
**PROMOTING COMPLIANCE WITH INTERNATIONAL
LABOR STANDARDS IN COLOMBIA:
INDEPENDENT FINAL EVALUATION**

**FUNDED BY THE
UNITED STATES DEPARTMENT OF LABOR
COOPERATIVE AGREEMENT NO. 1611120165**

JANUARY 19, 2017

ACKNOWLEDGEMENTS

This report describes in detail the final evaluation conducted in October and November 2016 of the Promoting Compliance with International Labor Standards in Colombia (PCILSC) project. Michele Gonzalez Arroyo, an independent evaluator, conducted the evaluation in conjunction with project staff and stakeholders and prepared the evaluation report according to the contract terms specified by O'Brien and Associates International, Inc. The evaluator would like to thank Colombian government officials; business leaders; trade union leaders; and workers from the palm, sugar cane and port sectors who participated in this evaluation. Special thanks go to ILO project staff for coordinating the Colombia field visit and supporting the evaluator throughout the evaluation process.



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Funding for this evaluation was provided by the United States Department of Labor under Task Order number DOL-OPS-16-T-00071. Points of view or opinions in this evaluation report do not necessarily reflect the views or policies of the United States Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

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EXECUTIVE SUMMARY

In December 2011, the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) US \$2 million to implement a five-year technical cooperation project entitled “Promoting Compliance with International Labor Standards in Colombia” (PCILSC or “the project”). An additional \$8.32 million was added to the project budget in four different appropriations over the course of the five years, amounting to a combined total of US \$10.32 million and an extended project end date of June 30, 2017. 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 (Action Plan) announced by the United States and Colombia in April 2011 in the context of U.S. Congressional approval 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. It contained a key element that required 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 PCILSC project.

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

- (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 as they relate to freedom of association, collective bargaining, and conflict resolution in accordance with international labor standards;
- (2) Strengthen existing social dialogue institutions, specifically the departmental sub-commissions; 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.

Tripartite partners of the project included the Government of Colombia (Ministry of Labor, Prosecutor General’s Office, and National Protection Program), the trade union confederations (CUT, CTC, and CGT), and the employers’ organization (ANDI). The project intended to strengthen several social dialogue institutions including the Standing Commission for

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.

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).

Evaluation Purpose and Methodology

The final evaluation sought to assess PCILSC project design, the degree of progress made toward achievement of project outcomes, and lessons learned during the design and implementation phases. On a broader scale, the final evaluation served as an accountability and organizational tool for USDOL and ILO to inform the implementation of the project during its final six months, and to guide the design and implementation of subsequent projects in Colombia and elsewhere.

The methodology utilized 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 in order 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 and performance monitoring, progress and effectiveness, efficiency, management, and sustainability.

Major Findings and Conclusions

Relevance: Throughout the five-year project implementation period, the Action Plan remained the driving force behind project strategies that aimed to promote compliance with International Labor Standards. Labor priorities for tripartite stakeholder groups remained relatively constant as the focus shifted to accession to the OECD and the Peace Agreement, both of which substantiated project strategies to promote labor formalization,² strengthen the labor inspectorate and develop a constructive framework for social dialogue. As specific project milestones were reached, the focus of project strategies expanded to include ways in which to scale-up project efforts and sustain the outcomes.

Project Design and Performance Monitoring: Following the midterm evaluation, adjustments were made to the project design that resulted in significant improvements. The project effectively prioritized capacity-building strategies for the MOL IVC and reoriented its capacity-building strategies with the Prosecutor General's Office. In addition, the project successfully established a comprehensive and appropriate balance of output and outcome indicators in agreement with USDOL's Management Procedures and Guidelines that included baseline and target values by year based on reasonable best estimates. Despite progress made toward developing the elements of a performance monitoring plan, however, the absence of a fully functioning performance

² Labor formalization throughout this report refers to correcting ambiguous and disguised employment relationships.

monitoring system and designated staff person to oversee it hindered the project's ability to fully capture and report project performance.

Project Progress and Effectiveness: The training program targeting the MOL IVC provided labor inspectors with practical inspection tools—which included inspection guides, checklists, methodologies and sanction procedures—to help facilitate their application of national labor laws and unify labor inspection criteria. Furthermore, the training program contributed to more efficient labor inspections as demonstrated by an increase in the timely completion of labor inspection administrative procedures. This improvement was short-lived, however, as shown by a decrease in timeliness one year after the training. This highlights the need for an institutionalized process to monitor the accountability of labor inspectors with regard to efficient completion of administrative procedures. The participation of the labor inspectorate in the development and testing of the electronic Labor Inspection Case Management System helped to foster their buy-in and boost the potential impact of this system in improving the effectiveness, efficiency and transparency of the labor inspection process.

The training program for trade union members on promoting the demand for workers' rights effectively raised workers' awareness and ability to apply new knowledge regarding the misuse of collective pacts and ambiguous and disguised employment relationships. This was demonstrated by a significant increase in the number of complaints filed by workers, and the replication of training information by workers to their peers. These actions, in turn, led to an increase in the number of investigations and sanctions imposed by the MOL and an increase in the number of labor formalization agreements approved.

The project effectively promoted successful social dialogue through its training of public sector workers, employers and trade unions on negotiation techniques and model collective bargaining petitions. These efforts contributed to an increase in the achievement of effective collective bargaining agreements in the public sector. Likewise, the project's promotion of social dialogue and conflict resolution through CETCOIT contributed to a significant improvement in the number of agreements negotiated. Nevertheless, the absence of a proper follow-up mechanism to ensure implementation and an absence of sustainability for CETCOIT without ILO financial support places in doubt the prospect of full compliance with negotiated agreements and continued operation of CETCOIT.

Following the midterm evaluation, adjustments were made to the project strategy that narrowed the capacity-building strategies for the Prosecutor General's Office to Article 200 of the Penal Code—criminal conduct prejudicial to the right of freedom of association. This effectively provided participants with practical training and the opportunity to apply newly gained knowledge and skills in the investigation of Article 200 cases. The subsequent technical assistance and consultation provided by project consultants represented a good practice worthy of expansion and replication. The ability to replicate and sustain this progress will depend on the ability of the Prosecutor General's Office to establish and/or maintain an internal training mechanism that employs the adopted project training materials.

Project Management Arrangements: Although the original project document included a clearly defined organizational structure, in practice an ambiguous chain of supervision hindered the ability of project staff to work as a cohesive team. In addition, there was a disproportionate

number of responsibilities assigned to the project's CTA, including budget and administrative management, reporting of project progress to USDOL and ILO, coordination of all performance monitoring and evaluation duties, and coordination of all activities associated with Objective 1—nearly two-thirds of all project activities. A project of this size typically employs a core team of individuals responsible for administrative and performance-monitoring tasks, with additional personnel overseeing coordination of project activities.

Project Efficiency: Annual expenditure rates could not be determined without concise information regarding annual budget allocations and rollover amounts. A comparison of expenditures for developing and implementing the project's numerous training events showed the greatest cost efficiency for activities under Objective 1 in which total cost per participant also included the development and publication of inspection tools, virtual classrooms and training toolkits for workers. The replication of Objective 1 trainings by workers from priority sectors further enhanced the cost-efficiency associated with these trainings. The development and rollout of the Labor Inspection Case Management System demonstrated a highly efficient and strategic allocation of resources resulting in successful completion of the system and a comprehensive plan to support its rollout and sustainability.

Project Impact Orientation and Sustainability: The outcomes associated with **Objective 1** showed the greatest potential for sustainability. Products and services contributing to Objective 1 outcomes included the practical inspection tools, virtual training program and Labor Inspection Case Management System. The project strategies successfully strengthened the technical capacity of the labor inspectorate and obtained the necessary institutional commitment from the MOL in the form of designated technical monitors in each MOL Regional Office and the Institutional Readiness Plan to sustain these products and services. Objective 1 outcomes associated with workers' increased awareness and application of labor laws also demonstrated the potential for sustainability by strengthening the technical capacity of trade unions and workers to use the tools and to replicate the trainings on the misuse of collective pacts and ambiguous and disguised employment relationships.

The sustainability of outcomes associated with **Objective 2** is less certain, due, in part, to an unwillingness by tripartite stakeholders to commit any financial support toward sustaining CETCOIT. Still, the project's capacity-building efforts to strengthen social dialogue processes successfully reinforced the negotiation skills of tripartite constituents, which, in turn, increased the number of effective public sector collective bargaining agreements and the participation of tripartite constituents in CETCOIT.

The outcomes associated with **Objective 3** show strong potential for sustainability as demonstrated by the strengthened technical capacity of the Prosecutor General's Office with regard to Article 200. In addition, the Prosecutor General's Office demonstrated institutional commitment when it established a special team of prosecutors to handle or provide consultation on all Article 200 cases. The sustainability of these capacity-building efforts will depend on the commitment of the Prosecutor General's Office to scale-up the Article 200 training and implement the promised forums for all of its investigators and prosecutors.

A number of services and products developed during the course of the project show significant potential for continuation, expansion, and replication for use in other contexts. The following are

especially promising: (1) the Training Program to Strengthen Labor Inspection in Colombia; (2) the Labor Inspection Case Management System and the corresponding Institutional Readiness Plan; (3) the Training Program to Promote the Demand for Labor Rights and the Training Program to Promote Labor Formalization, both targeting trade unions from priority sectors; (4) CETCOIT; (5) model guides to promote collective bargaining agreements in the public sector; and (6) the Article 200 Training Program developed for the Prosecutor General's Office. Together, these products and services demonstrate the ability to increase stakeholder buy-in, experience successful implementation and sustainability, and contribute to action-oriented results. Continued successful coordination with national and international non-governmental organizations will further enhance the results of activities targeting workers.

Recommendations

The following recommendations are based on findings and conclusions of the final 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.

- (1) **Obligate grantees to establish a performance monitoring plan:** USDOL should hold all grantees accountable for the establishment and proper use of a PMP in accordance with USDOL's Management Procedures and Guidelines. USDOL also should ensure that projects of this size and scope designate ample funds to support monitoring and evaluation activities. The grantee should be held accountable for use of the performance monitoring data throughout the project implementation period to a) assess project progress and b) make any necessary changes to strengthen project outcomes.
- (2) **Establish a clearly defined project organizational structure:** The ILO Country Office should ensure that the project's organizational structure is clearly defined at the project's onset, and provide any backstopping necessary to clarify staff performance expectations and the chain of supervision. In addition, the ILO should make certain that there is sufficient project personnel to execute the numerous administrative and performance monitoring tasks so that no one person carries a disproportionate number of responsibilities.
- (3) **Support the implementation of the Labor Inspection Case Management System:** The project should prioritize its support for the roll-out of the MOL IVC's electronic Labor Inspection Case Management System during the six-month extension period. This might include providing follow-up support to the designated technical monitors in each Regional Office to ensure that they are sufficiently prepared to provide assistance to labor inspectors. Furthermore, the project should provide the MOL IVC's Information Technology staff with sufficient technical support to troubleshoot any problems that might arise. Finally, the project should provide technical assistance to MOL IVC officials to develop a performance monitoring plan with a clearly defined baseline and performance indicators to measure changes in the efficiency and effectiveness of the labor inspection process over time.
- (4) **Support the expansion of the Article 200 training:** In light of recent successes in the area of strengthening the capacity of the Prosecutor General's Office, the ILO should

consider providing follow-up on the verbal commitment of the PGO to (a) scale-up the Article 200 training, and (b) provide forums for its investigators and prosecutors to discuss cases prosecuted under Article 200.

- (5) **Promote the project's good training practices:** USDOL should consider highlighting the methodology used in the PCILSC project trainings for labor inspectors, trade unions and the Prosecutor General's Office during future technical cooperation forums. The successful results of the project's trainings are attributable, in part, to (a) opportunities provided to participants post-training to apply their new knowledge and skills, and (b) technical assistance provided during this application of information. This "teach and apply" methodology results in actions that significantly contribute to training outcomes.
- (6) **Strengthen future strategies toward social dialogue:** Future ILO projects should consider strengthening strategies that promote social dialogue. This should include the establishment of a clearly articulated follow-up mechanism for all negotiated agreements to ensure compliance and promote sustainability. This also might include increased efforts to secure the financial commitment of tripartite stakeholders.

LIST OF ACRONYMS

ANDI	National Business Association of Colombia/ <i>Asociación Nacional de Empresarios de Colombia</i>
CETCOIT	Special Committee for the Management of Conflicts Referred to the ILO/ <i>Comité Especial de Tratamiento de Conflictos ante la OIT</i>
CGT	General Confederation of Labor / <i>Confederación General del Trabajo</i>
CPCPSL	Standing Commission on Wage and Labor Policies/ <i>Comisión Permanente de Concertación de Políticas, Salarias y Laborales</i>
CTC	Confederation of Workers of Colombia/ <i>Confederación de Trabajadores de Colombia</i>
CUT	Single Confederation of Workers of Colombia/ <i>Central Unitaria de Trabajadores</i>
ENS	National Union School/ <i>Escuela Nacional Sindical</i>
GoC	Government of Colombia
ILAB	Bureau of International Labor Affairs, USDOL
ILO	International Labor Organization
IVC	Division of Inspection, Monitoring, Control and Regional Management of the Ministry of Labor/ <i>Dirección de Inspección, Vigilancia, Control y Gestión Territorial</i>
JFC	Justice and Freedom Corporation/ <i>Corporación Justicia y Libertad</i>
MOL	Ministry of Labor/ <i>Ministerio del Trabajo</i>
MPG	Management Procedures and Guidelines
OTLA	Office of Trade and Labor Affairs, USDOL
PCILSC	Promoting Compliance with International Labor Standards in Colombia/ <i>Promoción del Cumplimiento de las Normas Internacionales del Trabajo</i>
PGO	Prosecutor General's Office/ <i>Fiscalía General de la Nación</i>
SENA	National Training Service/ <i>Servicio Nacional de Aprendizaje</i>
ToR	Terms of Reference
UNP	National Protection Program, Ministry of the Interior/ <i>Unidad Nacional de Protección, Ministerio del Interior</i>
USDOL	United States Department of Labor

I. PROJECT BACKGROUND AND DESCRIPTION

1.1 PROJECT BACKGROUND

In December 2011, the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) US \$2 million to implement a five-year technical cooperation project entitled “Promoting Compliance with International Labor Standards in Colombia” (PCILSC or “the project”). An additional \$8.32 million was added to the project budget in four different appropriations over the course of the five years, amounting to a combined total of US \$10.32 million and an extended project end date of June 30, 2017. 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 (Action Plan) announced by the United States and Colombia in April 2011 in the context of U.S. Congressional approval of the U.S.-Colombia Free Trade Agreement of November 2006.³ 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. It contained a key element that required 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 PCILSC project.

1.2 PROJECT DESCRIPTION

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

- (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 as they relate to freedom of association, collective bargaining, and conflict resolution in accordance with international labor standards;
- (2) Strengthen existing 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 sub-commissions of the

³ 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.

CPCPSL, and the Special Committee for the Management of Conflicts Referred to the ILO/*Comité Especial de Tratamiento de Conflictos ante la OIT (CETCOIT)*;

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

The project intended to produce a range of results at the national, departmental and local levels with the following stakeholders: the Government of Colombia including the Ministry of Labor, Prosecutor General’s Office, National Protection Program of the Ministry of the Interior; trade unions including the General Confederation of Labor (CGT), Confederation of Workers of Colombia (CTC), Single Confederation of Workers of Colombia (CUT), and their affiliate unions; employers’ organizations, in particular the National Business Association of Colombia (ANDI); and social dialogue institutions including the Standing Commission for Consultation on Wage and Labor Policies (CPCPSL) and its 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 with regard to the use of ambiguous and disguised employment arrangements (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 (PGO)	<ul style="list-style-type: none"> • Increased ability of investigators and prosecutors to identify a possible anti-union motive and determine whether a victim of violence was/is a labor leader, member, activist, or engaged in union activities. • Improved engagement by the PGO 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 identify a possible anti-union motive and determine whether a victim of violence was/is a labor leader, member, activist, or engaged in union activities.
Social dialogue institutions (CETCOIT, CPCPSL, departmental sub-commissions)	<ul style="list-style-type: none"> • Improved capacity of CPCPSL and departmental sub-commissions to handle 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 adequate resolutions.

<p>Worker Organizations</p>	<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 arrangements (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 threatens 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 labor activists, persons who currently are engaged in efforts to form a union, and former unionists who are under threat based on past union-related activities. • Improved capacity to participate effectively in the CPCPSL and departmental sub-commissions 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.
<p>Employers Organizations</p>	<ul style="list-style-type: none"> • Improved knowledge of employers regarding the use of ambiguous and disguised employment arrangements (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 threatens 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 sub-commissions to handle issues related to decent work and fundamental rights at work.

