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Access to justice in labour disputes through mediation and conciliation: final evaluation report

QUICK FACTS

Countries: Albania

Evaluation date: 05 September 2023

Evaluation type: Project

Evaluation timing: Final

Administrative Office: DWT/CO Budapest

Technical Office: DWT/CO Budapest; HQ DIALOGUE

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DC Symbol: ALB/18/03/SWE

Donor(s) & budget: SIDA, Sweden; USD\$1,216,987

Key Words: Decent work; Gender equality; Labour standards; Social dialogue; Tripartism and constituent partnerships



BACKGROUND & CONTEXT

Summary of the project purpose, logic and structure

In Albania the ILO promotes decent work as a national objective and assists constituents to make progress towards achieving that objective. Alternative Labour Dispute Resolution (ALDR) is one of the priorities in the Decent Work Country Programme (DWCP) for Albania in the period 2017-2021 (Outcome 2.2). The Swedish International Cooperation Development Agency (SIDA) funded project, 'Access to justice in labour disputes through mediation and conciliation', contributes to the achievement of the goals under this priority of the DWCP. This project builds on a previous project, 'ALB103: Strengthening the effectiveness and quality of labour inspection systems and social dialogue institutions'.

The project strategy is organised around 5 outcomes:

Outcome 1: Increased effectiveness of labour disputes mediation and conciliation services.

Outcome 2: Increased use of alternative labour disputes resolution by workers, employers and their organisations.

Outcome 3: Increased application of International Labour Standards (ILS) by national judges dealing with labour litigations.

Outcome 4: Dispute prevention policies developed and introduced at enterprise level.

Outcome 5: Improved negotiation and dispute prevention skills of would-be workers and employers.



Present situation of the project

The present situation of the project is that 49 activities have been completed, 6 are in progress, 3 are delayed in progress and 3 have been discontinued. It is likely that the 6 activities in progress will be completed by the project end. The 3 activities that have been delayed, which relate to a Ministerial Order for a new tripartite working group (TWG), is currently awaiting approval by the Cabinet.

Purpose, scope and clients of the evaluation

The purpose of the final independent evaluation is accountability, programme improvement and planning of the next steps.

The objectives of the evaluation are to:

- a) Determine the extent to which the outcomes of the project have been achieved, the kind of changes produced, and the intended or unintended effects of the project, and an assessment of the reasons/factors that helped to produce these changes and effects.
- b) Obtain feedback from the national partners and other stakeholders: what is working, what is not and why, and to assess that feedback against broader evaluation evidence.
- c) Provide suggestions, recommendations to better target the next steps, future strategies, and new areas of technical cooperation.

The evaluation covers the whole project, 2019 – 2023, over all 5 outcomes.

The evaluation serves the following - external and internal - clients' groups:

- ILO tripartite constituents and national project partners.



- The donor.
- ILO management and technical specialists (in the ILO/Budapest and cooperating departments at the Headquarters).
- Project staff.
- Wider stakeholders and beneficiaries.

Methodology of evaluation

Evaluation methodology was based on assessments of the areas of influence on the tripartite social partners, namely trade union federations, employers' organisations, national government and project stakeholders and beneficiaries. These influences were assessed through:

- Reviews of evidence of the project, [the products of the project- e.g., dedicated staff, agreements (procedural and substantive) at different levels, normative results (legislation, ratification of ILO conventions, policies etc), infrastructure, training packages and events etc].
- 1 to 1 and group interviews with key stakeholders influencing or influenced by the project [trade union officers, employers, government officials, project staff, stakeholders].

Where available, findings will be compared with similar initiatives in other countries as well as national statistics over the life of the project.

The primary evaluation activities were:

- Document review.
- Review of the results of the project and discussions with project team around these.
- 1 to 1 and group interviews with direct stakeholders – project management,



country management, stakeholders, and beneficiaries as organised by project management.

MAIN FINDINGS & CONCLUSIONS

Relevance

- The project is linked to and helps to meet ILO mandates contained in the Director-General's Programme & Budget (P&B) 2020 – 21 Output 1.4 and the Director-General's P& B 2022 – 23 Output 1.4.
- The project helps to meet DWCP Albania 2017 – 2021 Outcome 2.2 and DWCP 2023 – 2027 Outcome 3.2.
- The project helps to meet Albania's national development plans.
- The social partners might have had a role to validate the schools and VET college ALDR syllabus and materials to ensure relevance to the real-world workplace.
- The project makes a modest contribution towards national development plans in respect of promoting gender equality, youth empowerment and building a more inclusive society.
- The project makes a modest contribution towards the achievement of Sustainable Development Goal (SDG) 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

Coherence

- The project was mostly standalone with few specific overlaps with other projects, but it coheres with the national priority towards convergence with European Union (EU) standards for accession to the EU and with the Government of Albania and United



Nations Programme of Cooperation for Sustainable Development 2017-2021.

- The project has also contributed for 18 months to the United Nations Sustainable Development Cooperation Framework 2022 – 2026.

