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# INTERIM EVALUATION

## WORKERS' RIGHTS CENTERS FOR THE GREATER PROTECTION OF LABOR RIGHTS IN COLOMBIA

July 2022

**Grantee:** Escuela Nacional Sindical (ENS)

**Project Duration:** October 2019- September 2023

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**Evaluators:** Rafael Munoz-Sevilla (lead) & William Prieto

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This report describes the interim evaluation of the ‘Workers’ Rights Centers for the Greater Protection of Labor Rights’ project in Colombia. Fieldwork for this evaluation was conducted during March 2022. 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 parties involved for their support and valuable contributions.

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## LIST OF ACRONYMS

CAM-E	Complexity Aware Monitoring & Evaluation
CSO	Civil Society Organization
CTC	Confederación de Trabajadores de Colombia
CUT	Central Unitaria de Trabajadores
ENS	Escuela Nacional Sindical
ET	Evaluation Team
FGD	Focus Group Discussion
FOA	Funding Opportunity Announcement
ILO	International Labour Organization
KII	Key informant interview
LOP	Life of Project
LAP	US-Colombia Labor Action Plan
LEC	Labor Law Enforcement Center
LTO	Long Term Outcome
M&E	Monitoring and Evaluation
MOL	Ministry of Labor
MTO	Medium-Term Outcome
OTLA	Office of Trade and Labor Affairs
PMP	Performance Monitoring Plan
RF	Results Framework
STO	Short-Term Outcome
ToC	Theory of Change
TOR	Terms of Reference
TPR	Technical Progress Report
USDOL	U.S Department of Labor

## EXECUTIVE SUMMARY

### BACKGROUND AND PROJECT DESCRIPTION<sup>1</sup>

The Colombian Action Plan Related to Labor Rights (Labor Action Plan [LAP]), signed between the United States and Colombia in 2011, identified five priority sectors for improved labor law enforcement: palm oil, sugar, mining, ports, and cut flowers. Workers in these sectors are reported to experience a range of labor rights violations related to informality, anti-union practices, and occupational safety and health issues, among others. Labor leaders and trade unionists in these and other sectors have also experienced threats and violent crimes related to their union activity, which affect their ability to exercise their rights to freedom of association and collective bargaining. Colombia remains one of the most dangerous countries in the world for trade unionists, and workers in agriculture (for example in palm oil) and mining are reported to experience high rates of this violence.

Workers in these sectors suffer high levels of informality, union discrimination, and occupational accidents and illnesses, despite the efforts of the US-Colombia LAP to prioritize special attention on these issues. For organized workers and trade union leaders from these sectors, exercising their most basic rights to unionize and negotiate collective bargaining agreements has sometimes led to violent persecution.

After two previous phases of the ‘Workers’ Rights Centers for the Greater Protection of Labor Rights in Colombia’ project, Escuela Nacional Sindical (ENS) competed for and was awarded a third cooperative agreement from the United States Department of Labor (USDOL) Office of Trade and Labor Affairs (OTLA) to implement Phase 3, which began in October 2019 and is scheduled to end in September 2023.

ENS’ project-level objective is the ‘Improved ability of workers in priority sectors, as established in the Colombian Action Plan Related to Labor Rights (palm oil, sugar, mining, ports, and cut-flowers), to understand and exercise their labor rights,’ which contributes to the goal of improved compliance with Colombia’s labor laws and relevant standards.

The strategy for achieving the project objective includes creating worker-driven labor law enforcement centers (LEC) that attract and serve workers in all the identified sectors. The LECs seek to effectively reach workers with little or no access to labor authorities, supporting them in conducting research for cases; educating them on their rights as workers; training workers to identify potential labor law violations in workplaces; providing legal services; and assisting workers to submit and track well-supported, well-articulated, justiciable claims for initiating labor inspections and pursuing legal remedies.

Furthermore, the LECs and LEC professionals offer psycho-social services to workers who have suffered workplace discrimination or workers who have suffered work-related accidents or illnesses. Empowering workers through the LECs is expected to improve their capacity to organize collectively and protect their labor rights and relevant standards.

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<sup>1</sup> Adapted from the ENS LEC Draft Project Document.

## KEY EVALUATION RESULTS

**RELEVANCE AND VALIDITY:** The main assumption underlying the project's theory of change (ToC), strategy and long-term outcomes (LTO) was that improving the ability of workers in priority sectors of Colombia to understand and exercise their labor rights, by submitting complaints, would, in the long term, promote improved compliance with Colombia's labor laws and relevant labor standards (project objective). However, according to several key stakeholders, the ToC/project design was too narrowly defined and did not address some important results that would be necessary for achieving the project objective. In other words, successful achievement of the project objective is dependent on additional changes that would need to occur in the implementing environment, such as the improved enforcement of labor laws and other legal instruments by the Government, and the adoption of employers' best practices to protect workers' rights. Nevertheless, as underscored in the Funding Opportunity Announcement (FOA), such changes fall outside the scope of this project. Moreover, USDOL did not expect that the project would implement any activities designed to effect such changes as part of the current cooperative agreement.

The project's aim of establishing LECs that are located close to the targeted workers and undertaking mobile outreach (through "mobile lawyers," also known as "legal caravans") in the five priority sectors has proven to be relevant and successful in providing these workers with easily accessible information, counseling and legal advice. Moreover, the project is proving to be very relevant in responding to the needs of workers and workers' organizations with regard to understanding and exercising their labor rights in the different contexts, territories and mentioned sectors. The project was further found to be especially relevant in the context of COVID-19.

The evaluation team (ET) also confirmed that the project addressed all relevant groups of stakeholders initially identified in its design (workers, trade unions, civil society organizations [CSO]) in all targeted geographical areas and sectors. However, while this is considered relevant and necessary, there is widespread agreement among informants about the need for ENS to conduct additional engagement with both the Ministry of Labor and the employers in the prioritized sectors, and to encourage alternative dispute resolution to mitigate labor-related conflicts between employers and workers through the promotion/creation of social dialogue spaces in order to further encourage improved compliance with Colombia's labor laws and relevant standards. In this regard, several key stakeholders opined that the ToC could be strengthened by incorporating such additional results/outcomes in order to achieve necessary changes that are required to be able to achieve the project objective.

**COHERENCE:** There is consensus among key stakeholders who were consulted by the ET that the ENS' dual role as project implementer and labor think tank has facilitated coherence in project implementation, and that it has been an advantage for the project's credibility with its stakeholders. However, some of the interviewed representatives from USDOL believed that ENS should improve the management of the above-mentioned dual role. For example, this could include improving communication about which actions can be attributed to ENS generally and which specifically stem from the current project.

**EFFECTIVENESS:** Overall, the project is proving to be very effective in achieving the four expected LTOs. The establishment of LECs that are accessible to workers, and an increasing public awareness about the existence of such LECs and the services they provide, have resulted in increased worker referrals in the priority sectors to the ENS' LECs, for information and counseling, training, legal services, and psychosocial assistance. Through training (and legal assistance) the

LECs helped workers gain an improved understanding of the scope and applicability of relevant labor laws and standards. Moreover, the LECs contributed to increasing the capacities of ENS staff, unions and workers' skills to better assess workplaces for potential violations of such labor laws and standards. In addition, the project facilitated the training of ENS staff and unions/workers, with the objective of providing them with an improved understanding of the procedural and documentation requirements of legal action, as well as the necessary skills to document labor law violations. This, along with the legal assistance provided by the LEC, resulted in unions/workers submitting 4,096 legal claims to pursue legal remedies for alleged violations of applicable labor law.

Finally, the LECs managed to effectively track the progress of claims. To this end, the project implemented a computer software (LegisOffice) that collects relevant information about the LEC users (disaggregated by sex, sector, location of work, union affiliation, etc.) and tracks all the services provided to such users by the different LECs. LegisOffice also includes tools to monitor the follow-up of complaints, which in turn helps LEC/ENS staff and workers/unions to increase their ability to track the progress of such claims. However – while the project increased workers' awareness of, and access to, the services offered by the LECs, improved their knowledge/understanding/awareness of how to identify possible violations and how to submit claims, and provided access for workers to improved tools and knowledge that enables tracking progress of their claims – the ET was unable to identify conclusive evidence that this was currently resulting in significant tangible benefits for workers (i.e., increasing or improving government enforcement of labor law, workers' ability to better exercise their rights, better wages, better working conditions, etc.).

**EFFICIENCY:** The achievement of the project's long-term objective will require multi-faceted strategies and interventions, including systemic changes that demand long-term processes and implementation schedules. Thus, improved compliance with Colombia's labor laws and relevant standards should be understood as a strategic longer-term goal that involves a substantial dedication of time and resources (both technical and financial) and more importantly, strong leadership towards creating an enabling environment that is conducive to labor law enforcement (by the Government of Colombia) and compliance (by employers).

Grantees should develop robust monitoring, evaluation and learning management systems in order to better capture impact on the long-term outcomes for workers and workers' organizations in specific sectors or supply chains, as well as on results for underserved or specific marginalized groups. The current project has collected an immense wealth of data, experiences, learning, etc. that is underused. Systematically collecting, storing, organizing, analyzing, and systematizing such information could potentially indeed allow the project/ENS to better identify long-term outcomes/impacts for workers and workers' organizations. In addition, it would contribute to obtaining relevant, disaggregated or differentiated information by sector and specific population groups. While the project did not identify impact indicators and baseline values at the outset, during the remaining implementation time USDOL and the project/ENS should be able to agree on the specific relevant elements related to learning about the project's impact, and on the best approach to analyze and disaggregate existing or easily generated data/information.

