



ILO - EVALUATION

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This evaluation was carried out following the evaluation procedures and policies of the ILO. This report has not been edited, but it has been subject to quality control by the ILO Evaluation Office.

Table of contents

1.	Background on the ILO's Interventions in Guatemala.....	11
1.1	ILO Interventions during the 2018-2019 biennium.....	11
1.2	ILO Support to the National Tripartite Agreement for a Roadmap in Guatemala	12
1.3	Theory of Change in the Intervention	13
1.4	Issues faced by Guatemala in the thematic areas of the ILO intervention	19
	Application of the fundamental principles and rights at work	19
	Indigenous communities.....	19
	Promotion and verification of adequate labour conditions.....	20
	Job Creation.....	20
	Protection of workers from unacceptable forms of work. One of the principal unacceptable forms of work is child labour.....	21
2.	Background, objectives and methodology of the evaluation	22
2.1	Focus and methodology of the evaluation.....	22
2.2.	Criteria and questions for the evaluation.....	23
2.3.	Evaluation methods and tools for gathering information.....	24
3.1.	Relevance	26
3.2.	Validity of the design and coherence.....	30
3.3.	Effectiveness.....	33
3.3.1	Global Analysis of the Effectiveness of the ILO Intervention.....	33
	Increasing Knowledge	33
	Changes in performance and attitudes of government officials.....	34
	Institutional Strengthening	35
	Drafting and approving norms, policies and plans	36
3.3.2	Analysis of the effectiveness of the overall ILO intervention in Guatemala	36
3.3.3	The ILO intervention's compliance with second-tier ToC outcome indicators... 45	
3.3.4	Contributions of the ILO to achieving outcomes	48
3.3.5.	Participation and interest among constituents during the development of the ILO intervention	49
3.3.6.	The incorporation of a gender and non-discrimination focus in the execution of the ILO intervention.....	50
3.3.7	Incorporation of international labour standards and social dialogue in the ILO intervention.	51
3.3.8	Achievement of assumptions of ILO's overall intervention and changes in the enabling environment.....	52
3.4.	Efficiency	53
	Synergies between the ILO projects in this cluster evaluation and the between the ILO and other international cooperation agencies.....	54
3.5.	Effectiveness of the management structure.....	56
	Constituent perception on their experience working with the ILO	58
3.6.	Likelihood of Impact and sustainability	59

The ILO intervention’s contribution to the outcomes of the ILO Programme and Budget.	61
The ILO system in the context of the UN reform.....	63
Future priorities to help reduce gaps in decent work and reinforce the application of the fundamental principles and rights at work	64
The current context in Guatemala for the design of future ILO interventions	66
4. Conclusions, lessons learned, and good practices	67
4.1 Conclusions	67
4.2. Lessons learned.....	70
4.3. Good Practices	71
5. Recommendations	74

Acronyms

ATRAHDOM. Association of Domestic and Maquila Workers
CACIF. National Tripartite Committee on Labour Relations and Freedom of Association
CAMAGRO. Chamber of Agriculture
CC. Constitutional Court
CEACR. The Committee of Experts on the Application of Conventions and Recommendation
CGTG. Guatemala Central Workers' Union
CICIG. International Commission Against Impunity in Guatemala
CNTRLLS. National Tripartite Committee on Labour Relations and Freedom of Association
CONED. National Committee for Decent Work
CPO. Country Programme Outcome
CRM. The Regional Conference on Migration
CSJ. Supreme Court of Justice
CUSG. Confederation of Guatemalan Unions
EAP. Economically Active Population
ECLAC. Economic Commission for Latin America and the Caribbean
EEJ. School of Judicial Studies
ENCOVI. Survey on Living Conditions
ENEI. National Survey on Employment and Income
EU. European Union
IGSS. Guatemalan Institute for Social Security
IGT. General Labour Inspection Office
ILO. International Labour Organization
ILS. International Labour Standards
INE. Guatemalan National Statistics
IOM. International Organization for Migration
LAC. Latin America and the Caribbean
MINTRAB. Ministry of Labour and Social Assistance
MTI. Interinstitutional Technical Roundtable
NPDW. National Policy for Decent Work
OHCHR. Office of the United Nations High Commissioner for Human Rights
OSH. Occupational Safety and Health
PNS. National Policy on Salaries
UN. United Nations
UNDAF. United Nations Development Assistance Framework
UNDP. United Nations Development Programme
UNHCR. United Nations High Commissioner for Refugees
SDG. Sustainable Development Goals
SEPREM. Presidential Secretary for Women
SITRADOMSA. Domestic Workers' Union
SNE. National Employment Services
ToC. Theory of Change
UNSITRAGUA. Federation of Worker Unions of Guatemala
USAID. United States Agency for International Development
USDOL. United States Department of Labor
VUME. Municipal Single Point of Contact for Employment

Executive Summary

During 2018-2019 biennium, the International Labour Organization (ILO) interventions were reflected in different Country Programme Outcomes (CPO). To achieve the outcomes of these CPO, the ILO implemented various projects (see table below). The majority of these projects were expected to be completed during the first semester of 2020.

Intervention Area	CPO	Projects
Application of the fundamental principles and rights at work.	GTM 826 – Improve capacity of the state to ratify and apply international labour standards (ILS) and fulfil its reporting obligations	RLA 1750 EUR – Strengthen capacities to improve compliance and present reports
		GTM 1603 RBS – Improve capacities to ratify ILS and fulfil reporting obligations
Promotion and verification of adequate labour conditions	GTM 101 – Strengthened and modernized labour inspection systems.	GTM 1801 USA – Support respect for labour conditions for workers in the export agriculture sector.
Job creation	GTM 129 – Reduce the vulnerability of low-income businesspeople through improved management	GTM 1852 SWE – Policies to generate employment and productive development, particularly for young people.
Protecting workers from unacceptable forms of work.	GTM 128 – Use workplace programming to get policies on HIV—particular to each economic sector—implemented.	GTM 1851 SWE – Improve capacity to protect labour rights of indigenous workers, domestic workers, and the disabled and to respond to HIV in the world of work.
		GTM 1950 UNA – Support HIV policy for the coffee sector.
Labour migration	GTM 132 “Regulatory framework and policy on migration based on a multilateral framework”	GLO 1569 EUR – Global Action Project to improve the framework for contracting migrant workers

The ILO’s Evaluation office undertook an independent cluster evaluation of the ILO’s work in Guatemala. The evaluation covers the 2018-2019 period and the first three months of 2020. The evaluation was undertaken between January and April 2020 and included a field mission to Guatemala from March 2-11. The clients for the evaluation are: the ILO constituents in Guatemala, tripartite members of the national consultative committees, and other strategic organizations; project personnel, the ILO country office, the regional office and personnel in the field and headquarters; and the donors.

The evaluation examined the ILO intervention based on criteria established by the OECD/CAD: a) relevance, b) validity and coherence c) effectiveness d) efficiency (e) effectiveness of management and f) likelihood of impact and sustainability. At the same time, the evaluation integrates the ILO’s crosscutting issues: International Labour Standards (ILS), social dialogue, gender equality, and non-discrimination. The evaluation applied a Theory of Changes (ToC) focus; employed techniques for collecting data to guarantee the validity and rigour of the findings. It employed a participative focus that involved key, interested parties like the tripartite constituents, ILO personnel and strategic partners.

The evaluators conducted in-depth interviews with ILO functionaries, and representatives of the constituents and the United Nations (UN), academics and donors. The evaluation also carried out three group discussions, with employers’ organizations, with worker organizations and one with representatives from the Ministry of Labour and Social Assistance (MINTRAB). The evaluation consulted with 59 key stakeholders selected based on the extent of their participation in the ILO interventions in the different thematic areas.

The evaluation also reviewed and analysed secondary sources of information related to the design and execution of the broader ILO interventions in Guatemala.

One limitation faced by the evaluation was the lack of an explicit ToC for the ILO's comprehensive intervention in Guatemala. However, the evaluation reconstructed it at inception phase. Another limitation is that projects did not incorporate instruments to measure the increase in knowledge and improve performance, which prevents having a more objective evidence on the effectiveness and impact of interventions. Findings presented in the report in this regard are based primarily on qualitative information gathered during the evaluation consultation process, as well as secondary information at project level.

Findings and conclusions about Effectiveness and likelihood of Impact and Sustainability

The ILO has contributed to increasing the knowledge of representatives of the employers and worker organizations, and indigenous groups on the International Labour Standards ILO Conventions 87, 98 and 169; as well as the Decree 07-2017 and Occupational Safety and Health (OSH), among others. In some cases, this generated a change in performance and attitudes among some officials at MINTRAB and to an institutional strengthening of the General Labour Inspection Office (IGT) and Domestic Workers' Union (SITRADOMSA).

The ILO contributed to creating norms, policies, plans and instruments on Convention 169, inspections, employment, labour migration and child labour. The ILO is regarded for its role in the following areas: advising; disseminating best practices; facilitating the involvement of key actors; providing training, guidebooks, manuals; organizing and participating in planning meetings; consolidating progress; preparing drafts proposals; and socializing and validating them.

With regard to the first outcome of the ToC ("Improved State Capacity to ratify and apply ILS and fulfil reporting obligations"), the increased knowledge among MINTRAB officials on their obligations to report the measures adopted to apply the ratified conventions is reflected in the ILO reports. These are being delivered on time and with adequate information. A model for identifying risk for child labour is being developed, as well as proposals for a consultation and participation mechanism of indigenous communities; the creation of a Vice Minister of Indigenous Affairs and a Directorship of Indigenous Communities; and a policy for Indigenous Communities and Interculturality.

With regard to the second outcome ("A modernized and strengthened system for labour inspection") there is greater knowledge among inspectors about the new procedures established in Decree 07-2017 and on OSH. They are more aware of their responsibility to ensure compliance with OSH obligations. The IGT has also become a stronger institution due to its improved capacity to sanction and collect fines. It has adopted measures for planning and managing the sanctioning procedures. It also has strategic plans for sectoral compliance and the standardization of technical criteria for inspection procedures and to include them in their protocol. However, there is not yet evidence that this progress is resulting in more effective inspections or improvements in the quality of the inspectors' reports.

When it comes to the third outcome (“Policies implemented to generate employment and productive development, principally for youth”) implementation plans have been created for all priority areas of the National Plan for Decent Work (NPDW) 2017 – 2032. The participatory form in which this took place allowed MINTRAB officials to become more aware of the role that they can play in the promotion and generation of employment and of the importance of cooperation among ministries for a more effective NPDW.

Regarding the fourth outcome, (“Improved capacities of the government, employers and worker organizations to protect the labour rights of domestic workers”), for the very first time, the government actively participated in awareness campaigns on the rights of domestic workers. The campaign is well regarded by the constituents, but there is not yet evidence that it has had an impact yet. Notwithstanding, SITRADOMSA has a higher profile among authorities, other organizations, and the media, and its membership has increased.

All of the proposed norms, policies, and instruments for Convention 169, inspections, employment, and child labour are pending approval in Congress or other public institutions. It is of utmost importance that this process is completed so that all efforts can result in: the effective application of Convention 169; more efficient inspections; the implementation of actions to promote decent work; strategies to prevent and eradicate child labour; and practices for the safe and fair recruiting of migrant workers. This will contribute to reducing gaps in decent work and the effective application of the fundamental principles and rights at work.

The proposals for norms, policies and plans have been created in tripartite social dialogue spaces. At the same time, the parties met periodically on the implementation of the roadmap through the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS). However, for these dialogue spaces to contribute to the sustainability of the outcomes of the ILO intervention, there needs to be an improvement in terms of the quantity and quality of the agreements; their connection to improving labour relations between employers and workers; the degree of compliance with the agreements; their positioning at a local regional and national level; and their financial sustainability.

Gender focus in the ILO intervention has varied from project to project. In one project, the beneficiary population was exclusively female. Another project included activities to promote women’s participation in decision-making spaces. The vast majority of actions included training on equal conditions for work and legislation on discrimination, and women were specifically encouraged to participate in trainings. However, these have not yet generated significant results related to increased equality and non-discrimination.

With regard to employers’ organizations, the Chamber of Agriculture (CAMAGRO) has included the ILO’s general principles and guidelines for fair recruitment in its policy on human rights in the agriculture sector. It has updated its strategy for the private sector for the prevention and eradication of child labour. Meanwhile, the maquila sector has created a policy on harassment and discrimination in the workplace. These policies need to be adapted and implemented at company level and replicated in other economic sectors. This way they will be able to help reduce gaps in decent work and contribute to the effective application of the fundamental principles and rights at work.

Unions have participated actively in the development of proposals to reform the Labour Code with regard to freedom of association and to implement the roadmap. They have also participated in writing reports to address the observations to Committee of Experts on the

Application of Conventions and Recommendation (CEACR) on Convention 169. They have a variety of spaces among different unions to work on migration, consultation, and employment. But this work has not yet translated into stronger institutions according to interviewed constituents.

Findings and conclusions about Efficiency and Effectiveness of the management structure

There have been linkages between ILO projects, and between the ILO and other international cooperation agencies, but whether these linkages have always contributed to specific progress remains to be proved. Opportunities for the ILO to generate a more strategic and effective link with other institutions are the current United Nations reform process, the presence in Guatemala of different cooperation agencies working on the same issues as the ILO, and the participation of the ILO in regional or global spaces.

The coordinators of the ILO projects in Guatemala have met periodically and also with the officials of the ILO Country Office for Central America, Panama, Haiti and the Dominican Republic to share progress, challenges and lessons learned in the implementation of projects. While it is true that each project has elaborated technical progress reports and has monitoring and evaluation plans, there has not been any systematic follow-up on the ILO's comprehensive intervention in Guatemala. As a result, the ILO is missing important data to generate and systematize knowledge that could be used to inform the design of future interventions.

The constituents practically didn't participate in the design of the ILO projects but they—principally employers' organizations and the government—did have an active participation in their implementation and are satisfied with the ILO's overall work. This positive views were supplemented by the following observations: (a) the ILO is the only specialized agency on employment, Convention 169, ILS and labour migration; (b) the quality of the training ILO provides; (c) sharing experiences and good practices from other countries in the region; (d) its tripartite nature, which leads to promoting social dialogue; and (e) its strategies aim at increasing individual capacities, strengthening institutions, and/or developing policies, ratifying conventions and/or modifying regulations. conventions and modifying norms.

Lessons learned

1. The following are critical factors for the effectiveness of social dialogue: (a) there is continuous political will and commitment of all parties; (b) constituents have the capacity and relevant information to discuss the issues on the agenda; (c) progress is made in establishing and fulfilling agreements and (d) whoever presides over the dialogue space exhibits efficient management both in administrative and technical terms.
2. The projects that seek to increase knowledge and improve performance of public officials and representatives of employers and worker organizations must include in their design mechanisms and instruments to measure the magnitude of the increase in knowledge and improvements in performance.
3. Projects that have among their outcomes the creation of plans, policies or norms should complement their technical strategies with strategies for advocacy so that they will be approved.

Good practices

1. In GTM 1852 SWE the ILO prioritised finding a consensus among the technical teams from various sectors. It did this to generate greater institutionalization of the process of developing implementation plans for the priority actions of the NPDW. It chose to invite EUROSOCIAL and the European Union (EU) to ensure greater support from the international community, and also accompanied MINTRAB to the tripartite meetings to socialise and validate the Interinstitutional Technical Roundtable (MTI).
2. To increase knowledge among officials from government institutions, representatives of employers and worker organizations and indigenous communities, in GTM 1603 RBS the ILO held discussion sessions and seminars where it presented lessons learned and experiences from other LAC countries that had made more progress on the application of Convention 169. With project GTM 1852 SWE, the ILO took advantage of the spaces used for the development of implementation plans for the NPDW.
3. The ILO actively participate in the development of the UN Framework for Sustainable Development 2020 – 2024. It mostly carried out consultations among constituents, something novel for the process considering that during the development of prior UNDAFs only civil society was consulted. This more active participation contributed to incorporating in the framework of cooperation priority issues for the ILO and increased feeling among constituents that they were part of the UN system and not just the ILO.

Recommendations

1. Present proposals for plans, policies and norms developed during the previous biennium to the members of the new administration. Carry out political advocacy actions, with high decision-making authorities from the Ministries involved and from the Congress, aiming at achieving the approval of the proposals.
2. Adopt and implement a policy of respect for human rights in the agricultural sector and against harassment and discrimination in the workplace for the maquila sector, enterprises and replicate in other sectors.
3. Develop a comprehensive plan for the future ILO intervention in Guatemala with a ToC that makes explicit the relationship between the various projects, the indicators and instruments to measure progress in strengthening knowledge, changes in performance, and strengthening of social dialogue spaces.
4. During the intervention design stage, incorporate a policy advocacy strategy that improves the chances of approval of any plans, policies or norms developed by the intervention.
5. When defining the scope of future interventions in Guatemala, the ILO should take into account the priorities of constituents and project coordinators identified in the areas of inspection, job creation, domestic work, child labour and labour migration.
6. Starting at the design phase, incorporate a gender and a non-discrimination focus to raise awareness about the importance of unpaid domestic work and to produce a policy on domestic care work. Develop specific actions in the areas of inspections and employment.
7. Establish strategic connections with international cooperation agencies to work on issues where there is a shared interest and that make ILO interventions more effective and efficient.
8. Institutionalise within the ILO the procedures and mechanisms for systematic monitoring of the overall ILO intervention in the country to measure results and contributions to the work of the UN and to the Sustainable Development Goals (SDG).

1. Background on the ILO's Interventions in Guatemala

1.1 ILO Interventions during the 2018-2019 biennium

1. During 2018-2019 biennium, the International Labour Organization (ILO) supported constituents in Guatemala through interventions focused on the application of fundamental labour rights; promotion and verification of adequate labour conditions; job creation; and the protection of workers from unacceptable forms of work. Through this work the ILO has sought to help reduce the gaps in decent work and reinforce the application of the fundamental principles and rights at work.
2. The above interventions are reflected in four Country Programme Outcomes (CPO). To achieve these outcomes, the ILO implemented six projects and developed technical assistance activities through its specialists in the ILO's Country Office for Central America, Panama, Haiti and the Dominican Republic, with headquarters in Costa Rica (see table 1). The majority of the projects were expected to be completed during the first semester of 2020.

Table 1. Intervention Areas, Country Outcomes and ILO projects in Guatemala 2018 – 2019.

Intervention Area	Country Outcome	Projects	Execution Period	Funding Source
Application of the fundamental principles and rights at work.	GTM 826 – Improve capacity of the state to ratify and apply international labour standards (ILS) and fulfil its reporting obligations	RLA 1750 EUR – Strengthen capacities to improve compliance and present reports	April 18 – March 20	EUROPEAN UNION
		GTM 1603 RBS – Improve capacities to ratify ILS and fulfil reporting obligations	Jan 18 – Jun 20	RBSA
Promotion and verification of adequate labour conditions	GTM 101 – Strengthened and modernized labour inspection systems.	GTM 1801 USA – Support respect for labour conditions for workers in the export agriculture sector.	Oct 18 – Sept 21	USDOL – USA
Job creation	GTM 129 – Reduce the vulnerability of low-income businesspeople through improved management	GTM 1852 SWE – Policies to generate employment and productive development, particularly for young people.	May 18 – Mar 20	SWEDEN
Protecting workers from unacceptable forms of work.	GTM 128 – Use workplace programming to get policies on HIV— particular to each economic sector— implemented.	GTM 1851 SWE – Improve capacity to protect labour rights of indigenous workers, domestic workers, and the disabled and to respond to HIV in the world of work.	May 18 – Mar 20	SWEDEN
		GTM 1950 UNA – Support HIV policy for the coffee sector.	Jan 19 – Dec 19	UNITED NATIONS

1.2 ILO Support to the National Tripartite Agreement for a Roadmap in Guatemala

3. For many decades, the governing body of the ILO has observed with concern violations of the freedom of association in Guatemala. In 2012 the Governing Body filed a complaint on Guatemala's non-observance of ILO Convention 87 on the freedom of association and the right to organize. In 2013, the government, in consultation with its social partners, drafted a roadmap to follow to rectify the situation. This roadmap included various actions related to the problem of violence against union leaders and reforms to the labour code. It also included other laws that seek to promote greater compliance with fundamental labour rights, to strengthen government institutions and the institutions of social partners with regard to the freedom to organize, collective bargaining and social dialogue.
4. One of the planned actions included in this roadmap was, "the ILO Office in Guatemala should be strengthened to enable it to support the tripartite constituents in implementing the roadmap." The ILO supported and provided technical assistance with other actions including monitoring the investigations into the assassinations of union members; adopting measures to ensure that labour court rulings ordering the reinstatement of illegally terminated workers are enforced; an awareness campaign on freedom of association and collective bargaining.
5. Over the past two years, the implementation of the roadmap has marked the ILO's agenda in Guatemala and that of the constituents. In 2013 the ILO appointed a special representative of the ILO Director-General for Guatemala. In November 2017, in the ILO's 331st Session of the Governing Body, a national tripartite agreement was signed. This agreement created the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS, for its Spanish initials) to ensure a sustainable and comprehensive application of the roadmap.
6. The roadmap is associated with two projects that are part of this cluster evaluation, GTM 1801 USA and particularly RLA 1750 EUR:
 - GTM 1801 USA is relevant because Decree 07-2017, which gave the General Labour Inspector (IGT for its Spanish initials) new powers and reinstated its sanctioning capacity, was one of the actions in the roadmap and this was a key element in the design and execution of the project which had as a principal outcome "Greater efficiency in labour inspections with respect to the conditions of acceptable work."
 - The RLA 1750 EUR project seeks to increase the government's institutional capacity to comply with labour laws and fundamental labour rights as mentioned in the roadmap. In fact, one of the expected results of this project is "improved application of the roadmap and stronger social dialogue." In addition, the principal products contemplated in this outcome are strengthening the members of the CNTRLLS with regard to freedom of association and collective bargaining, strengthening social dialogue between the private sector and unions to improve labour relations and ensure the continuation of the process to implement the roadmap.

