
**INDEPENDENT MIDTERM EVALUATION
OF THE
BUILDING THE CAPACITY OF TRADE UNIONS TO COMBAT
PRECARIOUS EMPLOYMENT IN PERU**

FUNDED BY THE UNITED STATES DEPARTMENT OF LABOR

No. IL-28100-15-75-K-11

FINAL

APRIL 2017

TABLE OF CONTENTS

TABLE OF CONTENTS	i
LIST OF TABLES AND FIGURES	iii
ACKNOWLEDGEMENTS	iv
LIST OF ACRONYMS	v
EXECUTIVE SUMMARY	vi
I. CONTEXT AND PROJECT DESCRIPTION	1
1.1. Context.....	1
1.2. Project Overview	3
II. EVALUATION PURPOSE AND METHODOLOGY	5
2.1. Evaluation Purpose.....	5
2.2. Methodology	5
III. FINDINGS	8
3.1. Project Design and Performance Monitoring.....	8
3.1.1. MPG Guidance on Project Design and Performance Monitoring	8
3.1.2. Project Design and PMP Analysis	9
3.2. Relevance to Key Stakeholder Needs and Expectations	12
3.2.1. Overview of Key Stakeholders	12
3.2.2. Stakeholders’ Needs and Expectations	14
3.3. Progress and Effectiveness.....	19
3.3.1. Project Performance.....	20
3.3.2. Training Effectiveness	24
3.4. Efficiency and Resource Use	29
3.4.1. Allocation of Resources.....	30
3.4.2. Expenditure Analysis.....	31
3.5. Project Management Arrangements	32
3.5.1. Project Management Structure and Adequacy.....	33
3.6. Sustainability	36
IV. CONCLUSIONS	40
4.1. Project Design and Performance Monitoring.....	40
4.2. Expectations and Needs of Key Stakeholders.....	40
4.3. Progress and Effectiveness.....	40
4.4. Efficiency and Use of Resources.....	41
4.5. Management Arrangements	41
4.6. Sustainability.....	42
V. RECOMMENDATIONS	43
5.1. Refocus the Promoter Training Component	43
5.2. Evaluate and Train Promoters.....	43
5.3. Focus on Building Union Capacity to Engage in Inspections	44
5.4. Revise the Project’s Objectives	44
5.5. Modify the Performance Monitoring Plan.....	44

Final Independent Midterm Evaluation Report of the
“Building the Capacity of Trade Unions to Combat Precarious Employment in Peru” Project

5.6. Evaluate the Effectiveness of Training	45
5.7. Revise the Project Budget.....	45
5.8. Sustainability.....	46
5.9. Conduct Post-TPR Review Telephone Conference.....	46
5.10. Develop an Alliance with PUCP in Future Projects	46
ANNEXES	48
Annex A: Terms of Reference	49
Annex B: Master List of Interview Questions	63
Annex C: List of Documents Reviewed	64
Annex D: List of Persons Interviewed.....	65

LIST OF TABLES AND FIGURES

Table 1: Project Outcomes and Outputs	4
Table 2: Population, Methodology, Sample size, and Sample Characteristics.....	6
Table 3: MPG Definitions for Key Project Design Terms	8
Table 4: Sample of Performance Monitoring Plan from the MPG.....	9
Table 5: Modified Project Results Framework.....	10
Table 6: Key Stakeholders and Relationships to the Project	13
Table 7: Long Term Objective Progress.....	20
Table 8: Medium Term Objective 1 Progress.....	20
Table 9: Medium Term Objective 2 Progress.....	22
Table 10: Training Courses, Dates, Locations, and Number of Participants by Sector	26
Table 11: Number of Promoters Trained by Course and Sector.....	27
Table 12: Number of Participants, by Sector, and Number of Trainings Attended.....	28
Table 13: Allocation of Resources to Program and Program Support.....	30
Table 14: Allocation of Resources to Objectives	31
Table 15: Project Budget and Expenditures.....	32
Table 16: Project Staffing Position and Responsibility	33
Table 17: Summary of Project Sustainability Matrix	37
Figure 1: USDOL Results Framework	9
Figure 2: Number of Promoters, by Sector, that Participated in All Trainings and Number that Participated in One Training.....	29

ACKNOWLEDGEMENTS

This report describes in detail the midterm evaluation of the Building the Capacity of Trade Unions to Combat Precarious Employment in Peru Project. The fieldwork was conducted from February 6-17, 2017. Dan O’Brien and Ena Lilian Nuñez, independent evaluators, conducted the evaluation in collaboration with the project team and stakeholders and prepared the evaluation report according to the terms in the contract with the United States Department of Labor. Mr. O’Brien and Ms. Nuñez would like to express sincere thanks to all parties involved in this evaluation for their support and valuable contributions.



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I N T E R N A T I O N A L

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

LIST OF ACRONYMS

BUCCPEP	Building the Capacity of Trade Unions to Combat Precarious Employment in Peru
CA	Cooperative Agreement
CGTP	Confederación General de Trabajadores del Perú, General Confederation of Peruvian Workers
DDFF	Dirección General de Derechos Fundamentales y Salud y Seguridad Ocupacional, General Directorate of Fundamental Rights and Occupational Safety and Health
FENTAGRO	Federación Nacional de Trabajadores de Agroindustria y Afines, National Federation of Agroindustry Workers
FLA	Fair Labor Association
FNTMMSP	Federación Nacional de Trabajadores Metalúrgicos y Siderúrgicos del Perú, National Federation of Metalworkers and Steelworkers of Peru
FNTTP	Federación Nacional de Trabajadores Textiles del Perú, National Federation of Textile Workers of Peru
GOR	Grant Officer Representative
ILAB	USDOL Bureau of International Labor Affairs
INPA	Instituto Nacional de Prevencion y Asesoría, National Institute for Prevention and Assessment
LTO	Long-Term Objective
MARSA	Aurifera Retamas Mining S.A
META	Monitoring and Enforcement of Trade Agreements
M&E	Monitoring and Evaluation
MTO	Medium-Term Objective
MPG	Management Program Guidelines
MTPE	Ministerio de Trabajo y Promoción de Empleo, Ministry of Labor and Employment Promotion
NED	National Endowment for Democracy
NICRA	Negotiated Indirect Cost Rate Agreement
OSH	Occupational Safety and Health
OTLA	Office of Trade and Labor Affairs
PLADES	Programa Laboral de Desarrollo, Program of Labor Development
PMP	Performance Monitoring Plan
PTPA	United States-Peru Trade Promotion Agreement
PUCP	Pontifical Universidad Católica de Perú, Pontifical Catholic University of Peru
RF	Results Framework
SC	American Center for International Labor Solidarity
STO	Short-Term Objective
SUNAFIL	Superintendencia Nacional de Fiscalización Laboral, National Superintendence of Labor Inspection
TAC	Technical Assistance and Cooperation Division
TOR	Terms of Reference
TOT	Training of Trainers
TPR	Technical Progress Report
USDOL	United States Department of Labor

EXECUTIVE SUMMARY

Project Description and Context

In November 2015, the Solidarity Center (SC) signed a Cooperative Agreement (CA) with the United States Department of Labor (USDOL)/Office of Trade and Labor Affairs (OTLA) worth US \$1 million to implement the Building the Capacity of Trade Unions to Combat Precarious Employment in Peru (BUCCPEP) project. BUCCPEP aims to build the capacity of worker organizations to engage with their constituents, employers and government representatives to address abusive short-term employment contracts and unlawful subcontracting. SC began project implementation on December 1, 2015 and as such is scheduled to close on November 30, 2017.

BUCCPEP project interventions aim to reduce the abusive use of short-term contracting and fraudulent outsourcing in Peru by generating worker demand for labor rights compliance, and building union capacity to report violations, utilize complaint mechanisms, advocate for improved rights enforcement, and engage the broader workforce in these processes. The project intends to bring together workers and their unions with employers and government representatives to collaborate in pursuing remedies to ongoing labor rights challenges, especially related to freedom of association violations and abusive or fraudulent contracting.

The project’s theory of change states that if Peruvian trade unions conduct more effective education and outreach to short-term and subcontracted workers and systemically improve representation of these workers, then employer and government engagement will be enhanced through more effective labor inspections and productive dialogue on short-term and subcontracting issues, thereby improving the national labor rights framework and workers’ livelihoods.

Findings and Conclusions

Project Design and Performance Monitoring

The project, in general, is well designed. It follows the guidance in the Management and Program Guidelines (MPG) and follows a tight cause and effect logic. The activities, outputs, and objectives respond to the needs of the target population. While well designed, the project’s design is overly ambitious for a two-year project. The design consists of seven objectives and 18 outputs, which puts pressure on a minimally staffed project and complicates the performance monitoring plan (PMP). The PMP, on the other hand, does not fully meet the criteria in the MPG. There is some confusion between the performance indicator, definition of terms used in the indicator, and unit of measure. Another issue is that the outputs are used as indicators for objectives, which is not necessary.

Expectations and Needs of Key Stakeholders

The project is addressing important needs of the federations and unions, which include abusive and illegal contracting mechanisms and practices. The project invests heavily in training, which is relevant and appropriate. While adult learning methodologies and materials appear to be highly effective, some trade union promoters require more training and support to be able to

effectively replicate the training for affiliated and non-affiliated workers. To date, the trainings have been conducted primarily in Lima, Trujillo, and Ica causing some promoters to travel more than 14 hours. Trainings conducted closer to workplaces would be more effective and efficient.

The project has developed a collaborative relationship with SUNAFIL, which is pleased to collaborate with the project to train unions on inspection processes because it helps meet their objectives. However, the project has not yet established an effective working relationship with the division of MTPE responsible for receiving proposals to create or modify policies and laws (Dirección General de Trabajo).

Progress and Effectiveness

The project is generally on track to achieve its outputs and indicator targets. At the time of the evaluation, the project was beginning training activities on union governance, organizing, and inspection. Specific activities on the case monitoring system and social dialogue have yet started. The project has also developed informational reports (maps) for the three sectors. The reports include relevant and useful information regarding workforces, exports, and markets. The challenge is how the project and federations intend to use the reports to address abusive and illegal contracting practices.

The TOT approach is highly appropriate and potentially effective to reach affiliated and non-affiliated workers with information about abusive and illegal contracting and steps they might take to seek administrative or legal remedy where rights have been violated. The project and federations have not yet developed a well-defined profile for selecting promoters nor established criteria or requirements for promoters to participate in the TOT program. As a result, the promoter attendance at trainings is inconsistent. Some promoters are unable to read and write, which limits their learning and teaching potential.

The project developed an effective alliance with PUCP to provide training to promoters in the textile and apparel sector. SC and USDOL could use the PUCP alliance as a model to institutionalize and sustain future training and legal assistance to unions.

Efficiency and Use of Resources

The allocation of resources to line items in the budget is appropriate. However, the allocation of resources to the objectives appears to be inadequate. Despite a heavy focus on promoter training, only 37% of project resources are allocated to training promoters. There appears to be formula and entry errors in the budget that would help account for the inadequate allocation of resources to training activities. Overall, the project’s expenditure rate is on target. However, spending against general line items is uneven. For example, one objective is overspent by 100% while another is underspent by 30%. The formula and entry errors noted above would help explain the overspending.

Management Arrangements

The management structure, consisting of four staff, is thin considering they are managing and providing technical assistance to two projects. A subcontractor, PLADES, is responsible for several key deliverables that takes some pressure off of the project management team. The

project team receives adequate support from Solidarity Center Headquarters. Communication and coordination between the project and the federations and unions is generally effective. The relationship with the mining federation, however, is somewhat strained. The mining federation would like the project to be more transparent with its funding for training while the project would like the federation to provide information in a more timely manner. The level of communication and coordination between the project and USDOL is also effective.

Sustainability

While the federations and unions, which are the project’s primary beneficiaries and stakeholders, are committed to disseminating information and replicating trainings for affiliated and non-affiliated workers, they have limited resources that could affect sustainability. In addition, there are several other threats to sustaining the project’s activities and results. These include attrition of promoters, extinction of promoter learning acquired during trainings, and the potential lack of reinforcement mechanisms. It would be important for the project to consider and address these threats when planning for sustainability.

Recommendations

1. Refocus the Promoter Training Component

The project should revise the promoter training component to ensure that the promoters are adequately prepared to disseminate information, replicate trainings for workers, and assist workers request inspections in cases of alleged rights violations. The revision of the promoter training component should include: (a) developing a promoter profile to help the project and federations choose promoters that would be most effective at absorbing and disseminating information including the replication of trainings for workers; (b) determine the optimal number of promoters the project should train and prepare; (c) attain a commitment from promoters to attend future trainings and replicate the training; and (d) consider awarding a certificate to those promoters that attend all or nearly all trainings and demonstrate the willingness and ability to disseminate information and train workers.

2. Evaluate and Train Promoters

The project should work with the federations to evaluate the knowledge and skill levels of promoters selected using the promoter profile in Recommendation 5.1. Some promoters do not feel confident to disseminate information and conduct replica trainings. Once the core group of promoters is selected, the project and federations should assess the knowledge and skill levels of these promoters to determine if any require additional training and, if so, in what areas. When feasible, the project should also consider conducting promoter training closer to their workplaces.

3. Focus on Building Union Capacity to Engage in Inspections

The project should focus the remaining months on strengthening the capacity of the unions and their promoters to effectively engage with SUNAFIL on inspections. The project should continue with its plan to train unions on the inspection process, how to properly file a complaint and request an inspection, and how to constructively engage with SUNAFIL inspectors during and

after the inspection. The training should include an inspection toolkit with easy to read and understand guidelines for the inspection process including when and how to file a complaint with SUNAFIL and request an inspection. The training should also include a component on when and how to use social dialogue with SUNAFIL and employers to resolve issues. Finally, the project should develop a simple measurement tool to assess improvements in the quality of inspection requests as well as results.

4. Revise the Project's Objectives

The project should consider simplifying the design by eliminating the five short-term objectives (STOs), which serve primarily to organize the outputs. The outputs, on the other hand, are measured once as an output and once as an indicator for the STO, which is redundant. The outputs for medium-term objective (MTO) 1 are appropriate and should remain with the exception of the radio program, which the project might consider eliminating given how little time is remaining in the project and its unsustainability. The outputs under MTO 2 should focus on enhanced inspection training, developing and using the inspection tools, improved inspection engagement with SUNAFIL and use of legal and negotiation strategies with employers, which would support Recommendation 5.3. The project should consider eliminating the outputs under STO 5 that address social dialogue. As noted in Recommendation 5.3, social dialogue should occur within the context of the inspection process and the goal of favorable results for workers.

5. Modify the Performance Monitoring Plan

The project should modify the PMP by eliminating or modifying several indicators. The project should consider eliminating MTO indicator 1.3, which is an important training indicator but is an overall weak objective indicator. In addition to post training testing, which is an excellent idea, the project should assess promoter capacity towards the end of the project. Indicator 1.4 should be changed from “workers who demonstrate increased knowledge of their rights and enforcement mechanisms” to “workers who undertake defensive actions”. The project also should consider eliminating MTO 2 indicators 2.1a and 2.1b since they are related to general union strengthening but not directly related to building capacity to address abusive and illegal contracting. If the project decides to develop the case monitoring system, it might use the current indicator for STO 4 (2.2.1) as the indicator for MTO 2 to measure usage of the system. Based on the recommendation to eliminate STO 5 and its outputs, the project should consider eliminating indicators 2.3 and 2.4 that measure social dialogue.

6. Evaluate the Effectiveness of Training

The project should consider evaluating the effectiveness of its training towards the end of the project. The project might conduct the evaluation in two parts. The first would consist of administering the post-test to all promoters and compare the test scores to the pre and post training scores. The second part would involve selecting a sample of promoters and conduct intensive interviews with the promoters as well as unionized and non-unionized workers who may have participated in the training or filed complaints with SUNAFIL.

7. Revise the Project Budget

The project should revise the budget to ensure that adequate resources are appropriately allocated to the MTOs. The midterm evaluation would provide an opportunity to adjust the line item amounts to ensure the project has sufficient resources budgeted to continue to train and support promoters and help unions engage with SUNAFIL on the inspection process. If the project decides to eliminate STO 5 and its outputs, the resources currently budgeted for STO 5 could be reallocated to support promoter training and inspection processes, as well as legal aid to make use of inspections findings and to support dialogue with employers on emblematic cases. The adjustment would also provide the project the opportunity to correct the entry errors for STOs 3, 4, and 5.

8. Conduct Sustainability Workshop

The project should conduct a sustainability workshop for partners to determine what activities the federations and unions intend to continue once the project ends and what sort of assistance they would require. The workshop should culminate with the federations having concrete workplans for sustaining key activities and their results. The sustainability workshop should also seek to link the federations and unions to national and international resources. The sustainability workshop should be conducted with at least three months remaining in the project, which would allow the union partners time to begin to implement their plans and establish strong linkages.

9. Conduct Post-TPR Review Telephone Conference

The USDOL Grant Officer Representative (GOR) should conduct a telephone conference call with the Country Program Director after the TPR review and written comments are provided to the SC.

10. Develop an Alliance with PUCP in Future Projects

USDOL should consider building on the project’s successful collaboration with the PUCP and its School of Law to incorporate it in the design of future projects in ways that would create institutional linkages between PUCP and worker organizations. In the short term, the project, in consultation with USDOL, might consider collaborating with PUCP to institutionalize capacity building for unions before the project ends. The evaluation team realizes that establishing union capacity building at PUCP would require resources and time that might be beyond the scope of the current project. On the other hand, if the project were able to collaborate with PUCP to institutionalize a sustainable capacity building model, the sustainability of the project’s investment in training and other capacity building activities would be greatly increased. If USDOL and the project decide to implement this aspect of Recommendation 5.10, the project could begin by working with PUCP to develop a sustainable capacity building model to present and discuss with USDOL. The model should include activities, costs, and an implementation plan with a timeframe.

