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Labour
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i-eval Discovery



Towards Safe, Healthy and Declared Work in Ukraine – Independent Final Evaluation

QUICK FACTS

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Administrative Office: Decent Work Team/Country Office for CEE (DWT/CO-Budapest)

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BACKGROUND & CONTEXT	
Summary of the project purpose, logic and structure	<p>This project is the continuation of the efforts of the previous phase “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”. The expected short-term impact of the project is an improved compliance of Ukraine with key International Labour Standards on OSH and undeclared work, through two outcomes (1) bringing closer the legal framework on OSH to international labour standards and (2) Roll out systems and procedures for labour inspection services.</p> <p>The pandemic, and then, the impact of the war on labour led the project to repurpose some of its activities, in consultation with social partners, and the donors, to address the most pressing identified needs, including psychosocial support, raising awareness on human trafficking, and forced labour and support the social dialogue in times of war.</p>
Present project situation	<p>The project is almost completed while it has reached all its targets.</p>
Purpose, scope and clients of the evaluation	<p>The purpose of this final evaluation is to review the project performance over its entire period (40 months) and provide recommendations for the future.</p>
Methodology of evaluation	<p>The evaluation method has involved mixed quantitative and qualitative data collection tools and have been mainly qualitative in nature. It has been remotely managed involving online interviewing of key stakeholders. The data collection has been organized around the OECD/DAC evaluation criteria.</p>
MAIN FINDINGS & CONCLUSIONS	<p>Relevance and Strategic Fit</p> <p>The previous phase of this project had also been highly relevant as it was already addressing both fundamental work’s safety and health regulatory and normative challenges in supporting key labour inspection and OSH reforms so that Ukraine implements EU directives and advances on its European path, thus contributing to national, European, and international strategic priorities. This phase has maintained the strong initial relevance as it continued to address the same initially identified needs of reforming of work safety and health as well as labour inspection to comply with the national legislation, on both OSH and labour relations and curb undeclared work.</p> <p>Ukraine’s obtention of EU candidate Status in June 2022 has consolidated the European Union future of Ukraine and the project’s relevance in preparing the adoption and implementation of ILO Conventions and EU OSH directives; activities which are also contributing to the EU – Ukraine Association agreement objectives.</p> <p>The project has demonstrated that it remained relevant despite major context changes. During the pandemic, the project managed to continue all</p>

activities by switching to remote virtual events and online and offline content, allowing partners to participate in advocacy roundtables, consultations, and training events.

To the evaluator, the project has shown a rare case of valuable relevance: a demonstration that a choice does not need to be made between prioritizing the “urgent” and the “important”, but that both can be addressed, and mutually consolidate the assistance. In doing so, the project has also been an advocate of the voices of social partners who want to see reforms move on as much as the conflict priorities to be addressed.

Coherence and Validity of Design

The original project design is found to be coherent as it is reflecting a thoroughly analysed Theory of Change, which is an updated version of the one developed for the previous phase. In both cases, the ToC finds its legitimacy in the fact that substantial and regular stakeholder consultations have taken place to review the project’s assumptions, while the change process enjoys the clear and strong guidance of Ukraine’s strategic objectives of implementation of OSH and labour inspection reforms to match the standards of the EU; the Community the country wants to join, as an overarching priority.

The design has a strong logic, as it, firstly and logically fits and is a next step into the long-term process towards implementing EU OSH standards. The project design also translates well the change process, supported by a multi-track approach, combining the following complementary initiatives:

- a normative track (involving the transposition of EU directives, ILO Conventions & a facilitation of the consultative law drafting process).
- an institutional/reform track with capacity building activities to help establish an effective State Labour Services (SLS), and a facilitation track using soft skills to support the social dialogue.
- an advocacy track (backed by advocacy activities).
- a communication/public awareness track (allowing to mainstream Undeclared Work (UDW) while strengthening SLS capacity through practice of public awareness campaign).

While promptly reacting to addressing OSH priorities in a war context – a precedent for ILO - the project has demonstrated it was relevant in its response to urgent needs without changing, but rather adapting its Theory of Change, by integrating a fast “crisis response” track to make the design also valid in the war context.

Project Progress and Effectiveness

Based on the project documentation review, the overall performance of the project is commendable. At the time of this evaluation, it has reached all its output level targets and exceeded it for the majority of activities. This is also the case of its repurposed activities which have all exceeded their projected targets.

Under the outcome 1, on OSH legal framework and UDW, the project has delivered beyond target on the number of technical recommendations, legislation revisions, advocacy, and training events. However, this technical

and advocacy work has not yet materialized as the proposed reformed legislation has not been voted by the Parliament to date.

While the impact of COVID-19 had been quite significant, constraining to halt the many physical events organised by the project, the team rapidly adjusted by switching to remotely managed sessions which proved effective. The war and subsequent martial law have also limited the ability of the legal agenda to move forward. Regardless, the project performance has been unanimously confirmed during evaluation interviews. Behind the quantitative achievements, stands quality. As per interviewees, the project effectiveness is primarily the result of the team performance and ILO's technical expertise. This has created ILO's credibility over the years and a strong sense of trust, as a driver of stakeholder's interest and involvement in the project activities and consultations.

