



Independent Interim Evaluation

Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in GUATEMALA

Implemented by:
International Labor Organization

Evaluator:
Rafael Muñoz-Sevilla

Project Award Number: 502239

Financing Agency: US Department of Labor

Dates of Project Implementation: October 2018 - October 2021

Evaluation Fieldwork Dates: October 27 - November 6, 2020

Total Project Funds from USDOL: USD \$2,500,000



Sistemas, Familia y Sociedad
Consultores Asociados

ACKNOWLEDGEMENTS

This report presents the findings of the interim evaluation of the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. Fieldwork for this independent evaluation was conducted between October 27 and November 6, 2020 by *Sistemas, Familia y Sociedad* (SFS), in collaboration with the project team and stakeholders. The evaluation report was prepared according to the terms specified in SFS' contract with the United States Department of Labor (USDOL). SFS would like to express sincere thanks to all the parties involved for their support and valuable contributions.

Funding for this evaluation was provided by USDOL. This material does not necessarily reflect the views or policies of USDOL, and any mention of trade names, commercial products, or organizations does not imply endorsement by the United States Government.

TABLE OF CONTENTS

LIST OF TABLES	iii
LIST OF ACRONYMS	iv
EXECUTIVE SUMMARY	vi
1. PROJECT CONTEXT AND DESCRIPTION	1
2. EVALUATION OBJECTIVES AND METHODOLOGY	4
2.1 Evaluation Objectives	4
2.2 Methodology	4
3. EVALUATION FINDINGS	10
3.1 Relevance and Validity	10
3.2 Coherence	14
3.3 Effectiveness	18
3.4 Efficiency	36
3.5 Impact	38
3.6 Sustainability	40
4. LESSONS LEARNED AND PROMISING PRACTICES.....	45
4.1 Lessons Learned	45
4.2 Promising Practices	46
5. CONCLUSIONS AND RECOMMENDATIONS	47
5.1 Conclusions	47
5.2 Recommendations	50
Appendix A: Summary of Performance Results.....	54
Appendix B: Rapid Scorecard	59
Appendix C: List of Documents Reviewed.....	62
Appendix D: Schedule of Meetings	64
Appendix E: Stakeholder Workshop Agenda and List of Participants	65
Appendix F: List of Interviewees and FGD Participants.....	66
Appendix G: Interview and Focus Group Guides.....	67
Appendix H: Evaluation Design Matrix.....	71
Appendix I: Terms of Reference	81

LIST OF TABLES

Table 1: Project Long-, Medium-, and Short-Term Objectives.....	2
Table 2: Evaluation Questions and Data Sources.....	5
Table 3: Participants in Interviews and FGDs	7
Table 4: Documents Reviewed by Category	8
Table 5: Performance Ratings by Project Outcome.....	20

LIST OF ACRONYMS

ACTEMP	ILO's Employers' Activities Branch
ACTRAV	ILO's Workers' Activities Branch
AGEXPORT	Guatemalan Association of Exporters
CABI	Central American Business Intelligence
CACIF	Coordinating Committee of Agricultural, Business, Industrial and Financial Associations
CAFTA-DR	Dominican Republic-Central America Free Trade Agreement
CAMAGRO	Chamber of Agriculture
CODECA	Comité de Desarrollo Campesino
DISI	MOL's Dirección de Sistemas de Información
ECMS	Electronic Case Management System
FGD	Focus Group Discussion
FOA	Funding Opportunity Announcement
GREPALMA	Guatemalan Palm Growers' Chamber
IGT	General Labor Inspectorate
ILAB	USDOL International Labor Affairs Bureau
ILO	International Labor Organization
ILS	International Labor Standards
IT	Information Technology
KII	Key Informant Interview
LABADMIN/OSH	ILO's Labor Inspection and Occupational Safety and Health Branch
LINA	Labor Inspection Needs Assessment
LTO	Long-Term Objective
M&E	Monitoring and Evaluation
MOL	Ministry of Labor (Guatemalan Ministry of Labor and Social Security)
MPG	ILAB's Management Procedures & Guidelines for Cooperative Agreements
MTO	Medium-Term Objective
OBB	Outcomes-Based Budget
OSH	Occupational Safety and Health
PMP	Performance Monitoring Plan

ProDoc	Project Document
RBM	Results-Based Management
RF	Results Framework
SCP	Strategic Compliance Plan
SFS	Sistemas, Familia y Sociedad – Consultores Asociados
SMART	Specific, Measurable, Achievable, Relevant and Time-bound
STO	Short-Term Objective
TCO	Total Cost of Ownership
TOR	Terms of Reference
ToC	Theory of Change
TPR	Technical Progress Report
UDEO	Universidad de Occidente
USDOL	United States Department of Labor

EXECUTIVE SUMMARY

Project Description and Evaluation Background

The agricultural export (agro-export) sector is a pillar of Guatemala's economy and an important source of employment. This sector grew by 3.2% in 2016 and produces a variety of export products. According to an economic prospection study prepared by Central American Business Intelligence (CABI) for the Chamber of Agriculture (CAMAGRO), the main products for export are: unroasted coffee, fresh fruit, processed fruit, fresh vegetables, processed vegetables, sugar and palm oil. Employment in agriculture (% of total employment) in Guatemala was reported at 29% in 2019, according to the World Bank collection of development indicators. According to the National Employment and Income Survey, 4,467,917 persons were working in the informal sector in 2016, with agriculture being the activity that absorbs the major percentage of occupied people in the informal sector (37%).¹

In 2018, Guatemala exported a total of \$9.79B, making it the number 89 exporter in the world. During the last five reported years, the exports of Guatemala have changed by -\$1.43B, from \$11.2B in 2013 to \$9.79B in 2018. The most recent exports are led by Bananas (\$1.35B), Coffee (\$775M), Knit Sweaters (\$676M), Raw Sugar (\$448M), and Knit T-shirts (\$401M). The most common destinations for the exports of Guatemala are the United States (\$4.36B), El Salvador (\$1.16B), Mexico (\$506M), Nicaragua (\$450M), and Canada (\$434M).²

Frequent complaints by workers and labor inspectors in this sector are non-compliance in the area of acceptable conditions of work: minimum wage, working hours, and occupational safety and health (OSH). Non-compliance with labor rights continues, due in part to ineffective enforcement of labor legislation by both administrative and judicial institutions. The decline in inspectors is at least in part attributed to the General Labor Inspectorate (IGT) having no system for professional advancement, performance evaluation, or other measures to motivate labor inspectors to continue employment, learning, or improvement.³ This has made building the capacity of the Ministry of Labor (MOL) and the Judiciary all-the-more critical for Guatemala to meet its labor-related commitments under the United States-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR).⁴

In 2018, the International Labor Affairs Bureau (ILAB) of the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) a three-year, US\$2.5 million cooperative agreement for the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. The project objective is improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector, and the high-level goal for this project is that workers in Guatemala receive at least the minimum wage, work within legal limits for working hours, receive due compensation for overtime and operate in a safe and

¹ Source: Terms of Reference: Independent Interim Evaluation. Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala.

² The Observatory of Economic Complexity: <https://oec.world/en/profile/country/gtm/>

³ Source: Terms of Reference: Independent Interim Evaluation. Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala.

⁴ Source: <https://www.dol.gov/agencies/ilab/improving-labor-law-enforcement-guatemala>

healthy working environment. The project's theory of change is that if the institutional capacity of the Labor Inspectorate and the Judiciary Branch regarding supervising and enforcing sanctions against labor violations are improved, then compliance with labor law in the agricultural export sector will increase, and then workers in the agricultural export sector will work under acceptable conditions of work.

This project is being implemented by the ILO. ILAB contracted Sistemas, Familia y Sociedad (SFS) to conduct performance evaluations of technical assistance projects in Guatemala, Bangladesh, and Jordan. The current report presents the key findings, conclusions, and recommendations of the interim evaluation of the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. The purpose of this interim performance evaluation is to:

1. Assess the relevance of the project in the cultural, economic, and political context in the country, as well as the validity of the project design and the extent to which it is suited to the priorities and policies of the host government and other national stakeholders;
2. Determine whether the project is on track toward meeting its objectives, identify the challenges and opportunities encountered in doing so, and analyze the driving factors for these challenges and opportunities;
3. Assess the effectiveness of the project's strategies and the project's strengths and weaknesses in project implementation, and identify areas in need of improvement;
4. Provide conclusions, lessons learned, and recommendations; and
5. Assess the project's plans for sustainability at local and national levels and among implementing organizations, and identify steps to enhance its sustainability.

The report provides evidence to inform decision-making, understanding of lessons learned, and recommendations for future projects. The evaluation team assessed the project through the perspectives of a diverse range of stakeholders, including those who participated in the project, as well as those who were intended to benefit from the project's interventions. The team conducted semi-structured interviews and focus group discussions (remotely) during the data collection phase in October-November 2020. The team complemented their findings with a document review, including project monitoring data, to address the evaluation questions identified in the Terms of Reference (TOR). Below is a summary of the key findings, lessons learned, promising practices, and recommendations.

Key Findings

Relevance and Validity

The evaluators found the project's theory of change to be theoretically logical and coherent. It represents a sound overall intervention strategy, guiding the USDOL vision as well as the strategic objectives that will be necessary (although perhaps not sufficient due to the lack of focus on employers, who have a direct influence over the problem) to achieve improved enforcement of acceptable conditions of work. However, the achievement of the project's objective in the Guatemalan agricultural export sector should be understood as a strategic longer-term goal that involves a substantial dedication of time and resources (both technical and financial).

Also, it was observed that the achievement of this strategic goal would require profound transformations for the Guatemalan Labor Administration which, in turn, necessitate a favorable enabling environment. Such a favorable enabling environment is not yet in place in Guatemala.

Further, the evaluators concluded that the Results Framework was formulated in a highly complex way and focused on too many problems/issues. Additionally, it was found that the “problem analysis” was rather weak, and that an “objectives tree” and a “strategy analysis” were lacking. As a result, the project’s design chose to tackle all of the identified problems, instead of focusing on one or a few specific areas where it could have an effective influence, which has resulted in the setting of unrealistic goals.

Coherence

The evaluators determined that the project has access to valuable technical resources of the ILO. However, in line with what some stakeholders confirmed, the human resources that were assigned for the project’s implementation were found to be scarce, especially for a project of such complexity. This situation became more complicated upon the resignation of the first Project Coordinator in May 2020. In terms of financial resources, the budget allocation to the project seems to be adequate.

Apropos the allocated time for the duration of the project, there is broad agreement among the consulted stakeholders that improving the overall enforcement of workers' rights in Guatemala's agro-export sector will require complex systemic interventions, processes and transformations that will need more time than what was initially foreseen for the project implementation (i.e. three years, October 2018 – October 2021).

In regards to the institutional capacities of the implementing partners, the information collected by the evaluators indicated that the current technical capacities in the MOL, the IGT and the employers’ organizations are considered sufficient for project implementation. Conversely, the Guatemalan trade union organization is generally weak; with limited representation, and low levels of affiliation and negotiating capacities.

With respect to the motivations and capacities of national and local stakeholders, although the project has faced multiple challenges since its inception, the evaluators learned through interviews with national stakeholders that from the second half of 2020, the national context has stabilized to some extent. National stakeholders, as well as project and ILO staff stated that, overall, the current degree of motivation and involvement of all stakeholders is noteworthy.

Effectiveness

The project has started to make some contributions towards strengthening the capacity of MOL/IGT for increased effectiveness of labor inspections. Conversely, very little has yet been achieved in the area of promoting compliance with labor laws, which was expected to result from increased actions by workers' and employers' organizations. In addition, not much has yet been achieved in terms of upholding appropriate administrative sanction resolutions by judges in cases related to violations of acceptable conditions of work that have been brought before the courts.

The project has faced serious challenges for most of the implementation period; nevertheless, stakeholders pointed out that a new momentum has been generated. The recent changes in authorities and technical staff of the MOL/IGT (July 2020) and a greater dynamism on the part of the current project management (with the support of the ILO Office in San Jose) have managed to give a new impetus to the project's relations with its national partners, and this has in turn opened a significant window of opportunity for the project to achieve more progress during the remaining implementation time.

Efficiency

Based on the financial information that was made available to the evaluators, to date the project's expenditure amounts to approximately 20% of the total budget (while the implementation period that elapsed at the time this evaluation was carried out was approximately 2/3 of the total). The analysis of the project's effectiveness shows that there have been several instances where the project has been able to provide effective support to country stakeholders (namely the MOL/IGT) with relatively limited funding and project staff (with support from the ILO Office in San José and its Specialists as well as from ILO-HQ Specialists).

Impact

Based on document review and interviews that were conducted with key stakeholders, the evaluation team was unable to substantiate that any effective changes have yet occurred in stakeholder policies, programs, or resource allocation, as a result of project activities. The evaluation team did not receive any concrete evidence of gender-specific impacts (positive or negative) of the project's interventions, or impacts on minority, indigenous or other vulnerable or disadvantaged groups.

Sustainability

The evaluation examined the likelihood of the sustainability of the main results from project interventions implemented so far, or foreseen for the remainder of the implementation time.

Regarding the activities developed with the MOL/IGT, the sustainability of the outcomes of such interventions will largely depend on the Government's continued political will to support the IGT in enforcing labor laws. In this regard, the allocation of sufficient funding will be indispensable. At the time of this evaluation, both the degree of political will and the availability of funds the MOL/IGT has for activities and support remained unknown.

Regarding the employers' organizations, in 2018, without the project's intervention, CAMAGRO had approved its own policy to promote respect for human rights in the agro-sector. This initiative was followed by the Guatemalan Palm Growers' Chamber (GREPALMA) which adopted a Human Rights Policy. Taking into consideration that these two initiatives by the agricultural chambers were adopted at their own initiative, it seems reasonable to the evaluators to expect that others will be inclined to follow suit, as planned by the project and CAMAGRO.

As for the workers' organizations, the project plans to develop a number of activities for the remainder of its implementation time. The evaluators consider that the ILO has the required

technical resources and in-house expertise to implement such interventions. Whether the outcomes of these activities will be sustainable is difficult to ascertain at this point.

With respect to the activities with the Judiciary that are foreseen for the remainder of the implementation time, according to the ILO/project staff, these will mainly be focused on training. It is anticipated that if needed, the School of Judiciary Studies should be able to provide continuity to such activities through a formal handover agreement with the project.

Lessons Learned

1. Stakeholders' participation in the project design. Participatory processes with national stakeholders during the project design phase are critical. The evaluation learned that the insufficient level of participation by national partners in the project's design stage, along with the challenging environment, proved to be a critical aspect of their lack of ownership at the outset of the project, and thus has contributed to challenges for its implementation. In this regard, national stakeholders underlined that a more inclusive and participatory approach could potentially have resulted in a better and more realistic project design.
2. An effective enabling environment is crucial to successful project implementation. Several contextual factors are important contributors in an enabling environment for a project of this type, including: a solid political will; strong tripartite commitment; the existence of effective social dialogue processes and spaces; sufficient institutional capacities; and the availability of sufficient relevant resources (human, technical and financial) for project implementation. The presence of such factors also allows for minimizing potential risks and facilitates strengthened national ownership of the project's objectives and thus the chances for successful implementation. These factors should have been given greater weight in the project's design phase, in addition to more thorough needs assessments.
3. Availability of appropriate staff levels is key to project performance. Complex interventions such as this project, especially in an environment that displays the described challenges, demand an adequate level of technical human resources to be able to address its many dimensions. The noted scarcity in assigned human resources – along with the resignation of the Project Coordinator – has resulted in an excessive workload for the project staff, which in turn has affected the current Acting National Officer's ability to exercise more strategic management. Although efforts were made by the project to bring in ILO expertise (ILO Regional and HQ Specialists) when necessary, it would be beneficial for the project to have access to increased technical staff assigned to the project for the duration of the project.
4. Implementation schedule. Improving compliance with minimum wage, hours of work and occupational safety and health legislation in Guatemala requires multifaceted and elaborate strategies and interventions. These entail systemic changes that demand long-term processes and implementation schedules, and these cannot be expected to be achieved in the short term (three years).
5. Monitoring performance indicators and managing budgets. The project management's ability to adapt to changing circumstances is essential to addressing the actual needs of the project partners, to delivering the expected outputs, and to achieving the planned outcomes. In this sense, ILAB's tools such as the Performance Monitoring Plan (PMP) or the Outcomes-Based

Budget (OBB) are essential for monitoring the project's performance and expenditures, and thus, to allow for necessary adjustments during project implementation. Thus, the grantee's ownership in the development and application of these instruments is both critical and adequate for project management, monitoring and evaluation (M&E).

Promising Practices

1. *Project's flexibility to adapt to evolving conditions.* The project has been able to adapt well to the numerous contextual changes, and to the varying needs and demands of project partners. The sustained engagement with key stakeholders by the project management and the ILO representatives and Specialists has been conducive to support project implementation. The project management's ability to adjust, to the extent possible, the project interventions on account of evolving internal and external conditions is considered a good practice.
2. *Building on existing ILO expertise and resources.* Building on existing ILO expertise and resources (Regional and HQ Specialists and staff) through collaboration and coordination has proven to be essential for the successful provision of technical assistance to project partners. Reinforcing this type of collaboration and coordination will be key during the remaining project implementation schedule to enhance the project's effectiveness, efficiency, impact and sustainability.
3. *Labor Inspection Needs Assessment (LINA).* The purpose of the LINA was to identify institutional strengths and weaknesses of the Labor Inspectorate and of the labor inspection system. Conducting the assessment contributed to an ILO-MOL/IGT joint analysis that was used as a basis for the project implementation; as well as for an analysis of the implications of the Labor Law Reform for the Labor inspectorate; and to identify areas for improvement to strengthen the effectiveness, efficiency and quality of the labor inspection services.

Recommendations

1. ***Project design (addressed to USDOL-ILO):*** Project design processes should be based on thorough participatory national consultation with all key stakeholders. The design should also take into account the different contexts and specific needs, as well as institutional and resource constraints. This involves developing context-specific baselines and studies in order to fine-tune and adapt the intervention strategies to the different circumstances.
2. ***Project staff (addressed to USDOL):*** The Funding Opportunity Announcements (FOAs) should make sure that the staffing provisions are sufficient to carry out the project's duties in the field and implement activities with maximum effectiveness.
3. ***Strengthen the Project's Staff Structure (addressed to ILO):*** The evaluation deems that it is urgent to strengthen the project's staff structure. In this regard, in the short term, and in order to comply with the Terms and Conditions of the grant, the ILO should engage a National Coordinator that meets the minimum M&E and project management qualifications as noted in the Funding Opportunity Announcement.

4. ***Accelerate the Total Cost of Ownership (TCO) process for the development of the Electronic Case Management System (ECMS) (addressed to ILO):*** It is essential for the ILO to accelerate the analysis and approval process for the *Total Cost of Ownership* and to initiate the international bidding process as soon as possible, in order to proceed with the implementation of the ECMS pilot in the Department of Escuintla and for the Government of Guatemala to establish its commitment to funding a national rollout based on the total cost of ownership and the outcomes of the pilot. The system development process is expected to last up to nine months (starting from the handover of the software by the developer to the project). Subsequently, an additional three months are expected to be required to provide guidance and training on the correct use of the ECMS for those responsible in the Departmental delegation and for labor inspectors.
5. ***Grant the project a no-cost 6-month extension implementation period (addressed to USDOL and ILO):*** The evaluators recommend that USDOL consider, in consultation with ILO, granting the project a no-cost extension implementation period of six months in order to compensate for the delays (caused by factors outside of the project's control)⁵ during the inception phase. This will ensure that the project will have sufficient time to implement and, to the extent possible, scale-up the ECMS pilot, as well as to conclude the implementation of other key interventions in order to maximize the prospects for effectiveness, impact and sustainability.
6. ***Introduction of the ECMS in other Departmental delegations (addressed to ILO and MOL):*** The evaluation recommends that the ILO, in coordination with the MOL, prepare an estimate for the possible introduction of the ECMS in other Departmental delegations (for instance, Guatemala) during the remaining implementation period (with/without extension). If this option is considered viable, the project should proceed as soon as possible. It is also considered necessary that the ILO, to the extent possible, continues to provide monitoring and technical assistance in the systemic/organizational adjustments of the IGT/delegations which may be necessary after the introduction of the ECMS.
7. ***Continued technical assistance from the ILO to the MOL in some key aspects (addressed to ILO and MOL):*** a) Conclude the standardization of the criteria for labor inspection; b) Complete the procedural manual of the IGT; c) Finalize the study on the application of administrative sanctions; d) Support the Ministry of Labor in the development and implementation of Strategic Compliance Plans (SCPs) in priority sectors; e) Support the development of campaigns on workers' labor rights in the agro-export sector; f) Continue to strengthen the training in OSH for labor inspectors in agricultural areas, and g) Start the training program for labor inspectors in the first trimester of 2021. It is also recommended that the ILO and the MOL define strategies to ensure the continued participation of inspectors in the training program.

⁵ As explained in this report, due to a series of developments that occurred in 2020, the implementation of the activities related to the MOL/IGT was disrupted: In January 2020 there was a change of Government as well as a series of changes in the authorities of the Ministry of Labor. In addition, as of March 2020, due to the COVID- 19 pandemic, the Ministry of Labor closed its access for the public, for a period of 6 months and there was virtually no communication from the authorities of the Ministry of Labor with either the social partners or international cooperation agencies. In the case of the workers and employers' organizations as well as the Judiciary, multiple coinciding factors led to a stagnation of the planned activities.

- 8. Adoption of Human Rights Policies and Management Processes (addressed to ILO and CAMAGRO):** It is recommended that the project, together with the Regional ILO Employers' Activities Branch (ACTEMP) Specialist and CAMAGRO, provide technical assistance for the development, follow-up and adoption of human rights policies and their respective management processes for employers' organizations in the agro-export sector.
- 9. Support to workers' organizations (addressed to ILO and workers' organizations):** The evaluation recommends that the project, in coordination with the Regional ILO Workers' Activities Branch (ACTRAV) Specialist, develop actions aimed at strengthening the capacities of the main workers' organizations with presence in the agro-export sector. It is advisable in this regard to undertake a study/assessment of the capacities of trade unions (both central trade unions and agricultural organizations) related to the issue of labor inspection. Put in context, and based on results from this study, it is suggested to develop some interventions that could be supported by the ILO, including: a) training workers on how to access and use the resources that are available in administrative and judicial institutions with regard to the filing of complaints related to labor rights; b) involving the trade unions in the processes of Strategic Compliance Planning for Labor Inspections.
- 10. Judiciary: Improvement of knowledge and standardization of criteria (addressed to ILO and Judiciary):** The evaluation recommends that the project develop interventions that aim to generate better knowledge of labor legislation within the Judiciary, and to standardize the criteria related to the application of sentences in the labor field. Also, the evaluation recommends promoting the exchange of experiences between judges at the Misdemeanor Courts and judges at the Labor Courts, as well as between judges of the Misdemeanor Courts and Departmental delegates of the MOL.
- 11. Strengthen the social dialogue and tripartism (addressed to ILO, MOL, employers' and workers' organizations):** There is agreement among the interviewees about the importance of promoting social dialogue and tripartism in Guatemala. In this regard, representatives of the MOL, employers and workers underlined the importance of support from the ILO/the project to define a joint roadmap that allows for the reactivation of the existing Tripartite Council for Labor Inspection.
- 12. Workplan for the implementation and follow-up of the recommendations (addressed to ILO):** In order to allow for effective follow-up on the recommendations of this evaluation, the evaluators suggest that the ILO develop a workplan for the implementation and follow-up of the recommendations. This workplan should clearly specify the activities, outputs, timeline, resources (technical, financial and human), responsibilities, indicators and technical and financial monitoring processes that are required to implement the recommendations as well as to appropriately comply with USDOL-ILAB requirements and regulations.