Effectiveness

- The project has helped to further enhance social dialogue at national, regional and enterprise levels.
- There has not been any specific analysis undertaken on how the project results benefit members of different groups but there is some evidence that the project has had an impact on them especially in respect of disabled workers in the enterprises and special needs students in schools.
- The quality of the training provision and materials were high, attributable in large part to the expertise of the ITC and the comparative advantage of the ILO in the technical topics of ILS, social dialogue, and ALDR.
- The project has a high-quality monitoring system and adequate oversight at project, DWT/CO and donor levels.
- The project was able to make use of monitoring data to enable the project to stay on track while adjusting to changing circumstances in order to achieve its goals.
- The project has focussed on the free mandatory ALDR collective dispute resolution but has made some progress towards ALDR in individual disputes as well in helping to develop a tripartite consensus to extend free ALDR to individual disputes which is an important legacy for the project.
- The project has assisted twenty enterprises to build their internal capacity for ALDR and



social dialogue which can act as templates to extend the programme to new enterprises after the project closes.

Efficiency and Management Arrangements

- The project has been managed efficiently and transparently, largely achieving the project results, and making good use of ILO comparative advantage in social dialogue, ALDR, and employment relations.
- The inability to fully operationalise an integrated Case Management Integration System (CMIS) due to cyber security and data protection risks has resulted in IT hardware being supplied that has not been put to its full intended purpose, although it has helped to install an internal Ministry of Finance and Economy (MFE) system.
- The project has made excellent use of social partner representatives to help recruit enterprises, who might otherwise have been reluctant to take part in the project.
- The project made good use of local experts who contributed significantly to the success of the project.

Sustainability and Impact

- The project has potential for sustainability due to the systems that have been built but it will require Government funding and the willingness of partners and stakeholders to make good use of the systems in the future.
- The lack of an improved legal framework to support trade union collective bargaining and dispute settlement may hinder future sustainability.
- The lack of an independent mediation and conciliation service is a risk to longer term sustainability and impact.



- The project has produced comprehensive training materials and other resources that can assist longer term sustainability.
- The extension of ILO interventions into high schools is an innovative development that has the potential to achieve longer term impact through the development of transferable skills in dispute resolution for good citizenship.
- The training of the judiciary on ILS has the potential for longer term impact through the development of case law that makes use of the ILS in decision making.
- Extending access to free ALDR for individual disputes is critical for longer-term sustainability and impact.

Cross-cutting issues

COVID-19

- The project responded to COVID-19 by helping project stakeholders change their working practices to online and digital methods.

Gender Mainstreaming and Equality

- The project integrated gender mainstreaming in activities and outputs under all 5 Outcomes.
- The project promoted gender equality through its design, management structure, and monitoring of data.

ILS and Social Dialogue

- There is strong evidence that the project contributed to the strategy of promoting labour standards through the training of the judiciary in ILS.
- The project has built capacity for collective bargaining in relation to ALDR, for example in respect to the use of collective



agreements to establish internal dispute handling procedures.

- While the project helped build negotiation skills of the social partners, it did not result in new collective agreements outside the scope of ALDR, which remain the prerogative of the social partners to enter into voluntarily.

Theory of Change

- The project is based on a Theory of Change that is logically coherent and internally plausible but might have taken better account of external contexts such as the capacities of the partners to take advantage of the project.

RECOMMENDATIONS, LESSONS LEARNED AND GOOD PRACTICES

Main recommendations

- ALDR should be extended to individual as well as collective disputes with adequate state funding to support it.

Addressed to	Priority	Resource	Timing
Tripartite partners	High	High	Short-term

- ALDR delivery models should be developed flexibly with the ambition of an independent body as a long-term goal.

Addressed to	Priority	Resource	Timing
Tripartite Partners	High	Medium	Medium-term

- As soon as security conditions allow, the CMIS should be extended to allow external users to access it to produce a fully integrated system.

Addressed to	Priority	Resource	Timing
Government	High	Low	Medium-term

- The social partners should work together to extend the ALDR and social dialogue programme at the enterprise level to new companies. Advocates should be identified to promote the benefits of the programme to new enterprises and to assist them with implementation.

Addressed to	Priority	Resource	Timing
Social partners	High	Low	Medium-term

- An improved law to support trade union ability to conclude collective agreements and dispute resolution agreements should be considered.

Addressed to	Priority	Resource	Timing
Tripartite partners	Medium	Low	Medium-term

- In future projects, the ILO project teams should collect disaggregated data for other personal characteristics, such as age, ability etc so that a project's impact on targeted groups can be better monitored and evaluated.

Addressed to	Priority	Resource	Timing
ILO	Medium	Low	Medium-term



- In future projects that develop materials for schools and VET colleges, those materials should be validated by the social partners through established mechanisms where they exist or by a specially established group where they don't exist.

Addressed to	Priority	Resource	Timing
ILO	Low	Low	Medium-term

Main lessons learned and good practices

Lessons Learned

Making use of the credibility of the social partners to encourage enterprises to work with the project to help deliver Outcome 4. By visiting enterprises with a social partner, it opened up doors to cooperation that might otherwise not been possible. Companies were proposed by social partners (among their affiliated members) and selected by the PSC. They were contacted through the proposing social partner organisations. This helped social partners to have ownership of the project, increase the capacities of their members in the targeted enterprises, and enable those enterprises to take advantage of the project's activities.

Emerging Good Practice

- Intervention at high school level to incorporate ALDR into curriculum for 16 – 18-year-old students. Linked to Outcome 5 to influence future workers in respect of amicable conflict resolution at work.
- Strong and active involvement by the social partners in many aspects of the project. Tripartite and bipartite involvement in critical project activities. Social dialogue



was built through participation in activities such as the public awareness campaign. Social partners gained greater ownership of the project.