



BUREAU OF INTERNATIONAL LABOR AFFAIRS
UNITED STATES DEPARTMENT OF LABOR



Factory worker, Vietnam. Credit: ILO

INTERIM EVALUATION

Improving labor laws and labor administration for a new industrial relations framework in full respect of the ILO Declaration on Fundamental Principles and Rights at Work (NIRF) project in Vietnam

February 2023

Grantee: International Labor Organization

Project Duration: October 2016 – April 2026

Funding Level: FY [Year]: \$6.25 million

Evaluators: Peter Girvan Allan (Lead) and LA Hoang (National Consultant)

Evaluation Fieldwork Dates: November 23, 2022 – December 02, 2022

ACKNOWLEDGEMENT

This report describes in the interim evaluation of the Improving labor laws and labor administration for a new industrial relations framework in full respect of the ILO Declaration on Fundamental Principles and Rights at Work (NIRF) project in Vietnam. Sistemas, Familia y Sociedad Ltd. (SFS) conducted this independent evaluation in collaboration with the project team and stakeholders and prepared the evaluation report according to the terms specified in its contract with the United States Department of Labor. The evaluation team would like to express sincere thanks to all the parties involved for their support and valuable contributions.

Evaluators: Peter G Allan (Lead) & Lan Anh Hoang.

Funding for this evaluation was provided by the United States Department of Labor under contract number 47QRAA20D0045, task order number 1605C2-22-F-00012. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

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LIST OF ACRONYMS

APHEDA	Australian People for Health, Education, and Development Abroad
BWV	Better Work Vietnam
DIRWA	Department of Industrial Relations and Wages
DoLISA	Departments of Labor, Invalids and Social Affairs
ECMS	Electronic case management system
EU	European Union
EVFTA	European Union Viet Nam Free Trade Agreement
FGD	Focus Group Discussion
FOA	Funding Opportunity Announcement
FPRW	Fundamental Principles and Rights at Work
FTA	Free Trade Agreement
GESI	Gender Equality and Social Inclusion
GVN	Government of Viet Nam
ILAB	Bureau of International Labor Affairs
ILO	International Labor Organization
ILS	International Labor Standards
IR	Industrial relations
KII	Key Informant Interview
LAC	Local Arbitration Council
LDR	Labor dispute resolution
LE	Lead evaluator
LTO	Long Term Objective
MEL	Monitoring Evaluation and Learning
MoU	Memorandum of Understanding
MoLISA	Ministry of Labor-Invalids and Social Affairs

NC	National Consultant
NIRF	New industrial relations framework (project)
OTLA	Office of Trade and Labor Affairs
PICC	Performance Improvement Consultative Committee
PPC	Provincial People's Committee
SFS	Sistemas, Familia y Sociedad
TAC	Division of Technical Assistance and Cooperation
TOR	Terms of Reference
TPR	Technical Progress Report
USDOL	United States Department of Labor
VCCI	Vietnam Chamber of Commerce and Industry
VGCL	Vietnam General Confederation of Labor
WRO	Workers Representative Organization

EXECUTIVE SUMMARY

BACKGROUND AND CONTEXT

The New Industrial Relations Framework (NIRF) project is a third-generation technical cooperation project. It began on October 1, 2016, and is expected to end on April 30, 2023, with a further cost-extension currently under consideration. This project is part of a broader program of the International Labor Organization (ILO) Country Office for Vietnam, promoting the ILO Fundamental Principles and Rights at Work (FPRW) Declaration, including projects funded by Japan, the EU and Canada. The recently completed labor dialogue between the United States Department of Labor (USDOL) and the Government of Viet Nam (GVN) addressed some key points in areas such as supply chains, workforce development, industrial relations, efforts to eliminate child labor and implementation of Vietnam's new labor code.

The project aims to strengthen the industrial relations (IR) framework through an approach that will raise awareness of and support for effective IR practices; promote the adoption of legal provisions in line with FPRW; support the Department of Industrial Relations and Wages (DIRWA) (and IR administrators) to design institutional reforms (particularly in dispute settlement); establish social partner coordination mechanisms including the promotion of collective bargaining, and; enable labor inspectors to be more effective in enforcing and promoting compliance of legal obligations, with a specific focus on those relating to industrial relations.

This interim performance evaluation assesses the performance and achievements of the NIRF project in Vietnam, from August 2018 to September 2022. The evaluation assesses the relevance, coherence, effectiveness, efficiency and resource use, the impact and sustainability of the project, as well as appropriate cross-cutting themes such as; gender equality and social inclusion (GESI); adaptive management, and Performance Improvement Consultative Committees (PICCs). In so doing, the evaluation:

- Determines whether the project is on track towards meeting its objectives and outcomes, identifying the risk factors, challenges and opportunities encountered in doing so, and analyzing the driving factors for these challenges and opportunities
- Assesses the effectiveness of the project's strategies and the project's strengths and weaknesses in project implementation and identifying areas in need of improvement (with particular attention to equity and inclusion, wherever relevant)
- Provides conclusions, lessons learned, and recommendations; and
- Assesses the project's plans for sustainability at local and national levels and among implementing organizations and identifying steps to enhance its sustainability.

KEY EVALUATION RESULTS

RELEVANCE

The project is well aligned with the stated priorities of the Government and has recognized the importance of engaging with appropriate stakeholders in determining what needs must be addressed. The subsequent intervention logic of the project i.e., the focus on improving Labor Dispute Resolution (LDR) processes and procedures, and the deployment of an Electronic Case Management System (ECMS) is seen as a broadly sound approach across all stakeholder groups.

There is recognition that the long-term outcomes (LTOs) of i) labor law reform, ii) the LDR and, iii) the ECMS foci have the potential to leverage engagement with, and improve the situation of, underserved groups¹ although a clear strategy to improve the likelihood of this occurring has still to be fully developed. The project should ensure that it liaises closely with all stakeholders when considering the roll-out of the LDR and ECMS and regularly update those stakeholders with project progress.

REPLICABILITY AND SCALABILITY

Both the LDR and ECMS pilots have the potential to be scaled and replicated. The deployment of these approaches in other countries and in Vietnam has demonstrated a ‘proof of concept’. The roll-out of both approaches centrally and provincially is a logical and justifiable next step in the process.

Whilst the roll-out of the LDR and ECMS should be encouraged there are some barriers and challenges that will need to be recognized and addressed to maximize the potential outcomes from their deployment. The LDR roll-out will require a relatively substantial cadre of well-trained and committed mediators and arbitrators which currently do not exist in the numbers required. The ECMS roll-out faces challenges in furthering the simplicity of use for labor inspectors, and in ensuring the appropriate skills and resources are deployed to administer, maintain, and adjust the ECMS as lessons are learned from its deployment. Currently there are concerns over data confidentiality and availability of hardware.

The LDR and ECMS pilots have elicited several benefits. From an LDR perspective It has assisted in solving problems through dialogue and resolution at a grassroots / provincial level. It has encouraged buy-in from – and communication between – employees and employers respectively and increased general awareness of IR including social dialogue and collective bargaining. The ECMS is providing a centralized, structured database that is helping improve the supervision and transparency of inspection cases and their progress. The potential future benefit from analysis of this data at both a national and provincial level is recognized.

One of the main keys to a successful roll-out of the LDR and – to a lesser extent – the ECMS at the provincial level is a need to progress at a pace that recognizes the technical and resource challenges. There are several moving parts at the provincial level, and coupled with a non-homogenous provincial context, each provincial iteration of the LDR process will have to reflect these differing scenarios. The project has demonstrated its flexibility in adapting to the changing environment and adjusting strategy. These skills – as demonstrated during the pilot phase – will be tested to the full as the roll-out begins in earnest.

COHERENCE

The project has done relatively well in recognizing and leveraging other ILO mechanisms such as utilizing mediators that have received training through ILO’s Better Work Vietnam (BWV) project. There are still potential avenues for closer cooperation that could be explored both within the ILO family and more broadly. Where specific support has been needed through the supply of technical expertise this has been sought through the ILO and its network of Technical Advisors who have contributed to the project. Thus, informal links have been promoted.

¹ For this evaluation, underserved groups include women and individuals/organizations in the most remote / impoverished provinces, in addition to workers with disabilities.

The stated priorities and objectives of the Vietnam Chamber of Commerce and Industry (VCCI) and the Vietnam General Confederation of Labor (VGCL) regarding social dialogue and industrial relations are in line with the project's own long-term objectives and intervention logic and should not negatively impact on project coherence. However, whilst this provides a strong theoretical foundation for the project going forward, the extent to which practical progress is being (or can be) made to achieve, specifically, VGCL objectives is less clear.

EFFECTIVENESS

As the current, stated VCCI and VGCL priorities stand there should be no negative influence on the project's effectiveness. However, the critical assumption is that the stated priorities are genuine priorities, and that each organization will work toward promoting those priorities and enabling their implementation.

The project has made substantial progress toward its LTOs and outcomes. This must be caveated by the understanding that the initial timeframe elaborated in 2016 for achievement (and as revised in 2018) of those LTOs and outcomes was ambitious. Given the challenges the project has had to overcome, progress has been good although is still somewhat short of achievement for LTO 2 and LTO 3.

The enacting into law of the Labor Code 2019 revision is a fundamental and critical result of the project and its LTO 1. Across all stakeholder groups there was recognition of the role the project and its expert staff and advisors had played in bringing to fruition several years of effort. The continuing delays in passing a decree on workers' representative organizations (WRO) and collective bargaining may impact the effectiveness of primarily LTO 2 and – to a lesser extent – LTO 3, if the project achieves a Phase II extension. For example, the decree looks to determine how WROs are registered, what it will take to operate a WRO, and the number of workers required to bargain collectively. The project will have to ensure that a potential situation where a multiplicity of unions exist within one workplace is accounted for in the IR activities it is developing to achieve its LTOs.

Both LTO 2 (driven largely by development of LDR processes and procedures) and LTO 3 (driven largely ECMS development) have achieved good progress in providing 'proof of concept' in the Vietnamese environment and context at both national and provincial levels. Progress has been steady rather than spectacular, due in part to Covid-19 although the project did adapt well to the new reality.

IMPACT / CONSEQUENCE

The project does not have a formalized impact assessment process. This evaluation notes that a majority of stakeholders have identified three main areas where the project has contributed to significant change. These are i) effective ratification of the LC2019 revision, ii) the establishment of a LDR system, and iii) improved communication and networking. There is an apparent lack of significant change from ECMS pilot implementation although given it is still relatively embryonic in nature this could be expected. There has been improved understanding and acceptance of the concept and the need for digitalization.

SUSTAINABILITY

Critical barriers to sustainability are resources, primarily financial and human. Financially there are cost implications in developing and maintaining the LDR and ECMS approaches for the project's LTO 2 and LTO 3. There are also considerable human resource implications especially around the LDR process where a substantial cadre of well-trained mediators and arbitrators will be required. Technical expertise will also be required on an on-going basis to maintain,

adapt, and upgrade the ECMS as it is rolled out. A final area that impacts upon all areas of the project is advocacy and communication of the project concept. Without buy-in from all key stakeholders the project will face an uphill battle to create a sustainable outcome although there is promising progress such as some cities and provinces including the LDR system in their strategic plans.

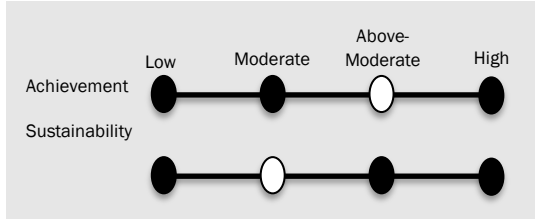
The project created a sustainability strategy in 2018 although it has not been updated since. The project is alive to various sustainability issues and acknowledges that any future project phase will need to elaborate a new and fuller sustainability strategy. In keeping with the LTOs of the project, it is likely that holistic sustainability integrating national Government, ministries, and provincial actors will be difficult to achieve in the short to medium term.

CROSS-CUTTING THEMES AND LEARNING PRIORITIES

The project recognizes the importance of GESI within the labor environment of Vietnam and has taken some practical steps toward its integration into project activities. Greater support will be needed to continue this push and improve its impact. The adaptive management approach has proven useful for the project, especially during the restrictions placed upon it by Covid-19. A more robust Monitoring, Evaluation, and Learning (MEL) methodology will assist in improving this approach. The potential role of the PICCs has not been fully explored although their operation in primarily the garment sector may reduce their participation to a communication and advocacy role.

Table 1. Performance Summary

Performance Summary	Rating
LTO1: National labor laws and legal instruments are revised to be compatible with the ILO Declaration	
The adoption of the Labor Code 2019 revision has been achieved. With its establishment the legal framework exists which is fully compatible with the ILO Declaration on Fundamental Principles and Rights at Work. This provides the likelihood of long-term sustainability given the LC2019 is now enshrined in law. There is progress to be made in areas such as Workers' Rights Organizations and Collective Bargaining, but these are also provided for in the legislation through decrees that can be implemented within the LC2019 revision.	<p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', the 'High' point is marked with a white circle. For 'Sustainability', the 'Above-Moderate' point is marked with a black circle.</p>
LTO2: Labor administration develops effective national industrial relations policy.	
There has been steady progress toward achieving the outputs and outcomes under this LTO. The development of the LDR approach and the launching of the pilots in three provinces has provided a 'proof of concept'. There has still to be a full assessment of the impact and effectiveness of those pilots, but the prima facie evidence collected for this evaluation suggests there is positive impact. The financial and human resources required to develop, maintain, and adapt the LDR process in numerous provinces are substantial and a clear sustainability strategy has still to be elaborated.	<p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', the 'Above-Moderate' point is marked with a white circle. For 'Sustainability', the 'Moderate' point is marked with a white circle.</p>

Performance Summary	Rating
LTO3: The labor inspectorate effectively enforces and promotes compliance with national labor laws in industrial relations.	
<p>There has been steady progress toward achieving the outputs and outcomes under this LTO. The development of the ECMS approach, its success in other countries, and the launch of the pilot in Vietnam has provided a ‘proof of concept’. The ECMS has still to be fully tested with ‘live’ data and there are some technical challenges that will have to be overcome before it can be launched. The financial, human, and technical resources required to develop, adapt, and maintain, the ECMS are substantial, and a clear sustainability strategy has still to be elaborated.</p>	

LESSONS LEARNED

- The need to formalize the project’s monitoring, evaluation, and learning approach.
- The impact of multiple unions in the workplace as observed in other countries and what could be learned for the NIRF project in Vietnam and the potential introduction of Workers Representative Organizations in the future.
- The drivers and inhibitors of ECMS success learning from ILO experiences of ECMS delivery in other countries.

PROMISING PRACTICES

- The engagement of local stakeholders in the context of improving Industrial Relations
- Identifying and effectively engaging with the appropriate senior national stakeholders to acquire the necessary political access and influence to promote compliant IR standards.
- The act of identifying and utilizing skilled technical advisors in the right place and at the right time.

CONCLUSION AND KEY RECOMMENDATIONS

The project’s intervention logic is sound. It has broadly listened to beneficiary and other stakeholder opinions on relevance and need and created a theory of change which takes cognizance of those opinions. The project sits well within the wider ILO Country Office strategy for Vietnam and looks to engage across different ILO projects and with wider non-ILO projects in the country. There is still room for improvement in assessing the potential benefits from closer collaboration with other projects

There is a ‘proof of concept’ for the roll-out of both the LDR and ECMS pilots. Yet there are many challenges to be identified and addressed if the roll-out is to be successful. Key among those in relation to the LDR intervention logic is an appreciation of the impact the specific provincial context may have upon the LDR process. The ECMS roll-out has its own challenges to face including improving the user, front-end to eradicate duplicate input from and to hard-copy, the handling of classified data, and the resources and technical infrastructure required to supply an efficient system to enough, trained, labor inspectors.

The project is doing well against its activities, outputs, outcomes, and objectives. There are some delays due to ratification of decrees on WROs and collective bargaining which are broadly outside the direct influence of the project. A longer-term strategy will be needed to

tackle this in the future especially the buy-in of VGCL / VCCI and how to effectively interact with the WROs.

The impact of the project is difficult to assess but stakeholders highlight LC2019 ratification and progress on LDR as visible signs of project effectiveness and potential impact. A further impact is improved communication although this is focused on project to national institution communication and individual to individual communication. There are issues of intra-governmental agency communication between MOLISA / DOLISA / DIRWA and from the central agencies to the provinces. The ECMS has shown a lower impact profile, but its potential is recognized.

The project is quite some distance from being sustainable and there is no updated sustainability plan. Key inhibitors to future sustainability are: i) technical expertise within MOLISA / DOLISA; ii) provision of central government finances for ECMS / LDR development and implementation; iii) advocacy and communication, to all stakeholder groups, of the ethos, methodology, and advantage of pursuing the project's LTOs; iv) scale of provincial roll-out; and v) the required increase in numbers of well-trained inspectors, mediators, and arbitrators.

Although the project is not specifically designed with GESI in mind it has made some steps to address these issues. Further work is required, and the project will need to draw on outside expertise. MEL and Risk Management is done by the project as required by both the donor and ILO. Yet it is not undertaken in a systemic manner that allows for the structured and routine evaluation of data that will bring improvements in efficiency and effectiveness through learning lessons and identifying good practice. Adaptive management has assisted the project, especially during Covid-19, and a robust MEL system will provide more targeted data to allow for better informed adaptive management decisions to be taken. The project has made some progress to ensuring their approach is GESI sensitive, but they lack enough in-project skills, expertise, and time to develop a full GESI strategy.

The project has achieved a great deal during the period covered by this evaluation. The dedication, skill, knowledge, and 'can do' attitude of the project staff, coupled with excellent support from the broader ILO should not be overlooked. A project is only as good as the people with which it is populated.

