
**INDEPENDENT EVALUATION OF THE U.S. DEPARTMENT OF
LABOR'S TECHNICAL COOPERATION PORTFOLIO TO PROMOTE
WORKERS' RIGHTS IN HAITI**

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This report describes in detail the evaluation of the portfolio of USDOL-funded projects in the apparel industry in Haiti. The fieldwork for multi-project evaluation was conducted between February 15-26, 2016 while the bulk of the data analysis and report writing took place from April 19 to May 9, 2016. Dan O'Brien, independent evaluator, conducted the evaluation in collaboration with the projects and stakeholders and prepared the evaluation report according to the terms in the contract with the United States Department of Labor. Mr. O'Brien would like to express sincere thanks to all parties involved in this evaluation for their support and valuable contributions.



**O'BRIEN &
ASSOCIATES**
INTERNATIONAL

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LIST OF ACRONYMS

ADIH	Association des Industries d'Haïti
AUMOHD	Action des Unités Motivées pour une Haïti de Droit
BW	Better Work
BWG	Better Work Global
BWH	Better Work Haiti
CATH	Centrale Autonome des Travailleurs Haïtiens
CFOH	Confédération des Forces Ouvrières Haïtiennes
CTMO-HOPE	Commission Tripartite de Mise en Oeuvre de la Loi HOPE
CNOHA	Centrale Nationale des Ouvrières Haïtiens
CTA	Chief Technical Advisor
ENAPP	Ecole Nationale d'Administration et de Politiques Publiques
ESPM-BO	Ente Sendikal Premye Me-Batay Ouvriye
FMCS	US Federal Mediation and Conciliation Services Agency
FOA	Freedom of Association
GOH	Government of Haiti
HELP	Haiti Economic Lift Program of 2010
HOPE	Haiti Hemispheric Opportunity through Partnership Encouragement Act
IAA	Inter-Agency Arrangement
IBN	Interest Based Negotiation
ILO	International Labour Organization
ILS	International Labor Standards
ITUC	International Trade Union Confederation
KAP	Knowledge, Attitude, and Practice
KOTA-UTL	Konfederasyon Travaye Ayisyen-Union des Travailleurs Libres
LABADMIN	Labour Administration, Labour Inspection, and Occupational Safety and Health
LFA	Logical Framework Approach
MCB	MAST Capacity Building Project
MAST	Ministère des Affaires Sociales et du Travail
M&E	Monitoring and Evaluation
MIO	Manufacturers Industrial Origin
MPG	Management Procedures and Guidelines

NPC	National Project Coordinator
NICRA	Negotiated Indirect Cost Recovery Agreement
OFATMA	Office d' Assurance de Travail de Maladie et de Maternité
OMRH	Office de Management et des Ressources Humaines
OSH	Occupational Safety and Health
OTLA	USDOL's Office of Trade and Labor Affairs
PAC	Project Advisory Committee
PICC	Performance Improvement Consultative Committee
PMP	Performance Monitoring Plan
RF	Results Framework
SC	Solidarity Center
SONAPI	Société Nationale des Parcs Industriels
SWO	Strengthening Worker Organization in Haiti Project
TAICNAR	Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program
TOR	Terms of Reference
TPR	Technical Progress Report
TUCA	Trade Union Confederation of the Americas
UN	United Nations
US	United States
USAID	United States Agency for International Development
USDOL	United States Department of Labor
USG	United States Government

EXECUTIVE SUMMARY

Background

To support the garment sector, the United States Congress enacted the Haiti Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE) that extended preferences for Haitian apparel established under the Caribbean Basin Economic Recovery Act. HOPE enabled the Haitian garment industry to benefit from new duty-free preferences. In 2008, these preferences were further expanded through legislation known as HOPE II that extended tariff preferences on textiles, apparel, and other goods. It also established new standards and programs to strengthen and monitor working conditions in the garment sector.

To benefit from HOPE II, Haiti was required to establish an independent Labor Ombudsman appointed by the President of the Republic in consultation with the private sector and the trade unions. The Labor Ombudsperson is required to oversee the implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program. TAICNAR aims to provide technical assistance to strengthen the legal and administrative structures for improving and assessing compliance with core labor standards and national labor law, supporting remediation efforts, and publicly reporting on the progress of each factory on the Labor Ombudsman's register. The International Labour Organization (ILO) implements portions of the TAICNAR through its Better Work Haiti (BWH) program.

USDOL Technical Cooperation Program in Haiti

Over the last five years, USDOL's technical cooperation with Haiti has focused on the implementation of the labor provisions of HOPE II. Since 2008, USDOL has provided over \$12.9 million for technical cooperation programs in Haiti. USDOL funding includes \$9.2 million for the ILO BWH program and \$2.4 million to the ILO for the MAST Capacity Building (MCB) project. USDOL also has supported efforts to build the capacity of worker organizations in Haiti through a \$1.2 million grant to the American Center for International Labor Solidarity (Solidarity Center or SC). Furthermore, USDOL provided more than \$58,000 in funding for the U.S. Federal Mediation and Conciliation Service (FMCS) to conduct trainings for tripartite entities in mediation, conciliation and alternative dispute resolution. Each project is briefly discussed below.

Better Work Haiti

The Better Work Haiti (BWH) project, which is funded by USDOL and implemented by the ILO, provides a wide range of support to Haitian stakeholders within the context of implementing HOPE II requirements.¹ HOPE II requires BWH to assess producers' compliance with core labor standards and the labor laws of Haiti related directly to and consistent with those standards and to ensure acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

¹ The Better Work program is collaboration between the ILO and International Finance Corporation (IFC). However, the ILO actually implements the program.

Federal Mediation and Conciliation Services: Dispute Resolution and Mediation Training

Through an Inter-Agency Agreement (IAA), USDOL provided \$58,579 for FMCS to provide technical assistance to build local capacity for effective industrial relations systems, including labor inspection, collective bargaining, mediation, and dispute resolution. The FMCS conducted training on conflict resolution, mediation, and conciliation for the Office of the Labor Ombudsperson and MAST labor inspectors and conciliation officers. The FMCS training took place between January 2012 and December 2015.

MAST Capacity Building

In 2014, USDOL provided a grant to the ILO to implement a two-year \$1.4 million project aimed specifically at improving the labor inspection capacity of MAST. Due to a late start and operational delays, the project requested and was granted an extension until June 2017 along with an additional \$1 million to conduct new activities such as MAST management training, judicial training and labor law reform.

Strengthening Worker Organizations

The Solidarity Center implemented a two-year (2012-2014) \$1.2 million project titled, “*Strengthening Worker Organizations in Haiti (SWO)*.” The project’s overall goal was to improve the livelihoods of workers with decent work opportunities and labor rights protection in Haiti’s textile and apparel sector. The project aimed to improve working conditions in the apparel and textile sector that would foster decent work and allow workers to improve their livelihoods and ultimately contribute to the social and economic development of the country.²

Evaluation Overview

The purpose of the evaluation is to assess the overall systemic impact and effectiveness of USDOL’s international technical assistance and cooperation programs in Haiti. Unlike most project implementation-focused evaluations, the purpose of this evaluation is not to evaluate any one particular project funded by USDOL. This evaluation examined the extent to which USDOL-funded assistance and cooperation efforts have worked together to promote USDOL’s mission and broader US Government policy and priorities as they relate to Haiti.

The fieldwork for the evaluation was originally planned to take place from January 18 to February 5, 2016. Due to political tensions resulting from the presidential election run-offs, the US Embassy in Haiti decided to postpone the evaluation. The fieldwork was rescheduled for February 15-26, 2016. The bulk of the data analysis and report writing took place from April 19 to May 9, 2016.

Findings and Conclusions

Project Design and Performance Monitoring

² SWO Project Document.

The projects do not fully meet the guidance for project design and monitoring and evaluation provided in the USDOL Management Procedures and Guidelines (MPG). The SWO project document was the only one that included a results framework/theory of change diagram as stipulated in the MPG. BWH and MCB project documents included modified logical frameworks with the development objective, intermediate objectives or outcomes, and outputs.

The project documents for the three projects did not include a PMP table as described in the MPG. Each project document provided a modified version of the logical framework. The BWH indicators are largely based on the BWG indicators that are well designed to capture effects. The MCB project indicators are also well designed to measure the intermediate objectives. The SWO indicators tend to measure outputs such as the number of workers trained or the number of organizing campaigns conducted. The SWO PMP could have been strengthened to measure effects such as the increases in the number of trade unions/committees, affiliates, and progress on collective bargaining agreements.

Relevance and Strategic Fit

Overall, the USDOL-funded projects are relevant and addressing important issues in the Haitian labor environment. The projects are generally meeting the needs and expectations of key stakeholders including MAST, worker organizations, factories, and buyers. However, the relationship between the MCB project and OMRH/ENAPP and the role OMRH/ENAPP would play in the project has not been defined.³

MAST labor inspectors are satisfied with the training and other capacity building activities they received under the MCB project. They also believe the joint factory inspections with BWH EAs have been effective and would like to participate in more joint inspections. They believe the FMCS mediation and conciliation training was effective but should have been conducted in French and used more local examples of how to apply the new skills.

In general, ADIH is satisfied with the BWH program and believes that it is making an important contribution to factory compliance under the HOPE legislation. ADIH's major criticism, at the time of the evaluation, is how BWH is handling the OFATMA issue. ADIH believes rather than mark factories as non-compliant because they are not subscribing to OFATMA as required by law, BWH should work with factories and OFATMA to define a transition period for factories to meet their OFATMA obligations. ADIH also believes the MCB and BWH should be collaborating more closely to build the capacity of MAST labor inspectors.

The factories believe BWH is an important initiative that is helping them comply with international labor standards and national labor law. They believe the compliance assessments are accurate but that the scoring system is too rigid. Factories especially appreciate the BWH advisory services and approach to continuous improvement. Like ADIH, the major criticism of

³ Office de Management et des Ressources Humaines (OMRH) is the government agency responsible for managing government employee human resources including professional development. The Ecole Nationale d'Administration de Politiques Publiques (ENAPP) is the training center within OMRH responsible for training government employees.

BWH was how it was handling OFATMA. Factory managers believe that the OFATMA system is not ready to provide quality health and maternity services.

The buyers are generally satisfied with BWH. They believe the compliance reports are accurate and useful. The major complaint from buyers is that they have not seen improvements in non-compliance scores since the inception of the project. They wonder why factories cannot improve compliance with national labor laws. Some believe that BWH/ILO should work with the GOH to revise labor codes so they are relevant within the current labor context. Another objective of revised labor codes would be to precisely determine whether employers are non-compliant with national labor laws.

The trade unions that participated in the SWO project are satisfied with the training and capacity building the project provided. They believe they were able to grow their membership as a result of the organizing campaign training and activities. In future projects, the trade union representatives would prefer that capacity building activities be based on the needs of each organization rather than to participate in generic trainings on labor rights, bargaining techniques, and membership campaigns.

Progress and Effectiveness

BWH is achieving 79% of its indicator targets for Outcome 1 and exceeding indicator targets for Outcomes 2 and 3 by 135% and 121%, respectively. However, certain key indicator targets or actual achievement have not been calculated due to missing information. The primary indicator for Outcome 1 is the average non-compliance rate. The trend in the average non-compliance rate has not improved since the BWH began activities in 2009.

Since the MCB project's PMP does not have indicator targets and the indicators are not currently being tracked and reported, it is not possible to assess progress based on indicator achievement. A qualitative assessment of the intermediate objectives and outputs would suggest that IO 1 is largely on track while IOs 2 and 3 are behind schedule to achieve the targets in the PMP. USDOL approved a one-year extension along with an additional \$1 million so MCB could complete its planned outcomes and outputs. A labor judicial capacity building objective and corresponding component has been added.

The SWO project met or exceeded 86% of its indicator targets. It exceeded several indicator targets by more than 500%. The project only underachieved three indicators. Two were related to providing legal services and presenting legal cases to the courts. The project might have set the targets too low based on a lack of information when the project started about how factory level unions/committees are formed and counted.

Efficiency and Use of Resources

The BW country programs collect and report on the same indicators. This facilitates comparing the different programs against a standard set of indicators. Based on indicators that measure efficiency, the BWH program, like other BW country programs with a small number of factories and workforce, is not as efficient as large country programs such as Cambodia, Indonesia, and Vietnam. When compared to small country programs such as Nicaragua and Lesotho, BWH is

efficient in terms of factories per EA, assessments per EA, and cost recovery. It is less efficient in terms of on-time delivery of reports and cost per worker.

The MCB experienced a delayed start due to the late hiring and arrival of the CTA. The project also experienced delays in labor inspector job description approvals and the KAB survey for a variety of reasons including political unrest, turnover of key government personnel, and ineffective project management. The delays resulted in the inability of the project to meet its outcome and output targets within the grant period. The project received a one-year extension along with \$1 million to achieve the original indicator targets as well as four new ones. The delays that led to the one-year extension and an additional \$1 million necessarily caused inefficiencies.

Management Structures

The BWH management structure consists of 16 fulltime positions that account for 63% of the entire budget. An additional 8.5% is allocated to BWG for support services. The MCB project, on the other hand, has six fulltime positions that account for 53% of the budget. The ILO indirect rate for each project is 13%. The SWO project had only one fulltime position, which was the Project Director. The local staff consisted of part-time positions for the union coordinator, administrative and office staff, and driver. However, seven headquarters staff were charged to the project at varying degrees of effort. The total amount of effort charged to the SWO budget was 9.17 that accounted for 55% of the total budget.

Impact Orientation

BWG intends to measure the impact of the BW country programs. The theory of change states that improvements in factory compliance with international labor standards and national labor laws will directly benefit workers and factories. Workers and their families should experience improvements in income, health status, education, and life status. The factories should experience improved productivity that would make them more competitive. The primary effect level indicator in the theory of change logic is improvement in factory-level compliance. However, there does not appear to be a clear trend in the improvement in average factory non-compliance since BWH initiated operations in 2009.

The MCB project intends to have impact on factory compliance with labor laws. The theory of change argues that improving capacity to conduct effective inspections would improve compliance. In turn, the improved capacity is based on training, improved inspection protocols and tools, and the professionalization of the labor inspectors (i.e. job descriptions, pay grades, professional development). While the project is making progress in these areas, it is too early to determine if the project will achieve impact as described in the project design since it is behind schedule in achieving its indicator targets.

The SWO project aimed to strengthen livelihoods of workers in the apparel sector as the impact level goal. The project invested heavily in helping trade unions organize campaigns and build knowledge and capacity in the areas of labor rights. As a result, it appears the project helped increase the number of factory level trade unions/committees and affiliates and laid the groundwork for several collective bargaining agreements. While these are important

accomplishments, there is no evidence that these effect level achievements have contributed to improved livelihoods. However, achieving an impact on worker livelihoods given the difficult labor environment in only two years is extremely ambitious.

Sustainability

The MPG requires grantees to submit a sustainability strategy. However, it does not elaborate the extent or composition of the strategy. All three project documents include a short section on sustainability that minimally meets the MPG requirement. The discussion in the project documents, however, do not describe what interventions or results should be sustained, how they should be sustained, and the resources necessary for their sustainability.

The BWH project document is very clear that the BWH program cannot be financially sustained based on revenue generated by buyer partner contributions and selling compliance reports. BWH does mention conducting a feasibility study to determine what support it might receive from foundations and other donors. However, it is highly unlikely that a BWH program can be sustained without major funding like it is receiving from USDOL.

The primary strategy to sustain MCB interventions and results is building the capacity of MAST labor inspectors to conduct effective inspections, MAST managers to support the labor inspectors, and OMRH/ENAPP to support labor inspectors through professional development. While this approach is feasible, sustainability would depend on the ability and willingness of MAST and OMRH to adjust inspector salary levels, provide inspection tools when needed, provide transportation, and implement an on-going professional development (training) program for inspectors.

The SWO project invested heavily in capacity building for its trade union partners. The most tangible achievements appear to be increases in the number of factory level trade unions and affiliates. The project also seems to have laid an important foundation for several collective bargaining agreements. Beyond the capacity building, it does not appear that the project established output mechanisms that have been sustained. The sustainability of the trade unions themselves is fragile since they do not collect membership dues or generate other forms of revenue.

Recommendations

1. BWH and MCB Project Collaboration

BWH and MCB should improve the level of collaboration that would, in turn, improve the level of effectiveness and efficiency of the efforts to build and sustain the capacity of MAST labor inspectors. There could be a strong strategic fit between the two projects. The two projects should develop a collaboration plan that includes joint meetings to review progress and plan future activities; agreement to share documents and other information as appropriate; joint training with BWH EAs and MAST labor inspectors; and joint inspections and advisory service events where labor inspectors take the lead in the inspection and the EAs act as mentors.

2. BWH Indicator Targets and Reporting

BWH should ensure that the indicators in the PMP have target values and that progress in achieving the indicator targets are reported as required in the TPRs. There are four indicators that do not have targets and seven indicators that do not have target achievement entered. Two indicators measure knowledge gained as a result of training and industry seminars while two indicators measure buyer and factory satisfaction with BWH. These indicators rely on annual surveys. BWH might consider conducting the surveys every six months so the project does not have to wait an entire year to assess knowledge gains and customer satisfaction and make adjustments.

3. BWH and Buyer Communication

BWH should increase the level of communication with buyers, especially buyer partners. The communication should focus on real-time events affecting the apparel sector in Haiti as well as recent information that BWH might have about the buyers' suppliers. This might include meetings or telephone conversations with factories, advisory services such as trainings or technical assistance visits, or compliance assessments. Buyers would be especially interested in information regarding improvements in non-compliance points and the preliminary results of the compliance assessments, especially if there are any key non-compliance issues discovered under the international labor standards section such as verbal or sexual harassment.

4. Strengthening and Expanding PICCs

BWH should continue to focus its efforts on strengthening the existing PICCs and establishing PICCs in those factories that do not have PICCs. The PICC is one of the primary BW mechanisms to deliver and sustain advisory services. They are also critical in assisting the factories address non-compliance points as identified during the compliance assessments. Despite their strategic importance, BWH has established PICCs in only 50% of the factories since 2009. Of these, EAs estimate that two to three PICCs out of 12 function relatively well. Recently, BWH has made progress in increasing the number of factories that have PICCs. This trend should continue with an eye on building the capacity of PICCs so they can make positive contributions to addressing non-compliance.

5. MCB Performance Monitoring Plan

The MCB project should complete the project's PMP and begin implementation. The project has a strong set of indicators. However, it never set indicator targets and has yet to collect data against the indicators. The ILO is in the process of hiring an M&E specialist for the project. The priority of the new M&E specialist should be to work with the project director and LABADMIN staff to set the targets and establish a baseline to measure progress against for the remaining life of the project. The revised PMP should also include indicators and targets for new components such as judicial capacity building and labor law reform. During the revision process, the project should determine whether it is possible to achieve the indicator targets in the remaining life of the project and make any necessary adjustments in the PMP.

6. Relationship and Role of OMRH/ENAPP

The MCB project should work with MAST and OMRH/ENAPP to clearly define the relationship OMRH/ENAPP should have with the project and the role would play to build the capacity of the labor inspectors and achieve institutional sustainability. The MCB project approached OMRH to discuss the revision of the labor inspector job descriptions that it is supposed to approve and ENAPP to discuss the institutionalization of a professional development program for labor inspectors. At the time of the evaluation, OMRH had not been contacted for follow-up and is unclear of the role it is expected to play. It should be noted, however, that the OMRH director believes his institution should play a more significant role than approving job descriptions. He would like OMRH to be considered a formal partner and be involved in decisions as they related to labor inspector professional development.

7. MCB Comprehensive Sustainability Plan

The MCB project should work with MAST officials to develop a comprehensive sustainability plan. The sustainability plan should identify the interventions, outputs, and results that should be sustained once the project ends. It should also identify the strategies for sustaining the interventions and results as well as the responsible party and resources required to sustain them. Furthermore, the sustainability plan should have a set of indicators or milestones with targets and timeline that the project can track to determine whether it is on schedule. The sustainability plan should be developed by November 2016, which would give the project approximately a year to achieve sustainability. The project should not wait until the end of the grant to address sustainability. The project might consider a series of two to three workshops or meeting with key stakeholders to develop the plan.

8. ILO Use of BWH Personnel

USDOL should work with the ILO Haiti Country Coordinator to define the roles and responsibilities of BWH personnel in relation to the other ILO projects operating in the country to determine if and how to charge other ILO projects for the time that BWH personnel spend supporting those projects. According to the USDOL-ILO Cooperative Agreement for BWH, key personnel should be dedicated 100% to the BWH project. This is clearly not the case since the CTA spends approximately 20% of her time providing financial management support to other ILO projects.⁴ In addition, other key BWH administrative and finance personnel spend 15% to 30% of their time providing financial and administrative support to the other ILO Haiti projects. Apparently, the ILO sub-regional office in San Jose issued instructions to the ILO office in Haiti about charging other ILO projects for the use of BWH personnel. However, BWH has not yet been reimbursed for the use of its personnel.

9. MPG Guidance and Enforcement

USDOL should require its grantees to adhere to the MPG guidance on project design and performance monitoring. USDOL has significantly improved the guidance it provides in the MPG over the past four years. The guidance on project design and performance monitoring is

⁴ The financial management support consists of preparation of budgets and financial reports.

intended to improve the quality of the USDOL-funded projects and their ability to have and demonstrate impact. Currently, many grantees do not follow the guidance and, consequently, the quality of the projects suffers. USDOL should also consider developing an enforcement mechanism that would require grantees to adhere to the MPG requirements and address USDOL technical questions and recommendations aimed at improving project design, performance monitoring, interventions and strategies, and project management.

10. Output-Based Budgets

USDOL should require its grantees to adhere to the MPG requirement to develop and submit output-based budgets and reports. USDOL should ensure that each output is linked to a cost and indicator target, which will help USDOL assess the reasonableness of the cost of the output and compare common output costs among projects. The output-based budgets would also help external evaluators more effectively assess project efficiency.

11. FMCS Training in French and Local Context

USDOL should work with FMCS to ensure future FMCS training in Haiti is conducted in French or Creole and uses local context that represents the kinds of situations that the Labor Ombudsperson and MAST labor inspectors confront. This would require French or Creole speaking trainers. FMCS has used interpreters to translate training sessions from English to French or Creole. While the labor inspectors opine that the interpretation worked reasonably well, they believe the training would be much more fluid and interactive if conducted in French or Creole. Training content such as mediation and conciliation scenarios and examples should be based on the context of the apparel sector in Haiti rather than drawing from scenarios and examples from the US or other countries.

I. PROJECT DESCRIPTION AND CONTEXT

1.2. Program Context

Haiti is the second most densely populated country in the western hemisphere and the poorest. Nearly eighty per cent of the population live below the poverty line while approximately 50% of the population is food insecure.⁵ More than half of the population are illiterate and only 55% of children between six and 12 years of age are enrolled in school. Underemployment is estimated to be 60% while annual income per capita is estimated to be US\$450.⁶ Haiti is currently ranked 163 out of 180 countries in the United Nation's Human Poverty Index.⁷ In January 2010, an earthquake struck Haiti that killed more than 200,000 people and displaced another 1.5 million persons. The earthquake further eroded the economic, political, social, and environmental conditions in the country. Nearly six years later, the effects of the earthquake still impede the country's development progress.