1. PROJECT CONTEXT AND DESCRIPTION

The agricultural export (agro-export) sector is a pillar of Guatemala's economy and an important source of employment. This sector grew by 3.2% in 2016 and produces a variety of export products. According to an economic prospection study prepared by Central American Business Intelligence (CABI) for the Chamber of Agriculture (CAMAGRO), the main products for export are: unroasted coffee, fresh fruit, processed fruit, fresh vegetables, processed vegetables, sugar and palm oil. Employment in agriculture (% of total employment) in Guatemala was reported at 29% in 2019, according to the World Bank collection of development indicators. According to the National Employment and Income Survey, 4,467,917 persons were working in the informal sector in 2016, with agriculture being the activity that absorbs the major percentage of occupied people in the informal sector (37%).⁶

Frequent complaints by workers and labor inspectors in this sector are non-compliance in the area of acceptable conditions of work: minimum wage, working hours, and occupational safety and health (OSH). Non-compliance with labor rights continues, due in part to ineffective enforcement of labor legislation by both administrative and judicial institutions. The decline in inspectors is at least in part attributed to the General Labor Inspectorate (IGT) having no system for professional advancement, performance evaluation, or other measures to motivate labor inspectors to continue employment, learning, or improvement.⁷ This has made building the capacity of the Ministry of Labor (MOL) and the Judiciary all-the-more critical for Guatemala to meet its labor-related commitments under the United States-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR).⁸

In 2018, the International Labor Affairs Bureau (ILAB) of the United States Department of Labor (USDOL) awarded the International Labor Organization (ILO) a three-year, US\$2.5 million cooperative agreement for the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. The project objective is improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector, and the high-level goal for this project is that workers in Guatemala receive at least the minimum wage, work within legal limits for working hours, receive due compensation for overtime, and operate in a safe and healthy working environment. The project's theory of change is that if the institutional capacities of the Labor Inspectorate and the Judiciary Branch regarding supervising and enforcing sanctions against labor violations are improved, then compliance with labor law in the agricultural export sector will increase, and then workers in the agricultural export sector will work under acceptable conditions of work.

The *Promoting Respect for Labor Rights in the Agricultural Export Sector in Guatemala* project is implemented by the ILO. The ILO intends to make progress towards the Project Objective by

⁶ Source: Terms of Reference: Independent Interim Evaluation. Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala.

⁷ Source: Terms of Reference: Independent Interim Evaluation. Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala.

⁸ Source: <https://www.dol.gov/agencies/ilab/improving-labor-law-enforcement-guatemala>

achieving two Long-Term Objectives (LTO), six Medium-Term Objectives (MTO) and fourteen Short-Term Objectives (STO), presented in Table 1.⁹

Table 1: Project Long-, Medium-, and Short-Term Objectives

Project Objective: Improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector
Long Term Objective 1: Increased effectiveness of labor inspections related to acceptable conditions of work
MTO 1.1: The Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance issues in the agro-export sector
STO 1.1.1: The Labor Inspectorate implements recommendations and strategies from the Labor Inspection Needs Assessment (LINA)
STO 1.1.2: Strategic Compliance Plans (SCP) for the Inspectorate are developed and implemented using the SCP/ILO methodology for enhancing effectiveness of strategic inspections
MTO 1.2: Labor inspectors' capacities to perform quality inspections are strengthened
STO 1.2.1: Labor inspectors access new career and performance incentives
STO 1.2.2: Labor inspectors are trained on priority labor subjects
STO 1.2.3: Labor inspectors have better understanding of common mistakes in labor inspections and what information judges need to enforce sanctions
MTO 1.3: Workers' and employers' organizations take more actions to promote compliance with labor laws
STO 1.3.1: Workers and employers' organizations are more aware of labor issues, acceptable conditions of work, new sanctions procedure, and avenues for resolving labor conflicts
STO 1.3.2: Employers have more knowledge and tools to promote self-compliance in the agro-export sector following technical assistance
MTO 1.4: Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issues and collected, and violations remediated
STO 1.4.1: Design and develop a new electronic case management system for labor inspection to incorporate the new administrative sanctioning procedure
STO 1.4.2: Increase MOL's capacity to follow up on labor inspection in the country through the electronic case management system
MTO 1.5: Pilot Case Management System is replicated in one or more additional regions of Guatemala
STO 1.5.1: At least two regions have implemented the Case Management System as a pilot region
STO 1.5.2: The selected regional offices at key regions have the necessary equipment and conditions (facilities and electronic ones) to implement the system in each venue
LTO 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work

⁹ *Promoting Respect for Labor Rights in the Agricultural Export Sector in Guatemala* (Revised Project Document). ILO: April 20, 2020.

MTO 2.1: Judges apply standardized criteria and other acquired knowledge in decision-making following up on the Labor Inspectorate administrative sanctions

STO 2.1.1: Judges have increased knowledge of administrative sanctions procedure and agree on standardized legal criteria

STO 2.1.2: Judges are more knowledgeable about labor law issues, including international labor standards

STO 2.1.3: New informatics linkage established between Labor Inspectorate and Labor Courts system enables both to track key stages of sanctions procedure and facilitate communication

2. EVALUATION OBJECTIVES AND METHODOLOGY

2.1 Evaluation Objectives

ILAB contracted Sistemas, Familia y Sociedad (SFS) to conduct performance evaluations of technical assistance projects in Guatemala, Bangladesh, and Jordan. The current report presents the key findings, conclusions, and recommendations of the interim evaluation of the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. The objectives of the interim performance evaluation as determined by the Terms of Reference (TOR) are to:

1. Assess the relevance of the project in the cultural, economic, and political context in the country, as well as the validity of the project design and the extent to which it is suited to the priorities and policies of the host government and other national stakeholders.
2. Determine whether the project is on track toward meeting its objectives, identify the challenges and opportunities encountered in doing so, and analyze the driving factors for these challenges and opportunities.
3. Assess the effectiveness of the project's strategies and the project's strengths and weaknesses in project implementation and identify areas in need of improvement.
4. Provide conclusions, lessons learned, and recommendations.
5. Assess the project's plans for sustainability at local and national levels and among implementing organizations and identify steps to enhance its sustainability.

2.2 Methodology

Evaluation Questions and Data Sources

The evaluation set out to answer a list of specific questions, organized according to the thematic criteria described above and agreed upon by the USDOL, the ILO, and SFS. The methodology for data collection and analysis was primarily qualitative in nature. The evaluation team addressed the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. Qualitative data were obtained from key informant interviews (KIIs) and focus group discussions (FGDs). Quantitative data were obtained from the performance reporting data presented in the semi-annual Technical Progress Reports (TPRs) prepared for ILAB by the ILO. Data collection methods and stakeholder perspectives were triangulated to bolster the credibility and validity of the results.

Table 2 lists each evaluation question and the methodology used to conduct the data analysis.

Table 2: Evaluation Questions and Data Sources

#	Evaluation Questions	Data Sources
Relevance and Validity		
1	To what degree is the project design/results framework (RF) appropriate and adequate to address compliance with minimum wage, hours of work, due compensation and OSH laws in the agricultural export sector in Guatemala? (Are results at the same level of the RF both individually necessary and jointly sufficient to achieve the outcomes above them? Are the intermediate results adequate to drive expected change at the next level? Is the RF an accurate reflection of the project it was meant to describe, reflecting realistic goals given the resources and time available for project inputs?)	Document review; KII; FGD; Secondary data
2	To what extent does the project's theory of change (prescribed in the Funding Opportunity Announcement) hold true? Why/why not? (ILAB/OTLA learning priority question 3). How effectively did USDOL and the ILO assess the evidence base for, anticipate risks and interrogate assumptions in the project's causal logic?	Document review; KII; FGD; Secondary data
3	To what extent were the project's performance monitoring plan (PMP), performance indicators, and targets consistent with best practices in Results-Based Management (RBM)?	Document review; KII; FGD; Secondary data
Coherence		
4	To what extent is the project design logical and coherent regarding the: <ul style="list-style-type: none"> a) allocated time and resources (including financial and human)? b) institutional capacities of the implementing partners? c) motivations and capacities of national and local stakeholders? d) priorities and policies of the host Government 	Document review; KII; FGD; Secondary data
5	To what extent and how effectively did the implementer assess stakeholders' needs, levels of interest, capacities and resources, incentives, and influence the relevance of each for the implementation of the project? How have the priorities, policies and power of the project's Government partners and other key stakeholders changed since the project began?)	Document review; KII; FGD
6	To what extent did the project consult and engage groups that could bring diverse perspectives (including based on their religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity)?	Document review; KII; FGD; Secondary data
Effectiveness		
7	To what extent is the project making progress towards its objective and outcomes? What are the key results achieved so far, specifically regarding the: <ul style="list-style-type: none"> a) Capacity of the Labor Inspectorate to effectively manage worker complaints on minimum wage, hours of work, and OSH violations and raise them to the judicial system? b) Development and replication of the Electronic Case Management System? c) Actions of employers' and workers' organizations to promote compliance with labor laws? d) Knowledge and application by judges of the appropriate sanction resolutions for violations of acceptable conditions of work? 	Document review; KII; FGD; Secondary data
8	How effective are the project's strategies? What are the key internal or external factors that limit or facilitate result achievement? How effectively did the project monitor and report performance data? How effectively did the project manage risks and implement mitigation strategies to address them?	Document review; KII; FGD

#	Evaluation Questions	Data Sources
9	How does the organizational capacity of project implementers, target institutions and implementing partners, limit or facilitate the effectiveness and sustainability of project interventions? Does the project implementation adequately account for differences in capacity? (ILAB/OTLA learning priority question 4)	Document review; KII; FGD; Secondary data
Efficiency		
10	How efficient is the project's use of resources? How effectively has the project used outcomes-based budgeting systems? (Are budgets updated and expenditures discussed regularly between USDOL and implementers? Has the project tracked the planned vs. actual cost per outcome?)	Document review; KII; FGD
11	What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement?	Document review; KII; FGD
12	To what extent is ILAB's Results-Based Management approach viewed as a helpful management tool by the project and its implementing partners? (ILAB/OTLA learning priority question 5). Which, if any, performance indicators or tools does the project find most useful for project management? Which are the least useful?	Document review; KII; FGD
Impact		
13	What, if any, changes have occurred in stakeholder policies, programs, or resource allocation as a result of project activities?	Document review; KII; FGD; Secondary data
14	What drives compliance behavior by employers? (ILAB/OTLA learning priority question 7)	Document review; KII; FGD
15	What, if any, have been the gender-specific impacts (positive or negative) of the project's interventions, as well as impacts on minority, indigenous or other vulnerable or disadvantaged groups?	Document review; KII; FGD; Secondary data
Sustainability		
16	To what extent has a sustainability strategy been defined and what steps have been taken to ensure sustainability? Is the project tracking useful sustainability indicators for medium-term outcomes (such as sustained motivation, resources, capacity, or linkages); long-term outcomes (such as sustained service delivery, access, or demand); or for impacts (such as sustained behaviors, practices or service utilization)? If so, which?	Document review; KII; FGD
17	To what extent are the project's plans for sustainability adapted to the local level, national level, and capacity/interests of implementing partners? To what extent is the project demand-driven and locally led?	Document review; KII; FGD
18	Has the project implemented strategies for integration of individuals/organizations regardless of religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity?	Document review; KII; FGD
19	Are there any risks or opportunities that are likely to limit or facilitate the sustainability (technical, financial, economic, social, institutional and environmental) of project results?	Document review; KII; FGD
20	What are the recommended next steps/priorities to support the sustainability of project activities?	Document review; KII; FGD

Evaluation Schedule

Prior to the data collection phase, the evaluation team developed interview and focus group guides, and in collaboration with the ILO, the team developed the list of key informants and field schedule. The evaluation team completed a project document review in October 2020. The evaluation team remotely conducted interviews and focus group discussions to collect

information from stakeholders, beneficiaries and project staff between October 27 and November 6, 2020, culminating in a virtual stakeholder workshop on November 9. Further, the evaluation team held a debriefing with ILAB to discuss key findings and recommendations. Most of the data analysis and report writing was conducted in November 2020. The schedule of interviews/FGD is provided in Appendix D: Schedule of Meetings.

Site Sampling and Data Collection Methods

Site sampling. The evaluation team interviewed stakeholders from two Departments where the project is being implemented: Escuintla and Guatemala.

Data collection methods. The evaluation team collected data from four sources: semi-structured key informant interviews, focus groups discussions, document reviews, and secondary data. The team used the data from these sources to answer the evaluation questions proposed for each analytic area.

The team conducted KIIs and FGDs to obtain stakeholders' perspectives on the project's implementation and progress. Table 3 presents the number of participants in FGDs and interviews by stakeholder group.

Table 3: Participants in Interviews and FGDs

Stakeholder Group	No. of participants	F	M
USDOL Bureau of International Labor Affairs	6 (2 FGD)	3	3
Ministry of Labor (current Administration)	16 (1 FGD+KII)	7	9
Ministry of Labor (former Administration)	5	3	2
Project Staff and Consultants	8 (2 FGD + KII)	1	7
ILO San José	6 (2 FGD + KII)	--	6
ILO Guatemala	2	1	1
ILO Geneva	2	1	1
Judicial Branch	1	--	1
Employers	1	1	--
Unions	3	--	3
UN Agencies	2	1	1
US Embassy	1	--	1

Further details on the composition of the KIIs and FGDs can be found in Appendix D: Schedule of Meetings. Each focus group type addressed a different set of questions.

Stakeholder Workshop. The evaluation team conducted a virtual stakeholder workshop on November 9 to present the preliminary findings of the evaluation, and to solicit further inputs from stakeholders regarding the achievements of the project. The evaluation team presented the preliminary findings and recommendations for discussion. These discussions were used as an

additional source of data to enrich the evaluation findings. The workshop list of participants can be found in Appendix E: Stakeholder Workshop Agenda and Participants.

Document Review. The evaluation team conducted a document review to inform the key informant interviews and focus group discussions and to supplement the findings from other data collection efforts.

The main sources of information for the project’s progress were the semi-annual Technical Progress Reports (TPRs) submitted to ILAB from December 2018 to June 2020. The evaluation team also reviewed the project sustainability plan and documentation produced by the project related to the implementation of specific technical assistance activities. The team identified relevant documents for the review, based on the evaluation questions and each document’s main purpose.

Table 4: Documents Reviewed by Category

Operation and Reporting	Training and Capacity Materials	Research and Context Literature
<ul style="list-style-type: none"> ▪ Project Document ▪ Technical Progress Reports ▪ Performance Monitoring Plan (PMP) 	<ul style="list-style-type: none"> ▪ Labor inspectors training materials ▪ Electronic Case Management System (ECMS) related documentation ▪ Labor Inspection Needs Assessment (LINA) ▪ LINA Recommendations ▪ IGT support related documentation 	<ul style="list-style-type: none"> ▪ Law reform and bills ▪ Evaluation reports ▪ Agriculture and working conditions in Guatemala ▪ Social dialogue in Guatemala ▪ Labor inspection papers and guides

Data Analysis

The document review, stakeholder KIIs, FGDs, and a small number of direct observations generated a substantial amount of raw qualitative and quantitative data. The evaluation team categorized, synthesized, and summarized the raw data captured from the interview and focus group discussion transcripts and the internal document review. The evaluation team reviewed the quantitative data presented in the TPR performance reporting by summarizing the latest data for comparison with the end of project targets. These data were triangulated with the qualitative data. Whenever needed, the team requested further assistance from the ILO to clarify any questions on the data, or to request missing or additional information. The data analysis process was driven by the evaluation questions.

Limitations

The evaluation was conducted during the COVID-19 pandemic, which has affected the data collection. The evaluation team leader was unable to travel to Guatemala due to international flight restrictions as a result of the pandemic. Internal travel for the Guatemalan national consultant was also not possible. The interviews and focus groups were conducted mostly remotely using various virtual meeting platforms and phone calls.

In general, remote interviews and focus groups are not as productive as face-to-face meetings. The team was also unable to have any informal meetings with informants, which is common during in-country visits. To some degree, these factors may have limited the quantity and quality of the information collected. Where possible, the evaluators mitigated these shortcomings with additional, focused interviews with some of the informants, and an exhaustive document analysis.

Despite these limitations, the evaluation team considers that the KIIs and FGDs that were conducted have provided a solid representation of the views of key stakeholders and beneficiaries.

3. EVALUATION FINDINGS

This section presents the evaluation findings, based on the data collected from KIIs and FGDs with project stakeholders, secondary data analysis, and a review of project documents and reports. The key findings are presented for each evaluation criterion: Relevance and Validity; Coherence; Effectiveness; Efficiency; Impact; and Sustainability.

3.1 Relevance and Validity

The current section discusses the extent to which the project's theory of change (prescribed in the Funding Opportunity Announcement) holds true. This section also explores the degree to which the project design/results framework is appropriate and adequate to specifically address compliance with the specific labor regulations that are related to minimum wage, hours of work, and occupational safety and health (OSH) in the agricultural export sector in Guatemala. Additionally, it addresses whether the project's Performance Monitoring Plan (PMP), performance indicators, and targets are consistent with best practices in Results-Based Management (RBM).

EQ.1. To what extent does the project's theory of change (prescribed in the Funding Opportunity Announcement) hold true? Why/why not? How effectively did USDOL and the ILO assess the evidence base for, anticipate risks and interrogate assumptions in the project's causal logic?

As part of the initial document review phase of the evaluation, the evaluators have carefully reviewed the theory of change (ToC) and the accompanying Results Framework (RF) on which the project is based. Further, both the ToC and the RF's relevance were discussed with key stakeholders during the evaluation data collection phase.

As per the Funding Opportunity Announcement (FOA), the project-level objective is *improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector*. In support of achieving this objective, the project should achieve the following outcomes:

- Outcome 1: Increased effectiveness of labor inspections related to acceptable conditions of work.
- Outcome 2: Increased likelihood that judges will uphold appropriate administrative sanction resolutions for acceptable conditions of work violations.

The theory of change as prescribed in the FOA hypothesizes that increasing the Labor Inspectorate's use of strategic inspections (Outcome 1.1), incentivizing the Labor Inspectorate to conduct quality inspections (Outcome 1.2), increasing the Labor Inspectorate's knowledge of acceptable conditions of work violations (Outcome 1.3), and increasing the Labor Inspectorate's skills and knowledge to engage employers to address acceptable conditions of work violations (Outcome 1.4), *will increase the effectiveness of labor inspections related to acceptable conditions of work* (Outcome 1).

Furthermore, the ToC postulates that increasing the Labor Inspectorate's knowledge of court needs to support the review of administrative sanctions (Outcome 2.1) and that increasing

judges' knowledge of new administrative sanctions (Outcome 2.2), *will increase the likelihood that judges will uphold appropriate administrative sanction resolutions for acceptable conditions of work* (Outcome 2).

Achievement of the project's outcomes, which consists of increased effectiveness of labor inspections related to acceptable conditions of work (Outcome 1) and increased likelihood that judges will uphold appropriate administrative sanction resolutions for acceptable conditions of work (Outcome 2), *should lead to achieving the project's objective of improved enforcement of acceptable conditions of work*.

From document analysis and exchanges with key stakeholders, the evaluators found this theory of change to be *theoretically* logical and coherent. It represents *a sound overall intervention strategy* that guides the USDOL *vision* as well as the *strategic objectives* necessary (although perhaps not sufficient due to the lack of focus on employers, who have a direct influence over the problem) to achieve *improved enforcement of acceptable conditions of work*.

However, both the evaluators and the key stakeholders who were interviewed agreed that achieving the project's objective of improved enforcement of acceptable conditions of work *in the Guatemalan agricultural export sector* should be understood as a *strategic goal* that involves a substantial dedication of time and resources (both technical and financial).

Likewise, there is widespread agreement among key stakeholders that the achievement of this strategic goal would require profound transformations for the Guatemalan Labor Administration (including the workers' and employers' organizations) which in turn necessitate a favorable enabling environment; that is, the existence of some fundamental (pre-)existing conditions such as a certain degree of political and institutional stability; a high amount of political commitment and institutional leadership; as well as continuing budget support.

Political and institutional stability is well known to be chronically fragile in Latin America, and it has proven to be the case in Guatemala, especially during the first half of the project implementation. Moreover, the extent of political and financial commitment and support to these particular outcomes were unknown at the time that the ToC was developed.

Additionally, as explained in other sections of this report, the ILO has conducted an incomplete assessment of the evidence base *prior to the project implementation*, which made it unfeasible to fully anticipate inherent risks and to interrogate assumptions in the project's causal logic, as well as to identify possible mitigation strategies to remedy such identified risks.

There is indeed a consensus among informants that in general, labor inspection is crucial for safeguarding the compliance of employers with labor laws. However, informants also conveyed to the evaluators that Guatemala faces noteworthy challenges in this regard. While it is important to support the establishment of effective labor inspection and judicial systems, it is equally important to consider the particular context in which these systems operate.

More specifically, according to the Labor Inspection Needs Assessment (LINA) that was conducted by the ILO *during the project implementation*, the Guatemalan labor inspector corps is largely understaffed, underpaid and untrained. Currently there are 232 labor inspectors

(including labor inspectors performing other non-inspection functions) serving in 22 Departments, which amounts to an average of ten inspectors per Department.

According to Verité,¹⁰ the Labor Inspectorate is severely under-resourced, leading to a lack of effective inspections, especially in the agricultural sector where such inspections are already more challenging due to the remoteness of agricultural estates and impediments on inspectors' access to work sites. Also, the high level of violence in Guatemala further hinders labor inspectors from carrying out their inspection mandates, with some inspectors reportedly reluctant to carry out inspections in agricultural plantations for fear they would be threatened, hurt, or killed.

Further, the effectiveness of the labor administration, and therewith the labor inspection, largely depends on the respective capacities of the workers' and employers' organizations to contribute to the application of relevant labor law. Several informants opined that the most efficient manner to do this would be to engage in social dialogue to address different aspects related to labor law application and enforcement. However, primary and secondary evidence indicates that there is a noteworthy shortage of effective and balanced social dialogue processes and spaces in Guatemala.

In addition, unions in Guatemala are affected by the Government's failure to address acts of violence that have been committed over time against trade unionists. Such impunity prevents the proper implementation of the Conventions on Freedom of Association and Protection of the Right to Organize Convention (1948) and the Right to Organize and Collective Bargaining Convention (1949) to which Guatemala is a party.¹¹

As a result of impunity for those who commit such violations, unionization levels in Guatemala are exceedingly low (1.4% of the general workforce), and even lower in the agricultural sector (a 0.79% of unionization in 2010).¹² What is more, disagreements between the two main union federations hamper their capacity to (separately and/or jointly) address and impact policies, as well as to represent and support workers' rights.

Moreover, as underlined in a Global ILO evaluation,¹³ the labor inspection system does not reach informal businesses which, in the case of Guatemala, make up approximately 80% of the agro-export economy (as reported to the evaluators by CAMAGRO¹⁴). As a result, informal workers continue to be subjected to violations of minimum wage, overtime regulations, and OSH standards. In this regard, a study published in 2013 by human rights organization CODECA¹⁵ had

¹⁰ Source: Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector. A Report on Findings from Rapid Appraisal Research as well as the Judiciary institutional capacities need to be taken into account. Verité, 2017.

¹¹Source: ILO/NORMLEX.

https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:2556382,en

¹² Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector. A Report on Findings from Rapid Appraisal Research as well as the Judiciary institutional capacities need to be taken into account. Verité, 2017.

¹³ Independent Evaluation of the ILO's Strategy and Actions for Strengthening Labor Inspection Systems (2010–15). ILO Evaluation Office, Geneva, 2015

¹⁴ Cámara del Agro de Guatemala.

¹⁵ Comité de Desarrollo Campesino.

found, for instance, that just 1% of surveyed agricultural workers had reported that labor inspectors had visited the agricultural estates where they worked.¹⁶

EQ.2. To what degree is the project design/results framework (RF) appropriate and adequate to address compliance with minimum wage, hours of work, due compensation and OSH laws in the agricultural export sector in Guatemala?