Table 1. General Recommendations – For USDOL ILAB

Recommendations to USDOL/ILAB	Evidence	Page numbers
N/A	N/A	N/A

Table 2. General Recommendations for USDOL ILAB and the Implementer

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
Capitalizing on political access and influence for regulatory reform: Delays in implementation of labor decrees: The delay in implementation of decrees covering Worker Representative Organizations (WROs) and Collective Bargaining has the potential to delay the Project attaining its current LTO 2 and LTO 3 objectives. The project should look to leverage broader ILO and the donor's political access and	Based on Results 8 and 9 The stated priorities and objectives of the VCCI and VGCL regarding social dialogue and industrial relations are in line with the project's own long-term objectives and intervention logic and should not negatively impact on project coherence. However, whilst this provides a strong theoretical foundation for the project going forward, the critical assumption is	p.24

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
influence to promote decree implementation. In tandem, project activities under the LTO 2 and LTO 3 outputs should be redesigned to deliver added value to the Industrial Relations environment that is not solely linked to decree implementation.	that the stated priorities are genuine priorities, and that each organization will work toward promoting those priorities and enabling their implementation. The extent to which practical progress is being (or can be) made is unclear. Based on Result 11. The continuing delays in passing the WRO and Collective Bargaining decrees may impact the effectiveness of LTO 2 and LTO 3 should the project achieve a Phase II extension later in 2023.	p.26
Strengthen MEL framework: Through utilizing MEL expertise at ILO Regional and Headquarter level, and the donor, to formalize the approach on identifying risks, and measuring the outputs and outcomes of project activities. This MEL framework should include a risk register along with the project's risk mitigation strategies and a standardized and regular reporting mechanism. The current project reporting within their Technical Progress Reports supplied to the donor can be used as a starting point for this development.	Based on Result 15. The project captures the majority of data for donor required MEL work, however, there is a lack of a systemically embedded methodology to learn lessons, identify good practice, and then implement that learning. This can and does happen on an ad-hoc basis through various project meetings, reporting, dialogue with partners, etc. however there is no central repository on MEL issues that link all these elements together including the effective management of risk.	p.34

Table 3. Specific Recommendations- for the Implementer

Recommendations to the Implementer	Evidence	Page numbers
Carry out LDR feasibility studies for new provinces: For any future project prior to the launch of its LDR approach in any new province a full feasibility study should be conducted. This will address i.a. i) a needs assessment from an LDR perspective, ii) identification of appropriate local stakeholders and an assessment of their anticipated level of engagement, iii) resources available to initiate and maintain the process, iv) communication and advocacy strategy that targets appropriate workers (and worker organizations), and v) a training strategy for mediators and arbitrators.	Based on Result 2. The LDR has the potential to be scaled and replicated. The deployment of this approach and the first case having now gone through a Local Arbitration Council (LAC) has demonstrated a 'proof of concept'. The roll-out of the approach provincially is a logical and justifiable next step in the process. Based on Result 3. Whilst the roll-out of the LDR should be encouraged there are some barriers and challenges that will need to be recognized and addressed to maximize the potential outcomes from its deployment.	P.19 p.20
Conduct preparations for further ECMS roll-out: Prior to the further roll-out of the ECMS some key issues will need to be addressed. These are i.a. i) an agreement reached on the handling of confidential data within the ECMS, ii) testing of the ECMS with 'live' data,	Based on Result 2. The ECMS has the potential to be scaled and replicated. The deployment of this approach in other countries and the piloting of it in Vietnam has demonstrated a 'proof of concept'. The roll-out of the approach provincially	p.19

Recommendations to the Implementer	Evidence	Page numbers
further collaboration with end-users to improve user experience including the reduction of double entry into the ECMS and other systems, iii) database back-up and recovery, and the ability to work offline, and iv) the future role of DIGI-TEXX.	<p>is a logical and justifiable next step in the process.</p> <p>Based on Result 3. Whilst the roll-out of the LDR should be encouraged there are some barriers and challenges that will need to be recognized and addressed to maximize the potential outcomes from its deployment.</p>	p.20
Capitalize on added value of closer in-country cooperation: Whilst the project has demonstrated knowledge of relevant ILO and non-ILO projects working in Vietnam and has engaged with them on occasion there is no systemic approach to assessing the potential added value of closer cooperation. The project should undertake a mapping exercise of relevant projects, their objectives, and activities, and assess where closer collaboration may bring mutual benefit.	Based on Result 6. The project has done relatively well in recognizing and leveraging other ILO mechanisms such as utilizing mediators that have received training through ILO's Better Work Vietnam (BWV) project. There are still potential avenues for closer cooperation that could be explored both within the ILO family and more broadly.	p.24
Update the sustainability plan: An updated sustainability plan which will include a fully elaborated Theory of Sustained Change is to be developed and anchored to the LTOs of the project. This should include i.a. i) a strategy for recruiting, training, and maintaining a skilled cadre of inspectors, mediators, and arbitrators; ii) the costs for providing the required technical hardware to roll-out the ECMS; iii) a strategy for recruiting, training, and maintaining a skilled cadre of technically proficient officers to maintain and develop the ECMS; iv) a coordinated advocacy and communication strategy that encourages stakeholder buy-in to the project's ethos. This should include a strategy for developing intra-governmental communication between relevant agencies. V) a realistic timeline for the roll-out of the LDR and ECMS across the provinces, and vi) a realistic timeline for the pace and scale of withdrawal of project financial and technical support.	Based on Result 13. Financially there are cost implications in developing and maintaining the LDR and ECMS approaches for the project's LTO 2 and LTO 3. There are also substantial human resource implications especially around the LDR process where a substantial cadre of well-trained mediators and arbitrators will be required. Technical expertise will also be required on an ongoing basis to maintain, adapt, and upgrade the ECMS as it is rolled out. A final area that impacts upon all areas of the project is advocacy and communication of the project concept. Without buy-in from all key stakeholders the project will face an uphill battle to create a sustainable outcome.	p.30
Strengthen gender equality and inclusion interventions and measures: To improve project understanding regarding effective gender equality and social inclusion (GESI). Project interventions should identify and collaborate with a) national and international partner GESI experts and focal points, and b) sister UN agencies such as UNWOMEN. This collaboration should aim to improve the response in supporting GESI within the scope of the project's LTOs. This can include i.a. i) strategies to increase the number of female	Based on Result 15. The project recognizes the importance of Gender Equality and Social Inclusion (GESI) within the labor environment of Vietnam and has taken some practical steps toward its integration into project activities. Greater support will be needed to continue this push and improve its impact.	p.34

Recommendations to the Implementer	Evidence	Page numbers
inspectors, mediators, and arbitrators; ii) inclusion of appropriate material into trainings, workshops, and meetings; iii) advocacy strategy for appropriate national agencies; and iv) communication of GESI related rights under LC2019 to employers and employees.		

Table 4. Specific Recommendations- for the Government

Recommendations to the Gvt/MOL	Evidence	Page numbers
Agree inter-agency communication strategy: Within the sustainability strategy to be developed for the project MOLISA, DOLISA, and DIRWA to provide an express agreement on how communication of project requirements, roles, and responsibilities will be conducted. This includes communication lines between those agencies and between those agencies and local/provincial authorities.	Based on Result 13. Broadly connected to buy-in is the relationship between central government, its various ministries, and the local / provincial level. There have been indications from the data collected that the interface and understanding between the center, some of its agencies, and some of the provinces is not always working as well as would be hope or expected.	p.30
Identify gender and inclusion stakeholders: Within the GESI strategy to be developed for the project national stakeholders should identify their GESI experts / points of contact for the project.	Based on Result 15. There is an apparent lack of understanding at the national and provincial level of the benefits of inclusivity.	p.34

1. PROJECT CONTEXT AND DESCRIPTION

1.1. PROJECT CONTEXT

Since 1998 Vietnam has ratified a number of Fundamental and technical International Labor Organization (ILO) Conventions and has undertaken progressive reforms, which include the revision of the Labor Code in 2012 and the establishment of a tripartite National Wage Council in 2013. Vietnam has also driven gradual change consistent with the ILO Declaration on Fundamental Principles and Rights at Work (FPRW) through the policy agenda. The Vietnam Strategy for International Integration until 2030 (approved by the Prime Minister), places Fundamental ILO Standards at the center of the country deepening integration as well as the *“Prime Minister[s] Decision on Plan for Implementation of Ratified Conventions and for Ratification of Other 10 Conventions for the Period from 2016-2020”*. In 2016, Vietnam began a new round of labor law and industrial relations reform.

In November 2016, the Government published Resolution 06-NQ/TW on effectively implementing international economic integration, maintaining social political stability in the context of Vietnam’s participation in new generation free trade agreements. It explicitly refers to *“improving [the] legal framework regulating social relations, especially industrial relations and new issues arising from the implementation of new general free trade agreement[s]”*. It also confirmed a commitment to *“renovating the organization and operations of trade unions and well managing the birth and operations of the organizations of workers at enterprises”*. This signals the mutual existence of the Vietnam General Confederation of Labor (VGCL) unions and workers’ organizations operating in the new industrial relations framework (NIRF), which workers are free to organize or join.

In 2019, the National Assembly of the Socialist Republic of Vietnam adopted a revised Labor Code, and ratified ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98). In May 2021 a Memorandum of Understanding (MoU) on International Labor Standards (ILO) promotion was signed by ILO and MOLISA. The Ministry of Labor, Invalids and Social Affairs (MoLISA) has in early 2022 launched its work in preparation for the ratification of the ILO Convention No. 87 on Freedom of Association.

On 17 December 2022 the Prime Minister, whilst chairing the 5th National Economic Forum stated that *“Ministries, branches, and localities according to their assigned functions and task [should]: continue to review and perfect the legal framework, mechanisms and policies related to the labor market, promptly overcome limitations and shortcomings; gradually approach international standards and practices of other countries, ensuring the safe, stable, synchronous and efficient operation of the labor market”*.² This statement emphasizes the political importance placed upon ensuring the development of an efficient, effective labor market observing international standards. This reflects IR issues and the implementation of a new generation of Free Trade Agreements (FTAs) including the EU-Viet Nam FTA (EVFTA).

“Ministries, branches, and localities according to their assigned functions and task [should]: continue to review and perfect the legal framework, mechanisms and policies related to the labor market, promptly overcome limitations and shortcomings; gradually approach international standards

² <https://baochinhphu.vn/cong-dien-cua-thu-tuong-chinh-phu-ve-cac-bien-phap-on-dinh-phat-trien-thi-truong-lao-dong-linh-hoat-hieu-qua-ben-vung-va-cham-lo-doi-song-nguoi-lao-dong-102221217103444274.htm>

and practices of other countries, ensuring the safe, stable, synchronous and efficient operation of the labor market”

Prime Minister, Pham Minh Chính

Government and social partners have long been aware that the IR system and practices have not consistently served the interests of workers, businesses, and society. These symptoms are signs of challenges in key elements that make up the IR framework: IR legal provisions, institutions, and the capacity of IR actors. In addition, capacity problems persist in employer’ organizations and in IR and labor administration.

In relation to employer representation, sectoral business associations are relatively well developed compared to their union counterparts, but there is a need to improve coordination between the Vietnam Chamber of Commerce and Industry (VCCI) at the national level, and local VCCI chapters, sectoral business associations and representative organizations. Coordination among organizations affiliated to VGCL also needs to be improved, as well as support for establishment of new workers’ organizations. It should be noted that under the overall NIRF program, there was a project funded by the Japanese government (which ended in 2020) that focused on providing support to the VGCL and VCCI. Despite progress, there are still capacity gaps that reduce the ability to tackle identified flaws in the current IR system. It is in recognizing this that the current NIRF project is dedicated to address.

1.2. PROJECT DESCRIPTION

The project aims to strengthen the IR framework through an approach that will raise awareness of and support for effective IR practices; promote the adoption of legal provisions in line with FPRW; support the Department of Industrial Relations and Wages (DIRWA) (and IR administrators) to design institutional reforms (particularly in dispute settlement), establish social partner coordination mechanisms, including the promotion of collective bargaining, and; enable labor inspectors to be more effective in enforcing and promoting compliance of legal obligations, with a specific focus on those relating to industrial relations.

The project’s overall objective is to *“promote the development of an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, with a special focus on Freedom of Association (C.87) and Rights to Collective Bargaining (C.98), and in full consideration of the socio-economic conditions of the country”*³.

The project objective is to be reached through the achievement of the following interlinked Long-Term Outcomes (LTOs):

- LTO 1: National labor laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country
- LTO 2: Labor administration develops effective national industrial relations policy.
- LTO 3: The labor inspectorate effectively enforces and promotes compliance with national labor laws in industrial relations.⁴

Across all LTOs, proposed activities and outputs are designed not only to raise awareness of IR issues but also to demonstrate and underline the importance of dialogue in policy making.

³ Revised Pro Doc Final 2020.04.23 p.22

⁴ Ibid p.22-28

Tripartism (horizontal dialogue) and the involvement of actors from central and provincial level (vertical dialogue and coordination) is therefore built into appropriate activities. As the project is strongly focused on the IR framework, other aspects of FPRW – relating to equality and non-discrimination, forced labor and child labor - are not the focus of dedicated activities. However, they are incorporated into activities wherever relevant.

The outputs as detailed in the Project Document revision of April 23, 2020, were as follows:

LTO1: National labor laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country.

Output 1.1.: Communication activities that raise awareness on ILO FPRW in relation to industrial relation and labor law reform

Output 1.2.: Draft of the revised Labor Code that is submitted to the National Assembly, more compatible with ILO FPRW, and is prepared in close consultation with social partners and other stakeholders

Output 1.3: Revised final Labor Code that is submitted to the National Assembly for consideration and adoption after review and modification based on NA delegates' comments

Output 1.4: Finalized implementation decrees and plan for implementation of the revised Labor Code

Output 1.5 Information sessions for tripartite partners at provincial levels to inform participants of changes in the revised Labor Code relating to non-IR issues

LTO 2: Labor administration develops effective national industrial relations policy

Output 2.1.: Tripartite coordination mechanisms at national and local levels

Output 2.2: List of annual IR policy priorities and national IR comprehensive master plan for 2020-2030, which are developed through tripartite consultation at central and local level

Output 2.3: Improved regulations for collective bargaining and social dialogue

Output 2.4: Guidelines for promoting collective bargaining and social dialogue

Output 2.5: Plan for effective labor dispute settlement developed and adopted

Output 2.6: Registration of WROs is enforced and accelerated through appropriate trainings and engagement of related stakeholders

LTO 3: Labor inspectorate effectively enforces and promotes compliance with national labor laws in industrial relations

Output 3.1: Gender responsive strategic plans for strengthening labor inspection system at both national and provincial levels to address compliance challenges with regard to IR areas

Output 3.2: Updated national training program on IR for labor inspectors

Output 3.3: Revised tools for strengthening labor inspection revised, which are piloted at national and provincial levels

Output 3.4: Labor inspection campaigns to raise awareness on industrial relations among enterprises in target provinces

Output 3.5: Labor inspection case management system with sex-disaggregated data, which is piloted at central and local levels

Output 3.6. Labor inspection case management system piloted at central and local levels

Output 3.7. Outreach campaign to improve and promote the self-assessment system

Output 3.8. Labor inspection case management system updated and scaled up

NB. Output 2.6 in the Project Document of December 14, 2018, was “*A training program on effective settlement of labor disputes at provincial level*”. Furthermore, outputs 3.6, 3.7, and 3.8 were added to the existing LTO 3 outputs under various project revisions.

2. EVALUATION PURPOSE AND SCOPE

2.1. PURPOSE

This interim performance evaluation assesses the performance and achievements of the NIRF project in Vietnam, from August 2018 to September 2022. The evaluation assesses the project through examination of the relevance, coherence, effectiveness, efficiency and resource use, the impact and sustainability of the project, as well as appropriate cross-cutting themes such as Gender Equality and Social Inclusion (GESI); adaptive management, and Performance Improvement Consultative Committees (PICCs). In so doing, the evaluation will:

- Determine whether the project is on track towards meeting its objectives and outcomes, identifying the risk factors, challenges and opportunities encountered in doing so, and analyzing the driving factors for these challenges and opportunities
- Assess the effectiveness of the project’s strategies and the project’s strengths and weaknesses in project implementation and identifying areas in need of improvement (with particular attention to equity and inclusion, wherever relevant)
- Provide conclusions, lessons learned, and recommendations; and
- Assess the project’s plans for sustainability at local and national levels and among implementing organizations and identifying steps to enhance its sustainability.

This evaluation aims to provide the United States Department of Labor (USDOL), Office of Trade and Labor Affairs (OTLA), the grantee, participants and other project stakeholders or actors who have a concern, interest and/or influence on the labor rights problem the project is intended to address, an assessment of the project’s performance, its effects on project participants, and an understanding of the factors driving the project results. The evaluation results, conclusions and recommendations serve to inform any project adjustments that may need to be made, and to inform stakeholders in the design and implementation of subsequent phases or future projects as appropriate.

2.2. SCOPE

This evaluation responds to a set of key questions established in accordance with the Organization for Economic Co-operation and Development Assistance Committee (OECD-DAC) criteria: Relevance, Coherence, Effectiveness, Efficiency/Resource use, Impact, and Sustainability / Orientation towards sustainability. The specific focus areas that were addressed during the evaluation process and incorporated into questions were as follows:

- Identify interventions most effective at producing the desired outcomes including specific pain points or barriers affecting equitable service delivery or outcomes, as well as the extent the project requires course corrections to ensure more equitable processes and results.

- Identify which outcomes and, where applicable, which outputs have the greatest likelihood of being sustained after donor funding ends
- Objectively rate the level of achievement of each of the project's major outcomes on a four-point scale (low, moderate, above-moderate, and high).
- Review monitoring data with the grantee.

The full evaluation methodology can be found at Annex E.

3. EVALUATION RESULTS

3.1. RELEVANCE

1. To what extent do the project's implementation efforts regarding labor law reform and pilots on labor dispute resolution (LDR) and an electronic case management system (ECMS) respond to relevant stakeholders' needs and capacities, organizational structure, procedures and processes of authorities and counterparts, particularly the priorities of the Government and those of specific underserved groups or populations intended to benefit from the project's interventions, at national and provincial levels?

