second part.

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<sup>2</sup> The term “cluster” is used in this report to denote the selected group of 8 projects for evaluation. The term “project” is carried forward in the evaluation from ILO jargon to denote a package of funding approved change-promoting interventions under the RBTC funding process described in para. I-10. The term “intervention” is used in a sense distinguished from project. A project packages activities that are bound together in a strongly integrated logic. An intervention may be an activity or a group of activities that have only a weakly integrated logic. This matter is described in para. I-62 at page 23.

<sup>3</sup> ILO EVAL Guidance Note 3.3: Strategic cluster evaluations to gather evaluative information more effectively, p.2.

I-7. **The evaluator was engaged in late May, 2022 with terms of reference prepared by the ROAP.** An inception report was made, delivered, commented upon and finalized 8 July 2022. Twenty-nine (29) preliminary written questionnaires were sent to key project framing and implementing officers 10 July 2022.<sup>4</sup> Missions were undertaken to four of the project countries: Indonesia, Lao PDR, Philippines, and Viet Nam. Virtual interviews were conducted in the months before and after the mission. This draft report is submitted 28 November 2022.

I-8. **An overarching evaluation question was agreed at the inception phase of the evaluation.** The question is: “How good are current approaches taken for using RBSA funding – as reflected in the selected interventions – for supporting the ILO’s normative work?” The OECD/DAC evaluation criteria are used to answer this question, applying sets of evaluation questions laid out in Annex 3, below at page 122.

I-9. **The evaluator was selected on the basis of his experience.** This includes three and a half decades working with international labour standards both within the ILO and outside, at headquarters and in the field, in Asia as well as Africa and Europe; his support in the preparation of several Decent Work Country Programmes; and his experience as an evaluator. The client was of the opinion that this combination of hands-on and institutional experience would be useful in finding and analysing facts relevant to answering the evaluation question. The evaluator incidentally had been contracted to prepare a document used by one of the evaluation group projects some six months prior to the start of the evaluation. Under the totality of the circumstances, this was deemed by the client not to jeopardize his independence. During the evaluation, it was also learned that the evaluator had acted as facilitator for a distance learning course whose participants were financed by one of the RBSA projects.

## 1.2. Evaluation context

I-10. **The RBSA funding modality was first proposed and adopted with the ILO’s Programme and Budget for the Biennium 2008-2009.**<sup>5</sup> The original rationale was set out there;<sup>6</sup> it has since evolved, leaving certain principles intact. The RBSA is compiled from voluntary contributions made by like-minded donors to support the Decent Work Agenda. The funds are unearmarked for the Office to use, provided their use is guided by the Strategic Objectives of the Organization and are subject to the Office’s system of results-based management of activities. In practice, funds are allocated regionally, with proposals for their use generated at the level of ILO Country Offices. It is said that in practice funds tend to be allocated for the achievement of Decent Work objectives and outcomes that are difficult to fund from other sources. In principle, RBSA funding should be used to seed activities that may attract bilateral donor funding, to complement other resources already available for the same or related objectives, and to be made available in ways that minimize transaction costs and maximize flexibility. As EVAL has said, “RBSA-funded projects are often innovative and riskier and used for seed funding.”<sup>7</sup> The allocation of RBSA funds from 2020 to 2021 by ILO P&B outcome is shown in Table 1 below. Outcome 2: Ratification and application of international labour standards attracted USD3.27 million.

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<sup>4</sup> An additional one was sent later on.

<sup>5</sup> at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_mas/---program/documents/genericdocument/wcms\\_565227.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_565227.pdf)

<sup>6</sup> Paras. 38-44.

<sup>7</sup> Guidance Note 3.3, p. 4.

Table 1: Allocation of RBSA funds by outcome, 2020-2021



Source: ILO Development Cooperation Dashboard

I-11. **Uses for RBSA funding are solicited by PROGRAM in Geneva, normally in a first and second round during a budgetary biennium.** The allocation process starts with PROGRAM and PARDEV sending a Minute jointly to Regional Directors, DWT/CO Directors, and OCT Leads. The Minute gives guidance on programming resources under the round. It states the strategic focus for use of the funds in terms of an overarching aim or objective, followed by areas of strategic focus within which progress should be advanced. Indicative funding envelopes are stated and allocated regionally. See Table 2 below.

Table 2: Indicative budget envelopes, 2020-2021 Biennium

Round 1		Round 2	
Africa	\$ 4,500,000	Africa	\$ 3,000,000
Americas	\$ 4,500,000	Americas	\$ 3,000,000
Arab States	\$ 2,500,000	Arab States	\$ 2,000,000
Asia-Pacific	\$ 4,500,000	Asia-Pacific	\$ 3,000,000
Europe	\$ 2,500,000	Europe	\$ 2,000,000

I-12. **Table 3 below shows the substantive guidance given for Rounds 1 and 2 of the 2020-2021 Guidance minutes.** These texts are significant insofar as they are controlling statements orienting decisions for resource allocation, for the specification of project results and ultimately their achievement.

Table 3: RBSA Guidance Rounds 1 & 2, 2020-2021

	Round 1 <sup>8</sup>	Round 2 <sup>9</sup>
<b>Aim</b>		"Allocation aims to intensify support to tripartite constituents' efforts for a human-centred recovery from the COVID-19 crisis, guided by the Centenary Declaration for the Future of Work and consolidating the ILO's leading role in delivering the UN 2030 Agenda for Sustainable Development."
<b>Proposals</b>	"Proposals for RBSA funding will need to support work in one of the following areas of strategic focus: a. Immediate and long-term responses to the impact of the COVID-19 pandemic on the world of work, in particular through human-centered, innovative and coordinated solutions with potential to catalyze stronger partnerships and leverage additional resources. b. Promoting social dialogue and supporting the social partners for their contribution to and participation in decent work-related COVID-19	Proposals for RBSA funding "shall advance progress in one of the following areas of strategic focus: a. Promoting gender equality and non-discrimination; b. Addressing informality, with particular attention to groups that face greater challenges on the path to decent work; c. Addressing climate change and promoting a just transition to a greener world of work."

<sup>8</sup> Minute dated 20 April 2020.

<sup>9</sup> Minute dated 7 May 2021.

	Round 1 <sup>8</sup>	Round 2 <sup>9</sup>
	<p>responses and the achievement of the SDGs at country level.</p> <p>c. Promoting compliance with international labour standards as a tried-and-trusted foundation to inform policy responses for better recovery with a focus on the follow-up to:</p> <ul style="list-style-type: none"> <li>▪ ILO supervisory bodies' comments; or</li> <li>▪ Governing Body decisions resulting from the work of the Standard Review Mechanism Technical Working Group."</li> </ul>	

I-13. **RBSA proposals follow a prescribed format that enable the making of comparisons.** Among other things, it requires specification of up to four primary (or principal), and potentially secondary, Policy Outcome as set down in the current P&B, as well as relevant subordinate Outputs to which the RBSA proposal would contribute. As further detailed below, all eight approved proposals included in the group under evaluation have specified Outcome 2, as either the primary or secondary position.

I-14. **For ease of reference, summary tables are provided.** The relevant results framework (Outcome 2) from the 2020-2021 P&B is seen below in Table 4. The demotic terms "ratification", "application", and "ILS policy" are used as shorthand for the three Outcome 2 outputs. The individual eight projects' output and indicator links are shown in Table 5 below. A very few words of characterization are added for context by the evaluator.

Table 4: 2020-21 P&B Output 2 framework and results

2. International labour standards and authoritative and effective supervision		
Demotic	Outputs	Indicators
Ratification	Output 2.1. Increased capacity of the member States to ratify international labour standards	2.1.1. Number of ratifications of fundamental and governance Conventions or Protocols.
		2.1.2. Number of ratifications of up-to-date technical Conventions, including those recommended by the Governing Body in the context of the Standards Review Mechanism.
Application	Output 2.2. Increased capacity of the member States to apply international labour standards	2.2.1. Number of cases of progress in the application of ratified Conventions noted with satisfaction by the supervisory bodies.
		2.2.2. Percentage of new UN Cooperation Frameworks that include measures to address issues raised by the ILO supervisory bodies.
ILS policy	Output 2.3. Increased capacity of the ILO constituents to engage in a forward-looking international labour standards policy	2.3.1. Percentage of reports on the application of ratified Conventions due by 1 September received in a timely manner that include replies to comments of the supervisory bodies
		2.3.2 Number of member States with tripartite mechanisms enabling constituents to effectively engage in the implementation of international labour standards at the national level, including reporting to the supervisory bodies

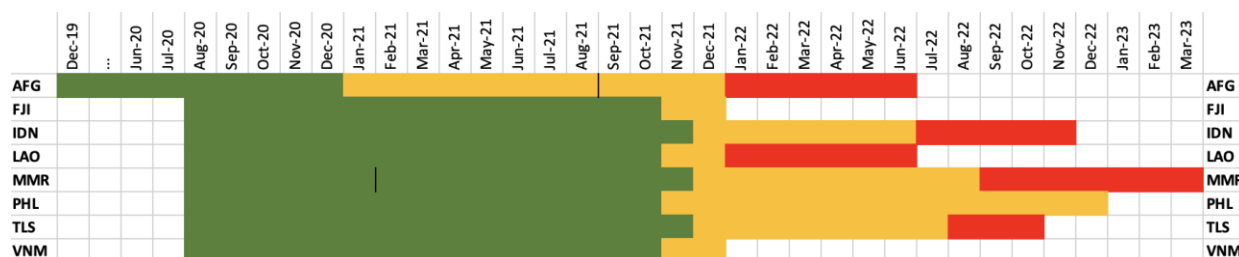
Table 5: Projects' Outcome 2 output and indicators



DC Code, CPO and Project Titles			
AFG/18/01/RBS CPO: Strengthened capacity of member states to ratify and apply international labour standards and to fulfil their reporting obligations	Primary 2.1.1 (C29) 2.1.2		Primary 2.3.2 (deliver reports)
FJI/20/01/RBS CPO: Strengthened capacity of member states to ratify and apply international labour standards and to fulfil their reporting obligations <i>(Proposal title: Promoting compliance with international labour standards as foundation to inform policy responses for better COVID-19 recovery in the Pacific)</i>	Primary 2.1.2 (C160, C161, C187)	Primary 2.2.1 (Several issues identified)	Primary 2.3.1 2.3.2
IDN/20/01/RBS CPO: Effective industrial relations to improve working conditions and productivity. <i>(Proposal title: Strengthening social dialogue to promote decent work and business sustainability amid the Covid-19 pandemic)</i>	Secondary 2.1.2 (C155)		
LAO/20/01/RBS CPO: Increased quality of labour standards and protection through labour law implementation <i>(Proposal title: Strengthened implementation of National Plan of Action (NPA) to Eliminate Child Labour and Promote Decent Work for Youth in Lao PDR towards achieving SDG 8.7)</i>		Primary 2.2.1 (C182 CEACR/CAS supervision)	
MMR/20/01/RBS CPO: Protection against unacceptable forms of work is strengthened, in particular Forced Labour and Child Labour <i>(Proposal title: Implementing a national complaints mechanism to end force labour in Myanmar)</i>		Primary 2.2.1 (Longstanding C29 supervision)	
PHL/20/02/RBS CPO: Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations. <i>(Proposal title: Increased national capacity for policy and legislative reforms, including COVID-19 responses, based on international labour standards and address recommendations of the Standards Review Mechanism)</i>	Primary 2.1.2 (C/P155, C160)		Primary 2.3.2 (C87, C98)
TLS/20/02/RBS CPO: Tripartite constituents effectively engage in social dialogue to apply labour regulations and international labour standards <i>(Proposal title: Social dialogue for constructive labour relations, application of international labour standards and decent work)</i>	Secondary (Progress toward C144)		
VNM/20/01/RBS CPO: Employment policies and programmes provide better opportunities in decent employment and sustainable entrepreneurship for women and men, particularly ones in the vulnerable groups <i>(Proposal title: Equal opportunity in post COVID-19 recovery: Making structural transformation work for all)</i>	C160 noted, but not specified	Secondary Indicator not specified C88, C122	

I-15. **The duration of the eight projects ranged from sixteen (16) to thirty-two (32) months.** The durations are seen in Figure 1 below. The first colour (green) shows the period originally funded. The second (yellow) shows a first no-cost extension (NCE) and a third (red) any second NCE. The "I" in the cases of Afghanistan and Myanmar represent the takeover of Government by *de facto* authorities. One stream of funding, for activities in Afghanistan, began in December 2019. All projects requested at least one NCE; four requested a second.

Figure 1: Start and end of RBSA projects/interventions



### 1.3. Methodology

I-16. **Specific objectives of the evaluation were set out in its terms of reference.** They are:

- Assess the significance of the RBSA funding modality to pursue the ratification and improved application of labour standards by evaluating against specified criteria.
- Assess the effectiveness of approaches that have a specific ILS thematic focus vs. those that have an ILS element in the intervention with a dedicated budget.
- Measure progress of the RBSA funded interventions against the PB (ILS) Outcome 2 and relevant DWCP outcomes. This includes examining the common factors that have contributed to the achievement of the results, their potential impact and likelihood of their sustainability.
- Assess the extent to which the RBSA helped the ILO Country Offices use ILO ILS technical expertise and comparative advantage to position ILO in the country and/or as instruments/frameworks that pave ways for other interventions that respond to national priorities.
- Assess how RBSA funds contributed to delivery<sup>10</sup> of results, that were agreed during the design stage of these interventions.
- Assess how RBSA funds contributed to leveraging additional resources.
- Identify success stories as well as, good practices and lessons learned, including innovation to feed into regional learning and future programming on ILS intervention and strategies.
- Assess the strength and weaknesses of the RBSA proposal design, monitoring and reporting.
- Assess the risk management and the impact of COVID and other significant factors including crisis and fragility on the RBSA funded interventions.
- Identify key lessons learned and good practices with a special view of ILS focused projects in crisis (AFG, MMR).

I-17. **The ToR calls for gender dimensions to be considered as a cross-cutting concern throughout the evaluation.** The evaluation thus aimed to involve both men and women in its execution. Moreover, the evaluator reviewed data and information in a manner that was disaggregated by sex and assessed the relevance and effectiveness of gender-related strategies and outcomes used and sought by the interventions.

I-18. **The main organizational learning purpose and these specific objectives set the scene for a complex evaluation drawing commonly on the individual experiences of the eight projects.** A set of common key and subordinate evaluation questions were set out in the inception report. The key questions are aligned with the OECD/DAC evaluation criteria required in the ToR. They are:

- *Relevance:* To what extent did interventions respond to stakeholders' needs?
- *Coherence:* To what extent were interventions consistent with other activities and policies of stakeholders?
- *Effectiveness:* To what extent did interventions achieve their immediate intended objectives?

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<sup>10</sup> Unless the context suggests otherwise, the word "delivery" carries its general meaning in this report, rather than its meaning in development project jargon, i.e. rate of expenditure of budgeted funds. Thus, for example, "project delivery" here means the comprehensive process of carrying out and completing projects.



- *Efficiency*: To what extent have resources been used efficiently to achieve expected immediate objectives?
- *Impact*: To what extent did the interventions make a difference?
- *Sustainability*: To what extent are achieved immediate results and/or longer-term objectives likely to last?

Subordinate questions, measure/indicator, collection method, and main data sources are found in Annex 3: Question framework on page 122. The subordinate questions provided the basis for evaluation data collection.

I-19. **Documents were reviewed for the inception report, prior to the sending of a first round of questionnaires.** After a second round, a total of thirty (30) questionnaires were sent to ILO staff who had been instrumental in either framing or implementing a project. Twenty-one (21) surveys were returned: Concerning Afghanistan: 0 out of 1; Fiji: 1 out of 3; Indonesia: 3 out of 7; Lao PDR: 2 out of 4; Myanmar: 2 out of 3; Philippines: 3 out of 3; Timor-Leste: 5 out of 6; and Viet Nam: 5 out of 6. The questions asked were essentially identical to those in the question framework (Annex 3); a few were very slightly adapted and those asking ultimate conclusions were excluded. There was e-mail and interview followed-up on questionnaire responses prior to the mission.

I-20. **A data collection mission was undertaken to Indonesia, Lao PDR, Philippines, and Viet Nam.** Country mission selection criteria included financial and human (country office support, interpretation, etc.) resources, travel logistics, security situation, and diversity of intervention outcomes and subject areas. Key informants were selected by the CO or local ILO staff in consultation with the evaluator. Selection criteria for these informants was grounded first in the theory of change for the project/interventions, second in who was in a position to know in respect of particular organizational or operational matters not directly implicated in a change process, and third by relevant gender considerations. A list of key informants is found in Annex 4 at page 127. Financial data was requested from each of the projects for analysis. An additional open-ended question was sent to participants in a distance learning event supported by one of the projects.

I-21. **Some limitations were encountered in data collection.** The failure of responsible officials to respond to requests for information or interviews forced reliance on otherwise available documentary evidence or prevented triangulation of data collected elsewhere. Some projects remain active and thus final substantive or financial reports have not yet been made; their activities are also still being undertaken. The need for interpretation and availability of information elsewhere undermined in some cases the pursuit of complementary information sources, i.e. interviews at a distance. Likewise, for the unavailability of potential informants or the undermining of their institutions or positions in the cases of Afghanistan and Myanmar.

I-22. **Theories of change have been constructed to strengthen evaluability.** This was done because analysis of documents for preparation of the inception report revealed that despite most project proposals being strong on setting out what would be done with a view to achieving immediate results, none had any explicit description of how the things that would be done would cause the hoped-for result. These *ex post facto* statements have been used as a basis for evaluation.

## 1.4. Typologies used

I-23. **Clarity is needed in respect of activities, initiatives, and work undertaken by the ILO in connection with its international labour standards.** As will be seen in this report, and



as has been proposed and discussed elsewhere,<sup>11</sup> virtually all of the ILO's DC and TA work involves the Organization's standards in one manner or another. Examples of this were found repeatedly in the course of data collection. As a result, some finer distinctions are needed in respect of the realms of "promoting" or "supporting" this or that related to international standards by doing one thing or another. Two typologies are used in the report.

I-24. **The ILO's normative work is that undertaken by the Office and Organization to (1) make, (2) support integration and (3) implementation of its standards.** This idea of normative work is derived from that expressed by the UN Evaluation Group some years ago in the light of UN efforts to be "more normative", and incorporated into the ILO's evaluation function.<sup>12</sup> It is used in the evaluation to make light of Office work with three different objectives. The terms for the three different objectives – making, integrating, and implementing – are also used in the evaluation.

#### Box 1: Examples of normative work

### The ILO's normative work

Three distinct types of work should be recognized as such because of the way they are observed in practice in DC, funded by RBSA, RBTC, bi-lateral or other means, and TA.

- ▶ **Making norms.** This includes activities leading to the making of formal international labour standards, that is, Conventions, Recommendations and Protocols. This is also work leading to the making of other types of normative documents such as technical guidelines, and similar.
- ▶ **Supporting the *integration* of its norms.** This includes work that helps members States bring the ILO's norms into the relevant national systems of norms, regardless of the formal position of the ILO's norms within the country, i.e. the *norms are not formally ratified or endorsed* nationally. This includes Office work to promote ratification. This also includes, for example, support to reforms to labour law so that they integrate standards; support to bring international technical statistical standards into the national system of statistical standards; support to labour administrations to adopt as their own ILO Codes or Practice or safety and health norms. Integration work is specific with reference to direct alignment of national standards with the identified international standards. It is distinct from generalized work to increase Decent Work, even if that work is in the technical area of an identified international standard.
- ▶ **Supporting the *implementation* of its norms.** This includes work to help insure *compliance with formal obligations* undertaken with regard to norms. For the ILO this means operating the formal systems in place for monitoring the application of standards as well as technical work done specifically to help bring a country into compliance. It includes also help with making reports obliged to supervisory bodies, as comments made by supervisory bodies are made to help the relevant member State bring itself into compliance – or *implement* – the relevant standard.

I-25. **Working to specifically establish the ratification of a Convention and specifically pursuing integration or implementation of specific normative provisions are core normative work activities of the Office.** These are contrasted to other activities that have

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<sup>11</sup> See, for example, Guidance Note 3.2: Adapting evaluation methods to the ILO's normative and tripartite mandate. The Office has been pursuing better recognition of the ever-existing relationship between ILS and technical cooperation since at least the early 1990's.

<sup>12</sup> UNEG Handbook for Conducting Evaluations of Normative Work in the UN System (November 2013) at <https://unsdg.un.org/sites/default/files/UNEG-Handbook-for-Conducting-Evaluations-of-Normative-Work-Final-ENGLISH.pdf> . For the ILO, see Guidance Note 3.2: Adapting evaluation methods to the ILO's normative and tripartite mandate at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_mas/---eval/documents/publication/wcms\\_721381.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_721381.pdf)

international standards more or less at their foundation, but which do not *proximately target* the securing of a ratification or filling of a legal or practical gap or correction of a provision in order to meet a current or expected (i.e. a ratification is impending) obligation under a standard. ILS Specialists are typically sought to do core normative work; they are also sought to do non-core but nevertheless normative work. As will be seen, core normative work is also sometimes done by non-ILS Specialists, with or without the support or guidance of ILS Specialists. The relevance of the idea of core normative work will be made clear further in the report.

## Box 2: Why core normative work?

### Why distinguish core normative work from other normative work?

The idea of ILS as a cross-cutting matter or driver with which all of the Office is involved in one way or another through its DC and TA is longstanding. It is born out in practice, as seen in the eight projects. Evidence bears out that result-yielding normative work is done by virtually all ILO units involved in DC and TA. And donors of course support such work.

Evidence also bears out “silo-ing” tendencies for some – but certainly not all – types of normative work. Key informants to this evaluation frequently invoked the idea that some type of DC or technical support work is related to ILS and thus should or would be done by an ILS Specialist. The same key informant during the same interview might ignore the fact that some work or intervention enthusiastically pursued in his or her DC in fact was tightly connected with ILS.

An excellent example is the area of OSH. *National OSH profiles* are a long-standing Office product. They are single documents that, in the case of Myanmar, for example, “[I]dentify... the real situation of the existing occupational safety and health (OSH) in the country” and “is very important in order to establish and organize the effective future activities, plans and programs for OSH in Myanmar. ...” noting that “OSH is an important priority for the Myanmar Sustainable Development Plan and Myanmar Decent Work Country Program, 2018-2021.” Some profiles are housed for Asia and the Pacific, along with other OSH-relevant data and resources, on the ILO website.<sup>13</sup>

An examination of profiles reveal that they *can* make detailed reference and use of relevant international standards.<sup>14</sup> Another may make no reference at all<sup>15</sup> and a third might refer to a ratified Convention noting its finding that some legislation and regulations that had been reviewed were being “upgraded” to follow the ratified Convention No. 155.

Profiles are, of course, made under terms of reference prepared in accordance with the mandate of resources being used to produce them, and in accord with constituent interest and request. They could be compared with a *gap analysis* (GA) produced specifically with terms of reference to assess compliance of the national OSH law and practice with an ILO Convention. The author of such a gap analysis would certainly first look to an ILO-produced OSH country profile to find useful and relevant information for her task.

The relationship between these ILO products – both examples of normative work – exposes the need to distinguish between normative work and core normative work. As noted above, resources tied to particular mandates are used to create these products. Where there is a specific mandate to see how a county would integrate the requirements of a Convention if ratified, or to see how to remedy problems in implementing a Convention already ratified – core normative work – the drawing on human and financial resources mandated for that purpose would be justified. Other implications are raised in this report.

<sup>13</sup> <https://www.ilo.org/safework/countries/asia/lang--en/index.htm>. Profiles have at least been done, some more recently than others, for Mongolia, Myanmar, Thailand, Brunei Darussalam, Cambodia, Pakistan, China, Viet Nam. A key informant has advised that the site is not updated properly and there probably is no systematic presentation of profiles.

<sup>14</sup> Ukraine. [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/meetingdocument/wcms\\_627038.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/meetingdocument/wcms_627038.pdf)

<sup>15</sup> Bangladesh.

## 2. Evaluation findings

### 2.1. Relevance

I-26. **To what extent did interventions respond to stakeholders' needs?** This question is important in light of the fact that RBSA project solicitation procedures are directed to Regional Directors, DWT/CO Directors, and OCT Leads. It speaks also to the potential effectiveness of interventions and sustainability of results. Findings addressing this question are discussed here.

I-27. **Country Offices tend to know what their constituents want.** Evidence of this was found in most of the eight project countries. The process of making a DWCP at very least formally exposes the CO Director and programming staff to constituents' interests. The ability to compose a RBSA project proposal on short notice – or having the elements of one ready on hand – testify to knowing constituents' interests and needs. In the case of Viet Nam the impression is very strong that the CO has a clear idea of constituent needs. The ILS output there was secondary. The improvement of employment policy making and rationalization of the informal economy within that policy were clearly relevant to the constituents. And the Office was able to compose a proposal document relevant to the expressed needs of the constituents, taking well into account a required response to COVID-19 challenges, i.e. growing informality. A theoretically relevant linkage to ILS was also made i.e. implementation of Conventions Nos. 122 and 88.

I-28. **Interventions were initiated on the basis of constituents' requests in some cases.** Country Offices in the cases of Indonesia and Viet Nam worked from the DWCP and their own knowledge of constituent interests to propose interventions divined from constituents.<sup>16</sup> Similarly, in the case of Timor-Leste. In Lao PDR, the request came on the cusp of discussion in the CAS, where the government representative requested ILO technical support in response to the Committee's encouragement to seek it.<sup>17</sup> In the Philippines, the FoA issues are so longstanding and serious that the Office is attuned to seeking resources and approaches that might help the Government and social partners find a way to remedy the implementation gap.

I-29. **Taking some action to help implement ILS is certainly relevant, provided it has been well formulated and targeted.** Since there is an obligation to implement, action to help could be assumed to be meeting the needs of constituents. Interventions were in theory well formulated and well targeted in each case involving normative work to help implement – Fiji, Lao PDR, Myanmar, Philippines and Viet Nam. Also in the case of helping Afghanistan fulfil reporting obligations.

I-30. **In some cases, although project interventions were relevant, stakeholders' needs as to the normative work were perhaps not so well perceived.** In the cases of the Philippines and Fiji, Lao PDR, and Myanmar, proposals were to help implement standards. The normative work proposed was relevant to improving implementation of Conventions Nos. 87 and 98, 138 and 182, and 29, respectively. The issues in each case are entrenched and complex. In the first three cases, there is evidence suggesting that interventions and their purpose was not entirely relevant from stakeholders' perspective.

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<sup>16</sup> Viet Nam DWCP Outcome 1.1 and 1.2; Indonesia DWCP Priority 1, Outcome 2

<sup>17</sup>

[https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4000318,103060](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4000318,103060)

- ▶ In the case of the Philippines, the *Addressing impunity* report<sup>18</sup> concluded that the most significant factor contributing to the failure of systems put in place to improve respect for FoA rights and impunity for their violation is “ongoing insurgency in the countryside due to lingering poverty.” The author concluded that “given the cause, the government response of intricate systems, committees, task forces and special super bodies, require more to address impunity to have substantial progress.... ” In this context, the RBSA project that focuses on improving the operation of these “intricate systems”, although energetic, do not seem to have yielded much according to the trade unionists most affected. The interventions, although welcomed by constituents and relevant, do not appear to be what is really needed by workers’ organization stakeholders, or in terms of addressing ILS compliance gaps.
  
- ▶ Similarly, in the case of Fiji, where politely tenacious efforts by the locally based ILS Specialist yielded fruit in an agreement to raise the profile of FoA (along with human) rights in police training and operations. Despite the delivery of materials, the passage of almost a year, and a change of Office personnel, there has been no apparent further action on the agreement. This suggests that what was done – although presumably welcomed and relevant – was not perceived as entirely needed by some impacted Government constituents. Compare though also in Fiji, support given to fill gaps in the implementation of C190 just ratified by Fiji. In this case, before the CEACR has made comments, the RBSA project engaged in core normative work by airing the results of a GA and proposing ways forward to fill the gaps in implementing the Convention. It is quite possible that the stakeholders involved in that intervention felt the work very relevant and having well met their needs.
  
- ▶ In the case of Lao PDR, there has been lacklustre uptake and continuation of anti-trafficking awareness raising messages piloted by the project. A welcoming attitude was expressed to those pilots and they appear to have been successfully executed, but they do not look to be continued. The constituent institutions involved implicitly find them less than really needed. Had they really been needed, the institutions would judge it advisable to allocate certainly limited resources to their further use. Similarly in respect of a revised NPA, which awaits further consideration by a tripartite implementing committee reconstituted with the support of the project.

I-31. **A certain number of interventions were relevant to the promotion of gender equality, and relevant to constituents’ interests and conditions.** The promotion of Convention No. 190 was observed in Fiji and Indonesia, although the later not by the RBSA-funded project. The non-discrimination message was carried by the RBSA-funded project manager in Afghanistan, to the extent she interacts with the *de facto* authorities and other stakeholders. The project in Lao PDR was tasked with supporting the elimination of child sex exploitation, with gender impacts for girl and boy children.

## 2.2. Coherence

I-32. **To what extent were interventions consistent with other activities and policies of stakeholders?** Consideration is given to this question, first in relation to integrative, and then implementing, normative work.

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<sup>18</sup> Addressing impunity: A review of the three monitoring mechanisms (2019) at: [https://www.ilo.org/manila/publications/WCMS\\_713337/lang--en/index.htm](https://www.ilo.org/manila/publications/WCMS_713337/lang--en/index.htm). Much of the project’s interventions were premised on the analysis in the report.

I-33. **There was significant evidence of coherence for the RBSA interventions that aimed at integrating standards into national norms through ratification.** Such was the case with statistics and employment policy supports in Viet Nam, social dialogue supports in Timor-Leste and Indonesia, C155 and C160 ratification promotion efforts in the Philippines, and ratification promotion efforts in Indonesia (C155, C187<sup>19</sup>), Timor-Leste (C144), and Fiji (C160, C161, C187). In each of these cases, national policies and laws were broadly consistent with principles of the instruments or work involved.

I-34. **Constituents agreed that it was valid for the ILO to nudge them on the possibility to ratify despite evidence of resistance to ratification.** In the cases of Fiji, Indonesia, Philippines and Viet Nam, key informants expressed degrees of hesitancy to ratify the specific ILO Conventions despite national laws and policies they believed were either broadly or specifically consistent with the Conventions' requirements. Should this be seen as evidence that RBSA-funded activities to promote ratification lack coherence with national policies? This was tested by asking informants if they felt it acceptable for the projects to promote ratification. The informants in all instances said that it was, and in some cases the promotional work was welcomed, despite some resistance or doubt about ratifying. For example, the undertaking of a new C155 GA in the Philippines was felt justified and useful in the light of new legislation and regulation having been adopted since the last such analysis, done in just 2017.

I-35. **The coherence of RBSA interventions should be presumed where they involved normative work to help implementation.** By having ratified a Convention, the country involved has accepted the policies of the Convention, thus implementing normative work by the Office – its mandate to pro-actively pursue – is coherent with that of the national stakeholders. This is consistent with the finding in para. I-29 above. But for the purposes of evaluation, should this presumption be rebuttable? Should an assumption of coherence be rejected where evidence suggests the contrary? Should a DC intervention – or proposal for an intervention – be judged negatively if the member State involved currently has laws or policies that are inconsistent with that being done or proposed to be done by an intervention? It would be contrary to the ILO's mandate to apply a rule of rebuttable presumption in this context. The Office must assume that States *really* have and want to pursue laws and policies that would live up to the obligations of Conventions they have at one time ratified and continue to be bound by.

I-36. **Perhaps the starkest coherence issue arises with the project in Afghanistan.** The project did not have a mandate to do implementation normative work in the country for the ratified Conventions Nos. 100 and 111. The programme manager tells that after the Taliban takeover and removal of women from workplaces, she nevertheless advocated where possible for gender equality. Project personnel in that case were not pursuing policies coherent with those of the *de facto* authority. Advocacy was though quite consistent with the international standard ratified in 1969 and commented upon by the CEACR today.

I-37. **Intervention coherence should be confirmed through international supervision.** RBSA interventions in Fiji, Lao PDR, Myanmar, the Philippines, and Viet Nam, had international supervision – CEACR comments, CFA or CAS cases – of the relevant standards as their foundation. From an evaluation standpoint, the coherence of these interventions with international obligations would be confirmed if the supervisory bodies took cognizance of them. These bodies ignoring or overlooking the work done by such interventions would be

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<sup>19</sup> Ratification achieved. Reference here is to integrative normative work within and without the context of a ratification. Much important OSH promotion – awareness raising, regulation promoting – work is being done in Indonesia, very coherent RBSA project aims. Result is coherence between that other work and the stated ratification aim of the particular RBSA project.

evidence of the incoherence of the intervention with the *real* national policy implied by the ratification obligations. The timing of this report precludes a review of the relevant international supervision. The proposition does, however, have implications for conclusions and recommendations drawn below in this report.

## 2.3. Effectiveness

### I-38. To what extent did interventions achieve their immediate intended objectives?

This question is addressed in this section. Evidence is drawn first from the Office’s results-based implementation reporting. The report moves on to observe other evidence of the effectiveness of the projects.

I-39. **The ILO’s implementation report offers a measure of the effectiveness of RBSA DC supports by reporting results against the P&B.** Those results refer to all of the evaluation subject countries, except Afghanistan. Outcome 2 results for all Asia and the Pacific for the 2020-2021 P&B are seen in Table 6 below. Of the project countries, Outcome 2 results were registered for Fiji, Indonesia, Myanmar, Philippines, and Viet Nam. Of these, RBSA funds were implicated in results for Fiji. In terms of results other than those under Outcome 2, social dialogue results were registered for Indonesia and Timor-Leste, both with RBSA-funded project contributions; and an employment policy result was registered for Viet Nam, with ILO contribution coming from the RBSA-funded project.

Table 6: Results against 2020-21 P&B Output 2 framework

2. International labour standards and authoritative and effective supervision		Regional results during 2020-21 <sup>20</sup>
Demotic	Indicators	
Ratification	2.1.1. Number of ratifications of fundamental and governance Conventions or Protocols.	6 <b>Myanmar</b> (C138) Korea (C29,87,98) Tonga (C182) <b>Viet Nam</b> (C105)
	2.1.2. Number of ratifications of up-to-date technical Conventions, including those recommended by the Governing Body in the context of the Standards Review Mechanism.	3 <b>Fiji</b> (P 155 and C 190 on 25 June 2020) <sup>21</sup> Mongolia (C167) <sup>22</sup>
Application	2.2.1. Number of cases of progress in the application of ratified Conventions noted with satisfaction by the supervisory bodies.	10 Bangladesh (C87) Cambodia (C87) Kiribati (C105) Malaysia (C109) Mongolia (C100,C111) Pakistan (C138) Solomon Islands (C182) Thailand (C100) <b>Viet Nam</b> (C29)
	2.2.2. Percentage of new UN Cooperation Frameworks that include measures to address issues raised by the ILO supervisory bodies.	-

<sup>20</sup> GB.344/PFA/1(Rev.1)

<sup>21</sup> Through the RBSA Project, the ILO was able to technically support Fiji and fund awareness raising workshops to the tripartite partners. The ILO organized information sessions and developed promotion materials on selected ILO conventions (knowledge products). It focused its efforts on the ratification of C190, C160, C161, C162, C187 and P29. It also provided technical assistance through gap analyses to assess the compliance of national legislation with several conventions such as C 190, P 155, and C 160. (DW Results Dashboard) Note however that the funding for the current RBSA project subject of this evaluation was approved only on 17 July 2020, after C190 and P155 were ratified.

<sup>22</sup> ILO has provided support to the Government and social partners on ratification of the convention. This includes legal comparative analysis and situational analysis. However, all these supports were provided in previous biennia. (DW Results Dashboard)



<b>ILS policy</b>	2.3.1. Percentage of reports on the application of ratified Conventions due by 1 September received in a timely manner that include replies to comments of the supervisory bodies	34% (6) Bangladesh <b>Fiji</b> <b>Indonesia</b> Maldives Mongolia Thailand
	2.3.2 Number of member States with tripartite mechanisms enabling constituents to effectively engage in the implementation of international labour standards at the national level, including reporting to the supervisory bodies	5 Bangladesh <b>Fiji</b> Kiribati Pakistan Samoa

I-40. **As seen in the individual project stories, most of the projects achieved most of their intended immediate outputs.** At the forefront are Viet Nam, Timor-Leste, Fiji, Indonesia, and Lao PDR. In the Philippines, delivery under the budgeted RBSA project was slowed, perhaps as a result of the way funds were mixed with other resources. In the cases of Myanmar and Afghanistan, changes in approach were forced by the take-over of *de facto* regimes early in the projects, hampering delivery.

I-41. **The project in Myanmar successfully retooled its outputs.** Following the military takeover 1 February 2021, the project was able to repurpose itself in order to avoid working with the *de facto* authorities. Doing so was prohibited by UN-wide terms of engagement. Emphasis was shifted from developing and training up national actors – particularly Government officials – to operate a national complaint mechanism (NCM) to further raising awareness of existing international mechanisms among civil society, the general public and the social partners. The mobile application that had been created was retooled from a complaint collection tool to include awareness raising and training delivery functionality.

I-42. **The Taliban take-over in Afghanistan was the reason given for so much of the planned outputs of the RBSA project in the country falling away.** In Afghanistan, from the information available, the project-funded personnel served as advocate for the DWA and respect for human rights, including gender equality. The eCampus that did not depend on support from the *de facto* authorities did not materialize, although content for it did. ILS reporting remains undone; it might have been prioritized as core normative work by the Office. The status of labour law reforms remains unclear. This includes the current contents of any reforms if they have in fact been formally adopted.

#### *Project effectiveness under COVID*

I-43. **The COVID-19 crisis impacted on basic delivery of the projects' activities.** Decisions were taken by the individual projects on how interventions would be carried out in the face of social distancing restrictions. For example, virtually all the trust-building meetings held in the Philippines project were held virtually. Support to analysis and reporting of informal employment trends in Viet Nam were done at a distance. A number of the social dialogue training events in Indonesia and some in Timor-Leste were entirely on-line. In the case of all these country's projects, some accommodations were made by using hybrid methods, where groups met in real life locally but facilitation and presentations were given at a distance. The impact on activity effectiveness has been noted by key informants everywhere as "Zoom fatigue". Virtually all key informants said that on-line interventions could not be compared with face-to-face interactions, and that results accordingly could not be well known.

#### *Ratification promotion*

I-44. **The projects used a group of tools or intervention options for improving the capacity of the member States to ratify international labour standards.** Several had P&B Output 2.1 aspirations, although none of them were achieved with a contribution from an RBSA project. See Table 7 below. The tools are:

- *Gap or comparative analysis* measuring up national law and practice against all the provisions of the Convention of interest;
- *Awareness raising* documentation or events addressing the pros and cons of ratification;
- *Technical supports helping to address institutional capacity to implement* Convention provisions as a decided precursor to ratification;
- *Political advocacy* shepherding decision makers to a final ratification registration;
- *Technical supports to making and registering* an instrument of ratification.

I-45. **Ratification promotion tools were used but ratification results have not yet been achieved.** Fiji was able to register a P&B ratification indicator result, but not for the ratification of an instrument that had been targeted by the project.<sup>23</sup> Fiji ratified P155 and C190 on 25 June 2020. Details of the various “technical assistance” aimed at these ratifications can be seen in Box 6 below at page 47. In the case of Viet Nam, the project supported labour statistics improvement in the context of improving the evidence basis for employment policies. C160 had been identified by the Government and ILO in a publicized ten-year plan for future ratifications. ILO technical supports for collecting labour statistics have been ongoing for many years; the Regional Labour Statistician is of the opinion that the country would be applying C160 if it were ratified, and was made aware of the 10-year ratification plan by the evaluator. But despite the project mentioning C160, it took no specific actions to advance the ratification as such. Nor had it identified a Country Programme Outcome (CPO) with link to Output 2.1. The story of gap analyses and political advocacy done for C155 and C160 in the Philippines is told in Box 17 below at page 87

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<sup>23</sup> Myanmar ratified C138 and Viet Nam ratified C105 before their RBSA project were approved.



Table 7: DC and TA tools for ratification, usage by projects

DC Code	Gap Analysis	Awareness raising	Technical support-for implementation pre-ratification	Political advocacy	Technical support-ratification instrument
<b>FJI/20/01/RBS</b> C160 C161 C187	For the 3 instruments, project support not requested; GA taken up by Government	Yes Yes Yes	- - Yes, in the form of National OSH profiling and policy drafting	Yes Yes Yes	- - -
<b>IDN/20/01/RBS</b> C155	No				
<b>PHL/20/02/RBS</b> C/P155  C160	Done in 2017 with ILO project support/to be revisited viz. new law in place Done by project	Yes  Yes		Yes  -	- -
<b>TLS/20/02/RBS</b> C144	No	Yes		Yes	
<b>VNM/20/01/RBS</b> C160 noted, but not specified	-				Yes, but not to close gaps or aimed at ratification, despite C160 in 10-year plan

**I-46. The stories of RBSA projects illustrate characteristics of ratification and ratification promotion and their potential for results.** These include:

- non-ILS specialized or outcome-oriented DC projects do GA as often if not more so than those that were ILS specialized;
- promotional opportunities can be lost or diluted on account of inadequate coordination;
- champions are often key in making a ratification happen;
- ratification is typically not a high priority, although policy decisions can be made favouring their happening.

These characteristics may account for the fact that none of the targeted ratifications resulted from the RBSA work, during the life of the relevant RBSA project.

## Shepherding a ratification in the Philippines

Several projects targeted promotion of ratification. The limits of efforts have been seen in each case; some are connected to arrangements for RBSA funding. These are a mandate to promote a ratification outside of the context of previous or related efforts in the country; the time limit set for project activities; and the absence of an existing champion or motivating context. The story told by one specialist key informant in respect of the Labour Inspection Convention, 1949 (No. 81) reinforces recommendations made by this evaluation.

As part of a larger labour inspection support project in the Philippines,<sup>24</sup> an analysis was done in 2016 of gaps between law and practice in the country and Convention No. 81.<sup>25</sup> Similar work is done almost always when there is DC aiming to improve labour inspection or bits of labour administration touching on inspection. This is because of the close connection between the technical work and the Convention. A Labour Inspection Audit had previously been done by the ILO's Labour Administration and Inspection Programme in 2009, only loosely applying C81 as the reference for analysis.<sup>26</sup> The 2016 gap analysis did not directly involve the ILS Specialist, but the specialist was aware of the work being done. This was because of regular collaboration between the project-backstopping labour administration and inspection specialist and the ILS Specialist. Awareness raising and consultative meetings were held on the basis of the gap analysis. There was no ratification of C81 as a result of the project, but the necessary underlying technical work was done and included national tripartite discussion on the prospect of ratification. The work could be used by subsequent – but non-consecutive – projects to keep the idea of ratification alive. This would be done by holding meetings again raising awareness about the Conventions underpinning the particular work being done in the newest, current project.<sup>27</sup> Today there is another in the line of labour inspection projects in the Philippines. On this occasion, an act of ratification was signed by the Philippine President and was to be presented ceremonially to the ILO Director General when an oversight committee within the Philippine Senate called for further details on the act. The current project is providing the additional information, standing ready to further shepherd the ratification process to conclusion and registration by the ILO Director General.

I-47. **Each ratification in the Asia and Pacific region has its own story.** Those stories are beyond the scope of this evaluation; one about a ratification that almost recently happened involves the Philippines. See Box 3 above. Several others are however relevant as points of comparison for assessing “the significance of the RBSA funding modality to pursue the ratification ... of labour standards.” Table 8 below is a list of recent ratifications in the region. Ratifications by Viet Nam in 2019, the Republic of Korea in 2021, and China in 2022 are of particular interest.

