



Evaluation Summary



International
Labour
Office

Evaluation
Office

Promoting compliance with international labour standards in Colombia - Midterm External Evaluation

Quick Facts

Countries:	<i>Colombia</i>
Mid-Term:	May 2015
Evaluation Mode:	<i>Independent</i>
Administrative Office:	<i>DWT/CO-Lima</i>
Technical Office:	<i>NORMES</i>
Evaluation Manager:	<i>MSI International</i>
Evaluation Consultant(s):	Thomas Otter and Michele González Arroyo
Project Code:	<i>COL/11/04/USA</i>
Donor(s) & Budget:	<i>US Dept of Labor USD \$7,820,000</i>
Keywords:	<i>labour standards, social dialogue, collective bargaining, freedom of association</i>

Background & Context

In December 2011, the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) USD \$2 million to implement a five-year project titled “Promoting Compliance with International Labor Standards in Colombia.” An additional \$2.82 million was added in May 2012 and another \$3 million in January 2013 for a combined total of USD \$7.82 million. This technical cooperation project aimed to strengthen the capacity of the Colombian government, workers’ and employers’ organizations and social dialogue institutions to promote compliance with

International Labor Standards (ILS), particularly those related to freedom of association and collective bargaining.

The project was established as a result of three key events related to the promotion of fundamental labor rights in Colombia: the Tripartite Agreement of 2006 between the Government of Colombia and representatives of employers’ and workers’ organizations; the ILO High-Level Tripartite Mission to Colombia in February 2011; and the Colombia Action Plan Related to Labor Rights signed by the United States and Colombia in April 2011 in an effort to gain approval from the U.S. Congress of the U.S.–Colombia Free Trade Agreement of November 2006.¹ The action plan was intended to provide a road map for Colombia to protect internationally recognized labor rights, prevent violence against labor leaders and prosecute the perpetrators of such violence. A key element of the action plan required the commitment of the Colombian government to seek the cooperation, advice and technical assistance of the ILO in implementing the plan’s specific measures. Toward this end, the U.S. Government dedicated significant funding through USDOL for the development of the “Promoting Compliance with International Labor Standards in Colombia” project.

The project has three immediate objectives, corresponding to three components:

- Strengthen the institutional capacity of the Ministry of Labor, especially the labor inspectorate, to effectively enforce Colombian labor laws and guarantee fundamental rights at work as they relate to freedom of association, collective bargaining and conflict resolution, in accordance with international labor standards;

- Strengthen existing social dialogue institutions, specifically the departmental subcommissions; and
- Strengthen the institutional capacity of the Colombian government to enhance protection measures for trade union leaders, members, activists and organizers, and to combat impunity for perpetrators of violence against them.

Tripartite partners of the project include the Government of Colombia (Ministry of Labor, Prosecutor General's Office, National Protection Program); trade union confederations, including the United Confederation of Workers/Central Unitaria de Trabajadores (CUT), the Confederation of Colombian Workers/Confederación de Trabajadores de Colombia (CTC) and the General Confederation of Workers /Confederación General del Trabajo (CGT); and the employers' organization, the National Business Association of Colombia (ANDI). The project intends to strengthen several social dialogue institutions, including the Standing Commission for Consultation on Wage and Labor Policies/Comisión Permanente de Concertación de Políticas Salarias y Laborales (CPCPSL), the departmental subcommissions and the Special Committee for the Management of Conflicts Referred to the ILO/Comité Especial de Tratamiento de Conflictos ante la OIT (CETCOIT).

Evaluation Purpose and Methodology

Two external independent evaluators conducted this joint independent mid-term evaluation in accordance with ILO's evaluation policy guidelines and USDOL's evaluation requirements. One evaluator has extensive experience evaluating international development projects with a strong knowledge of ILO's mandate and strategic policy framework. The other evaluator has extensive experience evaluating labor capacity-building projects funded by USDOL. Together they were responsible for developing the methodology in accordance with ILO and USDOL evaluation policies, as well as the United Nations Evaluation Group (UNEG) evaluation norms and standards and OEDC/DC evaluation criteria. This evaluation was jointly managed by ILO and USDOL evaluation managers.