Result 1: The project is well aligned with the stated priorities of the Government and has recognized the importance of engaging with appropriate stakeholders in determining what needs must be addressed. The subsequent intervention logic of the project i.e., the focus on improving Labor Dispute Resolution (LDR) processes and procedures, and the deployment of an Electronic Case Management System (ECMS) is seen as a broadly sound approach across all stakeholder groups. There is recognition that i) labor law reform, ii) the LDR and, iii) the ECMS foci have the potential to leverage engagement with, and improve the situation of, underserved groups⁵ although a clear strategy to improve the likelihood of this occurring has still to be fully developed.

According to the Social Economic Development Strategy 2021-2030, Vietnam aims to reach the status of upper middle-income country by 2030. To move to upper middle income country stage of economic and social development in sustainable manner, Vietnam needs to develop effective strategic policy innovation capacity based on active engagement of stakeholders, stable labor market institutions and practices for fair sharing of economic gains, as well as harmonious and productive workplace, based on recognition of freedom of association and right to collective bargaining. These aims were reinforced on 17 December 2022 through the Prime Minister's statement whilst chairing the 5th National Economic Forum (see p.9).

From a wider ILO perspective, the project is part of a broader program of the ILO Country Office for Vietnam, promoting the ILO FPRW Declaration. From a project perspective the intervention logic of enacting an appropriate Labor Code revision and using that to underpin an LDR and ECMS approach to improving Industrial Relations is relevant to the Vietnamese environment. For example, LTO 1 and LTO 2 are meeting the direction and instruction from the Directive 37-CT/TW dated on Sep 3, 2019, respecting the ILO Convention 98 on the Right to Organize and Collective Bargaining. LTO 3 is also recognized as addressing specific needs of the national Government as noted through interviews and Focus Group Discussions (FGDs). For example, *"the ECMS is generally meeting the government strategy of digitalizing the administration and*

⁵ For this evaluation, underserved groups include women and individuals/organizations in the most remote / impoverished provinces, in addition to workers with disabilities.

management. It also particularly meets the demand of the government inspectorate sector to apply the digital approach to cover an increasing workload”.

“The ECMS is generally meeting the government strategy of digitalizing the administration and management. It also particularly meets the demand of the government inspectorate sector to apply the digital approach to cover an increasing workload”.

Government representative

Many respondents agreed that the project had striven to ensure their needs were recognized and accounted for during the period of the evaluation. *“We were involved in the process of labor laws reform until the LC2019 revision was approved”.* There is documentary evidence throughout the various Technical Progress Reports (TPRs) that the project continually reflects upon changing needs through collaboration with appropriate stakeholders. *“This process of developing and introducing the ECMS that meets the needs of Vietnam is also a product of very close collaborative work between ILO’s staff and specialists and Ministry Inspectors’ technical officials and managers and DIGI TEXX”.* However, there was some criticism of the extent to which the project kept them updated. *“DIRWA has not been engaged or informed of the project’s design, planning, managing, and M&E. Nor has it been shared or informed of other project’s activities which being implemented by other project partners such as Ministry Inspectorate, VCCI, VGCL”.* The extent to which it is the project’s responsibility to keep stakeholders informed of other project partners project work is unclear but given the perception of some agencies of the role of the project this confusion will need to be addressed.

“This process of developing and introducing the ECMS that meets the needs of Vietnam is also a product of very close collaborative work between ILO’s staff and specialists and Ministry Inspectors’ technical officials and managers and DIGI TEXX”.

FGD respondent

Whilst most stakeholders were content with the level of interaction and cooperation with the project regarding matters of relevance and recognizing need(s), there was a minority opinion that the project did not fully understand the provincial issues and needs. For example, in connection with the training for LDR it was noted that *“the project has not really respected the local context and actual operations”.* Whilst this does not invalidate the finding that the project is dynamic and reacts well to beneficiary input on relevance and needs, it does speak to a subsequent evaluation finding that understanding local context will be vital in ensuring a successful roll-out of both the LDR and ECMS pilots across the country.

It should be noted that the project at its outset identified that *“as the project is strongly focused on the IR framework, other aspects of FPRW – relating to equality and non-discrimination, forced labor and child labor – will not be the focus of dedicated activities”.*⁶ Yet the project does recognize the importance of their implementation strategy in helping to address issues around vulnerable groups and individuals in the labor sector. Over the lifetime of the project greater emphasis is being placed on these aspects, however there is a lack of clarity and

⁶ Project Document revised, 14 December 2018, p.8

overarching strategy on how the project may contribute to a positive impact for vulnerable and disadvantaged groups and individuals.

3.2. REPLICABILITY AND SCALABILITY

2. Can/should the ECMS and labor dispute resolution pilots be scaled-up through wider geographic coverage, particularly in the provincial environments?
3. What are the barriers to ECMS and labor dispute resolution scalability?
4. What benefits or drawbacks have been realized thus far as a result of the LDR and ECMS pilots?
5. Are there any adaptations to the original strategy that were made during the pilots, or adaptations that can be made moving forward, in order for the pilots to be scalable and more sustainable?

Result 2: Both the LDR and ECMS pilots have the potential to be scaled and replicated. The deployment of these approaches in other countries and in Vietnam has demonstrated a ‘proof of concept’. The roll-out of both approaches provincially is a logical and justifiable next step in the process.

Result 3: Whilst the roll-out of the LDR and ECMS should be encouraged there are some barriers and challenges that will need to be recognized and addressed to maximize the potential outcomes from their deployment. The LDR roll-out will require a relatively substantial cadre of well-trained and committed mediators and arbitrators which currently do not exist in the numbers required. Given there are 63 provinces in Vietnam with divergent geography, economies, and resources a ‘one size fits all’ approach is unlikely to bring all the dividends that might be expected. The ECMS roll-out faces challenges in furthering the simplicity of use for labor inspectors, and in ensuring the appropriate skills and resources are deployed to administer, maintain, and adjust the ECMS as lessons are learned from its deployment. Currently there are concerns over data confidentiality and availability of hardware. Common to both the LDR and ECMS roll-out is a need to improve the communication and advocacy of the approaches to all stakeholders including labor inspectors, mediators, arbitrators, and the relevant local bodies such as the Provincial People’s Committees (PPCs).

Result 4: The LDR and ECMS pilots have elicited several benefits. From an LDR perspective it has assisted in solving problems through dialogue and resolution at a grassroots / provincial level. It has encouraged buy-in from – and communication between – employees and employers respectively and increased general awareness of IR including social dialogue and collective bargaining. The ECMS is providing a centralized, structured database that is helping improve the supervision and transparency of inspection cases and their progress. The potential future benefit from analysis of this data at both a national and provincial level is recognized. There were no specific drawbacks identified beyond the challenges already noted for LDR and ECMS roll-out.

Result 5: One of the main keys to a successful roll-out of the LDR and – to a lesser extent – the ECMS at the provincial level is a need to progress at a pace that recognizes the technical and resource challenges. There are several moving parts at the provincial level, and coupled with a non-homogenous provincial context, each iteration of the LDR process will have to reflect these differing scenarios. The project has demonstrated its flexibility in adapting to the

changing environment and adjusting strategy. These skills will be tested to the full as the roll-out begins in earnest.

With the ECMS having worked in non-Vietnamese environments “*project investments in this area [ECMS] are producing positive results that have largely been sustained in countries with mature systems*”⁷ and with the completion of the ECMS pilot in Viet Nam, there is a ‘proof of concept’ that it can work. Similarly, the LDR process which has produced its first case taken to a Local Arbitration Council (LAC) has shown its own ‘proof of concept’. These factors suggest there can be a successful roll-out of both pilots to other provinces.

However, from the data obtained from the pilots, the evaluation has identified some potential barriers to success when applied across the different provinces and cities. When considering **LTO 2 and the LDR process** the following challenges exist:

a) Understanding the local environment. Vietnam has 63 provinces that differ greatly in geography, economic / labor activity, and resources. For example, Hà Nam province of 861.93 km² to Nghệ An province with 16,481.41 km² and Lai Châu province with a population density of 51 people per km² to Hưng Yên province with a population density of 1,347 people per km².⁸ There are further local dynamics at play within the political environment including the role of the Provincial People’s Committees (PPCs), and the diversity and autonomous nature of different provinces.

b) The pace of provincial roll-out. This is linked to the above challenge on understanding the local environment and it should be acknowledged that it takes time to assimilate knowledge of the local context and how that will impact upon the LDR process. Many interviewees – mostly within the ILO and donor stakeholder communities – countenanced against too quick a step-change in roll-out pace. “*It would be better to go more slowly and get it right [LDR provincial roll-out], than rush it and get it wrong*”.

c) Creating a committed, knowledgeable, and empowered cadre of mediators and arbitrators. “*The capabilities of the mediators including basic knowledge of labor laws and working skills (such as listening skill, negotiation skill, information-collecting skill, problem-solving skill, questioning skill) to facilitate a collective bargaining, to convince the two parties*”. Additionally, it was noted that, “*There is a risk of sustaining the core capable arbitrators, that Arbitrators were well trained but soon after that they retired*”. And “*the readiness of persons-in-charge and LAC member to adapt the new LDR system in practice is not high*”.

d) Awareness raising of the LDR process. There is an appreciation among the project implementers including the project team, MOLISA, and DOLISA representatives that the message of the LDR process and the benefits it can bring to both employees and employers must be better communicated. “*[With] the LDR system now developed and being put in place for services, the system cannot run if the target groups (employees and employers) do not know or be aware of it*”. The impact of this is indicated thus, “*a lack of interest and cooperation from employers to join the mediation: sending a representative to attend the mediation who has no decision-making powers*”.

“[With] the LDR system now developed and being put in place for services, the system cannot run if the target groups (employees and employers) do not know or be aware of it”

⁷ ECMS Thematic Performance Evaluation Report, August 2021, p.49

⁸ General Statistics Office of Vietnam, December 2019. ISBN 978-604-75-1448-9.

Government representative

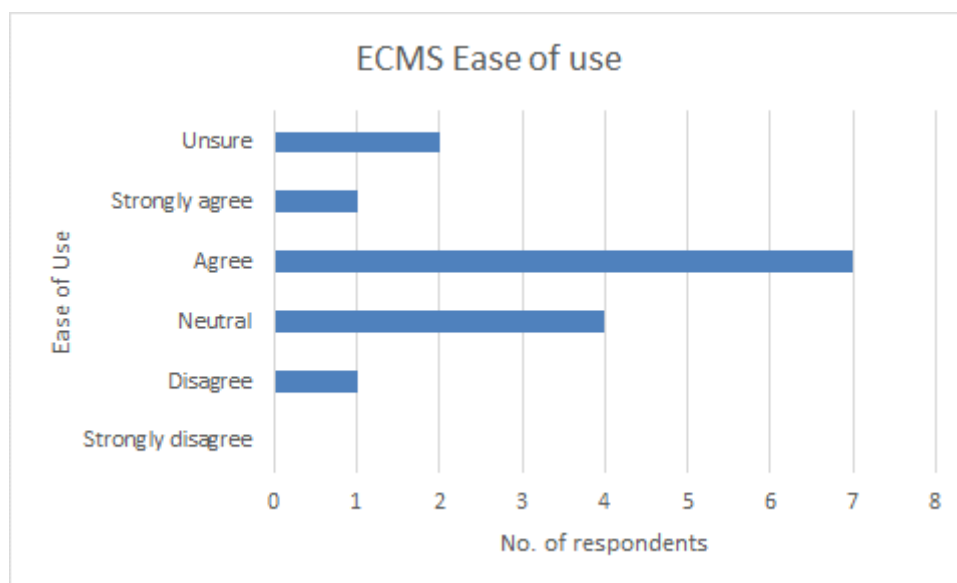
The evaluation does note that the project has taken practical steps to help improve communication, for example its two social media campaigns on the ILO Vietnam Facebook page with the LDR campaign reaching 500,000 Facebook users, with 5,000 engagement actions, and 300,000 view of a short video clip. The project has also reached agreement with MOLISA, VCCI, and VGCL to further support their communication activities to raise awareness of employers and workers on their rights and responsibilities under the new LC.⁹ Yet given the data gathered for this evaluation it would appear that the key messages that need to be received and understood at the appropriate grassroots level are not being effectively delivered.

When considering **LTO 3 and the ECMS** the following challenges exist:

a) There is still too much manual (non-electronic) work required with duplication of effort. *“The report of an inspection case is just a summary of checklist but not in a formatted report, thus the inspectors have to do the required formatted report by hand-work”*. And *“there is no linkage between the factory profile (including general information) and the inspection questionnaires, causing the double input of relevant information”*.

b) ECMS is not universally viewed as easy to use.

Graph 1



Graph 1 illustrates that of the 15 responses gathered 8 respondents ‘agreed’ or ‘strongly agreed’ the ECMS was easy to use equating to 54%. Thus, over half of the **survey** respondents are broadly content with ECMS ease of use.

Yet this observation is not generally supported by both **interview and FGD** responses. For example, *“ECMS is not easy to use for the end-users, since it has not reflected all requirements for an inspection case”* and, *“The software's functions are not friendly for users, specifically: cannot review all the work done on the wording note/report template before printing it out, thus could not evaluate what has still been missed of the process”*. Additionally, *“the database*

⁹ TPR, 23 July 2022, p.2

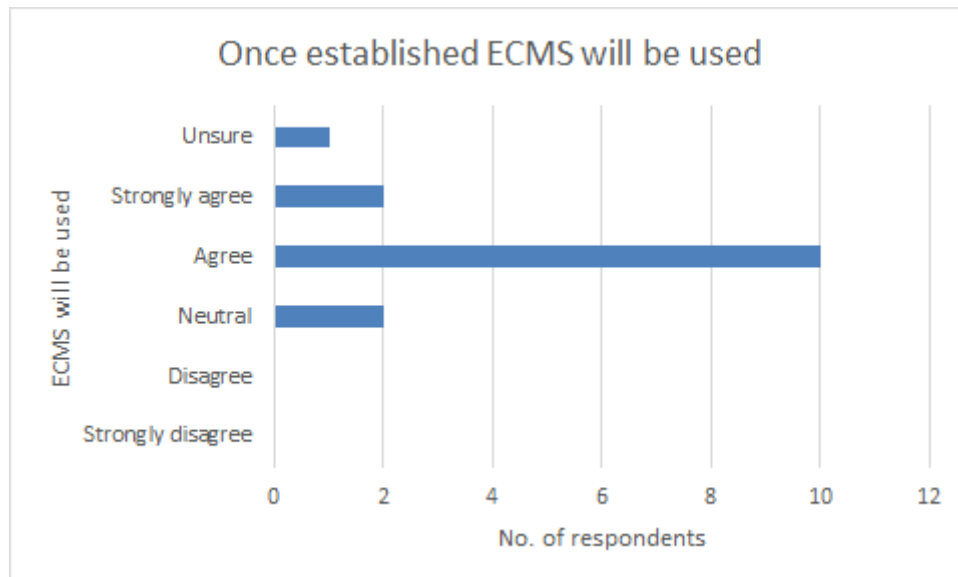
records / fields were not logically arranged thus, the inspectors had to rearrange manually, not easy and friendly for users”.

These comments should not be taken as an indication that the project does not take a proactive approach to ECMS problem solving. For example, on April 19, 2022, the project organized a testing session of the ECMS with 22 users, feedback from which helped ‘fine tune’ the first version of the ECMS. This commitment to learning and applying lessons learned continued until the pilot was launched and there is no reason to doubt that the project will continue to identify and address ECMS issues as they arise. Finally, it should also be noted that many inspectors are starting to use this type of technology for the first time and pace of learning and appreciation may be slower than might normally be anticipated.

c) The confidentiality of data. A consistently recurring theme across virtually all stakeholder groups was how the ECMS would store, protect, and disseminate confidential data. Users have noted that, *“since the inspection information is ranked in the government confidentiality, it must be operated on the offline basis”*. And *“for the reasons of the confidential inspection process and database and of digital efficient facilities, ECMS should have separate server, machinery, database environment”*.

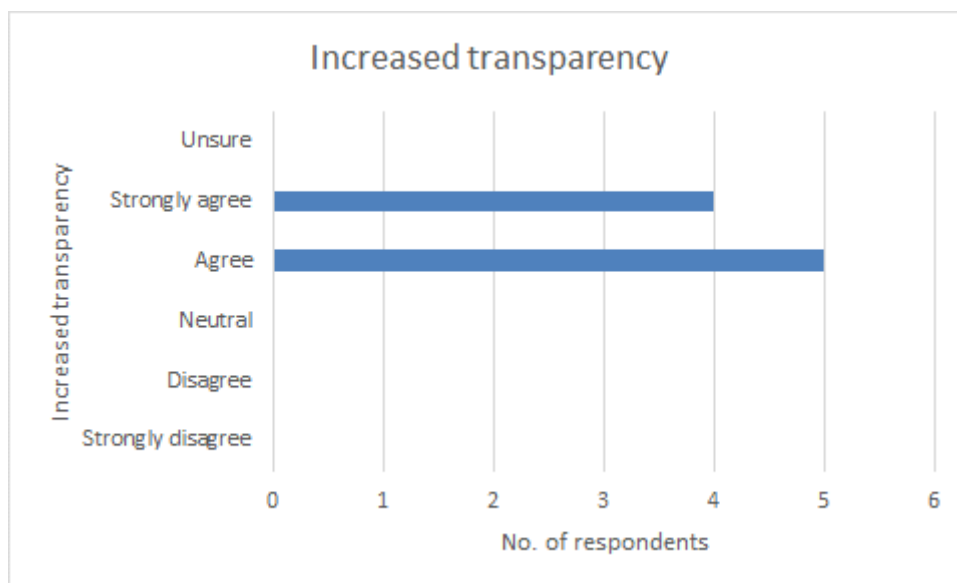
A further consistently raised challenge to both the LDR and ECMS roll-out is the need for greater resources, both financial and human. This issue is covered under the ‘Sustainability’ section in this report (see p. 30). Yet these potential challenges to both LDR and ECMS roll-out should not be viewed as insurmountable. The project has demonstrated its ability to identify and address implementation issues as they arise. Nor should they detract from the positive progress that has been made with both LDR and ECMS pilot implementation. Listed below are some of key current and potential benefits.