- Viet Nam ratified Convention No. 98 in 2019 after many years of ILO technical cooperation in the areas of industrial relations and labour law, and core normative work using all the tools listed in para. I-44 above. The country had a long held general and publicly announced intention to ratify the Convention, implicitly when the time was judged to be right.
- Korea ratified Conventions Nos. 87 and 98 after a decades-long history of CFA cases. The Korean Ministry of Foreign Affairs explained that the ratifications took place after “years of the ratification process including social dialogue, the amendment of the Trade

<sup>24</sup> USDOL funded PHI/14/06/USA (15 December 2014 - 31 August 2018). At: [https://www.ilo.org/manila/projects/WCMS\\_379086/lang--en/index.htm](https://www.ilo.org/manila/projects/WCMS_379086/lang--en/index.htm)

<sup>25</sup> at: <https://ils.dole.gov.ph/rights-at-work/2016-rw/gap-analysis-of-ilo-convention-no-81-labour-inspection>

<sup>26</sup> at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_240182.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_240182.pdf)

<sup>27</sup> Improving Labour Laws Compliance in the Rural Sector of the Indo-Pacific with a focus on Wome, RAS 20.07.USA

Union and Labour Relation Adjustment Act (TULRAA), and the approval of the ratification by the National Assembly,” further noting that “[t]he ratification is expected to bring about positive external effects such as promoting the national status and credit ratings, and further contribute to mitigating trade-related risks by reducing grounds for dispute with regard to the FTAs containing labor provisions including the Korea-EU FTA.”<sup>28</sup>

- China ratified Conventions Nos. 29 and 105 amid widely publicized accusations of forced labour practices. The ratifications have been credibly attributed to an agreement with the EU needed to resolve a deadlock in multi-year negotiations of a Comprehensive Agreement on Investment.<sup>29</sup>

Table 8: Ratifications in Asia and Pacific Region, 2019-2022

	2019	2020	2021	2022*
<b>Australia</b>				P029
<b>Bangladesh</b>				C138, P029
<b>China</b>				C029, C105
<b>Cook Islands</b>	MLC, 2006			
<b>Fiji</b>		190, P155		
<b>Japan</b>				C105
<b>Kiribati</b>	C144			
<b>Lao People's Democratic Republic</b>				C155, C187
<b>Malaysia</b>				P029
<b>Marshall Islands</b>	C182			
<b>Mongolia</b>		C167		
<b>Myanmar</b>		C138		
<b>New Zealand</b>	P029			
<b>Palau</b>	C182			
<b>Philippines</b>	C187			
<b>Republic of Korea</b>			C029, C087, C098	
<b>Singapore</b>	C155			
<b>Sri Lanka</b>	P029			
<b>Thailand</b>	C188			
<b>Tonga</b>		C182		
<b>Tuvalu</b>	C182			
<b>Vanuatu</b>	C138			
<b>Viet Nam</b>	C088, C098, C159	C105		

\*As at 17 September 2022

*Italic* = Cluster country

### *Improved application of ratified Conventions*

#### **I-48. Evidence of the intermediate effectiveness of the RBSA-funded normative work to help implement standards is not widespread.**

- Trade unionist key informants in the Philippines acknowledge better understanding of mechanisms meant to address impunity and reinforce confidence in FoA-supporting institutions. They deny however any essential change in patterns of harassment and worse for the exercise of rights.
- The Governing Body's monitoring of the situation of forced labour in Myanmar noted a downturn in complaints of forced labour from 2016, in the period before the 2021

<sup>28</sup> [https://www.mofa.go.kr/eng/brd/m\\_5676/view.do?seq=321641](https://www.mofa.go.kr/eng/brd/m_5676/view.do?seq=321641)

<sup>29</sup> <https://www.business-humanrights.org/en/latest-news/china-to-ratify-ilo-forced-labour-conventions-in-bid-to-improve-ties-with-eu/#:~:text=Apr%202022%20Article-.State%20news%20agency%20Xinhua%20said%20lawmakers%20would%20ratify%20the%20Forced,deal%20talks%20with%20the%20EU.> and <https://www.business-humanrights.org/en/latest-news/china-ratifies-forced-labour-conventions-ahead-of-visit-by-un-rights-chief/>

military takeover.<sup>30</sup> The “credible and effective” NCM to be created and supported by the RBSA project has not been realized. Nor has any expected benefits derived from it. The ILO continues to monitor the use of forced labour in-country; cases continue to “be report[ed] from monitoring organizations ..., predominantly by the military and its associated armed groups”.<sup>31</sup>

- Cases of trafficking in children for sexual exploitation in Lao PDR continues to be the subject of child protection efforts and monitored by the NGOs and the international community. Awareness of the problem of children working in agriculture may have been raised in the provinces where RBSA-funded activities were undertaken by the national trade union. Measurement of this should be possible with the child labour survey undertaken as a result of funding attracted with the help of the RBSA-funded project.
- Employment policies and labour market monitoring have been improved to take account of the informal economy in Viet Nam. Reporting of the changes and their impact may be explained in the Government’s report to the CEACR on the application of Conventions Nos. 88 and 122. The Government’s report has not been examined by the evaluation, nor has a CEACR comment with information from the Government’s report yet been published.

I-49. **DC needs to fit the issues identified by supervisory bodies to be considered effective; projects’ fit varied.** The project in Myanmar had the best fit as an intervention intended to address issues identified by the ILO’s supervisory mechanisms. Indeed, those mechanisms had very clearly stated what was needed in noting the importance of a “credible and effective” NCM characterized by five elements.<sup>32</sup> The fit in the Fiji case was reasonable for addressing a request that the Government “make serious efforts to ensure that state entities and their officials refrain from anti-union practices, including arrests, detentions, violence, intimidation, harassment and interference in trade union activities, so as to contribute to an environment conducive to the full development of trade union rights.”<sup>33</sup> In the cases of Lao PDR and Philippines, the fit was perhaps not as good. In the first, efforts were to be aimed at “strengthening ... efforts to combat the trafficking and commercial sex exploitation of children.” But this was not done explicitly and not by “ensuring that traffickers, including complicit officials, as well as child sex tourists, are held accountable, through thorough investigations and prosecutions, as well as through the imposition of sufficiently effective and dissuasive penalties.”<sup>34</sup> The project did help Government with “efforts to prevent children ... from becoming victims of trafficking as well as commercial sexual exploitation in the tourism sector.”<sup>35</sup> Whether the publicity and awareness raising campaign amounted to a “redoubling” of efforts can be questioned. The challenges faced in the Philippines are discussed below in paras. I-51 and I-52. In the case of Viet Nam, the project proposal said that it would be “addressing CEACR comments on C122 and implementing the recent ratified C88.”<sup>36</sup> In the case of C122, that would have required fitting activities to address rather amorphous but still real matters raised in CEACR comments, many of which asked only for information. In the case of C88, all the provisions of the instrument would need to have been addressed, as the CEACR has not yet

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<sup>30</sup> GB.337/INS/9, para. 14. (Nov. 2019)

<sup>31</sup> GB.345/INS/5/2, para 26 (June 2022)

<sup>32</sup> CEACR Observation C29, adopted 2020

<sup>33</sup> CEACR Observation C87, adopted 2019, reiterated 2020.

<sup>34</sup> CEACR Observation C182, adopted 2019

<sup>35</sup> Ibid.

<sup>36</sup> Project proposal.

made comments. See detailed discussion in paras. II-155 to II-157 below. The project in Viet Nam was effective, but dealing with these Conventions *per se* was indirect; this was perhaps in fact quite fair considering that ILS outputs were secondary to the project. A similar phenomenon is seen in the case of Indonesia, but there, no specific activities were undertaken to fit the proposal's plan to respond to CEACR comments. See II-69 - II-70 and Box 8 below. A contrary example is noted in Box 4 below.

Box 4: Ratification and implementation in Thailand

### Securing a ratification and working for implementation in Thailand

A first rendition of the Ship to Shore project engaged in DC with Thailand; the current project is regional, with operations in 7 countries. The project can well claim itself to be a contributing factor to the ratification by Thailand of the Work in Fishing Convention, 2007 (No. 188) in 2019.<sup>37</sup>

Thailand has made its first report on the application of C188, and the CEACR made lengthy comments on Thailand's application in 2020.<sup>38</sup> The Government has been asked to reply to the comments in 2024. According to the key informant, the current Ship to Shore project has noted the comments and where possible would use those comments to provide support to efforts to address them. There is no dedicated line of support designed to systematically help address the comments as core normative work.

#### *Effectiveness and theories of change*

I-50. **Despite relatively clear expressions of what the project would do and why it would do it, theories of change expressed in project proposals were weak or non-existent.** This situation was identified in the evaluation's inception report. As proposed in that report, theories of change for each of the projects have been set out in this report. These are based on what the projects had done and key informants advised. They appear at pages set out in Table 9 below and inform the evaluation.

Table 9: Theory of change statements

Country	Page
Afghanistan	35
Fiji	44
Indonesia	52
Lao PDR	64
Myanmar	74
Philippines	80
Timor-Leste	93
Viet Nam	97

I-51. **Theories of change are used to inform monitoring and evaluation.** In the Philippines project, for example, key informants said that it had been agreed that project activities were undertaken to create space for discussion of FoA so that trust and confidence in institutions meant to ensure the existence and use of FoA rights could be built, allowing those institutions to operate as intended. This, in turn, would assure the exercise of FoA rights. In light of this intent, monitoring might have involved measuring levels of trust in the relevant

<sup>37</sup> at: [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_666581/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_666581/lang--en/index.htm)

<sup>38</sup> at:

[https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4124412,102843](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4124412,102843)

institutions among participants and stakeholders, starting from a benchmark and proceeding through interventions to a final project end.<sup>39</sup> If changes were not seen along the way, project interventions might have been changed with the hope of improving monitoring results. Alternatively, the theory of change might have been changed to something likely to be more effective; this would likely require a recasting of interventions' thrust and purposes.

I-52. **The theories of change cast *ex post facto* were viable.** If all the interventions had gone as planned, could they have led or contributed to the desired changes? Yes. The only exception is in the case of the Philippines, where there is evidence that the challenges to FoA are not likely susceptible to improved confidence in institutions or capacity held by stakeholders.

I-53. **Any possible weakness in the effectiveness of other projects can be attributed to factors other than the theory by which they expected change to occur.** In the case of Afghanistan and Myanmar, take over by *de facto* authorities would have undermined effectiveness. In the case of Fiji and Lao PDR, any weakness might well be attributed to lacking political will; in Indonesia to the limited scope of the project; in Timor-Leste to constrained human and financial resources and political will; and in Viet Nam to gaps in political oversight or mandate.

#### *Other matters*

I-54. **The presence of an ILS Specialist in country had a good effect where it occurred for the project.** The Bangkok-based DWT ILS Specialist who made himself available confirmed that he had essentially been used on-demand by the RBSA projects in countries for which he was available. This can be contrasted with the situation in Fiji. There an ILS Specialist was posted in country and was directly responsible for crafting the proposal. When approved, the RBSA proposal enabled a funding pool from which she could pursue Outcome 2 objectives. In Afghanistan, an ILS Specialist was present and supporting law reform, albeit being done by an EU project and expert. At that stage in the project, prior to the Taliban takeover, work on the reforms look to have been in motion, although there were other factors in play.

## 2.4. Efficiency

I-55. **Periodic monitoring of the projects aided in evaluation.** Almost all the projects prepared one or two monitoring reports during their life. Most were written against the original project proposal implementation plan. Those for Afghanistan were noteworthy for their detail, if only because that detail memorialized why elements of the project fell out of the plan for implementation.

I-56. **Most projects engaged project management staff.** The project in Indonesia is the exception, where a national project officer was engaged only for the first seven months of the project. In that case, the Senior Programme Officer oversaw the use of project resources, often blending them with those of other projects that benefited from dedicated staff who could oversee their use.

I-57. **Accessing DWT specialist support was not always a seamless process.** The evaluation did not collect data on every request for DWT specialist support by either programme officers or dedicated project managers for the RBSA interventions. Key informants were asked about the character and frequency of requests for specialists' support, the general degree of involvement of specialists in the design and implementation of the intervention, and

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<sup>39</sup> AHRC did monitor the events they carried out, but not in this way. See para. II-123.

overall satisfaction with support provided. Responses were generally favourable about the quality of support received once it was secured. Dissatisfaction was expressed in respect of repeated unavailability and non-responsiveness of an ILS Specialist. Where a specialist had been very involved in the design of a project – to an extent more than comments on documents drafted by the CO – he or she nevertheless reverted to the status of a service provider on an as-needed basis during project implementation.

I-58. **Specialist informants<sup>40</sup> confirm their “on-call” use by the RBSA projects.** This arrangement for specialists’ time seems appropriate considering the demands generally placed on them. Fiji was the exception to this, where the ILS Specialist was posted in Suva and drove the project on a day-to-day basis. In this case, the project served as a means for financing a range of relevant ILS activities. There was a similar situation in Viet Nam, where a labour market economist was posted in Hanoi with central responsibility for the RBSA project, although her post was not RBSA funded. In both cases, the RBSA funds complemented the specialist human resource. The Fiji and the Viet Nam projects had had only one, short NCE. To compare with the other projects, see Figure 1 above at page 5.

I-59. **The RBSA projects attracted and complemented other resources.** The project in Lao PDR helped attract funds for child labour surveying. In the Philippines, the resources of two lines of RBSA funding and an EU-funded project were pooled. In Indonesia, the RBSA resources were blended with three or four other sector-oriented projects. In Fiji, there was a blending of resources in the OSH and C190 domains, and in Viet Nam with resources of a bi-lateral donor.

I-60. **Project interventions and related resource allocations were generally well suited to their purposes and ToC.** In Afghanistan, the largest proportion of funds went to staff who, *inter alia*, advocated the ILO’s DWA and normative message, whether or not that had been the planned intervention strategy. In the case of Fiji, the largest proportion of funds was dedicated to seminars and workshops, many of which were either capacity building on ILS matters or exposing the results of expert analysis of ILS related questions. In Indonesia, none of the USD50,000 originally allocated to pursue the secondary ILS output were expended, ostensibly because promotion of C155 happened using funds for promoting better OSH in a softer, non-normative fashion. In Lao PDR, implementation agreements were used mostly for seminars and workshops to convey the awareness raising and capacity building messages planned by the project. Similarly for the Philippines, although confidence building has been the theme of meetings. In Myanmar, budget allocations shifted as possibilities for seminar-type activities were reduced by potential beneficiaries being arrested, disappearing or going into hiding; the same with rights-promoting service providers. The mix of purposes for expenditures fit the plan in Timor-Leste, where the idea was to create some materials to give purpose to consultation workshops and meetings aiming to produce consulted conclusions.

I-61. **There are examples of synergistic work with other projects and UNCT agencies.** In many instances other project and agency work operated in a siloed manner, with various degrees of knowledge of each other’s interventions. In Afghanistan, the ILO inputs supported labour law reform being done by the EU; it is unknown whether the ILO staff or mission costs for this was financed by the project, although project personnel were aware of it. In Fiji, there was collaboration with the OHCHR on training for police. In Lao PDR, UNICEF and US-DOL work the child protection track of child trafficking; evidence suggests knowledge of each other’s activities, but not close coordination. ILO migration projects work on trafficking issues, potentially impacting children. In Indonesia, Better Work, the USDOL and EUR funded project,

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<sup>40</sup> Specialists in the areas of ILS, social dialogue, employer and workers activities, OSH, labour statistics, and labour administration.

and the now-ended Japan-COVID project all work on improving OSH in the contexts of their mandates; synergies were explicitly made in some cases. See Box 7 at page 54 and Box 9 at page 59. In the Philippines, a more sobering example was found where the human rights selected for inclusion by the OHCHR Joint Programme on Human Rights apparently do not include labour rights – although the JP is open to that possibility in the future.

I-62. **The cluster “projects”<sup>41</sup> did not all have an effective brand<sup>42</sup> or integrated and independent intervention logic; nor were these necessary.** In the extreme case of Fiji, the project activities were mostly core normative work. The subject matters, stakeholders and intervention types were diverse. In the Philippines, important effort was made to publicly brand project activities under the internal CPO number. See details in para, II-117 at page 79. The effort was not successful, although the explanation for trying was reasonable. A true project character can exist, as seen in the case of Myanmar and to somewhat lesser degrees in the other cluster interventions. But a question is raised whether resources used to establish a brand or to try to rationalize diverse activities into an independent logical framework contributes to the efficient overall use of the RBSA resources in cases where an integrated project character is weak. RBSA funding is limited by its nature. There is a reasonable but brand-diluting mandate to blend resources with existing initiatives and projects. Certainly, the blending of resources seen in the projects validates the system of CPOs as a resource-accumulating management tool. Perhaps this is sufficient as an accountability, monitoring and evaluation tool.

## 2.5. Impact

I-63. **To what extent did the interventions make a difference?** Very short-term impacts were observed for project activities. Longer term impacts are what the evaluation is looking for.

I-64. **Clear impact was observed in Viet Nam.** Several things would not have been done or would have been done differently but for the project. These include:

- data series and analysis on the employment impacts of COVID;
- statistical press conferences with press release now include the subject of employment;
- the contents of reports to the ILO on ratified conventions would be less detailed (assuming they are, according to key informant);
- the adoption of statistical methods more accurate in respect of employment would likely have been at least delayed;
- etc.

I-65. **Other impacts can be observed.** Plans now exist in Fiji for implementing newly ratified Conventions. A tentative positive impact can be suggested for ILS reporting by PICs. See Table

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<sup>41</sup> Comments have been received suggesting that the eight things being evaluated here be called “interventions” rather than “projects”. The evaluator sees the logic in this; this is reflected in the point of this paragraph, i.e. for several of these eight things, their character was to enable the doing of activities along with others supporting the achievement of a CPO. They were thus susceptible of the term intervention or a group of intervention. Unfortunately, there is no consistency in the Office on the use of project vs. intervention. See the ILO Development Cooperation Dashboard, which refers to these things – even where they are RBSA funded – as projects, along with many internal documents that speak about “projects” for these things.

<sup>42</sup> A “brand” is a name or term that is intended to denote meaning, thereby carrying an understanding – in this case of intervention intent and activities. In the ILO, for example, terms like Decent Work, Better Work, IPEC, Ship to Shore, etc. are all intended to carry substantive meaning as well as being convenient or catchy abbreviations or titles. To be a brand, both the term and its intended meaning need to be broadly identifiable and accepted for intended meaning by a target audience. A term might be established, but if it does not succeed in conveying intended meaning for its audience, it is not a brand or is weakly branded.



15 at page 48 and accompanying text. In Lao PDR, employers' and workers' organizations now have child labour and anti-trafficking awareness raising products to distribute to their constituents. In Myanmar, mobile complaint making software exists ready for use.<sup>43</sup> In the Philippines, representatives of institutions that otherwise should have but had not interfaced have begun doing so, at very least where the ILO convenes opportunities for so doing. In Timor-Leste, pledges to have and develop bipartite consultation have been made. In TLS, the institutional foundations to integration of C144 have been put in place and used in practice.

I-66. **There were potential gender disparate impacts, if they occur.** The advocacy work of the project manager in Afghanistan and the advocacy and awareness raising against child sexual exploitation in Lao PDR would carry important benefits for women and girl children. There is no evidence of impact though in these cases. The improved collection and analysis of labour market data in the informal economy has potential for important impacts on women, many of whom work there in Viet Nam. This change is real and the consequences for women now being counted in relation to incomes, working hours, and the range of labour market characteristics may be significant for policy choices.

#### *Unintended consequences*

I-67. **Implementation agreements (IAs) play an important role in project delivery, but may not be contributing to longer term impact.** Office policy allows for the use of agreements with constituent organizations for the delivery of its substantive mandate in development cooperation projects.<sup>44</sup> According to the policy, "implementing partners may be sought –

- i. for strategic interventions on a long-term basis, in *particular to build within a country or region the capacity of individuals and/or national institution such as social partners*; or
- ii. for one-off undertakings with respect to specific programme/project outputs, either for the ILO or on behalf of the ILO (i.e. conducting research, surveys, studies, seminars, workshops or events, etc.)."<sup>45</sup>

I-68. **IAs were used in Lao PDR, Viet Nam, and Philippines.** In these cases, the agreements played a significant substantive role. They took a significant portion of the spent finances. In some cases, ILO supervision of/support for the work performed was closely supervised, dovetailing with Office technical inputs. In others, work was less supervised, left to the devices of the partner to deliver the output. In some cases, key informants of the implementing partner gave the impression that the partner was a simple contractor executing tasks for the project. This was evidenced by responses to questions about whether the partner had plans for using products or capacity developed under the agreement in future tasks of ordinary operations; many did not. In other cases, the implementing partner was clearly making its own use of the products or capacity, having been nudged to integrate them into ordinary operations. The second type of cases are examples of IA themselves contributing to project impact and sustainability. The issuance of an IA should be conditioned on a showing of this kind of planned integration of implementation into operational work.

I-69. **Support for ILS reporting may lead to dependency.** The practice of the CO in Viet Nam described in Box 20 below at page 103 may be seen as an extreme form of support. It might have the unintended consequence of undermining capacity building or somehow taint

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<sup>43</sup> The key informant indicates.

<sup>44</sup> IGDS Number 270 (Version 2), 20 December 2017

<sup>45</sup> The implementation agreement is deemed to cover the performance of development cooperation activities; however, the purchase of goods/services directly related to the delivery of those activities can be authorized. (*ed.* In the original.)

the work of the supervisory mechanism by blurring the line between the Office's supervisory and promotional/ technical development functions. Key informants outside of Viet Nam confirmed variations on support to member States in article 22 reporting.<sup>46</sup> At the one extreme, an ILS Specialist will provide a telephonic lay explanation of what the CEACR is asking about in a comment, at the other is the example from Viet Nam. In between are variations where, for example, an Office expert sits with national officials to review and comment on reports drafted by them or does so via informal email channels, or where an expert interviews subject matter stakeholders side by side with responsible government officials to draft responses to comments. Variations are many. Capacity building and report delivery expediency should operate in the same measure and be understood as the better objective and practice. The arguments made by the key informant in Viet Nam are legitimate. Comfort can be found perhaps in UNCT practices surrounding preparation of government UPR reports; agency support through the hiring of consultants for data collection and drafting is normal. A flag nevertheless is raised here.

## 2.6. Sustainability

I-70. **Ratifications, when they are made, will be the most sustainable of the results.** No ratifications occurred during the life of the projects, either in the project countries or as a result of the project activities. Activities did promote ratifications, informants were glad for the promotional activities, and it may well be that ratifications do result in the near future. But it is impossible to know. If they do, they will last and they will result in international supervision that should have real DW dividends. It is important to note these characteristics of ratifications. This is applicable to the projects in Fiji, Indonesia, Philippines, Timor-Leste, and Viet Nam. Lao PDR did ratify Conventions Nos. 155 and 187 days after the RBSA project ended. The project did not engage in ratification promote for these Conventions.<sup>47</sup>

I-71. **Certain elements of certain projects are likely to be sustained.** Changed practices in statistics collection and publication in Viet Nam that occurred as a result of the adoption of statistical standards and publication methods promoted by the RBSA project have a high chance of continuing. Inclusion of the DOLE in an observer capacity in the AO35 mechanism in Philippines stands some chance of being a sustained practice, with some help from the project there. To the extent social dialogue exercises have made a lasting impression on event participants, and they are in a position to use learned experiences, improved social dialogue has some chance of sustainability in Indonesia and Timor-Leste.

## 3. Conclusions

I-72. **Projects were relevant to stakeholders.** Country Offices were well informed of constituent interests. Projects provided goods that were relevant to stakeholders in their position as users of the ILO's system of ILS; but sometimes these good were not felt to be needed by stakeholders. In a similar vein, products or outputs needed by stakeholders sometimes could not or simply were not provided by the project. Providing project outputs that are relevant should be the minimum requirement for RBSA-projects with ILS P&B outputs, and this was fulfilled.

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<sup>46</sup> Article 22 of the ILO Constitution obliging periodic government reports on measures taken to give effect to ratified ILO Conventions.

<sup>47</sup> A key informant indicated that to their knowledge "the ILO has not provided direct assistance to ratification itself of these Conventions. Moreover, we are just initiating a comparative study for national OSH legal framework and C187 and C155."

I-73. **Projects were coherent with government policies.** This is particularly so if it is assumed that government policy is to conform to requirements of international instruments binding on them. Where integrative normative work was the task at hand, projects were more likely to be explicitly coherent or at least not incoherent with national policy.

I-74. **In assessing the significance of the RBSA funding modality to pursue the ratification and improved application of labour standards, it can be concluded that most projects were effective in delivering their immediate outputs.** Most outputs did not provide results reportable under the P&B RBM framework. The prospect for ratification was effectively kept alive and promoted for Conventions identified in the project proposals as well as others. Some projects were effective in producing developments reportable to ILO supervisory bodies. It is uncertain how many of these developments would likely to be *of interest* to those bodies. In the exceptional cases of Afghanistan and Myanmar, many immediate and some immediate outputs, respectively, fell by the wayside. This was because the ILO could not work with the *de facto* authorities in the two countries.

I-75. **In assessing the extent to which the RBSA helped the ILO Country Offices use ILO ILS technical expertise and comparative advantage to position ILO in the country and/or as instruments/frameworks that pave ways for other interventions that respond to national priorities the evaluator perceived tolerance, but not embrace.** For the eight projects, the Country Offices used the Decent Work message successfully to position itself and its expertise, but to a much lesser extent normative messages. The stories about the potential to see labour rights as human rights for promotion of the latter in the Philippines; the promotion of safe work over OSH Convention ratification in Indonesia, Fiji or the Philippines; the keeping of child labour statistics over enforcing laws against child sex exploitation in Lao PDR; the making of internationally standardized labour statistics over ratifying the Convention on the same subject in Viet Nam – each of these cases suggest that RBSA does not particularly help sell ILS or the ILO's promotion of them. But RBSA did help with positioning the Office where other messages were being supported and put forward. And those messages and work inevitably carry the ILO's normative work with them, acknowledged or not. It seems as if it is the ILO that needs to lead in positioning its norms, cloaked in the DWA.

I-76. **The RBSA funding modality is flexible and flexibility can be helpful in responding to changed circumstances.** The situation in Myanmar is a case in point, where outputs were reformulated rather than simply being deemed not deliverable. Flexibility can also be helpful in taking advantage of other available resources for related results. There was a good deal of evidence of the use of complementary funds for synergistic results.

I-77. **Small RBSA projects like those examined in this evaluation with incidental core normative work may not be the best approach to using RBSA resources for those purposes.** As seen in these eight projects, it is not realistic to expect a ratification just because one or more of the tools or interventions indicated in para. I-44 have been applied. Those tools normally need to be used, but the need for them arises either in the context of a larger DW oriented project taping into its normative roots, or on an *ad hoc* basis when something has happened to spark interest in a ratification. Likewise, a project that does not have a decided aim to address implementation issues raised by supervisory bodies may well not come close to doing so. Compare the projects in Myanmar and Lao PDR with Indonesia and Viet Nam.

I-78. **Knowledge about core normative work interventions is not shared widely.** This prevents strategic synergies that might otherwise be developed to push the relevant envelop further. Institutional memory of work done seems often to rest only with those involved and this is not systematically shared.

I-79. **Care is needed where core normative work to improve implementation is proposed and used as a justification for RBSA funding.** Weak effectiveness in several of these cases suggest that it might be appropriate to exercise some heightened scrutiny – before and after project delivery starts – over what is proposed to be done. The cases involved are those where ratification promotion or responding to CEACR comments were secondary outputs.

## 4. Lessons learned and emerging good practices

**Lesson learned 1.** Ratification are not assured by ILO DC or TA support. They can arise unexpectedly, completely without ILO support. And they are not likely to arise without reminder of the possibility. It is good practice for the Office to nudge and remind its constituents of ratification possibilities.

**Lesson learned 2.** Specialist personnel with substantive project delivery responsibilities present in the country benefiting from the approved RBSA funding may improve delivery.

**Lesson learned 3.** Experiences noted here show that DW-focused – not ILS specialised – DC can do core normative work and contribute results. This is an important and good practice. It should be promoted and supported. Such work is sometimes done with little or no support from ILS Specialists. ILS Specialists also backstop and provide quality assurance support to such projects' activities. This should also be supported and best prioritised within their workplans over their support to non-core normative work.

**Lesson learned 4.** Any hesitancy among donors noted by key informants to fund “ILS work” is in fact probably a hesitancy to fund core normative work. RBSA funds should thus be made available particularly to do core normative work. The low costs of doing such work, particularly integrative normative work (ratification promotion), and the unexpectedness with which the need for such work often arises, suggests that funding for full-blown RBSA projects may not be warranted. A more flexible modality should be available to country offices to have the needed financial resources to do this type of work on short notice.

**Lesson learned 5.** In the projects where P&B outcomes have been mixed, the ILS outcomes targeting core normative work did not get proper attention. The reasons for this vary and are project specific.

**Lesson learned 6.** The ILS focus of projects in fragile states may not be delivered upon either entirely or partially. Such projects are significant to the extent they keep the Decent Work and workers' rights message alive in hostile environments. This is an important and worthy thing that can pay dividends if and when the winds of change blow in favour of these messages. Its absence is something to be avoided.

**Lesson learned 7.** RBSA “projects” often do not have a project brand. They often have the character of a resource flow enabling activities or interventions. Forcing a brand or a project logic may not be warranted and may be an inefficient use of resources. Standard CPO monitoring coupled with activity progress reporting may be sufficient for purposes otherwise served by a brand identity where such an identity would not be consistent with the logic of activities within the RBSA-funded intervention.

## 5. Recommendations

**Recommendation 1.** Maintain the current RBSA funding modality for normative P&B outcomes but adjust practices to assure greater precision in executing core normative work tasks. This is particularly important in cases where they are mixed with DC interventions with non-ILS focused tasks and outputs.

*Mixed projects among the eight projects did not perform well in respect of their ILS outputs, and particularly those involving core normative work; project interests in the group were elsewhere. If ILS elements have been included within the plan of work for DC that is not primarily ILS-focused, they need to be taken more seriously. Among the evaluated projects, the inclusion of normative work and its character (for example, core or not) was determined by independent factors, i.e. the guidance memorandum, constituents' requests as captured in the DWCP and otherwise, intervention formulators, etc. It would be counter-productive, maybe impossible, to try to exclude normative work from non-ILS focused interventions. Improving results by doing better for this type of mixed project is thus recommended.*

**Recommendation 2.** Establish a modality for providing RBSA funds specifically for core normative work at the request of Country Offices, ideally at the request of constituents.

*Perhaps placed as a lump sum available from the Regional Office, it should be possible for Country Offices to quickly access funding specifically for tools and activities used for integration work (promoting ratification) and technical inputs smaller than a proper project that would support implementation work. Perhaps Country Offices can make known the availability of such resources and specifically ask constituents if there are matters they would like to take up with DC or TA, i.e. CEACR comments they think are particularly susceptible of result-yielding cooperation.*

**Recommendation 3.** All other considerations being equal, give preference to RBSA project proposals where specialist human resources in country will be responsible for project delivery.

*The two (very different) projects among the projects that had this characteristic performed well, guided by staff who had the technical background to respond substantively and quickly to project developments.*

**Recommendation 4.** Promote and support the continued and expanded undertaking of core normative work by making RBSA funds available on an *ad hoc* basis for those work items in DC projects that are not directly ILS focused.

*Accepting Recommendation 1 and Recommendation 2 should not worsen silo-ing in the name of resource efficiency and effectiveness; the mainstreaming of normative work has gone relatively well in recent years and should continue in non-ILS DC projects. Making limited RBSA – or RBTC – funds available to them, in addition to the normative work already in their project mandate (and funding) should help push the normative work envelopes further, i.e. better integration and implementation normative work in addition to that already to be done.*

**Recommendation 5.** Amend guidance on the use of implementation agreements to include within such agreements a specific commitment appropriate to the content of the agreement for the implementing partner to make subsequent use of the capacity or product generated under the agreement.

*Implementing partners should have plans for their own organizations to use the capacities and products made possible through implementation agreements; implementing partners should be more than service providing project contractors.*

**Recommendation 6.** Develop an IT solution to log (for internal use) core normative work interventions by country and Convention; promote use to avoid redundancy, strengthen continuity, and improve use of products.

*To avoid duplication of efforts and promote synergistic building upon earlier work, non-ILS experts along with ILS and other specialists who all equally do this work should use the solution. A user interface that displays activities along a timeline, from one intervention to the next, may be an ideal means of presentation. It would be good if relevant documentation, such as mission reports or studies, are attached to the notation of an intervention.*

**Recommendation 7.** ILS reporting – whether government reports or social partner observations, under art. 19 or art. 22 – should strive to take account of RBSA interventions, and RBSA interventions should strive to make their work known to supervisory bodies.

*If a DC is doing – or says it will do – core implementing normative work, whether in relation to “information requesting” comments as well as “take measures” comments, the project should be expected to do the necessary to have its work reported to the relevant supervisory body. Intra-government communication channels should be improved through project interventions, if necessary, to make this happen. Projects should see their work as core implementing normative work if it is, and they should communicate it appropriately.*

**Recommendation 8.** Concretize a clear understanding of core normative work and use it to prioritize related normative work interventions, particularly where RBSA funds are being used.

*A short-hand term is needed to capture what happens in reality – virtually everyone in the ILO is doing normative work – and a term is thus needed to distinguish broad normative work from really specialized, core, normative work. This recommendation should only be considered if other related recommendations are also considered.*

I-80. Annex 1: Recommendation template contains indications as to who is called to act on recommendations, the priority to recommendations are to given, resources and time frame needed for action.

# Story Part

# Afghanistan (AFG/18/01/RBS)

## Background

II-1. **The cluster RBSA project in Afghanistan was entitled *Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations and linked with a CPO with the same title*.** Funding for the project was approved for USD1,000,000 under the 2018-19 P&B, starting January 2019 and ending December 2020. The project had two no-cost extensions, first for twelve months to 31 December 2021 and again, for six months to 30 June 2022. The RBSA allocation approval specified hiring a P4 and a G5 staff member, each for 24 months, with no expectation for future RBSA funding to extend contracts of engagement after 31 December 2020. A G level staff was never hired.

II-2. **The backdrop for the project – and all ILO activities in Afghanistan – was the armed conflict ongoing there.** The conflict involved the Afghan Government (U.S. backed between December 2001 and August 2021), the U.S.-led Coalition forces,<sup>48</sup> and the Taliban. The project operated during a period when the international community was attempting to build up and support a viable government and civil society in the country. On 29 February 2019 – just after the start of the project – the United States and the Taliban signed an agreement on a peace deal. The agreement was intended to serve as the preliminary terms for the U.S. withdrawal from the country by May 2021. Former U.S. President Trump called off peace talks some six months later, in September 2019, when hostilities escalated. The project was to have ended a year later, but was granted a no-cost extension, with a certain percentage of funds yet to be expended.<sup>49</sup>

II-3. **Allegations of infringement of freedom of association principles were made to the Committee on Freedom of Association in March 2017 and were a consideration contributing to the project.** According to several informants, these allegations were a background consideration in project formulation and approval. There was no reference to the CFA case in the descriptive project documentation. Nor was improved implementation of freedom of association principles specifically mentioned; Afghanistan has ratified neither Conventions Nos. 87 nor 98. No information or observations on the allegations have been provided by the Government – either pre- or post- 15 August 2021 – despite repeated requests. The CFA last examined the case in June 2022. It had done so previously in June 2018, October 2019 (after the start of operation of the project), and June 2021 (prior to the Taliban August 2021 takeover). In June 2022 report, the CFA recommended: “In further consideration of the current circumstances in the country, the Committee recalls that the technical assistance of the Office is available in order to pursue its recommendations.” An ILO ILS mission in November 2019 raised the matter of the CFA case and received assurances information would be provided by the Government.<sup>50</sup>

II-4. **The need to strengthen labour administration and Government requests for support gave birth to the project proposal.** ILO Officials in Kabul and Delhi responded to requests from the MoLSA for support in meeting reporting obligations, responding to and

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<sup>48</sup> U.S. government named Operation Enduring Freedom (2001-2014) and Operation Freedom’s Sentinel (2015-2021).

<sup>49</sup> Financial details of the project allowing for calculation of this figure has yet to be shared.

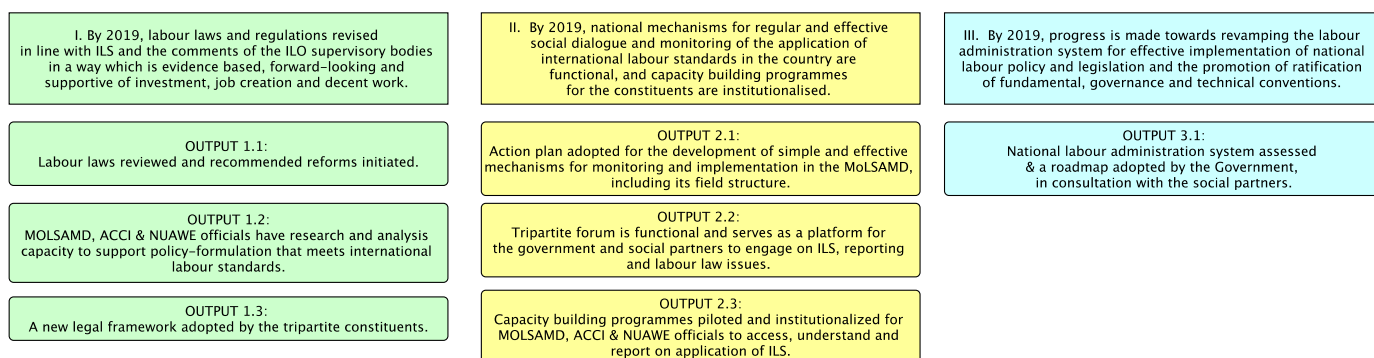
<sup>50</sup> “Meetings with NUAWE and MoLSE provided clarity on the dynamic of the case filed with the Committee on Freedom of Association (CFA). I reminded MoLSA that there was no reply from the Government in the case. Hence, the CFA repeated the comments which were provided in 2018. In response, DG Harooni assured that he will follow up on this matter and take action within his power to ensure the ILO receives a reply from Afghanistan.” Mission report by Zahra Yusifli, November, 2019.



addressing comments made by supervisory bodies and the CFA allegation, and reforming labour laws and regulations. The Senior Coordinator in Kabul, the ILS Specialist in Delhi, and NORMES prepared a descriptive document in the form of the CPO, and sought RBSA funding. The focus was placed on capacity building insofar as it was felt that that was what was needed. The ministry responsible for labour had substantial difficulties in accomplishing labour administration tasks, including those related to ILS because of weak capacity. ILO missions had aimed to help meet immediate reporting obligations prior to the start of project operations (late 2018 and early 2019); a longer term strategy was thought appropriate. An EU-funded project had already established itself providing supports in the ministry specific to labour law reform. An EU expert was already present and working in the Ministry in 2018, liaising substantively with ILO personnel on labour law reform and ILS matters.

II-5. **Three milestones and seven outputs were aimed for by the project.** The three and seven are seen in Figure 2 below. The milestone areas are referred to telegraphically here as *labour law making, social dialoguing and reporting, and labour administration*.

Figure 2: Original milestones and outputs (AFG)



II-6. **For an explanation of what was foreseen for use of the RBSA funds, the evaluator has relied upon the CPO AFG826 outcome statement for the 2018-2019 implementation year.** This document was apparently used as the basis for approval of the RBSA funding, as seen in the minute sheet dated 21 December 2018 from PROGRAM.

II-7. **The project targeted P&B Output 2.1 and Output 2.3 for its results.** This can be seen in Table 10 below. These targets were confirmed with each request for a NCE. In the event, none of the intended results were achieved.

Table 10: P&B outputs and intended project results (AFG)

P&B output	Key project results
<b>2.1 Increased capacity of Member States to ratify international labour standards</b> <b>2.1.1. Number of ratifications of fundamental and governance Conventions or Protocols</b>	<ul style="list-style-type: none"> <li>• Ratification of C29 registered</li> <li>• Timeline established for ratification of C87 and C98 in the next three years</li> <li>• Roadmap staggering ratifications until 2030 established</li> </ul>
<b>2.3 Increased capacity of Member States to engage in a forward-looking international labour standards policy</b> <b>2.3.1 Percentage of reports on the application of ratified Conventions due 1 September received in a timely manner that include replies to comments of the supervisory bodies</b>  <b>2.3.2. Number of member States with tripartite mechanisms enabling constituents</b>	<ul style="list-style-type: none"> <li>• Reporting on ratified Conventions (9 outstanding reports) by 1 September 2021</li> </ul>

<p><b>to effectively engage in the implementation of international labour standards at the national level, including reporting to the supervisory bodies</b></p>	<ul style="list-style-type: none"> <li>• Tripartite forum is functional and serves as a platform for the government and social partners to engage on ILS, reporting and labour law issues.</li> </ul>
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### Identified risks and mitigation measures

II-8. **Risks and mitigation measures were identified when the project was approved.** In the event, the security and operational situation in the country were fluid during the life of the project. Table 11 below shows the risks and mitigation steps envisaged, along with “in the event findings.”

Table 11: Risk, mitigation and findings (AFG)

Risk	Mitigation	In the event findings
<p><b>1. Increased political instability and security deterioration</b></p>	<p>(a) The project's focus is mainly on the technical civil servants who remain on the job even when the government changes or in times of political instability.</p> <p>(b) These civil servants are the mainstay of the project and the project will therefore be able deliver the desired outputs even if there is a change in political leadership.</p> <p>(c) Similarly, the project will operate out of the ILO office which is based in a very secure UN compound.</p> <p>(d) Alternative work modalities such as inviting the national counterparts to the UN compound will be adopted for continuity of interventions.</p>	<ul style="list-style-type: none"> <li>• Monitoring reports registered the loss of several civil servants thought key to project implementation. Their absence was cited as contributing to weak performance.</li> <li>• The project has operated out of the ILO Office.</li> <li>• Activities were conducted, but many were not as a result of COVID; internet connectivity is not good.</li> </ul>
<p><b>2. MOLSAMD experience significant restructuring and staff changes leading to delays in implementation.</b></p>	<p>(a) This risk can be mitigated somewhat by developing and institutionalising capacity building programmes that can be delivered even after the project has been completed.</p> <p>(b) Moreover, even if the Ministry gets restructured, the staff of the Labour Law and ILS departments, which is the main focus of the project, will remain in the job due to the very technical nature of the job.</p>	<ul style="list-style-type: none"> <li>• An ITC/ILO eCampus solution was conceived but was not concretized.</li> <li>• Staff members in the Ministry have changed since August 2021.</li> </ul>
<p><b>3. The project is unable to effectively deliver as planned due to the office's limited capacity, insufficient/inexperienced technical/project management expertise.</b></p>	<p>(a) An experienced international and ILO knowledgeable project manager (P4) is contracted to be able to independently manage, and deliver the expected results.</p>	<ul style="list-style-type: none"> <li>• 10 weeks after arrival, the PM took on OIC responsibilities, which continued for a year formally plus two months in practice.</li> <li>• The PM was experienced programme manager, but did not have particular ILS expertise.</li> <li>• ILS Specialist in Delhi was not available between July 2019 and December 2020.</li> </ul>

### The ILS subjects

II-9. **Improved reporting on ratified Conventions<sup>51</sup> and submission of new ILO standards to the competent national authorities<sup>52</sup> was an aim of the project.** The strategy to be used for achieving these Constitutional obligations was largely one of capacity building, rather than direct support to do the reports. This can be divined from the funding approval documentation and confirmed by key informants.