Overall, the evaluators found the project design/RF to be appropriate and adequate to address compliance with minimum wage, hours of work, due compensation, and OSH laws in the agricultural export sector in Guatemala. In this regard, generally, the same level results of the RF are individually necessary, and jointly they are considered to be sufficient to achieve the higher-level outcomes. Also, the intermediate results are adequate to drive the expected higher-level change. Still, some informants opined, and the evaluators agree, that the employers should have had a larger role/focus in the project design.

However, it appears that in some cases some critical assumptions were overlooked. For example, the STO 1.1.1 states that “the Labor Inspectorate *implements* recommendations and strategies from the Labor Inspection Needs Assessment (LINA).” In this case, the project can reasonably be expected to produce a labor inspection assessment; however, it cannot assure that recommendations from such assessments will be automatically implemented by the Labor Inspectorate, as this aspect is out of the project’s reach.

The Terms of Reference (TOR) for the current evaluation also asked the evaluators to assess whether the RF reflects realistic goals, given the resources and time available for project inputs. Through document review and interviews, the evaluators concluded that the RF was formulated in a highly complex way because the focus was on too many problems/issues, which resulted in multiple levels of Long-term, Medium-term and Short-term Objectives and activities. Additionally, it was found that there was a rather weak “problem analysis,” and that the “objectives tree” and a “strategy analysis” were found to be lacking.

An objectives tree/analysis usually depicts the desired situation in the future, which would arise if all the identified problems were improved. The accompanying *strategy* analysis provides a set of overall potential objectives and pathways (strategies) that an eventual *program* could consider. The strategy analysis, on the other hand, allows an identification of the objectives and paths that a specific *project* wants to pursue, aiming for the best chances of success. The main issue at stake is thus the delimitation of the *priority change areas* in which the USDOL and its partners can *realistically* influence within a given period of time.

However, instead of focusing on one or a few specific areas where it could have an effective influence, the project’s design appears to have chosen to tackle all of the identified problems, which has resulted in setting unrealistic goals, given, on one hand, the (limited) human resources allocated to the project and the limited time available for its implementation; and on the other hand, insufficiently considering the rather complex and unpredictable context in which this distinctly multi-faceted project is expected to be implemented.

¹⁶ Situación Laboral de trabajadores/as agrícolas en Guatemala. Comité de Desarrollo Campesino (CODECA), 2013

EQ.3. To what extent were the project's performance monitoring plan (PMP), performance indicators, and targets consistent with best practices in Results-Based Management (RBM)?

ILAB's Management Procedures & Guidelines for Cooperative Agreements (MPG) FY2019 stipulates that the project's PMP must be based on the project's RF and approved performance indicators, and it must serve to:

- Ensure data comparability over time and across project sites, by clearly defining indicators and specifying the method and frequency of data collection.
- Assist in managing the data collection process by identifying the timeframe, costs and responsible parties for data collection and analysis.
- Inform data analysis by providing detailed information on the characteristics of collected data.

The evaluators' analysis of the (revised) PMP showed that it was indeed based on the project's RF. The evaluators also observed that, overall, the indicators are adequate and SMART: Specific, Measurable, (potentially) Achievable, Relevant and Time-bound.

Also, according to the MPG, the recipient is expected to collect baseline data for the finalized project indicators (that is, the situation *prior to* the intervention) against which progress can be assessed or comparisons can be made; as well as end-line data depicting the situation at the end of an intervention, on the basis of which progress can be assessed or comparisons can be made with the previously collected baseline data. However, the evaluators' examination of the PMP showed that in most cases, such baseline data were either not available or not specified; also, every so often, end-line data were yet to be determined or they were not specified.

The MPG also determines that the recipient shall establish a data collection system. As further detailed in the Effectiveness section (EQ.8.d.), the project has not yet created such a data collection system.

Based on these findings, the evaluators concluded that it will be difficult for the project to establish any targets, to ensure data comparability, or to systematically collect the necessary data for the measurement of achievement against the performance indicators and analysis of results; and thus, it is difficult to assess on an ongoing basis the project outcomes and impact, and to inform management decisions based on data analysis.

3.2 Coherence

This section discusses the extent to which the project design is logical and coherent in terms of allocated time and resources, institutional capacities, the motivations and capacities of national and local stakeholders, as well as the priorities and policies of the host Government. Further, this section explores the extent to which the implementer assessed stakeholders' needs, their levels of interest, capacities, resources and influence as well as the relevance of each for the implementation of the project; in addition to the extent to which the project consulted and engaged groups that might bring diverse perspectives into the project.

EQ.4. To what extent is the project design logical and coherent regarding the:**a) Allocated time and resources (including financial and human)?**

Based on the interviews with key national informants, the evaluators concluded that the project has access to the valuable technical resources of the ILO; this includes the Regional Specialists on Labor Law and Social Dialogue, Labor Standards and Indigenous Peoples, Employers and Workers' Activities (ACTEMP and ACTRAV respectively); as well as the HQ-Geneva Specialists at the Labor Administration, Labor Inspection and Occupational Safety and Health Branch (LABADMIN/OSH).

However, in line with what some stakeholders confirmed, the evaluators noted that the (initial) human resources that were assigned for the project's implementation (namely: 1 Project Coordinator, 1 National Officer and 1 Administrative Assistant) were found to be scarce, especially for a project of such complexity. This situation became more complicated upon the resignation of the first Project Coordinator in May 2020, which left the project in the hands of the National Officer, with the support of only an Administrative Assistant.

In terms of financial resources, interviews with stakeholders considered that the budget allocation to the project was adequate. Document review also showed that so far, due to the many contextual challenges which have slowed down project implementation (please refer to the Effectiveness section for more details), the project expenditure (as of March 2020) represented only 20% of the allocated financial resources.

Apropos the allocated time for the duration of the project, there is broad agreement among the consulted stakeholders that improving the enforcement of workers' rights in Guatemala's agro-export sector requires complex systemic interventions, processes and transformations that will need more time than what was initially foreseen for the project implementation (i.e. three years, October 2018 – October 2021).

In this regard, a lesson learned from an ILO global evaluation on the strengthening of labor inspection systems was that: "ILO and donors need to be prepared to work on particular reforms in a country over a long period of time. In general, major reforms require a significant commitment of time and money. The pace of legal reform is outside the control of ILO and new laws and regulations can take years to be enacted. Moreover, legal reforms are typically just the beginning. Typically, a lot of work is needed to ensure that institutions are established and have the capacity (and willingness¹⁷) to implement policy. In countries where the government has limited capabilities, ILO needs to be prepared to put staff and/or consultants in the field for extended periods to work hand-in-hand with government counterparts."¹⁸

b) Institutional capacities of the implementing partners?

The information collected by the evaluators by means of interviews with stakeholders indicated that the current technical capacities in both *the Ministry of Labor (MOL) and the General Labor*

¹⁷ Added by the evaluators.

¹⁸ Independent Evaluation of the ILO's Strategy and Actions for Strengthening Labor Inspection Systems (2010–15) ILO/EVAL, 2015.

Inspectorate (IGT by its acronym in Spanish) are considered sufficient for ensuring an appropriate implementation and follow-up of the project. However, document review, including the Labor Inspection Needs Assessment (LINA), and interviews with stakeholders revealed a generalized and chronic lack of human resources, training, equipment, technology, transportation, and financial resources (please refer to EQ.9. in the Effectiveness section for further details).

Interviews and document review further indicated that the institutional capacity of *employers' organizations* was found to be adequate for them to be able to act as implementing partners of the project. Nevertheless, it must be noted that the agricultural sector is largely embedded in Guatemala's informal economy. According to the LINA assessment conducted by the project, the informal sector absorbs 70.2% of employment at the national level. According to the employers' representatives who were interviewed for the evaluation, the level of informality in the agricultural sector would be estimated as being up to 80%. This means that only 20% of the agricultural producers (those in the formal economy) are currently organized under the different employers' organizations, and therefore the reach of these organizations is relatively limited.

In 2018, Guatemala exported a total of \$9.79B, making it the number 89 exporter in the world. During the last five reported years the exports of Guatemala have changed by -\$1.43B, from \$11.2B in 2013 to \$9.79B in 2018. The most recent exports are led by Bananas (\$1.35B), Coffee (\$775M), Knit Sweaters (\$676M), Raw Sugar (\$448M), and Knit T-shirts (\$401M). The most common destinations for the exports of Guatemala are the United States (\$4.36B), El Salvador (\$1.16B), Mexico (\$506M), Nicaragua (\$450M), and Canada (\$434M).¹⁹

Primary and secondary information gathered by the evaluators also showed that *the Guatemalan trade union organization* is generally weak, with limited representation and low levels of affiliation and negotiating capacities. Additionally, stark divisions among the different unions are hampering their capacity to secure workers' rights and to contribute to the shaping of national labor policies.

c) Motivations and capacities of national and local stakeholders?

As mentioned in the Effectiveness section of this report, since its inception stage, the project has faced multiple challenges. In addition to a national electoral process and the subsequent change of Administration there have been multiple changes in management positions at the MOL and the IGT; add to that the resignation of the Project Coordinator and the global COVID-19 pandemic, which provoked a change of focus and priorities both in the MOL as well as in the workers' and employers' organizations.

Nevertheless, through interviews with national stakeholders, the evaluators learned that from the second half of 2020, the national context stabilized to some extent. The project, along with the ILO Regional Specialists, was able to capitalize on an emerging enabling environment and managed to re-engage with the project partners to boost the implementation of the project's interventions. National stakeholders, as well as project and ILO staff who were interviewed, agreed that, overall, the current degree of motivation and involvement of all stakeholders is noteworthy, although some of them opined that the project should engage in more outreach and

¹⁹ The Observatory of Economic Complexity: <https://oec.world/en/profile/country/gtm/>

persuasion efforts in order to get the unions fully on board with the project for the remaining time.

d) Priorities and policies of the host Government?

Despite the change of Administration and authorities at the MOL, there is widespread agreement among interviewees that the priorities and policies of the project's Government partners and other key stakeholders have remained unchanged since the start of the project. In this regard, several stakeholders confirmed that the current Government and the Ministry of Labor maintain the priorities related to labor inspection adopted by the previous Administration.

EQ.5. To what extent and how effectively did the implementer assess stakeholders' needs, levels of interest, capacities and resources, incentives, and influence and the relevance of each for the implementation of the project?

The Project Document contains an overall analysis of the MOL, the IGT and the Judiciary. However, to the evaluators' knowledge, the implementing agency did not carry out an assessment of the stakeholders' needs, their levels of interest, their capacities, resources, incentives, and the potential influence and relevance of each of the stakeholders specifically for the implementation of the project. Whereas the evaluators recognize that in this particular case, the FOA and MPG in place at the time of award did not explicitly request the project to conduct such an assessment (in addition to a "problem analysis"), in the experience of the evaluators, in general, such an assessment constitutes a good practice that benefits the reinforcement and consolidation of the overall design of projects.

As mentioned, during the implementation of this first part of the project (*after* the design phase), the project has conducted a Labor Inspection Needs Analysis (LINA). The LINA assessment has contributed to better focus the project interventions for the reinforcement of the Labor Inspectorate. Similar needs assessments for employers, trade unions and the Judiciary would, in the opinion of the evaluators, be desirable in order to know and determine exactly how these organizations can better impact the goal of improved enforcement of acceptable conditions of work in the agro-export sector.

EQ.6. To what extent did the project consult and engage groups that could bring diverse perspectives (including based on their religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity)?

According to interviews with project and ILO staff, so far the project has mainly focused its work on the implementation of activities related to the MOL and the IGT (please refer to the Effectiveness section for more details) and has therefore so far engaged chiefly with MOL/IGT staff.

According to a previously undertaken nation-wide survey on the working conditions of farm workers in Guatemala, which was conducted by the local farmers development committee (CODECA),²⁰ 69% of farm workers define themselves as "Maya" and 6% of them as "mixed-race,"

²⁰ Source: The situation of farm workers in Guatemala. CETIM (Centre Europe – Tiers Monde) Geneva, 2013

and 25% of them are women. In a nutshell, the conclusions of the survey undertaken by CODECA showed, among other things, that:

- a) Persons working in the farms that were surveyed are mainly indigenous people and they often fall victim to discrimination, social exclusion and systematic violations of their fundamental rights.
- b) In view of the low level of literacy, education and organizational capacities, Guatemalan farm workers are mostly unaware of the rights they have as workers, as recognized by national legislation and international conventions that have been ratified by Guatemala. This lack of awareness puts them in a situation of vulnerability and disadvantage, faced with employers who, on their side, often display no qualms when signing work contracts that do not meet such standards, or in settling work issues in front of tribunals.
- c) The agricultural labor market in Guatemala is “racialized” because all of the most degrading types of work are almost exclusively left to indigenous people with a low level of education.

The project is now gearing up efforts toward engaging with workers' and employers' organizations in order for them to take more actions to promote compliance with labor laws (please refer to the Effectiveness section for more details). In this regard, it would be highly advisable for the project to promote participatory approaches not only with the main Union Federations and the Federations of Agricultural Unions, but also with agricultural trade unions and rural organizations at the grassroots level that would allow for unionists, farmers and workers to bring diverse perspectives (especially based on their gender and race/ethnicity) to be taken into account and mainstreamed into the project.

3.3 Effectiveness

This section presents the evaluation's findings regarding the extent to which the project has made progress towards its objective and outcomes. More specifically, it analyzes the key results achieved so far related to: a) the capacity of the Labor Inspectorate to effectively manage worker complaints on minimum wage, hours of work, and OSH violations and bring them into the judicial system; b) the development and replication of the Electronic Case Management System (ECMS); c) actions of employers' and workers' organizations to promote compliance with labor laws; and d) the knowledge of judges regarding appropriate sanction resolutions for violations of acceptable conditions of work, and their application.

This section also addresses the effectiveness of the project's strategies and, finally, it discusses the organizational capacity of project implementers, target institutions, and implementing partners as well as the extent to which they were taken into account by the project.

EQ.7.a. To what extent is the project making progress towards its objective and outcomes?

Project Objective: Improved enforcement of acceptable conditions of work²¹ in the Guatemalan agricultural export sector***Background***

The agro-export sector in Guatemala has been growing rapidly, and it is one of the main sources of recent employment growth in Guatemala. The sector saw an employment growth of 3.2% in 2016 and a 3.7% growth in the overall agricultural GDP in 2017.²²

Labor law statutes in Guatemala's agro-export sector are currently not fully enforced, especially those regulations that relate to acceptable conditions of work (specifically those related to minimum wages, hours of work, and occupational safety and health). The most frequently reported violations in the sector can be linked to poor labor law compliance by producers, combined with a lack of enforcement by the Labor Inspectorate. The Guatemalan MOL currently does not have the necessary capacity to enforce labor legislation due to the increasing number of workers in the agro-export sector.

In an effort to help Guatemala meet its labor-related commitments under the United States-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR), the project under review aims to improve the efficiency and effectiveness of the Guatemalan Ministry of Labor (labor inspection) and the Judiciary (labor courts) to enforce labor legislation, particularly in the agricultural export sector, so that workers' working conditions and rights will be protected and their working environment will be safe.

Project Objective Findings

Based on primary and secondary evidence, the evaluation found that the project has started to make some contributions towards strengthening of the capacity of MOL/IGT for increased effectiveness of labor inspections related to acceptable conditions of work. Conversely, very little has yet been achieved in the area of promoting compliance with labor laws, which was expected to result from the increased actions of workers' and employers' organizations. Also, while the project has started providing some training for members of the Judiciary, not much has yet been achieved in terms of upholding appropriate administrative sanction resolutions by judges in cases related to violations of acceptable conditions of work that have been brought before the courts.

The project has faced serious challenges for most of the implementation period, and thus far, primary and secondary information that has been gathered by the evaluators indicated that the project's effective contribution towards *improving the compliance with minimum wage, hours of work and occupational safety and health legislation in Guatemala* has been limited.

²¹ USDOL definition of acceptable conditions of work is as follows: "acceptable conditions of work" encompasses minimum wages, hours of work, and occupational safety and health.

²² Source: Project Document, based on: <https://www.camaradelagro.org/cabi-camagro-presentan-expectativas-economicas-agro-2017/>

Additionally, the evaluators found that the contribution of activities to the achievement of the project objectives cannot be assessed empirically. As explained below (please refer to E.Q.8.d), the project has not yet been able to produce and report monitoring and performance data. For this reason, the evaluators' analysis of the project's progress towards its objectives was based mainly on qualitative information gathered through document review and interviews with key stakeholders.

EQ.7.b. What are the key results achieved so far, specifically regarding: a) the capacity of the Labor Inspectorate to effectively manage worker complaints on minimum wage, hours of work, and OSH violations and bring them before the labor courts; b) the development and replication of the Electronic Case Management System (ECMS); c) actions of employers' and workers' organizations to promote compliance with labor laws; and d) knowledge and application by judges of the appropriate sanction resolutions for violations of acceptable conditions of work?

Table 5: Performance Ratings by Project Outcome

Objectives	Performance Rating	Sustainability Rating
Long Term Objective 1: Increased effectiveness of labor inspections related to acceptable conditions of work	Low	Moderate
MTO 1.1: The Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance issues in the agro-export sector	Low	Moderate
MTO 1.2: Labor inspectors' capacities to perform quality inspections are strengthened	Low	Moderate
MTO 1.3: Workers' and employers' organizations take more actions to promote compliance with labor laws	Low	Moderate
MTO 1.4: Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issues and collected, and violations remediated	Low	Moderate
MTO 1.5: Pilot Case Management System is replicated in one or more additional regions of Guatemala	N/A	Moderate
LTO 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work	N/A	Moderate
MTO 2.1: Judges apply standardized criteria and other acquired knowledge in decision-making following up on the Labor Inspectorate administrative sanctions	N/A	Moderate

Long Term Objective 1: Increased effectiveness of labor inspections related to acceptable conditions of work

Background

Since the reform of the Labor Code in 2017 through Decree 07-2017, the MOL's General Labor Inspectorate can impose administrative sanctions for specific cases of non-compliance with regulations. While the IGT has attempted to apply its new sanction power, employers yet fail to

comply with the imposed sanctions. This results in the referral of cases to Labor Courts in an effort to achieve enforcement of the sanction resolution and remedy the underlying violation. Furthermore, labor inspectors often rely on conciliation rather than enforcement mechanisms to ensure compliance with labor laws, which often encourages workers to accept payment and relinquish their rights.

This LTO seeks to improve the effectiveness of labor inspections through the improved enforcement of regulations on acceptable conditions of work through activities that will enable the IGT to be more strategic. This includes: developing and applying new inspection methods, protocols, and guidance for the investigation of reported violations; and building the capacities of inspectors through training. Management of labor inspection is also expected to become more effective through evidence-based and outcome-based planning, performance appraisal, and related tools.

Further, as per the ILO mandate, the project will promote a tripartite dialogue involving constituents. The Government will participate through MOL, and sectoral employers will be represented by the Coordinating Committee of Agricultural Business, Industrial and Financial Associations (CACIF), the Agricultural Chamber (CAMAGRO) and the Association of Exports (AGEXPORT). Workers will be represented by the Global Trade Unions (*Sindicatos Globales*) and Autonomous Trade Unions (*Sindicatos Autonomos*).

To improve compliance with the revised Labor Code, it is critical that workers' organizations and employers' organizations have a full understanding of the labor inspection process and the respective roles of their organizations. Therefore, in order to raise awareness and knowledge among the social partners, the project will promote a social dialogue on the value of labor inspection and labor law compliance, particularly in the agro-export sector, as well as on relevant administrative and judicial procedures.

Additionally, this long-term objective includes the development and implementation of a new Electronic Case Management System (ECMS). In 2008, the MOL already adopted an ECMS; however, its application has not been fully completed. In addition, the IGT does not have ownership over the source code of the current system and therefore the IGT is unable to make any modifications in order to adjust it to the requirements of modern information technology or software platforms.

Moreover, the ECMS must allow for the incorporation of the new administrative sanction procedures. Drawing on previous experience in other countries, the ILO will support the design, development and implementation of a new EMCS for the labor inspection. Further, it was anticipated that the project could support the scaling-up of the ECMS at selected Departmental delegations.

Long-Term Objective Findings

*The level of achievement of LTO 1.1. is estimated as **Low**.*

*The project has achieved certain progress in supporting the Labor Inspectorate. So far, the project has conducted a *Labor Inspection Needs Assessment* as well as an *Action Plan*, which is based on the results of the LINA. In addition, the project has supported the elaboration of *Strategic**

Compliance Plans (SCPs) in four different economic sectors: palm sector, coffee sector, private security sector and pyrotechnics sector (child labor).

The project also provided *training on OSH* for labor inspectors and Departmental delegates, as well as *training for the IGT on the Labor Code reform* and on International Labor Standards (ILS) with relevance for labor inspection. Additionally, *the training program for labor inspectors has been developed*, which is expected to be launched in November 2020. The project also conducted a technical study on the application of administrative sanctions, as well a document on the Standardization of Technical Criteria of the General Labor Inspectorate.

Additionally, the project produced several products related to the ECMS, and concluded the analysis of the total cost of ownership (TCO) as well as a description of the requirements for the design and development of the ECMS in October 2020. This document is required by ILO Headquarters prior to the international bidding process for the design and development of the system. Project and ILO San José staff informed the evaluators that the launch of the international bidding process is expected by December 2020/January 2021. However, as informed by ILAB staff, to date ILO Geneva has no information about this procurement process. Further, the project/ILO has not responded to USDOL's repeated requests for information concerning this procurement process (such as when it will be posted, to which list-serves or entities, how long it will be posted for, whether it will be posted in English or only in Spanish, etc.).

Conversely, for reasons that will be explained hereafter, *the implementation of workplans with the employers' and workers' organizations has yet to begin.*

Key Results Achieved by the Project

MTO 1.1. The Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance issues in the agro-export sector

STO 1.1.1: The Labor Inspectorate implements recommendations and strategies from the Labor Inspection Needs Assessment

The project has conducted the LINA, which includes a general diagnosis of the situation of Labor inspection in Guatemala, along with recommendations and proposed measures to enhance the effectiveness of inspections at the national level, and particularly in the agricultural export sector. The LINA Report was completed and submitted to the MOL authorities in May 2019.

The LINA aims to provide inspectors and MOL authorities with findings and recommendations to enhance the effective operation of the labor inspection system, to improve labor law compliance, and to strengthen collaboration between labor inspectors and stakeholders in the public and private sectors.

Further, an *Action Plan* based on the results of the LINA was developed by the project, with the participation of key staff of the MOL/IGT. In this regard, in November 2019, the Project Team, in collaboration with ILO staff, carried out a two-day workshop with key staff of the Ministry to define priorities and to jointly plan future activities with the Labor Inspectorate. This Plan was delivered to the MOL for use as a “roadmap” towards the adoption of improved inspection measures.

STO 1.1.2: Strategic Compliance Plans (SCPs) for the Inspectorate are developed and implemented using the SCP/ILO methodology for enhancing effectiveness of strategic inspections.

In 2019, the project supported the development of *Strategic Compliance Plans* in four economic sectors (including agriculture): palm sector, coffee sector, private security sector and pyrotechnics sector (child labor).

These SCPs identify the respective subsectors and regions for strategic action, as well as key stakeholders and factors that influence compliance with labor law, in addition to directives that are required to ensure the Labor Inspectorate's increased compliance with such regulations in the agro-export sector.

The SCPs were submitted to the Minister of Labor in December 2019 and have since then been incorporated into the Labor Inspection Annual Plans.

However, due to the changes of Government (in January 2020), the SCPs were not implemented. Subsequently, following the more recent change of MOL authorities (July 2020), the project met with the Vice-Minister of Labor Administration, the Inspector General of Labor and the Deputy Inspector General to present the SCP methodology. The meeting also was intended to plan actions to develop the SCPs in additional sectors which the MOL may consider as emerging priorities due to the COVID-19 pandemic. In an interview with the evaluators, the Minister's Office confirmed the importance of these strategic plans, as well as their willingness to collaborate with the project to develop new plans as soon as possible.