Source: Project Document: Promoting Compliance with International Labor Standards in Colombia, 2012

II. EVALUATION PURPOSE AND METHODOLOGY

2.1 PURPOSE

The final evaluation sought to assess PCILSC project design, the degree of progress made toward achievement of project outcomes, and lessons learned during the design and implementation phases. On a broader scale, the final evaluation served as an accountability and organizational tool for USDOL and ILO to inform the implementation of the project during its final six months, and to guide the design and implementation of subsequent projects in Colombia and elsewhere.

The evaluator collected data from project documents and reports as well as interviews with key project personnel, partners, and a diverse range of stakeholders in Colombia that participated in the project's interventions. The evaluation Terms of Reference (TOR) contained a specific set of questions to guide the evaluation. These questions addressed key issues related to the project's (1) relevance, (2) design and performance monitoring, (3) progress and effectiveness, (4) efficiency, (5) management, and (6) sustainability and impact orientation. The entire list of evaluation questions can be found in the Terms of Reference (TOR) in Annex A.

The primary recipients of the evaluation are USDOL and ILO, both of whom may use the evaluation report to determine the strengths and weaknesses of the project's design and implementation, and to assess its potential as a model for promoting compliance with international labor standards.

2.2 METHODOLOGY

Evaluation Schedule: The evaluation was conducted between October and November 2016. Prior to its initiation, the evaluator reviewed project documents, developed data collection instruments and arranged for the fieldwork interviews. Fieldwork was conducted in Colombia from October 31 to November 11, 2016. 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 November 15 to December 1, 2016. The complete schedule of evaluation activities appears in the TOR (Annex A).

Document Review: Prior to arriving in Colombia, the evaluator reviewed and referenced the Project Document (ProDoc), performance monitoring reports, project communications, technical progress reports and the midterm evaluation (conducted by the same evaluator in February 2015). Additional supporting evidence gathered during the field mission included technical tools developed for the labor inspectorate, Action Plan updates, and six studies designed to assess potential impact based on project results. (See Annex B for a complete list of documents reviewed.)

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 interview guides used with the diverse stakeholder groups. Stakeholders were assigned interview questions that

took into account their background knowledge and degree of involvement in project activities. The general interview questions for each stakeholder group can be found in Annex C.

Key Informant Interviews: The evaluator used a purposeful, non-random sampling methodology to select the interviewees. In total, 70 stakeholders were interviewed either individually, in small groups, or by telephone. The interviewees represented Colombian government, employer, and labor sectors; academic institutions; non-governmental organizations; ILO Office for the Andean Countries; donor representatives; and other key actors participating, supporting and advising the project. This information is summarized in Table 2, along with interview methodology, sample size, and characteristics of the sample. A complete list of persons interviewed can be found in Annex D.

Table 2: Stakeholders Interviewed for Final Evaluation (October-November 2016)

Stakeholder Group	Method of Interview (Individual, Group, Phone)	Sample Size	Characteristics
Project Staff and Regional ILO officials	Individual, Group and Phone	10	Chief technical advisor; component coordinators; support staff; regional ILO officials in Bogotá and Lima.
Project Consultants	Individual	10	Technical advisors; researchers carrying out impact studies
Ministry of Labor (MOL)	Individual and Group	14	Labor Inspectorate officials; Information Technology specialists
Prosecutor General's Office	Individual and Phone	5	Representatives of unit investigating and prosecuting crimes that violate fundamental labor rights
Trade Unions	Group	16	Representatives of the three main trade union confederations: CGT, CTC, and CUT; local union leaders representing workers from palm, port and sugar sectors.
Employers	Individual and Phone	4	Representative of ANDI (key employer association); employers from palm and port sectors.
Others (NGOs, Academia)	Individual and Group	7	Representatives of NGOs working on behalf of workers; Representative of university offering continuing education to legal professionals
USDOL	Individual and Phone	4	International Relations Officers from USDOL
TOTAL INTERVIEWS		70	

Debriefing: Following completion of the fieldwork, the evaluator conducted a debriefing meeting with project staff and a Ministry of Labor official in Bogotá to present preliminary findings and to solicit feedback. Representatives from the main employer group, ANDI, and the three labor confederations were invited to attend but were unable due to scheduling issues.

Evaluator: An external evaluator with a background in labor, education and public health conducted the final evaluation. The evaluator has extensive experience conducting evaluations of

international development projects throughout Latin America and Southeast Asia. This includes the midterm evaluation of the Promoting Compliance of International Labor Standards in Colombia (PCILSC) project, as well as two other labor projects in Colombia. The evaluator was responsible for developing the evaluation methodology in conjunction with USDOL and PCILSC project staff, conducting interviews and other data collection processes, analyzing the data, and preparing the evaluation report.

Limitations: The findings for this evaluation are based on information collected from background documents and interviews with project staff and stakeholders. The accuracy and usefulness of these findings relies on the integrity and relevance of the information provided to the evaluator from these sources. Stakeholder responses were triangulated, to the extent possible, with quantitative data to strengthen the accuracy and reliability of the interview 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 questions in the TOR (appearing in italics) and are organized according to the following evaluation areas: project relevance and strategic fit, project design and performance monitoring, project progress and effectiveness, effectiveness of management arrangements, efficiency of resource use, and sustainability of key outcomes.

3.1 PROJECT RELEVANCE AND STRATEGIC FIT

This section examines the extent to which the national labor agenda changed concurrent with project implementation; the extent to which the project's strategies continued to be relevant throughout the five-year implementation period; and the synergies cultivated with other labor rights projects in Colombia.

3.1.1 Changes in the National Labor Agenda

How did the national labor agenda change since the beginning of the Project in response to Project initiatives or to external factors e.g., shift from Action Plan to OECD to Peace Process?

As discussed in Section 1.1, the PCILSC project was established as a result of three key events related to the promotion of fundamental labor rights in Colombia. The most instrumental was the Colombia Action Plan Related to Labor Rights (Action Plan) announced by the United States and Colombia in April 2011, which required the commitment of the Government of Colombia to seek the cooperation, advice and technical assistance of the ILO to implement the Action Plan's specific measures.

Over the course of the five-year project implementation period, the Action Plan remained the driving force behind project strategies. At the same time, two additional policy actions were influencing the national labor agenda: Colombia's desire to gain accession/membership to the OECD (Organization for Economic Cooperation and Development), and the Peace Accord to end the 52-year armed conflict between the Government of Colombia and the FARC (Revolutionary Armed Forces of Colombia).

An OECD review of Colombia's labor market and social policies identified a number of the same labor recommendations as those contained in the Action Plan to promote compliance with International Labor Standards.⁴ This included promoting labor formalization, strengthening the labor inspection system, and developing a constructive framework for social dialogue. An additional recommendation was made in the OECD Review publication to establish and implement a framework of cooperation between the Ministry of Labor (MOL) and the Prosecutor General's Office (PGO) to improve the prosecution of anti-union violence and conduct

⁴ OECD, "OECD Reviews of Labour Market and Social Policies: Colombia 2016," OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264244825-en>

prejudicial to the right of freedom of association under Article 200 of the Penal Code. Several stakeholders commented on the gap in communication between the MOL and PGO during the evaluation interviews.

The recently concluded Peace Agreement between the Colombian Government and the FARC⁵ also addressed some of the same labor issues identified in the Action Plan and the OECD Review. These issues include the promotion of labor formalization and the strengthening of the labor inspection system.

3.1.2 Changes in Stakeholders’ Labor Priorities and Needs

How did the needs of the stakeholders change since the beginning of the project? To what extent did these changes affect the relevance of the project? In what ways and how effectively did the project adapt and respond to those changes?

Labor priorities for tripartite stakeholder groups remained relatively constant as the focus shifted from the Action Plan to the Peace Agreement and accession to the OECD. As specific project milestones were reached, project strategies shifted their focus toward ways in which to scale-up project efforts and sustain project outcomes. Table 3 summarizes the current labor priorities identified by stakeholders during the final evaluation interviews, and project strategies that addressed these priorities.

Table 3: Project Strategies Addressing Stakeholders’ Current Labor Priorities

Stakeholder Group	Current Labor Priorities Identified	Project Strategies Addressing Priorities
MOL, Labor Inspectorate (IVC)	<ul style="list-style-type: none"> • Comprehensive application of inspection tools and protocols that improve the efficiency and effectiveness of the inspection process. • Implementation of an electronic Labor Inspection Case Management System to increase efficiency, effectiveness and transparency of the labor inspection process. • Comprehensive follow-up to ensure proper use of the electronic Labor Inspection Case Management System. 	<ul style="list-style-type: none"> • Technical assistance in the design and implementation of an electronic Labor Inspection Case Management System for the registration and analysis of labor inspection data and reports and other services. • Development of practical tools for labor inspectors to enhance their application of labor laws pertaining to the right of freedom of association and collective bargaining. These tools included inspection guides, checklists, and inspection methodologies. • Implementation of a training program for labor inspectors on the use of new inspection materials, tools and protocols; enforcement of Colombian labor laws on freedom of association and collective bargaining, use of ambiguous and disguised employment relationships, and the improper use of non-

⁵ “Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera,” Nov. 12, 2016. <https://www.mesadeconversaciones.com.co/sites/default/files/12-1479102292.11-1479102292.2016nuevoacuerdofinal-1479102292.pdf>

		<p>collectively bargained benefits packages (collective pacts) that offer better benefits than collective bargaining agreements and/or otherwise undermine freedom of association and collective bargaining.</p> <ul style="list-style-type: none"> • Technical assistance during the six-month rollout of the Labor Inspection Case Management System.
Prosecutor General's Office (PGO)	<ul style="list-style-type: none"> • Increased awareness and application of Article 200 of the Colombian penal code (criminal conduct prejudicial to the right of freedom of association and collective bargaining). • Improve communication between MOL IVC and PGO regarding anti-union violence and conduct prejudicial to the right of freedom of association. 	<ul style="list-style-type: none"> • Training for prosecutors regarding Article 200 of the Colombian penal code; technical assistance with a select number of cases that could be prosecuted under Article 200.
Trade Unions including the three key union confederations and local trade unions	<ul style="list-style-type: none"> • Increased awareness and application of labor laws that protect freedom of association and collective bargaining. • Increased accountability and follow-up to ensure compliance with agreements reached through social dialogue mechanisms. • Increased efficiency and effectiveness of the labor inspectorate to impose sanctions and approve labor formalization (to correct ambiguous and disguised employment relationships). 	<ul style="list-style-type: none"> • Implementation of a training program for trade union trainers on the improper use of ambiguous and disguised employment relationships, and the improper use of non-collectively bargained benefits packages (collective pacts) that offer better benefits than collective bargaining agreements and/or otherwise undermine freedom of association and collective bargaining, targeting the five priority sectors of palm oil, sugar, flower, mining and ports. • Training for 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.
Employer Organizations (ANDI) and employers from targeted sectors	<ul style="list-style-type: none"> • Increased awareness and application of social dialogue mechanisms, specifically CETCOIT. • Increased awareness regarding use of ambiguous and disguised employment relationships, and the improper use of non-collectively bargained benefits packages (collective pacts) that offer better benefits than collective bargaining agreements and/or otherwise undermine freedom of association and collective bargaining. • Research studies that analyze the cost benefit of direct contracting versus subcontracting. 	<ul style="list-style-type: none"> • Design and implement a training program and materials for employer trainers on the use of ambiguous and disguised employment relationships, and the improper use of non-collectively bargained benefits packages (collective pacts) that offer better benefits than collective bargaining agreements and/or otherwise undermine freedom of association and collective bargaining, targeting the five priority sectors of palm oil, sugar, flower, mining and ports. • Provide technical assistance to the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT) to increase its effectiveness.

Source: Final evaluation interviews, Nov. 2016, and PCILSC Technical Progress Report, Sept. 30, 2016

Discussion: Stakeholders from all three sectors commented that the project over its five-year implementation period contributed to addressing past and current labor priorities to further promote compliance with international labor standards.

MOL IVC officials identified the rollout of the Labor Inspection Case Management System as a top priority, which began with one Regional Office in November 2016 and is expected to be completed by June 2017. Stakeholders unanimously agreed that the Labor Inspection Case Management System is crucial for the development of a more efficient, effective and transparent labor inspection process.

Prosecutor General's Office representatives stated that the first two years of the project served to raise awareness on violence against trade union leaders, but the training information did not provide practical tools to enhance their investigative work. They added, however, that the last two years of the project met a particular capacity-building need regarding crimes against trade union members as outlined in Article 200 of the Colombian Penal Code. The prosecutors managing these cases nationwide identified as a top priority the need to scale-up efforts to apply Article 200 to hundreds of potential cases filed exclusively as violations of the Labor Code but not as labor violations of the Penal Code. Several prosecutors, project consultants and one MOL official emphasized the need to improve communication between the MOL IVC and the PGO to more effectively and efficiently combat these violations.

Trade unions at the both the central and local levels agreed that labor formalization remains one of their highest priorities, in addition to increasing awareness on the use of non-collectively bargained benefits packages (collective pacts) that are perceived as offering better benefits than Collective Bargaining Agreements, and/or otherwise undermine freedom of association and collective bargaining.⁶ One local trade union official stated that they are just now beginning to see the results of their years of effort, adding *“there is still a lot of work to do for the thousands of workers that are victims of illegal and exploitative contracting arrangements.”*

Employer representatives stated that the strengthening of social dialogue between employers and workers continues to be a top priority. A representative from the largest Colombian employer organization, ANDI, remarked that CETCOIT offers a positive example of the social dialogue process used to resolve labor disputes, but also identified the need for CETCOIT to expand into other regions of the country. An employer from the port sector commented that there is a need to conduct research focusing on the cost-benefit of labor formalization as it relates to increased production levels.

⁶ Colombia's National Union School (*Escuela Nacional Sindical, ENS*) cited a 23 percent increase in the use of collective pacts between 2011 and 2012, versus a one percent increase in collective bargaining agreements. According to ENS, employers use collective pacts in order to prevent possible unionization of employees and/or to contain or weaken existing trade unions.

3.1.3 Synergies Cultivated

To what extent did the Project cultivate synergies with other projects in Colombia both within and outside the ILO?

The project cultivated synergies with several other non-governmental organizations (NGOs) that advocate for workers' rights in Colombia. This included Colombia's National Union School (ENS), the ENS's Workers' Rights Centers (*Centros de Atención Laboral*) in four Colombian cities; the American Center for International Labor Solidarity (Solidarity Center) that provides technical assistance and training for Colombian trade unions; and a Colombian NGO dedicated to providing legal services and training for workers in the Santander region known as the Justice and Freedom Corporation (*Corporación Justicia y Libertad*).

Representatives from each of these organizations commented on the effectiveness of their coordinated efforts in training trade union leaders, including the comprehensive university certificate course for trade union leaders. A representative from the Solidarity Center emphasized the importance of working together in a coordinated fashion, stating, *"We are stronger and more effective working together. If the ILO project ends, it will be like removing one of the pillars of our united effort to promote workers' rights."*

3.2 PROJECT DESIGN AND PERFORMANCE MONITORING

The following section assesses the validity of the project objectives, targets and timeframes, and analyzes the usefulness of the performance monitoring system's indicators to monitor project progress.

3.2.1 Validity of the Project Design

Were the objectives/outcomes, targets and timing realistically set?

The project's midterm evaluation made several recommendations to strengthen deficiencies in the project design. These included (1) prioritizing capacity-building strategies for the MOL IVC under Objective 1, particularly the development of the Labor Inspection Case Management System; (2) strengthening social dialogue activities linked to Objective 2; (3) reorienting capacity-building strategies with the PGO under Objective 3; (4) establishing a baseline and identifying performance indicators at the output and outcome levels; and (5) developing a multi-year work plan detailing the pending technical activities and specific targets that could be realistically achieved. As a result of these recommendations, the project reoriented its priorities for each of the three objective areas and worked toward establishing baseline and target values for each of the identified performance indicators. The following discussion highlights the way in which these baseline and target values were established.

Objective 1 established baseline and target values for the training of MOL labor inspectorate officials (labor inspectors, regional directors, area coordinators, technicians). Baseline values were based on the total number of MOL IVC officials at the end of 2014, while target values were based on the projected number of MOL IVC officials at the end of 2016 (see Table 5). The target values represented 100% of the projected number of MOL IVC officials in 2016.