- The CPO says that the request of the tripartite constituents from 1 October 2018 was for support for “capacity building, education and awareness” raising with a purpose, *inter alia*, of “strengthen social dialogue, reduce gaps in application of ratified

<sup>51</sup> The backlog can be seen in Table 12 at page 35.

<sup>52</sup> There was a backlog of 3 ILS sessions at the time.

Conventions, prepare the ground for the ratification of other relevant instruments, improve reporting to the supervisory bodies”.

- The CPO was to be “...focussed on promoting the implementation of the 2030 Agenda by strengthening the capacity of the Government (MoLSAMD and other Government institutions) and the social partners (ACCI & NUAWA) to engage in the progressive application of international labour standards (ILS) through labour law reform, improved reporting to the supervisory bodies on progress made and consideration given to future ratifications.” This was to be done through “(a) sensitization and awareness raising; (b) capacity building; (c) technical advice; and (d) assistance with technical proposal formulation across the DWCP to ensure, *inter alia*, that the CCPDs are clearly reflected and addressed.”
- According to the CPO logic, “[a]ddressing key gaps in the application of ratified Conventions and restoring the country's capacity to oversee progress and report thereon is a key part of this effort to restore governance and the rule of law, along with efforts to introduce a revised regulatory framework for business corresponding to the country's international commitments and national priorities.”
- The CPO established a project “Output 2.3: Capacity building programmes piloted and institutionalized for MOLSAMD, ACCI & NUAWA officials to access, understand and report on application of ILS.”
- Finally, in terms of problem identification in the context of setting milestones, the CPO said that “[c]urrently MOLSAMD has little capacity to fulfil its reporting obligations to the ILO and social partners also have little capacity to review and provide meaningful comments on reports. This lack of capacity stems from a combination of issues including: weak English language skills of designated officials; weak coordination mechanisms for information gathering; inability to access, gather and interpret information on practices at local level; weak understanding of reporting requirements and substantive content of ILO instruments; and a generally weak system for implementation and monitoring of labour laws, policies and regulations.”

II-10. **Government representatives sought support to ratify additional ILO Conventions; the project aimed to provide it.** Remaining unratified Fundamental Conventions were to be aimed for, that is Conventions No. 87 and 98, and Convention No. 29 and its Protocol. Roadmaps were to be established, technical questions answered, and information on conforming measures provided. The development of a national OSH policy with a view to ratification of C155/C187 was also imagined as part of the support conceived for labour administration. Development of a national labour inspection policy was hoped to be developed with a view to ratification of C81 before 2030.

II-11. **The Government had already begun labour law reform efforts in 2018, with the support and direct assistance of the EU, and a mandate to integrate ILS.** From December 2018 an EU-engaged expert was stationed in the MoLSA, drafting reforming law and regulations. In the first half of 2019, the ILS Specialist in Delhi worked with the EU expert, commenting on drafts and liaising on reforms in order to make them ILS compliant. Once project finances were available, consideration was given to bringing the EU expert and his work into the project, possibly as PM, but this did not occur.

II-12. **The project aimed to support consultations around drafting and drafted law and regulations.** In the light of the existing EU project, the project would support tripartite and expert consultations on drafts. This mechanism would be used to achieve conformity with international standards.

Table 12: Art. 22 reports requested and received (AFG) (2019-2026)

All Conventions for which there is an Art. 22 reporting obligation	Past				Future			
	2019	2020	2021	2022	2023	2024	2025	2026
C013 - White Lead (Painting)							RR	
C014 - Weekly Rest (Industry)							RR	
C045 - Underground Work (Women)							RR	
C095 - Protection of Wages							RR	
C100 - Equal Remuneration	Rns	Rns	Rns	RnrO			RR	
C105 - Abolition of Forced Labour			Rns	RnrDR		RR		
C106 - Weekly Rest (Commerce and Offices)							RR	
C111 - Discrimination (Employment and Occupation)	Rns	Rns	Rns	RnrODR			RR	
C137 - Dock Work	S	Rns			RR			
C138 - Minimum Age			Rns	RnrODR		RR		
C139 - Occupational Cancer							RR	
C140 - Paid Educational Leave	Rns	Rns	Rns	RnrDR		RR		
C141 - Rural Workers' Organisations	Rns	Rns	Rns	RnrDR				RR
C142 - Human Resources Development	Rns	Rns	Rns	RnrDR		RR		
C144 - Tripartite Consultation (International Labour Standards)	Rns	Rns	Rns	RnrDR	RR	RR		RR
C159 - Vocational Rehabilitation & Employment (Disabled Persons)								
C182 - Worst Forms of Child Labour			Rns	RnrODR		RR		
<b>Information sources:</b> 2019 information taken from CEACR report to the 2020 ILC 2020 information taken from CEACR report addendum to 2021 ILC 2021 information taken from CEACR report to 2022 ILC 2022 information taken from NORMLEX as of 13 October 2022	<b>Abbreviation key:</b> <b>Rns:</b> Requested, not sent <b>Rnr:</b> Requested, not received (basis for report request) <b>RR:</b> Regular request (basis for report) <b>S:</b> Sent <b>O:</b> Observation <b>DR:</b> Direct Request							

## Theory of Change

II-13. **On the basis available documentation and inputs from key informants, a theory of change is proposed for use by the evaluation.** The ToC is based on the current status of the project, that is, with milestones, outputs and indicators substantially reduced from the original plan from January 2019.

### Theory of Change

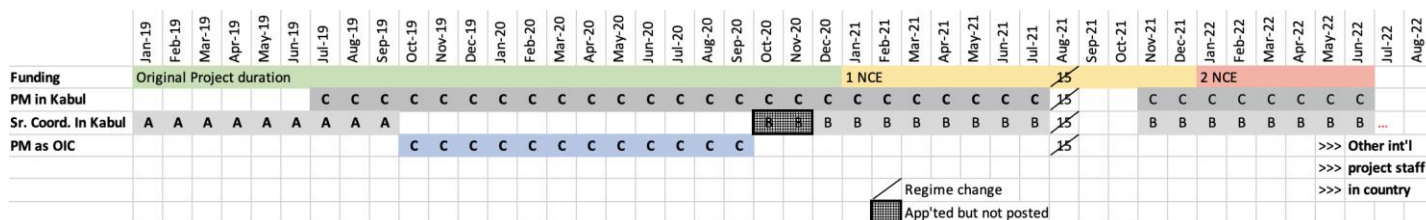
**By doing capacity building, education and awareness raising benefiting officials within MoLISA, ACCI, and NUAWA, these stake-holding institutions would be moved closer to fulfilling their roles as labour market actors.** In better fulfilling their roles, social dialogue would be strengthened. With the benefit of increased skills and abilities resulting from capacity building, education and awareness raising, MoLSA, ACCI, and NUAWA would act to reduce gaps in the application of ratified Conventions, lay the foundations for decisions to ratify relevant ILO instruments, and provide the necessary reports to the relevant supervisory bodies. These actions would help progress in delivering on the 2018-2022 DWCP for Afghanistan.

## Project implementation

II-14. **Armed conflict, staffing issues, COVID-19, and regime change impacted Project delivery.** The timeline in Figure 3 below shows the periods of project financing, instances of personnel postings, and moment of regime change relevant to the project. Letters A, B, and C represent individual ILO staff members, Senior Coordinator (Sr. Coord), Project Manager (PM), and Officer in Charge (OIC). Armed conflict persisted in the country during the first 32 (out of 42) months of project financing, up until August 2021. Although the project was funded from January 2019, its PM was tasked as the OIC and served that function formally for a full year, plus

*de facto* for two months until the newly appointed Sr. Coord. for the country took up post in Kabul in December 2020. By then the COVID-19 pandemic had become a relevant consideration for activities in Afghanistan. Eight months more of armed conflict elapsed before regime change and evacuation of international staff in August 2021. ILO staff including the PM returned to Kabul some 10 weeks later in November 2021. Eight months' of funding remained, during which there was a shuffle in project counterparts, not to mention a disturbance in the economic, political, and social fabric following the take-over by the Taliban as *de facto* authority in the country.

Figure 3: Periods of financing and postings (AFG)



II-15. **The first of two no cost extensions was granted in December 2020; both NCEs were approved on the basis of an operational environment that challenged delivery of supports and the achievement of results.** The first NCE sought 12 additional months for the project. At that point, a certain percentage of the budget had been expended. The request was justified by the arrival of the PM only in mid-July 2019 and her assignment to work as acting OIC three months later, the difficult and deteriorating political and security situation, and COVID-19's significant impact on the attention that could be given to the project by the ILO constituents. The appointment of a new Minister for Labour and Social Affairs in September 2020 and the filling of key positions in the counterpart unit of the Ministry were lauded as rejuvenating for stalled project progress. A tripartite consultation was held at the beginning December 2020 to discuss the prospect for a NCE of the project and to confirm priorities that were largely those the project started with, excepting the broad labour administration support milestone. See details below in para. II-17.

II-16. **A second NCE was sought in October 2021, for an additional 6 months.** At that point, more than a quarter of the original funding (27.6%) remained unspent. The request explained that the gains made as a result of the first NCE had been halted on account of the changed political situation, with the takeover of *de facto* authorities on 15 August 2021. According to the request, a second extension would allow focus on maintaining and increasing capacity previously built by the project. The reduced focus aimed to deliver on –

*"a. Revision and implementation of the legal framework, including education and awareness on membership obligations and the ILO Supervisory System, and clearing the backlog of nine reports on ratified Conventions,...*

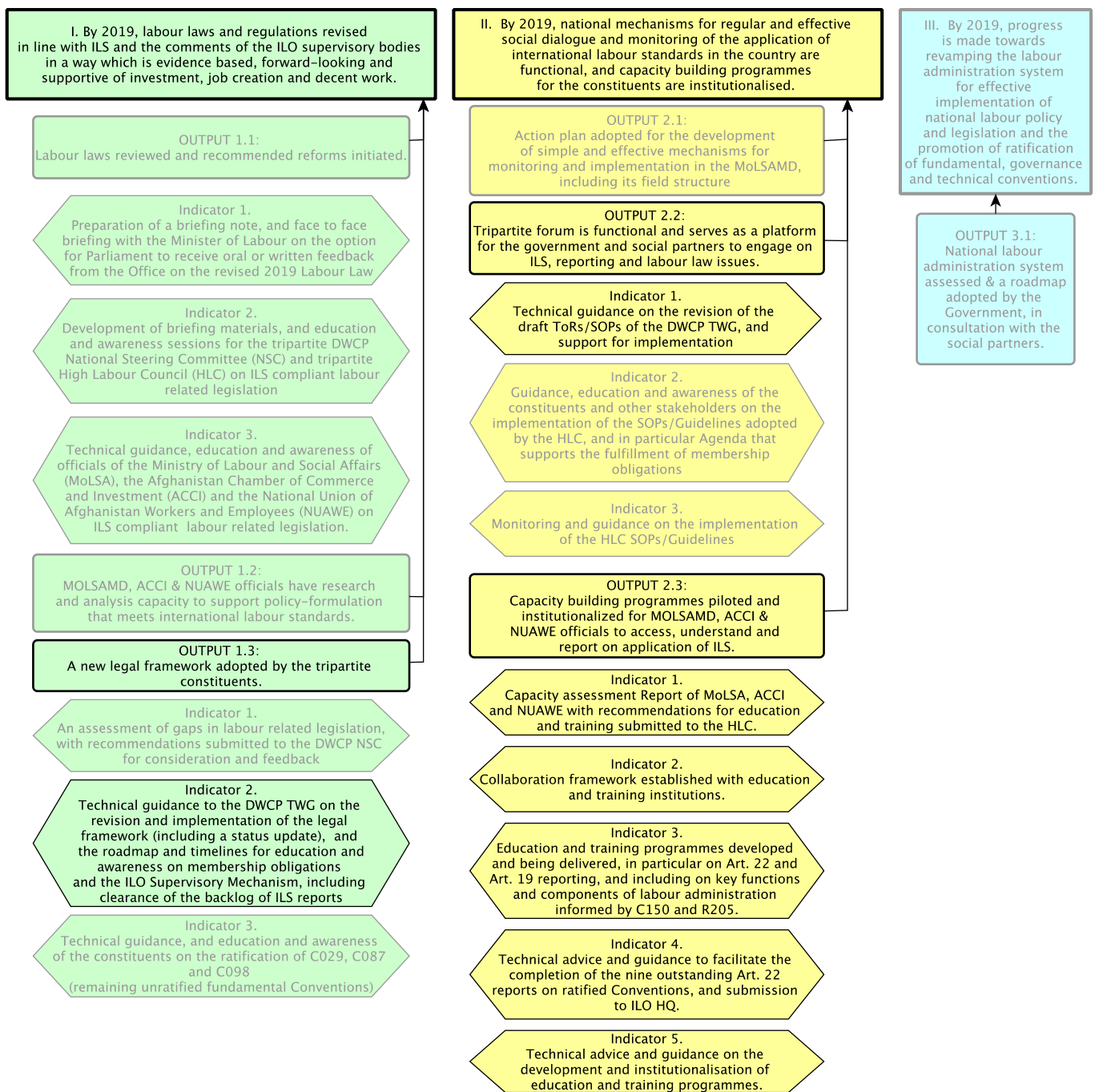
*b. Expansion of the Afghanistan digital learning eCampus (which will be operational by December 2021) with a focus on training materials and tools on ILO membership obligations, the ILO Supervisory System, tripartism, social dialogue, ILS of critical importance for ensuring decent work, such as R205, the fundamental Conventions (in particular C100 and C111), C144, C122, OSH, social protection, and violence and harassment (C190, R206). ...*

*c. ... a sustained campaign [with other international actors] to advocate collectively for the upholding of human/workplace rights, and in particular those of women and girls."*

II-17. **By the end of the first period of financing – 21 December 2020 – three outputs had been withdrawn in consultation with constituents and NORMES.** According to work planning and monitoring documentation, Outputs 1.2 (research and analysis capacity to support policy formation), 2.1 (action plan for monitoring and implementation in MoLSA), and 3.1 (Assessment of labour administration system and roadmap) were no longer to be the subject of project work.

II-18. **By the end of the second period of financing – 20 October 2021 – an additional output and its three activity/indicators were dropped from planned implementation, along with four activity/indicators belonging to the remaining outputs.** The remaining indicator/activities of the project are shown in dark typeface in Figure 4 below alongside withdrawn elements (shaded out). According to monitoring documentation, those were “No longer viable in light of the current political situation, and governance by a *de facto* authority.”

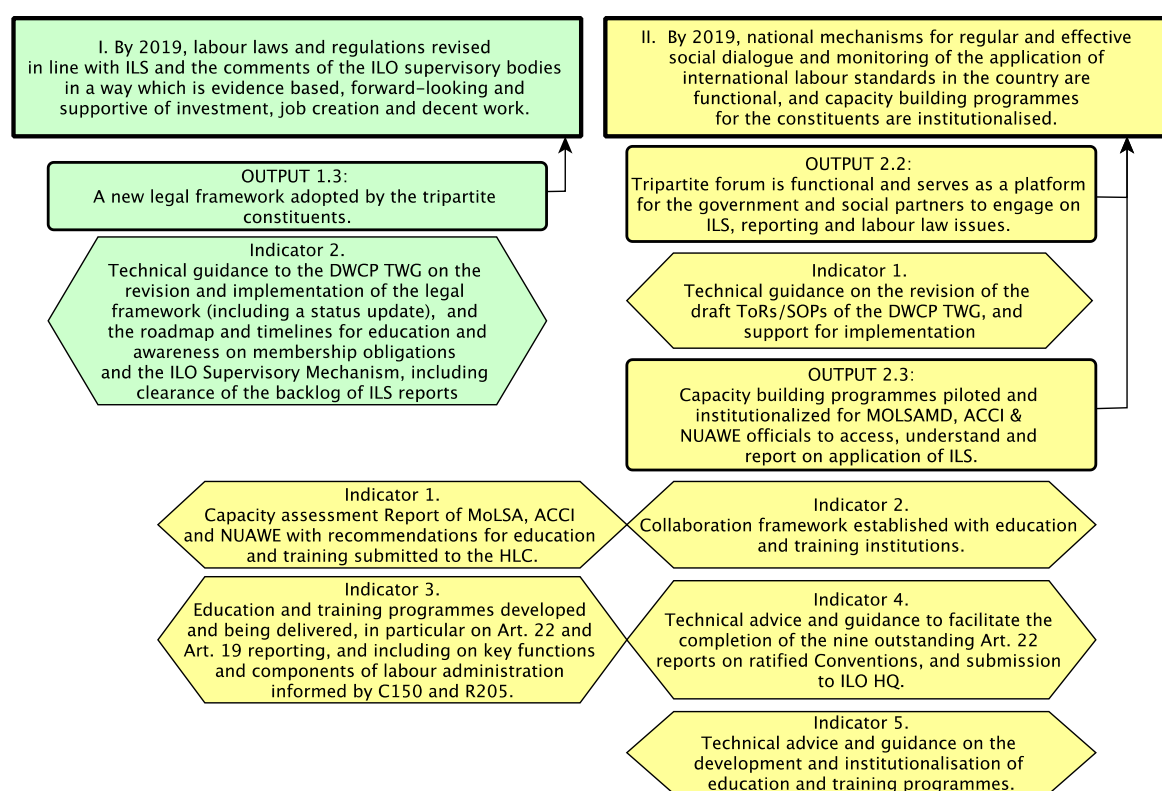
Figure 4: Original milestones, outputs and indicator/activities showing withdrawals (AFG)



II-19. **By the end of the project – 30 June 2022 – the remaining focus was on giving technical guidance on labour law, and social dialoguing and reporting.** The remaining indicator/activities of the project are shown Figure 5 below. In the event, what was the content of referenced interventions? And what was achieved?



Figure 5: Final retained milestones, outputs and indicator/activities (AFG)



**II-20. Starting with the first remaining Output 1.3, it aimed at developing a new legal framework adopted by the tripartite constituents.** This was to be based on a gap analysis and advice in the light of supervisory body comments.

**II-21. The Delhi-based ILS Specialist provided initial feedback in early 2019 to drafts as a part of the review of the 2016 Labour Law and development of a National Labour Policy.** This was after the project had been approved but before it became operational with the appointment of the PM. The ILS Specialist departed Delhi at the end of June 2019, just as the PM was taking up post in Kabul.

**II-22. EU consultant teams worked on reforming labour law and preparing art. 22 reports, during the projects operational phase.** According to the mission report of a temporary ILO ILS expert from November 2019 (confirmed with other key informants) –

*“Labour Law reform in Afghanistan initiated earlier this decade with the assistance of the ILO and the participation of the Max Planck Institute did not result in the adoption of a draft. Interest in labour law reform resurfaced in 2018 with the involvement of the EU State Resilience Building Contract, a financial package worth 100 million euros for 2019 allocated for the support of public sector reforms in Afghanistan. The EU hired the IBF, an international consultancy firm, to assist the government with the legislative reforms and capacity building projects. Regarding labour issues, the IBF has four consultants temporarily working in the Ministry of Labour and Social Affairs on, among other issues, labour law reform, drafting of the national labour policy and institutional review of the Ministry. The IBF is also involved in the adoption of around 18 pieces of legislation and regulations on various labour subjects.”<sup>53</sup>*

<sup>53</sup> Mission Report to Kabul (9-16 November 2019), by Zahra Yusufli



II-23. **The Government chose to revise the 2019 Labour Law and 2019 National Labour Policy without direct ILO inputs.** The MoLSA had been under pressure to complete both these normative documents and submit them to Parliament by 31 Dec 2019. The EU programme had conditioned the release of several million Euros in funding to the Government on its meeting this deadline. It was reported that the draft was circulated through the EU during the first week of December 2019, and submitted to Parliament on 31 Dec 2019. To date, there is no credible confirmation on the status of these documents, except for the fact that the December 2019 deadline had been met and that EU drafting work had ceased. This greatly reduced any need for the project to provide supports in connection with drafting, although ILS conformity will remain an issue potentially the subject for DC or TA.

II-24. **The *de facto* authorities are reviewing the drafts that had been prepared prior to their taking power to assure compliance with Islamic law.** The ILO Office in Kabul reports that the labour law making process has lost transparency; this has been confirmed by the EU expert. It is not known how far along the process of review is or what the prospects are for adoption of any new labour law – whether compliant with international obligations or not.

II-25. **The second remaining Output 2.2 aimed to make a tripartite forum functional as a platform for the Government and social partners to engage on international labour standards, reporting and labour law issues.** At the end of December 2019, ILO Social Dialogue Specialist from Delhi met bilaterally with representatives of the constituents in Kabul at the invitation of the project with a view to determining what could be done to support formation and operation of a tripartite High Labour Council (HLC). COVID-19 started to impact the region in the second quarter of 2020. Attention throughout the region shifted toward COVID response, and in Afghanistan away from ideas of support the HLC to support to a COVID response. The Specialist has since not been involved in any supports for the HLC, on either a tripartite or bipartite basis, in real life or virtually. Following monitoring of the project at the end the first NCE in December 2021, two of three sub-outputs/indicators – one explicitly referencing a HLC – were deemed “no longer viable in light of the current political situation and governance by a *de facto* authority.”

II-26. **The December 2020 monitoring report – coming at the end of the original project period – noted the dysfunctionality of two formal tripartite mechanisms established under the DWCP.** The operation of the Technical Working Group (TWG) and a National Steering Committee (NSC) was thus prioritized for supports as the project moved forward into the first NCE. The proposal for the NCE said –

*“The project will enable constituents to effectively engage in the implementation of international labour standards at the national level, including reporting to the supervisory bodies by (a) supporting the review and adoption of regulations for the High Labour Council (b) building capacity of the tripartite constituents to meaningfully engage in the proceedings of the High Labour Council, in particular in relation to international labour standards, and (c) to convene the first meeting of the High Labour Council in 2021.”*

II-27. **The third and final remaining Output 2.3 was to pilot and institutionalise capacity building programmes for MoLSA, ACCI, and NUAW officials to access, understand and report on the application of international labour standards.** According to monitoring report, in April 2021 a capacity assessment report of MoLSA, ACCI and NUAW needs for education and training was done. The report and its recommendations were submitted to the HLC. It was also reported that a collaboration framework was established with education and training institutions then (31 May 2021). Tripartite workshops instructing on ILS (possibly *inter alia*) were held face-to-face earlier in Kabul with the virtual involvement of the ILS Specialist

from Delhi on 3 and 10 February and 3 March 2021; similar meetings were held with Government on 16 and 17 March 2021. Monitoring documentation does not show further activity.

**II-28. An Afghanistan “eCampus architecture was being developed by ITC-ILO”, according to a monitoring report of late 2021.** Monitoring documentation observes that “online learning is now even more critical” and that as a result the Project is establishing the institutional infrastructure for an Afghanistan eCampus. Training courses in the thematic areas of (1) ILS and the ILO Supervisory Mechanism (2) Jobs for Peace & Resilience (3) OSH, and (4) Child labour elimination were prioritized. Early experience from the eCampus for Myanmar was exchanged with the Afghanistan project manager in April 2021. In order to receive obligatory approval for an internet domain name, the project manager had communicated with JUR and DCOM between 12 August 2021 and 25 October 2021. This was the period just as the Taliban took control of Kabul (15 August 2021) and when the UN staff were evacuated (commenced 18 August 2021). No decision on the request was found by the evaluation.<sup>54</sup>

**II-29. In the event, the Afghanistan eCampus has not come to fruition.** The ITCILO service provider explained that work was started in January 2022 to prepare 4 internet-based training modules. By June 2022, three modules – on (1) OSH (2) Decent Work for Peace and Resilience, and (3) Employment intensive investments were developed and made available in digital format to the ILO Office in Kabul for translation. According to the key informant, the Kabul Office did not make technical inquiries about the method to be used for performing the translation, and translations of the modules have not been seen. The modules otherwise remain ready to be mounted into an e-learning platform. The e-learning platform has yet to be created.

Box 5: External eCampus creation by ITC/ILO

### Experience in the creation of external eCampus by ITC/ILO

The ITC/ILO has its own eCampus, from which its different substantive departments offer and run courses. The Afghanistan project wanted to establish an eCampus with its own identity for Afghanistan.

During the life of the Afghanistan RBSA project, the Learning Innovation Team at the ITC/ILO has supported the actual development and implementation of eCampus with internet domains outside that of the ITC/ILO for ILO Offices in Yangon, Dhaka, and Moscow.<sup>55</sup> The relevant ILO field offices initiated creation of these sites. The objective was to establish an eCampus environment recognized as that of and for the national office. In the short term, the eCampus are hosted and technically supported in Turin. It is foreseen that after the initial two-year development and operation period the sites are turned over to the relevant field offices, who host them locally and support them technically and substantively.

In all cases, DCOMM and JUR at ILO Headquarters approve the establishment of the external domain used by the relevant external eCampus. The procedure is an established and compulsory one. The process for the Yangon Office was started about 23 October 2020 and completed with approval 19 November 2020.

**II-30. In terms of indicator 3,<sup>56</sup> ILO and EU supported activities were conducted face-to-face during 2019 and early 2020.** The EU expert prior to his departure from Kabul in January 2020, and ILO ILS Specialists prior to her departure from Delhi in July 2019, as well as other ILS

<sup>54</sup> INFOTEC has made an enquiry with JUR and COMMS, following up on that initiated by the evaluator.

<sup>55</sup> at: <https://ecampus.iloyangon.org>, at: <https://ecampus.ilodhaka.org>, at: <https://ecampus.ilomoscow.org>

<sup>56</sup> “Education and training programmes developed and being delivered, in particular on Art. 22 and Art. 19 reporting, and including on key functions and components of labour administration invoked by C150 and R205.”

Specialists in November/December 2019, engaged in training environments with Afghan constituents on reporting obligations. The EU expert told of actually drafting art. 22 and 19 reports. Those efforts were apparently unsuccessful in enabling the authorities then to meet their reporting obligations. See Table 12 above at page 35.

## Financial aspects of the project

II-31. **Limited financial information for the project has been available to date for the evaluation.** It has been possible to see that almost half the expected expenditure of the project was for international staff, with the second largest remaining proportion intended to go to subcontracts. The original budget allocation is seen in Figure 6 below. With the second NCE (six months), more than half the funds originally planned for seminars (USD63,200) were reallocated to cover the costs for the PM.

Figure 6: Budgeted expenditures (AFG)



# Fiji (FJI/20/01/RBS)

## Background

II-32. The cluster RBSA project in Fiji was entitled *Promoting compliance with international labour standards as foundation to inform policy responses for better COVID-19 recovery in the Pacific* was linked with the CPO entitled *Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations*. Funds for the project totalling USD175,000 were approved on 17 July 2020. Funding was to end on 31 October 2021. The project had one 60-day no-cost extension, to 31 December 2021.

### *The project, its aims and P&B links*

II-33. The framework for the project followed tightly the P&B output framework addressing international labour standards. This is shown in Table 13 below, which is the entire framework for project activities taken from the implementation plan.

Table 13: P&B outputs and CPO outputs/deliverables (FJI)

P&B output	CPO outputs (following SM/IP deliverables)
<b>2.1 Increased capacity of Member States to ratify international labour standards</b>	<ul style="list-style-type: none"><li>• The ratification of C.160, C.161, C.187 discussed by tripartite partners</li><li>• Technical assistance to assess the compliance of national legislation with C.160, C.161, C.187 provided</li><li>• Technical assistance provided to draft Cabinet Papers on ratification of C.160, C.161, C.187</li><li>• Fiji Direct Contact Mission on FACB and its preparation are supported</li><li>• Launch of the C.190 national review report and validation of recommendations</li><li>• Awareness raising and promotion materials (knowledge products) developed</li></ul>
<b>2.2 Increased capacity of the member States to apply international labour standards.</b>	<ul style="list-style-type: none"><li>• Technical support provided to Fiji on implementation of comments of the CEACR and CAS related to FoA, social dialogue, child labour, gender equality, non-discrimination, OSH and MLC.</li><li>• Tripartite consultations conducted in Fiji on issues raised in comments of the CEACR and CAS related to FoA, social dialogue, child labour, gender equality, non-discrimination, OSH and MLC.</li><li>• Draft amendments developed in Fiji on issues raised in comments of the CEACR and CAS related to FoA, social dialogue, child labour, gender equality, non-discrimination, OSH and MLC.</li><li>• Awareness raising event for policy decision makers and activity of sensitization for Fiji Police Force are conducted in Fiji on matter called for by the supervisory bodies</li></ul>
<b>2.3 Increased capacity of Member States to engage in a forward-looking international labour standards policy</b>	<ul style="list-style-type: none"><li>• Tripartite partners' capacities strengthened on ILS including FPRW, tripartite consultations in line with C144, and COVID responses. Lessons learned will be shared within the sub-region.</li><li>• A sub-regional capacity-building event will aim at sharing knowledge across PICs and at ensuring that in addition to Fiji other Pacific island countries can benefit from much needed assistance in the area of ILS in a cost-efficient manner. Please see the detailed budget of the activity in Appendix 3.</li></ul>

### *The ILS subjects*

II-34. The project had a close focus on core matters of the ILS system. These were (1) promoting ratification and (2) responding to and addressing recommendations and comments made by supervisory bodies. The project planned to use GA studies and workshops as a method for promoting awareness about instruments proposed for ratification. Workshops, awareness raising interventions, technical analysis, and training for particular target audiences, i.e. police, were the means expected to be used in promoting compliance with supervisory recommendations and comments.

### *Theory of Change*

## Theory of Change

**Under this RBSA project, changes were sought among the ILO's tripartite constituents in Fiji in respect of (1) decisions and actions to better implement a variety of specific ratified ILO Conventions, (b) engagement in informed and fact-based policy discussions related to better implementation, and (c) support for and ultimate ratification of specified ILO Conventions.** Through the presentation and vetting of technical documentary materials, holding of awareness raising and capacity building events (virtual and in real life), and advocacy on the basis of international practice and norms, the project expects ILO constituents to be persuaded of the usefulness of particular decisions and actions, ultimately leading to their taking actions that effect the changes sought.

## Project delivery

**II-35. An ILS Specialist was present in the ILO's Suva Office, able to work for the project.** The Specialist was involved in preparing the request for funds and driving the activities of the project when funding was approved. Detailed plans of action to improve implementation of ratified Conventions on the basis of CEACR were developed through constituent consultations; RBSA funds were used to act on these plans. The Specialist was reposted to Delhi in July 2021, prior to the end of project activities. The new Specialist took up post in Suva in December 2021. A senior programme officer present in Suva for during its entirety followed the project.

**II-36. Changes were made from planned gap analysis for new ratifications to promoting better application of Conventions already ratified.** The first changes made during implementation were to redirect support from work on gap analysis for instruments proposed for ratification to work on implementing ratified standards and addressing the CEACR recommendations. This responded to a Ministry of Employment, Productivity, and Industrial Relations (MEPIR) decision to work independently on analysis of compliance with Conventions planned for ratification; other forms of DC or TA could be provided in respect of implementing C155, the MLC, and C182.

**II-37. A second change was the shift away from face-to-face activities to online supports on account of COVID restrictions.** This reduced cost budgeted for a sub-regional capacity-building event.

**II-38. Lastly, decisions on specific interventions supporting action on supervisory body recommendations were taken during Project delivery on the basis of constituent consultations.** Most of these involved Fundamental Conventions, although there are CEACR comments on 18 out of 28 ratified Convention for which reports on application are regularly requested, as seen in Table 14 below. Actions were taken in respect of improved application or ratification of instruments on freedom of association, child labour, OSH, maritime work, violence at work and statistics.

Table 14: CEACR comments on conventions for which reports are requested (FJI)

All Conventions for which there is an Art. 22 reporting obligation		DR	OBS
1.	C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)	😊	😊
2.	C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)	😊	😊
3.	C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	2020	-
4.	C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	2019	-
5.	C029 - Forced Labour Convention, 1930 (No. 29)	2021	-

6.	C045 - Underground Work (Women) Convention, 1935 (No. 45)	😊	😊
7.	C081 - Labour Inspection Convention, 1947 (No. 81)	😊	😊
8.	C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	-	2020
9.	C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	-	2020
10.	C100 - Equal Remuneration Convention, 1951 (No. 100)	2020	2020
11.	C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	2021	2021
12.	C108 - Seafarers' Identity Documents Convention, 1958 (No. 108)	2020	-
13.	C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	2020	2020
14.	C122 - Employment Policy Convention, 1964 (No. 122)	😊	😊
15.	C129 - Labour Inspection (Agriculture) Convention, 1969 (No. 129)	😊	😊
16.	C138 - Minimum Age Convention, 1973 (No. 138)	2021	-
17.	C142 - Human Resources Development Convention, 1975 (No. 142)	😊	😊
18.	C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	-	2020
19.	C149 - Nursing Personnel Convention, 1977 (No. 149)	2019	-
20.	C155 - Occupational Safety and Health Convention, 1981 (No. 155) and P155	2015	-
21.	C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	😊	😊
22.	C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)	😊	😊
23.	C172 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)	2019	-
24.	C181 - Private Employment Agencies Convention, 1997 (No. 181)	2021	-
25.	C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	2021	2021
26.	C184 - Safety and Health in Agriculture Convention, 2001 (No. 184)	2015	-
27.	MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006)	2020	-
28.	C190 - Violence and Harassment Convention, 2019 (No. 190)	1 <sup>st</sup>	Rpt

### *COVID relatedness*

#### II-39. **COVID-19 responsiveness figured in the project title and implementation.**

According to the responsible ILS Specialist, specific conventions and activities were selected based on the need to use ILS for COVID response:

- Focus on MLC, 2006 implementation as PICs had lots of COVID-related problems with seafarers;
- A focus was placed on C182 as child labour increased during COVID;
- ILS generally used as a foundation to protect workers' rights against attempts to weaken legal regulation;
- C155 and development of OSH Policy was selected because of the discussion on OSH as FPRW;
- C87 was selected due to the CAS/CEACR comments;
- Connection between ILS and COVID was included into the ILS course for PICs (discussed below).

### *FoA related activities*

II-40. **Training materials on freedom of association targeting police were prepared by the project.** There are longstanding FoA issues pending resolution in Fiji. Some involve police practices. An approach and strategy was agreed by the then ILS Specialist in Suva with the police training institution and operational authorities to receive training materials and a proposed standard operating procedure for consideration for adoption. There was collaboration with the UN Office for the High Commissioner for Human Rights on the materials' content and use. The draft materials and SOPs were completed by the end of the project. They were turned over to the operational and training police authorities by the current ILS Specialist for consideration with a view to further development and ultimate use. Attempts to arrange further meetings with the relevant police authority and police training institution have not succeeded. Neither the materials nor the SOPs have been brought into service.

II-41. **RBSA funds were to be used in support of a direct contacts mission (DCM) expected following on the 2019 CAS discussion of C87 application.** In the event, the planning of a DCM was hindered by COVID related travel restrictions which began to be lifted in early April 2022. A CEACR observation on C105 published in February 2022 led to another CAS discussion in June 2022. This CAS discussion focused on laws authorizing the exaction of forced or compulsory labour as political coercion, labour discipline or as punishment for having participated in strike action. These matters relate to FoA and are now also foreseen to be the subject of any future DCM.

### *MLC related activities*

II-42. **Fiji ratified amendments of 2018 to the MLC 2006 on 26 December 2020.** The project engaged consultants to draft amended regulations and supported review and validation by constituents. Constituents were sponsored for Online Training of Trainer and Maritime Inspectors in Application of the ILO MLC 2006. The next regular report on the Convention is due in 2026; responses to CEACR comments will also be due then. COVID-related issues for PIC countries, with seafarers stranded as a result of COVID travel restrictions, *inter alia*, were also taken up.<sup>57</sup>

### *OSH related activities*

II-43. **Discussions have been held on the possible ratification of C187, C161 and C162.** A cabinet paper was prepared on the matter for discussion at the National OSH Advisory Board (NOHSAB) in January 2022 and then Cabinet. The project commissioned a collaborator to develop a National Occupational Health and Safety Policy that would conform with ratified Conventions, C187 and reflect good practice. In this process, elements of C187 were discussed among tripartite partners many times, and compatibility with national legal and policy frameworks was assessed. The regional OSH Specialist gave technical support to this process virtually. As mentioned above, no formal GA were prepared or supported with RBSA funds, as this was not requested by constituents.

### *Child labour activities*

II-44. **RBSA resources were combined with those from the MAP16 project in promoting elimination of child labour in Fiji.** Fiji was a beneficiary country in the Measurement, Awareness Raising, and Policy Engagement (child labour) project (MAP16) between October 2020 and October 2021; the project has been extended until March 2023. During this period, the RBSA project resources were applied to MAP16 interventions. The results have since been reported to the CEACR in respect of the application of Conventions Nos. 138 and 182; a key informant says “the reports were based on what was done by projects.”

### *Violence at work activities*

II-45. **Fiji’s ratification of Convention No. 190 on Violence at Work was registered in June 2020, before the project started.** This ratification was noted as a country programme outcome in the P&B implementation dashboard for the 2020-2021 biennium. A gap analysis of the Convention in the Fijian context was started before the project began, financed by RBTC funds. The analysis report with recommendations on actions needed to achieve better compliance with C190 was presented in 2021 with the support of the RBSA project. The first

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<sup>57</sup> For example, at: <https://www.theguardian.com/environment/2021/dec/26/shipping-industry-tortuous-ordeal-of-seafarers-marooned-by-covid>



report on C190 was due latest end September 2022; it has not been received as of 4 December 2022.

#### Box 6: Funding of gap analyses (FJI)

### How core normative work like gap analysis are funded and used in practice

A gap analysis of C190 for Fiji was started before the RBSA project began. It was paid for with regional RBTC funds as part of a campaign for the promotion of the newly adopted C190. Promotion campaign funds were used for gap analysis for other PICs including Vanuatu and Samoa. The workshop sharing the results of the GA, discussing approaches to improve application on its basis, and arrangements for preparing a first report on application of the newly ratified Convention was paid for by the RBSA project in Fiji. Similar workshoping events were finance by other sources, including the C190 promotion campaign.

No other ratifications of C190 for PICs have been registered.

The project document said that “Technical assistance to assess the compliance of national legislation with C.160, C.161, C.187 provided” and that “Technical assistance provided to draft Cabinet Papers on ratification of C.160, C.161, C.187”.

Once the project funds were received, the Government specifically declined to accept ILO support for gap analyses for project-identified C160, C161, and C187. They declined as well in respect of C162 and P29. Instead, “[t]he groundwork to support the ratifications of C187, C161 and C162 was ... supported by the RBSA Project with a consultant drafting a National OHS Policy for Fiji and reviewing the 2017 National OHS Profile. Both documents have been validated and will also be submitted to NOHSAB in January 2022.”

No further ratifications have been registered by Fiji since 2020.

### *Statistics*

II-46. **Ratification of the Statistics Convention, 1985 (No. 160) was discussed and promoted at the behest of the global promotional campaign.** No project action was however requested, thus no gap analysis was initiated. The Regional Labour Statistician informs that ratification of C160 has long been considered by Fiji, as the country is likely close to conformity. A proper gap analysis has also been considered (outside of the project), but has not been prepared.

### *ILS related capacity building*

II-47. **A significant portion of the seminar budget was used for pacific islanders’ participation in an ITC/ILO distance learning course on the ILS system.** Fifty-eight percent (58.5) of the seminar budget – twenty-seven percent (27%) of total expenditures of the project – went to a “sub-regional capacity-building event”. The course was a six-week long distance training programme organized by the ITC/ILO for the Pacific Islands. The course was entitled *International Labour Standards and Reporting Obligations (The Pacific Islands)* and ran from 09 August to 17 September 2021. Content was agreed through broad consultations within and outside the Office, including constituents.

II-48. **The course had broad aims related to the ILS system.** General and specific objectives were formally stated in the course materials and agreed with the project management:

#### **General Objectives:**



- Strengthening national capacity to follow international labour standards (ILS) procedures, including the standards-related reporting obligations under articles 19 and 22 of the ILO Constitution
- Strengthening national capacity to apply ILS.

**Specific Objectives:**

- Capacity to participate actively in the procedures of standard setting, submission, ratification, regular and special supervision in the fields covered by the ILO's mandate.
- Capability to find and use standards-related information and tools on the Net.
- Understanding of the content of a section of ILS.

II-49. **Being largely automated, measures of course results are available and documented.** Results on the mandatory pre- and post-course knowledge test showed an improvement of a bit more than one point on a ten-point scale (4.78 pre- vs. 5.82 post). Although the course did not have a specific or detailed focus on ILS reporting obligations, some positive impact might be seen from the performance illustrated in Table 15 below. The vagaries of art. 22 reporting practices do not however permit an argument of clear correlation between a course and reporting performance. Green shades in the table show positive performance, yellow mediocre, and red bad. For proper interpretation, account should be taken of the number of reports requested (shown in the table) and the complexity of reports (MLC or first reports) or comments needing response (not captured in the table). All these elements make reporting performance only a very rough possible indicator of result caused, despite it being objective and quantifiable.

Table 15: Art. 22 performance for PICs, 2018-2022

	2018		2019		2020		2021		2022	
	as of...	total requested	as of...	total requested	as of...	total requested	as of...	total requested	as of...	total requested
Cook Islands	100%	5	-	0	-	0	80%	5	67%	3
Fiji	73%	11	100%	10	20%	10	100%	8	83%	12
Kiribati	22%	9	89%	9	0%	10	17%	6	78%	9
Marshall Islands	100%	1	-	0	-	0	0%	1	100%	7
Palau	100%	1	-	0	-	0	0%	1	100%	1
Papua New Guinea	0%	12	46%	13	0%	13	14%	7	0%	6
Samoa	100%	3	0%	4	80%	5	0%	4	33%	6
Solomon Islands	83%	18	0%	8	86%	7	0%	3	100%	7
Tonga	-	0	-	0	-	0	100%	3	0%	1
Tuvalu	-	0	-	0	0%	1	0%	2	0%	2
Vanuatu	88%	8	0%	4	0%	4	0%	7	0%	9
	as of...	08-Dec-18	07-Dec-19		12-Dec-20		11-Dec-21		17-Nov-22	

II-50. **Participation gradually diminished during the course.** Forty-one persons were formally enrolled in the course; 20 completed the course and received a certificate of participation. A participant needed to complete certain compulsory activities in order to complete the course. These were a subset of all course activities. These included weekly substantive questionnaires and a final satisfaction questionnaire. Twenty-eight (28) participants completed the first weekly questionnaire; twenty-two (22) completed the final weekly questionnaire. During the intermittent four weeks, 27, 24, 24, and 23 participants completed the respective questionnaires. In the end, at least twenty participants completed the mandatory final satisfaction questionnaire. Three (3) country groups (Fiji, Samoa, and Vanuatu) out of ten (10) completed a non-mandatory action plan making exercise during the course.

II-51. **Participants noted a contribution to their capacity and use of that capacity.** The evaluation surveyed all 28 participants who had worked at all in the training course. They were

asked: *"Have you been able to use whatever you have learned during the course, and if so, how have you actually used what you learned? Please respond as concretely as possible."* Eight (8) responses were received. All responded positively to the question.