MTO 1.2. Labor inspectors' capacities to perform quality inspections are strengthened

STO 1.2.1: Labor inspectors access new career and performance incentives

Training Program for Labor Inspectors

The project developed a training program for labor inspectors which includes induction (for new labor inspectors) and continuous training. The training program is comprised of ten modules which address key issues ranging from labor law to indigenous peoples' rights.

The training program, which according to the project staff is expected to be launched in November 2020, will be delivered online by the *Universidad de Occidente* (UDEO). Upon satisfactory completion and evaluation, the UDEO will issue official certification to graduates.

STO 1.2.2: Labor inspectors are trained on priority labor subjects

Course on Occupational Safety and Health for Labor Inspectors and Occupational Safety and Health Technicians.

The OSH course for labor inspectors and occupational safety and health technicians was developed jointly, with the collaboration of the IGT's Department of Human Resources and the Ministry's Department of Occupational Safety and Health.

A total of 214 labor inspectors and 22 Departmental delegates (this is, all the IGT's staff in Guatemala City, Quetzaltenango, Zacapa and Petén) have received OSH training in 2019. The course aimed at improving the labor inspectors' technical skills that are relevant for improved compliance with national OSH legislation.

Conference on Occupational Safety and Health

The OSH conference was held in May 2019 in Guatemala City with the participation of 85 people, including a Vice-Minister of Labor, Departmental delegates from several regions of the country, and workers' and employers' representatives. Topics of workplace health and safety and risk prevention were addressed.

Capacity Building on the Labor Code Reform and ILS

In conjunction with the European Union-funded project "Capacity Building for Improving Compliance with International Labor Standards for Guatemala and El Salvador," the ILO provided training to the IGT on the Labor Code reform, as well as on international labor standards relevant for labor inspection.

Technical Study on the Application of Administrative Sanctions Based on Case Studies and Operations and Legal Workflows

A case study was conducted in Escuintla's Departmental delegation. This report includes the current legal framework, which guides the actions of the Departmental delegates and inspectors; case statistics; fines that have been imposed and enforced; the adjustment of the amounts of such fines, in line with the minimum wages for 2020; as well as an analysis of the procedures carried out in the delegation, comparing them with general instructions and the procedures established in the law.

STO 1.2.3: Labor inspectors have better understanding of common mistakes in labor inspections and what information judges need to enforce sanctions.

Standardization of Technical Criteria of the General Labor Inspectorate

Based on the processes of reflection that were undertaken together with the Departmental delegates and labor inspectors during the OSH trainings, the project produced a document on the Standardization of Technical Criteria of the General Labor Inspectorate.

The following fundamental objectives were identified: a) to establish standardized technical criteria for the Departmental delegates of the IGT, in order to generate standardized actions at a national level; and b) to establish, also in a standardized format, a range of organizational measures, both in terms of training, as well as in terms of integration and implementation of the inspection function, in order to ensure their effectiveness and efficiency.

MTO 1.3: Workers' and employers' organizations take more actions to promote compliance with labor laws

Based on the TPRs and interviews with key informants, the evaluators observed the following. During the first semester of 2019, the project undertook multiple meetings with organizations

that represent employers and workers. These meetings were undertaken with the support from Regional experts of ACTEMP and ACTRAV, the Director of the ILO Office in San Jose, as well as from experts of LABADMIN of the ILO Headquarters in Geneva. This resulted in an agreement about the development of workplans with both employers and workers, with the provision to start their implementation in the second semester of 2019. However, for reasons that will be explained hereafter (please refer to E.Q.8.a) the implementation of these workplans has yet to begin.

In the case of the employers, based on information collected from ILO and CAMAGRO staff, early on in the second semester of 2020, the project management, with the support of the ACTRAV Specialist, reinitiated and promoted contact and coordination between the project and CAMAGRO. According to the information provided to the evaluators by the project management, and according to ACTRAV and CAMAGRO, there is agreement on a workplan between the three parties and its implementation is expected to begin towards the end of 2020.

This workplan foresees the adaptation and implementation of the Institutional Business Policy on Human Rights (*Política Institucional Empresarial de Derechos Humanos*) for CACIF, together with its management and monitoring systems, in other employers' organizations of the agricultural sector (e.g. coffee, sugarcane, banana).

CACIF Institutional Business Policy on Human Rights

Through its adoption in 2014, with the support of the ILO, CACIF "Reiterates its commitment to observe and respect Human Rights... To promote among its affiliates and members the respect for the rights enshrined in the Universal Declaration of Human Rights, as well as the ILO Declaration on the Fundamental Principles and Rights at Work... To train affiliated entities and collaborators in the respect for human rights.... To promote the Rule of Law.... To communicate about activities that have been undertaken in the framework of the current policy."²³

In the case of the trade unions, a variety of circumstances (please refer to E.Q.8.a.) negatively impacted the implementation of the project-related activities, resulting in delays in the definition of the workplans, as well as in the start of their implementation. Nevertheless, the current project management, with the support of the ACTRAV Specialist at the ILO Office in San Jose, has in recent months reactivated the coordination with both the Autonomous and Global Unions. According to information contributed by ILO representatives during interviews, it is expected that a final workplan can be agreed upon and activities can be launched before the end of 2020.

The established priorities in the workplan would be related to the training of workers and the use and management of resources in administrative and judicial institutions for the launching of

²³ Política Institucional Empresarial de Derechos Humanos del Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras", 29 de Abril de 2014. Brochure in English:
https://www.google.es/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiw1b2cgf3sAhXSEVkJFHV0dCUEQFjAAegQIARAC&url=https%3A%2F%2Fwww.cacif.org.gt%2Fs%2Fdh_folleto.pdf&usg=AOvVaw1z_DDcPINOQ39D_vZmXNHh

complaints related to labor rights, the development of campaigns on labor rights, and the participation of trade unions in the Strategic Planning of Labor Inspections.

Also, both the employers' and the workers' representatives agreed on the relevance of the project's support to the reactivation of the Tripartite Labor Inspection Council, in order to enable social dialogue on issues related to labor inspection priorities and labor law compliance.

MTO 1.4: Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issued and collected, and violations remediated

STO 1.4.1. Design and develop a new Electronic Case Management System for labor inspection to incorporate the new administrative sanctioning procedure

Assessment of the Current Labor Inspection ECMS (File Master) (August 2019)

The project conducted an assessment with the purpose of reviewing the IGT's current Electronic Case Management System (File Master) and proposing recommendations for its modernization and improvement. The assessment addressed: a) the status of the current information technology (IT) infrastructure; and b) the overall operating process of the General Labor Inspectorate, including the characteristics and functioning of the current ECMS.

The study facilitated the identification and analysis of the elements that are required for incorporating the new sanction procedure that has been created by the reform of the Labor Code in 2017, including: the changes that are required in the organization of the IGT; the internal work procedures of the inspection; the coordination with other Directorates; the use of databases that are necessary for the work to be undertaken by Inspectors; and the needs for interconnection between internal and external systems, amongst others.

Plan, Work Schedule and Document Related to the Preparation of Institutional Conditions and Commitments of the Ministry of Labor and Social Prevision in the Departmental Delegation of Escuintla (November 2019)

The document establishes the stages to develop the subsequent steps and to compile information about the user and the case throughout the entire process, involving the inspectors through to the finalization of each one of the complaints. This allows for visualizing the logic of the real process, as compared to what is provided in the Labor Code and the respective Protocol (*Protocolo Único de Procedimientos del Sistema de la Inspección de Trabajo*). Thus, this will facilitate decision-making about improvements related to streamlining the process, eliminating bottlenecks and improving transparency and internal control.

Elaboration of the IGT Flow Process (November 2019)

The project collected information on the design and development of the flow process of the IGT, particularly related to the practical steps that are taken in the Delegation of Escuintla, as a model Departmental delegation. This document that was elaborated by the project includes a description of each of the stages of the inspection process, as well as the legal and normative foundations underlying each one of the steps of these stages. Similarly, the study includes proposals for the improvement of inspection services.

The Flow Process document has been validated, first with the staff of the Departmental delegation of Escuintla, and then in a workshop with staff of four Departmental delegations representing four regions of the country, as well as with supervisors from headquarters.

Procedures Handbook for the IGT (February 2020)

The services of the Departmental delegations are guided by the Labor Code and a Protocol (*Protocolo Único de Procedimientos del Sistema de Inspección de Trabajo*). In addition, the latter defines the work model for the entire inspection process. However, the work model in each Departmental delegation has its particularities, which need to be adjusted according to a standardized procedure, and in line with clear and specific guidelines that facilitate the actions of the inspectors.

The project elaborated the Procedures Handbook with the objective to define a standardized roadmap that contributes to streamlining the processes and improving the effectiveness of the resolution of cases by labor inspectors as well as the monitoring by the IGT.

Proposal for the Graphic Design of the Electronic Case Management System (February 2020)

The ECMS must comply with the Flow Process that has previously been defined, with an organizational and functional structure that allows for the correct management of cases for inspectors and Departmental delegates. The analysis and design of the Flow Processes (previously explained) facilitates the identification of areas where the process can be automated through the use of technological instruments, in order to facilitate the work and to increase the efficiency and transparency of its management.

The graphic design of the electronic system is intended to serve as a handbook to facilitate the design, programming and structures of the ECMS. It includes organized functions according to the needs and workflow, as well as solutions such as, for instance, electronic signatures, the generation of documents on the basis of templates, electronic notifications, and a module to generate a *dashboard* for statistical monitoring.

Analysis of Infrastructure and Equipment

The project also conducted an analysis of the requirements in terms of infrastructure and equipment for the ECMS operation, management and administration by the IGT and the delegations.

Management of Institutional Change and Sustainability (February 2020)

To facilitate the implementation of the ECMS, the project documented the stages and phases that need to be undertaken to develop a plan for change management and sustainability in the Departmental delegations of the IGT.

The ECMS must be understood as a system that incorporates institutional, legal, staff training, process design, methodologies and tools for the monitoring and evaluation of results, etc.

The planning of change management that leads to the consolidation of processes, policies, systems, and a completely new methodology of work, must be developed in a coordinated way to reduce, as much as possible, any staff resistance to change, allowing for the involvement of all inspectors, delegates, supervisors and staff that take part in the IGT's process, in order to achieve sustainable and effective results for the Ministry of Labor.

Therefore, the process of modernizing the inspection system, as it relates to the implementation of the IGT ECMS, requires the definition of a change management plan which outlines activities throughout all stages of project implementation, to be complemented by a sustainability process that ensures the long-term functioning of the system. The stages foreseen for the development of the change management and sustainability plan are the following:

1. Evaluation
2. Design and Development
3. Communication
4. Training and Implementation
5. Support
6. Monitoring

The *Management of Institutional Change and Sustainability* document explains each of the stages and activities of the change process. It ends with a programmatic timeline to guide the project's implementation process during each of the stages.

Workplan and Roadmap for the Design and Development of the ECMS for the IGT in Guatemala (October 2020)

This document includes a general description of the requirements that must be implemented by an ECMS for the IGT in Guatemala, the calculation of the total cost of ownership of the system, and the roadmap for the implementation of the system. Additionally, it includes estimates of the initial cost for the deployment in labor inspection delegations in two Departments in the country.

Analysis of the Total Cost of Ownership (TCO) and Description of the Requirements for the Design and Development of the ECMS for the IGT in Guatemala (October 2020)

The document on the Analysis of the Cost of the Electronic Case Management System for labor inspection was elaborated by the project in collaboration with the Directorate for Information Systems (*Dirección de Sistemas de Información [DISI]*) of the MOL. The objective of the document was to estimate the total cost of the ECMS property for the IGT, based on previously developed products of the ILO and the project, and provide a description of the requirements of the electronic system, as well as the definition of a determined technological strategy by the DISI on the basis of the needs of the Labor Inspectorate and the MOL.

However, as informed by ILAB staff, to date ILO Geneva has no information about this procurement process. Further, the project/ILO has not responded to USDOL's repeated requests for information concerning this procurement process (such as when it will be posted, to which list-serves or entities, how long it will be posted for, whether it will be posted in English or only in Spanish, etc.).

LTO 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work

Background

This LTO focuses on systematically strengthening the capacities of the Labor Judiciary to analyze and review the administrative procedure and resolutions of the labor inspectors. Also, in order to harmonize jurisprudence criteria, the project will engage with local judges, magistrates from the Labor and Social Security Appeals Courts, and magistrates from the Supreme Court, to encourage their participation in the technical workshops and training seminars. This is intended to increase specific knowledge relevant for dealing with cases of violations of regulations related to labor conditions referred to the courts for judicial review.

The project also intends to engage with the School of Judicial Studies to revise and update the training plan for new judges, and to conduct a series of trainings on national labor law, international labor standards, legal criteria to uphold sanctions, and other specific topics for labor judges and labor justice operators. New materials and publications for justice operators (including inspectors) and judges will be designed, produced, published, and disseminated for awareness raising.

Additionally, the project seeks to expedite communications and electronic file-sharing between the IGT and the Judiciary, as well as to ensure that workers and employers have access to the procedures and tracking of cases that begin at the administrative level.

*The level of achievement of LTO 2 is estimated as **Low**.*

Long-Term Objective Findings

The project activities related to the Judiciary had to be put on hold until the Supreme Court Judges will have been nominated; this was expected for October 2019. However, since the election process was rescheduled for April 2021, during the second semester of 2020 the project management decided to engage with a sitting Judge of the Supreme Court, as well as with the recently nominated Director of the Labor Court.

As a result, the project has initiated a series of weekly training activities on international labor standards (ILS) with the Labor Court Judges and staff and has also drafted a workplan with the Judiciary for 2021. This workplan includes training activities related to relevant jurisprudence and the Labor Law reform; the development of a training program with the School of Judiciary Studies; activities to facilitate the exchange of experiences among judges and IGT delegates at the Departmental level; and support for the development to electronic court hearings, as per the proceedings that were established by the Supreme Court.

In sum, not much has yet been achieved in terms of upholding appropriate administrative sanction resolutions by judges, in cases related to violations of acceptable conditions of work that have been brought before the courts.

EQ.8.a. What are the key internal or external factors that limit or facilitate result achievement?

The project is the result of a USDOL Funding Opportunity Announcement (FOA) for a cooperative agreement to fund a technical assistance project in Guatemala, to improve enforcement of the minimum wage, hours of work, and occupational safety and health in the Guatemalan agricultural export sector. Successful implementation of this project will contribute to Guatemala's ability to comply with the labor provisions of the Dominican CAFTA-DR.

In this regard, the ToC and the project's objectives, strategy and overall design were pre-defined by the donor, without consultation and participation of the relevant national stakeholders (MOL, workers' and employers' organizations, Judiciary). Interviews with key informants confirmed that this was identified as an important limiting factor, as it hindered the acceptance and national ownership of the project, especially among workers' and employers' organizations. Additionally, the resulting project design reflects an overly complex and ambitious intervention that needs to be implemented in an exceptionally unstable, unpredictable and challenging context.

The project was officially launched in September 2018, and the hiring process of the project staff was concluded by the ILO in December of the same year. As confirmed through document review and interviews with key stakeholders, during the first half of 2019, with the support from the ILO Office in San Jose as well as experts from ILO Headquarters in Geneva, the project management undertook several meetings with representatives of the MOL, employers' and workers' organizations, as well as with representatives from the Judiciary. As a result, agreement was reached on workplans to be implemented with the different project partners starting in the second half of 2019.

Throughout 2019, the project made progress in the implementation of activities that had been agreed upon with the MOL, delivering some key outputs. For example, this includes the LINA Assessment, four SCPs, the training of labor inspectors and Departmental delegates, as well as several products related to the EMCS. However, due to a series of developments that occurred in 2020, the implementation of the activities related to the MOL/IGT was disrupted.

In January 2020, resulting from the 2019 election outcomes, there was a change of Government. This led to a change of Administration, as well as a series of changes in the authorities of the MOL. During the first half of 2020, two Deputy Ministers of Labor and three General Labor Inspectors were successively appointed. In addition, as of March 2020, due to the COVID-19 pandemic, the MOL closed its access for the public for a period of six months. Moreover, as confirmed by some of the stakeholders who were interviewed, there was virtually no communication from the authorities of the MOL which had been appointed in January 2020 with either the social partners or international cooperation agencies.

On July 1, 2020, the President of the Republic removed the MOL authorities who had been appointed in January 2020 from their posts and designated a new Minister and Deputy Minister of Labor. Subsequently, a new General Labor Inspector was appointed (the fourth so far in 2020).

In the case of the employers' organizations, multiple coinciding factors led to a stagnation of the planned activities. The following is based on the information received from the TPRs and interviews with project personnel, the ILO, and employers' representatives.

A first contributing factor was that changes in the management structure of the CACIF and AGROEXPORT occurred in the second half of 2019, which halted the decision-making processes in these institutions during that semester. In addition, the electoral process, along with the changes in the Administration and in the MOL, resulted in a period of uncertainty in the employers' sector, which led to further delays in the decision-making process both in general as well as specifically related to the project. Lastly, the impact of the COVID-19 pandemic, which began in the first trimester of 2020, forced the employers' sector to re-focus and adjust its priorities to address the pandemic's effects.

On the other hand, the CACIF incorporates two Chambers which represent the export sector, namely, CAMAGRO and AGROEXPORT. According to CACIF, the project's decision-making process, on which the project's collaboration with the two chambers was based, has been long and complicated. Eventually, at the start of the second semester of 2020, CAMAGRO was appointed as employers' interlocutor for the project.

As for the workers' organizations, similarly, the changes in the Administration and the MOL, as well as the re-prioritization due to the COVID-19 pandemic, have contributed to delays in the implementation time frame for the project.

In addition, several of the interviewees indicated that, in general, there is deep mistrust among Guatemalan trade unions towards tripartite processes, in particular vis-a-vis employers and the MOL. This may be the result of Guatemala's history, with violence against the workers' movement and trade unionists, undertaken with total impunity.

On the other hand, several of the interviewees pointed to the fact that, both generally and specifically with regard to the current project, there are disagreements between workers' organizations that are aligned with the *Movimiento Sindical y Popular Autónomo Guatemalteco* and those that are organized in the *Sindicatos Globales de Guatemala*.

With regard to the representatives of the Judiciary and the School for Judicial Studies, at its inception the project management had engaged with representatives of both institutions. However, as described in TPRs, the process of electing judges to the Supreme Court of Justice and the Appeals Courts, which was expected for October 2019, was halted by the Constitutional Court due to irregularities in the process. This, as explained by the project and ILO staff, has prevented the project from working with the Judiciary and, by extension, with the School for Judicial Studies as was originally foreseen. In view of these developments, the activities related to the Judiciary had to be put on hold altogether, until the Supreme Court Judges will have been nominated.

A significant internal factor that caused additional challenges for the project management and staff was the resignation of the Project Manager on May 1, 2020, without a proper replacement secured. Since then, the project management duties have been *de facto* assumed by the project's National Officer. This has negatively impacted the already overworked project staff, as the project has been managed since then by only a National Officer, with the support of an Administrative Assistant.

EQ.8.b. How effectively did the project manage risks and implement mitigation strategies to address them?

All the combined above-mentioned factors have contributed to delays during the early stages of project implementation. Nevertheless, through interviews the evaluators learned that the project has demonstrated flexibility to adapt to the challenging implementation context.

Further, stakeholders interviewed by the evaluators pointed out that a new momentum has been generated. The recent changes in authorities and technical staff of the MOL/IGT (July 2020) and a greater dynamism on the part of the current project management (with the support of the ILO Office in San Jose) have given a new impetus to the project's relations with its national partners. According to some of the interviewees, this has in turn *opened a significant window of opportunity for the project to achieve more progress during the remaining implementation time.*

EQ.8.c. How effective are the project's strategies?

The evaluation's analysis of the Project Document (ProDoc) and TPRs, as well as the interviews that were conducted with the different stakeholders, have confirmed that the project's strategy and intervention logic foundations are based on three building blocks:

1. Increased effectiveness of the Labor Inspectorate to address non-compliance issues in the agro-export sector.
2. Workers' and employers' organizations take more actions to promote compliance with labor laws.
3. Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work.

In order to contribute to achieving these, the following main project interventions were identified, and for the sake of clarity, these have been synthesized by the evaluators as follows:

- a. Strengthening the capacity of the IGT. This includes: developing and applying new methods, protocols, and guidance for investigating violations; building the capacities of inspectors through training; promoting more effective management through evidence-based and outcome-based strategic planning; and developing and implementing a new case management system for labor inspection.
- b. Promoting social dialogue. This includes awareness-raising activities and the generation of knowledge among the social actors on labor inspection and labor law compliance, as well as on the administrative and judicial procedures related to labor inspection.
- c. Improving the knowledge base as well as capacity within the judicial system. This allows judges to apply standardized criteria combined with other acquired knowledge in their decision-making related to cases that have been brought before the courts by the Labor Inspectorate as well as those involving administrative sanctions.
- d. Strengthening coordination. This enables the Labor Inspectorate and the Labor Courts to expedite communications and electronic file-sharing, and to ensure that workers and

employers have access to the procedures and tracking of cases that are initiated at the administrative level.

Overall, and based on document review and interviews with key stakeholders, the evaluators acknowledge that the project interventions under each pillar, separately and jointly, complement and support each other. In this regard, the project strategy was found to be sound.

However, there is widespread agreement among the key informants about the fact that in order to be *operational* and *effective*, this strategy needs a number of factors to be in place: a strong degree of national ownership and *political* commitment from the national authorities and social partners; a moderately stable political and institutional context; and sufficient time to be fully developed and embraced by the Labor Inspectorate and judicial system.

EQ.8.d. How effectively did the project monitor and report performance data?

Both the USDOL FOA²⁴ and the Management Procedures and Guidelines for Cooperative Agreements²⁵ stipulate that the recipient of funding shall establish a data collection system, designed to systematically collect and report on the data that are necessary to measure the project's achievement against the performance indicators, and to allow for an analysis of the results.

Regarding the project reporting requirements, as per the MPG, ILAB/OTLA requires quarterly Technical Progress Reports. This includes an abbreviated report for two quarters per year, while full reports are required the remaining two quarters of the year.

In addition, the FOA and the MPG specify that the recipient shall submit a draft Performance Monitoring Plan as part of the initial draft Project Document Package. Further, it is up to the recipient to propose performance indicators as part of the original application, to develop the Results Framework, and finalize these once the PMP and Project Document Package are finalized.

Through document review and interviews, the evaluators confirmed that the project has delivered the TPRs in a timely manner and as required by ILAB's regulations. However, this is not the case for the PMP. Although both a *draft* and a *revised* PMP were elaborated, the project has not yet been able to monitor and report performance data.

According to the information provided by ILO San José, a *draft* PMP was submitted to USDOL in June 2019. In November 2019, the ILO received comments from USDOL on the PMP. However, in early 2020, the PMP had to be revised, as the project's RF was reformulated following an ILAB mission to Guatemala in February 2020. The final ProDoc, RF and *revised* PMP were then submitted to USDOL in April 2020. During interviews for this evaluation, *ILO Officials* informed the evaluators that, to date, as to their knowledge, the project had not received any comments from ILAB on the updated PMP, and therefore, they cannot consider the PMP as finalized and approved by USDOL. Nevertheless, ILAB officials confirmed to the evaluators that after significant

²⁴ Notice of Availability of Funds and Funding Opportunity Announcement for Improving the Enforcement of Labor Laws in Guatemala. U.S. Department of Labor. Bureau of International Labor Affairs. Funding Opportunity Number: FOA-ILAB-18-04

²⁵ Management Procedures and Guidelines for Cooperative Agreements. U.S. Department of Labor. Bureau of International Labor Affairs. Office of Trade and Labor Affairs June 20, 2019

hands-on monitoring and evaluation (M&E) support by USDOL staff, the USDOL approved the Project Document Package in June 2020, *which included the updated PMP from April 2020 reflecting USDOL's input on indicators and targets.*

The particularities of this situation aside, any Performance Monitoring Plan requires the development and implementation of a *data collection system* to systematically gather and report on the data that are necessary to measure progress or achievements against the performance indicators, and to analyze results. Interviews with project staff and ILO Officers allowed the evaluators to confirm that such a data collection system is currently not in place for this project. Further, as stated before, the project is currently too thinly staffed (1 National Officer and 1 Admin Assistant) to allow for the allocation of human resources to data collection and analysis.

