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

Objective

The project aims to promote the effective engagement by workers and CSOs with the government and employers to improve enforcement of labor laws.

- Piura (agro-export)
- San Martín (agro-export)
- Lima (export apparel)
- Ica (agro-export)
- Arequipa (export apparel)

Period of Performance

September 2018 – June 2021

Funding

$1,046,417

Implementer

American Center for International Labor Solidarity (SC)

Key Results

Coherence

- The project coordinated with a local university to train worker-promoters in labor law issues and provide legal assistance to unions. It also established a good working relationship with civil society organizations and with the labor inspection entity, SUNAFIL.

- The project did not engage employers in its activities. Thus, project implementation did not lead employers to voluntarily adopt best practices that protect workers' rights.

Effectiveness

- The project met or exceeded its targets for most indicators in the Performance Monitoring Plan.

- The variety of project components (e.g., training worker-promoters, replicating knowledge, providing legal advice to unions, establishing a case-tracking system, and carrying out advocacy actions) contributed to increasing union leaders' knowledge of labor law and empowered them to better address labor law violations.

"For us it was the first time. I am more than 50 years old and in all my life I had never gone through this, an important training, with labor law teachers, lawyers. We have learned a lot, strategies, law, things we did not know. For example, regarding strikes, that there are some documents that have to be submitted first for a strike to be declared legal."

- Trade union leader at a textile company

Overall Impact

- The project has contributed to a substantial improvement of union leaders' knowledge of labor law, as well as unions' capacity to coordinate their activities with other groups and organizations.

- One of the most relevant needs addressed by the project was to help trade unions to generate data that may provide a better basis for their complaints before employers and labor authorities.

Sustainability

- The project generated an important degree of ownership among trade union leaders, a fact which will contribute to the sustainability of its outcomes.

- Regional and sectoral differences are also important in terms of the likelihood of sustainability of project activities.
Achievements and Sustainability

**Long-Term Outcomes (LTO) and rating**

<table>
<thead>
<tr>
<th>LTO #1</th>
<th>CSOs/workers accurately identify potential labor law violations in workplaces.</th>
<th>LTO #3</th>
<th>CSOs/workers effectively track progress of claims.</th>
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<tbody>
<tr>
<td>Achievement</td>
<td>LOW MODERATE ABOVE-MODERATE HIGH</td>
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<td>Sustainability</td>
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<th>LTO #2</th>
<th>CSOs/workers submit well-supported, well-articulated, justiciable claims to initiate inspections and seek legal remedies.</th>
<th>LTO #4</th>
<th>CSOs/workers engage with the GOP &amp; employers to address potential labor law violations.</th>
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**RESPONSE TO COVID-19**

The project adapted efficiently to COVID-19 by replacing some of its activities with others (e.g., labor fairs for replicas of trainings, carried out by worker-promoters), implementing activities through remote means (e.g., labor clinics; case tracking system; legal assistance; advocacy campaigns), and building the capacity of worker-promoters to interact through virtual means. This implied a massive adaptation of content and the need to train workers on the use of digital tools. As an unintended positive consequence of the pandemic, the project helped introduce union leaders into the digital world, which allowed them to provide legal assistance to affiliates at far away locations, exchange legal documents with workers and employers by email, and address labor inspectors through the web. This less costly way of relating "in real time" with other stakeholders will have a lasting effect on unions’ work.

**Promising Practices**

- Building commitment and ownership by doing things WITH unions/ beneficiaries rather than «for» them.
- Establishing direct linkages between workers and academia and customizing the training on labor law to the needs of agricultural and textile workers, so that it may become an actionable input for union leaders.
- Promoting replication of training activities in the workplace by worker-promoters.
- Using ICT tools to carry out training and legal assistance activities and expand linkages with other stakeholders.
- Using radio programs as a low-cost means to link trade unions with the public and local organizations.
- Carrying out awareness raising campaigns on working conditions in the export-oriented agricultural sector in support of labor law reform.

**Lessons Learned**

- Direct negotiation between unions and employers is the most frequent and preferred way to address labor violations/ complaints and should be prioritized in future projects.
- Differences in capacity among stakeholders/regions (e.g., size of union membership, financial resources, computer literacy, access to technology, regional and/or sectoral COVID-based restrictions) determine different results.
- It is important to address the expectations of underserved communities (e.g., rural, female and young workers) to boost membership and ensure generational succession in unions.
- It is important for unions to be endowed with sufficient income to remain sustainable.
- Export-oriented industries provided a more stable context for union activities during the COVID-19 crisis.
- Working exclusively with only one of the tripartite stakeholders does not lead to systemic change.
## RECOMMENDATIONS

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<th>No.</th>
<th>Recommendation</th>
<th>USDOL</th>
<th>SC</th>
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<tbody>
<tr>
<td>1.</td>
<td><strong>Strengthen Tripartite Linkages in Projects:</strong> Fund integrated projects addressed to tripartite stakeholders (e.g., government, employers, workers), or separate projects that strengthen tripartite linkages and capacities in a synergic, parallel way, to increase compliance with labor law.</td>
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<td>2.</td>
<td><strong>Strengthen USDOL’s Follow up of Projects:</strong> USDOL should do a close follow up of projects’ cumulative performance data to detect relevant differences in expected performance, anticipate any potential shortcomings and discuss eventual changes in strategy.</td>
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<td>3.</td>
<td><strong>Support the Increase of Unions’ Membership:</strong> Strengthen trade unions by helping them implement strategies to expand their membership, increase their sources of income, and secure replacement resources.</td>
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<td>4.</td>
<td><strong>Focus on Gender Equity and Young Workers:</strong> Promote equitable access and outcomes for female and young workers, by decentralizing training to specific regions, continuing using virtual means, and engaging a greater number/percentage of female and young leaders.</td>
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<td>5.</td>
<td><strong>Strengthen Unions’ Technical Capacity:</strong> Support the development of technical capacity in trade unions throughout project life, by training specialized staff so that it can assume full responsibility for the continuation of technical support to case tracking systems and for handling virtual media-based advocacy campaigns.</td>
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<td>6.</td>
<td><strong>Invest in Unions’ Leadership Development:</strong> Develop more advanced knowledge/abilities among trade union leaders regarding social dialogue, dispute resolution and negotiation techniques, as well as provide periodic updates on labor law to trade unions.</td>
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<td>7.</td>
<td><strong>Promote Social Dialogue:</strong> Prioritize in future projects in Peru direct negotiation processes between unions and employers as a way to address labor violations/complaints.</td>
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*Photo credit: Andina*

“The advocacy workshop was fruitful. We were told that alone we are nothing, that we need to relate to the environment, link with other unions, associations, neighbors, be open to society. This advocacy work has results: In San Martín we have linked with the Municipality, the associations of motorbike taxis, these alliances, openness is part of modern unionism. We worry not only about wages but also about the problems of our surrounding environment.”

-Agroindustry trade union leader at San Martín

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*Photo credits: Andina*

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