- One participant credited the course with giving the knowledge needed to be "able to develop and submit 7 outstanding reports for Kiribati."
- Another said the course has "enabled me and my team to engage with relevant partners to ensure they understand the role of our Ministry and the Government to report on application of ratified conventions domestically."
- A participant from Fiji noted that he "... also learned the reporting practices and some of the challenges that Fiji and some other Pacific Island Countries are facing in terms of meeting its reporting obligations. On this note, some of the action plans that were highlighted in group discussions were very accommodating."
- A participant from Cook Islands said, "[t]o be honest because of moving to a different area within our office I haven't been able to actually put in to practice what I have learned in the course,... however I have been able to use what I have learned from the course in my inspectorate work, which the most standout thing I can remember about the course is stakeholder/tripartite consultations, having to always consult with our stakeholders on all the work we do."
- Other comments included:

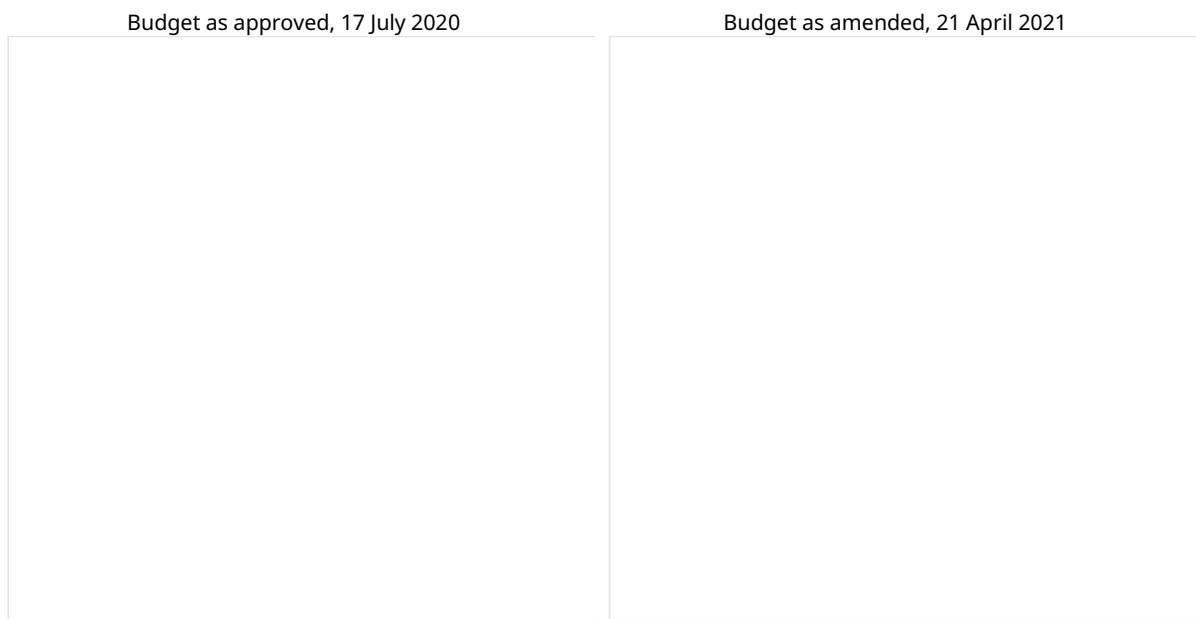
*"From what I learned during the course, some are very useful in the scope of my work as I use them as my tool. But sometimes the terms in the course are not well clearly defined."*

*"The ITCILO online course ... helps tremendously in providing background knowledge and information on all things around reporting obligations, ... However I still believe the information shared is too complex to be offered within a short period that I used the familiarization achieved through the course and build more on it on the job as I strive to try and submit my reports on a timely manner."*

## Financial aspects of the project

II-52. **The project adjusted its budget to account for COVID-19 travel restrictions.** As seen in Figure 7 below, social distancing restrictions impacted on the holding of face-to-face seminars and workshops. Allocations were adjusted accordingly in end April 2021. The other large allocation was for individual contracts for specialists providing analyses and products of different types. Details on individual expenditures were not provided, but monitoring reports give insight for what those contracts were for, i.e. OSH and police related work, etc..

Figure 7: Starting and amended budget (FJI)



# Indonesia (IDN/20/01/RBS)

## Background

II-53. **The cluster RBSA project in Indonesia entitled *Strengthening social dialogue to promote decent work and business sustainability amid the Covid-19 pandemic* was linked with the CPO entitled *Effective industrial relations to improve working conditions and productivity*.** There was a secondary link to an ILS-related CPO. Funds for the project totalling USD200,000 were approved on 29 July 2020. Funding was to end on 30 November 2021. Two no-cost extensions were requested and approved: First to 31 July 2022, and second to 30 November 2022.

### *The project, its aims and P&B links*

II-54. **The project has its origin in constituents' preferences as reflected in the DWCP and related CPOs.** When RBSA funds were being sought there were limited, if any, consultations with constituents to establish a specific project with a progression of activities and logical framework. The Office drew on known existing interests to seek resources to be used to pursue them. Particular reference was made to DWCP priorities.

II-55. **According to its documentation, the project has its focus on social dialogue, aiming to strengthen and use it to enable business to operate safely and productively, and workers to have a safe working environment.** This would be done by the ILO providing technical advice and capacity building, and enabling constituents-led social dialogue for joint actions for business sustainability and decent work. This falls squarely within DWCP Priority 1, Outcome 1.

II-56. **Supports of various kinds were to be provided to various forms of social dialogue.** These included policy consultations, consultations in dispute resolution and for the benefit of improved mechanisms, and bipartite consultations at the national level. A list of activities supported with RBSA funds shows the variety. Training would also be provided to government mediators.

II-57. **The project would also advocate and provide technical assistance for ratification of OSH related Convention No. 155.** According to the project documentation, "efforts would include advocacy to act upon the SRM's recommendations, and in so doing improve its international labour standards policy, and provide indications of any steps needed to meet the requirements of C155... ." This is in line with DWCP Priority 1, Outcome 2.

Table 16: P&B outputs and key project results (IDN)

P&B output	Key project results
<b>Output 1.4. Strengthened social dialogue and labour relations laws, processes and institutions. (USD150,000)</b>	
<b>1.4.1. Newly developed or strengthened institutions, mechanisms or regulatory frameworks for social dialogue, labour relations or dispute prevention/resolution that address current and emerging challenges in the world of work.</b>	<ul style="list-style-type: none"><li>• In consultations with employers and workers organization, Indonesia revitalizes its National Tripartite Bodies (such as LKS Tripnas) for regular social dialogue to discuss and recommend measures to address labour and employment challenges posed by COVID-19 crisis.</li><li>• Ministry of Manpower in consultations with Employers and Workers organization reviews dispute resolution mechanism and take steps to improve the system (for example improves its mediation services both through process improvements and capacity through training its staff for providing labour mediation services).</li></ul>

<p><b>1.4.2. Number of member States with improved policies or practices to promote collective bargaining and/or workplace cooperation.</b></p>	<ul style="list-style-type: none"> <li>• APINDO (Employers) and apex-level national Workers Organizations to adopt policy and strategy to improve IR, including an agreement on guidelines to support workplace consultations and cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions. Focus will be on strengthening LKS Bipartite institution that are mandated under the law; [This process will be facilitated through use and adaptation of ILO's IRToolkit, ITC-ILO Guidelines on Labour Dispute Systems and drawing on relevant ILS].</li> <li>• Employers and Workers Organizations adopt procedural guidelines to facilitate the examination and resolution of grievances at the level of enterprises, using IRToolkit and in line with ILS.</li> </ul>
<p><b>Output 2.1. Increased capacity of the member States to ratify international labour standards. (USD50,000)</b></p>	
<p><b>2.1.2. Number of ratifications of up-to date technical Conventions, including those recommended by the Governing Body in the context of the Standards Review Mechanism.</b></p>	<ul style="list-style-type: none"> <li>• Ratification of ILO Convention No. 155 as recommended by the Standards Review Mechanism based on tripartite consultations: It might be necessary to organise preparatory meetings with the trade unions and APINDO so that they can engage in meaningful consultations on the prospects of ratification of C155. In order to do so, it might be advisable to prepare a gap analysis or refer to the elements raised by the CEACR in a direct request on C187, which complements C155. These elements include, e.g., measures to advance the rights of workers to a safe and healthy working environment and the role of tripartism (e.g. request for info on the outcome of consultations with employers and workers in formulating and reviewing a national OSH policy) as well as the COVID context (e.g. the significant increase of recorded cases of occupational accidents and illnesses).</li> <li>• Tripartite consultations should also be extended to the national OSH committee.</li> </ul>

### *The ILS subjects*

II-58. **According to its documentation, the project would promote ratification of Convention No. 155 as a secondary objective.** This ratification was recommended by the SRM. Indonesia ratified the other fundamental Convention No. 187 in 2015.

II-59. **The project was to promote addressing CEACR comments on recently ratified Convention No. 187 as a strategy for meeting the requirements of Convention No. 155.** According to the project proposal, it might be advisable to prepare a GA or refer to the elements raised by the CEACR in a direct request on C187, which complements C155. See Table 16 above. Note was also made of engaging social dialogue as a method for promoting ratification of OSH Conventions, giving a nod to a strategic relation to the project's first objective.

### *Theory of Change*

#### **Theory of Change**

**Under this RBSA project, several changes were expected using interventions providing technical inputs or training, or raising awareness.** (a) To formulate socially dialogued responses to the COVID crisis impacts on the world of work in Indonesia, the project served as convener of on-line meetings of employers', workers' and government representatives at the national level with the aim of facilitating talk of the COVID-related challenges, and imagining, committing to and implementing agreed solutions. (b) By holding bipartite workshops for LKS Bipartit organs at the enterprise level (24 enterprises), the project would collect information on the operation of enterprise grievance procedures to be used to develop and promote an improved national approach to having such procedures, drawing on best local experiences with

the help of ILO experts. Training and guidance materials would be the result, ready for dissemination and use impacting on groups and enterprises beyond those participating in workshops. (c) Through on-line and face-to-face training for government mediators, their abilities to mediate workplace disputes when called upon to do so would be improved; they would be able to contribute to improved policy guidance for enterprise dispute resolution procedures and better practices in implementing improvements, training colleagues in the same with the use of materials produced with the support of the project (IR Toolkit). Industrial relations overall would be improved through these interventions and sustained as a result of improved institutional and human capacities.

## Project delivery

II-60. **The project engaged an OSH-backgrounded officer for its first 7 months, from September 2020 until March 2021.** The original Project Officer moved to another OSH-focused, Japan-funded project. The CO's senior Programme Officer subsequently took day to day responsibilities for managing project funds and activities. The Programme Officer relied to a certain extent on coordinators from other projects with which RBSA funds were mixed to conduct events. See Box 7 below. The original Project Officer informed that he did not synergize work with other projects, despite their being operational during his tenure.

II-61. **A cluster approach was taken for governing use of the RBSA funding.** Other sector-based, OSH and working conditions targeting projects were operating with a joint governance structure when the RBSA project started. It was decided to avoid redundancy and promote synergy by joining governance of RBSA funding with the clustered governance structure existing for the other projects.

II-62. **Deliverables favouring P&B Output 1.4 were well developed compared to those favouring Output 2.1.2., as seen in Table 17 below.** Expenditures reflect a similar pattern, as noted in II-71 below.

Table 17: P&B outputs and CPO outputs/deliverables (IDN)

P&B output	CPO outputs (following SM/IP deliverables)
<b>Output 1.4: Strengthened social dialogue and labour relations laws, processes and institutions;</b>	<ol style="list-style-type: none"> <li>1. Tripartite consultations/meetings organized to review impact of the COVID-19 pandemic on the world of work and decent work responses needed to promote business sustainability and decent work for all; tripartite consultations and follow up in 2021 to review implementation and recommend follow up actions (using online and offline methods – at the national and selected sectoral/provincial level)</li> <li>2. Bi-partite consultations/review and training of employers and workers representatives (ensuring representation of women) of workplace consultation and cooperation arrangements (review of LKS Bipartite) for addressing workplace IR challenges and including OSH and other back to work measures (This work will be at two levels: national employers and workers and at enterprise level representatives of LKS Bipartite)</li> <li>3. Tripartite review of the dispute resolution system (Diagnostic and analysis of dispute settlement system) and reforms needed for effective disputes resolution and compliance issues</li> <li>4. Adaptation and preparation of educational/technical material and guidelines using IRToolkit on (a) workplace cooperation, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions, and (b) grievance handling at enterprise level</li> <li>5. Review of Mediation as dispute resolution process and follow up Training for mediators, workers' and employers' organizations representatives for negotiating for dispute resolution</li> <li>6. Capacity building of workers and employers' organizations on collective bargaining for decent work</li> </ol>
<b>Output 2.1.2. Number of ratifications of up-to-date technical Conventions,</b>	<ol style="list-style-type: none"> <li>1. Support to C No. 144 tripartite consultations on the ratification of ILO Convention No.155 as recommended by the Standards Review Mechanism (SRM) bodies and the</li> </ol>

including those recommended by the Governing Body in the context of the Standards Review Mechanism.

effective implementation of C No.187 (eg -prepare a gap analysis; follow up to the elements raised by the CEACR in a direct request on C187, which complements C155).

### Social dialogue training

II-63. **A panoply of social dialogue interventions were supported with RBSA funding, often working with other projects.** A list of interventions is seen in Table 18 below. It shows the variety, in some cases suggesting that a “practice makes perfect” strategy was being used, in others that particular results were sought by convening a dialogue event.

II-64. **Many virtual and hybrid interventions were digitally recorded and are available for use on the CO YouTube channel.** Other digital presentations are promotional, produced by the CO. URL addresses for the many full-length video recordings can be seen in the footnotes of this report. The videos are well edited. One can see in them how decent work messages are presented and synergized.

Box 7: Projects with which RBSA funds were merged (IDN)

### Synergy with four sector-focused projects

RBSA funds from the project were mixed with those from four sector-focused projects for synergetic activities promoting social dialogue. The projects were:

- [Improving Workers’ Rights in Rural Sectors of the Indo-Pacific with a focus on Women](#) (12/2020–10/2024) [improving work conditions particularly for women in the rural sector];<sup>58</sup>
- [Ship to Shore Rights South East Asia](#) (8/2020–7/2024) [forced labour, trafficking and working conditions focus in migrant fishing and seafood processing sectors];
- [Advancing Workers’ Rights in Indonesia and Malaysia’s Palm Oil Sector](#) (7/2019–8/2023) [improving workers’ access to labour rights in the palm oil sector with focus on union capacity, improved enterprise compliance, and rule of law]; and
- [8.7 Accelerator Lab programme](#) (12/2021–9/2025) [a global initiative; in Indonesia preventing forced labour in the fisheries sector].

RBSA funds were used to hold one day events benefiting the fishing sector with a focus on promoting social dialogue.

Ship to Shore held a webinar on the opportunities and challenges of the ratification of ILO Convention No. 188 on work in fishing on 4 March 2021.<sup>59</sup>

The OSH project Enhancing COVID-19 Prevention at and through Workplaces had substantial synergies with the RBSA project, in particular, awareness raising and capacity building.<sup>60</sup>

Table 18: Social dialogue interventions, IDN

Date	Title/What	Location/Who	Result
<b>COVID response related</b>			
<b>1<sup>st</sup> Online - 26 November 2020</b>	Tripartite consultation meeting on Impact of covid-19 industrial relations		Resulted in 3 suggestions,

<sup>58</sup> at: <https://www.youtube.com/watch?v=OmfmA8jopiE&list=PLDC8BE4ECDA3A5D6D&index=8>

<sup>59</sup> ILO Brief for the seminar at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms\\_775628.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_775628.pdf)

<sup>60</sup> The evaluator saw significant promotion of OSH by the Office in Indonesia; the specification of the project name was provided by comment to draft evaluation report.



Date	Title/What	Location/Who	Result
<b>2<sup>nd</sup> Hybrid - 6-7 April 2021</b>	Provincial workshop	Held in Banten Province	A joint commitment to promote social dialogue for improving workplace cooperation and collective bargaining during the pandemic signed by Banten Provincial Tripartite Council
<b>Workplace IR challenges (bipartite)</b>			
<b>Hybrid - 2-3 March 2021</b>	Improvement of Productivity through Collective Bargaining Workshop	Industrial estate in Bekasi (West Java) - MM2100 Cikarang This event engaged another project.	Concluding suggestion that OSH should be part of collective bargaining for productivity
<b>Hybrid 6-7 April 2021</b>	Workshop on the productivity in the workplace through collective bargaining	Industrial estates in Serang (Banten) This event engaged another project.	
<b>Hybrid (Jakarta) – 2 November 2021</b>	Workshop on grievance mechanism and bipartite cooperation	Members of LKS Bipartite at the enterprises level	For members of LKS Bipartite at the enterprises level (24 companies, 70 persons). To document lesson learned on how the companies and the workers worked together to face the impact of Covid-19 in industrial relations and OSH implementation at the work place <sup>61</sup> (video)
<b>Hybrid - 4-5 April 2022</b>	Strategic meeting with the tripartite constituents	Hybrid (Jakarta)	
<b>Hybrid - 13 June 2022</b>	Risk Mapping on Industrial Relations Guidelines Launching and Seminar <sup>62</sup>	Hybrid	
<b>Inter-regional IR</b>			
<b>Onsite - 6-8 July 2022</b>	Trade unions workshop on preparing L20 position in G20	Bogor	
<b>IR in particular sectors</b>			
<b>17-20 June 2022</b>	Training on collective bargaining for union in palm oil sector	Pontianak	
<b>23 June 2022</b>	Workshop on Enhancing social dialogue in fishing sector	Bandung, West Java	
<b>14 July 2022</b>	Workshop on Enhancing social dialogue in fishing sector	Manado, North Sulawesi	
<b>18 July 2022</b>	Workshop on Enhancing social dialogue in fishing sector	Semarang, Central Java	
<b>April 2022</b>	Podcast on OSH various sector (garment, palm oil, fishing and gender issues)	Podcast	

<sup>61</sup> at: [https://www.ilo.org/jakarta/whatwedo/eventsandmeetings/WCMS\\_828416/lang--en/index.htm](https://www.ilo.org/jakarta/whatwedo/eventsandmeetings/WCMS_828416/lang--en/index.htm); at: [https://www.ilo.org/jakarta/info/public/pr/WCMS\\_830533/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/pr/WCMS_830533/lang--en/index.htm)

<sup>62</sup> at: <https://www.youtube.com/watch?v=A7p59s5S2DA&list=PLDC8BE4ECDA3A5D6D&index=10>



## Mediator training

II-65. **Several interventions targeted improvement of dispute resolution through training of mediators and social partners.** A list of events is seen in Table 19 below. The events were stand alone, offered within a broad mandate of action to improve dispute resolution.

II-66. **The United States' Federation Mediation and Conciliation Service (FMCS) provided supports complementing project financed initiatives.** The first was a hybrid training intervention for government mediators held in November 2021. The FMCS provided a trainer who worked with participants over two days. A second intervention was held a year later, in November 2022. This intervention involved one week face-to-face training of mediators in mediation skills, and a second week face-to-face training in collective bargaining. The FMCS contributed in kind to the intervention, covering the travel, lodging, and all other costs of the FMCS trainers; the project covered the costs of participants, organization and facilities.

II-67. **With RBSA funds Industrial Relations Risk Mapping Guideline were developed by the Ministry of Manpower.** A video was made highlighting the essential points of the Guidelines. The guidelines enable mediators to assess the condition of industrial relations in companies. This is done with the aim of ensuring a harmonious working relationship between employers and workers at the enterprise level. The guide uses assessment indicators in ten areas: the concept of industrial relations, labour relations, trade unions, bipartite cooperation system, company regulations, wages, health protection, labour protection, welfare facilities and dispute prevention and resolution. RBSA funds were used to socialize and disseminate the guidelines. One hybrid workshop was organized for all mediators in Indonesia on 13 June 2022.

Table 19: Training for mediators (IDN)

Mediation (government)			
<b>On-line December 2020</b>	ITC Turin Course on Mediation and conciliation		Three participating staff could assist in review of mediation as dispute resolution process and follow up training for (other) mediators, workers and employers organizations representatives for negotiating for dispute resolution.
<b>On-line March-April 2021</b>	Adaptation and preparation of educational/technical material and guidelines using IRToolkit		
<b>On-line - 26 October 2021</b>	Tripartite Webinar	Review of the bipartite and mediation as dispute settlement system in Indonesia	
<b>Webinar - 16 November 2021</b>	Seeing the effectiveness of the bipartite system and mediation in the settlement of industrial relations disputes <sup>63</sup>	Webinar	
<b>On-line - 16 November 2021</b>	On-line discussion in collaboration with the Supreme Court, the Ministry	A discussion on updating training curriculum for IR	

<sup>63</sup> at: <https://www.youtube.com/watch?v=hY9AOEYZpK4&list=PLDC8BE4ECDA3A5D6D&index=67> full programme

	of Manpower, workers' and employers' representatives???	Judges, in order to adjust to current developments, especially the Omnibus Law	
17-18 November 2021	Mediation workshop to strengthen mediation skill <sup>64</sup>	On-line training OK	Several hundred (400 claimed) attended; FMCS supported
22-23 November 2021	Mediation workshop to strengthen mediation skill <sup>65</sup>	On-line training OK	Several hundred (400 claimed) attended; FMCS supported
31 Oct - 4 November 2022	Training for mediators in mediation	Face-to-face	FMCS collaboration
7-11 November 2022	Training for mediators in collective bargaining	Face-to-face	FMCS collaboration

### *C155 and C187 related*

II-68. **The CO consulted with the Ministry of Manpower about ratification interest and need support.** A presentation was made in June 2022 by the Regional Specialist on “the implication of newly added Fundamental Conventions (on OSH), which in turn [included], the information on C155 provisions.”<sup>66</sup> The Ministry continues studying the matter of ratification on its own and will contact the ILO if and when it needs support directly connected to a ratification. Support would take the form of a GA or review and discussion of their analysis.

II-69. **In December 2018, the CEACR made comments (a direct request) on Indonesia’s first report on C187.** The next report and responses to the CEACR direct request are due June/September 2024. The project documentation said that it would “follow up to the elements raised by the CEACR in a direct request on C187, which complements C155”. According to the Ministry, Bangkok’s ILS Specialist reviewed and commented on the Government’s draft first report; there has not been any direct support in respect of either understanding or responding to the CEACR comments.

Box 8: Direct request C187 (IDN)

### **Ratification in 2015 and a single Direct Request made prior to the 2020-2021 RBSA project**

To do justice to the evaluation of a project aiming particularly to address CEACR comments, the evaluation needs to see what those comments were about and what they asked of the Government.

The then-pending direct request had 11 paragraphs; their original headings and requested information (slightly edited and with *italics* placed for editorial emphasis) are set out below. A sentence by sentence reading of the Direct Request reveals that it applies the normal stylistic approach used by the CEACR of noting first what the government report has said – either by repeating it verbatim or in a summary fashion. The CEACR then asks at the end of the subject paragraph for information or implementation action flowing from the noted report content.

**Article 2(3) of the Convention. Consideration of ratification of relevant occupational safety and health Conventions of the ILO.** The Government is asked to *provide information on the frequency of the meetings of the National OSH Council*, and on the manner in which the Council gives consideration in those meetings to measures that could be taken to ratify relevant OSH Conventions.

<sup>64</sup> at: [https://www.ilo.org/jakarta/info/public/pr/WCMS\\_831052/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/pr/WCMS_831052/lang--en/index.htm)

<sup>65</sup> at: [https://www.ilo.org/jakarta/info/public/pr/WCMS\\_831052/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/pr/WCMS_831052/lang--en/index.htm)

<sup>66</sup> Clarification kindly provided in comments on the draft evaluation report.

**Article 3. Formulation of a national policy in consultation with the most representative organizations of employers and workers.** The Government is asked to *continue to provide information on the measures taken or envisaged to promote and advance, at all relevant levels, the rights of workers to a safe and healthy working environment*, in accordance with Article 3(2) of the Convention. The Government is also asked to provide information on *the manner in which the national policy is periodically reviewed*. The Government is lastly asked to indicate the *national conditions and practices that have been taken into consideration and to provide further information on the outcome of the consultations with employers' and workers' organizations in formulating its national OSH policy*, in accordance with Article 3(3).

**Article 4(1). Establishment, maintenance, progressive development, and periodical review of a national system for OSH.** The Government is asked to *provide further information on the manner in which representatives of employers and workers are involved in the progressive development and periodic review of the national OSH system*, as well as the role of academics, practitioners, professional associations, and other relevant parties in this respect.

**Article 4(2)(d). Arrangements to promote cooperation between management, workers and their representatives at the level of the undertaking.** The Government is asked to *provide information on the measures taken or envisaged to promote cooperation between management, workers and their representatives on OSH issues in enterprises, including those workplaces not covered by Government Regulation No. 50 of 2012 on the Implementation of Occupational Safety and Health Management System*.

**Article 4(3)(b) and (d). Information and advisory services on OSH. Occupational health services in accordance with national law and practice.** The Government is asked to provide information on the *measures taken to ensure the provision of information and advisory services on OSH*, including the role of the Association of OSH Experts in Construction and the Association of OSH Experts in this respect. The Committee also requests the Government to provide further information on the measures taken or envisaged with respect to occupational health services.

**Article 4(3)(c). Provision of OSH training.** The Government is asked to *continue to provide information on the manner in which OSH training is provided at national, regional, and enterprise level, including through institutions such as the Association of OSH Training Institutes*.

**Article 4(3)(e). Research on OSH.** Taking note of the Government's indication that it has undertaken research and assessment on OSH at the national level, the Committee asked the Government to *provide information on the kind of research undertaken*.

**Article 4(3)(f). Mechanism for the collection and analysis of data on occupational injuries and diseases. Application in practice.** The Government was encouraged to pursue its ongoing efforts in improving its mechanisms for the collection and analysis of data on occupational injuries and diseases, and to continue to provide information on the measures taken in this respect. Noting the significant increase in the number of recorded cases of occupational accidents and illnesses, the Committee asked the Government to *provide information on the reasons for this increase*. The Government was further asked to *continue to provide information on the application of the Convention in practice*, including information on the number of recorded occupational accidents and cases of occupational diseases.

**Article 4(3)(g). Collaboration with the relevant insurance or social security schemes covering occupational injuries and diseases.** The Government was asked to *provide further information regarding measures taken or envisaged regarding collaboration between the authorities responsible for OSH and the national social security system*.

**Article 4(3)(h). Support mechanisms for progressive improvement of OSH conditions in micro-enterprises, small and medium-sized enterprises (SMEs) and the informal economy.** The Government was asked to *continue to provide information on the impact of programmes aimed at improving OSH conditions in SMEs*.

**Article 5. Formulation, implementation, monitoring, evaluation and periodic review of a national programme on OSH including objectives, targets and indicators of progress.** The Government was asked to *provide information on its most recent national OSH programme and the measures taken in this regard, including on the organizations of employers and workers that have been consulted, and the*

outcome of those consultations. It also requests the Government to *provide information on the manner in which the elements outlined in Article 5(2)(a)–(e) are reflected* in its national programme.

II-70. **It was not possible to identify project supported activities that aimed to specifically address the issues raised in the Direct Request.** To be clear, many of the points raised in the comment ask only for information on matters raised by the Government itself in its first report. For others, a response to the comment or “implementation” of the comment requires action framing an explanation of details (see point on Article 3 in Box 8 above, for example.) Consistent with this, the DWT OSH Specialist explained that ...

*... [w]hile so many activities were carried out and some concrete outputs were delivered through a couple of DC projects, they did not specifically aim [at] ratification and application of C155 nor C187. Possible synergies could include the promotion of preventative safety and health culture through a variety of awareness events and campaign, and the management systems approach through capacity enhancement of workers and employers in risk assessment and control.*

Box 9: OSH ILS related non-RBSA supported activities (IDN)

### Many noteworthy OSH promoting interventions using bilateral funding

The RBSA project was tasked to promote the ratification of Convention No. 155 and did so often in collaboration with other existing ILO projects – so much was noted in monitoring reports.<sup>67</sup> It is worth noting other OSH-related activities and initiatives that did not draw on RBSA funds. These activities had a close substantive relation to OSH, and often made substantive reference to normative OSH (and related) instruments.

**Launch of Labor Inspection Guide in Pandemic Period,**<sup>68</sup> funded by Protecting Garment Sector Workers: Occupational Safety and Health and Income Support in response to the COVID-19 Pandemic, BMZ, GLO/20/20/MUL (2 September 2021)

**New ILO guidelines on labor inspection, OSH & C190 as well as the Ministry of Manpower's grand draft,**<sup>69</sup> funded by ILO USDOL Worker's Rights Project in the Rural Sector of the Indo Pacific with a focus on Women. (20 September 2022). An important presentation by the Regional OSH Specialist was entitled OSH as a Fundamental Principle and Right at Work and went through ILO normative instruments' contents.<sup>70</sup>

A multitude of ILO project and RBTC funded activities and interventions unquestionably touch closely on OSH standards. These two events were identified by the evaluation in the process of learning what events/activities the RBSA project might have contributed to during its life. But in neither of these cases was there RBSA contribution.

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<sup>67</sup> “Initial discussion between the ILO and the Ministry of Manpower on the SRM recommendation was held in July 2021. This will require more times since the project will need to ensure the involvement of the social partners and its awareness and deepen understanding of the C155 especially during the pandemic. ... Several workshops has been organized with the workers’ and employers’ organizations to promote the importance of C 155 especially during the pandemic. ... Follow up action: ILO will organize series of activities in promoting C155 and take the momentum of the SafeDay 2022 on OSH and social dialogue, to get higher commitment from the social partners and government to review the legal assessment of C 155 in Indonesia. ... The above activities to be organized in collaboration with the relevant OSH-ILO Jakarta existing projects.”

<sup>68</sup> [at: https://www.youtube.com/watch?v=VKy8\\_uUNPnU](https://www.youtube.com/watch?v=VKy8_uUNPnU); [at: https://www.ilo.org/jakarta/info/public/pr/WCMS\\_819124/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/pr/WCMS_819124/lang--en/index.htm) Funded by Protecting Garment Sector Workers: Occupational Safety and Health and Income Support in response to the COVID-19 Pandemic, BMZ, GLO/20/20/MUL

<sup>69</sup> [at: https://www.youtube.com/watch?v=OmfMa8jopiE&list=PLDC8BE4ECDA3A5D6D&index=8](https://www.youtube.com/watch?v=OmfMa8jopiE&list=PLDC8BE4ECDA3A5D6D&index=8)

<sup>70</sup> At 1:51:09 to 2:37:47 in the You Tube video.

## Financial aspects of the project

II-71. **According to documentation with a date 5 July 2022, none of the USD50,000 originally allocated to the ILS CPO had been expended.** By contrast, USD91,337, 59% of the total budgeted for the social dialogue outcome, and 45% of the total project budget had been expended. Funds allocated to Output 2.1.2 were reduced by more than half, to USD22,000, with the request for a NCE to November 2022 that was made in the July 2022. It was explained that the ILS “Output 2.1 [had not been] charged yet, because the activities were done in collaboration with other projects and were funded by them.” It was further explained that “upcoming activities will be funded from this RBSA”. This could not be confirmed because this report is being written before the project’s end; information from mid-November 2022 suggests that the funds had not been used up until then.

II-72. **The majority of delivery of social dialogue events took place in 2022.** Of the total of USD68,103 expended for SD events, more than sixty (60%) was expended on events occurring between April and July 2022. See Figure 9 below.

Figure 8: Originally budget allocations (IND)

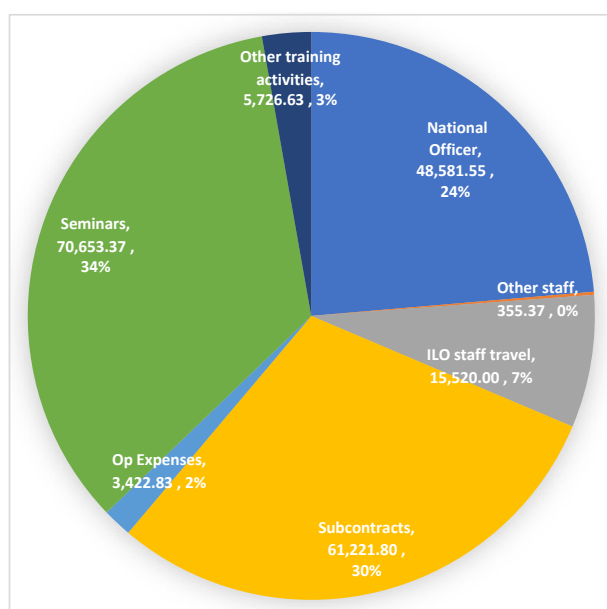
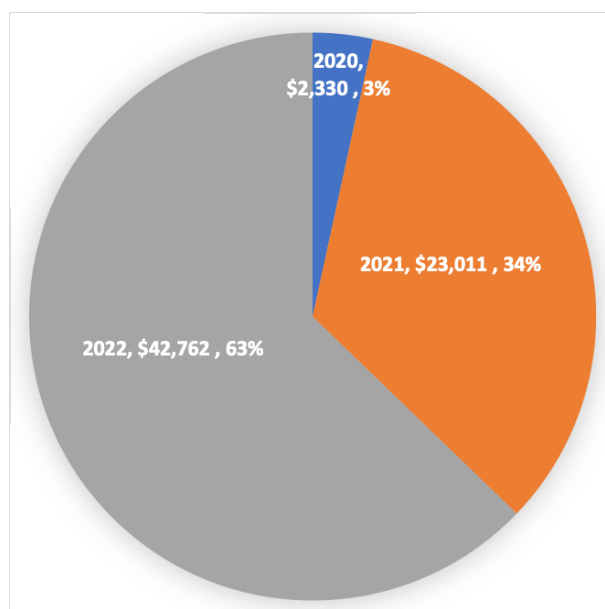


Figure 9: Expenditures for SD events by year (IDN)



Box 10: A champion for ratification of C190 (IDN)

### The interests of a champion and a project promoting directly ratification of C190

Indonesia’s current Manpower Minister Ida Fauziyah has been a vocal proponent of action against harassment in the workplace. In connection with this interest, the Country Office proposed a project to support ratification and implementation of Convention No. 190 using 2021-2022 budgeted RBSA funds. Funds for the Promotion of C190 Ratification and Prevention of Violence and Harassment at Work in Indonesia project were approved in 2021.

# Lao PDR (LAO/20/01/RBS)

## Background

II-73. **The project entitled *Strengthened implementation of National Plan of Action (NPA) to Eliminate Child Labour and Promote Decent Work for Youth in Lao PDR towards achieving SDG 8.7* was linked with a CPO entitled *Increased quality of labour standards and protection through Labour Law implementation*.** Funds for the project totalling USD150,000 were approved on 21 July 2020. Funding was to end on 31 October 2021. The project had two no-cost extensions, first to 31 December 2021 and again to 30 June 2022.

II-74. **The RBSA project proposal in Lao PDR had its foundation firmly in the ILO's normative work of supporting implementation of international standards.** The case of Lao PDR's implementation of Convention No. 182 was selected for discussion in the CAS during the 2019 ILS. The CAS conclusions focused on eliminating the worst forms of child labour (WFCL), specifically citing sexual exploitation and trafficking of children for that purpose. The underlying CEACR comments focused on trafficking children, and commercial sexual exploitation of children generally and in the tourism sector; there is no mention of the child labour in the agricultural sector. This was the first observation made by the CEACR on the Convention (compared with lower-level direct requests) since ratification in 2005, and the first time ever Lao PDR has been called before the CAS.

### *The project, its aims and P&B links*

II-75. **The RBSA funding proposal claimed to be “a direct response to the discussion of individual cases” in the CAS.** The previous Director of the Labour Management division of the Ministry, who had been in post when the project was developed, confirmed that it was intended to be in response to the CAS discussion. The declared overall result of the project was “By 2021, tripartite constituents of Lao PDR have improved tools and mechanisms to implement the NPA to address child labour. “

II-76. **The project had three major child labour related deliverables.** These are seen immediately below, with texts found in Table 20 below.

- *RESULT 1 linked to PB Output Indicator 7.1.3: A finalized National Plan of Action to Eliminate Child Labour and Promote Decent Work for Youth 2020-2025/2030, including M&E framework.*<sup>71</sup>
- *RESULT 2 linked to PB Output Indicator 7.1.3: Tools and materials for operationalizing the NPA, including gender and girl sensitive awareness raising guidelines, produced by national authorities.*
- *RESULT 3 linked to PB Output Indicator 2.2.1: Establishment of a tripartite coordination mechanism in addressing child labour and promoting decent work for young people, based on recommendation of CEACR 2019 including monitoring and reporting system and capacity building to tripartite committees on child labour.*

Table 20: P&B Output with linked project results (LAO)

P&B output	Key project results
Output 2.2 Increased capacity of the member States to apply international labour standards.	

<sup>71</sup> The previous NPA ran from 2012 to 2020. In 2019 an evaluation was done and it was found out that the NPA had not been implemented because of a lack of national funding.



<p><b>2.2.1. Number of cases of progress in the application of ratified Conventions noted with satisfaction by the supervisory bodies.</b></p>	<ul style="list-style-type: none"> <li>Established tripartite coordination mechanism in addressing child labour and promoting decent work for young people, based on recommendation of CEACR 2019 including monitoring and reporting system and capacity building to tripartite committees on child labour.</li> </ul>
<p><b>Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work</b></p>	
<p><b>7.1.3. Newly adopted or updated strategies and action plans to tackle child labour in all its forms.</b></p>	<ul style="list-style-type: none"> <li>Revised NPA and M&amp;E adopted.</li> <li>Tripartite NPA monitoring mechanism operational</li> </ul>

II-77. **The ILO’s development cooperation, including IPEC, was cited in the CAS as having given valuable technical assistance in the past.** There was an IPEC National Programme for the prevention and elimination of child labour in the Lao PDR (LAO//00/51/FRA) that ended and was evaluated in 2004.<sup>72</sup> In 2010, with the technical and financial support from the ILO, the Ministry of Labour and Social Welfare (MoLSW) conducted a first Child Labour Survey.<sup>73</sup> The findings from the survey were effectively used for developing the National Plan of Action on Prevention and Elimination of Child Labour from 2014 to 2020. The Lao Government representative in the CAS cited “challenges [that] remain for the Lao PDR. Limited supporting resources and capacity of officials in charge of cases are restricted. More capacity-building programmes for local officials and financial resources are needed. It is essential that the Lao PDR continues to work closely with social and development partners in dealing with the remaining issues.”

### *The ILS subjects*

II-78. **The issues in the CAS discussion provide important background for this project’s content.** They were well known and acknowledged by the Government. A raft of international and national normative instruments, promotional and supervisory bodies had been engaged with the matter; some are cited in the report of the CAS discussion as well as in the CEACR Observation. The project originally had a focus on addressing children working in agriculture. Working with NORMES, the project was further developed to be modelled on the CAS Conclusions. See Box 11 ci-dessous. The Government agreed with the final formulation and content, but did not appear to be the prime mover of requests exactly as was provided for in the approved project.

<sup>72</sup> at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_mas/---eval/documents/publication/wcms\\_149861.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_149861.pdf)

<sup>73</sup> at: [https://www.ilo.org/asia/media-centre/news/WCMS\\_202297/lang--en/index.htm](https://www.ilo.org/asia/media-centre/news/WCMS_202297/lang--en/index.htm)

## Conclusions from the 2019 CAS discussion

The Committee took note of the information provided by the Government representative and the discussion that followed.

While acknowledging the complexity of the situation, the Committee deplored the current situation.

Taking into account the discussion of the case, the Committee urges the Government to provide an immediate and effective response for the elimination of the worst forms of child labour, including:

- continue to formulate and thereafter carry out **specific measures targeted at eliminating the worst forms of child labour**, including trafficking and commercial sexual exploitation of children, in consultation with the social partners;
- take measures as a matter of urgency to **strengthen the capacity of the law enforcement** authorities including the judiciary;
- **establish a monitoring mechanism**, including the participation of the social partners, in order to follow up on complaints filed, investigations carried out as well as to ensure an impartial process of prosecuting cases that takes into account the special requirements of child victims, such as protecting their identity and the ability to give evidence behind closed doors;
- take immediate and time-bound measures – together with the social partners – to **protect children from falling victim to commercial sexual exploitation**. This should include:
  - (a) implementing programmes to educate vulnerable children and communities about the dangers of trafficking and exploitation, with a focus on preventing children from being trafficked and being subject to commercial sexual exploitation; and
  - (b) establishing centres to rehabilitate child victims and reintegrate them into society.

The Committee encourages the Government to seek further technical assistance from the ILO and incorporate the strategy as proposed above in a continuing National Plan of Action, including the ILO Decent Work Country Programme.

The Committee encourages the Government to elaborate in full consultation with the most representative worker and employer organizations and submit a report on the above matters by 1 September 2019.

II-79. **The Employers' members spokesperson said that "[t]he Lao PDR has a system in place to combat child trafficking and commercial sexual exploitation, but what is sadly lacking is its consistency and effectiveness.** A combination of gaps in the system as well as corruption has largely led to this situation. As a result, children are trafficked into and out of the Lao PDR and many are left vulnerable to commercial sexual exploitation." The existence of high-profile cases involving western tourists was also alluded to.

II-80. **The project planned only to marginally treat the issues raised and recommendations made by the CAS.** On close reading, and as is born out upon review of documentation and receipt of information from key informants, the projects focus was broadly on child labour in hospitality and agriculture. It can be said to have emulated a more generalized small child labour intervention with emphasis on awareness raising, institutional coordination, and policy promotion. There was no plan to work with law enforcement authorities outside of those in the MoLSW, i.e. police, and no work directly with the judiciary as a group. Nor was there a plan to establish a monitoring mechanism for child labour complaints; the monitoring institution planned was one for overseeing policy implementation.



II-81. **The ILO’s National Coordinator for Lao worked with Government to find funding for a project on child labour prior to the CAS discussion.** The search involved UNICEF and UNFPA coordinated with the ILO with donors such as the USA and EU. After the RBSA funds were received, meetings were held with the Government to find other funds to expand what work would be possible. Additional funds (USD790,303) eventually came from the Japanese International Cooperation Agency (JICA) to finance a second national child labour survey. The ILO would support this work and the survey would have a COVID relationship, effectively measuring COVID impact on the incidence of child labour.

### *Theory of Change*

#### **Theory of Change**

**Under the RBSA project in Lao PDR, change was expected as a result of greater awareness and policy coordination in respect of the problems of child labour in agriculture and in the trafficking of children for sexual exploitation.** Through awareness raising carried out virtually, face-to-face, and through various forms of printed, visual and audio media with different target groups, it was expected that attitudes and then behaviours would change, resulting in a reduction of targeted child labour. This included change in approaches taken to enforcement of law and prosecutions for alleged violations. Policy coordination in the form of an agreed, updated National Plan of Action would also have an awareness raising influence, joined with institutional imprimatur for more and better action to be taken for implementing a generalized policy contrary to the worst form of child labour in all its forms, including trafficking in children for the purpose of sexual exploitation.

## Project delivery

II-82. **The projects completed deliverables/outputs set out in the implementation plan.** The positive elements of the project’s final report were confirmed by key informants. See Table 21 below for a list of the 10 key project outputs.