1.3 Theory of Change in the Intervention

7. During interviews and a review of secondary sources as part of the evaluation, it became apparent that there is no explicit Theory of Change (ToC) in the ILO's comprehensive intervention in Guatemala. However, through the review of the project design documents, interviews with project coordinators, and by taking into account the methodological guidelines, it was possible to reconstruct a ToC.¹
8. The top tier outcomes of the ILO's intervention essentially correspond to the definition of the outcomes in the CPO for Guatemala, while the second-tier outcomes refer to the project outcomes. **Some outcomes refer to an increase in knowledge among certain individuals about** the fundamental conventions and international labour standards, new procedures for administrative fines, labour policy, and labour rights. The target individuals include **representatives of the Ministry of Labour and Social Assistance** (MINTRAB for its Spanish initials), the **Presidential Secretary for Women** (SEPREM for its Spanish initials), the judiciary, the Public Prosecutors' Office, employers and worker organizations, indigenous communities and domestic workers. Other outcomes allude to **changes in the performance of individuals and strengthening institutions to promote, ratify and apply international labour standards, comply with reporting obligations on the effective use of the fundamental conventions, and carry out strategic inspections**. Lastly, a third group of results are associated with proposals **for plans, policies or standards, including** plans to implement the National Policy for Decent Work (NPDW, for its Spanish initials), the National Policy for Indigenous Peoples or a mechanism for consultations with indigenous peoples.
9. The indicators proposed for the first-tier outcomes are those from the ILO Programme and Budget 2018–2019 with which the CPO for Guatemala is associated. With regard to the second-tier outcomes, the proposed indicators were taken from project design documents.
10. The director of the ILO's Country Office for Central America, Panama, Haiti and the Dominican Republic validated the ToC for the ILO's intervention in Guatemala for 2018-2019 at the start of the evaluation. The ToC is presented in the following table.

¹ These guidelines are found in the document, "Creating Theories of Change based on Outcomes: Module 1."

Table 2. Theory of Change Proposal for the ILO Intervention in Guatemala, 2018-2019

Sphere of interest-impact	Reduce gaps in decent work and strengthen the application of the fundamental principles and rights at work			
Areas of Intervention	Ratification and application of fundamental principles and rights at work	Promotion and verification of labour conditions	Job Creation	Protection of workers from unacceptable forms of work
Sphere of Influence – First Tier Outcomes	<p>Outcome 1. Improved governmental capacity to ratify and apply international labour standards and comply with reporting obligations (CPO GTM 826)</p> <p>* States in which constituents provide timely response for the preparation of and reporting on international labour standards (<i>indicator 2.3 for Outcome 2 of the ILO Programme and Budget 2018-2019</i>)</p> <p>* States have taken action to apply international labour standards, in particular, in response to issues raised by the supervisory bodies</p> <p>(<i>indicator 2.2 of Outcome 2 of the ILO Programme and Budget, 2018 - 2019</i>)</p>	<p>Outcome 2 A strengthened and modernized labour inspection system (CPO GTM 101)</p> <p>*Number of member States that have developed or revised their laws, regulations, policies or strategies or strengthened their institutions' and systems' capacity to ensure workplace compliance with national labour laws and collective agreements</p> <p>(<i>indicator 7.2 for Outcome 7 of the ILO Programme and Budget 2018 - 2019</i>)</p>	<p>Outcome 3. Policies have been implemented to generate employment and productive development, especially for youth (CPO GTM 129)</p> <p>*State has developed, revised, implemented or monitored comprehensive employment frameworks (<i>indicator 1.1 for Outcome 1 Programme and Budget 2018-2019</i>)</p> <p>* state has taken targeted action on decent jobs for young women and men through the development and implementation of multi-pronged policies and programmes</p> <p>(<i>indicator 1.2 for Outcome 1 Programme and Budget 2018-2019</i>)</p> <p>* State in which constituents have strengthened capacities on pro-employment macroeconomic policies, or have</p>	<p>Outcome 4 Improved capabilities of the state, employers and worker organizations to protect the rights of domestic workers and especially indigenous domestic workers. (CPO GTM 128)</p> <p>* Number of member States in which constituents have strengthened their institutional capacity to protect workers from unacceptable forms of work, especially those disadvantaged or in vulnerable situations</p> <p>(<i>indicator 8.2 of Outcome 8 Programme and Budget 2018-2019</i>)</p> <p>* Number of member States in which tripartite constituents have developed partnerships, including with other stakeholders, for the</p>

			<p>developed and implemented sectoral, industrial, trade, infrastructure investment or environmental policies for structural transformation and for promoting more and better jobs and tackling inequalities</p> <p><u>(indicator 1.4 for Outcome 1 of the Programme and Budget 2018-2019)</u></p>	<p>effective protection of workers, especially those in most vulnerable situations, from unacceptable forms of work.</p> <p><u>(indicator 8.3 for Outcome 8 Programme and Budget 2018-2019)</u></p>
<p>Sphere of Influence – Second Tier Outcomes</p>	<p>Outcome 1.1 The 2013 tripartite roadmap is implemented (RLA 1750 EUR)</p> <p><u>*Observance and application of the right to organise (RLA 1750 EUR)</u></p>	<p>Outcome 2.1: Labour inspections are stronger with respect to acceptable work conditions (GTM 1801 USA)</p> <p><u>*Ministry of Labour implements strategies or action plans to enforce labour laws and/or inspect places of work (GTM 1801 USA)</u></p> <p><u>*Greater efficacy of labour inspections in terms of improved attitudes among inspectors in the export agriculture sector in Guatemala (GTM 1801 USA)</u></p> <p><u>*Percentage of users who say labour inspection has improved significantly (GTM 1801</u></p>	<p>Outcome 3.1. Institutional capacities and social dialogue are stronger for the implementation and monitoring of the NPDW (GTM 1852 SWE)</p> <p><u>*Plans for implementation are drafted based on the priority actions defined in the NPDW for each of the four focal points with at least one of these directed at youth. (GTM 1852 SWE)</u></p> <p><u>*Programmes/ pilot projects designed and undergoing implementation for each of the focal points of the NPDW with an emphasis on improving employment opportunities for youth. (GTM 1852 SWE)</u></p> <p><u>* Monitoring of the National Policy for Decent Work that is being implemented (GTM 1852 SWE)</u></p> <p><u>*Greater knowledge among</u></p>	<p>Outcome 4.1 The constituents and public in general is more aware and has knowledge of the working conditions among indigenous workers, including domestic workers.(GTM 1851 SWE)</p> <p><u>*Action plan based on the guidelines in the domestic work policy are being implemented in SEPREM's regional bases (GTM 1851 SWE)</u></p> <p><u>*People are aware of the rights of domestic workers (GTM 1851 SWE)</u></p> <p><u>*Civil servants at SEPREM and MINTRAB, unions and human resources personnel in corporations have greater knowledge about gender, labour rights, and harassment and violence in</u></p>

		<p><u>USA)</u></p> <p><u>*Greater knowledge among labour inspectors about what the labour tribunals need with regard to the new administrative sanctions and their adequate application during the inspection process (GTM 1801 USA)</u></p>	<p><u>social partners with regard to employment policy and productive development (GTM 1852 SWE)</u></p>	<p><u>the workplace and non-discrimination. (GTM 1851 SWE)</u></p>
	<p>Outcome 1.2 State actors (MINTRAB, Public Prosecutors' Office, judiciary), employers and worker organizations, and indigenous peoples are aware of and in better conditions to understand, promote and effectively apply the fundamental labour conventions and Convention 169 (RLA 1750 EUR and GTM 1603 RBS)</p> <p><u>*Greater knowledge among state actors, employers and worker organizations and indigenous peoples about Convention (GTM 1603)</u></p> <p><u>*Greater knowledge among state actors (Ministry of Labour, judges, magistrates) and employers and worker organizations on the reform of the labour code and about ILS. (RLA 1750 EUR)</u></p> <p><u>*The reports that labour inspectors are writing demonstrate an improvement in the monitoring and the application of the fundamental rights and national</u></p>	<p>Outcome 2.2: Judges uphold rulings on administrative sanctions for violations and labour conditions (GTM 1801 USA)</p> <p><u>*Greater knowledge among labour judges of the new procedures for administrative sanctions and their correct application (PGTM 1801 USA)</u></p>		<p>Outcome 4.2. Strengthened capacity of workers including domestic workers to negotiate for better labour conditions and to defend their rights (GTM 1851 SWE)</p> <p><u>*Implementation of an action plan to increase union membership of domestic workers (GTM 1851 SWE)</u></p>

	<p>labour rights. (RLA 1750 EUR)</p> <p>* <u>Greater capacity at the Ministry of Labour, Ministry of Foreign Relations, the Public Prosecutors' Office and in the judiciary to report on the ILO conventions especially the fundamental conventions. (PRLA 1750 EUR)</u></p> <p>*<u>Greater confidence among employers and workers in the reporting procedures. (RLA 1750 EUR)</u></p>			
	<p>Outcome 1.3. The institutions responsible for safeguarding rights are stronger in their abilities to understand, respond, promote and to ensure compliance with the fundamental conventions and Convention 169. (RLA 1750 EUR y Proyecto GTM 1603 RBS)</p> <p>*<u>Proposal for a National Policy on Indigenous Affairs (GTM 1603)</u></p> <p>*<u>Proposal for a Vice Ministry and General Directorship of Indigenous Affairs (GTM 1603)</u></p>			
	<p>Outcome 1.4 Inter-sectorial and tripartite-plus dialogue spaces are established that result in the implementation of the roadmap and the application of the fundamental labour conventions. Tripartite dialogue spaces lead to the creation, adoption and application of a mechanism of consultation of indigenous peoples</p>			

	<p>within the framework of an effective application of Convention 169. (RLA 1750 EUR and GTM 1603 RBS)</p> <p><u>*Proposal for a consultation mechanism for indigenous peoples in the framework of Convention 169. (GTM 1603)</u></p> <p><u>*Social dialogue is strengthened between the private sector and unions to improve labour relations (RLA 1750 EUR)</u></p>			
Type of Action included in Roadmap	<p>*The fight against violence targeting union leaders.</p> <p>*Reforms to the Labour Code and other laws that contribute to the implementation of fundamental labour rights</p> <p>*Awareness and training about freedom of association, collective bargaining, social dialogue among government institutions, employer and worker organizations and other social partners.</p> <p>*The ILO office in Guatemala supports the tripartite constituents to apply the roadmap and encourage the international community to facilitate the necessary resources for the ILO to provide this support.</p>			
Pre-conditions for the completion of the activities and planned outcomes	<p>*Interest among actors in participating in the process of strengthening capacity and in the various activities within the project.</p> <p>*Willingness among government institutions, employers and worker organizations and indigenous people to engage in social dialogue.</p> <p>*Low turnover among government officials in institutions involved in project execution.</p>			
Pre-conditions for the completion of the planned products	<p>*Interest among authorities to strengthen institutionality</p> <p>*Political commitment and allocation of government resources for the ratification and/or effective application of fundamental labour agreements</p> <p>*Good faith of parties involved in social dialogue to comply with the agreements produced during the process.</p> <p>*Legislature fulfils its role of approving laws and regulations.</p> <p>*Political and social stability in the country.</p>			

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

1.4 Issues faced by Guatemala in the thematic areas of the ILO intervention

Application of the fundamental principles and rights at work

11. While Guatemala has ratified the ILO's eight fundamental conventions,² the principle challenge it faces is ensuring their effective application. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has made observations over the course of many years on the status of the application of these conventions in Guatemala. The most significant came in the 2012 in the form of a complaint about Guatemala's failure to observe Convention 87 on the freedom of association and the right to organise.
12. According to ILOSTAT, union membership in Guatemala in 2010 was 3.2 percent and 3 percent in 2015. In interviews with government representatives, employers and worker organizations, they estimated the number to be between 2 and 3 percent currently. One of the principle factors that limits workers' ability to exercise freedom of association is legislation that falls short of international standards. Some of the problems include: (a) the legislation is out of date, dating back 50 years; (b) in order to have unions by industry the law mandates that 50 percent of the workers must be affiliated; (c) the law requires union leaders to be Guatemalan born; (d) to call a strike, 50 percent of the workers in the company must participate, and (e) the law also includes labour, civil and criminal sanctions for strike participants.
13. These limits to the freedom of association have contributed to a reduction in collective bargaining events each year (between 10 and 15 according to the 337th session of the Governing Body of the ILO).³ Still, there are other contributing factors including: (a) the lack of a regulatory framework in public administration to create legal certainty for collective bargaining, (b) the reluctance among government officials to engage in collective bargaining because they can face criminal penalties if the agreements are not viable due to insufficient budget and (c) lack of information, capacity and will among workers and employers to carry out a negotiation that leads to agreements that benefit both parties.

Indigenous communities

14. According to the Guatemalan National Statistics Institute (INE, for its Spanish initials) 44 percent of the country's population is indigenous.⁴ The institute said this year that according to the ENCOVI, the Survey on Living Conditions, the rate of poverty among

² Convention 29 on forced labour, Convention 87 on freedom of association and the right to organise, Convention 98 on the right to organise and collective bargaining, Convention 100 on equal remuneration, Convention 105 on abolition of forced labour, Convention 111 on discrimination (employment and occupation), Convention 138 on the minimum age and Convention 182 on the worst forms of child labour.

³ Taking into account that the number of existing unions (according to one of the interviews conducted during the evaluation the official statistic counts approximately 2,400 unions in Guatemala but worker organizations say they are about 800 active unions) there is a large gap between how many collective bargaining events take place and how many could take place.

⁴ In 2018, according to the XII National Population Census and the VII Housing Census, this percentage was practically the same at 43.8%.

the indigenous population is 79.2 percent and 46.6 percent among the non-indigenous population. The increased vulnerability of the indigenous population can also be seen in its levels of access to education, health, employment and in its diminished political participation.⁵ Despite this population's vulnerability, there is insufficient public investment in this segment of the population. According to the Central American Institute of Fiscal Studies (2017)⁶, in 2015 for each quetzal invested in the non-indigenous population, the state only invested 45 cents in an indigenous person.

15. Guatemala ratified ILO Convention 169 on indigenous and tribal Peoples in 1996. In addition, the Constitutional Court (CC) has ruled that the articles of the convention have the rank of constitutional laws. The legal framework includes various levels of participation of indigenous peoples. However, the ILO's CEACR and other international organizations have made statements on the need to adapt a mechanism for participation and consultation for an effective application of Convention 169.
16. The lack of mechanisms for consultation limit the ability of indigenous people to exercise their rights. It also limits opportunities for growth, investment and employment in cases in which the Constitutional Court suspends and cancels projects, something interviewees revealed has resulted in losses equal to one percent of the country's Gross Domestic Product (GDP).
17. Another problem is that there are more than ten public institutions with some form of oversight or functions related to indigenous peoples, but not one lead institution to coordinate efforts on this issue (the Ministry of Labour is one of these institutions because it is charged with promoting the application of ILO Conventions, including Convention 169.) The institution that is responsible for issues related to indigenous communities has a lower rank in the governmental hierarchy. It is the Unit of Indigenous Communities, which belongs to the Directorship of Social Prevention, which is part of the Vice Ministry of Social Prevention and Employment. Currently, it has only six employees.

Promotion and verification of adequate labour conditions

18. The design documents for GTM 1801 USA identify the inadequate application of labour legislation in administrative headquarters (the departmental delegations) and labour courts as factors that contribute to the failure to comply with labour rights. Specifically, it identifies the following problems in the General Labour Inspection Office (IGT) and the judiciary: (a) the IGT doesn't have sufficiently specialized human resources; (b) the IGT doesn't possess adequate infrastructure or logistics, especially in the departmental delegations; (c) the IGT does not plan inspections nor does it have protocols to standardise administrative actions in the sanctioning process; and (d) judges lack the training and expertise necessary to efficiently and safely process labour cases following a standardized procedure.

Job Creation

⁵ In [Annex 1a](#) there are statistics on higher levels of vulnerability in the indigenous population as compared to the non-indigenous population,

⁶ "Public investment in indigenous peoples, according to budget spending 2015".

19. According to the National Survey on Employment and Income (ENEI) 2018-20, the rate of labour participation is 60.9 percent; and the labour conditions in the employed Economically Active Population (EAP) are very precarious with low rates of social security affiliation and employment contracts, high levels of informality, and low incomes. As occurs in other countries in Latin America and the Caribbean (LAC), the situation is even more critical among the juvenile population.

Table 3. Labour indicators in Guatemala for total population and youth population, 2018.

Indicators	Total Population	Juvenile Population
Total Population	11,735,646	4,942,579
EAP	7,145,191	2,836,649
Rate of participation	60.9%	57.4%
% of EAP who are employed	98.0%	96.5%
<i>Labour conditions of the employed EAP</i>		
% employed EAP working in agriculture, livestock, forestry or fishing,	32.9%	35.1%
% employed EAP affiliated with the Guatemalan Institute for Social Security (IGSS)	22.0%	17.5%
% employed EAP with contracts	34.6%	
% employed EAP without contracts	69.5%	70.3%
Average monthly income employed EAP	2,260 quetzales ⁷	1,806 quetzales

Source: Created by the author with data from ENEI 2018-2, INE of Guatemala.

20. According to the ILO's "Labour Panorama 2019 in Latin America and the Caribbean" as of the third trimester of 2018, the proportion of the employed EAP contributing to the pension and health systems is much lower in Guatemala than in the rest of the region. Another particularity in Guatemala is that the minimum wage has had a smaller increase than the regional average and average real wages in Guatemala have decreased. The proportion of youth that neither study nor work is much greater in Guatemala than in LAC⁸.

21. The above described situation occurs despite the fact that Guatemala is a country that has enjoyed moderate, sustained economic growth in recent years, with an average annual growth of 3.6 percent over the past 15 years, according to the Bank of Guatemala. However, according to UNDP 2017-2032, the principal obstacles to job creation are: (a) the fact that it is not the focus of macro-economic policy; (b) there are low rates of public and private investment; (c) the productive structure is not sufficiently diversified; and (d) there are weaknesses in the National Employment Services (SNE) and the National System of Labour Information.

Protection of workers from unacceptable forms of work. One of the principal unacceptable forms of work is child labour.

22. In 2014, according to MINTRAB⁹, 790,243 children and adolescents from 7 to 17 years of age work. This represents 18.2% of the total population of children and adolescents in the country. The same source reveals that the majority of these

⁷ Approximately \$300 at the current exchange rate of 7.65 quetzales to the dollar.

⁸ Annex 1b includes statistics for the indicators mentioned in this paragraph.

⁹ "Report on Child Labour in Guatemala: National Survey on Living Conditions– ENCOVI 2014"

children work in the agricultural, livestock and fisheries sectors (57%); they work an average of 35 hours a week¹⁰; their average income is 384.3 quetzales a month (a mere 15% of the legal monthly minimum wage for 2014); and 88.5% work in dangerous activities.

23. According to ENEI in 2016 there were 242,000 domestic workers in Guatemala. According to the Association of Domestic and Maquila Workers ATRAHDOM (2017)¹¹, 92% are women, 62% are indigenous women, and 43% are between the ages of 14 and 26. According, to the same source, the majority receive salaries that are below the legal minimum wage (80%),¹² work between 12 and 22 hours a day without overtime pay (70%) and are victims of harassment and sexual, physical, verbal and psychological abuse (73%); while very few receive paid vacation (19%) or are beneficiaries of social security (2%).

2. Background, objectives and methodology of the evaluation

24. In compliance with the evaluation requirements established in ILO policy and in order to improve the performance and articulate the role and effectiveness of the ILO in Guatemala to donors and other UN system agencies, the ILO's Evaluation office undertook an independent cluster evaluation of the ILO's work in Guatemala.
25. The evaluation covers the 2018-2019 period and the first three months of 2020. It follows the ILO policies and procedures for evaluations, which adhere to the international evaluation standards of the OECD/DAC and the UN's norms and standards for evaluation. The evaluation was undertaken between January and April 2020 and included a field mission to Guatemala from March 2-11.
26. The clients for the evaluation are: (a) the ILO constituents in Guatemala, tripartite members of the national consultative committees, and other strategic organizations (b) project personnel, the ILO country office, the regional office and personnel in the field and the headquarters and (c) the donors.