To address the social, economic and political vulnerabilities, the Government of Haiti (GOH) has prioritized the expansion of income generation opportunities for Haitians. GOH, with the support of employers' and workers' organizations, and other development partners, decided to actively promote the garment assembly sector as an engine of growth and employment. The apparel industry is an important economic sector for Haiti. It is the largest export industry in Haiti that currently employs approximately 40,000 people.⁸

To support the garment sector, the United States Congress enacted the Haiti Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE) that extended preferences for Haitian apparel established under the Caribbean Basin Economic Recovery Act. HOPE enabled the Haitian garment industry to benefit from new duty-free preferences. In 2008, these preferences were further expanded through legislation known as HOPE II. HOPE II extended tariff preferences on textiles, apparel, and other goods. It also established new standards and programs to strengthen and monitor working conditions in the garment sector. In 2010, the Haiti Economic Lift Program of 2010 (HELP Act) was signed into law to expand existing preferences in Haiti's textile and apparel sectors. Among its provisions, the HELP Act extended almost all of the trade preferences established under HOPE and HOPE II until 2020, and significantly expanded the tariff preference level limits for knit and woven apparel. In June 2015, the US Government extended the HELP/HOPE provisions until 2025.⁹

To benefit from HOPE II, Haiti was required to establish an independent Labor Ombudsman appointed by the President of the Republic in consultation with the private sector and the trade unions. The Labor Ombudsperson is required to: (i) develop and maintain a registry of producers whose articles are eligible for the preferential tariff treatment, (ii) oversee the implementation of

⁵ The Economist Intelligence Unit: Country Profile 2007 – Haiti (EIU, London, 2007).

⁶ The Economist Intelligence Unit: Country Report – Haiti (EIU, London, May 2008).

⁷ The United Nations Human Development Report 2015.

⁸ ADIH reports 40,000 people employed. Better Work estimates that this number includes 36,000 factory workers and 4,000 managers.

⁹ https://www.whitehouse.gov/sites/.../saphr1295sa_20150514.pdf

the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program, (iii) receive and investigate comments regarding compliance with core labor standards and relevant Haitian labor laws, and (iv) assist producers in meeting the requirements of HOPE II. In addition, the Ombudsperson is required to coordinate with a tripartite committee to evaluate the progress of the TAICNAR program and consult on improving core labor standards and working conditions in the export textile and apparel sector.

TAICNAR consists of two components. The first component is technical assistance to strengthen the legal and administrative structures for improving compliance in the industry that includes reviewing national laws and regulations to bring them into conformity with international standards, raising awareness of workers' rights, and training labor inspectors, judicial officers and other government personnel. The second component focuses on assessing compliance with core labor standards and national labor law, supporting remediation efforts, and publicly reporting on the progress of each factory on the Labor Ombudsman's register. The International Labour Organization (ILO) implements portions of the TAICNAR through its Better Work Haiti program.

The GOH has ratified the eight ILO Conventions covering the core labor standards: freedom of association and collective bargaining (Conventions 87 and 98), forced labor (Conventions 29 and 105), child labor (Conventions 138 and 182) and discrimination in employment/occupation (Conventions 100 and 111). However, labor relations in Haiti are established and regulated by a special provision of the Labor Code of 1984. The law allows some workers, excluding public sector employees, to form and join unions of their choice and strike. The law allows collective bargaining and requires employers to sign a collective bargaining agreement with a union that requests an agreement and represents two-thirds of the workers. The law prohibits firing workers based on union activities but does not require employers to reinstate workers that were illegally fired for union activities. Illegally fired workers have the right to recover any compensation to which they are entitled.

The Haitian labor law is not always consistent with international labor standards, including ILO conventions ratified by Haiti. The law places several restrictions on labor rights. For instance, it requires that any union obtain prior authorization from the government to be recognized. The law places legal limits on the right to strike and includes several "secondary forms" including (1) striking while remaining at post, (2) striking without abandoning the institution, (3) walking out and abandoning the institution, and (4) striking in solidarity with another strike. A 48-hour notice period is compulsory for all strikes and certain strikes may not exceed one day. Furthermore, the law allows for compulsory arbitration at the request of only one party to halt a strike. The law does not cover freelance workers or workers in the informal economy. This inconsistency has created a conflicting set of rules, leading to confusion among government officials, workers, and producers.

Labor courts, which function under the supervision of MAST, are responsible for adjudicating private sector workplace conflicts. The law requires MAST mediation before filing cases with the labor court. In the case of a labor dispute, MAST conducts an investigation to determine the nature and causes of the matter and facilitates a resolution. In the absence of a mutually agreed upon resolution, the matter is referred to court. In the apparel sector, the Labor Ombudsman and MAST provide mediation services to workers and employers in Port-au-Prince, Caracol, and

Ouanaminthe. Due to the limited capacity and procedural delays in forwarding cases from MAST to the courts, the mediation services of the textile sector’s Labor Ombudsperson and the conciliation services of the labor ministry are often the only official recourse for workers’ grievances.

1.2. USDOL Program Description

Over the last five years, USDOL’s technical cooperation with Haiti has focused on the implementation of the labor provisions of HOPE II. Since 2008, USDOL has provided over \$12.9 million for technical cooperation programs in Haiti, which makes USDOL and the US Government the largest external funder in Haiti for labor-related programming. USDOL funding includes \$9.2 million for the ILO BWH program and \$2.4 million to the ILO for the MAST Capacity Building (MCB) project. USDOL also has supported efforts to build the capacity of worker organizations in Haiti through a \$1.2 million grant to the American Center for International Labor Solidarity (Solidarity Center or SC). Furthermore, USDOL provided more than \$58,000 in funding to the U.S. Federal Mediation and Conciliation Service (FMCS) to conduct several trainings for tripartite entities in mediation, conciliation and alternative dispute resolution.

Table 1 shows the implementing organization, focus area, funding level, and timeframes for the USDOL technical cooperation activities. A summary of each of these activities is provided below.

Table 1: Implementing Organization, Focus Area, Funding Level, and Timeframe for USDOL Funded Projects in Haiti

Name	Implementer	Focus	Funding USD	Timeframe
BWH	ILO	International labor standards	\$9,263,555	Nov. 1, 2009 to Jun. 30, 2017
FMCS	FMCS	Mediation, dispute resolution	\$58,579	Jan. 1, 2012 to Dec. 31, 2015
MCB	ILO	Inspection and judicial strengthening	\$2,400,000	Nov. 15, 2013 to June 30, 2017 ¹⁰
SWO	Solidarity Center	Union strengthening	\$1,200,000	Jul 1, 2013 to May 29, 2015
Total			\$12,922,134	

Better Work Haiti

The Better Work Haiti (BWH) project, which is funded by USDOL and implemented by the ILO, provides a wide range of support to Haitian stakeholders within the context of

¹⁰ The MCB is scheduled to end December 31, 2016. However, USDOL provided an additional \$1 million for a second phase that is scheduled to end June 30, 2017.

implementing HOPE II requirements.¹¹ HOPE II requires BWH to assess producers' compliance with core labor standards and the labor laws of Haiti related directly to and consistent with those standards and to ensure acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

Since 2009, BWH has performed factory assessments, provided compliance advisory services, and issued the bi-annual reports required under HOPE II. USDOL provided \$1 million in 2009-2010 for the preparatory phase of BWH. Once the preparatory phase ended and the ILO and USDOL determined that a BWH program was feasible, USDOL provided an initial \$3.6 million for Phase I that funded the program from 2010 to 2013. In 2013, USDOL provided an additional \$3 million for Phase II that funded BWH from 2013 to 2015. In 2015, USDOL provided \$1.65 million to BWH that extended Phase II to 2017. The latest allocation increased the total amount of USDOL funding for BWH to \$9,263,555.

Federal Mediation and Conciliation Services: Dispute Resolution and Mediation Training

Through an Inter-Agency Agreement (IAA), USDOL provided \$58,579 for the Federal Mediation and Conciliation Services (FMCS) agency to provide technical assistance to build local capacity for effective industrial relations systems, including labor inspection, collective bargaining, mediation, and dispute resolution. The FMCS conducted three capacity building activities between 2014-2015 that included a workshop to examine current conflict resolution practices, protocols for mediation and conciliation, intake, tracking, and service delivery by MAST and the Ombudsperson's office. FMCS also conducted a workshop on dispute resolution skills and techniques for labor inspectors, workers, and employers as well as mediation and conciliation trainings for MAST conciliators.

Table 2: Summary of FMCS Training

Date	Training Topic	Participants	Number	Length
Apr. 2012	Various topics related to mediation and labor rights ¹²	CTMO-HOPE, MAST, Ombudsperson	6	5 days
Aug. 2014	Training needs assessment and advance dispute resolution	MAST, labor inspectors, Ombudsperson, unions	35	3 days
Dec. 2014	Interest-based problem solving	MAST, labor inspectors, Ombudsperson, unions	33	3 days
Sep. 2015	Interest-based problem solving	MAST, labor inspectors, unions, factory managers	17	2 days 2 days

¹¹ The Better Work program is collaboration between the ILO and IFC. However, the ILO is responsible for implementing the program.

¹² This five-day training was sponsored by USDOL and conducted at various venues including FMCS, USDOL, and Princeton University. The participants included six high level officials from CTMO-HOPE and MAST. The topics ranged from mediation and interest-based negotiation to international labor standards.

MAST Capacity Building

In 2014, the ILO launched a two-year \$1.4 million project aimed specifically at improving the labor inspection capacity of MAST. Due to a late start and operational delays, the project requested and was granted an extension until June 2016 along with an additional \$1 million to conduct new activities such as MAST management training, judicial training and labor law reform.

Since the beginning of the project, the project has assisted MAST in the following areas:

- Developing a comprehensive training strategy and establishing a specialized task force for inspection for the apparel sector.
- Designing and delivering numerous training sessions to improve inspectors' skills in identifying non-compliance with regards to international labor standards and the Haitian Labor Code, with particular emphasis on occupational safety and health.
- Facilitating workshops addressing conflict resolution mechanisms and assisted in the design of an inspection plan for the apparel sector for 2015.
- Conducting on-the-job training where MAST labor inspectors shadowed BWH Enterprise Advisors in conducting compliance assessment visits and advisory services in the apparel sector.
- Carrying out a review of MAST's human resource needs, including the development of a comprehensive job profile for labor inspectors and is currently assisting on issues such as recruitment criteria, career planning, and continuing training programs for inspectors.

Strengthening Worker Organizations

The Solidarity Center (SC) implemented a two-year \$1.2 million project titled, "*Strengthening Worker Organizations in Haiti (SWO)*." The project's overall goal was to improve the livelihoods of workers with decent work opportunities and labor rights protection in Haiti's textile and apparel sector. The project aimed to improve working conditions in the apparel and textile sector that would foster decent work and allow workers to improve their livelihoods and ultimately contribute to the social and economic development of the country.¹³ The project aimed to strengthen the capacity of unions to organize and improve their internal operations and functions in order to become more effective representatives of workers and more able to advocate for improvements in working conditions and to defend labor rights. The project also addressed the skewed gender dynamic both within apparel and textile factories as well as within the trade union movement by providing leadership training for women activists to increase their participation in union activities and in leadership positions, build women's power in the workplace, and tackle gender-based discrimination.

The project also focused on strengthening the capacity of unions to advocate for improved working conditions through bi- and tri-partite dialogue mechanisms, ranging from shop-floor engagement with managers to participation in national dialogue with government and industry

¹³ Strengthening Worker Organizations in Haiti Project Document.

representatives. The Solidarity Center's strategy for developing advocacy capacity for workers in the apparel and textile sector was based on worker empowerment delivered through hands-on skills training. The primary beneficiaries of the majority of the project activities were unions and workers in the apparel and textile sector. The Solidarity Center partnered with a Haitian legal rights NGO, Action des Unités Motivées pour une Haïti de Droit (AUMOHD), and the local office of the International Trade Union Confederation (ITUC) Trade Union Confederation of the Americas (TUCA) to implement project activities.

II. EVALUATION PURPOSE AND METHODOLOGY

2.1. Evaluation Purpose

The purpose of the evaluation is to assess the overall systemic impact and effectiveness of USDOL's international technical assistance and cooperation programs in Haiti. Unlike most project implementation-focused evaluations, the purpose of this evaluation is not to evaluate any one particular project funded by USDOL, but to accomplish the following:

- Assess the overall impact and effectiveness of USDOL's overlapping and continuous support of workers' rights projects in Haiti.
- Examine the response, support and ownership, throughout all of these projects, of the Government of Haiti and other country stakeholders.
- Analyze the value and utility of the key tools and interventions produced by the projects and the extent to which the systems and tools enhanced or built by the projects are functioning.
- Assess the prospects for embedding or transferring these capabilities to local partners, systems and processes, and make recommendations on how to enhance sustainability (beyond donor support).
- Highlight key findings and lessons learned that could be of importance to USDOL or other donors who may fund future labor-related projects in Haiti or elsewhere.
- Make recommendations on the design of future ILS promotion projects and on how to enhance USDOL's grant-making effectiveness to promote ILS in Haiti's export apparel sector in particular, and in the country as a whole.
- Assess the integration amongst the projects and with other projects.

This evaluation examines the extent to which USDOL-funded assistance and cooperation efforts have worked together to promote USDOL's mission and broader US Government policy and priorities as they relate to Haiti. In addition, the evaluation assesses program effectiveness, efficiency, impact, and sustainability. Based on its findings, this evaluation makes recommendations for improving program effectiveness and efficiency, strengthening collaboration and partnerships, reducing duplication, enhancing synergies across complementary programs, and positioning program efforts for maximum impact and sustainability.

It should be noted that this is a special evaluative study commissioned at the request of USDOL to answer decision-makers' questions regarding implementation, impacts, and sustainability to improve programming and maximize results. As such, the primary audience is USDOL. To a lesser extent, the implementing organizations and partners, the Haitian government, trade unions, and other parties involved in the execution of the projects would use, as appropriate, the evaluation findings and lessons. The evaluation's findings, conclusions and recommendations also would serve to inform stakeholders in the design and implementation of future labor cooperation efforts.

USDOL developed a set of questions to guide the evaluation methodology, which is described in the following section. The evaluator did not receive additional input on the TOR and the

evaluation questions during the fieldwork. The questions address key issues in (1) project design and performance monitoring plans; (2) relevance of the project to the situation in Haiti and the needs and expectations of key stakeholders; (3) effectiveness in achieving objectives and outputs; (4) efficiency and use of resources; and (5) effectiveness and efficiency of project management structures; (6) impact orientation; and (7) sustainability of the project's interventions. The evaluation questions appear in the Terms of Reference (TOR) in Annex A.

2.2. Methodology

The evaluation used primarily qualitative data collection methods. Quantitative data were also obtained from project documents and reports, to the extent that they were available and incorporated into the analysis. Data collection methods and stakeholder perspectives were triangulated, where possible, to increase the credibility and validity of the results. The interview process incorporated flexibility to allow for additional questions, ensuring that key information was obtained. A consistent protocol was followed during each interview.

Evaluation Schedule. It should be noted that the fieldwork for the evaluation was originally planned to take place from January 18 to February 5, 2016. Due to political tensions resulting from the presidential election run-offs, the US Embassy in Haiti decided to postpone the evaluation. The postponement created a scheduling conflict with the fieldwork for another USDOL evaluation. Therefore, the Haiti fieldwork was rescheduled for February 15-26, 2016 while the bulk of the data analysis and report writing took place from April 19 to May 9, 2016. The complete schedule of evaluation activities appears in the TOR Annex A.

Data Collection and Analysis. As noted previously, USDOL developed a list of evaluation questions that served as the basis for the evaluation. The questions were used to develop guides and protocols for the key informant interviews and document reviews. The master key informant interview guide is listed in Annex B. The following methods were employed to gather primary and secondary data.

Document Reviews. The evaluator read a variety of project documents and other reference publications. These documents included the project documents, technical progress reports, work plans, performance monitoring plans, and trip reports. Annex C shows the complete list of documents that were reviewed.

Key Informant Interviews. The evaluator conducted 42 individual and group interviews with USDOL, ILO, Solidarity Center, Government of Haiti, employer associations, factories, buyers, and trade unions. A complete list of interviews appears in Annex D.

The document reviews and key informant interviews generated a substantial volume of raw qualitative data. The evaluator used qualitative data analysis methods, including matrix analysis, to categorize, triangulate, synthesize, and summarize the raw data captured from the interview notes. The results of the data analysis provided tangible blocks of information, which the evaluator used to write the evaluation report. The data analysis was driven by the evaluation questions in the TOR.

Sampling Methodology. The evaluator used a purposeful, non-random sampling methodology to select the interviewees. Table 3 summarizes the populations interviewed, the interviewing methodology, the sample size, and characteristics of the sample.

Table 3: Population, Methodology, Sample size, and Sample Characteristics

Population	Method	Sample Size	Sample Characteristics
USDOL Managers	Group interview	3	International Relations Officers
US Embassy Officials	Individual interview	1	Economic Officer
ILO Haiti Officials	Individual interview	1	Country Coordinator
ILO Geneva Representatives	Individual interviews	3	BWG managers and LABADMIN manager
BWH Staff	Individual and group interviews	7	BWH CTA, enterprise advisors and training officers
BWH PAC Members	Group interview	6	PAC members
MCB Project Staff	Individual interview	1	Acting CTA
CTMO HOPE/Ombudsperson	Group interview	7	Labor Ombudsperson and CTMO HOPE officers
OMRH/ENAPP Directors	Group interview	5	Directors and coordinators
MAST Employees	Group interview	8	Labor inspector task force members
FMCS Representatives	Individual interview	1	FMCS trainer
SWO Project Staff	Individual interviews	3	Country Representative, former Project Director, and SC HQ manager
SWO Trade Union Partners	Group interview	8 8 male/0 female	CFOH, UTL, CATH, SOTA-BO, CNOHA
Factory Trade Unions Representatives	Group interviews	14 8 male/6 female	SOGSA, SYNOTRASHG, SOVASHG, SOKOWA, and SOFEZO
Employer Association Representatives	Group interview	6 4 male/2 female	ADIH executive management team
Factory Managers	Individual interviews	24 16 male/8 female	Human resource directors and compliance managers at 8 factories including SONAPI, CODEVI and Caracol industrial parks
PICC Members	Group interviews	28 12 male/16 female	PICC members in 5 factories
Brands Representatives	Individual interviews	8	Compliance managers from Target, Walmart, Levi Strauss, PVH, New Balance, VFC
Total Interviewed		126	

The evaluator interviewed 126 persons representing the key stakeholder groups. The evaluator conducted group and individual interviews with factory managers, which account for 19% of the interviews. Group interviews were conducted with Performance Improvement Consultative Committee (PICC) members that account for 22% of the interviews. The evaluator interviewed

the SWO trade union partners as well as factory level unions that comprise 11% of all interviews. The remaining 47% of the interviews were conducted with key stakeholders including MAST labor inspectors, Commission Tripartite de Mise en Oeuvre de la Loi HOPE (CTMO-HOPE)/Ombudsperson, BWH Project Advisory Committee (PAC), project staff, buyers, employers' association (ADIH), ILO, and USDOL.

Limitations. The original scope of the evaluation specified three weeks of fieldwork. However, due to political tensions in Haiti resulting from the presidential election run-offs, the US Embassy decided to limit the fieldwork to two weeks. Two weeks for a multi-project evaluation was not enough time to interview all of the key stakeholders involved with the three USDOL-funded projects. While the evaluator believes that the sample described in the table above is representative of the projects' stakeholders, several key stakeholder groups were not included. These include executive representatives of Ministère des Affaires Sociales et du Travail (MAST) and Office d'Assurance de Travail de Maladie et de Maternité (OFATMA).

It should also be noted that this evaluation is not a formal impact assessment. The findings for the evaluation were based on information collected from background documents and the key informant interviews. The accuracy of the evaluation findings are predicated on the integrity of information provided to the evaluator from these sources and the ability of the evaluator to triangulate this information. Furthermore, the sample of factories and PICCs was purposive based on selection criteria. Since the sample was non-random and not statistically significant, the results of the interviews cannot be generalized to the entire population of factories or PICCs.

III. FINDINGS

The following findings are based on the review of key project documents and interviews conducted during the fieldwork phase of the evaluation and telephone interviews conducted after the fieldwork phase. The findings address the key questions listed in the TOR and are presented according to the major evaluation categories: project design and performance monitoring; relevance to the situation and the needs and expectations of key stakeholders; progress and effectiveness; efficiency and use of resources; impact orientation; and sustainability.

3.1. Project Design and Performance Monitoring

The following section reviews the USDOL requirements for project design and the performance monitoring plans (PMP) as stipulated in the Management Procedures and Guidelines (MPG) and compares them to the project designs and PMPs. Based on the comparisons; observations are made regarding the effectiveness of the project designs and PMPs for each project.

3.1.1. Project Design

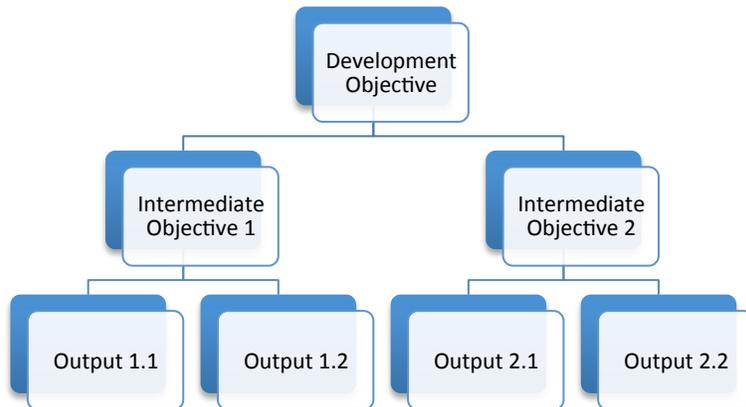
USDOL provides project guidance in its MPG document. The MPG requires USDOL grantees to use a Results Framework (RF). The RF is a tool that depicts the project hypotheses, which is the logical sequence of cause-and-effect events that include activities, outputs, outcomes, and the overall goal. The following table provides the definitions used in the MPG.

Table 4: Definitions

Hierarchy	Description
Development Objective	The higher aspiration that the project’s outcomes or intermediate objectives contribute to but are not expected to attain.
Intermediate Objective	Intermediate objectives are outcomes or results that represent changes/improvements in policies, knowledge, skills, and behaviors or practices that managers are expected to accomplish. The intermediate objectives should make a significant contribution to the project’s development objective.
Sub Intermediate Objectives	In certain cases, the project designer may decide to include an additional hierarchy at the intermediate objective level. This might include, for example, practices or behaviors that lead to a change in policy and system.
Outputs	The outputs are the specific products, services, or systems that achieve the intermediate objectives. The project is responsible for producing outputs, which are tied to specific activities and budget resources.
Activities	Activities are the specific actions that the project executes to produce outputs.

Figure 1 shows the USDOL RF that includes the relationships between the outputs, intermediate objectives, and development objective. As noted previously, the results framework serves as the project’s logic model of how outputs achieve outcomes and how outcomes contribute to the project’s intended impact.

Figure 1: USDOL Results Framework



In general, the designs of the USDOL-funded projects in Haiti met the definitions in Table 4. However, only the SWO project document included a RF similar to what is presented in Figure 1. The extent to which the USDOL-funded projects met the MPG guidance is discussed below according to each project.

Better Work Haiti

The BWH project document does not include a RF diagram that shows the causal relationships between outputs, intermediate objectives, and development objective as required by the MPG. It does, however, include a modified logical framework that is organized according to the intermediate objectives and their corresponding outputs and activities.

The BWH development objective is to “*Improve workers’ lives and strengthen the competitiveness of the Haitian garment sector.*” The development objective is similar to the Better Work Global (BWG) development objective that is used for all BW programs. However, in the opinion of the evaluator, it consists of two goals: improve lives of workers and increase enterprise competitiveness. The problem is that BWH might achieve an increase in competitiveness that does not translate into improved lives of workers. BWH might consider listing increased competitiveness as an intermediate objective with a set of indicators to measure increases in competitiveness.

In addition to the development objective, the BWH project design consists of three outcomes: (1) Compliance with national labor law and international labor standards increased in the Haitian garment industry; (2) The garment industry in Haiti is strengthened and equipped to improve labor related issues and industrial relations on a sectoral level in order to contribute to the Haitian economy and society and; (3) The long-term viability of BWH activities is strengthened. These outcomes generally satisfy the definitions for intermediate objectives in the MPG since they address improvements in systems and policies that contribute to the development objective.