An audit report was prepared<sup>2</sup> for the period of December 26, 2016, through September 30, 2020 (please refer to the Efficiency section in the body of the report for more details). In connection to efficiency (time, resources, and budget), the shortcomings that were highlighted by the audit report (for example those related to procedures or internal controls for tracking finances) generated some doubts for the ET about the level of efficiency of the project's operations, in other words, whether the project has been making the best use of the funds and whether it can be reasonably expected to achieve the outcomes within the remaining budget.

**IMPACT:** Realistic objectives and timelines also need to be established in the design stage, as well as adequate strategies and relevant indicators to measure the achievement of the planned results. In addition to a sound problem identification and project design, project implementation and monitoring processes should be guided by the principles of Complexity Aware Monitoring & Evaluation (CAM-E). It is necessary to move management models away from focusing on inputs, activities, and processes, towards the development and use of management models that focus on outputs and outcomes that are a direct effect of the intervention: the results. In addition, monitoring should not be limited only to writing the mandatory reports required by ILAB, but instead monitoring must be designed and applied to create feedback loops and meet the information needs of the project and the project's stakeholders. A good monitoring system assists with identifying problems, as they occur, and allows for taking quick corrective actions when required and monitoring outcomes and changes for (early) identification of what is working, for whom and why so that it can be capitalized on/reinforced.

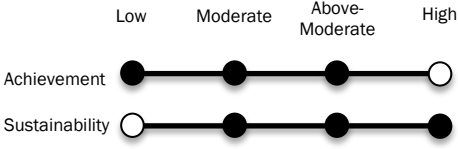
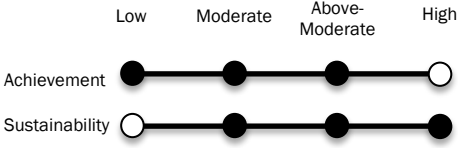
**SUSTAINABILITY:** The current project management has begun to conceptualize the project's sustainability. However, as interviewees confirmed, there is currently no concrete exit strategy to ensure the sustainability of the project's results and the continuation of key project outputs. The ET has also examined the main sustainability prospects for the key project interventions that have been implemented so far. With regard to **LTO 1**, the operation of the LECs will largely depend on ENS' capacity for fundraising to secure a replacement of the resources required for their sustained operation. Regarding **LTO 2**, workers and union representatives who were interviewed expressed confidence that, thanks to the services provided by the LECs, they will have sustained capacity to identify potential labor law violations in workplaces. However, they also agreed that without further training, such capacity would not be reinforced. Regarding **LTO 3**, most stakeholders agreed on the fact that continued support from the LECs is required to ensure that workers and grassroots labor organizations can continue to submit well-supported, well-articulated, justiciable claims, as this needs a high degree of expertise and knowledge of the law. Currently, in the project's targeted areas, such expertise and knowledge can only be obtained with the support of the LECs. In regard to **LTO 4**, many stakeholders who were interviewed by the ET opined that at the midterm point it is not likely for workers/unions to effectively track the progress of claims without the LEC support, as this is time-consuming and demands a certain degree of knowledge/expertise related to the administrative/judicial process involved in claims' progress and resolution.

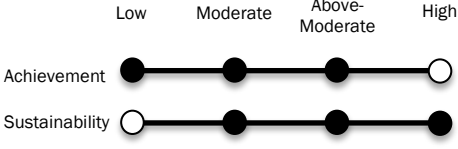
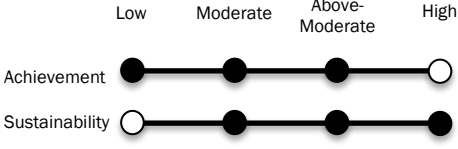
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<sup>2</sup> Williams, Adley and Company-DC, LLP (Williams Adley)



**Table 1. Performance Summary**

Performance Summary	Rating
<p><b>LTO 1: Increased referrals of workers in priority sectors to labor law enforcement centers (LECs) for information and legal services.</b></p>	
<p>Establishing LECs that are accessible to workers, as well as increasing public awareness on the existence of such LECs and the services they provide, have resulted in increased referrals of workers in the priority sectors to the ENS' LECs for information and counseling, training, legal services and psychosocial assistance. The project was able to provide services to 3,893 referred workers, as well as to 56 unions. The assistance provided by the LECs can be translated into a total of 14,785 actions with/to workers and unions; this represents approximately four actions per worker, which suggests that workers return to the LECs for additional services after their initial access to the LEC services. Through interviews with the ET, workers expressed their satisfaction with the LECs' capacity to meet their expectations. Some workers/unionists also declared having referred other workers to the LECs.</p> <p>The operation of the LECs will largely depend on ENS' fundraising capacity to secure a replacement of the resources required for their sustained operation.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', a solid black dot is at 'High' and an open white dot is at 'Low'. For 'Sustainability', a solid black dot is at 'Moderate' and an open white dot is at 'Low'.</p>
<p><b>LTO 2: Workers accurately identify potential labor law violations in workplaces.</b></p>	
<p>Through training (and legal assistance), the LECs helped workers gain an improved understanding of the scope and applicability of relevant labor laws and standards. Moreover, the LECs contributed to increasing the capacities of ENS staff, unions, and workers to better assess workplaces for potential violations of such labor laws and standards. However, the ET was unable to identify conclusive evidence about the extent to which this has improved the working or living conditions of the targeted workers.</p> <p>Workers and union representatives who were interviewed expressed confidence that, thanks to the services provided by the LECs, they will have sustained capacity to identify potential labor law violations in workplaces. However, they also agreed that without further training such capacity would not be reinforced.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', a solid black dot is at 'High' and an open white dot is at 'Low'. For 'Sustainability', a solid black dot is at 'Moderate' and an open white dot is at 'Low'.</p>

Performance Summary	Rating
<p><b>LTO 3: Labor law enforcement centers and/or workers and activists from the LECs and grassroots labor organizations submit well supported, well articulated, justiciable claims to initiate inspections and pursue legal remedies.</b></p>	
<p>The project facilitated the training of ENS staff and unions/workers with the objective to improve their understanding of the procedural and documentation requirements for legal action, as well as the necessary skills to document labor law violations. Along with the legal assistance provided by the LECs, this resulted in unions/workers submitting 4,096 legal claims to pursue legal remedies for alleged violations of applicable labor law. However, at the time this interim evaluation was conducted, it was yet unknown whether and how workers were benefiting from the claim submissions or whether or how this had tangibly improved the situations of these workers.</p> <p>Most stakeholders agreed on the fact that continued support from the LECs is required in order to ensure that workers and grassroots labor organizations can continue to submit well-supported, well-articulated, justiciable claims, as this needs a high degree of expertise and knowledge of the law. Currently, in the project’s targeted areas, such expertise and knowledge can only be obtained with the support of the LECs.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', a solid black dot is at 'Above-Moderate' and an open white circle is at 'High'. For 'Sustainability', an open white circle is at 'Low' and a solid black dot is at 'Moderate'.</p>
<p><b>LTO 4: Labor law enforcement centers and/or workers effectively track the progress of claims to initiate inspections and pursue legal remedies.</b></p>	
<p>The LECs managed to effectively track the progress of claims. To this end, the project implemented a computer software (LegisOffice) that allows for collecting relevant information about the LEC users (disaggregated by sex, sector and location of work, union affiliation, etc.), and also allows for keeping track of all services provided to such users by the different LECs. LegisOffice includes tools to monitor the follow-up to the complaints, which in turn helps LEC/ENS staff and workers/unions to increase their ability to track the progress of such claims. Nevertheless, the ET was unable to identify evidence of any direct link between the increased ability to track the progress of workers’ claims and an improved labor law compliance/enforcement system.</p> <p>Many stakeholders who were interviewed by the ET opined that at the midterm point it is not likely for workers/unions to effectively track the progress of claims without LEC support, as this is time-consuming and demands a certain degree of knowledge/expertise related to the administrative/judicial process involved in the claims’ progress and resolution.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', a solid black dot is at 'Above-Moderate' and an open white circle is at 'High'. For 'Sustainability', an open white circle is at 'Low' and a solid black dot is at 'Moderate'.</p>

## LESSONS LEARNED

**Lesson Learned 1 - Improving compliance with labor legislation in Colombia requires long-term transformative processes and the participation of many actors.** Short-term projects that intend to improve compliance with labor laws and relevant standards by focusing only on the strengthening of workers' capacities are not likely to generate a significant systemic impact, since improved compliance requires long-term processes as well as the participation of workers, employers, and the Ministry of Labor. Ensuring full compliance in the five priority sectors would reasonably require more time than the limited project lifespan. It would also require systemic transformations at all levels in/related to the prioritized sectors and, crucially, further engagement by, and increased capacity of, the Ministry of Labor and relevant institutions to create an enabling environment that is conducive to the respect for labor law, regulations, and their enforcement. In addition, it would require promoting and strengthening constructive tripartite social dialogue and eventually collective bargaining processes at the local, regional, and national levels. This, in turn, requires the participation of strong unions and employers' organizations that are open to such dialogue, where serious challenges exist. Increased success in government-led dialogue would also be required. These factors should have been given greater weight in the project's design phase.