2.1 Focus and methodology of the evaluation

27. The cluster evaluation has the dual objective of accountability and learning. It has both a retrospective and a prospective viewpoint. It is a strategic evaluation of the effectiveness and impact of the interventions implemented in the country, their connection to other interventions in the country, and the linkage between medium range objectives and the organization's achievements.
28. For this reason, the evaluation adopted a ToC focus, taking into account the ILO country programme priorities. Specifically, the methodology included an examination of the ToC in light of the multiple interventions being evaluated. The

¹⁰ Employed children who also study dedicate an average of 27 hours a week to work and those who do not study, work 43 hours a week. There is nearly no difference between the number of hours worked by girls and boys.

¹¹ "The situation of women domestic workers, maquila and farm workers in Guatemala".

¹² According to the ILO's "Labour Panorama 2019 Latin America and the Caribbean" between 2012 and 2018 the average monthly salary in real terms for domestic workers has decreased by 4.9 percent in Guatemala, while the average in LAC has increased by 14.4 percent.

evaluation also paid specific attention to how the ILO interventions in Guatemala are relevant to other frameworks of ILO policies and programmes at the national level, the UN's work programme in the country, the national strategy for sustainable development and other relevant frameworks for national development.

29. At the same time, the evaluation integrates the ILO's crosscutting issues: International Labour Standards, social dialogue, gender equality, and non-discrimination. With regard to ILS and social dialogue, the EVAL guide for standards¹³ was used, allowing for an analysis of their incorporation into project design and implementation. When it comes to the issue of gender, the evaluation includes a gender-balanced selection of primary sources in addition to breaking down intervention outcomes by gender in cases where this information was available. In interventions where gender was not a focus or wasn't taken into consideration, the evaluation posed questions that seek to ascertain whether gender equality was incorporated in the design and implementation of the ILO's intervention.
30. The evaluation also focuses on other specific issues like risk analysis in the project, exit strategies, medium and long terms effects of the initiatives on capacity building, and the sustainability of the outcomes and their contribution to the SDG.

2.2. Criteria and questions for the evaluation

31. The evaluation examined the ILO intervention based on criteria established by the OECD/CAD: a) relevance, b) design validity and coherence c) effectiveness d) efficiency (e) effectiveness of management and f) likelihood of impact and sustainability. It also identifies lessons learned and best practices to provide feedback for future actions. The guiding questions for each criterion can be found in Annex 2a.
 - The relevance of the intervention was analysed with respect to the country's needs and its alignment with the national frameworks for development and ILO and UN planning and programming tools. The evaluation of relevance and validity of design included the construction of a ToC for the ILO intervention in Guatemala and an assessment of the participation of the constituents in the design of the intervention.
 - The evaluation for effectiveness analysed whether the ILO intervention achieved the expected results, in which areas and/or priority populations were the achievements the greatest or more limited and why. It assessed the main contributions of the ILO and limitations faced during the implementation of the overall intervention.
 - When it comes to efficiency, the evaluation reviewed the projects' budgetary execution, the synergies among ILO projects, and between the ILO interventions and those of its strategic partners.
 - For effectiveness of management, the evaluation analysed what type of support the Country Office for the ILO for Central America, Panama, Haiti and the Dominican Republic and technical departments in Geneva provided. The evaluation asked the constituents about the advantages and disadvantages of working with the ILO.

¹³ Adapting evaluation methods to the ILO's normative and tripartite mandate".

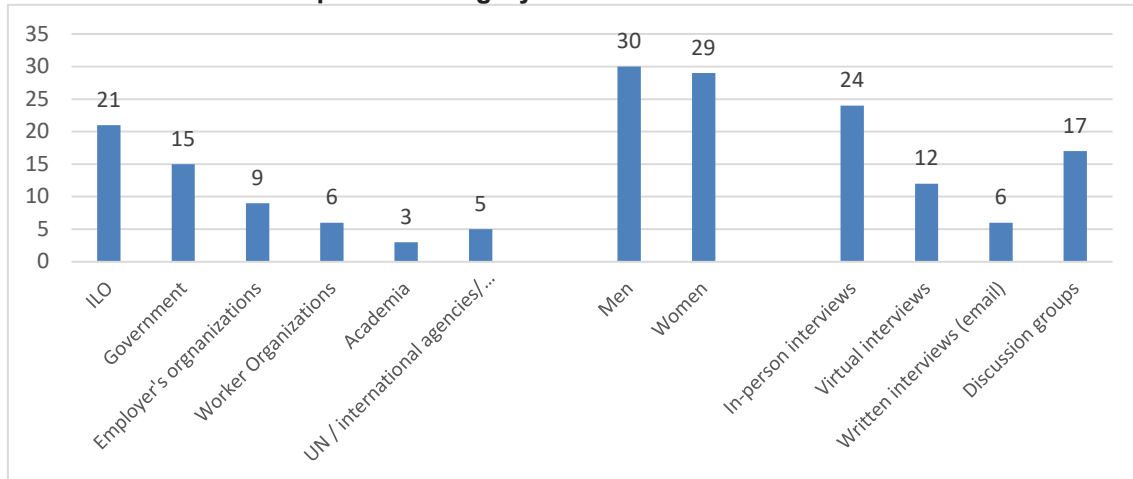
- The evaluation of likelihood of impact and sustainability assessed how the ILO contributed to increasing knowledge and improving attitudes and performance of representatives of public sector institutions, employers and worker organizations and indigenous peoples. It also assessed whether it strengthened institutions including inspections, courts and institutions responsible for protecting labour rights. Finally, it considered the creation and implementation of norms, policies and plans.

2.3. Evaluation methods and tools for gathering information.

32. The evaluation used mixed methods that allowed for an analysis of quantitative and qualitative data that demonstrate outcomes and make them visible. These included qualitative impact evaluation elements. The evaluation employed techniques for collecting data to guarantee the validity and rigour of the findings. It used a participatory focus that involved key, interested parties like the tripartite constituents, ILO personnel and strategic partners.
33. The evaluators conducted in-depth interviews with ILO staff, and representatives of the constituents and the UN, academics and donors. During these interviews, the evaluation asked questions related to the different evaluation criteria, placing a greater emphasis on the issues and projects in which the interviewees were most involved. The evaluation also organized three group discussions with employers' organizations, with worker organizations and one with representatives from MINTRAB. In contrast to the in-depth interviews, in these discussions the evaluation asked about the different themes on which the ILO interventions were focused.
34. 59 selected stakeholders were consulted based on the extent of their participation in the ILO interventions in the different thematic areas or their knowledge about the ILO intervention.¹⁴ Annex 2b includes the interview questions and questions for the group discussions, broken down by the type of institution. Annex 2c contains the full list of interviewees and those who participated in the group discussions. The following graphic shows the breakdown of these individuals by the institution, sex, and form of information gathering.

¹⁴ At the start of the evaluation the ILO Country Office for Central America, Panama, Haiti and the Dominican Republic provided a list of the actors who participated in the implementation of the ILO's intervention in Guatemala, in the different thematic areas. Evaluators selected interviewees, based on the abovementioned criteria, from this list.

Graphic 1. Category of consulted stakeholders



35. The evaluation also reviewed and analysed secondary sources of information, which can be separated into the following categories (Annex 2d includes a detailed list of the materials reviewed):

- Documents about the design of the broader ILO intervention in Guatemala and the projects that formed part of it.
- Documents on the national development framework and ILO and UN planning and programming tools.
- Documents on the needs and issues facing the country in the various areas in which the ILO has been involved.
- Documents related to the execution of the overall ILO intervention in Guatemala and the projects that formed part of it.

36. For each of the evaluation criteria and evaluated themes, the information from primary and secondary sources were triangulated to provide evidence to support the evaluation's findings.

37. During this process, we maintained the utmost confidentiality with interview subjects' comments and those of the members of the discussion groups, respecting the UN guidelines for conduct during and ethical principles for evaluation.

2.4 Limitations of the evaluation

38. One limitation is the fact that there was not an explicit ToC in the ILO's comprehensive intervention in Guatemala. However, by reviewing the design documents for the projects and through the interviews, we suggested plotting out a ToC for the intervention during the evaluation process. This proposal was validated by the director of the ILO's country office for Central America, Panama, Haiti and the Dominican Republic.

39. A second limitation was that it was impossible to secure interviews with about 20 percent of the individuals on the interview list. In almost all these cases they were ex-functionaries of MINTRAB or SEPREM who no longer work in these institutions and were therefore unable to participate. It was not possible to interview the representatives of the Guatemalan Workers Union (CGTG) or the Confederation of

Guatemalan Unions (CUSG). However, in the case of MINTRAB the evaluation was able to speak to some officials from different areas, units or departments, who were not on the original interview list but were nevertheless involved in the ILO intervention. The evaluation was able to speak with representatives from the Federation of Worker Unions of Guatemala (UNSITRAGUA), global unions or the Domestic Workers' Union (SITRADOMSA), as planned.

40. Another limitation was the lack of objective evidence on the increase in knowledge and improved performance among the people who were trained through this intervention. No mechanisms or instruments to measure these achievements were contemplated in the design of the intervention. The findings presented in the report in this regard are based primarily on qualitative information gathered during the evaluation consultation process, as well as secondary information at the project level.

3. Findings of the Evaluation

3.1. Relevance

41. **The ILO intervention is relevant to existing challenges the country faces with regard to observing the fundamental principles and rights at work; low rates of union membership and collective bargaining; increased vulnerability of the indigenous population; high rates of child labour and domestic labour; precarious working conditions in the population at large and more severely among youth, indigenous peoples, children and domestic workers.**
42. In the first section of this report, the evaluation presented information that reveals the magnitude of these problems and their causes, which are principally related to two factors. The first, is the country's lax regulatory framework, including inadequate labour laws on international labour standards and the lack of a mechanism for participation and consultation for the effective application of Convention 169. The second is weak institutions including the inexistence of a high-level governing body to coordinate on indigenous issues and a weak labour inspector's office, judiciary, SNE and in the National System for Labour Information.
43. **The ILO intervention in Guatemala is also justified by its alignment with the national framework for development and the ILO and UN planning and programming instruments.** The first section of this report established the various priorities, outcomes, areas and focal points of these frameworks and instruments to which the ILO intervention is linked under the Theory of Change. The thematic areas and the ILO country outcomes (CPO) for Guatemala are aligned with the following ILO and UN policy and programming tools and national development frameworks:
 - (a) ILO Regional Strategy for Latin America and the Caribbean 2018–2019;
 - (b) ILO Programme and Budget 2018 – 2019;
 - (c) UNDP Development Assistance Framework (UNDAF) 2015-2019;
 - (d) National Development Plan “K’atun Nuestra Guatemala 2032”; and
 - (e) National Plan for Decent Work (NPDW) 2017-2032.
 - (f) Strategic Plan and planification tools from MINTRAB, particularly materials on labour inspection.

44. The alignment with the ILO instruments is even more profound because the strategies and categories of interventions and actions for the Regional Strategy 2018-2019, and the priorities and products that are most relevant to the Programme and Budget 2018–2019 are incorporated as objectives, outcomes and/or products in the ILO projects in Guatemala. Specifically, in the Regional Strategy, priority 3, “Respect and application of ILS and labour legislation” the proposed strategies include the promotion of freedom of association and collective bargaining, promotion of a culture of social dialogue, and respect for and application of Convention 169 on indigenous peoples. These are related to the outcomes of the projects GTM 1603 RBS and RLA 1750 EUR (CPO GTM 826); Meanwhile the issues of labour management and inspection are related to project GTM 1801 (CPO GTM 101) and actions to eradicate child labour are related to CPO GTM 128.
45. At the same time, for Priority 1” Productive development policies for inclusive growth and more and better jobs” one of the proposed strategies is to strengthen the capacities of the constituents with regard to job creation policies. This is related to one of the planned products in the design of GTM 1852 SWE (CPO GTM 129).
46. In the ILO Programme and Budget 2018-19, among the priorities of Outcome 2, “Ratification and application of international labour standards” are awareness, capacity building and exchange of information and best practices in order for countries to report on progress made in applying ILS and for constituents to participate in processes that are conducive to the adoption, ratification, application, monitoring and follow up, and review of ILS. These are incorporated in the outcomes and products of the projects GTM 1603 RBS and RLA 1750 EUR (CPO GTM 826). At the same time, among the priorities of Outcome 7, “Promotion of safety at work and compliance with workplace norms” are strengthening the inspection services that are responsible for carrying out the norms and overseeing their application and strengthening the capacities of social partners and governments to address issues related to safety at work. Both of these are goals and products in GTM 1801 (CPO GTM 101).
47. The priorities for Outcome 1, “More and better jobs for inclusive growth and improved youth prospects” include providing advice for the creation of comprehensive employment policies and to facilitate tripartite dialogue on employment policies. Both of these are connected to GTM 1852 SWE (GTM 129). Among the priorities of Outcome 8, “Protecting Workers from Unacceptable Forms of Work”, are promoting the ratification and application of fundamental conventions and other ILS through awareness activities. These are related to the products included in the design of GTM 181 SWE (CPO GTM 128).
48. In contrast, alignments with UNDAF only occur in one of its areas, “Diverse and Multicultural Society.” In addition, it only occurs with one of the priority actions, “State as the guarantor of human rights and driver of development,” of K’atun Nuetra Guatemala 2032”. In both cases, the connection with the ILO intervention occurs at the level of objectives and not strategies or products.
49. UNDAF 2015–2019 aligns with the ILO intervention in Area 5, “Diverse and Multicultural Society”. Its results and indicators are related to the ILO intervention. One result contemplated in this area is that “indigenous people exercise active citizenship and participate effectively in making decisions on development at the

community, municipal, departmental and national level” which is related to GTM 1603 RBS and CPO GTM 826. The other result is “public institutions and civil society develop mechanisms to defend against all forms of stigma and discrimination against LGBTI people, women, indigenous and other vulnerable groups,” which is related to the GTM 181 SWE (CPO GTM 128).

50. Some planned indicators for these results are also related to the objectives, outcomes and products of GTM 1603 RBS and GTM 181 SWE. For the first result these indicators are “indigenous organizations and communities know and exercise their rights, in particular their right to participate in decision making and the public policies that affect them”; and “the establishment of a legal framework to undertake the processes of consultation as established by the legal framework and according to Convention 169 and international standards for human rights.” The second result’s indicators are “public institutions adopt policies oriented at eliminating stigma and discrimination against vulnerable groups.”
51. The alignment with the national development framework and the National Development Plan K’atun Nuestra Guatemala occurs with priority five, “The state is the guarantor of human rights and the driver of development.” It also aligns with the priority “democratic governance”, which has as an expected result “there exist public institutions that have the goal of attending and mediating social conflict and the implementation of the processes or prior and good faith consultations as per Convention 169.” This is closely related to the results expected from GTM 1603 RBS (CPO GTM 826).
52. There is also alignment, albeit in a more general form, between the objectives and outcomes of GTM 1801 USA, (CPO GTM 101) and the priority “Strengthening the capacity of the state to respond to the challenges of development” which is also part of focus five of the NPDW. This priority contemplates among its results, “the structure and functions of public institutions have been reformed in order to respond in a competent, specialized, orderly and modern way to the challenges of development” and the labour inspectors’ office is part of government institutionality.
53. NPDW 2017-2032, has been the instrument of reference for defining the results and products of GTM 182 SWE. The following table provides a detailed summary of the identified points of alignment.

Table 4. Alignment of the ILO intervention in Guatemala 2018 – 2019 with ILO, UN, and national policy instruments

Intervention Area/	ILO Instrument	UN Instrument	Country Instrument
Ratification and application of the fundamental principles and rights at work. <i>GTM 826 – Improved capacity of the stat to ratify and apply ILS and</i>	<u>ILO Regional Strategy for LAC 2018-2019</u> – Priority 3 Respect and application of ILS and labour legislation/Indigenous peoples and Convention 169 and respect and application of labour norms <u>ILO Programme and Budget 2018 – 2019</u> – Outcome 2	<u>UNDAF 2015 – 2019- Area 5 Multicultural and diverse– Effect</u> Indigenous peoples, particularly youth and women exercise active citizenship and participate effectively in decision making on development at a	<u>National Development Plan 2032</u> – Priority 5 The state is guarantor of human rights and the driver of development – Priority democratic governance

<i>fulfil reporting obligations</i>	Ratification and application of ILS	community municipal and national level.	
Promotion and verification of adequate labour conditions / <i>GTM 101 – Modernized and strengthened labour inspection system</i>	<u>Regional Strategy for LAC 2018-2019</u> – Priority 3 Respect and application of ILS and labour laws / labour administration and inspection and prompt and fulfilled justice and resolution of labour conflicts <u>ILO Programme and Budget 2018 – 2019 - Outcome 7</u> Promoting safe work and workplace compliance including in global supply chains		<u>National Development Plan 2032</u> – Priority 5 The state is guarantor of human rights and the driver of development– Priority Strengthening the capacity of the state to respond to development challenges
Generation of employment / <i>GTM 129 – Reducing the vulnerability of low-income entrepreneurs through improved management</i>	<u>ILO Regional Strategy LAC 2018-2019</u> – Priority 1 Policies for productive development for inclusive growth and more and better jobs for all <u>ILO Programme and Budget 2018 – 2019 – Outcome 1</u> More and better jobs for inclusive growth and improved youth employment prospects.		<u>National Employment Policy 2017-2032</u> – Priority 1 Generation of work, Focal point 2 Human capital development, focal area 3 Promotion of a conducive environment for the development of companies and Focal point 4 Transition to formality
<i>Protection of workers from unacceptable forms of work / GTM 128 – Implementation of sectoral policies for HIV in the world of work through programmes in the workplace</i>	<u>ILO Regional Strategy for LAC 2018-2019</u> – Priority 3 Respect and application of ILS and labour laws <u>ILO Programme and Budget 2018 – 2019- Outcome 8</u> Protecting of workers from unacceptable forms of work	<u>UNDAF 2015 – 2019</u> – Area 5 Multicultural and diverse society– Public institutions and civil society develop mechanisms for the defence against all forms of stigma and discrimination towards LGBTI, women, indigenous, and other groups in vulnerable conditions	

54. According to the ILO’s programming documents, it is expected that the country outcomes, or CPOs will contribute to achieving various SDG indicators for which the ILO is responsible (see table 5).

Table 5. SDG Indicators to which the Guatemala Country Outcomes 2018-2019 will contribute, 2018-2019

Intervention Area / Country Outcome	Goals of the SDG indicators related to the outcome
Ratification and application of the fundamental principles and rights at work <i>GTM 826 – Improved capacity of the state to ratify and apply ILS and comply with reporting obligations</i>	8.8.2
Promotion and verification of acceptable work conditions / <i>GTM 101 – Modernized and strengthened labour inspection system</i>	8.8.1
Job creation / <i>GTM 129 – Reduction of the vulnerability of income entrepreneurs through improved management</i>	8.2.1, 8.5.1, 8.5.2, 8.6.1 and 8. b.1
<i>Protection of workers against unacceptable forms of work / GTM 128 – Implementation of sectoral policies on HIV in the world of work through workplace programmes</i>	5.5.2, 8.5.1, 8.5.2, 8.7.1 y 8.8.2

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

3.2. Validity of the design and coherence

55. According to the reconstructed ToC presented in section 1 of this report, the expected, long-term impact of the overall ILO intervention in Guatemala is to contribute to reducing the gap in decent work and to strengthen the application of the fundamental principles and rights at work. To this end, specific ILO interventions (reflected in the CPO and implemented through projects) seek to: increase the government’s capacity to enforce labour laws and guarantee fundamental labour rights; promote the effective application of Convention 169; strengthen compliance with acceptable work conditions and labour laws in the export agriculture sector; implement employment and productive development policies contemplated in the NPDW; and design, apply and supervise policies and regulations to prevent and protect workers from unacceptable forms of work, with an emphasis on child labour and domestic work.¹⁵

56. Despite the fact the interventions did not utilize a comprehensive Theory of Change, the alignment of these interventions during the 2018-2020 period shows that **all of the interventions were focused on contributing to a reduction in gaps in decent work and strengthening the application of the fundamental rights at work. They all contemplated strategies of strengthening capacity and social dialogue to achieve this end. Additionally, among some of the projects there are relationships based on action and/or target populations.**

57. **The expected results of the ILO intervention include improvements in knowledge and performance of government functionaries, representatives of employers and worker organizations, strengthening institutions, creation of proposals for norms, policies or plans that provide sustainability to the**

¹⁵ In Annex 3a the objectives, outcomes and products of each of the projects are detailed exactly as they appear in the design documents.

intervention outcomes. This is appropriate considering the lax regulatory framework and weakness of institutions, described in detail in the above section, are precisely the issues the ILO intervention seeks to address.