The BWH design also consists of 10 outputs that are allocated among the three outcomes. The majority of the outputs meet the USDOL project design guidance for outputs, which are tangible products, services, or systems that have been provided or established and contribute to the achievement of the intermediate objective. The evaluator believes that the outputs could have

been written more specifically in terms of the product, service, or system with the target (i.e. number of compliance assessments conducted, number of compliance assessment reports sent to buyers, number of buyers purchasing reports, number of workers trained by training topic, and amount of revenue generated per year). The BW country programs are required to report to BWG on approximately 30 indicators. Eight to ten of these indicators would have been appropriate outputs for BWH.¹⁴

MAST Capacity Building Project

Like the BWH project document, the MCB project document does not include a RF diagram that shows the causal relationships between outputs, intermediate objectives, and development objective as required by the 2013-MPG. It includes a modified logical framework that is organized according to the intermediate objectives and their corresponding outputs and activities.

The MCB project's development objective is to "*Contribute to improved compliance with labor law in the Haitian textile sector through building the capacities of the MAST.*" Like the BWH development objective, the MCB development objective consists of two goals: improve labor law compliance and build the capacity of the MAST. The problem is that the MCB project might achieve one of the goals but not the other. Since MAST capacity building is also reflected in the intermediate objectives, the project might consider deleting the "building the capacity of MAST" language in the development objective so it reads: *Contribute to improved compliance with labor law in the Haitian textile sector*".

The MCB project design consists of three intermediate objectives: (1) MAST is more effective in conducting labor inspections in the apparel sector; (2) MAST and the Office of the Labor Ombudsperson apply improved technical and soft skills in their mediations and; (3) Workers and employers play a more active role in ensuring compliance with labor law in the garment sector. These three intermediate objectives meet the definitions in the MPG for intermediate objectives. They focus on specific behavior changes among MAST labor inspectors, the Ombudsperson, workers, and employers that should contribute directly to achieving the development objective.

The MCB project design also consists of 10 outputs that are allocated among the three outcomes. The majority of the outputs meet the USDOL project design guidance for outputs, which are tangible products, services, or systems that have been provided or established and contribute to the achievement of the intermediate objective. However, five outputs do not fully meet the USDOL guidance, which are discussed in Table 5.

¹⁴ The BWG indicators that would translate into appropriate outputs include the numbers of: advisory visits, factories with a PICC, factories participating in BW, training participants, PAC meetings, buyer participants, and buyer partners.

Table 5: Output Assessment

Output	Comments
<p>1.3. Managerial and technical capacities of MAST senior officials and labor inspectors are enhanced.</p> <p>1.4. Strategic and operational capacities of MAST are strengthened.</p> <p>1.5. Logistical infrastructure is improved.</p> <p>2.1. Technical and soft skills of MAST conciliators are improved.</p> <p>3.1. Factory workers and employers and their organizations are better informed on fundamental labour rights, the existence and mandate of the MAST, and on existing mechanisms to file complaints or request assistance.</p>	<p>These five outputs are not stated as tangible products, services, or systems. Rather, they state changes in behavior and would be more appropriately stated as intermediate objectives of sub-intermediate objectives. Outputs 1.3 and 1.4 refer to increased capacity of labor inspectors and the operational capacity of MAST. Increase capacity suggests changed behavior or practices. Output 1.5 refers to an improved logistic infrastructure, which is an improved system. Output 2.1 also refers to improved capacity (technical and soft skills) and infers changes in practices (skill acquisition). Finally, Output 3.1 is the dissemination of information, which suggests a change in practice or behavior (knowledge acquisition).</p>

Strengthening Worker Organizations

The Strengthening Worker Organizations in Haiti (SWO) project document includes a results framework (RF) diagram that shows the causal relationships between the development objective, intermediate objectives, outcomes, outputs, activities, and inputs. It also includes a list of the assumptions. The SWO development objective is to *“To improve the livelihoods of workers with decent work opportunities and labor rights protection in Haiti’s textile and apparel sector.”* The SWO development objective consists of three goals: improve livelihoods, provide decent work opportunities, and protect labor rights. Combining three development objectives in one goal statement would make measurement difficult since the project would have to develop indicators for livelihoods, decent work, and labor rights. The development objective could be more precisely expressed as *“Increase the number of workers in Haiti’s textile and apparel sector involved in decent work.”* Decent work would assume improved livelihoods (income) and the protection of labor rights (definition of decent work).

The SWO project design consists of two intermediate objectives: (1) To strengthen the capacity of unions in the apparel and textile sector to organize and democratically represent apparel and textile workers and (2) To strengthen the capacity of unions and related NGOs to advocate for improved working conditions and worker rights, including freedom of association, legally mandated wages and hours, and the elimination of sexual harassment. These are capacity building objectives that meet the USDOL guidance for intermediate objectives.

In addition to the two intermediate objectives, the project design lists the following six outcomes. These are sub-intermediate objectives according to USDOL nomenclature.

- Unions in the apparel and textile sector possess a cadre of worker-leaders capable of conducting workplace-based organizing.
- Unions in the apparel and textile sector will initiate worker outreach in existing factories and/or new industrial parks.

- Unions in the apparel and textile sector will diversify their leadership and increase internal democracy mechanisms
- Workers gain knowledge of unions, worker rights, and resources for protection of rights; become involved in actions to advance those rights
- Unions in the apparel and textile sector will increase participation of women in leadership
- Workers will have increased knowledge of their rights and improved access to labor justice

These six outcomes aim to change behavior or knowledge, which meet the USDOL guidance for the intermediate objective or outcome level of objectives.

The SWO project design also consists of 10 outputs that are allocated among the six outcomes. The outputs meet the USDOL project design guidance for outputs, which are tangible products, services, or systems that have been provided or established and contribute to the achievement of the intermediate objective. These outputs also include specific target numbers such as the number of strategic plans produced, the number of persons trained, and the number of workers provided with labor rights information.

3.1.2. Performance Monitoring

USDOL provides guidance on performance monitoring in the MPG. Specifically, the MPG requires grantees to include the PMP with the project document. Table 6 shows the PMP format that consists of the performance indicator, definitions for terms used in the indicator along with the unit of measure, the data source, data collection methodology, frequency of data collection and the person or office responsible for data collection.

Table 6: Sample of Performance Monitoring Plan from the MPG

Performance Indicator	Indicator Definition and Unit of Measure	Data Source	Method/Approach to Data Collection	Data Acquisition	
				Schedule/Frequency	Responsible Office
Intermediate Objective 1:					

The degree to which the USDOL-supported projects satisfy the PMP requirements in the MPG and the quality and appropriateness of the indicators are discussed below for each project.

Better Work Haiti

The BWH project document does not include a PMP as described in the MPG. The logical framework, described previously under the project design section, includes the indicators and means of verification (data source and methods). However, it does not include indicator definitions, unit of measure, frequency of data collection, and persons or offices responsible for collecting the data.

BWG requires the BW country programs to collect and report on 35 standard indicators. These indicators are designed to measure outcomes and outputs of the BW interventions. BWH has effectively incorporated the BWG standard indicators in its project design and logical framework

that it reports to BWG as well as the donors. The evaluator believes that these are appropriate indicators to effectively measure the project's outcomes and outputs.

MAST Capacity Building

The MCB project document does not include a PMP as described in the MPG. The logical framework, described previously under the project design section, includes the indicators and means of verification (data source and methods). It does not, however, include indicator definitions, unit of measure, frequency of data collection, and persons or offices responsible for collecting the data. Nevertheless, the intermediate objective and outputs indicators appear to be appropriate and effective measures of achievement.¹⁵

Strengthening Worker Organizations

The SWO developed a hybrid PMP that is organized by intermediate objective. For each intermediate objective, the PMP listed activities, indicator, indicator type, indicator definition, unit of measure, disaggregation, baseline value, target value, data source, and frequency of data collection. The SWO PMP does not include indicators for the intermediate objectives. Furthermore, the outcomes or sub-intermediate objectives in PMP are stated differently than the outcomes in the RF diagram. The actual indicator measures for the outcomes focus primarily on the number increase in certain practices such as campaigns, women in leadership positions, actions to advance rights, and workers seeking assistance. What appear to be missing are indicators to measure key results such as increases in the number factory level unions, membership, paying members, judicial decisions in favor of workers, and collective bargaining agreements.

3.2. Relevance to Key Stakeholder Needs and Expectations

The following section is organized according to an overview of key stakeholders for the USDOL-funded projects and the needs and expectations of these stakeholders. This section specifically addresses to what extent the USDOL projects address the priorities and needs of stakeholders in the textile and apparel sector in Haiti.

3.2.1. Overview of Key Stakeholders

Table 7 shows the primary stakeholder for the USDOL-funded projects along with a description of the relationship between the stakeholders and the three projects.

¹⁵ The ILO makes the point that a detailed data collection plan template had been prepared at an early stage of the project and was shared with the CTA. The document includes definition of indicators, data acquisition, data storage, data analysis, use of data/ data sharing, and quality insurance. This template would meet MPGs requirements. However, this template has not been used by the CTA.

Table 7: Key Stakeholders and Relationships to USDOL Projects

Stakeholders		Relationship to USDOL Projects
Government of Haiti	<p>Labor Ombudsperson CTMO-HOPE</p> <p>Ministère des Affaires Sociales et du Travail (MAST)</p> <p>Office de Management et des Ressources Humaines (OMRH)</p> <p>Ecole Nationale d'Administration et de Politiques Publiques (ENAPP)</p>	<p>The appointment of an Ombudsperson was a requirement of the HOPE legislation. The Ombudsperson, appointed by the President of Haiti, is responsible for working with ILO to develop the TAICNAR program. The Ombudsperson serves on the BWH advisory committee. CTMO-HOPE, on the other hand, is a commission established by the GOH to promote trade. It consists of government, industry, and worker representatives appointed by the President of Haiti. CTMO-HOPE initially served as the BWH Project Advisory Committee (PAC). To increase its effectiveness, BWH changed the composition of PAC in 2015 that now consists of government, industry, and worker representatives that do not sit on CTMO-HOPE. However, it should be noted that several CTMO-HOPE members serve on the reformulated PAC including the Labor Ombudsperson.</p> <p>MAST, on the other hand, is the primary counterpart and beneficiary of the ILO MCB project. BWH also maintains a close relationship with MAST and its labor inspectors for the textile and apparel sector. OMRH is the government agency responsible for human resource management including capacity building. In this capacity, the MCB project collaborates with OMRH on labor inspector job description revision. ENAPP is housed within OMRH and is responsible for training government personnel. MCB intends to institutionalize inspector training within ENAPP.</p>
Employer Association	Association des Industries d'Haïti (ADIH)	ADIH represents the 25 factories participating in BWH that export to the US under HOPE II. ADIH serves on the PAC and is responsible for providing information about the sector, especially the factories that are its members. ADIH is also supposed to promote BW to its membership and recruit additional BWH participants.
Trade Unions	<p>Ente Sendikal Premye Me-Batay Ouvriye (ESPM-BO)</p> <p>Centrale Nationale des Ouvriers Haïtiens (CNOHA)</p> <p>Confédération des Forces Ouvrières Haïtiennes (CFOH)</p> <p>Centrale Autonome des Travailleurs Haïtiens (CATH)</p> <p>Konfederasyon Travaye Ayisyen - Union des Travailleurs Libres (KOTA-UTL)¹⁶</p>	ESPM-BO, CNOHA, CFOH, CATH, and KOTA-UTL were the primary trade union partners to the SC SWO project. The SWO project focused its capacity building efforts on these four worker organizations. CATH, CFOH, and KOTA-UT also serve on the BWH Advisory Committee as the three trade union representatives. They are responsible for providing information and advice about workers and labor rights issues as they relate to the apparel and textile sectors. They are also supposed to serve as a communication conduit for their members that are participating in the BWH program

¹⁶ The SWO project started working with the Coordination Syndicale Haïtienne - Konfederasyon Travaye Ayisyen (CSH-KOTA) – Union des Travailleurs Libres (UTL). Ultimately, KOTA left CSH but remained with its local textile sector union UTL. This occurred very close to the end of the project.

Stakeholders		Relationship to USDOL Projects
Factories	25 Textile and Apparel Factories ¹⁷	There are currently 25 factories participating in the BWH program. These factories are represented on the PAC by ADIH. After joining BWH, the factories are responsible for providing access to workers, supervisors, managers, files, and documents so the BW Enterprise Advisors can conduct the assessments. The factories are also responsible for helping the enterprise advisors establish the PICC and implementing the improvement plans. The factories subscribe to BW and agree to conditions laid out in an agreement between the factory and BWH.
Buyers	9 Buyers Partners 15 Buyer Participants	BWG classifies buyers into two categories. The first are buyers that pay a membership fee and sign an agreement with BWG. These are referred to as buyer partners. The second category is buyers that buy compliance reports. These are referred to as buyer participants. The buyers are one of the most important stakeholders because they drive the BW assessment and improvement process. The buyers are responsible for encouraging their suppliers to participate in the BWH program. They also purchase reports and should be encouraging suppliers to address areas where, according to the BW assessments, they do not comply with international labor norms or national labor law. Currently there are nine buyer partners participating in BWH that include Levi Straus & Co., The Gap Inc., PVH, New Balance, The Children's Place, Target, Dicks, William Carter Company, and Li & Fung. At the time of the evaluation, there were 15 buyers purchasing reports from BWH.

3.2.2. Stakeholders' Needs and Expectations

The evaluator conducted a range of interviews with the stakeholders of the three USDOL-funded projects to determine the extent to which they believe the projects are meeting their needs and expectations. The findings from the interviews are presented below by stakeholder.

Government of Haiti

Labor Ombudsperson. The evaluator met with the Labor Ombudsperson and the Commission Tripartite de Mise en Oeuvre de la Loi HOPE (CTMO-HOPE) to discuss the USDOL-funded projects.¹⁸ The Ombudsperson opined that the BWH program is an important initiative for the textile sector and is making positive contributions. She said that BWH is helping improve compliance with international labor conventions and national labor laws that, in turn, is increasing investment in the country. The Ombudsperson acknowledged that she served on the BWH PAC and commented that she believes it is functioning effectively.

The CTMO-HOPE Executive Director also noted that BWH is an important initiative for the sector and is helping factories become more competitive. However, he told the evaluator that

¹⁷ Please see the Better Work Haiti: Garment Industry 12th Biannual Synthesis Report Under the HOPE

II Legislation for the full list of factories participating in the BWH program: <http://betterwork.org/haiti/?p=1884>

¹⁸ CTMO-HOPE consists of government, industry, and worker representatives appointed by the President of Haiti.

between 2009 and 2014, BWH did not collaborate closely with CTMO-HOPE because the former BWH Chief Technical Advisor (CTA) worked as a “lone wolf”. He further explained that while the new BWH CTA is more collaborative, CTMO-HOPE is not providing oversight and approving the BWH bi-annual synthesis reports. The Executive Director and other CTMO-HOPE members told the evaluator that oversight and approving reports should be the responsibility of the Commission. They also noted that they would like to have more frequent and effective communication with USDOL that provides real-time information regarding factory compliance and how non-compliance might impact exports in the textile and garment sector under HOPE legislation.

When asked about the degree of collaboration with CTMO-HOPE, USDOL managers explained that while the HOPE legislation required an Ombudsperson, it did not call for a commission to provide oversight and approve reports. The HOPE legislation did call for a tripartite committee, to be coordinated jointly by the Ombudsperson and BWH, with the aim of evaluating progress in implementing the TAICNAR program and consulting on improving working conditions in the apparel sector. They also explained that CTMO-HOPE was established by the GOH (prior to HOPE II and the appointment of the Ombudsperson) to facilitate investment, which is why the Commission is not entirely representative of the textile and apparel sector. The current BWH CTA reiterated this point. She told the evaluator that the CTMO-HOPE initially served as the BWH PAC but did not function properly largely because its members were not entirely representative of the textile and apparel sector. The PAC was reconfigured in 2015 but the CTMO-HOPE representatives did not seem to understand that the PAC has been reconfigured and that its relationship to BWH had changed.

The CTMO-HOPE worker organization representatives were highly critical of the SWO project.¹⁹ They commented that the project did not coordinate with their trade unions and that they did not understand the objectives of the project, how the funds were used, and the achievements. One of the representatives told the evaluator that USDOL wasted its money on the SWO project because trade unions did not benefit. The worker organization representatives recommended that, in future projects, their organizations should receive funding and be allowed to decide how to use it to strengthen trade unions. In subsequent interviews with former SWO managers, they explained that the CTMP-HOPE worker organizations did not have affiliates in the textile sector and, therefore, were not eligible to participate in the project.

MAST. As discussed in the evaluation methodology section under limitations, the evaluator was not able to interview MAST managers. He did, however, interview 10 labor inspectors that have participated in capacity building activities such as training on international labor norms and national labor laws, OSH standards, inspection process, and conciliation and mediation. The labor inspectors also joined BWH Enterprise Advisors (EA) during BWH compliance assessments and advisory visits. The objective of MCB project is to build the capacity of labor inspectors covering the textile sector so they can train and mentor MAST labor inspectors working in other sectors.²⁰

¹⁹ The CMTO-HOPE trade unions represented in the meeting included UTL, MOISE, and CTH.

²⁰ The MCB project refers to these labor inspectors as the task force. There are currently more than 100 MAST labor inspectors.

Overall, the labor inspectors appreciate the training and credit it for improving their ability to conduct effective inspections. For example, several inspectors told the evaluator that previously they would inspect up to four factories per day and focus largely on compensation, contracts, and bonuses. As a result of MCB project, they cover international labor norms and a broader set of issues related to national labor law such as OSH. The labor inspectors especially appreciated the joint inspections they conducted with the BWH EAs. In fact, they recommended that BWH and MCB projects would work in closer collaboration so they could take advantage of the EAs experience and skills. The MAST labor inspectors would like to more aggressively expand beyond the textile sector to the commercial and agriculture sectors.

The labor inspectors also commented positively about the conciliation and mediation training provided by FMCS. They told the evaluator that they learned a great deal about interest-based problemsolving and how to apply it in their work situations. When asked how FMCS might improve the training, several inspectors suggested that French-speaking trainers should conduct the training, which would facilitate more fluid exchanges between participants and trainers. Others commented that they have not had the opportunity to apply what they learned in training to their inspection work. The inspectors recommended that FMCS should revise the scenarios they use in training so they more appropriately fit the situations, systems, and institutions the inspectors would face in the factories in Haiti.

The evaluator asked the labor inspectors about the challenges they faced. Their level of job satisfaction is very low. Most of the inspectors rated job satisfaction on a scale of 1 to 10 as a 2.5 where 1 is highly unsatisfied and 10 is highly satisfied. The inspectors complained about low salaries, the lack of transportation and measurement tools to be able to conduct inspections, and lack of recognition from MAST for their work. They said they feel their work is not valued by MAST. The labor inspectors also noted language as a major obstacle in those factories that have Korean and Spanish speaking supervisors.²¹

OMRH/ENAPP. Based on the midterm review recommendations, the MCB project decided to approach and collaborate with OMRH and ENAPP. After the midterm review, it started working with OMRH on the revision of the labor inspector job descriptions and approached ENAPP about the institutionalization of the labor inspector training. During an interview, the OMRH and ENAPP management team told the evaluator that they have an undefined relationship with the MCB project. The OMRH director explained that his team has not received any communication from the project over the past eight months.

According to the OMRH and ENAPP management team, OMRH and MAST should be responsible for overseeing the project since the focus is on labor inspector capacity building. OMRH representatives said that MAST should be responsible for the inspections and addressing non-compliance issues and that OMRH, through ENAPP, should be responsible for professional development of the labor inspectors. The OMRH management team recommended that the MCB project should organize a meeting with MAST and OMRH to discuss and define the precise role that OMRH and ENAPP would play in the project. The OMRH director emphasized that his

²¹ The SONAPI and CODEVI industrial parks have a large number of Spanish-speaking supervisors while the CARACOL industrial park has a large number of both Spanish and Korean-speaking supervisors. The Korean-speaking supervisors typically communicate in English.

agency should have a more substantial role than merely approving job descriptions for the labor inspectors. He explained that OMRH should be considered an equal partner that would have responsibility for labor inspector professional development.

Employers' Association

ADIH. The evaluator met with the ADIH management team to discuss the USDOL-funded projects. The ADIH Executive Director told the evaluator that ADIH lobbied for the HOPE legislation and for the BWH program because ADIH considers the ILO to be neutral and fair. He also noted that ADIH has strongly encouraged its members to participate in BWH. The ADIH team commented that BWH has made a positive contribution to the textile sector in Haiti via the compliance assessments and advisory services. The team mentioned the BWH EAs as being highly skilled and able to understand the situation in factories. ADIH also believes the BW continuous improvement approach is highly effective.

The ADIH team also acknowledged that factories tend to fight the negative aspects of a compliance assessment. The Executive Director opined that interpretation of national labor code was partially to blame. One of the ADIH team members told the evaluator that factories believe that the BWH compliance reports read overly negative. She said the tone of the reports should be written in a more positive manner that gives factories credit for improvements they have made to address non-compliance.

ADIH's primary concern about the BWH compliance assessment is the treatment of social security benefits. One hundred percent of the BWH factories are out of compliance with paying social security benefits, which ADIH considers to be unacceptable. The reason is because the factories have not subscribed to the newly available maternity and health insurance that the Office d'Assurance de Travail, de Maladie et de Maternité (OFATMA) has been offering since December 2014. Technically, companies have always been required to subscribe to the OFATMA insurance scheme. However, since OFATMA could not offer maternity and health insurance before December 2014, BWH did not count factories as non-compliant for not subscribing to OFATMA insurance. Since OFATMA is now offering maternal and health insurance, BWH is assessing factory compliance based on the law, which makes participation mandatory.

In the absence of maternal and health insurance, factories made other arrangements. Some purchased private insurance for their employees while others either built and staffed on-site medical clinics or contracted medical services for employees. ADIH argues that factories in the Port-au-Price area where OFATMA services are available require a grace period to make the adjustment from current arrangements to the OFATMA system. However, OFATMA does not offer the full menu of maternal and health services in the Cap Haitien area and ADIH believes that the alternative arrangements that factories have made to provide maternal and health services are still required. The evaluator confirmed this claim when he interviewed workers and trade union representatives in the CODEVI and Caracol industrial parks. These workers acknowledged that OFATMA is generally understaffed and does not offer many health services.

During an interview with OFATMA officials at the stakeholder meeting, the evaluator learned that OFATMA suggested a transition period for factory subscription to the new insurance

scheme until September 2016. The officials also said that smaller factories would require less time while larger factories with more workers would require more time. The US Embassy Economic Officer asked what the deadlines would be for small and large factories but the OFATMA officials were unable to answer.

In addition to the OFATMA issue, ADIH made several recommendations. ADIH believes strongly that BWH should engage factories in dialogue before reporting a non-compliance issue to MAST that might impose a fine on the factory.²² The rationale is that BWH should act as a supportive partner that helps factories become compliant. This is an important element of the BW continuous improvement approach according to ADIH. However, according to the CTA, the goal of BWH is to assist factories in their efforts to remediate non-compliance issues. She explained that a series of advisory services including a self-diagnostic tool are introduced to the factory in a series of advisory services prior to the BW assessment. She also explained that BWH has a confidentiality agreement with factories where BWH shares assessment findings only with the factory and any buyer authorized by the factory. Only cases of severe violations of workers' rights would BWH be required to report the violations to MAST.²³

ADIH also opines that BWH and MCB project should collaborate more closely and that BWH and the EAs should help transition MAST and the labor inspectors into more of an advisory services and capacity building role rather than strict compliance inspections. Finally, ADIH recommends that ILO take the lead to revise the labor code and translate it into Creole, which would be an important achievement for the government, employers, and workers.

