

# IMPROVING LABOUR SYSTEMS IN SOUTHERN AFRICA



Centre for  
Employment &  
Labour  
Relations  
Law

## MID-TERM EVALUATION: FINAL REPORT October 2006

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## Executive Summary

### *Key findings and conclusions*

ILSSA has had a significant and positive impact, particularly in labour law reform, training of trainers, and support to labour administrations. ILSSA has a clear management structure, although there is scope for greater devolution of authority from the CTA to NPCs. All stakeholders remain committed to the project.

ILSSA's activities have been relevant, high quality and effective, and targeted at important identified needs. There is however concern in some quarters about a failure to work in languages other than English (including the need for activities and material in Chinese in the textiles sector in Lesotho), and to take into account varying degrees of literacy. There is also concern about the slow rate of progress toward implementation of the recommendations of audits of labour ministries.

All social partners suffer from major continuing deficits in capacity. These include lack of equipment, inability to secure and/or to provide financial support (especially in the case of governments), and low levels of membership and funding for employer and worker organizations. These needs demonstrate the continuing importance and relevance of ILSSA's activities in the sub-region.

ILSSA has fallen a long way behind the timeline for project activities envisaged in the PRODOC. In particular, ILSSA has made little or no progress toward implementing mass awareness campaigns, and toward using radio for this purpose. It has also made relatively little progress in the delivery of computers and associated software, especially for dispute resolution institutions.

The indicators as to whether ILSSA project gains will be sustainable are mixed. There has been progress toward greater use of national consultants rather than international experts, following the recommendations of an Interim Assessment in November 2005. Trained trainers have been delivering training, and both employer and worker organizations are making continuing use of information and material obtained in the course of ILSSA training. But the scale and the significance of the various capacity-deficits across the sub-region could threaten the sustainability of project gains.

To the time of the Evaluation Team's visit, ILSSA had expended approximately only one quarter of the available funds, in slightly more than half the time for the project. It will be a significant challenge to expend the remaining funds within the remaining grant period, in way that is responsible and sustainable.

### *Key recommendations*

ILSSA must *urgently re-evaluate* its progress in completing all activities envisaged in the PRODOC, against the original planned timeline. The outcome of this exercise should be a revised workplan for completion of project activities that takes into account the project completion date, and the capacity of all stakeholders to absorb the planned activities. This revised workplan should be accompanied by concrete and realistic funding and costing predictions for each activity.

ILSSA must give *urgent priority* to the planned mass awareness-raising campaigns, and in particular to the use of radio for this purpose: all those interviewed by the Evaluation Team highlighted the likely effectiveness of radio. Continuing deficits in capacity across all social partners and institutions have the potential to threaten the sustainability of project gains. In that context, it is all the more important that ILSSA carry out the planned work in mass awareness-raising, and also build stronger links with media.

ILSSA should give *high priority* in its future activities to working in languages other than English, especially in the mass awareness-raising and radio campaigns. In Lesotho, it should give consideration to working in and producing materials in Chinese where possible and appropriate.

The ILO and USDOL should be closely involved in developing the revised workplan, and/or in its implementation. On the basis of that involvement, the ILO and USDOL should consider, and determine whether to remove responsibility for delivering particular aspects of the programme from the project management team. This is particularly important for the media and mass awareness-raising campaigns, and for the remaining project activities in Malawi and Zambia.

The ILO and USDOL should consider whether it is possible to further extend the operation of ILSSA in Malawi and Zambia. Any decision to do so should be made in conjunction with deciding whether the existing project management team should remain responsible for project activities in those countries.

ILSSA project management *must develop a greater sense of urgency* about the need to carry out project activities within the planned timeframe. ILSSA must seek to impart this, through the PACs, to all stakeholders. All concerned must be or become aware of the very real possibility that the grant period will expire without all project funds having been expended and, therefore, without project countries having received all planned activities and interventions.

In the context of developing a revised project workplan, and within the scope of ILO rules, the CTA should devolve further responsibility to NPCs to deliver project activities in accordance with the PRODOC, and agreed workplans.

ILSSA should redouble its efforts to use local consultants where possible, and in doing so be mindful that this might properly be seen as part of the project's own capacity-building work. Where necessary ILSSA management should engage directly with individuals and institutions to explain the benefits both for them and for project countries of their being involved, and also the limitations inherent in the project budget and ILO rules concerning fees.

In developing the revised workplan already called for, ILSSA management must develop a budget for delivery of the remaining activities in a way that increases the rate of expenditure, but which does so in a responsible and sustainable way. That budget should be approved by ILO/Declaration and/or by USDOL.

## ACRONYMS

ALE	Association of Lesotho Employers
BFTU	Botswana Federation of Trade Unions
BOCCIM	Botswana Confederation of Commerce, Industry and Manpower
CCMA	Commission for Conciliation, Mediation and Arbitration (Sth Africa)
CMAC	Conciliation Mediation and Arbitration Commission (Swaziland)
COLETU	Congress of Lesotho Trade Unions
COMATU	Congress of Malawi Trade Unions
CTA	Chief Technical Adviser
DDPR	Directorate of Dispute Prevention and Resolution (Lesotho)
DLSS	Department of Labour and Social Security (Botswana)
DPSM	Directorate of Public Service Management (Botswana)
ECAM	Employers Consultative Association of Malawi
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ILO	International Labour Organisation
LECODU	Lesotho Congress of Democratic Unions
LTEA	Lesotho Textile Exporters' Association
LTUC	Lesotho Trade Union Congress
MCTU	Malawi Congress of Trade Unions
NACOLA	National Advisory Committee on Labour (Leostho)
NPC	National Project Coordinator
PAC	Project Advisory Committee
PMP	Performance Monitoring Plan
PRODOC	Project Document
SADC	Southern African Development Community
SATUCC	Southern African Trade Union Coordinating Council
SGA	Solicitation for Grant Applications
SLASA	Strengthening Labour Administration in Southern Africa
SRO	Sub-Regional Office [ILO]
TOR	Terms of Reference
TPR	Technical Progress Report
UNDP	United Nations Development Programme
USDOL	United States Department of Labour
ZCTU	Zambia Confederation of Trade Unions
ZFE	Zambia Federation of Employers

## **BACKGROUND AND PROJECT DESCRIPTION**

The project covers Botswana, Lesotho, Malawi, Namibia, Swaziland and Zambia. These six countries have diverse political histories, development levels, legal backgrounds and cultures. However they also share many characteristics, including membership of the Southern African Development Community (SADC), economic structures, the challenges of adapting to economic globalization, and trading dependence on South Africa. Their labour market profiles all feature low formal sector employment, high unemployment and under-employment, gender inequalities, and high HIV/AIDS prevalence rates.

The six project countries are currently endeavouring to bring their labour laws into conformity with certain international labour standards, and with the ILO's 1998 Declaration on Fundamental Principles and Rights at Work. All have paid particular attention to freedom of association, and the need to ensure effective recognition of the right to bargain collectively. Legislative reform in the region also reflects some moves toward regional integration of labour and employment laws in SADC countries.<sup>1</sup>

All six project countries face major challenges in the administration and management of their labour law and dispute resolution systems. In each project country either one or both of the social partners is weak and/or largely ineffective. These weaknesses translate into low levels of understanding among workers and employers of the requirements and operation of national labour and employment laws. In each country the Ministry responsible for labour affairs also lacks adequate staff and resources, with adverse consequences for adequate labour administration and inspection. In Lesotho and Malawi, for example, labour officers were largely without transport, until ILO projects in the region provided motorcycles for them to carry out their work.

Dispute resolution agencies in all six project countries are under-resourced, and have staff that are often unable effectively to carry out their duties in labour inspection and/or mediation and arbitration of labour disputes due to lack of training, facilities and resources. In Botswana, for example, the Department of Labour and Social Security (DLSS) has been unable to appoint sufficient mediators and arbitrators to shift to a trade dispute system that was new in early 2004. In addition, in all project countries the specialized court that hears labour (industrial) cases has important institutional weaknesses, including limited staff and resources, and inability to manage case loads effectively. In Botswana the Industrial Court has heard virtually no case that was filed during the year 2006 because of the increase in its workload brought about by the delayed implementation of an effective system of mediation and arbitration of labour disputes. In Lesotho, the Labour Court is hampered by an inability to publish its important judgments so as to inform Court users of developments in the law.

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<sup>1</sup> On 26 August 2003 SADC adopted its Charter of Fundamental Social Rights, which echoes the ILO's 1998 Declaration and its core Conventions. Article 2 lists the objectives of the Charter to include: promotion of the formulation and harmonization of legal, economic and social policies and programmes which contribute to the creation of productive employment in SADC Member States, harmonization of social security schemes and occupational health and safety standards.

The ILO has been active in providing sustained technical cooperation throughout the SADC region for some time. The six countries in ILSSA, in particular, have been the target of intensive technical cooperation work in the areas of labour law (particularly freedom of association and collective bargaining) and dispute resolution. The ILO/Swiss project has carried out work in many SADC countries, and continues to operate in Angola and Mozambique. From October 2001 the ILO began implementing a three year, \$1.8 million USDOL-funded project on Strengthening Labour Administration in Southern Africa (SLASA), covering Botswana, Lesotho, Malawi and Zambia. Headquartered in Zambia, SLASA's aims included labour law reform in Zambia, capacity-building in labour ministries, especially with respect to labour administration and inspection, strengthening of labour dispute resolution institutions, and capacity-building for workers' and employers' organisations.

In 2003 USDOL extended additional funding for SLASA, and later issued a Solicitation for Grant Applications (SGA) that covered Botswana, Lesotho, Namibia and Swaziland. The SGA sought projects aimed at achieving three immediate objectives: (1) increased knowledge among workers and employers of national labour laws and of the available means to access labour ministry services to enforce the rights established by those laws; (2) strengthen labour ministry inspection systems to effectively enforce national labour laws; and (3) create new or strengthen existing dispute resolution mechanisms within the ministries of labour.

The ILO was the successful applicant in response to the SGA and was awarded \$4.1 million to carry out the project work. The ILO and the USDOL therefore conducted a project design mission in February 2004. Following the design mission, the USDOL and the ILO prepared a strategic framework and a Performance Monitoring Plan (PMP) with a list of performance indicators in cooperation with the project beneficiaries. The Chief Technical Adviser (CTA) was recruited in April 2004. After further consultations, the USDOL and the ILO finalized the project document in May 2004, and held a project launch ceremony in October 2004. The PMP was finalized in December 2004, and baseline data collected from December 2004 to March 2005. USDOL and ILO agreed to subsume SLASA into ILSSA to achieve greater synergy and cost efficiency.

ILSSA has **two Development Objectives**: (1) Increased compliance with national labor laws; and (2) Improved labor – management relations. These objectives are to be pursued by achievement of its **three Immediate Objectives**: (1) Increased knowledge among workers and employers of the rights, obligations and services under national labor laws; (2) More effective use of the labor inspection system; and (3) Increased use of the dispute prevention and resolution systems. In turn it has a range of **sub-immediate objectives**. The main target groups for ILSSA project activities are government officials in the ministries of Labour, and representatives of employers' and workers' organisations. At the same time, a key goal for ILSSA is awareness-raising generally, and thus wide dissemination of information about labour rights, labour law and dispute resolution systems in each of the six Project countries.

Project activities in Malawi and Zambia – former SLASA Project countries - are due to conclude at the end of December 2006.

All ILSSA project activities are scheduled to conclude in April 2008.

## PURPOSE OF EVALUATION

The purpose of the Mid-Term Evaluation is to: [need to check against final TOR]

- Ensure that the assumptions underpinning the project's design remain valid, that project outputs and activities address the needs of constituents and that the strategy, objectives and outputs are achievable;
- Assess the current status of the project including: (a) the relevance of the project's activities, outputs and objectives; (b) the commitment of social partners and beneficiaries; (c) the quality, timeliness and effectiveness of deliverables; (d) the efficacy of technical and administrative support provided to the project management team by ILO units at HQ and in the field; and (e) the capacity and efficiency of the project management team;
- Provide recommendations on how to improve project performance, and, where necessary, identify the possible areas to refine strategy;
- Assess whether the performance monitoring system for collecting performance data is appropriate for systematically measuring the impact of project performance; clarify information requirements for USDOL efficiency measures and GPRA reporting;
- Ascertain whether the project's results have had or are likely to have a sustainable impact and provide recommendations on a plan to improve sustainability. Also, assess the availability of the institutional, financial and human resources needed to ensure sustainability, on behalf of the government, workers and employers;
- Review the financial situation of the project and the efficiency in utilizing the project's resources;
- Identify necessary revisions and propose recommendations to maximize the success of the project within the remaining time frames, resources, political and environmental constraints.

## EVALUATION METHODOLOGY

The TOR for the evaluation require a report on the project's progress in achieving its development objectives, and its immediate objectives. The report is also to identify reasons underlying the project's present status, and to make recommendations for improving project performance during the time remaining in the project grant period.

The evaluation was carried out by a three-member team. The team leader was Mr Colin Fenwick, Director of the Centre for Employment and Labour Relations Law, University of Melbourne. The other teams members were Mr Wael Issa, Technical Cooperation Officer (ILO/Declaration), and Mr Stephen Marler, Acting Deputy Director of the Office of Foreign Relations, USDOL.

Colin Fenwick and Wael Issa first reviewed and refined the TOR prepared by USDOL. The Evaluation Team reviewed a range of documents, including the SLASA and ILSSA PRODOCs; the report of the SLASA Mid-Term Evaluation (November 2003); the report of an Interim Assessment of ILSSA (November 2005); project Status Reports; project Technical Progress Reports; and workplans for ILSSA generally and for each of the six project countries. Colin Fenwick and Wael Issa held a telephone conference with Ms Jane Hodges (ILO/Dialogue) to brief the team leader on 12 July 2006. This was followed immediately by a further telephone conference to finalise the program for the Evaluation Team's mission to southern Africa. The additional participants in the second conference call were Mr Grahame Matthewson (ILSSA CTA), Ms Kristin Lantz (USDOL), and Mr Stephen Marler (USDOL).

The Evaluation Team conducted a mission to southern Africa from Tuesday 18 July to Saturday 29 July. On 18 and 19 July the team interviewed a number of people in Johannesburg and Pretoria who have acted as consultants to ILSSA, and attended the final day of a six day workshop on negotiation strategy conducted by ILSSA in Pretoria. This afforded an opportunity to observe a project activity in action, and to meet with a number of people from project countries that would not be visited during the mission. The Evaluation Team then travelled to Lesotho, Botswana and Zambia. In each country the Evaluation Team met with the NPC, representatives of the PAC, representatives of government, employers and unions, representatives of the dispute resolution institution and the labour/industrial court, and people who had participated in project activities. The evaluation team met with a total of almost 100 persons, either individually or in groups.

The Evaluation Team used a broadly-structured methodology in interviews and meetings. This covered in turn the subjects' knowledge of and participation in the project; their impressions of how they and/or their institution have benefited from project activities; institutional capacity and needs; level of satisfaction with project activities and management; areas for improvement during the remaining life of the project; and strategies to ensure sustainability of the project's key capacity-building activities to date.

The Evaluation Team thanks the ILSSA CTA, Mr Grahame Matthewson, for his good offices in arranging its programme of activities during its mission, and also for his generous hospitality during the Team's time in Johannesburg.

## PROJECT STATUS

The ILO and the USDOL carried out a project design mission in February 2004. The ILSSA CTA was recruited in April 2004, although he had earlier participated in the project design mission. The project document was finalized in May 2004. In the early stages of the project cost effective project infrastructures were established in the six project countries, including the appointment of National Project Coordinators (NPCs), and the establishment of Project Advisory Committees (PACs).