58. However, **the design of the projects that are part of the ILO intervention have not contemplated mechanisms, instruments nor forms of verification to measure the increase in knowledge, changes in performance, nor whether dialogue spaces have been strengthened.**
59. In the ToC, the necessary preconditions for the ILO intervention can be grouped in two categories:
- a. Those that need to be completed in order to carry out the activities or products planned in the design of the projects; and
 - b. Those that should be achieved during the implementation of the activities or products to achieve the planned outcomes
60. The first group includes: interest among actors to participate in project activities; the willingness of the government agencies, employers and worker organizations, and indigenous groups to engage in social dialogue; and low turnover of officials at the institutions involved in implementing the projects.
61. Within the second group are: the level of interest of the authorities in strengthening the institutionality; political commitment and government resources assigned for the ratification and/or application of the fundamental labour conventions; the good faith of the parties to comply with agreements arrived at during social dialogue; the legislative body performs its role and approves norms; and social and political stability of the country.
62. According to the interviews conducted, **the design of the projects that are part of the overall ILO intervention are more a response to the demands of the constituents in specific thematic areas and to requests from donors, than they are to detailed planning by the ILO.**
- GTM 1603 RBS (Convention 169) was requested mainly by the employer's organizations and GTM 1852 SWE (employment) by MINTRAB. It is a global intervention that includes numerous countries and competitive funding from Sweden. GTM 1851 SWE (domestic workers) is also a global intervention that falls under the same modality of financing which also comes from Sweden.
 - RLA 1750 EUR (compliance with ILS) comes from an initiative of the European Union (EU) within the framework of the implementation of the Association Agreement that was signed in 2012 with Guatemala and other countries in Central America. GTM 1801 USA (inspections) after the ILO won a cooperative agreement with the US Department of Labour (USDOL) (Inspections).
63. The constituents, in particular the government and employers' organizations, didn't participate in the design of the projects except in the case of GTM 1603 RBS. MINTRAB participated in the design of GTM 1852 SWE. In both cases their role was one of consultation. In contrast, the donors were more active participants in planning the general structure of the project design (goals, outcomes) of RLA 1750 EUR and GTM 1801 USA.

Incorporating a gender and non-discrimination focus in the design of the ILO intervention.

64. According to the XII Population Census and the VII Housing Census of 2018, 51.5 percent of the population of Guatemala is female. Gender inequality is noticeable in education (literacy, average years of study) and particularly in employment (rate of participation, unemployment), income, hours dedicated to the home, and political participation.¹⁶ One indicator that summarizes this situation is the World Economic Forum's global gender inequality index in which Guatemala was ranked 113 out of 153 countries in 2020.¹⁷
65. **The ILO intervention incorporates a crosscutting gender equality and non-discrimination focus in its design, motivating the participation of women in the training activities and providing training on gender equality, equal work conditions and legislation on discrimination.**
66. **Only some projects incorporate a gender equality focus in their design in a more explicit manner because the beneficiary population is exclusively female (indigenous domestic workers, in the case of GTM 1851 SWE); because the project includes activities and strategies to promote women's participation in decision-making spaces (GTM 1603 RBS, also with indigenous women) or because they plan interventions on issues related to labour inspection that take into account gender-based non-compliances like failing to protect the right of maternity and equal pay or sexual harassment and violence in the workplace (GTM 1801 USA).**
67. In contrast, RLA 1750 EUR and GTM 1852 SWE are expected to contribute to decent work and the exercise of the fundamental principles and rights at work of the population at large, including women. However, there are no specific strategies with a gender focus.

Incorporation of ILS and social dialogue in the ILO intervention design.

68. **In some projects contributing to the implementation of ILS constitutes a central focus, while in others ILS underpin the intervention but their ratification or application are not objectives of the project.**
69. Among those in the first category are RLA 1750 EUR, whose objective is to improve compliance with ILS (principally ILO Conventions 87 and 98 on freedom of association and collective bargaining); and GTM 1603 RBS on the implementation of Convention 169 on indigenous people.
70. The second category includes GTM 1852 SWE, whose strategies are based on the fundamental principles and rights at work, principally Convention 122 on employment policies. It also includes GTM 1801 USA, which focuses its strategies on Conventions 81 and 129 on labour inspection, Convention 150 on labour management and Convention 155 on safety and health of workers.

¹⁶ Annex 3b presents statistics that demonstrate these gender equity gaps.

¹⁷ This index includes four areas: economic participation, academic achievement, health and political empowerment.

71. GTM 1851 SWE is a special case. While its objectives and outcome don't include the ratification of Convention 189 on domestic workers, it does include strategies and activities to establish a favourable context in which an appropriate regulatory framework (including the ratification of Convention 189) can be created to prevent and protect domestic workers from unacceptable forms of work.
72. **Social dialogue is, along with strengthening capacities, the strategy most used by the projects to achieve their outcomes and objectives. The ILO intervention seeks to generate greater trust and strengthen capacities of social partners for a more active and informed participation in existing social dialogue spaces.¹⁸ These spaces serve as mechanisms for following up on the implementation of the roadmap, the governing body's comments and for the official compliance reports on the fundamental conventions (RLA 1750 EUR). They also serve as spaces for the creation of the consultation mechanism for indigenous peoples within the framework of Convention 169 (GTM 1603 RBS); and the creation of implementation plans for NPDW (GTM 1852 SWE).**

3.3. Effectiveness

73. This section presents an analysis of the effectiveness of the ILO intervention in Guatemala, first in a global manner and then broken down by each of the projects (undertaken by the ILO to achieve the CPO) which are included in this cluster evaluation. This analysis also takes into consideration CPO GTM 132 "Regulatory framework and policy on migration based on a multilateral framework" and its associated project GLO 1569 EUR, which is executed with UE funds.¹⁹

3.3.1 Global Analysis of the Effectiveness of the ILO Intervention

Increasing Knowledge

74. **The representatives of the constituents interviewed for this evaluation agreed that the overall ILO interventions during 2018-2020 have contributed to an increase in knowledge on various topics ILO has worked on** among the following government representatives: judges and magistrates of the Supreme Court of Justice—CSJ, prosecutors from the Public Prosecutors' Office, inspectors, departmental delegates and other MINTRAB workers, lawyers of the Constitutional Court, personnel from the Human Rights Ombudsman's office and representatives of the employers, and worker organizations and indigenous groups.
75. In some cases, the training actions were not undertaken as planned, as in the case of the training labour court judges on Decree 07-2017 as part of GTM 1852. In other

¹⁸ For example, the Tripartite Committee for the Resolution of Conflicts at the ILO; CNTRLLS with regard to the implementation of the roadmap; and the inter-institutional technical roundtable with regard to plans to implement the PNED.

¹⁹ The analysis in this project is less complete in that what it seeks to accomplish is to provide an input for the final independent evaluation of this project, which the donor is managing directly. That said, it is important to point out that this project is aligned with the ILO project in Guatemala and the SDG and is part of the comprehensive intervention of the ILO in Guatemala, maintaining close coordination with many of the other projects that are also part of this intervention and with international cooperation agencies, principally the IOM.

cases, there is no evidence that the training improved knowledge among the constituents as in the training on Convention 169 with Congress as part of GTM 1603. Table 6 provides more details on the issues covered in training initiatives

Table 6. Topics in which the ILO intervention in Guatemala 2018-2019 increased knowledge among constituents.

Project	Topic
Labour Standards / RLA 1750 EUR	*Analysis and interpretation of ILS and fundamental ILO conventions, especially 87 and 89 on freedom of association, rights to organise and collective bargaining. *Obligations of the government to report measures adopted to apply the ratified conventions
Convention 169 / GTM 1603 RBS	*Content and scope of the Convention 169 on indigenous communities *How to carry out a consultation process that follows international standards
Inspections / GTM 1801 USA	*Process and administrative issues related to the procedures established in Decree 07-2017 *Occupational safety and health
Employment / GTM 1852 SWE	*Analysis and evaluation of employment policies
Domestic work / GTM 1851 SWE	*Scope and content of ILO Conventions 189 and 190 on domestic work and violence and harassment at work, respectively
Migration / GLO 1569 EUR	*Mandates, norms and guidelines on rights of migrants and fair recruiting

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

Changes in performance and attitudes of government officials

76. **The increase in knowledge among MINTRAB officials on their obligation to report measures taken to enforce ratified conventions is reflected in the fact that in 2018 and 2019 these reports were turned in on time and in acceptable form,** according to reports from CNTRLLS and ILO reports (CEACR and Committee of Application of Norms (RLA 1750 EUR).
77. According to the interviewees, **there have also been changes in the attitudes of the inspectors who have become more aware of their responsibility to ensure compliance with occupational health and safety obligations (GTM 1801 USA). Interviewees report that there have also been changes in attitudes of officials at MINTRAB, who are aware that they play an active role in promoting employment and understand the importance of cooperating across ministries to implement NPDW.**
78. However, in some cases it is too soon to say whether these changes have occurred. For instance, since the training either only recently took place or is still ongoing it is not yet apparent whether there are better legal foundations in the rulings of the Constitutional Court or more efficient inspections with higher quality reports.

Institutional Strengthening

79. **The ILO intervention has contributed to the strengthening of some public sector institutions (IGT, MINTRAB), employers' organizations (in agriculture and the maquila sector) and workers' organizations (SITRADOMSA).**
80. In the project GTM 1801 USA, the IGT adopted measures for planning and managing sanctioning procedures and has now has a greater capacity to sanction and higher rates of collection.
81. GLO 1569 EUR contributed to the fact that the Department of Labour Mobility within MINTRAB now has greater visibility within the ministry and has started to generate support from other international cooperation agencies, according to the evaluation interviews. Similarly, according to interviews, GTM 1851 SWE helped SITRADOMSA increase its membership and its profile with local authorities and the media.
82. The employers organizations have created various new policies including: (a) the agriculture chamber (CAMAGRO) drafted a policy on human rights in the agricultural sector and GLO 1569 helped get the ILO's general principles and guidelines for fair recruiting incorporated into that policy; (b) CAMAGRO updated the strategy of the private sector for the prevention and eradication of child labour²⁰; (c) GTM 1851 SWE helped the maquila sector adopt a policy against harassment and discrimination in the workplace. **These policies are being adopted at the level of sub-sectors and companies to facilitate their implementation. They constitute pioneering experiences in the country.**
83. The training that the ILO has provided to unions has helped them draft proposals (for disseminating information on Convention 169, for reforming the Labour Code's approach to freedom of association, and for implementing the roadmap). According to the interviews in this evaluation, however, these trainings have not resulted in stronger institutions because the government doesn't take these proposals seriously. Similarly, the spaces of dialogue have emerged between unions (on migration, Convention 169, and employment) to create a united front for communicating with other actors, but these haven't translated into stronger institutions either.
84. The integration of regional and global spaces is a learning opportunity for sharing best practices from other countries and for the positioning of the institutions. On the issue of child labour, Guatemala is part of the Latin America and the Caribbean Free of Child Labour Regional Initiative and it is the pioneer country in the Global Alliance 8.7. On the issue of migration, through the sub-regional workshops of the Regional Conference on Migration (CRM), which is organized with the GLO 1569 EUR project, the ILO managed to make labour migration a priority issue of the CRM. This is reflected in the creation of a working group on labour migration in that space. Through GTM 1852 SWE, the ILO supported the incorporation of CACIF in the Global Learning Network, which is an ILO initiative to create training programs for youth that are oriented at increasing their employability within corporations.

²⁰ The Corporate Network for the Prevention and Eradication of Child Labour is running and monitoring the "Off to school, children!" strategy, in which the ILO is participating.

Drafting and approving norms, policies and plans

85. The ILO intervention has contributed to the creation of norms, policies, plans and instruments on the following issues: Convention 169, inspections, employment, labour migration and child labour. In all cases, however, these are still pending review, approval and official publication.

Table 7. Proposals for norms, policies, plans and instruments produced in the framework of the ILO intervention in Guatemala, 2018 – 2019.

Theme / Project	Proposal for norms, policies, plans, instruments	Current Status of the proposal
Convention 169 / GTM 1603 RBS	Mechanism for consultation and participation of indigenous peoples	Proposal submitted to Congress which has not approved it.
	Proposal for a Vice Minister of Indigenous Affairs and a General Directorship for Indigenous Affairs	MINTTRAB and Presidency indicated they wanted to approve the proposal but there was a change in administration. Proposal resubmitted to the new authorities and it is pending approval.
	Policy on Indigenous Peoples and Interculturality I 2019-2030	Proposal submitted to the Presidential Secretary for Planning and Programming. Pending approval.
Inspections / GTM 1801 USA	Instruments to standardize technical criteria for labour inspectors and departmental delegates	Proposal submitted to MINTRAB. Pending approval via ministerial accord.
Employment / GTM 1852 SWE	Implementation plans for the 16 priority areas of the PNED, in the matrix for the strategy for the PNED 2017 – 2032	Implementation plans submitted in December 2019 to MINTRAB. Planning to submit the most relevant aspects of the plan to the new authorities.
	National Policy on Salary	Submitted to the government. Pending approval.
Migration / GLO 1569 EUR	Regulations for the registry, authorization and operations of recruiters and recruiting and placement within and outside of Guatemala	Regulations approved in January 2020 via ministerial accord, Pending official publication.
	Labour migration and fair recruiting	Proposal submitted to the government. Pending approval.
Child Labour / RLA 1750 EUR	Risk identification model for child labour	Model concluded in February 2020. Finalizing regional and departmental materials. Expected presentation to the authorities in May of June 2020.

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

3.3.2 Analysis of the effectiveness of the overall ILO intervention in Guatemala

86. This section presents an analysis of the effectiveness of the overall ILO projects during 2018-19 linked to specific CPOs. Annex 4a contains the effectiveness analysis for each project in greater detail. It also includes a separate analysis of the implementation of the roadmap. A review of this annex is suggested reading for those who are particularly interested in one specific project or in the implementation of the roadmap.

RLA/17/50/EUR – Maintain strengthened national capacities to improve compliance with ILS and the presentation of reports on commercial partners relevant to the EU

87. In the RLA 1750 EUR project, the ILO sought to increase the institutional capacity of the government to comply with labour laws, guarantee the fundamental labour rights and to fulfil its obligation to report to the ILO on measures adopted to apply the conventions it has ratified. At the same time, it sought continuity in the implementation of the roadmap and the strengthening of social dialogue between the private sector and worker organizations to improve labour relations.
88. According to the interviews for this evaluation, the ILO has increased knowledge about:
- a) the application of ILS among judges and magistrates, members of the judiciary, prosecutors from the Public Prosecutors' Office, MINTRAB officials.
 - b) fundamental ILO conventions, Decree 07-2017, the standardization of technical criteria and procedures for the effective exercise of sanctioning capacities, among inspectors at a national level.
 - c) analysis, interpretation, and application of ILO Conventions 87, 98, 169, and 175 and the sentences of the Interamerican Human Rights Court, among the lawyers of the Constitutional Court who are involved in labour cases.
89. This increased knowledge among MINTRAB officials on their obligations to report the measures adapted for the application of the ratified conventions is reflected in ILO reports (CEACR and Committee on the Application of Standards). In contrast to previous years, these are now adequately compiled, include monitoring of the commitments made by previous government administrations, and they are being delivered in a timely manner.
90. When it comes to the implementation of the roadmap, the project aimed to strengthen social dialogue and has supported the operationalization of CNTRLLS. The parties periodically meet, on average once or twice a month, according to review of the CNTRLLS outcomes and to the government body of the ILO.²¹ But between the end of 2018 and the beginning of 2019 there were more than four months in which CNTRLLS did not meet. It did not meet until May 2019 with CACIF presiding over the committee. Congress still has to approve the law that will officially create CNTRLLS (bill 5508 filed in September 2018) to institutionalize this space. There are many opportunities to improve the effectiveness of social dialogue, like making more commitments and accords associated with the implementation of the roadmap.
91. The project also sought to contribute to the continuity of the process for implementing the roadmap. To achieve this end, it provided support for the activities of the special representative of the Director General of the ILO in Guatemala. Even after the mandate of the representative came to an end, it contributed to the continuity of the

²¹ The executive report from CNTRLLS "Compliance with the commitments assumed in the Tripartite Agreement" (2018); CNTRLLS report "Summary of the CNTRLLS actions reported to the ILO by the government of Guatemala" (2019); and report of the governing body of the ILO in the 337th session, "Follow-up to the decision adopted by the Governing Body at its 334th Session to support the National Tripartite Agreement of November 2017 aimed at implementing the road map: Progress report by the Government of Guatemala on action taken."(2019)

presence and participation of the ILO on issues related to freedom of association. While the proceedings related to the 2012 complaint were declared closed in 2018, this is not to say that everything that had been proposed in the roadmap had been achieved nor that all the difficulties that impeded the application of Convention 87 had been overcome.

- Crimes against union members have decreased in the past four years but continue to occur. The proportion of cases which have resulted in sentences have increased slightly but continue to be small (20 percent). Additionally, it takes an average of 4.5 until cases reach sentencing. There has been progress in strengthening the Public Prosecutors' Office which now has a specialized unit that has more staff and financial resources to carry out its work. Recently it has been converted into an independent office. However, the worker organizations maintain that a regulatory and institutional framework to protect workers against crimes committed against them has not been established.
 - The only reform to the Labour Code has been the adoption of Decree 07-2017, which reinstates sanctioning capabilities to the IGT. There were also tripartite agreements made regarding the elimination of criminal sanctions for strikes and the list of no-strike essential services. However, bill 5199, titled "A law to regulate unionization and strikes for government workers", has not yet been approved by Congress. There were no agreements made for issues like the flexibilization of the requirements for striking, for the creation of unions organized by industry, the unionization of government service providers, or the drafting of a labour code.
 - There has not been much progress on the rest of the actions contemplated in the roadmap. The rate of compliance with labour court sentences ordering the reinstatement of illegally terminated workers continues to be around 50 percent. The number of unions registered with MINTRAB and the annual requests for standardisation of collective bargaining agreements have gone down. There haven't been any awareness campaigns with employers and worker organisations on freedom of association and organisation.
92. RLA 1750 EUR has implemented a risk assessment model for child labour in Guatemala. Its results (departmental and municipal risk maps) hopefully will be used to design preventative strategies at a local level and to make more efficient investments. With leadership from the MINTRAB the country is currently finalizing the development of eight regional and 22 departmental fliers, each with a risk map. The ILO developed this model with the Economic Commission for Latin America and the Caribbean, ECLAC, and it has been implemented in eight other countries in the region between Mexico and Costa Rica.

GTM 1603 RBS – Strengthening the capacity of member states to ratify and apply international labour standards and comply with reporting obligations
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93. Through ILO project GTM 1603 RBS, the ILO has tried to strengthen the capacity of the government, employers and worker organizations and indigenous peoples to understand, promote and apply Convention 169. The project also aimed to promote social dialogue to adopt and apply mechanisms for the consultation with and

participation of indigenous groups and to strengthen government institutions to respond, promote and ensure the convention's application.

94. According to the interviews, the ILO has contributed to an increase in knowledge among MINTRAB officials, magistrates and judges of the supreme court, prosecutors and personnel from the human rights ombudsman's office on the application of Convention 169. The National Tripartite Committee on Labour Relations and Freedom of Association, CACIF, has transferred knowledge on the convention to its affiliates. The project worked with the Council for Indigenous Youth and with the Network of Indigenous Businesswomen who are in the process of forming the Cooperative of Indigenous Women of Guatemala.
95. There is no evidence that actions with the congressional labour committee have had positive effects like those mentioned above.
96. The ILO created, along with the constituents, a proposal for a mechanism for consultation and participation and sent it to Congress. In 2017, the CC had ordered Congress to approve a prior consultation law within a year's time. However, Congress didn't comply with this order. The CC released a new order with guidance on what the mechanism should look like and ordered that it be temporarily applied until Congress passes the law.
97. According to interviews, the main reasons that Guatemala still doesn't have a regulation specific to prior consultation for indigenous communities are as follows:
 - The proposals from recent years have not prospered because indigenous people haven't participated in their creation.
 - The historic lack of trust between the indigenous communities and the government and the polarization over land access and the use of natural resources have created conflicts and limited the possibilities for the consensus needed to approve a law or regulations on prior consultation.
 - The government has fragmented institutions, lacks a lead organization on indigenous affairs and lacks the will to recognize the rights of indigenous people.
 - Indigenous communities confuse concepts like "binding" and "veto rights".
 - Special interests (from employer and worker organizations and indigenous groups) are blocking the regulations for the prior consultation procedures.
 - Congress' slow process to approve the proposals it receives, or, in some cases, it does approve them, but it modifies their fundamental essence.
 - Multiple statements from the CC on how to apply the right to prior consultation have generated confusion.
98. During the second year of the project, the ILO prioritized the strengthening of government institutions to promote and ensure the full application of 169. It felt that it could contribute to the process of approving a consultation and participation mechanism. Specifically, it has provided assistance to MINTRAB in drafting a proposal for a Vice Minister of Indigenous Affairs and a General Directorship of Indigenous Communities. MINTRAB and the president supported the proposal. However, before it was approved there was a change in the presidential administration, and it is still pending.

99. Additionally, with the support of the ILO, MINTRAB has created a proposal for its “Policy on Indigenous Communities and Interculturality 2019-2030,” which includes a focus on human and social capital, investment in productivity, infrastructure for competitiveness, institutionality, justice, coordination, and participation. This policy is also awaiting approval.

GTM/18/01/USA – Supporting respect for labour conditions of workers in the export agriculture sector of Guatemala

100. GTM 1801 USA sought to strengthen MINTRAB, in particular the IGT and the departmental delegations. It also sought to strengthen judiciary, through the supreme court, appeals courts, the Centre for Labour Justice and the School of Judicial Studies—EEH. Both of these efforts were aimed at increasing compliance with acceptable work conditions and labour laws in the export agriculture sector.²²

101. Within the project framework, the IGT adopted measures for the organization, planning and management of sanctioning procedures. These measures were based on an evaluation of the IGT’s needs. It was the first evaluation conducted in the past decade and it highlighted numerous limitations within the IGT in terms of human resources, insufficient infrastructure, logistics and resources, particularly in the departmental delegations. It also identified weak coordination among delegates and inspectors.