Graph 2



Graph 2 illustrates that of the 15 responses gathered 12 respondents ‘agreed’ or ‘strongly agreed’ that once established the ECMS would be routinely and regularly used by labor inspectors. This equates to 80%. Given the previous response on ‘ease of use’ (54%) it would appear the users can see potential in the system.

Graph 3



Graph 3 illustrates that of the 9 responses gathered specifically from MOLISA respondents all 9 ‘agreed’ or ‘strongly agreed’ that the implementation of the ECMS will contribute to increasing the transparency of the Labor Inspectorate.

The ECMS is also noted as a tool that can help i) reduce paperwork, ii) supervise the progress of inspection cases throughout the provinces, iii) monitor and analyze data for trends, iv) create action plans for inspection cases, v) provide access to guidelines and questionnaires, vi) records violations, and vii) provide updated reports upon request.

The LDR process has also provided a number of identifiable benefits which include i) dispute resolution at the grassroots level, ii) professionalization of the entire IR process, iii) promotion of awareness raising, understanding, and application of social dialogue and collective bargaining, iv) creation of a positive atmosphere around mediation for both employee and employer, v) creation of Labor Arbitration Councils (LACs) that are recognized by government, local authorities, employers, and employees, vi) lower costs and quicker resolution going through mediation / arbitration / LACs than through the court system, vii) trust building between all parties, and viii) improving skills and knowledge of mediators and arbitrators.

3.3. COHERENCE

6. To what extent have the NIRF project’s interventions built on or leveraged other ILO supported mechanisms and interventions, particularly those funded by USDOL? For example, are those who received capacity building training through the ILO Better Work Vietnam (BWV)’s union capacity development component continuing to engage in social dialogue and industrial relations mechanisms that the NIRF project has supported and representing their workers in collective bargaining?

7. What linkages (if any) have been created or strengthened as a result of the project’s interventions built on or leveraged with other ILO mechanisms and interventions, particularly those funded by USDOL?

8. What are VCCI’s and VGCL’s priorities regarding social dialogue and industrial relations and how might these priorities influence the project’s coherence?

Result 6: The project has done relatively well in recognizing and leveraging other ILO mechanisms such as utilizing mediators that have received training through ILO’s Better Work Vietnam (BWV) project. There are still potential avenues for closer cooperation that could be

explored both within the ILO family, for example regular cross-ILO project coordination meetings. And more broadly with other non-ILO actors such as the Australian People for Health, Education, and Development Abroad (APHEDA) organization.

Result 7: The project has focused its efforts on achieving its LTOs. Where specific support has been needed through the supply of technical expertise this has been sought through the ILO and its network of Technical Advisors who have contributed to the project. Thus, informal links have been promoted.

Result 8: The stated priorities and objectives of the VCCI and VGCL regarding social dialogue and industrial relations are in line with the project's own long-term objectives and intervention logic and should not negatively impact on project coherence. However, whilst this provides a strong theoretical foundation for the project going forward, the extent to which practical progress is being (or can be) made to achieve, specifically, VGCL objectives is less clear.

The project is aligned with country priority 3 of 2017-2021 Decent Work Country Program (DWCP) of Vietnam and addresses the new 2022-2026 DWCP and 2022-2026 UN Sustainable Development Cooperation Framework (UNSDCF). In reforming and improving the legislative framework for new industrial relations together with the ratification of C.98, ILO's NIRF project coordinated closely with various other projects supported by USDOL, Japan, Canada, and the EU. For example, IR project supported by Canada has led to an investment in strengthening information and knowledge base for industrial relations aimed at promoting evidence-based review and policymaking in industrial relations.¹⁰ The EU project, in relation to its trade agreement with Vietnam is also pushing for the implementation of the decrees on WROs and collective bargaining which is a key element of the NIRF project going forward.

The Project has also engaged with the Better Work Vietnam (BWV) program through the proactive selection of mediators from the 3 LDR pilot provinces (HCMC, Dong Nai, Binh Duong). Those mediators had received capacity building trainings through the BWV's union capacity development activities. Additionally, there was appreciation from individuals that have benefitted from both the NIRF project and the BWV links with the Australian People for Health, Education, and Development Abroad (APHEDA) organization. Given the positive experience of those that have received other ILO project training there are benefits for the project in exploring and developing intra-project links.

The role and priorities of the **VGCL** have been identified as follows: *"Building a strong and comprehensive Vietnam General Confederation of Labor capable of adapting and solving problems, performing well its functions and tasks in the new circumstances; it shall be the solid socio-political foundation of the Party and Government; it shall play well the role of a bridge keeping a close relationship between the Party and Government and the working class and laborers, deserving to be the largest representative organization and the center that rallies and unifies the working class nationwide; it shall contribute to building a modern and strong Vietnam's working class, and to be a pioneering force in carrying out the task of a fast and durable development of the country".*¹¹

1. Reform and improve the efficiency of rallying and mobilizing union members and employees; focus on developing union members and grassroots unions.

¹⁰ Project Extension 28 September 2022, p.4

¹¹ Resolution No. 02-NQ-TW, The Central Executive Committee, June 12, 2021, p.3

2. Continue to arrange and improve the organizational model; build a team of professional, qualified, and capable union cadres to meet the demands of the tasks in the new circumstances.
3. Reform the nature and protocol of union activities to meet the demands of the new circumstances.
4. Build strong financial resources to perform well the functions and tasks of the union organization.
5. Strengthen the Party's leadership over the unions' organizations and operations.
6. Improve policies and laws; strengthen and increase the efficiency in coordination between the Government agencies, the Fatherland Front, the socio-political organizations, economic organizations, social organizations and the unions.

A key priority of the VCCI is to “*promote Viet Nam’s international trade position through the adoption of international labor standards*”.¹² Thus, prima facie, the priorities of both the VCCI and the VGCL are concomitant with those of the project. However, there are potential pitfalls for the project going forward where the priorities and modus operandi of the VGCL may be impacted by the emergence of Workers Representative Organizations. The WROs have been confirmed but the decree to guide their implementation is making slow progress and various estimations have been suggested as to the date the relevant decree will come into effect in practice. These range from 2023 to 2030.

Project reporting notes that ‘*MOLISA continues to wait for leadership direction in regard to certain aspects of the implementing decree concerning registration of WROs at the enterprise level and collective bargaining [...] there is no indication of a timeline at time of reporting*’.¹³

The decree will guide many aspects of WROs for example, how they are registered, what it will take to operate a WRO, and the number of workers required to bargain collectively. Regardless the speed of implementation of WROs there is the potential for them to be a ‘disrupter’ insofar as there is the possibility for a multiplicity of unions within one workplace. Exactly how this will be viewed and the approach that will be taken by the VGCL (and the VCCI who may not wish to have to interact with so many different WROs) is unclear.

3.4.EFFECTIVENESS

9. How might VCCI’s and VGCL’s priorities regarding social dialogue and industrial relations influence the project’s effectiveness?

10. To what extent has the project made progress towards its objective and outcomes?

11. What are the key results achieved regarding the overall goal of developing an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, and specifically:

a. The revision of National labor laws and legal instruments to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country. What is the effect of the persistent delays in passing the Worker Representative Organization and Collective Bargaining Decrees over the implementation of NIRF?

b. The development of effective national industrial relations policy by the Labor administration.

¹² <https://en.vcci.com.vn/> Captured Jan 05, 2023

¹³ TPR, 07 July 2023, p.7

c. The effective enforcement and the promotion of compliance with national labor laws in industrial relations by the labor inspectorate.

Result 9: As the current, stated VCCI and VGCL priorities stand there should be no negative influence on the project's effectiveness. However, the critical assumption is that the stated priorities are genuine priorities, and that each organization will work toward promoting those priorities and enabling their implementation.

Result 10: The project has made substantial progress toward its LTOs and outcomes. This must be caveated by the understanding that the initial timeframe elaborated in 2016 for achievement (and as revised in 2018) of those LTOs and outcomes was ambitious. Given the challenges the project has had to overcome progress has been good although is still somewhat short of achievement for LTO 2 and LTO 3. A key driver in attainment of outputs is the skill, knowledge and dedication of the ILO project staff and the support they receive from the broader ILO including the Country Office, Regional Office, and HQ.

Result 11: The enacting into law of the Labor Code 2019 revision is a fundamental and critical result of the project and its LTO 1. Across all stakeholder groups there was recognition of the role the project and its expert staff and advisors had played in bringing to fruition several years of effort. The continuing delays in passing the WRO and Collective Bargaining decrees may impact the effectiveness of LTO 2 and LTO 3 should the project achieve a Phase II extension later in 2023. Both LTO 2 (driven largely by development of LDR processes and procedures) and LTO 3 (driven largely ECMS development) have achieved good progress in providing 'proof of concept' in the Vietnamese environment and context at both national and provincial levels. Progress has been steady rather than spectacular, due in part to Covid-19 although the project did adapt well to the new reality.

The progress toward all outputs can be found at Annex F. Overall 9 outputs have been completed, 1 is being finalized, 6 are ongoing, and 2 are delayed due to the delay in releasing the draft decrees. The delayed outputs are 2.3: *Improved regulations for collective bargaining and social dialogue*, and output 2.6: *Registration of WROs is enforced and accelerated through appropriate trainings and engagement of related stakeholders*. Although the delays in decree implementation hampers progress there are activities within those outputs which will still serve to improve the IR landscape regardless of whether the decrees are eventually implemented or not. For example, activity 2.3.3. is *'Information sessions for social partners on activating new provisions on workers' organization registration, collective bargaining, and dispute settlement in three regions (North, Central and South)'*¹⁴ could still be deemed of value from an awareness raising perspective on those issues.

Regarding LTO No1 and its associated outputs, LC2019 under Directive 37-CT/TW dated 03 September 2019, reflected a significant labor reform respecting the ILO Declaration on FPRW. It encompasses many aspects including guidance on labor law implementation on working conditions and industrial relation under Decree 145/2020/ND-CP and employment contracts, collective bargaining, working conditions for female workers and nursing-mother workers under Circular 10/2020/TT-BLDTBXH.

As noted previously in the report LTO 2 and LTO 3 focus on some of the vehicles required to create an effective, FPRW compliant, IR framework and develop the processes and procedures to implement it. *"Whilst the adoption of the LC2019 is a massive step forward there is now a need to consider details such as, how is a mediation conducted, when does it go to arbitration,*

¹⁴ Revised Project Document 23 Apr 2020 p.26

what makes a strike illegal, how do you register a union?” This is linked to progress in the implementation of the decrees around WROs and Collective Bargaining (see p.24-25) although not necessarily bound to it.

“Whilst the adoption of the LC2019 is a massive step forward there is now a need to consider details such as, how is a mediation conducted, when does it go to arbitration, what makes a strike illegal, how do you register a union?”

FGD respondent

The project has been broadly successful in working with government and other stakeholders to establish, i) an LDR process in accordance with LC2019, ii) LDR policies and procedures that are well developed and adapted to LC2019, iii) an LDR system piloted in three selected provinces (HCMC, Binh Duong, Dong Nai).

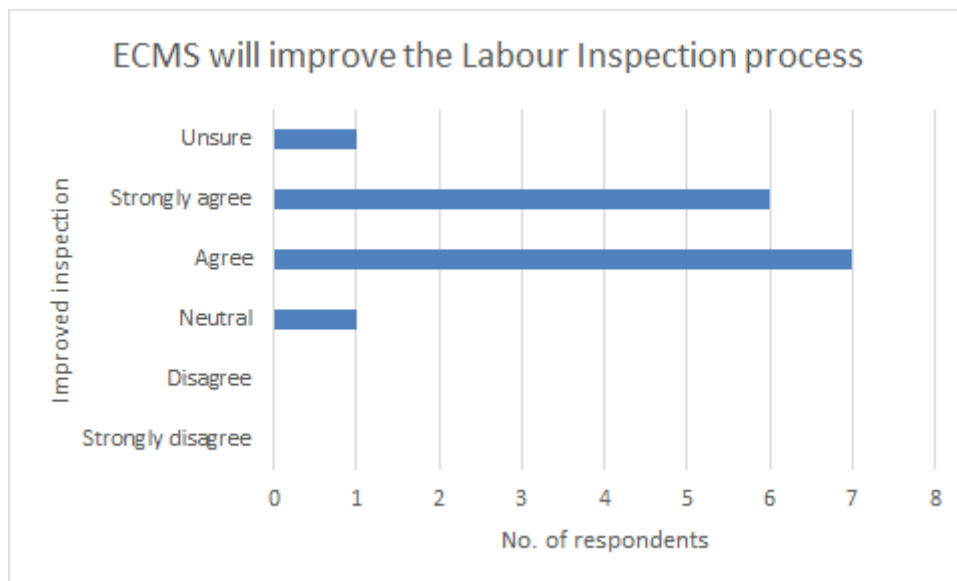
Within those pilots LAC policies and procedures have been developed with technical support from the project and LAC members have been selected and approved by the relevant PPC, effective from May 2022 in HCMC and Dong Nai, and from Sep 2022 in Binh Duong. Capacity building activities to improve legislation knowledge and working skills have been provided to the Mediators and Arbitrators.

Dong Nai held a launch conference on 11 Nov 2022 to introduce Dong Nai LAC members and services to stakeholders and representatives from PPC, DOLOISA, Industrial Associations, Representatives of Businesses, FoL, and the Media. Dong Nai LAC has arbitrated on its first case with the full engagement of employees and employers.

All this activity around LDR illustrates that the intervention logic of the project appears sound and provides a proof of concept. Yet there are also legitimate concerns around the potential impact of LACs given their power is not enshrined in law, *“The value of LAC judgement is not legally enforced, so if the parties don't follow it – and it goes to court – is there a need for the LAC anymore?”* The LACs are generally viewed as valuable and a cornerstone of the LDR process, thus it is critical for the project's ongoing strategy that the LACs are seen to work, and their judgements acted upon. And there is still progress to be made in approving the policies and procedures around the role of Mediators¹ which have been drafted but not yet approved.

Under LTO 3 it is recognized that the challenges of bringing together all the financial, human, and technical resources to then facilitate training and exchange knowledge and skills to utilize the ECMS are considerable. Thus, the challenges of the ECMS as it stands just now (see p.21) should be viewed in the context of the progress that has been made in being able to bring the ECMS to its pilot stage. In addition, the labor inspectors themselves seem to be able to discern the potential for the ECMS as it develops as illustrated in graph 4.

Graph 4



It should be highlighted that the activities that underpin all outputs of the project have been well received by a clear majority of beneficiaries. There are numerous examples across a broad range of interviewees that the capacity building activities have been delivered well, by knowledgeable individuals. The following are just a small example of these comments. *“The project provided excellent support in capacity building trainings to mediators”, “the inspectors increased their knowledge and working skills through engagement in project activities and trainings”, and “providing useful training to improve the knowledge and skills with ECMS”.*

Another key aspect of the effectiveness of the project is the skill, dedication, and knowledge of the project staff. This element should not be understated and the value of having staff that can develop and maintain effective working relationships with senior, national counterparts has been seen as a key aspect of project success. *“With the incredible work of ILO staff, using their knowledge of – and access to – senior officials, we crafted a project that managed to help achieve the LC2019 revision”.* The project has seen a relatively regular turnover of CTAs (and other staff) and a period of time operating with an Officer in Charge (OIC). Now with a new Country Director in post since April 2022 it is seen as important that the project does not lose any more institutional knowledge and that staffing transitions are handled effectively. To date there are no indications that this has not worked, but the project needs to remain alive to the risks of losing political access and influence through continuous staff turnover. Continuity of staff will be of great benefit to the project.

“With the incredible work of ILO staff, using their knowledge of – and access to – senior officials, we crafted a project that managed to help achieve the LC2019 revision”

ILO Official

3.5. IMPACT / CONSEQUENCE

12. From the perspective of stakeholders, what are the most significant changes, if any, that have occurred, or are likely to occur, as a direct result of the project?

Result 12: The project does not have a formalized impact assessment process. This evaluation notes that a majority of stakeholders have identified three main areas where the project has contributed to significant change. These are i) effective ratification of the LC2019 revision, ii)

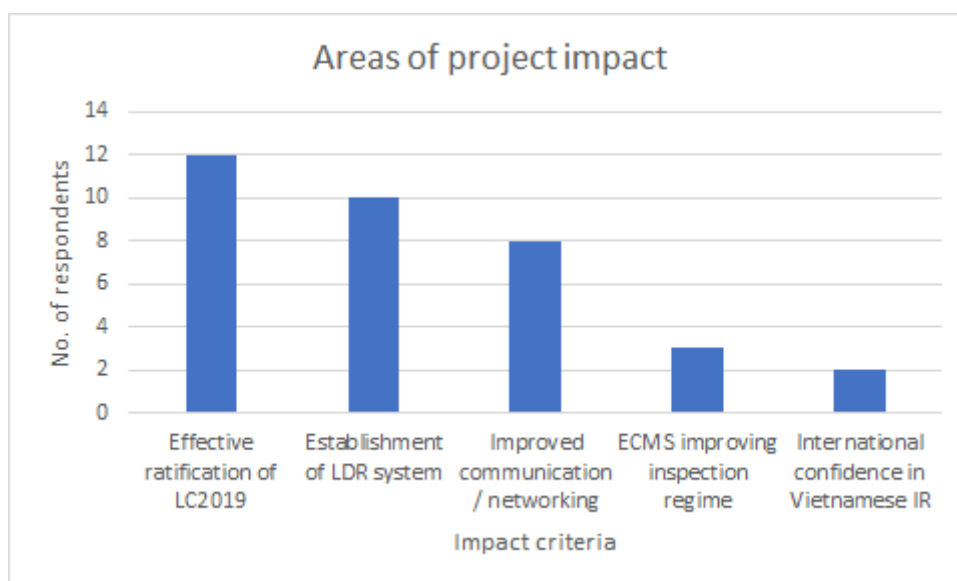
the establishment of a LDR system, and iii) improved communication and networking. There is an apparent lack of significant change from ECMS pilot implementation.

