

Evaluation of the Project Engaging Workers and Civil Society to Strengthen Labor Law Enforcement in Georgia, Mexico, and Peru



Evaluation Contractor: Sistemas, Familia y Sociedad Ltd. (SFS) | Cooperative Agreement Number: IL-32531-18-75 K

Summary of Results, Generalizable Lessons Learned and Replicable Good Practices

Project Objective and Long-Term Outcomes

The project aims to promote the effective engagement by workers and CSOs with the government and employers to improve enforcement of labor laws, by attaining the following Long-Term Outcomes (LTO):

LTO 1: CSOs and/or workers accurately identify potential labor law violations in workplaces

LTO 2: CSOs and/or workers submit well-supported, well-articulated, justiciable claims to initiate inspections and seek legal remedies

LTO 3: CSOs and/or workers effectively track progress of claims

LTO 4: CSOs and/or workers engage with the government and employers to address potential labor law violations

	GEORGIA	MEXICO	PERU
Funding	\$1,994,173	\$4,768,398	\$1,046,417
Period of Performance	INTERIM EVALUATION		FINAL EVALUATION
	January 2019 – July 2022	April 2020 – September 2022	September 2018 – June 2021
Implementer	American Center for International Labor Solidarity, known as Solidarity Center (SC)		

Sectors/Industries per Country/Region addressed by SC Projects

GEORGIA	MEXICO	PERU
<p>Multi-sector*: 1 Tbilisi</p> <p>Metallurgy and mining: 2 Imereti, 3 Kvemo Kartli</p> <p>Agriculture: 4 Samegrelo, 5 Shida Kartli, 6 Mtskheta-Mtianeti</p> <p>Construction: 7 Adjara</p> <p>Mineral water production: 8 Samtskhe-Javakheti</p> <p>Coal, oil & gas: 9 Kakheti</p>	<p>Automobile Supply Chain:</p> <p>1 San Luis Potosí</p> <p>2 Querétaro 3 Guanajuato</p> <p>4 State of Mexico 5 Mexico City</p>	<p>Export apparel:</p> <p>1 Lima 2 Arequipa</p> <p>Agriculture:</p> <p>3 Piura 4 San Martín 5 Ica</p>
<p>(*) Including chemicals, transport, municipal cleaning services, water and power supply, health care, seafarers, communications, medical goods, and several other sectors as per below)</p>		

Key Findings

RELEVANCE AND DESIGN		
<p> Results:</p> <p>The project design was well suited for Peru, except for engagement with employers (because of a hostile relationship between the latter and workers). It worked well in Georgia and was not well adapted to the Mexican context.</p>	<p> Lessons Learned:</p> <p>Using one generic TOC with a prescribed project objective and LTOs and applying it to different cultural and sociopolitical contexts may lead to the project design not being well suited to each country or sectoral context. This can also result in a mismatch between LTO target achievement and actual impact at the project objective level.</p>	<p> Implications for ILAB's Worker Rights Programming:</p> <p>A project design based on a more flexible and multi-pronged approach, may allow grantees to better tailor their response to countries' contexts, and advance USG global objectives of strengthening workers' voice, workplace democracy, and supporting trade union rights in the global economy. While OTLA's theory of sustained change (TOsC) can be used as a starting point for project design, the specific strategies and leverage points should be adapted to each country's context.</p>

COHERENCE

✓ Results:

- Projects in Peru and Mexico **joined efforts with universities** (in Peru; organizing training in labor law for workers through a local university; in Mexico, organizing research on labor-related issues by universities)

- Coordination with other workers' rights projects was limited in all countries, including networking with other USDOL-sponsored initiatives. Linking with other projects and carrying out joint actions may provide opportunities to increase impact through **collective action**, and to generate shared measurements for monitoring of outcomes of mutual interest.

✓ Lesson Learned:

Networking with other institutional actors can help increase project coherence (e.g., the compatibility of an intervention with other interventions in a country or sector) and effectiveness (e.g., through synergies and interlinkages with the interventions of other actors).

✓ Implications for ILAB's Worker Rights Programming:

Establishing **linkages** with other actors (academia, labor inspection, CSO) may function as a relevant catalyst for institutional norms and labor culture change.



EFFECTIVENESS

✓ Results:

- While in Peru the project met or exceeded targets for most indicators, in Georgia the project experienced delays in implementation and in reaching targets (LTO3 and LTO4) due to mismatch between demand and supply issues. In Mexico, the level of achievement has been limited and substantial progress by end of LOP seems unlikely vis-a-vis the prescribed LTO, but perhaps not at the project objective level.

