



# Evaluation Summary



International  
Labour  
Office

Evaluation

## *Promoting Freedom of Association and Social Dialogue in Myanmar - Final independent evaluation*

### Quick Facts

**Countries:** Myanmar

**Final Evaluation:** January – June 2016

**Mode of Evaluation:** Independent

**Administrative Office:** ILO Liaison office in Myanmar

**Technical Office:** Governance & Tripartism /DECLARATION

**Evaluation Manager:** Zhang Xubiao

**Evaluation Consultant:** Jenny Luck

**Project End:** 31st January 2016

**Project Code:** MMR/13/06/NOR

**Donor & Project Budget:** Government of Norway: \$1,895,884.00

**Keywords:** Freedom of Association; Independent Evaluation; Myanmar; social dialogue; Industrial Relations; institutional Capacity Building; Worker and employer Federations; project design; ILO project synergy; Gender Mainstreaming

### Background & Context

#### Summary of the project purpose, logic and structure

The project has three immediate objectives:

- **Immediate Objective 1:** national labour institutions are in a better position to recognise, implement and enforce fundamental rights at work.
- **Immediate Objective 2:** employers and worker organisations have improved capacity and effectiveness in implementation of the LOL and the SLDL and work together constructively on dispute resolution, collective bargaining, occupational

safety and health and building an industrial relations system based on mutual respect.

- **Immediate Objective 3:** promoting sound labour relations and social dialogue at an industry / sector, regional and national level.

*The activities include:*

- 1) Carrying out training based on a training needs assessment of the Ministry of Labour, Employment and Social Security (MOLES), including the drafting of new or amended laws to be in conformity with international labour standards; assisting the tripartite Arbitration Council and bodies to better resolve labour disputes and increasing the capacity of the labour inspectors (FGLLID) to ensure compliance with the law.
- 2) Implementing a bi-partite three level training programme, following on from the USDOS project, consisting of training workshops, modular courses, follow up education and training visits, programmes for farmer unions and the training of educators to form a skilled educators group. A leadership programme for employer and union organisations with strategic and problem solving workshops.
- 3) Promoting awareness of the ILO Declaration on Social Justice for a Fair Globalisation by targeting employers, workers and the general public to promote the value of cooperation and tripartite social dialogue.

The project was mainly implemented in Yangon and Mandalay, but also included training activities in Bago, Sagaing, Taninithaty, Ayarwaddy, Nay Pyi Taw, Magwe, Kayin, Mon & Shan.

#### Present Situation of the Project

The Project commenced in October 2013 and was formally closed on 31 January 2016.

#### Methodology of evaluation

The methodologies were used to provide evidence based information to answer the evaluation questions. Methods are combined to triangulate

data, used for both quantitative and qualitative analysis, taking into account time frames and available data. Methodological approaches including face to face and telephone / skype interviews were planned to empower project stakeholders to reflect constructively on the project's direction and propose ways forward and integrate Gender Equality issues.

## Main Findings & Conclusions

### *Major achievements:*

- Coherence was maintained with the ILO's commitment to FPRW and FOA in a well-conceptualized project application that demonstrated a logical and strategic approach.
- The development of trade union organisations and the registration of a confederation and federations is a major achievement. This is considered to be sustainable and the project has helped cement the future of the trade union movement in Myanmar.
- All constituents reached by the project are now more aware of their rights and the responsibilities that accompany these rights and people demonstrated a strong motivation to change and adopt the principles of FOA.
- The transfer of relevant knowledge and skills needed for an IR system, based on FOA, was provided to clearly identified target groups in well designed and conducted programmes.
- Project activities made an invaluable contribution to tripartite and bipartite social dialogue with the meaningful engagement of all constituents and the formal recognition of trade unions as tripartite partners; this is considered sustainable in the near future
- The TOT programme allowed national educators to reach out to local level workers, especially agricultural workers, with courses conducted in the Burmese language and translated materials. The educators' network successfully created a group of trainers able to continue as educators in other organisations, as well as a key group of stakeholders with extensive experience in FOA.
- The project training for institutional bodies used a flexible approach that factored in existing training needs analysis and allowed the educators to make appropriate changes when necessary.
- The awareness raising commenced in the USDOS project was carried forward in this project and the responses from constituents, external stakeholders and the media indicated a

strong sense of commitment to the principles of FOA that will be taken forward in the future