The project's logical framework does not include any impact indicators. In the most recent project revision document it is noted that, *“under this outcome [LTO 2] the project aims to impact the policies and practices of IR administration, so that policies more effectively promote effective IR practices”*, it also states, *“the project will also showcase effective IR practices (such as collective bargaining and dispute resolution) through pilot demonstrations, showing social partners how they are implemented and their impact”*.¹⁵

So, whilst the issue of impact is recognized as important, the project does not have a system in place to consider and then capture potential impact data. This is understandable in a project where the impact of legislative change and ensuing improvements in IR will take some time to filter through. However, a system for identifying impact indicators and gathering impact data in the future will be a fundamental necessity as it helps evidence effectiveness and thereby promotes the intervention logic and theory of sustained change.

Graph 5 below illustrates the Most Significant Change (MSC)¹⁶ that individuals involved with the project (across all stakeholder groups) have identified. These changes are grouped together under five criteria.

Graph 5



The top MSC is the **‘effective implementation of the LC2019 revision’**. Whilst this was recognized more by the ILO project team and national Government stakeholders it was mentioned at least once across all stakeholder groups including labor inspectors, mediators, and arbitrators. The second most popular MSC was the **‘establishment of the LDR system’**. This tended to focus on the improved understanding, knowledge, and skills of those directly involved with the system including mediators and arbitrators. This is important to recognize as data collected for this evaluation highlights the importance of ensuring those at the grassroots level are properly engaged. This MSC data could suggest that if the project manages to identify enough of the right people their current approach in LDR development is valid. The third MSC is seen in **‘improved communication and networking’** and this criterion broadly covers i)

¹⁵ Ibid, p.8

¹⁶ MSC narration analysis from interview responses to the MSC question

communication between the project and national institutions (e.g., MOLISA) and ii) opportunities for individuals who would not normally work together to exchange thoughts and ideas during project activities.

Of note is the relatively small number identifying the ECMS as bringing any significant change. This tends to be supported by some of the written answers to the ECMS survey. For example, “when there are changes to the regulations of law, it will be difficult to update them on the software”, and “contents of the questions and answers are fixed so it is difficult to add other contents, leading to the missing of some inspection contents”.¹⁷ This could indicate a lack of understanding and / or acceptance of the value of the ECMS which the project would do well to recognize and address. It should be noted ECMS is still in the software testing phase with mock-inspection cases, and just a small number of end-users have tested it (20-25 inspectors conducted a testing ECMS with mock-inspection visits to 10 enterprises during November and December).

3.6.SUSTAINABILITY

13. What barriers may exist that would impact upon MOLISA’s and DOLISA’s ability to take over the dispute resolution and the ECMS once the project ends?

14. To what extent does the project identify and pro-actively address sustainability risks and opportunities including the readiness of the local institutions, actors/stakeholders to sustain the outcomes produced by the project?

Result 13: The most oft quoted barrier to sustainability are resources, primarily financial and human. Financially there are cost implications in developing and maintaining the LDR and ECMS approaches for the project’s LTO 2 and LTO 3. There are also substantial human resource implications especially around the LDR process where a substantial cadre of well-trained mediators and arbitrators will be required. Technical expertise will also be required on an on-going basis to maintain, adapt, and upgrade the ECMS as it is rolled out. A final area that impacts upon all areas of the project is advocacy and communication of the project concept. Without buy-in from all key stakeholders the project will face an uphill battle to create a sustainable outcome.

Result 14: The project created a sustainability strategy in 2018 although it has not been updated since. The project is alive to various sustainability issues and acknowledges that any future project phase will need to elaborate a new and fuller sustainability strategy. In keeping with the long-term objectives of the project it is likely that holistic sustainability integrating national Government, various ministries, and provincial actors will be difficult to achieve in the short to medium term.

There are four key sustainability issues that have been highlighted. These are as follows.

1. Finances. In general, all beneficiaries highlighted a lack of finances in being able to supply all the human and technical resources needed to sustain the project’s LTOs. Non-beneficiary stakeholders also highlighted a lack of Vietnamese financial flexibility and availability in what are currently globally challenging financial times. There is an appreciation that the project will have to “continue to support MOLISA and DOLISA financially in some capacity but that this should not be an open-ended agreement”. It was noted that, “it is concerning if the [ECMS] software only relies on the state budget, specially at provincial level, since there is a need of

¹⁷ ECMS Survey responses

investment such as laptops etc.". In keeping with other data collected for this evaluation it would appear that there is little likelihood of financial sustainability (without ILO budget commitment) for the LTOs in the short term.

2. Human resources. A key issue is the amount of time that might be available for mediators and arbitrators to prioritize their LDR responsibilities with many having this as an extra responsibility onto their existing workload. *"Mediators and arbitrators are mainly and mostly holding their positions with main responsibilities for government agencies, and taking extra responsibilities of mediation and arbitration, thus they may not spend time / priorities LDR responsibilities".* And *"arbitrators are taking extra work as LAC members thus they cannot focus their full responsibilities for LAC services..."*.

There is also a lack of human resources highlighted across virtually every sector of the LDR and ECMS roll-outs. Whilst it is not unusual for each beneficiary stakeholder to suggest they need more human resources the number of national actors that will be required to sustain the project's LTOs in the future are substantial. It was highlighted that even within the pilot scheme, *"Binh Duong faced challenges to implement it [the pilot scheme] due [in part] to a lack of human resources in DOLISA"*.

Given the size of the Vietnamese labor market, number of factories, potential number of WROs, enterprise organizations, number of employees / workers, etc. there is a need for a substantial increase in labor inspectors, mediators, and arbitrators. Central government resources are also stretched, however without the investment at the grassroots level it is unclear how LTO 2 and LTO 3 can be achieved in terms of sustainability.

Held within sustainability is the project's capacity building training activities. Whilst these have been generally well received (see p.27) the extent to which the training accurately reflects the local / provincial context has been questioned. This evaluation notes that the project has engaged with individuals who have contributed their local / provincial knowledge to training materials, guidelines, manuals etc. Yet there was still some feedback that the local context was not properly considered. *"The training content should be close to / reflect the actual context and structure of LDR system in provinces. Local technical experts should be invited to join the development of training and technical materials and join as trainer(s) of TOT training"*. And *"ILO made all the final decisions and the local partner felt pressure to cooperate, the project has not really respected [...] the local context"*.

3. Technical hardware and expertise (for ECMS roll-out). The lack of equipment was often highlighted as a barrier to ECMS roll-out. *"Lack of infrastructure and facilities such as laptops, wireless routers, scan machines, etc. to support about 40 provinces who have no financial autonomy"*. In common with the LDR roll-out, when the ECMS is being rolled-out a needs assessment will be required to determine the extent of investment that will be required and the source(s) for that investment. A solution will also need to be found for the issue of where the server for the ECMS will be housed and ensuring the skills and knowledge required to service, update, and trouble-shoot ECMS issues is resolved prior to DIGI-TEXX relinquishing its contract. There is a plan to transfer knowledge to *"a core group of 'quick learning' Ministry Inspectors who will provide help desk functions and internal training"*. However, the issue of server location, and who should technically maintain and operate the system has still to be resolved. DIGI-TEXX suggest this will require *"one more year"* of collaboration with the project.

4. Buy-in. There is a relatively substantial body of opinion that at the grassroots level many of employers and employees are not fully behind the project and / or fully understanding of how their efforts would contribute to an improved IR situation and – therefore – a better overall labor situation in Viet Nam. There were concerns raised about the willingness of employees

and employers to fully engage. *“Agreement of employee and employer to join LDR is a concern. LDR system is effective only when both employee and employer agree to use it. It's a matter whether they choose LDR system or other ways e.g., court”. And “there is a lack of acknowledgement of the LDR system among employers and employees”. This unwillingness is compounded by an apparent lack of awareness as well, “Weak communication/propaganda of LDR system throughout the mass population, especially the employees and employers”. And “a lack of awareness of LDR system and LAC services among businesses, industrial zones, etc.”. Yet there is evidence of progress in ‘buy-in and understanding’ from a systemic perspective with some cities and provinces including the LDR system in their IR strategic plans. “Develop a mechanism for labor arbitrators and labor mediators to participate in supporting labor relations at enterprises and groups of enterprises, grasp the situation and support workers' organizations at enterprises, assist in the settlement of labor disputes in the event of a strike that does not follow the order and procedures”.*¹⁸

Although not as prominent as the employee / employer apparent lack of engagement the commitment of inspectors, mediators, and arbitrators was questioned, *“There is a weakness of commitment to work from mediators and arbitrators”*. Suggestions were made on how this could be improved, for example *“a performance appraisal coupled with a system to recognize mediation / arbitration work and a reasonable, financial allowance paid”*. And *“build up a core group of competent mediators and arbitrators (for instance, 10 persons in the north, 10 persons in the south) to provide capacity building activities to other provinces”*. This idea gains some traction as some have noted that, *“building-up a core team/network is required to ensure the replacement of people retiring or changing work”*. The intervention logic of the LDR pilot did anticipate some of these issues and proposed there should be more full-time mediators, arbitrators who are not working for the Government or nominated agencies. Additionally, at the provincial level is the Focal Point Unit that receives, assess, refers, and monitors LDR cases.

Finally, broadly connected to buy-in is the relationship between central government, its various ministries, and the local / provincial level. There have been indications from the data collected that the interface and understanding between the center, some of its agencies, and some of the provinces is not always working as well as would be hoped or expected. *“DIRWA has not been informed of, or engaged with, the activities of the VCCI and VGCL”*. Many non-beneficiary stakeholders have also commented on a lack of clear communication between beneficiary stakeholders.¹⁹ As noted within the relevance section of this report there is an expectation from some beneficiaries that it is the project's responsibility to ensure proper intra-governmental communication on project issues.

The project created a sustainability plan in 2018 which concentrated on *“providing technical support to help ensure that a new Labor Code in line with PFPRW is passed by the national assembly; building the capacity of Department of Industrial Relations and Wages to deliver on its mandate relating to the collective bargaining and dispute resolution in recognition of freedom of association, and; strengthening strategic planning and enforcement within the inspectorate”*.²⁰ Within this plan there was some recognition of the importance of advocacy and communication and this was focused on *“creating societal awareness and broader consensus among policy-makers at highest level for NIRF”*.²¹ However, the project has moved

¹⁸ IR Proposal of HCM City, 30 December 2022.

¹⁹ KII, Numerous with ILO project team, ILO technical advisors, and ILO HQ

²⁰ Sustainability Plan, 01 Aug 2018, p.1

²¹ Ibid, p.1

forward and the lack of an express plan to address grassroots advocacy and communication is proving detrimental. Indeed, given the inter-connectivity of all the sustainability issues (finances, human resources, technical hardware and expertise, and buy-in) a more holistic, updated, sustainability approach would appear sensible.

3.7. CROSS-CUTTING THEMES AND LEARNING PRIORITIES

15. To what extent has gender equity and social inclusion (GESI), changing context, adaptive management and the PICCs been addressed in the project?

Result 15: The project recognizes the importance of **Gender Equality and Social Inclusion (GESI)** within the labor environment of Vietnam and has taken some practical steps toward its integration into project activities. Greater support will be needed to continue this push and improve its impact. The adaptive management approach has proven useful for the project, especially during the restrictions placed upon it by Covid-19. A more robust Monitoring, Evaluation, and Learning (MEL) methodology will assist in improving this approach. The potential role of the Performance Improvement Consultative Committees (PICCs) has not been fully explored although their operation in primarily the garment sector may reduce their participation in the project to a communication and advocacy role.

As highlighted earlier in this report the project did not have a specific GESI focus although it should also be noted that the LC2019 did address these issues on sexual harassment and gender discrimination even though comment suggested they were addressed “*in albeit a sometime strange and awkward way*”. The revised project document of December 2018 notes the management arrangements for the project envisaged the ‘*Gender, Equality, and Diversity (GED) Unit will provide technical support in view of Viet Nam’s international obligations as an ILO member*’.²² The extent to which this arrangement has benefited the project in promoting GESI issues is unclear. The same project revision noted that inception phase of the project would ‘*develop a sustainability plan, communication strategy, and gender strategy in consultation with national partners.*’²³ This strategy does not appear to have been evaluated or updated since its inception.

However, the project has recognized the importance of GESI within the Vietnamese labor environment and has taken steps to address them in some project activities. “*There are no specific activities relating to gender equality and social inclusion in NIRF project. However, BD FoL has been integrating the content of gender equality in the law’s trainings / workshops to the grassroot union officers in the enterprises and strengthening the acknowledgement of not using child labor*”. For example, in October 2021 the project supported two expert meetings for the final revision of Decree 28 on administrative sanctioning for labor law violations, including the provisions relating to rights to organize WROs, working conditions, social security, OSH, and gender issues at workplace.²⁴ And technical guidance has been provided by the project at the provincial level on inspector, mediator, and arbitrator selection from a gender perspective. Yet there is an indication that more needs to be done in this area. “*More attention to the gender equity, social inclusion should be considered and supported by the project and the local authorities, specifically, the number of female mediators and arbitrators should be*

²² Project Document (Revised), 14 December 2018, p.16

²³ Ibid, p.18

²⁴ Technical Progress Report 30 April 2022, p.3

increased. For example, the female workers may be more open to reach and talk to the female mediators/arbitrators”.

The project also tracks the number of female and male participants that attend the various meetings, workshops, trainings, and other project activities. Whilst they actively encourage and promote female participation, they are ultimately dependent upon the decisions of the beneficiary organizations and agencies on whom they send. These decisions can be influenced by the ratio of female to male inspectors, mediators, and arbitrators available, or even the gender of the officer making the decision. *“Criteria of selecting arbitrators is focusing on the head of teams / departments who has strong experience and voices. The head of teams / departments are mostly male therefore, the proportion of female arbitrators of LAC is low, 3 out of 18 members”.* A further barrier to female participation is also highlight in the nature if the work itself, *“Inspection work requires often travels for field work, thus the attraction to recruit female staff is low. The proportion of female inspectors is only 30% in the sector”.*

“Inspection work requires often travels for field work, thus the attraction to recruit female staff is low. The proportion of female inspectors is only 30% in the sector”.

FGD respondent

Whilst there is a general understanding of gender equality, the advantages it can bring, and the challenges in improving female representation that same level of understanding has not been reached when examining other disadvantaged and vulnerable groups. There is little data from the project or elsewhere on steps being made to improve representation of these groups, for example the disabled or elderly. One respondent did note that *“the Dong Nai inspectorate has one elderly staff (over 60 years old) working”.*

This evaluation covers the period when the impact of Covid-19 was felt around the world. In common with many Projects, it had to adapt quickly to a rapidly changing environment. The project did this well, utilizing an **adaptive management** approach. Adaptive management is ‘*an intentional approach to making decisions and adjustments in response to new information and changes in context*’. The project turned to online capacity building activities where appropriate and kept itself well informed on the situation on the ground and in particular within the three pilot provinces.²⁵ Key to a successful, ongoing adaptive management approach is the need ‘*manage adaptively through continuous learning*’.²⁶

The use of **Monitoring, Evaluation, and Learning** (MEL) is crucial in being able to deploy any project management approach (including adaptive management) effectively. The project has many elements in place to achieve good MEL practices. For example, collecting data on the number of workshops and meetings, and number of participants, as well as obtaining training assessment forms. Additionally, the 6 monthly Technical Progress Reports address indicators and targets of ECMS and LDR and an M&E plan was developed, although not updated since 2020. Furthermore, a training needs assessment was done to inform the design of the training program for mediators and arbitrators and an assessment of training for the ECMS users and

²⁵ Technical Progress Report 31 January 2022, p.2

²⁶ Ibid

administrators in July 2022 was also conducted. Feedback was collected for analysis and use for planning future actions.

The project has also made attempts in the identification of risks, key assumptions, and mitigating strategies as detailed in an extract from the project revision of April 2020 as shown in Table 1 below.

Table 1²⁷

Assumption	Likelihood (H/M/L ³)	Importance (H/M/L)	Risk level (R/Y/G ⁴)	Mitigation measures
Sustainability assumptions				
1. The government and the national legislature will revise labour laws consistent with the ILO FPRW Declaration.	M	H	Y	<p>The ILO provide timely technical advice and work with all major stakeholders and key decision-makers in genuinely participatory manner to create strong buy-in of the required reform in the society and among the top decision-makers. ILO carry out advocacy diplomacy at the highest level of government decision-making.</p> <p>April 2020 Update: Risk level has thus been changed from red to yellow, recognizing that the improved Labour Code passed, but forthcoming implementing decrees will affect extent of compliance with ILO FPRW Declaration.</p>

Thus, most data has been captured, however, there is a lack of a systemically embedded methodology to learn lessons, identify good practice, and then implement that learning. This can and does happen on an ad-hoc basis through various project meetings, reporting, dialogue with partners, etc. however there is no central repository on MEL issues that link all these elements together. Using the example above the *April 2020 Update* under ‘Mitigation measures’ is not a mitigation measure but the identification of a risk. It does not answer the question “How will the project mitigate the risk should decree implementation fail?”

As previously highlighted in this report (see Coherence p.21) there is value in the project partnering with other ILO and non-ILO projects and programs working in the sector in Vietnam. One such program is the ILO Better Work Vietnam (BWV) program. It works with the **Performance Improvement Consultative Committees (PICCs)** which serve as a mechanism to promote social dialogue at the factory level and help facilitate understanding between employers and workers. BWV is primarily centered on the garment industry so does not have the coverage of the NIRF project. However, there could be value in exploring how the PICCs may be able to improve communication of the NIRF project ethos of improving IR through the LDR process and ECMS deployment, provide advocacy for the project, and raise awareness with employees and employers. *“The PICCs could be an excellent vehicle for awareness raising about the new LDR procedures. That could be their role rather than direct engagement”.*

²⁷ Project Document (revised) 23 April 2020, p.11

3.8. LESSONS LEARNED AND PROMISING PRACTICES

3.8.1 LESSONS LEARNED

1. The need to formalize the project's monitoring, evaluation, and learning approach.
2. The impact of multiple unions in the workplace as observed in other countries and what could be learned for the NIRF project in Vietnam and the potential introduction of Workers Representative Organizations in the future.
3. The drivers and inhibitors of ECMS success learning from ILO experiences of ECMS delivery in other countries.
4. There needs to be continuity of staff and where skilled and knowledgeable staff leave an appropriate handover should be conducted to retain institutional knowledge.