102. Strategic compliance plans have been drafted for the African palm, coffee and private security sectors and for child labour in pyrotechnics. The principal problems in need of solutions have been identified as the usage of personal protective equipment, affiliation with the Guatemalan Institute of Social Security (IGSS), social security contracts, minimum wage, and length of the work day. However, according to the interviews, there is no information as to whether these plans have been incorporated into the National Inspection Plan 2020 nor to what extent they have been implemented.

103. The project has also helped standardize the technical criteria for inspection procedures. While these criteria have not yet been formally adopted by MINTRAB through a ministerial agreement, they have been included in the action protocol which is the regulatory framework governing the work of the inspectors.

104. According to the interviews, the project has also contributed to improving knowledge among inspectors on processes and administrative aspects of the new procedures established in Decree 07-2017 and for occupational safety and health (OSH). For the former, a workshop was held in which 23 departmental delegates and 160 labour inspectors from across the country, representing 70 percent of all inspectors nationwide. For the latter, the project held a course in which all departmental delegates, inspectors and technicians in OSH from across the country participated.

²²The IGT is part of the Vice Ministry of Administration of Labour at MINTRAB. The Supreme Court of Justice is a part of the judiciary and is comprised of the pre-trial chamber which address social and labour issues; and the Centre for Labour Justice which is in charge of administrative resolutions and annulments; and the School of Judicial Studies whose primary function is to train judges.

According to the interviews, this course was very significant because it created awareness. However, it won't be until 2020 that the effects of these changes would be apparent in the form of more efficient inspections.

105. In contrast, progress has not been made on the new electronic system for managing cases and there is little expectation that this will change in the short term. It requires a bidding process to select the provider to develop the system, a process that could take six months. What's more, prior to this, MINTRAB should commit to improving the infrastructure conditions, equipment and connectivity in the departmental delegations.
106. The design of the project included plans to increase knowledge among employers about labour inspections with the goal of them being more responsible about complying with their labour obligations. They arranged to work with the palm, sugar, banana and coffee sectors. It was expected that it wouldn't be until 2020 that some of these sectors would be able to incorporate them into their human development programme action plans that include indicators of self-compliance with labour obligations, communication strategies and training in OSH for employers.
107. It has been three years since Decree 07-2017 was approved and it has had positive effects in terms of improved capabilities within the IGT for sanctioning and collecting fines. According to interviews conducted between July 2018 and January 2020, the IGT collected 6.8 million quetzales in fines from employers. This represents a significant increase over the 500,000 quetzales that the judiciary collected in 2014 for the same violations. The principal reason behind this dramatic increase is that in 2018 government procurement guidelines established as a requirement that any companies entering into contract with the government must not have outstanding fines with the IGT.
108. The interviews on the effects of Decree 07-2017 reveal higher levels of compliance with labour legislation among employers. However, this does not necessarily reveal a greater will to comply with labour legislation. If that were the case, the employers wouldn't wait until the IGT acted to comply. In any case, there are no sources to quantify the level of compliance in the absence of labour inspections. As one of the interviewees said: "There is a lot of sanctioning activity, but we do not know if it has had a positive effect in terms of greater will *on the part of companies* (...)".
109. Decree 07-2017 mentions that the administrative resolutions in appeals could be the object of judicial reviews. For this reason--and because prior to the Decree the results of the inspections were often cancelled by the judiciary arguing that they had many errors--the project included as an outcome that judges understand and take into account the content of the decree and ILS. However, to date, there hasn't been any progress in training labour judges. The project made agreements with the School of Judicial Studies (EEJ) on the content and length of the courses, but the pre-trial chamber has not yet authorized them because it is awaiting orders from EEJ's directors.

GTM 1852 SWE – The country, with the support of the ILO, and on the basis of tripartite consultation, will draft and apply policies to generate employment and productive development to improve employment prospects for the country's youth.

110. GTM 1852 SWE sought to strengthen the capacity of the constituents to implement employment and productive development policies, using NPDW 2017-2032 as reference. The project used the tripartite mechanisms of coordination established in 2017 to implement NPDW. These included the National Committee for Decent Work (CONED) as the highest-level coordinating space; the Interinstitutional Technical Roundtable (MTI) with the participation of vice ministers and other officials associated with the institutions involved in CONED; and four sub committees (one for each area of focus of the NPDW).
111. The creation of implementation plans for the priority actions of the NPDW has been the project's principal achievement. There was one adjustment made from the original design and that was to have implementation plans for the 16 priority actions included in the NPDW and not just for two actions per priority. This was done to take full advantage of the meetings that were held for the sectors involved in the implementation of the NPDW. Taking into account MINTRAB's limitations in managing labour mediation services and training of different sectors of the population, another adjustment was made. The decision was made that it was preferable to improve capacities for designing implementation plans focused on employment in general and then work specifically on promoting youth and/or women's employment afterward.
112. The matrix generated as a result of this planning process became part of the document "NPDW Strategy 2017-2032", which also established the need to develop a strategy to mobilize resources from national, international, public and private sources. The implementation plans were delivered in December 2019 to MINTRAB and it plans to present them to its new authorities and align them with the general policy of the new administration. It is noteworthy that during the last trimester of 2019, in order to facilitate the transition of the NPDW and its implementation plans during the change-over of administrations, the project facilitated dialogue, consultations, and a planning process between the outgoing and incoming authorities.
113. The implementation plans have been the basis for the design of four pilot projects that seek to improve employment opportunities for youth. These are: modifying MINTRAB's workshop schools to complement the labour training that is received with training in general; Social-labour mediation for youth in the areas of the city considered to be the most dangerous; socio-labour attention for migrants directed at youth applying for work visas for Canada and the United States; and strengthening the Municipal Single Point of Contact for Employment (VUME for its Spanish initials) so that they not only connect supply and demand but also promote entrepreneurship. Of these, only the first has already begun implementation.
114. Implementation plans were also the basis for the development of a monitoring system for NPDW. In contrast to what happened with the plans for the priority actions, this process was not as participative and the proposal for the system was not formed from such a high level of consensus among the relevant actors.
115. The ILO has also contributed, at the government's request, to the creation of the National Policy on Salaries (PNS). The ILO suggested that the PNS not seek to

determine a formula to set salaries but rather promote a more efficient social dialogue that it believes can address one of the reasons why agreements on minimum salary have been elusive.²³ The government has not yet made the PNS official via a government accord.

116. Project activities with worker organizations were used to discuss issues such as employment policies, salary policies and informality. The activities with employers' organizations sought to promote learning and coaching within companies to promote a more rapid transition for youth from school to work.

GTM 1851 SWE – With the ILO's support the country improved its capacity to protect labour rights among indigenous peoples, domestic and disabled workers, and to respond to HIV in the world of work.

117. GTM 1851 SWE was part of a global project that supports interventions to strengthen the protection of indigenous workers, particularly women, from unacceptable forms of work in sectors where there is a high prevalence---such as domestic work. The project opted to orient its efforts to raising awareness and strengthening the capacity of government institutions and social partners to design, apply, and supervise policies and regulations to prevent and protect workers from unacceptable forms of work, much as it did in the past for the ratification of Convention 189.

118. The ILO and UNWomen supported the awareness campaigns for the rights of domestic workers. It is important to mention that after many years the government agreed to participate in a campaign of this kind, mostly through SEPREM. In 2017, the campaign was launched, and it was oriented toward the legislators, the executive branch and civil society. In 2019 under the framework of GTM 1851 SWE, the ILO launched a second campaign, which interviewees rated as very good. They highlighted the graphics and media used in it. However, there is not any quantitative evidence for estimating the campaign's impact.

119. With regard to strengthening domestic worker organizations, the project worked with SITRADOMSA, which valued the training it received on Conventions 189 and 190 and the technical assistance and logistics support it received to undertake actions at the national level that made authorities, other organizations, and domestic workers aware of labour rights, the content of Convention 189 and the role of SITRADOMSA. This likely contributed to the increase in its membership (from 20 in 2011 when it was formed to its current 550) and to the fact that they have more presence in the media.

120. The project also sought to increase knowledge among representatives of employer and worker organizations on gender equity, non-discrimination, and violence and harassment in the workplace. Training sessions with employers were undertaken in collaboration with the Association of the Clothing and Textile Industry of Guatemala and contributed to a policy against harassment and discrimination in the workplace in the maquila sector. In 2017 the project worked with workers on an institutional action

²³ To set the minimum salary, work is conducted separately in the agricultural sector and the non-agricultural and maquila sectors. For many years, the employers and worker organizations have not arrived at agreements leaving it to the President of the republic to set the minimum wage. Last year, via Government Accord 320-2019 the minimum salary for 2020 was set. It didn't go up for agriculture (it remains 90.16 quetzales per day) and went up by 2.93 quetzales to 84.88 per day for the maquila sector. In non-agriculture it went up 3.01 quetzales to 92.88 quetzales per day.

plan on gender equality and created a Women's Union Roundtable. There wasn't much progress made on the implementation of the plan, however, nor the consolidation of the roundtable because they depend heavily on the technical and financial assistance of the ILO, which is to say it is not sustainable.

121. On the issue of child labour, the ILO actions in recent years have included a regional focus through projects under the regional office and also with country funds from the Country Office for Central America, Panama, Haiti and the Dominican Republic and from the EU in Guatemala. Currently on the agenda are the creation of a new strategic document (The National Strategy to Prevent and Eradicate Child Labour and/or the roadmap for its implementation); the implementation of a model to identify the risk of child labour, which was created as part of the RLA 1750 EUR project; and projects to support the Latin America and Caribbean Free of Child Labour Regional Initiative.

122. Guatemala is one of 30 member states that are part of the Latin America and Caribbean Free of Child Regional Initiative. It is a platform of intergovernmental cooperation that aims to achieve the first generation free of child labour by 2025. According to interviews, MINTRAB has learned from other regional experiences during this initiative. Guatemala has also been accepted as a pioneering country of the Global Alliance 8.7 a space that the ILO also leads. This space is global in scope and its subject matter includes both child labour and forced labour. It is only just being implemented.

123. The employer sector has made progress generating institutional spaces, procedures and policies on the prevention and eradication of child labour. Specifically, since 2015 CAMAGRO has run a business network for the prevention and eradication of Child Labour "Off to School, Children!" and it has updated the private sector's strategy on this the issue. However, this progress shouldn't overshadow the fact that according to a 2019 report from the High Commission for Human Rights (OHCHR) there are still cases of labour exploitation related to trafficking, child labour and modern-day slavery in the agricultural sector, particularly in oil palm, coffee and sugar plantations.²⁴

GTM 1950 UNA – Support the HIV/AIDS policy in the Guatemalan coffee sector

124. In the 2018-2019 biennium, GTM 1950 UNA was implemented to help prevent the transmission of HIV and provide health services to people in the coffee sector who live with HIV/AIDS. It did this through the transfer from the Ministry of Public Health and Social Assistance of educational materials and methodologies including the training of health workers.²⁵

²⁴ This situation currently occupies an important place in the current administration, even more so after a report on British television about abuse of children on four coffee plantations. The president created a high level commission to look into the issue and Congress approved a law that seeks to eliminate child labour in Guatemala that had been presented three and a half years ago.

²⁵ This was the only one included in the intervention. No coordinator was assigned, and it only had a budget of \$ 10,000. According to officials from the Country Office for Central America, Panama, Haiti and the Dominican Republic, the intervention was more of an isolated activity than a project and for this reason it is not mentioned again in this report.

GLO 1569 EUR – Global Action Project to improve the framework for contracting migrant workers²⁶

125. GLO 1569 EUR is a global initiative within the framework of the ILO's general principles and guidelines for fair recruiting. One of its components is to promote the contracting of migrant workers in different corridors, including the one between Guatemala and Mexico. The goal of the project in Guatemala is to strengthen governance capacities, norms and policies in labour migration to respond to abusive contracting processes.
126. The project provided training on mandates, norms and guidelines for fair recruiting to representatives of government institutions, employers, recruiting and staffing agencies, autonomous and worldwide trade unions, civil society and the International Organization for Migration (IOM), which is part of the UN system, the High Commissioner for Refugees (UNHCR), UNWomen, academia and the media.
127. MINTRAB created a regulation for the recruiters and employment agencies for the placement of workers within and outside of Guatemala. In January 2020, the regulation was approved with a ministerial accord, but it has not yet been officially published. Currently the project is supporting MINTRAB to align its internal functions to the new regulation.
128. The project also created a policy on labour migration and fair recruiting. The groups that the project trained in norms and guidelines on fair recruiting created the policy. This policy is also pending approval.
129. CAMAGRO formulated its human rights policy for the agricultural sector and, with the project's help, it included the ILO's general principles and guidelines for fair recruiting in this policy. In addition, CAMAGRO has requested technical assistance from the ILO to make a human rights policy for the sugar and African palm sectors and to apply it as a pilot in three companies. This process is currently underway.
130. The project also worked on the issue of labour migration and fair recruiting in the region. It held binational workshops with government officials, employers and worker organizations from Guatemala and Mexico. The project also signed a binational union agreement for the defence of decent work and fair recruiting. Through the sub-regional workshops of the Regional Conference on Migration (CRM), organised through the GLO 1569 EUR project, the ILO was able to make labour migration a priority issue for the CRM, which created a working group focused on labour migration.

3.3.3 The ILO intervention's compliance with second-tier ToC outcome indicators

131. Synthesizing the information presented in section 3.3.1 and 3.2.2 and considering the second-tier outcome indicators of the ToC for the ILO intervention,²⁷ the evaluation concludes that 10 of the 21 indicators have been achieved; four have been partially achieved; and seven are still pending. This perspective is supported mainly by

²⁶ This project was the subject of an independent evaluation available on i-eval Discovery. For this reason, it is not included in this cluster evaluation, this section only refers to evidence gathered in secondary sources.

²⁷ See section one of this report.

qualitative evidence collected in the interviews, discussion groups and from the document review.

132. In Table 8, there aren't many significant differences in terms of the level of achievement by intervention area. In all areas there are some indicators that have been accomplished and some that are partial or not accomplished.

133. The effects of the progress on the ILO intervention in specific population groups, like indigenous communities, women and youth, are directly associated with GTM 1851 SWE, GTM 1603 RBS and GTM 1852 SWE respectively. To date, there is no evidence whether these projects are producing positive effects in these groups and it may be too early to expect any. In any case, if the proposal for the Vice Ministry of Indigenous Affairs, the General Directorship for Indigenous Peoples, and a mechanism for consultation and participation mechanism are approved, indigenous people would enjoy greater consultation and participation. If Convention 189 is ratified, indigenous domestic workers would have even more labour rights. The situation is different for the youth population because, as we commented in section 3.3.2, the plans for implementation have been focused on the promotion of employment in general and not youth employment.

Table 8. Progress on second tier outcomes of the ToC for the ILO intervention in Guatemala, 2018-2019.

Intervention Area	Second Tier Outcome	Indicators	Level of execution
Ratification and application of the fundamental principles and rights at work	Outcome 1.1 The tripartite 2013 Roadmap is implemented (<i>Project RLA 1750 EUR</i>)	*Level of execution of the 2013 roadmap, principally compliance and application of freedom of association (RLA 1750 EUR)	Partial
	Outcome 1.2 State actors (MINTRAB, Public Prosecutors' Office, judiciary), employers and worker organizations, indigenous communities are more aware and in better conditions to understand, promote and efficaciously apply the fundamental labour conventions and Convention 169 (<i>RLA 1750 EUR and GTM 1603 RBS</i>)	*Greater knowledge about Convention 169 among government actors, employers and worker organizations and indigenous communities (GTM 1603)	Accomplished
		*Greater knowledge among government actors (Ministry of Labour, judges and magistrates) employers and worker organizations on the reform of the Labour Code and ILS (RLA 1750 EUR)	Accomplished
		*Labour inspector reports demonstrate an improvement in the monitoring and application of the fundamental rights and national labour rights (RLA 1750 EUR)	Pending (expected to be accomplished in 2020)
		*Greater capacity of the Labour Ministry, the Ministry of Foreign Relations, Solicitor General and the Public Prosecutors' Office to report on the ILO conventions, especially the fundamental conventions (RLA 1750 EUR)	Accomplished
		*Greater confidence among employers and workers in the reporting procedures (RLA 1750 EUR)	Pending

	Outcome 1.3. Institutions responsible for guaranteeing rights are better able to understand, respond, promote and ensure effective compliance with the fundamental labour conventions of Convention 169 (RLA 1750 EUR and GTM 1603 RBS)	*Proposal for the National Policy on Indigenous Peoples. (GTM 1603)	Executed but awaiting approval
		*Proposal for a Vice Ministry and General Directorship for Indigenous Affairs (GTM 1603)	Executed but awaiting approval of the proposal
	Outcome 1.4 Intersectoral and tripartite dialogue spaces are established that lead to the implementation of the roadmap and the application of the fundamental labour conventions. There are tripartite dialogue spaces that lead to the creation, adoption and application of a mechanism of consultation for indigenous people within the framework of the application of Convention 169 (RLA 1750 EUR and GTM 1603 RBS)	*Proposal for a consultation mechanism for indigenous people within the framework of Convention 169 (GTM 1603)	Accomplished but pending approval
		*Stronger social dialogue between the private sector and unions to improve labour relations (RLA 1750 EUR)	Pending
Promotion and verification of labour conditions	Outcome 2.1: Labour inspectors strengthened on issues of acceptable work (GTM 1801 USA)	*Labour ministry implements strategies and/or plans of action to execute labour legislation and/or inspect workplaces (GTM 1801 USA)	Pending (should be accomplished in 2020)
		*Greater efficacy of labour inspections in terms of better attitudes and practices among inspectors in the Guatemala export agriculture sector (GTM 1801 USA)	Pending (should be accomplished for 2020)
		*Greater knowledge among labour inspectors on the needs of labour tribunals regarding the new administrative sanctions and the adequate application of the inspection process (GTM 1801 USA)	Accomplished
	Outcome 2.2: Judges maintain resolutions for appropriate administrative sanctions for violations	*Greater knowledge among labour judges on the new procedures for administrative sanctions and the adequate application of judicial resolutions (GTM 1801 USA)	Pending

	of the labour conditions (GTM 1801 USA)		
Generation of employment	Outcome 3.1. Strengthened Institutional capacity and social dialogue for the implementation and monitoring of the national decent work policy (GTM 1852 SWE)	*Implementation plans based on the priority actions defined in the National Decent Work Policy in each of the four focal points, with at least one focused on youth (GTM 1852 SWE)	Accomplished
		*Programmes/ pilot projects designed and in implementation for each focus of the National Policy for Decent Work with emphasis on employment for youth (GTM 1852 SWE)	Partially accomplished (pending implementation)
		* System of Monitoring and Follow up of the National Policy of Decent Work designed and in implementation (GTM 1852 SWE)	Partially accomplished (pending implementation)
		*Greater knowledge among social partners on issues related to employment and productive development policies (GTM 1852 SWE)	Accomplished
Protection of workers from unacceptable forms of work	Outcome 4.1 The constituents and the public in general are sensitive to and aware of the working conditions indigenous domestic workers (GTM 1851 SWE)	*Action plan on the guidelines for policies on domestic work in the regional headquarters of SEPREM are implemented (GTM 1851 SWE)	Pending
		*People are more aware of the e rights of domestic workers (GTM 1851 SWE)	Partially accomplished
		*Greater knowledge among leaders of public institutions (SEPREM and MTPS) and unions and human resources personnel from companies on gender equality, labour rights and violence and harassment in the workplace and non-discrimination (GTM 1851 SWE)	Accomplished

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

3.3.4 Contributions of the ILO to achieving outcomes

134. **The ILO contributed to increasing knowledge among constituents through workshops, courses, training programmes and certificate programmes.** In GTM 103 RBS, the ILO optimized the fact that the coordinator participated in regional activities and held meetings and seminars where lessons learned in other LAC countries that have made more progress on these issues were presented. In GTM 1852 SWE the ILO optimized the participatory spaces for developing implementation plans and the priority actions of the NPDW.

135. **The ILO's contribution to the creation of norms, policies and plans on Convention 169, employment, labour migrations and child labour was in its role as advisor; in disseminating best practices from other countries; facilitating the involvement of key stakeholders; providing training, manuals and guidance to**

stakeholders organising and participating in workshops or meetings; consolidating progress; preparing drafts of the proposals, socializing them and validating them.