The evaluator asked the ADIH team to comment on the capacity of trade unions. The Executive Director explained that the trade unions are the weakest institution in the textile and apparel sector and should be strengthened so they can participate more effectively. He further explained that trade unions in Haiti have been part of the political movement with secret member lists. As a result, many workers do not trust unions. Another weakness is that trade union members do not pay union dues, which make the organizations financially unviable. When asked if the SWO project was effective at addressing these weaknesses, the ADIH team commented that they had not noticed any improvement in the capacity of trade unions. The ADIH opined that more training for trade union representatives is needed.

Factories

The evaluator visited nine factories participating in BWH, which represents 36% of the total number. He interviewed a range of managers including general managers, human resource managers, and OSH managers. Overall, factories are satisfied with the BWH program. They

²² The BWH CTA clarified the ADIH comment by noting that BWH seldom shares non-compliance findings with MAST. There is a zero tolerance protocol in place, which specifies the issues that BWH would report to MAST that include child labor, forced labor, sexual violence, dangerous working conditions, and violations of freedom of association (see complete protocol at http://betterwork.org/haiti/?page_id=1815). BWH has a binding agreement with each factory that only allows for assessment report sharing and non-compliance findings with third parties that the factory has authorized to receive its reports.

²³ BWH signed a Zero Tolerance Protocol with MAST that obligates BWH to report serious violations of workers' rights.

especially appreciate the BW approach to continuous improvement including the training and other advisory services. They believe the EAs are competent and technically knowledgeable about international labor norms and national labor laws. Several factory managers noted that the frequency and quality of the MAST labor inspections have improved since the MCB started. However, they believe that there is still a very large gap between the quality of the inspections conducted by the EAs and those conducted by the labor inspectors. They suggested that the EAs should collaborate more with MAST labor inspectors to build the capacity of the labor inspectors.

Factory managers at the CODEVI and Caracol industrial parks located in the northern part of the country told the evaluator that the EAs only spend a day or two to conduct the assessment or impart training and then disappear. These managers would like to have at least one EA either based at one of the industrial parks or to stay at least a week to 10 days so they could provide adequate training and advisory services. They also said longer and more consistent presence by EAs would help build the capacity of the MAST labor inspectors responsible for the industrial parks. One of the managers suggested that EAs and labor inspectors should conduct joint inspections every four months.²⁴

When asked about the accuracy of the BWH compliance assessments, factory managers told the evaluator that, in general, the assessments are accurate but the BWH EAs should try to understand the factories perspective on the situation before deciding an area is out of compliance. For example, the compliance assessment discovered a sexual harassment case at S&H Global at the Caracol industrial park. Factory managers explained that cultural differences exist between Korean and Spanish speaking supervisors and Haitian workers that might have contributed to the sexual harassment case. These managers believe the BW compliance assessment should take these cultural differences into account.

Several factory managers told the evaluator that the scoring system is too rigid and unfair. For example, one of the factories was in the process of upgrading toilets during an assessment. The EA marked the factory as non-compliant for the number of toilets per worker because two toilets were closed for the day to make the upgrades. He opined that the EA should have understood the situation and, therefore, should not have marked the factory as non-compliant. Another manager at a factory in Société Nationale des Parcs Industriels (SONAPI) in Port-au-Prince explained that the EA discovered a paint can that was not properly stored and marked the factory as non-compliant. The manager commented that there are larger compliance issues than paint cans that BWH should address. Three factory managers actually suggested that BWH should present the compliance assessment findings in a meeting to discuss the findings before sending the draft report for review and comments.²⁵

Managers of factories located in SONAPI in Port-au-Prince complained that the BW compliance assessment found their factories out of compliance for areas that would require substantial

²⁴ An ILO official made the point that according to the Haiti Labor Code, labor inspectors cannot be accompanied when they carry out formal inspection visits. They can be accompanied only if it is a training activity.

²⁵ BWH EA's conduct an exit meeting with factory management to review the preliminary non-compliance findings. The meeting is intended to provide factory management the opportunity to question or contest the non-compliance findings.

capital investment that should be the responsibility of the government who owns the industrial park. For example, one factory was found non-compliant because of a poor ventilation system while another factory's lunch facility consisted of tables that were not fully protected from sun and rain. These factory managers explained that since they are renting the facilities from the government, the government should be responsible for making the required infrastructure improvements. Other managers complained about the number of toilets per worker that national labor law requires. They believe the number is excessive.

The major source of dissatisfaction during the evaluation with the BWH compliance assessments was OFATMA. The factories acknowledged that they were marked non-compliant for not making the contributions to OFATMA as required by law. Factory managers said this was unfair. They explained that since OFATMA did not provide maternal and health services, they made arrangements with private health care providers. For example, Interamerican Wovens provides private insurance for its employees while CODEVI has invested a considerable amount of its capital to build and staff a medical clinic within the CODEVI industrial park area. Like ADIH, the factory managers told the evaluator that they need time to make the transition from the current arrangement to one where they would make the required contributions to OFATMA to provide health care services to workers.

Buyers

At the time of the evaluation, there were nine BWG buyer partners and 15 buyer participants.²⁶ The evaluator interviewed three buyer partners and two buyer participants to ascertain their opinions of BWH and whether it was meeting their needs and expectations. Overall, the buyers believe that the BW assessment methodology is sound and that the reports are accurate. Buyers like BW's focus on continuous improvement. However, several buyers commented that the reports are difficult to read and too long. These buyers recommended including an executive summary that highlights the most important findings and shows the progress the factory has made in addressing non-compliance points since the previous assessment. The evaluator interviewed BWG to ascertain its opinion regarding the summary. The BWG representative agreed that the report is not intuitively organized. She noted that an executive summary could be useful but would put additional pressure on the EAs. She said that, in the longer term, BWG is examining ways to make improvements to the report so it is more user friendly.

One buyer representative told the evaluator that she would like to see the assessment focus more on fire and worker safety while another representative opined that compliance points based on national labor law were vague and led to controversies. For example, national labor law, according to the representative, requires a certain number of nurses and toilets based on the size of the workforce that she considers excessive. She said she understands why BWH has to use national labor laws but believes BWH should also use common sense when marking factories out of compliance. She also noted that the ILO should work with the GOH to revise national labor law that is outdated.

²⁶ A BWG buyer partner provides a monetary contribution to BWG and signs an agreement. A buyer participant purchases compliance reports.

The evaluator asked buyer representatives if they noticed improvements in supplier compliance with international labor standards and national labor law. One representative commented that two suppliers increased their understanding of worker rights such as freedom of association. However, she also explained that suppliers complain about the PICCs because they believe that the PICCs lay the foundation for unions. Nearly all of the buyer representatives complained that they have not seen improvements on non-compliance. Representatives told the evaluator that the same non-compliance issues surface after each assessment such as the number of nurses and toilets per factory, OFATMA compliance, and wage calculation on overtime. These buyer representatives recommended that BWH resolve these issues so they can see improvements.

One buyer representative explained that one of his suppliers has a history of verbal and sexual harassment. He said that the supplier has struggled with rapid growth, shortage of qualified supervisors and workers, and cultural and language barriers between Haitians and Korean and Central American supervisors. Nevertheless, the verbal and sexual harassment must be addressed and resolved. He said he hoped that he could develop a closer working relationship with BWH and the EAs to effectively address the harassment issue through supervisor training and closer monitoring.

When asked what the buyers might recommend to improve their relationship with BWH, the majority mentioned improved communication. One representative told the evaluator that BWH should communicate more frequently. For example, since BWH communicates frequently with suppliers, it should share information with suppliers regarding compliance issues. Three buyer representatives suggested that BWH should communicate more frequently such as monthly telephone calls to discuss progress on addressing non-compliance. They explained that they receive the reports but would like to have more real-time information about what factories are doing to address non-compliance points.

Trade Unions

The evaluator interviewed representatives from the five worker organizations that participated in the SWO project including the three organizations that serve on the PAC. He also interviewed factory level trade union members in CODEVI and Caracol industrial parks. In general, the trade unions appreciate the training and technical assistance they received from the SWO project and believe BWH is helping factories address non-compliance issues that helps protect worker rights. The trade union representatives that participated in the FMCS training told the evaluator that learning how to negotiate and address conflict were highly useful topics. Others noted the training on collective bargaining. According to the BWH Industrial Relations Officer and other stakeholders, the SWO project was directly responsible for increasing the number of trade union affiliates and members as well as advancing progress on collective bargaining agreements.

Several trade union representatives recommended that future projects that aim to strengthen worker organizations should be tailored to meet the specific needs of the worker organizations and involve the representatives in decisions. Some representatives felt that they were not given a choice in the training topics. However, according to the former SWO Project Director, the project tried to tailor the training and technical assistance to the needs of the unions. She commented that the trade unions preferred for the project to provide sub-grants so they could organize their own training events, which was inconsistent with SC (and USDOL) policy. The

trade unions also recommended that future projects should include a component that provide legal services to workers who were fired for participating in union activities and that the project support office should be located closer to the factories and workers.

The trade union representatives at CODEVI expressed concerns about BWH's ability to address non-compliance issues such as vacation, leave, OFATMA, production goals, and compliance with their collective bargaining agreements.²⁷ Several trade union representatives noted that the MAST labor inspectors do not talk to trade union representatives during inspections. Trade union representatives at the CODEVI and Caracol industrial parks also noted that they should receive the BWH compliance reports so they are aware of non-compliance areas and are able to monitor progress factories make on addressing non-compliance.

3.3. Progress and Effectiveness

This section examines the effectiveness of the USDOL-funded projects to determine whether they are achieving their stated objectives. It reviews the performance of the projects by analyzing the achievement of the indicator targets. It should be noted that the SWO project implemented by the Solidarity Center ended in June 2015 and is, therefore, no longer operational. It should also be noted that the start-up of the MCB project implemented by ILO was delayed. The project, which was supposed to start in November 2013, did not begin operations until February 2014.

3.3.1. Better Work Haiti Performance

Under the HOPE legislation, garment factories that export certain products to the US must participate in TAICNAR, which is carried out (in part) by the Better Work program. There are currently reaching 25 factories participating in BWH that employ approximately 36,000 factory workers. In addition, nine BWG partners and 15 international buyer participants are purchasing BWH reports.

Figure 2 shows the percent of BWH targets achieved in 2015, which is presented by outcome. The BW country programs typically set and report on indicator targets annually. Based on the BWH PMP, the project reported achieving 79% of its indicator targets for Outcome 1, 135% for Outcome 2, and 121% for Outcome 3. Outcome 1 consists of 11 indicators for which the project has met or exceeded targets for three indicators. The project as met or exceeded all eight of its indicator targets for Outcome 2 while meeting or exceeding nine of the 12 indicator targets for Outcome 3. A more in-depth discussion of indicator target achievement is presented below by each outcome.

²⁷ The unions raise the issue of production goals as they related to wages and bonus payments.

Figure 2: Percent of BWH 2015 Targets Achieved by Outcome

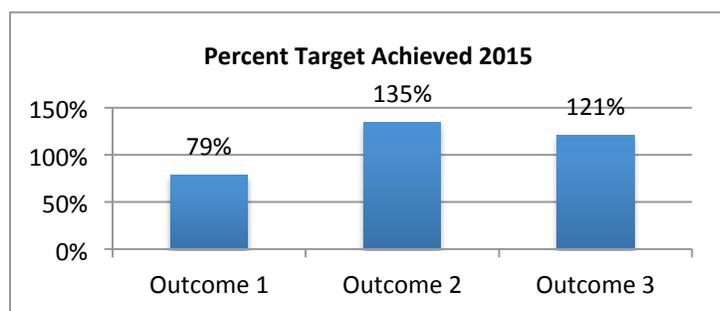


Table 8 shows the indicator progress for Outcome 1. While BWH did not set a target for average non-compliance rate, the current rate is 44%. The non-compliance rate is discussed in more detail below. While the project set a target for the number of factories revisited that have improved its compliance scores, the achievement of this indicator target was not reported. It is not clear why this target is not being tracked.

Regarding Output 1.1, the project planned to produce 50 compliance reports or two reports for each of the 25 factories. However, BWH, in consultation with USDOL, decided to produce one compliance report per year so the EAs would have more time to devote to advisory services.²⁸ This decision would account for the project producing 29 compliance reports in 2015. The project slightly underachieved on its indicator targets for the average number of days to produce an assessment report and average number of days it takes to conduct the assessments. It planned 30 days for each indicator but took 38 days. It should be noted that during the first semester of 2015, the average number of days dedicated to the assessment was 50. This number decreased to 26 during the second semester, which is below the target number of 30 days.

Table 8: BWH Outcome 1 Indicator Progress

Indicator	Target	Actual	Percent
Outcome 1: Compliance with national labor law and international labor standards increased in the Haitian garment industry.			
Average factory non-compliance rate (%)	Unknown	43%	Unknown
Number factories revisited that have improved compliance score	50	Unknown	Unknown
Indicator	Target	Actual	Percent
Output 1.1. Assessment services are maintained and adjusted to changing circumstances in the industry in Haiti and based on BW's experience across countries.			
Number assessment reports	50	29	58%
Number days between an assessment and report	30	38	79%
Number days per EA dedicated to factory assessment	30	38	79%

²⁸ This was one of the recommendations made in the BWH midterm evaluation: "Better Work Haiti Midterm Evaluation", Nexus Associates, September 2012.

Indicator	Target	Actual	Percent
Output 1.2. Advisory services contribute to increased compliance through improved social dialogue at the factory level			
Number advisory visits	250	252	101%
Percent factories with a PICC	50%	55%	110%
Percent factories with functioning PICC	Unknown	Unknown	Unknown
Percent factories where PICC is using self-diagnosis tool	30%	15%	50%
Percent factories with functional grievance mechanism	Unknown	Unknown	Unknown
Average number days spent by EA per year in factories for advisory services	60	38.5	64%
Indicator	Target	Actual	Percent
Output 1.3. Training services are diversified and strengthened to increase knowledge levels of factories on specific compliance issues and to provide guidance on how to address them			
Number participants in BWH training courses	1,500	1,327	88%
Number trainings sessions	100	111	111%
Average number participant days in training per factory	30	21	70%
Number industry seminars	5	3	60%
Percent participants report gaining valuable knowledge from training sessions	90%	Unknown	Unknown
Percent respondents report gaining valuable knowledge from industry seminar	90%	Unknown	Unknown
Indicator	Target	Actual	Percent
Output 1.4. The quality of BWH core services meets BW quality standards and best practice			
Percent buyers satisfied with BWH	90%	Unknown	Unknown
Percent factories satisfied with BWH	90%	Unknown	Unknown

Under Output 2.2, BWH slightly exceeded indicator targets for the number of advisory visits and percent of factories with PICCs. It underachieved indicator targets for PICCs using the self-diagnosis tool and the average number of days EAs spend in factories providing advisory services by 50% and 64%, respectively. Since BWH decreased the number of annual compliance assessments from two to one so EAs would have more time to spend on advisory services, it is unclear why the project fell significantly short of its goal of 60 days.

The BWH latest PMP did not include indicator target achievements for factories with functioning PICCs and factories with grievance mechanisms. The formation and functioning of the PICCs surfaced during interviews with key stakeholders. Although BWH met its target for establishing PICCs, the BWH staff believe the project has under performed on the PICCs and more should be done to increase the number of factories with effective PICCs. One obstacle has been the reluctance of factories to establish PICCs. Several factory managers told the evaluator that they see PICCs as a stepping-stone to having unions, which they would like to avoid. Another obstacle, according to factory human resource managers, is the educational level and motivation of worker representatives, which is quite low in some cases. During interviews, both factory management and worker representatives on the PICC opined that they would benefit

from more training and support from BWH on how to effectively address non-compliance points such as OSH.

Output 1.3 focuses primarily on training services. BWH planned to train 1,500 persons in 2015 and achieved 1,327 or 88%. On the other hand, it planned to conduct 100 training events and actually conducted 111. The project slightly underachieved on the average number of participant days in training and number of industry seminars. The project planned that participants would spend, on average, 30 days in training while the actual amount was 21 days. While five industry seminars were planned, three were conducted. Although the project set targets (90%) for knowledge acquisition for the training and seminar indicators and customer satisfaction for Output 1.4, these targets are not reported in the latest PMP. The evaluator understands that the knowledge acquisition and satisfaction surveys have not yet been conducted.

Table 9 shows indicator achievement progress for Outcome 2. The BWH PMP does not include a target for the garment sector export value. However, it reported exports of manufacturers industrial origin (MIO) amount of \$900 million. It met its targets for the number of international brands sourcing from Haiti (25) and buyer partners that stopped auditing factories (3). International buyers that do not require audits other than the BWH assessment is an important indicator because it provides an economic incentive for factories to participate in BWH.

Table 9: BWH Outcome 2 Indicator Progress

Indicator	Target	Actual	Percent
Outcome 2: The garment industry in Haiti is strengthened and equipped to improve labor related issues and industrial relations on a sectoral level in order to contribute to the Haitian economy and society.			
Garment Sector Export Value (MIO)	Unknown	900	
Number international brands sourcing from Haiti	25	25	100%
Number buyer partners stopped auditing factories	3	3	100%
Indicator	Target	Actual	Percent
Output 2.1. The Haitian garment industry has increased its productivity and is promoted to attract new buyers			
Number buyers subscribed to BWH	25	25	100%
Number buyer partners in BWH	3	7	233%
Number assessment reports purchased by buyers	40	70	175%
Indicator	Target	Actual	Percent
Output 2.2. Lessons learned and knowledge of governance gaps are brought into public and private sector policy debates			
BWH reports or activities influencing policy on scale 1 to 5 (5=policy implemented)	2	3	150%
Indicator	Target	Actual	Percent
Output 2.3. Social dialogue and sound industrial relations are promoted at the sectoral level			
Number activities/trainings with social partners	4	5	120%
Number meetings of social dialogue roundtable	8	8	100%

BWH met or exceeded its indicator targets for Output 2.1, 2.2, and 2.3. The project planned to have 25 buyers and three buyer partners in the program that purchased 40 compliance reports. It achieved 25 buyers subscribing to BWH assessment reports and exceeded the number of buyer

partners.²⁹ It also exceeded the number of reports that buyer purchased by 30 reports. In addition, BWH intended to influence policy under Output 2.2 and conduct meetings and trainings with social partners under Output 2.3. The project met or exceeded these targets as noted in the table.

Table 10 shows the progress BWH made on Outcome 3 indicator targets. Revenue generation is a critical indicator for financial sustainability. The project intended to generate \$30,000 in 2015 and generated \$72,845, which is 43% more than planned. It achieved one instead of two agreements with social partners. Output 3.1 also addresses sustainability by focusing on cost recovery. The project planned to recover 5% of its costs and achieve cost ratios of \$39 per worker and \$36,000 per factory. It exceeded the percent cost recovery by 1.5%, cost per factory by 7%, and cost per worker by 73%. BWH spent 95% of its budget as planned in 2015.

Table 10: BWH Outcome 3 Indicator Progress

Indicator	Target	Actual	Percent
Outcome 3. The long-term viability of BWH activities is strengthened			
Revenue generated in USD	\$30,000	\$72,845	243%
Number agreements reached by social partners	2	1	50%
Indicator	Target	Actual	Percent
Output 3.1. BWH's efforts to increase cost recovery are intensified			
Percent cost recovery	5%	6.5%	130%
USD per worker	\$39	\$22.5	173%
USD per factory	\$36,000	\$33,793	107%
Percent annual budget spent	100%	95%	95%
Indicator	Target	Actual	Percent
Output 3.2. The capacity of national staff to take on greater management responsibilities and ownership of the program is increased			
Number LDP graduate	1	1	100%
Number technical trainings for BWH staff	2	2	100%
Number participants at annual EA summit	5	5	100%
Indicator	Target	Actual	Percent
Output 3.3. BWH supports partner institutions in building the capacity of employers, trade unions and the Ministry of Labor			
Number joint factory visits with labor inspectors	10	12	120%
Number activities to increase the capacity of unions	4	6	150%
Number trainings for national stakeholders	2	4	200%

Outputs 3.2 and 3.3 address capacity building for BWH staff and social partners. Although modest, the project met or exceeded all of its indicator targets for Outputs 3.2 and 3.3. These targets are expressed as the number of training events or numbers of participants.

²⁹ A buyer partner is an international buyer that signs an agreement with Better Work Global. A buyer partner pays a membership fee and agrees to a number of conditions. See http://betterwork.org/global/?page_id=361

BWH Compliance Assessment and Non-Compliance Rates

The BW compliance assessments are based on a framework that is organized into two major sections. The first is the core international labor standards based on the ILO's conventions Nos. 29, 87, 98, 105, 100, 111, 138, and 182. The core labor standards areas include child labor, discrimination forced labor and freedom of association and collective bargaining. Each area includes approximately four to five non-compliance points covered in the assessment. The second section, which is based on national labor law, is referred to as working conditions. The areas covered under working conditions include compensation, contracts and human resources, occupational safety and health, and working time. Each area includes three to eight non-compliance points.³⁰

One of BW's primary indicators is the average factory non-compliance rate. Given the importance of this measure, the evaluator conducted an analysis of the trends in factory non-compliance from 2010 to 2015 using data from the 2nd, 4th, 6th, 8th, 10th, and 12th Better Work Haiti Garment Industry Synthesis Reports. These are the reports that were published in April of each year. Figure 3 shows the trend in the overall average non-compliance rate. The average non-compliance rates do not show a clear trend. For example, the rate increased from 36% in 2010 to 64% in 2011 and decreased to 39% in 2012. It decreased to about 35% in 2013 and 2014 before increasing in 2015 to 44%.

Figure 3: Average Non-Compliance Rate by Year

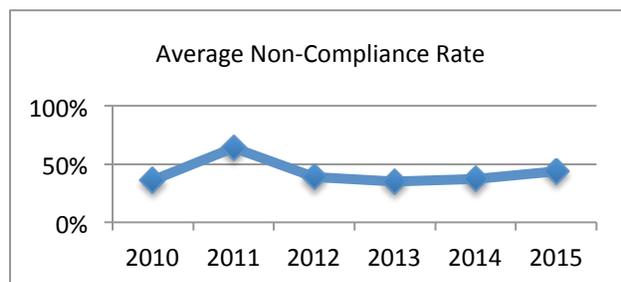


Table 11 shows the number of factories that were out of compliance for the corresponding non-compliance points under core labor standards. Overall, very few factories were found non-compliant for the core labor standards section. This is important since compliance with the core labor standards is a requirement for factories exporting to the US under the Hope Legislation. The core labor standards that factories have been out of compliance in include gender discrimination, collective bargaining, and union interference and discrimination. While there are only one to two factories that are out of compliance, there does not seem to be a trend over the 12 synthesis reports, which is consistent with the average non-compliance rate discussed above. It should also be noted that no factories were found out of compliance on core labor standards in several synthesis reports.

³⁰ Refer to any of the Better Work Haiti Bi-Annual Synthesis Reports for the complete list of non-compliance points and definitions: <http://betterwork.org/haiti/?cat=7>

Table 11: Number of Factories Out of Compliance for Core Labor Standards by BWH Bi-Annual Synthesis Report

Non-Compliance Areas for Core Labor Standards	Number of BWH Synthesis Report					
	2nd	4th	6th	8th	10th	12th
Child Labor						
Protection of Young Workers	1	1	1	0	1	0
Discrimination						
Gender	0	4	2	2	0	2
Forced Labor						
Forced Labor and Overtime	0	4	0	0	0	0
Freedom of Association and Collective Bargaining						
Union Operations	0	1	0	0	0	0
Collective Bargaining	1	1	1	1	1	1
Freedom of Association	1	0	0	0	1	1
Interference and Discrimination	0	1	1	1	0	1
Strikes	0	2	1	0	0	1

Table 13 shows the percent of factories that were out of compliance for the corresponding non-compliance points under national labor law or working conditions. The vast majority of factory non-compliance occurs under working conditions. Within the working conditions section, large percentages of factories are out of compliance for social security and other benefits, chemicals and hazardous substances, the entire area of occupational safety and health, and overtime (highlighted in blue). In fact, more than 50% of the factories were found non-compliant in these areas over the 12 synthesis reports. In the area of occupational safety and health, more than 70% of factories are consistently out of compliance.

