

Promoting Compliance with International Labor Standards in Colombia

Independent Mid-Term Evaluation

Joint Evaluation Report for ILO and USDOL



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Prepared by Thomas Otter and Michele González Arroyo, Independent Consultants
ILO Evaluation Manager: Cybele Burga
USDOL Evaluation Manager: Lili Stern

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Independent Mid-Term Evaluation

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Corporate Offices:

200 S. 12th St., Arlington VA 22202 USA

Tel: + 1 703 979 7100



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ACRONYMS

ACTEMP	ILO Bureau for Employers' Activities
ACTRAV	ILO Bureau for Workers' Activities
ANDI	National Business Association of Colombia
CETCOIT	Special Commission for the Management of Conflicts Referred to the ILO/ <i>Comité Especial de Tratamiento de Conflictos ante la OIT</i>
CGT	General Confederation of Workers / <i>Confederación General del Trabajadores</i>
CPCPSL	Standing Commission on Wage and Labor Policies/ <i>Comisión Permanente de Concertación de Políticas Salarias y Laborales</i>
CTC	Confederation of Colombian Workers/ <i>Confederación de Trabajadores de Colombia</i>
CUT	United Confederation of Workers/ <i>Central Unitaria de Trabajadores</i>
ENS	National Union School/ <i>Escuela Nacional Sindical</i>
FGN	Prosecutor General/ <i>Fiscalía General de la Nación</i>
FARC	Revolutionary Armed Forces of Colombia
GoC	Government of Colombia
ILO	International Labor Organization
ILS	International Labor Standards
IVC	Ministry of Labor Inspection Unit/ <i>Dirección de Inspección, Vigilancia, Control y Gestión Territorial</i>
M&E	Monitoring and Evaluation
MPGs	Management Procedures and Guidelines
MOL	Ministry of Labor/ <i>Ministerio del Trabajo</i>
NGO	Non-Governmental Organization
PCILSC	Promoting Compliance with International Labor Standards in Colombia Project/ <i>Proyecto Promoción del Cumplimiento de las Normas Internacionales del Trabajo</i>
RBM	Results-Based Management
SENA	National Training Service/ <i>Servicio Nacional de Aprendizaje</i>
SME	Small and Medium Enterprises
ToR	Terms of Reference
TPR	Technical Progress Report
UNDG	United Nations Development Groups
UNEG	United Nations Evaluation Group
UNP	National Protection Program, Ministry of the Interior/ <i>Unidad Nacional de Protección, Ministerio del Interior</i>
USDOL	United States Department of Labor

EXECUTIVE SUMMARY

In December 2011, the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) USD \$2 million to implement a five-year project titled “Promoting Compliance with International Labor Standards in Colombia.” An additional \$2.82 million was added in May 2012 and another \$3 million in January 2013 for a combined total of USD \$7.82 million. This technical cooperation project aimed to strengthen the capacity of the Colombian government, workers’ and employers’ organizations and social dialogue institutions to promote compliance with International Labor Standards (ILS), particularly those related to freedom of association and collective bargaining.

The project was established as a result of three key events related to the promotion of fundamental labor rights in Colombia: the Tripartite Agreement of 2006 between the Government of Colombia and representatives of employers’ and workers’ organizations; the ILO High-Level Tripartite Mission to Colombia in February 2011; and the Colombia Action Plan Related to Labor Rights signed by the United States and Colombia in April 2011 in an effort to gain approval from the U.S. Congress of the U.S.–Colombia Free Trade Agreement of November 2006.¹ The action plan was intended to provide a road map for Colombia to protect internationally recognized labor rights, prevent violence against labor leaders and prosecute the perpetrators of such violence. A key element of the action plan required the commitment of the Colombian government to seek the cooperation, advice and technical assistance of the ILO in implementing the plan’s specific measures. Toward this end, the U.S. Government dedicated significant funding through USDOL for the development of the “Promoting Compliance with International Labor Standards in Colombia” project.

The project has three immediate objectives, corresponding to three components:

- Strengthen the institutional capacity of the Ministry of Labor, especially the labor inspectorate, to effectively enforce Colombian labor laws and guarantee fundamental rights at work as they relate to freedom of association, collective bargaining and conflict resolution, in accordance with international labor standards;
- Strengthen existing social dialogue institutions, specifically the departmental subcommissions; and
- Strengthen the institutional capacity of the Colombian government to enhance protection measures for trade union leaders, members, activists and organizers, and to combat impunity for perpetrators of violence against them.

Tripartite partners of the project include the Government of Colombia (Ministry of Labor, Prosecutor General’s Office, National Protection Program); trade union confederations, including the United Confederation of Workers/*Central Unitaria de Trabajadores* (CUT), the Confederation of Colombian Workers/*Confederación de Trabajadores de Colombia* (CTC) and the General Confederation of Workers /*Confederación General del Trabajado* (CGT); and the

¹ The U.S. Congress passed the U.S.–Colombia Free Trade Agreement in October 2011; however, it did not go into effect until May 2012 — a few months after USDOL awarded the project to ILO.

employers' organization, the National Business Association of Colombia (ANDI). The project intends to strengthen several social dialogue institutions, including the Standing Commission for Consultation on Wage and Labor Policies/*Comisión Permanente de Concertación de Políticas Salarias y Laborales* (CPCPSL), the departmental subcommissions and the Special Committee for the Management of Conflicts Referred to the ILO/*Comité Especial de Tratamiento de Conflictos ante la OIT* (CETCOIT).

Evaluation Purpose and Methodology

Two external independent evaluators conducted this joint independent mid-term evaluation in accordance with ILO's evaluation policy guidelines and USDOL's evaluation requirements. One evaluator has extensive experience evaluating international development projects with a strong knowledge of ILO's mandate and strategic policy framework. The other evaluator has extensive experience evaluating labor capacity-building projects funded by USDOL. Together they were responsible for developing the methodology in accordance with ILO and USDOL evaluation policies, as well as the United Nations Evaluation Group (UNEG) evaluation norms and standards and OECD/DC evaluation criteria. This evaluation was jointly managed by ILO and USDOL evaluation managers.

The mid-term evaluation's aim is to assess program design, investigate how well the project team is managing activities, review the progress made toward achievement of project outcomes and objectives and identify lessons learned from the program strategy and key services implemented to date.

The methodology used for data collection was primarily qualitative in nature. Quantitative data were drawn from project documents and reports, to the extent available, and incorporated into the analysis. Data collection methods and stakeholder perspectives were triangulated for many of the evaluation questions to bolster the credibility and validity of the results. A set protocol was followed for each person interviewed, with adjustments made for each person's level of involvement or specific role in project activities.

Evaluation findings and conclusions were based on a review of key project documents and interviews conducted during the fieldwork phase. They are presented according to the following categories: relevance, project design, project progress and effectiveness, efficiency of resource use and sustainability.

Main Findings & Conclusions

Relevance: The project strategies are relevant with regard to providing the tools and technical inputs necessary to achieve the goals defined in the Obama-Santos Action Plan. The action plan still serves as the key guiding document for government stakeholders in their efforts to strengthen compliance with International Labor Standards, particularly with those related to freedom of association and collective bargaining. To this end, the project's technical training activities have contributed toward building the capacity of the Ministry of Labor (MOL) Labor Inspection Unit, Prosecutor General's Office and other law enforcement entities, and negotiators for collective bargaining. It has not been successful in promoting a process of policy dialogue

that is strong enough to influence political will, which is needed for the advancement of policy changes and the achievement of the expected outcomes of the Obama-Santos Action Plan.

Project Design: The project design is based on the assumptions that there are (a) sufficient political will to implement the policy changes required for achieving the expected outcomes of the Obama-Santos Action Plan, (b) adequate technical know-how to implement these changes, and (c) sufficient “political force” to obtain the required majorities for democratic decision-making. These assumptions, however, have not turned out to be valid. As a consequence, the content of the project’s logical framework is flawed, since it is limited mostly to technical inputs rather than the policy dialogue required for achieving the expected changes. Objective 2, however, has had some successful participation in policy dialogue for expanding the scope of collective bargaining in the public sector.

Effectiveness: The training activities implemented for the labor inspectorate have been effective in providing knowledge on priority issues including ambiguous and disguised employment relationships and the abusive use of collective pacts. The trainings provided labor inspectors with practical inspection tools to enhance their application of labor laws pertaining to the right of freedom of association and collective bargaining. The project also implemented effective training programs for prosecutors and law enforcement officials regarding special aspects of anti-union violence and context investigation. The training program for trade union members on the misuse of collective pacts also was effective, as demonstrated by the fact the number of complaints filed increased significantly, which resulted in an increase in investigations by the MOL on this issue following the completion of the training program. Furthermore, the project has effectively promoted successful social dialogue. The information provided on topics including collective bargaining and negotiation techniques already has been used to achieve collective bargaining in the public sector, as well as labor mediation through CETCOIT. The decrease in anti-union violence suggests an effective protection program for unionists. However, this might be part of a larger national downward trend in violence currently taking place, rather than the direct result of project interventions. A fully functioning monitoring and evaluation (M&E) system, as well as baseline data, would be necessary to verify the degree of contribution of the project to the downward trend in anti-union violence. Baseline data and pre-test data also are necessary to better determine the project’s contribution to more effective and efficient labor inspections, as well as investigations carried out by law enforcement officials. At the same time, the successful results of the capacity-building activities have not been broadly implemented or institutionalized by the appropriate government institutions, which could, in turn, enable a policy-driven change on a wider scale.

Efficiency: The project thus far has operated at reasonable per-unit costs for the training and outreach activities carried out in Bogota and other regions of the country. The project also has performed well on time efficiency based on the number of training activities and public events implemented over the past two years. Nevertheless, the project has been less efficient with regard to the amount of money and time spent over the past two years for limited progress made toward the overall expected results: effective and efficient labor inspection, improved social dialogue in the public and private sector and reduced impunity. The limited progress is a clear consequence of invalid assumptions in the project design and the resulting limited intervention scope.

Sustainability: The sustainability of achieved results has been assessed based on the criteria of i) institutional capacities, ii) institutional mandates, iii) economic capacities and iv) ownership and appropriation. Taking these four criteria into consideration, the overall sustainability of the technical processes introduced by the project will depend on the degree to which these processes and changes in policy can be institutionalized. Initial positive results of institutionalization have been identified for Objective 1 (e.g., institutionalization of the project tools in the labor inspection manual) and Objective 2 (e.g., institutionalization of collective bargaining in the public sector). There is additional potential for increasing sustainability of criteria iv over time, since the project's implementation process works through the mechanism of beneficiaries at the same time being co-implementers of the project. The technical processes introduced in Objective 3 have the lowest potential for sustainability due to a lack of cooperation from the Prosecutor General's Office. The technical processes introduced in Objective 1 to promote more efficient and effective labor inspections have greater potential for sustainability due to the interest and commitment of the labor inspectorate to institutionalize these processes. Still, without enforcement of sanctions imposed by labor inspectors, the new technical processes are less likely to result in workplace improvements. Objective 2 shows the most progress toward sustainability due its achievements of collective bargaining in the public sector. The project's support of CETCOIT is unsustainable due to the dependence on project funds to secure the services of the facilitator. Overall sustainability performance achieved so far is ranked between "good" and "regular" when comparing results achieved so far regarding the amount, quality and time of inputs received by the beneficiaries, with the potential for further improvement for Objectives 1 and 2.

Recommendations

The following recommendations are intended to provide the project, USDOL and the ILO with actions that can further strengthen project outcomes and/or be applied to similar projects.

- **Prioritize and focus project efforts toward policy dialogue:** The **ILO** should consider as an urgent priority the implementation of an improved, strictly thematically focused and tripartite high-level policy dialogue with interlocutors who have the authority to make necessary political decisions to bring about change. This may include a dialogue with the National Training Service (SENA) regarding the collection of fines imposed by the labor inspectorate, or the ombudsman (*procuraduría*) and the comptroller (*contraloría*) regarding the accomplishment of what the labor inspection resolved. This kind of dialogue will enhance the possibility of achieving the required changes at a political level, which would, in turn, allow the expected changes at the institutional level to occur. The ILO Office for the Andean Countries should be the primary player to move this political dialogue forward and define, with the support of the project and constituents, the required policy action, targets and goals. Likewise, policy advisers from **USDOL** should take an active role in supporting the suggested policy dialogue to strengthen the outcome. Finally, the **project** should develop a multi-year work plan that defines the pending technical activities, along with specific targets and goals.
- **Plan and implement strategic capacity-building events for the MOL:** The **project** should work with the MOL to further define the scope of "effective" labor inspections and design the content of future capacity-building activities accordingly. This should

involve a diagnostic process to assess the baseline level and knowledge gaps to tailor training contents to the experience/needs/interests of participants. Furthermore, the project should prioritize efforts toward the development and implementation of a computerized information management system for the labor inspectorate. The labor inspectorate training program should be periodically updated on new national standards and norms. The results of the trainings for labor inspectors on fundamental labor rights could be improved by including the participation of trade unions and establishing a bilateral exchange between inspectors and trade union members.

- **Prioritize Objective 2 strategies:** The **project** should prioritize future work of Objective 2 on efforts to strengthen the accomplishments of already established collective bargaining agreements in the public sector and to expand the scope of unified collective bargaining in the private sector. At the same time, the project should facilitate a process to develop a feasible financial plan to secure the future sustainability of the CETCOIT facilitator. Tripartite funding, even if politically complicated, is the only feasible way of maintaining the financial sustainability of CETCOIT.
- **Institutionalize capacity-building activities under Objective 3:** Based on the mistaken assumption that rapid and substantial progress toward reducing impunity could be achieved, the **project** should concentrate future efforts of Objective 3 on the institutionalization of teaching and capacity-building activities. The responsibility to follow up and measure the knowledge, application and practice of context investigation should be given to the Prosecutor General's Office, with technical assistance from the project, so that the Office can advance at its own pace of progress and change. At the same time, a clear and strong need remains to strengthen the political will of the Prosecutor General's Office to openly cooperate with the project. The training program to improve the effectiveness of prosecutors' investigations of crimes with an anti-union motive should be improved to provide knowledge and practical tools to enhance their investigative work. The participation of judges in these trainings could contribute to capacity-building efforts targeting the prosecutors and law enforcement officials, given the knowledge that judges possess regarding the type and organization of evidence needed to build a solid case involving violence against trade union members. Following the positive experience from Objective 1, Objective 3 should also focus on combining knowledge plus the provision of practical tools in their training programs.
- **Strengthen the support and expertise of the project team:** The **project** should consider restructuring the budget to accommodate an additional administrative support person who could further assist component (objective) coordinators, as well as a part-time M&E expert to concentrate on the development of a fully operational and evaluable M&E framework and plan.
- **Develop a sustainability plan:** In accordance with the USDOL-ILO Management Procedures and Guidelines (MPGs), the **project** should advance a plan that assesses the different aspects of sustainability, including institutional capacities, regulations, resources and ownership and design project activities over the next two years to strengthen identified weaknesses. The sustainability plan, which is expected to serve as a management and assessment tool for implementing the project's sustainability and exit

strategy (as outlined in the Project Document), should be updated and revised to take into account the implementing realities.

- **Harmonize planning frameworks:** Future projects between the ILO and USDOL (or ILO with any other institution from outside the United Nations system) should agree in advance on a unified and harmonized framework and approach to project planning, to ensure that the planning and project design outcome is fully in line with guidelines and requirements from both institutions. The ILO's implementing local or regional office should be deeply involved in the planning process from the start.
- **Define a fully operational M&E framework:** The M&E framework should define outcome and impact indicators based on processes of change, which can already be observed and supported by the project. Goals and objectives should be defined according to what can realistically be achieved. Consider revising the project logframe if the achievable objectives are different from what was stated in the logframe.

I. PROJECT BACKGROUND AND DESCRIPTION

1.1 BACKGROUND

In December 2011, the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) USD \$2 million to implement a five-year project titled “Promoting Compliance with International Labor Standards in Colombia.” An additional \$2.82 million was added in May 2012 and another \$3 million in January 2013 for a combined total of USD \$7.82 million. This technical cooperation project aimed to strengthen the capacity of the Colombian government, workers’ and employers’ organizations and social dialogue institutions to promote compliance with International Labor Standards (ILS), particularly those related to freedom of association and collective bargaining.

The project was established as a result of three key events related to the promotion of fundamental labor rights in Colombia: the Tripartite Agreement of 2006 between the Government of Colombia and representatives of employers’ and workers’ organizations; the ILO High-Level Tripartite Mission to Colombia in February 2011; and the Colombia Action Plan Related to Labor Rights signed by the United States and Colombia in April 2011 in an effort to gain approval from the U.S. Congress of the U.S.–Colombia Free Trade Agreement of November 2006.² The action plan was intended to provide a road map for Colombia to protect internationally recognized labor rights, prevent violence against labor leaders, and prosecute the perpetrators of such violence. A key element of the action plan required the commitment of the Colombian government to seek the cooperation, advice and technical assistance of the ILO in implementing the plan’s specific measures. Toward this end, the U.S. Government dedicated significant funding through USDOL for the development of the “Promoting Compliance with International Labor Standards in Colombia” project.

1.2 PROJECT DESCRIPTION

The project has three immediate objectives, corresponding to three components:

- Strengthen the institutional capacity of the Ministry of Labor, especially the labor inspectorate, to effectively enforce Colombian labor laws and guarantee fundamental rights at work as they relate to freedom of association, collective bargaining and conflict resolution in accordance with international labor standards;
- Strengthen existing social dialogue institutions, specifically the departmental subcommissions; and

² The U.S. Congress passed the U.S.–Colombia Free Trade Agreement in October 2011; however, it did not go into effect until May 2012 — a few months after USDOL awarded the project to ILO.

- Strengthen the institutional capacity of the Colombian government to enhance protection measures for trade union leaders, members, activists and organizers, and to combat impunity for perpetrators of violence against them.

Tripartite partners of the project include the Government of Colombia (Ministry of Labor, Prosecutor General’s Office, National Protection Program), the trade union confederations (CUT, CTC, and CGT), and the employers’ organization (ANDI). The project intends to strengthen several social dialogue institutions including the Standing Commission for Consultation on Wage and Labor Policies (CPCPSL), the departmental sub-commissions, and the Special Committee for the Management of Conflicts Referred to the ILO (CETCOIT). The anticipated outcomes for each of the project’s main target groups are summarized in Table 1 below.

Table 1: Anticipated Outcomes by Target Group

Target Group	Anticipated Outcomes
Ministry of Labor	<ul style="list-style-type: none"> • Increased technical capacity of the labor inspectorate of the Ministry of Labor and labor inspectors to efficiently and effectively enforce Colombian labor laws and guarantee fundamental rights at work related to freedom of association and collective bargaining, particularly in relation to the use of ambiguous and disguised employment relationships (e.g., labor intermediation) and the use of benefits packages that offer better terms than collective bargaining agreements to undermine union affiliation (e.g., collective pacts). • Improved readiness to enact the legal reforms necessary to remedy the use of benefits packages that offer better terms than collective bargaining agreements to undermine union affiliation (e.g., collective pacts), which threatens freedom of association and collective bargaining.
Prosecutor General's Office	<ul style="list-style-type: none"> • Increased ability of investigators and prosecutors to consider a possible anti-union motive and identify whether a victim of violence was/is a labor leader, member, activist or engaged in union activities. • Improved engagement by the Prosecutor General's Office with stakeholders, including victims and their families, as well as the National Trade Union School (<i>Escuela Nacional Sindical</i>) and the three main trade union confederations.
National Protection Program	<ul style="list-style-type: none"> • Increased ability of investigators to consider a possible anti-union motive and identify whether a victim of violence is a labor leader, member, activist or engaged in union activities.
Social dialogue institutions (CETCOIT, CPCPSL, departmental subcommissions)	<ul style="list-style-type: none"> • Improved capacity of CPCPSL and departmental subcommissions to deal with issues related to decent work and fundamental rights at work. • Improved capacity of the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT) to review appropriate cases and reach resolution.

Target Group	Anticipated Outcomes
Worker Organizations	<ul style="list-style-type: none"> • Improved ability to identify and file well-founded complaints to the Ministry of Labor on the use of ambiguous and disguised employment relationships (e.g., labor intermediation) and the use of benefits packages that offer better terms than collective bargaining agreements to undermine union affiliation (e.g., collective pacts), which threaten freedom of association and collective bargaining. • Increased knowledge of the broader scope of the National Protection Program to protect not just current labor leaders and members but also labor activists, persons who are currently engaged in efforts to form a union and former unionists who are under threat because of their past union-related activities. • Improved capacity to participate effectively in the CPCPSL and departmental subcommission to deal with issues related to decent work and fundamental rights at work. • Increased ability to participate effectively in collective bargaining in the public sector.
Employer Organizations	<ul style="list-style-type: none"> • Improved knowledge of employers on the use of ambiguous and disguised employment relationships (e.g., labor intermediation) and the use of benefits packages that offer better terms than collective bargaining agreements to undermine union affiliation (e.g., collective pacts), which threaten freedom of association and collective bargaining. • Improved capacity of national, departmental and local government entities to participate effectively in collective bargaining in the public sector. • Improved capacity to participate effectively in the CPCPSL and departmental subcommission to deal with issues related to decent work and fundamental rights at work.