Table 21: Deliverables/outputs under implementation plan (LAO)

<b>Project deliverables/outputs</b>	<b>Key project outputs</b>
<b>DELIVERABLE/OUTPUT 1: National Plan of Action to Eliminate Child Labour and Promote Decent Work for Youth 2020-2025/2030, including M&amp;E framework is finalized by 2020 and adopted by June 2021.</b>	1.1: Finalized draft NPA, including with regard to COVID-19. 1.2: Developed M&E framework. 1.3: Developed NPA's gender and ethnic sensitive implementation plan to address CAS's recommendations on trafficking and commercial sexual exploitation of children in tourism sector
<b>DELIVERABLE/OUTPUT 2: By 2021 tools and materials, including gender and girl sensitive awareness raising guidelines, are produced by national authorities with the aim to operationalize the National Plan of Action.</b>	2.1: Developed gender and girl sensitive awareness raising guideline with common messages for use by tripartite constituents 2.2: Developed tools for gender and girls sensitive advocacy to advocate through local media. 2.3: Commemorated World Day against Child Labour – UN Year on the elimination of Child Labour 2021.
<b>DELIVERABLE/OUTPUT 3: By 2021, established tripartite coordination mechanism in addressing child labour and promoting decent work for young people, based on recommendation of CEACR</b>	

<b>2019 including monitoring and reporting system and capacity building to tripartite committees on child labour.</b>	
	<p>3.1: Established tripartite coordination mechanism for NPA implementation.</p> <p>3.2: Produced recommendations for amendment of relevant national legislations. (Recommendation #4 of CAS)</p> <p>3.3: Established routine monitoring, reporting and information sharing system on activities to eliminate child labour and promote decent work for youth. (Recommendation #3 of CAS)</p> <p>3.4: Organized series of capacity buildings to tripartite committees on child labour, trafficking and sexual exploitation, to strengthen partnership and referral system for rehabilitation of victims of commercial sexual exploitation to existing centres and shelters. (Recommendation #1, #6 of CAS)</p>

II-83. **A revised NPA has been prepared and finalized as planned, but remains to be formally adopted by the Government.** The project's June 2022 final report provides details on activities of the project supporting a National Tripartite Committee (NTC) for establishing and monitoring a NPA. See Box 12 below.

## The project's final report recounted NTC work leading to a NPA and advocacy

In September 2020, a 3-day tripartite meeting was organized to (1) discuss a project implementation plan; (2) review CEACR comments on C182; and (3) review the draft NPA. The meeting concluded:

- (1) the NPA needed substantive revision, indicators and targets, and to consider and incorporate the CAS' recommendations;
- (2) the NTC for the NPA needed to be reappointed as many have been moved to other responsibilities;
- (3) the implementation and reporting on the CAS' recommendations on the C.182 needed stakeholder involvement, including from the tourism sector, judiciary organizations, court, and Anti-trafficking office of Public Security Ministry; and
- (4) the NTC needed materials and tools for awareness raising and communication activities to ensure that common messages are communicated.

As the result of the meeting, the Ministry agreed to appoint the new NTC in December 2020. The process took more than 2 months as the MoLSW could not receive the nomination of officials from different ministries and organizations and because of preparation for and election of the country's party's leadership and management in November and December.

In February 2021, a 2-day workshop was organized with the newly appointed NTC. This was their first meeting. The meeting discussed and agreed on 2021 priorities of each office on combatting child labour activities. Vietnam's experience in implementing an NPA and rolling out the ILO SCREAM tool were shared virtually by an ILO officer and the ILO SCREAM national trainer. The meeting concluded that all partners needed to finalize their plans for implementing agreed activities. The meeting also agreed that the necessary localisation, testing, piloting and training of SCREAM trainers prevented the tool being rolled out during the project's timeframe. It was agreed that communication tools with agreed definition on child labour were needed and would be developed for use in the NPA, capacity building and advocacy outreach activities.

In April 2021, a tripartite committee met for one-day to discuss the results of a legal analysis conducted by the a national ILO consultant. The analysis compared the provisions in C182 and C138 and national legislation. The meeting agreed on a common message regarding the national definition of child labour and the WFCL to be eliminated in Lao PDR. The results of the tripartite meeting provided the wordings for use in the NPA and all communication materials produced for advocacy on elimination of child labour.

In July 2021, the NTC met for a 3-day workshop chaired by the Vice Minister of MoLSW. The participants reviewed the implementation progress of the CAS' recommendations on C182. The progress was presented by the Anti- trafficking office of the Public Security Ministry on prosecution and support of victims, MoICT on combating child sex tourism, MFA on the human rights UPR, and MoLSW on child protection effort. At the meeting, the NTC noticed that the CAS' recommendations have been implemented but a reporting mechanism was needed to ensure that the tripartite organization is well informed. Two-day were used for extensive review of the revised draft of the NPA on elimination of child labour presented by MoLSW. Particular focus of consultation was on the revised strategic objectives, targets and indicators. Based on the results of the workshop, the MOLSWS would finalize the NPA for submission.

II-84. **The project supported advocacy, awareness raising and capacity building; the LTUC, LNCCI and MoICT made and distributed several products, and along with the MoLSW and MoAF, conducted activities.** Working under implementation agreements, these institutions produced videos, posters, stickers, brochures, etc., targeting the tourism,

hospitality, and agricultural sectors. Particular provinces were targeted for different activities. Advocacy against child labour in agriculture by Lao Federation of Trade Unions (LFTU) was targeted in three provinces known to attract internal migrant workers and their families. Children of migrant families have limited access to schools either because they lack the necessary documentation or because work for the families' children is more attractive than school. Elsewhere, the UN Year on the Elimination of Child Labour and World Day against Child Labour were used as anchors for promotional activities. See Box 13 below.

II-85. **Plans were adapted to meet COVID challenges.** The project and its implementing partners changed project plans on account of COVID restrictions. Activities were changed from face-to-face to virtual, and were rescheduled. With the exception of one intervention targeting the private hospitality sector, it appears as if planned interventions ultimately occurred in one form or another, or at one moment or another during the project's life.

Box 13: Project's various knowledge activities (LAO)

### The project's final report recounted training and capacity building work

The project financed many activities with awareness raising and capacity building aims for different target groups. The project's implementing partners undertook the activities and key informants confirmed them. The following are examples.

As an implementing partner, the MoLSW did:

- In December 2021, a two-day virtual training on child labour and child protection for four target provincial Child Protection Committees. (71 men and 55 women)
- In April-June 2022, a three-day workshop for provincial and district labour inspectors on identifying child labour at workplaces, including enterprise inspections. (69 men and 63 women).

The MoICT, together with MoLSW and LNCCI, did:

- Two (out of three planned) Capacity-building for private sector and stakeholders in hospitality sector on CAS observations and recommendation and child labour in the hospitality sector.
- In April and May 2022, outreach advocacy for building capacity in provincial hospitality sector in three tourist destination provinces. (123 men and 117 women).

LFTU, did:

- Virtual workshop on issues of child labour in agriculture for provincial LFTU in target provinces (mentioned above in para. II-84)

And with MoAF and MoLSW, LFTU did:

- Between April and June 2022, awareness raising workshops (face-to-face) for northern and southern provinces, on agricultural sector child labour for tripartite organizations and agriculture offices (117 men and 45 women), and for farmers and farm workers in plantations.(316 male and 154 women farmers and farm workers)

II-86. **Little specific evidence was found that project-initiated activities will be continued by implementing partners.** For example, there were no plans to produce more promotional or advocacy materials without the support of a project. This was also the case for the jumbotron screening of advocacy videos in the capital (the project paid for one month, October/November 2021), radio broadcasts, or podcasts. LTUC representatives did say that their organizers in the field would use stocks of materials in their work. LNCCI representative indicated that stocks of promotional materials were available to their members at the main

office; LNCCI had not been tasked by the project to more actively distribute. LFTU representatives said that their organization had no plan to organize training on child labour matters without ILO or other support. The Tourism Management Department of the MoICT does not report having an anti-child labour, trafficking, or sex tourism propaganda plan; finances are needed according to the key informant. Message-bearing t-shirts and other advocacy documentation have been distributed at project-sponsored events.

**II-87. Lacklustre evidence among key informants of child labour or sexual exploitation having been taken to heart as an important issue.** Interviews with key informants did not produce evidence of institutional champions for the matters raised by the CAS. Nor was evidence found of the incorporation of advocacy into institutional programming. Sexual exploitation is understood as a sensitive matter, generally not to be the subject of civil conversation outside of project or activist environments. The DWCP 2017-2021 sets implementation of a NPA as a goal, but makes no mention of trafficking, child sexual exploitation, or similar.

**II-88. Responsibility for the enforcement of child labour prohibitions and the protection of children from trafficking for sexual exploitation are siloed within two different branches of the MoLSW.** Responsibility for enforcing prohibitions of child labour lies with the Labour Management Division (LMD) of the Ministry, as a law enforcement body. Responsibility for preventing and remedying the trafficking of children for sexual exploitation lies with the Social Welfare Department (SWD) of the Ministry. Among UN agencies working in these areas, the ILO traditionally supports the work of LMD; UNICEF supports the work of the SWD. The project's main interlocutor was the LMD, not the SWD. The actors in the LMD do liaise with the social welfare branch, but collaboration and coordination within these hierarchal organizations is not always smooth. Nor is there always agreement in terms of approaches and policies. The focus of the project on elimination of child labour and enforcement of laws in respect of it – as contrasted with a focus on trafficking of children for sexual exploitation – can be understood within this organizational context. This dynamic was confirmed by key informants. A similar silo dynamic was confirmed in relation to a major project targeting child sex tourism by raising awareness in the tourism and hospitality sector. That USAID-funded initiative worked directly with the MoICT, and not with the MoLSW or ILO, LFTU, or LNCCI as “they are not working directly on commercial sexual exploitation” and the project was not working with the “labour sector *per se*”.<sup>74</sup>

**II-89. Other ILO projects operating in Laos PDR have the possibility within their mandate of working on matters within the RBSA project mandate.** At least three projects – Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region, TRIANGLE in ASEAN, and Ship to Shore Rights South East Asia Programme – had the potential to promote elimination of trafficking in under age workers for labour or sexual exploitation within their sectors of activity. There does not appear to have been any consolidation of efforts among these projects in respect of the trafficking of children for sexual exploitation. This might well be explained by the divisions of responsibility described in the paragraph above.

**II-90. Looking for article 22 reporting on the project.** An article 22 report on ratified Conventions No. 138 and 182 is due in 2022. Information about the project and what it has achieved should be provided in the report, particularly considering the close relationship between what the project wanted to do and what the CAS suggested the Government do to

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<sup>74</sup> Chief of Party for Winrock, International. at: <https://winrock.org/wp-content/uploads/2020/01/IEAFLET-Update-Nov-15-2019-Final-to-print.pdf>

address the implementation issues. As of 4 December 2022, none of the four reports due 1 September 2022 have yet been received by the ILO.

## Financial aspects of the project

II-91. **The original budget allocated over one third (37%) of funds to P&B Outcome 2 and almost two thirds (63%) to the Outcome 7.** See Figure 10 below. Seminars were to be funded by fifty-three (53%) of funds, and more than a quarter (27%) to individual contracts. Figure 11 below.

Figure 10: Allocation of funds between P&B outcomes (LAO)

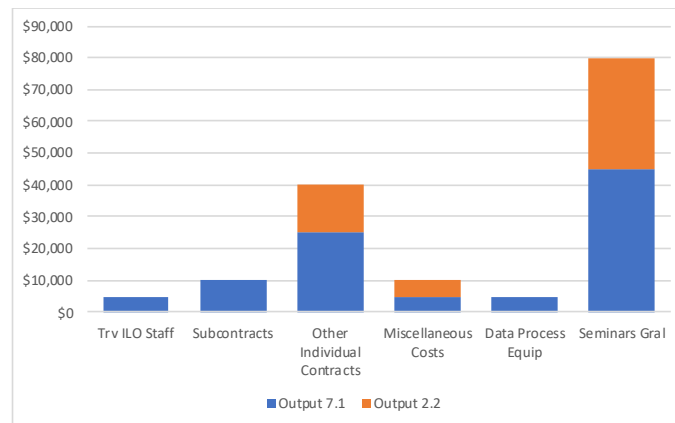
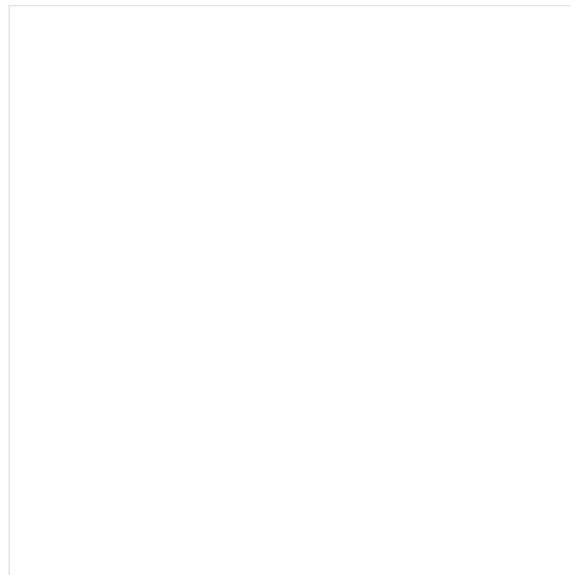


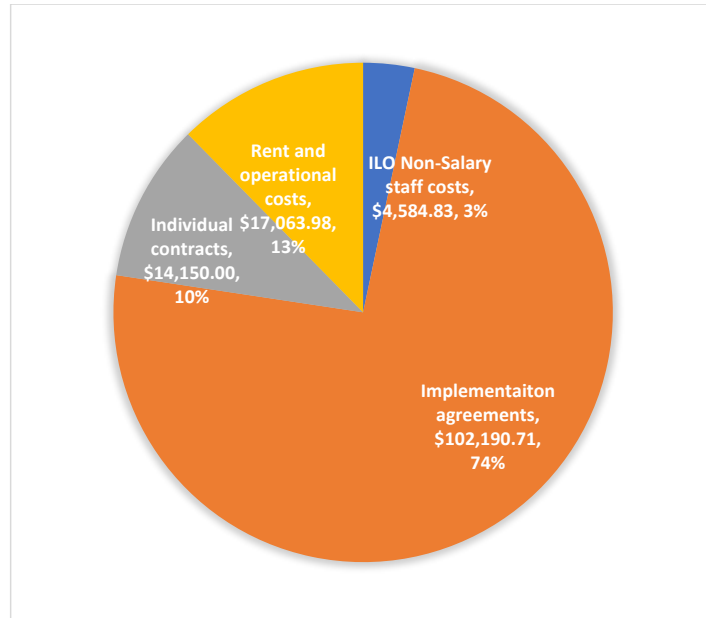
Figure 11: Funds originally budgeted (LAO)



II-92. **By the end of the project, seventy-four per cent (74%) of all expenditures were on implementation agreements.** The remainders are seen in Table 22 below. From the data available to the evaluation, a quarter (25%) of the implementation agreement expenditures was directed to the LFTU, about thirty-seven per cent (36.86%) to the Ministry of Information, Culture, and Tourism, and the remaining thirty-eight per cent (38.02%) to the Ministry of Labour and Social Welfare.

II-93. **Despite working with a relatively small sum, the project needed two extensions to complete delivery.** The \$150,000 RBSA allocation was approved 21 July 2020. A first extension was granted from October to 31 December 2021 and a second – and final – extension was made to end June 2022. A project coordinator was engaged in April 2021.

Table 22: Proportions of spent allocated funds, by use (LAO)



# Myanmar (MMR/20/01/RBS)

## Background

II-94. **The project entitled *Implementing a National Complaints Mechanism to end Forced Labour in Myanmar* was linked with the CPO entitled *Protection against unacceptable forms of work is strengthened, in particular Forced Labour and Child Labour*.** Funds for the project totalling USD500,000 were approved on 14 July 2020. Funding was to end on 30 November 2021. Two no-cost extensions were requested and approved: First to 31 August 2022 and again to 31 March 2023.

II-95. **Decades-old ILS supervision of forced labour practices provide the backdrop for the project.** This supervisory story has been punctuated by the findings of a Commission of Inquiry in 1998, unprecedented action taken under Art. 33 of the ILO Constitution in 2013, and the appointment in 2002 – on the basis of an agreement between the then-government and the ILO – of an in-country Liaison Officer and Office responsible for all activities relevant to ensuring the prompt and effective elimination of forced labour. The most recent supervisory event is the convening in March 2022 of a new Commission of Inquiry in respect of the non-observance of Conventions Nos. 87 and 29. The latest complaints of non-observance flow from the military takeover of the country in February 2021.

II-96. **Particular mechanisms have been used within Myanmar for receiving complaints of forced labour; the RBSA project was geared up to support a particular new, national mechanism.**<sup>75</sup> The exaction of forced labour could be the subject of complaints directly to the ILO Liaison Officer in Yangon since the Supplemental Understanding (SU) between the ILO and the then-government was undertaken in 2002. This was reconfirmed annually until 2015.<sup>76</sup> The government became democratically elected in November, 2015. The SU expired on 31 December 2018. The intention was to replace it with a national complaint mechanism (NCM). This had been agreed to in the DWCP adopted in September 2018. Until an NCM was in place and operational, complaints received by the ILO would be submitted to the High-Level Working Group (HLWG) for necessary action.<sup>77</sup> In November 2019, it was confirmed that complaints of forced labour could be made both to the HLWG and the ILO until the NCM was operating. In addition, UNICEF has maintained since 2007 a complaints mechanism in Myanmar for children forced into military service in the UN Country Task Force on Monitoring and Reporting (CTFMR) on Grave Violations against Children.<sup>78</sup>

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<sup>75</sup> at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:4054102](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4054102)

<sup>76</sup> at: [https://www.ilo.org/yangon/info/WCMS\\_106131/lang--en/index.htm](https://www.ilo.org/yangon/info/WCMS_106131/lang--en/index.htm) Extensions to the Supplementary Understanding 2008-2015.

<sup>77</sup> GB.337/INS/9, para. 2.

<sup>78</sup> United Nations Security Council (UNSC) Resolution 1612 mandates the UN to establish UN-led CTFMRs in countries where there is verified evidence that Grave Violations against children are being committed by parties to a conflict, either by armed forces and/or by armed groups. The CTFMR is tasked with establishing a Monitoring and Reporting Mechanism (MRM) which documents, verifies and reports to the UNSC on Grave Violations against children. The six Grave Violations that are monitored and reported are: ... recruitment and use of children in armed forces and armed groups ... The CTFMR is also mandated to provide a coordinated response to such grave violations. The CTFMR was established in Myanmar in 2007 and is co-Chaired by the UN Resident Coordinator and the UNICEF Representative in Yangon. The CTFMR in Myanmar includes relevant UN agencies (ILO, UNFPA, UNHCR, UNICEF, UN OCHA, the UN RCO and WFP), Save the Children and World Vision.



II-97. **After the start of the RBSA funding, the military takeover of Government in February 2021 dramatically altered the political backdrop for project operations.** After six months of operation, a civilian government amenable to ILO support for the elimination of forced labour<sup>79</sup> was changed out by military force with one that has proved hostile to efforts to secure human rights, including the elimination of forced labour.

*The project, its aims and P&B links*

II-98. **The project is based on a request from the democratically elected government.** In August 2019, the Office received a request from the Government for TA for the establishment of the NCM under the auspices of the DWCP.<sup>80</sup> The Government also requested ILO support to develop a mobile phone application that would facilitate the submission of complaints. Support was also requested to train government staff to maintain a database on forced labour and day to day case management. The Office reported to the GB that it had in July 2020 mobilized internal resources to deliver the technical support requested.<sup>81</sup>

II-99. **The project had specific aims and approach: Create a National Complaints Mechanism (NCM), build substantive and technical capacity to operate it, and raise the publics' awareness of it.** The Office had expressed its readiness to mobilize financial and human resources to provide assistance. The assistance would help with (a) structuring a grievance mechanism, including the prevention of forced labour, focusing on awareness-raising, protection of victims with access to remedies and justice and the prosecution of perpetrators; (b) building capacity through countrywide training activities for first responders, law enforcement authorities and other key partners, *inter alia*; (c) supporting IT for complaints management; and (d) training staff for complaints management, including the design of a reporting mechanism for increased transparency and credibility. These aims were broken down in an implementation plan which reflected in Table 23 below.

Table 23: Deliverables/outputs under the implementation plan (MMR)

Project deliverables/outputs	Key project outputs
Output 2.2 <b>DELIVERABLE/OUTPUT a: Myanmar takes specific measures in line with supervisory body comments on application of C.29. More specifically, NCM grievance mechanisms are implemented effectively with necessary IT functions and trained staff with ILO support</b>	1. Technical support provided to the NCM to implement an IT system for complaints management and reporting including: <ul style="list-style-type: none"> <li>(a) establishing a mobile application and website to facilitate the submission of complaints to the NCM and raise awareness about FL;</li> <li>(b) establishing a database system that includes appropriate gender disaggregation for recording complaints, monitoring and reporting;</li> <li>(c) training officials on recording cases and using the database system; and</li> <li>(d) supporting a review of the database system, website and mobile application nine months after implementation and identify any changes that are needed.</li> </ul> 2. Technical support and training to the NCM for its effective implementation (including: an advanced orientation session for National Committee members; training staff on assessing/identifying FL complaints; operationalizing the complaints management system; gender responsive reporting for transparency; victim protection; access to justice and remedies; and principles of FL prosecutions) (12 training sessions and technical advice).

<sup>79</sup> See discussion of the involvement of the ILO in any further NCM in GB.337/INS/9, para. 15-17 (Oct/Nov 2019)

<sup>80</sup> GB.340/INS/12, para. 11. (Oct/Nov 2020)

<sup>81</sup> GB.340/INS/12, para. 16. (Oct/Nov 2020)

	<p>3. Develop and deliver awareness raising tools and materials for the NCM on FL aimed at workers and FL victims in English and Myanmar languages (including pamphlets, billboards, scripts for broadcasting in radio, television and other social media as appropriate).</p> <p>4. Provide technical support to Government led investigation missions on FL for the NCM, as required.</p> <p>5. Technical training delivered to central and regional/state government officials on FL, ILS and ILO supervisory mechanisms (3 sessions).</p> <p>6. Provide technical and logistical support to meetings of the NCM Committee as required.</p> <p>7. Support the government to, in consultation with the NTFD, every four months, to review progress with the implementation of the NCM.</p>
<b>DELIVERABLE/OUTPUT b: Pending forced labour cases that are currently managed by the ILO office prior to the establishment of the NCM are finalised in accordance with required processes.</b>	
	<p>1, Establish an oversight plan including timeframes to finalise outstanding cases in discussion with MOLIP as needed.</p> <p>2, Implement the case oversight plan and complete case management process</p> <p>3. Report to the Headquarters and Governing Body.</p>
<b>DELIVERABLE/OUTPUT c: Local reconciliation on forced labour initiated in identified target areas.</b>	
	<p>1. Develop and deliver awareness raising materials (including pamphlets and billboards) in communities in target areas</p> <p>2, Develop and deliver gender responsive awareness raising sessions and training on eliminating FL with communities, government and Tatmadaw in identified target areas.</p> <p>3, With technical support from ILO, ad hoc local FL reconciliation units are established with Government personnel, EAOs and individual representatives at local level to address FL grievances and identify solution together, and where appropriate and possible work in collaboration with the Government's Local Ceasefire Monitoring Mechanism (CMM).)</p>
Output 7.1 <b>DELIVERABLE/OUTPUT a: Representative organisations of employers and workers and relevant parliamentary committees are equipped with knowledge on forced labour; are able to participate effectively in the NCM grievance process; and are able to collaborate to raise awareness to eliminate forced labour among their respective members.</b>	
	<p>1, Develop and deliver awareness raising sessions about FL, the NCM, C.29 (and related ILS), and the ILO supervisory system to parliamentarians (3 x sessions or via ITC ILO).</p> <p>2. Develop and deliver technical support/ training to the Parliamentary Committee about its new oversight role and functions under the NCM (3 x sessions)</p> <p>3. Develop and deliver training to social partner (UMFCCI, MICS, AFFM IUF and CTUM) on engaging effectively in the NCM processes.</p> <p>4, Provide technical assistance to ILO social partners (UMFCCI, MICS, AFFM IUF and CTUM) to develop appropriate tools for their memberships to raise awareness of FL and its elimination.</p>
<b>DELIVERABLE/OUTPUT b: Supporting/promoting bilateral agreements between workers' and employer' organizations for prevention and remediation of modern form of forced labour in workplaces. This would be in workplaces through Workplace Coordinating Committees (WCC); at sector level (if possible); and through national engagement at the NTFD level</b>	
	<p>1 Support the development and finalization of at least five workplace bilateral agreements on eliminating FL, and scale up if appropriate.</p>

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|  | 2. Develop and deliver briefings for UMFCCI and trade unions on options for sector-based bilateral initiatives to promote the elimination of forced labour and the NCM.<br>3. Develop working procedures for NTFD national leadership on actions at a national level to eliminate forced labour. |
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### *The ILS subjects*

II-100. **The project aims to help eliminate forced labour in all its forms in Myanmar; application of the ratified Forced Labour Convention, 1930 (No. 29) is to be improved.** Aspects of forced child labour, linked to obligations in C182. C182 is ratified by Lao PDR.

### *Theory of Change*

II-101. **On the basis available documentation and inputs from key informants, a theory of change is proposed for use by the evaluation.** The ToC is based on the current status of the project, that is with some interventions adjusted to take account of the current situation within the country.

#### **Theory of Change**

**By (1) supporting the establishment of a national complaint mechanism and (2) establishing a digital platform for making complaints about possible forced labour, and (3) doing capacity building, education and awareness raising related to these two tasks within the general population and among stakeholders, the project would contribute to eliminating forced labour in Myanmar.** This will happen by helping to assure the existence and operation of a credible, impartial and effective channel through which incidents of forced labour can be reported, investigated and remedied, applying the rule of law to make those responsible accountable. As a result, those who would otherwise exact forced labour would be motivated not to do so and forced labour practices would eventually cease.

## Project delivery

II-102. **The project has three staff members.** They include a national Project Coordinator, a Training Coordinator and a Database Assistant. Almost equal funds were allocated initially to seminar costs as to staff costs; this would change with time. See para. II-108 below. The project was designed during the first year of COVID-19, so no significant changes were made as a result of the pandemic. Nevertheless, Yangon was placed under a COVID-related stay-at-home order in late September 2020,<sup>82</sup> and the critical military takeover occurred 1 February 2021.

II-103. **Project delivery needs to be seen before and after the military takeover and *de facto* authorities' control.** The project was able to operate as expected in the five months between September 2020 and February 2021. The project met with very significant obstacles with the military takeover on 1 February. Capacity building activities, technical assistance, and policy advice to the *de facto* authorities was suspended on 1 February 2021; the suspension continues for this group. This is in accordance with the UNCT's engagement guidelines uniform for all UN agencies. The project has continued trying to work with other stakeholders, including workers' and employers' organizations and CSOs. Many however are involved in the civil disobedience movement (CDM). CDM activists are targeted for harassment, arrest, detention or worse by the *de facto* authorities. Some have disappeared either as a result of *de facto*

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<sup>82</sup> at: [https://en.wikipedia.org/wiki/COVID-19\\_pandemic\\_in\\_Myanmar](https://en.wikipedia.org/wiki/COVID-19_pandemic_in_Myanmar)

authorities' action or because they have gone into hiding. This has made it very difficult for the project to involve this group of individuals as implementing partners or beneficiaries. The ability of the project and its interlocutors – even beyond those directly involved in the CDM – to communicate via telephone and internet has become restricted on account of *de facto* authorities' surveillance. Financial transitions are limited by banking restrictions. Limitations on the availability of cash constrained the project's ability to set activities in motion until about August 2022. The details of the situation in the country have been reported to the GB, most recently in November 2022.<sup>83</sup>

**II-104. The project has run 36 awareness raising or training events benefiting 1,693 persons.** A total of fourteen (14) events were face-to-face, twenty-two (22) virtual. Two events (virtual) benefiting a total of two hundred and sixty-five (265 persons) were held before the military takeover on 1 February 2021. A suspension of activities followed. Activities started again in September 2021; none benefiting the *de facto* authority. The project kept data on gender mix of participants for all but one activity held for 250 persons; forty-four percent (44%) of participants were women, fifty-six percent (56%) were men.

**II-105. In the opening months stakeholders who had previously been face-to-face trainers and awareness raisers on forced labour were trained to use Zoom for their activities.** A zoom-based training manual was also prepared and provided to the trainers in December 2020. Adapting to a Zoom-based intervention environment was a COVID-19 impact on the project. In the first months, time was also used to clear up the backlog of forced labour cases held within the ILO's own forced labour complaints procedure.

**II-106. Technical support was to be provided to the newly constituted NCM, where the ILO sat as adviser.** Advice and support to the NCM was to be provided at all levels, from the NCM members and staff to the lowest levels of case handlers in townships. The NCM was to be tripartite. The NCM members selected the mobile application development contractor in December 2020 and work on it began in January 2021. From 1 February, the project suspended all capacity building work for the NCM.

**II-107. Work on the mobile application continued after the military takeover, but its purpose and content were somewhat modified.** It was noted that the military government's operation of the NCM would likely undermine its credibility. Persons would in turn not be willing to use it or a mobile application designed to feed complaints of forced labour to it. The project adapted and retooled the application so it could be used to deliver educational materials, as well as receive complaints. Substantive materials were developed, adapted and translated in the early months after the takeover. A guide for parliamentarians was also prepared. And the national action plan on forced labour was translated.

## Financial aspects of the project

**II-108. At the start, just over a quarter of the project budget was allocated to staff costs; that rose to almost half after the second NCE.** As seen in Figure 12, Figure 13, and Figure 14 below the proportion of the project budget allocated to staff costs increased and to seminars declined. This reflected the impact first of COVID and then of the military takeover.

**II-109. Expenditures during the first some thirty-six months of the project were spaced at ten (10%), thirty (30%), and sixty percent (60%) of the allocated budget during each of the**

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<sup>83</sup> GB.345/INS/2

**project years.** As seen in Figure 15, below, USD50,000 was expended in the last four months of 2020, USD150,000 during 2021, and USD300,000 foreseen during 2022.

Figure 12: Budgeted allocations from project proposal (MMR)

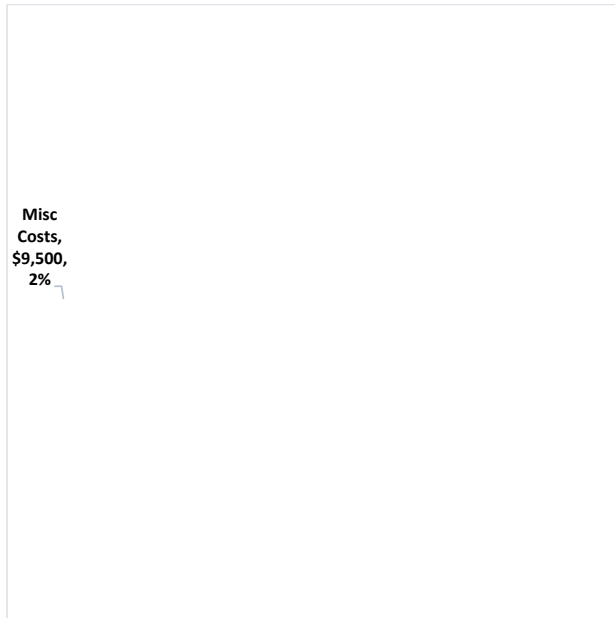


Figure 13: Budgeted allocation after NCE1 (MMR)

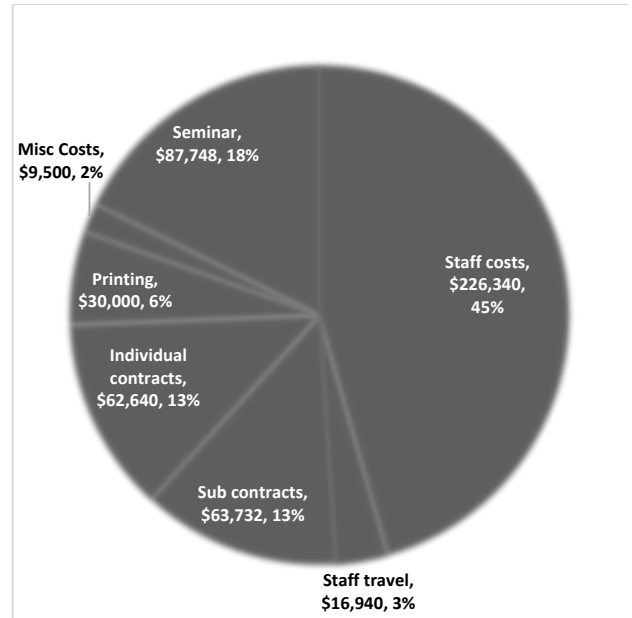


Figure 14: Remaining budgeted allocation after NCE2 (MMR)

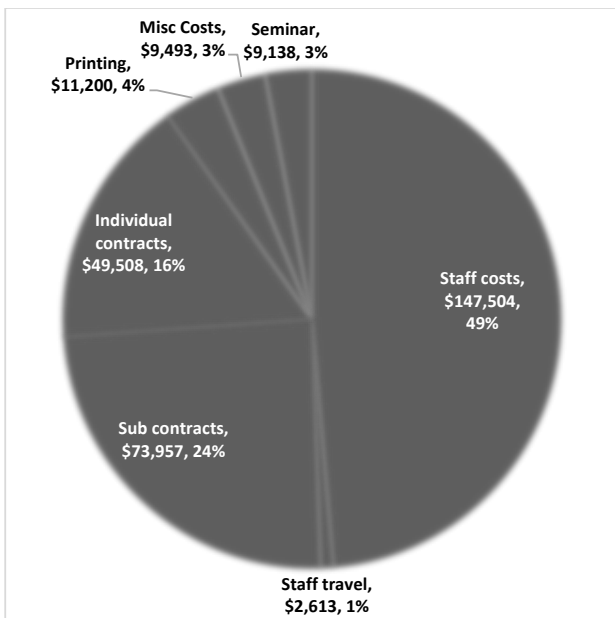
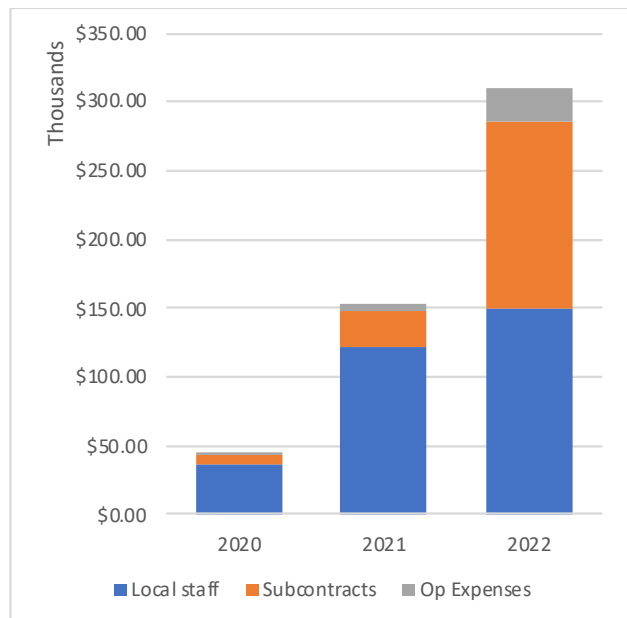


Figure 15: Expenditures per project year (MMR)



# Philippines (PHL/20/02)

## Background

II-110. **The project entitled *Increased national capacity for policy and legislative reforms, including COVID-19 responses, based on international labour standards and address recommendations of the Standards Review Mechanism* was linked with the CPO entitled *Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations*.** Funds for the project totalling USD 150,000 were approved on 29 July 2020. Funding was to end on 31 October 2021. One no-cost extension to 31 December 2022 was requested and approved.

### *The projects, their aims and P&B links*

II-111. **Two interrelated RBSA funded projects were approved for the ILO Country Office for the Philippines under the 2020-2021 ILO Budget.** The second RBSA project focuses on improving social dialogue (PHL/20/01). ILS focused PHL/20/02 makes links made to P&B ILS Outputs 2.1 and 2.3 – a third link is made to the social dialogue Output 1.2. See Table 24 below. This story deals with the one focused on ILS, PHL/20/02.<sup>84</sup>

Table 24: RBSA project titles, P&B linkages (PHL)

	Project title	P&B Output
<b>PHL/20/01 (PHL129) USD270,000</b>	Improved social dialogue, tripartism and better application of basic rights on freedom of association and the right to collective bargaining	1.4 Strengthened social dialogue and labour relations laws, processes and institutions 1.1 Increased institutional capacity of employer and business membership organizations <b>Common P&amp;B link</b> 1.2 Increased institutional capacity of workers' organizations
<b>PHL/20/02 (PHL826) USD150,000</b>	Increased national capacity for policy and legislative reforms, including COVID-19 responses, based on international labour standards and address recommendations of the Standards Review Mechanism	2.1. Increased capacity of the member States to ratify international labour standards 2.3. Increased capacity of the ILO constituents to engage in a forward-looking international labour standards policy <b>Common P&amp;B link</b> 1.2 Increased institutional capacity of workers' organizations

### *The ILS subjects*

II-112. **The proposal for this RBSA project had two elements.** The first was prepared in the context of the CO's ongoing efforts to access resources to support action to improve application of freedom of association obligations; it focused on continuing this action. The second element was support for the ratification of C/P155 and C160. This element had not been identified as a priority for the social partners either by the CO or by the constituents themselves. The second element was placed into the project at the behest of NORMES, in fulfilling their mandate and that within the RBSA guidance to progress the recommendations of the SRM.

II-113. **There is a long history of supervision of the serious issues the project aims to address.** They relate to ratified Conventions Nos. 87 and 98. The issues have been supervised

<sup>84</sup> The proposal for this project acknowledged that it was "concurrently submitted with PHL129 are mutually interlinked to support the NAP FoACB, and to address observations of the ILO supervisory bodies on C 87."

by ILO bodies – commented upon in the CEACR,<sup>85</sup> discussed repeatedly in the CAS in 2009, 2016 and 2019,<sup>86</sup> the subject of an ILO High Level Mission (HLM) in September 2009 and a DCM in February 2017. See Box 14 below. A significant amount of extra-budgetary, RBTC and RBSA support has been provided over many years aimed to improve the very serious situation involving, among other things, extra-judicial killings of trade unionists and broader infringements of civil rights. Box 15 below.

Box 14: Key Points – FoA & supervision (PHL)

### Key points about FoA and UN supervision since 2006

Prior to 2006, CEACR comments had raised largely legislative issues not uncommon to many member State ratifiers of C87 and/or C98. In 2005, the murder of four trade union leaders, anti-union violence in the sugar sector, death threats to discourage union formation in the economic zone in Cavite, and the inaction against the authors of the killings of seven strikers in November 2004, prompted International Confederation of Free Trade Unions (ICFTU) comments to the CEACR, and an intensification of international supervision, under the ratified ILO and UN human rights instruments.

In July 2020, the Office of the UNHCHR prepared an annual report for submission to the Human Rights Council on the situation of human rights in the Philippines.<sup>87</sup> To give a sense for what any intervention under evaluation here might need to address itself to for change to occur, one paragraph (para. 50) is noted. “Since 2007, various United Nations human rights mechanisms have repeatedly raised concerns about threats against and vilification, arbitrary detention, legal harassment, enforced disappearances and killings of human rights defenders. OHCHR requested but did not receive government figures on killings of human rights defenders. Credible civil society sources, however, have compiled detailed lists documenting hundreds of killings. OHCHR has verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019. Despite efforts to strengthen the mechanism under Administrative Order No. 35, the Government has failed to ensure transparent, independent, effective investigations and prosecutions in the vast majority of cases. Of 383 cases under the mechanism dating back to the year 2001, 216 cases have been either dismissed or archived while only 13 have resulted in convictions.”

**II-114. The CEACR had noted with interest some progress in the application of Conventions Nos. 87 and 98 between 2011 and 2015, during the administration of Benigno Aquino III.** These included:

- the creation of the National Tripartite Industrial Peace Council-Monitoring Board (NTIPC-MB) and the Regional Tripartite Monitoring Bodies (RTMBs) under it within the DOLE;
- the issuance in May 2011 DOLE-PEZA-PNP Guidelines on the Conduct of Police Personnel in Economic Zones; and
- the adoption by the NTIPC on 17 April 2012 of the DOLE-DILG-PNP-DND- AFP Joint Guidelines on the Conduct of AFP/PNP Relative to the Exercise of Workers’ Rights ... and ... Activities.

<sup>85</sup> Most recently in a CEACR observation on C87 published to the ILC in 2022. at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4124386,102970](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4124386,102970)

<sup>86</sup> Most recent Individual Case Discussion of C87 at the 2019 ILC. The record includes detailed written information provided by the government showing the diligence with which branches of government has investigated allegations raised in supervisory comments. at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4000346,102970](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4000346,102970)

<sup>87</sup> A/HRC/44/22



II-115. **As noted above, there has been a noted deterioration of the labour and human rights situation since 2016, when the government undertook a hard-line campaign against illegal drugs and criminality, which led to increased cases of extrajudicial killings.** Reference in ILO supervision has also been made to “red-tagging” practices by government actors,<sup>88</sup> alleged to impact on respect for rights to freedom of association. Overall, the context for DC is a complex one.

Box 15: Key Points - FoA & DC (PHL)

### Key points about FoA and ILO development cooperation

The ILO mounted a HLM to the Philippines in September 2009. It made recommendations that formed the basis for development cooperation aimed to address issues raised in ILO supervision. Financing came from US Department of State (US DOS),<sup>89</sup> Norway and Sweden, according to the ILO website.<sup>90</sup> Many of the several positive developments noted by the CEACR between 2011 and 2015 were immediate results of development cooperation with the ILO. These included several internal operational agreements and guidelines.<sup>91</sup> See II-114 above.

Between 2016 and 2022, during the Rodrigo Duterte administration, the Government’s enthusiasm for improvements in freedom of association and related human rights seemingly tapered off. Nevertheless, between 2016 and 2019, there were activities funded by the EU GSP plus project.<sup>92</sup> Several noteworthy documents were produced under that project including a *National Action Plan 2017-2022*<sup>93</sup> and a report entitled *Addressing impunity: A review of the three monitoring mechanisms*.<sup>94</sup> Another discussion was held about the FoA situation in the Philippines in the CAS, and a DCM was taken in February 2017. The RBSA project the subject of this evaluation started in November 2020. In the beginning of 2021, the EU agreed to provide support to the Philippines again relative to FoA through the global Trade for DW project.<sup>95</sup>

II-116. **The ratification of C/P155 had been considered by Government some years ago in connection with ILO project SafeYouth@Work.** That effort resulted in ratification of C187 in 2019, but not C155. The ratification of C160 had been noted in contacts between ILO technical specialists and the Government in the recent past, but had not been pursued. This is discussed in further detail below in the context of project delivery.

II-117. **The CO and RBSA projects have made deliberate and quite assertive use of CPO numbers in branding the projects with constituents.** CO personnel say that this has been done to acclimate constituents to the Decent Work Country Programme scheme. The idea is that constituents should know that recourses are being brought to bear to achieve the

<sup>88</sup> Observation on C87, adopted 2021.

<sup>89</sup> Promoting the Effective Recognition and Implementation of the Fundamental Rights of Freedom of Association and Collective Bargaining in the Philippines, 12 March 2012 - 30 June 2014, at: [https://www.ilo.org/manila/projects/WCMS\\_180137/lang--en/index.htm](https://www.ilo.org/manila/projects/WCMS_180137/lang--en/index.htm)

<sup>90</sup> See, for example, at: [https://www.ilo.org/manila/areasofwork/WCMS\\_124609/lang--en/index.htm](https://www.ilo.org/manila/areasofwork/WCMS_124609/lang--en/index.htm), at: [https://www.ilo.org/manila/areasofwork/WCMS\\_152628/lang--en/index.htm](https://www.ilo.org/manila/areasofwork/WCMS_152628/lang--en/index.htm),

<sup>91</sup> [Joint DOLE-PNP-PEZA Guidelines in the Conduct of PNP Personnel, Economic Zone Police and Security Guards, Company Security Guards and Similar Personnel during Labour Disputes](#) and the [Guidelines on the conduct of the DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers' Rights and Activities](#).