**Lesson Learned 2 - Untapped potential for social dialogue/dispute resolution at the local levels.** Although the project's theory of change largely focuses on the demand side for more/better labor law enforcement, at the local level there may be significant untapped potential for bipartite/tripartite social dialogue and, eventually, collective labor agreements (at enterprise level). This may be achieved by the project through reinforcing collaboration with the Ministry of Labor as well as by engaging employers who may be potentially interested in improving labor law compliance. Future projects could/should be designed to better address/encourage social dialogue as an essential mechanism to achieve systemic change in enforcement and compliance.

**Lesson Learned 3 - Identifying, understanding, and socializing patterns of labor law violations.** From the review and interviews with stakeholders, it is clear that labor rights violations are part of patterns that extend beyond individual cases. Identifying, understanding socializing, and discussing such patterns (e.g., through the systematization of emblematic cases carried out by the project) would help highlight the vast body of knowledge that has been constructed throughout the project implementation. In turn, this improved knowledge could be used to inform and further improve USDOL-ENS/project collaboration as well as to support better advocacy and lead to more results for workers in the priority sectors, based on the data and evidence which the project will continue to generate during the remainder of implementation.

**Lesson Learned 4 - Data collection and monitoring processes should be more utilization-focused,** in order to provide strategic information to improve decision-making in project implementation. Moreover, ideally, it could be used by the social partners to inform dialogue, help develop solutions/remedies, and increase transparency about working conditions/compliance. Additionally, more accurate and synthesized reporting should be encouraged as the current narratives in the Technical Progress Reports are too long, ill-structured, and often lack precise descriptions, thereby diluting the analysis of progress that is achieved at the different levels (long-term outcomes [LTO], medium-term outcomes [MTO], and short-term outcomes [STO]). This makes it difficult for the reader to quickly identify and comprehend the project achievements, challenges, risks and opportunities for improvement.

## PROMISING PRACTICES

**Promising Practice 1 – Partnerships with unions and CSOs were very effective in positioning the LECs in the targeted territories and attracting workers.** The partnerships established by the project with unions and CSOs (taking advantage of ENS’ reputation and contacts in the labor and social movement), combined with extensive communication campaigns (through local radio stations, social media, “perifoneo” which are loop recordings broadcasted by a moving vehicle, flyers, etc.) were found to be very effective in positioning the LECs in the territories and attracting workers (both unionized and non-unionized).

**Promising Practice 2 – Partnerships with universities for improved LEC services.** As the LECs are generally understaffed (they are usually managed by one or two staff plus one or two mobile lawyers), the support provided by these law school interns has been essential for the LECs’ ability to provide the requested services to workers and unions. In return, as repeatedly expressed to the ET, the interns gain invaluable hands-on experience with labor law.

**Promising Practice 3 – Contextualization of legal and other services through legal caravans and virtual/remote communication.** In some cases, for example the LECs in Valledupar and Puerto Wilches (which are located in rural and remote areas), mobile lawyers or “legal caravans” have been very effective not only in reaching out to workers, but also in providing counselling and legal assistance to workers/unions. Other LECs (Cartagena, Cali, and Villavicencio) have relied more on the use of virtual services and on advertising about their presence and services through alliances with trade unions.

**Promising Practice 4 – The training process responds to actual needs and builds trust with workers.** Different groups of stakeholders found that the training processes were very important for outreach to workers/unions and, at the same time, served to gain their trust. For example, the courses in occupational health developed by the LECs during the COVID-19 pandemic not only responded to an emerging need for LEC services, but they were also found to have been essential in generating credibility for the LECs among workers and unions, which in turn has prompted workers to seek additional services from the LECs, as confirmed in interviews.

**Promising Practice 5 – The use of virtual/remote tools by LECs to provide services for workers/unions and to expand the project coverage.** The project has also been very effective in increasing the use of virtual/remote tools by LECs to provide services for workers/unions. Moreover, increasing the use of such virtual tools has allowed the project to widen its coverage, both in terms of the number of workers reached/served and the territories covered (municipalities and departments).

**Promising Practice 6 – Counseling services resulted in the engagement of workers/unions in mediation processes with employers.** In some cases (Puerto Wilches, for example), counseling services provided by LECs to workers/unions have resulted in the engagement of workers/unions in mediation processes with employers, in an effort to solve conflicts related to alleged labor law violations in the workplace. As explained by the LEC staff, mediation has resulted in an agreement by both parties in 70% of the cases.

## CONCLUSIONS

The main assumption underlying the project’s theory of change, strategy and LTOs was that achieving the improved ability of workers in priority sectors of Colombia to understand and

exercise their labor rights by submitting complaints, would, in the long term, promote improved compliance with Colombia's labor laws and relevant labor standards (project objective). However, the ToC/project design was too narrowly defined and did not include important results and additional changes that would need to occur in the implementing environment in order to achieve the project objective. These are outside the scope of this project and the current cooperative agreement. Yet, many interviewees opined that ENS should make additional efforts to engage with both the Ministry of Labor and employers in the prioritized sectors, and to encourage alternative dispute resolution to mitigate labor-related conflicts between employers and workers through promoting/creating social dialogue spaces. In this regard, several key stakeholders opined that the ToC could be strengthened by incorporating such additional results/outcomes related to necessary changes that are required to achieve the project objective.

Despite a challenging and changing context, including some social unrest, recurring waves of the COVID-19 pandemic, and the high level of management staff turnover, the project was found to be sufficiently effective and demonstrated an ability to adjust to these circumstances in an effective manner by pivoting to provide more emergency-based services. In addition, the project's approach of using legal caravans and mobile lawyers, and the increasing use of technology for virtual trainings, has allowed the project to effectively reach out to a considerable number of workers and unions in the five target sectors and areas. As a result, a large number of workers/unions have strengthened their capacity to identify labor law violations, which has resulted in a considerable number of well-prepared legal complaints on such violations in the sectors, with the assistance of the LECs. This has in turn led to success in bringing such claims before the authorities, while generating in some cases other opportunities for workers/employers to engage in alternative dispute resolution and to solve these issues without lengthy administrative/judicial processes.

So far, project implementation has been largely conditioned by the COVID-19 pandemic. As the pandemic seems to be abating in Colombia, ENS may be in a better position to incorporate a more strategic (post-pandemic) focus by promoting a greater respect for national labor laws among employers; improving workers/unions' skills to negotiate with their employers; reinforcing advocacy and collaboration with the Ministry of Labor (MOL); strengthening the LECs' role in the creation of spaces for social dialogue in the territories/sectors; enhancing the project's capacity-building potential for workers and unions; further strengthening the research component to better connect existing and new knowledge to practical challenges and applications when protecting labor rights; and further mainstreaming a gender equity approach by enhancing (and expanding) current interventions that address violations of women worker's rights and/or that may contribute to discrimination and inequality for women at work.

The absence of a finalized and solid Project Document has affected, to some extent, the project's ability to develop a Logic Model and this has proven to be one reason that prevented the project's ability to provide up-to-date performance data. In addition, there were identified challenges with the systematization and analysis of the large amounts of collected data. To some extent, the effective monitoring ability of the project has been negatively affected by this: better data and knowledge management may potentially provide useful feedback that will benefit the project and lead to an improved and more adaptive project management approach. However, the ET has found that overall, based on the vast amount of data, documentation and information collected, the project has demonstrated effective project implementation. There is, however, room for improvement of the data collection, analysis, and feedback into the project to further inform the

project’s strategic vision and orientation and better target vulnerable populations, and thus improve its overall effectiveness.

The ET has identified some important lessons learned and several good practices. The report also includes a series of recommendations to improve the project’s strategic vision in order to further improve social impacts, project implementation and the measurement of results, and to contribute to improved sustainability for the remainder of the project life.

**KEY RECOMMENDATIONS**

**Table 2. General Recommendations - For USDOL ILAB**

Recommendations to USDOL/ILAB	Evidence	Page Numbers
<p><b>No.1. Avoid limiting the scope of projects in ways that constrain the project’s effectiveness/impact.</b> In the future, USDOL-ILAB should avoid issuing FOAs that limit the scope of projects in ways that constrain projects’ effectiveness/impact.</p>	<p>The ToC/project design was too narrow and did not include important results necessary to achieve the project objective. Successful achievement of the project objective is dependent on additional changes that need to occur in the implementing environment, such as improved government enforcement of labor laws and other legal instruments, and adoption by employers of best practices that protect workers’ rights. Nevertheless, these are, as underlined in the FOA, outside the scope of this project. Moreover, USDOL did not expect the project to implement activities designed to effect such changes as part of the current cooperative agreement.</p>	<p>Section 3.1. Relevance and Validity. EQ 1, Page 23</p>
<p><b>No. 2. Promote the development of integrated projects addressed to tripartite stakeholders</b> USDOL-ILAB should encourage the implementation of integrated projects addressed to tripartite stakeholders (e.g., government, employers, workers), or separate (but complementary) projects that strengthen tripartite linkages and capacities. Additionally, USDOL-ILAB should promote sustained linkages and ideally social dialogue and joint problem solving among workers and employers to influence government action, as well as employer-government and union-government linkages.</p>	<p>Projects that intend to improve compliance with labor laws and relevant standards by focusing only on strengthening workers’ capacities are not likely to generate a significant impact, since improved compliance requires the participation of worker organizations, employers and labor administration authorities.</p> <p>Future projects could/should be designed to better address/encourage social dialogue, as it is essential to achieving the systemic change in enforcement and compliance.</p>	<p>Lesson Learned 1. Page 50</p> <p>Lesson Learned 2. Page 51</p>