ILSSA held its official launch ceremony in October 2004. A project performance monitoring plan was approved in December 2004, and baseline data was collected between December 2004 and March 2005. The USDOL and the ILO carried out an Interim Assessment of ILSSA that issued its report in November 2005. Its findings are set out below, updated in some cases to reflect further developments:

- **Sub-Regional Workshop on Dispute Prevention and Resolution** – 10-11 May 2005 - Organized jointly with the CCMA and ILO/Swiss, it brought together representatives from agencies and ministries from 11 countries in Southern Africa.
- **Review of Industrial Relations Act in Botswana** - 16-17 September 2004 project representatives participated in a meeting of the task team established by the ILO/Swiss project to draft a ‘new’ Industrial Relations Act, when it met to consider issues relating to revisions to public service employment laws.
- **Training of Trainers in Botswana** –13-15 September 2005 - 12 trainers were trained on Botswana’s new labour laws; pre- and pos-training testing showed that almost all had improved of knowledge of the new laws. 12 workshops were scheduled for 2006.
- **Assessment of the Labor Court and Office of the Labor Commissioner in Botswana** – 27 full-time and 21 part time conciliators/arbitrators have been appointed. Preliminary work has been done to refer ILO codes of practice to the Attorney General’s office and to enhance IT development.
- **Awareness Raising and Journalist Workshops in Namibia and Botswana** – Following an exploratory mission by the CTA during 2005, two workshops for 11 editors and 27 journalists were held in January 2006. Participants reported increased ability to report effectively on labour and labour law issues.
- **Workshop for Labor Advisory Council in Namibia** – ILSSA supported participation by an international expert at the inaugural meeting of the LAC in May 2005. The expert and the CTA assisted development of a strategic plan to implement Namibia’s revised labour laws.
- **Training of National Labor Law Trainers in Namibia** – 2- 4 November 2005. Thirteen participants from the social partners attended a follow-up workshop to review new laws and training methods from a previous workshop. They made presentations, practiced their training skills and developed a national training plan.
- **Workshops on Knowledge of National Labor Law for Namibian Social Partners** – 28-30 November 2005 –33 participants were trained by new trainers.
- **Collective Bargaining Workshop in Zambia** – 5 – 10 September 2005. Twenty-two representatives of government, workers’ and employers’ organizations participated in a workshop on the role of Labor Officers in collective bargaining; basic knowledge of business, economics and finance; alternative dispute resolution systems; Zambian collective bargaining laws; and negotiation skills.

- **Review of Zambian Factories Act** – Meetings were held in September 2005 to finalize draft amendments to bring the legislation up to date with the current needs of the labour market.
- **Sensitization Workshop on Zambian Young Persons’ and Children’s Act** – 28 September 2005. A workshop was held to sensitize representatives of government, employers and workers on the new legislation.
- **Labor Law Reform in Zambia** – The NPC and social partners met during December 2005 to discuss revisions to the main statutes. As of March 2006 final amendments were agreed, with hopes for legislation by June 2006.
- **Strategic Plan for Zambian Federation of Employers (ZFE)** – A workshop was held in April 2006 to discuss the report of a consultant engaged to draft the plan.
- **Labor-Management Awards in Zambia** – Awards ceremonies started by the project in 2004 seem unlikely to continue, due to lack of funding and interest.
- **Review of the Industrial Court in Swaziland** – October 2004. The project engaged a Southern African jurist and an ILO representative to review the Court.
- **National Occupational Safety and Health Strategy Development in Swaziland** – October 2005. The project organized a workshop to examine amendments needed to comply with the principles of ILO Conventions.
- **Review of Draft Employment Act in Swaziland** – A revised final draft was submitted in February 2006, to be discussed in March 2006.
- **Sub Regional Workshop for Labor Court Judges** – 11-15 April 2005. Two labor court judges (from Swaziland and Namibia) attended a sub-regional workshop in Pretoria, organized by the ILO Turin Training centre and the ILO Harare office. The workshop focused on the application of International Labor Standards generally, and on discrimination issues specifically.
- **Audits of Ministries in Botswana, Lesotho, Namibia and Swaziland** – An ILO expert audited the labor inspection systems in March and May 2005.
- **Strategic Planning Exercise for Lesotho and Swaziland** – Meetings were facilitated on 5 December 2005 and 23 February 2006 to assist these Ministries to develop plans to implement the recommendations of the audits.
- **Assessment of DDPR, Labor Courts, and Labor Appeals Courts in Lesotho** – By early 2006 the vast majority of disputes were being settled by arbitration (70%), not conciliation (20%). This level of arbitration reflects the fact that many disputes are about rights, and that disputes are addressed through a two-stage process of conciliation and arbitration, with parties often not revealing during conciliation information necessary to the resolution of a dispute.
- **Review of Labor Code in Lesotho** – The project provided an international expert’s report in 2004, and subsequently facilitated a tripartite process for redrafting the Labour Code. As of August 2006 the final draft amendments had been submitted to ILO HQ for comments and analysis.
- **Labor Legislation in Malawi** – A tripartite committee was formed in October 2005. Substantial progress was made at meetings held 27-28 February 2006. Further meetings were held in May 2006, and were scheduled for August 2006.
- **Workshop for High Court Judges in Malawi** – A South African Labor Court Judge conducted a sensitization workshop on 16 December 2005.
- **National work plans for the year 2006** - developed in all six project countries. Project Monitoring Plans (PMPs) have also been developed.

## FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

1. As noted in the explanation of the Evaluation Methodology, the Evaluation Team visited Botswana, Lesotho and Zambia. It also met with a number of people who have acted as consultants to ILSSA in these and other project countries. Unless otherwise stated, the findings, conclusions and recommendations presented here relate only to Botswana, Lesotho and Zambia. However, more general findings, conclusions and recommendations, such as those concerning project management and administration, and finances, relate to the project as a whole.

### *Validity of assumptions and efficacy of project design*

#### **Findings**

2. Without exception, all those who were interviewed by the Evaluation Team said that ILSSA has had a positive impact in areas of significant need. Key areas mentioned were labour law reform; training of trainers (on a range of topics); audits of labour administrations; and training for labour inspectors, especially in the use of the 'integrated' approach to labour inspection. Virtually every person interviewed by the Evaluation Team was positive about the quality and the effectiveness of ILSSA project activities.
3. Also without exception, all those who were interviewed by the Evaluation Team reported that in each project country there is still a significant amount of work to do. A key issue is the continuing need for capacity-building, for all social partners and institutions. Reported continuing needs included equipment (such as photocopiers for union or employer organisation secretariats; motorised transport for labour inspectorates; computers and software for all social partners and for dispute resolution institutions); training for different groups, including training of trainers (on topics such as labour inspection; collective bargaining; mediation and negotiation; and preparation and presentation of cases before dispute-resolution bodies); and mass awareness-raising campaigns concerning labour issues generally, but particularly labour rights, laws, and changes to labour laws.
4. Reformed labour laws have not been enacted in Lesotho or Zambia; in neither country has legislation been presented to the Parliament. In each case, however, the tripartite process of agreeing on reform proposals is complete, having concluded in Zambia in March 2006 and in Lesotho in July or August of 2006. Elections were called in Zambia during the Evaluation Team's visit, making it unclear when revised labour laws might be presented to Parliament. The PRODOC refers to labour laws in Lesotho, Malawi and Zambia being 'reformed' by the end of the first quarter of 2006. This may mean that the laws have been enacted, or that the reform process is complete so far as it can be from the point of view of the ILO's involvement.<sup>2</sup>
5. The CTA considers the assumptions underlying the project and the programme of planned activities remain valid. According to him, however, all project countries have significant difficulty in absorbing ILSSA's various interventions and

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<sup>2</sup> The project's performance as against the PRODOC timeline generally is presented in Annex Five. The broader issue of timeliness of ILSSA's activities is addressed in paragraphs 28 and following.

activities within the time-frames envisaged in the PRODOC. In the CTA's view this is due to lack of capacity across all stakeholders, and this is reflected in the place of capacity-building as a key part of the project design. However, in the CTA's view the lack of capacity across the region is so significant that it continues to hamper the stakeholders' ability to absorb ILSSA's interventions, despite the fact that much of its work is capacity-building.

## **Conclusions**

6. The assumptions underlying the project about particular needs clearly were valid: ILSSA was evidently designed to address important, identified needs. As there are continuing needs, the underlying assumptions remain valid.
7. The PRODOC envisages a programme of activities intended to meet the specific needs that were identified during the project design, and which continue. To this extent, therefore, the project design was efficacious, and remains so. Moreover the project design remains sound: the PRODOC sets out a clear and detailed methodology by which to achieve specific sub-objectives. These are each clearly aimed at and likely to make a positive contribution toward sustainable capacity-building in pursuit of ILSSA's overall development objectives.
8. There is some ambiguity in the PRODOC around the meaning of labour laws having been 'reformed'. If the PRODOC here refers to laws that have been enacted, then it rested on assumptions about the timeliness of political and governmental processes in Lesotho and Zambia that have proved ill-founded. If the PRODOC here refers to the ILO's involvement being complete, the assumption about when the work might be complete has proved to be accurate. This degree of ambiguity may of course be necessary, given that the ILO is best placed to contribute to the process of drafting a law, rather than political processes.

## **Recommendation**

9. The ILO and the USDOL might take greater care, in any future projects, in the design of project activities that depend upon law reform processes in general, and political and governmental processes in particular.

## ***Current status of the project***

## **Relevance of project activities, outputs and objectives**

## **Findings**

10. Stakeholders reported without exception that ILSSA activities have been both relevant and important. This view was echoed by the Labour Commissioner of Malawi, and also by several people who have consulted to ILSSA in more than one project country, including Professors Evance Kalula and André van Niekirk.
11. As noted in paragraphs 2 and 3 above, project activities were planned to meet identified needs at the time of the project design, and which endure. A further example is that the Evaluation Team was told that training provided by ILSSA has helped dispute resolution institutions to function more effectively, including the Industrial Relations Court in Zambia, and the Labour Court and the DDPR in

Lesotho. An LTEA representative credited ILSSA with helping to stabilise labour relations in the economically crucial textiles sector.

12. In each country there is an NPC, who works with a PAC to develop detailed programmes of activities.<sup>3</sup> As explained in detail in paragraph 28 and Annex Five, however, at present ILSSA is well-behind in its delivery of project activities against the PRODOC timeline.

### **Conclusion**

13. ILSSA activities have been relevant to the expressed needs of stakeholders, as identified in the project design and reflected in the PRODOC.

### **Recommendation**

14. ILSSA should continue to operate through its existing structures, relying on NPCs and PACs to identify specific needs, in accordance with the PRODOC.
15. As recommended in paragraph 40, ILSSA must urgently re-evaluate its progress toward completion of activities planned in the PRODOC, according to its timeline.

### ***Commitment of social partners and project beneficiaries***

### **Findings**

16. All stakeholders expressed their ongoing commitment to the project. As noted, however, many key institutions and social partners suffer from significant capacity deficits, in particular lack of funding and lack of necessary equipment, which they report hampers their ability to make significant progress.
17. In **Botswana** the Minister is a self-described enthusiastic supporter of ILSSA who occasionally attends project activities. The Government has made available funds for a 5<sup>th</sup> judge for the Industrial Court (following the recommendations of a review of the Court carried out by ILSSA), and for a further 27 ongoing positions for labour officers in 2006, and another 22 next year. (The Labour Commissioner estimates a need for 13 further positions after these). A government committee is considering the implementation of the recommendations of an audit of the labour administration. The DPSM advised that the Minister for Presidential Affairs and Administration enthusiastically supports the process for alignment of public service employment laws with the main body of labour law. BOCCIM remains committed to training on labour law, and to participating in the PAC, although it has not yet carried out any training, and it is not always represented at PAC meetings.
18. In **Lesotho** all parties have been willing participants in the labour law reform process, although it has not included alignment of public service employment with the main body of labour law. The government is working towards development of codes and guidelines for labour inspectors following an audit of its labour administration, however these must be approved by NACOLA. The NPC described progress on this as 'very, very, very, very slow'. A number of people interviewed described a significant communication problem between the Principal

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<sup>3</sup> The structure of project management is set out more fully in paragraph 55.

Secretary and the Labour Commissioner that can lead to the Principal Secretary, by his own admission, refusing support for ILSSA activities. It is also reported to be difficult on occasion to secure participation by ALE representatives, as there are few of them, and to some extent this reflects their lack of capacity.

19. In **Zambia** it is widely reported that the Ministry of Labour and Social Security is severely under-funded. This can affect its capacity to implement project recommendations, for example in the area of labour inspection: the vast majority of inspectors are still without motorised transport. The ZFE acknowledged that it can have difficulty in securing employer participation in project activities. As noted in paragraph 4, the tripartite law reform process is complete in Zambia, but no laws have been presented to Parliament. The process of reaching agreement on the law reforms was slowed by a government requirement that they be consistent with the national HIV/AIDS policy.

### **Conclusions**

20. All stakeholders remain strongly committed to the project. The willingness of governments to commit time and resources is evidence of this.
21. The stakeholders' levels of commitment reflect, however, their significant continuing needs. This leads to a tension: continuing capacity deficits may limit stakeholders' ability to carry out particular commitments. For example, union and employer organisations may not be able to deliver training, or governments may not be able to secure and provide necessary funding.
22. Communication difficulties between the Principal Secretary and the Labour Commissioner in Lesotho could slow progress toward project objectives.

### **Recommendations**

23. ILSSA might revisit with key stakeholders the importance of continuing commitment to the planned programme of activities, and explore the extent to which stakeholders have or can secure any necessary resources. ILSSA might do this in the broader context of evaluating its progress to date, and planning the implementation of the recommendations of this mid-term evaluation.
24. ILSSA should endeavour to tailor its project activities in such a way that they will secure maximum participation, especially from employer representatives.
25. The ILO and/or the USDOL may wish to communicate directly with the Minister in Lesotho concerning the possible impact of communication difficulties there.

### ***Quality, timeliness and effectiveness of project activities***

#### **Findings**

26. Virtually without exception, stakeholders reported that ILSSA project activities have been of very high quality, and that they have had identifiable positive effects. Support for labour law reforms has been particularly well-received.
27. In addition to continuing needs identified above, many stakeholders noted a need to produce and disseminate basic information about a range of topics including the

functioning of institutions; key issues surrounding the effective implementation of labour law (such as common violations and how these might be addressed); and more broadly, awareness-raising around labour law and labour rights.