<sup>92</sup> The Philippines was one of several beneficiary countries under the GSP+ Beneficiary Countries to Effectively Implement International Labour Standards and Comply with Reporting Obligations, PHL/16/52/EUR, at: [https://www.ilo.org/manila/projects/WCMS\\_562934/lang--en/index.htm](https://www.ilo.org/manila/projects/WCMS_562934/lang--en/index.htm)

<sup>93</sup> at: [https://www.ilo.org/manila/publications/WCMS\\_713339/lang--en/index.htm](https://www.ilo.org/manila/publications/WCMS_713339/lang--en/index.htm)

<sup>94</sup> at: [https://www.ilo.org/manila/publications/WCMS\\_713337/lang--en/index.htm](https://www.ilo.org/manila/publications/WCMS_713337/lang--en/index.htm)

<sup>95</sup> at: [https://www.ilo.org/global/standards/WCMS\\_697996/lang--en/index.htm](https://www.ilo.org/global/standards/WCMS_697996/lang--en/index.htm) and at: [https://www.ilo.org/manila/projects/WCMS\\_769851/lang--en/index.htm](https://www.ilo.org/manila/projects/WCMS_769851/lang--en/index.htm)



objectives that are set out in a CPO that reflects the DWCP. The evaluator questioned virtually all informants interviewed on the point. Only one knew what “826” referred to.

### *Theory of Change*

II-118. **Previous DC has worked under a theory that change that saw greater respect for rights to freedom of association and related civil rights would occur if the capacity of actors to respect those rights had been improved.** The *National Action Plan 2017-2022* prepared in March 2019 with input, validation and adoption of the Tripartite Industrial Peace Council Executive Committee acknowledges this.<sup>96</sup> The Plan specifies in detail further work making continued use of this theory of change, while acknowledging that its application had until then not delivered fully on the needed results.

II-119. **The proposal for the ILS-focused PHL/RBSA/20/02 explains well the planned programme of support and the hoped-for short-term results.** A discussion of *how* what was to be done would result in the changed situation was not clearly presented. The evaluator proposes the following as a statement of the ToC for the project, on the basis of which an evaluation might proceed.

#### **Theory of Change**

**The principal changes expected by the project would amount to improved compliance with FoA obligations under the ratified ILO Conventions Nos. 87 and 98.** The project asserts that improved compliance would happen by “reinforc[ing] the *policy reforms* achieved ... with ILO assistance on FoACB since 2009.” They are listed in paragraph II-114 above. The project’s activities<sup>97</sup> – virtual meetings and consultations involving trade unions, employers’ representatives and government actors (such as DOLE, AO35 and CHR investigation mechanism representatives, PNP, PEZA, AFP, etc.) – will improve confidence and trust among stakeholders. This will in turn cause the institutions created by the *policy reforms* to operate better, leading to increased exercise of FoA and CB rights. In some cases, particular reforms are the subject of meetings and consultations. If those reforms occur, the impact of the affected institutions will change (improve), with a follow-on increase in the exercise of FoA and CB rights. In respect of the objectives to ratify C/P155 and C160, technical (such as gap analysis) and promotional (such as the production of explanatory or promotional materials, holding of awareness raising meetings, etc.) would result in a change in viewpoints concerning the specific instruments for ratifications, thereby effecting the actions and behaviours of relevant actors in bringing an act of ratification forward.

### Project delivery

II-120. **Key project results were identified, linked with the P&B, and assigned CPOs in line with the DWCP; project staff was engaged.** A National Project Manager was appointed and implementation began in November 2020. The Manager was tasked also with managing the social dialogue PHL/RBSA/20/01 project<sup>98</sup> and the EU-funded Trade for Decent Work Project. All

<sup>96</sup> See, at p. 2, describing how the capacities of various actors had been the subject of development efforts, aimed at improving respect for trade union and other civil rights.

<sup>97</sup> The proposal says that improved compliance would happen by “reinforc[ing] the policy reforms achieved ... with ILO assistance on FoACB since 2009” (the elements of progress noted above). Reinforcement activities would “follow up on” recommendations made in the *Addressing Impunity report* (2019) and the *National Action Plan 2017-2022*.

<sup>98</sup> Improved social dialogue, tripartism and better application of basic rights on freedom of association and the right to collective bargaining [at: https://www.ilo.org/manila/projects/WCMS\\_770022/lang--en/index.htm](https://www.ilo.org/manila/projects/WCMS_770022/lang--en/index.htm)

these funding sources target issues of freedom of association, collective bargaining, and labour rights along with related exercise of social dialogue.

II-121. **A consultative workshop was held with the constituents and stakeholders in December 2020.** The workshop looked at what was intended to be achieved by all three projects, that is, with all three lines of funding for transformative activities. Key project results were confirmed for the ILS focused RBSA/20/01 project. See Table 25 below. These same results continued essentially to be those monitored by the project. The most recent monitoring document held by the evaluator is that which had been attached as Annex 2.b with the CO's 27 August 2021 request for no-cost extensions for RBSA PHL129 and RBSA PHL826 to December 2022. A final report can be expected with the current planned expiration of funds at the end of December 2022.

Table 25: P&B outputs and intended project results (PHL)

P&B output	Key project results
<p><b>1.2 Increased institutional capacity of workers organizations</b></p> <p>1.2.2. Number of workers' organizations that produce proposals to be considered in social dialogue mechanisms for policymaking.</p>	<p>- Gender-sensitive joint <i>union proposals on proposed bills</i> addressing CEACR comments on C 87 and COVID-19 responses.</p>
<p><b>2.1 Increased capacity of Member States to ratify international labour standards</b></p> <p>2.1.2. Number of ratifications of up-to-date technical Conventions, including those recommended by the Governing Body in the context of the Standards Review Mechanism.</p>	<p>- <i>Pre-ratification reviews for C160</i> of national laws and practices, to update policies or plans, enhancing gender dimensions, to comply with the Conventions.</p> <p>- <i>Pre-ratification reviews for ILO C/P155</i> of national laws and practices taking into account different challenges of women and men, to update legislation and policies, or plans to comply with the Conventions.</p>
<p><b>2.3 Increased capacity of Member States to engage in a forward-looking international labour standards policy</b></p> <p>2.3.2 Number of member States with tripartite mechanisms enabling constituents to effectively engage in the implementation of international labour standards at the national level, including reporting to the supervisory bodies</p>	<p>- <i>Tripartite ownership</i> to better apply ILO C87 and C98 addressing CEACR comments <i>and</i> COVID-19 response through:</p> <p>(1) <i>Improvements in monitoring and investigation bodies</i> for resolution of labour-related cases, enhancing not only labour lens but also gender lens</p> <p>(2) <i>Policy and legislative agenda</i> with consideration of gender and OSH dimensions of reforms for NTIPC adoption</p>

### FoA related activities

II-122. **On 16 July 2021, the CO entered into an Implementation Agreement (IA) with the Human Rights Centre of Ateneo de Manila University (Ateneo Human Rights Centre or AHRC).** The agreement reflected an adjustment in the approach taken under the project toward one of confidence and trust building as contrasted to one of capacity building. The IA outlines the thrust of the confidence and trust building activities undertaken by the project. See Table 26 below. Those activities were grounded in a proposal from the AHRC arising from a first Orientation-Seminar for the Technical working group members of the AO35 Inter-Agency Committee and an open social dialogue with leaders and representatives arranged by the project, happening on 23 March 2021.<sup>99</sup> The IA was born from the March 2021 event, a subsequent operational agreement between the ILO and the AO35 to a constructive engagement on labour rights and FoA issues, and the proposal from the AHRC endorsed by the AO35 and CHR.

<sup>99</sup> See the description, for example, of an activity held in March 2021, at [https://www.ilo.org/manila/eventsandmeetings/WCMS\\_777849/lang--en/index.htm](https://www.ilo.org/manila/eventsandmeetings/WCMS_777849/lang--en/index.htm) Note that the AO35 mechanism had not been operating for several years, and was reconstituted first again in 2019. Prior to the project a change had been made to the AO35 procedures that permitted the DOLE to be present as an observer to the Inter-Agency Committee responsible for steering operation of the AO35. The additional change sought was inclusion of RTMB or TIPC members to sit in the A=35 technical working group and inclusion in the operational guidelines a procedure for seeking DOLE guidance on labour-related cases under AO35.

Table 26: AHRC IA ToR outcomes/outputs (PHL)

<p><b>Outcome 1: Improvements introduced in monitoring and investigation bodies for resolution of labour-related cases, enhancing not only labour lens but also gender lens, specifically the AO35 mechanisms and strengthening DOLE, CHR and trade union involvement, participation and cooperation (based on RBSA PHL826 Project Description)</b></p>	
	<p><b>Output 1.1:</b> Social dialogue and stakeholder consultations are undertaken to strengthen trust and confidence-building among governmental monitoring and investigative bodies, particularly the AO35 IAC-TWG and Secretariat, together with the DOLE, CHR and the human rights offices of AFP and PNP and the trade unions</p> <p><b>Output 1.2:</b> DOJ AO35 IAC-TWG and Secretariat and DOLE NTIPC/RTMB Coordination is strengthened via conduct of Case Conferences to improve monitoring of cases by both bodies with greater involvement of trade unions</p> <p><b>Output 1.3:</b> Case-stocking of current AO35 cases is undertaken by conducting series of FGDs or Roundtable Discussions within AO35</p> <p><b>Output 1.4:</b> AO35 personnel are trained and capacitated on labour rights issues, ILO FoA principles to help address allegations of FoA violations and EJK cases</p> <p><b>Output 1.5:</b> Conduct of an AO35 systems audit/analysis highlighting training needs and enforcement gaps and challenges and proposed recommendations</p> <p><b>Output 1.6:</b> Proposed Tripartite-Endorsed Amendments to the AO 35 Operational Guidelines to institutionalize the inclusion of DOLE in the AO 35 investigative framework</p>
<p><b>Outcome 2: Institutionalization of labour rights and FoA principles in the work of CHR and closer collaboration and involvement of the CHR with AO35 matters and concerns</b></p>	
	<p><b>Output 2.1:</b> Trust-building meetings and social dialogues are conducted to strengthen collaboration between CHR and its stakeholders from government, especially DOLE and DOJ AO35 IAC-TWG/Secretariat, and the trade unions</p> <p><b>Output 2.2:</b> Case monitoring and investigation are strengthened through coordination meetings, case conferences and focus group discussions between CHR, AO35 and DOLE investigative bodies (e.g. RTMBs)</p> <p><b>Output 2.3:</b> CHR staff and personnel are trained and capacitated on labour rights, international labour standards, freedom of association principles, responsible business conduct based on the ILO-CHR Module</p>
<p><b>Expected outputs for the AO35 Mechanism</b></p>	
	<ol style="list-style-type: none"> <li>1. Hold a series of trust-building meetings/dialogues with labor groups, AO 35, DOLE, and human rights offices of the PNP and the AFP. Preferably, this meeting/dialogue should be joined by persons who are on the ground and are in a better position to provide necessary information for investigations.</li> <li>2. Conduct a case conference with AO35 and the NTIPC-MB to compare notes on the cases that both bodies have been monitoring and work together moving forward. Labor groups should also be invited to respond to their concerns regarding pending cases.</li> <li>3. Facilitate a focus group discussion or roundtable discussion within the AO 35 to take stock and review the cases they are handling and the cases they determined to be outside of the AO 35 jurisdiction.</li> <li>4. Conduct an AO35 systems analysis or audit to discuss and assess what aspects need improvements or training.</li> <li>5. Provide technical assistance and support to the ILO in planning and conducting the trainings for AO35 personnel.</li> </ol>
<p><b>Expected outputs for the Commission on Human Rights</b></p>	
	<ol style="list-style-type: none"> <li>1. The ILO-CHR Module has been launched.<sup>100</sup></li> <li>2. The ILO-CHR module has been rolled out with the trainers of the CHR, which in turn will roll it out among its target groups.</li> <li>3. Coordination meetings between the AO35 mechanism and the CHR are facilitated, as necessary.</li> </ol>
<p><b>Expected Outcomes</b></p>	
	<ol style="list-style-type: none"> <li>1. Strengthened collaboration of the IAC with the DOLE, labor groups and trade unions for the resolution of labor-related cases under AO 35 through trust-building and capacity development activities that integrate labor rights perspectives.</li> <li>2. Update or amendment of the AO 35 Operational Guidelines to institutionalize the inclusion of DOLE in the AO 35 investigative framework.</li> <li>3. Institutionalization of labor rights trainings and programs for CHR, DOLE and AO35</li> <li>4. Closer coordination between the AO35 mechanism and the CHR, more particularly on labor-related cases involving extrajudicial killings, disappearances and torture.</li> </ol>

<sup>100</sup> 7 December 2021. at: [https://www.ilo.org/manila/public/sp/WCMS\\_833827/lang--en/index.htm](https://www.ilo.org/manila/public/sp/WCMS_833827/lang--en/index.htm)

II-123. **Progress reports, evaluations, and minutes were made of interventions in late 2021 and 2022.** Most were made by AHRC. Many include summaries of the discussions held during meetings. The discussions reflect very diverse views of issues needing resolution, resolution methods, potential solutions, *inter alia*. They suggest the complexity of these confidence building exercises. The evaluator has identified specific activities from these reports and subsequent information:

- March 23, 2021 – Orientation-Seminar for the Technical working group members of the AO35 Inter-Agency Committee (not facilitated by ACHR)
- September 17, 2021 – Confidence Building Dialogue (CBD) CHR and Labour (Zoom, 57 pax.)
- September 20, 2021 – CBD AO35, BLR and Labour (Zoom, 34 pax)
- September 23, 2021 – Workshop AO35, CHR and DOLE (Zoom, no count)
- September 29, 2021 – Focus Group Discussion (FGD) AO35 and CHR (Zoom, no count)
- November 3, 2021 – FGD AO35 and CHR (Zoom, no count)
- December 9, 2021 – Case Conference AO35, DOLE and CHR (Zoom, no count)
- February 7-18, 2022 – Training workshop on Enhancing AO35 interagency collaboration (asynchronous presentations 7-17 February, Zoom 8 February, 18 pax.)
- February 21-24, 2022 – Course on Guidelines on Conduct of the DOLW, *et al* relative to the Exercise of Workers Rights, etc. (asynchronous presentations 21-23 February, Zoom 24 February, 18 pax.)
- November 21-25, 2022 - ILO-DOLE Tripartite Validation of the FoA Roadmap and the Joint 2011 and 2012 Guidelines
- November 28-29, 2022 - Employers' Summit on Protecting Businesses and Workers from Red-Tagging (under RBSA PHL 826)

## The AO35 mechanism and freedom of association

Under the Presidency of Benigno S. Aquino III, the Philippines Department of Justice's Administrative Order 35 (November 2012) created an Inter-Agency Committee On Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons (IAC).

- ▶ The IAC's mandate is to serve as the government's institutional machinery dedicated to the resolution of unsolved cases of political violence in the form of extra-legal killings (ELK), enforced disappearances (ED), torture and other grave violations of the right to life, liberty and security of persons.
- ▶ The IAC is chaired by the Secretary of Justice with the following members: Chairperson, Presidential Human Rights Committee (PHRCP); Secretary, Department of the Interior and Local Government (DILG); Secretary, Department of National Defence (DND); Presidential Adviser for Political Affairs (PAPA); Chief of Staff of the Armed Forces of the Philippines (AFP); Director General of the Philippine National Police (PNP); Director of the National Bureau of Investigation (NBI).
- ▶ The IAC is supported by a Technical Working Group (TWG) and a Secretariat composed of representatives of the IAC member-agencies. The TWG serves as the central support system of the IAC in rationalizing its focus and in providing recommendations in the handling of AO 35 cases. The Secretariat on the other hand, provides coordinative, data management, and service support to the IAC and the TWG.

Where does the issue of freedom of association come into AO35 work?

- ▶ The AO35 is a potential monitoring and "resolution" mechanism for cases involving trade unionists and others exercising freedom of association rights who fall within its mandate, i.e. extra-legal killings (ELK), enforced disappearances (ED), torture and other grave violations of the right to life, liberty and security of persons. The CEACR noted the AO35 mechanism in its Observation on C87 for the Philippines adopted in 2021 and presented to the ILC in 2022.
- ▶ The AO35 procedure was not operational between 2016 and 2019. The procedure was reinvigorated with a review of the process, leading to the adoption of Operational Guidelines in 2020. These were revised in May 2022. The COVID pandemic has impacted AO35 work on the ground.
- ▶ No annual reports are made of the AO35 mechanism.

### II-124. The project worked to broaden engagement of the labour sector in AO35

**operation.** Neither DOLE nor civil society organizations had a status in AO35 operations when constituted in 2012. In 2019, the DOLE was given "observer status in IAC meetings on cases falling under their respective mandates to enhance the functions of the IAC."<sup>101</sup> Since DOLE does not have a formal role to play in the TWG<sup>102</sup> or that of the AO35 Secretariat, the project through its interventions aimed to foster informal communication between the AO35 Secretariat, DOLE and trade unions. The AO35 Secretariat has been authorized to communicate with these actors when their expertise is needed. As the AO35 Secretariat does not itself initiate activities to promote or advertise its work, the projects' interventions have served this function as well. The AO35 Secretariat's Chief indicates willingness to draw on ILO expertise or technical assistance in its work if needed, but has not done so. There is a concern not to duplicate efforts

<sup>101</sup> at: [https://www.doj.gov.ph/news\\_article.html?newsid=643](https://www.doj.gov.ph/news_article.html?newsid=643) The IAC meets twice yearly.

<sup>102</sup> DOLE can be invited to TWG meetings, but key informants comment that this is not frequent.

made with or by the Joint Programme discussed below in para. II-125; a request for technical assistance would probably be made through the JPHR.

**II-125. The broader situation of extra-judicial killings in the Philippines has been the subject of UN normative work to implement human rights standards.** A Senior Human Rights Adviser from the Office of the UNHCHR reports directly to the RC and has been posted in Manila. In July 2021, the OHCHR established a Joint Programme on Human Rights in the Philippines (JPHR). The programme is to provide TA and capacity building for reforms in six areas:

- domestic investigative and accountability measures;
- data gathering on alleged police violations;
- the establishment of a national mechanism for reporting and follow-up;
- civic space and engagement with civil society and the Commission on Human Rights;
- counter-terrorism legislation; and
- human rights-based approaches to drug control.

**II-126. The RBSA project converges with human rights promotion by the UNCT.** The Senior Human Rights Adviser has contributed substantive inputs to RBSA project interventions. The ILO is not designated as an implementing agency under the JPHR. Key informants in the ILO speculate that the approach to human rights implementation taken by the JPHR is grounded in respect for human rights in the context of government anti-drug and anti-terrorism campaigns. This is suggested by the UN agencies selected to implement the programme.<sup>103</sup> A key informant remarked that potential donors to the JPHR could be deterred if labour matters were brought within the scope of the JPHR.<sup>104</sup> During the implementation of the JP the CO may succeed in demonstrating to responsible UNCT officials that labour rights are human rights. Operation of the RBSA project with important HR actors and institutions, including the Senior Human Rights Adviser, as provided this opportunity.

**II-127. Trade unions and their representatives have been important beneficiaries of the project.** Representatives have been systematically invited to project interventions and are targeted as change agents. In focus group discussion, they credit the project with giving opportunities for networking, learning more about institutions and mechanisms charged with protecting their rights, and similar. When questioned, no informant felt that there had been a change in the harsh environment facing them and the workers' movement in the Philippines. Some acknowledged positive feelings as a result of project and ILO interventions over the years, but none believed that current interventions had resulted in follow-up that improved the situation. Harassment continues, employers remain hostile, extra-judicial killings occur, etc. There was a belief that only threats to trade relations and resulting financial impact might change the situation.

**II-128. The project has engaged the employer's association as an implementing partner in training for employers.** The ECOP digitalized a checklist tool for employers; sister RBSA project funds were used for this. The tool promotes using social dialogue to complete its compliance-focused checklist. ECOP is invited to send or involve representatives (via Zoom) in project events. ECOP key informants told of the need to package FoA and social dialogue messages in ways that would enable them to be accepted by a membership not amenable to trade unions' or workers' rights as such. Hence ECOP experience in repackaging or adapting

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<sup>103</sup> Implementing UN agencies are UNHCR, UNOCT, UNODC, and UNESCO.

<sup>104</sup> This is the first subject HR promotion DC implemented by the OHCHR. Donors include Australia, Korea, the United Kingdom, the EU, Germany, the Netherlands, Ireland, and Norway. Three million USD have so far been pledged by donors for a programme fully budgeted at 7.9 million.

ILO products, including those involving the RBSA project. Relating to training delivery, informants remarked that Zoom-fatigue had set in among their constituents; this sense had been echoed among other interviewed stakeholders. ECOP had not been involved in interventions involving AO35.

### *Ratification promotion activities*

II-129. **The project was mandated to promote the ratification of Conventions Nos. 160 on Labour Statistics and 155 on Occupational Safety and Health.** The mandate was proposed for inclusion by NORMES.

II-130. **In respect of Convention No. 160, a gap analysis was planned by the project to be conducted via an implementation agreement by the Philippine Statistics Authority (PSA).** A combination of COVID, low prioritization within PSA, and the view held by ILS and Labour Statistics Specialists in Bangkok that the country was compliant with C. 160 and thus no GA was needed led to the task being delayed. The task was ultimately transferred to an external consultant, the previous Director/Head Statistician of the PSA. This work was foreseen to be done from September 2022, and promotional activities will follow. A promotional Zoom meeting was held in May 2021 involving the ILO's ILS and Labour Statistics Specialists. Key informants advised that the matter was under advisement in the PSA Board,<sup>105</sup> which would need to endorse a decision on ratification. The International Labour Affairs Bureau in the DOLE as well as other government agencies would ultimately be involved in a ratification process. According to informants, the project had been effective in bringing the matter of C160 ratification to the attention of those involved, and that the CO had been important in nudging the process forward.

II-131. **The project took a decision of waiting for a GA done by Government before engaging the social partners in the matter of promoting the ratification of C. 160.** The project was of the view that it was important not to give Government the impression that it had been bypassed in promotional activities, particularly in the light of the sensitivity of other matters the project had engaged with the government on, relating to freedom of association.

II-132. **In respect of Convention No. 155, key informants in Government indicate that the matter is being looked at and credit the project with moving the idea forward.** A GA is planned and further details are found in Box 17 below.

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<sup>105</sup> at: <https://psa.gov.ph/psa-board>



## Detailed about ratifications promotion found in the Philippines

The ratification of C/P155 and C160 was something specifically targeted by the project. There is a story in respect of both.

In respect of promoting the ratification of Convention No. 155, the project had engaged with the DOLE's BWC and held 4-8 virtual promotional workshops or consultations. In discussing these events, the matter of the ratification of Convention No. 187 made in 2019 was noted. The previous responsible official, via virtual link, told of having been directly involved in the preparation of ratification of C187. She acknowledged that Convention No. 155 had been considered at the time. The employers' group had expressed the view that C155 was unduly detailed, particularly as compared with the framework Convention No. 187. Indeed, a gap analysis of both C. 155 and 187 was produced by the SafeYouth@Work Project in July 2017, and formed the basis for the decision to ratify C187. It may be worth noting that ILO SafeYouth@Work Project consultant Dr. Dulce Estella-Gust was the former OSHC Executive Director. The BWC confirmed that the situation in respect of OSH policy and law has changed since July 2017, with the enactment of an OSH law and subsidiary regulations in 2017/18. Updating a gap analysis in the circumstances would be a good idea in reconsidering C155. BWC also confirmed that C155 and other ILO standards had been used in making the new law and regulations, although not with a particular focus to move on to ratification or filling any gaps to assure implementation on ratification. The informant confirmed that it was valid for the ILO project to "tickle" the Government again with the idea of ratification, and that DOLE was open to the idea of doing an objective assessment of the matter in light of changed circumstances.

In connection with promotion of ratification of OSH instruments, the evaluator spoke with other projects that had had contact with the RBSA project in this respect. For example, the Ship to Shore regional project operates in the Philippines. Matters related to ratification of ILO instruments have been taken up in the sectoral context. Could the Fishers Convention, No. 188 be ratified? There are many institutions involved in regulation of the fishing industry in the Philippines. DOLE has responsibility for labour inspection, the Philippine Overseas Employment Administration has responsibilities for overseas recruitment and aspects of migration, the Department of Agriculture monitors catch, and another agency monitors the quality of fishing vessels. In sum, it would be difficult to sort out requirements to assess the likelihood of implementing C188 if ratified, and require a major investment as well as a political champion. ILS subjects of employment agencies and forced labour/trafficking are also issues relevant to the fishing industrial. The private employment agencies to whom C181 are addressed are centrally regulated, making that Convention a more likely one for consideration. Similarly, the matter of trafficking has been well handled in the Philippines, enabling it to secure a Tier 1 rating in the US Trafficking in Persons Report.<sup>106</sup> P29 is viable for consideration for ratification, and the Ship to Shore project might help.

## Financial aspects of the project

II-133. **The project's financial information reflects blending with resources from other sources to achieve results.** For example, the original budget as approved and amended after the NCE allocated only five percent (5%) of its total to staff costs. Funds from the various available sources (two RBSA projects and the EU-funded project) covered the costs of the three staff members servicing the social dialogue and ILS CPOs. Substantial proportions of the allocations were for products and services provided through implementation agreements, subcontracts and other individual contracts. See Figure 16 and Figure 17, below. Actual

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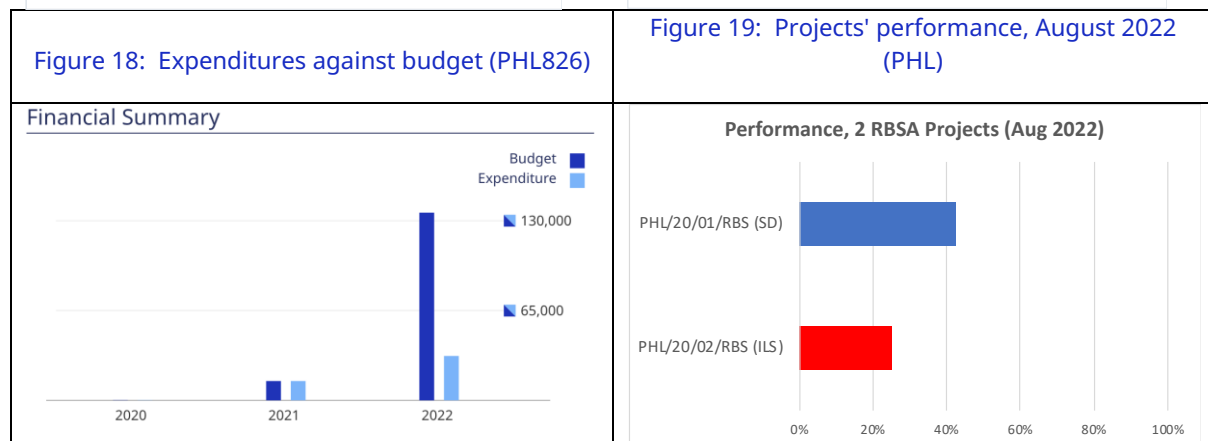
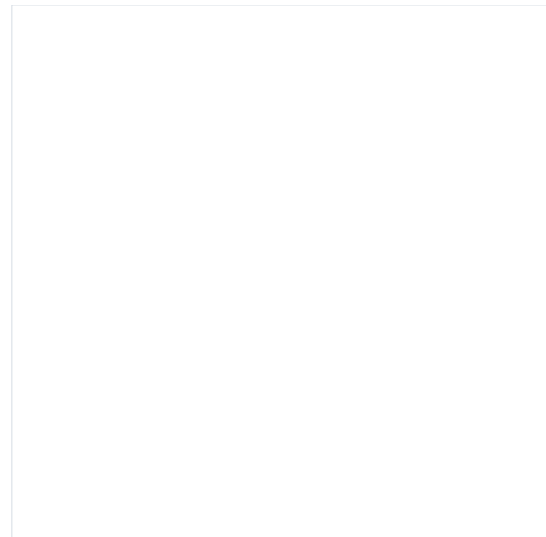
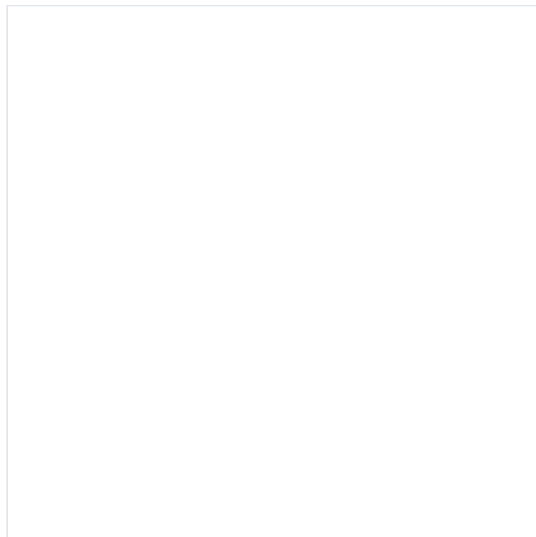
<sup>106</sup> at: [https://www.state.gov/reports/2021-trafficking-in-persons-report/philippines\\_trashed/#:~:text=The%20government%20lacked%20a%20reliable,with%201%2C443%20victims%20in%202019.](https://www.state.gov/reports/2021-trafficking-in-persons-report/philippines_trashed/#:~:text=The%20government%20lacked%20a%20reliable,with%201%2C443%20victims%20in%202019.)



expenditures as of November 2022 – one month prior to the scheduled end of the project – are in the range of one quarter of that budgeted. Even compared with its sister RBSA allocation, delivery under the CPO 826 project are quite low. See Figure 18<sup>107</sup> and Figure 19<sup>108</sup> below. Finally, expenditures against budgeted allocation per outcome (as of August 2022) suggest that some reconsideration is in order for the quantities assigned to particular outcomes, even taking into a measured rate of delivery.

Figure 16: Original approved budget (PHL)

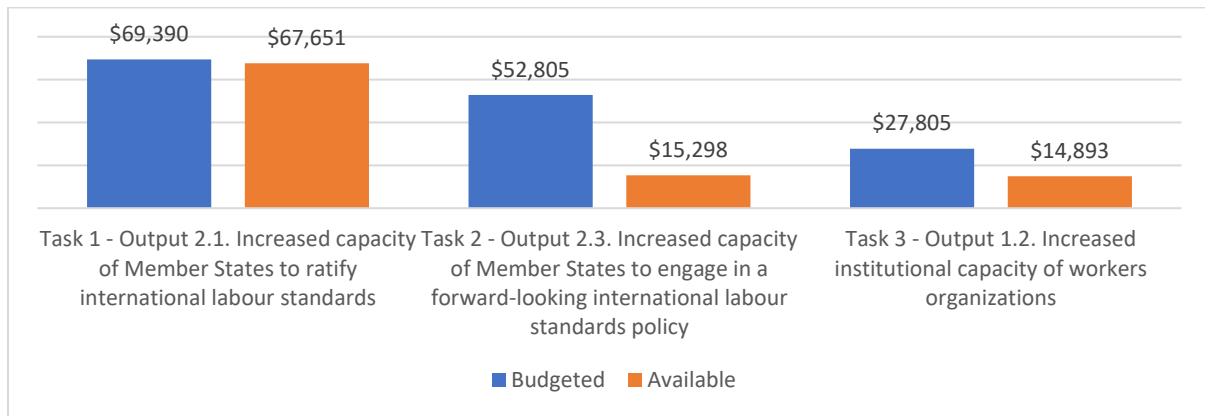
Figure 17: Revised total budget (PHL)



<sup>107</sup> Source: ILO Development Cooperation Dashboard

<sup>108</sup> Source: Calculations from data provided by the CO.

Figure 20: Budgeted vs. available funds per output as of August 2002 (PHL)



# Timor-Leste (TLS/20/02/RBS)

## Background

II-134. **The project entitled *Social dialogue for constructive labour relations, application of international labour standards and decent work* was a principal link to the CPO entitled *Tripartite constituents effectively engage in social dialogue to apply labour regulations and international labour standards*.** There was a secondary link to an ILS-related CPO. Funds for the project totalling USD150,000 were approved on 24 July 2020. Funding was to end on 20 November 2021. A first no-cost extension to 31 July 2022 was requested and approved. A second NCE was approved until 31 October 2022.

II-135. **Industrial relations culture involving bi- and tripartite forms of social dialogue in Timor Leste are in early stages of development.**<sup>109</sup> The structure of the economy, predominant forms of occupation and employment, and recent history of national political development have set the stage for ILO's social dialogue promotion work. The social partners are:

- Secretary of State for Training and Employment (SEFOPE)
- Konfederasaun Sindikatu Timor-Leste - KSTL (Timor-Leste Trade Unions)
- Chamber of Commerce and Industry Timor-Leste (CCI-TL)

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<sup>109</sup> Ford, Michele (2016) The making of industrial relations in Timor-Leste. *Journal of Industrial Relations*, 58(2), 243-257. at: <https://core.ac.uk/download/pdf/212688171.pdf>

## Unique environment for developing social dialogue

Industrial relations academic Michele Ford noted in 2016 unique aspects of the industrial relations and social dialogue environment in Timor-Leste, much in line with key informant observations and comments.<sup>110</sup> They are worth noting here.

*“As a new nation, Timor-Leste offers a unique case where formal industrial relations mechanisms have been developed as part of a broader project of state formation. In other words, the transformation of employment relations in the formal sector has taken place as part of regime establishment rather than regime change, as has been the case in other post authoritarian contexts in Southeast Asia. ...*

*At the same time that they were seeking to grow the economy, Timor-Leste’s founders were deeply aware of the need to maintain legitimacy with Timorese citizens and with their international supporters, some of whom were concerned with ensuring the development of practices of employment relations that guaranteed adequate representation of employers’ and workers’ interests. These priorities were reflected in the initial blueprint for the industrial relations system laid out in the Labour Code of 2002, issued by the transitional authority within months of Timor-Leste’s formal declaration of independence. Turning that blueprint into reality has, however, been an entirely different question. With formal sector employment at around 10%, the reach of an industrial relations system predicated on a regulated waged relationship is necessarily limited. But even within the bounds of the formal sector, government officials acknowledge that they have struggled with implementation as a consequence of a lack of capacity not only within trade unions and employers’ associations, but also within their own institutions. ...*

*[I]ndustrial relations is necessarily a ‘marginal phenomenon’ in contexts where governments are concerned with external domination, state building, weak civil society and the tensions between modern and traditional economic sectors. In the case of Timor-Leste, the process of industrial relations institution building was driven largely by the United States and the International Labour Organisation (ILO). The country’s political leaders agreed to participate in that process, but made it clear that job creation, not industrial relations, was their priority. ... Although the government agency tasked with operationalising those institutions has made a sincere attempt to do so, employers’ lack of understanding and reluctance to engage has compounded the challenges of implementation and enforcement such that the ‘system’ exists largely in name only.”*

Lack of understanding and capacity on the side of workers’ organizations was also identified by the project makers as an issue to be addressed.

**II-136. A National Labour Council is established in Timor-Leste, along with a Labour Arbitration Council.** Both appear to be operational.<sup>111</sup> The project would develop bipartite social dialogue, including improving enterprise level grievance resolution methods.

### *The project, its aim and P&B links*

**II-137. The project had its origins in social conflict arising as a result of COVID-19 impact in the workplace.** Timor-Leste declared a COVID-19 State of Emergency in April 2020. COVID-19 waves were met by an aggressive vaccination programme such that authorities were able to

<sup>110</sup> Ford, Michele (2016) The making of industrial relations in Timor-Leste. Journal of Industrial Relations, 58(2), 243-257. at: <https://core.ac.uk/download/pdf/212688171.pdf>

<sup>111</sup> <http://timor-leste.gov.tl/?p=17336&lang=en>

gradually begin lifting COVID-related restrictions in November 2021. Work related issues during the period included handling lay-offs and protective measures for workers. Conflicts arose and awareness of the weakness of bipartite relations able to deal with these workplace issues developed. The project proposal was developed in this environment. Its intended results are set out in Table 27 below.

Table 27: P&B outputs and intended project results (TLS)

P&B output	Key project results
<b>Output 1.4 Strengthening social dialogue and labour relations laws, processes and institutions.</b>	<ul style="list-style-type: none"> <li>• <b>Tripartite workshops/consultations (2) organized to review developments in employment, wages, business and working conditions</b>, including in the context of COVID-19 pandemic and decent work responses needed to promote business sustainability and decent work for all; Second workshop in 2021 to review implementation and recommend follow up actions; - the recommendations from these will be submitted to national authorities for follow up;</li> <li>• <b>Adapt, customize and use global product (IRToolkit)</b> to produce local guidelines and educational materials on workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions, grievance handling &amp; dispute resolution and collective bargaining – based in ILS and ILO jurisprudence - to support constituents social dialogue and in services to members;</li> <li>• <b>Bi-partite workshops/meetings (3), with support for follow up initiatives of the constituents</b> organized to review workplace IR challenges, develop consensus on measures needed and implementation of follow up joint actions (focus on arrangements for workplace consultations and cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions, productivity, effective dispute resolution and collective bargaining); - ensure participation of women representatives.</li> </ul>
<b>Output 1.1. Increased institutional capacity of employer and business membership organizations</b>	<ul style="list-style-type: none"> <li>• <b>Design, translation, editing, layout and production of : Labor Dispute Resolution Procedure: A Practical Guide for Employers; Workplace Cooperation: A Practical Guide for Employers</b></li> <li>• Design, translation, editing, layout and production of <b>simple information and referral resources on national labour law and ILS;</b></li> <li>• <b>Design system to track IR data</b> (trends on what is generating disputes, how long disputes last, what the impact of the disputes are, &amp; their outcomes) and implement internal reporting to Board and information sharing with Members;</li> <li>• <b>Training for CCITL secretariat</b> on effective service models for legal assistance and dispute resolution with related design of human resource development strategy;</li> <li>• <b>Strategic planning workshop for new service</b> with a focus on governance, organization and sustainability of the new services in line with Indicator 1.1.1.</li> </ul>
<b>Output 1.2. Increased institutional capacity of workers' organizations</b>	<ul style="list-style-type: none"> <li>• <b>Support KSTL in producing a strategic review on ways forward</b> during the crisis, both national and sectoral on needed Industrial Policies, labour laws and Industrial relations shortcomings.</li> <li>• <b>Based on the reviews identify means and strategies</b> of critical needs for engaging with the Government and Employer organizations and design of a road map.</li> <li>• Based on the review and <b>strategies Road Map to provide and collect vital information on industrial relations issues</b> during the crisis as a membership service both national, sectoral and enterprise wise.</li> </ul>
<b>Output 2.1. Increased capacity of the member States to ratify international labour standards.</b>	<ul style="list-style-type: none"> <li>• <b>Tripartite workshop to confirm and move towards the ratification</b> of C No. 144</li> <li>• <b>Technical support to SEFOPE in the preparation of a letter</b>, addressed to the Ministry of Foreign Affairs and the Council of Ministers, advocating ratification of C No. 144.</li> </ul>

### *The ILS subjects*

II-138. **The project promoted ratification of C144, to lay a foundation and grounds for ongoing social dialogue.** As discussed below, in para. II-141, other potential instruments for ratifications arose.

### *Theory of Change*

#### Theory of Change

**Under the RBSA project in Timor-Leste, change was expected as a result of practice in social dialogue.** By creating opportunities for bi- and tri-partite social dialogue, the social partners would be able to see benefits from such practices and as a result continue them without the support of the project. Guidance documentation would help the social partners dialogue. As a result of social dialogue processes social and industrial conflict would be reduced and ratification of Convention No. 144 would be endorsed. The ratification of Convention No. 144 and compliance with its consultation obligations would provide a further ground for on-going consultations, reinforcing project efforts through a virtuous cycle.

### Project delivery

II-139. **Project delivery centred around the production of materials, holding of events and seeking institution supporting outputs from events.** It delivered on most of its original outputs, with the exception of some benefiting employers' and their organization. Those are shaded out in Table 27 above, outputs not delivered as announced in the project's final report.

Table 28: Social dialogue interventions (TLS)

Date	Title/What	Location/Who	Result
<b>21 July 2021</b>	Promotional campaign for the ratification of Convention No. 144 on tripartite consultation	Dili Tripartite; ≈ 35 attendees	
<b>18 August 2021</b>	National Tripartite Dialogue on Strengthening Dispute Resolution System in Timor-Leste	Dili Tripartite; ≈ 35 attendees	Confirmation of stakeholders' development interests and needs
<b>18 November 2021</b>	National Bipartite Dialogue on Designing an Ideal Grievance Handling Mechanism at Enterprise level	Dili Bipartite; ≈27 attendees	Endorsement of draft of policy and procedure for company level
<b>14 June 2022</b>	Tripartite meeting with Mr. Jajoon Coue, ILS and Labour Law specialist	Dili Tripartite; ≈13 attendees	
<b>17 August 2022</b>	National Bipartite Dialogue to promote agreement on the establishment of national forum for bipartite in Timor-Leste	Dili Bipartite; ≈46 attendees	Joint declaration/ framework for establishment of a national Bipartite Forum for Social Dialogue and Common Actions by Employers' and Workers' Organizations in Timor-Leste, for discussing employment issues

Date	Title/What	Location/Who	Result
15 July, 2022 19 July 2022 21 July 2022 26 July 2022 28 July 2022	Socialization of grievance handling policy and procedure of company	Dili, ≈49 attendees Baucau, ≈unknown Manatuto, ≈40 attendees, Ainaro, ≈38 attendees Aileu, ≈32 attendees	8 municipalities actually covered. Draft policy presented here.
18 August 2022	Signing ceremony for the establishment of national bipartite forum & national tripartite dialogue to strengthen industrial relations in Timor-Leste	Dili Tripartite; ≈72 attendees	

### *ILS promotion activities*

II-140. **Only a small allocation in the project budget was made for promotion of Convention No. 144.** This was mostly for workshops held by the project on 21 July 2021 and 14 June 2022, along with supporting staff costs. See Figure 21 below.

II-141. **As a result of project and other activities however, the relevant ministry has identified also Conventions Nos. 105, 138, and 190 for ratification.** Ratification needs to go through government ministry approvals before being taken to the national parliament for ratification. The list of candidate Conventions appears to have expanded on account of a number of initiatives.

- **The Office has promoted the ratification of C190 worldwide.** This includes the Spotlight Initiative which involved Timor-Leste.<sup>112</sup> The EU-UN supported global Spotlight Initiative's mission is to eliminate violence against women and girls.<sup>113</sup> On 24 June 2021, the ROAP ran a Zoom conference in collaboration with the Spotlight Initiative on highlights and lessons learned from the world of work on eliminating gender-based violence and promoting C190 and R206.<sup>114</sup> A Vice Secretary of KSTL made a presentation on the Spotlight Initiative which both reflects awareness of C190 and the relevance of ratification for Timor-Leste. Spotlight also contracted for a gap analysis, reviewed by the ILS Specialist, and recommendations for law to integrate C190.
- **MAP16 had project activities in Timor-Leste.**<sup>115</sup> The child labour focused work of that project operated at least until March 2021.<sup>116</sup>
- **The origins of interest in ratifying C105 has not been identified.**

II-142. No ratifications have yet been registered.

### *Social dialogue promotion*

II-143. **Dispute resolution from start to finish was established as the subject for work for the project.** A model grievance procedure mechanism was proposed, endorsed by the workers

<sup>112</sup> at: <https://spotlightinitiative.org/fr/node/18383> The Spotlight Initiative operations in Timor-Leste go until 31 December 2023.