An impact assessment study and an additional survey conducted in 2015 collectively assessed the application of training information and the use of the practical inspection tools by MOL IVC training participants, as well as the number of actions taken by the labor inspectorate to address issues undermining freedom of association and collective bargaining. The results of these assessments provided the basis for the outcome indicator target values associated with strengthening the capacity of the labor inspectorate.

In order to establish output indicator target values for the training of workers and employers on national labor laws, the project took into account the total number of workers and employers trained in previous years. An impact assessment study conducted in 2014 assessed the application of training information and inspection tools by workers and employers. The results of this study provided the basis for the outcome indicator target values associated with capacity building.

Objective 2 established baseline and output indicator target values for the training of public sector workers and employers. Baseline values were based on the number of public sector workers and employers trained in 2013 and 2014, while target values were based on the projected number of public sector workers and employers to be trained by the end of 2016. An impact assessment study on the effectiveness of public sector negotiations provided the information to establish the outcome indicator target values.

Objective 2 also established baseline and output indicator target values for the training of private sector workers and employers on the admissibility of complaints to CETCOIT. The number of agreements reached in CETCOIT negotiations in 2015 served as the basis for the outcome indicator target values in 2016. Since there was no formal follow-up information regarding the actual implementation of the agreements reached in CETCOIT, the project commissioned an impact assessment study that analyzed the degree of implementation of agreements reached between 2012 and 2015. Results of this study are discussed in Section 3.3, Effectiveness.

Objective 3 narrowed its focus to strengthening the capacity of the Prosecutor General's Office regarding Article 200 of the Penal Code—criminal conduct prejudicial to the right of freedom of association. Since this involved a major change in strategy for this objective (see Section 3.3), the baseline and output indicator target values could not be based on the training numbers of previous years. As a result, these values had to be estimated by project staff. These estimates proved to be reasonable, however there were no data available to confirm whether the training information was actually used to investigate crimes with an anti-union motive. The decision was made, therefore, to work closely with the Prosecutor General's Office to apply the training information on a select number of Article 200 cases and thereby establish baseline information for future Article 200 cases. The effectiveness of this Article 200 training and application to actual cases is further discussed in Section 3.3, Project Effectiveness.

3.2.2 Performance Monitoring

How appropriate and useful were the performance indicators described in the Trimester Project Reports in assessing the project's progress? What could have strengthened the project's performance monitoring system?

The project’s midterm evaluation revealed the absence of a fully functioning monitoring and evaluation (M&E) system, which should include a performance monitoring plan (PMP), clearly defined baseline data and data tracking tables.⁷ A midterm recommendation was made to hire an additional staff person to develop and coordinate all monitoring and evaluation activities.

By the end of the five-year implementation period (November 2016), an M&E staff person had not been hired and a PMP had not been developed. Progress had occurred, however, with identification of 18 key performance indicators at the output and outcome levels, as well as establishment of baseline values and indicator target values by time period. The project reported progress on 16 of these performance indicators during its final two years (two indicators were removed as a result of consolidation of activities under Objective 3).

Assessment of PCILSC’s Performance Indicators: Performance indicators are measures that determine the degree to which a project successfully achieves its objectives or produces its outputs. The USDOL Management Procedures and Guidelines (MPG) specify that performance indicators must be “factual, verifiable, and clearly linked to an objective or output.”⁸ Table 4 outlines the project’s performance indicators (abbreviated) and assesses the appropriateness of these indicators to measure project outputs and outcomes under each objective.

Table 4: Assessment of PCILSC Project Performance Indicators (2016)

IMMEDIATE OBJECTIVE 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, in accordance with International Labor Standards.	
PCILSC Performance Indicators (abbreviated)	Analysis of Performance Indicators
1. Number of labor inspectorate officials trained on national labor laws, especially in relation to administrative labor inspection, investigation, and sanction procedures, and priority issues that undermine freedom of association and collective bargaining. (Output Indicator)	<p>The key performance indicators linked to Objective 1 include four output-oriented indicators (#1, 3, 4 and 6) and three outcome-oriented indicators (#2, 5 and 7).</p> <p>Output indicators #1 and #4 are clearly linked to Objective 1—institutional strengthening of the MOL IVC. These indicators assess quantity, i.e. <i>how many</i> IVC officials were trained, and <i>how many</i> inspection tools and protocols were developed.</p> <p>Output indicator #3 is not directly linked to Objective 1; however, building the capacity of workers and employers on national labor laws serves to raise awareness of fundamental labor rights, increase compliance and hold the labor inspectorate accountable for enforcing the national labor laws.</p>
2. Percentage of administrative labor investigations/preventative assistance actions demonstrating effective enforcement by the labor inspectorate of national labor laws, especially in relation to administrative labor inspection, investigation, and sanction procedures, and priority issues that undermine freedom of association and collective bargaining. (Outcome Indicator)	
3. Number of workers, employers, and trainers (employer or worker trainers) in the five priority sectors trained on national labor laws, especially in relation to priority issues that undermine freedom of association and collective bargaining. (Output Indicator)	

⁷ USDOL ILAB/OTLA, Management Procedures and Guidelines: Cooperative Agreements, 2015. https://www.dol.gov/sites/default/files/OTLA_2015_09_10_FY2015_MPG.pdf

⁸ *Ibid.*

<p>4. Number of tools developed for workers, employers, or the labor inspectorate to improve understanding and application of national labor laws, especially in relation to administrative labor inspection, investigation, and sanction procedures, and priority issues that undermine freedom of association and collective bargaining. (Output Indicator)</p> <p>5. Number of actions taken to address priority issues that undermine freedom of association and collective bargaining, demonstrating use by workers, employers, or the labor inspectorate of tools developed by the project. (Outcome Indicator)</p> <p>6. Number of labor inspection information systems developed. (Output Indicator)</p> <p>7. Number of labor inspectorate offices using the labor inspection information system. (Outcome Indicator)</p>	<p>Output indicator #6 is directly linked to Objective 1 since the development of a Labor Inspection Case Management System will strengthen MOL IVC’s ability to effectively and efficiently conduct labor inspections.</p> <p>Outcome indicators #2, 5 and 7 are directly linked to Objective 1 by measuring the application of labor inspection tools to strengthen the capacity of the MOL IVC.</p>
<p>IMMEDIATE OBJECTIVE 2: Strengthen existing social dialogue institutions, including the Standing Commission for Consultation on Wage and Labor Policies (CPCPSL), the departmental sub-commissions of the CPCPSL, and the Special Committee for the Management of Conflicts Referred to the ILO (CETCOIT).</p>	
<p>PCILSC Performance Indicators (abbreviated)</p>	<p>Analysis of Performance Indicators</p>
<p>8. Number of workers and employers trained on issues related to public sector bargaining negotiations. (Output Indicator)</p> <p>9. Percentage of effective public sector collective bargaining negotiations. (Outcome Indicator)</p> <p>10. Number of public sector collective bargaining petitions demonstrating use of the model petitions developed by the project. (Outcome Indicator)</p> <p>11. Number of participants trained on the Manual on the Admissibility of Complaints to CETCOIT. (Output Indicator)</p> <p>12. Percentage of agreements reached in CETCOIT. (Outcome Indicator)</p> <p>13. Percentage of agreements implemented in CETCOIT. (Outcome Indicator)</p>	<p>The key performance indicators linked to Objective 2 include three output-oriented indicators (#8, 11 and 12) and three outcome-oriented indicators (#9, 10 and 13).</p> <p>Output indicators #8 and 11 are clearly linked to Objective 2—strengthening existing social dialogue institutions. These indicators assess quantity, i.e. <i>how many</i> workers and employers were trained.</p> <p>Outcome indicators #9, 12 and 13 are clearly linked to Objective 2, focusing on the results of social dialogue efforts in the public sector and CETCOIT.</p> <p>Outcome indicator #10 is directly related to the project’s capacity-building efforts to measure the application of the model public sector bargaining petition.</p>
<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>PCILSC Performance Indicators (abbreviated)</p>	<p>Analysis of Performance Indicators</p>
<p>14. Number of government officials—charged with the investigation and/or prosecution of persons or groups that commit crimes with an anti-union motive—trained on conduct prejudicial to the right of freedom of association (Art. 200 of the Penal Code), optimization of procedures for the identification of victims as union members, leaders, or activists, and the determination of whether the crime has a potential anti-union motive. (Output Indicator)</p> <p>15. Number of investigations related to conduct prejudicial to the right of freedom of association (Art. 200 of the Penal Code) resolved. (Outcome Indicator)</p> <p>16. Number of government entities—charged with the investigation and/or prosecution of persons or groups that</p>	<p>The key performance indicators linked to Objective 3 include one output-oriented indicator (#14) and two outcome-oriented indicators (#15 and 16).</p> <p>Output indicator #14 is clearly linked to Objective 3—strengthening the capacity of government officials who are responsible for investigating and/or prosecuting crimes with an anti-union motive.</p> <p>Outcome indicators #15 and 16 are directly related to the results of the trainings on Art. 200.</p>

commit crimes with an anti-union motive—that adopt project materials as part of their internal trainings. (Outcome Indicator)	
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Source: PCILSC Project Performance Indicators, September 2016

Discussion: The project’s 16 performance indicators offered a balance of output and outcome indicators. The seven output-oriented indicators primarily measured the number of stakeholders trained in the three objective areas, and the number of tools/systems developed to enable fulfillment of the objectives. The nine outcome-oriented indicators measured the nature and extent of the stakeholders’ application of these tools and training knowledge. Given the absence of a PMP, it was not possible to verify the data collection methodology. The absence of an M&E staff person dedicated to overseeing performance monitoring activities required the existing project staff to use a “common-sense” approach when identifying performance indicators, establishing baseline information, and collecting the necessary data to measure progress. Although the data collection methodologies were not part of a well-developed performance monitoring plan, the results did suggest a degree of project effectiveness. This will be discussed further in Section 3.3, Project Effectiveness.

3.3 PROJECT PROGRESS AND EFFECTIVENESS

This section provides a quantitative and qualitative assessment of the project’s effectiveness through (a) examination of the degree of achievement of performance indicator target values, and (b) stakeholder assessments of project effectiveness. It also examines factors contributing to the achievement or non-achievement of project objectives, the project’s influence on public policy, and specific actions taken based on the recommendations of the project’s midterm evaluation.

3.3.1 Achievement of Performance Indicator Targets

To what extent did the Project meet its performance indicator targets? What were the major factors (within and beyond the project’s control) affecting the achievement of the Immediate Objectives or the meeting of the performance indicators?

The project developed its data-tracking table with baseline values and indicator target values by time period to assess achievement rates for project outputs and outcomes. The achievement rates for 2015 and 2016 are shown below in Table 5.

Table 5: Achievement Rates for Project Outputs and Outcomes (2015-2016)

OBJECTIVE 1							
INDICATOR (abbreviated)	Sort	2015			2016		
		Projected	Achieved	% Achievement	Projected	Achieved	% Achievement
1. Number of labor inspectorate officials trained on national labor laws, especially in relation to administrative labor inspection, investigation, and sanction procedures, and priority issues that undermine freedom of association (FOA) and collective bargaining (CB). (Output Indicator)	Total	300	776	259%	1,000	1,660	166%
2. Percentage of administrative labor investigations/ preventative assistance actions demonstrating effective enforcement by the labor inspectorate of national labor laws, especially in relation to administrative labor inspection, investigation, and sanction procedures, and priority issues that undermine FOA and CB. (Outcome Indicator)	Compliant ⁹	58%	85%	147%	58%	61%	105%
	Timely	35%	31%	89%	38%	8%	21%
3. Number of workers, employers, and trainers (employer or worker trainers) in the five priority sectors trained on national labor laws, especially in relation to priority issues that undermine FOA and CB. (Output Indicator)	Total	300	925	308%	800	2,039	255%
4. Number of tools developed for workers, employers, or the labor inspectorate to improve understanding and application of national labor laws, especially in relation to administrative labor inspection, investigation, and sanction procedures, and priority issues that undermine FOA and CB. (Output Indicator)	Total Tools	6	10	167%	--	N/A	N/A
	Use	--	N/A	N/A	76%	94%	124%
5. Number of actions taken to address priority issues that undermine freedom of association and collective bargaining, demonstrating use by workers, employers, or the labor inspectorate of tools developed by the project. (Outcome Indicator)	Total	10	55	550%	55	101	184%
6. Number of labor inspection systems developed. (Output Indicator)	Total	--	N/A	N/A	1	1	100%
7. Number of labor inspectorate offices using the labor inspection case management system. (Outcome Indicator)	Total	--	N/A	N/A	33	Rollout pending	--
OBJECTIVE 2							
INDICATOR (abbreviated)	Sort	2015			2016		
		Projected	Achieved	% Achievement	Projected	Achieved	% Achievement
8. Number of workers and employers trained	Total	640	718	112%	190	419	221%

⁹ The term “compliant” is defined as meeting all of the required steps in the sanction process, while “timely” is defined as meeting all required deadlines.

on issues related to public sector bargaining negotiations. (Output Indicator)							
9. Percentage of effective public sector collective bargaining negotiations. (Outcome Indicator)	Total	10	--	--	50	--	--
10. Number of public sector collective bargaining petitions demonstrating use of the model petitions developed by the project. (Outcome Indicator)	Total	10	--	--	46	--	--
11. Number of participants trained on Admissibility of Complaints to CETCOIT manual. (Output Indicator)	Total	50	372	744%	50	--	--
12. Percentage of agreements reached in CETCOIT. (Outcome Indicator)	Total	75%	55% ¹⁰	73%	66%	60%	91%
13. Percentage of agreements implemented in CETCOIT. (Outcome Indicator)	Total	70%	-- ¹¹	--	66%	--	--
OBJECTIVE 3							
INDICATOR (abbreviated)	Sort	2015			2016		
		Projected	Achieved	% Achievement	Projected	Achieved	% Achievement
14. Number of government officials—charged with the investigation and/or prosecution of persons or groups that commit crimes with an anti-union motive—trained on conduct prejudicial to the right of freedom of association (Art. 200 of the Penal Code), optimization of procedures for the identification of victims as union members, leaders, or activists and the determination of whether the crime has a potential anti-union motive. (Output Indicator)	Total	100	154	154%	100	70	70%
15. Number of investigations related to conduct prejudicial to the right of freedom of association (Art. 200 of the Penal Code) resolved. (Outcome Indicator)	Total	10	4	40%	7	3	43%
16. Number of government entities—charged with the investigation and/or prosecution of persons or groups that commit crimes with an anti-union motive—that adopt project materials as part of their internal trainings. (Outcome Indicator)	Total	4	--	--	2	--	--

Source: PCILSC Project Data Tracking Table, November 2016

Discussion of Objective 1 Targets: The project exceeded all of the 2015-2016 targets for output indicators under Objective 1. This included the number of labor inspectorate officials trained (Indicator #1); the number of workers, employers and trainers trained (Indicator #3); the number of tools developed to improve the understanding and application of national labor laws (Indicator

¹⁰This figure is not consistent with the project's Impact Assessment Study value of 68% on the percentage of agreements reached through CETCOIT (see Table 6). The Impact Assessment Study was completed in mid-2016 and did not correct the statistics reported in previous trimester reports.

¹¹The project's Impact Assessment Study reported a value of 61% on the percentage of agreements implemented; however, this information was not included in PCILSC Project Data Tracking (Table 5). The Impact Assessment Study was completed in mid-2016 and did not correct the statistics reported in previous trimester reports.

#4); and the development in 2016 of an electronic Labor Inspection Case Management System for the labor inspectorate (Indicator #6).

With regard to outcome indicators, the project exceeded its targets for Indicator #2 on the effective enforcement of national labor laws by the labor inspectorate in 2015 and 2016; however, the on-time completion of administrative procedures from inspection to imposing sanctions significantly decreased from 2015 to 2016. This may have been attributable, in part, to the fact that the training aimed at improving the effectiveness and efficiency of these procedures occurred earlier in the project timeline (between 2013 and 2014), resulting in improved timeliness of administrative procedures in 2015 that was not sustained in 2016. Furthermore, the attrition of labor inspectors and addition of new inspectors in 2015 and 2016 may have resulted in a significant number of inspectors who did not receive the training at all.¹² Lastly, with regard to the compliance rate of applying the administrative procedures, the achievement rates of 147% in 2015 and 105% in 2016 were based on relatively low target values—58% for each year; higher target values for compliance would have resulted in more moderate achievement rates for those targets.

Regarding outcomes of the training that targeted workers, the project exceeded its targets for Indicator #5 in both 2015 and 2016 on the number of actions taken by workers to address issues that undermine freedom of association and collective bargaining, nearly doubling the number of actions from one year to the next. This demonstrated a clear application of the knowledge gained in the project trainings. Finally, the implementation of the Labor Inspection Case Management System in all 33 MOL Regional Offices (Indicator #7) was pending at the time of the final evaluation, but was expected to begin by December 1, 2016.