28. ILSSA's performance in terms of the PRODOC timeline is set out in full in the annotated table of project activities that is attached as Annex Five. It shows, among other things, that:
  - a. Little progress has been made in developing and delivering the planned mass awareness campaigns. Among other things there has been no use of radio programmes. Many of the specific activities relating to this objective were to have been completed in the first six to 12 months of the project's grant period.
  - b. Limited progress has been made in implementing the results of audits of labour ministries, and in particular, in developing codes and guidelines for labour inspectors in their work.
  - c. Labour law reforms have largely not been completed within the anticipated time-frames.
  - d. Delivery of computers and associated software, especially in the area of case-management for dispute resolution institutions and courts, is proceeding only slowly.
29. NPCs carried out needs assessments for equipment in early 2005, with a view to distributing all equipment by the end of that year, so that the project could move on to software development in 2006. Distribution of computers and software has not followed this timeframe. ILSSA is still distributing computers, and has only recently begun exploring the development and/or acquisition of certain software.
30. According to the CTA, the focus of the project's activities to date has been on establishing sound foundations for labour systems. In particular, it has focused on reforming labour laws, and equipping labour administrations to carry out their functions, particularly where those functions may alter as a result of changes to labour laws. The CTA reports that a large part of this work is now done, or that it can be completed very soon, and with relatively little further input from ILSSA. It can therefore turn its attention to implementation and capacity-building around labour laws, and also capacity-building and training for labour administrations.
31. Trainers of trainers reported that the effectiveness of their work was sometimes hampered by the skills, abilities and (in one case) timeliness of the trainees. In their view, clear guidelines and criteria for participation in training might avert this. Trainers also remarked on the fact that they had been engaged to train in English, and that those they trained were presumed to be literate. They considered these assumptions to be potentially a double limitation: first, on the impact of their own work, and secondly on the effectiveness of the training that their trainees might deliver. Training of trainers on labour law in Botswana was hampered by the lead trainer not having been given current copies of the laws.
32. In *Botswana* the DPSM is pleased with the work of the international expert appointed to work on revision of public service employment laws, although his appointment was repeatedly delayed. While training of trainers on labour law was very successful, it was hampered by use of outdated material on the law, and the

lack of a local consultant with knowledge of current issues in labour relations in Botswana. The training of labour inspectors in the integrated approach to inspections is widely regarded as a success. ILSSA is running behind its timeline for computerisation of the labour inspection system; according to the NPC this is because of a decision to purchase software centrally. In the NPC's view, there is scope to deliver more training on labour law than is presently planned.

33. In *Lesotho*, journalists were impressed with the information they received in media training, although those who work in local language would have preferred some material and/or training in that language. According to the NPC, this training (delivered in early 2006) was held over from 2005 because of concerns about the availability of the trainer, and the need to have the training coincide more closely with the completion of labour law reforms. Relatively few journalists, however, have produced stories on labour issues since the training. Trade union officials and labour inspectors were impressed with the quality of training of trainers, although both reported an overlap in content with training delivered by SLASA. Labour inspectors, the LTUC and the LTEA all report a need for training in mediation and negotiation in the textiles industry, where almost all managers are Chinese, which gives rise to both cultural and language issues. They say that training and/or published material in Chinese would be helpful. The DDPR has benefited from training of arbitrators on evidence, and on conciliation of rights disputes, and has sought ILSSA support for basic awareness-raising materials and activities. The Labour Commissioner and other stakeholders report the need to commence mass awareness-raising, using radio programs if possible, in both English and local language. The labour law task team would be interested to hear from other countries in the region about the decisions that they have made to integrate public servants into the main body of labour law. The task team sees this as an area where further assistance is likely to be needed.
34. In *Zambia*, the support for labour law reform and training of inspectors have both been particularly well-received and effective; inspectors are now using the integrated approach to inspections, aided by new forms provided by ILSSA. Training of trainers on labour law, and follow-up trainings, have been effective.

## Conclusions

35. The *quality* of project activities is *clearly very high*. The capability of experts who have played significant roles in labour law reform, training of trainers, auditing labour administration and dispute resolution systems, and in training labour inspectors, is widely regarded as very high.
36. Project *activities* have evidently also been *very effective*. Stakeholders are better able to carry out their respective functions; and those who have been trained as trainers have been enabled to deliver training themselves. The effectiveness of some project activities has been hampered by insufficient attention to the importance of working in languages other than English.
37. *Timeliness* of project activities is a *very different matter*. Labour law reform activities have been particularly timely in the sense that they have met identified needs when this was important to the beneficiaries. However, ILSSA appears to have devoted far too much of its time and resources to date on labour law reform

work, and for relatively little gain: labour law reforms are not yet complete in any of the project countries, with the exception perhaps of Swaziland. A consequence has been that a significant number of key project activities have not been delivered according to the timeline envisaged in the PRODOC, which contemplates them being carried out *at the same time* as law reform work.

38. The failure to carry out project activities in accordance with the PRODOC timeline raises serious questions about whether ILSSA will be able to deliver all planned activities, and to do so in a way that will lead to sustainable gains. The delay in providing computers and software, for example, raises the real possibility that these will now only be able to be delivered so late that it will be, at best, difficult to identify any clear benefit from their use during the project's life. Likewise, it will be difficult to provide sufficient support for and refinement of their operation to be assured of positive and sustainable outcomes going forward.
39. These conclusions are especially significant in the cases of Malawi and Zambia, where ILSSA is due to finish at the end of 2006. As noted in paragraph 105, a significant sum of money remains to be spent in these countries on both equipment and activities before the end of 2006. At the present rate of progress, however, there is a very real risk of this money either not being spent at all, or being spent in a way that may not lead to sustainable gains. As appears below in the findings, conclusion and recommendations relating to ILSSA's financial management, there is a similar, substantial risk for ILSSA overall.

### **Recommendations**

40. ILSSA must ***urgently re-evaluate*** its progress in completing all activities envisaged in the PRODOC, against the original planned timeline. The outcome of this exercise should be a revised workplan for completion of project activities that takes into account the project completion date, and the capacity of all stakeholders to absorb the planned activities. This revised workplan should be accompanied by concrete and realistic funding and costing predictions for each activity.
41. ILSSA must give ***urgent priority*** to the planned mass awareness-raising campaigns, and in particular to the use of radio for this purpose: all those interviewed by the Evaluation Team highlighted the likely effectiveness of radio.
42. ILSSA should give ***high priority*** in its future activities to working in languages other than English, especially in the mass awareness-raising and radio campaigns. In Lesotho, it should give consideration to working in and producing materials in Chinese where possible and appropriate.
43. The ILO and USDOL should be closely involved in developing the revised workplan, and/or in its implementation. On the basis of that involvement, the ILO and USDOL should consider, and determine whether to remove responsibility for delivering particular aspects of the programme from the project management team. This is particularly important for the media and mass awareness-raising campaigns, and for the remaining project activities in Malawi and Zambia.
44. The ILO and USDOL should consider whether it is possible to further extend the operation of ILSSA in Malawi and Zambia. Any decision to do so should be made

in conjunction with deciding whether the existing project management team should remain responsible for project activities in those countries.

45. ILSSA project management *must develop a greater sense of urgency* about the need to carry out project activities within the planned timeframe. ILSSA must seek to impart this, through the PACs, to all stakeholders. All concerned must be or become aware of the very real possibility that the grant period will expire without all project funds having been expended and, therefore, without project countries having received all planned activities and interventions.

### ***Efficacy of ILO technical and administrative support***

#### **Findings**

46. There was virtually universal praise among those interviewed by the Evaluation Team for the technical support provided by the ILO to ILSSA. ILO technical experts who have carried out work in the project have been well-received, especially in relation to labour administration and labour inspection, labour law, and media training.
47. Concerns were expressed in some quarters about the ILO's ability to read and to follow local political processes shaping the progress of labour law reform. One person observed that 'you get the impression that local knowledge is not valued.' Another acknowledged that progress on labour law reform in Namibia might have been more rapid had there been better knowledge of the local political process.
48. Some people expressed concerns about aspects of ILSSA's administration of money. Many consider that it takes too long to approve expenditure; others note that this is exacerbated if the CTA is travelling, and therefore unable to give necessary approval. Some see the ILO's processes for approval of purchases and expenditure as being convoluted. A related issue is that receiving funds from UNDP offices (where this is necessary) can also be a slow process.
49. A number of people noted that ILSSA manages money differently from the previous managers of SLASA. There are said to be differences in the amounts of money that ILSSA provides for particular types of activities, and the quantum of per diem for participants. This, however, was not confirmed by the ILO offices in Pretoria or Lusaka.

#### **Conclusions**

50. The ILO is providing sound and effective technical support to ILSSA, and that support is being well-received by project stakeholders.
51. ILO administrative support for the project is sound and effective. However, internal ILO processes for expenditure appear to be causing some delays, which is leading to a level of frustration in some quarters.

#### **Recommendations**

52. ILSSA might clarify with stakeholders its approach to funding particular activities, and especially the ILO rules on financial support for individuals in the form of per diem, and/or reimbursement for travel costs.

53. The CTA might consider how to improve ILSSA's internal operations for approval of funds and purchases, to ensure that these are not delayed by his own work and travel schedule, or by other factors that are within ILSSA's own control. The CTA might also ensure that ILSSA itself takes the greatest possible account of the requirements and the speed of ILO processes that might affect how well and how quickly ILSSA delivers its activities.
54. ILO Pretoria might review its procedures for processing payments, and redouble its efforts to ensure timely assistance to ILSSA.

### *Capacity and efficiency of the project management team*

#### **Findings**

55. An extensive project management team is in place. The NPC in each country works with a PAC, and reports to the CTA based in Pretoria. There are specific TORs for the CTA, the NPCs, and the PACs. PAC members in the three countries confirm that the PACs are functioning and meeting 3 or 4 times a year; some PAC members referred to these meetings as 'occasional' or 'sporadic'.
56. The CTA reports to several units in the ILO, particularly Declaration, and Dialogue (which is responsible for technical support). The CTA liaises with ILO offices in Pretoria, Lusaka, and Harare. The CTA participated in the project design mission, and regularly participates in efforts to integrate ILSSA project work with ILO Pretoria programming. The ILO office in Lusaka reports that ILSSA has been very successful at integrating with other projects and programming work in the office, and that they consider the CTA's skills a key reason for ILSSA's success.
57. A number of people expressed the view that NPCs should be further empowered, so as to be able to work more independently. It was said that NPCs might be given greater authority to make decisions about approval of resource allocation so that, for example, they might be enabled to proceed with the hire of a venue for a workshop, and to conduct activities that have been generally agreed in the workplan.
58. The Botswana NPC said that the CTA allows her sufficient autonomy to implement her workplan. The Lesotho NPC said that she is not busy, and that she could do more work, especially if she had more authority. In her view she could add more activities into the present workplan; she would also like to see ILSSA do more activities that involve the social partners. The Zambia NPC also indicated that he could do more work than is presently required of him, and that there is a need for more activities involving the social partners.
59. Stakeholders in several countries said that it is difficult to develop plans for project activities because they are not sure on what basis their proposals will be assessed. The Lesotho NPC agrees with this view. One former PAC member in Lesotho said that this results in stakeholders feeling they have little ownership of the project. Some would prefer to know how much money is available for project activities each country.

60. The CTA advises that he is in regular contact with NPCs, who prepare annual workplans and submit monthly reports. The NPCSS confirm this. The CTA says that he tries to tailor each NPC's level of responsibility to his view of their particular skills, but that in general he now gives the NPCs more autonomy than he had previously. The Lesotho and Zambia NPCs confirmed that this has changed somewhat since the Interim Assessment. The CTA has also implemented the recommendation of that assessment to have six month workplans. The NPCs confirmed this, and said that they find this a better way to plan their work.
61. The CTA reported he generally only holds one meeting each year of all NPCs (although two are planned), because of scheduling and budget concerns. The NPCs confirm that there are annual meetings, but would prefer two each year.
62. According to the CTA, he only travels if it is necessary to participate in some project activity. Various stakeholders report that the CTA is usually present for more significant activities, and that they have, and enjoy having, regular access to the CTA. He advises that he has endeavoured to reduce his travel schedule, following the recommendation of the Interim Assessment. It is not clear, however, that there has been a significant reduction in the frequency and duration of the CTA's travel. A full list of the CTA's travel during the life of the project, provided by him to the Evaluation Team, appears as Annex Seven.
63. The CTA reports that he has very good relations with technical and other specialists in ILO HQ, but that in general, communication within the ILO (both within the field, and with ILO HQ) can be problematic. In the CTA's view there is room for improvement in the communication between ILSSA and ILO Harare, although he does know and work with the relevant specialists in the team there. The CTA has been invited to attend planning meetings held in Harare. While he has not been able to do so to date, he says that he could organise his work in future to ensure his presence. ILO staff from Harare say they would like to be more involved in ILSSA's work, and that they know little of what it does, although the CTA advises (and ILO/Declaration confirms) that he provides all ILSSA workplans and quarterly progress reports to ILO/Harare.

## **Conclusions**

64. There are clear administrative and reporting lines for the project, although they are complex and multiple, which suggests scope for streamlining. ILSSA successfully integrates its activities with programming in ILO/Pretoria and ILO/Lusaka. There is, however, room to improve the frequency, quality and effectiveness of communication and liaison between ILSSA and ILO/Harare, especially because ILO/Harare will be primarily responsible for programmatic work in most project countries following the end of the ILSSA grant period.
65. Although the CTA has responded to the recommendations of the Interim Assessment that he devolve greater responsibility to NPCs, the persistence of the view that they could be further empowered suggests that there is scope for more change in this respect. The NPCs in Lesotho and Zambia appear to be able to deliver more work than at present, if given sufficient authority.

66. The PACs in Botswana, Lesotho and Zambia are functioning adequately. They meet three or four times a year as required by their TORs, and they are the forum to develop ILSSA workplans. Some PACs, or at least some PAC members, seem to lack a sense of ownership of ILSSA activities. It appears then that PACs may to some extent be operating more as formal structures than as bodies that have a significant role in determining the project's direction and activities.

### **Recommendations**

67. Biannual meetings of the CTA and all NPCs should take place as planned.
68. The CTA should ensure that he attends the annual planning meetings at ILO/Harare in January 2007 and (especially) January 2008. He should do so in the broader context of continuing to communicate clearly with other ILO offices in the region. ILO /Harare might endeavour to improve its communication with ILSSA, in particular by giving timely feedback on workplans and on progress reports.
69. In the context of developing a revised project workplan, and within the scope of ILO rules, the CTA should devolve further responsibility to NPCs to deliver project activities in accordance with the PRODOC, and agreed workplans.
70. The CTA and the NPCs should use their best efforts to further energise the PACs, and to give them greater ownership of project activities and planning in the remainder of the grant period.

### ***Utility of performance monitoring system***

### **Findings**

71. The PRODOC requires the use of particular means to measure project performance against identified indicators. Some measures are quantitative (eg, the number of persons attending a workshop, or the number of radio programs delivered), while others are qualitative (eg, the percentage of enterprises in compliance with a core set of labour laws). Some are merely binary (eg, whether or not proposals agreed in a tripartite process have been submitted to authorities for their approval). Annex Six is an annotated version of the PRODOC performance indicators, with comments concerning their operation in practice.
72. A number of people engaged to deliver training of trainers expressed doubts about the PMP. In their view, its reliance on pre and post-training testing of the trainees does not adequately or qualitatively measure trainees' abilities as trainers. The Botswana PAC had a similar view.
73. In the CTA's view, distributing a small number of survey questionnaires is not very useful, unless the same people are surveyed over time, as it will not produce data that is indicative of anything at all. The CTA said he thought the PMP required 50 copies to be distributed. The Botswana NPC agrees with the view that surveys should not be randomly distributed, although she thought that 20 copies of each survey were to be distributed.

74. The CTA also expressed the view that counting the number of people at a workshop is not always useful, as the wrong people may be present.
75. It was reported in *Botswana* that a participant at one workshop had trouble completing the evaluation form because it was in English.
76. The *Zambia* NPC reported that he found the ILSSA PMP methodology more helpful than the one used by SLASA (for which had also been the NPC). He noted that the monitoring and evaluation results for 2006 showed a fall in the percentage of those who were knowledgeable about labour law from the baseline, yet this had happened *after training* on the issues. He suggested that this might be explained by the large number of redundancies at the relevant time, and also by the increase in labour inspections, which might have alerted people that they did not in fact know as much as they had thought. Similarly, the NPC advised that the labour inspection figures might differ with different levels and quality of reporting. The NPC reported distributing 50 survey forms for each sector.