- Projects' responses to local and/or sectoral COVID 19-related restrictions enhanced or limited projects' ability to implement their strategies. In the case of Peru the project rapidly adapted most of its interventions to a remote mode using information and communication technologies, while in Mexico, the pandemic brought many of the project activities to a provisional halt.

✓ Lessons Learned:

- Differences in **capacity** (e.g., size of union membership, union structure and reach, computer literacy, access to technology) and **replacement resources** (unions' financial resources, access to technology), contribute or hamper project effectiveness and help explain differences in project results among unions, sectors, regions, and countries. In the case of Peru union membership in the export-oriented agricultural sector in Ica and in the alpaca textile sector in Arequipa increased during the life of the project, a fact which was reflected in better project results than in Lima, where union membership in the textile/apparel sector decreased steeply, as local-market oriented enterprises lost their share of the market to imports from China.

- The legitimization/increased use of collective bargaining processes should be considered both as a project outcome and as a means to strengthen unions' **capacity**.

✓ Implications for ILAB's Worker Rights Programming:

- As part of a pre-situational analysis, the dimensions of **linkages, motivation, capacity, and resources** should be assessed in each country / sector during the design stage of a project or during the first phase of the same.

- In countries/ sectors where unions are weak, or not autonomous or representative, projects should use a **phased, two-stage approach**, in which the first phase would focus on strengthening unions' structure, capacity, representativeness, outreach and membership. This would allow implementers to establish initial milestones regarding awareness raising, capacity building and organizational support, to help build worker organizations capacity and prioritize those achievements that are a prerequisite for attaining longer-term outcomes. This approach would be particularly useful in Mexico.

- The use of collective bargaining processes is an important outcome that should have **common metrics across projects**. USDOL should provide guidance on measurement/data collection for this outcome.

EFFICIENCY

✓ Results:

Projects faced different challenges in each country:

- **In Peru**, while the monitoring system was adequate, given that data collection and reporting depended on workers/unions' support (particularly in the case of the CTS) the monitoring system posed the issue of underreporting. Likewise, the follow-up of cases was often not registered in the CTS. Turnover of authorities and government staff due to political instability affected work with the Ministry of Labor and Labor Inspectorate.

- **In Mexico**, the formulation and approval processes of the Project Document (Prodoc) lasted over a year and the M&E system took long time to be operational (e.g., the Monitoring, Evaluation and Learning (MEL) plan was submitted for approval by November 2020 and the M&E Officer was not recruited until early 2021).

- **In Georgia**, the project also experienced delays in hiring the M&E Officer an implementing its M&E system, because the original candidate proposed for the M&E officer position withdrew his application after the award was made.

✓ Lesson Learned:

Projects' hiring and turnover issues, as well as turnover issues in Government and other institutions are a frequent burden to implementation that hampers project's ability for timely delivery.

✓ Implications for ILAB's Worker Rights Programming:

Projects should develop efficient hiring procedures and submit in advance a staffing plan to USDOL, including a roster of alternate candidates to fill in provisionally key positions in case they face sudden turnover.



Photo credit:
Global Industries



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OVERALL IMPACT

✓ Results:

- In Peru the project contributed to a substantial improvement of union leaders' **knowledge and capacity**, and helped unions modernize their approaches by relying on information and communication technologies for its activities. In Georgia the longer-term results are not yet documented. In Mexico, project results are limited.

- While in Georgia the project developed some joint activities for workers, employers, and government organizations, in Peru and Mexico, the project did not establish **linkages** between worker organizations and employers' organizations, invoking the existence of hostile relationships among the same. In Mexico, the project did not engage government entities, while in Peru, activities with the Labor Inspectorate had a limited scope.

✓ Lessons Learned:

- Working exclusively with only one type of tripartite stakeholder does not lead to systemic change.

- Taking in account the views and interests of different parties through **social dialogue** is an important means to advance change in labor relationships.

✓ Implications for ILAB's Worker Rights Programming:

Linkages: From a programmatic point of view, a **tripartite approach** is preferable in the long term than intensive action with only one type of stakeholder.

SUSTAINABILITY

✓ Results:

- Although the three projects have a sustainability strategy document, no clear steps had been taken at the time of the evaluation to roll out the sustainability strategy.

- In Georgia, Mexico and Peru, workers' organizations have limited financial and technical resources to meet the high **demand** from workers for **sustained service delivery** (information, advice, and legal assistance).