**Table 3. General Recommendations for USDOL ILAB and the Implementer**

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page Numbers
<p><b>No.3. Improve institutional data collection and knowledge management processes.</b> The project/ENS should prioritize the systematic collection, organization, and analysis of information and systematize the knowledge that has been generated so far. In addition, USDOL and the project/ENS should agree on the specific relevant elements associated with project-related learning as well as on the best approaches to improve analysis and disaggregation of existing or easily generated data, including information about results (outputs, outcomes) for workers and workers' organizations. These should be disaggregated by specific sector or supply chain and reflect results for underserved or specific marginalized groups.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>Overall, the project is proving to be very effective in achieving the four expected LTOs. However, the ET couldn't find conclusive evidence, at this point in the life of the project, of this resulting in significant tangible benefits for workers (i.e., increasing or improving government enforcement of labor law; workers' ability to better exercise their rights, better wages, better working conditions).</p> <p>The project is generating an immense wealth of data, experiences, learning, etc., but it is underused, and its processing and analysis need to be improved.</p>	<p>Section 3.3. Effectiveness. EQ 6. Page 30</p> <p>Section 3.4. Efficiency, EQ 11, page 46</p>

**Table 4. Specific Recommendations for ENS as Project Implementer**

Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.4. Preparation of updated performance reporting and improved Technical Progress Reports (TPRs).</b> The project should improve its use of TPRs, to make them better-structured, methodical, and analytical (clearly synthesizing the outcomes/results/impacts that have been achieved). In addition, the project should be submitting actual performance data vis-à-vis the plan and established indicators/targets in a spreadsheet/Data Tracking Table format. Moreover, the TPRs should follow a proper editorial review process to improve the quality of the English grammar.</p> <p><b>Priority: High (essential before the end of the project)</b></p>	<p>The project's TPRs are too long, ill-structured and they often lack precise descriptions, thereby diluting the analysis of progress that is achieved at the different levels (LTOs, MTOs, STOs). This makes it difficult for the reader to quickly identify and understand the project achievements, challenges, risks and the opportunities for improvement.</p> <p>While the project produces the required semi-annual TPRs in a timely manner, it has not yet been able to deliver the Data Tracking Tables (along with the respective TPRs).</p>	<p>Lesson Learned 4, page 51</p> <p>Section 3.4. Efficiency, EQ 11, page 46</p>

Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.5. A more effective use of the project’s research agenda.</b> The project should develop a research agenda that can be effectively used in connecting existing and new knowledge to practical challenges and applications when protecting labor rights in each sector/territory, but also at the national level.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>There is still room for improved conceptualization and for the development of a research agenda to better connect it to national/sectoral/territorial needs and challenges, so it can be more effectively used.</p>	<p>Section 3.3. Effectiveness, EQ 6, page 30</p>
<p><b>No.6. Reinforce the project’s training component.</b> The project management, along with ENS, should further reinforce the project’s training component for workers and unions. Therefore, the project’s current training approach should be reviewed, analyzing how it could better contribute to the project’s strategies and also better adapt to the different needs and contexts (target groups, sectors and territories), with a view to reinforce the project’s sustainability.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>Capacity building and training of workers/unions are key pillars of the project. Still, this component has mainly served so far as a support to awareness rising and advocacy processes.</p>	<p>Section 3.3. Effectiveness, EQ 6, page 30</p>
<p><b>No.7. Include specific and targeted actions for protecting the rights of women workers.</b> The project should further mainstream a gender equity approach by enhancing (and expanding) current interventions that promote gender equality and the empowerment of women, and equity in order to strengthen respect for the rights of all workers, including men and women.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>Many stakeholders informed the ET that women workers in the targeted sector are even more vulnerable to violations of their labor rights than men.</p> <p>There is also room for improvement in terms of gender mainstreaming and equity. So far, on average, only 19% of the LEC users are women.</p>	<p>Section 3.3. Effectiveness. EQ 6. Page 30</p> <p>Section 3.1. Relevance. EQ 4. Page 26</p>
<p><b>No. 8. Develop a protocol for addressing the risk of retaliation to workers.</b> During the remaining time of implementation, the project should develop a protocol for addressing the risk of retaliation to workers/project beneficiaries/LEC users, as originally planned in the project design.</p> <p><b>Priority: High (essential before the end of the project)</b></p>	<p>As explained by project staff, while violence continues to affect certain project areas, this has implied risks for the project staff. Such risks were mitigated by security protocols established by the project. Also, they explained that the project is currently developing a “risk mapping” and a response plan (for project staff). However, the project has yet to develop a protocol for addressing the risk of retaliation to workers/project beneficiaries/LEC users, as was planned in the project design.</p>	<p>Section 3.3. Effectiveness. EQ 9, page 42</p>



Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.9. Develop a sustainability strategy and Exit Plan.</b> The project must develop a systematic and detailed Sustainability Plan. Such plan should take in account the results achieved thus far, as well as the expected challenges and the updated status of the “enabling environment” in Colombia. This includes the institutional capacities, available resources, and political commitment of key stakeholders, as well as an analysis of those results that are not highly valued by local stakeholders or that have a low likelihood of being sustained and that should not be prioritized for sustainability efforts. The sustainability plan should also clearly identify any changes that may have occurred in the project’s underlying assumptions, risks, and mitigation strategies. The plan should describe what is expected to be sustained beyond the project and by whom, with a well-defined timeline of activities toward this end. Also important in this regard is the development of a clear exit strategy, which identifies the gradual transfer of responsibilities from the project to national and local institutions or networks.</p> <p><b>Priority: High (essential before the end of the project)</b></p>	<p>As explained to the ET by project staff, the project management has started to make some efforts to conceptualize the project’s sustainability. However, as interviewees confirmed, there currently is no concrete exit strategy in place, aimed to ensure the sustainability of the project’s results and key project outputs.</p>	<p>Section 3.6. Sustainability. EQ 14. Page 49</p>

**Table 5. Specific Recommendations for ENS’ Development as an Institution**

Recommendations to the Implementer	Evidence	Page numbers
<p><b>No.10. Strengthen its partnerships with the MOL.</b> The ENS should continue deepening and expanding partnerships with the Ministry of Labor, especially at the departmental and local levels in order to promote labor rights for workers in the five prioritized sectors.</p> <p><b>Priority: Medium (independent of the project)</b></p>	<p>Successful achievement of the project objective is dependent on additional changes that need to occur in the implementing environment: government enforcement of labor laws and other legal instruments, and adoption by employers of best practices that protect workers’ rights.</p> <p>Projects that intend to improve compliance with labor laws and relevant standards by focusing only on strengthening workers’ capacities are not likely to generate a significant impact, since improved compliance requires long-term processes as well as the participation of workers, employers and the Ministry of Labor.</p>	<p>Section 3.1. Relevance, EQ 1, page 23</p> <p>Lesson Learned 1. Page 50</p>

Recommendations to the Implementer	Evidence	Page numbers
<p><b>No.11. Initiate a dialogue with employers and explore possibilities for their inclusion in the joint activities/exchanges.</b> ENS should initiate a dialogue (<u>where and when appropriate</u>) with relevant/selected employers/companies in order to explore potential options for them to adopt best practices that protect workers' rights. ENS may consider reaching employers by promoting awareness about the labor law and relevant regulations; by training employers in occupational safety and health-related aspects and guidelines; or by sponsoring local-level, bi-partite (unions and employers) initiatives and processes that can encourage the initiation and/or reinforcement of social dialogue and collective labor agreements (where appropriate).</p> <p><b>Priority: Medium (independent of the project)</b></p>	<p>Successful achievement of the project objective is dependent on additional changes that need to occur in the implementing environment: government enforcement of labor laws and other legal instruments, and adoption by employers of best practices that protect workers' rights.</p> <p>Projects that intend to improve compliance with labor laws and relevant standards by focusing only in strengthening workers' capacities are not likely to generate a significant impact, since improved compliance requires long-term processes as well as the participation of workers, employers and the Ministry of Labor.</p>	<p>Section 3.1. Relevance, EQ 1, page 23</p> <p>Lesson Learned 1. Page 50</p>
<p><b>No.12. Encourage alternative dispute resolution to mitigate labor-related conflicts between employers and workers.</b> It is recommended that ENS considers taking more decisive steps towards strengthened measures that are geared towards the prevention of labor law violations and alternative dispute resolution. For example, this may be done by supporting social dialogue spaces and promoting the usage of mediation/arbitration process (at the local/company level) among workers and employers.</p> <p><b>Priority: Medium (independent of the project)</b></p>	<p>There is consensus among the stakeholders who were interviewed that the principal factor that has negatively affected the overall effectiveness of the project so far has been the weak institutional capacity, of the Ministry of Labor, as well as the Justice system, and their respective inability to effectively and timely resolve the legal actions that are brought forward by workers/trade unions.</p> <p>Although the project's theory of change largely focuses on the demand side for more/better labor law enforcement, at local levels there may be significant untapped potential for bipartite/tripartite social dialogue.</p>	<p>Section 3.3. Effectiveness. EQ 8. Page 42</p> <p>Lesson Learned 2. Page 51</p>

## 1. PROJECT CONTEXT AND DESCRIPTION

### 1.1. PROJECT CONTEXT<sup>3</sup>

Workers in the five priority sectors (palm oil, sugar, mining, ports, and cut flowers) identified by the Colombian Action Plan Related to Labor Rights (Labor Action Plan) have often been denied their basic labor rights or they have faced serious challenges while exercising such rights and, in some cases, while exercising their basic civil rights associated with democracy and societal participation. There are reports that the government of Colombia does not adequately protect labor rights and does not adequately enforce labor law standards and policy, leading to poor worker livelihoods, illegal labor outsourcing, and workplace accidents and illnesses.