### **Conclusions**

77. There is some inconsistency in the project's implementation of the PMP as regards distributing survey questionnaires, which has an obvious potential to have an adverse impact on the PMP's effectiveness.
78. The PMP findings suggest few positive effects from ILSSA project activities, but this does not appear to be a sound indicator of the project's impact. There are several obvious and plausible explanations why certain indicators of positive project performance outcome are not being achieved. These include flaws in the design of the PMP, and the likelihood that some project activities – such as training of labour inspectors – might produce outcomes that show, for example, an increase in labour law violations.

### **Recommendations**

79. The CTA should ensure that all NPCs implement the existing PMP in accordance with its terms, particularly in the administration of survey instruments.
80. ILSSA project staff should be encouraged to record in detail their explanations for apparently adverse outcomes of PMP assessment.
81. The ILO and USDOL might give consideration to some re-design of the PMP methodologies, if not for this project (given the limited amount of time remaining in the grant period) then for other future collaborations.

### ***Sustainability of project gains***

#### **Findings: use of national consultants**

82. The PRODOC makes particular mention of the desirability of ILSSA making use of national consultants and institutions where possible, in the interests of building capacity and ensuring sustainability of project outcomes.
83. The Interim Assessment reported a heavy reliance on South African expertise, and the risk that this could hamper local capacity-building and undercut sustainability

of project outcomes. The Interim Assessment therefore recommended that NPCs compile lists of local experts and training institutions. It is not clear that these lists have been compiled, or if they have been compiled, that they have been used.

84. Especially in the area of labour law reform work, ILSSA has often ‘twinned’ a local expert with an international expert. The local experts have generally been serving or former public servants; in Lesotho the local expert is the Judge President of the Labour Court. Both he and other stakeholders in Lesotho believe this will make a positive contribution to sustainability. According to the CTA, there have been some difficulties in negotiating with project countries over the availability and the conditions of engagement of local experts for these purposes.
85. The CTA is conscious of the need to use local consultants and institutions where possible, but in his view this can be difficult. He reports that local consultants often do not have the requisite expertise, and that both individuals and institutions in project countries frequently demand higher fees than ILSSA would have to pay to experts from South Africa. The ILO Deputy Director in Pretoria and Professor van Niekirk both described similar problems.
86. Stakeholders and others who have consulted to ILSSA have differing views about the extent to which local expertise is available. Many in Lesotho, for example, concede the absence of local expertise. Others however (and not only in Lesotho) consider that ILSSA should do more to use local consultants, as a way of ensuring sustainability of project outcomes. Those interviewed indicated that there has been some improvement in the ratio of national consultants to international consultants. However, it is not clear that there has been significant progress with regard to using national institutions.

#### **Findings: indicators of sustainability**

87. As noted, each institution and social partner in each project country reports continuing needs and capacity deficits.
88. As also noted, there is a strong demand for basic communications materials about broad labour issues, labour law, workers’ rights, and the functioning of institutions.
89. ILSSA has provided training to develop a cohort of skilled mediators and arbitrators. In Botswana and in Zambia, however, there have been difficulties in deploying those who were trained.
90. In *Botswana* problems have flowed from the terms of engagement of part-time mediators, which apparently require that they not also act as advocates in mediation or arbitration. Therefore they have done little mediation. As noted, the government has only recently created new positions for full time labour officers, some of whom might carry out this work. Thus, the Industrial Court continues to have a larger case-load than necessary, much of which is said to be cases that could have been dealt with by mediation.
91. In *Zambia* the courts have refused to accredit those who were trained as mediators, and to date ILSSA has been unable to arrange the further training that is required for accreditation. This is largely because the monopoly training provider, the

Zambia Institute of Dispute Resolution, demands a fee that ILSSA is unwilling to meet. In the mean time, the Industrial Relations Court advises that a significant proportion of its case load is matters that could have been resolved at mediation, were it available. The members of the Court also advise, however, that they have been directed by the Chief Justice of Zambia not to mediate themselves. The Court is unable at present to say how many cases remain for it to decide, as a manual count of open files has not been completed, and computerisation of court records (to come with assistance from ILSSA) has not yet occurred.

92. ILSSA has carried out training of trainers on several topics in each project country. This training has included development of plans for delivery of subsequent training, with assistance from ILSSA to coordinate its delivery, together in some cases with the relevant Ministry. A lot of training on labour law has been delivered by trainers who themselves were trained by ILSSA. In some cases, those who were trained as trainers are working together to deliver training: in Botswana the DLSS and the BFTU are working together. In Zambia a trainee initially selected by the ZFE has delivered training on behalf of trade unions. Employer groups and trade unions report that they are incorporating both knowledge and materials gained during ILSSA training into their own ongoing training and education programmes. Many people expressed concern about or commented upon the extent to which ILSSA training is delivered in English, rather than in local language, and on the basis of sophisticated written materials that presume a high degree of literacy.
93. Media representatives have received initial training on reporting of labour issues in each project country. There has not, however, been a significant increase in reporting of labour stories. In each of Botswana, Lesotho and Zambia the links between the media representatives who were trained and unions, employers and government are weak. Media representatives said that unions only give them stories when the union wants to complain about something. Media also said that too few people are prepared to give proper information about stories. Unions and others complained that the media only want to report sensational stories, and that individual stories are usually reported over stories concerning collective issues.
94. Government action (and/or inaction) in project countries affects the speed of progress toward the achievement of project outcomes. This is obviously so in the case of labour law reform. As noted, Lesotho has made only slow progress toward the development of codes and guidelines for labour inspectors. In Botswana, many of the labour officers who were trained by ILSSA were at the time performing other functions (such as issuing permits, or processing workers' compensation claims) and many continue not to work as labour inspectors.
95. In each project country all stakeholders reported that they are interested in continuing to work toward ILSSA's development objectives after the conclusion of the grant period. In each project country there appear to be some individuals, institutions, and/or professional bodies that might contribute to the achievement of the project's objectives now, or in the future. In Botswana these include the Botswana Institute of Administration and Commerce, and the Institute of Development and Management. In Lesotho there was an Institute of Labour Studies at the National University of Lesotho, although it appears not to be active

at present. In Zambia there are professional associations of mediators and of arbitrators, and some member of the legal profession who are active in the field.

## **Conclusions**

96. There appears to have been more use of local consultants since the Interim Assessment. There is also evidence to suggest that it can be genuinely difficult to secure the requisite expertise, and/or to do so at a reasonable fee.
97. Training of trainers has been successful: that many trainees have subsequently delivered training is also a significant indicator of sustainability. More could be done to systematise subsequent training, and to maintain a cohort of trainers.
98. Continuing deficits in capacity across all social partners and institutions have the potential to threaten the sustainability of project gains. In that context, it is all the more important that ILSSA carry out the planned work in mass awareness-raising, and also build stronger links with media.
99. The inability to deploy trained mediators in Botswana and Zambia is a significant threat to sustainability in those countries.
100. In each project country there is strong interest in the development of a network of people and institutions that might serve to continue with the sort of activities delivered by the project, after the conclusion of the grant period.

## **Recommendations**

101. ILSSA should redouble its efforts to use local consultants where possible, and in doing so be mindful that this might properly be seen as part of the project's own capacity-building work. Where necessary ILSSA management should engage directly with individuals and institutions to explain the benefits both for them and for project countries of their being involved, and also the limitations inherent in the project budget and ILO rules concerning fees.
102. NPCs should develop lists of institutions and individuals useful for project delivery, as recommended by the Interim Assessment. These lists should be used not only during the remainder of the grant period, but also as a basis from which to form the core of a network of persons and institutions to continue with work toward the project's development objectives, including after the conclusion of the grant period. At the same time, ILSSA should develop processes to maintain and to deploy cohorts of trained trainers.
103. ILSSA must make more rapid progress toward the deployment of trained mediators in Botswana and Zambia. To achieve this, the CTA might enlist the help of one or more senior ILO officials to impress upon governments the need to make progress within the grant period, in accordance with their MOUs. This is especially important for Zambia, where the project is due to finish very soon.
104. In the context of giving greater urgency to the planned mass awareness-raising program, and in particular the use of radio for this purpose, ILSSA should seek to establish solid and enduring links between media, the social partners and government.

## ***Financial management***

### **Findings**

105. The Evaluation Team was advised that a total of approximately 27 per cent of available funds has been expended in the first 27 months of ILSSA's operations.
106. In the separate (former SLASA) budget line for Malawi and Zambia, there is more than \$230,000 remaining to be spent, with \$115,000 of that for equipment.
107. Stakeholders from all sectors report that they would like to know how much money is available to them; a number say that they would like to know how much money is available on a country by country basis. Many stakeholders, and also the NPCs, report that they are unclear about how budget decisions are made, and that this makes it difficult for them to frame their proposals for project activities, and requests for financial support.

### **Conclusions**

108. ILSSA financial management has been at best prudent, and at worst too cautious: only a little more than a quarter of the money available to be spent in the project to date has in fact been spent.
109. The caution in financial management appears in some ways to be linked to the uncertainty that some have expressed about how budget decisions are made. It may be, therefore, that if there were greater clarity about this, the rate of expenditure would increase.
110. To exhaust the project budget within the remaining grant period, ILSSA would need to increase the rate of expenditure significantly over its remaining life. It would need to expend about 73 per cent of its budget in only 21 months, representing a threefold increase in the rate of expenditure. This, however, may not be achievable responsibly, and may not lead to appropriate and sustainable outcomes.

### **Recommendations**

111. In developing the revised workplan already called for, ILSSA management must develop a budget for delivery of the remaining activities in a way that increases the rate of expenditure, but which does so in a responsible and sustainable way. That budget should be approved by ILO/Declaration and/or by USDOL.
112. ILSSA management must make clearer to project participants and stakeholders the basis upon which budgetary decisions are reached, and should give consideration to devolving greater budgetary control to NPCs, under the overall supervision of the CTA, and within the confines of ILO rules.

## **ANNEX ONE: TERMS OF REFERENCE FOR THE EVALUATION**

### **I. PROJECT DESCRIPTION**

The ILSSA project is \$4.1 million initiative funded by the U.S Department of Labor (USDOL) and implemented by the International Labor Organization (ILO) to improve labor law compliance in Botswana, Lesotho, Malawi, Namibia, Swaziland, and Zambia over a period of four years (2003-2007). The main target groups for project activities are government officials in the Ministries of Labor, and representatives of employers' and workers' organizations.

ILSSA project incorporated another USDOL funded project for strengthening labour administration in Southern Africa, Under the FY 2001 Cooperative Agreement, USDOL requested that ILO implement a project in Southern Africa to strengthen labour administration, labour law reform and enforcement, collective bargaining, strengthening workers and employers organizations and tripartite institutions, and the prevention and settlement of labour disputes. The SLASA budget totaled US \$ 2,771,118. Given the presence of a large, pre-existing ILO project funded by the Government of Switzerland, ILO needed to ensure that the two projects did not overlap. Thus, not all six countries participating in the USDOL funded project received all of the project interventions. The four countries were: Malawi, Zambia, Botswana, and Lesotho. This project was given the acronym "SLASA."

In FY 2003, USDOL decided to provide additional funding to SLASA through an amendment to the Cooperative Agreement. Also in FY 2003, USDOL issued a "Solicitation for Grant Applications" (SGA), covering two of the four countries in the SLASA project: Botswana and Lesotho. The three immediate objectives to be achieved by such the "SGA" project were: (a) increased knowledge among workers and employers of national labour laws and of the available means to access labour ministry services to enforce the rights established by those laws; (b) strengthen labour ministry inspection systems to effectively enforce national labour laws; (c) create new or strengthen existing dispute resolution mechanisms within the ministries of labour.

Since the immediate objectives and outputs of SLASA and ILSSA are functionally identical and four out of six countries are the same, it was decided to have a single management structure for the two projects.

The USDOL and the ILO conducted a project design mission in February 2004. Following the design mission, USDOL and the ILO prepared a strategic framework and a Performance Monitoring Plan (PMP) with a list of performance indicators in cooperation with the project beneficiaries. The CTA was recruited in April 2004. After further consultations, USDOL and the ILO finalized the project document in May 2004 and had a launch ceremony in October 2004. The performance monitoring plan was approved in December 2004 and baseline data was collected from December 2004 to March 2005.

The development objectives of the ILSSA project are to increase compliance with national labor laws and improve labor-management relations. The development objectives are supported by the immediate objectives which are supported by the sub immediate objectives:

## PROJECT OBJECTIVES:

### Development Objective:

1. Increased compliance with national labor laws.
2. Improved labor – management relations.

### Immediate Objective(s):

1. Increased knowledge among workers and employers of the rights, obligations and services under national labor laws.
2. More effective use of the labor inspection system.
3. Increased use of the dispute prevention and resolution systems.

### Sub Immediate Objective(s):

- 1.1. Increased ability of workers and employers representatives to inform workplace constituents of the rights, obligations and services under national labor legislation.
- 1.2. Increased public availability of information regarding the rights, obligations and services under National labor legislation.
- 1.3. Proposals to reform labor laws in Lesotho, Malawi, Swaziland, and Zambia.
- 2.1. Increased availability of inspectors to implement the inspection process.
- 2.2. National inspection policies and guidelines in place that conform to ILO Standards.
- 3.1. Increased ability of workers' and employers' representatives to guide constituents through the Systems.
- 3.2. Increased ability of inspectors, conciliators, arbitrators, judges, registrars and assessors to settle disputes

## II. PURPOSE OF EVALUATION

The purpose of the Mid-Term Evaluation of the ILLSA-related project components is to:

- Ensure that the assumptions underpinning the project's design remain valid, that project outputs and activities address the needs of constituents and that the strategy, objectives and outputs are achievable;
- Assess the current status of the project including: (a) the relevance of the project's activities, outputs and objectives; (b) the commitment of social partners and beneficiaries; (c) the quality, timeliness and effectiveness of deliverables; (d) the efficacy of technical and administrative support provided to the project management team by ILO units at HQ and in the field; and (e) the capacity and efficiency of the project management team;
- provide recommendations on how to improve project performance, and, where necessary, identify the possible areas to refine strategy;

- Assess whether the performance monitoring system for collecting performance data is appropriate for systematically measuring the impact of project performance; clarify information requirements for USDOL efficiency measures and GPRA reporting;
- Ascertain whether the project's results have had or are likely to have a sustainable impact and provide recommendations on improving sustainability plan. It should also assess the availability of institutional, financial and human resources needed to ensure sustainability, on behalf of the government, workers and employers;
- Review the financial situation of the project and the efficiency in utilizing the project's resources. Assess whether the two budgets being managed appropriately;
- Identify necessary revisions and propose recommendations to maximize the success of the project within the remaining time frames, resources, political and environmental constraints.
- Ascertain to what extent the project has implemented the recommendations from the assessment conducted last year.

### III. CURRENT STATUS OF THE PROJECT

During the early 'setting up' stages of the project much time and effort was directed towards establishing cost effective project infrastructures in the six countries covered by the project. To this end the following has been achieved:

- National Programme Officers (NPC's) appointed in September and October and project offices established in all six countries. Botswana, Lesotho, Namibia and Swaziland offices have been provided by the Ministries of Labor. Malawi project is sharing an office with the HIV/AIDS project. Zambia project is housed in ILO Lusaka Area office. These arrangements provide for reduced overhead costs.
- Project advisory committees (PAC's) established in all six project countries and TORs for their functioning agreed to. Meetings of each of these committees have taken place, the most important of which related to the development of the sub-regional and national work plans for each of the project countries.