Table 12: Percent of Factories Out of Compliance for Working Conditions by BWH Bi-Annual Synthesis Report

Non-Compliance Areas for Working Conditions	Number of BWH Synthesis Report					
	2nd	4th	6th	8th	10th	12th
Compensation						
Method of Payment	0%	0%	4%	4%	0%	16%
Minimum Wage	4%	90%	100%	0%	4%	24%
Overtime Wages	35%	10%	8%	0%	35%	40%
Paid Leave	31%	20%	21%	26%	31%	68%
Premium Pay	12%	5%	0%	9%	12%	16%
Social Security and Other Benefits	58%	75%	71%	39%	58%	100%
Wage Information, Use, and Deduction	27%	10%	21%	13%	27%	48%
Dialogue, Discipline, and Disputes	19%	20%	25%	30%	19%	28%
Contracts and Human Resources						
Employment Contracts	15%	60%	17%	4%	15%	32%

Termination	31%	50%	29%	30%	31%	32%
Chemicals and Hazardous Substances	50%	70%	75%	52%	50%	72%
Occupational Safety and Health						
Emergency Preparedness	81%	95%	67%	78%	81%	88%
Health Services and First Aid	92%	100%	100%	96%	92%	88%
OSH Management Systems	31%	70%	42%	35%	31%	44%
Welfare Facilities	88%	95%	88%	96%	88%	84%
Worker Protection	73%	100%	92%	74%	73%	80%
Working Environment	73%	75%	50%	96%	73%	88%
Working Time						
Leave	31%	70%	25%	39%	31%	20%
Overtime	54%	70%	46%	35%	54%	52%
Regular Hours	38%	80%	25%	13%	38%	36%

The evaluator was unable to identify any clear trends in non-compliance improvement. The percentages of factories out of compliance tend to fluctuate over time. For example, the percent of factories out of compliance for emergency preparedness was 81% in 2010. The percent increased to 95% in 2011 and decreased to 67% in 2012. It then increased for three consecutive assessment cycles to 78%, 81%, and 88%. This kind of fluctuating trend is typical for most of the compliance points related to national labor law. Interestingly, factory managers told the evaluator that they believe they are successfully addressing many of the non-compliance points noted during the assessments.

Several hypotheses surfaced during the evaluation that might help explain why there have not been clear trends in non-compliance improvement. The most viable hypothesis is that the national labor law, which guides the working conditions component of the BW compliance assessment, is outdated, ambiguous, and in some cases, impractical.³¹ Another viable hypothesis is that many factories do not take the working conditions component of the compliance assessment seriously because there is not a serious consequence for non-compliance. As noted previously, factories that do not comply with international labor standards run the risk of losing their eligibility to export under the HOPE legislation's trade preferences. There is not such consequence for non-compliance with national labor laws. A related hypothesis holds that buyers are more concerned about non-compliance with international labor standards than national labor laws and as long as buyers do not pressure their suppliers to comply with national labor laws, factories will not take the necessary steps to comply.

3.3.2. MAST Capacity Building Performance

As discussed in Section 3.1, the MCB project has a relatively strong PMP that meets most of the criteria in the MPG. However, the project has not been tracking and reporting on indicator targets. According to the National Project Coordinator (NPC), the project created an monitoring

³¹ The number of bathrooms and medical personnel per worker stipulated in the national labor law is considered by government, employers, and union representatives to be impractical and outdated.

and evaluation (M&E) position to strengthen its performance monitoring system including tracking and reporting on indicator targets. At the time of this evaluation, the NPC was working with the ILO sub-regional office in San Jose, Costa Rica to identify and hire the M&E specialist. Thus, the project did not have data on indicator achievement available to enable the evaluator to conduct an analysis of progress against the targets.

The MCB project provides a narrative on the progress for each intermediate objective in the Technical Progress Report (TPR). The evaluator used the TPR and information gleaned from interviews to provide a summary of the progress the project has made on achieving its intermediate objectives and outputs, which appears in Table 13. It should be noted that a late project start and other delays have contributed to project underachievement, especially for Outcomes 2 and 3. The late start, delays, and other challenges that have affected project performance are discussed in more detail in Section 3.4 under Efficiency and Resource Use.

The project has made the most progress in achieving the outputs under IO 1. The project has established a task force consisting of 11 labor inspectors and conducted a mapping of MAST human resources that informed the revision of labor inspector job descriptions and professional development that is awaiting approval of OMRH. The task force along with other MAST personnel participated in a variety of trainings intended to increase their capacity to conduct effective inspections. As noted in the table, the project purchased computers, projectors, and other items for the labor inspectors. While the labor inspectors told the evaluator that they believe the training has helped increase their ability to conduct effective inspections, the evaluator was unable to objectively verify how the labor inspectors are applying what they learned in the trainings and whether the effectiveness of the inspections actually improved. Managers at the factories where the labor inspectors have conducted inspections using the new inspection protocol told the evaluator that the quality of the MAST inspections has improved but they have a long way to go to match the quality of the BWH compliance assessments.

Table 13: MCB Project Progress on Outcomes and Outputs

IOs and Outputs	Progress
<p>IO 1. MAST is more effective in conducting labor inspections in the apparel sector</p> <p>Output 1.1. A task force of senior and field labor inspectors is set up within the MAST to cover the textile sector and operational</p> <p>Output 1.2. An exhaustive human resources review is completed for labor inspectors</p> <p>Output 1.3. Managerial and technical capacities of MAST senior officials and labor inspectors are enhanced</p> <p>Output 1.4. Strategic and operational capacities of MAST are strengthened</p> <p>Output 1.5. Logistical infrastructure is improved</p>	<p>The evaluator was not able to objectively verify whether the labor inspectors are conducting effective inspections because, due to time constraints, he did not have the opportunity to observe an inspection.</p> <p>The project established a task force consisting of 11 senior labor inspectors in 2014 (Output 1.1). The project also conducted a mapping of MAST human resources (diagnostic) and drafted job descriptions for labor inspectors and the Director of Labor in 2015 (Output 1.2). The job descriptions still need to be approved by OMRH.</p> <p>To date, labor inspectors received a variety of training in negotiation, core labor standards, occupational safety and health, HOPE Legislation, industrial relations, training of trainers, ethical behavior of labor inspectors, BW assessment methodology, and inspection plan design (Output 1.3).</p> <p>The labor inspectors conducted joint advisory service visits with BWH EAs in August and November 2015 In</p>

IOs and Outputs	Progress
	<p>August, five factories were visited in Port-au-Prince. In November, two factories were visited in Caracol and CODEVI industrial parks. In addition, the labor inspectors conducted 11 inspections of factories in September 2015 and another 14 inspections by the end of December 2015. The project had planned to conduct 30 inspections by the end of October but had to reduce the number due to political violence caused by the presidential elections. Finally, an inspection protocol was implemented by MAST and several inspection tools have been drafted. (Output 1.4).</p> <p>The project purchased equipment and supplies for MAST offices including 12 computers, 2 projectors, 10 professional bags, 17 Haitian labor code booklets, and calculators (Output 1.5).</p>
<p>IO 2 MAST and the Office of the Labor Ombudsperson apply improved technical and soft skills in their mediations</p> <p>Output 2.1. Technical and soft skills of MAST conciliators are improved</p> <p>Output 2.2. An appropriate referral mechanism for investigation of complaints under TAICNAR is installed and functioning</p> <p>Output 2.3. A joint protocol clarifying stakeholders' roles for receiving, handling, addressing and conciliating labor complaints</p>	<p>The primary focus for this intermediate objective has been joint training with the Labor Ombudsperson provided by the FMCS. The labor inspectors participated in a variety of workshops focused on mediation and conciliation techniques.</p> <p>However, the evaluator was unable to determine whether the Labor Ombudsperson and labor inspectors have improved technical and soft skills on mediations. Furthermore, the referral mechanism (Output 2.2) and joint protocol (Output 2.3) have not yet been developed. Recommendations were formulated following a tripartite workshop on enhancing the Haitian labor dispute resolution system. Among them, the joint protocol on how to handle complaints was suggested. The project recently requested USDOL to support this matter because it requires political buy-in from MAST and the Office of the Labor Ombudsperson.</p>
<p>IO 3. Workers and employers play a more active role in ensuring compliance with labor law in the garment sector</p> <p>Output 3.1. Factory workers and employers and their organizations are better informed on fundamental labor rights, the existence and mandate of the MAST, and on existing mechanisms to file complaints or request assistance</p> <p>Output 3.2. A hotline to obtain information on labor rights and lodge complaints is set up and functioning</p>	<p>The evaluator was unable to assess the progress that workers and employers made in ensuring compliance with the labor law. However, at the time of the evaluation, the project was in the process of planning the knowledge, attitude, and practice (KAP) survey planned for January 2016. The KAP survey will inform a communication strategy to provide information on labor rights to social partners (Output 3.1). The project also started work on helping MAST update its hotline that provides information on labor rights and a mechanism to lodge complaints about labor violations (Output 3.2).</p>

The project has made limited progress achieving IO 2 outputs. The Labor Ombudsperson and labor inspectors participated in a variety of training on mediation, conciliation, and negotiation provided by the FMCS team. Also, the project has developed a set of recommendations to enhance the labor code resolution system that is awaiting approval by MAST and the Office of the Ombudsperson.

During interviews, the Labor Ombudsperson and labor inspectors opined that their soft and technical skills in these areas improved and they are confident that they can effectively apply most of what they learned. As noted earlier in the report, several labor inspectors commented that the mediation and conciliation training provided by FMCS would have been more effective if the trainers spoke French and the training examples and scenarios were based in the context of the Haitian apparel sector. The evaluator was not able to determine whether the Ombudsperson and labor inspectors effectively apply new mediation, conciliation, and negotiation skills to their work.

The project has made the least progress in achieving the outputs listed under IO 3. As noted in the summary in the Table 13, the project was preparing to conduct the KAP survey during the evaluation fieldwork that, in turn, would inform the fundamental labor rights communication strategy (Output 3.1). The project also reported that it was assisting MAST to improve its labor rights and complaints hotline by providing current information on labor rights and what constitutes a violation as well as legal options that workers have to address violations of labor rights.

3.3.3. Strengthening Worker Organizations Performance

The SWO project tracked and reported progress on achieving 21 indicator targets. Table 14 shows the indicator target, actual achievement, and percent achievement for the 21 outcome and output indicators. It should be noted that Outcome 4 and its output on sub-regional networks and exchanges were cancelled. Overall, the project met or exceeded the achievement of 18 targets or 86%. In fact, the project exceeded the target by 200% for two indicators, 500% for two indicators, and more than 500% for four indicators.

The project did not achieve its targets for only three indicators; two of which were under the improved access to social justice outcome. While the project planned to provide legal information to 1,200 workers through workers' clubs, only 262 workers received the information. According to the former Project Director, AUMOHD lawyers were unable to dedicate sufficient time to facilitating workers' club sessions due to high demand on their time. The project also intended to present labor rights violation cases in court. The former Project Director explained that due to deficiencies within the court system, AUMOHD was only able to process 36 cases before the end of the project.³²

Table 14: An Assessment of the SC Project Performance

Outcome Indicators	Target	Actual	Percent
Outcome 1. Unions in the apparel and textile sector possess a cadre of competent worker-organizers	16	90	563%
Output 1.1. Strategic planning with union partners	4	5	125%
Output 1.2. Union organizers trained	40	101	253%
Outcome 2. Unions initiate workplace-based organizing campaigns	2	14	700%
Output 2.1. SC and worker-leaders hold monthly support meetings	18	20	111%

³² Similar information is also presented in the project's final TPR, September 2015.

Outcome Indicators	Target	Actual	Percent
Outcome 3. Unions in the apparel & textile sector develop stronger committee leaders	8	20	250%
Output 3.1. Committee members trained on core union functions and skills	40	219	548%
Outcome 4. Unions create sub-regional solidarity networks	N/A	N/A	N/A
Output 4.1. Unions exchange best practices for organizing and coordinate efforts	N/A	N/A	N/A
Outcome 5. Workers gain knowledge of unions, worker rights, and protection; become involved in actions to advance those rights.	18	15	83%
Output 5.1. Coordinating group of apparel & textile union representatives meets on regular basis	8	8	100%
Output 5.2. Coordinating group hosts outreach events; distributes advocacy material	1 2,000	7 16,500	700% 825%
Output 5.3. Workers trained on rights	180	324	825%
Outcome 6. Unions in the apparel and textile sector have a cadre of skilled women leaders	8	58	725%
Output 6.1. Women workers trained on leadership skills	30	40	133%
Outcome 7. Workers have improved access to labor justice	120	144	120%
Output 7.1. Workers provided with rights information through Workers' Club	1,200	262	22%
Output 7.2. Cases prepared and presented	60	36	60%
Output 7.3. Workers receive information about their rights	5,000	5,417	108%

Given the challenging environment in Haiti for trade unions, the evaluator was surprised at how well the project performed based on its indicator targets. It is unusual for a project to achieve nearly 90% of its indicator targets; some by more than 500%. According to former Project Director, targets were set low because the project wanted to be realistic and not over-project given the complexities of the situation in Haiti. Furthermore, the project discovered that rather than forming local unions that might have members in various factories, unions in Haiti organize by forming a committee in factories that they consider a union. She explained that this approach meant that the number of union committees formed and the number of committee members appointed, or elected, to their positions was greater than expected.

3.4. Efficiency and Resource Use

This section addresses the cost-effectiveness of the USDOL-funded projects. Evaluators typically use cost-benefit and cost-effectiveness analyses to assess efficiency. Cost-benefit analysis determines the cost to achieve an impact that can be compared to standards or similar projects. Cost-effectiveness analysis examines and compares the efficiency of different interventions in achieving impacts or outcomes.

The evaluator was not able to use cost-benefit or cost-effectiveness analyses because the projects do not share common impact indicators or interventions and outcome indicators that would allow comparison. Furthermore, the evaluator did not have access to cost and benefit standards to be able to compare to other projects. For BWH, the evaluator compared a range of BWG efficiency indicators among all BW countries to assess BWH's efficiency performance. For MCB and

SWO projects, the evaluator conducted analyses of the budgets to determine allocation of resources and costs to produce outputs. These analyses should provide a general idea of project efficiency in terms of indicator achievement.

3.4.1. Better Work Haiti Efficiency Analysis

The evaluator selected 10 BWG indicators that reflect some aspect of efficiency. Of these 10, the evaluator focused an efficiency analysis on five indicators that include the number of factories per EA, number of assessments per EA between January and December 2015, percent of compliance reports delivered on time, per worker cost, and the annual percent of cost recovery. These five indicators are presented and highlighted in the Table 15 along with the other five indicators that were used to assist in calculating their values. BWG provided these data, which cover the period until December 2015.

The *number of factories per EA* for Haiti is seven while the number of factories per EA for the other BW countries ranges from four in Lesotho to 23 in Cambodia. The factory per EA ratio is lower in smaller BW countries than the larger countries. Haiti, Lesotho, and Nicaragua have four to seven factories per EA while the larger BW countries have nine to 23 factories per EA.

The *number of assessments per EA* varies from three in Lesotho to about 17 in Cambodia. In general, the smaller BW countries are less efficient than the larger countries when it comes to conducting compliance assessments since the number of assessments per EA is a function of the number of EAs and the number of factories they cover. However, Haiti with 6.25 assessments per EA compares favorably to the large BW countries of Vietnam and Indonesia.

Table 15: Comparison of Efficiency Indicators Among BW Country Programs

BWG Efficiency Indicators	Haiti	Cambodia	Nicaragua	Indonesia	Jordan	Lesotho	Vietnam
Number of participating factories	25	563	26	150	70	15	369
Number of EAs	4	25	4	16	7	4	33
Number of factories per EA	7	23	7	9	10	4	11
Number of assessments between Jan-Dec 2015	25	434	19	109	59	12	223
Number of assessments per EA Jan-Dec 2015³³	6.25³⁴	17.36	4.75	6.81	8.43	3.00	6.76
Percent of factories that receive report on time Jan-Dec 2015	63%	61%	79%	100%	72%	25%	95%
Total workers in registered factories	36,000	530,965	41,399	293,526	51,000	25,408	481,301
Per worker cost in US Dollars	\$22.02	\$2.97	\$16.96	\$3.75	\$12.44	\$18.72	\$3.87
Total program revenue	\$72,845	\$1,179,220	\$89,841	\$727,462	\$235,240	\$49,167	\$1,119,684
Percent annual of cost recovery	10%	81%	13%	65%	37%	10%	50%

³³ The number of assessments per EA is meant to provide a general notion of efficiency. In reality, an assessment is typically conducted by two EAs.

³⁴ It should be noted that, due to staff turnover, BWH has not had four EAs over the past several years. The CTA estimates that BWH has had an average of three EAs.

The percent of compliance reports delivered on time is a measure of how efficient BW programs are at producing reports. The percent of reports delivered on time for BWH is 63%, which is similar to Cambodia and slightly less than Nicaragua and Jordan. Indonesia and Vietnam on-time delivery rates are 100% and 95%, respectively.

The *per worker cost* measure is a function of the number of workers in the BW country programs and the program's operating costs. As one might expect, the larger BW countries tend to have lower per worker cost than the smaller BW countries. For example, Cambodia, Indonesia, and Vietnam have the lowest per worker cost at \$2.97, \$3.75, and \$3.87, respectively. Jordan's per worker cost is \$12.44. On the other hand, the costs per worker for Nicaragua, Lesotho, and Haiti are \$16.96, \$18.72, and \$22.02, respectively.

The *percent of annual cost recovery* is one of the primary indicators that BWG uses to assess financial sustainability. This measure calculates the percent of a country program's operating costs that are recovered through the subscription fees paid by factories and the purchase of the assessment reports by buyers. Again, there appears to be a relatively strong correlation between the size of the BW program and the percent of cost recovery. The BW program in Cambodia, which is recovering 81% of its operating costs, is the only country close to recovering 100% of its operating costs. However, it should be noted that BW Cambodia has been operational for more than a decade. Indonesia is recovering 65% while Vietnam and Jordan are recovering 50% and 37%, respectively. The smaller BW countries are recovering the least. Nicaragua is recovering 13% while Haiti and Lesotho are recovering 10% each.

The smaller BW countries appear to be less efficient than the larger BW countries. This is due largely to the fact that the countries with large numbers of factories and buyers create economies of scale and increased opportunities to generate revenue. Of the three small BW countries, Haiti and Lesotho seem to be more efficient in terms of factories per EA, assessments per EA, and cost recovery. Nicaragua appears to be more efficient in terms of on-time delivery of reports and cost per worker.

3.4.2. MAST Capacity Building

The MCB project does not have an output-based budget or targets for the output indicators that would be needed to facilitate a cost per output efficiency analysis. To assess efficiency, the evaluator analyzed the allocation of resources among the budget line items. The result of the analysis appears below in Table 16.

The largest line item is personnel that accounts for 55% of the total budget. While 55% is relatively high compared to other labor projects the evaluator has evaluated, it is similar to the personnel costs of BWH and the SWO project that are discussed below. The next largest line item is the ILO indirect costs that accounts for 11% of the budget total. The ILO indirect cost rate is 13% that is calculated on the sub-total amount. The service contracts, training, and equipment run about 6% to 8% of the budget, which is consistent with other labor projects. The transportation and office support costs account for about 4% each. It should be noted that MAST transportation costs is included in the transportation line item while office costs include rent, utilities, communications, and security costs.

Table 16: MCB Line Item Budget Summary

Budget Line Item	Cost USD	Percent
Personnel	\$770,303	55%
Service Contracts	\$125,000	9%
Training	\$111,000	8%
Equipment	\$78,102	6%
Transportation	\$55,900	4%
Office Costs	\$62,215	4%
Indirect Costs	\$156,328	11%
Contingency	\$41,152	3%
Total	\$1,400,000	100%

The project was intended to achieve 21 indicator targets within the project’s life of two years for \$1.4 million. Due to the late project start, delays, and other challenges, the project was unable to achieve its targets within the two-year grant period. As noted earlier in the report, USDOL granted an extension to June 30, 2017 along with an additional \$1 million to achieve the original targets as well as four new indicator targets that address judicial training and labor law reform. Based on the modification, the MCB project is now expected to achieve 25 indicator targets in three years for 2.4 million. The delays that led to the extension and additional funding necessarily caused inefficiency.

The MCB project, which was supposed to begin in November 2013, did not begin operations until February 2014 due to difficulty in identifying and hiring the CTA. Once project operations started, the former CTA, according to some key stakeholders, was not as strategic as he might have been in motivating project partners to produce key outputs. Other delays included approval of the labor inspector job descriptions by MAST and OMRH and the implementation of the KAP survey that might have been caused by the ILO procurement process. In addition, high turnover of key MAST personnel may have also contributed to delays.

3.4.3. Strengthening Worker Organizations

To assess efficiency, the evaluator analyzed the allocation of resources among the budget line items and outputs.³⁵ Table 17 shows the allocation of funds and percentages to the primary line items in the budget. The largest line item is personnel that include the Project Director, which was the only full-time position. The personnel line item includes a part-time local staff such as a coordinator, administrative and finance support, office help, and driver. This line item also includes seven part-time headquarters staff. The total number of personnel and level of effort charged to the project appears in Table 19 with a discussion about management structures and their costs.

³⁵ The line item and output-based budget analyses are based on the SWO budget provided by the Solidarity Center at the beginning of the evaluation.

The second largest line item is indirect costs. The SC’s Negotiated Indirect Cost Rate Agreement (NICRA) with USDOL is 21%. The SC NICRA is higher than the ILO rate of 13% and other NGO indirect rates that the evaluator is familiar with, which tend to run from 10% to 15%. The other direct cost (ODC) line item represents 9% of the budget and includes office rent, maintenance, office services and several output-related expenses such as catering for training events. The rest of the line items for travel, supplies, services contracts/consultants, and contingency are budgeted at about 4% to 5%.

Table 17:SWO Line Item Budget Summary

Budget Line Item	Cost USD	Percent
Personnel	\$642,690	53%
Travel	\$62,068	5%
Supplies	\$44,241	4%
Contractual	\$53,795	4%
Other Direct Costs	\$103,482	9%
Indirect Costs	\$248,410	21%
Contingency	\$45,314	4%
Total	1,200,000	100%
Type of Cost	Cost USD	Percent
Program	\$724,069	60%
Administrative	\$475,931	40%
Total	\$1,200,000	100%

Table 17 also shows the allocation of program and administrative costs. Approximately \$724,000 or 60% of the total USDOL funds are allocated to program costs. The remaining \$476,000 or 40% are allocated to administrative costs. The amount of the budget allocated to administrative costs seems high when compared to other labor projects.³⁶ One possible explanation is the SC’s relatively high NICRA.

Table 18 shows the output-based budget analysis. It should be noted that Output 1.5 was cancelled. According the former Project Director, the line item amount was reallocated to Outputs 1.4 and 2.1. However, she did not know how the funds were allocated between the two outputs. For purposes of the analysis, the evaluator allocated the line item amount for Output 1.5 (\$82,588) equally between Outputs 1.4 and 2.1.

³⁶ The observation is based on 15 evaluations of USDOL labor evaluations conducted by O’Brien and Associates International.