Discussion of Objective 2 Targets: The project also exceeded the targets for training output indicators under Objective 2. This included public sector workers and employers (Indicator #8) in 2015 and 2016, and tripartite participants trained on the Admissibility of Complaints to CETCOIT (Indicator #11) in 2015. The training on the Admissibility of Complaints did not take place in 2016 due to the large number of participants in 2015.

With regard to outcome indicators, two impact assessment studies were underway at the time of the final evaluation to determine the effectiveness of public sector collective bargaining negotiations (Indicator #9), and the use of the model collective bargaining petition (Indicator #10); therefore, achievement of these indicator targets could not be determined. Regarding Indicator #12, the percentage of agreements reached in CETCOIT appeared to improve slightly from 2015 to 2016 based on data appearing in the project's data tracking table. This information was not substantiated by data from the project's Impact Assessment Study commissioned in 2016. Likewise, the percentage of agreements implemented through the social dialogue process of CETCOIT (Indicator #13) could not be formally determined due to the absence of a proper follow-up mechanism. To fill this void, the project's Impact Assessment Study also reported on

¹² According to MOL inspectors and project staff, attrition rates are estimated to be as high as 40% every three years. This could not be verified statistically.

the percentage of agreements implemented between 2012-2015. The results of this study are discussed in Section 3.3.2.2.

Discussion of Objective 3 Targets: In 2015 the project greatly exceeded its output indicator target value for the training of government officials on Article 200 of the Penal Code (Indicator #14), but fell short of the target in 2016. With regard to outcome indicators, the number of investigations based on Article 200 (Indicator #15) also fell short of the target, although this may have been related to the length of time needed to identify Article 200 cases. Finally, there was no information available to determine whether the PGO had established an internal training mechanism or adopted project training materials (Indicator #16).

3.3.2 Qualitative Assessment of Effectiveness

To what extent did the project achieve its Immediate Objectives? In which areas did the project achieve the most/fewest results? Why and what have been the supporting factors? Were there any additional results of the project over and above what was foreseen in the project document? Were there any unintended positive/negative results? Has the project addressed challenges and/or seized unforeseen opportunities effectively?

3.3.2.1 Qualitative Assessment of Objective 1

Objective 1 aimed to strengthen the institutional capacity of the Ministry of Labor, especially the labor inspectorate, to efficiently and effectively enforce Colombian labor laws and guarantee fundamental rights. Project strategies to achieve this objective included (1) a training program to strengthen labor inspection in Colombia; (2) a technical assistance program to develop an electronic Labor Inspection Case Management System; (3) a program to promote labor formalization in the identified critical sectors; and (4) a training program for trade unions on the use of ambiguous and disguised employment arrangements (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). The following findings discuss the effectiveness of these strategies based on stakeholder interviews and supporting documents.

Training Program for Labor Inspectorate: According to project staff, a total of 1,173 labor inspectors and MOL officials participated in the project's training program from 2013 to 2015, representing the participation of all labor inspectors nationwide during this time period. The training program included these five modules: (1) Administrative Sanction Procedures; (2) Ambiguous and Disguised Employment Relationships; (3) Conduct Prejudicial to the Right of Freedom of Association; (4) Competencies of the Division of Inspection, Monitoring, Control and Regional Management; and (5) Labor Inspection Case Management System. A virtual training program replicating training modules 1, 2, 3, and 5 was subsequently developed to train new inspectors.

Three senior MOL IVC officials remarked that the trainings and inspection tools developed by the project—which included inspection guides, checklists, methodologies and sanction procedures—facilitated the application of national labor laws, unified labor inspection criteria, and increased the overall effectiveness and efficiency of labor inspections. The director of MOL IVC corroborated this statement by describing the increased quality and consistency of the labor

inspection reports. Project staff conducted two online surveys on labor inspectors' use of ten practical inspection tools developed by the project. The results of this survey showed that 83% of inspectors used the tools in 2013-2014. This went up to 87% in 2015-2016. Three labor inspectors that participated in the project trainings agreed that the training information and inspection tools facilitated their assessment of issues related to freedom of association, collective pacts and subcontracting. As expressed by one inspector, *"These are somewhat intangible or subtle labor violations, so I never felt confident enough to impose sanctions. Now for the first time I have sanctioned employers for promoting collective pacts and for illegally subcontracting workers."*

Another inspector commented on the important follow-up provided by project staff following completion of the training courses: *"One thing is to learn about all of these topics in the classroom, and another thing is to apply the information to your work in the real world. The project staff has been patient in answering my questions and reassuring me as I apply what I have learned to real labor inspection cases."*

Labor Inspection Case Management System: All 14 MOL officials interviewed agreed that the development of the electronic Labor Inspection Case Management System was the project's single most important contribution. A total of 1,173 MOL regional directors, area coordinators, labor inspectors, professionals, and administrative assistants were trained on the use of the Labor Inspection Case Management System. A virtual training program was subsequently developed to train new inspectors on its use. The project also contributed to the processes of data input and scanning of current labor inspection case files and cases resulting in sanctions. The Labor Inspection Case Management System was originally intended to rollout in the first half of 2016; however, in May 2016, the GoC appointed a new Minister of Labor resulting in changes in all key personnel in the IVC. This delayed the rollout until November 2016 with an expected completion date of June 30, 2017.

Several inspectors who participated in the training for the Labor Inspection Case Management System commented on its ease of use, and anticipate that it will make their inspection process more efficient and effective since it will replace the outdated paper system and Excel spreadsheets with a uniform and systematic electronic system. Surveys conducted by the project showed that 75% of the intended users of the system gave it a satisfactory rating following the training. At the same time, inspectors stated that there might be some resistance from inspectors who are not comfortable with computer technology, or who fear possible repercussions as a result of the transparency of the inspection process. In anticipation of the additional support needed by some labor inspectors, the project, in conjunction with IVC, developed an **Institutional Readiness Plan** that included a package of training and communication strategies designed to promote the smooth transition to the mandatory electronic Labor Inspection Case Management System. A key component of the plan required designation by each IVC Regional Office of two representatives to receive intensive training on the system in order to assist their colleagues during the transition.

Training Program to Promote the Demand for Labor Rights: In 2014, the project designed and implemented a worker training program on promoting and demanding labor rights. The program emphasized strategies for identifying (a) ambiguous and disguised employment relationships (Fig. 1), and (b) non-collectively bargained benefits packages (collective pacts).

Participants remarked that the follow-up technical assistance provided to trade unions and NGOs by project staff contributed to the submission of well-founded and documented complaints to the MOL. These efforts resulted in a significant increase in the number of complaints filed to the MOL based on these two issues and an increase in the number of sanctions issued. Following the trainings, 47 complaints were filed to the MOL on the misuse of collective pacts and 153 complaints on ambiguous and disguised employment relationships between 2014 and 2015. This resulted in a total of 15 sanctions issued by the MOL, the majority of which were for the misuse of collective pacts. As a result of these actions, six labor formalization agreements were approved within the priority sectors resulting in more stable, long-term hiring arrangement for the impacted workers.

In 2016, the Project implemented a **Certificate Course** of the Training Program to Promote the Demand for Labor Rights, in conjunction with the Industrial University of Santander (UIS). The Certificate Course trained trainers from the five priority sectors (palm, ports, flowers, sugar and mines), three additional sectors (public, electric and petroleum), civil society organizations, and students from UIS Law School.

Throughout the modules participants learned how to implement and replicate the practical inspection tools developed for labor inspectors. The course also promoted application of the information, whereby participants developed strategic intervention plans to promote labor formalization in their particular sector.

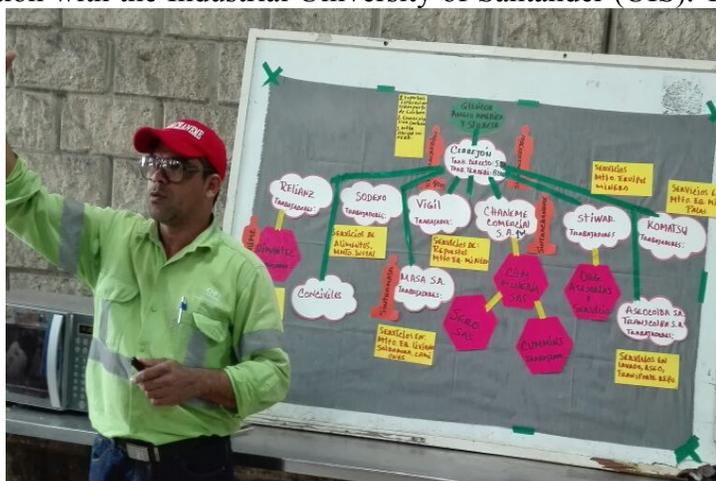


Figure 1: Contract map methodology is used to identify ambiguous and disguised employment relationships

Trade union representatives in the Certificate Course confirmed the implementation and replication of the practical inspection tools. One participant from the mining sector explained that each training course graduate received a toolkit to help replicate the training activities, and identified the visual mapping exercise as a particularly useful tool for helping workers identify the ambiguous and disguised contractual relationships used by employers (Fig. 1). As summarized by one UIS law student commenting on the impact of the Certificate Course:

What I learned in the Certificate Course went beyond the academic...sharing a classroom with all of these incredible workers taught me far more than my law books. The participants opened my eyes to just how vulnerable they are, and to see how easy it is for them to be exploited. Now I want to channel all of this rage and use it to defend workers' rights.

A follow-up survey of course participants reported 97% of participants used the course information and inspection tools and 89% of the participants had replicated the information with their co-workers and trade union affiliates.

Several good practices can be gleaned from the project's Certificate Course model. Firstly, the course permitted the triangulation of project efforts to combat specific labor violations (e.g., ambiguous and disguised employment relationships) by training inspectors, workers and employers on the use of the same inspection tools. Secondly, the course enabled participants to file well-founded complaints to the MOL, which allowed both workers and inspectors to apply the information learned in the training courses. Finally, the course provided an opportunity for workers to develop and implement strategic intervention plans to strengthen the actions used to resolve each of the cases filed. The resultant resolutions helped to increase the workers' confidence when filing additional complaints, and when developing the corresponding strategic intervention plans.

Program to promote labor formalization: The project, in collaboration with the Solidarity Center, the National Union School, and the Justice and Freedom Corporation (JFC), played a key role in raising worker awareness pertaining to the illegal use of ambiguous and disguised employment relationships. Companies in Colombia often externalize part of the workforce through subcontracting and/or contracting temporary workers through employment agencies. This externalization can be used to avoid unions or weaken collective bargaining units. Colombian Law 1429 of 2010 prohibits subcontracting workers through a provider entity (e.g., employment agency) in a manner that affects workers' rights if those workers are going to perform permanent activities¹³

The Colombian NGO, Justice and Freedom Corporation (JFC), began advocating for palm workers' labor rights in 2004, but they did not have the legal grounds to denounce the inappropriate use of ambiguous and disguised employment relationships until the passage of Law 1429 in October 2010. In 2013, the project joined forces with JFC and the Solidarity Center to implement a training program for palm workers on their rights under Law 1429. The project also provided technical assistance to workers and worker organizations on the filing of complaints and the negotiation of labor formalization agreements with employers.

Two workers that worked on the same plantation for over ten years shared their experiences during the final evaluation. Although they often carried out the same work duties, only one of them had a direct contract with the employer. The other worker was part of a cooperative that subcontracted workers to the palm plantation. The subcontracted worker explained:

We were doing the exact same work as the direct contract workers, but we did not have the same benefits or rights...We could not join the union or negotiate the terms of our cooperative contract. After the project gave us training on employment formalization, we were more aware of our rights and recognized the illegal subcontracting activities of our cooperative and the palm plantation. In 2014 we filed a complaint with the MOL. The employer knew that we had the support of the ILO, and this likely made a big difference in bringing them to the negotiating table. By 2015, 250 subcontracted workers had direct contracts. This doesn't sound like much, but it changed the lives of 250 families for the better.

¹³ El Congreso de Colombia, "Por la cual se expide la ley de formalización y generación de empleo," Law 1429, December 29, 2010. <http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley142929122010.pdf>

Today in the palm sector, approximately 700 workers from several companies that were previously under an ambiguous and disguised employment relationship now have direct contracts with their true employers. According to trade union representatives, this resulted in an almost 400% increase in union affiliation in this sector.¹⁴

Unexpected results of Objective 1 strategies: While the project design anticipated the achievement of outcomes listed in Table 1, the strategies implemented under Objective 1 produced an unexpected result. At least a dozen workers who participated in the training courses stated that their perception of the International Labor Organization had changed. They previously thought that ILO employees remained in their offices and only interpreted International Labor Standards. But this



perception changed when they met the ILO CTA for the first time on the palm plantation.

Figure 2: Two workers can carry out the same tasks but under very different contractual arrangements.

They described their encounter: *“We could not believe it. We had heard of the ILO, but we never imagined one of their representatives coming here to meet us. They listened as we explained our different contractual agreements. The ILO’s participation was what finally brought our employer to the negotiating table.”*

3.3.2.2 Qualitative Assessment of Objective 2

Objective 2 strategies focused on strengthening the 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; and 2) promotion of social dialogue and conflict resolution through the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT).¹⁵

Collective Bargaining in the Public Sector: The midterm evaluation report described the project's important role in facilitating the negotiation of a national agreement (*pliego nacional*)

¹⁴ The project developed a short video to highlight ambiguous and disguised employment relationships in the palm sector and actions taken by workers, employers and MOL officials to promote labor formalization (click on link: <http://www.ilo.org/global/about-the-ilo/multimedia/features/colombia/lang--en/index.htm>).

¹⁵ In Spanish “Comisión especial de tratamiento de conflictos ante la OIT”.

between government authorities and public sector workers. Collective bargaining for the public sector was not operable until May 2012 when Presidential Decree 1092 was passed. This was followed by Decree 160, issued by the Ministry of Labor in February 2014, which established additional normative clarification on collective bargaining in the public sector. Overall, approximately 5% of the labor force in Colombia works in the public sector, representing roughly 1.2 million people out of an estimated total labor force of 24 million in 2016.¹⁶

During the last two years, the project trained 1,137 public sector workers, employers and trade union representatives on negotiation techniques and model collective bargaining petitions for different public sector entities. To assess the results of these efforts, the project commissioned an impact assessment study of 74 public sector collective bargaining processes for the 2013, 2014, and 2015 rounds of negotiation. The study focused on six criteria, including: the number of agreements reached, the timeliness of the negotiations, and the execution of the agreements. The study found that in 2013, prior to implementing the project trainings, 50% of the collective bargaining processes were deemed “effective.” For the 2014 negotiations, which occurred after the training program was implemented, this value increased to 53%. For the 2015 round, the percentage of effective public sector collective bargaining processes increased to 57%.

Despite the upward trend in the effectiveness of public sector collective bargaining processes, one union negotiator perceived a decline in the *quality* of the negotiations due to the division and competition among the three trade union confederations in which more than half of the membership comes from the public sector. A representative from the United Confederation of Workers (CUT) challenged this perception, stating that the trade union confederations are working in a unified manner and keeping the workers’ best interests at heart during each round of negotiations. Project staff added to that sentiment, stating that the tremendous advancements made in a relatively short period of time must remain the focus in spite of weaknesses among the negotiators. Furthermore, they pointed out that a) Colombia is only one of two countries in Latin America in which the government has negotiated with public sector employees; b) all three union confederations have fully participated in, and supported, the negotiations between government authorities and public sector workers; and c) the trade union federations representing more than 600 public sector institutions have developed two unified national agreements, clearly demonstrating their willingness to put differences aside for the greater good of a unified negotiation process.