The mid-term evaluation's aim is to assess program design, investigate how well the project team is managing activities, review the progress made

toward achievement of project outcomes and objectives and identify lessons learned from the program strategy and key services implemented to date.

The methodology used for data collection was primarily qualitative in nature. Quantitative data were drawn from project documents and reports, to the extent available, and incorporated into the analysis. Data collection methods and stakeholder perspectives were triangulated for many of the evaluation questions to bolster the credibility and validity of the results. A set protocol was followed for each person interviewed, with adjustments made for each person's level of involvement or specific role in project activities.

Evaluation findings and conclusions were based on a review of key project documents and interviews conducted during the fieldwork phase. They are presented according to the following categories: relevance, project design, project progress and effectiveness, efficiency of resource use and sustainability.

Main Findings & Conclusions

Relevance: The project strategies are relevant with regard to providing the tools and technical inputs necessary to achieve the goals defined in the Obama-Santos Action Plan. The action plan still serves as the key guiding document for government stakeholders in their efforts to strengthen compliance with International Labor Standards, particularly with those related to freedom of association and collective bargaining. To this end, the project's technical training activities have contributed toward building the capacity of the Ministry of Labor (MOL) Labor Inspection Unit, Prosecutor General's Office and other law enforcement entities, and negotiators for collective bargaining. It has not been successful in promoting a process of policy dialogue that is strong enough to influence political will, which is needed for the advancement of policy changes and the achievement of the expected outcomes of the Obama-Santos Action Plan.

Project Design: The project design is based on the assumptions that there are (a) sufficient political will to implement the policy changes required for achieving the expected outcomes of the Obama-Santos Action Plan, (b) adequate technical know-how to implement these changes, and (c) sufficient

“political force” to obtain the required majorities for democratic decision-making. These assumptions, however, have not turned out to be valid. As a consequence, the content of the project’s logical framework is flawed, since it is limited mostly to technical inputs rather than the policy dialogue required for achieving the expected changes. Objective 2, however, has had some successful participation in policy dialogue for expanding the scope of collective bargaining in the public sector.

Effectiveness: The training activities implemented for the labor inspectorate have been effective in providing knowledge on priority issues including ambiguous and disguised employment relationships and the abusive use of collective pacts. The trainings provided labor inspectors with practical inspection tools to enhance their application of labor laws pertaining to the right of freedom of association and collective bargaining. The project also implemented effective training programs for prosecutors and law enforcement officials regarding special aspects of anti-union violence and context investigation. The training program for trade union members on the misuse of collective pacts also was effective, as demonstrated by the fact the number of complaints filed increased significantly, which resulted in an increase in investigations by the MOL on this issue following the completion of the training program. Furthermore, the project has effectively promoted successful social dialogue. The information provided on topics including collective bargaining and negotiation techniques already has been used to achieve collective bargaining in the public sector, as well as labor mediation through CETCOIT. The decrease in anti-union violence suggests an effective protection program for unionists. However, this might be part of a larger national downward trend in violence currently taking place, rather than the direct result of project interventions. A fully functioning monitoring and evaluation (M&E) system, as well as baseline data, would be necessary to verify the degree of contribution of the project to the downward trend in anti-union violence. Baseline data and pre-test data also are necessary to better determine the project’s contribution to more effective and efficient labor inspections, as well as investigations carried out by law enforcement officials. At the same time, the successful results of the capacity-building activities have not been

broadly implemented or institutionalized by the appropriate government institutions, which could, in turn, enable a policy-driven change on a wider scale.

Efficiency: The project thus far has operated at reasonable per-unit costs for the training and outreach activities carried out in Bogota and other regions of the country. The project also has performed well on time efficiency based on the number of training activities and public events implemented over the past two years. Nevertheless, the project has been less efficient with regard to the amount of money and time spent over the past two years for limited progress made toward the overall expected results: effective and efficient labor inspection, improved social dialogue in the public and private sector and reduced impunity. The limited progress is a clear consequence of invalid assumptions in the project design and the resulting limited intervention scope.