The interim assessment found the following have been achieved:

- **Dispute Prevention/Resolution Sub-Regional Workshop** – Organized jointly by the CCMA, ILO Swiss and ILSSA projects 10 – 11 May 2005. It brought together representatives from agencies and ministries from eleven countries in Southern Africa.

- **Review of Industrial Relations Act in Botswana** - 16-17 September 2004  
representatives of the project attended and participated in a meeting of the task team established by the ILO Swiss project to draft a 'new' Industrial Relations Act. The purpose of this meeting was to review implementation progress of the strategic plans agreed previously and to consider issues relating to the alignment of the Public service Act with the recently revised Industrial Relations Act.
- **Training of Trainers in Botswana** – 12 trainers were trained 13-15 September 2005, according to the recently passed Trade Disputes Act, Employment Act (and amending act 2003), Trade Unions and Employers' Organizations Act (and amending act 2004). Trainer Students were given a short exam before and after the course demonstrating that almost all had improved of knowledge of the new laws. There are 12 workshops scheduled for 2006 for representatives of the social partners. The NPC will attend some of these to insure training quality.
- **Assessment of the Labor Court and Office of the Labor Commissioner in Botswana** – As of October 2005 few objectives of the Trade Disputes Act had been achieved. Between that report and 20 February 2006, 27 full time and 21 part time conciliators/arbitrators have been appointed and preliminary work has been done to refer ILO codes of practice to the Attorney General's office and to enhance IT development.
- **Awareness Raising and Journalist Workshops in Namibia and Botswana** – February-March 2005, the CTA undertook a mission to better understand the needs of constituents and develop a strategy to increase workers' and employers' knowledge of labor laws. 11 editors and 27 journalists attended two workshops in January 2006. Afterward they all claimed that it would help them produce better stories about national labor laws, collective bargaining, dispute prevention and resolution processes and on the roles and responsibilities of local trade unions and employers' organisations.
- **Workshop for Labor Advisory Council in Namibia** - New members of tripartite Labor Advisory Council were appointed in April 2005. They would soon receive a detailed briefing on the content and application of the 'new' Labor Act. An international expert attended the inaugural LAC meeting in May 2005 to assist. The CTA also gave input on the contents of the strategic plan that had been developed earlier in the year.
- **Training of National Labor Law Trainers in Namibia** – 2-4 November 2005, 13 participants acting as representatives of social partners attended a follow-up workshop to review new laws and training methods from a previous workshop and had the opportunity to make presentations and practice their newly learned training skills. After the workshop a detailed "roll-out-plan" was developed for training across the country.
- **Workshops on Knowledge of National Labor Law for Namibian Social Partners** – 33 participants were trained by aforementioned new trainers 28-30 November 2005. Feedback on course value was positive though several administrative problems arose during the workshop. The administrative problems have since been addressed.
- **Collective Bargaining Workshop in Zambia** – 22 representatives from the Ministry of Labor and Social Security (MLSS), Zambia Federation of Employers (ZFE), Zambia Congress of Trade Unions (ZCTU), and Federation of Free Trade Unions of Zambia (FFTUZ) participated in the workshop (5-10

September 2005) designed to (a) show the role of Labor Officers in Collective Bargaining; (b) share fundamental knowledge of business, economics and finance; (c) provide an overview of alternative dispute resolution systems; (d) educate employers and workers about rights, obligations and services arising from the existing Zambian Labor Laws on Collective Bargaining; and (e) teach the participants new skills for effective negotiations.

- **Review of Zambian Factories Act** – The Act is the principal workplace-affecting act in Zambia initiated in 2003 with ILO assistance. Amendments are needed to make the Act more relevant to the new open market structure. Meetings in September 2005 took place to finalize a draft Bill for submission to the Cabinet office and Parliament.
- **Sensitization Workshop for Zambian Young Persons’ and Children’s Act** – 28 September 2005, Workshop held to sensitize representatives of employers, workers, and ministry officials to the contents and applications of the only act that defines child-labor, minimum age for employment, and penalties for violators.
- **Labor Law Reform in Zambia** – The NPC and Social Partners met throughout December to discuss revisions of the Industrial and Labor Relations Act, Employment Act, amended Factories and Workplaces Act, and subsidiary legislation on minimum conditions of employment. As of March the laws were in the final stages of drafting, and the Council has committed to have the laws adopted by Parliament by June 2006.
- **Strategic Plan for Zambian Federation of Employers (ZFE)** – A three day workshop was planned for April 2006 to provide recommendations for improved functioning.
- **Labor-Management Awards in Zambia** – Awards ceremonies were started by the project in 2004 with the hope that the Ministry would eventually take it over. However, it seems unlikely that the award will be continued because of lack of funding and interest.
- **Review of The Industrial Court in Swaziland** – October 2004, the project commissioned a tech team comprised of a Southern African juror and an ILO representative, to review the Industrial Court in Swaziland.
- **National Occupational Safety and Health Strategy Development in Swaziland** – October 2005 workshop highlighted areas that needed to be amended to incorporate the principles of ILO Conventions. Delegates discussed a framework for the foundation and development of amendments and regulations.
- **Review of Draft Employment Act in Swaziland** – Controlling parties have tried for several years to reach consensus on certain issues (such as severance pay) in a final version of the Employment Act. A revised final draft was submitted in February 2006 and was to be discussed at the next scheduled Board meeting in March 2006.
- **Sub Regional Workshop for Labor Court Judges** - The project sponsored participation of two labor court judges (from Swaziland and Namibia) at a sub regional workshop in Pretoria, South Africa (11-15 April 2005) organized by the ILO Turin Training centre and the ILO Harare office. The workshop focused on the application of International Labor Standards generally and on discrimination related issues specifically.

- **Audits Of Ministries in Namibia, Lesotho, Botswana and Swaziland** – ILO expert audited labor inspection systems in March and May 2005 to evaluate the needs within the Ministries of Labor.
- **Strategic Planning Exercise for Lesotho and Swaziland** – As the Ministries of Labor encountered problems with implementing the project's recommendations, the project designed meetings (5 December 2005 and 23 February 2006) to identify what had to be done, by whom and by when. The project constantly follows up with these Ministries.
- **Assessment of DDPR, Labor Courts, and Labor Appeals Courts in Lesotho** – As of fall 2005 and early 2006, the majority of disputes were settled by arbitration (70%), not conciliation (20%), for two reasons: (a) many disputes are rights based in which both parties feel they are correct and (b) the disputes are settled by CONARB process (joint conciliation/arbitration) in which arbitration directly follows when two cautious parties withhold information vital to a conciliated settlement. A change to a more effective two tier approach would be seen by the project and the Lesotho Ministries as retrogressive.
- **Review of Labor Code in Lesotho** – After a report filed by an international expert in 2004, stakeholders met to discuss the report and the next steps to be taken. A task team was assembled and reached agreement on all 'policy issues' for a revised code. As of the latest Technical Report there was to be another meeting in March 2006 in which a consolidated amendment was to be prepared for the National Labor Advisory Committee.
- **Labor Legislation in Malawi** – Tripartite committee formed October 2005 conducted reviews of Labor Relations and Employment Acts. Substantial progress was made at meetings 27-28 February 2006, and the assisting international expert was asked to prepare drafts for the committee's consideration by the next meeting 24 May 2006.
- **Workshop for High Court Judges in Malawi** – Information provided by a South African Labor Court Judge, Judge Dhaya Pillay, 16 December 2005 was well received and served to 'sensitize' High Court Judges in Malawi to some of the considerations that they might not ordinarily take into account in arriving at their judgments.

National work plans for the year 2006 have been developed in all six project countries. In addition a Project Monitoring Plans (PMP) have been developed for all six project countries.

The following activities have been undertaken to advance the work of the project according to the work plan:

Please separate the activities that have been achieved since the interim evaluation (current project activities) and (CRUCIAL) events of the project.

#### IV. EVALUATOR

An independent evaluator with specific skills in international project evaluation, familiar with international project implementation, and preferably with experience in Southern Africa, will carry out the evaluation.

## V. EVALUATION TEAM

The evaluation team will be comprised of: (i) an independent evaluator, (ii) the USDOL Project Manager based in Washington, DC, and (iii) one representative from the ILO/DECLARATION. The independent evaluator will serve as the team leader of the evaluation team and the USDOL project manager and the representative of the ILO/DECLARATION will serve as resource observers.

The Team Leader is responsible for conducting the evaluation according to the terms of reference (TOR). He/she shall:

- Review the TOR and provide input, as necessary.
- Review project background materials (e.g., project document, progress reports).
- Review the evaluation questions and work with the donor and implementer to refine the questions, as necessary and to develop interview protocols.
- Develop and implement an evaluation methodology (i.e., conduct interviews, review documents) to answer the evaluation questions.
- Conduct a Team Planning Meeting (TPM) with USDOL and ILO/DECLARATION prior to the evaluation mission.
- Prepare an initial draft of the evaluation report, circulate it to USDOL and ILO/DECLARATION, and prepare final report.

The USDOL Project Manager is responsible for:

- Drafting the evaluation TOR;
- Finalizing the TOR with input from the ILO and the evaluator;
- Providing project background materials;
- Participating in the TPM (by phone if necessary) prior to the evaluation mission;
- Assisting in the implementation of the evaluation methodology from Washington, DC when possible and as appropriate and as approved by the team leader (i.e., participate in interviews, observe committee meetings) and in such a way as to minimize bias in evaluation findings.
- Reviewing and providing comments of the evaluation report; and<sup>4</sup>

ILO/DECLARATION is responsible for:

- Reviewing the TOR and providing input, as necessary;
- Providing project background materials;

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<sup>4</sup> It is important to review the draft based on the elements of the TOR and to ensure that the draft is factually accurate and structurally sound. The comments should not attempt to change the findings, conclusions, and recommendations/lesson learned made by the evaluator in order to maintain the independence and objectivity of the evaluation report

- Reviewing the evaluation questions and working with the donor to refine the questions, as necessary;
- Participating in the TPM (by phone if necessary) prior to the evaluation mission;
- Scheduling all meetings;
- Assisting in the implementation of the evaluation methodology, as appropriate and as approved by the team leader (i.e., participate in interviews, observe committee meetings) and in such a way as to minimize bias in evaluation findings; and
- Reviewing and providing comments on the evaluation report.<sup>1</sup>

## VI. EVALUATION SCOPE

The Mid-Term Evaluation will:

1. Evaluate the validity of the project strategy and methodology for achieving its objectives in the region as a whole and in each country, specifically as relates to initiatives to strengthen tripartite partner industrial relations capacity, training of trainers in partner organizations, national industrial relations policy advice and IR public relations.
2. Assess level of stakeholder commitment to the project.
3. Assess project impact on target beneficiaries
4. Review project implementation to date (schedule, outputs, obstacles) in the regional and individual country context as necessary.
5. Evaluate management performance effectiveness of the project, including staffing responsibilities and communications (ILO, CTA, and other key personnel).
6. Assess the project's sustainability potential as a whole and within each participating country.
7. Assess the effectiveness of the project performance monitoring system.
8. Assess the Project's financial management.
9. Review the recommendations made by the interim evaluation and assess their implementation and possible success.

## VII. EVALUATION METHODOLOGY

**Document Review.** The evaluator will review the following documents before conducting any interviews or trips to the region.

- Project Document
- Quarterly reports
- Reports from events
- Trip Reports
- Strategic Framework and PMP
- Work plans

**Team Planning Meeting.** The evaluator will have a Team Planning Meeting (TPM) with the USDOL project manager, Monitoring and Evaluation Coordinator, ILO/DECLARATION and Southern African project staff. The objective of the TPM is to reach a common understanding among the evaluator, USDOL and project implementer regarding the status of the project, the priority evaluation questions, the available data sources and data collection instruments and an outline of the mid-term evaluation report. The following topics will be covered: status of evaluation logistics, project background, key evaluation questions and priorities, data sources and data collection methods, roles and responsibilities of evaluation team, outline of the final report.

**Individual Interviews.** Individual interviews will be conducted with the following (final interview schedule will be developed by the evaluation team):

- a. USDOL Project Manager in Washington
- b. ILO Project Staff in Geneva and in the region
- c. Selected individuals from the following groups:
  - Workers and employers who have received the training
  - National Tripartite Committee Members
  - Employers' and workers' organizations, NGO's that have received training or otherwise worked with the project.
  - Labor Ministry staff who have worked with the project
  - Labour court judges and staff, staff of conciliation and arbitration committees and government staff that have received training or are providing input to the project.
  - US Embassies

**Field Visit.** Meetings will be scheduled in advance of the field visits by the ILO project staff, in accordance with the evaluator's requests and consistent with these terms of reference. Interviews conducted at these sites will be carried out by the Team Leader who will determine if it is appropriate for other evaluation team members to be present.

**Debrief in Field.** The final day of the field visit, the evaluator will present preliminary findings to the ILO Southern African staff and if time permits, a debriefing can be held for employer, government, union representatives and US embassies.

### **Post-Trip Meeting**

Upon completion of the report, the evaluator will provide a debriefing to ILAB and the ILO/DECLARATION on the evaluation findings, conclusions, and recommendations as well as the evaluation process.

## VIII: DURATION AND MILESTONES OF EVALUATION

The following is a schedule of tasks and anticipated duration of each:

<b>Tasks</b>	<b>Work Days</b>	
Preparatory Research	3	Before trip
Team Planning Meeting	1	13 July 2006
Field Research	10	19 July – 28 July 2006
Travel days	2	
Draft Report	5	14 August 2006
Finalization of Document including debrief	3	19 August 2006
	<hr/>	
	24	

## IX: DELIVERABLES

A. Draft report submitted to ILO/DECLARATION and USDOL by 14 August 2006.

B. Final Report, original plus 5 copies, submitted to ILO/DECLARATION and USDOL within three days after receiving final comments from USDOL and ILO. The final report should also be submitted to USDOL and ILO electronically.

## IX. REPORT

Before the end of the field visit, the evaluator, USDOL Project Manager, and ILO/DECLARATION representative will consult and come to consensus on an outline of a draft report and will review key Findings and Conclusions.

The evaluator will complete a draft of the entire report following the outline below. The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 20 pages in length, excluding the annexes:

1. Title page (1)
2. Table of Contents (1)
3. Executive Summary (2)
4. Acronyms (1)
5. Background and Project Description (1-2)
6. Purpose of Evaluation (1)
7. Evaluation Methodology (1)
8. Project Status (1-2)
9. Findings, Conclusions, and Recommendations (no more than 10 pages)

This section's content should be organized around the priority TOR questions, and include the findings, conclusions and recommendations for each of the subject areas to be evaluated.

