



Evaluation Summary



International
Labour
Office

Evaluation Unit

Improving Labour Law Compliance in United Republic of Tanzania (ILLC) - Final Evaluation

Quick Facts

Countries: United Republic of Tanzania

Final Evaluation: March 2012

Mode of Evaluation: Independent

Technical Area: Labour Law Compliance

Evaluation Management: Evaluation Manager, ILO's Regional Office for Africa, Addis Ababa

Evaluation Team: Lotta Nycander

Project Start: 2009

Project End: May 2012

Project Code: URT/08/03/USA

Donor: US Labour Department, providing US\$ 1,710,000.

Keywords: Labour law, compliance, labour law administration, labour inspection, reform, inspection system, employment, labour market information, capacity building, training, gender equality, gender mainstreaming

Background & Context

Summary of the project purpose, logic and structure

The ILLC Project was implemented in Tanzania mainland and Zanzibar with the long-term objective to improve labour law compliance. The immediate objectives of the Project were:

- Increased knowledge among employers and workers of rights, obligations and services under national labour laws;
- Increased effectiveness of the labour administration/inspection system that includes compliance with the Employment and Labour Relations Act and the Labour Institutions Act of 2004 for mainland Tanzania mainland and the Employment Act and the Labour Relations Act of 2005 for Zanzibar;
- Increased ability to collect and analyze Labour Market Information related to labour relations.

Its key stakeholders in the mainland were Ministry of Labour and Employment, Commission for Mediation and Arbitration, Labour Division of High Court, Association of Tanzania Employers, Trade Union Congress of Tanzania and trainers/trainees and beneficiaries and Project partners of constituents and Partner organisations. In Zanzibar, the stakeholders were Ministry of Labour and Economic Empowerment, Dispute Handling Unit, Zanzibar Employers Association, Zanzibar Trade Union Congress and trainers/trainees, beneficiaries and partners.

A Chief Technical Advisor, with a small project team in Dar, managed the Project. Two Project Advisory Committees, one for the mainland and one for Zanzibar, provided advice to the management. In addition, one

working group on Labour Inspection and one group on Communications and Awareness Raising were set up.

Purpose, scope and clients of the evaluation

The main purpose of the evaluation was to provide an independent assessment of the project, assess the appropriateness of design as it relates to strategic and policy framework, to ascertain that project targets are achieved, identify constraints and successes, and ascertain to what extent the project impacted (negatively or positively) on the tripartite partners in Tanzania mainland and Zanzibar. The evaluation covered all key outputs and outcomes of the Project.

Methodology of evaluation

The evaluation applied a combination of tools and detailed instruments to gather information and data, considering the need to rely on qualitative methods, as there was neither scope, nor time, to undertake any field survey to generate quantitative information from primary sources. In terms of acquiring quantitative data, the evaluator relied on secondary sources, i.e. available information generated through baseline information, progress report, the interim assessment and the Project's own monitoring system.

Triangulation was used from perceptions (interviews with individuals, questionnaires), validation (direct observations, group consultations) and documentation (reviewing existing documents, reports including previous project assessment reports).

Main Findings & Conclusions

The Project's contributions towards the first immediate objective on knowledge and learning, is fully acknowledged. The achievements against the plans were mixed, as some activities went very well, displayed good high quality and were also perceived as beneficial by the key partners, and participants, such as the capacity building programme on various topics. The training undertaken involved a total of 3,007 participants, of which 1,023 (34%) were women. The majority were trained on Tanzania mainland (1,752

participants, or 58% of the total of which 507 were women).

Good work was carried out in attempts to reform the inspection system, training of labour inspectors and initiation of new inspection forms. Other activities, such as the public awareness campaign, could not even be started up for a variety of reasons. Thus, on the one hand, the Project initiated, funded and implemented a great number of successful events, and on the other hand, the management was not able to overcome some of the challenges in particular those that were affected by political events and tense industrial relations. There were other issues and circumstances that did affect progress and success, also narrated in this report.

Regarding the validity of project design, it was found that the Logical Framework Matrix did not serve the management or the final evaluations as the useful management & evaluation tool it is meant to be.

As regards effectiveness, and key achievements in the mainland, the evaluation has concluded that the Project only partially achieved what it had set out to achieve. Only four out of ten planned outputs were satisfactorily produced, while it contributed to two of three immediate objectives. The key achievements are capacity building/training, specifically training on the labour laws, and it is assessed that capacity and efficiency of the labour inspection officers to conduct inspection was strengthened and MoLE officials and other beneficiaries were more knowledgeable about labour law issues as a result of the Project. Labour officers were also certified as Prosecutors, to prosecute labour cases in Court.

As regards key achievements in Zanzibar, the Project produced five of ten outputs and contributed to two of three Immediate Objectives. The constituents and stakeholders in Zanzibar embraced the Project - as there was motivation and willingness to participate and acquire new learning, and good experiences from the earlier SLAREA project. There was also high-level support from the

Labour Ministry. Among the key achievements were the training undertaken for Employers, Workers and their representatives on labour laws. Practically all Labour Inspectors were trained, new inspection forms were developed and the capacity of the labour inspection officers to conduct inspection was strengthened.

Output 1.2 was well achieved, with relatively high numbers of persons trained in proportion to the economic active population in Zanzibar and it is assessed that in producing this output it can be said that this has qualified in reaching the actual first immediate objective. This should also be seen in the light of the evaluation's recognition of the relatively high interest in Zanzibar for the project activities, and the level of effort of the involved stakeholders.