136. **The ILO also contributed to the progress demonstrated in section 3.3.3 by providing technical assistance for reporting on measures adopted to apply ratified conventions and how to improve coordination with other institutions to collect the required information to write these reports (RLA 1750 EUR). It also created and distributed manuals for judges and jurists, excerpts of reports, and compendiums of comments from the Governing Body on Convention 169. It disseminated its ILO research webpage on the application of Convention 169 and on legislation and public policies from LAC countries that have ratified it (GTM 1603 RBS). Lastly, it also conducted technical studies and research (GLO 1569 EUR).**

3.3.5. Participation and interest among constituents during the development of the ILO intervention

137. **According to the interviews, the constituents responded positively each time they were invited to participate in an activity. That said, they were more actively involved in some projects that were more relevant to them.**

138. **GTM 1603 RBS and RLA 1750 EUR have been the most relevant projects for business organizations, while the least relevant were GTM 1801 USA and GTM 1851 SWE. In the case of the worker organizations, the most relevant has been RLA 1750 EUR.**

139. **The greater relevance of RLA 1750 EUR for employers and workers stems from the fact that it is linked to the implementation of the roadmap, which has been a priority issue for both parties in recent years.** In the case of GTM 1603 RBS, the business organizations were the ones who solicited the intervention principally because of the costs to them of the suspension or paralysation of their projects due to the absence of a mechanism for prior consultation with indigenous communities. The low level of relevance that workers give to GLO 1569 EUR can be explained by its perception that foreigners in Guatemala may take away jobs from Guatemalans. The low-level relevance of GTM 1851 SWE for employers has to do with the little interest in the ratification of Convention 189. The active participation of SITRADOMSA contrasts with that of the labour federations, possibly because the number of domestic workers affiliated in unions is small.

140. **Constituents valued the ILO intervention primarily because of the training they received.** One of the interviewees said: “the ILO demonstrated what Convention 169 is and what it isn’t, even if this made it some enemies on some occasions.” One issue that the institutions highlighted is that this was the first time they have been trained on the fundamental conventions, OSH, or labour migration.

141. **The constituents also valued the fact that policies, plans and norms were generated and that, if approved, will contribute to the sustainability of the progress made. However, they also asked the ILO to work on awareness,**

training and even to lobby members of congress so they approve these initiatives.

142. GTM 1852 SWE, according to the interviews, was valued not only for the technical assistance from the ILO that it provided, but for the impetus that the ILO gave the MTI to draft implementation plans and the ILO's constant efforts to drive inter-institutional cooperation and involve different ministries and sectors the process.

3.3.6. The incorporation of a gender and non-discrimination focus in the execution of the ILO intervention

143. The project where the incorporation of a gender and non-discrimination focus has been most evident is GTM 1851 SWE, whose beneficiaries are indigenous peoples and domestic workers, and which includes the development of an anti-harassment and a non-discrimination workplace policy for the maquila sector. GTM 1603 RBS also included an explicit gender focus. This project included actions to foster the participation of indigenous women in decision-making and in the process of creating the Indigenous Women's Cooperative of Guatemala. GLO 1569 EUR also took gender into account in the development of regulations on labour recruiting, which acknowledged the gendered nature of some occupations common among migrants, such as agriculture and domestic work. Studies have shown that migration is increasingly female with women representing nearly half of all migrants.

144. Projects GTM 1851 SWE and GLO 1569 EUR have coordinated with institutions that specialize in gender issues. The former, with UNWomen on awareness campaigns and the latter, with SEPREM on drafting a labour migration and fair recruiting policy.

145. The remainder did not have a component or specific action that incorporate a gender equality focus. That said, this focus was still a crosscutting issue that motivated the participation of women in the training activities and gave them information on gender equality, equal work conditions, and legislation on non-discrimination. A review of list of participants in the training events for RLA 1750 EUR, the project that most often held these events, revealed that approximately 45 percent of those who received training in 2019 were women.

146. **However, progress in incorporating a gender focus has not been sufficient to produce, to date, a significant added outcome to the fight against inequality and discrimination.** In the short term, this could occur if the policy against harassment and discrimination in the workplace were adopted and implemented at the sub-sector and company level in the maquila sector and replicated in other sectors. In the medium term it could generate some type of added outcome for inspections if instruments and indicators were developed to detect failures of compliance with gender discrimination and harassment policies. The same could be said for employment, if actions promoting self-employment and entrepreneurship among women through the VUME were incorporated into the NPDW. In the longer term, these types of outcomes could occur if Convention 189 on domestic work were ratified and/or a policy and system for care work was developed that address the unequal distribution of tasks, contemplates public services for the care of dependents, and guarantees social security in for health and retirement for women.

3.3.7 Incorporation of international labour standards and social dialogue in the ILO intervention.

147. **The application of ILS has been a central aspect of the intervention through RLA 1750 EUR and GTM 1603 RBS. In the first, the objective was to improve compliance with ILS, principally Conventions 87 and 98 on freedom of association and collective bargaining. In the second project mentioned above, the goal was to contribute to the implementation of Convention 169 on indigenous peoples. However the progress on these projects, described in sections 3.3.1 and 3.3.2, have not yet translated into greater compliance with Conventions 87 and 98.** There has been little progress made adjusting national legislation to the conventions and this is one of the reasons why the percentage of workers in Guatemala who are affiliated in unions hasn't risen above 3 percent in many years. Nor is there a mechanism for consultation and participation of indigenous communities that can guarantee and effective implementation of Convention 169.
148. There is a similar situation with GTM 1851 SWE. This project doesn't have as an objective the ratification of Convention 189, but it does contemplate strategies or activities to create a more favourable context for that to happen. However, there is no evidence of whether the awareness campaign on the rights of domestic workers - which was organized by the ILO and well regarded by the constituents—has been effective in creating a more favourable context for the convention's ratification.
149. **In the rest of the projects, norms have supported the interventions, but their ratification or application is not contemplated as a goal.** GTM 1852 SWE has strategies and products that are based on Convention 122 on employment policies. GTM 1801 USA is based on ILO-Conventions 81 and 129 on labour inspections, Convention 150 on administration of labour and Convention 155 on OSH for workers. The actions undertaken in GLO 1569 EUR have taken into account the ILO's general principles and guidelines for fair recruiting, in addition to Conventions 97 and 143 on migrant workers and Convention 181 on private employment agencies.
150. **The ILO intervention has promoted spaces for dialogue to: provide follow-up to the comments from the governing body; compliance reports on the fundamental conventions, (RLA 1750 EUR); review socio-labour issues related to inspection(GTM 1801 USA);²⁸ create a mechanism for the consultation of indigenous communities (GTM 1603 RBS); review implementation plans for NDPDW priority action plans (GTM 1852 SWE), the regulation for recruiters and the policy on labour migration and fair recruiting (GLO 1569 EUR).**
151. At the same time, the creation in November 2017 of a CNTRLLS (and its subsequent consolidation through Ministerial Accord N° 45 in February 2018) signifies there is a political recognition of the freedom of association. According to the interviews and a review of CNTRLLS reports and those of the ILO's governing body, there is a consensus on the progress made on social dialogue, with the parties meeting

²⁸ The Tripartite Committee on International Issues is a consultative space within MINTRAB for socio-labour issues. Within this framework it has reactivated the Tripartite Committee on Labour Inspection.

periodically. They have discussions, agree, and disagree but, in the end, are engaging in social dialogue.

152. However, there is no evidence to conclude that in recent years CNTRLLS has grown stronger. There is also no evidence that the spaces for tripartite and bipartite dialogue have gotten stronger in terms of agreements for the implementation of the roadmap, to improve labour relations and/or monitor policies, or with regard to complying with agreements. The qualitative information obtained through ACTRAV indicates that the lack of concrete outcomes produced by social dialogue could ultimately generate dissatisfaction among worker organizations and that sometimes social dialogue is misused to indefinitely drag out debate on certain issues.

3.3.8 Achievement of assumptions of ILO's overall intervention and changes in the enabling environment

153. **Some of the assumptions of the ILO intervention laid out in the ToC have been accomplished, such as the willingness of the constituents to engage in social dialogue and the interest of the authorities in greater institutionality. In contrast, there has been only partial accomplishments made on other assumptions, such as interest of stakeholders to participate in the various project activities (analysed in section 3.3.5) and the low turnover of public personnel.**

154. Some institutions have experienced turnover of high-level authorities. At MINTRAB there have been three ministers since the ILO initiated the intervention. Each time there are changes at a ministerial level, or of vice ministers or unit area directors, the ILO has to invest additional effort to secure the commitment of the new authorities. This can take considerable time, during which the projects cannot continue to carry out some of the planned activities.

155. The assumption that has shown the lowest level of accomplishment is for the legislature to adequately fulfil its role in approving laws. In the majority of the projects there are regulatory proposals or policy proposals that congress has not approved. In some cases, this occurs despite the fact that the proposals were delivered a long time ago.

156. There are also factors not contemplated in the design of the projects that have caused delays in the activities:

- a. The first months of execution the projects lacked coordinators;
- b. The transition period in the change of administration in the executive lasted five months²⁹ and during this time the government didn't give priority to ILO projects;
- c. In the case of the GTM 1801 USA project, which had planned activities with the judiciary, there was a delay in the election of the judges for the CSJ and the court of appeals for the 2019-2024³⁰ period; and

²⁹ From August 2019, when the second round of the elections took place, until January 2020, when the new administration took office.

³⁰ In September 2019, the constitutional court annulled the election of judges alleging there were no transparent criteria and methods for selection, principally in regard to nominating committees, for an impartial selection of candidates that is based on their merits and professional trajectories and not on discretionary criteria.

- d. Since mid-March, the Covid-19 pandemic has limited the activities that can be held.

3.4. Efficiency

157. According to ILO reports on project finances for the projects that are part of this evaluation, as of March 2020 \$2.26 million had been disbursed, approximately half of what corresponds to projects RLA 1750 EUR and GTM 1603 RB, 20 percent of GTM 1801 USA; and 30 percent has been invested in GTM 1852 SWE, GTM 1851 SWE and GLO 1569 EUR.

Table 9. Budgetary disbursements for the ILO projects in this cluster evaluation, as of March 2020

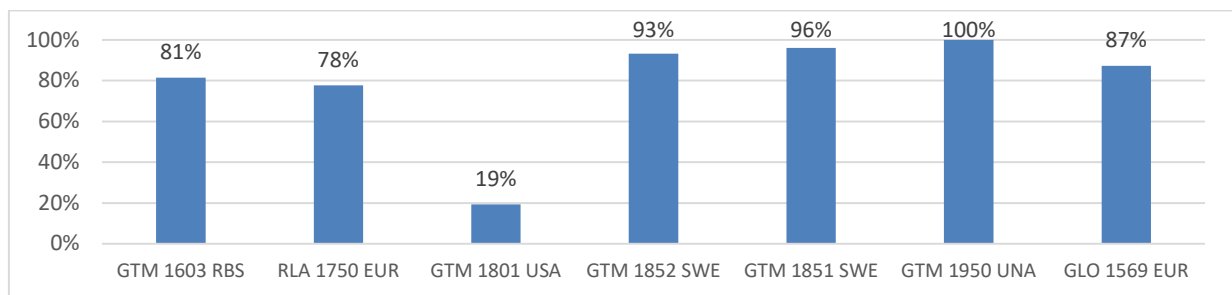
Country Outcome / CPO	Projects	Source of financing	Spent (in \$)	Disbursement as a percentage of the total
GTM 826 – States have improved capacity to ratify and apply ILS and comply with their reporting obligations	GTM 1603 RBS	RBSA	793,885	35%
	RLA 1750 EUR	EUROPEAN UNION	356,098	16%
GTM 101 – Modernized and strengthened Labour inspection system	GTM 1801 USA	USDOL – USA	482,681	21%
GTM 129 – Reduction of vulnerability of low-income entrepreneurs through improved management	GTM 1852 SWE	SWEDEN	248,121	11%
GTM 128 – Implementation of sectorial policies for HIV the world of work, through programmes in the workplace	GTM 1851 SWE	SWEDED	192,124	8%
GTM 128 – Implementation of sectorial policies for HIV in the world of work, through programmes in the workplace	GTM 1950 UNA	UNITED NATIONS	9,999	0%
GTM 132 – Legal framework and policy on migration based on a multilateral framework	GLO 1569 EUR	EUROPEAN UNION	179,403	8%
	Total		2,262,311	100%

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

158. The disbursements represent between 80 and 100 percent of the budget for various projects, except GTM 1801 USA in which close to 20 percent was spent. This project is only halfway through the planned period for project execution and, for reasons mentioned above, the second component, which involves the judiciary has not yet begun.

159. The following graph provides greater detail on the levels of budgetary disbursements for the interventions included in this evaluation, according to the information collected.

Graph 2. Rates of budgetary implementation for the ILO projects that are part of the cluster evaluation, as of March 2020.



Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

160. **The ILO has efficiently utilized its human resources.** The progress made has occurred with a small team. Each ILO project has a coordinator and a technical or administrative assistant. **The ILO has made efficient use of its financial resources permitting it to use the planned budget to implement the planned activities.**

161. In contrast, **the timeline for project implementation (in general 24 months, from the first trimester of 2018 through the first trimester of 2020) has been insufficient. In the majority of cases there are requests to extend the project an additional three months.** This is a result of the fact that there were periods in which the progress carrying out the project was low or non-existent, mostly in the early months before a project coordinator was hired for the project and in the last trimester of 2019 as a result of the change of government.

162. **As will be explained below, while there have been links between the ILO projects in this cluster evaluation and between the ILO and other international cooperation agencies, this has not always contributed directly to the achieved progress.**

Synergies between the ILO projects in this cluster evaluation and the between the ILO and other international cooperation agencies.

163. The most direct and relevant connection between the projects, according to the interviews, exists in the activities in Table 10.

164. This connection appears to have contributed more directly to the progress made in the first two cases:

- a. **The inspectors and departmental delegates across the country increased their knowledge about the ILO’s fundamental conventions, Decree 07-2017 and the standardisation of technical criteria; and**
- b. **The implementation plan for the action NPDW priority 15 refers to the programme for strengthening the IGT. Its goals, outcomes and actions reflect some of the recommendations that appear in the evaluation of the IGT.**

Table 10. Specific connections between projects during the execution of the ILO intervention in Guatemala 2018 – 2019.

Projects	Specific links among the projects
RLA 1750 EUR and GTM 1801 USA	RLA 1750 provided training to the inspectors and departmental delegates, who are the primary target population of GTM 1801 USA. Both projects developed instruments to standardise criteria for labour inspection.
GTM 1852 SWE y GTM 1801 USA	When GTM 1852 SWE drafted implementation plans for the PNED, it used the evaluation of the IGT that GTM 1801 USA conducted.
GTM 1851 SWE and GTM 1603 RBS	GTM 1851 and GTM 1603 RBS had joint actions with indigenous women’s organizations to raise awareness and train them on their labour rights.
GTM 1603 RBS and GTM 1852 SWE	GTM 1603 provided funds to train employment managers at VUME on promotion of self-employment in indigenous communities in Guatemala, which is one of the pilot projects of GTM 1852 SWE.
GTM 1852 SWE and GLO 1569 EUR	The initial evaluation for GLO 1569 EUR and the regulations received support from GTM 1852 SWE to incorporate an employment focus with regard to the SNE’s role in recruiting.

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

165. The relationship between the efforts of ILO and other international cooperation agencies during the execution of the projects appear in Table 11. The evaluation found that the agencies that most directly contributed to the progress made during the ILO intervention are ECLAC (on the implementation of child labour risk identification model from RLA 1750 EUR) and UNWomen (on the awareness campaign on the rights of domestic workers from project GTM 1851 SWE).

Table 11. Specific links between the international cooperation agencies, by ILO project in Guatemala 2018 – 2019.

Project	International Cooperation Agencies and connection type
Proyecto RLA 1750 EUR	*EU. Donor. Reviewed progress reports and the organization of the agenda for the representatives of the EU headquarters for their visit to Guatemala to learn about the project’s progress. *ECLAC. In making the child labour risk identification model.

Proyecto GTM 1603 RBS	*Resident Coordinator for the UN system. Monitored project progress.
Proyecto GTM 1801 USA	* OHCHR. In its work on inspections, it takes a human rights focus—that includes labour rights—on administrative actions and resolutions. Conducted training sessions with the ILO.
Proyecto GTM 1852 SWE	*EUROSOCIAL. Participated in some workshops for making the implementation plans for the priority actions of the PNED.
Proyecto GTM 1851 SWE	*UNWomen. Participated in the design and implementation of the awareness campaigns on the rights of domestic workers.
Proyecto GLO 1569 EUR	*IOM. Joint study on “Labour migration: a case study on Guatemalan youth in Mexico” for which the ILO provided the labour standards perspective and IOM the migration perspective.

Source: Compiled by the evaluator with information from secondary sources and interviews undertaken as part of the evaluation process.

166. **According to the interviews, there is potential for greater coordination between the ILO and other international cooperation agencies.** The following shows which agencies work in Guatemala in the same areas as the ILO:

- On Convention 169, bilateral cooperation from the United States, Canada, Spain and Germany.
- In inspections, bilateral cooperation from Canada and Germany. USDOL works on conflict resolution.
- On employment, the United States Agency for International Development (USAID) on information systems for the labour market and the EU on youth employment.
- On domestic workers, SITRADOMSA works with the Solidarity Center. OHCHR is working to position domestic work as an issue of labour rights, women’s rights and human rights.
- On migration the ILO participates in the Interagency Group on Migration.
- On gender, UNWomen works on empowerment and entrepreneurship for women. In addition, the ILO is part of the UN Interagency Network on Gender and Equality.

3.5. Effectiveness of the management structure

167. The ILO in Guatemala is a project office under the strategic, programmatic, political and administrative direction of the ILO Country Office for Central America, Panama, Haiti and the Dominican Republic. It has an administrative coordinator³¹ who represents the director of the United Nations and undertakes the tasks delegated by the director.

168. The support of the Country Office for Central America, Panama, Haiti and the Dominican Republic to the ILO project office in Guatemala is provided by the director

³¹ Who is, at the same time, the coordinator for RLA 1750 EUR.

and the thematic specialists linked to each of the projects that the ILO undertakes in Guatemala.³² This includes specialists in gender and non-discrimination, in child labour and in activities with workers (ACTRAV) and activities with employers (ACTEMP).

169. This support was provided for the design and implementation of the projects in the form of technical assistance to fine tune some products; reviewing documents or final reports; and sharing experiences and best practices from other countries in some of the workshops with constituents. The director provided strategic and political support to publicise the ILO's intervention in Guatemala and to recruit more allies among high level officials, cooperation agencies, and the media. ACTEMP and ACTRAV played an important role in promoting the participation of the employers and worker organizations in the activities.
170. The ILO intervention in Guatemala also benefited from the support of the technical units in the ILO headquarters in Geneva, specifically the from the International Labour standards Department and the Gender, Equality and Diversity branch for RLA 1750 EUR and GTM 1603 RBS; Labour Administration, Labour Inspection and Occupation Health and Safety on the for GTM 1801 USA; and Employment and Labour Market Policies on GTM 1852 SWE.
171. This support has translated into providing orientation on the scope of the topic and the pertinence of the projects and providing methodologies, guides, manuals and access to a community of experts. The support has also come in the form of reviewing and suggesting improvements to the evaluations and proposed plans, strategies and policies and norms generated as part of the projects and for progress reports. This support has also taken the form of providing training to project coordinators and constituents and orchestrating high level missions to monitor project activities. The global component of GTM 1852 SWE has provided for sharing of knowledge and experience that the EMPLAB department has accumulated over the years in design, implementation, monitoring and evaluation, national and departmental policies.
172. **Every trimester or semester each project produces technical progress reports for the donors. Each project also has monitoring and evaluation plans, although these differ by project.** GTM 1801 USA's monitoring and evaluation plan was created when the intervention was already underway. GTM 1851 SWE and GTM 1852 SWE have global monitoring plans and each country developed tools to collect information on the degree of progress made. GLO 1569 EUR has a global system for monitoring with a specialist in each country, including Guatemala, who implements it.
173. However, there is no evidence **that the ILO performs any systematic monitoring of its overall intervention in Guatemala to provide measurements of the ILO outcomes and the ILO's contribution to the UN and the SDG.** This is because there wasn't a ToC and the design of the projects didn't contemplate mechanisms, tools or means of verification to measure the effects of the projects. There is also no

³² In RLA 1750 EUR and GTM 1603 RBS the specialist in ILS and Indigenous Peoples; in GTM 1801 USA the specialist in Labour Laws and Social Dialogue; in GTM 1852 SWE the specialist in Employment and Labour Market Policies; and in GLO 1569 EUR the specialist in Migration.

mechanism to orient constituents or counterparts so that they can monitor the outcomes themselves, turning the process into a learning opportunity for the organizations.

174. With no systematic monitoring of the overall intervention in Guatemala, the ILO loses valuable data for generating and systematizing knowledge about their intervention and the opportunity to use it to inform the design of future interventions.

175. There have been periodic meetings (one and two per month) between the coordinators of the ILO projects in Guatemala, in which they share progress, difficulties, and lessons learned. There have also been meetings (about two per month) between project coordinators and the officials of the ILO Country Office for Central America, Panama, Haiti and the Dominican Republic with the objective making the ILO intervention in Guatemala more efficient and effective.

Constituent perception on their experience working with the ILO

176. The implementation agreements established by the project for developing capacities in the institutional counterparts were adequate for the following reasons: a) the constituents were invited to various activities carried out by the ILO; b) they participated in them c) the ILO intervention appears to have contributed to cases to positive changes in the knowledge, performance and attitudes of the constituents and to making their institutions stronger.