Source: Project Document: Promoting Compliance with International Labor Standards in Colombia

II. EVALUATION PURPOSE AND METHODOLOGY

2.1 PURPOSE

Two external independent evaluators conducted this joint independent mid-term evaluation in accordance with ILO’s evaluation policy guidelines and USDOL’s evaluation requirements. One evaluator has extensive experience evaluating international development projects with a strong knowledge of ILO’s mandate and strategic policy framework. The other evaluator has extensive experience evaluating labor capacity building projects funded by USDOL. Together they were responsible for developing the methodology in accordance with ILO and USDOL evaluation policies, as well as the UNEG evaluation norms and standards and OEDC/DC evaluation criteria. This evaluation was jointly managed by ILO and USDOL evaluation managers.

The mid-term evaluation aimed to assess program design, investigate how well the project team is managing activities, review the progress toward achievement of project outcomes and objectives and identify lessons learned from the program strategy and key services implemented to date.

The evaluation collected data from selected project documents and reports and interviews with key project personnel, partners and stakeholders in Colombia. The project was evaluated through the lens of a diverse range of stakeholders that participated in the project’s interventions.

The primary **audiences** of the evaluation are USDOL and ILO, both of which may use the evaluation report to determine the strengths and weaknesses of the project design and implementation and assess its possible use as a model to promote compliance with international labor standards.

2.2 METHODOLOGY

The methodology used for data collection was primarily qualitative in nature. Quantitative data were drawn from project documents and reports, to the extent available, and incorporated into the analysis. Data collection methods and stakeholder perspectives were triangulated for many of the evaluation questions to bolster the credibility and validity of the results. A set protocol was followed for each person interviewed, with adjustments made for each person's level of involvement or specific role in project activities.

Document Review: Prior to arriving in Colombia, the evaluators reviewed and referenced the Project Document (ProDoc) as well as several additional project-related documents. These included seven of the most recent technical progress reports (TPRs), supplemental reports for each of the project objectives, and the project logframe. Information contained in these documents was verified during the fieldwork. Additional supporting evidence gathered during the field mission included training materials, awareness-raising and promotional videos and key background documents that served as the foundation for the project design. (See Annex B for a complete list of documents.)

Data Collection Tools: A master list of key evaluation questions contained within the Terms of Reference (Annex A) served as the basis for the data collection tools, including the interview guides used with the diverse stakeholder groups. Stakeholders were assigned interview questions that were appropriately adapted to their level of involvement or background knowledge. The general interview questions for each stakeholder group can be found in Annex C.

Key Informant Interviews: The evaluators used a purposeful, non-random sampling methodology to select the interviewees. In total, interviews reached 78 stakeholders (including project staff; Ministry of Labor and other government employees; employer representatives; trade unions; members of academic institutions and other non-governmental organizations (NGOs); officials from the ILO Office for the Andean Countries; donor representatives; and other key actors participating, supporting and advising the project) individually, in small groups or by telephone. Table 2 summarizes the stakeholders interviewed, the interviewing methodology, the sample size, and characteristics of the sample. A complete list interviewees is in Annex D.

Table 2: Stakeholders Interviewed for Mid-Term Evaluation (January 2015)

Stakeholder Group	Method of Interview (Individual, Group, Phone)	Sample Size	Characteristics
Project staff	Individual and Group	3	Chief technical adviser and coordinators of the three project components
Ministry of Labor, Labor Inspection Unit	Group and Phone	17	Labor inspectors and directors of the labor inspectorate, unit coordinators
Ministry of Labor, Other	Group	6	Vice minister of labor relations, special advisers to CETCOIT and CPCPSL
General Prosecutor's Office, Judiciary, Police, National Protection Unit, Attorney General's Office	Group and Individual	10	Legal entities involved in the investigation, prosecution and sentencing of labor violence cases and violations of fundamental labor rights
Trade Unions	Group	17	Representatives of the three main trade union confederations: CGT, CTC and CUT
Employers	Individual and Group	4	Representatives of employer association (ANDI) and several targeted industries
Others (NGOs, universities, PNUD, consultants)	Individual and Group	13	Universities offering continuing education to prosecutors, judges, lawyers; NGOs working on behalf of workers; international cooperation
ILO Office for the Andean Countries and USDOL	Group and Phone	8	Officials from ILO Office for the Andean Countries and International Relations Officer from USDOL
TOTAL INTERVIEWS		78	

Evaluators: Two external evaluators jointly carried out the mid-term evaluation. One evaluator has a background in economics and 15 years of experience conducting both qualitative and quantitative research of international development and ILO projects. The other evaluator has extensive experience conducting evaluations of USDOL-funded labor projects. Together they were responsible for developing the methodology, in consultation with the ILO and USDOL evaluation managers.

Evaluation Schedule: The evaluation was conducted between Jan. 20 and Feb. 28, 2015. Prior to its initiation, the evaluators reviewed project documents, developed data collection instruments and arranged for the fieldwork interviews. Fieldwork was conducted in Colombia from Jan. 21–30. This culminated in a debriefing of the preliminary findings to project staff and stakeholders. The bulk of the data analysis and writing of the report occurred from Feb. 5–25. The complete schedule of evaluation activities appears in the TOR (Annex A).

Debriefing: Following the completion of the fieldwork, the evaluators conducted a debriefing meeting with project staff and key stakeholders representing labor and government sectors in Bogotá to present preliminary findings and to solicit feedback.

Limitations: The findings for this evaluation are based on information collected from background documents and interviews with project staff and tripartite stakeholders. The accuracy and usefulness of these findings relies on the integrity and relevance of the information provided to the evaluators from these sources. Stakeholder responses were triangulated to the extent possible to strengthen the accuracy and reliability of the interview data. The absence of a fully functioning M&E system and baseline hampered the evaluators' ability to triangulate qualitative findings with objective quantitative data.

III. FINDINGS

The following findings are based on a review of key project documents and interviews conducted during the fieldwork phase. The findings address the key questions listed in the TOR, and are presented according to the following evaluation categories: relevance and strategic fit, validity of the project design, project progress and effectiveness, effectiveness of management arrangements, efficiency of resource use, and the project’s impact orientation and sustainability.

3.1 RELEVANCE AND STRATEGIC FIT

This section examines the extent to which the project’s immediate objectives are consistent with the needs of key stakeholders, any internal or external circumstances that have required a readjustment of the project strategies, and the extent to which the project supports the goals set by the High-Level Tripartite Mission of the ILO in 2011 and the Obama-Santos Action Plan of 2011.

3.1.1 Relevance of Project Strategies for Key Stakeholders

The project works in coordination with a range of stakeholders, including the Colombian government, trade unions, employers and employer organizations and social dialogue entities. Table 3 provides an overview of the project stakeholders and key activities. A discussion of the relevance of project strategies for each stakeholder group follows Table 3.

Table 3: Project Stakeholders and Key Activities

Stakeholder Group	Key Activities
Ministry of Labor (MOL), Labor Inspection Unit (IVC)	<ul style="list-style-type: none"> • Provide technical assistance in the design and implementation of a computerized information system for the registration and analysis of labor inspection data and reports and other services. • Assist in the development of practical labor inspection tools, including inspection guides, checklists and inspection methodologies, for labor inspectors. • Develop and implement a training program for labor inspectors on the use of new inspection materials; methodology for risk analysis; targeted inspection strategies to investigate high-risk issues or high-priority sectors; enforcement of Colombian labor laws on freedom of association and collective bargaining; and the improper use of collective pacts between employers and workers.
Trade unions including the three key union confederations and affiliates	<ul style="list-style-type: none"> • Design and implement a training program and materials for trade union trainers on the improper use of collective pacts, labor intermediation and all forms of contracting that threaten workers’ rights, targeting the five priority sectors of palm oil, sugar, flower production, mining and ports. • Train public sector union representatives at the national and regional levels in International Labor Standards, with an emphasis on the issues of freedom of association and collective bargaining. • Provide training to trade union affiliates on the expanded scope of protection program coverage from the National Protection Unit (UNP) and the process for requesting such protection.

Stakeholder Group	Key Activities
Employer organizations (ANDI) and employers from targeted sectors	<ul style="list-style-type: none"> • Design and implement a training program and materials for employer trainers on the improper use of collective pacts, labor intermediation and all forms of contracting that threaten workers' rights, targeting the five priority sectors of palm oil, sugar, flower production, mining and ports.
Other national government entities including Prosecutor General's Office, Attorney General's Office, Judiciary and National Protection Unit	<ul style="list-style-type: none"> • Design and implement a training program for justice officials, prosecutors and police investigators at the national and regional level on the fundamental rights at work of freedom of association and collective bargaining to strengthen their capacity to conduct investigations in cases of violence or threats against individuals involved in union activities. • Design and implement a strategy to provide regular updates and conduct hearings between officials of the Prosecutor General's Office and the interested parties in labor issues, including the National Trade Union School (<i>Escuela Nacional Sindical</i>) and the three main trade union confederations, as well as victims and their families.
Social dialogue entities, including the CPCPSL and its departmental subcommittees, CETCOIT, and public sector dialogue committees	<ul style="list-style-type: none"> • Provide technical assistance to the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT) to increase its effectiveness. • Provide technical assistance and train members of the National Commission on Wage and Labor Policies (CPCPSL) on social dialogue mechanisms, fundamental rights at work and other subjects associated with CPCPSL mandate.

Source: Project Document: Promoting Compliance with International Labor Standards in Colombia

The activities listed for each stakeholder group in Table 3 demonstrate that the project is focusing on training and capacity-building activities to address the weaknesses identified in the labor inspectorate, social dialogue entities and entities that protect union leaders and activists and prosecute those who commit violence against them.

Relevance for Ministry of Labor (MOL) Inspection Unit (IVC): Interviews with four directors and managers of the Labor Inspection Unit revealed a collaborative working relationship with the project to develop a training program to strengthen labor inspection in Colombia. Management officials interviewed clearly expressed the need for and support of the training program: *“The training program was essential. ... Before we only offered training on administrative issues. Now we realize that we need to train inspectors on our national labor laws and how to more effectively assess the misuse of collective pacts. ... We need to constantly update them on new standards and laws.”* Each participant took an exam following the completion of the training program; however, this did not provide an indicator of knowledge gained because of the lack of a baseline (pre-test). Nevertheless, the project surveyed inspectors on their use of the technical tools. Results of this survey are in Table 8 (section 3.3.2.1). Interviewed inspectors confirmed the practicality of the training program that emphasized *how* to apply labor laws pertaining to the right of freedom of association and collective bargaining. Another critical need mentioned by MOL IVC officials was the development of a computerized information management system. This, in fact, was described as the current “most pressing need” to increase the labor inspectorate’s effectiveness and efficiency.

Relevance for Trade Unions: Interviewed members of the three major trade union confederations — CGT, CTC and CUT — all mentioned the relevance of the training program for trade union affiliates, as it focused on the misuse of collective pacts. One confederation

member described the practicality of the training and the application of the knowledge gained as demonstrated by the number of complaints filed with the MOL. In 2014, 28 complaints were filed with the MOL on the misuse of collective pacts. As with all inspection-related statistics, and the fact that the MOL does not have an information system, the project does not have official/verifiable statistics about the number of complaints filed on the misuse of collective pacts before the project start-up. Perhaps the most significant result of the 28 complaints is that the Ministry of Labor is finally investigating these cases. In addition to training on collective pacts, the project provided relevant sector-specific training to promote employment formalization agreements. Based on this training, the workers submitted the first-ever sector-wide proposal for an Employment Formalization Agreement in the palm sector.

Interviewees in all three trade unions mentioned the importance of project efforts to strengthen the social dialogue process through the Special Commission on the Management of Conflicts before the ILO (CETCOIT) and its improved effectiveness to resolve issues of labor rights violations.

Finally, several trade union representatives mentioned the importance of raising awareness regarding the National Protection Program. Prior to the project awareness and training activities, trade union members were unclear about the proper procedures to request protection. One representative stated: *“For the first time, we understand the necessary steps involved to apply for protection from the UNP.”*

Relevance for Employer Organizations: Four distinct employer representatives participated in the evaluation. A representative of ANDI, the primary employer organization in Colombia, stated that the project primarily has focused its strategies on the government and labor sectors. Despite these efforts, the representative said he still believes that neither sector fully understands the national labor laws regarding issues like collective pacts and third-party contracting. According to the ANDI representative, this lack of clarity among labor inspectors has resulted in *“sanctioning, even when there is insufficient grounds to do so.”*

Other employer representatives discussed the importance of strengthening the social dialogue process, primarily through the efforts of CETCOIT. They remarked that for the first time, they are resolving labor conflicts through dialogue, and that with the facilitation of CETCOIT, this has been particularly effective.

Relevance for Other Government Entities: The project, in conjunction with the **Prosecutor General’s Office**, designed a certificate course (*diplomado*) to strengthen the capacity of prosecutors and police investigators to improve the effectiveness of their investigations of crimes with an anti-union motive. According to interviewed prosecutors, the course fulfilled the need to raise awareness among police investigators; however, it did not have sufficient detail or the practical aspect to be able to apply the information learned in their investigative work.

The National Protection Unit (UNP): The project, along with the National Protection Program (UNP) and the three union confederations (CTC, CGT and CUT), coordinated efforts to raise awareness of the UNP among trade union members. One UNP representative who was interviewed remarked that prior to project efforts, the UNP program for protecting trade union members from anti-union violence was poorly understood. She stated, *“Now trade unions have*

some training and tools to assess whether or not they qualify for such protection and an understanding of the proper process to request protection.”

Interviewed judges from the Specialized Circuit Court recognized the project’s efforts to train prosecutors and police investigators in investigative procedures involving violence against trade union members. They said, however, that a great need remains to reinforce orderly investigative procedures and documentation so that judges can apply special circumstances in their sentencing. One judge stated, *“Prosecutors need to learn the proper criminal investigation procedures and submit an orderly case. They may be learning some techniques to be more efficient and effective, but we see no evidence of them applying this information.”* The judges suggested that they participate in trainings targeting prosecutors and police investigators so that they can better understand the importance of collecting and organizing the evidence needed for a solid case involving violence against trade union members.

3.1.2 Adjustments to Project Strategies

The project’s logical framework provides a visual scheme for the goals, objectives, outputs and activities. It is based on strategies that have the potential to enable tripartite parties to fulfill the requirements outlined in the Obama-Santos Action Plan. At mid-term, the project made adjustments to activities associated with Objectives 1 and 3 as follows:

Adjustment to activities associated with Objective 1: The project design included technical assistance for the design and implementation of a **computerized information system** for the MOL Inspection Unit (IVC). This system would help increase the effectiveness and efficiency of the IVC for the registration and analysis of labor inspection data and reports. The MOL undertook a two-year process of designing a ministry-wide information system, using its own financial and technical resources, with the intention of integrating all databases of the various MOL units. The project supported this effort and provided technical assistance where needed. An unexpected turn of events occurred in January 2015, when the MOL canceled the external consulting agency’s contract. One official from the MOL stated that the money earmarked for this purpose would be reintegrated into the larger MOL budget and is no longer available for the development of the computerized information system. The project intends to provide significant additional resources in 2015, both financial and technical, so that the MOL IVC can complete the information system for that unit.

Adjustment to activities associated with Objective 3: Project staff mentioned that the original design of Objective 3 focuses on training law enforcement officials and prosecutors who investigate violence against trade union members, and raising awareness regarding such violence. According to one project staff member, the activities established during the planning phase especially underestimated the needs of the Prosecutor General’s Office. *“We planned a manageable range of awareness activities and trainings as outlined in the project logframe; however, once we started implementing the activities, the needs were much greater than anticipated.”* This statement was verified with the data submitted in the Technical Progress Report in September 2014, where the actual training numbers exceeded targets by as much as 10 times. The project now plans to evaluate how training participants have applied the knowledge they gained and if it has improved investigations of crimes with an anti-union motive.

3.1.3 Relevance of Project Strategies and Key Recommendations of the High-Level ILO Tripartite Mission and Obama-Santos Action Plan

The project strategies are based on the key recommendations of the ILO High-Level Tripartite Mission to Colombia (February 2011) and the Colombian Action Plan Related to Labor Rights (April 2011). These recommendations aim to strengthen government mechanisms to protect fundamental rights at work, particularly freedom of association and collective bargaining, prevent violence against labor leaders and prosecute the perpetrators of such violence. Table 4 shows a high correspondence between the recommendations of the ILO Mission and Colombian Action Plan, and the project strategies that were strategically selected to fulfill these recommendations.

Table 4: Relevance of Project Strategies in the Context of the ILO High-Level Tripartite Mission and Colombian Action Plan

ILO Mission Recommendations	Colombian Action Plan Recommendations	Project Strategies	Extent to Which Project Strategies Address Recommendations
Objective 1			
<ul style="list-style-type: none"> Strengthen the institutional capacity of the MOL Inspection Unit to address labor issues such as the misuse of collective pacts that interfere with fundamental labor rights of freedom of association and collective bargaining. 	<ul style="list-style-type: none"> Conduct a public outreach campaign to promote awareness of the illegality of using collective pacts to undermine the right to organize and bargain collectively. Implement a robust monitoring and reporting mechanism to verify progress and compliance with labor laws. 	<ul style="list-style-type: none"> Provide training for labor inspectors for better preventing, identifying, sanctioning and remedying violations of Colombian labor law and fundamental rights at work. Provide technical assistance for the design and implementation of a computerized information system for the registration and analysis of labor inspection data, reports and services. Design and implement a program to promote formalized labor agreements in critical sectors identified. Design and implement awareness and training programs for trade unions on the improper use of collective pacts and all contractual arrangements that threaten workers' rights. 	<ul style="list-style-type: none"> Training program addressed recommendation of institutional capacity building of the MOL Awareness and training program directed toward trade unions addressed recommendation of raising awareness regarding illegal use of collective pacts Project falls short of the recommendation to implement a robust monitoring and reporting mechanism

ILO Mission Recommendations	Colombian Action Plan Recommendations	Project Strategies	Extent to Which Project Strategies Address Recommendations
Objective 2			
<ul style="list-style-type: none"> Strengthen social dialogue institutions, including the role and function of CETCOIT and CPCPSL. 	<ul style="list-style-type: none"> Strengthen mechanisms for the resolution of labor conflicts, including CETCOIT and CPCPSL. 	<ul style="list-style-type: none"> Strengthen social dialogue institutions by providing training and awareness activities in the areas of social dialogue, decent work, fundamental rights at work, consensus-building, mediation and conflict resolution. Provide ongoing technical assistance to CETCOIT; facilitate the Commission's autonomy and acceptance by tripartite actors. 	<ul style="list-style-type: none"> Project supported efforts to strengthen social dialogue mechanisms through its support of CETCOIT and CPCPSL
Objective 3			
<ul style="list-style-type: none"> Raise awareness regarding cases of anti-union violence. Strengthen the government protection program for trade union leaders and activists. 	<ul style="list-style-type: none"> Train judicial police investigators and prosecutors on crime scene management and investigative techniques involving labor cases. Strengthen the existing protection system to ensure adequate protection for union organizers, activists and former unionists. Combat impunity in the cases involving union members and labor activists. 	<ul style="list-style-type: none"> Develop and implement a training program for government officials who conduct risk assessments of threatened trade union leaders and activists. Launch an awareness campaign for stakeholders regarding the scope of the National Protection Program for trade union leaders, activists and former activists who are under threat due to their current or previous union activities. Strengthen the institutional capacity of the Colombian government to enhance protection measures for trade union leaders and activists, and to combat impunity for perpetrators of violence against them. 	<ul style="list-style-type: none"> Awareness and training program directed toward trade unions addressed recommendation of raising awareness regarding anti-union violence Training of police investigators and prosecutors addressed recommendation of awareness and training on crime scene management Awareness campaign addressed recommendation to combat impunity

Sources: "Conclusions of the High-Level Tripartite Mission to Colombia," "Colombia Action Plan Related to Labor Rights," "Project Document: Promoting Compliance with International Labor Standards in Colombia"

3.1.4 Synergies with Other ILO or USDOL Projects/Programs

The U.S. Department of Labor has funded Colombia's National Union School (*Escuela Nacional Sindical*, ENS), a labor rights non-governmental organization, to create "Workers' Rights Centers" in four Colombian cities. The centers provide free legal advice to workers to raise awareness of labor laws and improve workers' ability to protect and claim their labor rights, including through filing well-documented complaints with the MOL. The project has coordinated

efforts with ENS to hold joint trainings with trade union leaders affiliated with CUT and CTC in companies where collective pacts and collective bargaining agreements coexist. The project also has provided technical training to trade union affiliates on collecting the necessary evidence to present complaints to the MOL and the Prosecutor General's Office on the misuse of collective pacts. ENS followed up with training participants and provided technical assistance to workers on specific cases of misuse.