Sustainability: The sustainability of achieved results has been assessed based on the criteria of i) institutional capacities, ii) institutional mandates, iii) economic capacities and iv) ownership and appropriation. Taking these four criteria into consideration, the overall sustainability of the technical processes introduced by the project will depend on the degree to which these processes and changes in policy can be institutionalized. Initial positive results of institutionalization have been identified for Objective 1 (e.g., institutionalization of the project tools in the labor inspection manual) and Objective 2 (e.g., institutionalization of collective bargaining in the public sector). There is additional potential for increasing sustainability of criteria iv over time, since the project’s implementation process works through the mechanism of beneficiaries at the same time being co-implementers of the project. The technical processes introduced in Objective 3 have the lowest potential for sustainability due to a lack of cooperation from the Prosecutor General’s Office. The technical processes introduced in Objective 1 to promote more efficient and effective labor inspections have greater potential for sustainability due to the interest and commitment of the labor inspectorate to institutionalize these processes. Still, without enforcement of sanctions imposed by labor inspectors, the new technical processes are less likely to result in workplace improvements.

Objective 2 shows the most progress toward sustainability due its achievements of collective bargaining in the public sector. The project's support of CETCOIT is unsustainable due to the dependence on project funds to secure the services of the facilitator. Overall sustainability performance achieved so far is ranked between "good" and "regular" when comparing results achieved so far regarding the amount, quality and time of inputs received by the beneficiaries, with the potential for further improvement for Objectives 1 and 2.

Recommendations

The following recommendations are intended to provide the project, USDOL and the ILO with actions that can further strengthen project outcomes and/or be applied to similar projects.

- **Prioritize and focus project efforts toward policy dialogue:** The ILO should consider as an urgent priority the implementation of an improved, strictly thematically focused and tripartite high-level policy dialogue with interlocutors who have the authority to make necessary political decisions to bring about change.

- **Plan and implement strategic capacity-building events for the MOL:** The project should work with the MOL to further define the scope of "effective" labor inspections and design the content of future capacity-building activities accordingly. This should

Prioritize Objective 2 strategies: The project should prioritize future work of Objective 2 on efforts to strengthen the accomplishments of already established collective bargaining agreements in the public sector and to expand the scope of unified collective bargaining in the private sector.

- **Institutionalize capacity-building activities under Objective 3:** Based on the mistaken assumption that rapid and substantial progress toward reducing impunity could be achieved, the project should concentrate future efforts of Objective 3 on the institutionalization of teaching and capacity-building activities.

- **Strengthen the support and expertise of the project team:** The project should consider

restructuring the budget to accommodate an additional administrative support person who could further assist component (objective) coordinators, as well as a part-time M&E expert to concentrate on the development of a fully operational and evaluable M&E framework and plan.

- **Develop a sustainability plan:** In accordance with the USDOL-ILO Management Procedures and Guidelines (MPGs), the project should advance a plan that assesses the different aspects of sustainability, including institutional capacities, regulations, resources and ownership and design project activities over the next two years to strengthen identified weaknesses. The sustainability plan, which is expected to serve as a management and assessment tool for implementing the project's sustainability and exit strategy (as outlined in the Project Document), should be updated and revised to take into account the implementing realities.

- **Harmonize planning frameworks:** Future projects between the ILO and USDOL (or ILO with any other institution from outside the United Nations system) should agree in advance on a unified and harmonized framework and approach to project planning, to ensure that the planning and project design outcome is fully in line with guidelines and requirements from both institutions. The ILO's implementing local or regional office should be deeply involved in the planning process from the start.

- **Define a fully operational M&E framework:** The M&E framework should define outcome and impact indicators based on processes of change, which can already be observed and supported by the project. Goals and objectives should be defined according to what can realistically be achieved. Consider revising the project logframe if the achievable objectives are different from what was stated in the logframe.