



Evaluation Summary



International
Labour
Office

Evaluation
Office

Building Capacities of the MAST to Ensure Labour Law Compliance in the Haitian Apparel Sector – Final Independent Evaluation

Quick Facts

Countries: *Haiti*

Final Evaluation: *November-December 2017*

Evaluation Mode: *Independent*

Administrative Office: *Sub Regional Office - San
Jose*

Technical Office: *LABADMIN/OSH Branch,
Governance Department*

Evaluation Manager: *Cybele Burga*

Evaluation Consultant(s): *Juan-David Gonzales*

Project Code: *HAI/12/52/USA and HTI/15/51/USA*

Donor(s) & Budget: *USDOL (USD 2,400,000.00)*

Keywords: *ILS, Labour Inspection*

Background & Context

Summary of the project purpose, logic and structure

The garment manufacturing sector plays a key role in Haiti's overall economy. Yet, political instability and recent natural disasters have strongly affected the country's economy and more specifically, its apparel sector.

The United States implemented the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II) to offer

preferential treatment to Haitian exporters willing to access US market for apparel, textiles, and certain other goods. To benefit from HOPE II, Haiti was required to work with the International Labour Organization (ILO) to promote compliance with core national and international labour standards in factories eligible for preferential trade treatment.

Since 2008, the United States Department of Labor (USDOL) has provided over USD 12.9 million for technical cooperation programmes in Haiti. USDOL provided USD 9.2 million for the ILO Better Work Haiti programme and USD 2.4 million to the ILO for the the Ministère des Affaires Sociales et du Travail (MAST) Capacity Building (MCB) Project.

The overall development objective of the MAST Capacity Building Project was to contribute to building the capacities of the MAST to increase labour law compliance in the Haitian apparel sector. Phase I of the MCB Project had a budget of USD 1.4 million to address three immediate objectives (IO), namely:

MAST is more effective in conducting labour inspections in the apparel sector;

MAST and the Office of the Labour Ombudsperson apply improved technical and soft skills in their mediations, and;

Workers and employers play a more active role in ensuring compliance with labour law in the garment sector.

In November 2015, USDOL allocated an additional USD 1 million to the project to strengthen the level of

completion of the first three IOs and to work towards a fourth IO (IO 4, Phase II):

Capacities of labour judges are enhanced in order to adequately manage labour and employment cases (Phase II)

Present Situation of the Project

The MCB Project was initially designed to be implemented over 24 months, between November 2013 to October 2015. The project was, however, subject to a no-cost extension from November 2015 to June 2016 and obtained an additional USD 1 million with an extension until June 2017. A final no-cost extension was granted from July 2017 to December 2017.

Purpose, scope and clients of the evaluation

As stated in the Terms of Reference (ToR), the purpose of this evaluation is to:

- Assess the relevance of the intervention objectives and approach
- Establish how far the intervention has achieved its planned outcomes and objectives
- Determine the achievements of Project objectives at outcome and impact levels
- Understand the extent to which the MCB Project's strategy has proven efficient and effective
- Evaluate whether the MCB Project is likely to have a sustainable impact.

This evaluation was carried out following the requirements of the ILO Evaluation Policy. ILO project evaluations are conducted to provide an opportunity for the Office and its funding partners to assess the appropriateness of design as it relates to ILO's strategic and national policy framework, and consider the effectiveness, efficiency, and sustainability of project outcomes. Project evaluations also test underlying assumptions about contribution to broader development goals.

Knowledge and information obtained from the evaluation will be used to inform the design of future similar ILO activities in Haiti or countries with similar contexts.

The evaluation focused on the activities that have been implemented since the initiation of the MCB Project of the MAST in March 2014. It thus covered activities implemented during Phase I and Phase II of the project.

Main Findings & Conclusions

The MCB Project's focus on the apparel sector was highly relevant, given the sector's relative importance in the formal economy of the country in terms of exports and employment. The apparel sector is the largest single employer and exporter in Haiti. It currently provides employment to nearly 41,000 workers, and apparel constitutes 90 percent of Haitian exports to the United States. Yet, limited labour law compliance and frequent labour conflicts have strongly affected the country's development and competitiveness and has limited the potential growth of this key economic sector. In addition, the sector has been benefiting from preferential trade treatment by the United States through the HOPE II Act (that also requires stronger labour law compliance to participating factories) thus making the project's focus on the garment industry highly strategic.

The MCB Project design was based on a diagnostic carried out in 2010, which allowed the three ILO constituents at country level to express their views and needs regarding labour law compliance in the apparel sector. This process allowed LABADMIN/OSH in Geneva to develop IOs aligned to the needs identified by the MAST, labour unions and employers' representatives. These objectives remained relevant throughout the implementation process considering that the needs identified in 2010 still exist in 2017. More specifically, interview data indicated that the comprehensive training and training of trainers (ToT) for MAST labour inspectors were considered as the most relevant aspect of the MCB Project.

The MCB Project's objectives constituted a logical extension of the work carried out by the BWH Programme and to the window of opportunity created by the HOPE Act. BWH core services combine independent factory assessments, advisory and training services for all Haitian apparel factories exporting to the United States. The MCB Project was

designed to strengthen the national capacities of the MAST to ensure labour law compliance in the apparel sector. The alignment of the MCB Project to BWH in its design was a requirement of USDOL, the donor of both initiatives. The MCB Project was, furthermore, aligned with the ILO's Decent Work Country Programme in Haiti and its global strategies.