The project also has coordinated efforts with the **American Center for International Labor Solidarity (Solidarity Center)** on the program to promote labor formalization agreements. The training specifically targeted sectors in which the majority of workers are informal workers or subcontractors, such as the palm sector. As a result of the training, local union affiliates developed a sector-wide formalization agreement in the palm sector. The Solidarity Center provided the necessary technical assistance to palm workers as they negotiated between employers and the MOL.

Despite the synergies with the two referenced U.S.-funded labor projects, the project has failed to take advantage of other synergies with two ILO projects in Colombia. One of these is the “Capacity Development to Promote Trade Union Affiliation and Coverage of Collective Bargaining” project, funded by the Government of Norway until June 2016.³ Since 2013, this project has been working with the three principal trade union confederations — CTC, CGT and CUT — in an effort to increase the coverage of collective bargaining. Hence it shares common beneficiaries, counterparts and objectives with the project. Another example is the “Sustaining Competitive and Responsible Enterprises” (SCORE) project, established in 2010 and funded jointly by the Governments of Switzerland and Norway. Its objectives are comparable in terms of improving social dialogue and labor conditions, but SCORE focuses on small and medium enterprises (SME).⁴ Potential synergies exist in the areas of labor inspection, social dialogue and possibly collective bargaining (depending on the size of the SME).

The main reasons cited by project staff for the limited exploitation of these potential synergies were the absence of aligned project planning or joint planning of annual activities. Representatives from the ILO Office for the Andean Countries recognized these weaknesses and stated that they are implementing joint activity planning for 2015 at two levels: 1) between the various ILO projects and 2) among the key trade union confederation partners CTC, CGT and CUT. The expected result of these joint activity-planning exercises is precisely the achievement of a higher synergy between the project and the different ILO activities in Colombia.

3.2 VALIDITY OF PROJECT DESIGN

This section addresses the validity of the project design, beginning with an assessment of its internal logical consistency among the outputs, outcomes and overall development objective or

³ Proyecto Desarrollo de Capacidades para promover la Afiliación Sindical y la Cobertura de la Negociación Colectiva

⁴ The logframe of the SCORE project proposes to work on the “establishment of improved labor relations and climate at the work place” (with the final objective of achieving improved productivity). However, results of Objectives 1 and 2 of the project are clearly conducive to this goal, which is shared between the project and SCORE.

goal. This section also reviews and discusses the project's logframe indicators and performance monitoring. The achievement of the project's indicator targets is discussed in Section 3.3, Project Progress and Effectiveness.

3.2.1 Logical Integrity of the Project Design

An analysis of the project design reveals some major weaknesses, the greatest of which is the fact that it is incomplete. In accordance with the Results-Based Management (RBM) Handbook⁵ of the United Nations Development Group (UNDG), a complete project design should include the following three elements:

- A results chain based on a theory of change;
- A work plan that covers the entire project period; and
- An operational M&E framework.

Results chain based on a theory of change: The project's logframe remains at the level of identifying a general development goal, outcomes for each of the project's objectives and a list of activities to be implemented to achieve these outcomes. A major strength of the logframe is that implementation of the activities has a high probability of contributing to the desired changes. The project document, however, fails to analyze how the expected change will occur in an explicitly designed results chain. Additionally, the logframe refers only to activities, outputs, outcomes and goals, rather than a logical sequence of cause-and-effect events to organize the development objective, outcomes, outputs, and indicators, as defined in the RBM criteria. Box 1 highlights the importance of an implicit results chain and theory of change.

Box 1: Defining an implicit results chain based on a theory of change

To achieve the changes manifested by the Government of Colombia (GoC) in the Obama-Santos Action Plan, the project activities contribute to technical inputs (primarily training activities and materials) on specific topics related to labor inspection, social dialogue and fundamental labor rights. The nature of these changes would presumably consist of a shift in policy priorities in favor of these technical inputs. The project's basic assumption is that these changes will occur, since they were stipulated in the Obama-Santos Action Plan. Consequently, the project would have to provide only technical inputs; as a standalone contribution to the expected change, this is a necessary but insufficient condition to bring about the expected change.

A clearly defined theory of change in the project document helps clarify how the change is expected to occur, thereby facilitating the identification of complementary activities. These, in turn, would help foster the necessary conditions for the expected change to happen. In the case of this project, these complementary activities would most likely focus on policy dialogue.

Project work plan: The project document states that a review of the preliminary work plan will take place at the beginning of the implementation period. This review did take place, but it did not result in a complete work plan covering the entire project implementation period. Thus far, the project has developed only annual work plans, at the level of defining activities and outputs.

⁵ United Nations Development Group, *Results-Based Management Handbook*, Geneva, October 2011. [http://www.ilo.org/public/english/bureau/program/dwcp/download/undg_rbm1011.pdf].

The lack of a work plan covering the entire project period makes it impossible to quantify intermediate and final targets for the different expected outcomes.

3.2.2 Project Logframe Indicators and Performance Monitoring

The project did not complete the task of defining its logframe indicators as specified in the guidelines of the UNDG RBM Handbook. The logframe proposes indicators at four levels — goal, outcome, output and activities — but does not provide details regarding which of these theoretically usable indicators are available. Furthermore, the proposed indicators are not always consistent and their level of measurement is not always correctly defined. For example, an indicator of “number of persons trained” can be used as an output indicator, but it is not an outcome indicator, as proposed repeatedly in the logframe.⁶ The logframe proposes 129 possible indicators at the level of goals, outcomes, outputs and activities, but no performance indicators have been defined.⁷ In some cases the same indicator (e.g., the number of people trained) is assigned repeatedly to different project activities and objectives. These 129 indicators are inappropriate and impractical, considering the unavailability of reliable information for quantifying these indicators. As a result, these indicators cannot provide a valid measurement of project results. If we count each indicator only once (leaving aside its repetitions) the logframe proposes 78 different indicators, which could possibly be used for monitoring the project, as shown in Table 5:

Table 5: Number of Indicators Proposed in the Logframe

Indicator level	Number of indicators proposed, including repetition (allowing for double-counting)	Number of indicators proposed, excluding repetition (each indicator counted only once)
Development goal	3	3
Outcomes	12	11
Output	33	21
Activity	81	43
Performance	0	0
Total	129	78

Source: Author-compiled data based on the project logframe

Since March 2013, the project has written detailed quarterly Technical Progress Reports (TPRs) for the ILO and the donor. To be able to quantify the progress of the project implementation, the project management had to select a minimum set of indicators. The indicators found in the TPRs are exclusively related to activities and outputs, since these indicators are generated by the project itself. A total of 13 different output and activity indicators have been used in the eight TPRs, which cover 2013 and 2014 (see Table 6 for a complete list of these 13 project

⁶ Possible outcome indicators related to training might be, for example, the quantification of learning achievements or the application of knowledge gained and tools provided by the project in the daily work of persons who participated in the trainings.

⁷ Performance indicators can be a combination of activity and output indicators associated to a timeline (work plan over the entire project period) or associated to intermediate and final targets and milestones. However, the logframe does not offer any kind of consideration in this sense, since it lacks an overall time frame and associated targets.

indicators).⁸ The project document states that the project will be subject to an initial M&E appraisal by ILO's Evaluation Office (ILO-EVAL) in early 2013. A representative from ILO-EVAL explained that as of mid-2012, M&E appraisals are strongly recommended for projects greater than USD \$5 million. Since the original project amount was only USD \$2 million, this was not a consideration. However, with the increase in funding to USD \$7.82 million in January 2013, project management was required to request a formal M&E appraisal (known as an "evaluability assessment," or EA) from ILO-EVAL. Nevertheless, this request was never made, which resulted in a missed opportunity to strengthen the project's M&E framework and establish a baseline.

As a result of these design weaknesses, including the use of logframe indicators whose selection and definition process have never been finalized, the project currently lacks a fully functioning M&E system as well as a baseline. The use of only a limited number of activity- and output-oriented indicators does not allow the project management to use the results when making fully informed strategic decisions. It also hampers the evaluators' ability to triangulate qualitative findings with objective quantitative data.

3.2.3 Developing the Project Design

The project design took approximately one year to develop from the first draft to the final. The political nature of the project and the necessary tripartite stakeholder approval contributed to the lengthy project design process. Once ILO and USDOL agreed on the project's contents, ILO was responsible for submitting the project proposal to stakeholders for further discussion. Stakeholders interviewed confirmed that these consultations took place and that there was general agreement on the project strategies. However, trade union representatives remarked that the consultation process was more an exercise in approving what ILO and USDOL were proposing, rather than a process that offered an opportunity for substantively reshaping the project design. In the end, all stakeholders approved the project proposal without significant modifications.

Regarding the project's implementation, most stakeholders have been assigned to roles of project beneficiaries and proactive roles of co-executers. The most proactive role has been assigned to the MOL labor inspectorate. At the same time, labor inspectors are both beneficiaries of the project and key players in the implementation of the improved labor inspectorate procedures. The independent commission CETCOIT is both a beneficiary of the project and a co-executer of the improved processes for conflict resolution through social dialogue. Finally, public sector unions are the key drivers in an improved process of public sector negotiations, while the GoC is starting to assume a more proactive role in the enforcement of the agreements with public sector unions. Hence, trade unions and the government have an important role in the project implementation, which implies a learning process that is likely to yield results. This, in turn,

⁸ The project's management publishes the following disclaimer in the TPRs: "The 'Indicator' and 'Means of Verification' columns of the Logical Framework were revised with and approved by the Project's tripartite Focal Points' Committee in March 2013. The revised Logical Framework was accepted without comment by USDOL, and includes over 100 indicators. For ease of reporting, the Project chose the most representative indicators that report the results of the following grouping of activities."

opens the possibility for a better outcome of these processes (labor inspections and public sector negotiations) in the future. The employer sector is clearly the least involved in the project, both as a beneficiary and as a co-executer.

3.3 PROGRESS AND EFFECTIVENESS

This section reviews the project's progress toward achieving the stated objectives and indicator targets. In addition, it discusses the effectiveness of engaging stakeholders in project implementation as well as their commitment and support for the project.

3.3.1 Achievement of Targets

As a result of the incomplete project design, the project's progress and achievement of targets relies on the only data available: the quarterly activity and output data reported in the TPRs. There is no evidence to indicate recipients of the TPR provided any substantive feedback on the data reported.

Table 6 provides all rates of accomplishment of the planned activities described for each project objective (component) in 2013 and 2014. Regarding training events, the table shows that the number of participants under all objectives has been overaccomplished. However, this result was based on an unchanged number of training events. The possible overcrowding of training events with more and more participants is problematic since it might compromise important individual learning outcomes.

Table 6: Achievement Rates for All Project Services and Products Delivered

INDICATOR	Sort	2013			2014		
		Projected	Achieved	% of achievement	Projected	Achieved	% of achievement
OBJECTIVE 1							
1. Number of MOL IVC officials trained on issues related to abusive contracting relationships, the misuse of collective pacts, administrative labor inspection, investigation, sanction procedures and other pertinent topics.	Total	1,600	1,322	83%	994	2,034	205%
2. Number of labor inspection, investigation and sanction procedures and tools developed and used in practice.	Diagnostic	1	1	100%	1	1	100%
	Practical Guides	4	9	225%	4	4	100%
3. Labor inspection information system developed and implemented.	Information System	-	-	N/A	1	1	100%
4. Number of strategic labor inspection plans developed to confront abusive contracting relationships in the five priority sectors.	Strategic Plan	5	1	20%	4	7	175%
5. Number of social partners in the five priority sectors trained on issues related to abusive contracting relationships and the misuse of collective pacts.	Union	100	419	419%	150	784	523%
	Employers	50	3	6%	25	13	52%
OBJECTIVE 2							
1. Number of CPCPSL Departmental Subcommissions that received technical assistance to develop work plans.	Departmental Sub commissions	15	9	60%	8	3	38%
2. Number of interested parties trained on issues related to public sector bargaining negotiations under Decree 1092 of 2012.	Union	75	222	296%	300	746	249%
	Government	75	247	329%	225	222	99%
3. Number of CETCOIT cases accompanied by a neutral arbitrator of the ILO.	Total cases	20	27	135%	13	33	254%
OBJECTIVE 3							
1. Number of government officials, charged with the investigation and prosecution of persons or groups that commit crimes with an anti-union motive, trained on fundamental labor rights, the optimization of procedures for the identification of victims as union members, leaders or activists, the determination of whether the crime has a potential anti-union motive.	Total persons	75	520	693%	120	1,580	1317%
2. Number of government entities charged with the promotion, protection and defense of human rights that implement the training module on fundamental labor rights.	Entities	6	7	117%	6	18	300%
3. Number of people who have been informed about the scope and procedures of the National Protection Program.	Total persons	75	101	135%	75	715	953%
4. Technical study of the cases of trade unionists that did not receive an adequate risk assessment to provide suggestions to improve the functioning of the Committee for Risk Assessment and the Recommendation of Protection Measures (CERREM), completed.	Study	1	1	100%	-	-	N/A

INDICATOR	Sort	2013			2014		
		Projected	Achieved	% of achievement	Projected	Achieved	% of achievement
5. Number of products developed for the public information campaign with a focus on the substantive content of Objective 1 and 3.	Videos	5	4	80%	3	4	133%
	Documentary video	1	-	0%	-	-	N/A
	Radio spots	5	171	3420%	-	-	N/A
	Webpage	-	-	N/A	-	-	N/A
	Documentary video	-	-	N/A			
	Radio spots	-	-	N/A			
	Webpage	-	-	N/A			

Source: Project administration

3.3.2 Effectiveness of Objective 1 – Strengthening the Institutional Capacity of the MOL Labor Inspectorate

Objective 1 aims to strengthen the institutional capacity of the Ministry of Labor, especially the labor inspectorate, to effectively enforce Colombian labor laws and guarantee fundamental rights at work. Project strategies to achieve this objective include 1) a training program to strengthen labor inspection in Colombia; 2) a technical assistance program to develop a computerized information system; 3) a program to promote formalized labor agreements in critical sectors identified; and 4) a training program for trade unions on improper use of collective pacts and all contractual arrangements that threaten workers’ rights. The findings that follow discuss the effectiveness of these strategies, based on stakeholder interviews and supporting documents.

3.3.2.1 Training Program to Strengthen Labor Inspection in Colombia

The project developed and implemented a comprehensive training program consisting of four modules covering topics that are expected to enable labor inspectors to prevent, identify, sanction and remedy violations of Colombian labor law and fundamental rights at work. As many as 999 individuals participated in the trainings, the majority of whom received all four training modules; they represented all 33 MOL regional offices and 114 client services offices, as well as central office IVC staff, including all regional directors, area coordinators, labor inspectors and other professionals. Table 7 provides a list of the four training modules developed by the project to strengthen labor inspection in Colombia in accordance with national norms and context. The modules also include practical tools that can be used to increase the efficiency and effectiveness of the daily labor inspection tasks.

Table 7: Project Training Modules to Strengthen Labor Inspection in Colombia

Training Modules
Module I – Administrative Labor Procedures
Module II – Ambiguous and Disguised Employment Relationships
Module III – Conduct Prejudicial to the Right of Freedom of Association
Module IV – Competencies of the Division of Inspection, Monitoring, Control and Regional Management

Source: Supplemental Report on the Project Training Program for the Strengthening of the Labor Inspectorate in Colombia

Eleven labor inspectors who participated in the training were interviewed from the Ministry of Labor’s Specialized Investigations Unit. All agreed that the trainings used practical teaching methodologies such as mapping exercises and case studies that allowed them to gain a better understanding on issues of freedom of association, collective bargaining, collective pacts and third-party contracting. They emphasized the usefulness of the labor inspection guides and checklists that were introduced in the training. One commented, “*We now have practical tools to help us determine sanctions and checklists to unify criteria among all inspectors.*” At the same time, they identified a need to strengthen their mediation skills to enable them to effectively work with unions and employers to resolve these labor issues.

Several high-ranking officials from the MOL labor inspectorate commented on the importance of the project’s training program. One official stated, “*This training program was essential and it*

has resulted in practical tools and procedures for inspectors.” These practical tools and procedures have now been integrated as part of the MOL Labor Inspector Manual. The trainings will be available to new inspectors through online “virtual classrooms.” This is critical, considering the current goal of adding another 120 labor inspectors in 2015, as well as the high turnover rate of current inspectors.

Representatives from all three trade union confederations and NGOs expressed some criticism of the training program for labor inspectors. They voiced a need for objective evidence of the training program’s effectiveness. The lack of enforcement of any sanctions imposed by labor inspectors is a major concern for the three trade union confederations whose members were interviewed. They also expressed a desire to participate in the training of labor inspectors on fundamental labor rights and have the opportunity for bilateral exchanges with inspectors. Members of NGOs that work closely with the labor sector stated that inspectors are often unaware of their right to sanction employers for labor law violations. They also said fines that are imposed are never collected because of lack of political will, as well a faulty system that designates the National Training Service (SENA) to collect fines.

Ministry of Labor IVC officials also mentioned the need for a monitoring plan to objectively measure the effectiveness of the training and determine how labor inspectors are applying and using the newly acquired information and inspection tools. While a more rigorous monitoring plan has not yet been developed, the project did include the implementation of a survey of labor inspector training participants to estimate the frequency with which they used the technical tools presented in Modules I–III (Module IV did not include technical tools) in their inspection work. The results are shown in Table 8.

Table 8: MOL IVC Officials Self-reported Use of Technical Tools

Technical Tools	Number of Training Participants	Number of Training Participants Surveyed	Percentage of Labor Inspectors Surveyed Who Reported Using the Technical Tools
Module I – Practical Labor Inspection Guide on Calibration of Sanctions and Labor Inspection Guide on Investigation and Sanction Procedures	625	593	89%
Module II – Checklist to Identify Ambiguous and Disguised Employment Relationships	796	730	91%
Module III – Practical Labor Inspection Guide to Identify Conduct Prejudicial to the Right of Freedom of Association	999	684	69%
Module IV – Labor Inspection, Monitoring and Control Competencies	N/A	N/A	N/A

Source: Supplemental Report on the Project Training Program for the Strengthening of the Labor Inspectorate in Colombia

3.3.2.2 Technical Assistance for the Development of a Computerized Information System

Efforts to develop a computerized information system for the MOL have been halted for reasons described in Section 3.1.2. The project is stepping up its efforts to support the development of an electronic information management system specifically for the labor inspectorate. The project director has earmarked funds from the current budget and a USDOL official commented on the possibility of additional funding during 2015 to support this important effort.

High-level officials from the MOL agreed that the completion of the computerized information is the MOL IVC's highest priority. They have jump-started the process by completing the important task of identifying 67 administrative processes that would form the foundation of this system.

3.3.2.3 Program to Promote Formalized Labor Agreements in Critical Sectors

The project, along with the Solidarity Center and National Union School, played a key role in raising awareness and providing technical training to workers in the palm sector to promote employment formalization agreements. The project used a mapping exercise with palm workers to identify all workers who were affected by ambiguous and disguised labor agreements in the Magdalena Medio palm region. According to a representative interviewed from the Solidarity Center, palm workers are often hired as temporary subcontractors. This prevents workers from forming unions, lets employers avoid paying social security and other benefits and makes it easier to fire anyone who complains or supports unions. The results of the awareness, training and technical assistance efforts are beginning to surface; for example, 60 workers from the palm sector in Bucaramanga signed their first formal contract in December 2013. A similar process is underway with workers from the port sector to promote formalization in this sector.

3.3.2.4 Training Program on the Improper Use of Collective Pacts

The project coordinated efforts with CUT, CTC and the National Union School (ENS) to develop and implement, for 1,203 workers who belong to trade unions, a training program on the improper use of collective pacts. Participants were selected from workplaces where collective pacts and collective bargaining agreements coexist. As a result of the training, workers filed 28 administrative complaints with the MOL on the misuse of collective pacts. According to an ENS representative interviewed, *"The cases filed with the MOL on the misuse of collective pacts provide the project with the necessary evidence of the results of the training."* The project emphasized that the most significant result of the 28 complaints is not the increase in complaints filed over previous years, but that the Ministry of Labor is finally investigating these cases.

