

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



Evaluation Contractor: Sistemas, Familia y Sociedad Ltd. (SFS)

Objective

The project aims to develop the long-term sustainable capacity of worker and civil society organizations to support more effective labor law enforcement.

The main focus of the project is the auto supply chain, and the primary beneficiaries are unions, worker organizations and unaffiliated workers in the auto supply chain.



- 1 San Luis Potosí
- 2 Querétaro
- 3 Guanajuato
- 4 State of Mexico
- 5 Mexico City



Period of Performance

April 2020 – September 2022



Funding

\$4,768,398 USD



Implementer

American Center for International Labor Solidarity (SC)

Partners

- Federation of Independent Unions of Auto, Auto parts, Aerospace, and Tire Industries (FESIIAAN)
- Autonomous Metropolitan University of Mexico
- Autonomous University of Queretaro
- University Of California - Los Angeles

Grant Number

IL-32531-18-75 K

Key Results

Relevance and Validity

The Theory of Change and Long-Term Outcomes (LTO), as defined in the Funding opportunity Announcement (FOA) were set at the global level, with specific countries to be added later. As a result, the project design was not well suited to the Mexican context nor the country's auto manufacturing sector.

Coherence

While USDOL tried to facilitate coordination among its projects in Mexico, the SC project made only limited efforts to promote synergies and avoid duplication.

Effectiveness

- The LTO level of achievement has been limited so far. Substantial progress (at the LTO level) in the remaining period of project implementation seems unlikely.
- The project has engaged in complex processes that will require prolonged periods of time to transform the systems in place and for the respective processes and results to be consolidated.

Efficiency

- The COVID pandemic negatively affected project implementation as it delayed most components of the project, contributed to lack of worker outreach and in delays in the setting-up of the labor/worker centers. The project was not fully staffed until early 2021, when an M&E Specialist was hired.
- The project had to adjust the strategies and interventions as defined in the FOA, both during inception and implementation, to align them with the specific features of the Mexican context. This affected the pace of project implementation.
- The monitoring and evaluation (M&E) system has been used by the implementing organization more as an administrative tool, providing accountability for the donor, and less so as a management tool for the project.

“The system is corrupted to the core. Unions at the plants are owned by politicians and employers, who make money by providing protection services and keeping the workers quiet.”

- A unionist



Photo credit: Global Industries

Overall Impact

- The project objectives and timeline were not well adapted to the local reality, and there are too few independent, democratic workers' organizations, which limited the project's impact.
- The COVID pandemic (and lack of COVID mitigation measures by the grantee) negatively affected the overall project impact.
- To maximize its potential for impact, the project should ramp up some processes already set in motion, such as: worker outreach, awareness raising, strengthening of workers/unions' capacities, ensuring the full functioning of the Labor/Worker Centers and capitalizing on the Research Network findings.
- The SC project strengthened the capacities of laid-off workers in Silao to carry out outreach and worker organizing activities in preparation for the vote to legitimize collective bargaining at the General Motors plant. This made it possible to provide a “quiet” technical and strategic assistance to the workers organized around SINTTIA in the days before the legitimation vote. This support was decisive in preventing punitive measures from employers and/or protection unions, and further, allowed these workers to legitimately win the vote.

✓ Long-Term Outcomes (LTO) and rating

LTO1	CSOs/workers accurately identify potential labor law violations in workplaces.	LOW	MODERATE	ABOVE-MODERATE	HIGH
	<p>Achievement ○ — ● — ● — ●</p> <p>Sustainability ● — ○ — ● — ●</p>				
LTO2	CSOs/workers submit well-supported, well-articulated, justiciable claims to initiate inspections and seek legal remedies.	LOW	MODERATE	ABOVE-MODERATE	HIGH
	<p>Achievement ○ — ● — ● — ●</p> <p>Sustainability ● — ○ — ● — ●</p>				
LTO3	CSOs/workers effectively track progress of claims.	LOW	MODERATE	ABOVE-MODERATE	HIGH
	<p>Achievement ● — ○ — ● — ●</p> <p>Sustainability ● — ○ — ● — ●</p>				
LTO4	CSOs/workers engage with the GOM & employers to address potential labor law violations.	LOW	MODERATE	ABOVE-MODERATE	HIGH
	<p>Achievement ○ — ● — ● — ●</p> <p>Sustainability ● — ○ — ● — ●</p>				

✓ Sustainability

- LTO 1:** While the project has established the basis for the sustainability of the Labor Centers, the operation of such Centers will largely depend on their cost recovery and capacity to secure **replacement resources** to sustain project activities. Regarding the Worker Center, the capacity of FESIAAAN to ensure the Center’s continuity is yet unknown.
- LTO 2:** While workers and activists are highly motivated and committed to achieving/sustaining the project’s outcomes their organizations are yet weak. Intensive training and **organizational capacity building** to trade unions may be needed during a longer period.
- LTO 3:** While the Research and Documentation Network has been set-up by the project and capacities have been created, the extent to which these **linkages** and the network established by the project will continue to operate without external support is yet uncertain.
- LTO 4:** In Mexico, autonomous, representative and democratic trade unions are scarce which makes it difficult for workers to systematically and sustainably engage in the process of identifying and addressing violations of their rights. However, the project can capitalize on emerging opportunities and build on existing **leverage points** (e.g. start small) where conditions are ripe, rather than waiting until an ‘ideal situation’ is reached.