3.8.2 PROMISING PRACTICES

1. The engagement, ownership, and leadership of local stakeholders in the context of improving Industrial Relations.
2. Identifying and effectively engaging with the appropriate senior national stakeholders to acquire the necessary political access and influence to promote compliant IR standards.
3. The act of identifying and utilizing skilled technical advisors in the right place and at the right time.
4. In several countries the ILO have improved the management of labor violation penalty collection and are able to channel funds back into the inspectorate. This could be a practice that will assist MOLISA in Viet Nam to finance their labor inspection function.
5. Piloting new approaches and conducting rigorous evaluations of those pilots before scaling up and rolling out.

4. CONCLUSION

The project's intervention logic is sound. It has listened to beneficiary and other stakeholder opinions on relevance and need and created a theory of change which takes cognizance of those opinions. The foci on Labor Dispute Resolution (LDR) under Long Term Objective (LTO) 2 and the Electronic Case Management System (ECMS) under LTO 3 and the roll-out of these is sensible. The success of LTO 1 with the implementation of Labor Code (LC) 2019 revision is a key achievement of the project. There is still progress to be made within the legislative sphere, specifically the decrees on Freedom of Association including Workers Representative Organizations (WROs) and Rights to Collective Bargaining.

There is a 'proof of concept' for the roll-out of both the LDR and ECMS pilots. Yet there are many challenges to be identified and addressed if the roll-out is to be successful. Key among those in relation to the LDR intervention logic is an appreciation of the impact the specific provincial context may have upon the LDR process. Lessons must continually be learned from LDR implementation and a slow roll-out across the 63 Vietnam provinces will provide opportunity to learn those lessons and save implementation time and money in the long-term. The ECMS roll-out has its own challenges to face including improving the user, front-end to eradicate duplicate input from and to hard-copy, the handling of classified data, and the resources and technical infrastructure required to supply an efficient system to enough, trained, labor inspectors.

The project sits well within the wider ILO Country Office strategy for Vietnam and looks to engage across different ILO projects and with wider non-ILO projects in the country. There is

still room for improvement in assessing the potential benefits from closer collaboration with other projects with the beneficiaries noting the added value that wider collaboration brings to their work.

The project is doing well against its activities, outputs, outcomes, and objectives. There are some delays in the issuance of decrees on WROs and collective bargaining which are broadly outside the direct influence of the project. Although this could cause longer term issues for the project with the lack of decrees potentially negating the intervention logic of improving IR through the roll-out of the LDR and ECMS pilots. A longer-term strategy will be needed to tackle this in the future especially the buy-in of VGCL / VCCI and how to interact with the WROs.

The impact of the project is difficult to assess but stakeholders highlight LC2019 adoption and progress on LDR as visible signs of project effectiveness and potential impact. A further impact is improved communication although this is focused on project to national institution communication and individual to individual communication. There are issues of intra-governmental agency communication between MOLISA / DOLISA / DIRWA and from the central agencies to the provinces. The ECMS has shown a lower impact profile, but its potential is recognized.

The project is quite some distance from being sustainable and there is no updated sustainability plan. Key inhibitors to future sustainability are i) technical expertise within MOLISA / DOLISA, ii) provision of central government finances for ECMS / LDR development and implementation, iii) advocacy and communication, to all stakeholder groups, of the ethos, methodology, and advantage of pursuing the project's LTOs, iv) scale of provincial roll-out, and v) the required increase in numbers of well-trained inspectors, mediators, and arbitrators.

Although the project is not specifically designed with GESI in mind it has made some steps to address these issues such as mainstreaming gender tracking into project activities. Further work is required, and the project will need to draw on outside expertise. MEL and Risk Management is done by the project but not in a systemic manner that allows for the structured and routine evaluation of data that will bring improvements in efficiency and effectiveness through learning lessons and identifying good practice. Adaptive management has assisted the project, especially during Covid-19, and a robust Results-based Management (RBM) MEL system will provide more targeted data to allow for better informed adaptive management decisions to be taken. The project has made some progress to ensuring their approach is GESI sensitive, but they lack enough in-project skills, expertise, and time to develop a full GESI strategy.

The project has achieved a great deal during the period covered by this evaluation. The dedication, skill, knowledge, and 'can do' attitude of the project staff, coupled with excellent support from the broader ILO should not be overlooked. A project is only as good as the people with which it is populated.

5. RECOMMENDATIONS

Table 1. General Recommendations - For USDOL ILAB

Recommendations to USDOL/ILAB	Evidence	Page numbers
N/A	N/A	N/A

Table 2. General Recommendations for USDOL ILAB and the Implementer

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page numbers
<p>Capitalizing on political access and influence for regulatory reform: Delays in implementation of labor decrees: The delay in implementation of decrees covering Worker Representative Organizations (WROs) and Collective Bargaining has the potential to delay the Project attaining its current LTO 2 and LTO 3 objectives. The project should look to leverage broader ILO and the donor's political access and influence to promote decree implementation. In tandem, project activities under the LTO 2 and LTO 3 outputs should be redesigned to deliver added value to the Industrial Relations environment that is not solely linked to decree implementation.</p>	<p>Based on Results 8 and 9 The stated priorities and objectives of the VCCI and VGCL regarding social dialogue and industrial relations are in line with the project's own long-term objectives and intervention logic and should not negatively impact on project coherence. However, whilst this provides a strong theoretical foundation for the project going forward, the critical assumption is that the stated priorities are genuine priorities, and that each organization will work toward promoting those priorities and enabling their implementation. The extent to which practical progress is being (or can be) made is unclear.</p> <p>Based on Result 11. The continuing delays in passing the WRO and Collective Bargaining decrees may impact the effectiveness of LTO 2 and LTO 3 should the project achieve a Phase II extension later in 2023.</p>	<p>p.24</p> <p>p.26</p> <p>p.26</p>
<p>Strengthen MEL framework: Through utilizing MEL expertise at ILO Regional and Headquarter level, and the donor, to formalize the approach on identifying risks, and measuring the outputs and outcomes of project activities. This MEL framework should include a risk register along with the project's risk mitigation strategies and a standardized and regular reporting mechanism. The current project reporting within their Technical Progress Reports supplied to the donor can be used as a starting point for this development.</p>	<p>Based on Result 15. The project captures most data for MEL work, however, there is a lack of a systemically embedded methodology to learn lessons, identify good practice, and then implement that learning. This can and does happen on an ad-hoc basis through various project meetings, reporting, dialogue with partners, etc. however there is no central repository on MEL issues that link all these elements together including the effective management of risk.</p>	<p>p.34</p>

Table 3. Specific Recommendations- for the Implementer

Recommendations to the Implementer	Evidence	Page numbers
<p>Carry out LDR feasibility studies for new provinces: Prior to the launch of the project's LDR approach in any new province a full feasibility study should be conducted. This will address i.a. i) a needs assessment from an LDR perspective, ii) identification of appropriate local stakeholders and an assessment of their anticipated level of engagement, iii) resources available to initiate and maintain the process, iv) communication and advocacy strategy that targets appropriate workers (and worker organizations), and v) a training strategy for mediators and arbitrators.</p>	<p>Based on Result 2. The LDR has the potential to be scaled and replicated. The deployment of this approach and the first case having now gone through a Local Arbitration Council (LAC) has demonstrated a 'proof of concept'. The roll-out of the approach provincially is a logical and justifiable next step in the process.</p> <p>Based on Result 3. Whilst the roll-out of the LDR should be encouraged there are some barriers and challenges that will need to be recognized and addressed to</p>	<p>p.19</p> <p>p.20</p>

Recommendations to the Implementer	Evidence	Page numbers
	maximize the potential outcomes from its deployment.	
Conduct preparations for further ECMS roll-out: Prior to the further roll-out of the ECMS some key issues will need to be addressed. These are i.a. i) an agreement reached on the handling of confidential data within the ECMS, ii) testing of the ECMS with 'live' data, further collaboration with end-users to improve user experience including the reduction of double entry into the ECMS and other systems, iii) database back-up and recovery, and the ability to work offline, and iv) the future role of DIGI-TEXX.	<p>Based on Result 2. The ECMS has the potential to be scaled and replicated. The deployment of this approach in other countries and the piloting of it in Vietnam has demonstrated a 'proof of concept'. The roll-out of the approach provincially is a logical and justifiable next step in the process.</p> <p>Based on Result 3. Whilst the roll-out of the LDR should be encouraged there are some barriers and challenges that will need to be recognized and addressed to maximize the potential outcomes from its deployment.</p>	<p>p.19</p> <p>p.20</p>
Capitalize on added value of closer donor cooperation: Whilst the project has demonstrated knowledge of relevant ILO and non-ILO projects working in Vietnam and has engaged with them on occasion there is no systemic approach to assessing the potential added value of closer cooperation. The project should undertake a mapping exercise of relevant projects, their objectives, and activities, and assess where closer collaboration may bring mutual benefit.	<p>Based on Result 6. The project has done relatively well in recognizing and leveraging other ILO mechanisms such as utilizing mediators that have received training through ILO's Better Work Vietnam (BWV) project. There are still potential avenues for closer cooperation that could be explored both within the ILO family and more broadly.</p>	<p>p.24</p>
Update the sustainability plan: An updated sustainability plan which will include a fully elaborated Theory of Sustained Change is to be developed and anchored to the LTOs of the project. This should include i.a. i) a strategy for recruiting, training, and maintaining a skilled cadre of inspectors, mediators, and arbitrators; ii) the costs for providing the required technical hardware to roll-out the ECMS; iii) a strategy for recruiting, training, and maintaining a skilled cadre of technically proficient officers to maintain and develop the ECMS; iv) a coordinated advocacy and communication strategy that encourages stakeholder buy-in to the project's ethos. This should include a strategy for developing intra-governmental communication between relevant agencies. V) a realistic timeline for the roll-out of the LDR and ECMS across the provinces, and vi) a realistic timeline for the pace and scale of withdrawal of project financial and technical support.	<p>Based on Result 13. Financially there are cost implications in developing and maintaining the LDR and ECMS approaches for the project's LTO 2 and LTO 3. There are also substantial human resource implications especially around the LDR process where a substantial cadre of well-trained mediators and arbitrators will be required. Technical expertise will also be required on an on-going basis to maintain, adapt, and upgrade the ECMS as it is rolled out. A final area that impacts upon all areas of the project is advocacy and communication of the project concept. Without buy-in from all key stakeholders the project will face an uphill battle to create a sustainable outcome.</p>	<p>p.30</p>
Strengthen gender equality and inclusion interventions and measures: To improve project understanding regarding effective	<p>Based on Result 15. The project recognizes the importance of Gender Equality and Social Inclusion (GESI)</p>	<p>p.34</p>

Recommendations to the Implementer	Evidence	Page numbers
gender equality and social inclusion (GESI). Project interventions should identify and collaborate with a) national and international partner GESI experts and focal points, and b) sister UN agencies such as UNWOMEN. This collaboration should aim to improve the response in supporting GESI within the scope of the project's LTOs. This can include i.a. i) strategies to increase the number of female inspectors, mediators, and arbitrators; ii) inclusion of appropriate material into trainings, workshops, and meetings; iii) advocacy strategy for appropriate national agencies; and iv) communication of GESI related rights under LC2019 to employers and employees.	within the labor environment of Vietnam and has taken some practical steps toward its integration into project activities. Greater support will be needed to continue this push and improve its impact.	

Table 4. Specific Recommendations- for the Government

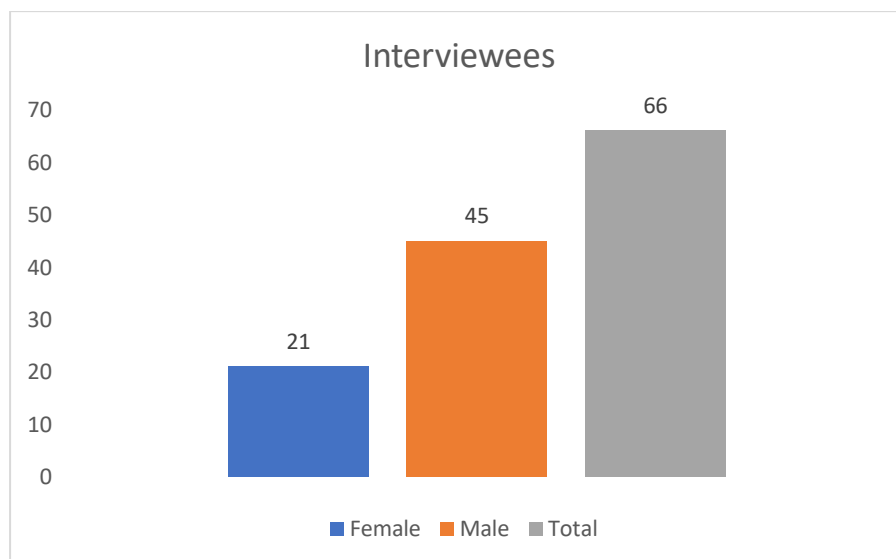
Recommendations to the Gvt/MOL	Evidence	Page numbers
Agree inter-agency communication strategy: Within the sustainability strategy to be developed for the project MOLISA, DOLISA, and DIRWA to provide an express agreement on how communication of project requirements, roles, and responsibilities will be conducted. This includes communication lines between those agencies and between those agencies and local/provincial authorities.	Based on Result 13. Broadly connected to buy-in is the relationship between central government, its various ministries, and the local / provincial level. There have been indications from the data collected that the interface and understanding between the center, some of its agencies, and some of the provinces is not always working as well as would be hope or expected.	p.30
Identify gender and inclusion stakeholders: Within the GESI strategy to be developed for the project national stakeholders should identify their GESI experts / points of contact for the project.	Based on Result 15. There is an apparent lack of understanding at the national and provincial level of the benefits of inclusivity.	p.34

ANNEX A. LIST OF DOCUMENTS REVIEWED

Funding Opportunity Announcement (FOA),
PMP document and data reported in Annex A of the TPR,
Pre-situational analyses,
Project document and revisions,
Project budget and revisions,
Cooperative Agreement and project modifications,
Risk and Stakeholder Registers/Management Plans,
Sustainability and Exit Strategies,
Technical Progress and Status Reports,
Project Logic Models, Theories of Change and Monitoring Plans,
Work plans,
Correspondence related to Technical Progress Reports,
Management Procedures and Guidelines,
Research, reports, or materials produced,
Labor reform-related regulations and unions' resolutions (e.g., VGCL resolution 2)
Previous NIRF interim evaluation report
Previous ECMS evaluation report
Previous Better Work Vietnam evaluation report
Prime Minister's statement at 5th Economic Forum in December 2022
Email exchanges on MEL within the project December 2022

ANNEX B. EVALUATION ITINERARY

NUMBER OF INTERVIEWS WITH GENDER BREAKDOWN



NB 66 of the anticipated 69 interviews were completed.

PROJECT OBJECTIVES AND OUTCOMES²⁸

The project's overall objective is to promote the development of an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, with a special focus on Freedom of Association (C.87) and Rights to Collective Bargaining (C.98), and in full consideration of the socio-economic conditions of the country.

The project objective is to be reached through the achievement of the following interlinked Long-Term Outcomes (LTOs):

- **LTO 1:** National labor laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country
- **LTO 2:** Labor administration develops effective national industrial relations policy.
- **LTO 3:** The labor inspectorate effectively enforces and promotes compliance with national labor laws in industrial relations.

PURPOSE AND SCOPE OF EVALUATION²⁹

This interim performance evaluation will assess the performance and achievements of the NIRF project in Vietnam, during the period of August 2018³⁰ to September 2022. The evaluation will

²⁸ Draft TOR-NIRF project Interim Evaluation-version2-clean, p.4

²⁹ Ibid, p.5

³⁰ NB This was changed from October 2016 to August 2018 during the meeting of 10.27.22 reflecting the Independent Multi-Project Evaluation of Improving Labor Laws and Labor Administration within the NIRF and BWV, Union Capacity Development Component report of 07.31.2018.

assess the relevance, coherence, effectiveness, efficiency and resource use, the impact and sustainability of the project, as well as equity as a cross-cutting theme.

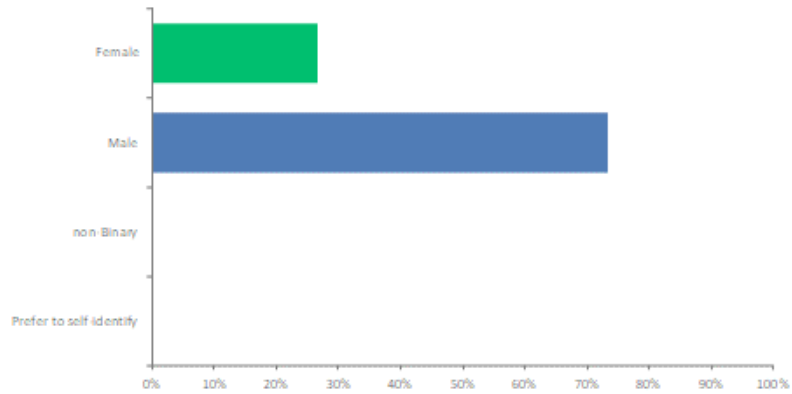
FIELDWORK

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ANNEX C. ECMS SURVEY RESULTS

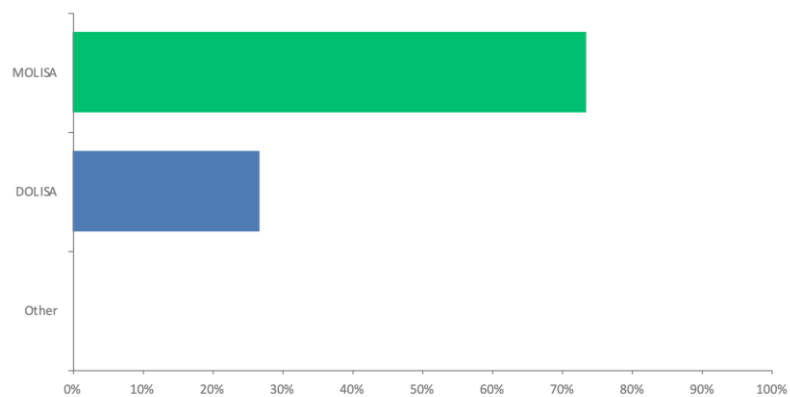
Q1: With which gender do you identify?