3.3.3 Effectiveness of Objective 2 – Strengthening Social Dialogue Institutions

Objective 2 aims to strengthen the institutional capacity of social dialogue institutions by promoting core labor rights and providing technical assistance in two different areas: 1) collective bargaining in the public sector; 2) promotion of social dialogue and conflict resolution through the Special Commission for the Management of Conflicts Referred to the ILO

(CETCOIT)⁹ and 3) the capacity strengthening of the CPCPSL and its departmental subcommittees (members trained on social dialogue and decent work concepts).

3.3.3.1 Collective Bargaining in the Public Sector

The project's support for collective bargaining came at an historic moment for Colombia, since collective bargaining for the public sector was not fully implementable until May 2012, when Presidential Decree 1092 passed. The government's decision to pass Decree 1092 of 2012 is a clear indicator of the advancements of the recommendations that form part of conclusions from the High-Level Tripartite Mission. The decision to fully enable collective bargaining in the public sector was pending for some 15 years, since the legal basis for collective bargaining had already been established through Colombian Law 411 in 1997, which approved ILO Convention 151. However, no regulatory decree regarding this law had been issued before May 2012. Following this, the Ministry of Labor issued an additional decree in February 2014, Decree 160, which established additional normative clarifications on collective bargaining in the public sector.

Since May 2012, more than 200 collective bargaining agreements have been established between trade unions and different public sector institutions. Objective 2 of the project provided support for the public sector and trade unions in this process of negotiations by conducting the following activities:

- A review and analysis of Decrees 1092 and 160 regarding the implications of a collective bargaining process and the scope of issues that can be included in the negotiations;
- Training on negotiation techniques;
- Recommending specific models for collective bargaining petitions for different government entities, ministries and associated institutions; and
- Providing technical assistance on negotiation techniques.

It is important to clearly understand the historic dimension of the political decision to establish the required normative conditions to make collective bargaining in the public sector fully implementable and the changes that resulted from this decision:

- The adoption of a unified approach by all trade unions regarding the specifications of a general and nationwide agreement (*pliego nacional*), thus avoiding the division and fragmentation that commonly occurs among Colombian trade union confederations. The project provided assistance for the elaboration of five agreement templates for different sectors¹⁰ and provided training for collective negotiation for 43 entities.

⁹ In Spanish, "Comisión especial de tratamiento de conflictos ante la OIT." Although the commission includes ILO in its name, it is not an official ILO body. It is an independent tripartite commission that was established with, and still receives, the technical and financial support of ILO.

¹⁰ For ministries, departmental governments, municipalities, hospitals and universities.

- The presence and participation of trade unions at the various levels (confederations, federations and local trade unions) in the preparation process of collective bargaining agreements in the public sector.¹¹
- The inclusion of collective negotiation topics in the agreement that initially had been excluded, such as issues pertaining to remuneration and regulations on administrative careers, among others.

The project played an important role in facilitating the negotiation of a national agreement (*pliego nacional*) between government authorities and public sector workers, which the government had not anticipated. This national agreement must be renegotiated and renewed every two years, commencing again in March 2015. According to a legal adviser for the trade union confederations, “*It was the project who was banging the door of government authorities and convincing them of the need to carry out more efforts to comply with ILO Conventions 151 and 154,¹² rather than just issuing Decrees 1092 and 160.*”

In the general process of collective bargaining in the public sector, difficulties remain regarding the execution of the agreements. However, the results have clearly been a strengthening of social dialogue processes in the public sector and an increase in the number of collective bargaining agreements. According to the trade union confederations, although no agreements are being fully implemented, workers are benefiting from the existing agreements. In 2014, the project played an important role in obtaining the support of the Attorney General’s Office (*Procuraduría*) and the Administrative Department of Public Service, both in charge of supervising different aspects of the public service regulations and the compliance of these agreements. Most importantly, the Attorney General’s Office stated that it would start taking action to ensure greater compliance throughout 2015.

All of these processes are taking place amid a generally favorable trend in the Colombian labor market environment, where the labor force participation rate increased from 62 percent in January 2010 to 66 percent in November 2014. In the same period, unemployment decreased from 14 percent to 8 percent, informal employment decreased from 52 percent to 48 percent, and formal employment increased from 48 percent to 52 percent.¹³ An important part of the increase of formal employment is in the public sector. Overall, approximately 5 percent of the labor force in Colombia works in the public sector, representing roughly 1.2 million people out of a labor force of 23.5 million.

Trade union confederations claim that the importance of public sector negotiations for the union movement lies in the fact that more than half of the union members are coming from the public sector and that the agreements signed so far would benefit a very large (not yet quantified) number of affiliates. According to estimates from the *Escuela Nacional Sindical* in Medellín,

¹¹ In the process of collective bargaining in the private sector, the union confederations can and do participate as advisers during collective bargaining in the private sector with their affiliates.

¹² ILO Convention 151 – Convention on Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service. Convention 154 – Convention on the Promotion of Collective Bargaining.

¹³ All data is from the GoC’s National Statistical Office (DANE) – *Departamento Administrativo Nacional de Estadística*. www.dane.gov.co.

approximately 200 public sector agreements have been signed since 2013. Assuming these are well executed after signing, this has the potential to benefit some 400,000 public sector workers, since there is currently a large number of public sector workers who are not yet affiliated or who are not allowed to affiliate with a union (e.g., armed forces).

It is expected that after the renegotiation of the general agreement in early 2015, additional sector-specific agreements with specific public institutions will be signed. If so, there will be a future need for the kind of support services the project is offering. Overall the project has so far provided an important contribution to a political process that started to gain momentum with the signing of the Obama-Santos Action Plan and the visit of the High-Level Tripartite Mission. Its inclusion in the set of recommendations from the High-Level Tripartite Mission has helped this process pass through a successful initial stage of collective bargaining agreements for the first two-year period from mid-2013 to mid-2015. These agreements achieved a wider outreach (coverage of institutions involved) and a richer content (more topics negotiated) than expected. Challenges remain, however, to fulfill all aspects of these public sector agreements, negotiate a successful second round of agreements and prepare the groundwork for improved and expanded private sector negotiations. The project's contribution to overcome these challenges would help take the implementation of the recommendations from the High-Level Tripartite Mission an important step forward.

3.3.3.2 Promotion of Social Dialogue and Conflict Resolution

Objective 2 activities regarding the promotion of social dialogue and conflict resolution are taking place in an overall national context that is experiencing improved dialogue and a reduction in conflicts. The peace negotiations between the GoC and the Revolutionary Armed Forces of Colombia (FARC) may be the most visible example for this general trend. The labor sector is also experiencing a strong positive trend with regard to the overall number of collective conflict resolutions and a decrease in conflictive events such as strikes, as shown in Table 9. These trends are fully aligned with the expected results of the Obama-Santos Action Plan.

Table 9: Labor Strikes and Collective Conflict Resolutions in Colombia, 2011–2014

	July 2011 – April 2012	July 2012 – June 2013	July 2013 – June 2014
Labor Strikes	6	26	12
Collective Conflict Resolutions	447	432	614

Source: *Escuela Nacional Sindical* – Compiled by ENS based on “Activity Report to the National Congress” from the Ministry of Labor, periods 2011–2012, 2012–2013 and 2013–2014.

Objective 2 of the project concentrates its efforts and activities on supporting the activities of CETCOIT, whose role since 2012 is that of arbitration for the more complex and more complicated collective conflicts. However, CETCOIT has been able to fulfill this role only since 2012, with the financial and technical support of the project. CETCOIT is part of the CPCPSL (Standing Commission for Consultation on Wage and Labor Policies). In addition to providing specific support to CETCOIT, the CPCPSL has received training from the project on social dialogue and decent work concepts. This has helped strengthen the knowledge of CPCPSL members, but it has not yet been established as a fully operational departmental unit of the CPCPSL, e.g., one that can offer full CETCOIT services at the departmental level.

CETCOIT was established in October 2000 as the institution in charge of mediating conflicts, whose nature falls under ILO Convention 87, concerning Freedom of Association and Protection of the Right to Organize, and Convention 98, concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, both in force under Colombian laws. However, the institution did not contribute effectively to the resolution of collective employment conflicts. According to information provided from the Escuela Nacional Sindical, until 2008, CETCOIT had accumulated 76 unresolved cases and the tripartite partners were seriously considering terminating its services due to the lack of performance. Between 2008 and 2010, the rate of successfully resolved cases in CETCOIT decreased to 7 percent.¹⁴

As a result of the recommendations from the High-Level Tripartite Mission, the tripartite partners in Colombia made a concerted effort to revitalize CETCOIT with the support of the project. One of the project's first activities was to facilitate a process for defining CETCOIT's operational guidelines and admissibility of cases, since in previous years the lack of fully operational guidelines and norms had been identified as one of the key causes for the lack of performance of CETCOIT. Secondly the project pays the fees of a well-respected and experienced facilitator to lead the process of tripartite conflict resolution negotiations, who also was recognized by all tripartite partners as fully independent and who started working on the cases of CETCOIT since mid-2011. With these new inputs in place (new norms and a new facilitator), CETCOIT's conflict resolution performance jumped to 65 percent between 2012 and 2014, as shown in Table 10.

Table 10: CETCOIT Conflict Resolution Performance 2012-2014

	2012	2013	2014	Total	Share (%)
Total cases	39	32	33	104	100
Agreement achieved	26	17	25	68	65
Without agreement	13	15	5	33	32
Ongoing negotiations	0	0	3	3	3

Source: Directorate of Fundamental Labor Rights, Ministry of Labor¹⁵

Although the total number of cases presented to CETCOIT appears to be minimal,¹⁶ the agreements achieved are significant. Thirteen of the resolved cases (19 percent) refer to collective conflicts, so the benefit of these agreements is far-reaching. At the same time, the resolved cases that involve only a single enterprise also have led to significant results. One example is the workers of the Bavaria brewery who successfully established a trade union, 12 years after the dissolution of the previous one. According to the trade union president representing the brewery workers, the union membership grew from the 27 founding members who re-established the union in mid-2012 to 800 affiliates by early 2015. Another emblematic

¹⁴ For additional information, see http://ens.org.co/apc-aa-files/4e7bc24bf4203c2a12902f078ba45224/Informe_centrales_sindicales_Colombia_OIT_2012.pdf

¹⁵ Dirección de Derechos Fundamentales del Trabajo, Ministerio de Trabajo

¹⁶ The reduced number is in part a consequence of the new norms for admissibility. A majority of the over 600 cases of resolved conflicts reported in Table 10 were not admissible to CETCOIT (given the nature and the subject of the conflict) or the involved parties were able to reach an agreement without the need of referring the case to CETCOIT.

case resolved with support of CETCOIT was a dispute concerning the dismissal of 280 employees in 2004 from the state-owned oil company ECOPETROL.¹⁷

An employer representative of the SAB-Miller brewery group (the parent company of Bavaria brewery) confirmed CETCOIT's contribution in facilitating the resolution process: *"Negotiations took place in a neutral environment, with each party having equal opportunity to state its positions. The rapid and conflict-free growth of the still-young union proves the significance of the agreement achieved in 2012."*

A legal adviser to ECOPETROL also confirmed CETCOIT's contribution to reaching an agreement with dismissed workers: *"During some eight years, a satisfactory resolution had not been reached, in spite of several rounds of negotiations. CETCOIT helped facilitate a solution to the full satisfaction of both parties."* ECOPETROL, however, criticized the weak and insufficient follow-up by CETCOIT tripartite representatives regarding the results of the achieved agreements. In general, however, CETCOIT'S follow-up performance is increasing, considering all involved cases and not only ECOPETROL.

3.3.4 Effectiveness of Objective 3 – Protecting Trade Union Members and Combating Impunity

Objective 3 aims to strengthen the institutional capacity of the GoC to protect trade union members and combat impunity for perpetrators of violence against them. Project strategies to achieve this objective include 1) a training program for judges regarding violations of the right to freedom of association; 2) a certificate course (*diplomado*) for prosecutors and law enforcement officials regarding crimes with an anti-union motive; 3) an awareness program for trade unionists regarding procedures to request protection for threats of violence with an anti-union motive; and 4) a public information campaign on freedom of association.

The following findings provide information about the effectiveness of the first three strategies, while findings related to the public information campaign are reviewed in Section 3.3.5.

3.3.4.1 Training Program for Criminal and Labor Judges and Certificate Program Regarding Crimes with an Anti-Union Motive

The need for special training programs for judges and prosecutors regarding specific investigation techniques and other issues related to violence against trade union members and conduct prejudicial to the right of freedom of association are based on two facts. First, some 2,900 homicides involved trade union leaders and activists between mid-1980 and 2010.¹⁸ Second, in response to this violence and to the objectives of the Obama-Santos Action Plan, to establish criminal penalties for employers who undermine the right to organize and bargain

¹⁷ ECOPETROL is the biggest enterprise in Colombia with more than 10,000 employees; it hosts the USO, one of the oldest unions in Colombia, with over 60 years of existence.

¹⁸ UNDP Colombia, "Recognizing the Past for Constructing the Future. Report on Violence against Trade Union Members 1984–2011," page 57. (PNUD Colombia, Reconocer el pasado, construir el futuro Informe sobre violencia contra sindicalistas y trabajadores sindicalizados 1984 – 2011) http://www.pnud.org.co/2012/informe_sindicalismo.pdf

collectively, in mid-2011 the Colombian Parliament approved a modification of Article 200 of the Penal Code (under Chapter 8 on crimes against freedom association and collective bargaining). Previous to this modification, conduct prejudicial to the right of freedom of association was only punishable by administrative fines. With the approval of Law 1453 in 2011, such crimes are punishable with imprisonment for up to five years. According to two criminal court judges interviewed, the modified Article 200 could be applied in a homicide case involving a trade union member, resulting in an aggravated homicide sentence. The practical use of the new Article 200 in the courts, however, would require a prosecutor's investigation, which can then provide the necessary proof and evidence for prosecuting and sentencing. Hence, proper training of prosecutors and judges is crucial, additional to the current focus of training, which is for conduct prejudicial to the right of freedom of association.

The project designed and implemented training courses for judges and magistrates (870 participants) through the Judicial School Rodrigo Lara Bonilla. This school provides continuing education courses for the judiciary to strengthen the criteria and legal concepts on violations of freedom of association as well as investigation techniques in cases of violence against trade unionists.

The project also developed and implemented training courses in conjunction with the Attorney General's Office. These courses mainly targeted investigators, prosecutors and the judicial police (1,230 participants), which included topics such as the unification of criteria for prosecution and context investigation in cases of violence against trade unionists. However, according to criminal court judges who handle cases related to violence against trade unionists, these training courses did not achieve the expected result of the application of new investigation techniques that could lead to context-related sentences or more severe sentences. The judges interviewed confirmed that since the beginning of 2013 the Prosecutor General had sent only one case of context investigation to the court, but the evidence provided was insufficient for a sentence. Hence, in practice, the high level of impunity of crimes against unionists has so far not been reduced. Furthermore, even if the courts are producing a high number of sentences under Laws 600 and 906 — pertaining to criminal liability — none of them so far have had a special approach for homicides of trade unionists; rather, they are being handled in the same manner as in any other homicide case.

The lack of effectiveness of this aspect of Objective 3 may be due to two main issues. First, when the activities in this sector had been planned, they did not account for the complexity of the institutional structures in the judiciary, e.g., which unit provides what kind of training to the various groups of judiciary staff members. Second, project staff did not have a clear understanding of the level of interest and openness, most importantly of the Prosecutor General's Office, regarding the application of the new investigation techniques. Furthermore, even if the prosecutors were to apply the new techniques, there was not a clear understanding regarding the length of time such a process would take until the cases reached the courts.

Members from the Prosecutor General's Office confirmed that although in principle they are interested in learning about the techniques of context investigation and relevant experiences in other countries, they cannot fully participate in follow-up project activities such as monitoring the results of applying these investigative techniques, or speed up the internal institutional

learning processes in this regard. Therefore, the main bottleneck for achieving the expected results of a decreasing impunity is the Prosecutor General’s Office.

3.3.4.2 Procedures to Request Protection for Trade Unionists

A second line of activities implemented under Objective 3 is the effort to increase the number of unionists who receive physical protection from the government’s National Protection Unit (*Unidad Nacional de Protección*, or UNP). The UNP provides physical protection to citizens once their cases are formally approved and recognized as threats of violence with an anti-union motive.

Measures of physical protection have been considered necessary, given the tremendous number of homicides among unionists, with some 2,900 homicides between the mid-1980s and 2010. The violence against unionists had reached peaks of over 200 homicides per year in 1996, 2001 and 2002, but started a strong decrease between 2003 and 2007.¹⁹ Since 2007, the homicide rate has remained below 40 cases per year and dropped to 20 cases in 2012, 26 cases in 2013 and 17 cases in 2014.²⁰ None of the victims from 2012 to 2014 had received protection from the UNP.

To improve the UNP’s coverage, the project collaborated with the unit by providing workshops and other public events to raise awareness regarding the proper procedure or “road map” to obtain protection. According to representatives of the trade union confederations interviewed, this has resulted in a greater understanding of how trade unionists can apply for protection. It has also helped the UNP to better understand the specific characteristics of violence facing unionists and how they can best protect them. As a result of these awareness efforts, the number of unionists protected by the UNP increased significantly, as shown in Table 11.

Table 11: Unionists Protected by UNP

	2010	2011	2012	2013	2014
Unionists under protection	Approx. 300	Approx. 400	542	672	677
Number of requests for protection	N/A	N/A	N/A	1,050	954

Source: National Protection Unit

The financial cost of the protection of the unionists is entirely assumed by the Government of Colombia. In 2014, the UNP provided protection for some 7,800 people, of whom 8 percent were trade unionists. The UNP spent approximately USD \$2,000 per person per month for protection.

3.3.5 Effectiveness of Project Communication

The project produced a set of eight short promotional videos on topics concerning the right to freedom of association and collective bargaining, anti-union violence and impunity for perpetrators of such violence, social dialogue and other topics (see Table 12).

¹⁹ 2003: 101 homicides; 2004: 89 homicides; 2005: 40 homicides; 2006: 60 homicides, 2007: 26 homicides, all ODDH data. UNDP op. cit. page 57.

²⁰ 2012 to 2014 data provided by UNP.

Although the content of these videos is adequate for persons interested in these problems, the project has not been able to implement a sustainable strategy for their distribution, i.e., buying television airtime. In 2013, the videos were broadcast 165 times through public television without cost. Since 2014, the videos have been made available on the Ministry of Labor’s website²¹ and on YouTube. Table 12 provides the titles of the videos plus the viewing/access frequency as of March 8, 2015.

Table 12: Access Statistics to Project Videos Through YouTube

Title	YouTube Link	Views on YouTube as of March 8, 2015
Promotion of Freedom of Association in Colombia	https://www.youtube.com/watch?v=R3hC6Jy1U4M	790
Protection of the Right to Collective Bargaining in Colombia	https://www.youtube.com/watch?v=PzafgNW0k44	293
Overcoming Violence Against Unionists and Impunity	https://www.youtube.com/watch?v=3Qp7x9itPHg	140
Strengthening Social Dialogue and Promoting Decent Work	https://www.youtube.com/watch?v=uzgpn09Y8ko	310
Judicial Investigation on Cases of Anti-union Violence	https://www.youtube.com/watch?v=cBKdnCiZx0U&feature=youtu.be	35
Crime Pattern	https://www.youtube.com/watch?v=N2zll36xOUo&list=UUXARtJliiJl43E3r7-kVoTA	29
Using Armed Forces to Hush Trade Unions	https://www.youtube.com/watch?v=UqMDRBmZQow&list=UUXARtJliiJl43E3r7-kVoTA	20
Threats to Unionists by Allegations of Corruption in Public Institutions	https://www.youtube.com/watch?v=ls_90X6K3aQ&feature=youtu.be	20

Source: YouTube links cited in this table

The project is still seeking to achieve a massive and free distribution of the videos through discussions with the National Authority for Television (ANT). These discussions had not concluded as of January 2015.

3.3.6 Effectiveness of Gender Mainstreaming

According to the ILO definition, gender mainstreaming should be “an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.”²² There is little evidence, however, that the project fully integrated a gender mainstreaming approach in its design or implementation.

The project did, however, collect data on gender participation rates (Table 13) to identify areas where there might be a need to improve gender distribution.

²¹ No viewing or access statistics available.

²² ILO, “Definition of Gender Mainstreaming,” Geneva.