After adjusting swiftly to the pandemic, by switching a great deal of activities in a remote management mode, the project has also delivered a highly effective and meaningful response to the urgent needs affecting the safety and health of workers and employers; especially in the area of psychosocial support, forced labour and human trafficking. Together with responsive social partners, a proactive project team and a flexible EU Delegation as a donor, this combination of good will has made a significant difference with modest, repurposed funds.

Efficiency of Resource Use

In light of the density of activities organized by the project, the level of exchange and interaction with multiple stakeholders, the long list of results obtained, under the management of a small team, the evaluation has found the two million Euro budget resources to have been very efficiently used, both in terms of cost per event and the overall value of the project results in view of the budget.

The funds reallocated, from the savings made from the switch from physical to virtual activities, as well as from the savings resulting from the in-house provision in-house of technical recommendations (instead of its foreseen outsource to external collaborators), to the response to the psychological distress, forced labour and human trafficking exposure of workers in the war context, have allowed to reach a strong impact in terms of awareness raising and preparedness and prevention of such risks.

Effectiveness of Management Arrangements

The management arrangements have proven effective in ensuring the timely delivery of numerous activities, while maintaining high standards of quality, when considering the project annual quality feedback survey and the statements made by stakeholders to the evaluation.

The administrative, financial, and operational procedures of ILO have been tried and tested in the previous phase but also across other ILO projects. The delivery of activities through times of pandemic and the on-going war in Ukraine are two strong indicators of the effectiveness of management. Well-designed procedures alone are not enough to ensure smooth implementation: The project team's individual investment and dedication is

a large part of the explanation of a project that shows flexibility, responsiveness, and availability to adjust to the changes the Ukrainian context has gone through but also to navigate in a complex context, requiring a constant advocacy effort.

Impact Orientation

The results of the project have produced an even more meaningful contribution to Ukraine's national development objectives, especially since the country has been granted the EU candidate status. Joining the EU has been a central political but also, developmental objective expressed by successive Ukrainian governments. The current government has recently presented a five-year plan where the commitment to the EU integration process is central.

In parallel to this, the Russian Forces aggression on Ukraine has obviously profoundly shaken the country and led to dealing with the emergency. Among other drastic changes, the martial law has affected the progress of the project. It has affected its operational orientation through the response to the dramatic effect on the safety and health risk at the workplace. However, it has also affected the materialisation of the long joint effort of partners, involving the process of drafting a modern OSH and labour inspection legislation.

The European perspective of Ukraine, recently strongly boosted with EU candidate status, has also given a strong impetus for the project to continue advancing in preparing the country to implementing EU OSH directives. However, the war in Ukraine and its impacts on the national context, with, among other consequences, the installation of the martial law, has also affected progress in the reform areas where the project has been active, while it has reduced the space for social dialogue. These challenges have given even more sense to the importance of the active and visible advocacy efforts made by the project.

Sustainability

It is important to keep in mind that the ability of the project to clearly express it follows a long-term process, using a theory of change, explaining the steps until EU standards are effectively implemented in Ukraine, is a crucial to assess the sustainability of each phase as it allows to review the progress made against the process at the end of each phase.

The project is following a very clear process aiming at the effective implementation of labour standards. Until the war broke out, several key sustainability indicators had been positively fulfilled (stakeholder interest and commitment, normative technical progress, institutionalisation, public awareness and interest, ownership and increased capacity and performance of SLS). While the war and the martial have not directly challenged the sustainability of results, the delayed validated of the draft OSH law, the reduced social dialogue space – while they may be temporary constraints, required a close monitoring and underline the importance of such projects – as the one under evaluation, to exist and continue, and even more so, in times

of conflict. Visibility and advocacy are likely to play a key role in the future, in ensuring the sustainability of the results achieved to date.

RECOMMENDATIONS, LESSONS LEARNED AND GOOD PRACTICES

Main findings & Conclusions

Conclusions

The project is supporting a two-in-one process that stretches far beyond the enactment of the OSH draft law. Regardless of the current context, the achievement of the long-term objective of both processes requires the continuation of ILO project support.

Effectiveness can be truly measured at the end of the process: The effectiveness of this project and the previous phase will ultimately be measured against the concrete implementation of EU OSH directives in Ukraine. Aware of the long path until this happens, the evaluation also understands from stakeholders that this process needs to be accompanied and supported technically until the long-term goal is reached.

The time of active advocacy is now. Two consecutive phases have significantly advanced OSH at the technical level (OS concepts are owned, appropriate terminology is routinely used in the social dialogue, OSH law is drafted...). Social Partners are knowledgeable, aware, and willing to see the law voted and move further into implementation. A strong advocacy push is needed at higher level, as the current context is assaulted with so many competing priorities, that an impactful advocacy requires targeting the top decision-making level.