EQ.9. How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness and sustainability of project interventions? Does the project implementation adequately account for differences in capacity?

According to the project's sustainability plan: "Institutional Capacity refers to the internal capacity of the partners, in the case of the MOL, the human resources and their capacities, and, in the case of the General Labor Inspectorate, the human and material resources (infrastructure, necessary means and conditions such as transport, equipment, materials, etc.) that are required to carry out the project."

In this regard, document review and interviews with key stakeholders confirmed that so far *the technical capacities of the MOL/IGT have been adequate to support project implementation.* Despite the high level of staff turnover at both the MOL and the IGT, the project was able to cooperate with these institutions, supporting the establishment of foundations for a more effective Labor Inspectorate.

However, the project's technical assistance is largely focused on the national (MOL/IGT) level, with significantly less attention to the grassroots level, including on the labor inspectors. Several reports²⁶ have documented the usual challenges faced by the inspection services across many countries: these are often understaffed, under-equipped, and inspectors are often under-trained and underpaid. Small transport and travel budgets and inadequate means of communication and record-keeping also hinder their capacity to perform inspections and to take the necessary follow-up actions. The squeeze on labor inspection resources can also put severe strain on levels of professionalism, independence and impartiality of the inspectors. Other factors that may challenge the authority and credibility of labor inspection services include violence against inspectors and corruption. Through the document review and interviews with stakeholders, the evaluators confirmed that this is indeed also the case for Guatemala.

Generally speaking, the consolidation of an effective Labor Inspectorate will largely depend on the Government's political will to enforce labor laws as well as on the allocation of sufficient

²⁶ See for example: Strategies and Practice for Labor Inspection. Committee on Employment and Social Policy. ILO Governing Body Geneva, November 2006

financial support, not only to ensure the sustainability of the project interventions/products, but also to allow for continued progress and to tackle the abovementioned challenges.

However, in addition to the MOL and IGT as project partners, the potential role in this project for employers' and workers' organizations is equally important.

Regarding the workers' organizations, although the Guatemalan Constitution, the Labor Code, and international conventions that have been ratified by Guatemala grant the right to form unions and negotiate collectively, according to a report published by *Verité* in 2017²⁷ the rate of unionization in Guatemala is extremely low (1.4% of the workforce). This can be attributed to the longstanding violent and non-violent repression of unions, along with the Government's failure to enforce its national laws on freedom of association. The rate of unionization in the agricultural sector was even lower; in 2010 there was a 0.79% unionization rate among rural workers.

A 2013 study²⁸ pointed out that due to the small number and size of unions, collective negotiation has limited coverage in Guatemala. The same study showed that the presence of trade unions in the agricultural sector is limited to the banana plantations in the Department of Izabal, some coffee plantations in the Departments of San Marcos and Quetzaltenango, and one sugar mill out of the twelve that are active in the country. Although no updated statistics were received for this evaluation, it can be assumed that the main reason for the generally low levels of union membership in the country are the (sometimes open or sometimes more subtle) anti-union practices that many companies use, as well as the lack of effectiveness of the rules and institutions to protect the exercise of this fundamental right.

Moreover, according to the abovementioned study, trade union organization in Guatemala is weak due to the limited capacity of the authorities to ensure an effective respect of workers' rights to freedom of association and collective bargaining. In addition, there are stark divisions amongst the unions, which is hindering their ability to collectively defend workers' rights and to influence public policy related to labor.

Through interviews with stakeholders, the evaluators found that the ILO ACTEMP Specialist and the project management concurred on the importance for the project to conduct a thorough assessment of the unions' needs, capacities, resources, interests and attitudes towards the labor inspection, *before* agreeing on a final workplan.

Regarding the employers' organizations, in 2014 the CACIF Coordinating Committee, with ILO support, adopted its *Institutional Policy of Human Rights and Business*. By adopting such a policy, CACIF committed to promoting, among its affiliated entities and members, the respect for the rights that are enshrined in the Universal Declaration on Human Rights, as well as in the ILO Declaration on the Fundamental Principles and Rights in the Workplace (1998). CACIF also committed to train affiliated entities and their collaborators in the respect for human rights.

²⁷ Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector. A Report on Findings from Rapid Appraisal Research as well as the Judiciary institutional capacities need to be taken into account. *Verité*, 2017

²⁸ Cheong, D., Jansen, M. and Peters, R (eds.). *Shared Harvests: Agriculture, Trade, and Employment*. International Labor Office and United Nations Conference on Trade and Development, 2013

In 2018, CAMAGRO, as a member of CACIF, defined its own policy to promote respect for human rights in the agro sector, through information, risk management and dialogue with major stakeholders.²⁹ Similarly, in August 2019, the Guatemalan Palm Growers' Chamber (GREPALMA) adopted its own Human Rights Policy in which it expressed its commitment to observe, comply with and respect the rights set out in the Universal Declaration of Human Rights as well as the aforementioned ILO Declaration.

In light of these developments, it seems reasonable to the evaluators to assume that there is an increase in CACIF and CAMAGRO's institutional capacities and willingness (along with the project and ACTEMP's support) for scaling up the Human Rights Policy to other agricultural chambers, and that these capacities are at an adequate level to contribute to further progress in this regard.

3.4 Efficiency

This section examines the extent to which the project made efficient use of resources, how effectively the project used outcomes-based budgeting (OBB) systems, and the extent to which the project has tracked the planned vs. actual cost per outcome. The evaluators also analyzed the key strengths and weaknesses in project implementation and how the project has responded to changes in the implementing context. Additionally, this section addresses the extent to which ILAB's RBM approach was viewed as a helpful management tool by the project, and which, if any, performance indicators or tools the project has thus far found to be the most/least useful for project management.

EQ.10. How efficient is the project's use of resources? How effectively has the project used outcomes-based budgeting systems? (Are budgets updated and expenditures discussed regularly between USDOL and implementers? Has the project tracked the planned vs. actual cost per outcome?)

The project has developed an outcomes-based budget; however, the evaluators were unable to identify any evidence of the project's use of OBB systems. There was no proof of regular discussions on updating budgets and expenditures between USDOL and the ILO; nor was there evidence of any tracking by the project of planned vs. actual cost per outcome.

In this regard, the data that were made available to the evaluation did not allow the team to carry out a detailed analysis of the project-related spending, and thus, the extent to which the project has efficiently used its resources so far can only be assessed on the basis of qualitative information.

Based on the financial information that was made available to the evaluators, the project's expenditure amounts to approximately 20% of the total budget (while the implementation period that elapsed when this evaluation was carried out was approximately 2/3 of the total). The analysis of the project's effectiveness showed that there have been several instances where the project has been able to provide effective support to country stakeholders (namely the MOL/IGT)

²⁹ <https://republica.gt/2018/12/04/camagro-adopta-politica-de-respeto-sobre-derechos-humanos/>

with relatively limited funding and project staff (with the support from the ILO Office in San José and its Specialists as well as from ILO-HQ Specialists).

EQ.11. What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement?

Through document review and interviews with stakeholders, the evaluators have been able to identify the following key strengths and weaknesses in the project's implementation.

Key Strengths

The ILO is especially well-equipped to develop interventions in the field of labor inspection. The organization has extensive experience and technical capacities in this area. Additionally, the ILO holds good knowledge of the needs and required support for its constituents in Guatemala, and the organization maintains excellent relationships with them (i.e. Government, trade unions and employers' organizations).

Further, the ILO provides access to a wealth of internal technical resources both at the San José Office and at HQ (the Specialists at ACTEMP, ACTRAV, NORMES, LABADMIN, etc.) which has the potential to provide solid support for project implementation. Also, the project was able to hire a team of national consultants to support the project activities, whom national stakeholders described in interviews as 'highly qualified.'

The project, especially the current management with the support of the ILO San José Specialists, has promoted a participatory approach. This has resulted in the involvement of the MOL, workers and employers, as well as representatives from the Judiciary, in contributing to the adaptation of the original project design, in order to align it better with the different needs and demands of stakeholders. This way, improved national ownership of the project's goals could be fostered.

Additionally, project implementation is focused on the existing national capacities in the MOL, the social partners, and the Judiciary. Where necessary, the project has added (or is planning to add) to the existing capacity through its training and technical assistance activities.

Weaknesses and Areas that Need Improvement

Considering the project's wide scope and complex architecture, as well as the challenging environment in which it has to be implemented, the staffing level (as stipulated in the FOA) for the project was found to have been too low. As described in other sections of the report, this situation worsened upon the resignation of the Project Coordinator during an earlier stage of the implementation. Additionally, several interviewees also pointed to weaknesses with regard to the former project management's capacity to engage and dialogue with national tripartite actors as well as with the ILO Office and Specialists in San José.

In addition, the project's lack of application of ILAB's RBM tools and adherence to the requirements (e.g. related to the development of the PMP or the outcome-based systems) hinders the project's ability to monitor the achievement of results, which in turn affects its accountability.

Project Response to Changes in the Implementing Context

Document review and interviews with key stakeholders show that, despite the challenging context for implementation, the project management and the ILO (San José and HQ) have demonstrated flexibility to adapt to the challenging context, where possible, and this has allowed for some contributions towards strengthening the capacity of MOL/IGT for the increased effectiveness of labor inspections related to acceptable conditions of work.

EQ.12. To what extent is ILAB’s Results-Based Management approach viewed as a helpful management tool by the project and its implementing partners? Which, if any, performance indicators or tools does the project find most useful for project management? Which are the least useful?

As detailed in other sections of this report, the project did not implement a PMP or an outcomes-based monitoring system. For these reasons, whereas the RBM approach was perceived as helpful, the project staff has not been able to assess the usefulness of such management tools.

Further, as already detailed in this report, the project did not put in place a data collection system, nor set any baseline or targets; thus, no data collection processes were established and no performance data were systematically collected. This prevented the project staff from assessing the relevance and usefulness of the PMP’s performance indicators during the course of this evaluation.

3.5 Impact

This section analyzes what, if any, changes have occurred in stakeholder policies, programs, or resource allocation as a result of project activities; what drives compliance behavior by employers; and, what, if any, have been the project’s gender-specific impacts as well as impacts on minority, indigenous or other vulnerable or disadvantaged groups.

EQ.13. What, if any, changes have occurred in stakeholder policies, programs, or resource allocation as a result of project activities?

Based on document review and interviews that were conducted with key stakeholders, the evaluation team was unable to substantiate that any *effective* changes have yet occurred in stakeholder policies, programs, or resource allocation as a result of project activities.

The 2019 Independent Cluster Evaluation of the ILO’s Operations in Guatemala³⁰ states that as result of the project interventions, the IGT *adopted measures for the organization, planning and management of sanctioning procedures*. The evaluators appreciate that the project is providing technical assistance to the IGT to implement an Action Plan based on the results and recommendations of the LINA. The extent to which the IGT has adopted measures and the

³⁰ Independent Cluster Evaluation of the ILO’s Operations to Support Decent Work in Guatemala, 2018-2019. ILO DWT/CO-San Jose, 2020

(eventual) positive effect that this could have with regard of the organization, planning and management of sanctioning procedures may be yet too early to assess.

According to the abovementioned evaluation, strategic compliance plans have been drafted, although *there is no information as to whether these plans have been incorporated into the National Inspection Plan 2020 nor to what extent they have been implemented*. As explained in the Effectiveness section, these plans were *adopted* but not *implemented*; hence, no impact can be attributed to the project in this regard.

In addition, the ILO evaluation mentioned that *the project has helped with standardizing the technical criteria for inspection procedures*. Nevertheless, it will only be over some time that the actual impact can be measured related to the extent to which this change (standardization) will guide the work of inspectors.

The same evaluation confirmed that the project has also *contributed to improving knowledge among inspectors on processes and administrative aspects of the new procedures established in Decree 07-2017 and for occupational safety and health*. The current evaluation was able to corroborate that 214 labor inspectors and 22 Departmental delegates have been trained on OSH regulations; however, no evidence was presented as to the level of *improved knowledge* on such issues among the trainees.

In sum, the evaluators concluded that it is too early in the project's life to assess the changes that *have occurred* as a result of the project's interventions.

EQ.14. What drives compliance behavior by employers?

According to some of the opinions gathered among key stakeholders, for businesses in the formal sector, a failure to comply with labor law and regulations can result in important fines. It can also promote a negative image of the business, especially if workers repeatedly file complaints reporting violations of their rights. There is thus a motivation for them to comply with such regulations.

Moreover, employers' representatives who were interviewed by the evaluation team declared that, in addition to the labor inspection examination, they are also subjected to internal audits, as well as external audits conducted by Quality Certification Assurance institutions (e.g. Rainforest or ISO) and international buyers.

Additionally, CAMAGRO representatives stated that they have adopted CACIF's *Institutional Business Policy on Human Rights*, which underlines respect for the Fundamental Principles and Rights at Work. The *Business Policy* is embedded in CACIF and CAMAGRO's overall corporate social responsibility policy.

CAMAGRO's *Business Policy* is operationalized through management and monitoring systems that are intended to support companies in carrying out assessments that help identify work-related violations. By doing this, businesses can, for example, reduce workers' grievances and work-related disputes, or improve occupational safety and health in the workplace. According to some opinions, this would contribute to boost the companies' productivity and competitiveness.

EQ.15. What, if any, have been the gender-specific impacts (positive or negative) of the project’s interventions, as well as impacts on minority, indigenous or other vulnerable or disadvantaged groups?

The evaluation team was not presented with any concrete evidence of any gender-specific impacts (positive or negative) of the project’s interventions, as well as of any impacts on minority, indigenous or other vulnerable or disadvantaged groups.

According to the 2019 Independent Cluster Evaluation of the ILO’s Operations in Guatemala, “the project incorporated a gender equality focus in its design because they plan interventions on issues related to labor inspection that take into account gender-based non-compliances like failing to protect the right of maternity and equal pay or sexual harassment and violence in the workplace.” However, the evaluators agree that *progress in incorporating a gender focus has not been sufficient to produce, to date, a significant added outcome to the fight against inequality and discrimination.*³¹ The same also applies to *minority, indigenous or other vulnerable or disadvantaged groups.*

3.6 Sustainability

This section explores the extent to which a sustainability strategy was defined and assesses what steps have been taken to ensure the sustainability of the project’s outcomes, along with the extent to which the sustainability strategy was adapted to the local and national levels and to the capacity/interests of implementing partners. The section also analyzes whether (or not) the project has implemented strategies for the integration of specific individuals/organizations. Additionally, the evaluators assessed the risks and opportunities that were identified by the evaluation as likely to limit or facilitate the sustainability of project results and they also propose the recommended next steps/priorities to support the sustainability of project activities to be considered for the remaining time of implementation.

EQ.16.a. To what extent has a sustainability strategy been defined and what steps have been taken to ensure sustainability?

The project developed a Sustainability Plan with the objective of generating *the bases for the sustainability of the project, in order to ensure that the positive effects of the project interventions are passed on to the beneficiaries and to ensure that once the project is completed, the outcomes can persist and that the responsible institutions have been strengthened through capacity development.*³²

The Plan identified the main stakeholders who each have a role to play with regard to the project’s sustainability: the Ministry of Labor and Social Welfare; the employers’ organizations (Agricultural and Agro-export Chambers), the trade unions, and the judicial system. The plan also identified the key “development factors” that may potentially influence the sustainability of the

³¹ Independent Cluster Evaluation of the ILO’s Operations to Support Decent Work in Guatemala, 2018-2019. ILO DWT/CO-San Jose, 2020

³² Sustainability Plan. Project: Supporting the Enforcement of Labor Rights of Workers in the Agro-Export Sector of Guatemala. ILO Guatemala, 2019

outcomes: Support Policies; Institutional Capacity; Socio-Cultural Aspects; Gender; Technological; Economic-Financial.

The Plan further states that *“the project must contemplate the progressive transfer of progress statuses, results and products according to the capacities identified by the beneficiaries or partners of the project.”*

The Plan is accompanied by an “analysis of sustainability factors” matrix, detailing the analysis of the abovementioned “development factors” per outcome/output. In a nutshell, the analysis carried out by the project concludes that the sustainability factors are/will be in place and that along with the capacity transfer processes foreseen by the project, the project’s outputs and outcomes would likely be sustainable.

The analysis conducted by the evaluation team suggests that the ILO and the project team have been somehow overconfident and overly optimistic in their assessment of the sustainability of project outcomes. The evaluation examined below the likelihood of the sustainability of the main project outcomes/outputs implemented so far or foreseen for the remaining of the implementation time.

Regarding the activities developed with the MOL/IGT, the project developed an Action Plan based on the results of the LINA, which contains recommendations for improving the Labor Inspectorate. The project has supported the implementation of some of such recommendations, mainly within the framework of supporting the development of the ECMS. In addition, the project has also supported the elaboration of Strategic Compliance Plans, and as requested by Office of the Minister it foresees the continued provision of assistance to develop additional SCPs.

However, as highlighted in the Effectiveness section, the sustainability of such interventions will largely depend on the Government’s continued political will to support the IGT in enforcing labor laws, and the allocation of sufficient and sustained financial support will be indispensable. At the time this evaluation was conducted, both the degree of political will and availability of national funds remained an unknown.

The training program for labor inspectors that was developed is expected to be delivered online during the remaining project implementation period, and trainees will receive official certification from the *Universidad de Occidente* (UDEO). In order to ensure the continuity of the training program beyond the duration of the current project, all training products and materials will be handed over to the MOL.

Further, it is foreseen that a “training module” will be added to the ECMS in order to ensure that inspectors can have sustained access to such training in the future. Nevertheless, this modality will no longer be delivered by a University or official training institution, which prevents trainees from receiving any formal certification upon completion. Several stakeholders who were consulted by the evaluation team considered that this may discourage inspectors/delegates from taking this particular training.

Apropos the ECMS (please refer to the Effectiveness section for further details), the project has conducted an analysis of the infrastructure and equipment that would be required for the operation, management and administration of the ECMS by the IGT and the delegations. In

addition, it developed a *Management of Institutional Change and Sustainability Plan* as well as a *Workplan and roadmap for the design and development of the ECMS for the IGT in Guatemala*. However, the international bidding process for the design and development of the system has not yet been launched.

At the time of this evaluation, the Office of the MOL declared to the evaluators that the scaling-up and future sustainability of the ECMS was a top priority. As consulted stakeholders opined, it remains yet to be seen whether this will be a continued priority for the MOL in the mid-term, and whether the MOL will indeed allocate sufficient human, technical and financial resources.

Regarding the employers' organizations, as described, the project has initiated actions to expand CACIF's *Institutional Policy of Human Rights and Business* to other employers' organizations of the agricultural sector. In 2018, without the project's intervention, CAMAGRO had approved its own policy to promote respect for human rights in the agro-sector. This initiative was followed by GREPALMA which adopted a Human Rights Policy. Considering that these two initiatives by the agricultural chambers were adopted at their own initiative, it seems reasonable to the evaluators to expect that others will be inclined to follow suit, as planned by the project and CAMAGRO.

As for the workers' organizations, as detailed in the Effectiveness section, for the remainder of its implementation time the project plans to develop activities related to the training of workers and the use and management of resources in administrative and judicial institutions, particularly related to procedures for launching labor rights complaints. In addition, the development of campaigns on labor rights and the participation of trade unions in the definition of Strategic Planning of Labor Inspections are foreseen. The evaluators consider that the ILO has the appropriate technical resources and in-house expertise to ably implement such interventions. Whether these will be sustainable is difficult to ascertain at this point.

As for the activities with the Judiciary that are foreseen for the remainder of the implementation time, according to the ILO/project staff, these will mainly be focused on training. It is anticipated that if needed, the School of Judiciary Studies should be able to provide continuity to such activities, and a handover could be formalized through an agreement with the project.

EQ.16.b. Is the project tracking useful sustainability indicators for medium-term outcomes (such as sustained motivation, resources, capacity, or linkages); long-term outcomes (such as sustained service delivery, access, or demand); or for impacts (such as sustained behaviors, practices or service utilization)? If so, which?

As reflected in previous sections in this report, whereas a PMP was developed by the project, the management has not yet been able to properly produce, monitor and report performance data. Thus, to the evaluators' best knowledge the project has not yet been able to track any sustainability indicators for medium-term outcomes (such as sustained motivation, resources, capacity, or linkages), long-term outcomes (such as sustained service delivery, access, or demand), or for impacts (such as sustained behaviors, practices or service utilization).

EQ.17. To what extent are the project’s plans for sustainability adapted to the local level, national level, and capacity/interests of implementing partners? To what extent is the project demand-driven and locally led?

Overall, the project’s chosen strategies appear to be well-aligned with the institutional capacities and priorities of the key stakeholders that are currently involved in the project. However, there is a need for further refinement of the sustainability strategies, as more details will be required related to *how* these strategies will be applied. This is particularly the case, for example, for the interventions that are yet to be implemented in collaboration with the workers’ organizations.

To some extent, national ownership of the project was demonstrated through the endorsement and leadership of the project by the MOL/IGT, in addition to the commitment of the social partners and their involvement in the project (although participation of the trade unions has been, so far, limited) as well as the Judiciary.

As mentioned, the evaluators have observed some challenges with the project’s design, resulting in limitations as to what can be achieved. In particular, this included: overly ambitious objectives; limited implementation time; weak technical and financial monitoring; etc. If not addressed, each of these aspects can contribute to limiting the potential sustainability of the project’s results. However, if addressed in a timely manner, this may potentially contribute to improving the sustainability of the project’s results.

EQ.18. Has the project implemented strategies for integration of individuals/organizations regardless of religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity?

As explained in the Coherence section in this report, to date, the project has mainly engaged with MOL/IGT staff.

In this regard, it is important to note that the evaluators have not been presented with any concrete evidence that would suggest that the project implementation has so far resulted in, or contributed to, the development of any particular strategies for the integration in the project of specific individuals/organizations, regardless of religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity.

EQ.19. Are there any risks or opportunities that are likely to limit or facilitate the sustainability (technical, financial, economic, social, institutional and environmental) of project results?

As mentioned, the changes in the MOL have affected the initial progress of the project implementation, and further anticipated changes in the leadership of the MOL/IGT may potentially hinder the rapid pace that will be required to implement the remaining activities of the project. However, this is a risk factor that is beyond the control of the project.

In addition, the implementation of the ECMS poses both a risk as well as an opportunity at the same time. Whereas the ECMS has the potential to substantially improve the effectiveness, transparency and accountability of the labor inspection in Guatemala, its full roll out and implementation will require systemic changes in the IGT. Such changes can reasonably be

expected to require time, that will exceed the project's timeline, before it can be expected to be completely functional.

A protracted incidence of the COVID-19 pandemic may further disrupt the labor market in Guatemala and continue to re-orient the priorities of both the MOL and the social partners, and this may result in redirecting the allocation of resources to tackle the pandemic's effects. This may negatively affect the ability of the project partner to allocate sufficient time and resources to fully implement all the foreseen project activities.

Ultimately, much of the project success and sustainability will directly depend on the political will that exists at the different levels to continue to support the foreseen project interventions and to support the Labor Inspectorate; as well as to effectively enforce the labor law regulations.

EQ.20. What are the recommended next steps/priorities to support the sustainability of project activities?

In terms of ways to further improve the project's sustainability, it will be important for the ILO and project staff, along with the national partners, to update a clear and precise workplan (following the MPG's requirements and guidance) for the remainder of the project implementation period. In this regard, please refer to the Recommendations section for more details. The workplan should also specify the respective responsibilities of the ILO/project staff and the project partners; the timeframe of execution of different interventions; the specific activities for each intervention (the *who*, *when*, and *how*); as well as the management and monitoring tools, processes and responsibilities. It must be noted that any significant changes to the already approved workplan would require review and approval by USDOL and possibly a modification/revision to be approved by the USDOL Grants Officer.