- Through participation in project activities, the constituents are able to make an important contribution to the process of industrial law reform.
- As a result of the training programmes, Conciliator and Arbitration Officers are able to understand and put into practice the need for impartiality in their roles; this assisted them while working in often difficult situations.
- Assistance for FGLLID supported the development of a policy paper for the future of a labour inspectorate and the training raised awareness of the issues involved in a modern IR system.
- The project recognised the challenges to developing employer organisations but was able to commence the process by using innovative methodologies to support them. This ensured that the UFMCCI could play a committed role in the PAC and future programmes.
- Activities carried out with employers and trade unions at the enterprise and workplace level began the process of developing an awareness of the role their role in dispute resolution at this level.
- All project activities were implemented as planned and a considerable number of participants were reached in the programme; this is seen as a management achievement but cannot, at this stage, be used to measure medium or long term impact.

### *Summary of main challenges*

- The project is considered highly ambitious for a relatively small budget, the enormity of the task to be undertaken and the time available for implementation.
- The number of administration and local staff did not appear sufficient for a project of this size and scope. This was exacerbated by the turnover and periods of absence of CTAs, leading to tensions between the Yangon Office and the FOA project. These issues had a negative impact on implementation and the ability to secure funding for future projects.
- The project application, budget and implementation strategy did not include a Project Monitoring Plan (PMP) or Exit Strategy, which impacted on addressing sustainability issues as well as sourcing funding for future projects.
- The failure to engage the PAC in meaningful project decision making did not provide an

effective sense of ownership for constituents and helped to lead to some misconceptions about the social partners and rights and responsibilities.

- Three years (including the USDOS project) is a very short time to consolidate the capacity, structures and effectiveness of the role of social partners' in Myanmar and without an immediate follow up project much of the important work done in this project will be lost.
- The project closure without a secure commitment to a follow-up FOA project is of concern because of the negative impact on the sustainability of capacity building for the social partners and future of FOA in Myanmar. Several attempts were made by the CTAs to secure funding but they did not appear to get the support necessary to carry these forward.
- The mid-term review did not identify whether capacity building for social partners was leading to sustainability and as a consequence informed changes could not be made.
- The indicators for the immediate objectives focused on outputs rather than outcomes, making it difficult to measure impact. This encouraged an emphasis on implementing planned activities rather than analysing progress.
- The project lacked a focus on gender equality and the application did not provide sufficient gender analysis to ensure that it was mainstreamed throughout the project. The participation rate of women attending activities increased but the issue was not integrated into all topics nor was there consistent gender disaggregation of statistics.
- Activities focusing on IR professional education for law reform, inspections and dispute resolution, although critically important, were conducted with a disconnect between the process of law reform and the realities at the workplace level. A greater emphasis on social partner capacity building and general awareness raising may have been more appropriate at this point in time. Establishing Collective Bargaining (CB) and dispute resolution at the workplace level, if given a higher priority, could have helped to minimise workplace conflicts.
- Insufficient data was collected to measure sustainable outcomes of existing Collective Bargaining Agreements (CBAs) and Workplace Coordinating Committees (WCCs). There did not appear to be sufficient consolidation and follow up of programme implementation to ensure continuation of these in the future. Programmes, at times, contained too much

information with insufficient skills training for participants to put learning into practice.

- There appeared to be lack of clarity between WCCs and the role of the trade union, leaving it open for unscrupulous employers to exploit the situation and establish 'yellow' unions.
- The financial analysis is incomplete because it lacked the information to report on efficiency and to measure the expenditure under the immediate objective budget lines. The budget was underspent due to time constraints, lack of financial monitoring and budget overestimation.