Photo credit: BHP Blog

RESPONSE TO COVID-19

During 2020 and 2021, the biggest challenge for the project was the evolving character of the COVID-19 pandemic. The pandemic affected the project implementation in multiple ways and largely prevented face-to-face interactions, which negatively affected the potential for the implementation of activities involving workers’ outreach and training.

“We just want decent working conditions and fair salaries that allow us to provide to our families”

- A worker activist

Promising Practices

- Providing support to activists in a discrete way:** This allowed workers in the GM/Silao factory to organize and push through the vote to legitimize collective bargaining, and to elect a new independent democratic union at the plant in Feb 2022.
- Networking and leveraging capacity:** The project was able to network and leverage the support of experienced and recognized institutions to provide a wide range of specialized support services. At the same time, it established horizontal **linkages** with unions and universities.
- Capitalizing opportunities:** The project teamed-up with organizations with whom SC had a previous working relationship, and at the same time approached emerging workers’ organizations as industrial relations conflicts arose in San Luis Potosí, Silao, and in the Maritime/Port sector.

Lessons Learned

- Basic conditions for autonomous and democratic representation:** Awareness raising and **organizational capacity building** are indispensable conditions for the creation of an autonomous, representative, and democratic trade union “fabric”. In the current Mexican context, strengthening workers’ organizations is more relevant than a “complaint-based” approach.
- Phased approach:** In the long run, a phased approach would be more appropriate and would allow to progressively establish better conditions for an increased engagement of autonomous and democratic unions with employers and government authorities.
- Collective Bargaining Agreements (CBA) as means for strengthening workers’ organizations:** The processes of legitimation/CBA are essential in order to: a) reach-out, b) engage, c) train, and d) strengthen workers on a continuing basis. For example, SC project’s support to the *Generando Movimiento* group in Silao allowed for a majority vote of workers against the ratification of the existing, protection union-related CBA, and the creation of a new independent union, SINTTIA (*Sindicato Nacional de Trabajadores y Trabajadoras de la Industria Automotriz*).

RECOMMENDATIONS		USDOL	SC
1	Funding Opportunity Announcements with pre-identified countries. The U.S. Department of Labor-Bureau of International Labor Affairs (ILAB) should develop FOAs with pre-identified countries to ensure the theory of change and long-term outcomes are realistic given the context in each country.	✓ USDOL	
2	Processes related to project design and approval should be shortened¹. ILAB should implement measures that allow for shortening the project design and approval process. In addition, grantees must reinforce their project planning and formulation capacities; while at the same time, be more efficient in the implementation of all necessary stages related to the preparation and delivery of the Project Document Package products, as required in ILAB's Management Procedures & Guidelines (MPG).	✓ USDOL	✓ SC
3	ILAB should continue to roll out and implement the OTLA USMCA-Mexico strategy. ILAB should finalize and disseminate the strategy to establish a robust approach to USDOL's effective administration of the labor provisions of the USMCA as well as strategic and interconnected delivery of technical assistance and interventions that contribute to higher objectives.	✓ USDOL	
4	M&E Frameworks. ILAB and SC should adopt and use more agile and effective monitoring and evaluation frameworks.	✓ USDOL	✓ SC
5	Establish complementarities between SC's "Project 1" and "Project 2". Establish complementarities between SC's "Project 1" (P1) and "Project 2" (P2); integrate lessons learned from P1 into P2 to better ground it to the Mexican context; as well as to further, complement/strengthen P1 (for example provide on-going support to the Labor/Workers Centers as well as to the Research and Documentation Network). SC should prepare a proposal to guide further discussions and joint decisions with ILAB.		✓ SC
6	One year no-cost extension. SC should consider requesting a one year no-cost extension to complete processes, results; maximize efficiency and impacts and strengthen sustainability.		✓ SC
7	SC Mexico-HQ and USDOL must urgently reflect and agree on the priorities for the remaining execution period. Based on the challenges, context, results (achieved and planned) SC Mexico-HQ and USDOL must urgently reflect and agree on the priorities for the remaining execution period: "What do we want to achieve, how to do it, with whom/who must benefit/be reached most urgently; what is realistic to achieve, and what should we forego (or reduce emphasis on) in order to double-down on the agreed priorities that we believe are important and achievable?"	✓ USDOL	✓ SC
8	COVID-19 virtual communication strategies. In anticipation of ongoing limitations due to the COVID-19 pandemic, establish additional virtual communication, outreach and training mechanisms and strategies and build worker organization capacity to use these effectively. Good practices from the SC-DOL project in Peru may be adapted to the Mexico Project.		✓ SC
9	Develop a sustainability plan. In order to develop the sustainability plan SC should take into account the results achieved thus far, as well as the expected challenges and the status of the "enabling environment" in Mexico. SC should also clearly identify underlying assumptions, risks and mitigation strategies. In addition, SC should describe what is expected to be sustained with a well-defined timeline, as well as an identification of specific institutions expected to be responsible for sustaining such results (providing an explanation as to where the multiple resources that are required to ensure sustainability will be expected to be coming from).		✓ SC
10	Identify workers' preferred mechanisms of resolving workplace disputes via a survey or listening session. SC Mexico should consider surveying or hosting a learning event with workers to understand their preferences and rationale for them.		✓ SC



Photo credit: Metalmeccanica Internacional

¹ This is being addressed in a new version of OTLA MPG which was published on February 15, 2022.



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