



# Evaluation Summary



International  
Labour  
Office

Evaluation Unit

## *Global jobs pact framework for labour governance and migration – Mid-Term Evaluation*

### Quick Facts

**Countries:** *Papua New Guinea, Samoa, Vanuatu, Kiribati, Tuvalu*

**Mid-Term Evaluation:** *March 2012*

**Mode of Evaluation:** *Independent*

**ILO Administrative responsibility:** *ROAP*

**Technical Area:** *DIALOGUE*

**Evaluation Management:** *ROAP*

**Evaluation Team:** *Mr. Tim Dyce*

**Project Code:** *RAS/10/51/AUS*

**Donor:** *Australia (US\$ 663,000)*

**Keywords:** *Labour administration, labour governance*

4. Improve the capacity of governments, unions, businesses and local communities to provide returned migrant workers with effective re-integration services, based on identified needs (Kiribati, PNG, Samoa, Tuvalu and Vanuatu).

### Relevance and Strategic fit

The intent of the LGMP clearly meets a number of objectives shared by the PIC national governments, the Australian Government (together, in many instances, with the New Zealand Government) and the ILO, namely the improvement of income levels for the peoples of the Pacific and the skills and institutions to support that improvement.

The project is consistent with law reform objectives identified in each participating country's Decent Work Country Programme (DWCP), although over time, labour law reform objectives have been changing and growing. The project also contributes to wider goals in the Pacific region under the United Nations Development Assistance Framework (UNDAF) and the specific UNDAF for PNG.

The continued economic development of the PICs, the increased participation of multinational companies and the greater harvesting of marine resources, have created a need for greater clarity of workers' rights to what ILO defines as Decent Work, which includes fair wage levels in safe and

### Background & Context

The Immediate Objectives of the Labour Governance and Migration Project (LGMP) are to:

1. Strengthen the capacity of governments to ratify and implement the ILO's core and governance conventions and to fulfil their reporting obligations (Kiribati, Papua New Guinea (PNG), and Samoa Vanuatu)
2. Revise labour laws give effect to core and ratified International Labour Standards (Kiribati, PNG, Samoa and Vanuatu)
3. Build the capacity of tripartite constituents to enable effective participatory labour law making (Kiribati, PNG, Samoa and Vanuatu)

appropriately inclusive working conditions. An essential component of this is the development of viable organizations to represent both employers and workers in effective tripartite dialogue with the labour administrations of national governments.

The ILO is committed to assisting the PICs both to commit, through ratification, to the international labour conventions, and to develop sustainable national capacity to meet those commitments. This project has brought together resources and a shared resolve to begin to address the challenges in a realistic way.

## **Main Findings & Conclusions**

Gender responsive legislative assessments have been completed in each project country identifying gaps in application of fundamental, governance and Pacific-relevant Conventions.

Expert mentoring has been provided by Australian and New Zealand employers and unions building the capacity of social partners to be active in participatory labour law reform and effectively advocate their positions.

Technical assistance has been provided to establish tripartite consultation institutions by law. This has included new legislation passed in Vanuatu to establish a Tripartite Labour Advisory Council and proposed legislation to be considered by Cabinet in Kiribati. It has also resulted in the establishment of a competent working committee with tripartite and wider stakeholder representation to drive labour law reform process in PNG.

In Vanuatu, final policy proposals to ratify Conventions 138 and 144 are currently before the Minister for Internal Affairs awaiting final approval.

A study tour of Australian industrial institutions by a PNG tripartite delegation was

co-ordinated by the ILO in order to build capacity to prepare the technical documentation needed to support enactment of the Industrial Relations Bill.

A review of seasonal migration literature, and engagement meetings and reports in five project countries identified country priorities with respect to piloting reintegration services.

Considerable print, radio and television coverage of project activities with clear acknowledgement of Australian government support raised the visibility of the ILO-Australia Agreement and its decent work objectives.

The project has done particularly well in the circumstances to achieve progress in its core direction to update labour law and build social dialogue. However some indicators will not be reached and some outputs not fully achieved mainly because of the limited time scale, compounded by complex political processes particularly national elections in three of the project countries.

The project has been cognizant of these changes and their implications and work has been done to encourage succession planning for example in Vanuatu, (though longer term rather than ad hoc strategies need to be put in place). In Vanuatu particularly, the presence of a trusted ILO national officer maintained a wide range of contacts and therefore assisted the project to maintain its momentum; this underscores the need for a national officer in each country to maximize ILO's effectiveness in this and other projects.

The project has been particularly successfully in appraising the gaps in existing legislation, producing intelligible presentations and facilitating useful discussions among constituents. These served the purposes of: 1) bringing key stakeholders up to speed and in some cases introducing them, effectively for the first time, to the policy issues behind comprehensive labour law and labour market

governance, 2) giving them handbooks, summaries and power point presentations as reference material for further work on development of policy and law, and 3) allowing the constituents to have practical experience of tripartite dialogue including having the constituent groups meet separately to clarify their respective interests and agendas before engaging in larger dialogue meetings.

