



Evaluation Summaries

Consolidating the legal and institutional foundations of social dialogue in Ukraine

Quick Facts

Countries: *Ukraine*

Final Evaluation: *August 2009*

Mode of Evaluation: *independent*

Technical Area: *Social Dialogue, NORMES*

Evaluation Management: *Budapest office*

Evaluation Team: *Lyubov Palyvoda*

Project End: *August 2009*

Project Code: *UKR/05/02/FRG*

Donor: *Germany*

Keywords: *Social Dialogue, Labour Legislation*

design, project management and performance monitoring;

3. Document best practices that could be used as models for activities in other projects;

4. Assess potential future needs of technical assistance and provide recommendations.

In addition, the final evaluation should provide the project management team, ILO field and headquarter staff, project stakeholders, and the donor with feedback and information needed to assess: strategies, data collection methods, objectives, institutional arrangements, work plans, and resource allocation.

Background & Context

The evaluation of the *Consolidating the Legal and Institutional Foundations of Social Dialogue in Ukraine* Project was undertaken by the independent Consultant in July 2009. The German-financed project had the following objectives: 1) The completion of the reform of the labour law, ensuring its harmonisation with European and international labour standards and the creation of conditions for its effective enforcement; and 2) The establishment of an efficient institutional structure of social dialogue.

Purpose, scope and clients of the evaluation

The purpose of the final evaluation was to:

1. Determine if the project has achieved its stated objectives and explain why or why not;
2. Evaluate the long-term benefits / impact accrued to target groups, implementation status, project

Main Findings & Conclusions and Recommendations

Project evaluation provides evidence to **conclude** that:

- In the given conditions of Ukraine's political instability and frequent changes both the government and the members of parliament, the project advanced the labour law legislative process to the extent that was possible to achieve by a small project team in a delicate and sensitive field of politics and diplomacy. The political situation prevented the Verkhovna Rada from adopting the prepared drafts law on Labour Code and Social Dialogue. Even the project objectives were too ambitious in the given the political situation, the project kept the issue of the improvement of labour legislation and the need for an effective social dialogue as a high priority topic: "On several occasions this issue was even brought to the direct attention of the President, the Prime Minister and the Speaker as well as to the key players in the diplomatic corps in Kyiv" (*Stanislaw Cieniuch*);

- Received knowledge, experience and skills Ukrainian stakeholders used for the preparation of the drafts laws on Labour Code and Social Dialogue;
- The project managed to create stakeholders' ownership in the project and its achievements by involving them into project planning, implementation and evaluation process as well as by responding to and reflecting on their proposals and priorities to meet both their and the projects needs;
- The project assisted in the establishment of the professional Secretariat of the Tripartite Council and renewed work of the NTSEC, brought the importance of social dialogue to the attention of the President of Ukraine, the government of Ukraine, the deputies of the Verkhovna Rada, trade unions, employers' associations and other interested parties at national and regional levels;
- The project introduced Ukrainian stakeholders to the variety of best practices of social dialogue and labour law of international institutions. The project produced a whole range of important publications and materials. Several best practices developed within project implementation might be replicated in the similar projects worldwide;
- The project's integrated approach assisted in uniting the efforts of other donors and implementing agencies working in similar fields of competence and created needed synergy while attracting additional financial resources and pro bono services from business companies and local institutions;
- The project's limited but dedicated staff worked long hours and demonstrated a balanced and nonpartisan approach to all project stakeholders. Their understanding of partners' needs and current political and social conditions played a vital role in the project's successes and achievements.

The following *recommendations* might be made for future technical assistance projects.

First of all, the majority of stakeholders believe that the project should have a follow-up in order to:

- ensure wider publicity at the stage of tabling the Labour Code and the Law on Social Dialogue for the second reading at the Verkhovna Rada;
- adopt the draft Labour Code and the Law on Social Dialogue;
- prepare scientific and practical comments for implementing the Labour Code especially for lawyers and judges, and organize regional trainings;

- start the implementation of the adopted laws and monitoring of their implementation;
- prepare a group of trainers able to train others concerning the new law on Labour Code and Social Dialogue implementation;
- develop a guide or frequently asked questions (FAQ) on implementation of the adopted laws;
- organize outreach activities among the population and everyone interested in using the Labour Code after its adoption;
- set up a group of specialists to draft laws in conjunction with help from foreign specialists;
- develop a project exit strategy that may provide for the search for new donors or a transfer of the project to donors that are already present in Ukraine.

The other interventions may be focused on the introduction of amendments to the legislation and continuation of the reform process; further trainings and research; support of the activities of the NTSEC and its secretariat both at national level and through the development of regional social dialogue bodies as well as focus on other sectors.

New approaches should address a regional focus as a priority; working with civil society and support of Ukrainian social partners in their international expansion, focus on gender issues, especially gender equality.

Project management should set up less ambitious objectives and have realistic milestones; pay more attention to consistent monitoring and evaluation systems with clear and measurable indicators; increase project lifecycle to five years; continue strategic cooperation with other international actors working in the similar areas; maintain formal and informal networks across institutions and organizations and all levels – national and regional; rely on horizontal level relationships and operations more than vertical.