I. CONTEXT AND PROJECT DESCRIPTION

1.1. Context

The Ministry of Labor and Employment Promotion (MTPE) estimates that 100,500 workers per month are employed under short-term or temporary contract arrangements. Furthermore, it estimates that 80% of companies use subcontracting or outsourcing firms that hire workers on short-term contracts. Approximately 73% of workers employed in the textile and apparel sector are employed on a temporary contract.¹ In the export-oriented agriculture sector, 83% of workers are employed on short-term contracts.² The mining sector employs the second highest number of workers contracted through intermediation and outsourcing arrangements.³

While Peruvian legislation permits short-term contracts under subcontracting arrangements, labor experts believe these laws and their interpretation have had a negative effect on basic labor rights such as freedom of association, collective bargaining, discrimination, stable employment, occupational health and safety (OSH), and effective workplace inspections.

The short duration of these contracts allows employers to legally terminate workers without cause by not renewing their contracts. In practice, this has facilitated the swift dismissal of workers who speak up about labor rights violations, question their contracting status or join a union. Workers also report that they have not had their contracts renewed due to health problems, pregnancy, or older age.

Following is a summary of key Peruvian labor laws that help provide a contextual framework for the project and this evaluation.

Law 22342. The Promotion of Non-Traditional Exports Law was passed in 1978 to promote investment in non-traditional manufacturing and encourage exports. It consists of a range of tax, administrative, and labor benefits for investors. One of the more controversial elements is the creation of short-term contracting that allows employers to contract workers to work on specific export orders that might range from one to three months. The law allows employers to re-hire the same workers repeatedly and without limit.⁴ Due to lax enforcement of contractual requirements for renewal of contracts, employers can undermine the original intent of the law by denying workers the benefits of stable employment. Equally important, is the use of the law to not renew contracts of workers who speak up about labor rights violations, question their contracting status, or join a union, which is permitted by Law 22342.

¹ MTPE/OGETIC/Oficina de Estadística, Cuadro 119, 2014

² Julio Gamero, Situación de las Empresas Agro-Exportadoras y el Costo de Implementación de la Ley SST, May 2015

³ MTPE Planilla estadística/T-Registro y PLAME 2014

⁴ Other temporary contracts under DL 728 establish a maximum number of years of employment upon which a worker acquires indefinite employment.

Law 27360. The Special Scheme for Promotion of the Agricultural Sector is aimed at promoting agriculture businesses by creating a differentiated remuneration scheme that lowers wage standards for agriculture workers. The law was originally scheduled to expire in 2006 but it has been extended until 2021.

Law 29245. The Outsourcing Law was passed in June 2008. It allows the creation of companies that specialize in contracting workers that work for its clients, who are often the main employers. A loophole in the law also allows the main employer to establish outsourcing or contracting companies that contract workers to work for it. Notably, the outsourcing law permits outsourcing or contracting companies to conduct the core activities of the company contracting the service. The outsourcing law primarily affects workers in the mining sector where outsourcing companies employ 70% of workers. The outsourcing law is controversial for several reasons:

- Workers hired by the outsourcing company are hired on temporary contracts at salary and benefit levels that are usually below what the main company pays its permanent employees.
- Outsourcing companies in the mining sector often do not provide the same level of training or safety equipment that, according to industry experts, leads to an increased number of serious and fatal accidents.
- Mining companies are required to pay 8% of their profits to fulltime workers through a profit sharing scheme. They do not have to share profits with contracted workers.
- Workers who question their contracting status, speak up about labor rights violations, or join a union run the risk of not having their contracts renewed.

Procedural Labor Law. Passed in January 2010, the Procedural Labor Law provides for oral proceedings, specialized judges trained in oral proceedings, and an expedited judicial process. However, the law has not been fully implemented and there is a significant shortage of judges trained in oral proceedings. This means that a limited number of workers that have filed complaints regarding labor rights violations have access to an expedited judicial process.

Law 29981: Modification of the Labor Inspection System was enacted in December 2012. It amended the General Labor Inspection Act by creating the Superintendencia Nacional de Fiscalización Laboral (SUNAFIL) as a specialized and independent entity attached to the labor ministry. SUNAFIL is still in the process of being implemented and is, therefore, not functional in many areas of Peru. Workers located in areas where SUNAFIL is not functional must rely on the traditional labor inspection system that unions consider highly ineffective.

Law 30222. Law 30222 amended Law 29783 (Law on Safety and Health at Work) in July 2014. The amendment allows employers to hire third party entities to implement, manage, and monitor workplace safety and health requirements. The amendment also extends the period to conduct medical exams to two years, reduces the criminal liability of employers, limits the amount of fines SUNAFIL can levy on employers by 35%, and makes the role of the inspection preventative rather than punitive.

Law 1246. Passed in December 2016, Law 1246 allows employers to sign and renew temporary labor contracts regulated by DL 728 without registering them with the labor ministry.

In addition to these laws, it should be noted that the mining federation sent a letter to USDOL complaining about a breach of labor standards as stated in Chapter 17 of the United States-Peru Trade Promotion Agreement (PTPA). USDOL did not formally accept the complaint because it did not meet the formal requirements for review. The complaint was submitted to the General Office of Cooperation and International Affairs in the Ministry of Labor on October 7, 2014.

In July 2015, several international and national NGOs and trade union confederations filed a submission against the Government of Peru for breach of labor standards as stated in Chapter 17 of the PTPA. Specifically, the submission cites the Non-Traditional Export Law and the Agricultural Promotion Law as permitting violations of trade union rights, freedom from discrimination and OSH violations. The complaint also alleges that the Government of Peru has failed to enforce laws in the export-oriented agriculture and textiles and apparel sectors. Several months later, the Peruvian Inspectors Union filed a supplementary text regarding the inspection system, adding this group of workers as additional petitioners in the process.

Beyond the negative effects on freedom of association, perpetual short-term and subcontracting generates additional challenges, which, if left unaddressed, could continue to hinder Peruvian economic development and respect for rights. Short-term contract and outsourced workers earn only 65 percent of the wages of their directly and indefinitely hired counterparts, creating a significant wage gap. In addition, these workers do not receive economic benefits, such as company profit sharing or bonuses, which are often provided to directly hired employees. Other forms of critical protection, such as the provision of safety equipment and training, are routinely denied to short-term and subcontracted workers as well. The low level of worker education on legal rights and contracting conditions means that most violations go unreported and unaddressed.

1.2. Project Overview

In November 2015, the Solidarity Center (SC) signed a Cooperative Agreement (CA) with the United States Department of Labor (USDOL)/Office of Trade and Labor Affairs (OTLA) worth US \$1 million to implement the Building the Capacity of Trade Unions to Combat Precarious Employment in Peru (BUCCPEP) project. BUCCPEP aims to build the capacity of worker organizations to engage with their constituents, employers and government representatives to address abusive short-term employment contracts and unlawful subcontracting. SC began project implementation on December 1, 2015 and as such is scheduled to close on November 30, 2017.

BUCCPEP project interventions aim to reduce the abusive use of short-term contracting and fraudulent outsourcing in Peru by generating worker demand for labor standards compliance, and building union capacity to report violations, utilize complaint mechanisms, advocate for improved rights enforcement, and engage the broader workforce in these processes. The project intends to bring together workers and their unions with employers and government representatives to collaborate in pursuing remedies to ongoing labor rights challenges, especially related to freedom of association violations and abusive or fraudulent contracting.

The project’s theory of change states that if Peruvian trade unions conduct more effective education and outreach to short-term and subcontracted workers and systemically improve representation of these workers, then employer and government engagement will be enhanced

through more effective labor inspections and productive dialogue on short-term and subcontracting issues, thereby improving the national labor rights framework and workers’ livelihoods.

The development objective or long-term outcome of the project is to *build the capacity of worker organizations to effectively engage with workers, employers, and government to address abusive short-term employment contracts and illegal subcontracting*. The project intends to achieve two primary outcomes or medium-term objectives (MTO) and five short-term objectives (STO), which are presented below in Table 1.

Table 1: Project Outcomes and Outputs

Medium Term Objective 1: Improved education of workers regarding their rights with respect to short-term contracts and subcontracting
<p>Short Term Objective 1.1: Worker Organizations conduct more effective educational workshops and outreach to short-term and subcontracted workers</p> <p>Short Term Objective 1.2: Workers in non-traditional export sectors know their rights and the enforcement mechanisms available to address abusive short-term contracts and unlawful subcontracting</p>
Medium Term Objective 2: Improved representation of workers before employers and the government to address abusive short-term employment contracts and unlawful subcontracting
<p>Short Term Intermediate Objective 2.1: Worker organizations improve core representational functions for precarious workers</p> <p>Short Term Intermediate Objective 2.2: Worker organizations improve ability to conduct analysis on potential violations of short-term contracts and subcontracting</p> <p>Short Term Intermediate Objective 2.3: Worker organizations engage in more effective dialogue with employers, MTPE and other stakeholders</p>

BUCCPEP is targeting the mining sector in Ica and Lima provinces; the textile and apparel sector in Lima and Ica provinces; and the agriculture sector in Ica and La Libertad provinces. There has been inclusion of unions from Arequipa in project activities, in the textile and apparel sector and the mining sector, in accordance with the opening of a new SUNAFIL office in the region. The direct beneficiaries of the project are short-term and subcontracted workers, union leaders, and worker promoters laboring in these targeted sectors and provinces. Other important direct beneficiaries are labor organizations that include National Federation of Textile and Apparel Workers of Peru (FNTTP), National Federation of Agroindustry Workers (FENTAGRO), and the National Federation of Metalworkers and Steelworkers of Peru (FNTMMSP). The project is also collaborating with General Confederation of Peruvian Workers (CGTP).

Indirect beneficiaries also include officials and labor inspectors from the National Superintendence of Labor Inspection (SUNAFIL) in La Libertad, Ica and Lima and regional labor directorates in La Libertad, Ica, and Lima. The Ministry of Labor and Employment Promotion (MTPE), including the Department of Fundamental Rights and Department of Collective Bargaining and Conflict Prevention are other key government counterparts. A more detailed discussion of the key stakeholders is provided in Section 3.2.

II. EVALUATION PURPOSE AND METHODOLOGY

2.1. Evaluation Purpose

The purpose of this evaluation is to ascertain what the project has or has not achieved; how it has been implemented; how it is perceived and valued by target groups and stakeholders; what the results of project interventions have been on target stakeholders and institutions to date; whether expected results are occurring (or have occurred) based on performance data; the appropriateness of the project design; and the effectiveness of the project’s management structure.

The evaluation is also intended to identify effective practices, mechanisms and partnerships and assess the prospects for sustaining them beyond the life of the project as well as recommend concrete steps the project might take to help ensure sustainability. Finally, the evaluation assessed the effectiveness of project management team and whether it has in place the tools necessary to ensure achievement of the outputs and objectives, and identify any lessons for improvement.⁵

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. The evaluator reviewed project documents, developed data collection instruments, and prepared for the fieldwork during January 30 to February 3, 2017. Fieldwork was conducted in Peru from February 6-17, 2017. The fieldwork culminated with a presentation and discussion of the preliminary findings with key project stakeholders on February 17, 2017. The bulk of the data analysis and report writing occurred from February 20 to March 10, 2017. The final evaluation report was submitted to USDOL on X, 2017. The complete schedule of evaluation activities appears in the TOR Annex A.

Data Collection and Analysis. As noted previously, USDOL and the SC 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 document, results framework and theory of change, technical progress reports, work plans, performance monitoring plans, sub-contracts and

⁵ Terms of Reference: See Annex A.

their terms of reference, and other key documents. Annex C shows the complete list of documents that were reviewed.

Key Informant Interviews. The evaluator conducted a range of individual and group interviews where he interviewed 122 key informants from USDOL, SC, MTPE, SUNAFIL, trade unions and their federations and confederations, workers, and employers. A complete list of the interviewees 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 lead evaluator interviewed the USDOL International Relation Officers overseeing the project and coordinating evaluation and monitoring activities. The team interviewed the SC project staff, partners, and government counterparts. The evaluation team used a purposeful, non-random sampling methodology to select direct and indirect beneficiaries to interview in each of the three project implementation sites. The sample strata included workers, factory level trade unions, and labor inspectors. Table 2 summarizes the organizations interviewed, the interviewing methodology, the sample size, and characteristics of the sample.

Table 2: Population, Methodology, Sample size, and Sample Characteristics

Organization	Method	Sample Size	Sample Characteristics
USDOL	Individual interviews	4 (2F, 2M)	International Relations Officers
Solidarity Center	Individual interviews	4 (2F, 2M)	Project management, technical, and support staff
PLADES	Individual interviews	2 (1F, 1M)	Officials from PLADES
Confederation	Individual interviews	4 (4M)	Officials from CGTP
Federations	Group interviews	7 (1F, 6M)	Representatives from FNTMMSP, FNTTP, and FENTAGRO
Trade Unions	Group interviews	86 (22F, 64M)	Trade union elected officials and promoters working in these companies: Aceros Arequipa, MARSA, Topy Top, Modipsa, Chapi, AgroKasa, Viru, Camposol, and TALSA
Employers	Group interviews	6 (1F, 5M)	Managers from Topy Top, Camposol, and Aceros Arequipa
Government	Individual interviews	9 (4F, 5M)	Director Fundamental Rights and OSH and SUNAFIL (managers and inspectors)
University	Individual interviews	1 (1M)	Dean of Law School, Catholic University of Peru (PUCP)
Total Interviewed		123	

The evaluation team interviewed 123 persons including 97 worker organization representatives, which account for 80% of the total interviews. Seventy-six percent of the worker organization

representatives that were interviewed were men.⁶ In addition to the worker organizations, interviews were conducted with representatives from the project, companies, government, a partner university, and USDOL. Project staff selected the workplace unions that were interviewed and arranged the interview schedule in advance of the fieldwork.

Limitations. Several important limitations that could have affected the evaluation findings deserve mention. The most significant limitation was the time allotted to conduct fieldwork. The evaluation team had two weeks to conduct interviews with project staff, union representatives, government officials, and other stakeholder. While the evaluation team visited the three regions where the project is being implemented, there was not enough time to visit all of the project sites within the regions to undertake data collection activities. As a result, the evaluation team was not able to consider all sites when formulating findings.

Another limitation is the sampling methodology. Due to time constraints, availability of a sufficient number of primary data sources (stakeholders), and other logistical challenges, the evaluation methodology included purposive sampling to select project sites and stakeholders to interview. The sample included project sites that have performed well and some that have experienced challenges. An important limitation of using purposive sampling is potential selection bias and the inability to generalize the evaluation findings to the entire project target population.

The evaluation team was able to interview representatives of nine trade unions or 20% of the unions that the project is working with because of the short amount of time allocated to fieldwork. This is an important limitation because the evaluators are not certain to what extent the views of the unions that were interviewed represent the opinions and views of the 80% that were not interviewed.

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 evaluators to triangulate this information. Furthermore, the sample of trade unions 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 trade unions and their affiliates.

⁶ The sample of trade union representatives (76%) generally reflects the gender balance in the priority sectors and is thus representative of the sample of union representatives interviewed.

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; management arrangements; and 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 design and PMP. Based on the comparisons; observations are made regarding the effectiveness of the project design and PMP.

3.1.1. MPG Guidance on Project Design and Performance Monitoring

USDOL provides project guidance in its MPG document.⁷ 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 3: MPG Definitions for Key Project Design Terms

Hierarchy	Description
Project Objective	The higher aspiration that the project’s outcomes contribute to but are not expected to attain.
Long, Medium, and Short Term Objectives	These objectives are outcomes or results that represent changes/improvements in policies, knowledge, skills, and behaviors or practices that managers are expected to accomplish. These objectives should make a significant contribution to the project objective. The MPG provides the three levels of hierarchy (long, medium, and short) and leaves it to the project design team to decide how many levels are necessary to create a tight cause and effect logic flow between outputs and the project objective.
Outputs	The outputs are the specific products, services, or systems that achieve the intermediate objectives or outcomes. 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, immediate 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.

⁷ USDOL Management and Procedure Guidelines for Cooperative Agreements, FY2016.

Figure 1: USDOL Results Framework

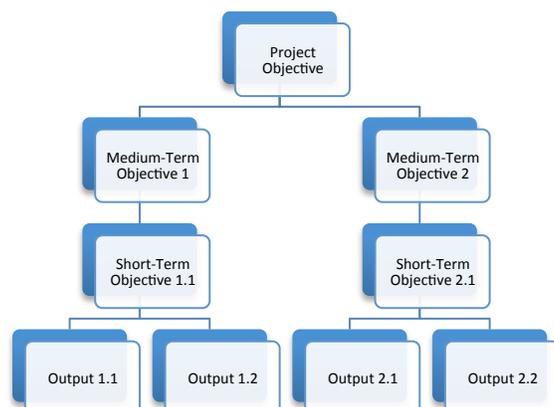


Table 4 shows the PMP format that consists of the performance indicator, definitions for terms used in the indicator along with the unit of measure, the data source, data collection methodology, frequency of data collection and the person or office responsible for data collection.

Table 4: 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:					

3.1.2. Project Design and PMP Analysis

Project Design

The project’s design is comprised of three hierarchies of objectives consisting of the Long-Term Objective (LTO), Medium-Term Objective (MTO), and Short-Term Intermediate Objective (STO). Based on the guidance in the MPG, the Long-Term Objective is actually the Project Objective and the Short-Term Intermediate Objective is the Short-Term Objective.

The project’s design consists of the LTO, two MTOs, five STOs, and 18 outputs. The project design is logical and follows a clear cause and effect logic where the outputs are designed to achieve the STOs, which, in turn, are designed to achieve the two MTOs. The MTOs, if achieved, should contribute to the long-term objective. As stipulated in the MPG, the project developed a RF diagram that shows the cause and effect relationships between the hierarchies of objectives. Table 5 shows a modified version of the RF and the causal relationships, which are discussed in more detail after the table.