<sup>113</sup> at: [https://www.ilo.org/jakarta/whatwedo/projects/WCMS\\_751181](https://www.ilo.org/jakarta/whatwedo/projects/WCMS_751181) Ratification promotional video targeting Timor-Leste: at: [https://www.ilo.org/jakarta/info/public/vid/WCMS\\_844587/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/vid/WCMS_844587/lang--en/index.htm)

<sup>114</sup> at: [https://www.ilo.org/asia/events/WCMS\\_799682/lang--en/index.htm](https://www.ilo.org/asia/events/WCMS_799682/lang--en/index.htm)

<sup>115</sup> at: <https://www.ilo.org/ipec/projects/global/map16/timor-leste/lang--en/index.htm>

<sup>116</sup> at: [https://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@ipec/documents/publication/wcms\\_769352.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_769352.pdf)

and employers' representatives and then disseminated and promoted in eight municipalities in the country. Work on mediation, conciliation and arbitration institutions was hoped for by constituents but did not arise under the project.

## Financial aspects of the project

II-144. **Funding for ILS accounted for less than ten percent (10%) of all project funds.** Seen in terms of output purposes, support for dialogue institutions took more than fifty percent (50%) of funds, followed by equal proportions to support workers and employers' organizations. See Figure 21 below.

II-145. **Delivery was almost entirely complete; no implementation agreements were used.** Effectively 100% of available funds were used by the completion of the project end July 2022. Funds were roughly divided in thirds for the costs of national staff, subcontracts, and seminars. See Figure 22 below.

Figure 21: Funding allocation for tasks (TLS)

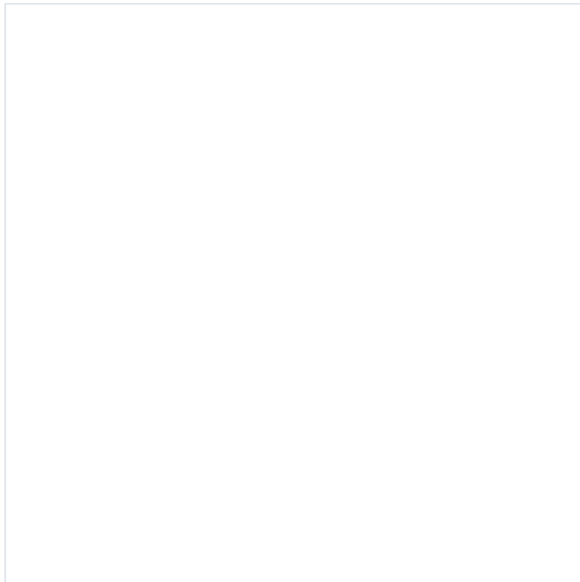
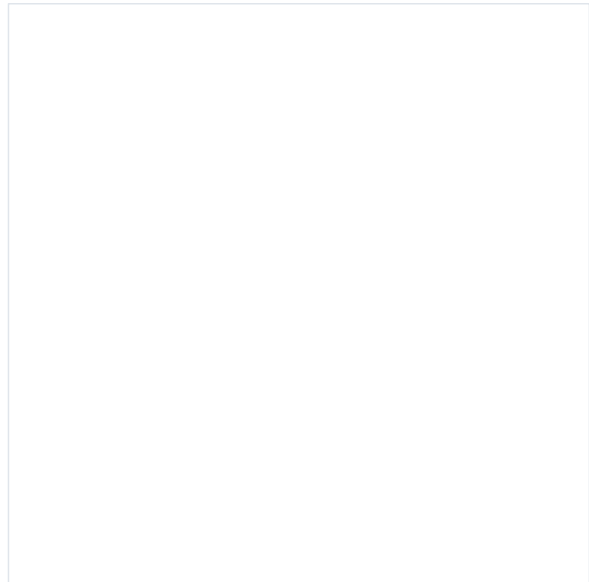


Figure 22: Expenditures by type (TLS)





# Viet Nam (VNM/20/01/RBS)

## Background

II-146. The project entitled *Equal opportunity in post COVID-19 recovery: Making structural transformation work for all* was linked with the CPO entitled *Employment policies and programmes provide better opportunities in decent employment and sustainable entrepreneurship for women and men, particularly ones in the vulnerable groups (VNM128)*. There was a second link to an ILS-related CPO entitled *Deepened commitment to ratify and apply international labour standards (VNM826)*. Funds for the project totalling USD480,000 were approved 24 July 2020. Funding was to end on 31 October 2021. A no-cost extension to 31 December 2021 was requested and approved.

### *The project, its aim and P&B links*

II-147. The RBSA project in Viet Nam had the third largest investment among the eight projects selected for the cluster evaluation, USD480,000. Its focus was improving employment policy and its implementation. Its origins were a number of requests from the Government for support touching on employment policy and data upon which it can be based. As implemented, the project worked on –

- improving labour force data collection, implementing an updated international statistical standard (ICLS19 of 2013) that would, *inter alia*, improve data on the informal economy;
- working with constituents to strengthen their understanding of the concept of informal economy workers and its implications in the Vietnamese context;
- collecting, analyzing and presenting for further policy consideration labour force data in the context of the COVID-19 crisis;
- rolling out standardization of data collected (using a standard classifications of occupations) by the employment services so that it is compatible with and enables data collection at the national level; and
- helping in the preparation of reports on the application of ratified ILO Convention No. 122 and – first reports – for Conventions Nos. 88 and 159.

A summary of the project’s tasks and P&B output links is found in Table 29 below.

Table 29: P&B outputs and intended project results (VNM)

P&B output	Key project results
<b>3.1 Increased capacity of member States to formulate and implement a new generation of gender-responsive national employment policies, including for youth</b>	<p><i>Task 1 (310,000)</i></p> <ol style="list-style-type: none"> <li>1. Delivered capacity building for VGCL, VCCI, and MOLISA to understand and use indicators measuring impact of COVID-19.</li> <li>2. Study produced on COVID-19 impact on labour market, with focus on hard-hit groups and discussed at tripartite consultation.</li> <li>3. Support provided to COVID-19 response policy and Employment Law revision.</li> </ol>
<b>A.1 More accurate and sustainable statistics on decent work using the latest statistical standards</b>	<p><i>Task 2 (90,000)</i></p> <ol style="list-style-type: none"> <li>4. Assistance provided to increase frequency of LFS, its ability to capture informality and gender issues.</li> <li>5. Support provided to introductory work on C160.</li> </ol>

<b>2.2. Increased capacity of the member States to apply international labour standards</b>	<p><i>Task 3 (80,000)</i></p> <p>9. National and local capacities strengthened for the further development and use of PES database (based on VSCO) with a view to addressing CEACR comments on C122 and implementing the recently ratified C88.</p>
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II-148. **Other areas of work were included in the project proposal, with the understanding that RBSA funds would not finance them.** In the event, those items of work were not pursued.

<b>P&amp;B output</b>	<b>Key project results</b>
<b>6.2 Increased capacity of the ILO constituents to strengthen policies and strategies to promote and ensure equal opportunities, participation and treatment between women and men, including equal remuneration for work of equal value.</b>	<p>6. Feasibility of systematic measurement methodology for violence and harassment investigated and recommendation proposed.</p> <p>7. Support provided to a national study on the prevalence of violence and harassment in Viet Nam's world of work.</p> <p>8. Tripartite consultations held for the Employment Strategy to address labour market challenges due to COVID-19, including on gender-responsive measures ensuring decent work for all women and men in Viet Nam</p>

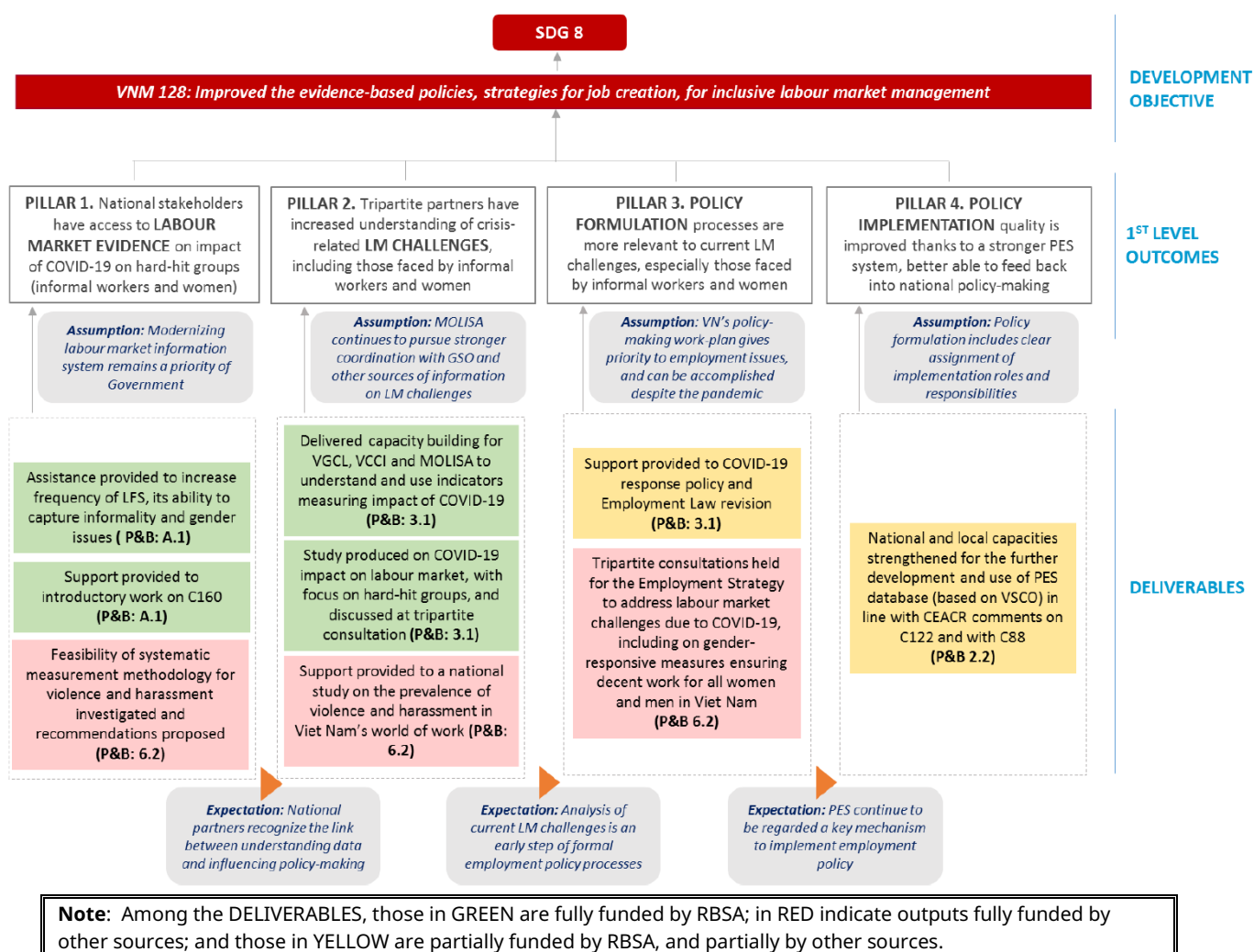
### *Theory of Change*

II-149. **An Intervention Logic was presented in the project's proposal.** On its basis, see Figure 23 below, and information collected during the evaluation, a *post eventum* theory of change is set out below.

#### **Theory of Change**

**Under the RBSA project in Viet Nam, the change for better employment policy was expected as a result of improved data collection methodologies, their implementation, and ultimately the informed use of the collected data.** Improvements would result from better conceptualization and understanding of particular statistical concepts and methods relevant to the labour market in Viet Nam by statisticians of GSO. Informed and sensitized to the availability of improved data, policy makers (including MoLISA) and social partners (including VCCI, VGCL, VCA), would use it. Their evidence-based consultations and consideration would enable better policy making because the data upon which policies are made would be more accurate and relevant to the labour market in Viet Nam. The result would be improved labour market outcomes. This process would contribute to implementation of ratified Conventions Nos. 88, 159, and 122, as seen by the relevant international supervisory bodies, i.e. in replies to comments made by the ILO supervisory bodies (CEACR) on these ratified ILO Conventions.

Figure 23: Intervention logic (VNM)



## Project delivery

II-150. **Employment policy improvement was the project's principal aim; only a secondary link was made to a P&B ILS output.** The ultimate evolution of the project's implementation is noteworthy from the perspective of a final report of its Key Results and Main Lessons Learned. This was reporting in its End of an RBSA-funded intervention report. That document reports important achievements, but has no reference at all to international standards. No reference to ratification of C160, none to implementing C122, or C88 or responding to comments or even how achievements were consistent with comments.

### *The employment policy and labour market information subjects*

II-151. **The project worked with the GSO to improve the collection of data, both for the informal economy and in relation to COVID.** The application and calculation of labour and employment indicators using (ICLS 19) began in the first quarter of 2021.<sup>117</sup> Six quarterly *Reports on the COVID-19 Impacts on the labour and employment situation* were produced with the

<sup>117</sup> at: <https://www.gso.gov.vn/en/events/2021/04/press-conference-to-announce-the-labor-and-employment-situation-in-the-first-quarter-of-2021/>

support of the project and published on the GSO website. They would not have been produced without the ILO support, including in particular the reviews by ILO specialists that contributed to their analytic content. They have not been produced since the project ceased operation. Quarterly GSO press releases on a full range of subjects started to include a specific part on the labour market as a result of the COVID crisis and having the *Reports on the COVID-19 impacts* product to present. Quarterly press releases specifically addressing the labour market have continued since the project ended.

Box 18: Views of the informal economy (VNM)

### Background view of the informal economy in Viet Nam

One key informant told a background story of the issue of informality and labour market policy and data in Viet Nam. It was largely substantiated by others. From it, a picture of development with ILO support can start to be drawn. The picture provides a useful broad-brushed context for what was done by this project, making it possible to fill in details as the story is told.

Prior to about 2016, the idea of an informal economy or persons working in that economy was not widely understood within the Government in Viet Nam. The labour market was essentially understood to contain only persons identified in law as employees and they were in the formal economy. Related labour market data was collected in respect only of that group. The ILO was instrumental in its support for a landmark GSO report that “applied international labour standards on informal employment to estimate the size and structure of informal economy workers in Viet Nam.” This was done “based on the existing dataset of the Labour Force Survey annually conducted by the General Statistics Office.”<sup>118</sup> Without RBSA funding in immediately subsequent years, but using ILO technical presence in areas of social protection, VET, and OSH, the implications of work in the informal economy to the particulars of those sectors spread, deepening an understanding for both what was and what was not appreciated about informality and its implications for the labour market.

Selection from *The informal economy in Viet Nam* (2011)<sup>119</sup>

*“Paradoxically, despite its economic size, knowledge of the informal economy is extremely limited in Vietnam, as it is in most developing countries, and researchers, whether Vietnamese or foreign, have paid little attention to the subject. This situation is due to a number of factors. Firstly, the concept of what constitutes informal is vague with a multitude of definitions having been put forward by different authors. Secondly, measuring the informal economy is problematic since it operates on the fringes of the economy. Thirdly, the informal economy suffers from a lack of interest on the part of the authorities as it does not pay (or pays little) taxes and is seen, especially in towns, more as a nuisance and a mark of underdevelopment, doomed to extinction by the country’s economic growth. These elements explain why there has been no real significant effort to date to improve knowledge in this area. Moreover, in Vietnam as in other developing countries, the current international economic crisis is supposed to provoke employment losses and employment restructuring. This increases interest in the informal economy, which is one of the main victims of the crisis.”*

The background narrative for the project’s work can pivot to the COVID crisis. As the magnitude of the COVID-19 crisis struck, its implications for the labour market became clear, and the prospect of a dramatically expanding informal economy a pressing political issue. Elements of the Government,

<sup>118</sup> 2016 Report on Informal Employment in Viet Nam at [at: https://www.gso.gov.vn/en/data-and-statistics/2019/03/2016-report-on-informal-employment-in-viet-nam/](https://www.gso.gov.vn/en/data-and-statistics/2019/03/2016-report-on-informal-employment-in-viet-nam/)

Workshop on statistics for informal economy, 5 April 2017, at: [https://www.ilo.org/hanoi/Whatwedo/Eventsandmeetings/WCMS\\_547098/lang--en/index.htm](https://www.ilo.org/hanoi/Whatwedo/Eventsandmeetings/WCMS_547098/lang--en/index.htm)

<sup>119</sup> See, for example, *The informal economy in Viet Nam* (2011) at [at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms\\_171370.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_171370.pdf) and

including the politically important Central Economic Commission, came to the ILO looking for support to help address the problem. The project would work with the GSO to improve labour market data in the informal economy, produce employment analysis on the informal economy generally and the impact of COVID on the broader labour market.

**II-152. The project financed local and international experts to prepare small studies on aspects of the informal economy.** It produced a major broader document *Informal employment in Viet Nam: Trends and determinants*. The project's work – along with previous ILO support work – with the GSO conforming data collection to ICLS 2019 included an adjustment to the definition of informal employment to include previously excluded types of work.<sup>120</sup> The various supported research tasks contributed to that process.

**II-153. Key informants reported that various new and improved products coming from the GSO were inputs to employment and social protection decision-making under the COVID crisis.** They are said to continue to contribute to an understanding of the situation of employment in the informal economy. A 2021 World Bank study entitled *The Labour Market and the COVID-19 Outbreak in Vietnam: Lessons learned for social protection*, cited data collection and analysis products produced with the help of the project, although the Office itself did not directly contribute expertise or insights to the 2021 publication.

**II-154. The project supported inputs to revision of the Employment Law.** Laws in Viet Nam are systematically reviewed and revised in accordance with a multi-year plan. The 2012 Employment Law was set for revision in 2022. The project supported work by MOLISA, VGCI and VCCI mostly on informality as inputs to revision. These included various reviews of law and legal issues from the standpoint of informality. A gender assessment was also conducted.

### *ILS reporting*

**II-155. The original project proposal said that it would “contribute to the observance of C88 and C122 (in line with 2017 [sic. 2019] CEACR) and promote dialogue on C160 and C190.”** Linked to P&B Output 2.2, the implementation plan indicated that “National and local capacities [would be] strengthened for the further development and use of [the] PES database (based on VSCO) with a view to addressing CEACR comments on C122 and implementing the recently ratified C88.”

**II-156. The project's work could all be seen as being in line with the employment policy and employment services instruments identified by the project.** They include work –

- ▶ with the GSO to extend and improve data collection to cover important sectors of economic activities within the informal economy;
- ▶ with MoLISA's Department of Employment to improve analysis and understanding of labour market trends in the informal economy; and
- ▶ with the Public Employment Services to roll out standardized data collection formats consistent with Viet Nam's Standards Classification of Occupations (VSCO).

**II-157. The project's work also broadly relates to the requests made by the CEACR in its 2019 Direct Request on C122.** Key informants confirm that the project did not, however, model its work point by point to the detailed content of the CEACR comment. See Box 19 below.

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<sup>120</sup> The story here is more complex. According to the responsible ILO Official in Bangkok, the GSO had already made the necessary adjustments to implement ICLS19 as far back as 2016

## Ratification in 2012 and three Direct Requests prior to RBSA project 2020-2021

To do justice to the evaluation of a project aiming particularly to address CEACR comments, the evaluation needs to see what those comments were about and what they asked of the Government.

The then-pending direct request had 8 paragraphs; their original headings and requested information (slightly edited and with *italics* placed for editorial emphasis) are set out below. A sentence by sentence reading of the Direct Request reveals that it applies the normal stylistic approach used by the CEACR of noting first what the government report has said – either by repeating it verbatim or in a summary fashion. The CEACR then asks at the end of the subject paragraph for information or implementation action flowing from the noted report content.

**Articles 1 and 2 of the Convention. Implementation of a national employment policy.** The Government was asked to “provide detailed up-to-date information, including statistical data disaggregated by sex and age, on *the nature and impact of active labour market measures* implemented to promote full, productive and freely chosen employment, including those implemented in the framework of the” DWCP 2017–21. It was asked to “provide information on the *procedures for deciding* on and reviewing employment measures implemented within the framework of an overall economic and social policy.”

**Collection and use of labour market information.** The Government was asked “to continue to provide *updated labour market information* on the situation, level and trends of employment, unemployment and visible underemployment, disaggregated by age, sex and region.”

**Informal economy.** The Direct Request cites content from the DWCP 2017-2021, from an “ILO 2016 report on informal employment in Viet Nam”, and information from “the ILO country brief on Viet Nam”. The Government was asked “to *continue to provide detailed up-to-date information*, including statistical data disaggregated by sex and age, *on rates of informality in the country*, and to provide *detailed information on the measures taken* to facilitate the transition of workers, including ethnic minorities and other disadvantaged groups, from the informal to the formal economy.”

**Rural employment.** The Government’s response to the CEACR’s previous comment is noted. Much of the response related to vocational training available to rural workers, and other measures to promote rural employment. The Government was asked “to continue to provide updated information on the impact of the project Vocational Training for Rural Workers by 2020,” “to provide information on the implementation and results of the Targeted Program on Vocational Education–Employment and Occupational Safety for the period of 2016–2020, including statistical data on the number of trainings and beneficiaries disaggregated by age and sex”, and “to report on specific measures undertaken within the framework of the amendment of Decision No. 1956/QĐ TTg and their impact on employment in rural areas.” That Decision approved the Scheme on vocational training for rural labourers up to 2020.

**Groups vulnerable to decent work deficits.** The Government’s response to the CEACR’s previous comment is noted. Points on disabled, young, previous military, and women workers are made. The Government is asked “to *provide updated detailed information on the content and impact of policies* aimed at promoting employment and the creation of decent jobs for specific groups of workers, including increased focus on women, as well as continuing focus on workers with disabilities, ethnic minorities and young persons.”

**Education and training.** The Government’s response to the CEACR’s previous comment is noted. A Targeted Programme, social partner consultation, changes to approaches to VT, disappointing employment and income results from VT for young rural workers, and consultations are all mentioned. In concluding, the Government is asked “to provide information on measures taken to ensure equal access of women to vocational guidance and education relevant to all economic sectors and all levels of responsibility, and the impact of such measures on women’s ability to engage in the broadest possible range of economic activities, including in non-traditional occupations and higher-paid jobs.” The Government is asked again to “*provide detailed information on the implementation and results of the*



*specific measures undertaken within the scope of the Vocational Training Strategy for the period 2011–2020, in particular their impact on employment creation for young people in rural areas,” It also requests the Government to provide updated information on the implementation of measures developed under the Targeted Program on Vocational Education, Employment and Occupational Safety and Health for the 2016-2020 period and their impact on access to full and productive employment.”*

**Employment services.** The Government’s response to the CEACR’s previous comment is noted. The Government is asked “to continue to *provide detailed information on the implementation of tasks of the employment service centres* and to provide information on their impact in relation to access to lasting employment, especially with regard to young people, people with disabilities and ethnic minorities.” The Government was also asked “to provide statistical data, disaggregated by age and sex, on the number of beneficiaries in relation to obtaining access to lasting employment. The Committee also requests the Government to provide *detailed information on the frequency and the extent of the involvement of the social partners in the design and delivery of education and training programmes* in the manner which responds to the needs of the labour market.”

**Article 3. Consultation with the social partners.** The Government’s response to the CEACR’s previous comment is noted. The Government is then asked, in follow-up to the information it provided about the Employment Policy Drafting Board, “to provide information on the implementation and results of the specific activities undertaken by” the Board “with regard to the development, implementation and review of employment policies and programmes.” The Government is also asked again to “provide information on the consultations held with the representatives of rural workers and workers in the informal economy.

By working with the GSO, on the **Informal economy**, the project improved data that could be provided in response to the CEACR comments on that subject (Direct Request point 3). The DC support for improvement of data collection in the **Employment services** may have touched on levels of disaggregation or this might already exist. (Direct Request point 7). The focus however was on occupational classification to enable exchanges of information between the employment services and GSO. The many researches supported by the RBSA project might have touched on other aspects of the broad-reaching Direct Request.

**II-158. The project engaged national consultants’ support to prepare drafts for the first report for newly ratified Conventions No. 159<sup>121</sup> and 88<sup>122</sup>.** Key informants confirmed the process by which consultants collected data for the draft reports and delivered drafts to MoLISA’s Legal Department and the project team; the Legal Department has responsibility within Government for preparing the reports. In the case of C88, previous RBSA funding had been used to prepare the draft of the report that was further developed and finalized using current RBSA funding. The Legal Department held technical meetings with other actors, made changes as deemed necessary and conveyed the reports on to ILO in Geneva. The same support was provided in responding to the CEACR’s pending direct request on the application of Convention No. 122. See Box 19 above. The ILS Specialists in Bangkok, with the knowledge of NORMES in Geneva, followed the process of the Office’s requesting, and the government’s preparing, the reports, conveying the offer of support through the CO.

**II-159. Planned activities promoting Convention No. 160 were not undertaken.** This was in response to the prioritization of other work within the relevant MoLISA departments, including the Legal Department. It is foreseen that this will be supported under another current project. The Productivity EcoSystem was named to the evaluator with the justification that its’ four-year

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<sup>121</sup> The first report for C159 had been requested for receipt by September 2021 but was not received. It was requested again for receipt by September 2022 and had been received as of 13 September 2022.

<sup>122</sup> The first report for C88 had been requested for receipt by September 2021 and was received. No CEACR comments were made. A regular periodic report was requested for receipt September 2022, and has been received. It may well be that the Office treats the received first report as the regular periodic report and makes a comment during its meeting in November/December 2022.

duration would be appropriate for following the promotion of C160 through to registration of a ratification. Measurement of productivity through labour statistic collection, dissemination and use would be part of the logic for supporting directly ratification efforts for C160. Support for the revision of the Employment Law is one of the core activities of the Productivity EcoSystem project.

Box 20: Systematic reporting support (VNM)

## Systematic use of RBSA and other financing to support quality article 22 reporting

The CO in Viet Nam works systematically in partnership with the Legal Department of MoLISA to prepare article 22 reports on ratified Conventions to a high-quality standard using DC or TA support funds. This was the case with the project, as described in paragraph II-158. It would be done for the first report on C105 and all other reports wherever resourcing is possible.

Relevant actors were interviewed to confirm the practice and understand its operation. Working in close partnership, annual reporting obligations are observed and adequate funds sought within the Office to engage national subject area consultants to prepare draft reports. Technical meetings are systematically held by the Legal Department without ILO support during preparation. Where possible, funding is sought to sponsor consultative meetings to vet drafts and receive comments from tripartite and other stakeholders before confirmation of a final draft by Government and transmission to the ILO's supervisory bodies. Asked about the motivations, sustainability, and capacity building implications of the practice, key informants confirmed that the government was serious about and able to meet its annual reporting obligations. Without ILO support however only a basic standard of quality would be achieved in reports. At the same time, however, those responsible in government wanted to truly engage with supervisory comments, understand them, collect and present responsive information, and consider as appropriate possibilities to improve compliance with the ratified instruments. The relevant Department did not, however, have adequate human resources to do this. Note was made of the substantial time needed to deal with complex CEACR comments (see Box 19 above at page 101 concerning C122; the multi-faceted Direct Request made on the newly ratified C98 was cited), as well as the mandate within government to systematically downsize its human resources.<sup>123</sup> Accordingly, a standing request was with the Country Office to support the system of external support for analysing and drafting first and subsequent reports, and responding to CEACR comments.

Two further points were raised by key informants.

The first was the recent commitment made in an MOU between the Government and the Office to move to ratify 15 ILO Conventions in the current decade.<sup>124</sup> This commitment was made in the fullest good faith and with a broad range of particular policy considerations in mind. Among them was the reporting burden imposed by ratifications. There would need to be serious reconsideration of the rate at which ratifications could be made should external support for desired high-quality reporting not be available, and the Government be forced to revert to reporting of a basic quality. In that context emphasis for ratification would be placed on instruments the government felt were worth the reporting burden in the light of broader policy considerations.

Lastly, with regard to the capacity building character of the current modality of support, the key informant from Government felt that the current method left capacity with officials and stakeholders. It was also strongly felt that engaging contractually with the social partners and/or other stakeholders for their inputs in reports would actually strengthen both their ability to make meaningful contributions as

<sup>123</sup> See [at: https://vietnamnews.vn/politics-laws/1114435/number-of-civil-servants-downsized-by-10-01-per-cent-in-2021.html](https://vietnamnews.vn/politics-laws/1114435/number-of-civil-servants-downsized-by-10-01-per-cent-in-2021.html); [at: https://vietnamlawmagazine.vn/ongoing-reform-of-the-civil-service-in-vietnam-6108.html](https://vietnamlawmagazine.vn/ongoing-reform-of-the-civil-service-in-vietnam-6108.html); [at: https://e.vnexpress.net/news/news/vietnam-to-cut-civil-servants-by-5-510-next-year-3793110.html](https://e.vnexpress.net/news/news/vietnam-to-cut-civil-servants-by-5-510-next-year-3793110.html), etc.

<sup>124</sup> [at: https://www.ilo.org/hanoi/Informationresources/PublicInformation/Pressreleases/WCMS\\_793248/lang-en/index.htm](https://www.ilo.org/hanoi/Informationresources/PublicInformation/Pressreleases/WCMS_793248/lang-en/index.htm)



well as their ownership of the report made to the supervisory bodies. This holding was felt despite it possibly seeming counter-intuitive.

The Country Office for its part confirmed the practise as describe and added that wherever possible, resources would be sought from projects that had a substantive relationship to the subject matter of the ratified Convention on which reporting was needed.

## Financial aspects of the project

**II-160. The proportion of funding allocated to the ILS output declined during implementation.** Support to the better statistics output was also reduced. Support to the employment policy output increased to more than three quarters of the allocation. Compare Figure 24 and Figure 25 below.

Figure 24: Budgeted allocations per P&B output (VNM)

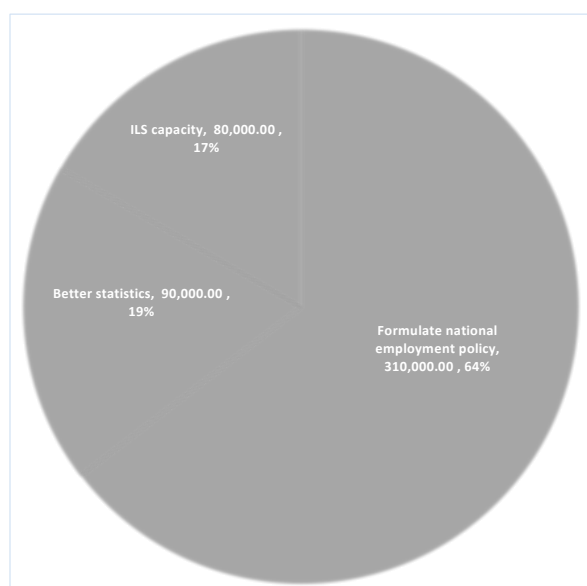
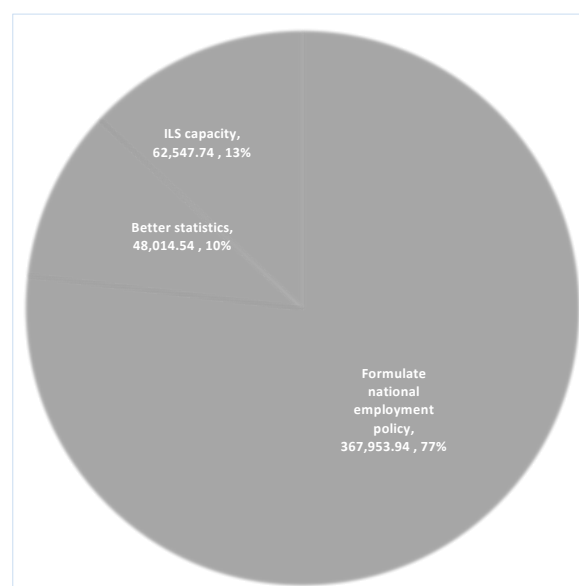


Figure 25: Actual expenditures per P&B output (VNM)



**II-161. Almost forty percent (40%) of all project expenditures were for tasks undertaken under implementation agreements.** See Figure 26 below. Comparing types of expenditures across the 3 output areas, employment policy output implementation agreements accounted for seventy eight percent (78%) of the value of all the implementation agreement expenditures. Implementation agreement expenditures also represented the largest proportion of expenditure types within those made for an output. Compare Figure 27, Figure 28, and Figure 29 below.

Figure 26: Expenditures by type (VNM)

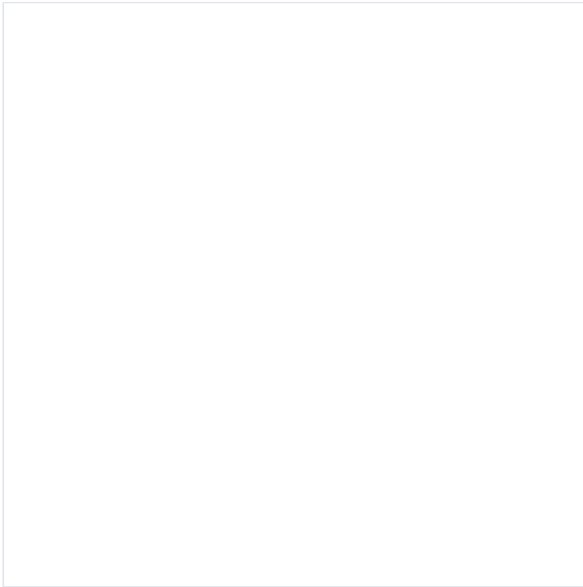


Figure 27: Expenditures by type, employment policy output (VNM)



Figure 28: Expenditure by type, statistics output (VNM)

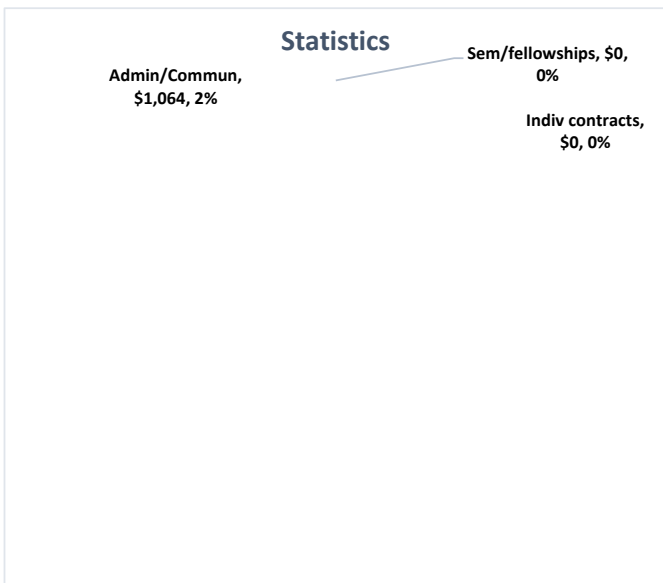
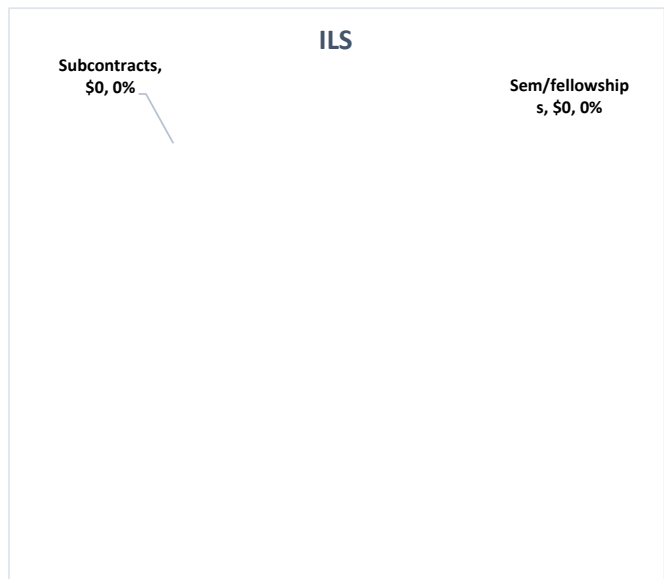


Figure 29: Expenditures by type, ILS output (VNM)



# Annexes

## Annex 1. Recommendation template

Recommendation	Addressed to	Priority	Resource	Timing
<p>Recommendation 1: Maintain the current RBSA funding modality for normative P&amp;B outcomes but adjust practices to assure greater precision in executing core normative work tasks. This is particularly important in cases where they are mixed with DC interventions with non-ILS focused tasks and outputs.</p>	PROGRAM, NORMES, CO, RO	Medium	Low	Medium-term
<p>Recommendation 2: Establish a modality for providing RBSA funds specifically for core normative work at the request of Country Offices, ideally at the request of constituents.</p>	PROGRAM, NORMES, CO, RO	High	Low	Medium-term
<p>Recommendation 3: All other considerations being equal, give preference to RBSA project proposals where specialist human resources in country will be responsible for project delivery.</p>	PROGRAM, NORMES, CO, RO	Medium	Low	Medium-term
<p>Recommendation 4: Promote and support the continued and expanded undertaking of core normative work by making RBSA funds available on an <i>ad hoc</i> basis for those work items in DC projects that are not directly ILS focused.</p>	PROGRAM, NORMES, CO, RO	High	Low	Immediate
<p>Recommendation 5: Amend guidance on the use of implementation agreements to include within such agreements a</p>	PROGRAM, CO, RO	Medium	Low	Medium-term

specific commitment appropriate to the content of the agreement for the implementing partner to make subsequent use of the capacity or product generated under the agreement.				
Recommendation 6: Develop an IT solution to log (for internal use) core normative work interventions by country and Convention; promote use to avoid redundancy, strengthen continuity, and improve use of products.	PROGRAM, CO, RO	Medium	Medium	Medium
Recommendation 7: ILS reporting – whether government reports or social partner observations, under art. 19 or art. 22 – should strive to take account of RBSA interventions, and RBSA interventions should strive to make their work known to supervisory bodies.	ILS Specialists and project management/personnel who work with government reporters and social partners observation makers; government reporters and social partner observation makers	High, because costs are low and doing so is important	Low	Immediate
Recommendation 8: Concretize a clear understanding of core normative work and use it to prioritize related normative work interventions, particularly where RBSA funds are being used.	CO, HQ administration, technical unit, RO	Medium	Low	Medium-term

## Annex 2. Terms of reference

### TOR: RBSA Cluster evaluation on International Labour Standards

**AFG/18/01/RBS; MMR/20/01/RBS; FJI/20/01/RBS; LAO/20/01/RBS; PHL/20/02/RBS; VNM/20/01/RBS;  
IDN/20/01/RBS; TLS/20/02/RBS**

**As of 6 May 2022**

#### Introduction

- The first round (Round I) of allocation of RBSA during the biennium 2020-2021 called for proposals that intensified ILO efforts to support ILO tripartite constituents in responding to the COVID-19 pandemic with a strategic direction and human-centred approach set forth in the ILO Centenary Declaration for Future of Work (2019), as reflected in the Programme and Budget (P&B) 2020-2021.
- The RBSA projects are designed and approved in line with the process and criteria set out in the Guidance Minute for the purpose dated 20 April "Regular Budget Supplementary Allocation Account (RBSA): Guidance on programming resources in 2021-21". Paragraphs 3 and 4 stipulate that one of the strategic focuses of Round I was on "Promoting compliance with international labour standards as a tried-and-trusted foundation to inform policy responses for better recovery with a focus on the follow-up to:
  - ILO supervisory bodies' comments; or
  - Governing Body decisions resulting from the work of the Standard Review Mechanism Technical Working Group.
- In line with Scope indicated in para 5. Point (c) of the [ILO Office Procedure IGDS Number 63 \(Version 1\) dated 11<sup>th</sup> February 2009](#) the thematic focus of the current cluster review is on International Labour Standards for the RBSA funded interventions in the Asia and the Pacific that have a linkage to Outcome 2. This includes both RBSA funded interventions with a specific ILS focus and s with an ILS element. Under ILS specific focus under RBSA Round I of 2020-21 four (4) projects were selected i.e. **MMR/20/01/RBS** (MMR101); **FJI/20/01/RBS** (FJI826); **LAO/20/01/RBS** (LAO201); **PHL/20/02/RBS** (PHL826). In addition, the current evaluation will assess the RBSA funded intervention in Afghanistan **AFG/18/01/RBS** (AFG826) approved in the 2018-19 biennium as this project had also specific target on ILS. Given the large scale of this intervention with a total of USD1,000,000.- the current evaluation will have a deeper assessment of the progress in Afghanistan. There are three (3) RBSA funded interventions that have an ILS element and linkage to Outcome 2, but their thematic focus is outside of ILS: one project in Vietnam **VNM/20/01/RBS** (VNM128) related to COVID19 response and two projects under the theme of social dialogue: one in Indonesia **IDN/20/01/RBS** (IDN151) and one in Timor Leste **TLS/20/02/RBS** (TLS127).

The projects under this review are as follows:

Country	RBSA project code	CPO link	P&B output <sup>1</sup>	Amount by PB output (US\$) <sup>2</sup>	Approval date	Planned end date	Revised end date	Remark
Afghanistan	106894 <b>AFG/18/01/RBS</b>	AFG826	2.1	1,000,000	December 2018	Dec 2020	Jun 2022	2018-19 biennium
Fiji	107692 <b>FJI/20/01/RBS</b>	FJI826	2.1	30,000	July 2020	Oct 2021		Round I (ILS)
			2.2	35,000				

<sup>1</sup> Output 2.1: Increased capacity of the member States to ratify international labour standards;

Output 2.2. Increased capacity of the member States to apply international labour standards;

Output 2.3. Increased capacity of the ILO constituents to engage in a forward looking international labour standards policy

<sup>2</sup> As at approval by PROGRAM. The allocations may have changed during the implementation.

			2.3	110,000				
Lao PDR	107695 LAO/20/01/RBS	LAO201	7.1	95,000	July 2020	Oct 2021	June 2022	Round I (ILS)
			2.2	55,000				
Myanmar	107683 MMR/20/01/RBS	MMR101	2.2	292,625	July 2020	Nov2021	August 2022	Round I (ILS)
			7.1	207,375				
Philippines	107709 PHL/20/02/RBS	PHL826	2.1	69,390	July 2020	Oct 2021	Dec 2022	Round I (ILS)
			2.3	52,805				
			1.2	27,805				
Vietnam	107699 VNM/20/01/RBS	VNM128	3.1	310,000	July 2020	Oct 2021	Dec 2021	Round I (COVID)
			A.1	90,000				
		VNM826	2.2	80,000				
Indonesia	107707 IDN/20/01/RBS	IDN151	1.4	150,000	July 2020	Nov 2021	Jul 2022	Round I (SD)
		IDN151	2.1	50,000				
Timor Leste	107701 TLS/20/02/RBS	TLS127	1.4	81,900	July 2020	Nov 2021	Jul 2022	Round I (SD)
		TLS127	2.1	11,420				
		TLS127	1.1	28,340				
		TLS127	1.2	28,340				

4. The above interventions are coming to end or have ended already, and the cluster evaluation will apply the appropriate ILO evaluation policy focusing in OECD DAC criteria, and with a specific focus on the criteria for RBSA funding as highlighted in the Guidance Minute for the purpose dated 20 April "Regular Budget Supplementary Allocation Account (RBSA): Guidance on programming resources in 2021-21", namely **assess how ILS have been promoted or applied, assess to which extent has RBSA funding contributed to the progress of relevant CPOs and P&B outputs, leveraged funding and other criteria for RBSA outlined in the above mentioned Minute and the [Office Procedure IGDS Number 475 \(Version 1\) dated 23 May 2016](#) and also to which extent has the RBSA funding modality helped produce results, including when various risks (environmental and political) materialized?** The purpose of the evaluation is for both accountability and learning within the ILO including to develop cross-learning, success stories to innovate and feed into regional learning on ILS interventions and strategies.
5. This independent cluster evaluation will be an evaluation of a number of projects funded from RBSA funds as described in para 3 above. It will be managed by the Regional Programme Analyst, based at ILO Regional Office in Bangkok and it will be conducted by an independent evaluation consultant(s). The evaluation will apply participatory approach and will engage all key stakeholders both internal ILO and external.
6. The evaluation will comply with evaluation norms, standards and follow ethical safeguards, as specified in the ILO's evaluation procedures

#### The RBSA funded interventions

7. **AFG826:** Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations, contributing the Afghanistan DWCP Outcome

3.3<sup>3</sup> (Contribution to SDGs 8.5 and 8.8). The objective of the project is to build the capacity of constituents and reduce gaps in application of ratified Conventions, prepare the ground for the ratification of other relevant instruments and improve reporting to the supervisory bodies. A specific objective was to provide technical assistance in addressing the comments of the Committee on the Application of Standards (CAS), establishment of a tripartite dialogue mechanism and implementation of C144 (Tripartite Consultation) and strengthen the labour administration system for effective implementation of national labour policy and legislation and the promotion of ratification of fundamental, governance and technical conventions.