Promotion of social dialogue and conflict resolution: The promotion of social dialogue and conflict resolution currently is taking place at the national level with the ongoing peace negotiations between the GoC and the Revolutionary Armed Forces of Colombia (FARC). In the labor sector, the promotion of social dialogue is one of the top priorities of the International Labor Organization. The ILO defines social dialogue as “all types of negotiation, consultation, or exchange of information between representatives of governments, employers and workers on issues of common interest relating to economic and social policy.”¹⁷ The ILO further clarifies

¹⁶Ministerio de Trabajo, “Boletín de análisis coyuntura laboral,” July 2016, <http://filco.mintrabajo.gov.co/pages/panoramaMundoLaboral.xhtml>

¹⁷ ILO, “Social Dialogue,” <http://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm> , 2016

social dialogue processes as being either informal or institutionalized, oftentimes involving a combination of the two.¹⁸

The Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT) is an independent tripartite commission that applies the social dialogue process to dispute settlement of complicated collective conflicts related to 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 operative under Colombian law. Even though the CETCOIT social dialogue model had tripartite support, it had an unsuccessful history with regard to the resolution of collective employment conflicts. According to the National Union School (ENS), CETCOIT only managed to reach an agreement in 7% of the cases heard from 2000-2011.¹⁹

Beginning in 2012, the project provided financial and technical support to strengthen CETCOIT. Some of the strategies used to achieve this included (1) defining the procedures for the submission and review of cases by CETCOIT, (2) raising the awareness of tripartite partners regarding the role of CETCOIT and the types of cases it can accept, and (3) hiring a neutral arbitrator who was highly regarded by the tripartite sectors to facilitate the CETCOIT process. These inputs contributed to a significant improvement in the number of agreements achieved through CETCOIT from 2013 to 2015 (Table 6).

Table 6: CETCOIT Conflict Resolution Performance 2013-2015

	2013	2014	2015	Total
Number of cases submitted to CETCOIT	33	47	43	123
Number of cases accepted and heard in CETCOIT	26	34	34	94
Number of cases accepted where an agreement was achieved	18	25	23	66
Number of cases accepted where an agreement was not achieved	8	9	11	28
Percentage of cases accepted that reached an agreement	69%	74%	68%	70%
Number of agreements reached that were fully implemented	13	17	14	44
Percentage of agreements reached that were fully implemented	72%	68%	61%	67%

Source: Impact Assessment Study of CETCOIT Cases 2013-2015

¹⁸ *Ibid.*

¹⁹ Escuela Nacional Sindical, “TLC, Plan de Acción Laboral y derechos de trabajadores en Colombia,” May 16, 2016. <http://ail.ens.org.co/informe-especial/tlc-plan-accion-laboral-derechos-los-trabajadores-colombia/>

Discussion: Table 6 data are based on the project’s Impact Assessment Study of all 123 cases submitted to CETCOIT between 2013 and 2015. The study showed that CETCOIT accepted 76% of submitted cases during this stated timeframe, suggesting an understanding on the part of complainants of the purpose and coverage of CETCOIT. During 2013-2015, 70% of the total cases heard by CETCOIT reached an agreement, as opposed to only 7% between 2000-2011. This suggested a significant contribution by the project toward CETCOIT's ability to successfully negotiate agreements. Of the successfully arbitrated agreements, however, the Impact Assessment Study reported only 67% as fully implemented, suggesting the need for improvement in this area.

The author of the CETCOIT Impact Assessment Study made several recommendations to increase the implementation of the agreements reached. Among these was the need to clarify who is responsible for ensuring that the agreements are being implemented. *“Currently,”* she stated, *“the only way we know if the agreements are honored is to wait for the trade unions or employers to complain of non-compliance.”*

During the final evaluation, the CETCOIT facilitator explained that the agreements reached were based on the goodwill of all parties involved: *“One’s signature and a handshake.”* He went on to explain that a good faith negotiation process represents progress, since the employer is complying without the need for governmental pressure. He stated, *“There is tremendous social pressure to respect one’s word after signing the agreement.”* In cases of non-compliance, he added, *“This would offer heavy evidence in front of the labor judge.”* Still, he conceded that the tripartite CETCOIT committee must strengthen its follow-up procedures in order to ensure compliance with the negotiated agreements.

3.3.2.3 Qualitative Assessment of Objective 3

Objective 3 aimed to strengthen the institutional capacity of the GoC, and specifically the Prosecutor General’s Office, to combat violence against trade union members and conduct prejudicial to the right of freedom of association. The capacity-building strategies focusing on awareness raising about these crimes turned out to be far more complex than anticipated, as the PGO showed little political will to cooperate with project activities. The midterm evaluation recommended that the project narrow its capacity-building strategies involving the Prosecutor General’s Office to focus more on providing practical training and tools to combat criminal conduct that undermines workers’ right to organize and bargain collectively. The project followed this recommendation by narrowing its focus to the Penal Code—criminal conduct prejudicial to the right of freedom of association. The project developed and implemented a special training module on Article 200, based on the successful training and follow-up methodology employed in Objective 1 with labor inspectors. The Objective 3 module provided follow-up technical assistance to prosecutors so that they could apply the information and skills acquired regarding the investigation of Article 200 cases.

The project hired two external consultants to develop and implement the training module related to Article 200 of the Penal Code. One consultant described a meticulous process of working in conjunction with the PGO to develop the 2-day training program that was implemented in several cities around the country, involving a total of 254 prosecutors, judges and investigators. The project team and consultants approached the Prosecutor General’s Office to discuss the

possibility of applying the training module information to active and inactive cases. A total of 19 cases were selected for investigation of criminal activity under Article 200 out of a total of 277 possible cases; these cases were then assigned to a select group of prosecutors expressing interest in participating in the pilot technical assistance activity.

The project's most recent Technical Progress Report (September 2016) included an Annex with the status of each of the 19 selected Article 200 cases. Four cases were found to have insufficient evidence to support criminal charges; of the 15 remaining cases, charges were either requested or filed for five. Of those five cases, one was resolved through conciliation. Despite not yet having a single case prosecuted under Article 200 in Colombia, an official from the Prosecutor General's Office stated, "*Any progress is progress.*" She now intends to move forward with opening investigations on the other pending cases, and organizing forums to share their outcomes.

Final evaluation interviews were conducted with five officials from the Prosecutor General's Office who participated in the training and pilot investigations. All remarked that they were not familiar with Article 200 of the Penal Code, as amended in 2011, prior to the training. They also agreed that the periodic consultation provided by the project consultants was extremely helpful as they mounted their investigations.

One of the prosecutors commented that, during the Article 200 training, "*a light went on*" as she listened to the trainer discuss the types of cases that could be criminally prosecuted under Article 200. Months earlier, she had reviewed a case in which the workers' right to join a union was clearly violated. As with most of her other labor cases, she assumed that this was an issue for the MOL to investigate, rather than the PGO. Since there was no formal mechanism for referring cases to the MOL, she simply filed the case with her other inactive cases. The training successfully clarified her understanding of criminal activity associated with undermining workers' right to join a union, and the responsibility of the Prosecutor General's Office to investigate these cases. The project's external consultant called this particular case a "*model case*" for anti-union criminal activities. He summarized the details of the case as follows: "*This particular employer was isolating workers who joined the trade union by sending them to work in an outlying factory—far away from the other workers. They were given little work to do so that they would get easily bored and hopefully quit...while violence against trade union activists has gone down, employers are using other tactics to obstruct trade union membership.*"

3.3.3 Project's Influence on Public Policy

To what extent and how did the project influence public policy on the issues related to its Immediate Objectives? What is the evidence of that influence?

The project did not have a public policy component, per se, as it was designed to promote implementation of the recommendations of the Action Plan. However, the midterm evaluation recommended a prioritization of project efforts toward policy dialogue. Since the midterm evaluation, project strategies have contributed to two public policy agendas: (1) the National Development Plan 2014-2018, and (2) the OECD Review of Labor Market and Social Policies in Colombia. The project also developed a policy protocol regarding the labor fine collection process that is conducted through Colombia's National Training Service (SENA).

Colombia’s National Development Plan, 2014-2018: The National Development Plan outlines specific actions to be taken toward achieving Decent Work.²⁰ The project directly contributed to two actions within the National Development Plan’s Decent Work Agenda: strengthening labor inspections, and strengthening social dialogue. The project supported the strengthening of labor inspections through its labor inspector training program and the practical inspection tools. The Labor Inspection Case Management System will further strengthen the labor inspection process by increasing its efficiency, effectiveness and transparency.

The project strategies to strengthen social dialogue focused on augmenting existing social dialogue institutions. This included the CPCPSL, the departmental sub-commissions of the CPCPSL, and CETCOIT. The project trained members of the CPCPSL on social dialogue mechanisms and fundamental rights at work. As discussed previously, the project also provided technical and financial support to CETCOIT to enhance the social dialogue process in the arbitration of collective conflicts related to freedom of association and collective bargaining.

OECD Review of Colombia’s Labor Market and Social Policies: Colombia’s process for accession to the OECD (Organization for Economic Cooperation and Development) required a review of its labor market and social policies.²¹ Similar to issues identified in the National Development Plan, the OECD Review recommended that the GoC promote labor formalization, strengthen the labor inspection system, and develop a constructive framework for social dialogue. Project strategies contributed to the strengthening of all three areas identified by the OECD.

Policy Protocol on Labor Fine Collection Process: Colombia’s National Training Service (SENA) is the entity responsible for the collection of labor inspection fines. According to MOL officials and trade union representatives, the fine collection process is highly inefficient and few fines are ever collected. In response, the project organized a working group with representatives from the MOL and SENA that resulted in the development of a policy protocol to increase the efficiency and effectiveness of the fine collection process. Results of the new protocol currently are under consideration by both the MOL and SENA.

3.4 EFFECTIVENESS OF PROJECT MANAGEMENT ARRANGEMENTS

The evaluation ToR contained two questions related to the effectiveness of the staffing arrangements and the backstopping provided by the ILO.

3.4.1 Project Management Arrangements

To what extent did the established management capacities and arrangements facilitate the effective and efficient delivery of results?

²⁰ Ministerio del Trabajo, “Colombia is Progressing Towards Decent Work,” The National Plan for Development 2014-2018: All for a New Country. www.mintrabajo.gov.co

²¹ OECD, “OECD Reviews of Labour Market and Social Policies: Colombia 2016,” OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264244825-en>

The PCILSC project team was comprised of five staff members in Bogotá: the chief technical advisor (CTA), two additional technical staff, and three project assistants. All three technical staff were appointed to their positions at the start of the project in 2012. The project also relied on the external advisory services of multiple technical consultants that carried out project training activities, impact assessment studies, and the development of the Labor Inspection Case Management System.

The CTA was responsible for execution of the project, including budget and administrative management and reporting of project progress to USDOL and ILO. The CTA also coordinated all performance monitoring and evaluation duties such as data collection, analysis and reporting, including the development of criteria for all impact assessment studies. On top of the administrative and performance monitoring duties, the CTA coordinated all activities associated with Objective 1, which accounted for nearly two-thirds of all project activities. Normally a project of this size would have a core team of individuals responsible for the administrative and performance monitoring tasks with additional personnel responsible for the coordination of project activities. The two administrative assistants supported the CTA on tasks related to project finances and performance monitoring, and supported the CTA and the two technical staff on logistical coordination of project events.

Interviews with project tripartite stakeholders revealed a great deal of confidence in the technical expertise of the project's CTA. MOL IVC officials and labor inspectors gave numerous examples of the CTA's involvement in technical matters related to inspection procedures and the design of the Labor Inspection Case Management System. The former vice-minister of labor emphasized the importance of the CTA's participation when training workers from priority sectors on issues of ambiguous and disguised employment relationships and the development of practical tools to strengthen the labor inspection system. Trade union leaders representing palm and port workers specifically mentioned the dedication of project staff toward answering questions and providing support as they developed strategic intervention plans to promote labor formalization in their sectors. As one trade union leader stated, *"The project director put on her boots and overalls to come help us...that goes beyond training in the classroom."*

Activities under Objectives 2 and 3 were each coordinated by a technical staff person who largely depended on external consultants to develop training materials, implement training programs, and provide follow-up technical assistance to training participants. Officials from the Prosecutor General's Office acknowledged the outstanding contributions of the external consultants, particularly the high caliber of training and meticulous follow-up on the selected Article 200 cases.

3.4.2 Project Backstopping

How effective was the backstopping support provided by ILO throughout the project implementation?

The project team worked with the support and guidance of the regional director and labor law specialist from the ILO Office for the Andean Countries in Lima. The Lima office primarily supported project staff when working with tripartite stakeholders on strategically sensitive topics of policy dialogue, intervening only minimally on issues related to the project's daily operations

such as the implementation of work plans, staff performance, and performance monitoring. Following the midterm evaluation, the ILO Office designated an increased proportion of the project procurement to the Bogotá office staff to facilitate the processing of invoices.

Although the ILO established the project's organizational structure in the original project document, in practice there existed an ambiguous chain of supervision with respect to the CTA and two technical staff. Typically, a project CTA manages staff performance in order to maintain a stable and productive team over the course of the project. In the case of the PCILSC project, however, the staff were functioning in a way similar to independent consultants, whereby each person was responsible for planning and implementing his/her own activities with the CTA approving the budget and workplans for those components. Interviews with staff revealed a degree of disappointment regarding the lack of support from officials in the ILO Lima Office. There were at least two instances in which ILO officials in Lima were asked to intervene on issues related to staff performance, but in neither case did the request result in direct intervention or clarification on the chain of supervision.

Officials from the ILO office in Lima stated that the project's technical staff assumed their positions based on technical merit and/or prior experience. None of the three positions was filled through a competitive application process; rather, the donor and the ILO appointed the three individuals to their posts. This may have contributed to the ambiguous chain of supervision at the project's onset, and the subsequent inability of project staff to work as a cohesive team.

3.5 PROJECT EFFICIENCY

This section provides an assessment of the project's efficiency through an analysis of budget execution and financial efficiency, expenditure rates, and time efficiency. It is based on information provided to the evaluator by PCILSC project staff and therefore does not include a comprehensive assessment of the project's financial records.

3.5.1 Budget Execution and Financial Efficiency

Do achieved results justify the level of expenditure? Did budget expenditure progress as expected? Were there significant savings or cost over-runs in some activities? Were resources (funds, human resources, time, expertise etc.) allocated strategically and efficiently to achieve outcomes?

Funding Amounts: In December 2011, USDOL awarded the ILO an initial sum of US \$2 million to implement the PCILSC project. An additional \$2.82 million was added in 2012, \$3 million in 2013, \$2 million in 2015, and a final installment of US \$500,000 was added in 2016. The total project budget of US \$10.32 million provided funding for implementation of project activities from January 1, 2012 to June 30, 2017.

Expenditure Rates: Because of the annual budget rollover and reallocation of funds from 2013 to 2016, an accurate estimate of annual expenditure rates for these years could not be determined. In 2012, the project spent approximately 7% of its allocated budget due, in part, to the delay in appointing the CTA until December of that year. Non-executed funds for 2012 were rolled over to the 2013 annual budget, continuing in this way for 2014, 2015 and 2016.

According to the USDOL official facilitating the funding procurements, there were five different funding installments by two different governmental agencies (USDOL acquired part of the project funding from USAID). As additional funding was uncertain from year-to-year, the project tried to spend judiciously. Only the actual amount spent for each year of the project could be verified due to the absence of a more comprehensive fiscal analysis. Yearly expenditures are shown in Table 7.

Table 7: Budget Expenditures 2012-2016 (USD)

Year	Actual Amount Spent (USD)
2012	77,678
2013	2,149,915
2014	3,194,835
2015	1,386,132
2016	3,011,439
Total	9,819,999.23

Source: PCILSC Project Financial Status Report, November 2016

Budget Allocations: The budget distribution rate from 2012 to 2016 is shown in Table 8. The line items have been consolidated to focus on the costs associated with each project objective.

Table 8: Budget Distribution Rates, 2012-2016

Item	Amount (USD)	% Total Budget
Direct Labor Costs	2,130,661.53	22%
Operating Costs	330,925.02	3%
Objective 1	3,917,955.41	40%
Objective 2	756,363.63	8%
Objective 3	1,399,918.70	14%
Monitoring and Evaluation	30,855.00	<1%
Cost Increase	75,000.00	1%
ILO/UN Overhead	1,178,319.94	12%
Total	9,819,999.23	100%

Source: PCILSC Project Financial Status Report, November 2016

Discussion of Budget Distribution Rates: The direct labor costs were lower than expected (22%) due to the high dependence on external consultants to carry out activities associated with the project's 333 training events. Expenditures for Objective 1 activities and consultants accounted for 40% of the total budget, which was reasonable given that a majority of project training events and the development of the Labor Inspection Case Management System fell under Objective 1 (see Tables 9 and 10). The combined expenditures for Objectives 2 and 3 accounted for 22% of the total budget. Allocations for activities under Objectives 2 and 3 progressively decreased over time as the number of training events and training participants decreased. This allowed for a greater proportion of the project budget to go toward supporting the increasingly greater number of activities and outputs under Objective 1. At the same time, less than one percent of the total budget was allocated to monitoring and evaluation activities, which was found to be a major weakness in the overall project design.

Costs of Training Events: The budget distribution also reflects the number of training events and participants associated with each objective (Table 9), with Objective 1 being the most comprehensive.