Table 5: Modified Project Results Framework⁸

Long-Term Objective				
Constituents, employers and government address abusive short-term employment contracts and unlawful subcontracting				
Medium-Term Objectives				
1. Improved education of workers regarding their rights with respect to short-term contracts and subcontracting		2. Improved representation of workers before employers and the government to address abusive short-term employment contracts and unlawful		
Short-Term Intermediate Objectives				
1. Worker organizations conduct more effective educational workshops and outreach to short-term and subcontracted workers	2. Workers in non-traditional export sectors know their rights to address abusive short-term contracts and unlawful subcontracting	3. Worker organizations improve core representational functions for precarious workers	4. Worker organizations improve ability to conduct analysis on potential violations of short-term contracts and subcontracting	5. Worker organizations engage in more effective dialogue with employers, MTPE and other stakeholders
Outputs				
-Five regional maps -3 baseline studies -30 union promoters trained	-2 training modules -8 handouts -120 unionized workers trained -400 non-union workers trained -1,875 workers with awareness raised -12,000 workers reached by radio programs	- 1 set of training materials labor inspection -75 union promoters and officials trained	- 1 data tracking system -3 technical and advocacy support teams -12 technical assistance meeting summaries -Quarterly cumulative assessments of contract violations -3 presentations on findings of enforcement efforts advocates	- Tripartite social dialogue conducted in at least three cases - Partner unions in each sector meet with MTPE/SUNAFIL twice over the course of the project (six instances of engagement)

Long-Term Objective – The project’s LTO meets the criteria in the MPG for the project objective, which is a higher-level aspiration (impact) that the project is expected to contribute to but not necessarily attain during the life of the project. However, it is not clear what “address abusive short-term contracting and outsourcing” means. Two of the three LTO indicators measure changes to short-term contracting and outsourcing laws, which would suggest the LTO aims to amend existing labor laws. However, the project interventions focus primarily on training and education rather than advocacy aimed at amending labor laws. Therefore, the LTO might have been written as a decrease in the number of workers with precarious contracts.

Medium-Term and Short-Term Objectives – The MTOs and STOs meet the criteria in the MPG for outcomes, which are effect level objectives describing improvements in systems, policies, behaviors, practices, and knowledge. The projects MTOs are written in ways to demonstrate improvements in behaviors and knowledge.

⁸ Information in Table 5 comes from the Project Document.

Outputs – The outputs also meet the criteria for outputs in the MPG. The project’s outputs are written as concrete products or services produced by activities and designed to achieve the corresponding STOs.

While the project’s design generally meets the criteria in MPG and follows a strong cause and effect logic, the evaluation team believes the design is overly ambitious for a two-year project. The evaluation team considers the training of trainers approach for union promoters to be the centerpiece of the project while building the capacity of unions to help workers file high quality complaints and request inspections is an important complement. The other interventions such as radio programs, training on union governance and organizing, the case monitoring system, and social dialogue are important but add to the project’s complexity. Given the time limitations of a two-year project, the evaluation team recommends that focusing on fewer interventions might be more effective.

Performance Monitoring Plan

The project developed and submitted a PMP along with the project document as required in the MPG. The project’s PMP includes the indicators, indicator definition and unit of measure, data source, frequency of data collection, and persons or offices responsible for collecting the data. In reviewing the PMP, the evaluation team noted that the information entered for indicator and indicator definition/unit of measure does not follow the criteria in the MPG. Under the indicator heading, a qualitative description of the indicator is given while the indicator definition/unit of measure heading lists the actual indicator. For example, one of the indicators listed for STO 1 is *quality of trainings and workshops improved* while the definition and unit of measure is noted as *% participants report satisfaction with workshops*. According to MPG guidance, the indicator should be *% participants that report satisfaction with workshops* while the definition should read *the number of union promoters who participated that reported satisfaction with training on post-test divided by the total number of union promoters who participated in the training*. *The unit of measure is the union promoters*.

The other issued noted by the evaluation team is that the indicator definitions and units of measure listed for the STOs are essentially the outputs.⁹ According to MPG guidance, the objectives require indicators to measure achievement independent of the outputs. In other words, while the outputs are necessary to achieve the STOs, they should not be used as independent measures of achievement. Thus the STOs should have independent indicators that measure the anticipated changes in knowledge, behavior, and practices. Outputs, on the other hand, typically do not require separate output indicators. The outputs and their targets, as written in the project document and presented in Table 5, are adequate measures.

⁹ The project noted that it received guidance from USDOL on project design and that USDOL views STOs and outputs as the same. The evaluator strongly disagrees. Outputs are products or services that, if achieved, contribute to the achievement of the STOs. The STOs, on the other hand, represents the lowest level within the outcome hierarchy. In addition, outputs should not be used as indicators to measure STOs achievement. STOs should have independent measures or indicators to assess achievement.

Baseline Study

The MPG provides the following guidance for baseline studies:

The Grantee is expected to collect baseline data against the finalized project indicators and submit the data within 60 days after the PMP is finalized. Baseline data and information measures the existing conditions of target areas or sectors and provides information on the characteristics of the target population, including their living and working conditions. Information from the project’s baseline survey must be used to a) develop reliable project targets and identify direct beneficiaries; and b) inform project design and activities, including the identification and development of relevant services to direct beneficiaries. Baseline data must be used to establish benchmarks, contribute to the measurement of project impact, and inform management decisions through the period of project performance.

The project document and PMP refers to a baseline study. In fact, one of the outputs under STO 1 calls for “3 baseline studies”. The evaluation discovered that the baseline studies noted in the project document and PMP are actually qualitative investigations consisting of focus group discussions with trade union affiliates in the agriculture, textile, and mining sectors. While the investigation, according to the Country Program Director, proved highly useful in informing the project’s interventions, they did not establish baseline values for indicators that could be used to measure achievements during an endline survey. The PMP includes a section for baseline values, targets, and actual achievement of targets by reporting period. The majority of baseline values is listed as “0” or includes a short description of how the baseline will be assessed retroactively.

3.2. Relevance to Key Stakeholder Needs and Expectations

The following section is organized according to an overview of the project’s key stakeholders and the needs and expectations of these stakeholders. This section specifically addresses to what extent the project addresses the priorities and needs of its key stakeholders.

3.2.1. Overview of Key Stakeholders

The evaluation team interviewed a range of key stakeholders. These included the General Confederation of Peruvian Workers (CGTP) and three of its federations and union affiliates representing the agroexport, mining, and textile sectors. These include the National Federation of Metallurgical, Mining, and Steel Workers of Peru (FNTMMSP), the National Federation of Textile Workers of Peru (FNTTP), and the National Federation of Agro-Industry Workers of Peru (FENTAGRO). CGTP and especially the federations play an important coordination role and provide assess to the trade unions.

The evaluators interviewed stakeholders from the Ministry of Labor and Employment Promotion (MTPE) and the Pontifical Catholic University of Peru (PUCP). MTPE stakeholders included the General Directorate of Fundamental Rights and Occupational Safety and Health (DDFF) and the National Superintendence of Labor Inspection (SUNAFIL). SUNAFIL has provided inspectors to help train union promoters on contracts and inspection processes. PUCP, on the other hand,

provided pro bono services to train union promoters in the textile sector on labor rights and contracting issues.

In addition to the labor organizations, labor ministry, and university, the evaluation team interviewed three businesses representing the mining, textile, and agroexport sectors. These businesses were selected because they have social dialogue mechanisms in place and have negotiated with unions on certain issues. Table 6 provides a short description the key stakeholders that were interviewed during the evaluation.

Table 6: Key Stakeholders and Relationships to the Project

Labor Organizations	
General Confederation of Peruvian Workers (CGTP)	The CGTP has trade union affiliates throughout the country. The most important is the civil construction sector with 250,000 affiliates. Others sectors include education, mining, cement, and agrarian, fisheries, telecommunications, water, municipal, health, textile, energy, soft drinks, ports, and informal. According to statistics from the Ministry of Labor, of the 52 trade union federations registered, 35 belong to CGTP. These 35 federations have 328 affiliated trade unions that cover 24 regions. The most important regions include Arequipa, La Libertad, and Ica where textiles, mining, and agrarian federations and their affiliates are established.
National Federation of Metallurgical, Mining, and Steel Workers of Peru (FNTMMSP)	FNTMMSP is a second-tier organization that is affiliated with CGTP. It has 118 trade union affiliates established in 17 regions of the country. These regions include Lima, La Libertad, Ica, Arequipa Puno, and Cusco. The mining trade unions account for approximately 30,000 workers including 6,000 that work for outsourcing companies. FNTMMSP has 12 trade union affiliates that are participating directly in the project.
National Federation of Textile Workers of Peru (FNTTP)	FNTTP is also second-tier organization affiliated with the CGTP as well as the IndustriALL Global Union. FNTTP affiliates include both trade unions and individuals working in textile and confections, leather and footwear, and associates industries such as chemicals and natural fibers. FNTTP has more than 33 affiliated trade unions in Lima and Arequipa that include approximately 3,000 workers. FNTTP has 17 affiliates that are participating directly in the project.
National Federation of Agro-Industry Workers of Peru (FENTAGRO)	FENTAGRO, like FNTTP, is a second tier organization affiliated with CGTP. FENTAGRO affiliates include nine trade unions established in agro-industry companies in La Libertad, Ica, San Martin, and Piura. FENTAGRO reports that about 6,000 workers belong to its affiliated trade unions. FENTAGRO has 9 affiliates that are participating directly in the project
Ministry of Labor and Employment Promotion	
National Superintendence of Labor Inspection (SUNAFIL)	SUNAFIL is the central authority for Peru’s labor inspection system. The Peruvian Congress created SUNAFIL in 2014 as an autonomous entity attached to the Ministry of Labor and Employment Promotion (MTPE). SUNAFIL reports that from April 1, 2014 to July 2016, it has carried out a total of 101,338 labor inspection actions involving nearly 2 million workers nationwide. Currently, SUNAFIL has 9 regional intendancies in Lima Metropolitan, Ancash, Huánuco, La Libertad, Loreto, Cajamarca, Ica, Moquegua and Tumbes, and a Zonal Office in Chimbote.
General Directorate of Fundamental Rights and Occupational Safety and Health (DDFF)	The General Directorate of Fundamental Rights and Occupational Safety and Health (DDFF) is a line of the Vice-Ministry of Labor responsible for formulating public policies and substantive functions aimed at the promotion of freedom of association, eradication of forced labor, eradication of labor equal opportunities and non-discrimination, among other fundamental rights at work as well as labor matters for compliance with the regulation of the health sector and occupational safety and welfare, including the prevention and protection of occupational hazards.

Universities	
Pontifical Catholic University of Peru (PUCP)	PUCP is a private university located in Lima. Academically, it is considered as the first or second university in Peru. PUCP has 15 academic departments, 11 faculties, and 369 academic staff that offer more than 45 undergraduate degree programs to 17,500 students. It also offers masters and doctorate degrees. PUCP has the most prestigious law school in Peru whose dean is a labor rights specialist.
Employers	
Aceros Arequipa, Topy Top, and Camposol	Aceros Arequipa, located in Ica, is a manufacturing company specializing in iron bar reinforcement produces primarily for national construction projects. Topy Top is a textile and confectionary manufacturer based in Lima that markets local clothing products through its chain of retail stores in Peru, Venezuela, and Ecuador. It exports 70% of its production to buyers in the US and Germany. Camposol is a major agroexport company located outside of Trujillo that specializes in fresh produce such as blueberries, asparagus, avocados, and melons. It exports its products to buyers in the US, Europe, and China.

3.2.2. Stakeholders’ Needs and Expectations

The evaluator conducted a range of interviews with the project’s stakeholders to determine the extent to which they believe the project is meeting their needs and expectations. The findings from the interviews are organized below according to labor organizations, MTPE, employers, and PUCP. The findings for the labor organizations are further organized by sector.

Labor Organizations

The findings from interviews with labor organizations are presented below by sector. The mining sector includes interviews with the mining federation (FNTMMSP) and trade unions representing workers Aceros Arequipa and Aurifera Retamas Mining S.A. (MARSa) while the textile sector includes interviews with the textile federation (FNTTP) and the Topy Top and Modipsa unions. The agroexport sector includes interviews with FENTAGRO as well as trade unions from Agrokasa, Chapi, Camposol and Viru.

Mining Sector

The evaluation team interviewed FNTMMSP’s Secretary of Defense.¹⁰ He explained that the primary support that FNTMMSP received from the project was the training for union promoters. FNTMMSP believes that the training on contracts, especially outsourcing, is adequate, necessary, and effective. However, according to the Secretary of Defense, FNTMMSP believes that the training is too general and that it should be specifically tailored to the mining sector. In addition, FNTMMSP opines that the project should be more transparent regarding the amount of funding it has for training and how the funds are spent. Ideally, FNTMMSP would prefer to have funds from the project to organize and conduct its own training since it has experienced trainers who know the mining sector. If this were not possible, the FNTMMSP would like to be more involved in planning the training events.

¹⁰ The evaluation team was scheduled to meet the Secretary General but was unable to interview him because he was called to an emergency meeting at the labor ministry.

The mining sector unions interviewed also believe the training provided by the project is relevant and important to help unions understand the legal parameters involved with outsourcing contracts. However, they would like to have more training on the technical aspects of contracts because some of the promoters did not fully understand certain parts of the training.

Representatives of the MARSAs trade union also requested that training be provided closer to the mines. They explained that they have to travel more than 14 hours on bad roads to attend a training event in Trujillo. If the training event is conducted in Lima, they have to travel an additional 10 hours overnight on bus. The MARSAs union representatives explained that if the training were conducted at the MARSAs mine, union representatives and promoters from three near-by mines could be invited to participate.

While union representatives appreciate the training, they told the evaluation team that the project should focus on amending the outsourcing labor law (No. 29245) to reduce vulnerability of the mining workers. The Secretary General of the MARSAs union told the evaluation team that increasing knowledge about labor rights and contracts is valuable but the problem is the law. He believes that to effectively address abusive contracting practices, the law has to be modified.¹¹

Textile Sector

FNTTP believes that the project is highly relevant and is addressing the problems facing the textile and apparel sector in Peru. The General Director of FNTTP told the evaluation team that the training on short-term contracts is especially important for the textile and apparel sector. He explained that while short-term contracts are legal, certain criteria have to be met or the contract becomes illegal. The training provided by the project helps the union representatives and promoters recognize when employers are abusing short-term contracts.

While the Secretary General believes the training and its focus on short-term contracts is highly relevant, he explained that the Federation would like to have more technical and legal support on administrative and judicial processes to be able to more effectively pursue cases of abusive contracts where workers have had their rights violated. He also noted that it would be important and strategic for the FNTTP if the project provided assistance to help trade unions to modify the short-term contract law (No. 22342). Assistance might include resources to undertake advocacy initiatives focused on communicating the negative affects of the law on workers to decisionmakers as well as the general public. A communication strategy might consist of newspaper articles, studies, conferences to present study findings, and dissemination of informational brochures.

The evaluation team had the opportunity to interview union representatives from Topy Top and Modipsa as well as a group of 30 promoters. According to union officers, the most capable promoters are communicating information from the trainings to affiliates but have not formally started to replicate the trainings. The promoters told the evaluation team that they are committed to conducting replica trainings for affiliates but would require guidance and more training from

¹¹ A USDOL representative commented that while the project can certainly engage in advocacy in support of project objectives, the project does not have the authority to amend the law.

the project before undertaking the trainings. The promoters also emphasized that they require hard copies of training materials to be able to replicate the trainings.

While the majority of the promoters expressed confidence that they would be able to replicate the training if the project and federations assisted them during training events, others told the evaluation team that they required more training on the technical aspects of contracting and the inspection process. Several promoters noted that while the training on buyers and global value chains was interesting, it was difficult to understand and a follow-up training is needed to help them better understand how the global value chain operates.

The need for legal assistance is another key issue that surfaced during interviews with union representatives and promoters. They explained that the project’s approach of training promoters who, in turn, disseminate information and replicate training on short-term contracts and workers rights should raise the awareness of workers and help unions effectively request inspections in cases of abusive contracting. However, several union officials told the evaluators that the unions do not trust inspections conducted by SUNAFIL because they are biased in favor of the employers. They have much more confidence in judicial procedures, which require quality legal assistance to be successful. These union officials and promoters told the evaluation team that legal assistance is just as important as training and capacity building efforts.

Agroexport Sector

The evaluation team interviewed the leadership of FENTRAGO. Their overall impression is that the project’s focus on training and educating workers on short-term contracts is highly relevant and useful. While the Federation appreciates the support it receives from the project, the Secretary General told the evaluation team that labor rights violations persist in the sector and unions face an uphill battle. For example, the agroexport sector employs 800,000 workers of which 1,800 are affiliated with a union.¹² This translates into a unionization rate of only .23%. The Secretary General told the evaluation team that agroexport companies often use short-term contracts as a reprisal strategy against union affiliates, which not only reduces the number of unions but also discourages workers from affiliating.

The extremely low unionization rate within the agroexport sector raises the question as to whether the project’s strategy to work with trade unions to train union promoters and educate workers is an effective approach. The evaluation team opines that if the promoters only reach unionized workers with replica training and information about abusive contracting practices, the strategy is less effective. On the other hand, if the trade unions and their promoters can reach a significant number of non-unionized workers through replica trainings and other outreach mechanisms such as education materials, radio programs, and informational talks, the strategy would have merit. The evaluators believe the final evaluation should examine the effectiveness of working through trade unions in the agroexport sector to reach non-unionized workers.

The evaluation team also interviewed representatives and promoters from the Camposol and Viru unions in Trujillo and the Agrokasa, and Chapi unions in Ica. Like the Federation, the union

¹² The FENTAGRO Secretary General provided this information.

representatives believe the training is highly relevant and useful. They appreciate the opportunity to learn more about worker rights, contracting mechanisms, and inspection processes. Several of the promoters reported that they communicate information to affiliates during lunch breaks and on weekends. However, several promoters explained that affiliated and non-affiliated workers are afraid to talk to union representatives during working hours because they might be dismissed.