<http://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm>

Table 13: Gender Participation Rates

Objective 1			
	% Male	% Female	TOTAL
1. Training program to strengthen the labor inspectorate in Colombia	45%	55%	3,356
2. Technical assistance program to develop the computerized information system	N/A	N/A	N/A
3. Program to promote formalized labor agreements in critical sectors identified	84%	16%	768
4. Training program for trade unions on improper use of collective pacts and all contractual arrangements that threaten workers' rights	85%	15%	435
Objective 2			
	% Male	% Female	TOTAL
1. Program to strengthen collective bargaining in the public sector	57%	43%	1,437
2. Program to strengthen the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT)	N/A	N/A	N/A
3. Program to coordinate agendas of the Regional Labor Market Observatories (ORMET) and the Departmental Subcommissions on Wage and Labor Policy (CPCPSL)	N/A	N/A	N/A
Objective 3			
	% Male	% Female	TOTAL
1. Certificate course for the Optimization of Investigations of Crimes with an Anti-Union Motive	60%	40%	1,230
2. Training Program for Judges on Conduct Prejudicial to the Right of Freedom of Association	46%	54%	870
3. Program to Socialize Procedures to Request Protection for Threats of Violence with an Anti-Union Motive	70%	30%	816
4. Communication Program on Freedom of Association	N/A	N/A	N/A

Source: Data Tables on the Project Participants' Gender

The gender distribution is inherently biased, however, based on the predominantly male workforce within public institutions and in sectors such as ports, palm, sugar and mines. The one exception is the flower sector, in which workers are predominantly female/head of household, and where the project will roll out the Program to Promote Formalization Agreements in March 2015.

The average female participation rate of 37 percent demonstrates the project's concerted efforts to promote gender diversity in project activities. According to project staff, these efforts include the following:

- Promote equal gender distribution in hiring external contractors.
- Promote equal gender participation in events, even if the sector/institution is predominantly one gender.
- Ensure gender sensitivity in training events, by calling on both genders equally to answer questions, serve as group leader or make presentations.
- Note the unequal distribution of gender in events with predominantly one gender consistently and publically.
- Work to identify and promote women leaders in sectors that are predominantly male.

Despite these efforts, the project has not achieved true gender mainstreaming as defined by the ILO since it has not been an integral part of the project design and implementation. Project gender mainstreaming measures might include the following:

- Reach an agreement with the Ministry of Labor to conduct a minimum number of random labor inspections to female sensitive enterprises or employment sectors, to contribute to the potential improvement of their labor conditions.
- Reach an agreement with the collective bargaining negotiation committees to give special attention to gender sensitive issues within the agreements.
- Reach an agreement with CETCOIT to give special consideration to gender sensitive issues during conflict mediation.
- Request implementing partners to report on gender mainstreaming activities and progress in this regard and to monitor its performance through an M&E framework.

3.4 EFFECTIVENESS OF MANAGEMENT ARRANGEMENTS

The project must adhere to the administrative procedures of the ILO as well as the guidelines outlined in the USDOL-ILO Management Procedures and Guidelines (MPGs). Under the ILO management arrangement, the project falls within the responsibility of the ILO Office for the Andean Countries. The project office in Bogota is staffed with a general project coordinator, who also coordinates Objective 1, plus two separate coordinators for the other two components (objectives). Additionally, two administrative support staff and one financial manager work in Bogota, and one administrative assistant in Lima processes all of the project's finances through a centralized system. The project team works with the support and guidance of the director and the sector specialist from the ILO Office for the Andean Countries, who visit the project at least once a month. The ILO Office primarily supports project staff when working with tripartite stakeholders on strategically sensitive topics of policy dialogue.

Performance data is collected and reported in each quarterly Technical Progress Report (TPR). The primary responsibility for collecting this data falls on the project CTA, since the project does not count with the assistance of an M&E expert. Recipients of the TPR include officials from both USDOL and ILO. There is no evidence that either of these recipients have provided any substantive feedback on the performance data reported in the TPRs. This, along with the absence of a project M&E expert, may have contributed to the current lack of a fully functioning M&E system.

Under ILO's administrative rules, the ILO Office for the Andean Countries in Lima manages all project procurement. This generates a duplication of effort since, for example, staff in Colombia must seek three different price quotes for a possible training venue and communicate these to Lima. Staff in Lima must then approve the quote before any decision or action can be taken in Colombia. While these administrative arrangements do not hinder the project from delivering its services, they are neither time- nor cost-efficient. Additionally, the high number of project activities in 2014 suggests that an additional administrative support staff member in Bogota would be appropriate, if the project continues delivering the same level of activities.

Managing a permanent policy dialogue at high levels and covering all strategic aspects of the project has proven to be challenging, given the current management structure. Project staff

expressed some hesitance to facilitate effective policy dialogue with authorities and constituents, without the direct support of the ILO Office for the Andean Countries in Lima. Stakeholders mentioned that they would appreciate having a full management structure available in Bogota, given the financial and strategic importance of the project. A permanent management structure in Colombia would facilitate a permanent and direct policy dialogue with tripartite stakeholders.

3.5 EFFICIENCY AND RESOURCE USE

3.5.1 Budget execution and financial efficiency

The overall budget burn rate has been reasonably high, most notably in 2014, when 98 percent of planned resources had been spent (see Table 14). The low burn rate in 2012 is explained by the fact that the project began operating only in December 2012, but the budget had been estimated for a longer period of the year. The 2013 execution rates are typical for a project’s first full year, considering the necessary start-up time before actual implementation of activities. Financial information provided by project administrative staff in Lima stated that the burn rate in 2014 (98 percent) is extraordinarily high, in comparison with other projects implemented by ILO.

Table 14: Annual Project Budget and Burn Rates (USD)

	Budget	Amount Spent	Burn Rate (% of annual budget spent)
2012	1,060,321	77,679	7%
2013	3,552,817	2,149,915	61%
2014	3,266,893	3,196,959	98%
Total ²³	7,820,000	5,424,553	75%

Source: Author-compiled based on project administration data

Expenditures in 2013 and 2014 were distributed evenly, with roughly one-third of the budget allocated to external consultants, one-third to project events, and one-third to operational costs and overhead (see Table 15). Further breakdown of project expenditures indicate approximately one-fifth of the available resources being used for operational costs (leaving the ILO/UN overhead aside), which is reasonably efficient.

²³ The total amount indicated in Table 15 is not the sum of budget made available for each year, since the non-executed budget in 2012 was reallocated to the budget in 2013; rather, it refers to the total budget amount, which had already been approved by the donor through December 31, 2014.

Table 15: Distribution of Budget Execution per Type of Expenditure

	USD			%		
	2013	2014	Total	2013	2014	Total
Consultants	690,151	862,188	1,552,339	32.1	27.0	29.0
Events	727,620	1,230,209	1,957,829	33.8	38.5	36.6
Project staff and other operational expenditures	452,655	688,957	1,141,612	21.1	21.6	21.4
ILO / UN overhead	279,489	415,605	695,094	13.0	13.0	13.0
Total	2,149,915	3,196,959	5,346,874	100.0	100.0	100.0

Source: Author-compiled based on project administration data

Finally, approximately half of all project resources available are dedicated to Objective 1 (primarily for consultants and events); another third are used for Objective 2; and the remainder goes to Objective 3 (see Table 16 below). Objective 1 receives the biggest share since it has the greatest number of expected outputs and outcomes.

Table 16: Budget Distribution Rate per Objective (% Executed Budget)

	2013	2014	Total
Objective 1	48.4	52.2	50.7
Objective 2	13.1	12.3	12.6
Objective 3	38.5	35.5	36.7

Observation: Only consultants and costs for project events considered

Source: Author-compiled based on project administration data

The budget distribution also reflects the number of events associated with each component (Table 17), with Objective 1 being the most active.

Table 17: Number and Share of Organized Events per Objective

	Number			Share (%)	
	2013	2014	Total	2013	2014
Objective 1	32	52	84	47.1	52.5
Objective 2	22	11	33	32.4	11.1
Objective 3	14	36	50	20.6	36.4
Total	68	99	167	100.0	100.0

Source: Author-compiled based on project administration data

3.5.2 Time Efficiency

Timely execution of activities is another measure of efficiency. The most interesting assessment in this sense would be to check for time efficiency against the entire project-planning period. However, as previously mentioned in the discussion on project design, the project did not develop an overall timeline. The budget execution rates for 2013 and 2014, however, suggest that time efficiency was increasing in 2014.

3.6 SUSTAINABILITY

This section provides a discussion of the project's sustainability, or the likelihood that the results of the intervention are durable and can be maintained, scaled up or replicated after project funding has been completed.

3.6.1 Sustainability of the Intervention

Currently, the project interventions are providing resources, knowledge and facilitation of processes to achieve the expected results. The goal of making the project results sustainable would thus require a strategy whereby partner institutions of the different components could perform the following: 1) continue to provide similar services to sustain the processes that are leading to the results and 2) ensure that results achieved would not disappear once the funding ends, and that results are eventually expanded through processes of continuous new inputs.

This requires the partner institution to possess the following elements to continue project work:

- Institutional capacity, including the organizational structure and knowledge/expertise;
- Institutional mandate and normative framework for sustaining the processes;
- Financial capacity for carrying out the expected task; and
- Sufficient ownership and appropriation for doing so.

These four elements were used as the criteria to assess the project's potential sustainability. Each element was assigned a performance rating from A to D, as indicated in the assessment legend below Table 18, for each primary counterpart institution within each of the project's components (objectives). Table 18 shows the result of this assessment based in a Likert scale approach.²⁴

²⁴ A Likert scale is an ordered scale from which respondents (in this case the evaluators) choose one option that best aligns with their view. A typical Likert scale is divided into five levels (A to E), where the option in the middle of the scale (C) would represent a "neutral" position. Neutral positions (e.g., average or neither good nor bad) are, however, not useful for evaluation. For this reason, the evaluators decided to work with a four-level Likert scale, which additionally allows for sub-levels (e.g. A- or C+). Within the United Nations System, Likert scales are being used for the measurement and ranking of opinions (based on the informed judgment of the evaluators in our case) and policy outcomes (e.g., UNECE (UN Economic Commission for Europe) (www.unece.org/fileadmin/DAM/stats/.../wp.24.e.ppt), as well by the U.S. Government (e.g., the Centers for Disease Control and Prevention for health policy results control, see http://www.cdc.gov/dhdsp/pubs/docs/CB_February_14_2012.pdf) and UNDP for participatory evaluations of organizational performance (see among others http://www.g-rap.org/docs/icb/poet-undp_participatory_organisational_evaluation_tool.pdf).

Table 18: Sustainability Criteria and Their Performance

Sustainability criteria	Objective 1	Objective 2	Objective 3	Project overall
Criteria / Institution²⁵	MOL	Constituents	Judiciary and NPU	
	C	B	C	C+
Institutional capacities	The MOL has improved, but it has not yet fully consolidated institutional capacities that results in a fully-functioning and high-standard labor inspection.	All three constituents have high/good institutional capacities for negotiation and social dialogue but there is still a need for improving collective bargaining in the private sector.	The prosecutor general's office developed only limited capacities for institutionalizing mechanisms for reducing impunity of crimes against union members. NPU has sufficient capacities for protection.	Average of ratings by objective
	B	B	B	B+
Institutional mandate and normative framework	The MOL has a full mandate for labor inspection but there is still space for improvement in the normative framework and its application.	All constituents have a full mandate for participating in social dialogue and labor negotiations but there is still space for improvement in the normative framework of private sector collective bargaining	The prosecutor general's office and the courts have a full normative framework for being able to reduce impunity of crimes against union members but do not fully apply it due to political reasons. NPU with full mandate and functional norms.	Average of ratings by objective

²⁵ The title “criteria” refers to the first column. The title “institution” refers to the principal counterpart institution for each objective, which would be in charge of sustaining achieved results and processes initiated.

Sustainability criteria	Objective 1	Objective 2	Objective 3	Project overall
<i>Criteria / Institution</i> ²⁵	<i>MOL</i>	<i>Constituents</i>	<i>Judiciary and NPU</i>	
	C	C	D	C-
Economic and financial conditions	Currently the MOL does not yet provide all required financial resources for making the labor inspectorate fully functional (there is e.g. still a lack of funding for transport and communication of inspectors). Additional resources for reaching the final and full number of additional inspectors, which have been agreed on are required. Future availability is uncertain, considering the general economic downturn in the region.	GoC and employers have sufficient resources for social dialogue, unions depend on donors. The financial sustainability of CETCOIT is unclear.	The prosecutor general's office did so far put very few own resources on objective 3. Future availability is unclear. The financial situation of the NPU is currently worsening in a context of still increasing coverage of persons under protection.	Average of ratings by objective
	B-	B-	D+	C
Institutional ownership and appropriation	MOL shows an interesting level of ownership (e.g. having incorporated project materials in the official inspection guidelines as well as considering the interest in providing permanent (web based) training programs, but its appropriation (being the full driver of the process) is still weak since to the moment the entire process under Objective 1 is strongly driven by the project itself (e.g. there is still a weak support from MOL side for the resolution of doubts regarding how to implement new guidelines in specific cases, there is no "hotline" yet).	CETCOIT is fully functioning as a tripartite independent institution under the guidance of the current facilitator, whose position, however, is not permanent. Hence, this puts the currently high performance under this criteria at certain risk. Public sector collective bargaining shows a high level of ownership but limited appropriation (as demonstrated by the incomplete accomplishment of agreements).	So far only one small unit of prosecutors was established regarding Objective 3. Capacity building is not yet institutionalized. NPU has an improved performance in processing the admission of union members.	Average of ratings by objective

Sustainability criteria	Objective 1	Objective 2	Objective 3	Project overall
Criteria / Institution²⁵	MOL	Constituents	Judiciary and NPU	
<i>Average</i>	<i>C</i>	<i>B-</i>	<i>D</i>	<i>C</i>
<i>Trend</i>	<i>Improving</i>	<i>Improving</i>	<i>Decreasing</i>	<i>n/a</i>

Criteria rating: A = Excellent; B = Good; C = Fair; D = Poor

Source: Author-compiled based on the evaluation informed judgment

For Objective 1, the assessment shows a regular sustainability rating and hence potential impact performance, even considering an overall positive trend in the general performance of sustainability criteria. The assessment for Objective 2 demonstrates a good sustainability performance with an improving trend.²⁶ Objective 3 shows a weak and apparently further weakening performance. The positive rating for Objective 2 is a result of the quality and openness of the social dialogue between tripartite partners rather than the considerable challenge to secure the necessary resources to ensure the sustainability of CETCOIT.

In the event the ILO Office for the Andean Countries and the constituents, as co-implementers, manage to sustain the positive performance trends for Objectives 1 and 2, a potential impact can be expected in the medium-term.

²⁶ The ILO work on social dialogue and other issues covered by Objective 2 was initiated in Colombia years ago. This work and its results, based on a much longer thematic work on these topics, compared to Objective 2 and 3, which basically can rely on 2013 and 2014, two years of work, to naturally influence in a positive way the sustainability perspectives and effectiveness outcomes.

IV. LESSONS LEARNED AND GOOD PRACTICES

LESSONS LEARNED

- Joint (e.g., annual) activity planning between similar ILO, USDOL or other donor projects (apart from the jointly implemented project) is necessary to take advantage of potential synergies between the different activities.
- Planning the project scope and an appropriate set of activities requires inclusive and meaningful stakeholder consultations, a thorough diagnostic study and sufficient knowledge of the thematic area. Stakeholder consultations should include the possibility for stakeholders to really participate in the design of the project content, and not only in approving proposals from the donor or the project management.
- The achievement of results that include changes in institutional processes requires an intensive policy dialogue among adequate high-level government authorities of all partners and related institutions that are in the position for decision-making to bring about a policy change. This would be necessary during the project's early implementation period and should be given the necessary follow-up as the services and products are delivered.
- Obtaining the participation of the employer sector in the project implementation presents special challenges, since the employer sector was insufficiently considered in the project design. Its future wider and deeper participation is, however, urgently required. Achieving this participation requires a concerted effort to identify areas of support and concern. This can lead to more effective tripartite dialogue and, over time, the desirable changes in employer policies and practices.
- A robust monitoring and reporting mechanism and baseline should be established at the start of the project to verify progress and compliance with international labor standards. A lack of such a baseline is a huge obstacle for understanding the project's effectiveness and efficiency. This bottleneck is problematic not only for evaluation purposes but also for the daily decision-making of the project management.

GOOD PRACTICES

- Capacity-building efforts with the labor inspectorate involved a strategic sequencing of training events, which led to the application of knowledge gained and use of technical tools.
- The promotion of the involvement of the ombudsman office (*Procuraduría*) in public sector collective bargaining trainings to promote compliance by government authorities with Decree 1092 of 2012 and later Decree 160 of 2013 provides a meaningful basis for their future involvement in the efforts to enforce full accomplishment of the achieved agreements.

- Securing the services of a social dialogue facilitator who had the support and trust of tripartite partners was instrumental in achieving CETCOIT's current high level of performance and independent institutional character.

V. CONCLUSIONS

Following are conclusions regarding the project's relevance, design, effectiveness, efficiency and sustainability based on the specific findings outlined in Section III.

5.1 RELEVANCE

The project strategies are relevant with regard to providing the tools and technical inputs necessary to achieve the goals defined in the Obama-Santos Action Plan. The Action Plan still serves as the key guiding document for government stakeholders in their efforts to strengthen compliance with International Labor Standards, particularly with those related to freedom of association and collective bargaining. To this end, the project's technical training activities have contributed toward building the capacity of the MOL Labor Inspection Unit, Prosecutor General's Office and other law enforcement entities, and negotiators for collective bargaining. It has not been successful in promoting a process of policy dialogue with sufficient strength to influence political will, which is needed for the advancement of policy changes and the achievement of the expected outcomes of the Obama-Santos Action Plan.

5.2 PROJECT DESIGN

The project design is based on the assumptions that there are (a) sufficient political will to implement the policy changes required for achieving the expected outcomes of the Obama-Santos Action Plan, (b) adequate technical know-how to implement these changes, and (c) sufficient "political force" to obtain the required majorities for democratic decision-making. These assumptions, however, have not turned out to be valid. As a consequence, the content of the project's logical framework is flawed since it is limited mostly to technical inputs rather than the policy dialogue required for achieving the expected changes. Objective 2, however, has had some successful participation in policy dialogue for expanding the scope of collective bargaining in the public sector.

5.3 EFFECTIVENESS

The training activities implemented for the labor inspectorate have been effective in providing knowledge on priority issues including ambiguous and disguised employment relationships and the abusive use of collective pacts. The trainings provided labor inspectors with practical inspection tools to enhance their application of labor laws pertaining to the right of freedom of association and collective bargaining. The project also implemented effective training programs for prosecutors and law enforcement officials regarding special aspects of anti-union violence and context investigation. The training program for trade union members on the misuse of collective pacts also was effective, as demonstrated by the fact that there was a significant increase in the number of complaints filed, which resulted in an increase in investigations by the MOL on this issue following the completion of the training program. Furthermore, the project has been more effective in promoting successful social dialogue. The information provided on topics including collective bargaining and negotiation techniques already has been used to achieve collective bargaining in the public sector, as well as labor mediation through CETCOIT. The decrease in anti-union violence suggests an effective protection program for unionists.

However, this might be part of a larger national downward trend in violence currently taking place, rather than the direct result of project interventions. A fully functioning M&E system as well as baseline data would be necessary to verify the degree of contribution of the project to the downward trend in anti-union violence. Baseline data and pre-test data also are necessary to better determine the project's contribution to more effective and efficient labor inspections as well as investigations carried out by law enforcement officials. At the same time, the successful results of the capacity-building activities have not been broadly implemented or institutionalized by the appropriate government institutions, which could, in turn, enable a policy-driven change on a wider scale.

5.4 EFFICIENCY

The project thus far has operated at reasonable per-unit costs for the training and outreach activities carried out in Bogota and other regions of the country. The project also has performed well on time efficiency, based on the number of training activities and public events implemented over the past two years. Nevertheless, the project has been less efficient with regard to the amount of money and time spent in the past two years for limited progress made toward the overall expected results: effective and efficient labor inspection, improved social dialogue in the public and private sector and reduced impunity. The limited progress is a clear consequence of invalid assumptions in the project design and the resulting limited intervention scope.

5.5 SUSTAINABILITY

The sustainability of achieved results has been assessed based on the criteria of i) institutional capacities, ii) institutional mandates, iii) economic capacities and iv) ownership and appropriation. Taking these four criteria into consideration, the overall sustainability of the technical processes introduced by the project will depend on the degree to which these processes and changes in policy can be institutionalized. Initial positive results of institutionalization have been identified for Objective 1 (e.g., institutionalization of the project tools in the labor inspection manual) and Objective 2 (e.g., institutionalization of collective bargaining in the public sector). There is additional potential for increasing sustainability of criteria iv over time, since the project's implementation process works through the mechanism of beneficiaries being at the same time co-implementers of the project. The technical processes introduced in Objective 3 have the lowest potential for sustainability due to a lack of cooperation from the Prosecutor General's Office. The technical processes introduced in Objective 1 to promote more efficient and effective labor inspections have greater potential for sustainability due to the interest and commitment of the labor inspectorate to institutionalize these processes. Still, without enforcement of sanctions imposed by labor inspectors, it is less likely that the new technical processes will result in workplace improvements. Objective 2 shows the most progress toward sustainability due its achievements of collective bargaining in the public sector. The project's support of CETCOIT is unsustainable due to the dependence on project funds to secure the services of the facilitator. Overall sustainability performance achieved so far is ranked between "good" and "regular," when comparing results achieved so far regarding the amount, quality and time of inputs received by the beneficiaries, with the potential for further improvement for Objectives 1 and 2.