Table 9: Training Events per Objective and Cost per Participant

	Total Number of Training Participants	Total Expenditures for Training Events	Cost per Participant
Objective 1*	9,435	\$ 1,597,943.05	\$ 169.36
Objective 2	3,274	\$ 343,366.82	\$ 104.88
Objective 3	3,140	\$ 543,719.31	\$ 173.16
Total	15,849	\$ 2,485,029.18	

*Figures do not include training activities pertaining to Labor Inspection Case Management System, which are presented in Table 10. **Source: PCILSC project data-tracking tables**

Discussion of Costs Linked to Training Events: For Objective 1, a total of 9,435 labor inspectors, trade union representatives and employers were trained on strategies to strengthen the labor inspection system, promote labor formalization, and promote workers' fundamental rights. The total expenditures for Objective 1 training events was nearly triple that of Objective 3 and close to five times that of Objective 2. The Objective 1 training numbers and expenditures do not include those pertaining to the Labor Inspection Case Management System (see Table 10 below). Objective 2 demonstrated the lowest cost per training participant, which is partially attributed to the integration of trainings as part of larger events at a large public university resulting in cost savings. Trainings conducted as part of Objectives 1 and 3, on the other hand, were targeting entities with few available resources, which limited the possibility for leveraging resources. Additionally, Objectives 1 and 3 conducted important follow-up activities with trade union representatives, the MOL IVC, and the Prosecutor General's Office to assist with the application of training information. Costs associated with Objective 1 training events also include the development and publication of ten practical inspection tools, three virtual classrooms, and over 60 training toolkits issued to workers in order to replicate the trainings.

Labor Inspection Case Management System: The Objective 1 expenditures noted in Table 9 include the costs associated with the development of the Labor Inspection Case Management System and the Institutional Readiness Plan (including consultants, training, development of the manual for virtual users, the development of a promotional video, and the conversion of paper files to electronic files). Table 10 provides a more thorough breakdown of the Labor Inspection Case Management System expenditures per year.

Table 10: Labor Inspection Case Management System Expenditures (USD)

Year	Consultants	Training Events	Sub-contract*	Total Expenditures
2013	N/A	\$ 1,285.63	\$ 70,341.24	\$ 71,626.87
2014	N/A	\$ 254.02	N/A	\$ 254.02

Year	Consultants	Training Events	Sub-contract*	Total Expenditures
2015	\$ 118,950.87	\$ 1,752.20	N/A	\$ 120,703.07
2016	\$ 209,682.59	\$ 275,924.80	\$ 409,105.40	\$ 894,712.81
Total	\$ 328,633.46	\$ 279,216.65	\$ 479,446.66	\$1,087,296.77

*This refers to a sub-contract to assist with the transition from paper to electronic files in all 33 MOL IVC offices. Source: PCILSC Project Financial Status Report, November 2016

Discussion of Costs Linked to the Labor Inspection Case Management System: Between 2013 and 2016 a total of US \$1,087,297 was spent on the development of the Labor Inspection Case Management System, which accounted for nearly 11% of the total project budget. This does not include the US \$500,000 appropriated for technical assistance during the system's rollout in 2017. In comparison, the MOL appropriated US \$6 million for the development of a ministry-wide information system, but after spending half of that amount the decision was made to halt any further investment as a result of poor progress towards its completion. It is noteworthy that the project was able to design, develop, and implement the Labor Inspection Case Management System and the Institutional Readiness Plan as well as organize, systematize and digitalize IVC paper records all for a fraction of what the MOL spent on a failed contract.

3.5.3 Timeliness of Executing Project Activities

Were project funds and activities delivered in a timely manner? Were there delays in the execution of some activities?

Timely execution of activities is another measure of efficiency. A valid assessment of timeliness would involve crosschecking the implementation of project activities against a clearly articulated project timeline. The project did not develop a schedule for the planned monthly implementation of activities, even though this was one of the midterm evaluation's key recommendations. The high expenditure rates reported for 2014 through 2016, however, suggest that the project's numerous activities and trainings were being implemented throughout that time period.

3.6 PROJECT IMPACT ORIENTATION AND SUSTAINABILITY

This section provides an assessment of the project's sustainability, or likelihood that the results of the intervention will be maintained, scaled up, or replicated after project funding has ended.

3.6.1 Sustainability of Project Services and Products

What are the elements, services, or products developed by the project that are likely to be sustained beyond the life of the project? Are they being used, maintained, replicated, or institutionalized by stakeholders or others?

All grantees of USDOL Technical Cooperation projects are required to develop a sustainability and exit strategy in accordance with USDOL's Management Procedures and Guidelines

(MPG).²² This plan should identify elements that promote the sustainability of project outcomes under each immediate objective. The PCILSC project did not develop a sustainability plan during the project design phase, nor did it develop one after the recommendation was made as part of the midterm evaluation. The assessment of the project's potential for sustainability is therefore based on (1) stakeholders' technical capacity to sustain and eventually scale-up results, and (2) stakeholders' institutional commitment as demonstrated through ownership of results, institutionalization of processes, and appropriation of necessary resources. Table 11 provides an assessment of the technical capacity and institutional commitment of tripartite stakeholders.

Table 11: Assessment of Stakeholders' Technical Capacity and Institutional Commitment

Sustainability Elements	Objective 1 MOL IVC and Trade Unions	Objective 2 Tripartite Constituents	Objective 3 Prosecutor General's Office (PGO)
Technical Capacity to sustain and scale-up results	<ul style="list-style-type: none"> • Integration of labor inspection tools and protocols resulting in more efficient and effective labor inspections • Integration of virtual training program to continue capacity-building efforts with new labor inspectors • Design and implementation of an Institutional Readiness Plan for the Labor Inspection Case Management System • Designation of MOL IVC technical monitors in Regional Offices to troubleshoot any problems encountered with the implementation of the Labor Inspection Case Management System • Successful replication of training information by trade unions • Successful filing by trade unions of cases with the MOL on the misuse of collective pacts, and ambiguous and disguised employment relationships 	<ul style="list-style-type: none"> • Demonstration of technical capacity by public sector workers and employers to successfully engage in negotiations and collective bargaining • <i>(There are no mechanisms in place to provide continuous capacity building on the social dialogue processes)</i> 	<ul style="list-style-type: none"> • Successful training of PGO on Article 200, including technical follow-up of 19 cases to ensure proper application of Article 200 on crimes with an anti-union motive • Verbal commitment by PGO to replicate the Article 200 training, with subsequent sharing of results through special forums to raise awareness and build the capacity of prosecutors and investigators nationwide
Institutional Commitment as demonstrated through ownership of results,	<ul style="list-style-type: none"> • Institutionalization by MOL IVC of project materials and inspection tools in the official labor inspection manual and through the virtual training program • Demonstration of a high level of commitment by MOL IVC in the 	<ul style="list-style-type: none"> • Demonstration of willingness by all three constituents to participate in CETCOIT to resolve labor disputes • <i>(None of the tripartite</i> 	<ul style="list-style-type: none"> • Designation by PGO of a special team of prosecutors to investigate crimes with a possible anti-union motive

²² USDOL ILAB/OTLA, *Management Procedures and Guidelines: Cooperative Agreements*, 2015. https://www.dol.gov/sites/default/files/OTLA_2015_09_10_FY2015_MPG.pdf

Sustainability Elements	Objective 1 MOL IVC and Trade Unions	Objective 2 Tripartite Constituents	Objective 3 Prosecutor General's Office (PGO)
institutionalization of processes, and appropriation of necessary resources	development and implementation of the Labor Inspection Case Management System <ul style="list-style-type: none"> • Inclusion of requirements in the MOL IVC Institutional Readiness Plan for appropriation of the necessary resources to maintain and build upon the Labor Inspection Case Management System 	<i>stakeholders has made a financial commitment to sustain CETCOIT)</i>	

Source: Author compiled

Discussion: The sustainability elements listed under Objective 1 suggest a strong potential for continuation of related outcomes. The practical inspection tools and protocols have strengthened the technical capacity of the labor inspectorate, resulting in more efficient and effective labor inspections. The virtual training program has enabled the continuation of capacity-building efforts with new inspectors. The MOL IVC demonstrated an institutional commitment by (a) designating technical monitors in the Regional Offices to troubleshoot problems using the Labor Inspection Case Management System, and (b) developing, with the project's support, the Institutional Readiness Plan to further ensure the successful launch, implementation, maintenance and ongoing support of the Labor Inspection Case Management System. The technical capacity of the trade unions under Objective 1 also demonstrated the potential for sustainability with regard to training activities and actions taken against the misuse of collective pacts and ambiguous and disguised employment relationships.

The sustainability elements pertaining to Objective 2 focus on the strengthened technical capacity of tripartite stakeholders to participate in social dialogue processes. This was demonstrated by the increase in public sector collective bargaining agreements, and the participation of tripartite constituents in CETCOIT. Nevertheless, there are no mechanisms in place to finance or ensure continued capacity building on social dialogue processes or collective negotiations. Furthermore, the financial sustainability of CETCOIT is in question given that the current facilitator is funded by the project, and tripartite stakeholders have not been willing to commit any financial support to sustain this function.

The sustainability elements listed under Objective 3 show a strong potential for continuation of the achieved outcomes. This is demonstrated by the strengthened technical capacity of the Prosecutor General's Office with regard to Article 200, as well as a verbal commitment by PGO to scale-up the Article 200 training and subsequent forums for all of its investigators and prosecutors. Furthermore, the PGO has established a special team of prosecutors that will handle or provide consultation on all Article 200 cases.

3.6.2 Scaling-up and Replication of Project Services and Products

What key elements, services, or products developed by the project should be continued, scaled up, and institutionalized beyond the end of the project? How easily could these tools be adapted or replicated for use in other environments or contexts?

The project had a number of services and products that should be continued, expanded and replicated for use in other contexts. These include (1) Training Program to Strengthen Labor Inspection in Colombia; (2) the Labor Inspection Case Management System and the corresponding Institutional Readiness Plan; (3) the Training Program to Promote the Demand for Labor Rights and the Training Program to Promote Formalization, targeting trade unions from priority sectors; (4) CETCOIT, and (5) the Article 200 training program developed for the Prosecutor General's Office.

Training Program to Strengthen Labor Inspection: The Training Program to Strengthen Labor Inspection included a number of promising practices. The five modules of the Training Program had built-in assessment tools to determine knowledge retention and use of the ten practical inspection tools. The project also developed a virtual training program to train new inspectors and follow-up methodologies to promote the use of the practical inspection tools.

Labor Inspection Case Management System: The development of the Labor Inspection Case Management System was widely regarded as the top priority for MOL in order to increase the efficiency and effectiveness of the labor inspection process. Throughout its development the project took the necessary steps to increase buy-in and ensure successful implementation. These steps included:

- Maintaining close collaboration with MOL during the system's design phase;
- Training all labor inspectors during the development phase on the content and use of the system;
- Supporting the development of the Institutional Readiness Plan for the adoption and smooth transition to the Labor Inspection Case Management System; this included the designation of technical monitors in the Regional Offices to troubleshoot issues arising during the system's implementation.

The close collaboration between the Ministry's Labor Inspectorate and Information Technology units throughout the design phase helped to create the necessary buy-in to achieve a satisfactory end product. This buy-in extended to the labor inspectors who were trained on the content and use of the Labor Inspection Case Management System during its development phase, and who also made suggestions on ways in which to improve the system's use. The Institutional Readiness Plan was an insightful and proactive step to prevent difficulties that could occur as the system was being implemented. While it is still too early to assess any results of the system's implementation, the events leading up to its rollout can be adapted easily for use in other contexts.

Training Program to Promote the Demand for Labor Rights: This training program targeted the trade unions representing workers from priority sectors. Several unique aspects of the training contributed to its successful and action-oriented results. These include the following:

- Coordination of training activities with other civil society organizations to leverage financial and human resources;
- Implementation of a comprehensive training program to strengthen workers' capacity to identify labor issues related to freedom of association and collective bargaining, and file well-founded complaints;

- Provision of strategic follow-up with training participants.

The project coordinated with the Justice and Freedom Corporation (JFC), a community-based organization providing legal advice to palm workers. This opened the door for project staff to quickly gain the workers' trust. In addition, the project collaborated with the Solidarity Center to further enhance the participation and buy-in of union confederations. Together, the project, JFC and Solidarity Center were able to accomplish far more in a shorter period of time than each could accomplish alone. Equally important was the strengthened capacity of these community-based organizations, which are likely to continue providing technical assistance to workers from the priority sectors.

Trade union workers who participated in the training courses created a strategic action plan to promote labor formalization. Following the trainings, the project—in conjunction with JFC and the Solidarity Center—provided technical assistance to training participants on the filing of complaints to MOL. In total, 47 complaints were filed on the misuse of collective pacts, and 153 complaints were filed on ambiguous and disguised employment relationships. As a result of these actions, MOL issued 15 sanctions and approved six labor formalization agreements in priority sectors. These results gave trade union leaders the confidence to continue demanding their labor rights.

CETCOIT: The project's promotion of social dialogue and conflict resolution through CETCOIT offers a model alternative dispute resolution process. This model could be adapted for use in other countries.

Training Program for the Prosecutor General's Office: Following the midterm evaluation, the project changed its capacity-building strategy with the Prosecutor General's Office to follow a similar methodology as the Training Program to Strengthen Labor Inspection: technical training followed by the application of knowledge and skills. Following the training on Article 200 of the Penal Code, project consultants and the PGO selected 19 cases involving possible criminal conduct prejudicial to the right of freedom of association. Project consultants provided regular follow-up with prosecutors as they applied the knowledge and skills gained during the training. This approach of designing a technical training program, providing opportunities for participants to apply newly gained knowledge and skills, and then offering expert follow-up in the way of technical assistance and consultation, represents a good practice worthy of expansion and replication.

IV. CONCLUSIONS

This section presents the conclusions regarding the project’s relevance, design, effectiveness, efficiency, management and sustainability based on the specific findings outlined in Section III.

4.1 PROJECT RELEVANCE AND STRATEGIC FIT

Throughout the five-year project implementation period, the Action Plan remained the driving force behind project strategies that aimed to promote compliance with International Labor Standards. Labor priorities for tripartite stakeholder groups remained relatively constant as the focus shifted to accession to the OECD and the Peace Accord, both of which substantiated project strategies to promote labor formalization, strengthen the labor inspectorate and develop a constructive framework for social dialogue. As specific project milestones were reached, the focus of project strategies expanded to include ways in which to scale-up project efforts and sustain the outcomes.

The project successfully coordinated efforts and leveraged resources with national and international NGOs in its effort to build the capacity of trade unions. Together, they were able to accomplish far more in a shorter period of time than each could have accomplished separately.

4.2 PROJECT DESIGN AND PERFORMANCE MONITORING

Following the midterm evaluation, adjustments were made to the project design that resulted in significant improvements. The project effectively prioritized capacity-building strategies for the MOL IVC and reoriented its capacity-building strategies with the Prosecutor General’s Office. In addition, the project successfully established a comprehensive and appropriate balance of output and outcome indicators in agreement with USDOL’s Management Procedures and Guidelines that included baseline and target values by year based on reasonable best estimates. Despite progress made toward developing the elements of a performance monitoring plan, however, the absence of a fully functioning performance monitoring system and designated staff person to oversee it hindered the project’s ability to fully capture and report project performance.

4.3 PROJECT PROGRESS AND EFFECTIVENESS

Objective 1: The training program targeting the MOL IVC provided labor inspectors with practical inspection tools—which included inspection guides, checklists methodologies and sanction procedures—to help facilitate their application of national labor laws and unify labor inspection criteria. Furthermore, the training program contributed to more efficient labor inspections as demonstrated by an increase in the timely completion of labor inspection administrative procedures. This improvement was short-lived, however, as shown by a decrease in timeliness one year after the training. This highlights the need for an institutionalized process to monitor the accountability of labor inspectors with regard to efficient completion of administrative procedures. The participation of the labor inspectorate in the development and testing of the Labor Inspection Case Management System helped to foster their buy-in and boost

the potential impact of this system in improving the effectiveness, efficiency and transparency of the labor inspection process.

The training program for trade union members on promoting the demand for workers' rights effectively raised workers' awareness and ability to apply new knowledge regarding the misuse of collective pacts and ambiguous and disguised employment relationships. This was demonstrated by a significant increase in the number of complaints filed by workers, and the replication of training information by workers to their peers. These actions, in turn, led to an increase in the number of investigations and sanctions imposed by the MOL and an increase in the number of labor formalization agreements approved. In addition, the MOL provided close follow-up every 6 to 12 months to verify that employers were complying with the actions stipulated in the labor formalization agreement.