- In practical terms, sustainability varied from one country region to another, depending on the strength of union structures.

- In Peru, the project generated an important degree of ownership and empowerment among trade union leaders, a fact that increases the likelihood of some of its LTO.
- In Georgia and Mexico, the issue of sustainability has not yet been addressed in depth.

✓ Lessons Learned:

The level of sustainability of project outcomes is varied and depends on the availability of sufficient **motivation, technical capacity, demand for and access to services, and replacement resources** and the existence of workers' organizations' structures able to continue developing and delivering some specialized services and activities. Strategies to address and improve stakeholders' status regarding these issues should be incorporated into project design, implementation and monitoring.



✓ Implications for ILAB's Worker Rights Programming:

- Capacity and Demand:** A precondition for successful implementation of this type of workers' empowerment projects (e.g., training, formulation and follow up of claims, advocacy, negotiation with employers' organizations) is the existence at some level (sector or region) of independent and democratic unions/ workers' organizations with effective representativeness and capacity to engage productively with government and employers.

- Resources:** Grantees should implement an early search for replacement resources since the start of projects, establishing cost-recovery/self-financing mechanisms to generate revenue streams that supplement the union Membership dues. For example (as it happened with one union in the palm oil sector in Peru), unions could rent their premises to third parties for soccer games/ clubs, etc.

Achievements and Sustainability

✓ Long-Term Outcomes (LTO) and rating

		G Georgia M Mexico P Peru			
		LOW	MODERATE	ABOVE-MODERATE	HIGH
LTO #1	CSOs/workers accurately identify potential labor law violations in workplaces				
	Achievement	M		G	P
LTO #2	CSOs/workers submit well-supported, well-articulated, justiciable claims to initiate inspections & legal cases				
	Achievement	M		G	P
LTO #3	CSOs/workers effectively track progress of claims				
	Achievement		G M	P	
LTO #4	CSOs/workers engage with the Government & employers to address potential labor law violations				
	Achievement	M	G	P	
		G	M	P	

Specific Accomplishments highlighted in each Project/Country

GEORGIA	MEXICO	PERU
<p>SC project's training played an important role in positive collective bargaining outcomes, as workers increased their knowledge of collective disputes. For example, after more than a year of discussions and a mediation process, a collective bargaining agreement was concluded for the first time in the Tkibuli mine in May 2021.</p>	<p>With SC project's discrete support, an independent union known as SINTTIA won 78% of the votes cast by several thousand workers at GM's plant in the city of Silao, beating three rivals/protection unions including Mexico's biggest labor organization that had held the plant contract for 25 years. This is already having ripple effects in other plants and geographic areas (e.g. Tridonex plant in Matamoros).</p>	<p>Through its digital campaigning activities (e.g., the <i>Trabajadores frente a la Crisis</i> webpage), the SC project drew attention to labor violations against agricultural workers, in support of a strike in the agro-export sector that eventually led to legal reform when the Government of Peru derogated the Agro-export Law #27360, which was considered detrimental to workers' rights.</p>

RESPONSE TO COVID-19

✓ Results:

- During 2020 and 2021, the COVID-19 pandemic affected the projects' implementation in multiple ways and largely prevented face-to-face interactions, which negatively affected the implementation of activities involving worker outreach and training.

- However, projects demonstrated different capacity and readiness to adapt to this challenging situation. For example, the project in **Peru** adapted efficiently to COVID-19 by replacing some of its activities with others (e.g., labor fairs for replicas of trainings, carried out by worker-promoters), implementing activities through remote means (e.g., labor clinics; case tracking system; legal assistance; advocacy campaigns), and building the capacity of worker-promoters to interact through virtual means.

- In **Georgia**, due to the pandemic face-to-face activities and events were modified, curtailed, or ceased, a fact which reduced the project's ability to engage employers and the Government of Georgia in addressing labor law violations, affecting the attainment of LTO4.

- In the case of **Mexico**, the pandemic led to the closure of nonessential businesses (which include auto parts), and movement restrictions were in place until May 2021. This obstructed project implementation in multiple ways, including forcing prolonged periods of virtual working, and hampered the capacity of project staff to engage in-person with workers/unions.