VI. RECOMMENDATIONS

The following recommendations are based on the findings and conclusions of the mid-term evaluation. They are intended to provide the project, USDOL and the ILO with actions that can further strengthen project outcomes and/or be applied to similar projects.

Relevance and design:

1. **Prioritize and focus project efforts toward policy dialogue:** The ILO should consider as an urgent priority the implementation of an improved, strictly thematically focused and tripartite high-level policy dialogue with interlocutors who have the authority to make the necessary political decisions to bring about change. This might include a dialogue with the National Training Service (SENA), regarding the collection of fines imposed by the labor inspectorate, or the ombudsman (*procuraduría*) and the comptroller (*contraloría*), regarding the accomplishment of what the labor inspection resolved. This will enhance the possibility of achieving the required changes at a political level, which would, in turn, allow the expected changes at the institutional level to occur. The ILO Office for the Andean Countries should be the primary player to move this political dialogue forward and define, with the support of the project and constituents, the required policy action, targets and goals. Likewise, policy advisers from USDOL should take an active role in supporting the suggested policy dialogue to strengthen the outcome. Finally, the project should develop a multi-year work plan that defines the pending technical activities, along with specific targets and goals.

Effectiveness:

2. **Plan and implement strategic capacity-building events for the MOL:** The project should work with the MOL to further define the scope of “effective” labor inspections and design the content of future capacity-building activities accordingly. This should involve a diagnostic process to assess the baseline level and knowledge gaps to tailor training contents to the experience/needs/interests of participants. Furthermore, the project should prioritize efforts toward the development and implementation of a computerized information management system for the labor inspectorate. The labor inspectorate training program should be periodically updated on new national standards and norms. The results of the trainings for labor inspectors on fundamental labor rights could be improved by including the participation of trade unions and establishing a bilateral exchange between inspectors and trade union members.
3. **Prioritize Objective 2 strategies:** The project should prioritize future work of Objective 2 on efforts to strengthen the accomplishments of already-established collective bargaining agreements in the public sector and to expand the scope of unified collective bargaining in the private sector. At the same time, the project should facilitate a process to develop a feasible financial plan to secure the future sustainability of the CETCOIT facilitator. Tripartite funding, even if politically complicated, is the only feasible way of maintaining the financial sustainability of CETCOIT.

- 4. Institutionalize capacity-building activities under Objective 3:** Based on the mistaken assumption that rapid and substantial progress toward reducing impunity could be achieved, the **project** should concentrate future efforts of Objective 3 on the institutionalization of teaching and capacity-building activities. The responsibility to follow-up and measure the knowledge, application and practice of context investigation should be given to the Prosecutor General's Office, with technical assistance from the project, so that the Office can advance at its own pace of progress and change. At the same time, there remains a clear and strong need to strengthen the political will of the Prosecutor General's Office to openly cooperate with the project. The training program to improve the effectiveness of prosecutors' investigations of crimes with an anti-union motive should be improved to provide knowledge and practical tools to enhance their investigative work. The participation of judges in these trainings could contribute to capacity-building efforts targeting the prosecutors and law enforcement officials, given the knowledge that judges possess regarding the type and organization of evidence needed to build a solid case involving violence against trade union members. Following the positive experience from Objective 1, Objective 3 should also focus on combining knowledge plus the provision of practical tools in their training programs.

Efficiency:

- 5. Strengthen the support and expertise of the project team:** The **project** should consider restructuring the budget to accommodate an additional administrative support person that could further assist component (objective) coordinators, as well as a part-time M&E expert to concentrate on the development of a fully operational and evaluable M&E framework and plan.

Sustainability:

- 6. Develop a sustainability plan:** In accordance with the USDOL-ILO Management Procedures and Guidelines (MPGs), the **project** should advance a plan that assesses the different aspects of sustainability including institutional capacities, regulations, resources and ownership, and design project activities over the next two years to strengthen identified weaknesses. The sustainability plan, which is expected to serve as a management and assessment tool for implementing the project's sustainability and exit strategy (as outlined in the Project Document), should be updated and revised to take into account the implementing realities.
- 7. Harmonize planning frameworks:** Future projects between the ILO and USDOL (or ILO with any other institution from outside the U.N. system) should agree in advance on a unified and harmonized framework and approach to project planning, to ensure that the planning and project design outcome is fully in line with guidelines and requirements from both institutions. The ILO's implementing local or regional office should be deeply involved in the planning process from the start.
- 8. Define a fully operational M&E framework:** The M&E framework should define outcome and impact indicators based on processes of change, which can already be

observed and supported by the project. Goals and objectives should be defined according to what can realistically be achieved. Consider revising the project logframe if the achievable objectives are different from what was stated in the logframe.

VII. ANNEXES

ANNEX A: TERMS OF REFERENCE – MERGED ILO AND USDOL TOR

TERMS OF REFERENCE

AN INDEPENDENT MID-TERM EVALUATION OF THE PROMOTING COMPLIANCE WITH INTERNATIONAL LABOR STANDARDS IN COLOMBIA PROJECT

The U.S. Department of Labor (USDOL) has contracted Management Systems International (MSI) to undertake a mid-term evaluation of the Promoting Compliance with International Labor Standards in Colombia (PCILSC) project. PCILSC is a five-year, (\$7.82 M) project that is funded by USDOL and implemented by International Labor Organization (ILO). The evaluation is intended as a formative evaluation that will allow the project to address problems and take mid-course corrective actions before the project is scheduled to end in December 2016.

The following Terms of Reference (TOR) serves as the framework and guidelines for the evaluation. It is organized according to the following sections.

1. Background of the Project
2. Purpose, Scope, and Audience
3. Evaluation Questions
4. Evaluation Management and Support
5. Roles and Responsibilities
6. Evaluation Methodology
7. Evaluation Milestones and Timeline
8. Deliverables and Deliverable Schedule
9. Evaluation Report

1. BACKGROUND OF THE PROJECT

The PCILSC project aims to strengthen the capacity of the Colombian labor and national stakeholders to comply with International Labor Standards (ILS), particularly those associated with freedom of association, collective bargaining, and assist them in following up on the ILO supervisory bodies' observations on their application. The project was developed to contribute to the generation of labor relations that promote social justice and support economic development.

The project was established with the goal to promote a labor regime that contributes to economic development with social justice in Colombia. The specific development objective of the project is to strengthen government mechanisms to protect fundamental rights at work, particularly freedom of association and collective bargaining. To this end, three immediate objectives were established:

1. Strengthen the institutional capacity of the Ministry of Labor, especially the labor inspectorate, to effectively enforce Colombian labor laws and guarantee fundamental rights at work, particularly in relation to freedom of association and collective bargaining and conflict resolution in accordance with international labor standards;
2. Strengthen existing social dialogue institutions and their stakeholders, particularly at the Departmental and local level; and,
3. Strengthen the institutional capacity of the Colombian government to enhance protection measures for trade union leaders, members, activists and organizers and to combat impunity for perpetrators of violence against them.

The project intends to produce a range of outputs and outcomes at the national, departmental and local level. At the national level, target groups and partners include the Colombian government, especially the Ministry of Labor and the labor inspectorate, and at the Departmental and local-level, including CETCOIT and subcommittees of the Standing Commission for Consultation on Wage and Labor Policies (CPCPSL) and other social dialogue institutions. These outputs are summarized below.

- A. For the **Ministry of Labor**, especially the labor inspectorate: i) strengthened ability to provide timely, efficient services to protect fundamental rights at work and enforce Colombian labor laws; ii) increased technical capacity of labor inspectors to enforce Colombian labor laws, with a focus on fundamental rights at work; iii) improved readiness to enact the legal reforms necessary to remedy the improper use of collective pacts that threaten freedom of association and collective bargaining; and, iv) improved knowledge of labor inspectors (and the general public) on the improper use of labor intermediation and all forms of contracting arrangements that threaten workers' rights, on collective bargaining agreements, and on other unlawful actions that threaten freedom of association and collective bargaining.
- B. For **social partners**, especially the CPCPSL and CETCOIT: i) improved capacity of CPCPSL and its departmental sub-committees and its members relating to social dialogue, international labor standards (ILS), and decent work; and, ii) strengthening of the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT).
For the **Colombian government**, especially the Prosecutor General's Office and the Supreme Court and other officials in the justice system, including police investigators, prosecutors and criminal court judges assigned to labor cases: i) increased knowledge of the specific application of the fundamental rights at work of freedom of association and collective bargaining as they pertain to the most critical issues present in labor violence cases; and ii) improved engagement by the Prosecutor General's Office with stakeholders, including victims and their families, as well as the National Trade Union School (*Escuela Nacional Sindical*) and the three largest trade union confederations.

2. PURPOSE, FOCUS, AND AUDIENCE OF EVALUATION

USDOL-funded projects are subject to independent mid-term and final evaluations. The mid-term evaluation of the ILO Colombia PCILSC project is due at this time.

The overall **purpose** of this midterm evaluation is to assess program design, review the progress made toward the achievement of the outcomes of the project and identify lessons learned from its program strategy and its key services implemented to date. The evaluation will investigate how

well the project team is managing project activities and whether it has in place the tools necessary to ensure achievement of the outputs and objectives.

The evaluation will **focus** data collection primarily on selected project documents and reports and interviews with key project personnel, partners, and stakeholders in Colombia. The project will be evaluated through the lens of a diverse range of stakeholders that participate in and are intended to benefit from the project's interventions.

The primary **audiences** of the evaluation are USDOL and the ILO. USDOL and ILO intend to use the evaluation report to determine the strengths and weaknesses of the project design and implementation and assess its possible use as a model to promote compliance with international labor standards.

3. EVALUATION QUESTIONS

To serve these purposes, this mid-term evaluation will focus on the validity of the project's design, the relevance of the project's services to the target groups' needs, the project's efficiency and effectiveness, the impact of the results, and the potential for sustainability. These criteria are explained in detail below by addressing their associated questions.

Additional questions also may be analyzed as determined by the stakeholders and evaluators before the fieldwork begins. The evaluators also may identify further points of importance during the mission that may be included in the analysis as appropriate.

Validity of the project design

1. To what extent was the project design logical and coherent? Were the objectives/outcomes, targets and timing realistically set?
2. How appropriate and useful are the indicators described in the project document in assessing the project's progress? Is the project's performance monitoring plan (PMP) practical, useful, and sufficient for measuring progress toward achieving project objectives? How is the gathered data used? How could it be used better?

Relevance and strategic fit

3. To what extent are the project's immediate objectives consistent with the needs of key stakeholders including trade union representatives, workers, employers, the Government of Colombia, particularly officials within the Labor and Justice ministries, CPCPSL and CETCOIT, and other social dialogue institutions and partners? Have the needs of these stakeholders changed since the beginning of the project in a way that affects the relevance of the program?
4. Is there a relationship between the goals set by the Action Plan and the High-Level tripartite mission of the ILO in 2011, and the project? How did the project provide support to these strategies and ILO policies?

Project progress and effectiveness

5. Is the project on track to complete the project targets according to schedule? If not, what have been the obstacles to achievement both in terms of factors that the project is able to influence and external factors beyond its control?
6. How effectively have project resources been used in reaching the milestones to date?
7. How effectively has the project engaged stakeholders in project implementation? How effective has the project been in establishing national or local-level ownership? What is the level of commitment of the government, the workers' and employers' organizations to, and support for, the project? How has it affected its implementation?

Efficiency of resource use

8. Have resources (funds, human resources, time, expertise etc.) been allocated strategically and efficiently to achieve outcomes?

Effectiveness of management arrangements

9. Is the project adequately staffed?
10. To what extent have established management capacities and arrangements supported the achievement of results?
11. Does the current project governance and management facilitate good results and efficient delivery?

Effectiveness of project services/interventions

12. What are the stakeholders' perceptions of the project's core services/interventions?
13. Are project training activities and information campaigns timely and of high quality? Were the topics chosen for training and awareness-raising related to stakeholder needs and expectations? Is there any evidence that compliance with key international labor standards (ILS) has improved because of the project's interventions?
14. Has the nature of social dialogue among the project partners changed because of the implementation of the project activities? To what extent? What are the challenges to worker and other stakeholder participation, and how might they be overcome?
15. What was the nature of training received and is there any evidence that the trainees have effectively applied its content? Were the training services provided relevant? What are the areas for improvement? How has the training thus far addressed the key gaps identified in compliance with international labor standards?

Impact orientation and sustainability, including effectiveness of stakeholder engagement

16. What was the nature of the commitment from national stakeholders, including the Government of Colombia, the labor movement (locally and internationally), employers, as well as the CPCPSL and CETCOIT? How has the relationship with these stakeholders been handled by the project in general and in times of crisis? What are opportunities for greater engagement?

17. Has the project communicated effectively with national stakeholders? Do the stakeholders feel that their concerns have been sufficiently addressed?
18. How might the project need to be adjusted in light of changes in stakeholder commitment and their needs as well as other changes in the implementing environment?
19. What are the key elements that the project developed during this time that could be sustained beyond the life and the context of the project?

4. SPECIFIC ILO QUESTIONS

Relevance and strategic coherence with the intervention

- 1) What are the main indicators showing the magnitude and importance of the problem of non-compliance with labor rights in Colombia? Is the project in a position to contribute to the improvement of these indicators?
- 2) Is there concordance regarding the beneficiaries suggested by the High-Level tripartite mission of the ILO in 2011 and the Obama-Santos Action Plan, and those targeted by the project? If there is no agreement, what were the constraints to ensure consistency? If there was an error in identifying the beneficiaries of the project, what people should have been targeted or covered by the **project**?
- 3) To what extent does the design, program content and training tools respond to the issues identified in the action **plan**?
- 4) What was the level of involvement of the tripartite actors in the design and implementation of project strategies?
- 5) To what extent did the Project complement and create synergies with other ILO projects/programs or with other institutions in Colombia? To what extent did the project contribute to other relevant initiatives? To what extent did the project generate complementary products and synergies with other projects funded by USDOL within the same subject?
- 6) Has the project conducted an analysis of gender, exclusion and/or discrimination? If so, how were gender issues addressed in their activities? How has this assessment contribute to the project's ability to address issues of exclusion or discrimination?
- 7) Are there new needs that the project should address in the second half of its implementation arisen?

Validity of intervention design (consistency)

- 8) How and when was the project originated? How did ILO participate in defining the contents and strategies of the project? Has there been any involvement of constituents (Ministry of Labour, employers, labor organizations) or other constituents during the project design?
- 9) Does the project design reflect the recommendations and / or requests from constituents, according to the recommendations of the High Level Tripartite Mission ILO 2011 and the Action Plan related to Labour Rights of **2011**?
- 10) What are the most innovative elements of the project in relation to other similar projects, which had previously implemented in Colombia or in the region?
- 11) Which are the risks and assumptions the project is based on? How important have they been so far for the projects success? How realistic have they been? To which degree has the project been able to control these risks?

Efficient management structure

- 12) What are the main differences for your institution between working with the ILO and other institutions? What difference has been created through ILO? What can be improved in this sense? Where's are the main weaknesses regarding strategic alliance with ILO? Did your institution take advantage of the strategic alliances ILO can offer or promote?
- 13) How have external collaborators to the project been selected (competition, direct appointment, recommendation, etc.)? How was the quality control conducted, regarding the products developed? Have there been difficulties in identifying all external collaborators required to carry out different activities and produce expected outputs?
- 14) Has the project been active in regular monitoring of the progress of products and components? Have regular monitoring reports been produced?
- 15) Does the project coordination use the information generated by the M&E to for following up on progress and performance of the project and the achievement of its objectives? M&E information and indicators have been disaggregated by sex? The management takes corrective measures whenever necessary (suggested by M&E)?
- 16) What have been the major constraints or difficulties faced by the project management?

Effectiveness Project (achievements)

- 17) Are the project beneficiaries considering that the project results contribute to achieving the recommendations of the action plan and HLT
- 18) Considering products associated with Skills Training, according to which criteria students have been selected? Has any student satisfaction survey been conducted?
- 19) Does the project effectively disseminate project progress reports, in coordination with constituents, including promoting compliance and relevance of the recommendations of the High Level Tripartite Mission ILO 2011 and the Action Plan related to Labor Rights 2011?
- 20) What restrictions and / or potential should be considered (actors or relevant groups, temporal, geographic, demographic, socioeconomic, sociocultural, legal history, etc.) for achieving the outputs of the project?

Efficient use of resources

- 21) Is budget execution progressing as expected? Have there been significant savings in some activities, in terms of finding a financially most efficient way for implementing a given activity? Are there any expenditure exceeds in any area?
- 22) Is the level of budget execution for each component consistent with the level of compliance of targets? Do achieved results justify the level of expenditure?
- 23) Were resources (financial, human, time, expertise, etc.) assigned to the project in a timely manner? Is time for the execution of the Project considered being sufficient? Have there been delays in the execution of some activities?
- 24) How has the amount of executed budget been distributed according to different criteria: Project components, types of products, fiscal year?

Impact orientation

- 25) What have been the main contributions of ILO in achieving results? To what extent can these impacts be linked causally to project interventions?

- 26) Have products been able to convert into results (outcomes), which without the project had not been attained? Are practical guides, technical tools, methodologies and training modules facilitating the work, of project beneficiaries?
- 27) What is the relationship between the expected impact and the achieved impact?
- 28) Which best practices and lessons learned are worth documenting in the period of evaluation?

Sustainability of the intervention

- 29) Does the project count with a sustainability strategy?
- 30) Do the beneficiaries use and take advantage of the products and services provided by the project? Have products such as practices guides, technical tools, methodologies and training modules been accepted, adapted and implemented by any of the constituents of the Project?
- 31) Are practical guides, technical tools, methodologies and training modules are easily adapted to other environments or local authorities? Are the technical tools and methodologies developed by the project being replicated by others?
- 32) Are stakeholders willing and committed to continue using technical tools, methodologies and training modules designed by the project?

5. EVALUATION MANAGEMENT AND SUPPORT

Michele Gonzalez Arroyo will serve as the MSI evaluator and Thomas Otter will serve as the ILO evaluator. They will conduct all fieldwork jointly and produce a single evaluation report.

Both MSI and ILO will be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards.

Roles and Responsibilities

The evaluators are responsible for conducting the evaluation according to the terms of reference (TOR). They will:

- Receive and respond to or incorporate input from ILO and USDOL on the initial TOR draft
- Finalize and submit the TOR and share (concurrently) with ILO and USDOL
- Review project background documents
- Review the evaluation questions and refine the questions, as necessary
- Develop and implement an evaluation methodology (i.e., surveys, conduct interviews, review documents) to answer the evaluation questions, including a detailed discussion of constraints generated by the retrospective nature of this evaluation methodology and data collection and how those constraints could be avoided in future projects
- Conduct planning meetings/calls, as necessary, with USDOL and ILO
- Decide composition of field visit interviews to ensure objectivity of the evaluation
- Present verbally preliminary findings to project field staff and other stakeholders as determined in consultation with USDOL and the ILO
- Prepare an initial draft (48 hour and 2 week reviews) of the evaluation report and share with USDOL and ILO

- Prepare and submit final report

USDOL is responsible for:

- Drafting the initial TOR and sending to the evaluators to revise and finalize
- Reviewing proposed evaluators
- Providing project background documents to the evaluators (responsibility is shared with ILO)
- Obtaining country clearance
- Briefing ILO on upcoming visit and work with them to ensure coordination and preparation for evaluators
- Reviewing and providing comments of the draft evaluation report
- Approving the final draft of the evaluation report
- Participating in the post-trip debriefing
- Including USDOL evaluation contract COTR on all communication with evaluators

ILO is responsible for:

- Reviewing the TOR; providing input, as necessary, directly to the evaluators; and agreeing on final draft
- Providing project background materials to the evaluators as requested
- Preparing a list of recommended interviewees
- Scheduling meetings for field visit and coordinating all logistical arrangements
- Reviewing and providing comments on the draft evaluation reports
- Organizing and participating in the stakeholder debrief
- Including USDOL program office on all communication with evaluators

6. EVALUATION METHODOLOGY

Performance shall be assessed in terms of six criteria: relevance and strategic fit; validity of project design; project progress and effectiveness; efficiency of resource use; impact orientation and sustainability of the project; and effectiveness of management arrangements.