4. LESSONS LEARNED AND PROMISING PRACTICES

4.1 Lessons Learned

1. Stakeholders' participation in the project design

An important lesson learned was that undertaking participatory processes with national stakeholders during the project design phase is critical. The MOL, employers' and workers' organizations as well as the Judiciary have key roles as they are (or should be) jointly responsible for implementing the project and monitoring its progress. The evaluation learned that the insufficient level of participation by the national partners during the project's design stage, along with the challenging environment as described earlier in this report, proved to be critical aspects of their lack of ownership at the outset of the project, and thus have contributed to challenges for its implementation. In this regard, national stakeholders underlined that a more inclusive and participatory approach could potentially have resulted in a better and more realistic project design.

2. An effective enabling environment is crucial to successful project implementation

Several contextual factors are important contributors in an enabling environment for a project of this type, including a solid political will; strong tripartite commitment; the existence of effective social dialogue processes and spaces; sufficient institutional capacities; and the availability of sufficient relevant resources for project implementation (human, technical and financial). The presence of such factors also allows for minimizing potential risks and facilitates strengthened national ownership of the project's objectives; and thus, increases the chances for a successful project implementation. These factors should have been given greater weight in the project's design phase, in addition to more thorough needs assessments.

3. Availability of appropriate staffing levels for the project is key to project performance

In the FOA, ILAB designated the following two staff positions as key project personnel:³³ the Project Director and the Judiciary Engagement Lead. This reflects an assumption in the FOA that this would be sufficient to carry out the project duties in the field, which was found to have been overly optimistic.

Complex interventions such as the current project, especially in an environment that displays the described challenges, demand an adequate level of technical human resources to be able to address its many dimensions. The noted scarcity in assigned human resources for the project – along with the resignation of the Project Coordinator – has resulted in an excessive workload for the project staff, which in turn has affected the current Acting National Officer's ability to exercise more strategic management. Although efforts were made by the project to bring in ILO expertise (ILO Regional and HQ Specialists) when necessary, it would be beneficial for the project to have access to increased technical staff assigned to the project for the duration of the project.

³³ Key personnel is defined in the FOA as: positions (that) are deemed essential to the successful operation of the project and completion of all proposed activities and deliverables.

4. Implementation schedule

Improving compliance with minimum wage, hours of work and occupational safety and health legislation in the country's agro-export sector requires multifaceted and elaborate strategies and interventions. These entail systemic changes that demand long-term processes and implementation schedules, and these cannot be expected to be achieved in the short term (three years).

5. Monitoring, performance indicators and managing budgets

The project management's ability to adapt to changing circumstances is essential to address the actual needs of the project partners, and to deliver the expected outputs and achieve the planned outcomes in time. In this sense, the timely development of ILAB's tools such as the PMP or the OBB are essential for monitoring the project's performance and expenditures, and thus to allow for making the necessary adjustments during project implementation.

4.2 Promising Practices

1. Project's flexibility to adapt to evolving conditions

So far, the project has been able to adapt relatively well to the numerous contextual changes, and to the varying needs and demands of project partners. The sustained engagement with the project's key stakeholders by the project management and the ILO representatives and Specialists has been conducive to supporting the project implementation. The project management's ability to adjust, to the extent possible, the project interventions on account of evolving internal and external conditions is considered a good practice.

2. Building on existing ILO expertise and resources

Building on existing ILO expertise and resources (Regional and HQ Specialists and staff) through collaboration and coordination has proven to be essential for the successful provision of technical assistance to project partners. The continuation of this type and degree of collaboration and coordination will be essential during the remaining project implementation schedule to enhance the project's effectiveness, efficiency, impact, and sustainability.

3. Labor Inspection Needs Assessment

The purpose of the LINA was to identify the institutional strengths and weaknesses of the Labor Inspectorate and of the labor inspection system, taking into account the principles stated by Conventions No. 81 (Labor Inspection) and No. 129 (Labor Inspection [Agriculture]). The assessment contributed to an ILO-MOL/IGT joint analysis that was used as a basis for the project implementation, as well as an analysis of the implications of the Labor Law Reform for the Labor Inspectorate, and to identify areas of improvement to strengthen the effectiveness, efficiency and quality of the labor inspection services.

Based on the LINA findings, the ILO has issued a series of recommendations. Some of these are currently implemented with project support, while others are included for eventual future implementation, which will be contingent upon opportunities, priorities and resources.

5. CONCLUSIONS AND RECOMMENDATIONS

This section presents a synthesis of the conclusions drawn from analyzing the findings with regard to each of the evaluation criteria. The evaluation team also makes recommendations based on the evaluation findings presented in Section 3 and the lessons learned and promising practices presented in Section 4.

5.1 Conclusions

Relevance and Validity

The evaluators found the project's ToC to be theoretically logical and coherent. It represents a sound overall intervention strategy, guiding the USDOL vision as well as the strategic objectives that will be necessary (although perhaps not sufficient due to the lack of focus on employers, who have a direct influence over the problem) to achieve improved enforcement of acceptable conditions of work. However, the achievement of the project's objective in the Guatemalan agricultural export sector should be understood as a strategic longer-term goal that involves a substantial dedication of time and resources (both technical and financial).

Also, it was observed that the achievement of this strategic goal would require profound transformations for the Guatemalan Labor Administration (including for the workers' and employers' organizations) which in turn necessitate a favorable enabling environment; that is, the existence of some fundamental (pre-)existing conditions such as a certain degree of political and institutional stability; a high amount of political commitment and institutional leadership; as well as continued budget support. Such a favorable enabling environment is not yet in place in Guatemala.

Further, the evaluators concluded that the RF was formulated in a highly complex way because the focus was on too many problems/issues. Additionally, it was found that the "problem analysis" was rather weak, and that an "objectives tree" and a "strategy analysis" were lacking. As a result, the project design chose to tackle all of the identified problems, instead of focusing on one or a few specific areas where it could have an effective influence. This has resulted in the setting of unrealistic goals, given, on one hand, the (limited) human resources allocated to the project and the reduced time available for its implementation, and, on the other hand, the rather complex and unpredictable context in which this multi-faceted project is expected to be implemented.

Concerning the degree of consistency of the project's PMP, as compared with best practices in Results-Based Management, the evaluators concluded that although the performance indicators are overall considered to be adequate, in most cases baseline data and targets were found to be either not available or not specified. Moreover, every so often, end-line data were yet to be determined or were not specified. In this regard, the project may not be able to establish any benchmarks, ensure data comparability, or to systematically collect the necessary data for the measurement of achievement against the performance indicators and analysis of results. Thus, it is difficult to assess on an ongoing basis the project outcomes and impact and to inform management decisions based on data analysis.

Coherence

The evaluators determined that the project has access to the valuable technical resources of the ILO. However, in line with what some stakeholders confirmed, the human resources that were assigned for the project's implementation were found to be scarce, especially for a project of such complexity. This situation became more complicated upon the resignation of the first Project Coordinator in May 2020. In terms of financial resources, the budget allocation to the project seems to be adequate.

Apropos the allocated time for the duration of the project, there is broad agreement among the consulted stakeholders that improving the overall enforcement of workers' rights in Guatemala's agro-export sector will require complex systemic interventions, processes and transformations, which will need more time than what was initially foreseen for the project implementation (i.e. three years, October 2018 – October 2021).

With respect to the institutional capacities of the implementing partners, the current technical capacities in both the MOL and the IGT are considered sufficient for project implementation. However, there is a generalized and chronic lack of human resources, training, equipment, technology, transportation, and financial resources. The institutional capacity of employers' organizations was found to be adequate. Conversely, the Guatemalan trade union organization is generally weak, with limited representation and low levels of affiliation and negotiating capacities. Additionally, stark divisions among the different unions are hampering their capacity to secure workers' rights and to contribute to the shaping of national labor policies.

With respect to the motivations and capacities of national and local stakeholders, although since its inception the project has faced multiple challenges, through interviews with national stakeholders, the evaluators learned that from the second half of 2020, the national context has stabilized to some extent. National stakeholders, as well as project and ILO staff stated that, overall, the current degree of motivation and involvement of all stakeholders is noteworthy.

Effectiveness

The evaluation found that the project has started to make some contributions towards strengthening the capacity of the MOL/IGT for increased effectiveness of labor inspections related to acceptable conditions of work. Conversely, little has yet been achieved in the promotion of compliance with labor laws, which was expected to result from the increased actions of workers' and employers' organizations. In addition, while the project has started providing some training to members of the Judiciary, not much has yet been achieved in terms of upholding appropriate administrative sanction resolutions by judges in cases related to violations of acceptable conditions of work that have been brought before the courts.

The project has faced serious challenges for most of the implementation period, and thus far, primary and secondary information that has been gathered by the evaluators indicate that the project's effective contribution towards improving the compliance with minimum wage, hours of work and occupational safety and health legislation in Guatemala has been limited.

Nevertheless, stakeholders interviewed pointed out that a new momentum has been generated. The recent changes in authorities and technical staff of the MOL/IGT (July 2020) and a greater

dynamism on the part of the current project management (with the support of the ILO Office in San Jose) have managed to give a new impetus to the project's relations with its national partners. According to some of the interviewees, this has in turn opened a significant window of opportunity for the project to achieve more progress during the remaining implementation time.

Efficiency

Based on the financial information that was made available to the evaluators, to date the project's expenditure amounts to approximately 20% of the total budget (while the implementation period that elapsed when this evaluation was carried out was approximately 2/3 of the total). The analysis of the project's effectiveness showed that there have been several instances where the project has been able to provide effective support to country stakeholders (namely the MOL/IGT) with relatively limited funding and project staff (with the support from the ILO Office in San José and its Specialists as well as from ILO-HQ Specialists).

Impact

Although it is too early in the project's life to assess the changes that have occurred as a result of the project interventions, based on document review and interviews that were conducted with key stakeholders, the evaluation team was unable to substantiate that any effective changes have yet occurred in stakeholder policies, programs, or resource allocation as a result of project activities. Also, the evaluation team did not receive any concrete evidence of gender-specific impacts (positive or negative) of the project's interventions, or impacts on minority, indigenous or other vulnerable or disadvantaged groups.

Sustainability

The evaluation examined the likelihood of the sustainability of the main results from the project interventions implemented so far or those foreseen for the remainder of the implementation time.

Regarding the activities developed with the MOL/IGT, the sustainability of the outcomes of such interventions will largely depend on the Government's continued political will to support the IGT in enforcing labor laws, and the allocation of sufficient financial support will be indispensable. At the time of this evaluation, both the degree of political will and the availability of funds remained unknown.

Regarding the employers' organizations, in 2018, without the project's intervention, CAMAGRO had approved its own policy to promote respect for human rights in the agro-sector. This initiative was followed by GREPALMA which adopted a Human Rights Policy. Taking into consideration that these two initiatives by the agricultural chambers were adopted at their own initiative, it seems reasonable to the evaluators to expect that others will be inclined to follow suit, as planned by the project and CAMAGRO.

As for the workers' organizations, the project plans to develop a number of activities for the remainder of its implementation time. The evaluators consider that the ILO has the required technical resources and in-house expertise to implement such interventions. Whether the outcomes of these activities will be sustainable is difficult to be ascertained at this point.

As for the activities with the Judiciary that are foreseen for the remaining implementation time, according to the ILO/project staff, these will mainly be focused on training. It is anticipated that, if needed, the School of Judiciary Studies should be able to provide continuity to such activities through a formal handover agreement with the project.

5.2 Recommendations

General Recommendations

1. Project design (Addressed to: USDOL-ILO)

Project design processes should be based on thorough participatory national consultation with all key stakeholders. The design should also take into account the different contexts and specific needs, as well as institutional and resource constraints. This involves developing context-specific baselines and studies, to fine-tune and adapt the intervention strategies to the different circumstances.

2. Project staff (Addressed to: USDOL)

The Funding Opportunity Announcements should make sure that the staffing provisions are sufficient to carry out the project's duties in the field and implement activities with maximum effectiveness.

Specific Recommendations

The following recommendations are linked to EQ.20. (Sustainability): *What are the recommended next steps/priorities to support the sustainability of project activities?* They highlight aspects that should be priorities for the remaining implementation period.

3. Strengthen the Project's Staff Structure (Addressed to: ILO)

The evaluation deems that it is urgent to strengthen the project's staff structure. In this regard, in the short term, and in order to comply with the Terms and Conditions of the grant, the ILO should engage a National Coordinator that meets the minimum M&E and project management qualifications as noted in the FOA.

4. Accelerate the TCO process for the development of the ECMS (Addressed to: ILO)

It is essential for the ILO to accelerate, to the extent possible, the analysis and approval process for the *Total Cost of Ownership* (TCO) and to initiate the international bidding process as soon as possible, in order to proceed with the implementation of the ECMS pilot in the Department of Escuintla and for the Government of Guatemala to establish its commitment to funding a national rollout based on the total cost of ownership and the outcomes of the pilot. Based on estimates from the technical staff (consultants and staff from the IT Department and the MOL) that were consulted, this process is expected to last up to nine months (starting from the handover of the software by the developer to the project). Subsequently, according to the project's technical staff, an additional three months are expected to be required to provide guidance and training in the

correct use of the ECMS, for those responsible in the Departmental delegation and for labor inspectors.

5. Grant the project a no-cost 6-month extension implementation period (Addressed to: USDOL-ILO)

The evaluators recommend that USDOL consider, in consultation with ILO, granting the project a no-cost extension implementation period of six months, in order to compensate for the delays (caused by factors outside of the project's control)³⁴ during the inception phase. This will ensure that the project will have sufficient time to implement and, to the extent possible, scale-up the ECMS pilot, as well as to conclude the implementation of other key interventions in order to maximize the prospects for effectiveness, impact and sustainability.

6. Introduction of the ECMS in other Departmental Delegations (Addressed to: ILO-MOL)

The evaluation recommends that the ILO, in coordination with the MOL and based on technical criteria, prepare an estimate for the possible introduction of the ECMS into other Departmental delegations (for instance, Guatemala) during the remaining implementation period (with/without extension). If this option is considered viable, the project should proceed as soon as possible with undertaking the processes of diagnostics, analysis of requirements, and the definition of workflows and processes, etc. It is also considered necessary that the ILO, to the extent possible, continues to provide monitoring and technical assistance in the systemic/organizational adjustments of the IGT/delegations which may be necessary after the introduction of the ECMS.

7. Continued technical assistance from the ILO to the MOL in some key aspects (Addressed to: ILO-MOL)

There was general agreement among the informants about the need for continued technical assistance from the ILO, related to certain key aspects: a) Conclude the standardization of the criteria for labor inspection; b) Complete the procedural manual for the IGT; c) Finalize the study on the application of administrative sanctions; d) Support the Ministry of Labor in the development and implementation of SCPs in priority sectors; e) Support the development of campaigns on workers' labor rights in the agro-export sector; f) Continue to strengthen the training in OSH for labor inspectors in agricultural areas; and g) Start the training program for labor inspectors in the first trimester of 2021.

It is also recommended that the ILO and MOL define strategies to ensure the continued participation of inspectors in the training program. In this regard, some of the interviewees have

³⁴ As explained in other sections in this report, due to a series of developments that occurred in 2020, the implementation of the activities related to the MOL/IGT was disrupted: In January 2020 there was a change of Government as well as a series of changes in the authorities of the Ministry of Labor. In addition, as of March 2020, due to the COVID-19 pandemic, the Ministry of Labor closed its access for the public for a period of 6 months, and there was virtually no communication from the authorities of the Ministry of Labor with either the social partners or international cooperation agencies. In the case of the workers' and employers' organizations, as well as the Judiciary, multiple coinciding factors led to a stagnation of the planned activities.

suggested that the training program should be made mandatory for future labor inspectors, to be undertaken within their initial six months' probation time and prior to their final appointment.

8. *Adoption of Human Rights Policies and Management Processes (Addressed to: ILO-CAMAGRO)*

It is recommended that the project, together with the Regional ACTEMP Specialist and CAMAGRO, provide technical assistance for the development, follow-up and adoption of human rights policies and their respective management processes for employers' organizations in the agro-export sector.

9. *Support to workers' organizations (Addressed to: ILO-Workers' Organizations)*

The evaluation recommends that the project, in coordination with the Regional ACTRAV Specialist, develop actions aimed at strengthening the capacities of the main workers' organizations with presence in the agro-export sector. It is advisable in this regard to undertake a study/assessment of the capacities of trade unions (both central trade unions and agricultural organizations) related to the issue of labor inspection. Put in context, and based on results from this study, it is suggested to develop some interventions that could be supported by the ILO, including: a) Training workers on how to access and use the resources that are available in administrative and judicial institutions with regard to the filing of complaints related to labor rights; b) Involving the trade unions in the SCP processes.

10. *Judiciary: Improvement of knowledge and standardization of criteria (Addressed to: ILO-Judiciary)*

Based on interviews, the evaluation recommends that the project develop interventions that aim to generate better knowledge of labor legislation within the Judiciary, and to standardize the criteria related to the application of sentences in the labor field. In this regard, the following is suggested: a) Preparing a compilation of relevant labor and social security related conventions, laws and regulations; b) Undertaking training about up-to-date constitutional jurisprudence and about relevant international labor conventions ratified by Guatemala; and c) Providing technical assistance to the Judicial School for the development of a training program for judges at the Labor and Social Welfare Courts at the national level.

Also, the evaluation recommends promoting the exchange of experiences: a) Between judges at the Misdemeanor Courts and judges at the Labor Courts in the country, with regard to the application of the Labor Code and the use of the new judicial processes that have been created through the reform; and b) Between judges of the Misdemeanor Courts and Departmental delegates of the MOL.

11. *Strengthen the social dialogue and tripartism (Addressed to: ILO-MOL-Employers' and Workers' Organizations)*

There was agreement among the interviewees about the importance of promoting social dialogue and tripartism in Guatemala. In this regard, representatives of the MOL, employers and workers underlined the importance of support from the ILO/the project to define a joint roadmap that allows for the reactivation of the existing Tripartite Council for Labor Inspection.

12. Workplan for the implementation and follow-up of the recommendations (Addressed to: ILO)

In order to allow for effective follow-up on the recommendations of this evaluation, the evaluators suggest that the ILO develop a workplan for the implementation and follow-up of the recommendations. This workplan should clearly specify the activities, outputs, timeline, resources (technical, financial and human), responsibilities, indicators and technical and financial monitoring processes that are required to implement the recommendations as well as to appropriately comply with USDOL-ILAB requirements and regulations.

Appendix A: Summary of Performance Results

Table 1. Project Objective Achievements, according to the PMP (April 2020)

Note: As explained in other sections of the current report, the project did not track any performance indicators included in the PMP, thus, it is not possible for the evaluators to assess achievements according to the PMP.

Outcome/Output	Indicator	Baseline	Target					Target vs Actual
			Y1	Y2	Y3	Y4	End of Project	
Project Objective: Improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector								
LT Outcome 1: Increased effectiveness of labor inspections related to acceptable conditions of work.								
	% of labor inspections in the agro-export sector / Total of inspections in all sectors	N/A	0%	5%	10%	20%	20%	N/A
	# of acceptable conditions of work infractions identified in the agro-export sector	N/A	Tbd	Tbd	Tbd	Tbd		N/A
	# of procedural actions resulting from identified violations							N/A
	% of LI visits in the agro-export sector resulting in procedural actions	N/A	Tbd	Tbd	Tbd	Tbd		N/A
	# of administrative sanctions	N/A	Tbd	Tbd	Tbd	Tbd		N/A
	% of administrative sanctions	N/A	Tbd	Tbd	Tbd	Tbd		N/A
	% of administrative sanctions	N/A	Tbd	Tbd	Tbd	Tbd		N/A
Department of Labor Indicator - DOL1	Number of targeted labor ministries implementing strategy and/or action plan to enforce labor legislation (and/or to inspect worksites), resulting from a DOL-funded project.	N/A	Tbd	Tbd	Tbd	Tbd		N/A
Department of Labor Indicator - DOL1	Number of targeted government partners that implement inspections or deliver other important government services	N/A	Tbd	Tbd	Tbd	Tbd		N/A

Outcome/Output	Indicator	Baseline	Target					Target vs Actual
			Y1	Y2	Y3	Y4	End of Project	
	using improved tools or resources from a DOL-funded project and/or direct technical assistance.							
MT Outcome 1.1: Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance issues in the agro-export sector								
ILO Program and Budget 2020-2021 indicator 1.3.2.	1.3.2. Number of member States with targeted strategic compliance plans, developed in consultation with the social partners	0	0	0	1	1	1	N/A
ST Outcome 1.1.1: Labor Inspectorate implements recommendations and strategies from LINA								
	% of recommendations from LINA Action Plan implemented by the MOL	N/A	0%	15%	30%	70%	70%	N/A
ST Outcome 1.1.2: Strategic Compliance Plans (SCP) for the Inspectorate are developed and implemented through the SCP/ILO methodologies for enhancing effectiveness of strategic inspections								
	The strategic Compliance Plan is implemented by MOL and other relevant actors	N/A	NA	NA	YES	YES	YES	N/A
MT Outcome 1.2: Labor inspectors capacities to perform quality inspections are strengthened								
	Percentage of inspections that show a quality according to the best practices and minimum technical conditions internationally accepted.	N/A	0%	15%	25%	50%		N/A
ST Outcome 1.2.1: Labor inspectors access new career and performance incentives								
	Number of new or revised performance tools handed over and used by MOL	0	0	0	2	2	4	N/A
ST Outcome 1.2.2: Labor inspectors are trained on priority labor subjects								
	Percentage of labor inspectors that participate in at least two training activities organized by the project	0	0	0	0,25	0,5	0,5	N/A
	Percentage of labor inspectors that	N/A	0%	15%	30%	60%	60,00%	N/A

Outcome/Output	Indicator	Baseline	Target					Target vs Actual
			Y1	Y2	Y3	Y4	End of Project	
	demonstrate that have enough capacities regarding acceptable conditions of work violations.							
ST Outcome 1.2.3: Labor inspectors have better understanding of common mistakes in labor inspections and what information judges need to enforce sanctions								
	A coordination mechanism between the labour inspectorate and the judiciary is set up and functioning	No	No	No	YES	YES	YES	N/A
	# of tools, procedures developed and used to coordinate actions bt the inspectorate and the judiciary	0	0	0	0	1	1	N/A
MT Outcome 1.3: Workers' and employers' organizations take more actions to promote compliance with labor laws								
	% of workers and employers' organizations participating in project activities that take action on labor law compliance	0	0	0	50%	70%	70%	N/A
ST Outcome 1.3.1: Workers' and employers' organizations are more aware of labor issues, acceptable conditions of work, new sanctions procedure, and avenues for resolving labor conflicts								
	# of social dialogue platforms fostered by the project to promote compliance	0	0	0	0	2	2	N/A
ST Outcome 1.3.2: Employers have more knowledge and tools to promote self-compliance in the agro-export sector following technical assistance								
	% of companies that use a system to promote self compliance in the agro-export sector	0	0	0	20%	50%	50%	N/A
MT Outcome 1.4: Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issues and collected, and violations remediated.								
ST Outcome 1.4.1: Design and develop a new electronic case management system for labor inspection to incorporate the new administrative sanctioning procedure								
	Availability of the electronic case management system with the most high international quality.		0	0	0	YES	YES	N/A

Outcome/Output	Indicator	Baseline	Target					End of Project	Target vs Actual
			Y1	Y2	Y3	Y4			
ST Outcome 1.4.2: Increase MOL's capacity to follow up on labor inspection in the country through the electronic case management system									
	MOL is prepared to use the electronic case management system.	N/D	NO	NO	NO	YES	YES	N/A	
MT Outcome 1.5: Pilot Case Management System is replicated in one or more additional regions of Guatemala									
ST Outcome 1.5.1: At least two regions have implemented the Case Management System as a pilot regions									
	Percentage of inspections that are processed and administered using the electronic case management system in the two selected regions.	N/D	0%	25%	40%	75%	75%	N/A	
ST Outcome 1.5.2: The selected regional offices at key regions have the necessary equipment and conditions (facilities and electronic ones) to implement the system in each venue									
	All necessary equipment is installed, tested, and operative in each region.	NO	NO	NO	YES	YES	YES		
LT Outcome 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work									
	# of cases							N/A	
	% of cases							N/A	
ADD TARGETS	Percentage of labor judges who incorporate in their sanctions the main concepts and domestic and international labor legislation doctrine and the new administrative sanction procedures.							N/A	
	% of judges	N/A	0%	20%	35%	60%		N/A	
	% of rulings		0%	20%	35%	60%		N/A	
MT Outcome 2.1: Judges apply standardized criteria and other acquired knowledge in decision-making on new labor administrative sanctions resolutions									
ST Outcome 2.1.1: Judges have increased knowledge of administrative sanctions procedure and agree on standardized legal criteria									
	% of judges trained by the project who demonstrate sound knowledge of the administrative sanctions procedure	NA	NA	NA	70%	70%	70%	N/A	

Outcome/Output	Indicator	Baseline	Target					Target vs Actual
			Y1	Y2	Y3	Y4	End of Project	
	and standardized legal criteria							
ST Outcome 2.1.2: Judges are more knowledgeable about labor law issues, including international legal standards								
	The revised curriculum for new judges integrate training on labor law and International Labor Standards	NO	NO	NO	NO	YES	YES	N/A
ST Outcome 2.1.3: New informatics linkage established between Labor Inspectorate and Labor Courts system enables both to track key stages of sanctions procedure and facilitate communication								
	Availability and use of the new informatics linkages between the labor inspectorate and the labor court	NO	NO	NO	NO	YES	YES	N/A

Appendix B: Rapid Scorecard

From your perspective³⁵, rate how effectively (e.g., moving project toward its intended results) the project has been regarding each of its specific outcomes:

Project Outcome (Circle one rating 1-5 for each element)	Comments
LTO 1: <div style="display: flex; justify-content: space-around; align-items: center;"> 1 2 3 4 </div> <div style="text-align: center; margin-top: 5px;">  </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> Low Moderate Above-moderate High </div>	Based on primary and secondary evidence, the evaluation found that the project has started to make some contributions towards strengthening of the capacity of MOL/IGT for increased effectiveness of labor inspections related to acceptable conditions of work. Conversely, very little has been achieved yet in the area of the promotion of compliance with labor laws which was expected to result from increased actions of workers' and employers' organizations.
LTO 2: <div style="display: flex; justify-content: space-around; align-items: center;"> 1 2 3 4 </div> <div style="text-align: center; margin-top: 5px;">  </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> Low Moderate Above-moderate High </div>	Document review and interviews show that, although the project has started with the provision of some training of members of the judiciary, not much has yet been achieved in terms of the upholding of appropriate administrative sanction resolutions by judges, in cases related to violations of acceptable conditions of work that have been brought before the courts.