Table 18: SWO Output Budget Summary

Output	Cost USD	Percent
Outcome 1: To strengthen the capacity of unions in the apparel and textile sector to organize and democratically represent apparel and textile workers		
1.1. Union strategic plans	\$46,265	4%
1.2. Union organizers training	\$140,068	12%
1.3. Worker meetings monthly with project	\$259,944	22%
1.4. Worker leader training on unions	\$121,724	10%
1.5. Best practices shared regionally	NA	NA
Outcome 2: To strengthen the capacity of unions and related NGOs to advocate for improved working conditions and worker rights		
2.1. Union coordinating group established and meet	\$82,456	10%
2.2. Workers trained on FOA, compensation	\$98,127	8%
2.3. Women union leaders trained	\$114,871	10%
2.4. Workers provided with legal information/cases presented	\$75,696	6%
2.5. Workers receive information about labor rights	\$90,865	8%
M&E and Contingency		
Monitoring and Evaluation	\$83,393	7%
Contingency	\$45,314	4%
Total	1,200,000	100%

The majority of the outputs received between 8% and 12% of the total budget allocation. The exceptions are the strategic planning and worker meetings outputs. The strategic planning output and related activities cost about \$46,000 or 4% of the budget. This makes sense since the strategic planning activities consisted of a series of workshops aimed to produce the strategic plans for the union partners. On the other hand, worker meetings cost \$260,000 or 22% of the budget, which seems high. It appears that the project charged a higher percent of personnel costs to this line item as well as materials and supplies for the meetings. The M&E line item of 7% is about average for USDOL labor projects that do not have comprehensive monitoring and evaluation plans.

3.5. Project Management Arrangements

This section examines the effectiveness of the management arrangements. The management structures and staffing for each project is presented and compared. Next, the costs of these structures (staffing) and percent of the overall project budget are presented and discussed. Based on the review and comparison of the management structures and costs, the evaluator provides several management structure options for USDOL to consider in future projects.

3.5.1. Project Management Structures

Table 19 shows the number of staff and their effort for five major staff categories that include project management, technical support, administration and finance, office support, and

headquarters support. The *number* column consists of the number of persons charged to the project budget while the *effort* category lists the effort in terms of persons. For example, 1 represents 100% of a person’s effort charged to the project. On the other hand, .09 represents 9% of a person’s time charged to the project.

BWH has 15 full-time persons charged to the budget. These include CTA four EAs, a Training Officer, an Industrial Relations Officer, an Information and Technology Officer, a Finance Officer, three Administrative Officers, and three drivers. The assistant CTA is a part-time position that is shared between BWH and BWG. In addition, the BWH budget includes a line item for BWG personnel at 8.5%.³⁷

An issue that surfaced when discussing BWH staffing is that the CTA spends approximately 20% of her time providing financial backstopping to other ILO programs in Haiti. This is an issue since key personnel identified in the ILO-USDOL Cooperative Agreement are supposed to be 100% dedicated to BWH. The evaluator also learned that BWH finance, administrative, and logistical staff are spending between 15% and 30% of their time providing support to other ILO projects. Apparently, the ILO sub-regional office in San Jose issued a statement that the other ILO projects should reimburse BWH for time these staff spent on other projects. However, according to the BWH CTA, BWH has not yet been reimbursed.

Table 19: Allocation of Staff for Each Project

Staff Category	BWH		MCB		SWO	
	Number	Effort	Number	Effort	Number	Effort
CTA/Project Coordinator	2	2	1 ³⁸	1	1	1
Technical/Program	7	7	2 ³⁹	2	1	.59
Administrative/Finance	4	4	1	1	1	.09
Office Support	3	3	2	2	4	3.44
Headquarters/Regional	-	-	1	.25	7	.54
Total Staffing	16	16	7	6.25	14	9.17

The MCB project, on the other hand, has five full-time positions that include the CTA, National Project Coordinator (NPC), M&E Officer, Administration Officer, and driver. There is also a part-time (25%) finance position based in San Jose, Costa Rica that is charged to the project. The M&E position was added to provide technical support in tracking and reporting on key indicator targets. The evaluator understands that while an M&E candidate has been identified, the project is still working through the ILO human resources system to hire the person.

The SWO project budget is slightly misleading. While there were 14 different persons charged to the budget, the Project Director was the only full-time position. The project had a part-time worker organization specialist budgeted at .59 effort and an accountant located in the Dominican

³⁷ The 8.5% helps pay salaries and benefits of Better Work Global support staff.

³⁸ The CTA position was discontinued in 2015. The National Project Coordinator is directing the project locally.

³⁹ As noted previously, the M&E officer is in the process of being hired.

Republic budgeted at .09 effort. The project also had an administrative assistant, guard, office helper, and driver budgeted at .86 effort each (3.44 total effort). The remaining seven staff were located in headquarters and accounted for .54 effort.

3.5.2. Cost of Management Structures

Table 20 shows the costs of the different management structures discussed above under management structures. As expected, BWH is the project with the highest percent of its budget allocated to personnel. Sixty-three percent of the BWH budget goes to pay for management, technical, administrative, support, and BW global staff.⁴⁰ The large number of staff should be expected since the BW model employs its own auditing and training staff and the BWH program is expected to provide services to 25 factories.

Approximately 53% of the SWO budget goes to personnel. One might expect that the staffing costs would be lower than 53% since the Project Director is the only full-time position. However, the seven headquarters and regional personnel charged to the project account for nearly \$86,125 or about 7% of the budget. The MCB project allocates about 55% of its budget to the six full-time staff positions as described previously.

Table 20: Staff Costs as Percent of Budget and Headquarter Overhead Rates by Project

	BWH	MCB	SWO
Project Staff	\$3,930,130	\$770,303	\$642,690
Total Budget	\$6,275,840	\$1,400,000	\$1,200,000
Percent of Budget	63%	55%	53%
Headquarter Overhead	13%	13%	21%

The ILO indirect cost recovery rate is about 13%, which it charged to the two ILO-managed project budgets. The SC charged 21% as its indirect cost recovery rate for the SWO project, which seems high when compared to the ILO and other NGO projects that the evaluator has evaluated.

3.6. Impact Orientation

The evaluator was not able to empirically measure the impact of the USDOL-funded projects. It is clearly beyond the scope of this evaluation to conduct an impact evaluation, which would have required a rigorous random sample survey and control groups. The following discussion attempts to answer the question whether the USDOL-funded projects have had an impact on Haitian labor environment and apparel export market. The following discussion is based on progress made in achieving project indicator targets in Section 3.3 and perception of key informants that were interviewed.

⁴⁰ The BWH analysis is based on the Phase II project budget 201

3.6.1. Impact of Better Work Haiti Program

As discussed in Section 3.3, there is no clear evidence that factory non-compliance has improved since the inception of BWH in 2009. The average non-compliance rate has varied from year to year as well as the specific compliance areas and points. Nevertheless, GOH officials, factories, and buyers believe that BWH is an important initiative designed to help factories comply with international labor standards and national labor law. Furthermore, representatives from the US Embassy and USDOL believe that BWH is fulfilling its role as the required TAICNAR program under the HOPE legislation. Thus, the perception of key stakeholders is that the BWH program is having an important impact on the Haitian labor environment and export apparel sector.

The most objective mechanism to assess BWH impact is the BW impact assessment that is managed by Tufts University. The impact assessment should allow BWH to measure how increased compliance with labor standards impacts workers' lives beyond the workplace by increasing income and remittances, health status, life aspirations and education opportunities for children as well as firms' performance. Tufts University conducted the baseline survey in March-December 2011 in Haiti and intends to conduct an endline survey in 2016 to assess impact.

3.6.2. Impact of MAST Capacity Building Project

As noted previously, the MCB project has experienced delays and, as a result, is behind schedule. The project has provided a range of training for the MAST labor inspectors and is in the process of implementing other key activities such as the KAP survey, labor support hotline, and labor inspector professional development. However, the project has not set indicator targets and is not tracking project performance due to a lack of M&E capacity, which makes assessing progress towards impact difficult.⁴¹ The best chance at having an impact on the Haitian labor environment and export apparel sector would be to build the capacity of the labor inspectors to conduct high quality and consistent inspections and support their professional development. To achieve this, the project must address a variety of challenges that include low labor inspector motivation, low salaries, and lack of transportation and inspection tools. The overall commitment of MAST to support improved labor inspections would need to be addressed.

3.6.3. Impact of the Strengthening Worker Organizations Project

While the SWO project met or exceeded the vast majority of its indicator targets, it is not clearly documented how these achievements resulted in impact. As noted in the discussion on PMPs, the evaluator believes it would have been helpful to establish an outcome and indicators related to increases in the numbers of worker organizations and affiliates as well as progress on negotiating collective bargaining processes. For example, the project's final report noted that, as a result of organizing campaigns, the project helped to establish five national unions with 20 new union committees and 2,097 affiliates at the factory level, which were officially recognized by MAST. This is an important achievement that the project's PMP should have tracked and reported in the TPRs. Furthermore, the BWH Industrial Relations Officer credits SWO with laying the

⁴¹ As discussed in Section 3.5, the MCB project is in the process of hiring an M&E officer that would be tasked with establishing and tracking indicator targets.

groundwork for and advancing several collective bargaining agreements. This would have been another important impact level indicator to track and report.

3.7. Sustainability

The following section examines the extent to which the three USDOL-funded projects developed the required sustainability and exit strategies and plans. It also assesses the sustainability of key SWO project outputs and results as well as the potential of the BWH and MCB projects to achieve sustainability.

3.7.1. Sustainability Strategies

USDOL's expectation for how grantees address sustainability is described in the MPG 2013. Section 8 of project document outlined in the MPG 2013 requires a discussion on sustainability and exit strategy. In addition, the MPG states "*If necessary, grantees must submit a revision to the project document section on promoting sustainability within 12 months of award. Grantees will report on the progress of the sustainability plan in each of their TPRs.*" On one hand, the onus is clearly on the grantee to describe its strategy for sustaining key outputs and results in the project document and report on the progress. If deemed inadequate, the onus is on USDOL to request the grantee to provide a more detailed description of the sustainability strategy.

The evaluator reviewed the three project documents to assess to what extent they contained sustainability and exit strategy strategies. The BWH project document includes a short sustainability section that addresses financial and institutional sustainability. The financial sustainability section acknowledges that due to the small number of factories operating in Haiti, financial sustainability is unlikely and that BWH would require donor support to continue to operate. The institutional sustainability section notes that the importance of creating ownership among PAC members and building the capacity of local staff. The sustainability sections ends with the statement that "*Towards the end of Phase II, when BWH will develop a strategy for the last phase of the programme under the HOPE II legislation (2018-2020), it will conduct a study to analyze whether BWH services could be delivered by a local legal entity and whether this should be one of the goals of its phase III.*"

The MCB project document includes a short section on sustainability. The MCB project intends to achieve sustainability by increasing the capacity and commitment of MAST and other social partners to continue key activities once the project ends. The sustainability section also notes the importance of the MAST labor inspector task force in achieving sustainability. However, the project document does not define what outcomes or outputs should be sustained, what organization should be responsible for sustaining these outcomes and outputs, the strategy for achieving sustainability, and the associated costs.

The SWO project document includes a sustainability matrix that addresses project components to be sustained; the conditions for sustainability; required actions; sustainability monitoring, and status of sustainability elements. However, it appears that the sustainability matrix was never updated. Furthermore, the project did not report on sustainability in the TPRs as required in the MPG.

3.7.2. Assessing Project Sustainability

The evaluator attempted to assess the sustainability or likelihood of sustaining key project outputs and results for the three USDOL-funded projects. SWO is the only project that has ended and where sustainability can be clearly assessed. The BWH program is not self-sustainable and will require continued donor financing. The sustainability of the MCB project would depend on the ability and willingness of MAST and OMRH to professionally develop and support the labor inspectors. Sustainability of each project is discussed below.

Strengthening Worker Organizations

The SWO project outcomes and outputs focused primarily on helping unions develop strategic plans, train union officials and organizers, conduct campaigns, and assist with legal services. The project invested the bulk of its resources in training and other capacity building activities. It is difficult to determine to what extent the project's results and outcomes have been sustained. While the SWO project document included the sustainability matrix, the project did not update the matrix and report progress in the TPR. The final project report contains a short section on sustainability that describes how the project encouraged unions to plan organizing campaigns based on available resources and where they might have the greatest impact. It also discusses the project's investment in capacity building efforts. However, it does not identify tangible outcomes or outputs that the project achieved that have been sustained. In addition, the sustainability of the trade unions is fragile because they are not generating revenue from membership dues.

Better Work Haiti

The BW business model is designed to generate revenue for the services it provides to factories and brands. To achieve sustainability, however, a BW country program must generate sufficient income to cover its operating costs. Previous evaluations of the BW programs in Nicaragua and Lesotho as well as a recent report by Dalberg-EMC found that it is very difficult for BW to generate sufficient revenue in countries with a relatively small base of factories such as Haiti, Nicaragua, and Lesotho.⁴² As noted above, the BWH project document acknowledged that achieving financial sustainability would not be feasible without donor support.

MAST Capacity Building

As discussed previously, the MCB project aims to build the capacity of MAST, especially its labor inspectors, to conduct high quality inspections that would be sustained once the project ends. Training labor inspectors and teaming them with BWH EAs are key components of the capacity building strategy. Another key strategy is to revise labor inspector job descriptions and pay grades and link their professional development to OMRH/ENAPP. An important output that could be sustained is the government's hotline that the project is helping to upgrade. Nevertheless, it is too early to determine to what extent these strategies might be sustained given the challenges discussed earlier in the report such as the labor inspectors' low level of

⁴² Better Work Study to Determine Prices for Labor Monitoring and Advisory Services, Dalberg-EMC, October 31, 2014.

motivation, low salaries, lack of transportation and inspection tools, and limited MAST financial resources or commitment necessary to help ensure sustainability.

3.7.3. Sustainability Lessons

In the course of conducting interviews and reviewing project documents, the evaluator made several interesting observations regarding the sustainability of USDOL-funded projects. He would like to conclude the discussion on sustainability by offering these observations to USDOL as lessons that might benefit future USDOL programs.

Sustainability Design and Resources

While the project documents include a discussion on sustainability as required in the MPG, these descriptions fall significantly short of sustainability strategies and plans. The project designs do not have a discrete set of inputs or resources, activities, outputs, and outcomes that address sustainability. Likewise, the PMPs do not contain sustainability indicators and milestones that might be tracked to determine whether a project is on course to achieve sustainability. The evaluator believes that key project outputs and results can most effectively be sustained if they are an integral part of the design the project management is responsible for achieving.

Capacity Building

Capacity building is the other cornerstone of most USDOL-funded projects including the three projects in Haiti. The SWO project invested about 80% of its total budget in training for union federation officials and organizers. The MCB project is investing nearly 75% of its budget on training for labor inspectors while BWH aims to spend 40% of its budget on training factory management and workers to improve compliance.

The evaluator believes that, based on the evaluation findings, the effectiveness of the training delivered in USDOL-funded projects is relatively high. The weakness, however, is the reinforcement mechanism that affects both impact and sustainability. Peter Ostrow has conducted extensive research on the effectiveness of training of salespeople in top corporations. One of his major findings is that reinforcement of training is key to translating training into results. According to his research, “*best-in-class companies outpace laggards by nearly a two-times factor in providing post-training reinforcement of the best practices commonly learned in classroom-style instructor-led sales education sessions.*”⁴³ The point is that to translate training events into results, training requires reinforcement and to sustain the results, a training reinforcement mechanism that survives beyond the life of the project should be developed.

⁴³ Peter Ostrow, Sales Training: “Deploying Knowledge, Process and Technology to Consistently Hit Quota,” Aberdeen Group, September 2010.

IV. CONCLUSIONS

The following conclusions represent what the evaluator has “concluded” from the analysis of the findings and are organized according to the six evaluation sections: project design and performance monitoring; relevance; progress and effectiveness; efficiency and use of resources; impact orientation; and sustainability.

4.1. Project Design and Performance Monitoring

- In general, the projects meet the guidance provided in MPG. However, the SWO project document was the only one that included a results framework/theory of change diagram stipulated in the MPG. BWH and MCB project documents included modified logical frameworks with the development objective, intermediate objectives or outcomes, and outputs.
- The overarching goal or development objectives for the three projects are expressed as two objectives instead of one. The intermediate objectives or outcomes meet the criteria provided in the MPG. The BWH outputs could have been expressed in more tangible terms while the several MCB outputs are expressed as outcomes (behavior change) rather than outputs. The SWO project meets the guidance for outputs in the MPG.
- The project documents for the three projects did not include a PMP table as described in the MPG. Each project document provided a modified version of the logical framework. The BWH indicators are largely based on the BWG indicators that are well designed to capture effects. The MCB project indicators are also well designed to measure the intermediate objectives. The SWO indicators tend to measure outputs such as the number of workers trained or the number of organizing campaigns conducted. The SWO PMP could have been strengthened to measure effects such as the increases of trade unions/committees, affiliates, and progress on collective bargaining agreements.

4.2. Relevance and Strategic Fit

- Overall, the USDOL-funded projects are relevant and addressing important issues in the Haitian labor environment. The projects are generally meeting the needs and expectations of key stakeholders including MAST, worker organizations, factories, and buyers.
- The Labor Ombudsperson and CTMO-HOPE believe the BWH program is meeting important needs in the apparel sector as they relate to HOPE legislation. The BWH PAC has been reconfigured in a way that does not include CTMO-HOPE who is confused about its role within the BWH program. CTMO-HOPE also believe the MCB and SWO projects are important but less effective.
- The relationship between MCB and OMRH/ENAPP and the role OMRH/ENAPP would play in the project has not been defined. OMRH would like to define its role that would consider it as a partner along with MAST.

- MAST labor inspectors are satisfied with the training and other capacity building activities they received under the MCB project. They also believe the joint factory inspections with BWH EAs have been effective and would like to participate in more joint inspections. They believe the FMCS mediation and conciliation training was effective but should have been conducted in French and used more local examples of how to apply the new skills.⁴⁴
- In general, ADIH is satisfied with the BWH program and believes it is making an important contribution to factory compliance under the HOPE legislation. ADIH's major criticism is how BWH is handling the OFATMA issue. ADIH believes rather than mark factories as non-compliant because they are not subscribing to OFATMA as required by law, BWH should work with factories and OFATMA to define a transition period for factories to meet their OFATMA obligations. ADIH also believes the MCB and BWH should be collaborating more closely to build the capacity of MAST labor inspectors.
- The factories believe BWH is an important initiative that is helping them comply with international labor standards and national labor law. They believe the compliance assessments are accurate but that the scoring system is too rigid. Factories especially appreciate the BWH advisory services and approach to continuous improvement. Like ADIH, the major criticism of BWH was how it was handling OFATMA. Factory managers believe that the OFATMA system is not ready to provide quality health and maternity services. Therefore, a longer transition period is needed rather than marking factories as non-compliant. Factory managers also believe the MCB project and BWH should be collaborating more closely on building the capacity of labor inspectors to conduct quality inspections.
- The buyers are generally satisfied with BWH. They believe the compliance reports are accurate and useful. The major complaint from buyers is that they have not seen improvements in non-compliance scores since the inception of the project. They wonder why factories cannot improve compliance with national labor laws. Some believe that BWH/ILO should work with the GOH to revise labor codes so they are more updated.
- The trade unions that participated in the SWO project are satisfied with the training and capacity building the project provided. They believe they were able to grow membership as a result of the organizing campaign training and activities. In future projects, the trade union representatives would prefer that capacity building activities be based on the needs of each organization rather than participate in generic trainings on labor rights, bargaining techniques, and membership campaigns.

4.3. Progress and Effectiveness

- BWH is achieving 79% of its indicator targets for Outcome 1 and exceeding indicator targets for Outcomes 2 and 3 by 135% and 121%, respectively. However, certain key indicators targets or actual achievement have not been calculated due to missing information. The primary indicator for Outcome 1 is the average non-compliance rate. The average

⁴⁴ The FMCS training was delivered in English with simultaneous translation.

compliance rate as well as the average compliance rate for the majority of non-compliance points has not demonstrated improvement trends since the BWH began activities in 2009.

- Since the MCB project's PMP does not have indicator targets and the indicators are not currently being tracked and reported, it is not possible to assess progress based on indicator achievement. A qualitative assessment of the intermediate objectives and outputs would suggest that IO 1 is largely on track while IO 2 and 3 is behind schedule to achieve the indicators in the PMP. USDOL approved a one-year extension along with an additional \$1 million so MCB could complete its planned outcomes and outputs. A labor judicial capacity building objective and corresponding component has been added.
- The SWO project met or exceeded 86% of its indicator targets. It exceeded several indicator targets by more than 500%. The project only underachieved three indicators. Two were related to providing legal services and presenting legal cases to the courts. The project might have set the targets too low based on a lack of information when the project started about how factory level unions/committees are formed and counted.

4.4. Efficiency and Use of Resources

- The BW country programs collect and report on the same indicators. This facilitates comparing the different programs against a standard set of indicators. Based on indicators that measure efficiency, the BWH program, like other BW country programs with a small number of factories and workforce, is not as efficient as large country programs such as Cambodia, Indonesia, and Vietnam. When compared to small country programs such as Nicaragua and Lesotho, BWH is efficient in terms of factories per EA, assessments per EA, and cost recovery. It is less efficient in terms of on-time delivery of reports and cost per worker.
- The MCB experienced a delayed start as well as delays in labor inspector job description approvals and the KAB survey. The delays resulted in the inability of the project to meet its outcome and output targets within the grant period. The project received a one-year extension along with \$1 million to achieve the original indicator targets as well as four new ones. The delays that led to the one-year extension and an additional \$1 million necessarily caused inefficiencies.

4.5. Management Structures

- The BWH management structure consists of 16 fulltime persons that account for 63% of the entire budget. An additional 8.5% is allocated to BWG for support services. The MCB project, on the other hand, has six fulltime positions that account for 53% of the budget. The ILO indirect cost rate for each project is 13%.
- The SWO project had only one fulltime position, which was the Project Director. The local staff consisted of part-time positions for the union coordinator, administrative and office staff, and driver. However, seven headquarters staff were charged to the project at varying degrees of effort. The total amount of effort charged to the SWO budget was 9.17 that accounted for 55% of the total budget.

4.6. Impact Orientation

- It was beyond the scope of this evaluation to empirically measure impact. Impact orientation is based on assessing the projects' performance in achieving indicator targets and assessing the opinions of key stakeholders.
- BWG intends to measure the impact of the BW country programs. The theory of change states that improvements in factory compliance with international labor standards and national labor laws will directly benefit workers and factories. Workers and their families should experience improvements in income, health status, education, and life status. The factories should experience improved performance that would make them more competitive. The primary effect level indicator in the theory of change logic is improvement in factory-level compliance. However, there does not appear to be a clear trend in the improvement in average factory non-compliance since BWH initiated operations in 2009.
- The MCB project intends to have impact on factory compliance with labor laws. The theory of change argues that improved capacity to conduct effective inspections would improve compliance. In turn, the improved capacity is based on training, improved inspection protocols and tools, and the professionalization of the labor inspectors (i.e. job descriptions, pay grades, professional development). While the project is making progress in these areas, it is too early to determine if the project will achieve impact as described in the project design.
- The SWO project aimed to strengthen livelihoods of workers in the apparel sector as the impact level goal. The project invested heavily in helping trade unions organize campaigns and build knowledge and capacity in the areas of labor rights. As a result, it appears the project helped increase the number of factory level trade unions/committees and affiliates and laid the groundwork for several collective bargaining agreements. While these are important accomplishments, there is no evidence that these effect level achievements have contributed to improving livelihoods. However, achieving an impact on worker livelihoods given the difficult labor environment in only two years is extremely ambitious.

4.7. Sustainability

- The MPG requires grantees to submit a sustainability strategy. However, it does not elaborate the extent or composition of the strategy. All three project documents include a short section on sustainability that minimally meets the MPG requirement. The discussion in the project documents, however, do not describe what interventions or results should be sustained, how they should be sustained, and the resources necessary for their sustainability.
- The BWH project document is very clear that the BWH program cannot be financially sustained based on revenue generated by buyer partner contributions and selling compliance reports. BWH does mention conducting a feasibility study to determine what support it might receive from foundations and other donors. However, it is highly unlikely that a BWH program can be sustained without major funding like it is receiving from USDOL.
- The primary strategy to sustain MCB interventions and results is building the capacity of MAST labor inspectors to conduct effective inspections, MAST managers to support the

labor inspectors, and OMRH/ENAPP to support labor inspectors through professional development. While this approach is feasible, sustainability would depend on the ability and willingness of MAST and OMRH to adjust inspector salary levels, provide inspection tools when needed, provide transportation, and implement an on-going professional development (training) program for inspectors.