✓ Lessons Learned:

- **Crises may be an opportunity for growth.** For example, in the case of **Peru**, the project responded swiftly to the COVID 19 pandemic by carrying out a massive adaptation of content and by training worker-promoters on the use of digital tools. As an unintended positive consequence of the pandemic, this helped introduce union leaders into the digital world, which allowed them to provide legal assistance to affiliates at far away locations, exchange legal documents with workers and employers by email, and address labor inspectors through the web. This less costly way of relating "in real time" with other stakeholders will have a lasting effect on unions' work.

- In the case of **Mexico**, the project was able to capitalize on emerging opportunities/conflictual contexts to establish relationships with and provide support to emerging workers' organizations, such as SITGM in San Luis Potosí, and Generando Movimiento in Silao (Guanajuato). The latter allowed for a majority vote of workers against the ratification of the existing, protection union-related CBA, and the creation of a **new independent union**, SINTTIA (Sindicato Nacional de Trabajadores y Trabajadoras de la Industria Automotriz).

✓ Implications for ILAB's Worker Rights Programming:

As part of project design ILAB should consider incorporating information and communication technologies and online services within workers' rights projects (training, legal support for claimants, advocacy).



Photo credit: Andina



Photo credit: Solidarity Center

Promising practices replicable in other contexts/projects

GEORGIA	MEXICO	PERU
<p>✓ Access and Service Delivery: Recruiting and embedding specialized lawyers into workers' organizations, to provide technical assistance, practical support, and mentoring to union members, lawyers, and law students.</p>	<p>✓ Motivation: Providing support to activists in a discrete way, so to allow them to circumvent protection unions' blockage and organize and push through the vote to legitimize collective bargaining.</p>	<p>✓ Motivation: Building commitment and ownership by doing things WITH unions/ beneficiaries rather than «for» them.</p> <p>✓ Capacity: Promoting replication of training activities in the workplace by worker-promoters.</p> 
<p>✓ Service Delivery: Convening bilateral worker-employer meetings (roundtables), bringing people together to discuss needs, priorities, and current key issues, to kickoff social dialogue.</p>	<p>✓ Service Delivery: Networking and leveraging the support of experienced and recognized institutions to provide a wide range of specialized support services, while establishing horizontal linkages with unions and universities.</p>	<p>✓ Demand: Establishing direct linkages between workers and academia and customizing the training on labor law to the needs of agricultural and textile workers, so that it may become a useful input for union leaders' work.</p>
<p>✓ Capacity: Training of workers/union leadership in the identification of violations and the submission of evidence-based claims.</p> 	<p>✓ Linkages: Capitalize opportunities by teaming-up with organizations with whom the project had a previous working relationship, while at the same time approaching emerging workers' organizations when industrial relation conflicts arise.</p>	<p>✓ Capacity: Using information and communication technologies to carry out training and legal assistance activities and expanding linkages with other stakeholders. The use of information and communication technologies also enhances access and may improve service delivery (quantity of reach and quality).</p> <p>✓ Resources: Using radio programs as a low-cost means to link trade unions with the public and local organizations.</p> <p>✓ Motivation: Carrying out awareness raising campaigns on working conditions in the export-oriented agricultural sector in support of labor law reform.</p>

Recommendations applicable to future projects

I. DESIGN		USDOL	Grantees
1	Funding Opportunity Announcements with pre-identified countries. The U.S. Department of Labor (USDOL)- Bureau of International Labor Affairs (ILAB) should develop Funding Opportunity Announcements (FOA) with pre-identified countries to ensure the Theory of Change and Long-Term Outcomes are realistic given the context in each country. Appropriate objectives and timelines, fine-tuned to specific intervention contexts, need to be established in the design stage, as well as adequate strategies and relevant indicators.	<input checked="" type="checkbox"/> USDOL	
2	ILAB should continue to roll out and implement the USMCA-Mexico Strategy. ILAB should finalize and disseminate the strategy to establish a robust approach to DOL's effective administration of the labor provisions of the USMCA as well as strategic and interconnected delivery of technical assistance and interventions that contribute to higher objectives.	<input checked="" type="checkbox"/> USDOL	
3	Needs Assessment. Establish a requirement for projects to produce a formal, written needs assessment at sector level, but also (if appropriate) at stakeholder/institutional level to inform project interventions. Consider designing and implementing training for workers' organizations and partner organizations on how to conduct a sector-specific or worker-centered needs assessment.	<input checked="" type="checkbox"/> USDOL	<input checked="" type="checkbox"/> Grantees
4	GESI Strategy. Projects should explicitly include a gender and social inclusion (GESI) strategy within their design and M&E system, with specific targets, goals, and outcomes, and regularly report against these.	<input checked="" type="checkbox"/> USDOL	<input checked="" type="checkbox"/> Grantees
5	Increased flexibility in preparation and approval of the Project Document Package. ILAB should continue to implement measures that allow for more flexibility and speed in processes related to the Project Document Package preparation and approval.	<input checked="" type="checkbox"/> USDOL	
II. IMPLEMENTATION		USDOL	Grantees
6	Virtual communication strategies. Establish virtual communication, outreach, and training mechanisms and strategies and build worker organizations' capacity to use these effectively. Projects should include the use of information and communication technologies to carry out training and legal assistance activities or promote the replication of training activities by worker-promoters.		<input checked="" type="checkbox"/> Grantees