³⁵ Based on the triangulation of information from the project database and other sources and the data collected through interviews and FGD during the evaluation process.

From your perspective³⁵, rate how effectively (e.g., moving project toward its intended results) the project has been regarding each of its specific outcomes:

Project Outcome (Circle one rating 1-5 for each element)	Comments
-------------------------------------------------------------	----------

What outcomes, components or/and practices implemented by the project do you consider as being those more critical for the project to become sustainable in the long term? Currently, what is the likelihood that those outcomes/ components/ practices remain sustainable?

Outcome/ Component/ Practice	Likelihood that it becomes sustainable
1. Strengthening the Labor Inspectorate’s capacities. Training program for Labor Inspectors Implementation of the ECMS Capacity Building for the Workers organizations	1. 1 ② 3 4  Low Moderate Above-moderate High
2. Capacity Building for the Judiciary	2. 1 2 ③ 4  Low Moderate Above-moderate High

From your perspective³⁵, rate how effectively (e.g., moving project toward its intended results) the project has been regarding each of its specific outcomes:

Project Outcome (Circle one rating 1-5 for each element)	Comments
3. Scaling-up CACIF’s Institutional Policy of Human Rights and Business to other employers’ organizations of the agricultural sector	3. <div style="text-align: center;"> 1 2 3 4 </div>  <div style="text-align: center; margin-top: 10px;"> Low Moderate Above-moderate High </div>

Appendix C: List of Documents Reviewed

Project Operational and Reporting Documents

- Project Document (April 20, 2020)
- Sustainability Plan
- Technical Progress Reports: December 2018 through June 2020
- Federal Financial Reports: September 2018 through June 2020

Project Products

- Labor Inspectors training materials and other related documents (2019)
- Labor Inspection Needs Assessment (LINA) (2019)
- LINA Action Plan (2019)
- Technical study on the application of administrative sanctions based on case studies and operations and legal workflows (2019)
- Standardization of Technical Criteria of the General Labour Inspectorate (2019)
- Assessment of the current labor inspection electronic case management system (File Master) (August 2019)
- Plan, work schedule and document related to the preparation of institutional conditions and commitments of the Ministry of Labour and Social Prevision in the Departmental Delegation of Escuintla (November 2019)
- Flow Process of the IGT (November 2019)
- Procedures Handbook for the IGT (February 2020)
- ECMS' Management of Institutional Change and Sustainability (February 2020)
- Workplan and roadmap for the design and development of the ECMS for the IGT in Guatemala (October 2020).

Background Documents

- CACIF's Institutional Business Policy on Human Rights (2014)
- Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector. A Report on Findings from Rapid Appraisal Research as well as the Judiciary institutional capacities needs to be taken into account. Verité, 2017
- Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87) Guatemala (Ratificación: 1952) ILO/NORMLEX.
https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:2556382,en
- Independent Evaluation of the ILO's Strategy and Actions for Strengthening Labour Inspection Systems (2010–15). ILO Evaluation Office, Geneva, 2015

- Situación Laboral de trabajadores/as agrícolas en Guatemala. Comité de Desarrollo Campesino (CODECA), 2013
- The situation of farm workers in Guatemala. CETIM (Centre Europe – Tiers Monde) Geneva, 2013
- Notice of Availability of Funds and Funding Opportunity Announcement for Improving the Enforcement of Labor Laws in Guatemala. U.S. Department of Labor. Bureau of International Labor Affairs. Funding Opportunity Number: FOA-ILAB-18-04
- Management Procedures and Guidelines for Cooperative Agreements. U.S. Department of Labor. Bureau of International Labor Affairs. Office of Trade and Labor Affairs June 20, 2019
- Strategies and practice for labour inspection. Committee on Employment and Social Policy. ILO Governing Body Geneva, November 2006
- Cheong, D., Jansen, M. and Peters, R (eds.). 2013. Shared Harvests: Agriculture, Trade, and Employment. International Labour Office and United Nations Conference on Trade and Development.
- Independent Cluster Evaluation of the ILO's Operations to Support Decent Work in Guatemala, 2018-2019. ILO DWT/CO-San Jose, 2020

Appendix D: Schedule of Meetings

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

Appendix E: Stakeholder Workshop Agenda

USDOL ILAB Evaluación Intermedia Guatemala

RESPECTO DE LAS CONDICIONES LABORALES DE LOS TRABAJADORES EN EL SECTOR EXPORTADOR AGRÍCOLA DE GUATEMALA-OIT

EVALUACIÓN INTERMEDIA: PRESENTACIÓN DE RESULTADOS PRELIMINARES

Objetivo: examinar y contrastar los principales aspectos de la evaluación y al mismo tiempo, validar conjuntamente las conclusiones y recomendaciones preliminares.

Después de una primera ronda de consultas con las partes interesadas los evaluadores presentaran una síntesis de conclusiones y recomendaciones preliminares. Con un enfoque participativo, en la reunión se promoverá la discusión sobre de los principales logros y desafíos del proyecto; para buscar consensos sobre los principales hallazgos, conclusiones y recomendaciones.

Duración: 09-11h (2h)

Participantes: representantes de las principales partes interesadas: Equipo del Proyecto y representantes de OIT-San José; Ministerio de Trabajo; Inspección General de Trabajo; Empleadores, Trabajadores; Poder Judicial; Embajada de los EEUU.

AGENDA

09.00h: Apertura e ingreso de los participantes a la reunión

09.10h: Bienvenida y presentación de la reunión (Representante de la OIT)

09.20h: Presentación de los participantes

09.30h: Presentación de los objetivos del proyecto (Cristina Gonzalez)

09.40h: Presentación de conclusiones y recomendaciones preliminares (evaluadores)

10.10h: Preguntas y debate

11h: Fin de la reunión

Appendix F: List of Interviewees and FGD Participants

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

Appendix G: Interview and Focus Group Guides

KEY INFORMANT INTERVIEW PROTOCOLS

INSTRUMENT PROTOCOL FOR INFORMANTS

Consent Script

My name is [INSERT NAME] and first I would like to thank you for taking the time to talk to me. I am from SFS, an international technical assistance and evaluation company.

SFS is conducting an evaluation on behalf of the United States Department of Labor (USDOL) on the performance of the project: *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* implemented by the ILO.

I would like to ask you questions related to your experience with the project.

This interview/FGD will last approximately [INSERT TIME]. Your individual responses will not be shared with the grantee, USDOL, or anyone else outside the evaluation team. In the evaluation report, the evaluation team will summarize its findings across all respondents and not refer to specific individuals. Participation is voluntary; however, I hope that you will participate in this interview because your points of view will allow us to better evaluate the performance of the project and suggest improvements. You may decline to respond to our questions or end the interview at any time.

Do you have any specific questions? Can we start now?

Note: The evaluation team will translate and read this script as appropriate.

KII/FGD Questions

Questions may be revised or only included for certain types of stakeholders:

- US government
- Grantee and implementing partners
- Host-country government
- Civil society stakeholders

The Evaluators may ask the same question to different individuals or informant categories to compare their responses and analyze how these individual differences may reflect on the project. As the interview/FGD guide is intended to help the evaluators develop semi-structured interviews/FGD, it will be adapted depending on the context and project implementation degree; the profile and attitudes of the respondent(s); and the results of previous interviews with other stakeholders; in order to help focus each interview.

The evaluators will start each meeting with a general question, such as:

- Please describe your activities as related to the project briefly. (This is not a requirement but is preferable. The brief description should take **no more than 10 minutes**. Please note that

this is included to provide an opportunity for the interviewees to explain their work/experience in their own words, it serves as a type of ice breaker, and it also helps to set the scene for the consultant's questions.)

Relevance and Validity

Question 1. To what degree is the project design appropriate and adequate to address compliance with minimum wage, hours of work, due compensation and OSH laws in the agricultural export sector in Guatemala?

Question 2. To what extent does the project's theory of change (prescribed in the Funding Opportunity Announcement) hold true?

Why/why not?

How effectively did **USDOL** and the **ILO** assess the evidence base for, anticipate risks and interrogate assumptions in the project's causal logic?

Question 3. To what extent were the project's performance monitoring plan (**PMP**), performance indicators, and targets consistent with best practices in Results-Based Management (**RBM**)?

Coherence

Question 4. To what extent is the project design logical and coherent regarding the:

- e) allocated time and resources (including financial and human)?
- f) institutional capacities of the implementing partners?
- g) motivations and capacities of national and local stakeholders?
- h) priorities and policies of the host Government

Question 5. To what extent and how effectively did the **ILO** assess:

- stakeholders' needs, levels of interest, capacities and resources, incentives?
- influence and the relevance of each for the implementation of the project?

How have the priorities, policies and power of the project's Government partners and other key stakeholders changed since the project began?

Question 6. To what extent did the project consult and engage groups that could bring diverse perspectives (including based on their religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity)?

Effectiveness

Question 7. To what extent is the project making progress towards its objective and outcomes? What are the key results achieved so far, specifically regarding the:

- a) Capacity of the Labor Inspectorate to effectively manage worker complaints on minimum wage, hours of work, and OSH violations and raise them to the judicial system?
- b) Development and replication of the Electronic Case Management System?
- c) Actions of employers' and workers' organizations to promote compliance with labor laws?
- d) Knowledge and application by judges of the appropriate sanction resolutions for violations of acceptable conditions of work?

Question 8. How effective are the project's strategies?

- What are the key internal or external factors that limit or facilitate result achievement?
- How effectively did the project monitor and report performance data?
- How effectively did the project manage risks and implement mitigation strategies to address them?

Question 9. How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness and sustainability of project interventions?

Does the project implementation adequately account for differences in capacity?

Efficiency

Question 10. How efficient is the project's use of resources?

How effectively has the project used outcomes-based budgeting systems? *(Are budgets updated and expenditures discussed regularly between USDOL and implementers? Has the project tracked the planned vs. actual cost per outcome?)*

Question 11. What are the key strengths and weaknesses in project implementation?

How has the project responded to changes in the implementing context? What areas need improvement?

Question 12. To what extent is ILAB's Results-Based Management approach viewed as a helpful management tool **by the project** and its implementing partners?

Which, if any, performance indicators or tools does the project find most useful for project management? Which are the least useful?

Impact

Question 13. What, if any, changes have occurred in stakeholder policies, programs, or resource allocation as a result of project activities?

Question 14. What drives compliance behavior by employers?

Question 15. What, if any, have been the gender-specific impacts (positive or negative) of the project's interventions, as well as impacts on minority, indigenous or other vulnerable or disadvantaged groups?

Sustainability

Question 16. To what extent has a sustainability strategy been defined and what steps have been taken to ensure sustainability?

Is the project tracking useful sustainability indicators for:

- medium-term outcomes (such as sustained motivation, resources, capacity, or linkages)?
- long-term outcomes (such as sustained service delivery, access, or demand)?
- impacts (such as sustained behaviors, practices or service utilization)?

Question 17. To what extent are the project's plans for sustainability adapted to the local level, national level, and capacity/interests of implementing partners?

To what extent is the project demand-driven and locally led?

Question 18. Has the project implemented strategies for integration of individuals/organizations regardless of religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity?

Question 19. Are there any risks or opportunities that are likely to limit or facilitate the sustainability (technical, financial, economic, social, institutional and environmental) of project results?

Question 20. What are the recommended next steps/priorities to support the sustainability of project activities?

Are there any other issues that you would like to mention/highlight before we end the interview/FGD?

Appendix H: Evaluation Design Matrix

#	Evaluation Questions	Data Sources
Relevance and Validity		
1	<p>To what degree is the project design appropriate and adequate to address compliance with minimum wage, hours of work, due compensation and OSH laws in the agricultural export sector in Guatemala? To what extent do the project's critical assumptions hold? <i>(Are results at the same level of the RF both individually necessary and jointly sufficient to achieve the outcomes above them? Are the intermediate results adequate to drive expected change at the next level? Is the RF an accurate reflection of the project it was meant to describe, reflecting realistic goals given the resources and time available for project inputs?)</i></p>	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - Performance Monitoring Plan (PMP) - Work plans - Sectoral (agriculture) studies - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; workers; employers</p>

#	Evaluation Questions	Data Sources
2	<p>To what extent does the project theory of change (prescribed in the Funding Opportunity Announcement) hold true? Why/why not? (ILAB/OTLA learning priority question 3). How effectively did USDOL and the ILO assess the evidence base for, anticipate risks and interrogate assumptions in the project's causal logic?</p>	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Funding Opportunity Announcement - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - Performance Monitoring Plan (PMP) - Work plans - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
3	<p>To what extent were the project's performance monitoring plan (PMP), performance indicators, and targets consistent with best practices in Results-Based Management (RBM)?</p>	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - ILAB's Results-Based Management guidelines - Project document - Technical Progress Reports (TPRs) - PMP <p><u>KII:</u> ILO Staff</p> <p><u>FGD:</u> ILAB Staff; ILO staff.</p>
Coherence		

#	Evaluation Questions	Data Sources
4	<p>To what extent is the project design logical and coherent regarding the:</p> <ul style="list-style-type: none"> a) allocated time and resources (including financial and human)? b) institutional capacities of the implementing partners? c) motivations and capacities of national and local stakeholders? d) priorities and policies of the host Government 	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Funding Opportunity Announcement - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - National Policies and Programmes, e.g.; National development Plan/strategies; sectoral Plans/Strategies; National Employment Plan; - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
5	<p><i>To what extent and how effectively did the implementer assess stakeholders' needs, levels of interest, capacities and resources, incentives, and influence and the relevance of each for the implementation of the project? How have the priorities, policies and power of the project's Government partners and other key stakeholders changed since the project began?)</i></p>	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Funding Opportunity Announcement - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - National Policies and Programmes, e.g.; National development Plan/strategies; sectoral Plans/Strategies; National Employment Plan; - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>

#	Evaluation Questions	Data Sources
6	To what extent did the project consult and engage groups that could bring diverse perspectives (including based on their religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity)?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - Result framework - Sustainability plan - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
Effectiveness		
7	<p>To what extent is the project making progress towards its objective and outcomes? What are the key results achieved so far, specifically regarding the:</p> <ol style="list-style-type: none"> a) Capacity of the Labor Inspectorate to effectively manage worker complaints on minimum wage, hours of work, and OSH violations and raise them to the judicial system? b) Development and replication of the Electronic Case Management System? c) Actions of employers' and workers' organizations to promote compliance with labor laws? d) Knowledge and application by judges of the appropriate sanction resolutions for violations of acceptable conditions of work? 	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>

#	Evaluation Questions	Data Sources
8	How effective are the project's strategies? What are the key internal or external factors that limit or facilitate result achievement? How effectively did the project monitor and report performance data? How effectively did the project manage risks and implement mitigation strategies to address them?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
9	How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness and sustainability of project interventions? Does the project design adequately account for differences in capacity? (ILAB/OTLA learning priority question 4)	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - ToC: Funding Opportunity Announcement - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>

#	Evaluation Questions	Data Sources
Efficiency		
10	How efficient is project use of resources? How effectively has the project used outcomes-based budgeting systems? <i>(Are budgets updated and expenditures discussed regularly between USDOL and implementers? Has the project tracked the planned vs. actual cost per outcome?)</i>	<u>Document review:</u> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Financial reports KII: ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body. FGD: ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants
11	What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement?	<u>Document review:</u> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans KII: ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body. FGD: ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants
12	To what extent is ILAB's Results-Based Management approach viewed as a helpful management tool by project implementers and partners? (ILAB/OTLA learning priority question 5) Which, if any, performance indicators or tools does the project find most useful for project management? Which are the least useful?	<u>Document review:</u> <ul style="list-style-type: none"> - ILAB's Results-Based Management guidelines - Project document - Technical Progress Reports (TPRs) KII: ILO Staff; Current and former MOL Staff; FGD: ILO staff; Former MOL staff
Impact		

#	Evaluation Questions	Data Sources
13	What, if any, changes have occurred in stakeholder policies, programs, or resource allocation as a result of project activities?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Reports on specific project activities - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
14	What drives compliance behavior by employers? (ILAB/OTLA learning priority question 7)	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Reports on specific project activities - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>

#	Evaluation Questions	Data Sources
15	What, if any, have been the gender-specific impacts (positive or negative) of the project's interventions, as well as impacts on minority, indigenous or other vulnerable or disadvantaged groups?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Reports on specific project activities - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
Sustainability		
16	To what extent a phase out strategy has been defined and what steps have been taken to ensure sustainability? Is the project tracking useful sustainability indicators for medium-term outcomes (such as sustained motivation, resources, capacity, or linkages); long-term outcomes (such as sustained service delivery, access, or demand); or for impacts (such as sustained behaviors, practices or service utilization)? If so, which?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - Sustainability Plan - PMP - Work plans - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Project Consultants</p>

#	Evaluation Questions	Data Sources
17	To what extent are the project's plans for sustainability adapted to the local level, national level, and capacity/interests of implementing partners? To what extent is the project demand-driven and locally led?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - Sustainability Plan - Work plans - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
18	Has the project implemented strategies for integration of individuals/organizations regardless of religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - Sustainability Plan - Work plans - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>

#	Evaluation Questions	Data Sources
19	Are there any risks or opportunities that are likely to limit or facilitate the sustainability (technical, financial, economic, social, institutional and environmental) of project results?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Technical Progress Reports (TPRs) - Reports on specific project activities - PMPs - Work plans - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>
20	What are the recommended next steps/priorities to support the sustainability of project activities?	<p><u>Document review:</u></p> <ul style="list-style-type: none"> - Project document - Technical Progress Reports (TPRs) - Reports on specific project activities - PMP - Work plans - Sustainability plan - Sectoral (agriculture) studies - Thematic studies (employment; social dialogue, etc.) - ILO evaluations - Any other relevant documents <p><u>KII:</u> ILO Staff; Current and former MOL Staff; Project Consultants; Judicial Body.</p> <p><u>FGD:</u> ILAB Staff; ILO staff; Former MOL staff; Labor inspectors; Judicial Body; workers; employers; Project Consultants</p>

TERMS OF REFERENCE

Independent Interim Evaluation

Supporting Respect for the Working Conditions of Workers in the Agro- Export Sector

in

GUATEMALA

Project Award Number:	502239
Recipient Account Number:	GTM/18/01/USA
Financing Agency:	U.S. Department of Labor
Grantee Organization:	International Labor Organization
Dates of Project Implementation:	October 2018 - October 2021
Type of Evaluation:	Independent Interim Evaluation
Evaluation Field Work Dates:	October 26 - November 6, 2020
Preparation Date of TOR:	October 2020
Total Project Funds from USDOL Based on Cooperative Agreement:	US \$2,500,000
Evaluation Order Number:	1605C3-20-F-00011



Sistemas, Familia y Sociedad
Consultores Asociados

Dwight Ordoñez: dwightor@gmail.com
Azure Maset: azure.maset@gmail.com

INTRODUCTION

The United States Department of Labor (DOL), through its Bureau for International Labor Affairs (ILAB), has contracted with Sistemas, Familia y Sociedad (SFS) under order number 1605C3-20-F-00011 to conduct performance evaluations of technical assistance projects in Guatemala, Jordan and Bangladesh. The present terms of reference (TOR) pertain to the interim performance evaluation of the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. This document serves as the framework and guidelines for the evaluation. It is organized into the following sections:

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

I. BACKGROUND³⁶

The agricultural export (agro-export) sector is a pillar of Guatemala's economy and an important source of employment, with a growth of 3.2% in 2016 and a variety of export products.³⁷ According to an economic prospection study prepared by Central American Business Intelligence (CABI) for the Chamber of Agriculture (CAMAGRO), the main products for export are: unroasted coffee, fresh fruit, processed fruit, fresh vegetables, processed vegetables, sugar and palm oil. Employment in agriculture (% of total employment) in Guatemala was reported at 29% of the total labor force in 2019, according to the World Bank collection of development indicators. According to the National Employment and Income Survey 4,467,917 persons were working in the informal sector in 2016, with agriculture being the economic activity that absorbs the major percentage of occupied people in the informal sector (37%).

Frequent complaints by workers in this sector and violations cited by labor inspectors are non-compliance in the areas of acceptable conditions of work (minimum wage, working hours, and occupational safety and health (OSH)). Non-compliance with labor rights continues notably due to ineffective enforcement of labor legislation by both administrative and judicial institutions. The decline in inspectors is at least in part attributed to the Labor Inspectorate having no system for professional advancement, performance evaluation, or other measures to motivate labor inspectors to continue employment, learning, or improvement.

³⁶ Adapted from ILO Project Document

³⁷ Study on AGRO product gaps in Guatemala. CABI for Guatemala. See at: <https://www.camaradelagro.org/cabi-camagro-presentan-expectativas-economicas-agro-2017/>

In 2018, ILAB awarded the International Labor Organization (ILO) a three-year, \$2.5 million cooperative agreement for the *Supporting Respect for the Working Conditions of Workers in the Agro-Export Sector in Guatemala* project. The project objective is improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector, and the high level goal for this project is that workers in Guatemala receive at least the minimum wage, working within legal limits for working hours, receive due compensation for overtime and operate in a safe and healthy working environment. The project’s theory of change is that if the institutional capacity of the Labor Inspectorate and the Judiciary Branch on supervising and enforcing sanctions against labor violations are improved, then compliance with labor law in the agricultural export sector will increase, and then workers in the agricultural export sector will work under acceptable conditions of work.