Over two-thirds of the working population, approximately 13 million people, works informally, without access to basic social protections including health, retirement pensions, and workplace accident and sickness insurance policies. In Colombia's rural sector, labor informality was 87% of the total workforce in 2018. The high number of unemployed (more than 2.5 million workers for 2018) and informal workers in Colombia exacerbate worker insecurity and precariousness, in terms of the additional risks to their social income<sup>4</sup> and general life opportunities such as access to, and possession and control of resources.<sup>5</sup> In export-dependent industries, such as in the five priority sectors, these relations, often grounded in labor violations, act as a form of social dumping, affecting competing industries in trading partner countries.

Workers in these sectors suffer high levels of informality, labor outsourcing, union discrimination, and occupational accidents and illnesses despite efforts of the US-Colombia Labor Action Plan (LAP)<sup>6</sup> to prioritize special attention on these issues. For organized workers and trade union leaders from these sectors, exercising their most basic rights to unionize and negotiate collective bargaining agreements has often led to violent persecution. Unionists in Colombia have suffered more violence than unionists in any other country,<sup>7</sup> and only surpassed by teachers, Colombian agricultural and mining workers have faced the most violent anti-union actions.<sup>8</sup>

Some studies show the individual and collective trauma that palm oil workers in the Magdalena Medio region, for example, have suffered for decades.<sup>9</sup> Cut-flower workers, especially in the plains of Bogotá, have faced systematic gender and racial discrimination even as they toil to ensure the continuous growth of Colombia's cut-flower industry,<sup>10</sup> and in the province of Valle del Cauca and

<sup>3</sup> Adapted from the ENS LECs Draft Project Document, Problem Analysis.

<sup>4</sup> Standing, Guy, Jeemol Unni, Renana Jhabvala & Uma Rani. 2010. *Social Income and Insecurity: A Study in Gujarat*. New Delhi/ UK: Routledge.

<sup>5</sup> Antón, Antonio (2016). *Una desigualdad intolerable*. Jornadas de Pensamiento Crítico, 5 & 6 December 2015. Madrid: Pensamiento Crítico: March.

<sup>6</sup> The Labor Action Plan signed by then presidents, Obama and Santos, on 11 April 2011.

<sup>7</sup> Escuela Nacional Sindical (ENS). *Sistema de Información en Derechos Humanos (Sinderh)*.

<sup>8</sup> Comisión Colombiana de Juristas (CCJ) & Escuela Nacional Sindical (ENS), 2012. *Imperceptiblemente nos encerraron. Exclusión del sindicalismo y lógicas de la violencia antisindical en Colombia, 1979-2010*. CCJ/ENS.

<sup>9</sup> Centro Nacional de Memoria Histórica. 2019. *Y La Vida Por Fin Daremos Todo: Memorias de las y los trabajadores y extrabajadores de la agroindustria de la palma de aceite en el Cesar, 1950-2018*. Informe del Centro Nacional de Memoria Histórica. ISBN: 978-958-5500-42-6.

<sup>10</sup> Sanmiguel-Valderrama, Olga. 2007. *The feminization and racialization of labour in the Colombia fresh-cut flower industry*. *Journal of Developing Studies* 23 (1-2): 71-88.

cities such as Cali and Buenaventura, labor rights violations have been historically linked to processes of racial discrimination and social-spatial segmentation and inequality.<sup>11</sup>

Finally, many of the labor laws lack a normative coherence, and a significant gap exists between the legal protections for workers and the institutional capacity to regulate labor relations and enforce labor law and policy. These gaps contribute to structural impediments to decent working conditions in the five priority sectors. Despite Colombia ratifying the ILO Convention on labor inspection (N° 81), in 2017 the International Labour Organization's (ILO) Commission of Norms cited its non-compliance with the convention.

## 1.2. PROJECT DESCRIPTION<sup>12</sup>

After two phases of the Workers' Rights Centers for the Greater Protection of Labor Rights in Colombia project, Escuela Nacional Sindical (ENS) competed for and was awarded a third cooperative agreement from the United States Department of Labor (USDOL) Office of Trade and Labor Affairs (OTLA) to implement Phase 3, which began in October 2019 and is scheduled to run through September 2023.

ENS' project-level objective is: Improved ability of workers in priority sectors as established in the Colombian Action Plan Related to Labor Rights (palm oil, sugar, mining, ports, and cut-flowers), to understand and exercise their labor rights, which contributes to the goal of improved compliance with Colombia's labor laws and relevant standards.

The strategy for achieving the project objective is creating worker-driven labor law enforcement centers (LECs) that attract and serve workers in all five target sectors: palm oil, sugar, mining, ports, and cut-flowers. The LECs reach workers with little or no access to labor authorities, to support them in conducting research for cases, educating them on their rights, training them to identify potential labor law violations in workplaces, providing legal services, and assisting them to submit and track well-supported, well-articulated, justiciable claims for initiating labor inspections and pursuing legal remedies.

Furthermore, the LECs and LEC professionals offer psycho-social services to workers who have suffered workplace discrimination based on race, ethnicity, gender, or status as migrants, amongst others, or workers who have suffered work-related accidents or illnesses. Empowering workers through LECs is expected to improve their capacity to organize collectively and protect their labor rights and relevant standards.

To this end, the project has established the following Long-Term Outcomes (LTOs):

**LTO 1:** Increased referrals of workers in priority sectors to labor law enforcement centers (LECs) for information and legal services.

**LTO 2:** Workers accurately identify potential labor law violations in workplaces.

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<sup>11</sup> Arroyo-Mina, José Santiago, et al., 2016. Afrocolombianos, discriminación y segregación espacial de la calidad del empleo para Cali. Cuadernos de Economía, Vol.35 (69), Bogotá: July/December.

<sup>12</sup> Adapted from the ENS LECs Draft Project Document, Project Design.

**LTO 3:** Labor law enforcement centers and/or workers and activists from the LECs, & grass-roots labor organizations submit well-supported, well-articulated, justiciable claims to initiate inspections and pursue legal remedies.

**LTO 4:** Labor law enforcement centers and/or workers effectively track the progress of claims to initiate inspections and pursue legal remedies.

## 2. EVALUATION PURPOSE

### 2.1. EVALUATION PURPOSE

This interim performance evaluation assessed the performance and achievements of the ENS project in Colombia since the time of the last interim evaluation, which covers the end of Phase 2 as well as the Phase 3 progress to date (specifically June 2019 – March 2022). The evaluation team gleaned information from a diverse range of project stakeholders and institutions that participated in and were intended to benefit from interventions in Colombia.

The purpose of interim performance evaluations covered under this contract included, but were not limited to, the following:

- Assessing the relevance of the project in the cultural, economic, and political context in the country, as well as the validity of the project design and the extent to which it is suited to the priorities and policies of the host government and other national stakeholders,
- Assessing if the project has achieved its objectives and outcomes, identifying the challenges encountered in doing so, and analyzing the driving factors for these challenges,
- Assessing the intended and unintended effects of the project,
- Assessing lessons learned and emerging practices from the project (e.g., strategies and models of intervention) and experiences in implementation that can be applied in current or future projects in the focus country(-ies) and in projects designed under similar conditions or target sectors, and
- Assessing which outcomes or outputs can be deemed sustainable.

### 2.2. EVALUATION SCOPE

An independent two-person evaluation team (ET), with a Lead Evaluator (LE) and a National Monitoring and Evaluation (M&E) Expert, conducted this evaluation, including fieldwork from March 7 to 18, 2022.

The evaluation team investigated all aspects of project implementation and assessed the performance and achievements of the project by the end of January 2022. The ET gleaned information from a diverse range of project stakeholders and institutions that participated in and were intended to benefit from interventions in Colombia.

The evaluation team used multiple sources of evidence, combining primary qualitative data with secondary quantitative data. The use of mixed methods and data from mixed sources or “triangulation” helped the evaluation team overcome the bias that comes from using single information sources, single methods, or single observations. The ET obtained relevant information for this evaluation by conducting:

- A document review,
- Direct data collection from stakeholders, including remote and face-to-face key informant interviews (KIIs) and focus group discussions (FGDs), and
- Quantitative analysis of secondary data.

The evaluation team assessed the relevance of project services in relation to target groups and institutions' needs, the coherence of project activities with regard to other the interventions of other institutions, the efficiency and effectiveness of the project in attaining its expected outcomes, the impact of implementation on project objectives, and the project outcome's potential for sustainability. The ET also captured promising practices, lessons learned, and emerging trends.

At the end of the fieldwork, the ET conducted a remote (virtual), interactive and participatory validation session with ENS/project staff/implementers for clarification and the validation of preliminary findings, before writing this final report (agenda and participant list is shown in Annex C). In addition, the ET provided a post-fieldwork debriefing to USDOL ILAB to share initial findings.

### 2.2.1. SAMPLING

The ET interviewed stakeholders from Bogotá, Medellín, Puerto Wilches and Valledupar, remotely, and face-to-face in the case of Cali and Facatativá. Stakeholders included: ILAB staff, ENS and project staff, LEC staff, national and sectoral trade union leaders, workers, representatives from universities, civil society organizations (CSO), authorities, judicial power, and partner institutions.

Gender representation was dependent on purposive interviews – the people involved in the project according to their position, organization, roles, and responsibilities. The evaluation's sampling is provided in Table 6 below, and a list of KII and FGD participants is shown in Annex B.