Objective 2: The project effectively promoted successful social dialogue through its training of public sector workers, employers and trade unions on negotiation techniques and model collective bargaining petitions. These efforts contributed to an increase in the achievement of effective collective bargaining agreements in the public sector. Likewise, the project's promotion of social dialogue and conflict resolution through CETCOIT contributed to a significant improvement in the number of agreements negotiated. Nevertheless, the absence of a proper follow-up mechanism to ensure implementation and an absence of sustainability for CETCOIT without ILO financial support places in doubt the prospect of full compliance with negotiated agreements and continued operation of CETCOIT.

Objective 3: Following the midterm evaluation, adjustments were made to the project strategy that narrowed the capacity-building strategies for the Prosecutor General's Office to Article 200 of the Penal Code—criminal conduct prejudicial to the right of freedom of association. This effectively provided participants with practical training and the opportunity to apply newly gained knowledge and skills in the investigation of Article 200 cases. The subsequent technical assistance and consultation provided by project consultants represented a good practice worthy of expansion and replication. The ability to replicate and sustain this progress will depend on the PGO's ability to establish and/or maintain an internal training mechanism that employs the adopted project training materials.

4.4 EFFECTIVENESS OF PROJECT MANAGEMENT ARRANGEMENTS

Although there was a clearly defined project organizational structure in the original project document, in practice the existence of an ambiguous chain of supervision hindered the ability of project staff to work as a cohesive team. In addition, there was a disproportionate number of responsibilities assigned to the project's CTA, including budget and administrative management, reporting of project progress to USDOL and ILO, coordination of all performance monitoring and evaluation duties, and coordination of all activities associated with Objective 1—nearly two-thirds of all project activities. A project of this size typically employs a core team of individuals responsible for administrative and performance-monitoring tasks, with additional personnel overseeing coordination of project activities.

4.5 PROJECT EFFICIENCY

Annual expenditure rates could not be determined without concise information regarding annual budget allocations and rollover amounts. A comparison of expenditures for developing and implementing the project's numerous training events showed the greatest cost efficiency of training events under Objective 1 in which total cost per participant also included the development and publication of inspection tools, virtual classrooms and training toolkits for workers. The replication of Objective 1 trainings by workers from priority sectors further enhanced the cost-efficiency associated with these trainings. The development and rollout of the Labor Inspection Case Management System demonstrated a highly efficient and strategic allocation of resources resulting in successful completion of the system and a comprehensive plan to support its rollout and sustainability.

4.6 PROJECT IMPACT ORIENTATION AND SUSTAINABILITY

The outcomes associated with **Objective 1** showed the greatest potential for sustainability. Products and services contributing to Objective 1 outcomes included the practical inspection tools, virtual training program and Labor Inspection Case Management System. The project strategies successfully strengthened the technical capacity of the labor inspectorate and obtained the necessary institutional commitment from the MOL in the form of designated technical monitors in each MOL Regional Office and the Institutional Readiness Plan to sustain these products and services. Objective 1 outcomes associated with workers' increased awareness and application of labor laws also demonstrated the potential for sustainability by strengthening the technical capacity of trade unions and workers to use the inspection tools and to replicate the trainings on the misuse of collective pacts and ambiguous and disguised employment relationships.

The sustainability of outcomes associated with **Objective 2** is less certain, due, in part, to an unwillingness by tripartite stakeholders to commit any financial support toward sustaining CETCOIT. Still, the project's capacity-building efforts to strengthen social dialogue processes successfully reinforced the negotiation skills of tripartite constituents, which, in turn, increased the number of effective public sector collective bargaining agreements and the participation of tripartite constituents in CETCOIT.

The outcomes associated with **Objective 3** show strong potential for sustainability as demonstrated by the strengthened technical capacity of the Prosecutor General's Office with regard to Article 200. In addition, PGO demonstrated institutional commitment when it established a special team of prosecutors to handle or provide consultation on all Article 200 cases. The sustainability of these capacity-building efforts will depend on PGO's commitment to scale-up the Article 200 training and implement the promised forums for all of its investigators and prosecutors.

A number of services and products developed during the course of the project show significant potential for continuation, expansion, and replication for use in other contexts. The following are especially promising: (1) the Training Program to Strengthen Labor Inspection in Colombia; (2) the Labor Inspection Case Management System and corresponding Institutional Readiness Plan; (3) the Training Program to Promote the Demand for Labor Rights, both developed for trade

unions from priority sectors; (4) CETCOIT; (5) model guides to promote collective bargaining agreements in the public sector; and (6) the Article 200 Training Program developed for the Prosecutor General's Office. Together, these products and services demonstrate the ability to increase stakeholder buy-in, experience successful implementation and sustainability, and contribute to action-oriented results. Continued successful coordination with national and international non-governmental organizations will further enhance the results of activities targeting workers.

V. RECOMMENDATIONS

The following recommendations are based on findings and conclusions of the final 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.

- (1) **Obligate grantees to establish a performance monitoring plan:** USDOL should hold all grantees accountable for the establishment and proper use of a PMP in accordance with USDOL's Management Procedures and Guidelines. USDOL also should ensure that projects of this size and scope designate ample funds to support monitoring and evaluation activities. The grantee should be held accountable for use of the performance monitoring data throughout the project implementation period to a) assess project progress and b) make any necessary changes to strengthen project outcomes.
- (2) **Establish a clearly defined project organizational structure:** The ILO County Office should ensure that the project's organizational structure is clearly defined at the project's onset, and provide any backstopping necessary to clarify staff performance expectations and the chain of supervision. In addition, the ILO should make certain that there is sufficient project personnel to execute the numerous administrative and performance monitoring tasks so that no one person carries a disproportionate number of responsibilities.
- (3) **Support the implementation of the Labor Inspection Case Management System:** The project should prioritize its support for the roll-out of the MOL IVC's Labor Inspection Case Management System during the six-month extension period. This might include providing follow-up support to the designated technical monitors in each Regional Office to ensure that they are sufficiently prepared to provide assistance to labor inspectors. Furthermore, the project should provide the MOL IVC's Information Technology staff with sufficient technical support to troubleshoot any problems that might arise. Finally, the project should provide technical assistance to MOL IVC officials to develop a performance monitoring plan with a clearly defined baseline and performance indicators to measure changes in the efficiency and effectiveness of the labor inspection process over time.
- (4) **Support the expansion of the Article 200 training:** In light of recent successes in the area of strengthening the capacity of the Prosecutor General's Office, the ILO should consider providing follow-up on the verbal commitment of the PGO to (a) scale-up the Article 200 training, and (b) provide forums for its investigators and prosecutors to discuss cases prosecuted under Article 200.
- (5) **Promote the project's good training practices:** USDOL should consider highlighting the methodology used in the PCILSC project trainings for labor inspectors, trade unions and the Prosecutor General's Office during future technical cooperation forums. The successful results of the project's trainings are attributable, in part, to (a) opportunities provided to participants post-training to apply their new knowledge and skills, and (b)

technical assistance provided during this application of information. This “teach and apply” methodology results in actions that significantly contribute to training outcomes.

- (6) **Strengthen future strategies toward social dialogue:** Future ILO projects should consider strengthening strategies that promote social dialogue. This should include the establishment of a clearly articulated follow-up mechanism for all negotiated agreements to ensure compliance and promote sustainability. This also might include increased efforts to secure the financial commitment of tripartite stakeholders.

ANNEXES

ANNEX A: TERMS OF REFERENCE

TERMS OF REFERENCE AN INDEPENDENT FINAL EVALUATION OF THE PROMOTING COMPLIANCE WITH INTERNATIONAL LABOR STANDARDS IN COLOMBIA PROJECT

The U.S. Department of Labor (USDOL) has contracted O'Brien & Associates International (OAI) to undertake an independent final evaluation of the Promoting Compliance with International Labor Standards in Colombia (PCILSC) project. PCILSC is a 5.5 year, \$10.32M technical cooperation project funded by USDOL and implemented by the International Labor Organization (ILO). The evaluation is intended as a summative evaluation that will assess project results, how or why it achieved these results, and how those results impact stakeholders.

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, Focus 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

Background of the Project

The project aims to strengthen the capacity of stakeholders in Colombia to promote compliance with International Labor Standards (ILS), particularly those associated with 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 2011 Colombia Labor Action Plan Related to the U.S.–Colombia Trade Promotion Agreement. 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 Government of Colombia to seek the cooperation, advice and technical assistance of the ILO to implement the plan's specific measures. Toward this end, the U.S. Government dedicated significant funding through USDOL for the development of the project.

The project's Development Goal per the Logical Framework is "to promote a labor regime that contributes to economic development with social justice in Colombia". 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, in accordance with international labor standards;

2. Strengthen existing social dialogue institutions and their stakeholders, particularly the Departmental Sub-Commissions; 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 intended to produce a range of results at the national, departmental and local level with the following stakeholders: government institutions including the Ministry of Labor, Prosecutor General's Office, and the National Protection Program; workers' organizations 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 de Trabajadores (CGT); the employers' organization the National Business Association of Colombia (ANDI); 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 of the CPCPSL, and the Special Committee for the Management of Conflicts Referred to the ILO/Comité Especial de Tratamiento de Conflictos ante la OIT (CETCOIT). The intended results 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 pacts, and on other unlawful actions that threaten freedom of association and collective bargaining.
- B. For **social dialogue institutions**, especially the CPCPSL and CETCOIT: i) improved capacity of CPCPSL and its departmental sub-committees and its members relating to social dialogue and decent work; ii) strengthening of the Special Commission for the Management of Conflicts referred to the ILO (CETCOIT); and, iii) strengthening of bipartite social dialogue in the public sector.
- C. For the **Colombian government**, especially the Prosecutor General's Office and 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. For the general public, increased knowledge of the broader scope of the protection program coverage.

The project's Logical Framework includes the project's three immediate objectives, and each of their associated sub-objectives, outputs, and activities. An independent interim evaluation was conducted in January 2015, which served as a formative assessment with the aim of improving the project's design and performance. Evaluation findings and conclusions include the following:

Relevance: The project strategies are relevant with regard to providing the tools and technical inputs necessary to achieve the goals defined in the Labor 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 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 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.

The interim evaluation's key recommendations were as follows:

- (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 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.
- (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, 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.

- (5) **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.
- (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 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.
- (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.

Purpose, Scope, Focus, and Audience

USDOL-funded projects are subject to independent interim and final evaluations. The overall **purpose** of the final evaluation is to serve as an important accountability and organizational learning function for USDOL and ILO, to inform the implementation arrangements of the project during its third phase, and to inform the design and implementation of subsequent projects in Colombia and elsewhere.

The evaluation will **focus** on the areas of project relevance, effectiveness, efficiency, impact and sustainability. Specifically, the evaluator should examine:

- Validity of project design, objectives, strategy, assumptions and indicators;

- Level of achievement of intended results via both qualitative and quantitative measures and identify unintended results;
- Elements, services, or products developed by the project (program strategies, technical tools/methodologies, and assessment tools/methodologies) that should be continued, scaled up, and institutionalized and/or adapted or replicated for other contexts;
- Stakeholder buy-in and ownership of project implementation and results;
- Barriers and opportunities to successful implementation;
- Activities that have been particularly successful and the reasons for successful implementation;
- Intended and unintended effects accrued to stakeholders;
- Potential sustainability of project activities;
- Incorporation and use of the interim evaluation feedback and recommendations into project strategy.
- Risk analysis in project design and implementation, and the extent to which the project responded effectively to emerging risks and challenges.

The **scope** of the evaluation includes a review and assessment of all results and initiatives carried out under the USDOL Cooperative Agreement with the ILO. 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 international and national stakeholders that participate in and are intended to benefit from the project's interventions.

The **intended users** of the evaluation are USDOL, ILO, and stakeholders. The final evaluation will be a stand-alone document providing the necessary background information for readers who are unfamiliar with the details of the project, and will be published on the USDOL website and included in the ILO evaluation database.

Evaluation Questions

To serve these purposes, this final 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. In general, the opinion of the evaluator on the following two questions should be woven throughout the observations, conclusions and recommendations:

- What good practices and lessons can be learned from the project that can be applied to similar future projects?
- What could have been different, and should have been avoided?

Additional questions may also be analyzed as determined by the stakeholders and evaluator before the fieldwork begins. The evaluator 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. Were the objectives/outcomes, targets and timing realistically set?
2. How appropriate and useful were the Performance Indicators described in the Trimester Project Reports in assessing the project's progress? What could have strengthened the project's performance monitoring system?

Relevance and strategic fit

3. To what extent did the Project cultivate synergies with other projects in Colombia both within and outside the ILO?
4. How did the national labor agenda change since the beginning of the Project in response to Project initiatives or to external factors e.g., shift from Action Plan to OECD to Peace Process?
5. How did the needs of the stakeholders change since the beginning of the project? To what extent did these changes affect the relevance of the project? In what ways and how effectively did the project adapt and respond to those changes?

Project progress and effectiveness

6. To what extent did the project achieve its Immediate Objectives? To what extent and how did the project influence public policy on the issues related to its Immediate Objectives. What is the evidence of that influence?
7. To what extent did the Project undertake its Outputs and Activities and meet its Performance Indicator targets? What were the major factors (within and beyond the project's control) affecting the achievement of the Immediate Objectives or the meeting of the Performance Indicators?
8. In which areas did the project achieve the most/fewest results? Why and what have been the supporting factors? Were there any additional results of the project over and above what was foreseen in the project document? Were there any unintended positive/negative results? Has the project addressed challenges and/or seized unforeseen opportunities effectively?
9. To what extent did the project improve technical competencies on the issue related to its Immediate Objectives? Is there evidence that stakeholders applied what they learned and that this application produced better results?
10. To what extent did the project act upon the recommendations of the midterm evaluation?

Efficiency of resource use

11. Do achieved results justify the level of expenditure? Were resources (funds, human resources, time, expertise etc.) allocated strategically and efficiently to achieve outcomes?
12. Were project funds and activities delivered in a timely manner? Were there delays in the execution of some activities? Did budget expenditure progress as expected? Were there significant savings or cost over-runs in some activities?

Effectiveness of management arrangements

13. To what extent did the established management capacities and arrangements facilitate the effective and efficient delivery of results? How effective was the backstopping support provided by ILO throughout the project implementation?

Impact orientation and sustainability

14. What are the elements, services, or products developed by the project (program strategies, technical tools/methodologies, and assessment tools/methodologies) that are likely to be sustained beyond the life of the project? Are they being used, maintained, replicated, or institutionalized by stakeholders or others?
15. What key elements, services, or products developed by the project (program strategies, technical tools/methodologies, and assessment tools/methodologies), should be continued, scaled up, and

institutionalized beyond the end of the project? How easily could these tools be adapted or replicated for use in other environments or contexts?

Evaluation Management and Support

Michele Gonzalez Arroyo will serve as the evaluator for this evaluation. Michele has conducted over 30 mid-term and final evaluations of labor capacity-building projects in Latin America and Southeast Asia, funded by U.S. government agencies and other international cooperation entities. In addition to her work as an evaluator, Michele has extensive experience as a trainer and facilitator, having planned and implemented more than 75 workshops on occupational health, education, and labor issues. Participants represented community-based organizations, universities, labor, government and business sectors.

O'Brien & Associates International (OAI) will provide logistical and administrative support to the evaluator, including travel arrangements and all materials needed to provide the deliverables specified in the Terms of Reference. OAI also will be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards.

Roles and Responsibilities

The Evaluator is responsible for conducting the evaluation according to the terms of reference (TOR). She 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 evaluator to revise and finalize
- **Reviewing proposed Evaluator**
- Providing project background documents to the Evaluator (responsibility is shared with ILO)
- Obtaining country clearance
- Briefing ILO on upcoming visit and work with them to ensure coordination and preparation for evaluator
- 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 COR on all communication with evaluator(s)**

ILO is responsible for:

- Reviewing the TOR; providing input, as necessary, directly to the evaluator; and agreeing on final draft
- Providing project background materials to the evaluator as requested
- Preparing a list of recommended interviewees
- Scheduling meetings for field visits 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 evaluator**

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 evaluator will review the following documents before conducting any interviews or trips in the region.

- The project document and sustainability strategy
- 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 evaluator will meet the projects Chief Technical Advisor (CTA) and project team to discuss the purpose and logistics of the evaluation. In addition, the project team will assist

the evaluator to schedule interviews with the key informants listed above and any others deemed appropriate.