8. **FJI826:** Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations (Contribution to SDGs 8.7 and 8.8). This intervention aims to strengthen constituents' engagement on compliance with and reporting on international labour standards. The intervention provides specific assistance in follow-up to the comments of the Committee of Experts on the Application of Conventions and Recommendations and Conference Committee on the Application of Standards on the application of ratified Conventions in Fiji. The focus is on Freedom of Association (C87, C98), child labour (C138, C182), equality (C100), forced labour (C105), occupational health and safety (C155, C184), Maritime Labour Convention and seafarers' identity documents (C108). The target beneficiaries are tripartite constituents of Fiji. The expected end-result is that comments of the ILO supervisory bodies are addressed by the Government and Fiji ratifies at least three more technical conventions. The capacities of tripartite constituents are strengthened to enable them to participate in policy decisions. In turn, this provides a framework for promotion, knowledge sharing and targeted interventions in other Pacific Island countries on application of international labour standards as a foundation to inform policy responses for better COVID-19 recovery in the Pacific.
9. **LAO201:** Increased quality of labour standards and protection through Labour Law implementation (SDG targets : 8.7, 8.8). This intervention supports the tripartite constituents in the Lao People's Democratic Republic (PDR) in following up on the recommendations of the Committee on the Application of Standards on the Worst Forms of Child Labour Convention (No.182). Specifically, tripartite constituents, with ILO's assistance, finalize and implement the Lao PDR National Plan of Action to Eliminate Child Labour and Promote Decent Work for Youth 2020-2025. The intervention strategy also contributes to strengthening the capacity of tripartite constituents to identify, monitor and report on child labour and withdraw children from the worst form of child labour in hospitality and agriculture sectors. The end results of this intervention are the following: (1) the National Plan of Action to Eliminate Child Labour and Promote Decent Work for Youth 2020-2025 is adopted and operationalized, including a monitoring and reporting system; and (2) the national tripartite committee on child labour has stronger policy and operational capacity to eliminate child labour.
10. **MMR101:** Protection against unacceptable forms of work is strengthened, in particular forced labour and child labour (Contribution to SDGs 8 and 1). This intervention supports Myanmar to take specific actions in line with supervisory body comments on the application of the Forced Labour Convention, 1930 (No. 29), and the GB Decision to request a session on Myanmar on Forced Labour elimination as part of the standing order in the GB agenda for March and November each year. In particular, it focuses from 2020 onwards on the establishment of a credible and impartial National Complaints Mechanism (NCM) that includes: awareness raising; protection of victims with access to remedies and justice; and the prosecution of perpetrators. It provides technical

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<sup>3</sup> A-DWCP Outcome Statement "Government, in close consultation with employers' and workers' organisations, has ratified the remaining fundamental Conventions and selected others, and is promoting, advocating and facilitating application of the Fundamental Principles and Rights at Work and ratified Conventions"



assistance to support Myanmar's forced labour NCM including members of the NCM National Committee, government officials, parliamentarians, workers' and employers' organizations<sup>4</sup> to take the necessary steps to achieve this goal. The original expected result was that through the effective implementation of the NCM, Myanmar has taken specific measures in line with the ILO supervisory bodies' comments as well as the Governing Body decisions on the application of Convention No. 29 on the elimination of forced labour. In turn, the capacity of the social partners and relevant parliamentary committees for their effective participation in NCM process is strengthened; local reconciliation on forced labour is initiated and bilateral agreements between workers' and employers' organizations for prevention and remediation of forced labour in workplaces are promoted. However post military takeover on 1 Feb 2021, the engagement with Ministry of Labour, the main interlocutor on forced labour has been reduced on capacity building, but engagement on accountability continues. The project workplan has been modified accordingly.

11. **PHL 826:** Strengthened capacity of member States to ratify and apply international labour standards and to fulfil their reporting obligations (SDG targets: 8.8, 16.6). This intervention aims to strengthen constituents' engagement on compliance with and reporting on international labour standards. It provides specific assistance in follow-up to the comments of the ILO's supervisory bodies on the application of the Freedom of Association and Protection of the Right to Organise Convention (C87) and the Right to Organise and Collective Bargaining Convention, (C98). The focus is on supporting legislative amendments and strengthening the capacity of constituents for effective implementation of laws and access to legal remedial measures. The intervention targets Government institutions, mainly the Department of Labor and Employment, the Philippine Economic Zone Authority, Department of Trade and Industry, the Philippine Economic Zone Authority, Employers' organizations, ecozone locators/enterprises and workers' organizations, the Philippine Statistical Authority and OSH stakeholders. The expected end-result is that tripartite constituents adopt a legislative agenda that addresses the comments of the ILO supervisory bodies. The social partners are capacitated to improve mechanisms for monitoring national legislative frameworks, which in turn fosters an enabling environment to ratify at least two additional technical Conventions.
12. **VNM826:** Deepened commitment to ratify and apply international labour standards (VNM826) the project aims to strengthen the National and local capacities for the further development and use of PES database (based on Viet Nam's Standard Classification of Occupations -VSCO) with a view to addressing CEACR comments on C122 and implementing the recently ratified C88. The project will contribute to the observance of C88 and C122 (in line with 2017 CEACR6) and promote dialogue on C160 and C190.
13. **IDN151:** The RBSA funded ILO intervention aims to strengthen tripartite and bipartite mechanisms (institutions and processes for workplace cooperation and dispute resolution) to enable businesses to operate safely and productively, and workers to have safe working environment. The expected end-result is the revitalization of National Tripartite Bodies and an improved system for dispute resolution. It is also expected that Employers and Workers Organizations adopt guidelines to support workplace consultations and cooperation as a tool to help ensure safe and productive workplaces and they agree on procedural guidelines on the examination and resolution of grievances at the level of enterprises. Progress is also expected towards the ratification of the Occupational Safety and Health Convention No.155.

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<sup>4</sup> Since February 2021, the RBSA funded intervention temporarily suspended its activities with the de facto authorities in line with UN common position on Engagement Principle. The RBSA work plan was modified linked to output 2.2 (mainly the work on National Complaint Mechanism-NCM) to avoid engagement with de facto authority and redirected its support to social partners.

14. **TLS127:** This intervention aims to improve Government’s dispute settlement systems including mediation/arbitration, strengthen tripartite policy dialogue and promote bipartite social dialogue through effective models for workplace consultations and cooperation, and provides technical support for ratification of Convention No. 144 - Tripartite Consultation as a follow up to previous tripartite endorsement for its ratification. The expected end-result of this intervention is the revitalization of National Council for Labour and regular social dialogue, improved system of dispute resolution mechanism, agreed modalities to support workplace consultation between Employers’ and Workers’ Organization, and tangible progress towards ratification of the Tripartite Consultation Convention ( C144).

### Purpose and Objective of the evaluation

15. The main purposes of the cluster evaluation serves organizational learning. The review also serves to provide accountability to the donors and ILO constituents. The evaluation findings and insights will serve organisational learning purposes e.g. to develop cross-learning , including success stories to innovate and feed into regional learning on ILS interventions and strategies and facilitate further reflection on what needs to be done to promote ILS more effectively through DC. The inclusion of the case study on Afghanistan with in-depth analysis and relevant recommendations ensures an optimal contribution to accountability as well as ongoing improvement and organizational learning.
16. Primary user of the evaluation findings is ILO constituents, RBSA funding partners, ILO Country Offices, ILO Regional Office for Asia and the Pacific (ROAP), ILO DWTs and HQ (technical departments, Evaluation Office, PARDEV and PROGRAM). Secondary user of the evaluation findings are other interest partners, academic, other ILO units and regions, and public
17. The specific objectives of the cluster evaluation are the following:
- Assess the significance of the RBSA funding modality to pursue the ratification and improved application of labour standards by evaluating the relevance, coherence, effectiveness, efficiency, orientation towards impact and sustainability of the RBSA funded interventions.
  - Assess the effectiveness of the following approaches: (1) specific ILS thematic focus and (2) ILS element in the intervention with a dedicated budget
  - Measure progress of the RBSA funded interventions against the PB outcome 2 and relevant DWCP outcomes. Examine what are the common factors that have contributed to the achievement of the results, their potential impact and likelihood of their sustainability.
  - Assess the extent to which the RBSA helped the ILO Country Offices use ILO ILS technical expertise and comparative advantage to position ILO in the country and/or as instruments/frameworks that pave ways for other interventions that respond to national priority?
  - Assess how RBSA funds contributed to delivery of results, that were agreed during the design stage of these interventions?
  - Assess how RBSA funds contributed to leveraging additional resources?
  - Identify success stories as well as, good practices and lessons learned, including innovation to feed into regional learning and future programming on ILS intervention and strategies

- Assess the strength and weaknesses of the RBSA proposal design, monitoring and reporting.
- Assess the risk management and impact of COVID and other significant factors including crisis and fragility. How it affected the RBSA funded interventions?
- Identify key lessons learned and good practices with a special view of ILS focused projects in crisis (AFG, MMR).

### Evaluation Scope

18. The evaluation scope will cover the RBSA 2020-21 Round I ILS related RBSA funded interventions' and the ILS project in Afghanistan that was approved in December 2018. It could encompass other interventions funded by bilateral donors or other sources of fund that contributed to the same CPOs/outputs (mentioned above) in each country, as the goal of RBSA funded intervention is to support the achievement of DWCP outcomes (CPOs).
19. The gender dimension should be considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. In terms of this evaluation, this implies involving both men and women in the consultation, evaluation analysis and evaluation team. Moreover, the evaluators should review data and information that is disaggregated by sex and assess the relevance and effectiveness of gender-related strategies and outcomes to improve the lives of women and men. All this information should be accurately included in the inception report and evaluation report.

### Evaluation Criteria and Questions

20. The evaluation should address relevance to beneficiary needs, validity of the design, coherence, effectiveness, efficiency, potential for sustainability and impact as defined in the [ILO Policy Guidelines for results-based evaluation, Nov-2020](#). The evaluator may adapt the evaluation criteria and questions, but any fundamental changes should be agreed between the evaluation manager and the evaluator, and reflected in the inception report.
21. **Relevance:** *The extent to which the intervention objectives, and design respond to beneficiaries, global, country, and partners/Institution needs, policies, and priorities, and continue to do so if circumstances change*
  - How sensitive are the RBSA interventions objectives and design to the country's and constituents' needs and capacity? Does the design address challenges the constituents are facing? Was the project initiated based on constituents request?
  - The extent to which the design of RBSA interventions have been logical and based on the clear result framework (CPOs linkages to DWCP and P&B outcome 2). What are the pros/cons to add a specific ILS sub-component into RBSA interventions (eg. Vietnam VNM128)?
  - The extent to which the need of different groups (e.g. women and men, people with disability, and other marginalized groups) have been incorporated into consideration in the design of the interventions
  - Have the projects remained relevant during the COVID19 pandemic/crisis?
22. **Coherence:** *The compatibility of the intervention with other interventions in a country, sector or institution*

- How well do the RBSA- interventions complement other ILO projects' effort and other work of relevant national and international agencies working in the same area?
- Review the *internal coherence* addressing the synergies and interlinkages between the RBSA intervention and other ILO interventions as well as *external coherence*, the consistency, complementarity, harmonization and coordination of the RBSA intervention with constituents' and other partners' interventions in the same context.

**23. Effectiveness:** *The extent to which the interventions achieved, or are expected to achieve, their objectives and its results, including any differential results across groups?*

- What is the progress/achievements made in the countries (significant progress made both reportable and not reportable in the PIR2020-21)? The extent to which RBSA funded projects have been value addition to the achievement of target CPOs that contributed to P&B outcome 2 (reported in PIR2020-21)?
- To what extent have the RBSA interventions' results/achievement – had an effect distributed across different groups (marginalised groups, men and women, non-discrimination, and inclusion of people with disability)
- The what extent did the external factors such as COVID19 lockdown and/or internal security crisis (AFG and MMR) have affected the achievements of the RBSA?
- The degree to which intervention activities, outputs, and objectives are consistent with prescriptions in relevant normative instruments and supervisory body comments where they have been formally embraced through ratification or expressions of endorsement by stakeholders.
- Has the capacity development been well targeted? Were the right people trained?
- To what extent has an M&E system been put in place and supported the programme's overall implementation?

**24. Efficiency:**

- Have resources (funds, human resources, time, expertise, etc.) been allocated strategically and efficiently to achieve expected results? Has the project management and staffing to implement and monitor the project been adequate?
- Assess the monitoring and oversight of the RBSA funded projects – how efficient were these and whether these have affected the delivery of the projects. How effective is the role of country office, DWTs, Regional Office, and HQ in technical supporting and monitoring of the project? To what extent have management capacities and arrangements supported the achievements of results? What have been the lessons learnt?
- The extent to which the COVID19 lockdown and/or internal security crisis (AFG and MMR) has impacted project implementation and whether the management has adjusted the strategy/activities/outputs to respond to the changes.
- Have the RBSA funded interventions been completed within the originally planned timeframe? What were the reasons for the delay?
- To what extent has the project leveraged resources with other projects/programmes, and through partnerships with other organizations, to enhance the project impact and efficiency?

**25. Impact and sustainability:**

- What is the expected sustainability of the intervention and efforts of ILO in promoting the ratification and implementation ILS in those countries?
- Can long-term impact be expected for group 1 of the RBSA funded interventions?

## Methodology

26. The cluster evaluation covers several interventions and there is no one, single logical framework to draw upon. An analytical framework should be developed to help analyze this cluster evaluation.
27. The evaluation should apply a mixed methods approach to addressing the criteria and questions that might include: document analysis, interviews, direct observation and surveys—or some combination thereof. The advantage of this approach is that it permits findings derived from one method to be verified using a different method. This ensures valid findings. The approach for cluster evaluations should consciously build analytical frameworks that would allow providing feedback at a higher (strategic level). For instance, how well did the ILO use its technical expertise and comparative advantage to position a certain theme as a national priority?

## Main deliverables

28. The evaluator will provide the following deliverables and tasks:
29. **Deliverable 1: Inception report.** The inception report will include among other elements, a *brief key stakeholders' analysis* (importance of each stakeholder) and proposed list of key stakeholders to be interviewed, the evaluation questions and data collection methodologies and techniques, the *analytical framework*, the evaluation tools (interview, guides, questionnaires, etc.), proposed countries to be visited (if and where possible) with clear justification of the selection, work plan and dates for deliverables based on the objectives of this evaluation. The inception report should have a specific sub-set of questions for the in-depth study on Afghanistan RBSA funded intervention 106894 - AFG/18/01/RBS (AFG826). The selection of country visits will be done in consultation with the Evaluation Manager, and proposed schedule of field visits (if these are possible) or remote interviews. The instrument needs to make provision for the triangulation of data where possible. The evaluator will prepare an inception report as per the ILO Checklist 3: Writing the inception report.
30. **Deliverable 2: Debriefing** on the findings to ILO. Evaluation findings that are based on facts, evidence and data. This precludes relying exclusively upon anecdotes, hearsay and unverified opinions. Findings should be specific, concise and supported by triangulation of quantitative and qualitative information derived from various sources to ensure reliability, validity and generalizability.
31. **Deliverable 3: Cluster Evaluation report (draft and final report) with evaluation summary.** The Draft Evaluation Report should include action-oriented, practical and specific recommendations assigning or designating audiences/implementers/users. The Draft Evaluation Report should be prepared as per the ILO Checklist 4.2: Preparing the Evaluation Report which is annexed in this ToR. The Draft Evaluation Report will be improved by incorporating the Evaluation Manager's comments and inputs. The Final Evaluation Report shall be submitted with the evaluation summary using the template for executive summary annexed to this TOR. The evaluator will incorporate comments received from the ILO and other key stakeholders in the final report. The report should be finalised as per the ILO Checklist 4.2: Preparing the Evaluation Report, which is annexed in this TOR. The quality of the report and evaluation summary will be assessed against the ILO Checklists 4.2, 4.4 and 4.9 listed under the Annex of this ToR. The report shall draw aggregate findings and

common issues by established evaluation criteria (relevance, coherence, effectiveness, efficiency, impact) based on the country project assessments as per the TOR. The finding of the in-depth analysis of Afghanistan shall be presented as a case study in an annex. All outputs of the evaluation must be produced in English. All drafts and the final report including other supporting documents, analytical reports and raw data should be provided in electronic version compatible with WORD for windows. The cluster evaluation report should not be more than 35 pages excluding the case study on Afghanistan and other annexes. Ownership of the data from the evaluation rests jointly between the ILO and the Evaluator. The copy rights of the evaluation report rests exclusively with ILO. Key stakeholders can make appropriate use of the evaluation report in line with the original purpose and with appropriate acknowledgement.

## Management Arrangements and Work Plan

### Evaluation Management – Role and responsibilities

32. An ILO Regional Programme Analyst – Ms. Maria Borsos of the ILO Regional Office for Asia and the Pacific, Bangkok, Thailand will manage the evaluation process and the quality assurance will be provided by the ILO Regional Evaluation Officer (REO)–Ms. Pamornrat Pringsulaka,. The Evaluation Manager (EM) responsibilities include managing the respective contract with the evaluation consultant(s), consulting on methodological issues and facilitating access to primary and secondary data. The EM will be also responsible for the following tasks:
- Prepare the TOR and ensure consultation with all key stakeholders before TOR is finalized
  - facilitate and recruit independent evaluator(s);
  - ensure proper stakeholders involvement;
  - approve the inception report;
  - review and circulate draft and consolidate comments from key stakeholders
  - review and submit the final report to ILO Evaluation Office for approval;
  - disseminate final report.
33. The ILO Evaluation Office, at ILO HQ will approve the final report. The evaluation report will be considered final only when it is approved by ILO Evaluation Office.
34. Role and responsibility of Country Office team: The responsible staff of ILO Country Offices will handle all arrangements with the chosen evaluator and provide any logistical and other assistance as required. The RBSA funded intervention management team will be responsible for the following tasks:
- Provide RBSA funded interventions’ background materials,
  - Prepare a list of recommended interviewees,
  - Obtain relevant approvals and consent from key stakeholders to undertake evaluations and interviews,
  - Help in schedule meetings for field visits (if applicable) and coordinating in-country logistical arrangements,
  - Be interviewed and provided inputs as requested by the evaluator during the evaluation process,
  - Review and provide comments on the draft evaluation reports,
  - Provide logistical and administrative support to the evaluator, including travel arrangements (if applicable) and all materials needed to provide all deliverables.
35. Evaluator(s)

- The Evaluation Manager will recruit an independent evaluator(s) to conduct this evaluation. The evaluator(s) will be an external independent person or entity. The evaluation team leader will be responsible for all deliverables mentioned above.
- Responsibilities of the evaluator
  - Providing guidance and definition of roles and tasks in this evaluation throughout the evaluation phases and ensuring quality control and adherence to ethical guidelines,
  - Defining the methodological approach and drafting the inception report (including all data collection tools), producing the preliminary findings presentation, draft reports and drafting and presenting a final report,
  - Providing any technical and methodological advice necessary for this evaluation,
  - Ensuring the quality of data (validity, reliability, consistency and accuracy) throughout the analytical and reporting phases. This includes consultation with all key stakeholders,
  - Ensuring the evaluation is conducted per TORs and timeline, including following ILO and UNEG guidelines, methodology and formatting requirements and adheres to evaluation report quality standards: as referred to above,
  - Liaising with the evaluation manager,
  - Facilitating meetings with stakeholders (scheduling, debriefing and/or stakeholders' workshop),
  - Be flexible on the evaluation timeline if it takes longer time and effort to complete the interviews/data collection through remote methods,
  - Contributing to the report dissemination and communication (if any) by participating in webinars, and
  - Supporting or providing inputs to evaluation communication products.

36. Desired competency and qualification of the evaluator

- At least 5 years experience in evaluations of the UN and multi-lateral agencies with experience as evaluation team leader;
- Contextual knowledge of the UN and ILO
- Experience in qualitative and quantitative evaluation methods and an understanding of issue related to validity and reliability;
- Knowledge in gender and non-discrimination, and understanding of ILO ILS, tripartism, social dialogue will be advantage
- Adequate technical specialisation – demonstrate knowledge and expertise in International Labour Standard
- Fluency in spoken and written English
- Previous work experience in Asia and the Pacific Region will be an advantage

Estimated level of efforts – approximately xx working days for the evaluator. The duration of work of the evaluators will be required within the period of xx months ( during...2021-2022?).

Indicative time frame and responsibilities

Tasks/ Responsibilities	Responsible person	Time frame (by end)
Preparation of the TOR –draft	Evaluation manager	March-April 2022
Preparation of list of stakeholders with E-mail addresses and contact numbers	ILO CO Offices	end April 2022
Finalization of the TOR	Evaluation manager (EM)	end April 2022
Call for EOIs	ILO EM	28 Apr – 5 May 2022
Selection of Evaluator	Evaluation Manager	6 May 2022
Contracting Evaluator	ROAP	13 May
Brief evaluators	Evaluation manager and relevant COs	27 May
Inception report submitted	Evaluators	31 May
Data collection and debriefing to ILO	Evaluators	June-August 2022
Draft report submitted to Evaluation manager	Evaluators	September 2022
Quality check and review of the draft report	Evaluation Manager	September 2022
Sharing the draft report with all concerned stakeholders for comments	Evaluation Manager	September 2022
Consolidated comments on the draft report, send to the evaluator	Evaluation Manager	September 2022
Finalisation of the report and submission to Evaluation Manager	Evaluators	September 2022
Quality Review of the final report	Evaluation Manager	October 2022
Submission of the final report to ILO Evaluation Office	Evaluation Manager	October 2022
Approval of the final evaluation report	ILO Evaluation Office	October 2022

37. **Resources:** Funding will come from the RBSA M&E budget, estimated resource requirements at this point include



- a professional fee for the evaluator (s)
- travel cost and DSA (where relevant) as per the ILO rules and regulations
- actual communication cost (in case of virtual meeting e.g. telephone or skype calls if needed)

### Legal and Ethical Matters

38. The evaluation will comply with UN Norms and Standards. The evaluator will abide by the [EVAL's Code of Conduct](#) for carrying out the evaluations. UN Evaluation Group (UNEG) ethical guidelines will be followed. The evaluator should not have any links to project management, or any other conflict of interest that would interfere with the independence of the evaluation.

39. Evaluators should have personal and professional integrity and abide by the [UNEG Ethical Guidelines](#) for evaluation and the Code of Conduct for Evaluation in the UN system to ensure that the rights of individuals involved in an evaluation are respected. Evaluators must act with cultural sensitivity and pay particular attention to protocols, codes and recommendations that may be relevant to their interactions with women. Evaluators will be expected to sign the respective ILO Code of Conduct to show that they have read and understood the UNEG Code of Conduct for Evaluation in the UN System process.

40. Ownership of data from the evaluation rests jointly with the ILO and the consultant. The copyright of the evaluation report will rest exclusively with the ILO. The use of data for publication and other presentations can only be made with written agreement of the ILO. Key stakeholders can make appropriate use of the evaluation report in line with the original purpose and with appropriate acknowledgement.

### Security and Covid-19 restrictions and guidance

41. ILO EVAL has provided guidance on Implications of COVID-19 on evaluations in the ILO that should be consulted and followed by the national consultant: [http://www.ilo.ch/wcmsp5/groups/public/-ed\\_mas/---eval/documents/publication/wcms\\_744068.pdf](http://www.ilo.ch/wcmsp5/groups/public/-ed_mas/---eval/documents/publication/wcms_744068.pdf)

42. All UN personnel, including consultants, are expected to complete the [UNDSS BSAFE \(security awareness training course\)](#) and, if travel is required, are obliged to provide the Security Clearance

43. External collaborators benefit from the security arrangements and protection provided by the United Nations Security Management Network (UNSMN) at duty stations which are either not under a security level or up to security level four (4).

44. No external collaboration contracts may be issued for work that entails travel to a location at security level five (5) or higher.

45. If external collaborators for whom travel has been paid by the ILO find themselves at a location where security level five (5) or six (6) is declared during their presence there, immediate arrangements must be made in liaison with SECURITY to ensure that they leave the duty station as soon as possible.

46. In the light of the COVID-19 pandemic, if the situation in the region changes, appropriate actions will be taken amongst the following options:

- Suspending the implementation of the contract until further notice or until a specific time when it can be reviewed further in the face of new developments,
- Reducing the contract activities/scope/services (partial suspension), or

- Terminating the contract if it appears unfeasible that the desired deliverables will be received/achieved.

## Annex

47. All relevant UNEG and ILO evaluation guidelines and standard templates

- [ILO policy guidelines for results-based evaluation: Principles, rationale, planning and managing for evaluations 4<sup>th</sup> edition](#)
- [Code of Conduct for Evaluation in the ILO](#) (to be signed and returned by evaluator to the evaluation manager)
- [Protocol on collecting evaluative evidence on the ILO's COVID-19 Response measures through project and programme evaluations](#)

### Guidance Notes

- [Guidance Note 3.1 Integrating gender equality in monitoring and evaluation of projects](#)
- [Guidance Note 3.2 Adapting evaluation methods to the ILO's normative and tripartite mandate](#)
- [Guidance Note 3.3 Strategic clustered evaluations to gather evaluative information more effectively](#)
- [Guidance Note 4.3 Data collection methods](#)
- [Guidance Note 4.5 Stakeholder engagement](#)
- [Guidance Note 5.5 Dissemination of lessons learned and good practices](#)

### EVAL Checklists and Templates for the Evaluator:

- [Checklist 4.8 Writing the inception report](#)
- [Checklist 4.2 Preparing the evaluation report](#) [including the templates for completing [lessons learned](#) and [emerging good practices](#) as well as the templates for the title page and [executive summary](#)
- [Checklist 4.3 Filling in the title page](#)
- [Checklist 4.4 Preparing the Evaluation Report Summary](#)
- [Checklist 4.5: Documents for Project Evaluators](#)
- [Checklist 4.9 Rating the quality of evaluation report](#)

### Annex 3. Question framework

<b>Eval Crit Q 1) To what extent did interventions respond to stakeholders' needs? (Relevance)</b>				
	<b>Question type</b>	<b>Measure/Indicator</b>	<b>Collection methods</b>	<b>Main (ordered) data source</b>
Sub Q. 1.1. Was the intervention initiated on the basis of on constituents' request? PQ. 1.1.1.What was the origin of the intervention?	<ul style="list-style-type: none"> <li>▪ Descriptive</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responsiveness of intervention to constituents' request/demands, at its inception</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions<sup>125</sup></li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions<sup>126</sup></li> <li>▪ Response to semi-structured interviews</li> </ul>
Sub Q. 1.2. Was the intervention responsive to any changes in constituents' requests? PQ. 1.2.1.Were there changes made in the intervention during implementation, and if so, why?	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responsiveness of intervention to constituents' changing request/demands, or circumstances during implementation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions</li> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interviews</li> </ul>
Sub Q. 1.3. Was the intervention design the right one for its immediate intended result? PQ. 1.3.1.Who designed the intervention and why were design choices made?	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Logic of the intervention would have given the intended result</li> </ul>	<ul style="list-style-type: none"> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to semi-structured interviews</li> <li>▪ Analysis</li> </ul>
Sub Q. 1.4. Was the intervention design the right one for its intended P&B outcome? PQ. 1.4.1.What was the CPO/PB trails for the intervention?	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fit of the intervention with the P&amp;B outcome and CPOs attached to that outcome</li> </ul>	<ul style="list-style-type: none"> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to semi-structured interviews</li> <li>▪ Document analysis</li> </ul>

<sup>125</sup> Question circulated to key informant identified to be able to respond to it.

<sup>126</sup> Response can be provided in writing, during video interview, during face-to-face interview

<p>Sub Q. 1.5. Did the intervention remain relevant during the COVID-19 crisis? PQ. 1.5.1. Were there changes made to elements of the intervention as a result of COVID-19 crisis?</p>	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responsiveness of intervention implementation as affected by COVID-19 crisis to constituents' demand</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions</li> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions</li> <li>▪ Response to semi-structured interviews</li> <li>▪ Document analysis</li> </ul>
<p>Sub Q. 1.6. Was capacity development well targeted; were the right people trained? PQ. 1.6.1. How were immediate beneficiaries for capacity building selected? PQ. 1.6.2. Was gender considered in selecting beneficiaries?</p>	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Results of targeting mechanism used in light of intervention objectives</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions</li> <li>▪ Semi-structured interviews</li> </ul>	
<b>Eval Crit Q 2) To what extent were interventions consistent with other activities and policies of stakeholders? (Coherence)</b>				
	<b>Question type</b>	<b>Measure/Indicator</b>	<b>Collection methods</b>	<b>Main (ordered) data source</b>
<p>Sub Q. 2.1. In what way did the intervention complement other ILO interventions or other work of relevant national and international agencies or actors in the same area, if at all? PQ. 2.1.1. What work was being done by the ILO, other national or international agencies in the same area as the cluster intervention?</p>	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Positive alignment of work/initiatives, once that work/initiatives comes to be known</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions</li> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responses to vetted questions</li> <li>▪ Responses in semi-structured interviews</li> <li>▪ Document analysis</li> </ul>
<p>Sub Q. 2.2. Was the intervention consistent with established policies of stakeholders, including any implied through the ratification of international instruments? PQ. 2.2.1. Did stakeholders have policies relevant to the intervention?</p>	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Positive alignment of policies in the intervention area</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions</li> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions</li> <li>▪ Response to semi-structured interviews</li> <li>▪ Document analysis</li> </ul>
<p>Sub Q. 2.3. Did the intervention plan to improve coherence between norms (i.e. policies) of constituents/stakeholders and those guiding it?</p>	<ul style="list-style-type: none"> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Positive alignment of intervention plan in respect of relevant guiding norms and those of constituents/stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to semi-structured interviews</li> <li>▪ Document analysis</li> </ul>

Sub Q. 2.4. To what extent did intervention results improve coherence between norms (i.e. policies) of constituents/stakeholders and those guiding it? PQ. 2.4.1. Were there any changes to constituents/stakeholders' policies in the intervention's area during or after the intervention?	<ul style="list-style-type: none"> <li>▪ Cause and effect</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Positive alignment of intervention plan in respect of relevant guiding norms and those of constituents/stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to semi-structured interviews</li> </ul>
<b>Eval Crit Q 3) To what extent did interventions achieve their immediate intended objectives? (Effectiveness)</b>				
	<b>Question type</b>	<b>Measure/indicator</b>	<b>Collection methods</b>	<b>Main (ordered) data source</b>
Sub Q. 3.1. Were intervention results reported within the P & B implementation framework?	<ul style="list-style-type: none"> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Compared intervention results with PB implementation records</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Vetted questions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to vetted questions</li> </ul>
Sub Q. 3.2. Did the intervention achieve its intended outputs and results? If not, what progress was made in these regards?	<ul style="list-style-type: none"> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Intended outputs compared with achieved outputs, and with progress in achieving outputs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interview</li> </ul>
Sub Q. 3.3. What factors external to the intervention affected the achievement of intended outputs and results?	<ul style="list-style-type: none"> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Factors identified by key informants and through analysis</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interviews</li> </ul>
Sub Q. 3.4. To what extent have interventions' results/achievements had an effect distributed across different groups (i.e. marginalized groups, men and women, etc.)	<ul style="list-style-type: none"> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Observed spread of results/achievements in selected groups</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions</li> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions</li> <li>▪ Response to semi-structured interviews</li> <li>▪ Document analysis</li> </ul>
<b>Eval Crit Q 4) To what extent have resources been used efficiently to achieve expected immediate objectives? (Efficiency)</b>				
	<b>Question type</b>	<b>Measure/indicator</b>	<b>Collection methods</b>	<b>Main (ordered) data sources</b>
Sub Q. 4.1. Has an M&E system been used to support the intervention's implementation? PQ. 4.1.1. Was there an M&E system in place?	<ul style="list-style-type: none"> <li>▪ Descriptive</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Existing M&amp;E systems used</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vetted questions</li> <li>▪ Semi-structured interviews</li> <li>▪ Document review</li> </ul>	<ul style="list-style-type: none"> <li>▪ Response to vetted questions</li> <li>▪ Response to semi-structured interviews</li> <li>▪ Document analysis</li> </ul>

<p>Sub Q. 4.2. How have resources (funds, human resources, time, expertise, etc.) been used in a way that demonstrates their use strategically and efficiently to achieve expected results? PQ. 4.2.1. How have resources (funds, human resources, time, expertise, etc.) been used?</p>	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Analysis of data suggesting strategic and efficient use of resources</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interviews</li> </ul>
<p>Sub Q. 4.3. How has the role played by the country office, DWTs, Regional Office, and HQ in providing technical support and monitoring of the intervention demonstrated their use strategically and efficiently to achieve expected results? PQ. 4.3.1. What roles have been played the country office, DWTs, Regional Office, and HQ in providing technical support and monitoring of the intervention?</p>	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Analysis of data suggesting strategic and efficient use of technical support and monitoring resources</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interviews</li> </ul>
<b>Eval Crit Q 5) To what extent did the interventions make a difference? (Impact)</b>				
	<b>Question type</b>	<b>Measure/indicator</b>	<b>Collection methods</b>	<b>Main (ordered) data sources</b>
<p>Sub Q. 5.1. What has occurred – expectedly or unexpectedly – because of the intervention’s activities or outputs, and how is the occurrence and its link to the intervention evidenced? PQ. 5.1.1. What has occurred – expectedly or unexpectedly – because of the intervention’s activities or outputs? PQ. 5.1.2. To what extent would intended results have been achieved without the intervention’s activities or outputs? PQ. 5.1.3. Has any occurrence resulting from the intervention had disproportionate effects on men or women?</p>	<ul style="list-style-type: none"> <li>▪ Cause and effect</li> <li>▪ Descriptive</li> <li>▪ Descriptive</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification of concrete development with explanation of link to intervention</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interviews</li> </ul>
<b>Eval Crit Q 6) To what extent are achieved immediate results and/or longer-term objectives likely to last? (Sustainability)</b>				

	<b>Question type</b>	<b>Measure/indicator</b>	<b>Collection methods</b>	<b>Main (ordered) data sources</b>
Sub Q. 6.1. What is the likelihood of results of intervention activities lasting and why? PQ. 6.1.1. How have the results of the intervention evidence lasting quality?	<ul style="list-style-type: none"> <li>▪ Normative</li> <li>▪ Descriptive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Indices of institutionalization of results, through processes, mandates, etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document review</li> <li>▪ Semi-structured interviews</li> </ul>	<ul style="list-style-type: none"> <li>▪ Document analysis</li> <li>▪ Response to semi-structured interviews</li> </ul>

## Annex 4. List of key informants

Additions may be made to this list in the final report.

### Afghanistan

#### **ILO**

Ramin Behzad, ILO Senior Coordinator for Afghanistan  
Margaret Reade-Rounds, Project Manager  
Miranda Fajerman, International Labour Standards and Labour Law Specialist (Moscow)  
Tim de Meyer, Special Adviser, NORMES  
Belkis Pérez Palenzuela, Computer Information Technology Officer, INFOTEC / TMS

#### **ITC/ILO**

Joel Alcocer, Manager at ITCILO Development Investment Programme  
Tom Wambeke, Chief Learning Innovation at ITCILO  
Paola Abbate, Instructional Designer

#### **Other**

Thomas Nappert, EU Labour Law Consultant

### Fiji (FJI/20/01/RBS)

#### **ILO**

Elena Gerasimova, International Labour Standards and Labour Law Specialist  
Surkafa Katafono, National Programme Officer  
Colin Fenwick, International Labour Standards and Labour Law Specialist

#### **Workers**

Awaiting

#### **Employers**

Awaiting

### Indonesia (IDN/20/01/RBS)

#### **ILO**

Michiko Miyamoto, Country Office Director  
Lusiani Julia, Senior Programme Officer  
Lita Octavia, Programme Officer for Timor-Leste  
Arun Kumar, Specialist on Collective Bargaining and Social Dialogue  
Ida Farida, Operations Assistant  
Yunirwan Gah, National Project Coordinator, Advancing Workers' Rights in Indonesia's Palm Oil Sector Project  
Albert Y. Bonasahat, National Project Coordinator, Ship to Shore Rights Indonesia  
Abdul Hakim, National Project Officer, Enhancing COVID-19 Prevention at and through Workplaces  
Januar Rustandie, National Project Manager, Improved Workers' Rights in Rural Sectors of the Indo-Pacific with a focus on Women



Muhamad Nour, National Project Manager, Alliance 8.7 Accelerator Lab to Combat Modern Slavery  
Ravindra C. Samithadasa, Specialist in Workers' Activities

### **Government**

Andi Mwaludin, Coordinator of the Industrial Relations Programme, MoM  
Meynar Lusumo, Deputy Coordinator of International Cooperation, MoM  
Mia Maesari, Staff, International Cooperation, Industrial Relations DG  
Apia, Secretariat, Director General of Industrial Relations  
Annadalussia, Senior Policy Analyst  
Rizky Mandldia, Senior Legal Department  
Wanyu Nurhuda, First Legal Analyst

### **Employers**

Imron Natsir, Committee for Fisheries, APINDO  
Lanny Sopotro, Manpower and Social Security Committee Member for Regulations and Institutional Cooperation, APINDO  
Gama Anom Yogotomo, Manpower and Social Security Committee Member for Regulations and Institutional Cooperation, APINDO  
Aldia Rakanza, Manpower and Social Security Committee Member for Regulations and Institutional Cooperation, APINDO

### **Workers**

Afedi, K. Sarbumusi  
Sulistri, KSBSI  
Dimas PW, KSPI  
I. Palar, Vice President, KSPSI  
Cilas M. Usman, Vice Executive, KSPN  
Siti Istikharoh, KSPN  
Royanto Purba, KSPSI  
Iasan Kusmaula, Industri all  
Sochargoro, K. Sarbomus  
Aguus Prast, KSARB  
Tri Ruman, KSPSI  
Freey, KSPSI  
Kamar, KSPI  
Gala Sinbkati, KSPSI

### **FMCS**

Liz Brenner, Commissioner, US Federal Mediation and Conciliation Services  
Jimmy O. Valentine, Commissioner, US Federal Mediation and Conciliation Services

## **Lao PDR (LAO/20/01/RBS)**

### **ILO**

Bounmy Bounthava, Siliphaithoun Xayamoungkhoun, National consultant.

### **Government**

Bouavanh, Director of Labour Management Division.  
Moukda Director of Labour Management Division

Athilath Oudomvilay, Deputy director of social protection department.  
Darany, Director general of Tourism Management Department.  
Lattana, technical officer of Tourism Management Department.

### **Employers**

Daovading, LNCCI

### **Other**

Xoukiet Panyanouvong, Winrock International  
Siliphaithoun Xayamoungkhoun, National consultant

## **Myanmar (MMR/20/01/RBS)**

Aung Yi, National Project Coordinator  
Yati Oo, National Programme Officer  
Anne Margaret Boyd, International Labour Law and Standards Specialist

## **Philippines (PHL/20/02)**

### **ILO**

Khalid Hassan, Office Director  
Cocoy Sardana, Senior Programme Officer  
Diane Lynn Respall, Programme Officer  
Bryan Balco, Project Manager  
Catherine Bascos, Project Assistant  
Ray Alyannah Ysabel Lagasca, Project Assistant  
Hussein Macarumbon, National Programme Coordinator, Ship to Shore  
Anna Liza Valencia, Partnership Development Officer, Rural Workers USDOL project

### **Government, DOLE**

Benedicto Ernesto Bitonio Jr., Undersecretary  
Connie Bacay, Director, Bureau of Labour Relations  
Alvin Curada, Director, Bureau for Working Conditions  
Tes Cucueco, Executive Director, Occupational Safety and Health Council  
Argyle Basas, Attorney, Bureau of Labour Relations  
Kheicee Soriente-Ramos Bureau for Working Conditions  
Jomel Cruzado (ILAB)

### **UN**

Signe Poulsen, UNRC Senior Human Rights Adviser  
Mariecris V. Araga, UNRC National Human Rights Officer

### **Workers**

Elmer Labog, Chairperson, Kilusang Mayo Uno  
Paul Macapagal, Kilusang Mayo Uno  
Ayna Punzalan, Kilusang Mayo Uno  
Josua Mata, Secretary-General, Sentro ng mga Nagkakaisa at Progresibong Manggagawa  
Julius Cainglet, Vice-President, Federation of Free Workers  
Bobbitt Librojo, National Union of Bank Employees  
Ana Capillas, TF2-Kilos Damit-FFW-IndustriALL

Imelda de la Cruz, Philippine Government Employees Association (PGEA)-TUCP

**Employers**

Roland Moya, ECOP Executive Director  
Abigail Roxas-Gorospe, ECOP Deputy Director General  
Ray Guerrero Tadeo, ECOP Training Head

**Department of Justice**

Gino Paolo S. Santiago, AO35 Secretariat  
Melisa Lauerizo

**Altena Human Rights Center**

Paula Estrella, Attorney

**Timor-Leste (TLS/20/02/RBS)**

**ILO**

Lita Octavia, Programme Officer for Timor-Leste  
Geremias Baptista, National Project Officer  
Arun Kumar, Social Dialogue Specialist  
Wade Bromley, Employers' Specialist  
Ravindra Chan Samithadasa, Workers' Specialist  
Jajoon Coue, International Labour Standards and Labour Law Specialist

**Viet Nam (VNM/20/01/RBS)**

**ILO**

Ingrid Christensen, Country Director of ILO Viet Nam  
Nguyen Ngoc Trieu, Senior Programme Officer  
Nguyen Thi Huyen, National Project Coordinator, RBSA project  
Nguyen Thi Le Van, Officer Employment Policy  
Do Thi Thu Huong, National Project Coordinator, Trade for Decent Work Project  
Dat, Social Protection  
Valentina Barcucci, Labour Economist

**Government**

Nguyen Thi Thanh Mai, Deputy Director of Labour Statistics Department, GSO  
Nguyen Thi Ngoc Lan, Labour Statistics Department, GSO  
Ngô Xuân Liễu, Director of PES National Center

**VGCL**

Thu Lan, Vice director of Workers and Trade Union Research Institute

**VCCI**

Mai Hong Ngoc, Manager of Bureau for Employer's Activities

**ILO DWT for East and South-East Asia and the Pacific**

Graeme Buckley, Director  
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Wade Bromley, Senior Specialist on Employers' Activities  
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Rene Robert, Specialist in Labour Administration and Labour Inspection  
Dong Eung Lee, Senior Specialist on Employers' Activities  
Ravindra C. Samithadasa, Specialist in Workers' Activities  
Yuka Ujita, Senior Specialist on OSH

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Reiko Tsushima, Chief, Regional Programming Services Unit  
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