When asked if the promoters are prepared to conduct replica trainings for affiliates, they told the evaluators that they required more training and guidance from the project or other training experts. Several promoters admitted that while interesting, they had difficulty understanding some of the technical content in the trainings on contracts and inspections. In several interviews in both Trujillo and Ica, union representatives said that they would like to have more training on using computers and social media. In two cases, promoters said that they did not receive hard copies of training materials that they would need to replicate the training.

During the interview with the Agrokasa union, promoters told the evaluators that the trainings are an important way to acquire and disseminate information about worker rights and workers definitely benefit. However, the promoters echoed comments made by union representatives in the mining and textile sectors: true change would occur when the labor laws are amended. In fact, FENTAGRO’s Secretary General said it would be helpful if the SC and CGTP concentrated on modifying the labor law for the promotion of the agriculture sector (No. 27360) because it discriminates against agriculture workers.

The Viru and Chapi union representatives told the evaluator that in addition to the training, the project should provide legal assistance. One promoter explained that “once we know our rights about contracting, we can request an inspection from SUNAFIL but if that does not work we will need a lawyer to take the case to court.” In fact, one of the Agrokasa affiliates did not have his contract renewed because, according to the Secretary General, he joined the union. Although FENTAGRO has three lawyers (two in La Libertad and one in Ica), in this case the worker is paying his own legal fees to pursue a judicial remedy.

Employers

The evaluators interviewed general managers and human resource managers from Aceros Arequipa, Topy Top, and Camposol. The purpose of the interviews was to ascertain the companies’ impressions of the relationship they have with workers and the unions as well as the effectiveness of social dialogue mechanisms in place at each company.

It should be noted that the companies’ impressions of its relationships with the unions and the effectiveness is very different than the unions’ impressions. The majority of the unions do not believe that social dialogue is effective. On the other hand, the companies believe that they have a relatively constructive relationship with unions and that the social dialogue is effective. In fact, Camposol considers its approach to workers and unions to be a model for other Peruvian companies to emulate.

When asked how effectively union representatives participate in and contribute during social dialogue meetings, representatives from all three companies echoed similar views. One manager noted that the union representatives that participate in the meetings often come unprepared and

argue among themselves. Another manager explained that the union tends to exaggerate conditions and make “mountains out of molehills” as well as argue and make demands rather than to dialogue. Company managers opined that unions would benefit from training on negotiation skills. One company representative noted that the union had recently elected new officials that were younger, less combative, and more interested in reaching an agreement on contentious issues. Nevertheless, he said the union would benefit from negotiation training.

Ministry of Labor and Employment Promotion

The evaluators met with the MTPE’s Director of DDFP and his assistant. The Director, who was recently hired, noted that he has not had any formal contact with the project and would welcome more information and communication from the project so he could determine how DDFP might support the project.¹³ He told the evaluators that BUCCEP appears to be an important project aimed at strengthening the union sector and ensuring fundamental labor rights, which is one of the objectives of DDFP. He specifically noted that DDFP might be able to assist with broader strategies that would benefit the worker sector.

As discussed previously, SUNAFIL has been collaborating with the project to provide training on inspection processes especially as they pertain to contracts. To learn more about this collaboration and SUNAFIL’s impressions of the project, the evaluation team interviewed SUNAFIL administrators and inspectors in Lima, Ica, and Trujillo.¹⁴ In general, SUNAFIL believes the project is addressing an important need of the unions. Several SUNAFIL representatives explained that historically unions file requests for inspections that are poorly written. The requests tend to mix a range of complaints, they are not related to laws and regulations, and sometimes do not include basic information such as locations and dates. SUNAFIL officials believe the training on inspection processes should help unions develop more effective written requests for inspections.

The Director of INPA, the division of SUNAFIL responsible for training, told the evaluators that SUNAFIL’s involvement with the project is important because it helps meet its obligation to support workers and unions. To improve collaboration, she suggested the project should work with SUNAFIL to measure the effectiveness of training to see if unions are actually improving the quality of their requests for inspections. She noted that this is important because it would justify SUNAFIL’s investment in providing inspectors to conduct training. She also would like to be more involved in determining the training topics, scheduling, and logistics. The Director told the evaluators that since there is a high demand on inspectors, joint planning with the project would help her ensure the most appropriate inspectors would be available for trainings.

An issue that surfaced during an interview with a SUNAFIL manager is how some union representatives treat inspectors. She explained that during more than 15 years as an inspector she

¹³ The DDFP Director also served as the DDFP Director two government administrations ago. He was replaced by the previous administration and reappointed by the current administration. Thus he is somewhat familiar with the previous SC implemented projects.

¹⁴ In Lima, the Director and Assistant Director of SUNAFIL’s training unit were interviewed. In Ica, the Assistant Intendent, who previously worked 20 years as an inspector, was interviewed. In Trujillo, the Intendent and Chief Inspector were interviewed.

performed many inspections based on complaints filed by unions. She told the evaluators that some unions are rude to inspectors and talk to them in disparaging terms. She suggested that the project should train unions on how to collaborate with inspectors and create constructive synergies. Such trainings might focus on communication and conflict resolution strategies. Technically, she opined that unions would benefit from more training on OSH laws and issues in the workplace.

Pontifical Catholic University of Peru

The project developed a collaborative relationship with the Pontifical Catholic University of Peru (PUCP) to provide training on worker rights and contracts to union officials and promoters in the textile and apparel sector. The evaluation team interviewed the Dean of the Law School who earned a Ph.D. in law from Seville University in Spain. Interestingly, the focus of his Ph.D. is labor law and worker rights. The evaluation team believes this orientation presents an opportunity to continue to collaborate on efforts to strengthen unions and protect worker rights.

During the interview with the Dean, he explained that the collaboration with the project provided an excellent opportunity to involve law professors and students in the training. While he noted that the training was generally effective, he suggested that any future training should be more ambitious. One possibility would be to offer a 30-hour certificate course where knowledge and skills gains would be measured. He said that PUCP would be interested in continuing to collaborate and could provide the venue and facilities but could not afford to continue to provide professors pro bono. He emphasized that future collaboration would have to include a mechanism to recover costs so the PUCP could pay professors for preparing and teaching the classes.

In addition to a certificate degree course, the Dean discussed several other ideas to collaborate around labor rights and union strengthening that included establishing a labor legal clinic and offering a specialized diploma course for union lawyers. The Dean noted that Peru does not have a legal clinic dedicated to labor issues. The legal clinic could be dedicated to providing high quality legal assistance to workers on emblematic labor cases that set legal precedents. The Dean opined that PUCP would need financial assistance to establish the clinic but once operational, services could be designed so the clinic would be self-sustaining.

The specialized diploma course, according to the Dean, could be designed to update and upgrade the knowledge and skill sets of union lawyers so they are able to more effectively compete against employer lawyers who are generally well educated and informed. The diploma course could build on courses already offered by PUCP and be offered as distance learning so union lawyers living and working outside Lima could participate. The evaluation team believes that the specialized diploma course would be an excellent idea for younger union lawyers who may not be specialized in labor law.

3.3. Progress and Effectiveness

This section examines the effectiveness of the project to determine whether it is achieving its stated objectives outputs as reported in the PMP. It also reviews the effectiveness of the project’s training program.

3.3.1. Project Performance

To assess project performance, the evaluators analyzed the achievement of indicator targets reported in the data-tracking table included in the April-September 2016 technical progress report (TPR). The evaluation team combined the results of the analysis with information ascertained from interviews to complete the assessment of project performance. The assessment is presented below in three separate tables for the LTO and two MTOs.

Table 7 lists the indicators and progress in achieving indicator targets for the project’s LTO.

Table 7: Long Term Objective Progress

Long-Term Objective: Constituents, employers and government address abusive short-term employment contracts and unlawful subcontracting	
Indicators	Progress
Non-traditional export law is reformed to protect short-term contract workers	The project has not been able to make progress on reforming the non-traditional and outsourcing laws. While the SC encourages the federations to develop and submit proposals for reform to MTPE/Direccion General, the federations note that they have not been successful. They also noted that new leadership at MTPE appears to be friendlier to employers than workers and worker organizations. It should also be noted that unlike the former SC project funded by USDOL, BUCCPEP does not include specific law reform advocacies. ¹⁵
Outsourcing law is reformed to protect subcontracted workers	
Number of test cases where short-term or outsourced workers' cases are remedied	The April -September 2016 TPR notes five test cases where short-term or outsourced workers' cases were remedied. The evaluators interviewed union representatives in four of those cases (Aceros Arequipa, MARSA, and Chapi). While the unions appreciate the promoter training and believe it will be useful, they told the evaluators that the project has not specifically supported these cases. ¹⁶

Table 8 summarizes the progress to date in achieving the indicator targets for MTO 1 and STOs 1 and 2.

Table 8: Medium Term Objective 1 Progress

Medium-Term Objective 1: Improved education of workers regarding their rights with respect to short-term contracts and subcontracting	
Indicators	Progress

¹⁵ *The Strengthening Unions to Promote Vulnerable Workers Rights in Peru* Project (2012-2014) included an objective to “improve union advocacy for vulnerable workers in labor rights enforcement and policy reform.”

¹⁶ In the case of Aceros, the union requested an inspection in 2015 because 91 workers did not have contracts renewed. After several inspections and appeals, 24 workers have been reinstated. In the case of MARSA, the union with support from FNTMMSP requested an inspection in 2015 to investigate abusive outsourcing. As a result, SUNAFIL required MARSA to directly employ 2,641. MARSA has appealed the decision to the courts. Regarding Chapi, the company did not renew contracts of 15 workers. While 13 settled with the company, two have filed a complaint with the courts and are paying their own lawyer.

Final Independent Midterm Evaluation Report of the
 “Building the Capacity of Trade Unions to Combat Precarious Employment in Peru” Project

3 plans that improve the management and prioritization of actions and resources to reach affected workers	The plans to improve management and prioritize actions, according to the federations, have not been developed. Federations told the evaluation team that they intend to develop plans during 2017.
30 union promoters demonstrate improved training capacity	This indicator is difficult to assess. The project trained 164 promoters in worker rights and contracts as well as adult learning methodologies so they are able to conduct replica trainings. Pre and post testing showed that most promoters increased knowledge based on the testing. However, it is not clear if promoters have actually improved capacity to conduct training since they have not started to conduct the replica training. During interviews, some promoters said they would need more training and guidance to conduct replica trainings.
75% participants report satisfaction with workshops	According to the most recent TPR, 82% of the training participants reported satisfaction with the training. This is consistent with what the evaluators discovered during interviews with promoters. Promoters believe the training is highly relevant to their situations.
25% increase in number of workers who demonstrate increased knowledge of their rights and enforcement mechanisms	The pre and post testing is used to assess this indicator. According to the testing results for legal contracts training for the mining and agroexport sector participants, 58 persons participated in training while 48 (83%) actually took the posttest. Of the 48 that took the posttest, 20 (42%) increased scores, the scores of 13 (27%) remained the same, and the scores of 15 (31%) decreased. It is not clear to the evaluators why the test scores for 31% of the participants actually decreased. The training participants in the textile sector were not assessed using pre and post testing.
Number of instances in which non-unionized workers contact unions, NGOs or government agencies to address rights as the result of radio programs or training materials	It should be noted that this indicator does not have a target. The TPR reported that 15 non-unionized workers contacted FNTTP after receiving printed materials on worker rights. The Secretary General of FNTTP confirmed this and noted that workers contacted the Federation about possible rights violations regarding short-term contracts.
Intermediate Short-Term Objective 1: Worker organizations conduct more effective educational workshops and subcontracted worker outreach	
Output Indicators	Progress
5 regional maps produced by the project with the participation of partner unions	The project has produced 3 sector maps; mining, textile and apparel, and agroexport. The maps are actually reports that include key information about the sector in Peru such as companies, geographic presence, number of employees, products, value of exports, and key buyers and markets. The report for the textile and apparel sector was used in the global supply chains training. The challenge is how the project and unions intend to use the information in the reports to drive strategies and policies.
3 baseline studies produced	As discussed under the PMP section, the project document and PMP refers to baseline studies. In reality, the baseline studies are qualitative assessments based largely on focus group discussions with workers. The assessment reports include information on worker profiles, childcare, as well as perceptions about work and unions. The project has produced one qualitative assessment for each sector.

Final Independent Midterm Evaluation Report of the
 “Building the Capacity of Trade Unions to Combat Precarious Employment in Peru” Project

30 union promoters trained	Based on the project’s training database, the project trained 164 promoters that participated in at least one training session. However, only 10% participated in all the training sessions while 34% participated in fewer than 50% of the training sessions. The issue of what constitutes a training session, a union promoter, and participation in the trainings are discussed in more detail in Section 3.3.2.
Intermediate Short-Term Objective 2: Workers in non-traditional export sectors know their rights and the enforcement mechanisms available to address abusive short-term contracts and unlawful subcontracting	
Output Indicators	Progress
2 training modules conducted	The project has produced and used modules to conduct trainings in TOT (adult learning methodologies), worker rights and short-term contracts in the textile and agroexport sectors, and worker rights and outsourcing contracts in the mining sector. The project developed 3 training modules for promoters to use to conduct replicas of trainings with their peers on: basic employee benefits according to law, labor contracts and situations when labor contracts are no longer valid (one module was created for each sector and includes three sessions). It also produced and used a module to conduct training on global supply chains in the textile and apparel sector.
8 handouts produced	To date, the project has produced four handouts including three handouts on employment contracts (for each sector). The fourth is a fact sheet on individual benefits for workers in non-traditional export industries.
120 unionized workers trained	According to the project document, the promoters trained under STO 2 are supposed to replicate trainings (TOT) to train at least 120 unionized workers on workers rights at they pertain to contracting mechanisms and practices. The April-September TPR reported that 166 workers have been trained. However, as noted in the stakeholder section, promoters have not started to replicate trainings yet.
1,200 listeners reached by radio program	The project has not yet developed the radio program to disseminated information to 1,200 radio listeners.
400 workers reached during informational talks	The April-September TPR reported that 164 workers have been reached with informational talks. While the evaluators were not able to confirm the number of workers reached, the promoters that were interviewed told the evaluators that they were communicating information about worker rights and contracting to workers during lunch breaks and on weekends when possible.
1,875 workers reached with educational materials distributed during open tent presentation	The project reported printing and distributing 16,000 brochures on worker rights and contracting. The FNTTP Secretary General confirmed this output with the evaluators.

In Table 9, the progress in achieving indicator targets for MTO 2 and the related STOs 3, 4, and 5 is presented and discussed.

Table 9: Medium Term Objective 2 Progress

Medium-Term Objective 2: Improved representation of workers before employers and the government to address abusive short-term employment contracts and unlawful subcontracting

Final Independent Midterm Evaluation Report of the
 “Building the Capacity of Trade Unions to Combat Precarious Employment in Peru” Project

Indicators	Progress
10 unions demonstrate improved capacity to perform administrative functions ¹⁷	In the April-September 2016 TPR, the project reported 12 unions that improved capacity to perform administrative functions. Based on interviews, the evaluators were able to identify 4 cases where unions held worker assemblies and election of new officers. These include unions at Topy Top, Aceros Arequipa, Chapi, and Viru.
225 new members affiliated	The April-September 2016 TPR reported 164 new affiliates. While the evaluators were unable to confirm this achievement, they discussed efforts to affiliate workers during the interviews. The unions noted that overall affiliation is down compared to previous years. For example, affiliation decreased at Agrokasa from 400 in 2004 to 69 in 2017. At TALSA, 45 affiliates recently left the union because they were afraid they might not have their contracts renewed. Forty union affiliates that participated in an assembly to elect union leadership at Viru were put on leave until their contracts expired. ¹⁸ During interviews, union representatives told the evaluators that convincing workers on short-term contracts to join the union is very difficult.
300 inspection requests submitted; 180 inspection requests accepted (60%) ¹⁹	In the April-September 2016 TPR, the project reported 28 inspection requests submitted, 14 approved, and 13 pending approval. While the project appears to be meeting this target, SUNAFIL officials told the evaluators that unions often file weak requests for inspections. Thus, the project’s focus on inspection training is highly appropriate.
50 instances unions use data	The April-September 2016 TPR reported 16 instances of unions using data to file a request for an inspection. The evaluators did not attempt to establish the number of instances. However, according to SUNAFIL inspectors and managers that were interviewed, using data to support an inspection request is an area that unions need to improve.
3 proposals presented	FNTTP confirmed it developed a proposal for an implementing regulation for the Non-Traditional Export Law (No. 22342). However, the proposal/initiative has been suspended. According to the FNTTP General Secretary, the new government and especially the new Minister of Labor does not appear open to modification to the Non-Traditional Export Law.
2 instances in which unions’ concerns are resolved through dialogue ²⁰	The April-September 2016 TPR reported 4 instances of union concerns resolved through dialogue. The evaluation team was able to confirm that unions at Topy Top, Agrokasa, Chapi, and Camposol are engaged in some form of dialogue and have achieved results for union affiliates. However, as noted in the stakeholder section, these unions consider the dialogue to be generally ineffective.

¹⁷ These would include conducting participatory worker assemblies according to rules of order, developing policies or measures to ensure inclusive leadership representation, and using mechanisms for internal accountability and oversight.

¹⁸ According to union representatives, the company offered to renew the contracts if workers unaffiliated. Twenty workers accepted the offer. The other 20 requested an inspection that resulted in a finding of anti-union activities and a fine. The company appealed the fine and has begun judicial proceedings against the union affiliates.