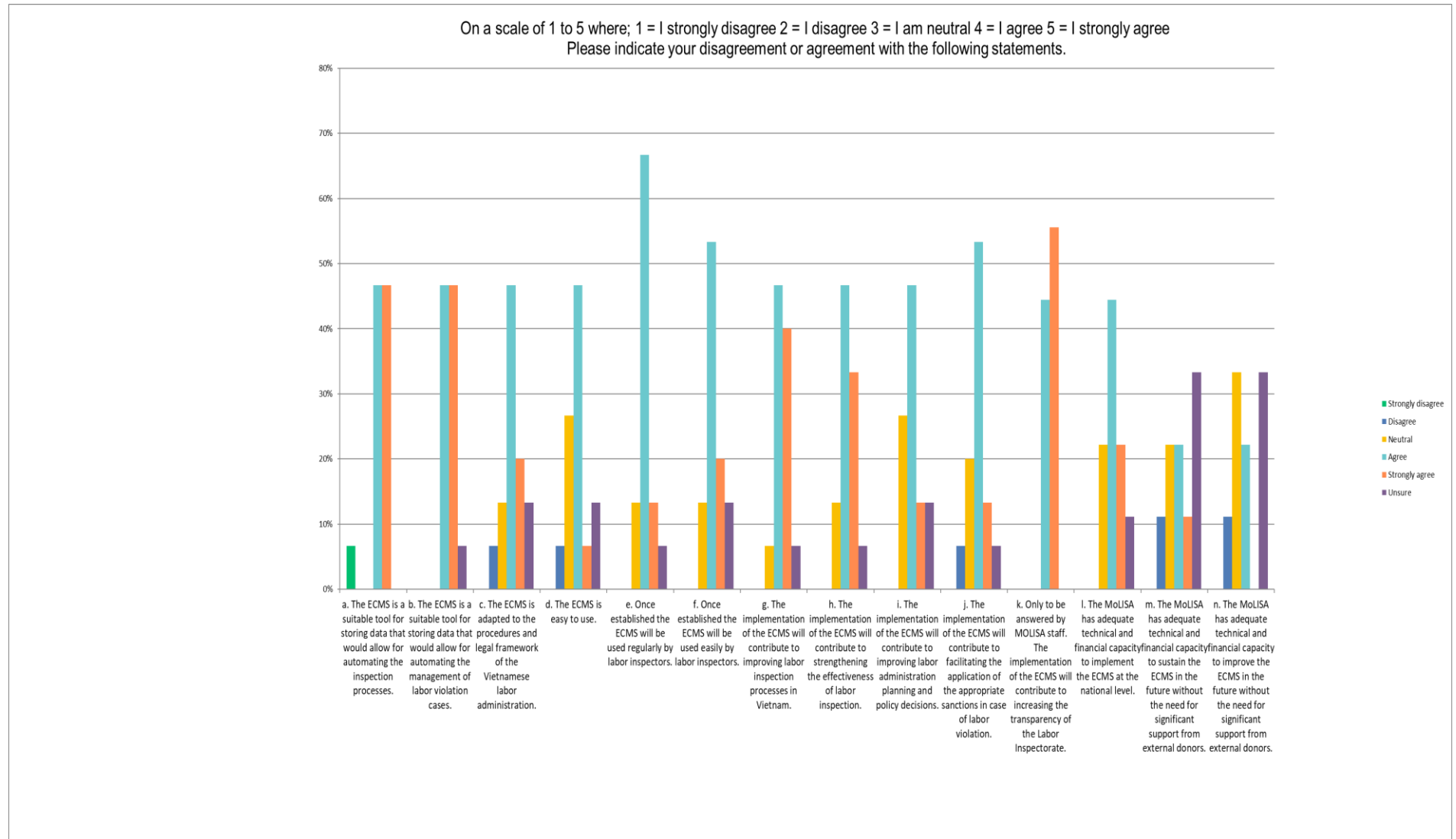
Answered: 15 Skipped: 0



Q2: Where do you work?

Answered: 15 Skipped: 0





ANNEX D. TERMS OF REFERENCE

TERMS OF REFERENCE

Final Version | November 16, 2022

INTERIM EVALUATION

Improving labor laws and labor administration for a new industrial relations framework in full respect of the ILO Declaration on Fundamental Principles and Rights at Work (NIRF) project in Vietnam

SUBMITTED TO

United States Department of Labor
Bureau of International Labor Affairs
200 Constitution Ave. NW
Washington, DC 20210
www.dol.gov/ilab

PREPARED BY

Sistemas, Familia y Sociedad (SFS)

Funding for this evaluation was provided by the United States Department of Labor under contract number: 47QRAA20D0045. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

1. BACKGROUND AND JUSTIFICATION

The Office of Trade and Labor Affairs (OTLA) is an office within the Bureau of International Labor Affairs (ILAB), an agency of the U.S. Department of Labor (USDOL). ILAB's mission is to promote a fair global playing field for workers in the United States and around the world by enforcing trade commitments, strengthening labor standards, and combating international child labor, forced labor, and human trafficking.

As part of its scope of work, OTLA provides services, information, expertise, and technical cooperation programs that effectively support the international responsibilities of the U.S. Department of Labor and U.S. foreign labor policy objectives. Within OTLA, The Division of Technical Assistance and Cooperation (TAC) provides technical assistance to improve labor conditions and respect for workers' rights internationally. TAC works with other governments and international organizations to identify assistance that countries may require to improve the labor conditions of their workers.

This evaluation approach will be in accordance with DOL's Evaluation Policy. OTLA is committed to using the most rigorous methods applicable for this qualitative performance evaluation and to learning from the evaluation results. The evaluation will be conducted by an independent third party and in an ethical manner and safeguard the dignity, rights, safety and privacy of participants. The quality standards underlying this evaluation are: Relevance, Coherence (to the extent possible), Effectiveness, Efficiency, Impact (to the extent possible), and Sustainability. In conducting this evaluation, the evaluation team will strive to uphold the American Evaluation Association Guiding Principles for Evaluators. A broader set of evaluative criteria or domains may also be considered depending on the learning objectives for this

evaluation, including themes of design, equity, replicability, consequence, unintended effects, among others. OTLA will make the evaluation report available and accessible on its website.

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 1605C2-22-F-00012 to conduct performance evaluations of technical assistance projects in Guatemala, Georgia, Armenia and Vietnam.

The present terms of reference (TOR) pertain to the interim performance evaluation of the project ‘Improving labor laws and labor administration for a new industrial relations framework’ in full respect of the ILO Declaration on Fundamental Principles and Rights at Work (NIRF) in Vietnam. This document serves as the framework and guidelines for the evaluation. It is organized into the following sections:

1. Background and justification
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
10. Annexes

PROJECT CONTEXT

Vietnam’s industrialization and development strategies reflect a global integration agenda: to become a manufacturing hub in global supply chains, and to conclude free trade agreements (FTA) and investment agreements. The global economic integration requires adjustment of not only economic and trade policies, but also social and labor policies for sustainable and inclusive growth with social justice at a global and national level.

Since 1998 Vietnam has ratified a number of Fundamental and technical ILO Conventions and has undertaken progressive reforms, which include the revision of the Labor Code in 2012 and the establishment of a tripartite National Wage Council in 2013. Vietnam has also driven gradual change consistent with the ILO FPRW Declaration through the policy agenda. The Vietnam Strategy for International Integration until 2030 (approved by the Prime Minister), places Fundamental ILO Standards at the center of the country deepening integration as well as the “Prime Minister[s] Decision on Plan for Implementation of Ratified Conventions and for Ratification of Other 10 Conventions for the Period from 2016-2020”. In 2016, Vietnam began a new round of labor law and industrial relations reform.

In November 2016, the Government published Resolution 06-NQ/TW on effectively implementing international economic integration, maintaining social political stability in the context of Vietnam’s participation in new generation free trade agreements. It explicitly refers to “improving [the] legal framework regulating social relations, especially industrial relations and new issues arising from the implementation of new general free trade agreement[s]”. It also confirms a commitment to “renovating the organization and operations of trade unions

and well managing the birth and operations of the organizations of workers at enterprises”. This signals the mutual existence of the Vietnam General Confederation of Labor (VGCL) unions and workers’ organizations operating in the new industrial relations framework (NIRF), which workers are free to organize or join.

Government and social partners have long been aware that the industrial relations system and practices have not served the interests of workers, businesses and society. These symptoms are signs of problems in key elements that make up the industrial relations (IR) framework: IR legal provisions, institutions, and the capacity of IR actors. For example, in State-owned enterprises, the national governing party still dictates enterprise union activities.

Capacity problems persist in employer’ organizations and in IR and labor administration. In relation to employer representation, sectoral business associations are relatively well developed compared to their union counterparts, but there is a need to improve coordination between the Vietnam Chamber of Commerce and Industry (VCCI) at the national level, and local VCCI chapters, sectoral business associations and representative organizations. Coordination among organizations affiliated to VGCL also needs to be improved, as well as support for establishment of new workers’ organizations. Despite some progress, there are capacity gaps within IR and labor administration (MoLISA -DIRWA, Departments of Labor, Invalids and Social Affairs -DoLISA, as well as local labor authorities) that mean that flaws in the current IR system have not been systematically addressed.

PROJECT SPECIFIC INFORMATION

This project is part of a broader program of the ILO Country Office for Viet Nam, promoting the ILO FPRW Declaration, including projects funded by Japan, the EU and Canada.

The NIRF project is a third-generation technical cooperation project and is designed to support this renovation process. The project began on October 1, 2016, and is expected to end on April 30, 2026. Since its inception, the project has received ten modifications.

Project Objective and outcomes

The project's overall objective is to promote the development of an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, with a special focus on Freedom of Association (C.87) and Rights to Collective Bargaining C.98), and in full consideration of the socio-economic conditions of the country.

The project objective is to be reached through the achievement of the following interlinked Long-Term Outcomes (LTOs):

- LTO 1: National labor laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country
- LTO 2: Labor administration develops effective national industrial relations policy.
- LTO 3: The labor inspectorate effectively enforces and promotes compliance with national labor laws in industrial relations.

The project aims to strengthen the IR framework through an approach that will raise awareness of and support for effective IR practices; promote the adoption of legal provisions in line with Fundamental Principles and Rights at Work (FPRW); support the Department of Industrial Relations and Wages (DIRWA) (and IR administrators) to design institutional reforms (particularly in dispute settlement), establish social partner coordination mechanisms and

promote collective bargaining, and; enable labor inspectors to be more effective in enforcing and promoting compliance of legal obligations, with a specific focus on those relating to industrial relations.

Across all LTOs, proposed activities are designed not only to raise awareness of IR issues but also to demonstrate and underline the importance of dialogue in policy making. Tripartism (horizontal dialogue) and the involvement of actors from central and provincial level (vertical dialogue and coordination) is therefore built into almost all activities.

As the project is strongly focused on the IR framework, other aspects of FPRW – relating to equality and non-discrimination, forced labor and child labor - are not the focus of dedicated activities. However, they are incorporated into activities wherever relevant. For example, comments delivered on drafts of revised Labor Codes under LTO1, and interventions in consultation meetings will address these issues as they arise. In relation to LTO3, the project will partner with a project focused on the elimination of child labor when preparing training for inspectors.

2. PURPOSE AND SCOPE OF EVALUATION

EVALUATION PURPOSE

This interim performance evaluation will assess the performance and achievements of the NIRF project in Vietnam, from August 2018 to September 2022. The evaluation will assess the relevance, coherence, effectiveness, efficiency and resource use, the impact and sustainability of the project, as well as equity as a cross-cutting theme. In so doing, the evaluation will:

- Determine whether the project is on track towards meeting its objectives and outcomes, identifying the risk factors, challenges and opportunities encountered in doing so, and analyzing the driving factors for these challenges and opportunities
- Assess the effectiveness of the project's strategies and the project's strengths and weaknesses in project implementation and identifying areas in need of improvement (with particular attention to equity and inclusion, wherever relevant)
- Provide conclusions, lessons learned, and recommendations; and
- Assess the project's plans for sustainability at local and national levels and among implementing organizations and identifying steps to enhance its sustainability.

The evaluation team will glean information from a diverse range of project stakeholders and institutions who participated in and were intended to benefit from the interventions.

INTENDED USERS

The evaluation will provide OTLA, the grantee, participants and other project stakeholders or actors who have a concern, interest and/or influence on the labor rights problem the project is intended to address, an assessment of the project's performance, its effects on project participants, and an understanding of the factors driving the project results. The evaluation results, conclusions and recommendations will serve to inform any project adjustments that may need to be made, and to inform stakeholders in the design and implementation of subsequent phases or future projects as appropriate.

The evaluation report will be published on the USDOL website, so the report should be written as a standalone document, providing the necessary background information for readers who are unfamiliar with the details of the project.

3. EVALUATION QUESTIONS

The evaluation team will respond to a set of key questions established for this evaluation in accordance with the Organization for Economic Co-operation and Development Assistance Committee (OECD-DAC) criteria: Relevance, Coherence, Effectiveness, Efficiency/Resource use, Impact, and Sustainability/Orientation towards sustainability. It will also take into account the Evaluative Criteria suggested by the Integrated Model of Domains and Sources.

Below are specific focus areas that need to be addressed during the evaluation process and incorporated into questions, as needed:

- Identify interventions most effective at producing the desired outcomes. The evaluation team should also identify specific pain points or barriers affecting equitable service delivery or outcomes for underserved groups, as well as the extent the project requires course corrections to ensure more equitable processes and results
- Identify which outcomes and, where applicable, which outputs have the greatest likelihood of being sustained after donor funding ends
- Objectively rate the level of achievement of each of the project's major outcomes on a four-point scale (low, moderate, above-moderate, and high). The evaluation may also assess equity within achievement of certain project outcomes, upon ILAB's request
- Review monitoring data with the grantee.

This interim evaluation will assess the project's performance and achievements in meeting its objectives, the relevance of project services to target groups and institutions' needs (with particular attention to equity and inclusion, wherever relevant), project efficiency, including resource use, effectiveness and impact (or potential impact and consequence) on project objectives, and sustainability. It will also capture promising practices, lessons learned, and emerging trends. The evaluation 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 a set of evaluation questions as follows:

Relevance

1. To what extent do the project's implementation efforts regarding labor law reform and pilots on labor dispute resolution (LDR) and an electronic case management system (ECMS) respond to relevant stakeholders' needs and capacities, organizational structure, procedures and processes of authorities and counterparts, particularly the priorities of the Government and those of specific underserved groups or populations intended to benefit from the project's interventions, at national and provincial levels?

Replicability and Scalability

2. Can/should the ECMS and labor dispute resolution pilots be scaled-up through wider geographic coverage, particularly in the provincial environments?
3. What are the barriers to ECMS and labor dispute resolution scalability?
4. What benefits or drawbacks have been realized thus far as a result of the LDR and ECMS pilots?
5. Are there any adaptations to the original strategy that were made during the pilots, or adaptations that can be made moving forward, in order for the pilots to be scalable and more sustainable?

Coherence

6. To what extent have the NIRF project's interventions built on or leveraged other ILO supported mechanisms and interventions, particularly those funded by USDOL? For example, are those who received capacity building training through the ILO Better Work Vietnam (BWV)'s union capacity development component continuing to engage in social dialogue and industrial relations mechanisms that the NIRF project has supported and representing their workers in collective bargaining?

7. What linkages (if any) have been created or strengthened as a result of the project's interventions built on or leveraged with other ILO mechanisms and interventions, particularly those funded by USDOL?

8. What are VCCI's and VGCL's priorities regarding social dialogue and industrial relations and how might these priorities influence the project's coherence?

Effectiveness

9. How might VCCI's and VGCL's priorities regarding social dialogue and industrial relations influence the project's effectiveness?

10. To what extent has the project made progress towards its objective and outcomes?

11. What are the key results achieved regarding the overall goal of developing an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, and specifically:

a. The revision of National labor laws and legal instruments to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country. What is the effect of the persistent delays in passing the Worker Representative Organization and Collective Bargaining Decrees over the implementation of NIRF?

b. The development of effective national industrial relations policy by the Labor administration.

c. The effective enforcement and the promotion of compliance with national labor laws in industrial relations by the labor inspectorate.

Impact / Consequence

12. From the perspective of stakeholders, what are the most significant changes, if any, that have occurred, or are likely to occur, as a direct result of the project?

Sustainability

13. What barriers may exist that would impact upon MOLISA's and DOLISA's ability to take over the dispute resolution and the ECMS once the project ends?

14. To what extent does the project identify and pro-actively address sustainability risks and opportunities including the readiness of the local institutions, actors/stakeholders to sustain the outcomes produced by the project?

Cross-cutting themes and learning priorities

15. To what extent has gender equity, social inclusion, changing context, adaptive management and the PICCs been addressed in the project?

These evaluation questions will provide the structure for the evaluation and are tailored to the specific learning priorities, 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 Annex A.

4. EVALUATION METHODOLOGY AND TIMEFRAME

The evaluation methodology will consist of the following activities and approaches:

A. APPROACH

The evaluation will examine the project's Results Framework, with particular attention paid to the identification of assumptions, risk and mitigation strategies, and the logical connect between levels of results and their alignment with outcomes at the national levels.