Social partners are asking for more social dialogue and deem ILO support to the (National Tripartite Social and Economic Committee) NTSEC as a necessary contribution in the future.

Success is the result of technical expertise and human dimension. The ILO is not just a “technical expert”, **but also a trusted and respected** agency. It also is about the way knowledge is delivered. Stakeholders have expressed this as a clear statement that the human factor is equally important to achievements.

Recommendations

1. Continue supporting Ukraine in preparing its long-term European integration perspective and normative alignment, while attending pressing needs relating to OSH, UDW and LI, with a follow-up project.
2. Redesign the intervention into modular projects or components around core topics.
3. **(sub-recommendation on Psychosocial Support - PSS):** Reflect programmatic linkages between PSS, physical and sexual harassment, and HIV-AIDS risks in the PSS project response.

4. Increase impact of project pleading effort by formulating an advocacy strategy, allocating resources for its implementation, and developing a monitoring tool, to measure progress and results of advocacy efforts, and involve constituents and key decision-makers in the monitoring process.
5. Develop a Theory of Change with change indicators (this echoes the mid-term evaluation recommendation to track adoption of legal acts supported by the project).
6. Consider the admission of a Labour Administration, Labour Inspection and OSH Specialist for the ILO DWT/CO-Budapest.

Main lessons learned and good practices

Lessons learned: 1. The war has affected the project as its response to the crisis has widened its scope of activities and increased its workload. The completion of the project may be the right time to refocus around topics and reassess workload: the previous phase was ambitious, in the positive sense, as it tackled fundamental issues, requiring changing mindsets and build a culture of safety and health at work, of labour inspection and address the very deeply rooted situation of undeclared work in Ukraine. To the pressing needs (psychological health, forced labour, human trafficking) emerged from the war, this project has widened its initial scope to respond to urgent challenges through a “crisis-response” track (repurposed activities). In parallel, the project has continued supporting important priorities, such as the social dialogue, labour inspection reform and the OSH legislation, which have been temporarily side-lined by other priorities and the martial law. The evaluation draws two conclusions from this observation: 1: The volume of “development” and “response” -tracks of the current project activities and the possible further development of the PSS component is likely to be too high to be managed under one project, while simultaneously ensuring discussions between the constituents, maintaining the social dialogue, and consistently remaining engaged in active advocacy. Thus, it is a relevant time to review the project activities and re-organise the various components of the project into several modular components rather than one large project; and 2: By maintaining the “development track” active, the project has helped keeping afloat fundamental priorities (progressing on EU standards) and practices (social dialogue) which may have been left in the shadow of “war-related” priorities, reminding that reforms need to move on even, in the dramatic context of Ukraine.

2. The project advocacy efforts have also substantially existed in the informal sphere: The EU financial support is not just supporting the delivery of technical expertise, it is also funding a team which, collaboratively with the ILO NC, has dedicated a substantial amount of time to advocacy, inside and

outside project activities. It did not need the evaluator to ask since stakeholders have been willing to underline the importance of managing relationships. “It is not about maintaining good relationships. It is about exchanging on substance and continue the discussions after the roundtable is closed.” Indeed, the agenda is moving also in the informal space. This lesson learned leads has served as a basis for a recommendation, based on the assumption, future advocacy efforts may be even more impactful in terms of obtaining institutional validation of the legal OSH and LI reforms supported by the project. that, if driven by clear strategy and formalised as an activity.

Good practices

1. A highly inclusive project, and ILO Ukraine project team and staff deeply engaged in stakeholder relationship earns irreplaceable value and benefits: Involving a wide range of actors contribute to awareness raising: Roundtables organized by the project have invited a wide variety of actors, including lawyers, tribunals... This has allowed to gather the perspectives of the judiciary into the law drafting but has also contributed to raise the understanding of the legislative, judiciary institutions on how to address OSH and its relation to (fundamental) labour rights. The team’s personal engagement in stakeholder relationships has been observed as one factor strongly conditioning and contributing to stakeholder interest, motivation, and engagement in this other ILO projects. Staff commitment and attitude maybe an intangible good practice, but it it’s the one practice that makes the difference to getting results.

2. Stakeholder relationship investment, combined with a flexible and open-minded approach have been key ingredients to the repurposing activities: With modest financial resources but a strong mobilisation across stakeholders, the repurposed activities have proven highly relevant, rapidly deployed and producing a great impact, while remaining strategic (not only focussing on the emergency but addressing the underlying causes): This good practice; i.e. a prompt, decisive contribution and commitment of social partners in the “crisis” response is clearly related to the team’s engagement, to the understanding of the evaluation. The “success” of repurposed activities can be attributed to a combination of stakeholder trust (stakeholder are deeply engaged in contributing to the project urgent needs assessment and response), ILO staff attitude and donor (EU) flexibility.