¹⁹ 10 unions present 30 requests to SUNAFIL; 18 requests are accepted for investigation by SUNAFIL (60%)

Intermediate Short-Term Objective 3: Worker organizations improve core representational functions for precarious workers	
Output Indicator	Progress
75 union promoters and union officials trained on management and governance, organizing, and labor inspections	The April-September 2016 TPR reported that 35 promoters and union officials were trained on management and governance, organizing, and labor inspections. The project also trained 27 promoters from the textile and apparel sector on labor rights violations workshop related to global supply chains. According to the M&E Consultant, training on union governance and organizing has not yet started.
Intermediate Short-Term Objective 4: Worker organizations improve ability to conduct analysis on potential violations of short-term contracts and subcontracting	
Output Indicator	Progress
10 unions utilize the system to track and monitor rights violations	The tracking system has not yet been developed. PLADES (Program of Labor Development), that is responsible for developing the tracking system, told the evaluators that unions have had difficulty sustaining technology interventions in the past. PLADES believes a simple Excel platform to track and monitor rights violations would be the most appropriate system.
Intermediate Short-Term Objective 5: Worker organizations engage in more effective dialogue with employers, MTPE and other stakeholders	
Output Indicator	Progress
3 proposals developed	It should be noted that this is the same indicator used to measure MTO 2.
6 instances in which participants report that the stakeholder dialogues lead to a timely resolution of union concerns	The TPR April-September 2016 reported 8 instances where dialogue resulted in timely resolutions. While the evaluation team was able to confirm the instances of dialogue achievements with the Topy Top and Chapi unions, the contribution of project interventions to dialogue achievements was not clear. This could be explained, in part, because the project has not yet implemented dialogue related interventions as described in the project document.

3.3.2. Training Effectiveness

BUCCPEP is essentially a union capacity building project where training is the primary intervention to build capacity. Three of the five STOs and 11 of the 18 outputs are focused on enabling promoters to replicate training and disseminate information on worker rights and legal aspects of contracting to union affiliates and, when possible, to non-unionized workers. Training is also provided on union governance, organizing, and inspections.

As noted in Section 3.1, union representatives who participated in training believe it has been highly appropriate. They appreciated the opportunity to learn more about the legal aspects contracting mechanisms, inspection processes, and global supply chains in the case of textile and

²⁰ Dialogues are inclusive of bipartite, tri-partite, and dispute resolution supported by domestic and international ally organizations, such as global union federations, domestic and international NGOs.

apparel workers. Those that participated in the TOT trainings appreciated learning about adult learning methodologies.

The project has developed six training modules, which are summarized below. Training modules 2, 3, and 4 address contracting mechanisms as they pertain to the mining, textile and apparel, and agroexport sectors.

1. *Training for trainers.* The TOT module addresses adult learning methodologies so union promoters can effectively communicate with and train affiliates and non-unionized workers. The TOT module/training includes sessions on computer literacy skills intended to help support and organize their work.²¹
2. *Temporary contracts and mechanisms to combat their abuse (textile and apparel sector).* This module combines traditional classroom lectures on legal requirements related to non-traditional export contracts and practical exercises in sessions focused on analysis of pay stubs and reviewing worker contracts to identify areas of non-compliance.
3. *Temporary contracts and mechanisms to combat their abuse (agroexport sector).* This module addresses short-term contracting modalities and related laws, which are relatively complex. This training also provided an opportunity for unions to identify violations and determine where and how to target administrative (inspection) and judicial processes.
4. *Outsourcing contracts and mechanisms to combat their abuse (mining sector).* This module addresses outsource contracting modalities commonly used in the mining sector.
5. *Training for Promoters to Replicate with Peers.* The project has developed three training modules to train promoters to reproduce or replicate trainings for peers in the mining, textile and apparel, and agroexport sectors (one module per sector).
6. *Worker strategies to advocate for improved labor rights compliance in the apparel sector.* This is a specialized training module that covers global supply chains, international monitoring mechanisms and bodies, certifications, and corporate social responsibility strategies for the textile and apparel sector.

Table 10 shows the training course dates, locations, and number of participants for each sector. The project conducted a TOT workshop for each sector between April and June 2016. The TOT trainings were conducted in Lima. Eighty-five promoters participated in the TOT training including 32 from the mining sector, 24 from the textile and apparel sector, and 29 from the agroexport sector.

In June 2016, the project trained promoters in the mining and textile and apparel sectors on TOT for promoters on legal and theoretical content and practice sessions over contracts and mechanisms to prevent their abuse. Training for promoters in the mining sector focused on outsourcing contracts while the training for promoters in the textile and apparel sector focused on short-term contracts. SC collaborated with FNTMMSP and one of its facilitators to train 22 promoters in Lima while SC, PLADES, a labor inspector, PUCP, and the Study Group of Social Organization and Employment trained 29 promoters from the textile and apparel sector in Lima.

²¹ The evaluation team discovered that many of the training participants interviewed had never used a computer or accessed the Internet.

SC and PLADES adopted the methodology from textile and apparel training to train 36 promoters in the agroexport sector on seasonal and intermittent contracts. The training focused on the complexity of contracting modalities and related laws.²² The training also provided an opportunity for unions to identify violations and determine where and how to target legal and inspection processes. The training was conducted in Ica and Trujillo during August 2016.

Table 10: Training Courses, Dates, Locations, and Number of Participants by Sector

Mining Sector			
Training Course	Date	Location	No. Participants
Training of trainers	Jun. 1-3	Lima	32
Training of trainers for promoters on legal and theoretical content and practice sessions over outsourcing contracts and mechanisms to prevent their abuse	Jun. 18-20	Ica	22
Training for promoters on the module to replicate training Session 1: Individual worker rights in the mining sector Session 2: Contacts	Jan. 26-27	Ica	20
Textile and Apparel Sector			
Training Course	Date	Location	No. Participants
Training of trainers	Apr. 25-26	Lima	24
Training of trainers for promoters on legal and theoretical content and practice sessions over outsourcing contracts and mechanisms to prevent their abuse	Jun. 14, 21, 28	Lima	29
Trade union interaction with international brands and businesses	Sep. 23-24	Lima	27
Training for promoters on the module to replicate training Session 1: Individual worker rights in the textile and apparel sector	Oct. 16	Lima	13
Training for promoters on the module to replicate training Session 2: Contracts	Oct. 18	Lima	21
Training for promoters on the module to replicate training Session 3: Non-compliance of contracts	Dec. 11	Lima	22
Agroexport Sector			
Training Course	Date	Location	No. Participants
Training of trainers	Jun. 15-17	Lima	29
Training of trainers for promoters on legal and theoretical content and practice sessions over short-term contracts and mechanisms to prevent their abuse	Aug. 11-12	Ica	13
	Aug. 25-26	Trujillo	23
Training for promoters on the module to replicate training Session 1: Individual worker rights in the agroexport sector Session 2: Contracts	Nov. 8-9	Lima	28
Training for promoters on the module to replicate training Session 2: Contracts (promoters facilitated replica training) Session 3: Non-compliance of contracts (promoters facilitated replica training)	Dec. 19-20	Lima	21

In September 2016, the project trained 27 promoters from the textile and apparel sector on global supply chains and how the unions might leverage international monitoring mechanisms to file complaints regarding worker rights violations. The training design was based on the curriculum developed by Maquila Solidarity Network. In October 2016, the project trained union promoters in the textile and apparel sector on replicating trainings on individual worker rights (13

²² Agriculture worker are employed under short-term contracts (DL 728) while the non-traditional export law regulates the renewal of the contract (DL 22342) and Law 27360 regulates benefits and pay.

promoters), short-term-contracts (21 promoters), and non-compliance of contracts (23 promoters). In November 2016, the project trained union promoters in the agroexport sector on replicating training on individual worker rights and short-term contracts (28 promoters). In December, the project trained 21 promoters in the agroexport sector on short-term contracts and non-compliance of contracts in Lima. The project trained 20 union promoters in the mining sector in January 2017 on training on individual worker rights and outsourcing contracts.

Table 11 shows the number of promoters trained by type of training and by sector. Overall, the project trained 85 promoters in the first TOT workshop and 87 promoters in short-term and outsourcing contracts. Twenty-seven promoters in the textile and apparel sector were trained in global supply chains. As discussed above, the project offered three trainings on how to replicate training with different technical content for each training. The project has trained 61 promoters on replicating training on individual worker rights; 69 promoters on replicating training on short-term or outsourcing contracts; and 43 promoters on non-compliance of contracts.

Table 11: Number of Promoters Trained by Course and Sector

No.	Training Course	Mining	Textile	Agro	Total ²³
1	Training of Trainers	32	24	29	85
2	Contracts (short-term contracts and outsourcing contracts) ²⁴	22	29	36	87
3	Trade Union Interaction with International Brands and Businesses ²⁵	0	27	0	27
4	Training Replication 1: Worker Rights	20	13	28	61
5	Training Replication 2: Contracts (short-term contracts and outsourcing contracts) ²⁶	20	21	28	69
6	Training Replication 3: Non-Compliance of Contracts	0 ²⁷	22	21	43

The number of promoters under the total column represents different individuals. For example, the project trained 85 different persons on TOT, 64 on contracting mechanisms, 27 on global supply chains and so forth. However, the number of promoters per sector cannot be summed because some promoters participated in more than one training event. Summing the sector columns would result in double counting.

The evaluation team noted large numbers of promoters being trained as compared to the strategy presented in the project document. The project document lays out a training of trainers approach where approximately 10 promoters from each sector would be trained to replicate key trainings and disseminate information on workers rights, contracts, and inspection processes to affiliates

²⁴ The textile and apparel and agroexport sector promoters received training on short-term contracts while promoters in the mining sector received training on outsourcing contracts.

²⁵ This training was conducted specifically for the textile and apparel sector.

²⁶ The textile and apparel and agroexport sector promoters received training on short-term contracts while promoters in the mining sector received training on outsourcing contracts.

²⁷ The training on non-compliance of contracts for the mining sector had not been conducted at the time of the evaluation.

and non-unionized workers. The promoters would also be available to shepherd workers through the process of requesting an inspection.

Another issue the evaluation team noted was the inconsistent attendance at training events. Some promoters attended all or nearly of the trainings while the majority attended only one training. Table 12 shows the number of participants, by sector, and the number of trainings they attended.

Table 12: Number of Participants, by Sector, and Number of Trainings Attended

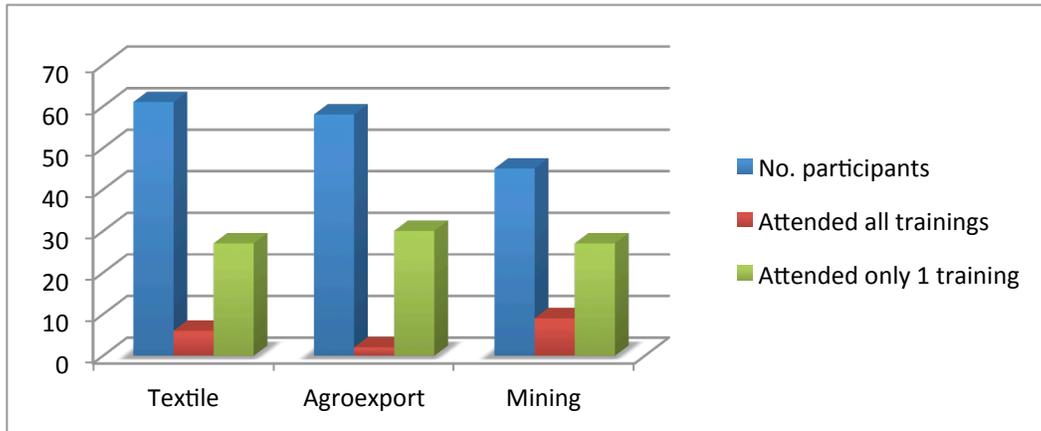
Sector	No. Participants	Number of Participants Attending:					
		6 Trainings	5 Trainings	4 Trainings	3 Trainings	2 Trainings	1 Training
Textile	61	2	6	6	6	11	30
Agroexport	58			5	15	11	27
Mining	45				9	11	25
Total	164	2	6	11	30	33	82

The project conducted six trainings for 61 promoters in the textile and apparel sector. Two promoters attended all six trainings while 30 attended one training. The project conducted four trainings for 58 promoters in the agroexport sector. Five promoters attended all four trainings while 27 attended one training. Of the three trainings conducted for 45 promoters in the mining sector, 9 participated in all of the trainings and 25 participated in one training.

Of the 164 total participants, 18% were women including 21% from the textile and apparel sector and 28% from the agroexport sector. Only one female participated from the mining sector, which might be expected given the small number of female mining workers.

Figure 2 shows the total number of promoters trained by sector along with the number of promoters that participated in all trainings and the number of promoters that participated in only one training. Of the 61 promoters trained in the textile and apparel sector, two attended all six trainings while 30 attended one training. In the agroexport sector, of the 58 promoters trained, five promoters attended all four trainings while 27 attended one training. Forty-five promoters were trained in the mining sector. Nine attended all of the trainings while 25 attended only one training.

Figure 2: Number of Promoters, by Sector, that Participated in All Trainings and Number that Participated in One Training



During interviews, the evaluation team learned that a union representative would only have to attend a single training to be considered a promoter. Some promoters explained to the evaluators that they could not attend trainings due to competing priorities such as work schedules or family responsibilities. While the evaluators understand the difficulty in balancing work, family, and training, they believe the effectiveness and eventual impact of the TOT approach is being diminished. In fact, the evaluators noticed a correlation between the number of trainings attended and the extent to which the promoters feel prepared to replicate trainings. Promoters that attended only one or two trainings were more likely to tell the evaluators that they needed more training and support to replicate trainings.²⁸ The evaluators also noted that some of the promoters were not able to read and write, which not only limited their learning but also would limit their ability to use training materials to replicate trainings.

Since well-prepared and trained promoters are the key to a successful TOT approach, the evaluators believe the project and federations should establish the desired promoter profile and commitment to attend the trainings and conduct replication trainings. These might include basic education; computer literacy, commitment to participate in 80% of the trainings; and commitment to replicate trainings. Promoters meeting basic requirements and expectations might be awarded a certificate. The issue of promoter profile and commitments are discussed as a recommendation in Section V.

3.4. Efficiency and Resource Use

To assess the efficiency of the project, the evaluators examined the allocation of resources to major budget line items as well as to the projects objectives. They also conducted an expenditure rate analysis to assess spending efficiencies. Both analyses are discussed in the following sections.

²⁸ The correlation is an observation based on trends noted in the interview notes. The evaluators did not conduct a formal correlation analysis to arrive at this observation. It should also be noted that some evaluators that attended nearly all trainings also expressed a need for more training so they could replicate the trainings.

3.4.1. Allocation of Resources

Table 14 shows the allocation of resources to major line items in the budget. Nearly half of the financial resources in the budget are allocated to international and national personnel. Project staff based in Peru include the Country Program Director who is international staff and the Program Officer, M&E Consultant, and Administrative Assistant who are national staff. Peru-based staff salaries, fringe, and other benefits account for 35% of the budget. SC staff based in Washington DC who provide support to the project include the Regional Program Director, Senior Program Officer, M&E Officer, Program Assistant, and Internal Auditor. SC Headquarters support staff account for 14% of the budget. It is common for the personnel line item to account for 50% of the total budget, especially for projects with substantial capacity building components like BUCCPEP. SC project staff, primarily the Country Program Director and National Program Coordinator, largely represent programmatic costs and functions in that they dedicate the bulk of their time to providing technical expertise that facilitates labor rights processes and builds partners' capacity.

Table 13: Allocation of Resources to Program and Program Support

Line Item	Amount	Percent
HQ based staff salary and fringe	\$143,708	14%
Peru based staff salary and fringe	\$351,367	35%
Consultants	\$41,400	4%
PLADES subgrant	\$26,550	3%
International travel	\$13,744	1%
National travel	\$79,580	8%
Supplies	\$14,753	1%
Other direct costs	\$75,836	8%
Indirect costs	\$ 215,715	22%
Contingency	\$37,347	4%
Total	\$1,000,000	100%

The next highest allocation of resources is indirect costs. Twenty-two percent of the project’s budget is allocated to indirect costs that are based on SC’s negotiated indirect cost recovery agreement (NICRA). The SC NICRA is 28.9%, which is high compared to other USDOL grantees. However, it should be noted that the SC NICRA was negotiated and approved by USDOL.

The remaining 28% of the resources are allocated to other direct costs, national and international travel, PLADES subgrant, supplies, and contingency. Other direct costs, which consists of office rent, maintenance, utilities, and venue rental and catering for training events and seminars, comprises 8% of the budget while national travel represents another 8%. Consultants, PLADES subgrant, and contingency are budgeted at about 3% to 4% while international travel and supplies only comprise 1% each of the total budget. As discussed in the stakeholder section of the report, the PLADES subgrant seems low based on its responsibilities and deliverables. National travel also appears low based on the amount of travel required for unions to attend training events. This is discussed in more detail below under the expenditure analysis.

Table 15 shows the allocation of resources to the objectives. Thirty-seven percent of the budget is allocated to MTO 1 while 63% is allocated to MTO 2. Given the amount of training activities envisioned under MTO 1 and associated travel and venue rental, 37% seems low. On the other hand, resources allocated to MTO 2 seems high especially given some of the less costly activities planned for STOs 4 and 5. For example, STO, which focuses on dialogue, comprises 30% of the resources that seems incredibly high to the evaluator.

Table 14: Allocation of Resources to Objectives

Objectives	Budget	Percent
MTO 1. Improved education of workers rights with respect to contracts	\$373,517	37%
STO 1. Effective educational workshops and worker outreach	\$182,326	18%
STO 2. Improved knowledge of rights and mechanisms to address abusive contracts	\$191,192	19%
MTO 2: Improved representation of workers before employers and government	\$626,483	63%
STO 3. Improved core representation functions for precarious workers	\$145,829	15%
STO 4. Improved ability to conduct analysis on violations of contracts	\$183,067	18%
STO 5. Effective dialogue with employers, MTPE and other stakeholders	\$297,586	30%

There are a couple of possible explanations for the under and over allocation of resources in the budget. One explanation, according to the Senior Program Officer, is the project design originally consisted of six objectives and when the decision was made to eliminate the sixth objective, the resources were allocated to STO 5. This would explain why it has about twice the amount of resources as the other four objectives. The other explanation is what the evaluator believes is an entry error. Activity costs under STO 3 are entered under STO 4 while activity costs for STO 4 are entered under STO 5. The entry errors inflates the amount budgeted in SO 5 while deflating the amount for STO 3. These issues would help explain why MTO 1 is overspent while MTO 2 is underspent and are discussed in more detail in the following section.