177. According to interviews with representatives of government institutions, employers and worker organizations, academics, the UN and donors, the aspects of working with the ILO they most valued, as compared to working with other international cooperation agencies were:

- The ILO is the main specialist on employment, Convention 169, ILS and labour migration.
- The quality of their training events and their research and studies.
- Their participation in tripartite events elevates the quality of debate and discussion.
- The ILO shares experiences and best practices from other countries in the region.
- Its tripartite nature makes it a unique organization that is always working with employers and workers. Related to this, the ILO always promotes social dialogue, which has allowed for progress in the implementation of the roadmap.
- Its strategies are always aimed at increasing individual capacities, strengthening institutions and governance, ratifying conventions, creating policies, and modifying norms, all of which contribute to the sustainability of the outcomes.
- Its openness and constant availability to interact with constituents. One of the people interviewed highlighted that the ILO *“Works in a fluid manner, there is trust, open dialogue without any mistrust”*.

178. In the interviews, they also identified spaces for improving the work of the ILO:

- Establish more effective mechanisms (more coercive, that generate more international pressure) to promote observance of the international conventions the country has ratified. One interviewee said, *“the ILO lacks a higher profile in denouncing violations of Convention 87, the departure of CICIG (The international*

Commission Against Impunity in Guatemala) *from the country or, more, recently the reported cases of child labour in the coffee sector.*”

- Undertake more work on raising awareness, training and advocacy.
- Undertake closer partnering with intervention beneficiaries while they execute the project and monitor their results once they finish.
- When it uses external consultants to carry out a project, the ILO should work in a more coordinated manner with the beneficiary institution to facilitate its learning.
- Provide the Guatemala office of the ILO with more personnel, more specialists and a greater institutional presence.

3.6. Likelihood of Impact and sustainability

179. The first outcome of the ToC for the ILO intervention in Guatemala is “State has a better capacity to ratify and apply International Labour Standards and fulfil reporting obligations” (CPO GTM 826)”. The **increased knowledge of government officials**, principally those from MINTRAB, on their obligations to report measures it has adopted to apply ratified conventions is evident in the reports from the ILO (CEACR and the Committee for the Application of Norms). These are being delivered on time and in adequate form. With regard to Convention 169, they have created proposals for a consultation and participation mechanism for indigenous people, for a Vice Ministry for Indigenous Affairs and a Directorship of Indigenous Communities as the sole institution charged with these issues, and a policy on Indigenous Peoples and Interculturality 2019-2030. However, all of these proposals are still pending approval.

180. The second outcome is “A modernized and strengthened labour inspection system (CPO GTM 101)”. There is evidence of **increased knowledge among inspectors** about the new procedures established in Decree 07-2017 and on OSH. Inspectors have more awareness of their responsibility to ensure compliance with OSH obligations. The IGT has also become a **stronger institution** due to its greater capacity to sanction and collect fines and because it has adopted measures to plan and manage sanctioning procedures. It also has developed strategic plans for sectoral compliance and standardised the technical criteria for inspection procedures and included these in their protocols. However, there is not yet evidence that this progress is resulting in a greater effectiveness of inspections or improvements in the quality of the inspectors’ reports.

181. The third outcome of the ToC is “Policies have been implemented to generate employment and productive development, especially for youth.” (CPO GTM 129). Plans have been developed to implement the 16 priority actions contemplated in the PNED 2017 – 2032. The participative form in which the plans were created has made the officials from MINTRAB **more aware of the active role that they can play** in the promotion and generation of employment and not just in the issues of inspections or pensions. It also made them aware of the **importance of cooperating** with other ministries for a more effective implementation of the PNED. However, these implementation plans have not yet been approved.

182. The third outcome of the ToC is, “Improve capacities of the state, employers and worker organizations to protect labour rights for domestic workers, especially indigenous domestic workers.” (CPO GTM 128). The awareness campaigns on the

rights of domestic workers have, for the first time, included the active participation of the government. In general, they have been highly valued by the constituents. However, there is no way to measure the impact of these campaigns. Meanwhile, SITRADOMSA, has taken on a higher profile among authorities, other organizations and media and has increased its membership.

183. **With respect to the employer's organizations, CAMAGRO has included the ILO's general principals and guidelines for fair recruiting in its human rights policy for the agricultural sector. It has also updated its private sector strategy for the prevention and eradication of child labour. Meanwhile, the maquila sector has created a policy against harassment and discrimination in the workplace.**
184. **Unions have had active participation in the following areas of: developing proposals (to reform the labour code on issues related to freedom of association and to implement the roadmap); writing reports (on the observations of CEACR on Convention 169); and forming cross-union spaces (on migration, consultations processes and employment).** However, according to the representatives of the constituents interviewed for the evaluation, this hasn't yet translated into stronger institutions.
185. **The sustainability of the outcomes achieved to increase knowledge and improve performance will depend, among other factors, on whether the government officials who were trained by the ILO continue in their positions.** The recent change of administration and the inexistence of a system of career civil servants, however, conspire against this kind of continuity. In the case of the Public Prosecutors' Office, many prosecutors who were trained on the application of ILS are no longer employed there. In contrast, in the IGT it seems that there are better chances that the increased knowledge on Decree 07-2017 and on OSH will result in more effective inspections because about 90 percent those who received ILO training—which was all inspectors nationwide—remain in their positions.
186. **Proposals for norms, policies, plans and instruments for Convention 169, employment, and labour migration need to be approved by Congress.** In the case of child labour, they need to be approved by the technical roundtable on child labour. In the case of inspections, by MINTRAB. **These approvals are necessary so that all of the efforts made by the ILO and the constituents can result in the effective application of Convention 169; the implementation of actions to promote decent work; more efficient strategies to prevent and eradicate child labour; and recruiting practices that are safe and fair for migrant workers. The employers' organization policies on human and labour rights in the agricultural and maquila sectors need to be adopted and implemented by sub sectors and companies in the maquila sector and they should be replicated in other sectors of the economy.** All this will contribute to reducing the shortfall in decent work and the effective application of the Fundamental Principles and Rights at Work, which is what is hoped for from the ILO intervention in Guatemala.
187. The proposals for norms, policies and plans were crafted in tripartite social dialogue spaces. Parties have met in the CNTRLLS about the implementation of the roadmap. However, if these spaces for social dialogue are to contribute to the sustainability of the effects of the ILO intervention, they need to be stronger in terms of the quantity and quality of the agreements made there. Particularly, these agreements must be

related to improving labour relations between workers and employees and compliance with accords. They need to be positioned locally, nationally and regionally and they must be financially sustainable.

188. In the interviews held during the evaluation, **the constituents (particularly the employers' organizations and the government) said they were willing to continue with the outcomes that were achieved in 2018-2019, However, it is not clear that they have the financial resources to make good on their good intentions.** For instance, the IGT has used 1.2 million of the 6.6 million quetzales it collected between July 2018 and January 2020 in the form of fines on employers, leaving it with 5.6 million. There is no information available on plans for using these resources. This financial uncertainty extends to all public institutions due to the change in administration and, with it, change authorities in January 2020.
189. In terms of financing from other sources, it is important to note that an EU project that is just starting is implementing a monitoring system for the NPDW to continue the progress made by GTM 1852 SWE. The EU currently finances a decent work programme (which includes the "Promoting Decent Work for All" and "Youth Labour II" projects) which works on themes similar to those that the ILO project worked on in 2018-2019.
190. **With regard to the sustainability of the outcomes related to gender, this report mentioned in Section 3.3.6 that despite an explicit gender equality focus in some projects, the progress hadn't been sufficient to result in a significant, added outcome in the fight struggle for gender equality and labour non-discrimination.** It also identified outcomes related to the ILO intervention that could be achieved in the short, medium and long terms: implementation of the Policy against Harassment and Discrimination in the Workplace; development of inspection tools to detect non-compliance; incorporation of specific actions in the PNED; and ratification of Convention 189.
191. One opportunity to work on these priorities is in the National Coalition for the Economic Empowerment of Women, which the government launched in March 2020. The coalition has three lines of work and each one aims for a better coordination among the institutions that work on the following issues: generation of economic opportunities in business; entrepreneurship and employment; training and technical education for work; and balance in time distribution for all individuals to make the most of their potential; and establishing comprehensive care for children and dependents.

The ILO intervention's contribution to the outcomes of the ILO Programme and Budget.

192. Taking into account the information in the preceding section of this report, the evaluation considers that the **ILO is contributing—albeit in a very incipient manner—to the accomplishment of the following indicators of Outcomes 2, 7 and 8 of the ILO Programme and Budget 2018-2019:**

Table 12. Contribution of the ILO intervention in Guatemala to achieving the ILO Programme and Budget outcomes.

ILO Programme and Budget 2018-2019 indicators related to country outcomes	Criteria for compliance with the indicator	CPOs and ILO Projects in Guatemala that contribute to achieving the indicator	Justification
Outcome 2 Ratification and application of ILS – Indicator 2.3. Number of member States in which constituents provide timely response for the preparation of and reporting on international labour standards	2.3.2. Articles 22 and 23 reports are received by 1 September each year, including through e-reporting.	CPO GTM 826 – Project RLA 1750 EUR	ILO reports on measures adopted to apply the ratified conventions are delivered on time and in adequate form.
Outcome 7 - Promoting safe work and workplace compliance including in global supply chains Indicator 7.2. Number of member States that have developed or revised their laws, regulations, policies or strategies or strengthened their institutions' and systems' capacity to ensure workplace compliance with national labour laws and collective agreements	7.2.2 Improved organizational structures increased financial and human resources, improved training, tools or equipment are made available to labour inspection, dispute prevention and resolution, remediation or other labour administration institutions and systems.	CPO GTM 101 – Proyecto GTM 1801 USA	The IGT is stronger as a result of its greater sanctioning capacity and rate of collection and because it has adopted measures for planning and to manage the sanctioning procedures, like the development of strategies for sector compliance and the standardization of technical criteria for inspection and its inclusion in its protocol.
Outcome 8 Protecting workers from unacceptable forms of work. – Indicator 8.2. Number of member States in which constituents have strengthened their institutional capacity to protect workers from unacceptable forms of work, especially those disadvantaged or in vulnerable situations.	8.2.1 Employers' or workers' organizations provide guidance or services to their members to effectively address and prevent unacceptable forms of work.	CPO GTM 128 – GTM 1851 SWE y CPO GTM 132 – GLO 1569 EUR	CAMAGRO has included general principles and guidelines for fair recruiting from the ILO in its human rights policy for the agricultural sector and has updated its strategy for the private sector for preventing and eradication child labour. The maquila sector has developed a

			policy on harassment and discrimination in the workplace. These policies are starting to be adopted by sub-sectors and companies to facilitate their implementation and they are pioneering experiences in the country.
Outcome 8 Protecting workers from unacceptable forms of work. – Indicator 8.3. Number of member States in which tripartite constituents have developed partnerships, including with other stakeholders, for the effective protection of workers, especially those in most vulnerable situations, from unacceptable forms of work.	8.3.1. Government, employers' or workers' organizations, in cooperation with civil society and non-governmental organizations, promote awareness-raising initiatives addressing unacceptable forms of work in particular sectors.	CPO GTM 128 – GTM 1851 SWE	Awareness campaigns on the rights of domestic workers have included the active participation of the government for the first time. In general, the constituents have a positive opinion on these campaigns.

The ILO system in the context of the UN reform

193. The ILO participates in the spaces for UN coordination. However, according to the interviewees, **there was not a very close involvement between the ILO and the rest of the UN agencies during the implementation phase of the projects.** The exception to this is the joint efforts between the ILO and UNWomen on domestic workers. What is most notable is the fact that **there are inter-agency initiatives in which the ILO's participation has been marginal, despite the fact that they revolve around issues for which the ILO has proven track record.** For instance, last year the UN crafted a proposal for SDG funds for social protection and this year developed another one for funds to provide services to migrants to facilitate their insertion in the labour market. The ILO didn't have a relevant participation in either.

194. **The current process to reform the United Nations could be an opportunity to change this situation.** The reform seeks to reposition the UN system to more effectively support the member countries in accomplishing the SDG within the framework of the 2030 Agenda. Some changes that have emerged or that are emerging within this reform are: (a) the resident coordinator depends on the UN Secretary General and not on the United Nations Programme for Development (UNDP); (b) access to financing from common funds (SDG, Funds for Peace, Human Security); (c) greater orientation toward a joint work among UN agencies, joint interventions and acquisitions; and (d) a greater focus on longer-term planning.

195. Within this context, a new *Sustainable Development Cooperation Framework 2020 – 2024* has been created that is more closely linked to the SDG and the 2030 Agenda. It has five priorities (a) inclusive economic development and the generation of decent work; (b) access to basic services of education, health, nutrition and social protection; (c) strengthening of institutional capacities for policy management in security, justice, anti-corruption and civil service; (d) participation and strengthened capacities among communities and the population; and (e) resilience and climate change. The current administration has solicited a technical validation to approve it and begin implementation.

196. According to the interviews, **the ILO participated more actively in the process of creating the aforementioned framework than it did in UNDAF 2015-2019:**

- The ILO organized a national workshop with representatives from the UN system to present the ILO's thematic offerings and identify opportunities for collaboration.
- The ILO participated in the workshops and the inter-agency spaces on gender, human rights, employment, labour conditions, migration, etc.
- For the first time, at the ILO's request, consultations were held with constituents and not just civil society groups. These consultations were organized by the ILO, but other agencies were present. These contributed to the priority issues for the ILO being incorporated into the framework for cooperation. These include compliance with norms, indigenous communities, technical professional education, child labour and migration. As one of the interviewees said, *"these consultations made it so that the constituents felt like they were not just part of the ILO but part of the UN."*

Future priorities to help reduce gaps in decent work and reinforce the application of the fundamental principles and rights at work

197. The evaluation asked about what the short- and medium-term priorities should be in each thematic area in order to ensure continued progress. Responses can be used as input for defining the scope of a future ILO intervention in Guatemala that reflects the needs of the constituents.

198. **On ILS (Conventions 87, 98, and 169) and social dialogue:**

- ILO cooperation and technical assistance for constituents to promote observation of the freedom of association and collective bargaining. This can be within the framework of the implementation of the roadmap or by specific sectors of economic activity e.g. export agriculture.
- Elevation of the Indigenous Peoples Unit at MINTRAB to a General Directorship for Indigenous Peoples or a Vice Ministry of Indigenous Affairs. This institution would coordinate and lead on this issue. In addition, this institution should have sufficient personnel and other resources to ensure an efficient coordination with other ministries and relevant actors. This could generate a more favourable scenario for Congress or the executive to approve a legal instrument for consultation and participation that facilitates the application of Convention 169.
- Monitoring how social dialogue is working and the strengthening of its foundation. Possible exploration with the government of a state policy on social dialogue. The ILO could also explore with the government creating a state policy on social dialogue.

199. With regard to inspections:

- Increased awareness at the IGT that its principal role is to verify and promote employers' compliance with labour rights.
- Strengthening the departmental delegations that have greater shortfalls in resources and materials and/or those in jurisdictions where there are a greater number of companies that violate workers' labour rights.
- Modernizing the electronic system for managing cases and the exchange of information with the judiciary and other relevant institutions.
- The reform of the civil service law and/or a new human resources policy at the IGT

200. With regard to job creation:

- Implementation of the NPDW, which should have clear procedures, finances, mechanisms for monitoring and evaluation, and accountability.
- Strengthening and modernizing the SNE and VUME.
- Implementing support policies for small and micro enterprises and executing infrastructure projects to generate employment.
- Generate jobs for young people, women and rural dwellers. Requires the support of various ministries including Labour, Economy, Education and Development.
- Economic inclusion of indigenous communities, in particular indigenous women. Formalization of their jobs and access to social security.
- Adjust regulatory frameworks so people working in atypical jobs can access the social security system.
- Discussion of the impacts of COVID-19 and relief measures directed specifically at the most vulnerable groups like youth and women, who will be more affected by the crisis.

201. With regard to domestic work and child labour:

- Generate statistical data that provides relevant and current information to support proposals for laws and public policies.
- Address domestic work from a social security perspective. Currently domestic workers are covered for maternity and accidents but not illness or retirement.
- Ratification of Convention 189.
- Create or update the National Strategy for the Prevention and Eradication of Child Labour and/or a roadmap for its implementation.
- Implement the model for identifying the risk of child labour

202. With regard to migration:

- Supervise and inspect recruiting and placement agencies.
- Decentralise and strengthen capacities of local spaces.
- Implementation, monitoring and evaluation of the National Policy on Migration.
- Productive use of remittances sent from Guatemalans working in the US back to family in Guatemala, which represents more than 10 percent of the GDP.

The current context in Guatemala for the design of future ILO interventions

203. One relevant and positive event in the country in recent years was the XII Population Census and the VII Housing Census in 2018 (the first since 2012). Results were published in 2019 and will provide up-to-date information to better support project design.
204. In 2019 Guatemala elected Alejandro Giamattei as President. There was also a congressional election that resulted in a highly fragmented Congress, in terms of seats per party, which could pose challenges for governance and for progress on pending legislation.³³ This same year the executive did not renew the CICIG's mandate, creating uncertainty about the future of the cases it was investigating and the government's commitment to fighting corruption and impunity.
205. The OHCHR 2019 report on Human Rights in Guatemala warned of significant backsliding and actions that seek to block progress on protecting human rights, the rule of law and anti-corruption efforts. The report revealed an increase in the pattern of attacks, threats and retaliation against magistrates, judges, prosecutors and others in the judiciary, particularly in high impact corruption and transitional justice cases. With regard to inclusive human development, the report indicated that in October 2019, the Secretary of Agrarian Affairs registered 1,532 cases of land conflicts, which include disputes over property boundaries, and land registration and that 71 percent of these conflicts occurred in Alta Verapaz, Huehuetenango, Izabal, the Petén and Quiché, where indigenous people live and where there are natural resource development projects.
206. **The COVID-19 pandemic will, without a doubt, affect any current and future ILO intervention or that of any other agency in Guatemala or anywhere else in the region. The gravity of the situation means that the country priorities (in addition to any listed in the preceding paragraphs) will be to prevent and attend to the spread of the virus and to stem the negative effects it will undoubtedly have on the population in terms employment and income and the nation in terms of growth and economic development. What's more, the economic crisis that results from COVID-19 could increase social tension and, as a result, the need for social dialogue.**

³³In August of 2019, 160 congress people were elected from 19 parties: 52 from UNE, 17 from VAMOS and 91 from 17 other parties..

4. Conclusions, lessons learned, and good practices

4.1 Conclusions

Relevance, coherence and validity of design

207. The ILO intervention is relevant to the existing problems that result from the failure to apply the fundamental principles and rights at work; low rates of union membership; heightened vulnerability in the indigenous population; high rates of child labour and domestic work; precarious labour conditions in the population in general and particularly among youth, indigenous peoples, child workers and domestic workers. It is also justified by its alignment with the ILO instruments for planning and programming in which the strategies, lines of intervention, and priorities of these instruments are incorporated as goals, outcomes and/or products in the ILO projects.

208. The expected outcomes of the ILO intervention include increased knowledge and improved performance among government officials and representatives of employers and worker organizations; the strengthening of institutions; and the development of proposals for norms, policies and plans. This is all coherent with the lax normative and institutional frameworks in Guatemala in these areas and the ILO's desire to contribute to its solution. However, within project designs, there are no mechanisms or instruments to measure the increase in knowledge, changes in performance, or the strengthening of dialogue spaces. This makes it difficult to gather objective evidence of the effectiveness and impact of ILO's overall intervention.

Effectiveness

209. Qualitative information and secondary data point at the ILO's contribution to an increase in knowledge among government officials and representatives of the employers and worker organizations, and indigenous groups, on the ILS; ILO Conventions 87, 98 and 169; Decree 07-2017 and OSH, among others. In some cases, this generated a change in performance and attitudes among some officials at MINTRAB and to a strengthening of the IGT and SITRADOMSA.

210. The ILO has helped create norms, policies, plans and instruments on Convention 169, inspections, employment, labour migration and child labour. The ILO is highly regarded for its role in the following areas: advising; disseminating best practices; facilitating the involvement of key stakeholders; providing training, guidebooks, manuals; organizing and participating in planning meetings; consolidating progress; preparing drafts of proposals; and socializing and validating them.

211. The incorporation of a gender focus in the ILO intervention has varied from project to project. In one project, the beneficiary population was exclusively female. Another project included activities to promote women's participation in decision-making spaces. In the rest, either training was offered on equal conditions for work and legislation on discrimination, or women were specifically encouraged to participate in trainings. However, these have not yet generated significant results in the struggle for equality and non-discrimination.

Efficiency and effectiveness of management structures

212. While there are connections among the ILO projects that are being considered in this cluster evaluation and between the ILO and other international cooperation agencies,

these connections have not always contributed directly to the progress that has been made.