The evaluation approach will be qualitative and participatory in nature and use project documents including monitoring system data to provide quantitative information. Qualitative information will be obtained through field visits, interviews and focus groups as appropriate. Opinions coming from stakeholders and project participants will improve and clarify the use of quantitative analysis. The participatory nature of the evaluation will contribute to the sense of ownership among stakeholders and project participants.

To the extent that it is available, quantitative data will be drawn from the project monitoring databases and project reports and incorporated in the analysis. In particular, project monitoring data shall be triangulated with relevant quantitative or qualitative data collected during fieldwork, in order to objectively rate the level of achievement of each of the project's major outcomes on a four-point scale (low, moderate, above-moderate, and high).

The evaluation approach will be independent in terms of the membership of the evaluation team. Project staff and implementing partners will generally only be present in meetings with stakeholders, communities, and beneficiaries to provide introductions. Efforts will be made to amplify the voice of workers from diverse backgrounds, including workers from underserved groups and/or historically marginalized populations and communities, while also safeguarding their identity and information, preserving their dignity and protecting them from possible retaliation or other harm. The following additional principles will be applied during the evaluation process:

1. Methods of data collection and stakeholder perspectives will be triangulated for as many as possible of the evaluation questions.
2. Gender and cultural sensitivity and 'Do No Harm' approaches will be integrated in the evaluation approach.
3. Consultations will incorporate a degree of flexibility to maintain a sense of ownership of the stakeholders and beneficiaries, allowing additional questions to be posed that are not included in the TOR, whilst ensuring that key information requirements are met.
4. As far as possible, a consistent approach will be followed in each project site, with adjustments made for the different actors involved, activities conducted, and the progress of implementation in each locality.

B. EVALUATION TEAM

The evaluation team will consist of:

1. The Lead Evaluator (LE)
2. National Consultant/ Monitoring and Evaluation Expert (NC)

One member of the project staff may travel with the team to make introductions. This person is not involved in the evaluation process, or interviews.

The lead evaluator will be responsible for developing the methodology in consultation with SFS, USDOL, and the project staff; assigning the tasks of the national consultant; directly conducting interviews and facilitating other data collection processes; analysis of the evaluation material gathered; presenting feedback on the initial results of the evaluation to the national stakeholder meeting and preparing the evaluation report.

The team will address the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. The LE will work remotely while the National Consultant/ Monitoring and Evaluation Expert will be present in the field.

C. DATA COLLECTION METHODOLOGY

1. DOCUMENT REVIEW

The evaluation team will review a wide range of documents available before conducting field visits. The team will use the documents to assess the six evaluation criteria. The pre-field visit preparation will include extensive review of relevant documents and during fieldwork, documentation will be verified, and additional documents may be collected.

The evaluation team shall also review key OTLA Standard indicators with the grantee. This will include reviewing the indicator definitions in the Performance Monitoring Plan (PMP) and the reported values in the Technical Progress Report (TPR) Annex A to ensure the reporting is accurate and complete.

Documents may include:

- Funding Opportunity Announcement (FOA),
- PMP document and data reported in Annex A of the TPR,
- Pre-situational analyses,
- Project document and revisions,
- Project budget and revisions,
- Cooperative Agreement and project modifications,
- Risk and Stakeholder Registers/Management Plans,
- Sustainability and Exit Strategies,
- Technical Progress and Status Reports,
- Project Logic Models, Theories of Change and Monitoring Plans,
- Work plans,
- Correspondence related to Technical Progress Reports,
- Management Procedures and Guidelines,
- Research, reports, or materials produced,
- Labor reform-related regulations and unions' resolutions (e.g., VGCL resolution 2), and,
- Other project files as appropriate.

2. EVALUATION MATRIX

Before beginning fieldwork, the lead evaluator will create a question matrix, which outlines the source of data from where the evaluation team plans to collect information for each TOR question. This will help the evaluation team make decisions as to how they are going to allocate their time in the field. It will also help the evaluation team to ensure that they are exploring all possible avenues for data triangulation and to clearly note where their evaluation results are coming from. The Contractor will share the evaluation matrix with USDOL and the ILO project team.

3. INTERVIEWS WITH STAKEHOLDERS

The evaluation team will conduct approximately XX KII/FGDs over 10 days with project stakeholders in Vietnam or remotely by video or phone calls, as appropriate. The evaluation team will attempt to interview an equal distribution of male and female respondents and will assess the number of male and females as the interviews are being conducted, to may make specific requests for more gender equality, as needed. 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.

4. FIELD VISITS

The local evaluator will visit a selection of project sites. The final selection of field sites to be visited will be made by the evaluation team and the itinerary plan will be annexed to this TOR. Every effort should be made to include some sites where the project experienced successes and others that encountered challenges, as well as a good cross section of sites across targeted sectors. During the visits, the local evaluator will observe the activities and outputs developed by the project. Focus groups with project participants will be held, and interviews will be conducted as relevant.

5. SURVEYS

A survey (see Annex E) may be carried out to measure users' appreciation of the Labor Dispute Resolution (LDR) Pilot and target individuals who requested LDR support in MOLISA and/or DOLISA. Another survey (see Annex F) may be used to measure users' appreciation of the Electronic Case Management System (ECMS) Pilot.

6. QUANTITATIVE ANALYSIS OF SECONDARY DATA

Secondary data will consist of available monitoring data, and, where relevant, Labor Inspectorate application (ECMS) data. 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 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 result of project activities. The evaluation team will use project monitoring data and quantitative data collected during evaluation fieldwork (please see Appendix C for rapid scorecard template), triangulated with relevant qualitative data collected during interviews and FGDs, to develop summary achievement and sustainability ratings.

D. OUTCOME ACHIEVEMENT AND SUSTAINABILITY RATINGS

The lead evaluator should rate the level of achievement and potential for sustainability of each of the project's outcomes on a four-point scale (low, moderate, above-moderate, and high).

1. ACHIEVEMENT

“Achievement” measures the extent to which a development intervention or project attains its objectives/outcomes, as described in its performance monitoring plan (PMP).

For assessing the achievement of program or project outcomes, the evaluation team should consider the extent to which the objectives/outcomes were achieved and identify the major factors influencing the achievement or non-achievement of the objectives/outcomes. For interim evaluations, the evaluation team should also consider the likelihood of the objectives/outcomes being achieved by the end of the project if the critical assumptions hold, as well as the extent the project requires course corrections to bring it back on track.

Project achievement ratings should be determined through triangulation of qualitative and quantitative data. The evaluation team should collect qualitative data from key informant interviews and focus group discussions through a structured data collection process, such as a survey or rapid scorecard. Interviews and focus groups can also provide context for the results reflected in the Data Reporting Form submitted with the Technical Progress Report (TPR). The evaluation team should also analyze quantitative data collected by the project on key performance indicators defined in the Performance Monitoring Plan (PMP) and reported on in the TPR Data Reporting Form. The evaluation team should consider the reliability and validity of the performance indicators and the completeness and accuracy of the data collected. The assessment of quantitative data should consider the extent to which the project achieved its targets and whether these targets were sufficiently ambitious and achievable within the period evaluated.

The evaluation team should assess each of the project’s objective(s) and outcome(s) according to the following scale:

- High: met or exceeded most targets for the period evaluated, with mostly positive feedback from key stakeholders and participants
- Above moderate: met or exceeded most targets for the period evaluated, but with mostly neutral or negative feedback from key stakeholders and participants
- Moderate: missed most targets for the period evaluated, but with mostly positive feedback from key stakeholders and participants
- Low: missed most targets for the period evaluated, with mostly neutral or negative feedback from key stakeholders and participants

2. SUSTAINABILITY

“Sustainability” is concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn. When evaluating the sustainability of a project, it is useful to consider the likelihood that the benefits or effects of a particular output or outcome will continue after donor funding ends. It also important to consider the extent to which the project considers the actors, factors, and institutions that are likely to have the strongest influence over, capacity, and willingness to sustain the desired outcomes and impacts. Indicators of sustainability could include agreements/linkages with local partners, stakeholder engagement in project sustainability planning, and successful handover of project activities or key outputs to local partners before project end, among others.

The project’s Sustainability Plan (including the associated indicators) and TPRs (including the attachments) are key (but not the only) sources for determining its rating.

The evaluation team should assess each of the project’s objective(s) and outcome(s) according to the following scale:

- High: strong likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are in place to ensure sustainability
- Above moderate: above average likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are identified but not yet committed
- Moderate: some likelihood that the benefits of project activities will continue after donor funding is withdrawn and some of the necessary resources are identified
- Low: weak likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are not identified.

In determining the rating above, the evaluation team should also consider the extent to which sustainability risks were adequately identified and mitigated through the project's risk management and stakeholder engagement activities.

E. ETHICAL CONSIDERATIONS AND CONFIDENTIALITY

The evaluation team will observe utmost confidentiality related to sensitive information and feedback elicited during the KIs 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 KIs. However, when necessary, ILO staff may accompany the evaluation team to make introductions, facilitate the evaluation process, make respondents feel comfortable, and allow the local 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 KIs 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.

F. STAKEHOLDER MEETING

Following the field visits, a remote stakeholder meeting will be organized by the project and led by the lead evaluator to bring together a wide range of stakeholders, including the implementing partners and other interested parties to discuss the evaluation results. The list of participants to be invited will be drafted prior to the evaluation team's visit and confirmed in consultation with project staff during fieldwork. ILAB staff may participate in the stakeholder meeting virtually.

The meeting will be used to present the major preliminary results and emerging issues, solicit recommendations, discuss project sustainability, and obtain clarification or additional

information from stakeholders, including those not interviewed earlier. The agenda of the meeting will be determined by the evaluation team in consultation with project staff. Some specific questions for stakeholders may be prepared to guide the discussion and possibly a brief written feedback form.

The agenda is expected to include some of the following items:

- Presentation by the evaluation team of the preliminary main results
- Feedback and questions from stakeholders on the results
- Opportunity for implementing partners not met to present their views on progress and challenges in their locality
- If appropriate, Possible Strengths, Weaknesses, Opportunities and Threats (SWOT) exercise on the project's performance
- Discussion of recommendations to improve the implementation and ensure sustainability. Consideration will be given to the value of distributing a feedback form for participants to nominate their "action priorities" for the remainder of the project.

A debrief call with USDOL will be held by the evaluation team after the stakeholder workshop to provide USDOL with preliminary results and solicit feedback as needed.

G. LIMITATIONS

Fieldwork for the evaluation will last two weeks, on average, and the evaluation team will not have enough time to visit all project sites. As a result, the evaluation team will not be able to take all sites into consideration when formulating their results. All efforts will be made to ensure that the local evaluator is visiting a representative sample of sites, including some that have performed well and some that have experienced challenges.

This is not a formal impact assessment. Results for the evaluation will be based on information collected from background documents and in interviews with stakeholders, project staff, and project participants. The accuracy of the evaluation results will be determined by the integrity of information provided to the evaluation team from these sources.

Furthermore, the ability of the evaluation team to determine efficiency will be limited by the amount of financial data available. A cost-efficiency analysis is not included because it would require impact data which is not available.

H. ROLES AND RESPONSIBILITIES

The Contractor is responsible for accomplishing the following items:

- Providing all evaluation management and logistical support for evaluation deliverables within the timelines specified in the contract and TOR
- Providing all logistical support for travel associated with the evaluation
- Providing quality control over all deliverables submitted to ILAB
- Ensuring the Evaluation Team conducts the evaluation according to the TOR

The Evaluation Team will conduct the evaluation according to the TOR. The Evaluation Team is responsible for accomplishing the following items:

- Receiving and responding to or incorporating input from the grantees and ILAB on the initial TOR draft
- Finalizing and submitting the TOR and sharing concurrently with the grantees and ILAB

- Reviewing project background documents
- Reviewing the evaluation questions and refining them as necessary
- Developing and implementing an evaluation methodology, including document review, KIIs and FGDs, and secondary data analysis, to answer the evaluation questions
- Conducting planning meetings or calls, including developing a field itinerary, as necessary, with ILAB and the grantee
- Deciding the composition of field visit KII and FGD participants to ensure the objectivity of the evaluation
- Developing an evaluation question matrix for ILAB
- Presenting preliminary results verbally to project field staff and other stakeholders as determined in consultation with ILAB and the grantee
- Preparing an initial draft of the evaluation report for ILAB and grantee review
- Incorporating comments from ILAB and the grantee/other stakeholders into the final report, as appropriate
- Developing a comment matrix addressing the disposition of all the comments provided
- Preparing and submitting the final report

ILAB is responsible for the following items:

- Launching the contract
- Reviewing the TOR, providing input to the evaluation team as necessary, and agreeing on final draft
- Providing project background documents to the evaluation team, in collaboration with the grantee
- Obtaining country clearance from U.S. Embassy in fieldwork country
- Briefing grantees on the upcoming field visit and working with them to coordinate and prepare for the visit
- Reviewing and providing comments on the draft evaluation report
- Approving the final draft of the evaluation report
- Participating in the pre- and post-trip debriefing and interviews
- Including the ILAB evaluation contracting officer's representative on all communication with the evaluation team

The grantee is responsible for the following items:

- Reviewing the TOR, providing input to the evaluation team as necessary, and agreeing on the final draft
- Providing project background materials to the evaluation team, in collaboration with ILAB
- Preparing a list of recommended interviewees with feedback on the draft TOR
- Participating in planning meetings or calls, including developing a field itinerary, as necessary, with ILAB and evaluation team

- Scheduling meetings during the field visit and coordinating all logistical arrangements
- Helping the evaluation team 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 stakeholder debriefing meeting
- Providing in-country ground transportation to meetings and interviews
- Including the ILAB program office on all written communication with the evaluation team

5. EXPECTED OUTPUTS/DELIVERABLES

Ten working days following the evaluation team's finalization of fieldwork, a first draft evaluation report will be submitted by the Contractor. The report will have the following structure and content:

1. Table of Contents
2. List of Acronyms
3. Executive Summary (no more than five pages providing an overview of the evaluation, summary of main results/lessons learned/emerging good practices, and key recommendations)
4. Evaluation Objectives
5. Project Description
6. Listing of Evaluation Questions
7. Results
 - a. The results section includes the facts, analysis, and supporting evidence. The results section of the evaluation report should address the evaluation questions. It does not have to be in a question-response format but should be responsive to each evaluation question.
8. Conclusions and Recommendations
 - a. Conclusions – interpretation of the facts, including criteria for judgments
 - b. Lessons Learned and Emerging Good Practices
 - c. Key Recommendations - critical for successfully meeting project objectives and/or judgments on what changes need to be made for sustainability or future programming
9. Annexes –
 - a. List of documents reviewed
 - b. Interviews (including list of stakeholder groups; without PII in web version)/meetings/site visits
 - c. Stakeholder workshop agenda and participants
 - d. TOR, Evaluation Methodology and Limitations
 - e. Summary of Recommendations (citing page numbers for evidence in the body of the report, listing out the supporting evidence for each recommendation, and identifying party that the recommendation is directed toward).

The key recommendations must be action-oriented and implementable. The recommendations should be clearly linked to results and directed to a specific party to be implemented. It is preferable for the report to contain no more than 10 recommendations, but other suggestions may be incorporated in the report in other ways.

The total length of the report should be approximately 30 pages for the main report, excluding the executive summary and annexes. The first draft of the report will be circulated to OTLA and the grantee individually for their review. The lead evaluator will incorporate comments from OTLA and the grantee/other key stakeholders into the final reports as appropriate, and the lead evaluator will provide a response, in the form of a comment matrix, as to why any comments might not have been incorporated.

While the substantive content of the results, conclusions, and recommendations of the report shall be determined by the lead evaluator, the report is subject to final approval by ILAB/OTLA in terms of whether or not the report meets the conditions of the TOR.

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.

ANNEX E. OUTPUT ACHIEVEMENT

<p>From your perspective³¹, rate how effectively (e.g., moving project toward its intended results) the project has been regarding each of its specific outputs:</p>	
Project Output 1 = Low, 2 = Moderate, 3 = Above Moderate, 4 = High	SCORE
Output 1.1 Communication activities that raise awareness on ILO FPRW in relation to industrial relation and labor law reform.	2
Output 1.2 Draft of the revised Labor Code that is submitted to the National Assembly, more compatible with ILO FPRW, and is prepared in close consultation with social partners and other stakeholders.	4 (completed)
Output 1.3: Revised final Labor Code that is submitted to the National Assembly for consideration and adoption after review and modification based on NA delegates' comments.	4 (completed)
Output 1.4: Finalized implementation decrees and plan for implementation of the revised Labor Code.	3
Output 1.5 Information sessions for tripartite partners at provincial levels to inform participants of changes in the revised Labor Code relating to non-IR issues.	4 (completed)
Output 2.1.: Tripartite coordination mechanisms at national and local levels.	4 (completed)
Output 2.2: List of annual IR policy priorities and national IR comprehensive master plan for 2020-2030, which are developed through tripartite consultation at central and local level.	4 (completed)
Output 2.3: Improved regulations for collective bargaining and social dialogue.	2
Output 2.4: Guidelines for promoting collective bargaining and social dialogue.	4 (completed)
Output 2.5: Plan for effective labor dispute settlement developed and adopted.	2

³¹ 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.

Output 2.6: Registration of WROs is enforced and accelerated through appropriate trainings and engagement of related stakeholders.	2
Output 3.1: Gender responsive strategic plans for strengthening labor inspection system at both national and provincial levels to address compliance challenges with regard to IR areas.	4 (completed)
Output 3.2: Updated national training program on IR for labor inspectors.	3
Output 3.3: Revised tools for strengthening labor inspection revised, which are piloted at national and provincial levels.	3
Output 3.4: Labor inspection campaigns to raise awareness on industrial relations among enterprises in target provinces.	4 (completed)
Output 3.5: Labor inspection case management system with sex-disaggregated data, which is piloted at central and local levels.	3
Output 3.6. Labor inspection case management system piloted at central and local levels.	3
Output 3.7. Outreach campaign to improve and promote the self-assessment system.	4 (completed)
Output 3.8. Labor inspection case management system updated and scaled up.	2