7	Legal Support. Ensure that the recruitment and training of lawyers in workers' organizations, including affiliated unions, is adapted to respond to the high demand for legal support services .		✓ Grantees
8	Behavior Change Communication. Consider using a Behavior Change Communication (BCC) strategy for mindset change , particularly regarding mediation and tripartite social dialogue.		✓ Grantees
III. MONITORING		USDOL	Grantees
9	Performance Monitoring System. Improve projects' performance monitoring systems to effectively capture data for analysis and reporting. Set measurable targets, disaggregate data (e.g., by gender, people with disabilities, underserved groups). Analyze the social media and communications strategy and clearly align reporting with foreseen targets. Prioritize and track services to underserved groups within the global targets.	✓ USDOL	✓ Grantees
10	Claims Tracking System. Improve the comprehensiveness of claims tracking systems; promote regular input of data and ensure semi-annual data analysis and reporting of results to the donor, government, and the public.		✓ Grantees
11	Strengthen USDOL's Follow up of Projects. USDOL should redouble its efforts in following up of projects' cumulative performance data to detect relevant differences in expected performance, anticipate any potential shortcomings and discuss eventual changes in strategy.	✓ USDOL	
12	Develop Complementary Monitoring Approaches. USDOL should develop more agile and complexity aware monitoring approaches, that provide more rapid cycle feedback and inform course corrections (e.g., ripple effects mapping, outcome harvesting, and most significant change).	✓ USDOL	
IV. LINKAGES		USDOL	Grantees
13	Strengthen Tripartite Linkages in Projects. Fund integrated projects addressed to tripartite stakeholders (e.g., government, employers, workers), or separate projects that strengthen tripartite linkages and capacities in a synergic, parallel way, to increase compliance with labor law.	✓ USDOL	
14	Sustained Bipartite Dialogue Mechanisms. Develop bilateral worker-employer social dialogue meetings to influence government action, as well as employers-government and union-government meetings. Consider encouraging countries' tripartite bodies to convene the meetings so to ensure ownership and sustainability. Promote direct negotiation processes between unions and employers as a mean to address labor violations/complaints.		✓ Grantees
V. WORKER EMPOWERMENT		USDOL	Grantees
15	Support the Increase of Unions' Membership. Strengthen trade unions by helping them implement strategies to expand their membership, increase their sources of income, and secure replacement resources .	✓ USDOL	✓ Grantees
16	Strengthen Unions' Technical Capacity. Support the development of technical capacity in trade unions throughout project life, by training specialized staff so that it can assume full responsibility for the continuation of technical support to case tracking systems and for handling virtual media-based advocacy campaigns.		✓ Grantees
17	Invest in Unions' Leadership Development. Develop more advanced knowledge/abilities among trade union leaders regarding advocacy, social dialogue, dispute resolution and negotiation techniques, as well as provide periodic updates on labor law to trade unions.		✓ Grantees
VI. EQUITY		USDOL	Grantees
18	Focus on Gender Equity and Young Workers. Promote equitable access and outcomes for female and young workers, by decentralizing training to specific regions, continuing using virtual means, and engaging a greater number/percentage of female and young leaders.	✓ USDOL	✓ Grantees
VII. SUSTAINABILITY		USDOL	Grantees
19	Develop a sustainability strategy. Develop a systematic and detailed sustainability strategy, with a well-defined timeline and milestones, taking in account targets, identified risks and the status of the "enabling environment". A projects' sustainability strategy should identify specific institutions expected to be responsible for sustaining project results and the resources/support they will need to sustain them.		✓ Grantees
20	Replacement Resources. Improve worker organizations' ability to generate replacement resources or establish cost recovery mechanisms to expand and sustain their services to meet demand, especially to historically underserved groups, such as workers in the informal sector.		✓ Grantees