Annexes

Terms of Reference

Evaluation protocols

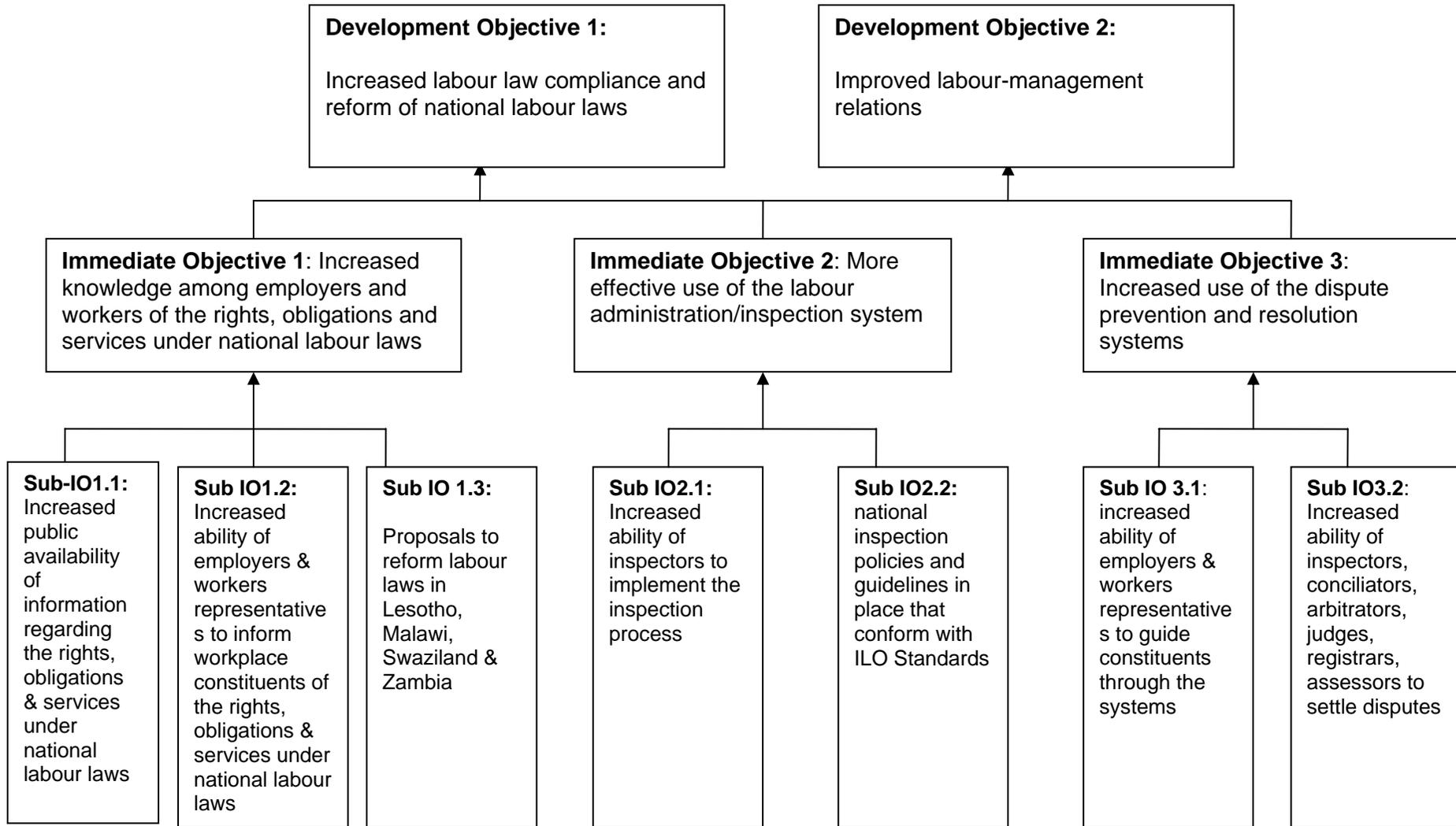
Strategic Framework

Project Workplan

List of Meetings and Interviews

Other relevant documents

## ANNEX TWO: STRATEGIC FRAMEWORK



### ANNEX THREE: PROJECT WORKPLAN

**ILO ILSSA PROJECT.  
Plan of work for the period September  
2004 to December 2005**

**Management and Administrative issues**

Activities	Location	Time frame															
		S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1. Conduct baseline studies in 6 project countries for the project indicators as identified in the performance monitoring plan. <i>Completed.</i>	6 proj. countr.			X						X	X						
2. Hold Project Advisory Committee meetings <i>On Schedule</i>	6 proj. countr	X				X	X			X	X			X	X		



Immediate Objectives	Outputs	Activities	Location	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
		1.4. Establish relationships & agreements with major media in Swaziland for the production of programmes & articles. <i>Note: reference to Lesotho has been deleted given that we are yet to commence with the review of the law. Defferred to 2006</i>	Mnzini													X	X		
		1.5. Develop a set of materials for use in Swaziland. <i>Defferred to 2006.</i>	Mnzini															X	X
<b>Sub IO 1.2</b> Increased ability of employers' and workers' representatives to inform workplace constituents of their rights and obligations & services under national labour laws	1. In each of the 6 countries, a sustainable plan of action is in place for trainers to train employers and workers on the <ul style="list-style-type: none"> <li>context, content and application of national labour law, and</li> <li>the services available from Labour Ministries, ADR institutions, labour</li> </ul>	1.1. Review existing ILO training material and develop material for use in Namibia and Botswana. <i>Completed</i>	Pretoria Office..									X	X	X					
		1.2. Develop selection criteria to assist social partners in the 6 project countries to identify and nominate a core group of trainers . <i>Completed</i>	Pretoria Office.			X	X												













	<p>4. Public Service legislation and regulations aligned with the ‘new’ Trade Disputes Act and other relevant labour legislation in Botswana</p>	<p>4. Provide support of an international expert to the bipartite ‘Reference Committee’, established by the Department of Public Service Management (DPSM) to align the Public Service legislation and regulations with the Trade Disputes Act and other relevant labour legislation.</p> <p>(NOTE: ‘Reference Committee’ is bipartite as employer is the Govt,)  <i>Behind Schedule. Has been rescheduled for 2006 following difficulties identifying an expert and finalizing the nature and scope of the support that will be provided by the project.</i></p>	Gab.																
	<p>5. Leadership of the social partners sensitized on the content and application of national labour laws.</p>	<p>5.1. In collaboration with the ILO Swiss Project, conduct 2 workshops for the MoL in Namibia, on the content and application of national labour laws.  <i>Completed.</i></p>	Wndhk																



**Strategic Objective 2: More effective use of the labour administration/inspection system**

Immediate Objectives	Outputs	Activities	Location	Time frame																
				S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
<b>Sub IO 2.1</b> National inspection policies and guidelines that conform to ILO standards in place.	1. In each of the 6 project countries an agreed national labour administration (including inspection) policy is in place.	1.1. Conduct baseline studies in 6 project countries to determine existing status of labour inspection. . <i>Completed</i>	6 proj. Countr.	X	X	X														
		1.2. Conduct an audit of the Ministry of Labour in Namibia. . <i>Completed</i>	Wndhk							X										
		1.3. Based on work done by SLASA, update and finalize audit of the Ministry of labour in Lesotho. <i>Completed.</i>	Mseru							X										
		1.4. Conduct an audit of the Ministry of Labour in Botswana.. . <i>Completed</i>	Gabs.									X								
		1.5. Conduct an audit of the Ministry of Labour in Swaziland. . <i>Completed.</i>	Mnzni									X								









	at the enterprise level. <i>(Follows from the work already done by SLASA)</i>	Lesotho. <i>This activity to be reassessed. Little interest demonstrated by social partners to date. Some tentative discussions have been held with DIFID sponsored project in the textile industry and possibilities may exist in this sector.</i>																		
		2.2. Follow-up and evaluation by the project on the functioning of the joint management-labour committees and promoting their success if applicable. <i>As above.</i>	Mseru														X	X	X	X
	3. Bipartism and respect of national labour legislation promoted in Zambia	3.1. Continue support to the best management-labour award initiated by the SLASA project. <i>On Schedule</i>	Lusaka									X	X							

Immediate Objectives	Outputs	Activities	Location	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
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	2. Dispute resolution institutions in Botswana and Namibia have in place a mission statement, HR and recruitment policies, codes of practice and guidelines for social partners.	2.1 .Assist Institutions to refine mission statement, HR and recruitment policies, codes of practice and guidelines for social partners. <i>The need for this activity to be reassessed as most of the work was done at the time legislation was reviewed in these countries. Some refinements may be necessary though.</i>	Gabs. And Wndhk											X	X				
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Immediate Objectives	Outputs	Activities	Location	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
	3. Labour Courts have the technical capacity required to meet their roles and responsibilities.	3.1. Conduct an assessment of labour court in Botswana. <i>Completed.</i>	Gab											X					
3.2. Conduct an assessment of the labour court in Lesotho. <i>Completed.</i>		Mseru												X					
3.3. Conduct an assessment of the labour court in Swaziland. . <i>Completed</i>		Mnzini			X														

		<p>3.4. Follow-up on recommendations of labour court assessments with the relevant labour advisory boards. <i>Completed in Swaziland and Botswana. Lesotho scheduled for January 2006.</i></p>	<p>Gab, Mseru, Mnzini</p>									X	X	X	X	X	X		
		<p>3.5. Support judges from labour courts in the 6 project countries to attend a sub-regional workshop, that will focus on Freedom of Association and Workplace Discrimination, arranged by the ILO sub-regional office in Pretoria In collaboration with the ILO Training Centre in Turin. . <i>Completed</i></p>	<p>Pta.</p>						X										

## ANNEX FOUR: PERSONS INTERVIEWED BY THE EVALUATION TEAM

### Johannesburg and Pretoria

<b>Name</b>	<b>Position</b>	<b>Organisation</b>
Mr André van Niekirk	Director	Perrott van Niekerk Woodhouse Inc
Ms Claire Höck		Resolve Trainingworks
Ms Felicity Steadman	Director	Conflict Dynamics
John Brand	Director	Conflict Dynamics
Professor Evance Kalula	Director	Institute of Development and Labour Law, University of Cape Town
Mr Grahame Matthewson	Chief Technical Advisor	ILSSA, Pretoria
Mr Hezron Njuguna	ACT/EMP Specialist	ILO SRO Harare
Mr Elias Zirikudondo	Labour Commissioner	Malawi Department of Labour
Cynthia Yinusa	Deputy Director	ILO, Pretoria
Sipho Ndlovu	Programme Officer	ILO, Pretoria
Mr Wael Issa	Technical Cooperation Officer	ILO, Geneva
Johannes van Rooyen	Executive Committee Member	Namibian Employers' Federation
Limpho Mandoro	Social Dialogue Specialist	ILO SRO Harare

### Lesotho

<b>Name</b>	<b>Position</b>	<b>Organisation</b>
Mr Thabo Mohaleroe	Executive Director	Lesotho Textile Exporters' Association
Ms Jennifer Chen	President	Lesotho Textile Exporters' Association
Mr R Khetsi	Acting Principal Secretary	Ministry of Employment and Labour
Ms Rethabile Sakoane	National Project Coordinator	ILSSA – Maseru
Mrs 'Mamohale	Labour Commissioner	Labour Department
Mr L A Lethobane	Judge President	Labour Court
Mr Thabiso Mohapi	Deputy Director	Directorate of Dispute Prevention and Resolution
Mr Thabo Makeka	Executive Director	Association of Lesotho Employers
Ms Martha Mosoang Ocran	President	Lesotho Trade Union Congress
Moletsan Simon Jonathan	General Secretary	Lesotho Trade Union Congress
Raymond Lesitsi Mothepu	Assistant General	Lesotho Trade Union

– Ass't Gen Sec, LTUC	Secretary	Congress
Marake Makheta	Economic and Research Officer	Lesotho Congress of Democratic Unions
Nkoebe Moshoeshoe	Legal Officer (Labour and Employment)	Ministry of Employment and Labour
Teboho Peter Tono	Member	Congress of Lesotho Trade Unions
Thabiso Mohapi	Deputy Director	Directorate of Dispute Prevention and Resolution
Mamphaphathi Molapo	Labour Inspector	Ministry of Employment and Labour
Moea A Makhakhe	Labour Inspector	Ministry of Employment and Labour
Molebatsi W Koalepe	Labour Inspector	Ministry of Employment and Labour
Daniel Maraisane	Member	Lesotho Congress of Democratic Unions
Monaheng Mokoawe	Member	Congress of Lesotho Trade Unions
Seabata Wiloti	Member	Congress of Lesotho Trade Unions
Cwelius Morafo	Journalist	Mohahalaula Newspaper
Lenkse Hlongwane	Journalist	Leselika Serolesa
Mockho Mphonyo	Journalist	Informative
Relebohile Tsita	Journalist	Informative
Metlotlo Nte	Journalist	Moeletsi
Nat M Mdanio	Journalist	Freelance

### Botswana

<b>Name</b>	<b>Position</b>	<b>Organisation</b>
Norman T Moleele	Deputy Director	BOCCIM
Claude Mojafi	Labour Commissioner	Department of Labour and Social Security
Mr Japhta Radibe	Member	BFTU
Sissy V Seemule	Assistant Labour Commissioner	Department of Labour and Social Security
Edward M Rakwadi	Member	BOCCIM
Keabony Selebatso	Senior Industrial Relations Officer	Department of Labour and Social Security
Ronald Baipidi	President	BFTU
Grace Motswiri	Labour Officer	Department of Labour and Social Security
Leah Matlala	Assistant Labour Officer	Department of Labour and Social Security
Lesego Kgwalabatlhe	Assistant Labour Officer	Department of Labour and Social Security
Mokuduba Kudumedi	Labour Officer	Department of Labour and Social Security

Judge Tebogo-Marupung	Judge	Industrial Court
Mrs Marumo	Registrar	Industrial Court
Maj. Gen. Pheto	Minister of Labour and Home Affairs	Government of Botswana
Pearl Moatshe	National Project Coordinator	ILSSA
Motusi Bruce Rabasha Palai	Permanent Secretary	Ministry of Labour and Home Affairs
Mr Motlhaleemang Ntebela	Executive Secretary	MNEGI Publishing Trust
Mr T Shabani	Reporter	Botswana Press Agency
Ms Seamogano Mosanako	Formerly Editor Now	Botswana Television Public Relations Officer, Ministry of Labour & Home Affairs
Mr West Gandawa	Channel Controller	GBCTV
Mr Lesego Mohutsiwa	Radio Program Producer	Radio Botswana
Ms Neo T Asafo-Adjei	Deputy Director	Directorate of Public Service Management
Mr F J Famikiso	Senior Assistant Director, Industrial Class and Personnel Relations Division	DPSM
Ms Violet K Nakedi	Acting Senior Assistant Director – Personnel Administration	DPSM
Mr Khoahla Pheko	Member	BFTU
Mr P D Chengeta	Assistant Secretary General	BFTU
Ms K Jaroma	Acting Regional Labour Officer	DLSS
Mr S K Leero	Consultant	Resolve IT

### Zambia

<b>Name</b>	<b>Position</b>	<b>Organisation</b>
Tito Kasanda	Labour Inspector	Ministry of Labour
Elijah Phiri	Labour Inspector	Ministry of Labour
Simon Kapilima	Principal Labour Officer	Ministry of Labour, HQ
Niza Mulenga	Senior Labour Officer	Ministry of Labour
Ms Nkumbina Davies	Senior Labour Officer	Ministry of Labour, Boma Office
James Chansa	Senior Labour Officer	Ministry of Labour, HQ
Birgitte Poulsen	Chief Technical Advisor, IPEC (Officer in Charge)	ILO, Lusaka
Dennis Zulu	Programme Officer	ILO, Lusaka
Steven Nyundo	Chair	Industrial Relations Court

		of Zambia
Gertrude Chawatama	Deputy Chair	Industrial Relations Court of Zambia
Sharon Newa	Acting Registrar	Industrial Relations Court of Zambia
Roland Chibesakunda	Member	Industrial Relations Court of Zambia
Evans Julius Nyirenda	Member	Industrial Relations Court of Zambia
Jordan Theu	Secretary	National Pensions Scheme Authority
N'lakungo Mugembe	Principal Labour Officer (Employment)	Ministry of Labour
Noal Siasimuna	Labour Commissioner	Ministry of Labour
Cecilia Mulundeti	Assistant Labour Commissioner (Industrial Relations)	Ministry of Labour
Mukubesa Sanyambe	National Programme Coordinator	ILSSA - Lusaka
Ben Nyambe	Committee Member Head, Human Resources	ZFE ZNBS
Dr Fenson A Mwape	General Secretary	UNZALARU/ZCTU
John Phiri	Human Resource Development Manager	ZFE
Patrick Mazila	Director, Workers' Education	Civil Servants and Allied Workers' Union of Zambia
Astridah M Phiri	Director of Workers' Education	National Union of Commercial and Industrial Workers
Chrispin Mazuba	Acting Executive Director	ZFE
Harrington Chibanda	Accountant	ZFE
Leonard C Hikaumba	President	ZCTU
Alfred H Mudenda	Deputy General Secretary	ZCTU
Arnold Chitamba	Acting Principal Secretary	Ministry of Labour

## ANNEX FIVE: ANNOTATED TIMELINE OF COMPLETED ACTIVITIES

The information presented in the third column ('Completed Activities') is drawn principally from the Status Reports and the Technical Progress Reports that have been filed from time to time. In places it also includes information given to the Evaluation Team during its visit to the region. Obviously, it excludes activities contemplated in the Workplan for 2006, or which have not been reported.