3.4.2. Expenditure Analysis

The expenditure or distribution rates for the general budget line items are presented in Table 16. It should be noted that the resource allocation analysis conducted above used the project’s budget as presented in the project proposal. It meets USDOL requirements for an output-based budget. However, according to the SC Senior Program Officer, SC has recently changed its financial management system and no longer tracks expenditures according to activities. The financial system tracks and reports on the general budget line items provided in Table 13, which do not include indirect rates.

According to the CA, the effective dates of the project are December 1, 2016 to November 30, 2017 or 24 months. As of January 31, 2017, the project had spent 56% of its total budget over a 14-month period or about 58% of the project’s life. It appears that, in general, the project is spending at the appropriate rate.

Table 15: Project Budget and Expenditures

Line Item	Amount Budgeted	Amount Expensed	Percent
HQ based staff salary and fringe	\$184,848	\$80,219	43%
Peru based staff salary and fringe	\$528,940	\$344,315	65%
PLADES subgrant	\$33,785	\$11,882	35%
MTO 1	\$58,660	\$89,755	153%
MTO 2	\$97,354	\$27,579	28%
M&E	\$59,083	\$9,337	16%
Contingency	\$37,330	\$0	0%
Total	\$1,000,000	\$563,087	56%

While the overall expenditure rate is on track, several line items are over and underspent. The most serious over expenditure is for MTO 1. While the budgeted amount for MTO 1 is overspent by 53%, the expected expenditure amount is overspent by nearly 100%.²⁹ On the other hand, Output 2 is underspent by approximately 30%. The over and underspending can be explained, in part, by the decision to allocate resources from the former STO 6 and the entry errors that were explained above. In addition, the evaluator believes that the project is training more promoters under Output 1 or MTO 1 than was initially envisioned. This was discussed in detail under Section 3.3.2.

The other line item that is significantly underspent is M&E. While \$59,083 has been budgeted for M&E activities, only \$9,337 or 16% has been expended. Underspending for M&E, in part, can be explained by the fact that the project budgeted the full cost of the midterm and final evaluations (evaluators, international and national transportation, hotels, per diem, and the stakeholder meetings) under the M&E budget. In practice, USDOL contracts and pays for the evaluation consultants and their international travel and local hotel and per diem so these costs would not be charged to the project budget.

While the PLADES subgrant is underspent by 21%, it still has significant products to develop and deliver under STOs 4 and 5. The Headquarter personnel line item is underspent by 13% while the Peru based personnel line item is overspent by 9%. As would be expected, the contingency line item has not been expended.

3.5. Project Management Arrangements

The following section is organized according to the project’s management structure and internal and external communications. The management structure sub-section examines project and project support staffing, roles and responsibilities, and allocation of effort. The internal and

²⁹ The expenditure rate overspending is based on the anticipated expenditure rate of 58%, which is the rate expected after 14 months of project implementation.

external communication sub-section discusses communication and coordination with key stakeholders.

3.5.1. Project Management Structure and Adequacy

Project staffing consists of the project team based in Peru and SC staff based in Washington, DC that provide supervisory, technical, financial, and administrative support. Table 17 describes the staffing position including the roles and responsibilities. It should be noted that Peru-based staff costs are allocated between BUCCPEP and a regional project funded by the National Endowment for Democracy (NED). In Peru, the NED grant is primarily supporting public sector trade unions and legal reforms. In addition, SC has designed some activities to compliment those in the USDOL grant that are focused on abusive and illegal contracting in the mining, textile and apparel, and agroexport sectors.

Table 16: Project Staffing Position and Responsibility

Position	Responsibilities
Peru Based Project Staff	
Country Program Director	The Country Program Director supervises the project staff and provides strategic direction, conducts trainings, provides technical assistance and is responsible for institutional relationships with project partners, stakeholders and consultants. She has focused more on the agroexport sector and textile and apparel sectors. Sixty-seven percent of the Country Program Director’s costs are allocated to the project.
Program Officer	The Program Officer is a lawyer with significant labor and union specific experience. In addition to providing legal support and options, he conducts training and provides technical assistance with a focus on the mining sector. Approximately 33% of the Program Officer’s costs are allocated to the project.
M&E Consultant	Responsible for preliminary analyses of data and inputting data into the Excel database. He also generates queries and reports that are used for USDOL and SC reporting. 100%% of the M&E Consultant’s costs are allocated to the project.
Accountant	Performs basic accounting tasks and prepares financial reports. Also participates in internal and external audits. Like the M&E Consultant, 58% of the accountant’s costs are allocated to the project.
Administrative Assistant	Performs basic administrative tasks to support the project team, including logistical preparations for workshops, and is allocated at 58% effort to the project.
Washington DC Based Support Staff	
Regional Program Director	Provides supervision and overall strategic direction to SC programs in Latin America. Specifically supervises and supports the Country Program Director. Approximately 8% of the Regional Program Director’s costs are allocated to the project.
Senior Program Officer	Provides programmatic support to the project that includes editing the technical progress reports and M&E backstopping. She also represents the project to USDOL and other key agencies. Approximately 20% of the Senior Program Officer’s costs are allocated to the project.
M&E Specialist	Provides general guidance and support on M&E issues.
Program Assistant	Provides administrative support to SC Headquarters and field staff. The support includes processing wire transfers, procurement requests, translations,

Position	Responsibilities
	scheduling, and budgeting support. Program Assistant is allocated at 17% effort to the project.
Internal Auditor	Conducts internal audits for SC and provides accounting training and advice to the project’s accountant.

A four-person project team is quite thin considering that it is managing both the USDOL BUCCPEP and the NED grant activities in Peru. To support such a small implementation team, the project provided a subgrant to PLADES, which is a local organization that specializes in labor issues. PLADES is responsible for several key deliverables including the baseline studies, sector maps, case monitoring system, and social dialogue initiatives.

It should also be noted that through the SC central internship program, an intern worked with the project from June through November 2016.³⁰ The Country Program Director told the evaluators that the intern was highly effective. He helped identify buyers for the sector maps and provided unions with information that they needed to contact certification firms to encourage employers to engage in dialogue. He helped agroexport unions from FENTAGRO draft letters to buyers and certification firms. He also co-facilitated in the global supply chains workshop and helped the Country Program Director draft letters to strategic partners and certification firms.

3.5.2. Internal and External Communication and Support

Internal

Internal communication and coordination includes interactions between project staff and its subgrantee as well as communication with SC Headquarters. Project staff believe communication and support among the project team is effective. According to the Country Program Director, communication with PLADES is overall effective. She added that coordination with PLADES on the development of the sector maps and baseline studies was effective and she is satisfied with these two deliverables. Coordination on the PLADES led inspection training was also effective although PLADES has struggled to produce deliverables according to the jointly developed workplan such as the labor tracking system planned under STO 4 and follow-up on issues or areas of technical assistance that arise during project implementation.

Communication between the project and SC Headquarters also appears to be effective. The Senior Program Officer based in Washington, DC noted that her relationship with the Country Program Director is effective. They communicate several times per week using Google chat (Gchat) and more formally every two weeks to discuss program issues. She noted that requests for information and deliverables are timely. The Senior Program Officer also said that the Country Program Director sends regular updates on labor issues in Peru that gets posted to the main SC website, which is helpful in describing the labor environment in Peru to the public. The

³⁰ According to the Country Program Director, SC paid travel and living expenses and provided a modest stipend to the intern with SC funds, which is the practice for the global SC internship program. The intern did not replace budgeted personnel in the original project budget.

Country Program Director echoed this view. She is satisfied with the effectiveness of the communication and support she receives from SC Headquarters.

External

The project has a key set of external stakeholders that include the federations and unions, labor ministry, national and international labor organizations, and USDOL. According to the Country Program Director, the level of communication and coordination with federations and unions has been mixed. The Country Program Director explained that the communication with the agroexport and textile sectors has been overall effective. FENTAGRO is highly responsive to information requests while FNTTP, although slower, provides useful and accurate information. According to the Country Program Director, both FENTAGRO and FNTTP are open to collaboration and feedback from SC Peru.

The relationship with FNTMMSP is more complicated. The Country Program Director explained that communication and collaboration with the mining sector has been difficult because FNTMMSP has a very centralized communications protocol, which can be bureaucratic and inefficient. To address the centralized bureaucracy, the project has used training events and meetings to communicate directly with mining unions and request information. As noted in the stakeholder section, FNTMMSP believes the project should be more transparent in how it uses donor funding. It would like to also be more involved in deciding the training topics.

The Country Program Director explained that SC and FNTMMSP signed an agreement that outlines the types of support the project intends to provide to FNTMMSP including training topics. The agreement is important because, according to the Country Program Director, “partners don’t get to decide in the middle of the course of the project what other topics they would like to cover that are outside of the scope of the project.”

The Country Program Director explained that effective communication and collaboration with the labor ministry has been difficult to achieve. The SC has a relationship with the new director of DDFP so communication with DDFP should improve. The Country Program Director explained to the evaluators that she has not played a role in coordinating directly with the division of MTPE that oversees policies and labor laws. Instead, she has encouraged the federations to develop relationships and be persistent.

The project appears to have a constructive relationship with SUNAFIL built on the inspection training. The Director of INPA told the evaluators that the project coordinates with SUNAFIL to conduct training for the unions on the inspection process. She said she is satisfied with the level of communication but would like to be more involved in designing and planning the trainings. She also said she would like to find a way to work with the project to measure the impact of the inspection trainings so she could justify continued involvement. The Country Program Director is also satisfied with the level of collaboration on training. She did note, however, that SUNAFIL’s approach to training is technical delivery of information while the project’s approach is highly participative and interactive employing adult learning methodologies. She said the project is working with SUNAFIL to combine the approaches.

The project has interacted with USDOL at two levels. The first is with OTLA’s Division for Monitoring and Enforcement of Trade Agreements (META). The level of communication and collaboration has been valuable in helping META understand labor rights issues as they pertain to the PTPA. One META representative told the evaluators that the Country Program Director is an incredible resource that provides valuable information on general trade union issues. She also mentioned that SC Peru had provided invaluable support to USDOL during visits, which is highly appreciated. The Country Program Director is also satisfied with the level of communication and coordination. She did note, however, that she thought USDOL might do more to encourage SUNAFIL to proactively address abusive and illegal contracting practices during operational inspections.³¹

The other level of interaction has been with OTLA’s Technical Assistance and Cooperation (TAC) and the project’s Grant Officer Representative (GOR). The GOR is satisfied with the level of communication and information he receives from the project. The SC Country Program Director and Senior Program Officer are also generally satisfied with the relationship. They commented that the GOR appears to be technically well grounded and provides constructive feedback on the TPRs that they welcome. The Country Program Director would like to have a telephone conversation with the GOR after submitting the TPR to discuss comments and recommendations. She also said that since the PMP and sustainability strategy are somewhat evolving documents, she would like to have more communication and feedback from USDOL so they could be improved.

3.6. Sustainability

MPG Sustainability Requirements

The 2013-MPG states “*If necessary, Grantees must submit to the GOR a revision to the project document section on promoting sustainability within 12 months of award. Grantees’ strategies should explain how sustainability would be achieved by the end of the project according to the project’s specific objectives. Grantees will report on the progress of the sustainability plan in each of their TPRs.*” The SC completed and included the sustainability matrix (Annex L in the 2013 MPG) in the project document that addresses conditions, actions, measures, and exit strategies, for sustainability. However, the sustainability matrix has not been updated and progress has not been entered in the matrix and reported in the TPRs.

Sustainability and Exit Strategy

As noted above, the project’s sustainability and exit strategy is expressed in the form of a matrix. Table 18 summarizes the content in the project’s sustainability matrix.³² The crux of the sustainability strategy is that union partners continue to use knowledge, skills, tools, and materials to address abusive and illegal contracting practices once the project ends. The focus for MTO 1 is providing information and education activities to workers. On the other hand, the

³¹ SUNAFIL conducts operational or planned inspections and inspections based on a filed complaint.

³² This version of the matrix does not include the column on the status of sustainability elements.

focus for MTO 2 is organizing, democratic reforms, labor inspections, proposals to address abusive and illegal contracting, and social dialogue.

Table 17: Summary of Project Sustainability Matrix

Condition	Action	Measures	Exit Strategy
Medium-Term Objective 1: Improved education of workers regarding their rights with respect to short-term contracts and subcontracting			
Promoters continue to conduct ongoing outreach and education. Unions engage workers through education and rights activities. Workers participate in education activities and labor inspections.	Support promoters to continue outreach. Use of education and outreach materials. Sustained relationships with local support organizations.	<i>Use relevant project indicators to score key partners (a scale of 1-3) for:</i> 1) <i>Continued organization and worker participation</i> 2) <i>Institutional stability</i>	Reflection about worker education and research and the integration of new techniques and education modules. Discuss how to use methodologies, skills, materials developed during the project. Identify local and national actors to support activities.
Medium Term Objective 2: Improved representation of workers before employers and the government to address abusive short-term employment contracts and unlawful subcontracting			
Unions continue organizing, inclusion and internal democracy, and promoting labor inspections. Unions continue monitoring labor rights violations, the identification of strategic cases, and the development of proposals to resolve fraudulent contracting. Unions, employers, and government continue social dialogue.	Unions undertake new representation activities, allocate resources, and prioritize contracting. Promoters involve activists in the use of case monitoring tools. Unions develop committees to identify strategic cases and use monitoring tools. Unions share social dialogue experience. SUNAFIL and labor authorities share dialogue experience.	<i>Use relevant project indicators to score key partners (a scale of 1-3) for:</i> 1) <i>Continued organization and worker participation</i> 2) <i>Institutional stability</i>	Reflection about worker education and research and the integration of new techniques and education modules. Discuss how to use methodologies, skills, materials developed during the project. Identify local and national actors to support activities.

The project intends to measure progress in achieving sustainability by rating a set of indicators in the PMP on a scale from 1 to 3. The indicators are organized by continued organization and promoter participation and stability of the organization. The measurement tool is a questionnaire organized according to the two major components of the project: improvements in education and improvements in representation.

The exit strategy for both objectives is the same. Towards the end of the project, SC intends to work with partners to reflect on the methodologies and tools and determine whether new ones should be added; discuss how to use methods, skills, and materials once the project ends; and

identify local and national actors that could be linked to partners to support their activities. The evaluation team believes linking the federations and unions to local resources is an interesting and potentially powerful sustainability strategy. The project might also consider organizing a sustainability workshop in the coming months to reflect on project interventions; discuss how to continue to use skills, knowledge, tools, and materials; and define what kind of support is required. The workshop might also actively link the workers organizations to national and local resources as noted in the sustainability matrix.

Stakeholder Commitment and Ownership

An important element of sustainability is the commitment of key stakeholders to sustain interventions and results once the project ends. Based on interviews with the three federations, the evaluation team believes they are committed to using new skills and information to address abusive contracting practices once the project ends. Likewise, the union promoters who have been trained told the evaluators that they plan to continue to use the tools and training materials to impart information to workers and train them when it is feasible.³³ The commitment is based on the notion that abusive and illegal contracting is a priority for the federations and their affiliates.

The evaluators asked the federations if they intended to continue to train promoters once the project ended. FNTMMSP told the evaluators that it has trainers that train affiliates in a variety of subjects. One representative explained that he thought it would be feasible to access federation resources and trainers to continue to train promoters. FNTTP and FENTAGRO, on the other hand, noted that they had limited resources to provide training to affiliates. The Secretary General of FENTAGRO said that the SC has resources to pay for travel, meals, and training venues that FENTAGRO does not have in its budget. Both FNTTP and FENTAGRO told the evaluation team that they would look for inexpensive opportunities to train affiliates such as national assemblies.

Threats to Sustainability

The evaluation team identified several threats to the project’s sustainability strategy. These include promoter attrition, outdated knowledge and skills, and extinction of learning if not reinforced. Each of these threats is discussed below.

Promoter Attrition. During interviews with union promoters, the evaluation team noted that nearly all of the promoters were also elected union officials. The evaluators asked them if they intended to serve as promoters once their term ended. They said they said that it would depend on whether new board of directors would want them to remain active. The majority of the promoters interviewed said, if asked, that they would continue serving. Others, on the other hand, said that they would not continue to serve as promoters due to other demands on their time. Although it is not clear what the attrition rate might be, the evaluators believe the project should expect that some degree of attrition would occur.

³³ When asked what would be feasible, the promoters noted time, training venue, materials, and the willingness of workers to participate.

Outdated Knowledge and Skills. As discussed previously, the Dean of the PUCP School of Law told the evaluators that the project’s training of union promoters should be more ambitious and take place over a longer period of time. He also noted that the project should have a mechanism to update promoters on changes in laws and legal precedents relating to contracting as well as inspection processes. The content for the promoter training on contracting and inspection is based on current information. However, this information, especially with a new government, might change. It is important that promoters are communicating accurate and up-to-date information to workers.

Extinction of New Learning. In psychology, *extinction* is the disappearance of a previously learned behavior when the behavior is not reinforced.³⁴ The concept of extinction is often applied to learning acquired during training.³⁵ In his report, *Sales Training: Deploying Knowledge, Process and Technology to Consistently Hit Quota*, Peter Ostrow’s notes that “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. These firms have learned that long-term success depends on underscoring the best practices in sales training deployment including reinforcing training.”³⁶

The evaluation team believes that those promoters who have received the full package of training (i.e. adult learning methodologies, contracting mechanisms, inspection processes) and support from the project and federations to replicate the training in the last year of the project, will be able to continue to disseminate information and replicate training once the project ends. However, the evaluation team is concerned that if the federations and other interested organizations do not effectively reinforce the training content, *extinction* will eventually occur.

A USDOL official commented “it’s not just a matter of promoter attrition or extinction of learning but whether unions are taking active steps to ensure that their organizations are integrating, sustaining, and continuing to use and update the assistance given. Institutional memory should include methods of continuous learning.” He further explained that mechanisms to support institutional memory should be addressed upfront and revisited as the project progresses and concludes.