213. One opportunity for the ILO to generate a more strategic and effective connection with other institutions is the current UN reform process. This process seeks to establish more coordination among the agencies of the UN system. There are also opportunities for the following reasons: in Guatemala there are many different agencies working on the same issues as the ILO; the ILO participates in regional and global spaces; and with regard to the government, the recent launch of the National Coalition for Economic Empowerment seeks a greater coordination between relevant sectors and institutions.
214. While it is true that each project has elaborated technical progress reports and has monitoring and evaluation plans, there has not been any systematic follow-up on the ILO's comprehensive intervention in Guatemala. As a result, the ILO is missing important data for generating and systematizing knowledge that could be used to inform the design of future interventions.
215. The constituents practically didn't participate in the design of the ILO projects but they—principally employers' organizations and the government—did have an active participation in their implementation and are satisfied with the ILO's work. This positive impression of the ILO is one of the institution's principal assets as it looks forward to future interventions. It is a viewpoint that is supported by the following observations: (a) the ILO is the only specialist on employment, Convention 169, ILS and labour migration; (b) it has high quality of the training it provides; (c) the ILO shares experiences and best practices from other countries in the LAC region; (d) it is tripartite, which enables it to promote social dialogue; and (e) its strategies are oriented at increasing individual capacities, strengthening institutionality, creating policies, ratifying conventions and modifying norms.

Likelihood of impact and sustainability

216. With regard to first outcome of the ToC for the ILO intervention ("Improved State Capacity to ratify and apply ILS and fulfil reporting obligations"), the increased knowledge among MINTRAB officials of their obligations to report the measures adopted to apply the ratified conventions is reflected in the ILO reports (CEACR and Committee for the Application of Norms). These are being delivered on time and with adequate information. A model for identifying risk for child labour is being developed as are proposals for a mechanism for consultation and participation of indigenous communities, the creation of a Vice Minister of Indigenous Affairs and a Directorship of Indigenous Communities, and a policy for Indigenous Communities and Interculturality.
217. With regard to the second outcome ("A modernized and strengthened system for labour inspection") there is greater knowledge among inspectors about the new procedures established in Decree 07-2017 and on OSH. They are more aware of their responsibility to ensure compliance with OSH obligations. The IGT has also become a stronger institution due to its improved capacity to sanction and collect fines. It has adopted measures for planning and managing the sanctioning procedures. It also has strategic plans for sectoral compliance and the standardization of technical criteria for inspection procedures and to include them in

- their protocol. However, there is not yet evidence that this progress is resulting in more effective inspections or improvements in the quality of the inspectors' reports.
218. When it comes to the third outcome (“Policies implemented to generate employment and productive development, principally for youth”) implementation plans have been created for all of the priority actions contemplated in PNED 2017 – 2032. The participatory form in which this took place allowed MINTRAB officials to become more aware of the role that they can play in the promotion and generation of employment and of the importance of cooperation among ministries for a more effective PNED.
219. On the topic of the fourth outcome, (“Improved capacities of the government, employers and worker organizations to protect the labour rights of domestic workers”), for the very first time, the government actively participated in the awareness campaigns on the rights of domestic workers. The campaign is well regarded by the constituents, but there is not yet evidence that it has had an impact. SITRADOMSA has a higher profile among authorities, other organizations, and the media, and its membership has increased.
220. All of the proposed norms, policies, and instruments for Convention 169, inspections, employment, and child labour are pending approval in Congress, or the Technical Roundtable for child labour, or MINTRAB for inspections. It is of utmost importance that this process is completed so that all the effort the ILO expended, along with the constituents, can result in the effective application of Convention 169; more efficient inspections; the implementation of actions to promote decent work; in more efficient strategies to prevent and eradicate child labour; and in practices for the safe and fair recruiting of migrant workers. This will contribute to reducing gaps in decent work and the effective application of the fundamental principles and rights at work.
221. The proposals for norms, policies and plans have been created in tripartite social dialogue spaces. At the same time, in CNTRLLS the parties met periodically on the implementation of the roadmap. However, for these dialogue spaces to contribute to the sustainability of the outcomes of the ILO intervention, there needs to be an improvement in terms of the quantity and quality of the agreements; their connection to improving labour relations between employers and workers; the degree of compliance with the agreements; their positioning at a local regional and national level; and their financial sustainability.
222. With regard to employers' organizations, CAMAGRO has included the ILO's general principles and guidelines for fair recruiting in its policy on human rights in the agriculture sector. It has updated its strategy for the private sector for the prevention and eradication of child labour. Meanwhile, the maquila sector has created a policy on harassment and discrimination in the workplace. These policies need to be adapted and implemented at a sub-sector and company level and replicated in other economic sectors. This way they will be able to help reduce gaps in decent work and contribute to the effective application of the fundamental principles and rights at work.
223. Unions have participated actively in the development of proposals to reform the Labour Code with regard to freedom of association and to implement the roadmap. They have also participated in writing reports to address the observations of CEACR on Convention 169. They have a variety of spaces among different unions to work

on migration, consultation, and employment. But this work has not yet translated into stronger institutions according to the interviewed constituents.

4.2. Lessons learned

LL Element	Text
Brief description of lesson learned	1. The following are critical factors for the effectiveness of social dialogue: (a) there is continuous political will and commitment of all parties; (b) constituents have the capacity and relevant information to discuss the issues on the agenda; (c) progress is made in establishing and fulfilling agreements and (d) whoever presides over the dialogue space exhibits efficient management both in administrative and technical terms..
Context and any related preconditions	Social dialogue has been, along with strengthening of capacities, the ILO's most frequently utilized strategy for achieving its objectives. Proposals for norms, policies, and plans have been developed in tripartite social dialogue spaces and parties meet periodically in the CNTRLLS to implement the roadmap.
Targeted users / Beneficiaries	ILO, Government, Employers Organizations, Worker Organizations, CNTRLLS.
Challenges /negative lessons - Causal factors	There is consensus among the constituents that the parties engage in debate and utilized the tripartite social dialogue spaces. However, there is no evidence that in recent years CNRTLLS or other spaces have been strengthened in terms of agreements made in the meetings, the quality of these agreements, or the degree of compliance with them. The lack of concrete results produced by the dialogue and the fact that it is sometimes misused to perpetually draw out the process, creates dissatisfaction among workers and wears on them.
ILO Administrative Issues	This lesson learned is related to implementation. Specifically, it is related to the social dialogue spaces, which require personnel and resources for their management.

LL Element	Text
Brief description of lesson learned	2. The projects that seek to increase knowledge and improve performance of public officials and representatives of employers and worker organizations must include in their design mechanisms and instruments to measure the magnitude of the increase in knowledge and improvements in performance.
Context and any related preconditions	Some outcomes of the ILO intervention in Guatemala refer to changes in knowledge among people (representatives of MINTRAB, SEPREM, the judiciary, the Public Prosecutors' Office, employers and worker organizations and indigenous communities) on the fundamental conventions, ILS, new procedures for administrative sanctions, employment policies, and labour rights. Other outcomes refer to changes in performance of individuals (carrying out strategic inspections, appropriate application of judicial rulings).
Targeted users / Beneficiaries	ILO
Challenges /negative lessons - Causal factors	None of the ILO projects in Guatemala have contemplated applying entrance and exist exams or other instruments to measure any increase in knowledge. Nor have they included follow-up surveys for those who receive training, access to official administrative reports from the institutions where people who were trained work or any other instruments for measuring changes in the performance of public officials. For this reason, there is no objective evidence to support the idea that the trainings have produced changes.
ILO Administrative Issues	This lesson is related to the design of an intervention and the incorporation of these mechanisms and instruments. It also pertains to the implementation of the

	<p>intervention to apply these mechanisms and instruments. This would require personnel and financial resources to put it into practice.</p> <p>The ILO has an administrative tool called “Quality appraisal” which is a type of <i>checklist</i> that identifies if projects include a monitoring mechanism. This administrative tool should be put to use as a monitoring management tool to implement the identified lesson learned.</p>
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L Element	Text
Brief description of lesson learned	3. Projects that have among their outcomes the creation of plans, policies or norms should complement their technical strategies to create these products with strategies for advocacy so that they will be approved by the legislature or the executive branch.
Context and any related preconditions	A third group of outcomes for the ILO’s comprehensive intervention for 2018-2019 in Guatemala is related to plans, policies and norms, like the implementation plans for the PNED, the National Policy for Indigenous Peoples and the consultation mechanism for Indigenous Peoples.
Targeted users / Beneficiaries	ILO
Challenges /negative lessons - Causal factors	The intervention of the ILO has contributed to the creation of norms, policies, plans and instruments for Convention 169, inspections, employment, labour migration, and child labour. However, in all of the cases, these norms, policies and plans that have been submitted to the government are pending review, approval and/or official publication by Congress or the executive (in the case of child labour, by the Roundtable on Child Labour, and in the case of inspections, by MINTRAB).
ILO Administrative Issues	This lesson learned is related to intervention design, the incorporation of the mentioned strategies, and their implementation. Personnel and financial resources are needed to apply this learned lesson.

4.3. Good Practices

GP Element	Text
Brief summary of the good practice	1. In GTM 1852 SWE the ILO prioritised finding a consensus among the technical teams from various sectors. It did this to generate greater institutionalization of the process of developing implementation plans for the priority actions of the NPDW. It chose to invite EUROSOCIAL and the European Union (EU) to ensure greater support from the international community, and also accompanied MINTRAB to the tripartite meetings to socialise and validate the Interinstitutional Technical Roundtable (MTI).
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	GTM 1852 SWE sought to strengthen the capacities of constituents to implement employment policies, taking as a point of reference the PNED 2017-2032, created in 2017. The project’s principal achievement is developing implementation plans for the 16 priority actions of the PNED.
Establish a clear cause-effect relationship	The ILO strategy to prioritize consensus, promote the participation of international cooperation agencies, and accompany MINTRAB in meetings to socialize the progress on MTI contributed to fact that the PNED 2017-2032 strategy, which contains implementation plans for 16 priority actions, is a document that all involved parties have accepted and appropriated.

<p>Indicate measurable impact and targeted beneficiaries</p>	<p>The implementation plans were made for the 16 priorities contemplated in the PNED, not just eight as planned initially. In these plans they identified 66 goals, 69 strategies, 184 outcomes, 360 actions and 2,000 sub actions.</p> <p>The representatives of the Ministry of Labour who were interviewed said they primarily valued the technical support of the ILO specialist and the impulse it provided the MTI. They also valued the ILO's preference for involving different ministries and sectors in the planning process and in promoting inter-institutional cooperation.</p> <p>The EU has said that it would use the implementation plans developed by the project as the foundation for the implementation of its framework of cooperation with the Guatemalan government for the coming years. To support this, the EU disbursed eight million Euros in cooperation funds for the coming years.</p> <p>At the same time, the spaces for dialogue created to develop the implementation plans for the PNED were also used to debate labour problems in Guatemala. For instance, they debated the fair salary policy and the need to combat informality as a form of expanding worker rights.</p>
<p>Potential for replication and by whom</p>	<p>This best practice can be replicated in all the projects that need to develop plans, policies or strategies on issues relevant to country development (like employment) that require the participation of different sectors and ministries and that have a reasonable time frame to do it (six to twelve months).</p>

GP Element	Text
<p>Brief summary of the good practice</p>	<p>2. To increase knowledge among officials from government institutions, representatives of employers and worker organizations and indigenous communities the ILO held workshops, training sessions and certificate programmes for specializations. In GTM 1603 RBS the ILO held discussion sessions and seminars where it presented lessons learned and experiences from other LAC countries that have made more progress on the application of Convention 169. With project GTM 1852 SWE, the ILO took advantage of the spaces used for the development of implementation plans for the PNED.</p>
<p>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</p>	<p>In project GTM 1603 RBS, the ILO sought to strengthen capacities of the government, employers and worker organizations and indigenous peoples to understand, promote and apply Convention 169. In project GTM 1852 SWE it sought to strengthen capacities of the constituents to implement employment policies, taking PNED 2017-2032 as reference.</p>
<p>Establish a clear cause-effect relationship</p>	<p>The discussion sessions and seminars held as part of GTM 1603 RBS to present lessons learned and experiences in other countries that have made more progress applying Convention 169, allowed for an increase in knowledge among the constituents about the convention and about how to write reports on the application of the convention. Meanwhile, the training provided in GTM 1852 SWE, which took advantage of the spaces created to make implementation plans for the PNED, have led to an increase in knowledge for participants on how to develop analyses and proposals for employment policies.</p>

Indicate measurable impact and targeted beneficiaries	According to the interviews, the ILO contributed to increasing the knowledge among Ministry of Labour officials, magistrates and judges of the supreme Court, prosecutors and personnel from the human rights ombudsman's office on Convention 169, the rights of the indigenous population, and on how to write reports on the application of the convention. It also increased knowledge within government institutions on analyses and proposals on employment policies, formalization and social protection.
Potential for replication and by whom	This good practice can be replicated in all projects that seek to increase knowledge and capacities of the constituents in a specific issue (which, in reality, is all the topics on which the ILO focuses) and on how to develop plans, policies and strategies for these issues. In the case of GTM 1603 RBS, the coordinator's regular participation regularly in regional activities and spaces facilitated meetings and seminars for presenting best practices and experiences in other LAC countries.

GP Element	Text
Brief summary of the good practice	3. During the development of the UN Framework for Sustainable Development 2020 – 2024 the ILO had a more active participation as compared to its role with the UNDAF 2015-2016. It mostly carried out consultations among constituents, something novel for the process considering that during the development of prior UNDAFs only civil society was consulted. This more active participation contributed to the incorporation within the framework of cooperation of priority issues for the ILO and to the feeling among that they were part of the UN system and not just the ILO.
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	The ILO participated in the UN system spaces for coordination. However, according to the interviews, during the execution phase for the projects there was little association between the ILO and the rest of the UN agencies, with the exception of its joint effort with UN Women on the issue of domestic workers. The current reform process underway at the UN could be an opportunity to remedy this situation.
Establish a clear cause-effect relationship	The more active participation of the ILO in the UN Sustainable Development Cooperation Framework 2020 – 2024, principally in designing a consultation process with constituents, contributed to the incorporation of ILO priority issues in the framework and to the constituents' feeling like they are part of the UN system, not just the ILO.
Indicate measurable impact and targeted beneficiaries	<p>The active participation of the ILO during the development of the Sustainable Development Framework 2020 – 2024 was evident in its organization of a national workshop with representatives of the UN system agencies to disseminate information about the what the ILO has to offer and to identify opportunities for collaboration. It also participated in workshops and inter-agency exercises on topics of gender, human rights, employment, labour conditions and migration. It developed a consultation process with the constituents.</p> <p>This active participation contributed to the incorporation into the framework of ILO priority issues, such as compliance with norms, indigenous communities, employment, professional technical education, child labour and migration.</p>
Potential for replication and by whom	This best practice of consulting could be replicated in other processes to develop medium- and long-term programming and planning for the UN system.

5. Recommendations

- 1. Present proposals for plans, policies and norms developed during the previous biennium to the members of the new administration. Carry out political advocacy actions, with high decision-making authorities from the Ministries involved and from the Congress, aiming at achieving the approval of the proposals.**

These include: the proposal for a Vice Minister of Indigenous Affairs and a General Directorship of Indigenous Peoples; The Policy on Indigenous Peoples and Interculturality; instruments for the standardization of technical criteria for labour inspectors and departmental delegates; plans for the implementation of the 16 priority actions of the NPDW found in the strategy matrix for the NPDW 2017 – 2032; National Policy of Salaries; a labour migration and fair recruiting policy; risk identification model for child labour; law that institutionalises the CNTRLLS; law to regulate organising and strikes for government workers.

For the policies and norms for which congressional approval is most viable the ILO should engage in advocacy. For the cases in which Congress is less cooperative, but there is significant evidence of the positive effects these plans, policies and norms will have for the country, the ILO should engage in advocacy.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
The ILO, government, employers and worker organizations	Very high	Short term	Moderate use of resources	Conclusion 4 and 14

- 2. Adopting and implementing a policy of respect for human rights in the agricultural sector and against harassment and discrimination in the workplace for the maquila sector, sub-sectors, enterprises and replicate in other sectors.**

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
To employers' organizations (principal role) and the ILO (in its role as advisor)	High priority	Short term	High resource needs	Conclusion 16

3. **Develop a comprehensive plan for the future ILO intervention in Guatemala with a ToC that makes explicit the relationship between the various projects in the intervention, the indicators and verification means to measure increases in knowledge, changes in performance, and strengthening of social dialogue spaces. This plan should also be more closely related to the 2030 Agenda.**

To measure the increase in knowledge and the changes in performance the ILO could use entrance and exit exams at the start and end of a particular training. It could also use follow-up surveys and official reports and documents from institutions where training participants work.

To measure the strengthening of the dialogue spaces, the ILO could establish indicators like the frequency of meetings, constituent participation, quality and quantity of the agreements made, and degree of compliance with agreements. The ILO could establish indicators for the spaces' positioning at a local, national or regional level and its financial sustainability.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
The ILO	High priority	Medium term	Low resource implication	Conclusion 2 and lesson learned 2

4. **During the intervention design stage, incorporate a policy advocacy strategy that improves the chances of congressional or executive approval of any plans, policies or norms developed in the intervention.**

This strategy could include spaces for dialogue and discussion about the proposed norms, policies and plans with representatives of the congress and executive, media presence and statements on current related issues, sensitization and training with the legislature.

This strategy could involve a range of activities including activism, advocacy, lobbying or advising, depending upon the degree of cooperation/coordination between the ILO and interest groups and the degree of supporting evidence for the importance of the developed plans, policies and/or norms.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
ILO	High priority	Medium term	Medium resource implication	Lesson learned 3 and 4 and conclusion 14

5. **When defining the scope of future interventions in Guatemala, the ILO should take into account the priorities of constituents and project coordinators identified in the areas of inspection, job creation, domestic work, child labour and labour migration.**

With regard to inspections (a) increase awareness at the IGT that its principal role is to verify employers' compliance with labour rights and (b) strengthen the departmental delegations

that lack human resources and materials and/or those in jurisdictions with more violations of workers' labour rights.

With regard to job creation, (a) implement the NPDW, (b) promote the implementation of policies that support small and micro enterprises and jobs creation for youth, women, and rural dwellers in the formal sector (c) promote the economic inclusion of indigenous communities, in particular indigenous women (d) modernize the SNE and the VUME (e) adjust regulatory frameworks so those engaged in atypical forms of employment can access the social protection system and (f) discuss the impacts of COVID19 and recovery measures directed at the most vulnerable groups like youth, women and those most affected by the crisis.

With regard to domestic labour, (a) generate statistical evidence that provides relevant information to support proposals for norms and public policies; (b) promote the ratification of Convention 189 and (c) take on the issue of domestic work from a social security perspective because as it stands now workers are covered for maternity and accidents but not illness or retirement.

With regard to child labour, (a) develop or update of National Strategy for the Prevention and Eradication of Child Labour and (b) implement the child labour risk model.

With relation to labour migration (a) supervise and inspect recruiting and placement agencies (b) decentralize and strengthen capacities to address the issue at a local level and (c) promote the productive use of remittances that Guatemalans working in the US send back to their families.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
ILO, government, employers and worker organizations	Medium	Medium term	High resource use	paragraphs 197 to 202 of the report

6. Starting at the design phase, incorporate a gender and a non-discrimination focus to raise awareness about the importance of unpaid domestic work and to produce a policy on domestic care work. Develop specific actions in the areas of inspections and employment

For the policy on care work in the home, the ILO could address the unequal division of chores between men and women in the home and suggest the need for quality public services that provide care for dependents and social security—for health and retirement—for women.

To incorporate a gender focus in inspections, the ILO could develop inspection instruments to detect of non-compliance on the protection of the right to maternity; equal pay; sexual harassment and violence. When it comes to the issue of employment, VUME could promote self-employment and entrepreneurship among.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
The ILO	Medium priority	Mid-term	High resource use	Conclusion 5

7. Establish more strategic connections with international cooperation agencies to work on issues where there is a shared interest and track record, making ILO interventions more effective and efficient.

The current UN reform process, which is working to augment coordination among UN agencies, presents one such opportunity. The ILO should also take advantage of the fact that there are other agencies that work on the same issues as the ILO and the fact that the ILO participates many regional and global spaces:

*On Convention 169: bilateral cooperation with the US, Canada, Spain and Germany

*On inspections: bilateral cooperation with Canada, Germany, and USDOL on conflict resolution.

*On employment: with the EU, which currently finances programmes and projects related to the implementation of the PNED and youth employment such as the Programme to Support Decent Work and the projects “Promoting decent work for all” and “Youth Employment II;” with EUROSOCIAL on labour training; and with USAID on a system of information for the labour market.

*On domestic work: OHCHR works on domestic labour as a human rights, labour rights and women’s rights issue.

*On gender: UNWomen works on empowerment and entrepreneurship among women. The ILO forms part of the UN Interagency Network on Gender and Equality.

*On child labour: Guatemala is part of the Latin America and Caribbean Free of Child Labour Regional Initiative and is a pioneer country in the Global 8.7 Alliance.

*On migration: the ILO participates in an inter-agency group on migration.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
ILO and international cooperation agencies	High priority	Medium term	Moderate resource use	Conclusion 6 and 7

8. Institutionalise within the ILO the procedures and mechanisms for systematic monitoring of the comprehensive intervention to measure results and the ILO’s contributions to the work of the UN and to the SDG.

Responsible entity	Priority Level	Time frame	Level of resource requirement	Conclusion, lesson learned or good practice to which it is related
The ILO	Medium priority	Medium term	Low resource use	Conclusion 8