The MCB Project's general design reflected a consideration of the need to work with a wide variety of national stakeholders involved in labour dispute prevention and resolution: MAST hotline operators, labour inspectors and conciliators, CTMO-HOPE Ombudsperson and judges and EMA trainers. Yet, at the activity level, most efforts were devoted to strengthening the capacities of labour inspectors at the expense of other actors initially identified. The training and ToTs were systematically offered to a Task Force initially composed of a select group of eleven MAST labour inspectors and seven MAST managers.

Yet in terms of design, even if the risks and assumptions identified in the Programme Document were generally valid, the suggested mitigation measures were not appropriately conceptualized and implemented. Of the six risks initially identified, four occurred and two of those that occurred affected the sustainability and implementation of the MCB Project, namely political instability at the national level and turnover in MAST leadership (sustainability risk 1) and reluctance to embrace the changes suggested by the MCB Project by some government officials (sustainability and implementation risk 2). The only effective mitigation measure was the creation of a Task Force within the MAST that allowed its members to take ownership of the learning outcomes of the training and to remain motivated all along the process.

With regards to gender mainstreaming, although briefly mentioned in the Programme Document, gender issues were not proactively mainstreamed in the MCB Project's activities, even though women constitute the majority of labour force in the apparel sector. Due consideration was given to the social inclusion of vulnerable populations, such as factory workers, who are the ultimate (albeit indirect) beneficiaries of the MCB Project.

With regards to the first IO, the MCB Project was particularly effective in strengthening the capacities of

the labour inspectors, who are part of the Task Force. There was strong evidence that the quality of work performed by the labour inspectors in the apparel sector has improved. Interviewed stakeholders noted a significant improvement in the quality of the inspectors' work and indicated that the training had induced important and positive changes. There was strong evidence, triangulated across different types of stakeholders that inspections conducted by the Task Force in the apparel sector are now taken more seriously by employers than inspections conducted by other inspectors, by inspectors that work in other sectors, or by those that were conducted prior to the creation of the Task Force.

With regards to the second IO, the project marginally strengthened the capacities of conciliators and the Labour Ombudsperson. The MAST conciliators were not part of the Task Force, and there was little evidence that their participation (and that of the Labour Ombudsperson) to some of the training created capacities that enhanced the quality of their work or the MAST. It is thus likely that the effects of these training have been minimal. With regards to the third IO, the evaluation found no evidence the MCB Project activities have already contributed to ensuring that workers and employers play more active roles in labour inspections.

Regarding the fourth IO, the MCB Project's training seem to have strengthened the capacities of labour judges, although there is no evidence that they are more adequately handling labour and employment cases. The most significant contribution to this objective was the 40-hour initial training course organized by EMA trainers, who were trained with the support of the project on international labour standards, on how to put these standards into practice in the Haitian context. The initial training courses are mandatory courses that all future judges must undergo. However, there was no clear evidence (e.g., MoU, budget allocation) that either of the courses would be offered in a near future.

In terms of efficiency, the MCB Project made an efficient use of resources devoted to the training of inspectors and ToT. However, activities related to all IOs were often delayed and many have not been completed. External factors identified include: political instability and turnover in MAST leadership,

reluctance to embrace the changes suggested by the MCB Project by few government officials, political interference in the labour inspection process, inadequate internal communication, lack of human and financial resources, and absence of adequate infrastructure within the MAST.

On the other hand, the internal management arrangements for implementing the MCB Project caused confusion amongst stakeholders and delayed implementation, notably because of bureaucratic red tape created by the degree of decentralization of the project across San José, Geneva and Port-au-Prince. The MCB Project was designed by Geneva staff and then passed to a newly recruited project team; this may have affected the overall efficiency of the MCB Project to the extent it at first unable to clearly communicate the Project's objective or the expected roles and responsibilities of key local stakeholders.

Although limited, the collaboration between the MCB Project and BWH contributed to the achievement of some key results with labour inspectors (the MCB Project took advantage of some potential synergies with BWH to implement the training and shadow inspections conducted). However, both entities tended to work in silos, communication between both was suboptimal and there were no other areas of collaboration beyond labour inspectors' training.

- 1) At the time of the evaluation, the sustainability of the results and processes initiated by the MCB Project did not meet the necessary conditions to ensure longer-term sustainability. The ToT for labour inspectors was not conducted within an institutional structure that had the mandate, capacities or resources to replicate or scale up the training (there is no clear buy-in from high-level officials within the MAST, the training process was not institutionalized in the ENAPP). In addition, activities related to ensuring workers and employers play a more active role in ensuring compliance with labour law were not completed. On a more positive note, the Task Force members were highly motivated at the time of the evaluation and were willing to share what they have learned with their peers and work towards strengthening the MAST. In addition, the fact that EMA trained trainers that developed a 40-hours initial course for judges

were confident they would be able to institutionalize this course was a positive outcome, which would ensure the sustainability of this process. Overall, at the time of the evaluation, it was unlikely that the results achieved at this point would have a long-term transformative impact within the MAST.

Recommendations

Main recommendations and follow-up

- 1) ILO should consider transferring the responsibility and oversight of activities not completed by the MCB Project to the BWH Programme.
- 2) LABADMIN/OSH and BWH should coordinate efforts to institutionalize labour inspector training in the ENAPP, while considering the implementation of a resource mobilization strategy to secure sustainability.
- 3) LABADMIN/OSH and BWH should advocate for the development and implementation of a capacity development policy within the MAST.
- 4) ILO should consider integrating sustainability strategies during the intervention design stage and strive to implement them during the intervention's lifetime.
- 5) ILO should consider the higher transaction costs related to implementing a decentralized project in a fragile state with weak institutions as soon as it starts designing its interventions.