**Table 6. Interviewees per Type of Institution**

KII AND FGD DATA COLLECTION STRATEGY			
KII Stakeholder Type		KII Sample Size	
Sex		M	F
US Government (ILAB)		--	3
LECs Staff		--	12
Ministry of Labor		1	2
Union Representatives (Federations)		1	1
Universities		3	1
CSOs		--	2
ILO		--	2
Judiciary		1	--
<b>TOTAL</b>		<b>6</b>	<b>23</b>
<b>FGDs</b>		<b>FGD Sample Size</b>	
<b>16</b>		<b>110 (52M-58F)</b>	
TOTAL NO. INDIVIDUALS			
FGD	Focus Group Discussion	Location	
<b>FGD-1</b>	Project team/ENS	Bogotá-Medellín	
<b>FGD-2</b>	Project team/ENS	Bogotá-Medellín	
<b>FGD-3</b>	Panel of Experts	Medellín	
<b>FGD-4</b>	Academic advisory Board	Bogotá	
<b>FGD-5</b>	Workers Puerto Wilches	Puerto Wilches	

KII AND FGD DATA COLLECTION STRATEGY		
FGD-6	Unions Puerto Wilches	Puerto Wilches
FGD-7	LEC Interns Puerto Wilches	Puerto Wilches
FGD-8	Workers Valledupar	Valledupar
FGD-9	Unions Puerto Valledupar	Valledupar
FGD-10	LEC Interns Puerto Valledupar	Valledupar
FGD-11	Workers Facatativá	Facatativá
FGD-12	Unions Facatativá	Facatativá
FGD-13	LEC Interns Facatativá	Facatativá
FGD-14	Workers Cali	Cali
FGD-15	Unions Cali	Cali
FGD-16	LEC Interns Cali	Cali

KIIs and FGDs were conducted using semi-structured guided questions. Both KII and FGD evaluation tools included two questions with rating scales – an Achievement Rating and a Sustainability Rating, with a scale from 1-5 indicating Low, Moderate, Above-Moderate, High, and Other (No Answer) – to provide quantifiable evidence to support the qualitative data collection.

### 2.2.2. ETHICAL CONSIDERATIONS

The evaluation team observed utmost confidentiality related to sensitive information and feedback elicited during the KIIs and FGDs.

The evaluation team respected the rights and safety of participants in the evaluation. No information, opinions or data that were provided by interviewees were explicitly linked to any participant in the evaluation. Companies’ identities have been omitted when highlighting any labor violations cited in the report. The version of the report that will be published by USDOL will omit all key informants’ personal information.

### 2.2.3. LIMITATIONS

The evaluation team has based its conclusions on information collected from background documents, KIIs, FGDs, and secondary quantitative data. The evaluation team assessed the integrity of this information to determine the accuracy of the evaluation results.

The application of ratings may in no way be considered as a non-formal impact assessment. Scorecard ratings expressed the opinions of the majority of interviewed stakeholders, using broadly defined scales. The criteria used by each interviewee to rate the project’s levels of achievement and sustainability varied from one person to another. Scorecards do not replace an in-depth analysis of the issues presented in the report.

Primary data collected from beneficiaries may reflect the opinions of the most dominant groups without capturing the perceptions of less vocal groups. The evaluation team considered this possibility and made sure that all parties could freely express their views. Although people from the same regions were interviewed individually, this fact may limit the representativeness of the opinions collected.

At the end of the fieldwork, the ET conducted a remote (virtual), interactive and participatory validation session with ENS/project staff/implementers. A limitation that should be noted is that, because of logistical challenges in organizing a larger meeting (for instance with worker/unions at the local levels) this session only included ENS/project staff/implementers and no other key

stakeholders. Nevertheless, the evaluation team and ENS/project staff/implementers were able to review and discuss at length the evaluation’s preliminary findings and recommendations.

The evaluation relied on secondary performance information contained in semi-annual and in available monitoring databases. The quality of the data affects the accuracy of the statistical analysis. The evaluation team was not able to check the validity and reliability of performance data given the limited time and resources.



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### 3. EVALUATION RESULTS

Following the Organization for Economic Cooperation and Development’s Development Assistance Committee (OECD DAC) evaluation criterion, this section provides an assessment of the relevance, coherence, effectiveness, efficiency, and the sustainability of the project across its major outcomes, following the evaluation questions included in the evaluation Terms of Reference (TOR).<sup>13</sup>

#### 3.1. RELEVANCE AND VALIDITY

1. Are the strategy, intermediate outcomes, and assumptions of the theory of change (ToC) generally appropriate for achieving the planned results and long-term outcomes? **To what extent have the project’s ToC and set long-term outcomes (LTO) held true in Colombia?\***

The evaluation team (ET) examined the project’s theory of change (ToC) and its associated Logic Model.<sup>14</sup> Moreover, both the ToC and the LTOs’ appropriateness were discussed with key stakeholders during the evaluation data collection phase.

The theory of change for the ENS project ‘Worker-Driven Labor Law Enforcement Centers in Colombia’ is as follows: **If** workers from the five priority sectors attain legal and psycho-social counsel at the LECs, **and** acquire knowledge **and** engage in action to protect their labor rights, **then** they will (i) have a better understanding of the requirements, procedures and documentation needed to initiate inspections or investigations, or to seek administrative solutions; and (ii) submit complaints or requests for inspections that are well-supported and well-prepared to the pertinent authorities. **If** workers, via the labor law enforcement centers, are able to submit well-supported and well-articulated claims, **then** the Ministry of Labor and other relevant government agencies will be able to address labor rights violations more effectively and improve compliance with Colombia’s labor laws and relevant standards, **which will lead** to improved working conditions, health, and livelihoods of Colombian workers in the five priority sectors.

The main assumption underlying this ToC was that achieving an improved ability of workers in priority sectors of Colombia for understanding and exercising their labor rights, by submitting complaints, would, in the long term, promote the improved compliance with Colombia’s labor laws and relevant labor standards (project objective).

<sup>13</sup> ILAB’s institutional learning-related questions are highlighted in red characters and marked with an asterisk\*.

<sup>14</sup> Indicative plan - new proposal. 21072021 - JJT\_MS (Aug 31)



However, the ToC/project design was too narrowly defined and did not address important results that would be necessary to achieve the project objective. Successful achievement of the project objective is dependent on additional changes that will need to occur in the implementing environment, such as improved enforcement of labor laws and other legal instruments by the Government; and the adoption of employers' best practices that protect workers' rights. Nevertheless, as underlined in the Funding Opportunity Announcement (FOA), these are outside the scope of this project. Moreover, USDOL did not expect that the project would implement activities designed to effect such changes as part of the current cooperative agreement.

Moreover, the hypothesis that labor law violations would be addressed by the Ministry of Labor (MOL)/labor inspection was only partially verified by the ET. In most cases, workers had managed to successfully address labor violations through different administrative channels (including before public and private agencies with responsibilities in the labor market and social security) and a range of different judicial procedures, as well as, on occasion, through direct negotiations with the employers.

Many interviewees opined that ENS should make additional efforts to engage with both the Ministry of Labor and the employers in the prioritized sectors, and to encourage alternative dispute resolution to mitigate labor-related conflicts between employers and workers through the promotion/creation of social dialogue spaces. Also, several key stakeholders opined that the ToC could be strengthened by incorporating such additional results as part of what is required to achieve the project objective.

**2. To what extent have the project's expected outcomes and interventions responded to relevant stakeholders' needs and the evolving country context, especially since the onset of the COVID-19 pandemic? Has the grantee addressed all relevant stakeholders, in all of the project's target geographical areas, to enlist their support for the project outcomes?**

Previous evaluations<sup>15</sup> underlined the relevance of the Worker Rights Centers for the Greater Protection of Labor Rights in Colombia. However, these evaluations also showed that while the effects of the project on workers was positive (for example, by improving workers' ability to assert and claim their labor rights) results were mostly limited to workers in urban centers and less in rural areas, despite specific efforts by such centers to reach workers in rural areas through mobile workers' rights centers.

The intent of this project, therefore, was to expand the successes of the Worker Rights Centers for the Greater Protection of Labor Rights in Colombia project beyond the originally targeted cities, and to reach workers in priority sectors, specifically rural workers in the palm oil, sugar, and mine sectors, as well as workers in the port and cut-flower sectors.

The ENS/project's aim of establishing LECs that are close to workers and conducting mobile outreach (through "mobile lawyers" also known as "legal caravans") in the five priority sectors has proven to be relevant and successful in providing such workers with easily accessible information, counseling, and legal advice. However, it is unclear for the ET whether and how this has translated

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<sup>15</sup> Independent Impact Evaluation for the Strengthening Protections of Internationally Recognized Labor Rights in Colombia Project. IMPAQ International, 2016; and Interim evaluation of the Workers' Rights Centers for the Greater Protection of Labor Rights in Colombia project. IMPAQ International, 2019.

into tangible benefits for workers, or the extent to which workers' concerns about their working conditions were effectively addressed/remedied.

Through a wide range of interviews with stakeholders, the ET confirmed that the project is proving to be very relevant in responding to the needs of workers and workers' organizations in the different contexts, territories, and prioritized sectors. Workers and unions who were consulted in different regions and sectors show a high degree of satisfaction with the assistance provided by the LECs to promote and defend their rights.

"I was fired. Thanks to the support of the LEC I managed to recover my job."