The evaluation shall draw on six methods: 1) review of documents, 2) review of operating and financial data, 3) interviews with key informants, 4) field visits, 5) a stakeholder debrief before leaving Bogota, and 6) a post-trip conference call.

Document Review: The evaluators will review the following documents before conducting any interviews or trips in the region.

- The project document
- Cooperative agreement
- Technical progress reports and comments
- Reports on specific project activities
- Training materials

- Trip reports, field visits, meetings, needs assessments and other reports
- Strategic framework, PMP, and performance indicators
- Work plans and budgets
- Any other relevant documents

Interviews with key informants: Interviews are to be conducted with key program stakeholders (by phone or in-person) including (but not limited to):

- USDOL project management team
- Relevant ILO officials in Geneva and ILO regional/sub-regional office
- ILO Colombia officials and project key personnel and staff
- Government counterparts
- CPCPSL and CETCOIT
- Employer representatives
- Trade union representatives
- Other collaborating projects and partners, as appropriate

Fieldwork in Colombia: The evaluators will meet the projects Chief Technical Adviser (CTA) and project team to discuss the purpose and logistics of the evaluation. In addition, the project team will assist the evaluators to schedule interviews with the key informants listed above and any others deemed appropriate.

The evaluators will interview the trade union representatives separately rather than as a group. The evaluators will work with project staff to develop a list of criteria that will be used to select a non-random sample of site visits / key informants to interview. Interviews with all relevant ILO representatives outside Colombia will be conducted by telephone (or Skype) once the fieldwork is completed.

The exact itinerary will be determined based on scheduling and availability of interviewees. Meetings will be scheduled in advance of the field visit by the project staff, coordinated by the designated project staff, in accordance with the evaluators' requests and consistent with these terms of reference. *The evaluators should conduct interviews with beneficiaries and stakeholders without the participation of any project staff.*

Stakeholder debriefings: Before departure from Colombia, the evaluators will conduct a debriefing meeting with project staff and key stakeholders to present and discuss initial findings of the evaluation.

Post Trip Debriefings: Upon return from Colombia, the evaluators will provide a post-trip debrief by phone to relevant USDOL and ILO staff to share initial findings and seek any clarifying guidance needed to prepare the report. Upon completion of the report, the evaluators will provide a debriefing to relevant USDOL and ILO on the evaluation findings, conclusions, and recommendations, as well as the evaluation process. In discussing the evaluation process, the evaluators will clearly describe the constraints generated by the retrospective nature of this evaluation methodology and data collection and how those constraints could be avoided in future evaluations.

Ethical Considerations: The evaluators will observe utmost confidentiality related to sensitive information and feedback elicited during the individual and group interviews. To mitigate bias during the data collection process and ensure a maximum freedom of expression of the implementing partners, stakeholders, communities, and beneficiaries, implementing partner staff will generally not be present during interviews. However, implementing partner staff may accompany the evaluators to make introductions whenever necessary, to facilitate the evaluation process, make respondents feel comfortable, and to allow the evaluators to observe the interaction between the implementing partner staff and the interviewees.

Limitations: The scope of the evaluation specifies two weeks of fieldwork, which is not enough time to visit all of the project sites to undertake data collection activities. As a result, the evaluators will not be able to consider all sites when formulating her findings. All efforts will be made to ensure that the evaluators are visiting a representative sample of sites, including some that have performed well and some that have experienced challenges.

This is not a formal impact assessment. Findings for the evaluation will be based on information collected from background documents and in interviews with stakeholders, project staff, and beneficiaries. The accuracy of the evaluation findings will be determined by the integrity of information provided to the evaluators from these sources and the ability of the latter to triangulate this information.

Furthermore, the ability of the evaluators to determine efficiency will be limited by the amount of financial data available. A cost-efficiency analysis is not included because it would require impact data, which is not available.

7. EVALUATION MILESTONES AND TIMELINE

Activity	Date	Products/Comments
Prepare and submit TOR	December 3, 2014	Draft TOR
Doc reviews, methodology, data collection instruments	November 11-December 23	Final evaluation questions Methodology section Instruments
USDOL pre-trip calls with Grantee	December 17	
Fieldwork Colombia including debrief meeting	January 21-30, 2015	Debrief presentation
USDOL and ILO debrief calls (separately)	Feb. 5 or 6, 2015	Debrief notes
Analysis and report writing	February 1-March 18	
Send first draft report for 48-hour review	March 18	Draft Report 1
Revise and send second draft report for 2-week review	March 25*	Draft Report 2
Finalize and send final report	April 20*	Final Report

* These dates depend on when USDOL and ILO provide comments to evaluators

8. DELIVERABLES AND DELIVERABLE SCHEDULE

A. Finalized TOR with USDOL and ILO consensus, December 23, 2014

- B. Method to be used during field visit, including itinerary, December 23, 2014
- C. Stakeholder debriefing meeting/presentations, Jan. 30, 2015
- D. USDOL and ILO debrief calls, February 5 or 6, 2015 (to be determined)
- E. Draft Report 1 to USDOL and ILO, March 18, 2015 (48-hour review)
- F. Draft Report 2 to USDOL and ILO by March 25, 2015 (2 week review)*
- H. Final Report to USDOL and ILO by April 20, 2015*

* These dates depend on when USDOL and ILO provide comments to evaluators

9. EVALUATION REPORT

The evaluators will complete a draft report of the evaluation following the outline below and will share it with the USDOL and the ILO for an initial 48-hour review. Once the evaluators receive comments, they will make the necessary changes and submit a revised report. USDOL and the ILO will have two weeks (ten business days) to provide comments on the revised draft report. The evaluators will produce a second draft incorporating the comments from USDOL and ILO where appropriate, and provide a final version within three days of having received final comments.

The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 40 pages in length, excluding the annexes:

Report

1. Title page (1)
2. Table of Contents and Lists (tables, graphs, etc.) (2)
3. Acronyms (1)
4. Executive Summary (5)
5. Background and Project Description (2)
6. Purpose of Evaluation (2)
7. Evaluation Methodology (2)
8. Findings This section should be organized around the six key issues outlined in the TOR (20)
 - a. Relevance and Strategic Fit
 - b. Validity of the Project Design
 - c. Project Progress and Effectiveness
 - d. Effectiveness of Management Arrangements
 - e. Efficiency of Resource Use
 - f. Impact Orientation and Sustainability
9. Lessons Learned and Good Practices (2)
10. Conclusions (2)
11. Recommendations (1)
12. Annexes

Terms of reference
Strategic framework
Project PMP and data tables
Project workplan
List of meetings and interviews
Any other relevant documents

ANNEX B: LIST OF DOCUMENTS REVIEWED

I. Project Documents:

1. Project Document: “Promoting Compliance with International Labor Standards in Colombia”
2. Technical Progress Reports (TPR):
 - From 01/01/2013 to 31/03/2013
 - From 01/04/2013 to 30/06/2013
 - From 01/07/2013 to 30/09/2013
 - From 01/10/2013 to 31/12/2013
 - From 01/01/2014 to 31/03/2014
 - From 01/04/2014 to 30/06/2014
 - From 01/07/2014 to 30/09/2014
3. Supplemental Project Reports (prepared January 2015):
 - Objetivo 1 – Programa de capacitación para el fortalecimiento de la inspección del trabajo en Colombia
 - Objetivo 1 – Programa para promover acuerdos de formalización laboral
 - Objetivo 1 – Programa para promover la demanda de derechos laborales
 - Objetivo 2 – Programa de fortalecimiento de la CETCOIT
 - Objetivo 2 – Programa de fortalecimiento de negociación colectiva en el sector público
 - Objetivo 2 – Programa de coordinar las agendas de ORMET y CPCPSL
 - Objetivo 3 – Programa de capacitación sobre derechos fundamentales del trabajo
 - Objetivo 3 – Programa de comunicación sobre la protección a los activistas sindicales
 - Objetivo 3 – Diplomado sobre casos de violencia contra sindicalistas
 - Objetivo 3 – Programa de capacitación para jueces penales y laborales frente al delito de violación de los derechos de reunión o asociación
4. Training Curriculum: “Programa de capacitación para el fortalecimiento de la inspección,” Módulos I-IV
5. Technical Tools:

Objective 1 - Programa de Capacitación para el Fortalecimiento de la Inspección del Trabajo en Colombia

 - Guía para la Dosificación de las Sanciones.
 - Guía para el Procedimiento Sancionatorio Laboral.
 - Guía Aspectos Prácticos para Identificar Ambiguas y Disfrazadas Relaciones Laborales.
 - Checklist para Identificar Actividades Misionales Permanentes.
 - Mapeo de Procesos.
 - Checklist para Identificar Ambiguas y disfrazadas relaciones laborales.
 - Mapeo de Contratación.
 - Copia Manual del Inspector del Ministerio del Trabajo, donde se evidencia la inclusión de dos guías prácticas del Proyecto.

- Correos electrónicos que evidencian el uso de los materiales/herramientas generadas por el Proyecto.

Objective 1- Programa para Promover Acuerdos de Formalización Laboral

- Checklist para Identificar Actividades Misionales Permanentes.
- Mapeo de Procesos.
- Checklist para Identificar Ambiguas y disfrazadas relaciones laborales.
- Mapeo de Contratación.
- Estudio Acuerdos de Formalización Laboral.
- Cartilla ABC sobre Acuerdos de Formalización Laboral.
- Copia Acuerdo de Formalización Laboral de Bucarelia.
- Correos electrónicos que evidencian la participación en el proceso del Acuerdo de Fomalización Laboral de Bucarelia.

Objective 1 - Programa para Promover la Demanda de los Derechos Laborales

- Checklist para Identificar Actividades Misionales Permanentes.
- Mapeo de Procesos.
- Checklist para Identificar Ambiguas y disfrazadas relaciones laborales.
- Mapeo de Contratación.
- Checklist para Identificar Conductas Atentatorias contra el Derecho a la Libertad Sindical.
- Línea del tiempo.
- Copia 28 querellas impuestas por sindicatos.

Objective 2 - Programa de Fortalecimiento de la Comisión Especial de Tratamiento de Conflictos ante la OIT (CETCOIT)

- Manual ABC de la CETCOIT.
- Manual de Admisibilidad de Casos ante la CETCOIT.

Objective 2 - Programa de Fortalecimiento de la negociación colectiva en el sector público

- Documento Análisis de la Negociación Colectiva en el Sector Público en Colombia.
- Cartilla Balance de la Negociación Colectiva en el Sector Público – Experiencia Regional.
- Manual de Recomendaciones para la Negociación Colectiva en el Sector Público.
- Video “Negociación colectiva en el sector público 2013”.
- Documento de Valoración de la experiencia negociadora en 2014.
- Cinco Modelos de Pliegos para orientar negociaciones en el sector público: Ministerios, Gobernaciones, Alcaldías, hospitales y universidades.

Objective 3 - Programa de comunicación sobre derechos fundamentales del trabajo

- Video Promoción del Derecho de Asociación Sindical en Colombia.
- Video La Protección al Derecho a la Negociación Colectiva en Colombia.
- Video La Superación de la Violencia Contra Sindicalistas y la Impunidad.
- Video Fortalecimiento del Dialogo Social y la Promoción del Trabajo Decente.
- Video Investigación Judicial sobre casos de Violencia contra Sindicalistas.
- Video Patrones Criminales.
- Video Utilización de Estructuras Armadas para Acallar la Labor Sindical.
- Video Amenazas a Sindicalistas por Denuncias de Corrupción en Entidades Públicas.

Objective 3 - Programa de Formación sobre la protección a los activistas sindicales

- Guía práctica Estado actual de la protección a los sindicalistas en Colombia desde la creación de la Unidad Nacional de Protección.
- Documento Ruta de Protección para Sindicalistas.
- Volante Ruta de Protección para Sindicalistas.

Objective 3 – Programa Diplomado sobre investigación judicial sobre casos de violencia contra sindicalistas

- Guía práctica Normas Internacionales del Trabajo.
- Guía Práctica Investigación y Judicialización de delitos contra sindicalistas.
- Guía Práctica Contexto y priorización en investigaciones de delitos en contra de sindicalistas.
- Guía Práctica Programa de Capacitación sobre Derechos Humanos para operadores judiciales y dirigentes sindicales.

Objective 3 - Programa de Capacitación para Jueces Penales y Laborales Frente al Delito de Violación de los Derechos de Reunión o Asociación

- Guía práctica Normas Internacionales del Trabajo.
- Guía Práctica Derecho de Asociación, Negociación y Huelga.

I. Monitoring and Evaluation Documents and Data Tables:

1. Cifras cumplimiento indicadores
2. Project logframe

II. Special Reports:

1. “Colombian Action Plan Related to Labor Rights,” April 2011
2. “Conclusiones de la misión tripartita de alto nivel a Colombia,” February 2011

III. Other Resources:

1. United Nations Development Group, *Results-based Management Handbook*, Geneva, October 2011.
http://www.ilo.org/public/english/bureau/program/dwcp/download/undg_rbm1011.pdf
2. UNDP Colombia, “Recognizing the Past for Constructing the Future. Report on Violence against Trade Union Members 1984-2011.”
http://www.pnud.org.co/2012/informe_sindicalismo.pdf

ANNEX C: EVALUATION QUESTIONS AND INTERVIEW MATRIX

Promoting Compliance with International Labor Standards in Colombia

MID-TERM EVALUATION INTERVIEW MATRIX

Question	Relevant stakeholder group						
	ILO Project Staff	Ministry of Labor	Other Gov't beneficiaries	Employer Sector	Labor Sector	NGOs	ILO Regional & USDOL
Relevance							
Stakeholder needs: What are the specific needs of each stakeholder group? Do the project strategies adequately address these needs or are adjustments needed to better address them?	x	x	x	x	x		x
Internal and external factors: Are there any external or internal factors that have emerged during the first half of the project implementation period that have required or will require adjustments to the project strategies?	x						x
Importance of ILO antecedents on the project design: To what extent have the tripartite agreement of 2006, the ILO high-level mission to Colombia in 2011, and the Obama-Santos Action Plan of 2011 been the driving forces for this project? Is their content and spirit accordingly reflected in the project design?	x	x		x	x		x
Validity of Project Design							
Project Design: Did tripartite partners participate in the project design? If you were to design a similar project, what strategies would you keep, add or delete to better meet the needs of stakeholders?	x	x		x	x		x
Project Progress and Effectiveness							
Effectiveness of core services: What project activities/services have been the most effective (in the sense that the delivery of products and services achieved/generated the expected results)? What have been the least effective? What evidence exists to demonstrate effectiveness?	x	x	x	x	x	x	x

Question	Relevant stakeholder group						
	ILO Project Staff	Ministry of Labor	Other Gov't beneficiaries	Employer Sector	Labor Sector	NGOs	ILO Regional & USDOL
Improvements in social dialogue: Has the project helped strengthen and intensify the social dialogue among tripartite partners? If so, how was this achieved? What challenges remain? How might these be overcome?	x	x	x	x	x	x	
Project Targets: What is the project's biggest achievement? Has the project been able to meet its established targets? If not, why not? How can obstacles be overcome?	x	x	x	x	x	x	
Stakeholder engagement and buy-in: How have tripartite stakeholders participated in the implementation of project activities? Has their participation demonstrated ownership/buy-in of project activities? What can the project do to increase stakeholder engagement?	x	x	x	x	x		
Efficiency of Resource Use							
Resource Efficiency: Have project resources been used efficiently to achieve project outcomes? Are there any more efficient and equally effective alternatives?	x	x		x	x		x
Time Efficiency: Is the project implementation on or behind schedule? What was the cause of any delays? How can they be overcome?	x	x					x
Effectiveness of Management Arrangements							
Project Management: What have been the most effective aspects of project management, including staffing and communication? Are there any aspects that could be improved to obtain better results?	x						x
Role of USDOL and ILO: What support does USDOL and ILO provide to the project? To what degree has the project received support from the ILO regional office? Is this adequate or how can it be improved to obtain better results?	x						x

Question	Relevant stakeholder group						
	ILO Project Staff	Ministry of Labor	Other Gov't beneficiaries	Employer Sector	Labor Sector	NGOs	ILO Regional & USDOL
Sustainability							
Sustainability: Which aspects of the project appear to be sustainable (financial sustainability and process sustainability)? What can the project do now to increase the likelihood of sustainability?	x	x	x	x	x	x	x
Stakeholder commitment: What is the long-term commitment of tripartite stakeholders? What adjustments to project strategies should be made to increase stakeholder commitment?	x	x	x	x	x		
CPCPSL and CETCOIT: What is the likelihood of sustaining the Permanent Commission for Labor Policy and Salaries (CPCPSL) and the Special Committee on the Treatment of Conflicts before the ILO (CETCOIT)? Evidence?	x	x		x	x		x
Lessons Learned and Good Practices							
Lessons Learned: What lessons can be learned to date about the project's accomplishments and weaknesses in terms of effectiveness and sustainability of interventions?	x	x	x	x	x	x	x
Good Practices: If you had to design a similar project in the future, what would you do the same way? What would you do differently?	x	x	x	x	x	x	x

ANNEX D: LIST OF PERSONS INTERVIEWED

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ANNEX E: PROJECT LOGICAL FRAMEWORK

Table xy: Project Logical Framework

Project Structure	Indicators	Means of Verification
<p>DEVELOPMENT GOAL: To promote a labour regime that contributes to economic development with social justice in Colombia.</p>	<p>Labour relations in Colombia are developed in a climate of trust and respect for fundamental rights at work.</p> <p>The Colombian government has strengthened mechanisms for prevention and prosecution of anti-union violence</p> <p>The Colombian government has strengthened mechanisms for protecting fundamental rights at work and enforcing Colombian labour laws</p>	<p>Statistics of the National Administrative Statistics Department, the Ministry of Labour, Prosecutor General’s Office and the protection programmes of the Ministry of the Interior and the Ministry of Education</p> <p>Statistics and qualitative analysis from and surveys of stakeholders</p>
<p>IMMEDIATE OBJECTIVE 1: Strengthen the institutional capacity of the Ministry of Labour, especially the labour inspectorate, to effectively enforce Colombian labour laws and guarantee fundamental rights at work, particularly in relation to freedom of association and collective bargaining, in accordance with International Labour Standards</p>	<p>Number of strikes and labour layoffs</p> <p>Number of collective bargaining conflicts</p> <p>Number of charters of union organizations filed</p> <p>Number of collective bargaining agreements</p> <p>Rate of coverage of collective bargaining</p> <p>Number of cases resolved by the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT)</p>	<p>Ministry of Labour statistics</p> <p>Ministry of Labour records</p> <p>Analyses, records, and statistics of different information sources (Ministry, Medellín National Union School, CUT, CGT and CTC unions)</p> <p>CETCOIT minutes and official reports from the Ministry or Labour</p>
<p>OUTPUT 1.1: The Ministry of Labour, especially the labour inspectorate, has been strengthened in accordance with the new structure and responsibilities to provide timely, efficient services to protect fundamental rights at work and enforce Colombian labour laws</p>	<p>Level of satisfaction of social and civil society actors with Ministry of Labour services</p> <p>Information management system approved and in operation</p> <p>Number of reports on inspection-related data and results produced by the labour information system shared with stakeholders</p> <p>Number of procedures (complaints, requests, follow-up, etc.) that stakeholders and the general public have reported via the website</p>	<p>Ministry of Labour reports on inspection-related data and results</p> <p>Surveys of satisfaction with Ministry of Labour services</p> <p>Survey on knowledge of Ministry functions and mechanisms</p> <p>Ministry of Labour website</p>

Project Structure	Indicators	Means of Verification
<p>Activity 1.1.1: Design, a computerized information system for the registration and analysis of labour inspection data, reports and other services, available online, which enables real-time input and use of information and user accessibility and consolidates, integrates, and updates all existing labour inspection databases</p>	<p>A computerized information system for the registration and analysis of labour inspection data and reports and other services</p> <p>A computerized information system is launched and fully operational</p> <p>A Ministry of Labour policy requiring the use of the information system by all national and regional offices</p>	<p>Ministry of Labour website</p> <p>Policy requiring the use of the online information system</p>
<p>Activity 1.1.2: Design and implement a training program for Ministry officials on the use of the information system (as information managers or users)</p>	<p>Training program designed and implemented, including an easily updatable training booklet</p> <p>Number of Ministry of Labour officials trained</p>	<p>Copy of training materials: training booklets printed, distributed and used in training sessions</p> <p>List of participants at training sessions</p> <p>Systematization of evaluations of trained officials</p>
<p>Activity 1.1.3: Provide technical assistance for conducting an analysis of the information supplied by the system and publish the findings</p>	<p>Study report</p> <p>Number of stakeholders and government offices that receive the report</p>	<p>Copy of study report</p> <p>List of stakeholders and government offices that receive the report</p>
<p>Activity 1.1.4: Evaluate the operation of the information system, validate with stake holders and make the necessary adjustments for its efficient operation</p>	<p>Result of evaluations conducted</p> <p>Improvements to the information system incorporated</p>	<p>Evaluation report</p> <p>Report on information system modifications</p>