- The SWO project invested heavily in capacity building for its trade union partners. The most tangible achievements appear to be increases in the number of factory level trade unions and affiliates. The project also seems to have laid an important foundation for several collective bargaining agreements. Beyond the capacity building, it does not appear that the project established output mechanisms that have been sustained. The sustainability of the trade unions themselves is fragile since they do not collect membership dues or generate other forms of revenue.

V. RECOMMENDATIONS

5.1. BWH and MCB Project Collaboration

USDOL should work with BWH and MCB to improve the level of collaboration that would, in turn, improve the level of effectiveness and efficiency of the efforts to build and sustain the capacity of MAST labor inspectors. There could be a strong strategic fit between the two projects. In fact, USDOL considers MCB to be an important component of BWH that supports the HOPE legislation.⁴⁵ The ILO, on the other hand, views MCB as a separate project that should report to the ILO's *Labour Administration, Labour Inspection and Occupational Safety and Health Branch* (LABADMIN) since the focus of the project is building the capacity of labor inspectors.

The ideal solution would be to incorporate MCB into BWH as a component as originally envisioned. Since this does not appear to be an option, the two projects should develop a collaboration plan. This should include the following: joint meetings to review progress and plan future activities; agreement to share documents and other information as appropriate; joint training with BWH EAs and MAST labor inspectors; and joint inspections and advisory service events where labor inspectors take the lead in the inspection and the EAs act as mentors. To be successful, USDOL, BWG, and LABADMIN would have to agree to support the collaboration plan and communicate its importance to the respective project directors. As the donor and key stakeholder, USDOL has an important role to play in ensuring that BWH and MCB collaborate in ways that increase effectiveness and efficiency.

5.2. BWH Indicator Targets and Reporting

USDOL should work with BWH to ensure that the indicators in the PMP have ambitious but achievable target values and that progress in achieving the indicator targets are reported as required in the TPRs. There are four indicators that do not have targets and seven indicators that do not have target achievement entered. For example, Outcome 2 has an indicator for manufacturing industrial origin (MIO) to measure apparel exports and an amount of \$900 million entered for the current reporting period. However, it does not have a target nor baseline value to put the \$900 million amount in perspective. Two indicators measure knowledge gained as a result of training and industry seminars while two indicators measure buyer and factory satisfaction with BWH. These indicators rely on annual surveys. BWH might consider conducting the surveys every six months so the project does not have to wait an entire year to assess knowledge gains and customer satisfaction and make adjustments. The surveys could be timed so the results can be reported in the TPRs.

5.3. BWH and Buyer Communication

BWH should increase the level of communication with buyers, especially buyer partners. The communication should focus on real-time events affecting the apparel sector in Haiti as well as

⁴⁵ The MCB project extension and new funding (\$1,000,000) comes from the BW Global earmark.

recent information that BWH might have about the buyers' suppliers. This might include meetings or telephone conversations with factories, advisory services such as trainings or technical assistance visits, or compliance assessments. Buyers would be especially interested in information regarding improvements in non-compliance points and the preliminary results of the compliance assessments, especially if there are any key non-compliance issues discovered under the international labor standards section such as verbal or sexual harassment. The means of communication could include a combination of email and telephone calls every three to four weeks unless there is an urgent matter that required immediate communication. One way to proceed would be for BWH management to schedule a specific day each month that would be dedicated to developing and sending a "what's new" email (or using a social media platform such as WhatsApp) to each buyer with an offer to follow up with a telephone call if desired.

5.4. Strengthening and Expanding PICCs

BWH should continue to focus its efforts on strengthening the existing PICCs and establishing PICCs in those factories that do not have PICCs. The PICC is one of the primary BW mechanisms to deliver and sustain advisory services. They are also critical in assisting the factories address non-compliance points as identified during the compliance assessments. Despite their strategic importance, BWH has established PICCs in only 50% of the factories since 2009. Of these, EAs estimate that two to three PICCs out of 12 function relatively well. Recently, BWH has made progress in increasing the number of factories that have PICCs. This trend should continue with an eye on building the capacity of PICCs so they can make positive contributions to addressing non-compliance.

5.5. MCB Performance Monitoring Plan

USDOL should work with the MCB project to ensure that the project's PMP is completed and implemented. The project has a strong set of indicators. However, it never set indicator targets and has yet to collect data against the indicators. The ILO is in the process of hiring an M&E specialist for the project. The priority of the new M&E specialist should be to work with the project director and LABADMIN staff to set the targets and establish a baseline to measure progress against for the remaining life of the project. The revised PMP should also include indicators and targets for new components such as judicial capacity building and labor law reform. During the revision process, the project should determine whether it is possible to achieve the indicator targets in the remaining life of the project and make any necessary adjustments in the PMP. As the donor and key stakeholder, USDOL would have a vested interest in ensuring that MCB accurately reports on the achievement of its indicator targets.

5.6. Relationship and Role of OMRH/ENAPP

The MCB project should work with MAST and OMRH/ENAPP to clearly define the relationship it should have with the project and the role would play to build the capacity of the labor inspectors and achieve institutional sustainability. The MCB project approached OMRH to discuss the revision of the labor inspector job descriptions that it is supposed to approve and ENAPP to discuss the institutionalization of a professional development program for labor inspectors. At the time of the evaluation, OMRH had not been contacted for follow-up and is unclear of the role it is expected to play. It should be noted, however, that the OMRH director

believes his institution should play a more significant role than approving job descriptions. He believes OMRH should be treated as an equal partner (like MAST) and be involved in decision-making as it relates to the professional development of the labor inspectors.

5.7. MCB Comprehensive Sustainability Plan

USDOL should work with the MCB project and MAST officials to develop a comprehensive sustainability plan. The sustainability plan should identify the interventions, outputs, and results that should be sustained once the project ends. It should also identify the strategies for sustaining the interventions and results as well as the responsible party and resources required to sustain them. Furthermore, the sustainability plan should have a set of indicators or milestones with targets and timeline that the project can track to determine whether it is on schedule. The sustainability plan should be developed by November 2016, which would give the project approximately a year to achieve sustainability. The project should not wait until the end of the grant to address sustainability. The project might consider a series of two to three workshops or meeting with key stakeholders to develop the plan.

5.8. ILO Use of BWH Personnel

USDOL should work with the ILO Haiti Country Coordinator to define the roles and responsibilities of BWH personnel in relation to the other ILO projects operating in the country to determine if and how to charge other ILO projects for the time that BWH personnel spend supporting those projects. According to the USDOL-ILO Cooperative Agreement for BWH, key personnel should be dedicated 100% to the BWH project. This is clearly not the case since the CTA spends approximately 20% of her time providing financial management support to other ILO projects.⁴⁶ In addition, other key BWH administrative and finance personnel spend 15% to 30% of their time providing financial and administrative support to the other ILO Haiti projects. Apparently, the ILO sub-regional office in San Jose issued instructions to the ILO office in Haiti about charging other ILO projects for the use of BWH personnel. However, BWH has not yet been reimbursed for the use of its personnel.

The more important issue that USDOL and the ILO should discuss is whether the use of BWH personnel, especially the CTA, negatively affects the implementation of BWH. BWH is a relatively large and complex program with a variety of demanding reporting requirements under the HOPE legislation. BWH may very well require the CTA to spend 100% of her time to effectively manage the program. USDOL should also seek the view and opinion of the CTA regarding how the use of BWH personnel by other ILO projects affects the implementation of the BWH program.

5.9. MPG Guidance and Enforcement

USDOL should require its grantees to adhere to the MPG guidance on project design and performance monitoring. USDOL has significantly improved the guidance it provides in the MPG over the past four years. The guidance on project design and performance monitoring is

⁴⁶ The financial management support consists of preparation of budgets and financial reports.

intended to improve the quality of the USDOL-funded projects and their ability to have and demonstrate impact. Currently, many grantees do not follow the guidance and, consequently, the quality of the projects suffers. Minimally, USDOL should require grantees to submit results framework diagrams that clearly show the causal relationships between outputs, intermediate objectives, and the development objective. The outputs and objectives should be written to meet the definitions and examples in the MPG. Grantees should also be required to submit PMPs in the recommended format in the MPG. Indicators should be appropriate and accurate measures of output and objective achievement.

USDOL should also consider developing an enforcement mechanism that would require grantees to adhere to the MPG requirements and address USDOL technical questions and recommendations aimed at improving project design, performance monitoring, interventions and strategies, and project management. An enforcement mechanism might include several steps. For example, the first step would require the project to address USDOL recommendations. If the recommendations were not adequately addressed within the time period requested, the next step would be for the OTLA director or deputy director to write to the grantee's headquarters to request that the recommendations and/or requirements be addressed. If the grantee still fails to address the recommendations or meet MPG requirements, the OTLA director or deputy director would raise the issue with the USDOL Grants Officer who would send a letter of notice to the grantee requiring that the recommendations and/or MPG requirements be addressed. The final step would be for USDOL to suspend further allocations of funds to the grantee until the recommendations or requirements are adequately addressed.

5.10. Output-Based Budgets

USDOL should require its grantees to adhere to the MPG requirement to develop and submit output-based budgets and reports. USDOL should ensure that each output is linked to a cost and indicator target, which will help USDOL assess the reasonableness of the cost of the output and compare common output costs among projects. The output-based budgets would also help external evaluators more effectively assess project efficiency.

5.11. FMCS Training in French and Local Context

USDOL should work with FMCS to ensure future FMCS training in Haiti is conducted in French or Creole and uses local context that represents the kinds of situations that the Labor Ombudsperson and MAST labor inspectors confront. This would require French or Creole speaking trainers. FMCS has used interpreters to translate training sessions from English to French or Creole. While the labor inspectors opine that the interpretation worked reasonably well, they believe the training would be much more fluid and interactive if conducted in French or Creole. Training content such as mediation and conciliation scenarios and examples should be based on the context and reality of the apparel sector in Haiti rather than drawing from scenarios and examples from the US or other countries.

5.12. BWG and BWH Indicator Alignment

USDOL should engage BWH and BWG in a discussion to determine to what extent the BWG indicators could be used by BWH to report progress to USDOL. BW country programs are

required to report to BWG on approximately 30 standard indicators. Many of these indicators would be appropriate indicators to measure effect and output levels for the BWH program. For example, average non-compliance rates, compliance effort, and functioning PICCs would be appropriate effect level indicators. The indicators discussed previously (Table 15) could serve as effect level indicators to measure efficiency. The number of factories and workers participating in BWH, number of factory visits, and number of trainings and training participants would be appropriate output level indicators. In addition to their appropriateness, another advantage would be decreasing BWH's reporting burden since the project would be reporting on the same indicators to BWG and USDOL.

ANNEXES

Annex A: Terms of Reference

Terms of Reference

Haiti Multi-Project Evaluation

I. Introduction and Rationale for the Evaluation

The mission of the U.S. Department of Labor's (USDOL) Bureau of International Labor Affairs (ILAB) is to improve global working conditions, raise living standards, protect workers' ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. ILAB's efforts help to ensure a fair playing field for American workers and contribute to stronger export markets for goods made in the United States.

As described in ILAB's FY 2015 Operations Plan, ILAB is increasingly taking a "deep dive" approach to its mission at the country level, which involves identifying and addressing certain very specific concerns in high priority countries. This strategy is intended to ensure that limited resources are directed in a comprehensive, coordinated way to address concrete concerns in countries that are seen as having the greatest potential to effect positive change. Robust technical assistance in the form of multi-year projects as well as ad-hoc direct technical collaboration and exchanges also characterize this strategy. In some cases, technical assistance is focused primarily on a limited number of export-oriented sectors that are significant in light of the bilateral trade relationship and obligations between the United States Government (USG) and a particular country. One sector in which ILAB has invested heavily with key trading partners is the apparel sector. Particularly through USDOL's support of the Better Work program, this strategy has proven to lead to successful labor engagement in several high priority countries, including Haiti.

Labor Conditions in the Haitian Apparel Sector: The apparel industry is the biggest export industry in Haiti, with total current employment at approximately 40,000 workers. Additional support to the apparel sector is also being provided through components of the Better Work Program. Since October 2012, many new unions have been created and have received attestation from the Ministry of Labor and Social Affairs (MAST). At the beginning of 2013, 50% of Haitian apparel factories had a union presence. This new situation in the garment industry in Haiti, particularly in the factories of the capital, impacts considerably the prospects for social dialogue.

Given the history of distrust between workers and employers with regard to the labor movement, there continue to be problems regarding the treatment and termination of union members, and particularly, union leadership. Antiunion discrimination persists in the apparel sector where workers continue to allege suspension, termination, and other retaliation by employers on the grounds of legitimate trade union activities, membership, collective action, and other associational activity. High unemployment and antiunion sentiment among some factory workers and employers are obstacles to union organizing efforts.

Over the last several years, the Haitian labor movement has benefitted from the support of two international trade union organizations, namely Solidarity Center/AFL-CIO and the International Trade Union Confederation (ITUC). ITUC is mainly working with their Haitian affiliates,

Confédération des Travailleurs Haïtiens (CTH) and Confédération des Travailleurs Haïtiens (CSH) (both members of the CTMO-HOPE) and Confédération des travailleurs des secteurs public et privé (CTSP), a public service union. Solidarity Center/AFL-CIO is primarily assisting the unions in the apparel sector.

In May 2015, the Government of Haiti raised the minimum wage for workers engaged in export industries, including the apparel sector. Following the recommendation of the Superior Wage Council (Conseil Supérieur des Salaires, CSS), the tripartite body tasked with reviewing wage rates on an annual basis, the daily minimum wage rose from 225 to 240 gourdes per day and the piece-rate wage went from 300 to 320 gourdes per day. When the HOPE II Act was passed in 2008, the national daily minimum wage in Haiti was 70 gourdes per day. With the passage of a new minimum wage law in 2009, the minimum wage for export industries, including the apparel sector, has risen over time to 125 gourdes in 2009, 150 gourdes in 2010, 200 gourdes in 2012, 225 gourdes in 2014, and finally to 240 gourdes in 2015.

Labor legislation, administration and enforcement efforts by the GOH: Labor relations in Haiti are established and regulated by a special provision of the Labor Code of 1984. The law provides for the right of some workers, excluding public sector employees, to form and join unions of their choice and strike (with restrictions). The law allows for collective bargaining and requires employers to conclude a collective contract with a union if that union represents two-thirds of the workers and requests a contract. Strikes are legal provided they are approved by at least one third of the workers of a company. The law prohibits firing workers based on union activities, and employers are subject to a monetary fine for each individual violation. The law does not, however, require employers to reinstate workers illegally fired for union activity, although illegally fired workers have the right to recoup any compensation to which they are entitled. Dismissed union members have, however, been reinstated following investigations by DOL ensuring that those producers remain eligible for HOPE benefits.

The law places several restrictions on these rights. For instance, it requires that any union obtain prior authorization from the government to be recognized. The law limits legal strikes to four types: striking while remaining at post, striking without abandoning the institution, walking out and abandoning the institution, and striking in solidarity with another strike. A 48-hour notice period is compulsory for all strikes, and strikes may not exceed one day. Furthermore, the law allows for compulsory arbitration at the request of only one party in order to halt a strike. The law does not cover freelance workers or workers in the informal economy.

Labor courts, which function under the supervision of MAST, are responsible for adjudicating private sector workplace conflicts. There is one labor court in Port-au-Prince. In the provinces plaintiffs have the legal option to use municipal courts for labor disputes. The law requires ministry mediation before filing cases with the labor court. In the case of a labor dispute, MAST conducts an investigation to determine the nature and causes of the matter and facilitates a resolution. In the absence of a mutually agreed upon resolution, the matter is referred to court. In the apparel sector, the Labor Ombudsperson and MAST provide mediation services to workers and employers in Port-au-Prince, Caracol, and Ouanaminthe. Due to the limited capacity and procedural delays in forwarding cases from MAST to the courts, the mediation services of the textile sector's Labor Ombudsperson and the conciliation services of the Labor Ministry were often the only official recourse for workers' grievances.

The penalty under the law for interference with union activities is 1,000 to 3,000 HTG (\$22 to \$67). The fines are not considered high enough to deter violations, and authorities generally do not impose or collect them. The GOH has required some factories to remedy labor violations, including violations related to freedom of association. The GOH has ratified the eight ILO Conventions covering the core labor standards: freedom of association and collective bargaining (Conventions 87 and 98), forced labor (Conventions 29 and 105), child labor (Conventions 138 and 182) and discrimination in employment/occupation (Conventions 100 and 111). However, the Haitian labor law adopted by the legislature in 1984 is not always consistent with fundamental labor standards, including those ratified by Haiti, which have the status of law under the Haitian Constitution. This has created a conflicting set of rules, leading to confusion among government officials, workers, and producers and impairing the labor inspectorate's ability to ensure compliance.

The GOH engages with the ILO and with the USG in all phases of the TAICNAR program. Officials from the Office of the Prime Minister and the Ministries of Commerce and Industry, Economy and Finance, and Labor and Social Affairs (Ministère des Affaires Sociales et du Travail, MAST) represent the Government of Haiti in the Tripartite Commission for the Implementation of the HOPE Act (known as the HOPE Commission or by its French acronym, CTMO-HOPE).

Some of the achievements and activities conducted under the auspices of the HOPE Commission in the past year include:

- Establishing office space for the Commission and the Office of the Ombudsperson within the Metropolitan Industrial Park in Port-au-Prince, which will also serve as valuable training and meeting space for stakeholders in the sector;
- Working with the Ministry of Commerce and Industry to improve processing of electronic visas for shipments of HOPE-eligible products; and
- Coordinating workshops and educational programs with factory management and employees, including events with the U.S. Department of Commerce's Office of Textiles and Apparel and launching a major initiative with MAST to provide literacy training to factory workers.

The HOPE Commission also includes the Labor Ombudsperson, three representatives of employers' associations, and three representatives of labor unions. In previous reports to Congress, it was noted that the worker organizations on the HOPE Commission did not adequately represent the apparel sector. To improve tripartite engagement, other mechanisms have been established to ensure that representatives of workers and employers in the apparel sector have a forum for sharing their perspectives and engaging on critical labor relations issues. These mechanisms include the Social Dialogue Roundtable, which meets monthly and includes five union confederations as members, the Ombudsperson as an observer, and the restructured Project Advisory Committee (PAC) for BWH, which was officially formed in March 2015. The Ombudsperson also serves as the President of the PAC, which consists of three representatives each from the Government of Haiti as well as from sectoral employer and worker organizations. The PAC meets on a quarterly basis and is designed to assist BWH in a consultative role, ensuring that relevant national partners are fully implicated in the BWH program and promoting coordination of the project with other initiatives in the sector.

While Haiti's Ministry of Social Affairs and Labor continues to face significant resource constraints, its personnel have become more engaged in promoting labor rights in the apparel sector. In several cases, MAST labor inspectors have visited factories to review wage and working hour issues and have assessed whether factories have properly paid social benefits, such as pensions and health insurance. In collaboration with the ILO, MAST has developed a comprehensive inspection plan for the sector, which is expected to be implemented in by the end of 2015. In December 2014, MAST also launched a telephone hotline to provide free consultations. This service is not limited to workers and employers in the apparel sector. Early reports suggest that further training is needed for MAST staff that handles the calls, but plans are underway to strengthen this service, which could be a valuable tool in disseminating information on the Labor Code. MAST has been working closely with the ILO to produce a guide on the current labor laws and continues to oversee the process for review and revision of the Labor Code. The ILO is also involved in providing technical assistance for the labor law reform process. However, there is no set date for conclusion of the Labor Code reform process, which has been complicated by the fact that Haiti's Parliament has lapsed and not functioned since January 2015 (legislative elections began in August 2015).

USDOL Technical Cooperation with Haiti: Since the passage of the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006, USDOL (along with other agencies within the USG) has been actively engaged with the Government of Haiti (GOH), Haitian apparel producers, workers' and other civil society organizations in Haiti, U.S. and other international buyers and retailers, and other stakeholders in efforts to address legal and policy issues concerning workers' rights, international labor standards (ILS) and workplace safety. USDOL's technical cooperation efforts have focused largely on the export apparel sector, in particular through its funding for the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program, which is required under the framework of the original HOPE legislation and subsequent amendments to the law, including HOPE II Act of 2008 and its subsequent extensions and amendments (as codified in the HELP Act of 2010 and the Trade Preferences Extension Act of 2015.⁴⁷

HOPE II Summary: HOPE II affords preferential treatment for imports of apparel, textiles, and certain other goods from Haiti. To be eligible for preferential treatment under HOPE II, Haiti must first have (i) implemented the TAICNAR program; (ii) established a Labor Ombudsperson's Office; (iii) agreed to require producers of articles for which preferential tariff treatment may be requested to participate in the TAICNAR program; and (iv) developed a system to ensure participation by such producers, including by establishing a producer registry. On October 16, 2009, the President of the United States (POTUS) certified to Congress that Haiti

⁴⁷ In 2006, the United States Congress enacted the Haitian Hemispheric Opportunity through Partnership Encouragement Act (HOPE) Act to provide duty-free entry to the United States for garments manufactured in Haiti. In 2008, the US Congress passed the HOPE II legislation, which expanded duty-free access and established a new program for strengthening and monitoring working conditions in the textile and garment sector through the ILO (the Technical Assistance Improvement and Compliance Needs Assessment and Remediation program – TAICNAR). On 24 May 2010, the Haiti Economic Lift Program of 2010 (HELP Act) was signed into law, expanding the Caribbean Basin Economic Recovery Act and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (Haiti HOPE II) to contribute to Haiti's economic growth and development. Among its provisions, the HELP Act extended the HOPE trade preference program until 2020, and expanded the tariff preference level limits for knit and woven apparel.

had taken these actions. Further, to remain eligible for preferential treatment, Haiti must also have established or be making continual progress towards establishing the protection of internationally recognized worker rights.⁴⁸

Labor Ombudsperson: HOPE II calls for the Labor Ombudsperson to: (i) develop and maintain a registry of producers whose articles are eligible for the preferential tariff treatment, (ii) oversee the implementation of the TAICNAR program, (iii) receive and investigate comments regarding compliance with core labor standards and relevant Haitian labor laws, and (iv) assist producers in meeting the requirements of HOPE II. In addition, the Ombudsperson is required to coordinate with the assistance of the ILO a tripartite committee to evaluate the progress of the TAICNAR program and consult on improving core labor standards and working conditions in the textile and apparel sector.

Producer Eligibility: HOPE II requires POTUS to identify on a biennial basis “whether a producer has failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards.” Every two years, USDOL, in consultation with the USTR, is responsible for identifying any producer not in compliance with the core labor standards and related national law and for seeking to provide assistance to such producer to come into compliance. If such efforts to assist fail, the President is required to withdraw, suspend or limit that producer’s benefits. The most recent producer identification under HOPE II was made in December 2015 and no producers were identified as non-complaint with the core labor standards.

TAICNAR Program: In accordance with 19 U.S.C. § 2703a(e)(3), the TAICNAR program (more widely known as “Better Work Haiti”) coordinates with the Labor Ombudsperson, and appropriate representatives of Haitian government agencies, employers, and workers to:

- Assess compliance by producers of products eligible for benefits under HOPE II (“producers”) with core labor standards and the labor laws of Haiti that directly relate to and are consistent with core labor standards and Haitian laws on acceptable conditions of work;
- Issue public reports on compliance with such worker rights (HOPE II further requires the President to “consider” BWH’s compliance assessment reports in making determinations of producer eligibility for HOPE II benefits).
- Assist producers with addressing deficiencies in worker rights compliance;
- Provide training for workers and management to promote such compliance; and
- Provide assistance to Haiti’s government to improve its capacity to inspect producers’ facilities, enforce national labor laws, and resolve disputes.