Labour officers were also certified as Prosecutors, to prosecute labour cases in Court for the first time in Zanzibar. They won the first two cases, which were related to the termination of employment, which is a direct result of the training they had received from the Project.

The Project also contributed to increased effectiveness of the Labour Advisory Board (LAB) through training on social dialogue and tripartism, Labour Laws, and ILS and Domestic Workers.

It also achieved in contributing to the establishment, training and equipment of Dispute Handling Unit (DHU). The unit started its operations (on the basis of cases received) even before the closing of the ILLC Project, however, there was no possibility for the Project to monitor the work due to lack of time before close down in May 2012. Contributions were also made toward an increased effectiveness of the Industrial Court.

Regarding the effectiveness of the Project management, the CTA generally demonstrated a good level of effort, and performed well in many of his endeavours and when considering some complicated circumstances under which he operated such as difficulties in working with the Government before, during and even

after the election period and the lack of commitment from some of the key Government officials. The lack of a NPC who could have assisted in this situation is another important circumstance - both a CTA and a NPC would have been required in this particular Project, which encompassed both Tanzania and Zanzibar.

The Project facilitated in the organisation of a total of nine Programme Advisory Committee meetings, which is commendable – however they were not held regularly and were not quite efficient. The assessment of the evaluation is that despite the fact that the Project issues certainly were important enough to expect commitment and engagement from high-level Government officials - it would have been more practical if the PAC leadership had not been placed at a very high level.

Regarding relevance, the Project faced certain problems that delayed, and even obstructed some of the implementation that was planned - in mainland in particular. However, the evaluator found that its objective of improving on the compliance of labour laws was, and still remains, fully relevant in both mainland of Tanzania mainland and Zanzibar. It was in line with other ILO activities and successfully contributed to increasing the relevance of ILO's mission vis-à-vis the international community and the UNDP.

It is assessed that, in the end, the efficiency of the Project was satisfactory in terms of budget delivery (budget utilization). Many activities had good and high quality. During the period under implementation, however, there were problems with the speed of converting inputs/means into activities and producing the outputs – which, again, points to the necessity of ILO matches the projects' human resources to the nature and ambition of the projects and monitors the progress closely.

The overall impact of the Project in mainland in contributing towards increased labour law compliance is assessed to be at a “medium” level. There is likelihood that the training events will leave impressions and change

attitudes. It is also likely that the knowledge acquired will be sustained which may lead to improved work performance and better systems. In Zanzibar, the overall impact is assessed to be “medium – high”.

As for cross-cutting issues, it is acknowledged that the Project made attempts to bring gender concerns, such as gender equality to discussion with the constituents, although the planned awareness campaign was not undertaken. However, it appears that more could have been done to increase awareness and knowledge about gender issues in relation to labour law compliance and labour inspection themes.

Recommendations & Lessons Learned

Main recommendations and follow-up

- ILO should follow up on the initiated reform process of the inspection system, i.e. the finalisation and seeking approval of the labour inspection form, followed by an instruction to the inspectors in the field on the launching of the new inspection form.

- ILO should increase its efforts and improves its skills to be aligned with international standards for the design of technical cooperation projects, to ensure that Project Logical Frameworks form the basis of Project Documents; and are logical and coherent tools.

- DECLARATION and ILO should, in the future, ensure that National Project Coordinator are recruited in Projects where a CTA is employed to manage a Project – in particular if it is a project that requires entry/in-roads to the government and stakeholders and if it is dealing with issues that are particularly sensitive, such as compliance to the laws. Projects need to have adequate staff strength, as managers often need assistance in collecting information and sorting data to prepare the progress reports.

- MoLE/MLEC and ILO should jointly adopt practical approaches vis-à-vis leadership and membership of Programme Advisory Committees, in order to benefit the implementation of any future technical

cooperation for the purpose of increased effectiveness.

- ILO Dar office should follow-up on developments regarding labour law compliance issues both in mainland and Zanzibar, aided by ILO UNDP Coordinator and/or the ILO Labour Law official in order to maximise potential impact of what has been possible to achieve. The UNDP commitments on labour law compliance should be honoured, a responsibility already embraced by the ILO Director.

- ILO should make more efforts to ensure that its gender policy is applied and that Projects do not shy away from bringing up sensitive issues to discussion - although social, cultural and/or religious beliefs may persist that favour conserving gender roles and “traditional” norms. ILO should persist in encouraging gender equality and gender mainstreaming in its technical cooperation interventions and make more use of gender specialists and available gender tools (e.g. gender analysis/mainstreaming/auditing/budgeting).

- ILO should ensure that the evaluations take place at Projects’ actual mid term and that they, preferably, are independent reviews. These are crucial events/processes and can help redirect activities, oversee the original plans and set new priorities. They can generally assist managers to sort out issues that may have arisen during the first part of the Project implementation.

- ILO should (despite the shortcomings and some barriers faced in this particular Project) continue its support to the constituents and partners in mainland and Zanzibar. The momentum that was created in certain areas should be used, to further contribute to the establishment of systems that promote and reinforce labour law compliance. There is much more that could be accomplished – in the tourism industry, in plantations, in the field of small- and medium-scale entrepreneurship (informal economy) among other areas.

More on **lessons learned** can be found in the main evaluation report.