To this end, the project has developed two long-term objectives (LTO) and six medium-term objectives (MTO):

Exhibit 1: Long- and Medium-Term Project Goals

Project Objective: Improved enforcement of acceptable conditions of work in the Guatemalan agricultural export sector
LTO 1: Increased effectiveness of labor inspections related to acceptable conditions of work
MTO 1.1: Labor Inspectorate increases its effectiveness by using strategic inspections to address non-compliance in agro-export sector
MTO 1.2: Labor Inspectors capacities to perform quality inspections are strengthened
MTO 1.3: Workers’ and employers’ organizations take more actions to promote compliance with labor laws
MTO 1.4: Electronic Case Management System is established to enable inspectors and their supervisors to track in real-time labor inspections, sanctions issued and collected, and violations remediated
MTO 1.5: Pilot Case Management System is replicated in one or more additional regions of Guatemala
LTO 2: Judges uphold appropriate administrative sanction resolutions for violations of acceptable conditions of work
MTO 2.1: Judges apply standardized criteria and other acquired knowledge in decision-making on new labor administrative sanctions resolutions

II. PURPOSE, SCOPE AND AUDIENCE

This interim performance evaluation will assess the performance and achievements of the project to date. The evaluation team will glean information from a diverse range of project stakeholders and institutions who participated in and were intended to benefit from interventions in Guatemala.

The purpose of this interim performance evaluation is to:

1. Assess the relevance of the project in the cultural, economic, and political context in the country, as well as the validity of the project design and the extent to which it is suited to the priorities and policies of the host government and other national stakeholders;
2. Determine whether the project is on track toward meeting its objectives, identify the challenges and opportunities encountered in doing so, and analyze the driving factors for these challenges and opportunities;
3. Assess the effectiveness of the project's strategies and the project's strengths and weaknesses in project implementation and identify areas in need of improvement;
4. Provide conclusions, lessons learned, and recommendations; and
5. Assess the project's plans for sustainability at local and national levels and among implementing organizations and identify steps to enhance its sustainability.

The evaluation will provide evidence to inform decision-making, understanding of lessons learned, and recommendations for future projects.

The primary audience of the evaluation includes ILAB, ILO and its implementing partners, and the Government of Guatemala. The evaluation findings, conclusions, and recommendations will serve to improve project implementation and inform stakeholders in the design and implementation of subsequent projects in the country and elsewhere as appropriate.

III. EVALUATION QUESTIONS

Following discussions with ILAB and ILO, the evaluation team developed key questions for this evaluation in accordance with the Organization for Economic Co-operation and Development Assistance Committee criteria: Relevance/Validity, Coherence, Effectiveness, Efficiency, Impact, and Sustainability.³⁸

This interim evaluation will assess the project's performance and achievements in meeting their objectives, the relevance of project services to target groups' and institutions' needs, project efficiency and effectiveness, the impact on project objectives, and the potential for sustainability. It will also capture promising practices, lessons learned, and emerging trends. Other areas of interest for this evaluation include insights as to why the project has experienced delays with activities, and recommendations as to what the project should focus on within the time and budget remaining. The team may identify further areas of inquiry that may be included in the analysis as appropriate.

With this in mind, the evaluation team will apply the following evaluation questions:

³⁸ Note that the OECD/DAC criteria have been revised as of January 2020: <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>.

Relevance and Validity

1. To what degree is the project design/results framework (RF) appropriate and adequate to address compliance with minimum wage, hours of work, due compensation and OSH laws in the agricultural export sector in Guatemala? *(Are results at the same level of the RF both individually necessary and jointly sufficient to achieve the outcomes above them? Are the intermediate results adequate to drive expected change at the next level? Is the RF an accurate reflection of the project it was meant to describe, reflecting realistic goals given the resources and time available for project inputs?)*
2. To what extent does the project's theory of change (prescribed in the Funding Opportunity Announcement) hold true? Why/why not? *(ILAB/OTLA learning priority question 3)*. How effectively did USDOL and the ILO assess the evidence base for, anticipate risks and interrogate assumptions in the project's causal logic?
3. To what extent were the project's performance monitoring plan (PMP), performance indicators, and targets consistent with best practices in Results-Based Management (RBM)?

Coherence

4. To what extent is the project design logical and coherent regarding the:
 - a) allocated time and resources (including financial and human)?
 - b) institutional capacities of the implementing partners?
 - c) motivations and capacities of national and local stakeholders?
 - d) priorities and policies of the host Government
5. *To what extent and how effectively did the implementer assess stakeholders' needs, levels of interest, capacities and resources, incentives, and influence and the relevance of each for the implementation of the project? How have the priorities, policies and power of the project's Government partners and other key stakeholders changed since the project began?)*
6. To what extent did the project consult and engage groups that could bring diverse perspectives (including based on their religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity)?

Effectiveness

7. To what extent is the project making progress towards its objective and outcomes? What are the key results achieved so far, specifically regarding the:
 - a) Capacity of the Labor Inspectorate to effectively manage worker complaints on minimum wage, hours of work, and OSH violations and raise them to the judicial system?
 - b) Development and replication of the Electronic Case Management System?
 - c) Actions of employers' and workers' organizations to promote compliance with labor laws?

- d) Knowledge and application by judges of the appropriate sanction resolutions for violations of acceptable conditions of work?
8. How effective are the project's strategies? What are the key internal or external factors that limit or facilitate result achievement? How effectively did the project monitor and report performance data? How effectively did the project manage risks and implement mitigation strategies to address them?
9. How does the organizational capacity of project implementers, target institutions, and implementing partners limit or facilitate the effectiveness and sustainability of project interventions? Does the project implementation adequately account for differences in capacity? (*ILAB/OTLA learning priority question 4*)

Efficiency

10. How efficient is the project's use of resources? How effectively has the project used outcomes-based budgeting systems? (*Are budgets updated and expenditures discussed regularly between USDOL and implementers? Has the project tracked the planned vs. actual cost per outcome?*)
11. What are the key strengths and weaknesses in project implementation? How has the project responded to changes in the implementing context? What areas need improvement?
12. To what extent is ILAB's Results-Based Management approach viewed as a helpful management tool by the project and its implementing partners? (*ILAB/OTLA learning priority question 5*). Which, if any, performance indicators or tools does the project find most useful for project management? Which are the least useful?

Impact

13. What, if any, changes have occurred in stakeholder policies, programs, or resource allocation as a result of project activities?
14. What drives compliance behavior by employers? (*ILAB/OTLA learning priority question 7*)
15. What, if any, have been the gender-specific impacts (positive or negative) of the project's interventions, as well as impacts on minority, indigenous or other vulnerable or disadvantaged groups?

Sustainability

16. To what extent has a sustainability strategy been defined and what steps have been taken to ensure sustainability? Is the project tracking useful sustainability indicators for medium-term outcomes (such as sustained motivation, resources, capacity, or linkages); long-term outcomes (such as sustained service delivery, access, or demand); or for impacts (such as sustained behaviors, practices or service utilization)? If so, which?

17. To what extent are the project's plans for sustainability adapted to the local level, national level, and capacity/interests of implementing partners? To what extent is the project demand-driven and locally led?
18. Has the project implemented strategies for integration of individuals/organizations regardless of religion, gender, disability, race, ethnicity, and/or sexual orientation and gender identity?
19. Are there any risks or opportunities that are likely to limit or facilitate the sustainability (technical, financial, economic, social, institutional and environmental) of project results?
20. What are the recommended next steps/priorities to support the sustainability of project activities?

These evaluation questions will provide the structure for the evaluation and be tailored to the specific objectives, expected results, activities, and stakeholders of the project. The evaluation team identifies the data sources it intends to use to answer these questions in Appendix H.

IV. EVALUATION DESIGN AND METHODOLOGY

An evaluation team composed by a Lead Evaluator (LE) and a National Consultant/Monitoring and Evaluation Expert will be responsible for this evaluation. The evaluation team will address the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. It will obtain data for this evaluation by conducting:

- A document review
- Fieldwork including key informant interviews (KIIs) and focus group discussions (FGDs), which will be conducted either remotely or in-person as relevant during the COVID-19 pandemic
- Quantitative analysis of secondary data

The evaluation team will use the sources described below to evaluate the project.

4.1 Document Review

The evaluation team will review the following documents, if available, before conducting field visits. The team will use the documents to assess the six evaluation criteria.

- Project documents, including Results Framework and Performance Monitoring Plan
- Technical Progress Reports (TPRs), including performance Data Tracking Tables
- Reports on needs assessments, stakeholder analysis, and specific project activities
- Sustainability Plans and Risk Management Plans
- Work plans and activity logical sequencing

- Federal Financial Reports (FFR), Budgets and Records of Expenditures
- Any other relevant documents or deliverables

4.2 Fieldwork in Guatemala

Prior to beginning fieldwork, the evaluation team will host a logistics call with the project’s staff to plan the field visit and data collection. ILO will assist the evaluation team in scheduling KIIs and FGDs. The evaluation team reserves the right to add to or modify this list in the process of fieldwork or desk review, as appropriate.

The fieldwork itinerary will be determined based on scheduling and the availability of KII and FGD participants. Meetings will be scheduled in advance of the field visit and coordinated by ILO project staff, in accordance with the evaluation team’s requests. The evaluation team will conduct KIIs and FGDs with stakeholders without the participation of any project staff. KIIs will be conducted remotely by the lead evaluator. The lead evaluator will conduct interviews remotely, and the local consultant will conduct face-to-face KIIs and FGDs. He will also conduct field visits to the Guatemalan MOL delegations in Guatemala City, Escuintla and other sites, as needed. He will also be in charge of collecting and reviewing data from the Labor Inspectorate Electronic Case Management System (ECMS). Whenever possible and with the permission of the informants, audio recordings will be made for the purpose of the study only; the recordings will be destroyed once the analysis is completed. These recordings will be for the evaluation team only and will not be shared with ILAB, ILO, or anyone else.

Key Informant Interviews

The evaluation team will conduct approximately 30 KII/FGDs over 12 days with project stakeholders in Guatemala or remotely by video or phone calls, as appropriate. The evaluation team will attempt to interview an equal distribution of male and female respondents. As appropriate, the evaluation team will maximize efficiency by conducting KIIs with 2-3 respondents simultaneously. The evaluation team will conduct a KII with the ILAB Project Managers (former and current) and with representatives of the following organizations; however, the number of KIIs and participants for each organization will depend on availability.

Exhibit 1: KII Data Collection Strategy

Stakeholder Type	Method	Sample Size	Potential Respondents
US Government	KII		USDOL/ILAB representatives; US Embassy Labor Reporting Officer at Guatemala City, USDOL FTA Implementation Advisor
Grantee and Implementing Partners	KII		ILO Staff at ILO’s San José Sub-regional Office; Project staff in Guatemala; consultants/ firms in charge of training of labor inspectors and/ or implementing ECMS; consultant who conducted the case study of the Escuintla labor inspectorate delegation

Host-Country Government	KII, FGD		Ministry of Labor and Social Welfare (MOL's authorities, Labor Inspectorate staff, MOL's IT Department, other relevant MOL offices related to labor inspection activities); Labor Administration Office; Appeals courts; Supreme Court; Escuintla labor inspectorate members and delegate who participated in the case study
Civil Society Stakeholders	KII		Agrarian Chamber of Guatemala -CAMAGRO; Association of Guatemalan Exporters –AGEXPORT;

Focus Group Discussions (FGD)

Pending discussions with ILAB and ILO, the evaluation team will facilitate one or two FGDs with Labor Inspectors. Each will be composed of 6 to 12 participants in Guatemala. In identifying FGD participants, the evaluation team will work with ILO to select a random sample of participants across a meaningful range of characteristics pertinent to the project.

Ethical Considerations

The evaluation team will observe utmost confidentiality related to sensitive information and feedback elicited during the KIIs and FGDs. To mitigate bias during the data collection process and give informants maximum freedom of expression, only the lead evaluator and the local consultant will be present during KIIs. However, when necessary, ILO staff may accompany the evaluation team to make introductions, facilitate the evaluation process, make respondents feel comfortable, and allow the evaluator to observe the interaction between ILO staff and the interviewees.

The evaluation team will respect the rights and safety of participants in this evaluation. During this study, the evaluation team will take several precautions to ensure the protection of respondents' rights:

- No interview will begin without receipt of informed consent from each respondent.
- The evaluation team will conduct KIIs and FGDs in a confidential setting, so no one else can hear the respondent's answers.
- COVID-19 precautions and social distancing will be implemented during face-to-face interviews and FGDs.
- The evaluation team will be in control of its written notes at all times.
- The evaluation team will transmit data electronically using secure measures.
- The evaluation team will talk with respondents to assess their ability to make autonomous decisions and their understanding of informed consent. Participants will understand that they have the right to skip any question with which they are not comfortable or to stop at any time.

Interactive Validation Session and Post-Trip Debriefing

After the end of fieldwork, the lead evaluator will conduct an interactive, participatory validation session (virtually, if need be) with stakeholders to review initial findings, collect any clarifying information to improve evaluation accuracy, and obtain input on recommendations of the evaluation. The date and format of the meeting will be determined in consultation with ILAB and the ILO.

When fieldwork is complete, the evaluation team will provide a post-trip debriefing by video call to relevant ILAB staff to share initial findings and PowerPoint slides from the stakeholder validation session, and to seek any clarifying guidance needed to prepare the report.

4.3 Quantitative Analysis of Secondary Data

Secondary data will consist of available monitoring data, and, where relevant, Labor Inspectorate application (ECMS) data³⁹. The evaluation team will work with ILAB to secure prompt access to secondary data from ILO, relevant government bodies, and external sources. After gaining access to the data, the evaluation team will immediately assess their quality and relevance in answering the research questions and develop a list of relevant indicators. The evaluation team's analysis of these data will inform the correlation and validation of findings from the qualitative data collection.

The evaluation team will analyze project monitoring data to assess the performance of activities relative to expected results. The evaluation team's analysis, which will rely on descriptive statistics such as counts, tabulated proportions, and means, will identify common trends, patterns, and any changes in stakeholders' motivation, behavior, capacity, practices, policies, programs, relationships, or resource allocation as a result of project activities. The evaluation team will use project monitoring data and quantitative data collected during evaluation fieldwork (please see Appendix B for rapid scorecard template), triangulated with relevant qualitative data collected during interviews and FGDs, to develop summary achievement and sustainability ratings for the project on a four-point scale: low, moderate, above-moderate, and high.

4.4 Limitations

The evaluation team will base its findings on information collected from background documents, KIIs, FGDs, and secondary quantitative data. The evaluation team will assess the integrity of this information to determine the accuracy of the evaluation findings. Primary data collected from beneficiaries may reflect the opinions of the most dominant groups without capturing the perceptions of less vocal groups. The evaluation team will consider this possibility and make sure that all parties can freely express their views. The evaluation team will mitigate this potential limitation by conducting FGDs and KIIs in a place where

³⁹ Information can be provided in general statistical terms, not individual, following report models that the system can provide, especially according to the availability of the data collected and processed by each departmental delegation.

informants can speak freely and where no one but the evaluation team can hear the respondents' answers.

Some stakeholders may lack access to, or capability of, the technology necessary for conducting virtual interviews. Additionally, some respondents may lack the ability to connect remotely from a location that allows for privacy and confidentiality. Wherever possible, the evaluation team will work with the project to provide a computer connection and private room for stakeholders who do not have a reliable and/or confidential place to be interviewed.

This evaluation will rely on secondary performance information in quarterly and annual reports and in available monitoring databases. The quality of the data will affect the accuracy of the statistical analysis. The evaluation team will not be able to check the validity and reliability of performance data given the limited time and resources.

V. EVALUATION TEAM, MANAGEMENT AND SUPPORT

will serve as Lead Evaluator. He will be responsible for overseeing the implementation of the evaluation methodology, conducting the remote virtual interviews during fieldwork, consolidating the findings from all data collection methods, conducting the post-fieldwork validation session, and writing the evaluation report. Mr. Muñoz-Sevilla is an evaluation expert with over 20 years of experience conducting rigorous evaluations of labor rights programs in 30 countries. He has extensive experience on projects related to labor rights protection and promotion in Latin America and Southeast Asia, including seven evaluations and assessments of ILAB-funded projects.

Ricardo Zepeda will serve as Monitoring and Evaluation Expert/Local Consultant. As a Guatemalan national, Mr. Zepeda will be conducting the face-to-face interviews and FGD for the evaluation and will support Mr. Muñoz-Sevilla with scheduling and data analysis, as appropriate. Mr. Zepeda is a sociologist specialized in the promotion and protection of Human Rights and relevant experience working in the Guatemalan rural sector.

The evaluation team will promote transparency and dialogue with a clear dissemination strategy. This process includes:

- Developing and sharing with ILAB an explicit plan that details how the data collected will be used.
- Providing a draft report in a timely fashion that gives ILAB and ILO enough time for a thorough review.
- Producing a professional, complete report, along with a utilization-focused executive summary that support dissemination and publication.

SFS' monitoring and evaluation experts and management personnel will provide logistical, administrative, and technical support to the evaluation team, including in-country travel arrangements and all materials needed to provide the deliverables specified in the TOR. SFS staff will also be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards. During fieldwork, the lead evaluator will

be supported by the local consultant, who will provide support with scheduling, FGD with labor inspectors, field visits to MOL offices in the rural sector (Escuintla, other sites to be determined), review of the ECMS and, as appropriate, data analysis.

In light of the COVID-19 pandemic, to protect the health and safety of Mr. Zepeda and the respondents, SFS will also ensure that social distancing measures are implemented and masks are worn during all interviews and interpersonal interactions. Masks will also be provided for participants who may not already have them. To the greatest extent possible, in-person interviews will be conducted outdoors or arranged in locations where there is good ventilation.

VI. ROLES AND RESPONSIBILITIES

The evaluation team will conduct the evaluation according to the TOR. SFS (the Evaluator) is responsible for accomplishing the following items:

- Receiving and responding to or incorporating input from ILO and ILAB on the TOR draft
- Finalizing and submitting the TOR and sharing concurrently with ILO and ILAB
- Reviewing project background documents
- Reviewing the evaluation questions and refining them as necessary
- Developing and implementing an evaluation methodology, including document review, remote and face-to-face KIIs and FGDs, and secondary data analysis, to answer the evaluation questions
- Conducting planning meetings or calls, as necessary, with ILAB and ILO
- Deciding the composition of field visit KII and FGD participants to ensure the objectivity of the evaluation
- Capturing photographs of and anecdotes or quotes from stakeholders interviewed during fieldwork to incorporate in the stakeholder validation session presentation, final report and infographics
- Ensuring that appropriate health and safety, informed consent, ethics and do no harm protocols are understood and followed throughout the evaluation process
- Presenting preliminary findings verbally to project field staff and other stakeholders as determined in consultation with ILAB and ILO
- Preparing an initial draft of the evaluation report for 48-hour and a second draft for two-week review and sharing it with ILAB and ILO
- Preparing and submitting the final report and infographics

ILAB (the Donor) is responsible for the following items:

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on final draft

- Providing project background documents to SFS, in collaboration with ILO
- Briefing ILO on the upcoming field visit and working with them to coordinate and prepare for the visit and to ensure health and safety of evaluation team members and participants
- Reviewing and providing comments on the draft evaluation report and infographics
- Approving the final draft of the evaluation report and infographics
- Participating in the pre- and post-trip debriefing and interviews
- Including the ILAB evaluation contracting officer's representative (COR) on all communication with SFS

ILO (the Grantee) is responsible for the following items:

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on the final draft
- Providing project background materials to SFS, in collaboration with ILAB
- Preparing a list of recommended interviewees with feedback on the draft TOR
- Scheduling meetings during the field visit and coordinating all logistical arrangements
- Helping SFS to identify and arrange for interpreters as needed to facilitate worker interviews
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the interactive stakeholder validation meeting
- Providing in-country ground transportation to meetings and interviews
- Taking appropriate health and safety measures for themselves, the local consultant, and participants, in the COVID-19 environment (please see precautions described in Evaluation Management section above)
- Including the ILAB program office on all written communication with SFS.

VII. EVALUATION MILESTONES AND TIMELINE

Activity	Date (2020)
Evaluation launch call	August 18
Draft TOR submitted to ILAB and ILO	September 14
ILAB and ILO feedback on draft TOR due to SFS	October 2
Final TOR, field itinerary, and list of stakeholders submitted to ILAB and ILO	October 14
Logistics call with ILAB and ILO	October 16
Submission of data collection instruments to ILAB	October 22
In-briefing with ILO	October 23
Fieldwork in Guatemala	October 26 – November 6
Interactive stakeholder validation session (remote, if needed)	November 9
Post-evaluation debriefing with ILAB	November 16
Initial draft report for 48-hour review submitted to ILAB and ILO	December 2
48-hour review comments due to SFS	December 4
Disseminate draft report and executive summary to ILAB, ILO, and other key stakeholders for 2-week review	December 9
2-week review comments due to SFS	December 23
Final draft report and draft 1-page infographic summary submitted to ILAB	January 14, 2021
Final 508-compliant report and final 1-page infographic summary submitted to ILAB	February 4, 2021

VIII. DELIVERABLES AND DELIVERABLE SCHEDULE

- A. Draft TOR: September 14, 2020
- B. Final TOR, field itinerary, and draft list of stakeholders: October 14
- C. Logistics call, including TOR feedback: October 16
- D. Draft data collection instruments: October 22
- E. In-briefing with ILO: October 23
- F. Interactive stakeholder validation session (remote, if needed): November 9
- G. Initial draft report for 48-hour review: December 2
- H. Draft report for 2-week review: December 9
- I. Final draft report and draft 1-page infographic summary: January 14
- J. Final 508-compliant report and final 1-page infographic summary: February 4

IX. EVALUATION REPORT

Within 3 weeks after the stakeholder meeting, the lead evaluator will complete a draft report of the evaluation following the outline below and SFS will share it with the ILAB COR, ILAB Project Managers, and ILO for an initial 48-hour review. Once the lead evaluator receives comments, they will make the necessary changes and submit a revised report. ILAB, ILO, and other stakeholders will then have 2 weeks (10 business days) to provide comments on the revised draft report. The lead evaluator will respond to comments from stakeholders, where appropriate, and provide a final version within 2 weeks of ILAB acceptance of the revised draft evaluation report. The evaluation team will also produce a one-page summary using data visualization techniques and infographics to facilitate dissemination of major findings.

A quality report is an “action-oriented evaluation report” meaning that its content is focused, concise, and geared toward a particular audience, calling their attention to important findings. It highlights desired changes in practice, behavior or attitudes (both at the individual and organizational level) and outlines possible next steps through the use of a variety of media, including data visualization. The final version of the report will follow the format below, be no more than 30 pages in length, excluding the annexes, and will be Section 508 compliant:

1. Table of Contents
2. List of Acronyms
3. Executive Summary (providing an overview of the evaluation, summary of main findings/lessons learned/good practices and key recommendations, not to exceed five pages)
4. Evaluation Objectives and Methodology
5. Project Context and Description
6. Findings (answers to evaluation questions with supporting evidence)
7. Lessons Learned and Promising Practices
8. Conclusions (interpretation of facts including criteria for judgements)
9. Recommendations (specific actions the evaluation team proposes be taken by ILAB and/or ILO that are based on findings and conclusions and critical for successfully meeting project objectives; as well as judgements on what changes need to be made for future programs)
10. Annexes, including: TOR; List of documents reviewed; Stakeholder validation session agenda and participants; List of Meetings and Interviews; Any other relevant documents.

The electronic submission will include 2 versions: one version, complete with all appendices, including personally identifiable information (PII) and a second version that does not include PII such as names and/or titles of individuals interviewed.