#### - Palm-Oil Worker

The project was also found to be especially relevant in the context of the COVID-19, as it provided much needed assistance and response to workers affected by numerous labor violations that were committed by a considerable number of employers in the context of the pandemic. Further, the project's COVID-19-related assistance to workers was an important entry point to the targeted territories/sectors, as it allowed for the outreach by LECs/mobile lawyers to workers and unions in the territories/sectors, and to gain their trust, through the delivery of quality- and timely assistance. For example, by providing training to workers on bio-safety protocols, or by delivering legal assistance to workers in cases of illegal dismissals attempted by companies alleging exceptional situations generated by the pandemic.

The ET also found that the project addressed all relevant groups of stakeholders as initially identified in its design (workers, trade unions, CSOs) in all targeted geographical areas and prioritized sectors.

However, there is widespread agreement among informants on the need for further deepening relations with the Ministry of Labor<sup>16</sup> (at the central, territorial and local levels), and on the other hand, in relevant sectors/areas, to define strategies for approaching employers that may eventually promote the adoption of employers' best practices that protect workers' rights. Likewise, some informants commented on the yet untapped potential of the project in the area of promoting the opening of spaces for social dialogue, aiming at the promotion of mediation processes in solving labor conflicts.

### **3. What drives workers' perceptions and behavior in the respective target sectors or supply chains vis-à-vis the LECs and their demand for, and utilization of, services delivered by the LECs to advance and defend workers' rights?**

Among the most important motivations of workers/unions, across sectors, in their demands for, and utilization of, services delivered by the LECs, are that such LECs are close/accessible to/from their workplaces, and also that these are free services (which anyway are scarce or unavailable in the target territories). Another attractive aspect for workers is the LECs' specialization in labor law, their agility and the adequacy of the centers' responses to the workers' requests for advice and assistance, as well as the workers' trust in the ENS.

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<sup>16</sup> The ENS and the MOL drafted (pending of signature) a MOU in order to join efforts in the promotion of workers' rights in the five prioritized sectors.

"The working class was orphaned. The ENS and the LECs are the only ones that support us."

- Union Representative

"They [the LEC staff] are the only people who have cared to extend a helping hand to workers in the struggle for their rights."

- Worker

On the other hand, as explained by several LEC users (workers and union representatives), the most recurrent threat to the use of LEC services, especially for non-unionized workers, is the workers' fear of potential employer retaliation (being laid-off) for demanding respect for their labor rights.

"For defending our rights, workers are persecuted and even killed."

- Worker

**4. To what extent do marginalized or underserved populations experience equitable access to (and outcomes resulting from) project-supported services or interventions? What are the steps that ILAB and its Grantees are taking (or should be taking) to ensure that technical assistance reaches and benefits these populations?**

Workers in the five priority sectors are largely from marginalized or underserved populations. They experience high levels of employment informality, labor outsourcing, union discrimination, and occupation-related accidents and illnesses. Organized workers and trade union leaders from these sectors, when exercising their most basic rights to unionize and negotiate collective bargaining agreements, have often been faced with violent persecution; this is especially the case for workers in Colombian agriculture (palm oil) and mining.<sup>17</sup> Cut-flower workers, especially in the plains of Bogotá, have faced systematic gender and racial discrimination even as they toil to ensure the continuous growth of Colombia's cut-flower industry,<sup>18</sup> and in the province of Valle del Cauca and cities such as Cali and Buenaventura, labor rights violations have been historically linked to racial discrimination.<sup>19</sup>

In addition, there was no specific, clear conceptualization in the project design of what the project understands as "underserved communities."<sup>20</sup> The 2019 FOA did not make mention of such populations, and Executive Order 13985 (see Footnote 6) was only adopted on January 20, 2021.

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<sup>17</sup> Comisión Colombiana de Juristas (CCJ) & Escuela Nacional Sindical (ENS), 2012. Imperceptiblemente nos encerraron. Exclusión del sindicalismo y lógicas de la violencia antisindical en Colombia, 1979-2010. CCJ/ENS.

<sup>18</sup> Sanmiguel-Valderrama, Olga. 2007. The feminization and racialization of labour in the Colombia fresh-cut flower industry. *Journal of Developing Studies* 23 (1-2): 71-88.

<sup>19</sup> Arroyo-Mina, José Santiago, et al., 2016. Afrocolombianos, discriminación y segregación espacial de la calidad del empleo para Cali. *Cuadernos de Economía*, Vol.35 (69), Bogotá: July/December.

<sup>20</sup> "Underserved communities" refers to populations who have been historically underserved, marginalized, or denied equitable treatment on the basis of disability, gender identity, sexual orientation, race, ethnicity,

Nevertheless, the current project is designed as a “sector-oriented” intervention and the LECs’ conceptualization and location was implemented as such, among other reasons, in order to improve the coverage of vulnerable populations as compared with previous USDOL-Funded projects. Thus, for these reasons, as well as those explained in the first paragraph of this section, along with the many testimonies gathered among interviewees, the ET concluded that the project has a clear orientation towards better serving underserved communities while promoting their access to the project services in an equitable way.

The ET has prepared several criteria to populate “disaggregated data collection tables” and has asked the project M&E staff to collect relevant data that could serve as proxies to illustrate the level of access for members of underserved communities, to the project-supported services or interventions

For example, regarding the workers’ ethnicity, the table below shows that the vast majority of the people served by the project are Afro-descendants and ‘mestizos’ (of mixed-race in English<sup>21</sup>).

**Table 7. Workers by Ethnicity and Sector (2020-2021)**

Workers by Ethnicity and Sector (2020 2021)							
Ethnicity	Sugarcane	Flowers	Mining Energy	Palm Oil	Ports	Total	%
<b>Afro-descendant</b>	232	4	23	47	154	<b>460</b>	<b>14%</b>
Native	63	1	4	2	5	75	0.4%
Palenquero <sup>22</sup>	--	--	3	--	--	3	0.09%
Raizal <sup>23</sup>	--	--	--	--	1	1	0.030%
White	61	36	7	82	29	215	6.5%
<b>Mestizo</b>	329	211	727	982	154	<b>2,403</b>	<b>72.5%</b>
<b>Total</b>	<b>693</b>	<b>273</b>	<b>779</b>	<b>1,133</b>	<b>436</b>	<b>3,314*</b>	<b>100%</b>

Source: ENS Project based on LegisOffice data

\*The project reported some discrepancies while exploiting the LegisOffice database regarding the total number of users (3,893) and the number of users sorted out by ethnicity (3,314). Despite these inconsistencies, the ET team believes that the current table provides valuable statistical information.

As shown in the table below, while most workers served by the LEC were unionized (formal) workers (which is only natural as LECs main partners in the field are unions), 30% of such users are non-unionized workers. In this regard, some informants opined that the project has room to improve its outreach to and services for outsourced/informal workers.

**Table 8. LEC Users (2020-2021)**

LEC Users (2020 2021)					
LEC	# of users	Unions	Unionized workers	Non unionized workers	N/A
Cali	973	21	657	293	2
Cartagena	414	10	204	200	--
Facatativa	384	5	78	295	6

religion, migration status, and persons or groups otherwise adversely affected by persistent poverty or inequality. In accordance with Executive Order 13985 of January 20, 2021, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, the term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

<sup>21</sup> Wordreference.com

<sup>22</sup> Descendants from slaves in the Colombian north coast. Source:

<https://www.unidadvictimas.gov.co/es/comunidades-negras-afrocolombianas-raizales-y-palenqueras/277>

<sup>23</sup> Afro-Caribbean ethnic group. Source: Wikipedia

LEC Users (2020 2021)					
Puerto Wilches	889	5	741	143	–
Valledupar	783	9	694	79	1
Villavicencio	450	6	223	220	1
<b>Total</b>	<b>3,893</b>	<b>56</b>	<b>2,597</b>	<b>1,230</b>	<b>10</b>

Source: ENS Project based on LegisOffice data

Looking at the numbers and percentages of women and men served by the project, the ET found that there is also room for improvement terms of gender mainstreaming and equity. While statements from interviewed women showed that the LEC services are indeed relevant and accessible to them, as shown in the table below, so far, on average, only 19% of the LEC users are women.

**Table 9. Workers Served by LEC (2020-2021)**

Workers Served by LEC (2020 2021)			
LEC	# of workers	Women	Men
Cali	973	137 (14%)	815 (86%)
Cartagena	414	63 (15%)	341 (85%)
Facatativa	384	<b>255 (66%)</b>	<b>124 (34%)</b>
Puerto Wilches	889	164 (18%)	720 (82%)
Valledupar	783	38 (5%)	736 (95%)
Villavicencio	450	104 (23%)	340 (77%)
<b>Total</b>	<b>3.893</b>	<b>761 (19%)</b>	<b>3.076 (91%)</b>

Source: ENS Project based on LegisOffice data

As reflected in the table below, while women account for 71% of the workers served by the project in the flowers sector, the percentage of women in other economic activities such as sugar cane, ports and mining/energy is largely below 10%.

**Table 10. Workers Served, by Sector and Sex (2020-2021)**

Workers Served, by Sector and Sex (2020 2021)			
Sector	# of Workers	Women	Men
Sugar cane	693	33 (5%)	654 (95%)
Palm Oil	1133	180 (16%)	945 (84%)
Ports	436	31 (7%)	389 (93%)
Mining/Energy	779	28 (5%)	740 (95%)
Flowers	<b>273</b>	<b>195 (71%)</b>	<b>75 (29%)</b>
Other	579	294 (51%)	273 (49%)
<b>Total</b>	<b>3.893</b>	<b>761 (19%)</b>	<b>3.076 (91%)</b>

Source: ENS Project based on LegisOffice data

Nevertheless, the ET should underline that, although relatively low, overall, the percentage of women served by the LECs (in the different sectors and locations) is considered commendable. As explained by many consulted stakeholders, the prioritized sectors (except for the flower sector) are highly masculinized economic activities. Also, these informants explained that women's unionization rates in Colombia, especially in rural areas, are very low and, additionally, that there is, overall, a higher participation of women in informal jobs. These combined factors contributed to additional challenges for the project (especially in the pandemic context) with regard to their ability to reach out to women.