Project Structure	Indicators	Means of Verification
<p>Activity 1.1.5: Support the updating of the Ministry of Labour’s website to allow complainants to easily file complaints and monitor the status of their complaints and enable interested parties to implement other administrative procedures online; and launch a public campaign to disseminate those services</p>	<p>Website modules for monitoring complaints and claims developed and launched</p> <p>Website modules for performing additional administration procedures on line developed and launched</p> <p>Information campaign designed and launched</p> <p>Number of stakeholders targeted by campaign</p> <p>Increase in the number of visits/consultations on the website</p> <p>Increase in the number of administrative tasks performed online</p>	<p>Web site</p> <p>Copy of campaign material and registration of campaign beneficiaries</p> <p>Statistics on use of website</p>
<p>OUTPUT 1.2: Technical capacity of labour inspectors to enforce Colombian labour laws, with a focus on fundamental rights at work, has been strengthened with participation of stakeholders</p>	<p>Rate of positive perception and satisfaction of stakeholders with respect to performance of labour inspectors</p> <p>Number of inspectors trained</p> <p>Number of targeted inspections conducted on high-risk issues or in high-risk sectors</p> <p>Number of cases of violations of labour law and fundamental rights at work resolved and sanctioned by the labour inspection</p>	<p>Workplace surveys on perception of capacity of labour inspectors</p> <p>Record of inspectors trained</p> <p>Labour inspection reports and statistics</p>
<p>Activity 1.2.1: Analyze and produce an assessment on existing labour inspection tools and procedures, including protocols, manuals, field guides and inspection forms.</p>	<p>Completed assessment</p>	<p>Assessment document approved by the Ministry of Labour</p>

Project Structure	Indicators	Means of Verification
<p>Activity 1.2.2: Develop, in coordination with the Ministry of Labour’s Labour Inspection Office, manuals and guides for labour inspectors, which include a methodology for risk analysis and a targeted inspection strategy to investigate certain practices on high-risk issues or in high-priority sectors, such as mining, ports and palm oil, sugar and flower production</p>	<p>Labour inspection procedural manuals and guides developed</p> <p>Methodology for risk analysis and targeted inspection strategy for high-risk issues and companies in priority sectors designed</p>	<p>Ministry of Labour adoption of the labour inspection methodology on high-risk issues and in priority sectors</p>
<p>Activity 1.2.3: Develop protocols, field guidelines and inspection forms, in coordination with the Ministry of Labour’s Labour Inspection Office.</p>	<p>Protocols, guidelines and inspection forms developed</p>	<p>Ministry of Labour use of the protocols, guidelines and inspection forms developed</p>
<p>Activity 1.2.4: Design and implement a training plan and materials for labour inspectors, taking into account the training needs identified and using the ILO’s Labour Inspectors’ Training Manual (LAB/ADMIN)</p>	<p>Training needs assessment of labour inspectors conducted</p> <p>Training program designed and implemented, including an easily updatable training booklet</p> <p>Number of Ministry of Labour officials trained</p> <p>Level of retention of programme contents</p>	<p>Assessment report approved by the Ministry of Labour</p> <p>Copy of training materials: training booklets printed, distributed and used in training</p> <p>List of participants at training sessions</p> <p>Evaluation form of inspectors trained</p>
<p>OUTPUT 1.3: The Colombian government has received support to take the measures to develop and enact the legal reforms necessary to remedy the improper use of collective pacts that threaten freedom of association and collective bargaining</p>	<p>Number of legal reforms introduced and/or approved on collective pacts</p> <p>Number of collective pacts</p>	<p>Copy of draft legislation on collective pacts</p> <p>Publication of new legislation on collective pacts</p> <p>Statistics of the Ministry of Labour.</p>
<p>Activity 1.3.1: Analyze the current legal framework and regulatory measures to remedy the improper use of collective pacts that threaten freedom of association and collective bargaining, with the participation of stakeholders.</p>	<p>Impact study of legislative and regulatory measures to remedy the improper use of collective pacts that threaten freedom of association and collective bargaining</p> <p>Meetings for consultation and/or dissemination with stakeholders</p>	<p>Copy of the study report</p> <p>Record of stakeholders attending the study consultation and/or dissemination activities</p>
<p>Activity 1.3.2: Draft the necessary reform and/or legal modification proposals on collective pacts, as well as supporting technical documents.</p>	<p>Reform and/or legal modification proposals delivered to the Ministry of Labour</p> <p>Background documents for the reforms</p>	<p>Proof of receipt of reform proposals by Ministry of Labour</p>

Project Structure	Indicators	Means of Verification
<p>OUTPUT 1.4. Knowledge of labour inspectors on the improper use of labour intermediation and all forms of contracting arrangements that threaten workers' rights (such as associated work cooperatives, simplified limited companies and temporary service agencies), on collective pacts, and on other unlawful actions that threaten freedom of association and collective bargaining has improved.</p>	<p>Number of labour inspections implemented, in particular in the priority sectors, to identify and prosecute the improper use of labour intermediation and all forms of contracting arrangements that threaten workers' rights, illegal use of collective pacts, and other unlawful actions that threaten freedom of association and collective bargaining</p> <p>Number of cases of violations of labour laws and regulations, in particular in the priority sectors, on labour intermediation, contracting arrangements that threaten workers' rights, collective pacts, and freedom of association and collective bargaining resolved and sanctioned by the labour inspection</p> <p>Number of collective pacts</p> <p>Number of labour inspectors trained</p>	<p>Surveys of satisfaction of stakeholders on Ministry of Labour services</p> <p>List of labour inspectors participating at training sessions</p> <p>Ministry of Labour inspection reports and statistics</p>
<p>Activity 1.4.1: Develop and implement a training plan and materials for training labour inspectors on enforcing Colombian labour laws, on freedom of association and collective bargaining and on the protection freedom of association and collective bargaining (in coordination with Activity 1.2.4.), including a detailed guide on identifying violations using clear improper-use indicators</p>	<p>Training plan and materials designed and implemented, including an easily updatable training booklet</p> <p>Level of retention of programme contents</p> <p>Number of inspectors trained</p>	<p>Copy of training materials: training booklets printed, distributed and used in training sessions</p> <p>List of participants at training sessions</p> <p>Evaluation form of inspectors trained</p>

Project Structure	Indicators	Means of Verification
Activity 1.4.2: Design and implement a training plan and materials for labour inspectors on identifying the improper use of labour intermediation and all forms of contracting arrangements that threaten workers' rights and collective pacts, including a detailed guide on identifying these violations using clear improper-use indicators	Training plan and materials designed and implemented, including an easily updatable training booklet Level of retention of programme contents Number of inspectors trained	Copy of training materials: training booklets printed, distributed and used in training List of participants at training sessions Evaluation form of inspectors trained
Activity 1.4.3: Develop updated model inspection forms for investigating violations of Colombian labour laws on freedom of association and collective bargaining and protecting the fundamental rights at work of freedom of association and collective bargaining (in coordination with Activity 1.2.3.), including clear improper-use indicators.	Updated inspection forms prepared in accordance with current labour law and regulations	Ministry of Labour use of the new forms
Activity 1.4.4: Develop updated model inspection forms for investigating the improper use of labour intermediation and all forms of contracting arrangements that threaten workers' rights and collective pacts (in coordination with Activity 1.2.3.), including clear improper-use indicators.	Updated inspection forms prepared in accordance with current labour law and regulations	Ministry of Labour use of the new forms
Activity 1.4.5: Design and implement a training plan and materials for stakeholders on the improper use of labour intermediation and all forms of contracting methods that threaten workers' rights and collective pacts, as well as on existing institutional mechanisms for reporting and remedying such improper use	Training plan and materials designed and implemented, including an easily updatable training booklet Level of retention of programme contents Number of stakeholders trained	Copy of training materials: training booklets printed, distributed and used in training List of participants at training sessions Evaluation form of inspectors trained
OUTPUT 1.5. The Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT) has been strengthened.	CETCOIT regulations adopted Facilitator appointed Number of cases reviewed and rate of resolution	CETCOIT minutes
Activity 1.5.1. Provide technical assistance for CETCOIT bylaws	Bylaw proposal prepared	CETCOIT agreement adopting bylaws
Activity 1.5.2. Conduct a study on the possibility for the regional extension of the CETCOIT	Study approved by CETCOIT	Item in the CETCOIT minutes when participants are informed on the study findings CETCOIT agreements to apply the study recommendations
Activity 1.5.3. Provide technical assistance to facilitate the making of agreements by CETCOIT	Facilitator hired, with approval of CETCOIT members	Item in the CETCOIT minutes on agreement of facilitator appointment Facilitator reports

Project Structure	Indicators	Means of Verification
Activity 1.5.4: Support the preparation of a CETCOIT management report	Management report approved and published	Copy of public report
OUTPUT 1.6: In consultation with the Ministry of Labour a public information campaign has been launched, targeting stakeholders, on the improper use of collective pacts and labour intermediation and all contractual arrangements that threaten workers' rights, particularly the rights to freedom of association and collective bargaining.	<p>Level of understanding of stakeholders of collective pacts and labour intermediation and all forms of contractual arrangements that threaten workers' rights</p> <p>Number of complaints on the improper use of collective pacts</p> <p>Number of complaints on the improper use of labour intermediation and other contractual arrangements that threaten workers' rights</p>	<p>Surveys of stakeholders</p> <p>Complaint records and statistics of the Ministry of Labour</p>
Activity 1.6.1: Under the guidance of the Ministry of Labour, design and implement an information strategy on the improper use of collective pacts, labour intermediation, and all contractual arrangements that threaten workers' rights, beginning with a specific campaign targeting the five priority sectors of palm oil, sugar and flower production and mining and ports	<p>Information campaign on improper use Dissemination strategy implemented</p> <p>Number of stakeholders directly targeted by the campaign</p>	<p>Campaign materials designed and distributed Dissemination strategy validated by stakeholders List of stakeholders benefiting from the campaign</p>
Activity 1.6.2: Design and implement a training program and materials for trade union trainers on the improper use of collective pacts, labour intermediation and all contractual arrangements that threaten workers' rights, beginning with a specific campaign targeting the five priority sectors of palm oil, sugar and flower production and mining and ports	<p>A training program and materials designed and implemented, including an easily updateable training booklet for trade union trainers and their future trainees Number of trade union trainers trained in the material and how to replicate training Improved knowledge level of trade union trainers</p>	<p>Training booklets printed, printed, distributed and used in training List of trade union trainers benefiting from the activity Results of evaluations of participants</p>
Activity 1.6.3: Design and implement a training program and materials for employer trainers on the improper use of collective pacts, labour intermediation and all forms of contracting that threaten workers' rights, beginning with a specific campaign targeting the five priority sectors of palm oil, sugar and flower production and mining and ports	<p>A training program and materials designed and implemented, including an easily updateable training booklet for trade union trainers and their eventual trainees Number of employer trainers trained in the material and how to replicate training Improved level of knowledge of trade union trainers</p>	<p>Training booklets printed, printed, distributed and used in training List of employer trainers benefiting from the activity Results of evaluations of participants</p>

Project Structure	Indicators	Means of Verification
IMMEDIATE OBJECTIVE 2: Strengthen existing social dialogue institutions, specifically the Departmental Sub commissions	National social dialogue institution improved by strengthening its secretariat and its operations Number of regular meetings Number of members of social dialogue bodies trained	Publication of notice of meetings of social dialogue institutions, meeting agendas and meeting results, including follow-up agreements.
OUTPUT 2.1: The capacity of CPCPSL and its departmental sub-committees have improved and its members are trained on social dialogue and decent work concepts	Technical secretariat and its departmental subcommittees in operation at national and local level Regulations of technical secretariat and its departmental subcommittees adopted Number of participants trained Decent Work is incorporated into local policies and programs	Publication of notice of meetings of social dialogue institutions, meeting agendas and meeting results, including follow-up agreements Regulations of technical secretariat adopted and published List of participants trained
Activity 2.1.1: Provide technical assistance for the establishment and functioning of the technical secretariat of the CPCPSL and its departmental sub-committees.	Technical assistance agenda prepared and implemented with CPCPSL and Departmental sub-committees Regulations of the CPCPSL technical secretariat and its departmental subcommissions drafted and adopted	Studies and reports of technical assistance activities Regulations of the technical secretariats adopted
Activity 2.1.2: Design and implement a training programme for CPCPSL and departmental sub-committees' members on decent work including social dialogue mechanisms, fundamental rights at work and other subjects associated with their mandate	Training materials designed and implemented for CPCPSL and departmental sub-committees' members Number of CPCPSL and departmental sub-committees' members trained	Training programme curriculum List of participants trained Results of evaluations of trained participants
Activity 2.1.3: Design and implement a communications strategy for the CPCPSL and departmental subcommissions	Strategy adopted and implemented	Item in the CPCPSL minutes where strategy is adopted Implementation report

Project Structure	Indicators	Means of Verification
<p>Activity 2.1.4: Provide assistance and training to workers and employers organizations so they are capable to make and discuss their technical proposals on social economic issues in the CPCPSL and departmental sub-committees.</p>	<p>Technical assistance agenda and training prepared with workers and employers organizations at national and local level</p> <p>Technical assistance agenda and training program implemented</p> <p>Number of proposals made on social economic issues presented by workers and employers organizations to the CPCPSL and departmental sub-committees meetings</p>	<p>Minutes of meetings with workers and employers organizations Meeting minutes</p> <p>List of participants trained</p> <p>Minutes of the CPCPSL and departmental sub-committee meetings</p>
<p>OUTPUT 2.2: Bipartite social dialogue in the public sector has been consolidated</p>	<p>Number of agreements reached that are implemented</p>	<p>Minutes of meetings Minutes of agreements Report on compliance with agreements</p>
<p>Activity 2.2.1: Conduct an assessment of bipartite social dialogue in the public sector, with participation of constituents</p>	<p>Assessment completed</p>	<p>Assessment report approved by the public social dialogue commission Agreements of the commission reflect the assessment findings</p>
<p>Activity 2.2.2: Train public sector union representatives at the national and regional levels in International Labour Standards, with an emphasis on the issues of freedom of association and collective bargaining</p>	<p>Training programme designed</p> <p>Number of trade union representatives trained</p>	<p>Training materials designed List of participants at training sessions</p>
<p>Activity 2.2.3: Train public officials at the national and regional levels in International Labour Standards, with an emphasis on the issues of freedom of association and collective bargaining.</p>	<p>Training programme designed</p> <p>Number of public officials trained</p>	<p>Training materials designed List of participants at training sessions</p>

Project Structure	Indicators	Means of Verification
<p>IMMEDIATE OBJECTIVE 3: Strengthen the institutional capacity of the Colombian government to enhance protection measures for trade union leaders, members, activists and organizers and to combat impunity for perpetrators of violence against them</p>	<p>Increased confidence in the Colombian government's ability and willingness to prevent and prosecute violence against individuals involved in union activities Number and speed of actions of the Colombian government to implement protection measures, especially to evaluate risk and to investigate and prosecute cases of violence against individuals involved in union activities Number of judicial decisions handed down in cases of violence against individuals involved in union activities</p>	<p>Surveys of stakeholders Reports and statistics of pertinent government institutions Reports from courts that prosecute cases of violence against individuals involved in union activities</p>
<p>OUTPUT 3.1: An extensive public information campaign, targeting stakeholder, has been launched on the broader scope of protection programme coverage to include labour activists, persons who are currently engaged in efforts to form a union, and former unionists who are under threat because of their past union-related activities.</p>	<p>Number of stakeholders that have been informed and trained Evaluation of stakeholders' understanding of the scope of protection programme coverage. Number of requests received by the protection programme from persons who are currently engaged in efforts to form a union, and former unionists who are under threat because of their past union-related activities</p>	<p>Record of training activities Surveys of stakeholders Statistics of the protection programme</p>
<p>Activity 3.1.1: Design and implement an extensive public information campaign on the broadened scope of protection programme coverage to include labour activists, persons who are currently engaged in efforts to form a union, and former unionists who are under threat because of their past union-related activities</p>	<p>Campaign contents designed and development strategy defined Campaign implemented</p>	<p>Campaign materials Campaign implementation report Survey targeting specific audiences to measure the impact of campaign messages</p>

Project Structure	Indicators	Means of Verification
<p>Activity 3.1.2: Design and implement a training programme for trade union trainers, at the national and regional levels, on the expanded coverage of protection programmes to include labour activists, persons who are currently engaged in efforts to form a union, and former unionists who are under threat because of their past union-related activities</p>	<p>Training programme and materials developed, including an easily updateable training booklet for trade union trainers and their eventual trainees Number of trainers who receive training on the material and teaching methods Level of retention of programme contents</p>	<p>Training booklets printed, disseminated and used in training sessions Record of all trade union trainers who participated in the training Results of training evaluations</p>
<p>Activity 3.1.3 Design and implement a training programme for trade union trainers on the fundamental rights of freedom of association and collective bargaining, including strategies to increase trade union membership.</p>	<p>Training programme and materials designed Number of trainers who receive training on the material and teaching methods Level of retention of programme contents Number of initiatives and programmes implemented to increase trade union membership</p>	<p>Training booklets printed, disseminated and used in training sessions Record of all trade union trainers who participated in the training Report on the results of training evaluations Number of new members of trade unions</p>
<p>OUTPUT 3.2: Officials of the Prosecutor General's Office and the justice system, including police investigators, prosecutors and criminal court judges assigned to labour cases, will have been trained on the specific application of the fundamental rights at work of freedom of association and collective bargaining as they pertain to the most critical issues present in labour violence cases.</p>	<p>Level of understanding of trained officials of how to apply the fundamental rights at work of freedom of association and collective bargaining to the most critical issues present in labour violence cases Number of officials trained Number of cases or procedures developed by officials in which the contents of training are applied</p>	<p>Record of participants Surveys of officials trained and beneficiary population Report on the analysis of cases or procedures implemented</p>
<p>Activity 3.2.1: In consultation with the Prosecutor General's Office and the Supreme Court and other authorities concerned, design and implement a training programme for justice officials, prosecutors and police investigators at the national and regional level, on the fundamental rights at work of freedom of association and collective bargaining that strengthen their capacity to conduct investigations in cases of violence or threats against individuals involved in union activities.</p>	<p>Training programme and materials designed Number of judicial officials, prosecutors and police investigators trained on topics related to freedom of association and collective bargaining Level of assimilation of contents by the officials trained</p>	<p>Training booklets printed, disseminated and used in training sessions Record of all judicial officials, prosecutors and police investigators who participated in the training Report on the results of training evaluations Case review report</p>

Project Structure	Indicators	Means of Verification
<p>Activity 3.2.2: In consultation with the Prosecutor General’s Office and the Supreme Court and other authorities concerned, design and implement training programmes for justice officials and for prosecutors and police investigators, at the national and regional level, on evaluating whether a homicide victim is a current or former union member, labour activist, or was engaged in active efforts to form a union and whether the underlying motive for the crime was anti-union animus.</p>	<p>Training programme and materials designed Number of judicial officials, prosecutors and police investigators trained Level of assimilation of contents by the officials trained</p>	<p>Training booklets printed, disseminated and used in training sessions Record of all judicial officials, prosecutors and police investigators who participated in the training Report on the results of training evaluations Case review report</p>
<p>OUTPUT 3.3.: The Prosecutor General’s Office’s engagement with stakeholders, including victims and their families, improved.</p>	<p>Number of meetings of the Prosecutor General’s Office or its delegates with stakeholders, to review advances in cases Number of official communications from the Prosecutor General’s Office or its delegates to inform families of victims on case advances</p>	<p>Survey of stakeholders Minutes of meetings with stakeholders Report of contact of Prosecutor General’s Office with victims’ families</p>
<p>Activity 3.3.1: In consultation with the Prosecutor General’s Office, conduct an assessment of existing mechanisms used for communication between the Prosecutor General’s Office and stakeholders, in cases under its jurisdiction, and make recommendations</p>	<p>Assessment completed and made available to the Prosecutor General’s Office and stakeholders</p>	<p>Assessment report Confirmation of receipt of assessment report by the Prosecutor General’s Office and stakeholders</p>
<p>Activity 3.3.2: In consultation with the Prosecutor General’s Office, design and implement a strategy for regular updates, progress reports, information sessions and hearings between officials of the Prosecutor General’s Office and the interested parties in labour issues, including the National Trade Union School (<i>Escuela Nacional Sindical</i>) and the three largest trade union confederations, as well as victims and their families</p>	<p>Strategy approved and implemented</p>	<p>Records indicating adoption and implementation of the strategy</p>

Source: Project Document