USDOL’s Technical Cooperation Portfolio in Haiti: Over the last five years, ILAB’s technical cooperation with Haiti has been deep, resource-intensive and focused on a targeted set of

⁴⁸ HOPE II defines internationally recognized worker rights to include: the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health. 19 U.S.C. § 2703a(d)(1)(A)(vi). There are also additional HOPE II eligibility requirements not directly related to the TAICNAR program.

government and social partners. In particular, USDOL’s technical assistance is centered on supporting implementation of the labor provisions of HOPE II chiefly through the BWH program. Since fiscal year 2008, USDOL has contributed \$9.2 million to the ILO BWH program, which funds the TAICNAR program at least through the end of 2017. In addition, USDOL provided \$2.4 million to the ILO for the MAST capacity-building project, which was formally launched in March 2014 and is scheduled to end in 2017. This project focuses on improving MAST’s labor inspection capacity in the apparel sector to create a set of strong inspection practices that can later be expanded to other sectors. USDOL also has supported efforts to build the capacity of worker organizations in Haiti through a \$1.2 million grant to the American Center for International Labor Solidarity, a non-profit organization affiliated with the AFL-CIO. While that program closed in May 2015, the U.S. Government and other partners, most notably the ILO and the Office of the Ombudsperson, continue to engage directly with worker organizations in Haiti to ensure ongoing support for unions in their efforts to represent the interests of apparel sector workers in Haiti. To supplement this work, USDOL also funded several trainings for tripartite entities in mediation, conciliation and alternative dispute resolution through the services of the U.S. Federal Mediation and Conciliation Service (FMCS).

ILAB’s funding for workers’ rights program in Haiti over the past five years totals over \$11 million. Considering that ILAB’s annual appropriation is only about \$6 million per year, the investment in improving worker rights in Haiti is significant. The combined portfolio of these projects makes USDOL (and the US Government) the largest external funder in Haiti for labor-related programming.

In July 2015, USDOL contracted O’Brien & Associates International, Inc. (OAI), to carry out an independent multi-project evaluation to assess the effectiveness of its technical cooperation portfolio in Haiti, with a particular focus on the export apparel sector. This portfolio includes the following four projects and activities funded within the past five years:

- Better Work Haiti (BWH) - implemented by ILO/IFC
- MAST Capacity Building Project (implemented by the ILO)
- Worker Organization Strengthening (implemented by Solidarity Center)
- Mediation & other training funded by USDOL (implemented by FMCS)

II. Background of the Projects

1. Better Work Haiti (BWH), “Increasing Decent Employment in the Apparel Sector in Haiti” Phases I and II - (2008-2017)

The BWH project, which is funded by USDOL and implemented by the ILO, provides a wide range of support to Haitian stakeholders within the context of implementing HOPE II requirements. HOPE II requires BWH to assess producers’ compliance with core labor standards and the labor laws of Haiti related directly to those standards and to ensure acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. Since 2009, Better Work Haiti (BWH) has performed factory assessments, provided compliance advisory services, and issued the bi-annual reports required under HOPE II. At the factory level,

BWH aims to strengthen industrial relations and improve labor-management committees called Performance Improvement Consultative Committees (PICCs) at the factories. The PICCs promote social dialogue, supporting both labor standards improvement and enterprise upgrading. To date, BWH has worked with employers and workers to establish PICCs at 15 factories and is in the process of initiating the set-up of the PICCs in additional factories. As of January 2015, BWH has designated a full-time Industrial Relations Officer to liaise with national partners to strengthen social dialogue and promote greater compliance with freedom of association issues.

Following an independent evaluation, BWH recently revised the assessment, advisory and training services it provides to producers. The new approach, which is consistent with other Better Work country programs, places a greater emphasis on in-depth advisory and training services with the aim of promoting more sustainable solutions to the compliance problems that have persisted in the sector. Under the new assessment process, BWH will conduct one full assessment of each factory per year, followed by a six to eight follow-up visits to verify remediation and to provide advisory services. This newly extended cycle is intended to provide factories with additional opportunities to work with the BWH Enterprise Advisors on long-term solutions for weak management systems, which are usually at the root cause of recurrent non-compliance issues. BWH Enterprise Advisors work with individual factories to advise and assist in prioritizing specific improvements when instances of non-compliance have been identified. Key advisory services provided in recent years focused heavily on occupational safety and health issues, which continue to be the subject of the highest number of non-compliance findings. According to BWH, non-compliance rates remain high in this category because factories do not have effective management systems in place to ensure continuous monitoring, verification, and follow-up.

2. “Building Capacities of MAST to Ensure Labor Law Compliance in the Haitian apparel sector” Project (2014-2017)

In 2014, the ILO launched (with USDOL fiscal year 2013 funding) an additional two-year \$1.4 million project aimed specifically at improving the labor inspection capacity of MAST and recently added \$1.0 million for a second phase. Since the launch of this new component, the ILO has assisted MAST by embarking on a comprehensive training strategy and establishing a specialized task force for inspection for the apparel sector. The ILO has conducted numerous training sessions to improve inspectors’ skills in identifying non-compliance with regards to international labor standards and the Haitian Labor Code, with particular emphasis on occupational safety and health. The ILO has also held workshops addressing conflict resolution mechanisms and assisted in the design of an inspection plan for the apparel sector for 2015. Additionally, the project is providing on-the-job training by having MAST labor inspectors shadow BWH Enterprise Advisors in conducting compliance assessment visits and advisory services in the apparel sector. The ILO also completed a review of MAST’s human resource needs, including the elaboration of a comprehensive job profile for labor inspectors and is currently assisting on issues such as recruitment criteria, career planning, and continuing training programs for inspectors.

The ILO (through both the BWH and the MAST capacity-building project) currently provide a wide range of services for stakeholders in the apparel sector, including:

- Ongoing training programs on occupational safety and health (OSH). In cooperation with the Inter-American Development Bank (IDB), BWH provided extensive training to factory OSH committees. A training of trainers on OSH issues was conducted by IDB for key factory personnel as well as training on chemical management systems;
- Training for factory managers on supervisory skills, human resource management, and negotiation skills;
- Training for workers on life skills including maternity protection, workplace communication, financial literacy and introduction to HIV/AIDS;
- A workshop on improving conflict resolution processes to improve coordination between MAST conciliation services and the Office of the Labor Ombudsperson;
- Training for MAST inspectors on: industrial relations; international labor standards and the requirements of HOPE II; professional ethics; and identifying and preventing specific risks present in garment factories (combining combined classroom sessions and field work in four factories);
- Coordinating two workshops with Federal Mediation and Conciliation Service (FMCS) trainers on mediation skills and improving dispute resolution processes involving the Ombudsperson, MAST, and Labor Court officials; and
- Hosting an annual buyers' and multi-stakeholders' forum in December 2014, allowing international brands sourcing from Haiti to discuss challenges and opportunities in the Haitian apparel sector with officials from the Haitian and U.S. governments, and representatives of employers and workers in Haiti.

3. Worker Organization Strengthening Project – AFL/CIO Solidarity Center (2012-2015)

The American Center for International Labor Solidarity (Solidarity Center) implemented a two-year \$1.2 million project titled, “*Strengthening Worker Organizations in Haiti.*” The project’s overall goal was to improve working conditions and labor rights enforcement in the apparel and textile sector, with the dual objectives of strengthening Haitian trade unions’ capacity to organize workers and effectively advocate on their behalf.

The project aimed to strengthen the capacity of unions to organize and improve their internal operations and functions so that they become better representatives of workers and more able to advocate for improvements in working conditions and to defend labor rights. The project also addressed the skewed gender dynamic both within apparel and textile factories as well as within the trade union movement by providing leadership training for women activists to increase their participation in union activities and in leadership positions, build women’s power in the workplace, and tackle gender-based discrimination.

The project also focused on strengthening the capacity of unions to advocate for improved working conditions through bi- and tri-partite dialogue mechanisms, ranging from shop-floor engagement with managers to participation in national dialogue with government and industry representatives. The Solidarity Center’s strategy for developing advocacy capacity for workers in the apparel and textile sector is based on worker empowerment delivered through intensive hands-on skills training and accompaniment.

The primary beneficiaries of project activities were unions and workers in the apparel and textile sector. The Solidarity Center also partnered with a Haitian legal rights NGO, Action des Unités Motivées pour une Haïti de Droit (AUMOHD) and the local office of the International Trade Union Confederation (ITUC) to implement some project activities.

4. Dispute Resolution and Mediation Training by U.S. Federal Mediation & Conciliation Service (FMCS)

FMCS provided technical assistance to build local capacity for effective industrial relations systems, including labor inspection, collective bargaining, mediation, and dispute resolution. The FMCS provided a range of capacity building activities between 2014-2015. FMCS conducted a workshop to examine the current conflict resolution practices, protocols for mediation and conciliation, intake, tracking, and service delivery by both the Ministry and the Ombudsperson's office. FMCS provided a workshop on dispute resolution skills and techniques for labor inspectors as well as workers and employers. Additionally, FMCS delivered additional mediation and conciliation trainings for Ministry of Social Affairs and Labor (MAST) conciliators and Port-au-Prince.

III. Purpose, Scope and Audience of Evaluation

Purpose

The purpose of the evaluation is to assess the overall systemic impact and effectiveness of the above-mentioned technical cooperation portfolio to promote workers' rights in Haiti. Unlike most project implementation-focused evaluations, the purpose is not to evaluate any one particular project funded by USDOL, but rather to assess the effectiveness and contributions of the portfolio as a whole. The projects in this portfolio have generated a wealth of information in terms of research and data, regular progress reports, midterm and final evaluation reports, case studies of good practice, publications and training materials, guiding regulations, tools, and other products. As a result, they provide an excellent opportunity to:

- Assess the overall impact and effectiveness of USDOL's overlapping and continuous support of workers' rights projects in Haiti.
- Examine the response, support and ownership, throughout all of these projects, of the Government of Haiti and other country stakeholders.
- Analyze the value and utility of the key tools and interventions produced by the projects and the extent to which the systems and tools enhanced or built by the projects are functioning (with the current level of external support).
- Assess the prospects for embedding or transferring these capabilities to local partners, systems and processes, and make recommendations on how to enhance sustainability (beyond donor support).
- Highlight key findings and lessons learned that could be of importance to USDOL or other donors who may fund future labor-related projects in Haiti or elsewhere.
- Make recommendations on the design of future ILS promotion projects and on how to enhance USDOL's grant-making effectiveness to promote ILS in Haiti's export apparel sector in particular, and in the country as a whole.
- Assess the interaction amongst the projects and with other projects.

In sum, the evaluation will examine the extent to which this portfolio of programs has worked together to promote ILAB and USDOL's mission, and broader USG policy and priorities, particularly as they relate to Haiti's export apparel and footwear sector; as well as to compare/contrast the programs with similar efforts by the US Government and other donors; and assess program cost-effectiveness and sustainability. Recommendations will be made for improving program effectiveness or efficiency, strengthening collaboration and partnerships, reducing duplication, enhancing synergies across complementary programs, and positioning program efforts for maximum impact and sustainability.

Audience

This is a special evaluative study commissioned at the request of the donor organization to answer decision-makers' questions regarding implementation, impacts and sustainability in order to improve technical cooperation and maximize results. As such, the primary audience of the current evaluation is the US Government, particularly the Department of Labor and Department of State. To a lesser extent, the implementing organizations and partners, the Haitian government, the ILO, the tripartite constituents and other parties involved in the execution of the projects would use, as appropriate, the evaluation findings and lessons learned. The evaluations findings, conclusions and recommendations will also serve to inform stakeholders in the design and implementation of future labor cooperation efforts.

Evaluation criteria and questions

The analytical emphasis of this evaluation will be on learning and identifying what elements have worked, which have under-performed and why, and where future USDOL technical cooperation efforts can make the most impact. To serve these purposes, this multi-project evaluation will review issues around validity, relevance, effectiveness, efficiency, sustainability and impact of the country portfolio overall. These criteria are explained in detail below by addressing their associated questions:

Validity of the project design

1. Do the design of the USDOL projects meet the project design criteria in the MPG for goals, outcomes, outputs, and performance indicators (with baselines and targets)?
2. Does the design include a sustainability strategy/plan as described in the MPG?
3. Relevance and strategic fit
4. To what extent is the portfolio of technical cooperation programs relevant to the current priorities and needs of target groups and local stakeholders (including the Government of Haiti)? Do they build upon existing activities focused on improving workers' rights and compliance with international labor standards implemented by the government or other donors/organizations?

Effectiveness and efficiency

5. To what extent has the USDOL projects achieved their output and indicator targets (effectiveness in advancing workers' rights and compliance with ILS)? Please identify any obstacles to achieving these targets. How can USDOL increase effectiveness?
6. Under HOPE, USDOL is required to provide on-going monitoring to ensure compliance with core international labor standards. Has the USDOL monitoring services been effective in assisting BWH achieve its factory compliance targets (decreases in BWH factories' non-compliance scores)?
7. Have USDOL projects (including management structures) been efficient? Please assess duplicity of efforts as well as synergies created with similar programs funded by the USG, private sector, or other donors. How can efficiency be improved?
8. Were USDOL projects cost-effective in achieving their outputs and objectives? Assess whether allocated resources were sufficient.

Performance Monitoring

9. Do the programs' performance measures and monitoring systems provide an objective assessment of program performance? Is the performance monitoring plan/system effectively used to manage and report on the project achievements? How might USDOL improve its performance monitoring systems?

Impact orientation and sustainability

10. What impact do USDOL's technical assistance programs make in the Haitian labor environment and the export apparel sector in particular? Have there been any changes to the enabling environment (i.e., policy and legislation) as a result of USDOL interventions?
11. Has capacity been strengthened to advance workers' rights and promote ILS compliance within the government (national and local), at the policy level, at the organization level, and at the community level?
12. How likely is it that USDOL project results and interventions will be sustained once funding ends? What additional actions (i.e. resource inputs) can be taken by USDOL (or other partners) to ensure that the impact of the technical cooperation efforts is sustained?

IV. Evaluation Management and Support

Dan O'Brien will serve as the evaluator for this evaluation. Dan is a private sector and labor expert with substantial experience providing technical assistance to and evaluating employer-based labor projects. Dan has evaluated more than 15 USDOL-funded projects He has evaluated or backstopped evaluations of the ILO Better Work projects in Nicaragua, Lesotho, Bangladesh, Cambodia, and Vietnam.

O'Brien and Associates 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. O'Brien and Associates International will also be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards.

O'Brien and Associates International will also contract a local interpreter that is fluent in French and Creole and familiar with the apparel/textile sector in Haiti. The interpreter that has been identified has conducted third-party compliance audits for auditing firms and brands. Her experience with the sector, on one hand, is an advantage because she can help put information into context for the evaluator. On the other hand, her compliance auditing experience could introduce bias, which the evaluator will control. The methodology to control for bias is discussed below under Section VII Evaluation Methods (fieldwork in Haiti).

Roles and Responsibilities

The Evaluator is responsible for conducting the evaluation according to the terms of reference (TOR) including the following:

- Review the TOR and provide input, as necessary
- 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, as necessary, with USDOL and implementing organization
- 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 project
- Prepare an initial draft of the evaluation report and share with USDOL and Projects, as appropriate
- Prepare final report

USDOL is responsible for:

- Drafting the initial TOR
- Finalizing the TOR with input from the implementer and the evaluator, as needed
- Reviewing proposed evaluator's credentials
- Providing project background documents to the Evaluator (responsibility is shared with project staff)
- Obtaining country clearance
- Briefing project field staff 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)
- In collaboration with the US Embassy in Haiti, provide and pay for in country transportation (ground transportation to insecure areas and flights to and from Cape Haitian)
- In collaboration with the US Embassy in Haiti, make arrangements at a designated local hotel/facility for the stakeholder meeting. This includes facility rental as well as simultaneous translation at the stakeholder meeting

ILO/BWH is responsible for:

- Reviewing the TOR and providing input, as necessary
- Providing project background materials to the evaluator as requested
- Participating in any team planning meetings
- Preparing a list of recommended interviewees
- Scheduling interviews/meetings for field visit and coordinating logistical arrangements as requested
- Providing local transportation to and from interviews and meetings during fieldwork as approved by the US Embassy (i.e. some areas that are insecure will require US Embassy transportation noted above)
- Reviewing and providing comments on the draft evaluation report
- Organizing, participating in, and paying for the stakeholder meeting
- Arranging simultaneous translation for the stakeholder meeting
- Including USDOL Program Office on all communication with USDOL Project Manager and/or evaluator

Evaluation Methods

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 in-country, and 6) a post-trip meeting.

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

- The Project Document
- Quarterly Progress Reports
- Reports on specific project activities
- Training materials
- Reports of trips, field visits, meetings, needs assessments and other reports
- Strategic Framework, PMP, & performance indicators
- Work plans
- Any other relevant documents

- Review of operating and financial data

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

- BW Global and BWH and MAST CB project staff, including CTA, Project Coordinator, and Enterprise Advisors (EAs)
- Relevant ILO sub-regional and headquarters staff and representatives including ACTRAV, ACTEMP, NORMES, Better Work, LABADMIN/OSH and the ILO regional office in Lima or the ILO CO/Decent Work Team in Costa Rica, and the ILO country coordinator in Haiti.
- Relevant SC project staff, representatives and implementing partners
- Representatives of relevant trade union stakeholders (International Trade Union Confederation, AFL-CIO/Solidarity Center, and other key international trade union organizations as appropriate)
- Members of the CTMO-HOPE Commission and PAC who have been involved in or are familiar with program implementation
- Officials of related employer organizations
- PICC representatives that were involved with or interacted with the projects (worker and manager representatives)
- USDOL Project Manager(s) and other USDOL, US Embassy or other USG officials as requested
- US Embassy Labor Attachés
- Other donor representatives who have been involved with the projects
- Enterprise-level union representatives and national union representatives
- International buyer/brand representatives involved in sourcing from Haiti

Fieldwork in Haiti: The evaluator also should plan to meet with worker and government representatives off-site, in addition to any on-site meetings that may occur at the factories. The evaluator is expected to meet with a wide range of stakeholders, including individuals from the unions operating in and around the sampled facilities, workers of those firms, government inspectors, employer associations, and civil society organizations. The evaluator will base his/her evaluation primarily on information obtained through these field visits and interviews. The evaluator should note how key informants were selected and how the selection may influence findings.

The evaluator will use an interpreter fluent in French and Creole to interpret key informant interviews and focus group discussions with key stakeholders (i.e. labor ministry, trade unions, worker committees, factories). The interpreter has knowledge of the apparel/textile sector and has conducted third-party audits for auditing firms and brands. Her knowledge and experience with the sector can help the evaluator put information into context. On the other hand, her auditing experience could introduce a bias that should be controlled. The control for any bias, the evaluator will take the following steps:

- To the extent possible, the evaluator will work with Better Work Haiti to select the sample of factories where the interpreter has not conducted audits or at least has not worked more extensively.
- Begin each interview with by explaining the purpose of the evaluation and making the point that the evaluation is an external and independent evaluation commissioned by USDOL.
- Explain that the interpreter is not a co-evaluator and that her role is to interpret interviews. Therefore, she will have no input into the evaluation findings and the evaluation report.
- Monitor how the interpreter is interpreting and ensure that she is not introducing bias. If the evaluator identifies potential bias, he will replace her with an alternative interpreter.
- The exact itinerary will be determined later based on scheduling and availability of interviewees. Meetings will be scheduled in advance of the field visits 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 meetings without the participation of any project staff.*

Stakeholder debrief in Field: Prior to departure from Haiti, the evaluator will conduct a debrief workshop with staff and key stakeholders from the projects to present preliminary findings, in consultation with USDOL and depending on the schedule of the evaluator.

Post Trip Debrief & Meeting: Upon return from Haiti, the evaluator will provide a post-trip debrief by phone or in person to relevant USDOL 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 staff 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 projects.

V. Duration and Milestones of Evaluation

Activity	Date	Products/Comments
Prepare TOR	Dec 24	Draft TOR
Pre-meeting (calls) with USDOL	Jan 8	By phone
Finalize TOR	Jan 13	Final TOR approved
Preparation: Doc reviews, methodology, data collection instruments	Jan 4–15	-Final eval. questions -Methodology -Instruments
Fieldwork in Haiti	Feb 15-26	NA
Stakeholder meeting with projects	Feb 26	Stakeholder presentation
Post fieldwork interview calls with brands and grantees and preliminary data analysis	Mar 1-4	NA
Debrief call with USDOL	Mar 4	NA

Analysis and report writing	Apr 18 -May 6	NA
Send first draft report for 48 hour review by USDOL	May 9	Draft Report 1 (48 hour review)
48 hour review comments due	May 11	
Disseminate second draft report to donor and key stakeholders for 2-week review	May 13	Draft Report 2 (2-week review)
2-week review comments due	May 27	
Send final draft report	May 31	Final Draft Report
Finalize and send final report to USDOL	June 6	Final Report

Deliverables

- A. Finalized TOR, January 13.
- B. Method to be used during field visit, including itinerary, January 8.
- C. Pre-trip meeting / phone call, January 8.
- D. Stakeholder workshop (including slides of initial findings), by February 26.
- E. Debrief call, March 4.
- D. 1st Draft Report by May 9.
- E. Submit final report to USDOL by June 6.

Report

The evaluator will complete a draft report of the evaluation following the outline below and will share it with the USDOL COR, USDOL Project Manager(s), and implementing organization for an initial 48-hour review. Once the evaluator receives comments, she will make the necessary changes and submit a revised report. USDOL and other stakeholders 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 stakeholders, where appropriate, and provide a final version within three days of having received final comments.

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

- Title page (1)
- Table of Contents (1)
- Acronyms (1)
- Executive Summary (2)
- Background and Project Description (1-2)
- Purpose of Evaluation (1)
- Evaluation Methodology (1)
- Project Status (1)

- Findings, Conclusions, and Recommendations (no more than 30 pages)
- This section should be organized around the TOR key issues and include findings, conclusions and recommendations for each.
- Annexes
 - Terms of reference
 - Strategic Framework
 - Project PMP and data table
 - Project Workplan
 - List of Meetings and Interviews
 - Any other relevant documents

Annex B: Master List of Interview Questions

Below is the general interview guide that was modified and used for the specific interviews with stakeholders.

- 1) Is the project relevant to your current priorities and needs? Do you think it is meeting the needs of the apparel sector in Haiti?
- 2) What results can be attributed directly to the project?
- 3) What impact do you think the project has had on the Haitian apparel and textile sector and on workers?
- 4) What do you consider are the most important lessons learned in implementing the X project?
- 5) How would you describe the effectiveness of the management structure in the X project?
- 6) Do you think the current USDOL portfolio of projects is meeting the needs in the Haitian apparel and textile sector? What future investments or projects should USDOL invest in/support?
- 7) How do you think USDOL can improve the effectiveness of its programs? If so, how?
- 8) How do you think USDOL can improve the efficiency of its programs? If so, how?
- 9) What additional actions can be taken by USDOL to ensure that the impact its projects are sustained?

Annex C: List of Documents Reviewed

1. Project Documents (all projects)
2. Performance Monitoring Plan (all projects)
3. Workplans (all projects)
4. Technical Progress Reports (all projects)
5. Logical Frameworks (all projects)
6. Project budgets (all projects)
7. BWH midterm evaluation report
8. MCB midterm review
9. Cooperative Agreements (all projects)
10. Management Program Guidelines 2010
11. Management & Procedures Guidelines 2013 for OTLA CAs
12. FMCS Trip Reports (September 2012, December 2012, July 2013, December 2014)
13. Inter-Agency Agreement USDOL/FMCS
14. BWH Bi-Annual Compliance Synthesis Reports (2009-2015)
15. Better Work Global website <http://betterwork.org/global/>

Annex D: List of Persons Interviewed

This page has been left intentionally blank in accordance with Federal Information Security Management Act (FISMA) of 2002, Public Law 107-347.