³⁴ <http://study.com/academy/lesson/what-is-extinction-in-conditioning-definition-lesson-quiz.html>

³⁵ <https://www.trainingindustry.com/sales-training/articles/what-happens-when-sales-training-isnt-reinforced.aspx>

³⁶ <http://www.uk.sandler.com/downloadc/53420>

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 to the needs and expectations of stakeholders; progress and effectiveness; efficiency and use of resources; management arrangements; and sustainability.

4.1. Project Design and Performance Monitoring

- The project, in general, is well designed. It follows the guidance in the MPG and follows a tight cause and effect logic. The activities, outputs, and objectives respond to the needs of the target population.
- While well designed, the project’s design is overly ambitious for a two-year project. The design consists of two MTOs, five STOs, and 18 outputs, which puts pressure on a minimally staffed project and complicates the PMP.
- The PMP does not fully meet the criteria in the MPG. There is some confusion between the performance indicator, definition of terms used in the indicator, and unit of measure. Another issue is that the outputs are used as indicators for the STOs, which is not necessary. Furthermore, STO 5 has two output indicators that are the same as indicators used for MTO 2.

4.2. Expectations and Needs of Key Stakeholders

- The project is addressing important needs of the federations and unions, which include abusive and illegal contracting mechanisms and practices.
- The trainings are relevant and appropriate. The adult learning methodologies and materials appear to be highly effective. Some promoters, however, require more training and support to be able to effectively replicate the training for affiliated and non-affiliated workers.
- The trainings have been conducted primarily in Lima, Trujillo, and Ica. Since some promoters have to travel more than 14 hours to attend trainings. Trainings conducted closer to workplaces would be more effective and efficient.
- SUNAFIL is pleased to collaborate with the project to train unions on inspection processes because it helps meet their objectives.
- The project has not yet established an effective working relationship with the division of MTPE responsible for receiving proposals to create or modify policies and laws (Dirección General de Trabajo).

4.3. Progress and Effectiveness

- The project is on track to achieve its outputs and indicator targets for MTO 1/ STO 1 and 2. In fact, the project is overachieving the target for number of promoters trained. While it intended to train approximately 30 promoters (10 per sector), 164 promoters have been trained. At the time of the evaluation, the project was beginning training activities under

MTO 2/STO 3 on union governance, organizing, and inspection. Specific activities for MTO 2/STO 4 and 5 on the case monitoring system and social dialogue have yet started.

- The project developed informational reports (maps) for the three sectors. The reports include relevant and useful information regarding workforces, exports, and markets. The challenge is how the project and federations intend to use the reports to address abusive and illegal contracting practices.
- Trade unions have more confidence in judicial proceedings than administrative proceedings under SUNAFIL. They view the inspection as the necessary step to file a legal complaint against the employer. However, most unions do not have access to high quality legal assistance that can compete with the employers’ legal teams.
- The TOT approach is highly appropriate and potentially effective to reach affiliated and non-affiliated workers with information about abusive and illegal contracting and steps they might take to seek administrative or legal remedy where rights have been violated.
- The project and federations have not yet developed a well-defined profile for selecting promoters nor established criteria or requirements for promoters to participate in the TOT program. As a result, the promoter attendance at trainings is inconsistent. Some promoters are unable to read and write, which limits their learning and teaching potential.
- The project developed an effective alliance with PUCP to provide training to promoters in the textile sector. The PUCP alliance could be used by SC and USDOL as a model to institutionalize and sustain future training and legal assistance to unions.

4.4. Efficiency and Use of Resources

- The allocation of resources to line items in the budget is appropriate. However, the allocation of resources to the objectives appears to be inadequate. Despite a heavy focus on promoter training, only 37% of project resources are allocated to MTO 1 while 67% are allocated to MTO 2. There appears to be formula and entry errors in the budget that would help account for the inadequate allocation to MTO 1.
- Overall, the project’s expenditure rate is on target. However, spending against general line items is uneven. MTO 1 is overspent by 100% while MTO 2 is underspent by 30%. The M&E line item is also underspent by about 40%.³⁷ The formula and entry errors noted above would help explain the overspending for MTO 1.

4.5. Management Arrangements

- The management structure, consisting of four staff, is thin considering they are managing and providing technical assistance to two projects. A subgrantee, PLADES, is responsible for several key deliverables that takes some pressure off of the project management team.
- The project team receives adequate support from SC Headquarters while SC Headquarters is satisfied with the quality and timeliness of information it receives from the project. Communication and coordination between the project and the federations and unions is

³⁷ Over and underspending is based on what the project should have expended after 14 months of implementation.

generally effective. The relationship with FNTMMSP, however, is somewhat strained. The mining federation would like the project to be more transparent with its funding for training while the project would like the federation to provide information in a more timely manner.

- The level of communication and coordination between the project and USDOL is generally effective. The Country Program Director provides helpful information to META regarding labor issues in the country. The GOR provides constructive feedback and comments on the TPRs. However, the Country Program Director a telephone conversation to discuss the comments would contribute to the effectiveness of the comments.

4.6. Sustainability

- The project used the sustainability matrix in the MPG to develop its sustainability and exit strategy. The sustainability matrix contains the building blocks for an effective sustainability strategy. The matrix has not yet been updated and reported in the TPRs as required by the MPG.
- The federations and unions, which are the project’s primary beneficiaries and stakeholders, are committed to disseminating information and replicating trainings for affiliated and non-affiliated workers. However, they have limited resources, especially FENTAGRO.
- There are several threats to sustaining the project’s activities and results. These include attrition of promoters, extinction of promoter learning acquired during trainings, and the potential lack of reinforcement mechanisms. It would be important for the project to consider and address these threats when planning for sustainability.

V. RECOMMENDATIONS

5.1. Refocus the Promoter Training Component

The project should revise the promoter training component (STO 2) to ensure that the promoters are adequately prepared to disseminate information, replicate trainings for workers, and assist workers request inspections in cases of alleged rights violations. The revision of the promoter training component should include the following steps:

Promoter Profile. To date, the SC and project partners identified promoters by asking targeted unions to select emerging leaders (both elected officers as well as de facto leaders) with a prioritization of young and female activists. The project should work with the federations to develop a formal profile for selecting promoters from among the activists trained to date. The profile would help the project and federations choose promoters that would be most effective at absorbing and disseminating information including the replication of trainings for workers. The profile might include that promoter possess basic education with relatively strong literacy and numeracy skills, basic computer literacy, effective communication skills, interest in learning about contracting as well as other training content, and expressed willingness and ability to participate in all trainings.

Number of Promoters. The project initially intended to select and train about 10 promoters per sector or a total of 30 promoters. However, the project has trained 164 promoters. The project should consult the federations to determine the ideal number of promoters per sector. The number should be based on the number of union affiliates that meet the criteria in the promoter profile and take into consideration promoter attrition.

Promoter Commitment. Once the core group of promoters are identified or selected using the criteria in the promoter profile, the project and federations should require the promoter to make a firm commitment to attend future trainings and replicate the training. The project and federations might consider signing an agreement with union leadership that could be shared/approved by membership in an assembly so as to create an institutional agreement and expectation of continuity of the same promoters regardless of leadership change.)

Certification. Given the importance of attending and replicating the trainings for workers, the project might consider awarding a certificate to those promoters that attend all or nearly all trainings and demonstrate the willingness and ability to disseminate information and train workers.

5.2. Evaluate and Train Promoters

The project should work with the federations to evaluate the knowledge and skill levels of promoters selected using the promoter profile in Recommendation 5.1. Some promoters do not feel confident to disseminate information and conduct replica trainings. Once the core group of promoters is selected, the project and federations should assess the knowledge and skill levels of these promoters to determine if any require additional training and, if so, in what areas. The intention is to ensure that each sector has a well-prepared and confident cadre of promoters that

are willing and able to effectively disseminate information, train workers, and assist workers to file complaints with SUNAFIL and request inspections. When feasible, the project should also consider conducting promoter training closer to their workplaces.

5.3. Focus on Building Union Capacity to Engage in Inspections

The project should focus the remaining months on strengthening the capacity of the unions and their promoters to effectively engage with SUNAFIL on inspections that result in positive results for workers for abusive or illegal contracting practices. The project should continue with its plan to train unions on the inspection process, how to properly file a complaint and request an inspection, and how to constructively engage with SUNAFIL inspectors during and after the inspection. The training should focus on the most common abusive or illegal contracting practices affecting workers, including the use of consecutive short-term contracts in the non-traditional export sectors and short-term contracts in the agricultural export sectors. The training should include an inspection toolkit with easy to read and understand guidelines for the inspection process including when and how to file a complaint with SUNAFIL and request an inspection. The training should also include a component when and how to use social dialogue with SUNAFIL and employers to resolve issues.³⁸ Finally, the project should develop a simple measurement tool to assess improvements in the quality of inspection requests as well as results. These data could also be reported to SUNAFIL and satisfy their request for the project to help show results from its investment in training unions on inspection processes.

5.4. Revise the Project’s Objectives

The project should consider simplifying the design by eliminating the five STOs. The STOs serve primarily to organize the outputs. The outputs, on the other hand, are measured twice: once as an output and once as an indicator for the STO. Since they are measured as an output, measuring them again as an indicator of the STO is redundant. The outputs for MTO 1 are appropriate and should remain with the exception of the radio program, which the project might consider eliminating given how little time is remaining in the project and its unsustainability.) The outputs under MTO 2 should focus on enhanced inspection training, developing and using the inspection tools, improved inspection engagement with SUNAFIL and use of legal and negotiation strategies with employers, which would support Recommendation 5.3. The project should consider eliminating the outputs under STO 5 that address social dialogue. As noted in Recommendation 5.3, social dialogue should occur within the context of the inspection process and the goal of favorable results for workers.

5.5. Modify the Performance Monitoring Plan

The project should modify the PMP by eliminating or modifying several indicators. The project should consider eliminating MTO indicator 1.3 (participants report satisfaction with workshops).

³⁸ The evaluation team believes that promoters and other key trade union officials would benefit from specific training on social dialogue to resolve worker complaints. Training might focus on interest-based negotiation principles and/or conflict resolution principles aimed at constructively presenting complaints and working towards useful inspections and resolutions before unions decide to pursue judicial processes.

This is an important training indicator but is an overall weak objective indicator. The project might also consider modifying MTO indicators 1.2 and 1.4. Indicator 1.2 could be reworded to say “promoters demonstrate improve training capacity after training and at the end of the project.” In addition to post training testing, which is an excellent idea, the project should assess promoter capacity towards the end of the project. Indicator 1.4 should be changed from “workers who demonstrate increased knowledge of their rights and enforcement mechanisms” to “workers who take actions to defend their rights”. The change would emphasize how promoters use what they learned during training.

MTO 2 includes a couple of indicators to measure union governance and organizing (indicators 2.1a and 2.1b). The project should consider eliminating these indicators since they are related to general union strengthening but not directly related to building capacity to address abusive and illegal contracting. If the project decides to develop the case monitoring system, it might use the current indicator for STO 4 (2.2.1) as the indicator for MTO 2 to measure usage of the system. Based on the recommendation to eliminate STO 5 and its outputs, the project should consider eliminating indicators 2.3 and 2.4 that measure social dialogue.

5.6. Evaluate the Effectiveness of Training

The project should consider evaluating the effectiveness of its training towards the end of the project. The project conducted pre and post tests of some of its training. This is a good practice and should continue. However, the more important measure is how much of the knowledge and skill promoters retained at the end of the project and how promoters and other union representatives used the knowledge and skills to disseminate information to workers, train workers, and assist workers file complaints and request inspections. The project might conduct the evaluation in two parts. The first would consist of administering the post-test to all promoters and compare the test scores to the pre and post training scores. The second part would involve selecting a sample of promoters and conduct intensive interviews with the promoters as well as unionized and non-unionized workers who may have participated in the training or filed complaints with SUNAFIL. The interview tools would be structured in a way to assess whether promoters communicated the correct information, whether workers understood the information, whether workers acted on the information, and what results were achieved. In addition to assessing training effectiveness for this project, USDOL and the SC could use the experience when designing new labor organization strengthening projects.

5.7. Revise the Project Budget

The project should revise the budget to ensure that adequate resources are appropriately allocated to the MTOs. The overall project’s expenditure rate is on track. However, several line items are significantly over or underspent. The midterm evaluation would provide an opportunity to adjust the line item amounts to ensure the project has sufficient resources budgeted to continue to train and support promoters and help unions engage with SUNAFIL on the inspection process. If the project decides to eliminate STO 5 and its outputs, the resources currently budgeted for STO 5 could be reallocated to support promoter training and inspection processes, as well as legal aid legal make use of inspections findings and to support dialogue with employers on emblematic cases. The adjustment would also provide the project the opportunity to correct the entry errors for STOs 3, 4, and 5.

5.8. Sustainability

The project should conduct a sustainability workshop for partners to determine what activities the federations and unions intend to continue once the project ends and what sort of assistance they would require. The workshop should culminate with the federations having concrete workplans for sustaining key activities and their results. The sustainability workshop should also seek to link the federations and unions to national and international resources. The project’s sustainability matrix notes that the project will help partner unions to identify how local and national actors can continue to support their activities. The sustainability workshop could be designed in a way that actually links the federations and unions to key national and international institutions during the workshop. The sustainability workshop should be conducted with at least three months remaining in the project, which would allow the union partners time to begin to implement their plans and establish strong linkages.

5.9. Conduct Post-TPR Review Telephone Conference

The USDOL Grant Officer Representative (GOR) should conduct a telephone conference call with the Country Program Director after the TPR review and written comments are provided to the SC. The telephone conference call would provide the opportunity for the GOR to provide more detail on ideas, suggestions, and recommendations in the written comments. The call would also provide the Country Program Director to provide more information and clarity on key points, themes, and issues in the TPR. The call could also be used to discuss the broader labor climate in Peru and its impact on the project.

5.10. Develop an Alliance with PUCP in Future Projects

USDOL should consider building on the project’s successful collaboration with the PUCP and its School of Law to incorporate it in the design of future projects in ways that would create institutional linkages between PUCP and worker organizations. PUCP is uniquely positioned to support the labor movement in Peru. The PUCP School of Law is considered the most prominent law school in Peru that has a talented and dedicated faculty of law professors and potential student volunteers. The Dean, who is an accomplished labor lawyer, sits on key national labor advisory committees and is genuinely interested in worker rights. An institutional linkage with PUCP could help sustain key interventions once a project ends. An alliance with PUCP might include providing a second level training certificate course based on worker rights as they relate to contracting mechanisms and practices, establish a legal aid center dedicated to providing legal assistance to unions and workers on emblematic cases, or providing specialized professional development on labor law to union lawyers.³⁹

The project, in consultation with USDOL, might consider collaborating with PUCP to institutionalize capacity building for unions before the project ends. The evaluation team realizes that establishing union capacity building at PUCP would require resources and time that might be beyond the scope of the current project. On the other hand, if the project were able to

³⁹ This could be especially helpful since many times union lawyers are not labor lawyers and have not been specifically trained on labor law.

collaborate with PUCP to institutionalize a sustainable capacity building model, the sustainability of the project’s investment in training and other capacity building activities would be greatly increased. If USDOL and the project decide to implement this aspect of Recommendation 5.10, the project could begin by working with PUCP to develop a sustainable capacity building model to present and discuss with USDOL. The model should include activities, costs, and an implementation plan with a timeframe.

ANNEXES

Annex A: Terms of Reference

Independent Midterm Evaluation Building Union Capacity to Reduce Precarious Employment in Peru

Cooperative Agreement Number:	IL-28100-15-75-K-11
Financing Agency:	U.S. Department of Labor
Grantee Organization:	Solidarity Center
Dates of Project Implementation:	November 17, 2015 to November 30, 2017
Type of Evaluation:	Independent Interim Evaluation
Evaluation Field Work Dates:	February 2017
Preparation Date of TOR:	December 2016
Total Project Funds from USDOL Based on Cooperative Agreement(s):	US \$1 million

Vendor for the Evaluation Contract: O’Brien & Associates International, Inc.

TERMS OF REFERENCE

AN INDEPENDENT INTERIM EVALUATION

OF THE

BUILDING UNION CAPACITY TO COMBAT PRECARIOUS EMPLOYMENT IN PERU PROJECT

The U.S. Department of Labor (USDOL) has contracted O’Brien & Associates International (OAI) to undertake an independent midterm evaluation of the Building Union Capacity to Combat Precarious Employment in Peru (BUCCPEP) project. BUCCPEP is a \$1 million project funded by USDOL for duration of two years, implemented by the Solidarity Center (SC). The evaluation is intended as a formative evaluation with the aim of validating the relevance of the project design and improving performance during the implementation phase.

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

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

Background of the Country & Project

Peru is a country with incredibly high labor informality: 70 percent of workers are employed in the informal sector, while in the formal sector; two-thirds of workers are employed on temporary contracts. Analysts estimate that under Peru’s current economic conditions, it would take 50 years to overcome these informality rates. The obstacles to reducing this informality are exacerbated by the pervasive use of short-term contracts and subcontracts in the formal economic sector that constitute precarious forms of employment. The Ministry of Labor reports that 100,487 workers per month are employed in subcontracting or outsourcing arrangements, while it’s estimated that 80 percent of companies use subcontracting in Peru, with the mining and energy sector being the primary user.

Peruvian legislation permits temporary or indirect contracting through a dizzying array of forms, which are often used to undermine labor rights. The short duration of these contracts—as brief as 15 days under provisions of the Non-Traditional Export Law—allows employers to legally terminate workers without cause. In practice, this has facilitated the swift dismissal of workers who speak up about labor rights violations, question their contracting status or join a union, effectively quelling any efforts to form worker organizations or directly negotiate improvements. Workers also report that they have not had their contracts renewed due to health problems, pregnancy, or older age. Long-term outsourcing with a single employer undermines the rights of both full-time, directly hired employees and subcontracted or short-term workers, as each is

aware of the situation of the other; the fact that any worker could be rendered temporary tomorrow deters many from standing up for basic rights.