It should be noted that while ILSSA workplans develop programmes of activities in line with the PRODOC's sub-immediate objectives, the formal reporting in the Status Reports and Technical Progress Reports does not present the activities that have been carried out by reference to those objectives. This makes it difficult to evaluate whether a particular reported activity relates to a specific sub-immediate objective, and if so, to which one. In preparing this table the Evaluation Team has therefore used its own judgment in some cases.

The descriptions of the outputs in the first column are abbreviated; they can be compared with the precise expression in the PRODOC.

The timeline dates are shown as quarter and year, thus for example '3/2005' indicates the third quarter of 2005.

Outputs	Timeline Date	Completed Activities	Observations
<b>IMMEDIATE OBJECTIVE ONE: INCREASED KNOWLEDGE AMONG EMPLOYERS AND WORKERS OF THEIR RIGHTS, OBLIGATIONS AND SERVICES UNDER NATIONAL LAWS</b>			
Develop awareness raising and media campaign; social partners agree.	4/2004	Communications review missions to develop communications strategies; Botswana and Namibia; 3/2005; int'l expert (CTA Declaration Communications Project).  The CTA reported to the Evaluation Team that the Swaziland NPC had	Detailed Communications Strategies have been developed with the assistance of the ILO Declaration Communications Project. The mission to develop those strategies took place some 6 to 9 months behind the PRODOC timeline.  The Communications Strategies have not since

		suggested a campaign launch in that country for September 2006.	been put into action.
Produce core communications material.	1/2005 2/2005 3/2005		These materials have not been produced or, if produced, this has not been reported, including in meetings with the Evaluation Team.
Establish working relationship and agreements with major media for the production of programmes and articles.	2/2005 3/2005	Editorial roundtables and workshops for journalists; Botswana and Namibia; 1/2006; described in TPR for 1 September 2005 to 28 February 2006 as having ‘launched’ the mass awareness campaigns.  Journalists have also been trained in Lesotho and in Zambia.  The Botswana NPC has established a Media Monitoring Committee.	Enduring relationships with media do not appear to have been established.
Awareness raising and media campaign (including Radio programmes) implemented.	4/2005 to 1/2008		It is not apparent that the mass awareness campaigns have been launched in any of the project countries.  There has been no use of radio.
National consultants complete studies of labour laws, Labour Ministries, ADR mechanisms, labour courts, and employers and workers organization.	3/2004		It is not apparent that these overall studies, by national consultants, were carried out.  Various assessments of particular institutions have been carried out, and are reported separately in this table.
Sustainable plan of action developed for trainers from the social partners to deliver training to workers and employers on national labour laws, institutions and workers’ and employers’ organizations.	4/2004	Participation in (and support for) meeting of Labour Advisory Council in Malawi; 1/2005.  Training of trainer sessions have concluded with attention to next steps	There appears to be coordination between NPCs and Labour Ministries to deliver training workshops.  Worker and employer organizations are using material and knowledge in their own education

		<p>to deliver training.</p> <p>NPCs are working with Labour Ministries to develop schedules for delivery of training workshops with ILSSA support.</p>	<p>programmes.</p> <p>It is not clear that sustainable plans of action have been developed; if they have been developed, they were not clearly articulated as such to the Evaluation Team.</p>
Training material tested and adapted.	4/2004	Development of some training material on collective bargaining and conciliation, based on materials 'piloted' in Nigeria; 3/2004; 4/2004; 1/2005.	<p>It is not clear that training material was developed and tested as required.</p> <p>One consultant to the project noted that they had not been able to pilot training materials that they had been engaged to develop.</p>
Core group of trainers from the tripartite partners selected, trained and tested.	1/2005 3/2005	<p>Training of trainers on labour law in Botswana; 3/2005; Int'l consultant.</p> <p>Training of trainers on labour law in Namibia; 3/2005 &amp; 4/2005; Int'l consultant.</p> <p>Sensitisation workshop for tripartite social partners on <i>Young Persons and Children's Act</i>, Zambia, 3/2005.</p> <p>Support for participants from Botswana, Lesotho, Namibia and Swaziland in phase 2 of the PG Diploma in Dispute Resolution that was first established by the ILO/Swiss project.</p>	<p>Trainers are being trained, and they are subsequently delivering training, both under the auspices of the project and on their own initiative, within their own organizations.</p> <p>It is not clear that those who have been trained constitute core groups.</p>
Training delivered by trained trainers; first 12 workshops sponsored by ILSSA.	2/2005 to 2/2006	2 day seminar for officials of Namibian Ministry of Labour on new Labour Law; int'l expert; in collaboration with ILO/Swiss; 1/2005.	<p>Training workshops are being delivered by trained trainers.</p> <p>The scheduled 12 workshops in each country have not been completed within the PRODOC</p>

		<p>Labour law workshop, Namibia; 4/2005; trained trainers.</p> <p>ILSSA support for int'l expert who reviewed labour laws in Namibia to attend the first meeting of the new Labour Advisory Council; 2/2005.</p> <p>The CTA reports that there have been 6 seminars in Botswana, 8 in Namibia, and 4 in Swaziland, and that a further 3 or 4 are scheduled for Zambia.</p>	timeframe.
Sustainable action plan implemented.	3/2006 to 1/2008		Worker and employer organizations are using knowledge and materials from ILO training in their own programmes, although not necessarily in a sustainable way.
Labour laws in Lesotho, Malawi and Zambia reformed.	4/2004 to 1/2006	<p>Facilitation of meetings on drafting of Labour Tenancy Bill; Malawi; 3/2004; 4/2004; 1/2005; 3/2005.</p> <p>Seminar on labour law in Malawi; 3/2005; int'l expert with local expert.</p> <p>Meetings with task team established by ILO/Swiss, on bringing public servants into Botswana labour law; 3/2004; 2/2005.</p> <p>Technical committee meeting to review <i>Zambian Factories Act</i>; 3/2005.</p> <p>Seminar on report on labour law in</p>	<p>Labour laws have not been revised within the planned timeframe.</p> <p>ILSSA appears to have expended resources and time on labour law reforms in Botswana (on public service employment laws), Malawi (the Labour Tenancy Bill) and Namibia in ways not originally envisaged by the PRODOC. Some of this work has however been added to ILSSA's responsibilities.</p> <p>ILSSA appears to have devoted significant attention to labour law reforms without also pursuing other project activities that the PRODOC envisages continuing at the same time.</p>

		<p>Lesotho; 1/2005; int'l expert.</p> <p>Evaluation of labour laws in Lesotho, and follow-up meeting; 4/2005 &amp; 1/2006; int'l expert.</p> <p>Review of labour laws in Malawi; 1/2005 to 1/2006; int' expert with local expert in part.</p> <p>NPC meets with tripartite task team on labour law in Zambia; 4/2005.</p> <p>Workshop on developing strategic plan to implement new labour law in Namibia; 1/2005.</p> <p>Facilitate workshop to develop new strategic plan to implement the new Labour Act in Namiba; 3/2005.</p> <p>Proposed amendments to labour laws in Lesotho had been submitted to ILO HQ for comments by the time the Evaluation Team visited, but the laws had not been presented to Parliament.</p> <p>The CTA advised that a further meeting of the tripartite task group in Malawi was scheduled for August 2006 and that there was no reason (in his view) why the work should not be complete by the end of 2006.</p>	
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		<p>Amendments to labour law in Zambia were agreed by early 2006, but not submitted to Parliament. Elections were called in July, making it unclear when the laws might be passed.</p> <p>Revision of public service employment laws in Botswana is proceeding, and can perhaps be completed within the project grant period.</p> <p>Further work remains to be done to finalise labour law reforms in Namibia that were originally coordinated by the ILO/Swiss project. Press reports suggest that amending legislation will be introduced into Parliament in September.</p>	
Labour laws in Swaziland reviewed.	4/2005	Assist in redrafting Employment Act; 3/2004; 4/2004; int'l expert.	A revised Employment Act has been adopted.
Sensitisation of parliamentarians.	3/2005, & subject to date of law		This appears not to have occurred, although as appears above, revised labour laws have generally not yet been presented to parliaments.
<b>IMMEDIATE OBJECTIVE TWO: MORE EFFECTIVE LABOUR ADMINISTRATION/INSPECTION SYSTEMS</b>			
Audits of the Labour Ministries of Botswana, Namibia and Swaziland.	4/2004 1/2005	Audits of ministries; Botswana, Lesotho, Namibia, Swaziland; 1/2005 & 2/2005; ILO expert.	Completed largely according to planned timeline.
Implementation of capacity-building	1/2005	Strategic planning workshop for	It was not apparent to the Evaluation Team that

strategies to improve policies, structure and management.	to 4/2005, & 3/2006	labour administration, Lesotho; 4/2005.  Strategic planning workshop for labour administration; Swaziland; 1/2006.	the Labour ministries in Botswana, Lesotho and Zambia have developed clear strategies to implement the findings of the audit reports.
Development of effective national labour administration policy and sustainable implementation plan.	2/2005 3/2005	Facilitate workshop to develop national occupational health and safety strategy in Swaziland; 4/2005; Int'l expert.	It was not apparent to the Evaluation Team that the Labour ministries in Botswana, Lesotho and Zambia have developed clear strategies to implement the findings of the audit reports.
Core group of labour ministry officials trained as trainers, and refreshed.	3/2005 2/2006 2/2007	Labour inspection workshops for all social partners, in Botswana, Lesotho, Namibia, Malawi, & Swaziland; 2/2005 & 3/2005; int'l expert; a total of 142 participants.	The training delivered in the second and third quarters of 2005 was delivered on time, but does not appear to have been training of trainers.
All labour inspectors trained by the trained core, with national and/or international assistance as necessary.	4/2005 to 1/2008	Training of new labour inspectors in Zambia; 3/2005; trained trainers.  Little information appears in project reports, or was given during the Evaluation Team's mission, about whether the project has trained, or plans to ensure training of all labour inspectors.	Although some labour inspectors have been trained, it is not apparent that the project is making solid progress toward this goal.
Assistance to Labour Ministries to computerize inspection and reporting systems; review after 12 months.	4/2005 to 1/2008	Little information appears in project records, or was given during the Evaluation Team's mission.  Botswana reports that it is taking steps to computerize aspects of its labour inspection work.	The project is running significantly behind schedule in relation to this activity. In Malawi and Zambia, for example, it will be impossible to carry out the review after 12 months.  There is a risk that in other project countries ILSSA will not be able to carry out the planned 12 month review.
Improved labour inspection capacity by provision of some means of	4/2004 2/2005	Provision of 2 cars in Zambia; 3/2004. The cars are apparently being used	This objective has been met within the timeline in Lesotho, Malawi and Zamiba. No information

transport.	1/2006 4/2006	<p>about 80 per cent of the time for labour inspection work.</p> <p>Provision of 7 motor cycles in Malawi; 1/2005. The project has now agreed to assist with training inspectors to ride them.</p> <p>Provision of 8 motor cycles in Lesotho; 3/2004. The project has been engaged in discussions about provision of protective clothing for inspectors to use the motorcycles.</p>	<p>was provided about plans for similar work in Botswana, Namibia, and Swaziland.</p> <p>The utility of providing motorized transport has been hampered by subsequent issues including the need to equip the labour inspectors in Lesotho and Malawi to use the motorcycles.</p>
<b>IMMEDIATE OBJECTIVE THREE: INCREASED USE OF DISPUTE PREVENTION AND RESOLUTION SYSTEM</b>			
Training of new appointees to DDPR and CMAC.	4/2004 4/2005	<p>Training for CMAC members; Swaziland; 2/2005; int'l expert.</p> <p>Training for DDPR members on evidence; 1/2005; local expert.</p> <p>Training for DDPR members on conciliation; 2/2005; Int'l expert.</p>	This training was delivered in the anticipated timeframe.
Support for new dispute resolution institutions in Botswana and Namibia, based on the new laws.	1/2005 to 4/2006	<p>Sub-regional workshop for leaders of dispute resolution bodies; all six project countries; 5/2005; int'l experts; collaboration with ILO/Swiss (among others).</p> <p>DDRP and the Ministry in Zambia have requested project assistance to</p>	The project could make more rapid progress in assisting dispute resolution institutions with, for example, support to develop posters and pamphlets about their work.

		produce basic materials about their functions.	
Support for introduction of computerized case-management systems for dispute resolution bodies in Botswana, Lesotho, Namibia and Swaziland.	3/2005 to 3/2006	Little information appears in project records.  The CTA advised, during the Evaluation Team's mission, that the project was moving forward with efforts to obtain software that could be used in all jurisdictions.	This has not been achieved in the planned timeframe.
Tripartite constituents trained in industrial relations, tripartite negotiations, conciliation, mediation and dispute prevention.	3/2005 to 1/2008	Labour management negotiations skills course; Lesotho; 3/2005; Int'l experts.  Strategic plan for ZFE; 4/2005 & 1/2006; local expert.  Participation in ILO/Swiss workshop on Social Dialogue in Swaziland; 2/2005.	Training is being conducted, and further training is planned.
Employers and workers trained in collective bargaining techniques.	4/2005 to 3/2007	Training on collective bargaining in Zambia; 3/2005; some local consultants.	Training has been conducted on these issues in some project countries, and further training is planned.
Assessment of Labour Courts in all countries.	4/2004	Review of Industrial Court, Swaziland; 3/2004; int'l experts.  Assessment of Labour Court and Office of Labour Commissioner in Zambia; 4/2005; int'l consultant.  Assessment of DDPR, Lesotho Labour Court and Labour Appeals Courts; 3/2005; local expert.	It is not clear whether all Labour Courts have been assessed, or in what time-frame, although it would appear that even if all the work has been completed, it was not within the planned timeframe.

		The Labour Court in Botswana was also reviewed, although the consultant's report does not indicate when that occurred.	
Enhancement of Labour Courts' capacity through professional advancement courses and retreats.	4/2004 3/2005 1/2006 3/2006 4/2007	Retreat for High Court judges in Namibia; 3/2005.  Workshop for High Court Judges in Malawi; 4/2005/; local and int'l experts.  Sub-regional workshop for Labour Court judges; Pretoria; 2/2005.	A number of activities have been carried out toward this objective, within the planned timeframe.
Support to Labour Courts in establishing simple case management systems.	2/2005 1/2007	The CTA advised, during the Evaluation Team's mission, that the project was moving forward with efforts to obtain software that could be used in all jurisdictions.	At the present rate of progress, it is unlikely that this objective will be attained in the planned timeframe.