The project has been reasonably successful in advancing its migration, including the important preliminary step of a review of current literature and engagement visits and reports in five countries to identify target interventions needed for effective re-integration services for migrants returning home under Australia's Pacific Seasonal Worker Pilot Scheme and New Zealand's Recognised Seasonal Employer Scheme.

It is also uncertain that all intended legislation is likely to be in place by project completion date (which is not a responsibility of the project but of the national governments). However the draft legislation is well advanced in some countries (notably Vanuatu and to a lesser extent Samoa) and work to develop capacity to meet convention reporting requirements is reasonably well advanced from the very different starting points of each country. It is likely that Conventions 144 and 138 will be ratified in Vanuatu.

One feature of the programme has been the publicity and communications strategy for the project. This combines the needs of both the Australian Government and the ILO that their inputs to local development are identified with the respective donor and implementation agencies by those who benefit from them. ILO refers to this as "visibility" and AusAID as "advocacy". The project has undertaken a range of visibility activities that are described on page 22 of this report, in addition to ensuring AusAID counterparts in each project country continue to be well informed about the project. The co-operation between the ILO communications officer in Bangkok and his

counterparts in Canberra is reported as excellent: the focus has been to ensure that interested experts and agencies in the development field, as well as ILO and AusAID personnel, have access to the lessons learned from this project.

### **Resource Efficiency and Use**

The human resource strengths of the project were at the higher end of quality but of insufficient quantity for the tasks in hand. The three persons who formed the team the manager, the legal expert and (until October 2011) the Vanuatu national officer backed up by the administration staff in Suva and working with leadership in the constituent partners, combined the necessary range of management, legal, and communication skills, though not the migration skill set, to advance the project within its ambitious time frame. They had backstopping support from ILO Bangkok and Geneva, and developed good working relationships with AusAID personnel in each country.

A mentoring programme that has drawn on expertise from Australia (Trade Unions) and New Zealand (Employers and Trade Unions) is a valuable component of the project. Manuals and power point presentations can only go so far particularly in countries, which have a predominantly oral culture; local people can be helped to respond to the challenges of their economic and political environments by discussing strategy and tactics with experienced and sympathetic fellow unionists or businessmen and women. A further appropriate medium, which should be given greater use is locally produced and enacted videos building on local cultural traditions of story-telling.

Administration of finances was carried out according to ILO standards. It is recognized that travel costs are expensive in the Pacific because of irregular flight connections and the need for further days of accommodation. The project's financial management was efficient and within budget.

## Recommendations

### RECOMMENDATIONS

1. The LGMP should be extended to a more realistic time span in terms of the tasks in hand, preferably to the end of the current Australia – ILO Partnership Programme 2010-2015.
2. In particular the project should continue to focus on assisting each of the constituent partners to progress labour law reforms, to implement labour legislation after it is passed, and to consolidate understanding and reporting on the conventions after they are ratified.
3. The sequencing of the project's support strategies should be based on the felt priorities of the project countries, such as Occupational Health and Safety, the Maritime Convention, dispute resolution and employment termination in local businesses and collective bargaining with multi-national companies. Capacity building for the constituent partners should therefore be around the issues that most motivate them to build long term capacity.
4. To this end, the monitoring programme between the employers' and workers' organizations in Australia and New Zealand should be consolidated and extended.
5. In addition to continuing current project activities over the longer term, there is clearly significant momentum to broaden the project to respond to increasing requests for technical assistance from other PICs in the region for labour law reform assistance and project concept notes should be developed accordingly.
6. The migration project should be a discrete project, with separate responsible staff and budget but managed in close connection with the LGMP to achieve economies of scale and synergy. A migration concept note should be discussed with all stakeholders and should aim to build on what has been learnt and address gaps in existing services in areas which the ILO has the specific experience to address.
7. The advocacy component should be extended to include support for advocacy in the proper sense: namely assisting the government and the civil society partners (trade unions and employers) to enhance their role in public education of the needs and rights of business and labour, promotion of appropriate public policy and internal communication to their own members. The advocacy component should include background education and issue packages for journalists and media outlets in the PICs.
8. Since many of the Pacific Island societies have a high preponderance of oral over literate communication resources for education about labour and employment issues using locally made video presentations and local cultural patterns of storytelling.
9. The ILO should review its approach to "demand-driven" project design: building capacity in convention ratification in a sequenced way around the priorities of recipient countries.
10. Because of the unique challenges of the Pacific countries including the high costs in time and expenses for travel, regional ILO specialist staff faces greater challenges to visit, understand and support ILO member countries in the region. This underlines the importance of adequate local staffing by ILO particularly with the need for in-country officers that should not be funded on a project basis but from the regular budget and its supplements.