Beyond the negative effects on freedom of association, perpetual subcontracting generates additional challenges, which, if left unaddressed, will continue to hinder Peruvian economic development and respect for rights. Short-term contract and outsourced workers earn only 65 percent of the wages of their directly and indefinitely hired counterparts, creating a significant wage gap. In addition, these workers do not receive economic benefits, such as company profit sharing or bonuses, which are often provided to directly hired employees. Other forms of critical protection, such as the provision of safety equipment and training, are routinely denied to short-term and subcontracted workers as well. The low level of worker education on legal rights and contracting conditions means that most violations go unreported and unaddressed.

A recently concluded USDOL-funded SC labor capacity building project contributed to increased diversity in unions through internal reforms such as new statutes that expand the scope of an organization’s representation, collective bargaining strategies, and policy advocacy campaigns. Where unions are present, labor rights protections are stronger for precarious workers; however, the ability of unions to effectively provide this protection requires greater outreach to, and more participation of, new entrants to the workforce.

BUCCPEP project interventions aim to reduce the abusive use of short-term contracting and fraudulent outsourcing in Peru by generating worker demand for labor standards compliance, and building union capacity to report violations, utilize complaint mechanisms, advocate for improved rights enforcement, and engage the broader workforce in these processes. The project will ultimately bring together workers and their unions with employers and government representatives to collaborate in pursuing remedies to ongoing labor rights challenges, especially related to freedom of association violations and abusive or fraudulent contracting.

In November 2015, the Solidarity Center signed a Cooperative Agreement with USDOL/OTLA worth US \$1 million to implement the BUCCPEP project. The grant, which is scheduled to close in November 2017, aims to build the capacity of worker organizations to engage with their constituents, employers and government representatives to address abusive short-term employment contracts and unlawful subcontracting. SC began implementation on January 1, 2016 and as such is scheduled to close in December 2017.

The project’s theory of change is that if Peruvian trade unions conduct more effective education and outreach to short-term and subcontracted workers and systemically improve representation of these workers, then employer and government engagement will be enhanced through more effective labor inspections and productive dialogue on short-term and subcontracting issues, thereby improving the national labor rights framework and workers’ livelihoods. By pursuing this theory of change, the BUCCPEP project seeks to achieve two main objectives:

1. Improved education of workers regarding their rights with respect to short-term contracts and subcontracting.
2. Improved representation of workers before employers and the government to address abusive short-term employment contracts and unlawful subcontracting.

To produce these two objectives, the project intends to produce/address a range of outcomes (there are three long term outcomes in our PMP, whereas the bulk of the plan and our work is oriented towards advancement of Medium and short term objectives as demonstrated by a host of related indicators) and outputs, which are listed below. Please see PMP. Each item listed here as an outcome is an objective in our current PMP.

Outcome 1 (This is Mid-Term Objective 1 in PMP): Improved education of workers regarding their rights with respect to short-term contracts and subcontracting.

- Activity 1.1 Outputs: Five regional maps on key employers and workforce database that contain addresses, data on employees, descriptions of work situations, and list of contacts.
- Activity 1.2 Outputs: 3 participatory sector-specific baseline studies on subcontracted and outsourced workforce in key target sectors that provide quantitative and qualitative data on workers' demographics and rights awareness for targeting outreach and measuring effectiveness of worker education.
- Activity 1.3 Outputs: Training-of-Trainers; Outputs: 30 union promoters trained in participatory adult education techniques and use of information technology.

Outcome 2 (Short term Objective 2 in PMP): Workers in non-traditional export sectors know their rights and the enforcement mechanisms available to address abusive short-term contracts and unlawful subcontracting

- Activity 2.1 Outputs: Two training modules on legal and technical aspects of short-term contracting and subcontracting; eight handouts that summarize legal/technical contact and enforcement mechanisms; 120 unionized workers trained on legal and technical aspects of short-term contracts, subcontracting and enforcement mechanisms.
 - Activity 2.2 Outputs: Educational outreach to the broader worker population. 400 non-union workers trained on legal and technical aspects of short-term contracts, subcontracting and enforcement mechanisms during informational talks; 1,875 workers with awareness raised on short-term contracts, subcontracting and enforcement mechanism from handouts; two, four-episode radio programs on short-term and subcontracting and enforcement mechanisms; 12,000 workers reached by radio programs.
- o Outcome 3 (Medium-term Objective 2 in PMP): Improved representation of workers before employers and the government to address abusive short-term employment contracts and unlawful subcontracting and Short-Term Objective 3: Worker organizations improve core representational functions for precarious workers
 - Activity 3.1 Outputs: Outputs: One set of training materials on labor inspections; 75 union promoters and union officials trained in three core union strengthening areas.
 - o Outcome 4 (Short-term Objective 4): Worker organizations improve ability to conduct analysis on potential violations of short-term contracts and subcontracting

- Activity 4.1 Outputs: Development of labor rights violation tracking system; a user-friendly data tracking system for union promoters to register quantitative and qualitative data on alleged violations of short-term contracts and subcontracting and a data intake form on alleged violations; ten unions utilize the data tracking system.
- Activity 4.2 Outputs: Case tracking and monitoring. Three technical and advocacy support teams with experience working on contracts compliance and labor inspections tracking in Lima, Ica and Trujillo and union promoters.
- Activity 4.3 Outputs: Monitoring Technical Support Sessions and National Meetings. Twelve technical assistance meeting summaries; quarterly cumulative assessments of registered contract violations; three presentations on significant findings on enforcement efforts for short-term contracts and subcontracting, including the use of inspections, validated and improved through feedback from government authorities and civil society labor advocates.
- o Outcome 5 (Short-Term Objective 5): Worker organizations engage in more effective dialogue with employers, MTPE and other stakeholders
 - Activity 5.1 Outputs: Tri-Partite Dialogue on Strategic Cases. Tripartite social dialogue conducted in at least three cases where union proposals for strengthened enforcement for rights of workers contracted under short-term and subcontracts are discussed.
 - Activity 5.2 Outputs: National Dialogue Forum. Partner unions from each of the three sectors will meet with representatives of the MTPE and SUNAFIL twice over the course of the project (six instances of engagement).

Purpose, Scope, Focus, and Intended Users of the Evaluation

USDOL-funded projects are subject to independent interim and final evaluations. The overall **purpose** of this interim evaluation is to ascertain what the project has or has not achieved; how it has been implemented; how it is perceived and valued by target groups and stakeholders; what the results of project interventions have been on target stakeholders and institutions to date; whether expected results are occurring (or have occurred) based on performance data; the appropriateness of the project design; and the effectiveness of the project’s management structure. The evaluation is also intended to identify effective practices, mechanisms and partnerships and assess the prospects for sustaining them beyond the life of the project as well as recommend concrete steps the project might take to help ensure sustainability. Finally, the evaluation will investigate how well the project team is managing project activities and whether it has in place the tools necessary to ensure achievement of the outputs and outcomes (referred to as objectives in the SC PMP), and identify any lessons for improvement.

The **scope** of the evaluation includes a review and assessment of all outputs and activities produced or carried out under the USDOL Cooperative Agreement with the Solidarity Center. The evaluation will focus data collection primarily on selected project documents and reports and interviews with key project personnel, partners, and stakeholders in Peru. The evaluation will seek input from diverse range of international, national and local level stakeholders that participate in and are intended to benefit from the project’s interventions.

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

- The validity of project design, objectives, sustainability strategy, and assumptions;
- Progress made in achieving project outcomes;
- Stakeholder buy-in, support, participation in and ownership of the project;
- Barriers and opportunities to successful implementation and sustainability;
- Where activities have been particularly successful, the reasons for successful implementation;
- Intended and unintended effects accrued to the target groups;
- Potential sustainability of project activities;
- Risk analysis in project design and implementation, and the extent to which the project is responding effectively to emerging risks, challenges and opportunities.

The evaluation will assess the positive and negative changes produced by the project – intended and unintended, direct and indirect – as reported by respondents and reflected in the project’s performance data. The final report should provide recommendations for possible changes that could be made to the implementation arrangements of the project or to be included in the design of a similar project that may be implemented in the future.

The primary stakeholders of the evaluation are USDOL, Solidarity Center, the Government of Peru, labor unions and other constituents that work on the issue of short term contracting and outsourcing in Peru. The tripartite constituents and other parties involved in the execution of the project would use, as appropriate, the evaluation findings and lessons learned. The evaluation findings, conclusions and recommendations will also serve to inform stakeholders in the design and implementation of subsequent projects in the country and elsewhere as appropriate.

The interim evaluation serves as an important accountability and organizational learning function for USDOL and the Solidarity Center. It should be written as a stand-alone document, providing the necessary background information for readers who are unfamiliar with the details of the project, as the evaluation report will be published on the USDOL website.

Evaluation Questions

To serve these purposes, this interim evaluation will focus on the validity of the project’s design (including the sustainability strategy), the relevance of the project’s services to the target groups’ needs, the project’s efficiency and effectiveness, the impact of the results, and the potential for sustainability. These criteria are explained in detail below by addressing their associated questions. Additional questions may also be analyzed as determined by the stakeholders and evaluator before the fieldwork begins. The evaluator also may identify further points of importance during the mission that may be included in the analysis as appropriate.

Validity of the project design

1. To what extent does the project design meet the guidance in the MPG? Are the activities and outputs of the project consistent with the overall goal and the attainment of its objectives and outcomes? Were the objectives/outcomes, targets and timing realistically set?
2. To what extent does the PMP meet the guidance in the MPG? How appropriate and useful are the indicators described in the project document in assessing the project's progress?

Relevance and strategic fit

3. To what extent are the project's immediate objectives consistent with the needs of and expectations beneficiaries, partners, key stakeholders (including trade union representatives, workers, employers, the Government of Peru)?
4. How have the needs of these stakeholders changed since the beginning of the project? In what ways / to what extent did these changes affect the relevance of the project and how has the project adapted to those changes?

Project progress and effectiveness

5. To what extent is the project on track for achieving its objectives and outputs? Is the quantity and quality of these outputs satisfactory?
7. What seem to be the major factors (both in terms of factors that the project is able to influence and external factors beyond its control) affecting the achievement or non-achievement of the objectives? Is the project addressing challenges and/or seizing unforeseen opportunities effectively?
8. To what extent has the nature of social dialogue among the project partners changed because of the implementation of the project activities?
9. What was the nature of training received and is there any evidence that the trainees have effectively applied its content? Were the training services provided relevant? What are the areas for improvement? How has the training thus far addressed the key gaps identified in compliance with international labor standards and effective labor inspection?

Efficiency of resource use

10. Are resources (funds, human resources, time, expertise, etc.) allocated strategically and efficiently to achieve outcomes?
11. What is the project's expenditure rate? At the midterm, is the budget being expended as planned and expected? If the project budget underspent or overspent, explain the reasons.

Effectiveness of management arrangements

12. Is the project governance and management systems and structures facilitating good results and efficient delivery?
13. How effective is the technical and administrative support provided by SC to the project throughout the project implementation? How effective is the administrative and technical assistance provided by USDOL throughout the project implementation?

Impact orientation and sustainability, including effectiveness of stakeholder engagement

14. Did the project update / elaborate on its sustainability strategy as required in the MPG?

15. What is the nature of the commitment from national stakeholders at the project’s mid-term, including the Government of Peru, the labor movement (locally and internationally), employers, and other social partners? Are stakeholders willing and committed to continue using technical tools, methodologies and training modules designed by the project?

16. How effective has the project been in establishing national or local-level ownership that would facilitate sustainability?

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, including several in Peru. He has evaluated or backstopped evaluations of USDOL-funded projects in Nicaragua, Georgia, Jordan, Lesotho, Bangladesh, Haiti, Cambodia, Philippines and Vietnam, among others.

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.

Roles and Responsibilities

The Evaluator is responsible for conducting the evaluation according to the terms of reference (TOR). He will:

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

USDOL is responsible for:

- Drafting the initial TOR and sending to the evaluator to revise and finalize

- Reviewing proposed Evaluator
- Providing project background documents to the Evaluator (responsibility is shared with SC)
- Obtaining country clearance
- Briefing SC 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)

SC is responsible for:

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

Evaluation Methodology

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

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

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

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

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

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

- USDOL project management team
- Relevant SC officials in Washington, DC and regional office(s)
- SC Peru officials and project key personnel and staff
- Government counterparts, especially in the Labor Inspectorate
- Trade union representatives
- Other collaborating projects and partners, as appropriate

Fieldwork in Peru: The evaluator will meet the project director and project team to discuss the purpose and logistics of the evaluation. In addition, the project team will assist the evaluator to schedule interviews with the key informants listed above and any others deemed appropriate. Generally speaking, the evaluator will interview key informants separately rather than as a group. The evaluator will work with project staff to develop a list of criteria that will be used to select a non-random sample of site visits / key informants to interview. Interviews with all relevant SC representatives outside Peru will be conducted by telephone (or Skype) once the fieldwork is completed.

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

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

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

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

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

Limitations: The scope of the evaluation specifies two weeks of fieldwork, which is not enough time to visit all of the project sites to undertake data collection activities. As a result, the Evaluator will not be able to consider all sites when formulating his findings. Due to time constraints, availability of a sufficient number of primary data sources (stakeholders), and other logistical challenges, the evaluation methodology will include purposive sampling to select project sites and stakeholders to interview. The sample will include project sites that have performed well and some that have experienced challenges. An important limitation of using purposive sampling includes selection bias and the inability to generalize the evaluation findings to the entire project target population. These limitations will be noted in the evaluation report section on evaluation methodology and limitations.

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

Furthermore, the ability of the evaluator to determine efficiency will be limited by the amount of financial and outcome (objective indicator) data available.

Evaluation Milestones and Timeline

Activity	Date	Products/Comments
Revise initial draft TOR & send for initial DOL / SC input	Dec 19	Preliminary evaluation

Final Independent Midterm Evaluation Report of the
 “Building the Capacity of Trade Unions to Combat Precarious Employment in Peru” Project

Activity	Date	Products/Comments
		questions Methodology section Instruments
USDOL logistic call	Dec 23	NA
USDOL and SC comment on TOR	Jan 13	TOR comments
Send final TOR	Jan 17	Final evaluation questions Methodology section Instruments
Review documents and develop methodology, data collection instruments, develop itinerary (with Grantee)	Jan 23-Feb 3	-Final evaluation questions -Methodology section -Instruments
Fieldwork in Peru including stakeholder meeting and presentation	Feb 6-17	Stakeholder presentation preliminary findings
USDOL debrief call	Feb 22	NA
Analysis and report writing	Feb 20-Mar 13	Draft report 1
Send first draft report for 48 hour review	Mar 13	Draft Report 48 hour review
USDOL provides 48-hour comments	Mar 15	48 hour comments
Revise and send second draft report for 2 week review	Mar 17	Draft report 2-week review
USDOL and SC conduct 2-week review	Mar 17-30	2-week review comments
USDOL and SC provide 2-week review comments	Mar 31	NA
Revise report and send final draft	Apr 4	Final draft report
Finalize and send final report	Apr 7	Final report

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

Deliverables and Deliverable Schedule

- A. Finalized TOR with USDOL and SC consensus, January 17
- B. Method to be used during field visit, including itinerary, January 23
- C. Stakeholder debriefing meeting/presentations, February 17
- D. USDOL debrief calls, February 22
- E. Draft Report 1 to USDOL and SC, March 13 (48-hour review)
- F. Draft Report 2 to USDOL and SC by March 17 (2 week review)*
- H. Final Report to USDOL and SC by April 7

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

Evaluation Report

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

The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 30 pages in length, excluding the annexes:

Report

1. Title page (1)
2. Table of Contents and Lists (tables, graphs, etc.) (2)
3. Acronyms (1)
4. Executive Summary (5)
5. Background and Project Description (2)
6. Purpose of Evaluation (2)
7. Evaluation Methodology (2)
8. Findings This section should be organized around the six key issues outlined in the TOR (20)
 - a. Relevance and Strategic Fit
 - b. Validity of the Project Design
 - c. Project Progress and Effectiveness
 - d. Effectiveness of Management Arrangements
 - e. Efficiency of Resource Use
 - f. Impact Orientation and Sustainability
9. Lessons Learned and Good Practices (2), including photos or testimonials from beneficiaries
10. Conclusions (2)
11. Recommendations (1)
12. Annexes
 - Terms of reference
 - Strategic framework
 - Project PMP and data table
 - Project workplan
 - List of meetings and interviews
 - Any other relevant documents

Attachment A

United States Department of Labor

Right to Use

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Dated _____, 20__

Signature or

Parent/guardian if under 18

Name Printed

Address and phone number

Identifier (color of shirt, etc.): _____

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) What activities has your organization participated in with the project? What is your organization’s relationship to the project?
- 2) Do you believe the project is meeting the needs and expectations of your organization? Please explain?
- 3) What project training events have you participated in?
- 4) How would you rate the quality of the training in terms of content and the facilitation of the training? How might the project improve its training?
- 5) Have you been able to apply what you learned in training to your work? Please explain what you applied and what impact it might have had.
- 6) Do you think the project is making a difference in the lives of workers who have short-term contracts or work under illegal subcontracting? If so, please explain how?
- 7) Do you think your organization would be able to sustain or continue training and other activities once the project ends?
- 8) In the remaining life of the project, what do you think the project might do to increase its effectiveness and have even more of an impact?

Annex C: List of Documents Reviewed

1. Cooperative agreement IL-28100-15-75-K-11)
2. Management Procedures and Guidelines 2013, 2016
3. Project document, results framework, and performance monitoring plan
4. Project logic model
5. Technical progress reports
6. Project work plans
7. Federal financial reports
8. Project output budget
9. Baseline study reports (3)
10. Sector maps (textile and apparel, agroexport, and mining)
11. Pre and post test scores for the agroexport and mining sectors
12. Sustainability and exit strategy (matrix)

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.