## Recommendations & Lessons Learned

### Main recommendations and follow-up

#### Recommendation 1: ILO Geneva, the ILO Liaison Office, ACT/EMP & ACTRAV

A 3<sup>rd</sup> Stage FOA project, with a minimum of 5 years, is deemed essential for FPRW and the future of social dialogue in Myanmar. A strong focus on capacity building is still needed at the sector, industrial zone and workplace levels so that the human, material and financial resources developed in stages 1 & 2 are not wasted:

- The project can be a component of the large US/Japan/Denmark/EU initiative but to avoid FOA being subsumed by the institutional capacity building element, a separate project would be preferable. Whether it is separated from or part of this large project, strong cooperation between the different sections needs to be put in place; with ACTRAV and ACT/EMP more involved in the design, implementation, monitoring and evaluation.
- A statistical base line to inform future project design, objectives and strategy, focuses on: union development and strength, employer federations, data on membership, number of workplaces with and without union organisation, number of functioning WCCs, OSH committees and CBAs; reported by sector and geographical locations with gender disaggregation. This collection of data supports targeting and decisions made on future FOA and IR institutional development and capacity building with clear objectives and indicators to measure outcomes and impact.
- Consolidation of the work done in the first two stages of the project is integrated into a future project application; following up employer and union organisations trained in these projects and noting the additional support required for long term sustainability.

- Constituent representatives are genuinely involved in all future project planning, implementation, monitoring and evaluation to ensure ownership and sustainability.
- Given the different backgrounds and experiences of employers and trade unions, separate activities are conducted initially for employer and union organisations followed by joint activities that strengthen sustainable social dialogue at the workplace and prevent the level of disputes experienced at the current time.
- International trade union and employer organisations are involved in future project planning and contribute to implementation where possible.

### **Recommendation 2: PARDEV, PROGRAM & ILO Liaison Office**

Future FOA and IR projects for Myanmar have a (1) resourced PMP and PAC written into the application; (2) an exit Strategy that ensures sustainability and identifies wastage of knowledge and experience as a potential risk factor and; (4) a national Project Coordinator is recruited for future FOA projects, rather than an international expert, in order to utilise existing experience, ensure that the project is culturally relevant and save funding on international positions.

### **Recommendation 3: PARDEV, GED and ILO Liaison Office**

Gender equality is mainstreamed into future ILO FPRW and FOA project objectives, activities, strategies and materials, recognising the discrimination of women in society, justice and employment in the country and consistent with ILO policies and Conventions on gender equality, discrimination and pay equity. Future projects disaggregate gender statistics throughout applications, implementation and reporting. Relevant ILO staff and constituents are trained to carry out gender equality audits and research.

### **Recommendation 4: ILO Geneva & the Yangon Liaison Office**

A review of synergy and cooperation practices between the FOA and other projects implemented through the Yangon Liaison Office is carried out to inform (a) how FOA can be integrated into all projects and (b) prevent FOA being seen as an isolated issue in the future. This, together with the relevant Good Practice template, is used in the planning process for the next FOA capacity building project.

### **Recommendation 5: MOLES, Technical Legal Unions & ILO Liaison Office**

Amendments are made to the LOL guidelines for establishing worker and employer federations that recognises the differences between the internal roles and structures of the social partners.

### **Recommendation 6: All relevant government departments, ILO Geneva, Technical Units and the ILO Liaison Office**

The government in Myanmar commences the process of ratifying ILO Convention No.98 and revising the SLDL, with regard to the establishment and role of WCCs and CB, to avoid ongoing workplace conflicts. The role of trade unions as worker's representatives and collective bargaining at the workplace is clarified with amendments to enable effective representation and avoid confusion regarding representation for workers and trade unions. When the law is amended, the government considers developing training courses for WCC representatives.

### **Recommendation 7: ILO Liaison Office, Technical Units, MOLES & DLR**

Work carried out with FGLLID inspectors, the Conciliation and Arbitration Bodies and the law reform process is used to consolidate learning from the project into policies for the future. This provides MOLES and DLR with a position that underpins any future projects or work to be carried out in these areas.

### **Recommendation 8: ILO Liaison Office, Technical OSH Units & DLR**

As the OSH law is now before parliament, a separate project on OSH is designed, resourced and implemented for employers, workers and trade union with government sponsored training for OSH committees and worker representatives.

*Lessons learned can be viewed in the full report*