## ANNEX SIX: ANNOTATED PERFORMANCE INDICATORS

PERFORMANCE INDICATORS	EVALUATION TEAM OBSERVATION
<p><b>Development Objective 1:</b> Increased labour law compliance and reform of national labour laws labour laws.</p>	
<p><b>Ind. No.1:</b> percent of enterprises in compliance with core set of labour laws (set of laws to be determined)</p>	<p>Measurement of compliance is difficult, particularly in environments where the necessary data is unlikely to be available.</p> <p>In practice, ILSSA is measuring the percentage change in the number of labour law violations. This however is also problematic: most obviously, the number of violations will be affected by the number and effectiveness of labour inspections. Other factors will also influence the number of violations. Indeed the results presently tend to show increases in violations, which NPCs attribute to better inspection and to increased knowledge of legal requirements.</p> <p>Moreover, it is not clear what is meant by ‘violations’, other than a record of the number of situations that the entire inspectorate found not to be in compliance. This might be compared, for example, with analysis of the number and type of prosecutions, if any, for violations.</p>
<p><b>Development Objective 2:</b> Improved labour-management relations.</p>	
<p><b>Ind. No.1:</b> percent of survey respondents who believe labour-management relations have improved (disaggregated by labour/management)</p>	<p>It is apparently intended that 50 copies of surveys should be distributed to each of the social partners, although the Botswana NPC reported that she had been distributing only 20 copies. In either case, the number appears likely to be too small to be statistically significant. This probably explains why follow-up surveys appear to show lack of improvement on this indicator.</p> <p>It would be more useful to pursue a time-series approach for this indicator, in which the same group were surveyed at different points.</p>
<p><b>Immediate Objective 1:</b> Increased knowledge among employers and workers of the rights,</p>	

obligations and services under national labour laws.	
<b>Ind. No. 1:</b> percent of respondents to a periodical random survey who are knowledgeable of the rights, obligations and services under national labour laws	<p>Similar problems arise with this indicator to those that affect the previous indicator. That is, the number of survey instruments being distributed is unlikely to produce statistically significant data.</p> <p>This indicator is especially unlikely to produce meaningful data without considerable progress in the delivery of the mass awareness campaigns.</p>
(Include, "How were you informed?" to assess the reach of the public-awareness campaign.)	
<b>Sub-Immediate Objective 1.1:</b> Increased ability of employers & workers representatives to inform workplace constituents of the rights, obligations & services under national labour laws	
<b>Ind. No. 1:</b> % of trained representatives who score at least "x" level on exit test	Some stakeholders and some of those who had delivered training of trainers commented that it would be more useful to develop a qualitative measure of the abilities of those who are trained as trainers, perhaps by observing them in action as trainers.
<b>Sub-Immediate Objective 1.2:</b> Increased public availability of information regarding the rights, obligations & services under national labour laws	
<b>Ind. No. 1:</b> number of radio programs, newspaper articles and other media reports produced	<p>This is at best a limited measure, although it may have the potential to measure the impact of the project in its work with the media.</p> <p>However, at present the project has made so little progress toward carrying out the relevant activities that this is unlikely to become a useful measure.</p>
<b>Sub-Immediate Objective 1.3:</b> Proposals to reform labour laws in Lesotho, Malawi, Swaziland & Zambia	
<b>Ind. No. 1:</b> proposals prepared in a tripartite process submitted to the competent authorities for approval	It does not appear that the project is actively measuring this within the PMP, although of course progress on this front is being closely followed.
<b>Immediate Objective 2:</b> More effective use of the labour administration/inspection system	

<b>Ind. No. 1:</b> percent of inspection recommendations implemented/acted upon	In the absence of computerized inspection recording it will be difficult (at best) to try to use this measure, especially if baseline data was not available.
	The project is also measuring workers' and employers' perceptions of the inspection system. The same difficulties are likely to attend the use of small numbers of survey instruments for this purpose as noted above in relation to perceptions of industrial relations, and knowledge of labour law.
<b>Ind. No. 2:</b> number of inspections carried out by complaint driven schedule	In the absence of computerized inspection recording it will be difficult (at best) to try to use this measure, especially if baseline data was not available.  A number of inspectors reported that the newly introduced integrated inspection system means that they are spending far more time on each inspection, which makes it likely that the numbers of inspections will fall. It would still perhaps be possible to measure whether inspections are complaint driven or routine inspections. However as only limited progress has been made toward developing sustainable plans to implement the recommendations of audits of labour ministries, and towards computerization of inspection systems, there may be little influence on (or change in) the balance of inspection type.
<b>Sub-Immediate Objective 2.1:</b> Increased ability of inspectors to implement the inspection process.	
<b>Ind. No.1:</b> percent of trained inspectors who follow inspector manual procedures	It does not appear that the project is seeking to measure this. In any event it would be difficult to do so, especially without computerization of inspection systems.
<b>Ind. No.2:</b> percent of inspection offices with adequate (as defined by PMP) support infrastructure	As implemented, this indicator is only measuring the provision of motor vehicles, telephones, photocopiers and the like. Of course these are important and useful contributions to whether labour inspectors can carry out their job.  Without greater progress on computerization of inspection systems, however, this indicator will measure little else of significance.
<b>Sub-Immediate Objective 2.2:</b> National inspection policies and guidelines in place that conform with ILO Standards.	
<b>Ind. No. 1:</b> policies/guidelines in place (yes or no)	Intentionally a limited, binary indicator. In any event, little progress has been

	made on this front.
<b>Immediate Objective 3:</b> Increased use of the dispute prevention and resolution systems	
<b>Ind. No. 1:</b> Number of complaints/cases registered	Care will need to be taken with this indicator in setting objectives about whether the number of cases lodged should increase or decrease, and whether it has increased or decreased.  It would be easier to measure if there had been greater progress toward computerization of case management systems.
<b>Ind. No. 2:</b> Percent of registered cases in process	It would be easier to measure if there had been greater progress toward computerization of case management systems.  It would also be easier if more training had been delivered to constituents in how to bring cases, and if greater progress had been made to ensuring that mediators and arbitrators trained by ILSSA (and SLASA) were able to carry out those functions.
<b>Ind. No. 3:</b> percent of complaints/cases settled by ADR	In the absence of fully functioning mediation and arbitration systems, and computerized records management within institutions, it will be difficult to use this indicator to measure progress.
<b>Ind. No. 4:</b> percent of complaints/cases settled in the labour courts	In the absence of fully functioning mediation and arbitration systems, and computerized records management within institutions, it will be difficult to use this indicator to measure progress.
<b>Ind. No. 5:</b> percent of complaints/cases settled by ADR in statutory time limits	In the absence of fully functioning mediation and arbitration systems, and computerized records management within institutions, it will be difficult to use this indicator to measure progress.
<b>Ind. No. 6:</b> percent of complaints/cases settled by labour courts in a timely manner	In the absence of fully functioning mediation and arbitration systems, and computerized records management within institutions, it will be difficult to use this indicator to measure progress.
<b>Sub-Immediate Objective 3.1:</b> Increased ability of employers & workers representatives to guide constituents through the systems	
<b>Ind. No. 1:</b> percent of trained representatives who score at least “x” level on exit test.	This may be a useful measure of learning at the time that training is delivered, however it would be more useful if there were follow-up with those who had been trained, to re-test them some later date.

<p><b><u>Sub-Immediate Objective 3.2:</u></b> Increased ability of inspectors, conciliators, arbitrators, judges, registrars, assessors to settle disputes</p>	
<p><b>Ind. No. 1:</b> percent of ADR centers and labour courts with acceptable support infrastructure</p>	<p>Without greater substantive progress toward computerization of case management systems, in particular, this indicator is unlikely to reveal any or any significant progress.</p>

## ANNEX SEVEN: CTA MISSION SCHEDULE



### IMPROVING LABOUR SYSTEMS IN SOUTHERN AFRICA (ILSSA) PROJECT.

#### SUMMARY DETAILS OF MISSIONS CONDUCTED BY THE CTA FOR THE PERIOD MAY 2004 – AUGUST 2006.

Country	Purpose	Dates
Lusaka	To meet with Lusaka ILO Office, social partner representatives to obtain detailed project handover briefing from SLASSA CTA	09 to 14 May 2004
Swaziland	To conduct interviews for the National Project Coordinator	28 to 29 June 2004
Namibia	To conduct interviews for the National Project Coordinator	30 June to 01 July 2004
Botswana	To conduct interviews for the National Project Coordinator	01 to 02 July 2004
Malawi	To attend meeting with representatives of social partners and the project advisory committee	04 to 10 July 2004
Swaziland	To conduct interviews for the National Project Coordinator	19 to 21 July 2004
Lesotho	To consult with the social partners and attend PAC meeting	22 to 23 July 2004

Lesotho	To attend the PAC meeting and to attend function during which motorcycles will be handed over to Ministry of Labour	18 to 23 August 2004
Malawi	To attend the Tenancy Labour workshop and to attend PAC meeting	24 to 26 August 2004
Zambia	To attend handover of motor car function and to meet with project staff	29 August to 01 September 2004
Swaziland	To meet with and brief newly appointed National Project Coordinator	07 to 08 September 2004
Botswana	To attend meeting of Botswana tripartite task force dealing with the implementation of the “new” Trade Disputes Acts	16 to 17 September 2004
Namibia	To finalise arrangements for the project launch in October regard to project launch and to attend closing ceremony of the PGD programme.	23 to 25 September 2004
Swaziland	To attend a meeting of the Swaziland Labour Advisory Board	27 to 28 September 2004
Namibia	To attend the launch of the ILSSA project	10 to 15 October 2004
Malawi	To attend the meeting of the tripartite committee established to review the Labour Tenants Bill and to attend meeting of the Labour Advisory Council	26 to 29 October 2004
Swaziland	To attend follow up meeting of the Labour Advisory Board	05 to 05 November 2004
Namibia	To meet with the Permanent Secretary and the tripartite partners to discuss implementation of the “new” Labour Act	07 to 08 November 2004
Lesotho	To attend meeting of the social partners in respect of the contents and application of the Labour Code	10 to 12 November 2004

Zambia	To meet with SLASA project team and Declaration (Geneva) representatives to resolve outstanding budget problems	15 to 17 November 2004
Botswana	To attend PAC meeting	12 November 2004
Lesotho	To attend PAC meeting	13 November 2004
Swaziland	To attend PAC meeting and to meet with UNDP	14 TO 15 November 2004
Zambia	To attend PAC meeting, National Labour Advisory Council	16 to 17 January 2005
Malawi	To attend PAC meeting, National Labour Advisory Council meeting and handover motor cycles	18 to 21 January 2005
Namibia	To conduct a workshop on the new Labour Act and to participate in a strategic planning process for the Ministry of Labour	24 to 27 January 2005
Lesotho	To attend the Project Advisory Committee meeting and to attend the workshop for the DDPR	02 to 04 February 2005
Namibia	In collaboration with ILO experts conduct an audit of the Ministry's inspection services and develop an awareness raising campaign	27 February to 04 March 2005
Lesotho	In collaboration with ILO expert conduct an audit of the Ministry's inspection services	06 to 08 March 2005
Lesotho	To participate in seminar convened to discuss analysis of the Labour Code	15 to 17 March 2005
Botswana	To attend a tripartite task force meeting dealing with the implementation of the Trade Disputes Act	11 to 11 April 2005

Namibia	To attend inaugural meeting of the Labour Advisory Council meeting in Namibia and to deal with questions relating to the implementation of the Labour Act	15 to 17 May 2005
Swaziland	To attend a social dialogue sensitization workshop for senior government officials and social partners representatives	12 to 13 May 2005
Botswana	To attend meetings relating to the alignment of public service legislation with the Trade Disputes and Employment Acts	18 to 20 May 2005
Swaziland	To accompany ILO labour administration/inspection expert Mr. Sivananthiram to conduct audit of the ministry	22 to 24 May 2005
Botswana	To attend meetings relating to the alignment of public service legislation with Trade Disputes and other Acts	26 to 27 May 2005
Namibia	To attend the workshop for Labour Inspectors	16 to 21 June 2005
Swaziland	To attend meeting of Labour Advisory Board	22 to 23 June 2005
Lesotho	To attend workshop for Labour Inspectors	26 to 28 June 2005
Botswana	To attend workshop for Labour Inspectors	03 to 05 July 2005
Swaziland	To attend workshop for the Labour Inspectors	10 to 12 July 2005

Malawi	To attend the workshop for Labour Inspectors and attend a meeting of the Labour Advisory Board on the analysis of labour law	17 to 23 July 2005
Namibia	To attend a training of trainers workshop, and a task team meeting on implementation of Labour Act	24 to 29 July 2005
Lesotho	To run a joint Labour Management Collective Bargaining workshop for social partners	14 to 17 August 2005
Namibia	To accompany the interim evaluation team and to attend training of trainers workshop (on national labour laws)	23 to 24 August 2005
Botswana	To participate in the training of trainers workshop (national labour laws) and participate in the audit of the Labour Court	14 to 19 September 2005
Namibia	To meet with the Permanent Secretary in the Ministry of Labour and National Program Coordinator regarding various performance issues	03 to 04 October 2005

Botswana	To meet with the Minister & Permanent Secretary (Ministry of Labour), judges of the Industrial Court, Attorney General, BFTU & BOCCIM to discuss the report on assessment of the Labour Court and to attend the meeting of the Botswana task team on the implementation of the Industrial Relation Act	17 to 18 October 2005
Geneva	To attend Declaration and Social Dialogue workshops and to attend meetings with experts who back stop project	24 to 30 October 2005
Lesotho	To attend Lesotho Labour Code workshop	16 to 18 November 2005
Namibia	To attend a tripartite task force meeting dealing with implementation of the Labour Act	22 to 22 November 2005
Namibia	To attend the training of trainers workshop for social partners	24 to 25 November 2005
Lesotho	To facilitate strategic planning meeting for Ministry of Labour	05 to 06 December 2005
Botswana	To attend meetings with tripartite stakeholders in respect of the realignment of Public Service Legislation and Regulations with provisions of the Trade Dispute Act	11 to 14 December 2005
Cape Town	To attend the Sub Regional Seminar on Labour Market Regulation in the SADC region	12 to 13 January 2006

Namibia	To attend the training of journalists workshop	16 to 20 January 2006
Botswana	To attend training of journalist workshop and to meet with DPSM	22 TO 26 January 2006
Lesotho	To attend a meeting of the tripartite committee reviewing the Labour Code	30 January to 02 February 2006
Botswana	To meet with DPSM with regards to the alignment of Public Service Legislation and other Labour Legislation	20 to 20 February 2006
Swaziland	To attend a strategic planning workshop of the Ministry of Enterprise Development & Employment	23 to 23 February 2006
Malawi	To attend the meeting of the tripartite committee reviewing Malawi labour law	25 February to 01 March 2006
Namibia	To interview candidates for the vacant NPC position	03 to 03 March 2006
Lesotho	To attend a tripartite committee workshop reviewing the contents of the Labour Code	23 to 24 March 2006
Botswana	To attend the meeting of the reference committee established to align Public Service Legislation with other Labour Legislation	10 to 11 April 2006
Malawi	To participate in the audits of the Ministry`s inspection services	01 to 04 May 2006
Zambia	To participate in audits of the Ministry`s Inspection	07 to 11 May 2006
Swaziland	To attend a workshop for the media	21 to 22 May 2006
Lesotho	To attend a meeting of the tripartite committee reviewing the Labour Code and to attend media workshop	23 to 26 May 2006
Namibia	To conduct interviews for NPC and to hold meetings with social partners in respect of the activities to	28 to 30 June 2006

	date	
Namibia	To conduct final interviews for the National Programme Coordinator with the tripartite panel	24 to 24 July 2006