The evaluator will interview the trade union representatives separately rather than as a group. The evaluator 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 evaluator's requests and consistent with these terms of reference. *The evaluator should conduct interviews with beneficiaries and stakeholders without the participation of any project staff.*

USDOL is interested to learn from and apply good practices to its projects as well as communicate them to USDOL audiences through its communication strategy. To contribute to this compilation of good practices, the evaluator will identify and document good practices and successes during interviews with project beneficiaries and stakeholders along with pictures (when feasible) and compelling quotes that evoke the person's hopes for the future. The goal is to show how ILAB-funded interventions help USDOL meet its mission by telling the story of a particular person whose life has either been transformed as a result of the project or who is better able to positively impact the lives of others thanks to the project. The purpose of these vignettes is to raise awareness of international worker rights and the work ILAB is doing to advance them. Any pictures or quotes gathered by the evaluator from interviewees should be accompanied by a signed waiver (see Attachment A) granting USDOL the right to use and publish their name, words, and photo through any medium in USDOL publications.

Stakeholder debriefings: Before departure from Colombia, the evaluator 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 evaluator 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 evaluator 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 evaluator 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 evaluator 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 evaluator to make introductions whenever necessary, to facilitate the evaluation process, make respondents feel comfortable, and to allow the evaluator 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 Evaluator will not be able to consider all sites when formulating her findings. All efforts will be made to ensure that the Evaluator is 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 evaluator from these sources and the ability of the latter to triangulate this information.

Furthermore, the ability of the evaluator 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.

Evaluation Milestones and Timeline

Activity	Date	Products/Comments
Prepare and submit TOR	September 26	Draft TOR
Doc reviews, methodology, data collection instruments	September 26-October 18	Final evaluation questions Methodology section Instruments
USDOL pre-trip calls with Grantee	September 26-October 18	
Fieldwork Colombia including debrief meeting	Oct 31-Nov 11	Debrief presentation
USDOL and ILO debrief calls (separately)	Nov 15	Debrief notes
Analysis and report writing	Nov 11-Dec. 1	
Send first draft report for 48-hour review	Dec 1	Draft Report 1
Revise and send second draft report for 2-week review	Dec 8*	Draft Report 2
Finalize and send final report	Dec 30 2016 *	Final Report

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

Deliverables and Deliverable Schedule

- A. Finalized TOR with USDOL and ILO consensus, [September 26](#)
- B. Method to be used during field visit, including itinerary, [October 18](#)
- C. Stakeholder debriefing meeting/presentations, [November 11](#)
- D. USDOL and ILO debrief calls, [November 15](#)
- E. Draft Report 1 to USDOL and ILO, [December 1](#) (48-hour review)
- F. Draft Report 2 to USDOL and ILO by [December 8](#) (2 week review)*
- H. Final Report to USDOL and ILO by [December 30](#)

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

Evaluation Report

The evaluator 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 evaluator receives comments, she 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 evaluator 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 30 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 tracking table
 - Project workplan
 - List of meetings and interviews
 - Any other relevant documents

ANNEX B: LIST OF DOCUMENTS REVIEWED

1. Project Document: “Promoting Compliance with International Labor Standards in Colombia”
2. Technical Progress Reports (TPR):
 - From 01/01/2015 to 31/03/2015
 - From 01/04/2015 to 30/06/2015
 - From 01/07/2015 to 30/09/2015
 - From 01/10/2015 to 31/12/2015
 - From 01/01/2016 to 31/03/2016
 - From 01/04/2016 to 30/06/2016
 - From 01/07/2016 to 30/09/2016
3. Performance Monitoring:
 - Cumplimiento indicadores por objetivo
 - Logical Framework
4. Project Impact Assessment Studies:
 - Estudio sobre acuerdos de formalización laboral en Colombia, marzo 2014
 - Estudio del impacto del programa de capacitación del programa para fortalecer la inspección del trabajo en Colombia, agosto 2015
 - Estudio del impacto del programa para el fortalecimiento de la negociación colectiva en el sector público
 - Informe cuantitativo y cualitativo: Estudio CETCOIT casos 2013-2015
 - Estudio adicional sobre acuerdos de formalización laboral en Colombia, octubre 2016
 - Segundo estudio del impacto del programa de capacitación del programa para fortalecer la inspección del trabajo en Colombia, octubre 2016
5. Training Curriculum:
 - “Programa de capacitación para el fortalecimiento de la inspección,” Módulos I-IV
 - Video: Sistema informático, Ministerio del Trabajo de Colombia
6. Inspection Tools:
 - 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
 - Checklist para identificar ambiguas y disfrazadas relaciones laborales
7. Public Sector Collective Bargaining:
 - Documento análisis de la negociación colectiva en el sector público en Colombia
 - Manual de recomendaciones para la negociación colectiva en el sector público
8. Special Reports:
 - OECD, “OECD Reviews of Labour Market and Social Policies: Colombia 2016,” OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264244825-en>
 - “Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera,” Nov. 12, 2016. <https://www.mesadeconversaciones.com.co/sites/default/files/12-1479102292.11-1479102292.2016nuevoacuerdofinal-1479102292.pdf>

- El Congreso de Colombia, “Por la cual se expide la ley de formalización y generación de empleo,” Law 1429, December 29, 2010. <http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley142929122010.pdf>
 - Ministerio de Trabajo, “Boletín de analisis coyuntura laboral,” July 2016, <http://filco.mintrabajo.gov.co/pages/panoramaMundoLaboral.xhtml>
 - ILO, “Social Dialogue,” 2016, <http://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm>.
 - Escuela Nacional Sindical, “TLC, Plan de Acción Laboral y derechos de trabajadores en Colombia,” May 16, 2016. <http://ail.ens.org.co/informe-especial/tlc-plan-accion-laboral-derechos-los-trabajadores-colombia/>
 - Ministerio del Trabajo, “Colombia is Progressing Towards Decent Work,” The National Plan for Development 2014-2018: All for a New Country. www.mintrabajo.gov.co
9. Other Resources:
- USDOL ILAB/OTLA, Management Procedures and Guidelines: Cooperative Agreements, 2015. https://www.dol.gov/sites/default/files/OTLA_2015_09_10_FY2015_MPG.pdf

ANNEX C: EVALUATION QUESTIONS AND INTERVIEW MATRIX

Promoting Compliance with International Labor Standards in Colombia FINAL EVALUATION INTERVIEW MATRIX

Question	Relevant stakeholder group						
	Project Staff	Ministry of Labor	Prosecutor General	Employer Sector	Labor Sector	NGOs	ILO Regional & USDOL
Relevance							
1. Synergies: To what extent did the Project cultivate synergies with other projects in Colombia both within and outside the ILO?	x	x	x	x	x		x
2. Changes in National Labor Agenda: How did the national labor agenda change since the beginning of the Project in response to Project initiatives or to external factors e.g., shift from Action Plan to OECD to Peace Process?	x	x					x
3. Stakeholder Needs: How did the needs of the stakeholders change since the beginning of the project? To what extent did these changes affect the relevance of the project? In what ways and how effectively did the project adapt and respond to those changes?	x	x	x	x	x	x	x
Validity of Project Design							
4. Project Design: Were the objectives/outcomes, targets and timing realistically set?	x	x		x	x		x

<p>5. Performance Indicators: How appropriate and useful were the indicators in assessing the project's progress? What could have strengthened the project's performance monitoring system?</p>	x						x
<p>Project Progress and Effectiveness</p>							
<p>6. Achievement of Objectives and Influence on Public Policy: To what extent did the project achieve its Immediate Objectives? To what extent and how did the project influence public policy on the issues related to its Immediate Objectives. Is there evidence of that influence?</p>	x	x	x	x	x	x	x
<p>7. Achievement of Targets: To what extent did the Project undertake its Outputs and Activities and meet its Performance Indicator targets? What were the major factors (within and beyond the project's control) affecting the achievement of the IOs or the meeting of Performance Indicators?</p>	x	x					x

Question	Relevant stakeholder group						
	Project Staff	Ministry of Labor	Prosecutor General	Employer Sector	Labor Sector	NGOs	ILO Regional & USDOL
8. Results Achieved and Supporting Factors: In which areas did the project achieve the most/fewest results? Why and what have been the supporting factors? Were there any additional results of the project over and above what was foreseen in the project document? Were there any unintended positive/negative results? Has the project addressed challenges and/or seized unforeseen opportunities effectively?	x	x	x	x	x	x	x
9. Technical Competencies and their Application: To what extent did the project improve technical competencies on the issue related to its Immediate Objectives? Is there evidence that stakeholders applied what they learned and produced better results?	x	x	x	x	x	x	x
10. MTE: To what extent did the project act upon the recommendations of the midterm evaluation?	x						x
Efficiency of Resource Use							
11. Resource Efficiency: Do achieved results justify the level of expenditure? Were resources (funds, human resources, time, expertise etc.) allocated strategically and efficiently to achieve outcomes?	x	x					x
12. Time Efficiency and Burn Rates: Were project funds and activities delivered in a timely manner? Were there delays in the execution of some activities? Did budget expenditure progress as expected? Were there significant savings or cost overruns in some activities?	x	x					x
Effectiveness of Management Arrangements							
13. Project Management: To what extent did the established management capacities and arrangements facilitate the effective and efficient delivery of results? How effective was the backstopping support provided by ILO throughout the project implementation?	x	x					x

Question	Relevant stakeholder group						
	Project Staff	Ministry of Labor	Prosecutor General	Employer Sector	Labor Sector	NGOs	ILO Regional & USDOL
Impact Orientation and Sustainability							
14. Sustainability Elements: What are the elements, services, or products developed by the project (program strategies, technical tools/ methodologies, and assessment tools/ methodologies) that are likely to be sustained beyond the life of the project? Are they being used, maintained, replicated, or institutionalized by stakeholders or others?	x	x	x	x	x	x	x
15. Good Practices and Potential for Scaling-up: What key elements, services, or products developed by the project (program strategies, technical tools/ methodologies, and assessment tools/ methodologies), should be continued, scaled up, and institutionalized beyond the end of the project? How easily could these tools be adapted or replicated for use in other environments or contexts?	x	x	x	x	x	x	x
16. Lessons Learned: Are there any lessons learned during the course of this project? Perhaps something that should have been done differently to achieve greater results or avoid unnecessary delays?	x	x	x	x	x	x	x

ANNEX D: LIST OF PERSONS INTERVIEWED

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ANNEX E: PROJECT LOGICAL FRAMEWORK

Project Structure	Indicators	Means of Verification
DEVELOPMENT GOAL: To promote a labour regime that contributes to economic development with social justice in Colombia.	Labour relations in Colombia are developed in a climate of trust and respect for fundamental rights at work. The Colombian government has strengthened mechanisms for prevention and prosecution of anti-union violence The Colombian government has strengthened mechanisms for protecting fundamental rights at work and enforcing Colombian labour laws	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 Statistics and qualitative analysis from and surveys of stakeholders
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	Number of strikes and labour layoffs Number of collective bargaining conflicts Number of charters of union organizations filed Number of collective bargaining agreements Rate of coverage of collective bargaining Number of cases resolved by the Special Commission for the Management of Conflicts Referred to the ILO (CETCOIT)	Ministry of Labour statistics Ministry of Labour records Analyses, records, and statistics of different information sources (Ministry, Medellín National Union School, CUT, CGT and CTC unions) CETCOIT minutes and official reports from the Ministry of Labour
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	Level of satisfaction of social and civil society actors with Ministry of Labour services Information management system approved and in operation Number of reports on inspection-related data and results produced by the labour information system shared with stakeholders Number of procedures (complaints, requests, follow-up, etc.) that stakeholders and the general public have reported via the website	Ministry of Labour reports on inspection-related data and results Surveys of satisfaction with Ministry of Labour services Survey on knowledge of Ministry functions and mechanisms Ministry of Labour website
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	A computerized information system for the registration and analysis of labour inspection data and reports and other	Ministry of Labour website Policy requiring the use of the online information system

real-time input and use of information and user accessibility and consolidates, integrates, and updates all existing labour inspection databases	<p>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>	
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>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</p> <p>List of participants at training sessions</p> <p>Systematization of evaluations of trained officials</p>
Activity 1.1.3: Provide technical assistance for conducting an analysis of the information supplied by the system and publish the findings	<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>
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>Result of evaluations conducted</p> <p>Improvements to the information system incorporated</p>	<p>Evaluation report</p> <p>Report on information system modifications</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>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>
<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 sessions</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</p>	<p>Impact study of legislative and</p>	<p>Copy of the study report</p>

<p>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>regulatory measures to remedy the improper use of collective pacts that threaten freedom of association and collective bargaining Meetings for consultation and/or dissemination with stakeholders</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 Background documents for the reforms</p>	<p>Proof of receipt of reform proposals by Ministry of Labour</p>
<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 Number of labour inspectors trained</p>	<p>Surveys of satisfaction of stakeholders on Ministry of Labour services List of labour inspectors participating at training sessions 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 Level of retention of programme contents Number of inspectors trained</p>	<p>Copy of training materials: training booklets printed, distributed and used in training sessions List of participants at training sessions Evaluation form of inspectors trained</p>
<p>Activity 1.4.2: Design and implement a</p>	<p>Training plan and materials</p>	<p>Copy of training materials:</p>

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	designed and implemented, including an easily updatable training booklet Level of retention of programme contents Number of inspectors trained	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
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	Level of understanding of stakeholders of collective pacts and labour intermediation and all forms of	Surveys of stakeholders Complaint records and statistics of the Ministry of Labour

<p>pacts and labour intermediation and all contractual arrangements that threaten workers' rights, particularly the rights to freedom of association and collective bargaining.</p>	<p>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>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>	<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>
<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>	<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>
<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>	<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>
<p>IMMEDIATE OBJECTIVE 2: Strengthen existing social dialogue institutions, specifically the Departmental Sub commissions</p>	<p>National social dialogue institution improved by strengthening its secretariat and its operations Number of regular meetings Number of members of social dialogue bodies trained</p>	<p>Publication of notice of meetings of social dialogue institutions, meeting agendas and meeting results, including follow-up agreements.</p>
<p>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</p>	<p>Technical secretariat and its departmental subcommittees in operation at national and local level Regulations of technical</p>	<p>Publication of notice of meetings of social dialogue institutions, meeting agendas and meeting results, including follow-up agreements</p>

	secretariat and its departmental subcommittees adopted Number of participants trained Decent Work is incorporated into local policies and programs	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 sub-commissions 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 sub-commissions	Strategy adopted and implemented	Item in the CPCPSL minutes where strategy is adopted Implementation report
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.	Technical assistance agenda and training prepared with workers and employers organizations at national and local level Technical assistance agenda and training program implemented Number of proposals made on social economic issues presented by workers and employers organizations to the CPCPSL and departmental sub-committees meetings	Minutes of meetings with workers and employers organizations Meeting minutes List of participants trained Minutes of the CPCPSL and departmental sub-committee meetings
OUTPUT 2.2: Bipartite social dialogue in the public sector has been consolidated	Number of agreements reached that are implemented	Minutes of meetings Minutes of agreements Report on compliance with agreements
Activity 2.2.1: Conduct an assessment of bipartite social dialogue in the public sector, with participation of constituents	Assessment completed	Assessment report approved by the public social dialogue commission Agreements of the commission reflect the assessment findings
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	Training programme designed Number of trade union representatives trained	Training materials designed List of participants at training sessions

<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 Number of public officials trained</p>	<p>Training materials designed List of participants at training sessions</p>
<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>
<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,</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</p>	<p>Training booklets printed, disseminated and used in training sessions Record of all trade union trainers who participated in the training</p>

and former unionists who are under threat because of their past union-related activities	receive training on the material and teaching methods Level of retention of programme contents	Results of training evaluations
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.	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	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
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.	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	Record of participants Surveys of officials trained and beneficiary population Report on the analysis of cases or procedures implemented
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.	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	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
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.	Training programme and materials designed Number of judicial officials, prosecutors and police investigators trained Level of assimilation of contents by the officials trained	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
OUTPUT 3.3.: The Prosecutor General's Office's engagement with stakeholders, including victims and their families, improved.	Number of meetings of the Prosecutor General's Office or its delegates with stakeholders, to review advances in cases	Survey of stakeholders Minutes of meetings with stakeholders Report of contact of Prosecutor General's Office with victims'

	Number of official communications from the Prosecutor General's Office or its delegates to inform families of victims on case advances	families
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	Assessment completed and made available to the Prosecutor General's Office and stakeholders	Assessment report Confirmation of receipt of assessment report by the Prosecutor General's Office and stakeholders
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	Strategy approved and implemented	Records indicating adoption and implementation of the strategy

Source: Project Document