### 3.2. COHERENCE

#### 5. To what extent has ENS' dual role as project implementer and labor think tank facilitated or limited coherence in project implementation and credibility with stakeholders?

There is consensus among key stakeholders who were consulted by the ET that the ENS' dual role as project implementer and labor think tank has facilitated coherence in project implementation, and that it has been an advantage for the credibility of the project with workers and unions.

For instance, the ENS is considered a prestigious institution, and its connections with the labor movement have contributed to the rapid establishment of the LECs in the respective territories and sectors. This is particularly important because technical/international cooperation projects generally have difficulties with accessing the respective territories and sectors. These regions are remote, often hard to reach, and in some cases, they are affected by violence and/or social conflict and their populations often have a historical mistrust of (public/private) institutions.

On the other hand, well-established institutional relations exist between the ENS and the central trade unions (e.g., CUT<sup>24</sup> and CTC<sup>25</sup>), as well as with sectoral unions, with a larger presence and representation (e.g., Sintracarbon), which has allowed for a relatively easy connection between the LECs and labor unions that were already present in the prioritized territories and sectors. This in turn has allowed for creating trust between unions and the LEC, to promote the project amongst workers and for their referrals to the LEC to access their services.

Similarly, the credibility and prestige of the ENS have facilitated the implementation of the activities, since the ENS generates trust between the different actors. In addition, this has added to gathering support not only from the trade unions, but also from International NGOs and Colombian CSOs which have contributed to the implementation of several interventions of the project (please refer to the Effectiveness section for more details).

Nevertheless, some project stakeholders opined that there is room for strengthening internal synergies between them, in order for the project to maximize the potential of the ENS' experience and capacities. Additionally, some interviewees believed the roles and responsibilities of the Panel of Experts and the Academic Board<sup>26</sup> with regards to the project's implementation should be further clarified (by the ENS and the project) and eventually reinforced as relevant.

Also, project stakeholders manifested through interviews that there potentially will be room for strengthening the "LEC-national team-LEC" connection in order to reinforce the projects' results and impacts in a post-pandemic scenario (so far LECs have been mostly re-oriented to coping with pandemic-related challenges. In addition, restrictions on mobility of the general population have negatively affected face-to-face interactions between the project team and the LECs).

Additionally, various stakeholders opined that a strengthened connection among the different LECs could potentially improve the project's overall knowledge mobilization and management. For example, conducting regular meetings among the "LEC network" could favor capacity building, by sharing lessons learned and best practices across the regions.

<sup>24</sup> Central Unitaria de Tabajadores

<sup>25</sup> Confederación de Trabajadores de Colombia

<sup>26</sup> The Panel of Experts and the Academic Board are composed of external advisors to the project.

For their part, some of the USDOL representatives who were interviewed were of the opinion that the ENS should improve the management of the abovementioned dual role. For example, by improving how to communicate which actions can be attributed to the ENS and the ones that specifically stem from the current project.

**3.3. EFFECTIVENESS**

**6. To what extent are the expected outcomes likely to be achieved or not achieved within the life of the project? What adjustments or course corrections, if any, should be made to the project’s performance monitoring plan (PMP), strategies, resource allocations or activities to increase the likelihood of achieving project outcomes? Which project outcomes show the greatest and lowest levels of achievement during the project’s period of performance?\***

Overall, the project is proving to be very effective in achieving the four expected LTOs. However – while the project has contributed to increasing workers’ awareness of, and access to, the services offered by LECs; improving knowledge/understanding/awareness of how to identify possible violations and to submit claims; and increasing the use of improved tools and knowledge on how to track progress of claims – the ET was not yet able to identify any conclusive evidence that this is resulting in significant tangible benefits for workers (i.e., increasing or improving government enforcement of labor law, workers’ ability to better exercise their rights, better wages, better working conditions).

Regarding Long-term Outcome 1 (LTO1), the ENS operates six Labor Enforcement Centers to serve all five priority sectors. In this regard, the project has established four new LECs, namely in Villavicencio-Altillanura (Palm oil), Cali-Pacific (Sugarcane, Ports), Facatativá-Cundinamarca (Cut-flowers), and Valledupar-Cesar (Mining). It has also reoriented the services in two pre-existing LECs in Puerto Wilches-Magdalena Medio (Palm oil) and Cartagena-Caribe (Ports). The need to create new LECs in different regions-zones of the country stemmed from the insufficient coverage of workers in the abovementioned five priority sectors by the LECs that were established by past USDOL-ILAB funded projects.

The establishment of LECs that are accessible to workers, an increasing public awareness of the existence of such LECs as well as on the services they provide, have resulted in increased referrals of workers in the priority sectors to the ENS’ LECs, for information and counseling, training, legal services and psychosocial assistance.

As shown in the tables below, the project was able to provide services to 3,893 referred workers, as well as to 56 unions.

**Table 11. Referrals to LECs 2020-2021**

Referrals to LECs 2020 2021		
LEC	# of workers	Unions
Cali	973	21
Cartagena	414	10
Facatativa	384	5
Puerto Wilches	889	5
Valledupar	783	9
Villavicencio	450	6
<b>Total</b>	<b>3,893</b>	<b>56</b>

Source: ENS Project based on LegisOffice data

The LEC provided services mostly to workers and unions in the sectors of sugar cane, palm oil, ports, mining, and flowers, as well as to some workers (579) and workers’ organizations (12) from other sectors.

**Table 12. Workers Served, by Sector (2020-2021)**

Workers Served, by Sector (2020 2021)		
Sector	Workers	Unions
Sugar cane	693	6
Palm Oil	1133	8
Ports	436	16
Mining/Energy	779	11
Flowers	273	3
Other	579	12
<b>Total</b>	<b>3.893</b>	<b>56</b>

Source: ENS Project based on LegisOffice data

The assistance provided by the LECs can be translated into a total of 14,785 actions with/to workers and unions (13,517 with workers and 1,268 with unions). The project was able to provide services to 3,893 referred workers, as well as to 56 unions. The assistance provided by the LECs can be translated into a total of 14,785 actions with/to workers and unions; this is approximately four actions per worker, which suggests that workers return to the LECs for additional services after their initial access to the LECs services. Through interviews with the ET, workers expressed their satisfaction with the LECs’ capacity to meet their expectations. Some workers/unionists also declared having referred other workers to the LECs.

**Table 13. Total Number of Actions by LEC (2020-2021)**

Total Number of Actions by LEC (2020 2021)			
LEC	Total Number of Actions	Actions with Workers	Actions with Unions
Cali	3576	3347	229
Cartagena	1946	1628	318
Facatativa	1367	1315	52
Puerto Wilches	2485	2322	163
Valledupar	2811	2616	195
Villavicencio	2600	2289	311
<b>Total</b>	<b>14,785</b>	<b>13,517</b>	<b>1,268</b>

Source: ENS Project based on LegisOffice data

As detailed in the table below, the Labor Enforcement Centers provided counseling (10,265 interventions), legal assistance to initiate legal actions (4,096 individual interventions), and psychosocial assistance (201 interventions). The LECs also assisted in a limited number of interventions (107) related to payment of social benefits to workers. The LECs also provided training to workers.

**Table 14. Services by LEC (2020-2021)**

Services by LEC (2020 2021)					
LEC	# of Actions	Counseling	Legal actions	Psychosocial assistance	Others: Payment of Social Benefits
Cali	3576	1518	2025	--	33
Cartagena	1946	1563	294	89	--
Facatativa	1367	927	323	112	5
Puerto Wilches	2485	1974	468	--	43
Valledupar	2811	2413	276	--	6



Services by LEC (2020 2021)					
LEC	# of Actions	Counseling	Legal actions	Psychosocial assistance	Others: Payment of Social Benefits
Villavicencio	2600	1870	710	–	20
<b>Total</b>	<b>14.785</b>	<b>10.265</b>	<b>4.096</b>	<b>201</b>	<b>107</b>

Source: ENS Project based on LegisOffice data

Regarding LTO 2, through training (and legal assistance) the LECs helped workers gain an improved understanding of the scope and applicability of relevant labor laws and standards. Moreover, the LECs contributed to increasing the capacities of ENS staff, unions, and workers skills to better assess workplaces for potential violations of such labor laws and standards. However, the ET was yet unable to identify conclusive evidence about the extent to which this has improved working or living conditions of the targeted workers.

Due to the COVID-19 pandemic and the restrictions on meetings in-person, most training activities (along with counseling and legal services) were conducted mostly by virtual means. As the pandemic abates and the limitations on the movement of people and gathering are decreasing, the LECs are starting to reopen and to provide face-to-face services, including training events.

Despite these limitations, as reflected in the table below, the project was able to conduct a significant number of training sessions (110 in total) reaching a total of 1,099 participants, including workers, union representatives, LEC staff and interns as well as CSO members. An estimated 30% of the participants were women and 70% were men. These percentages seem to be coherent with the percentages of worker men (80%) and women (20%) served by the LECs as discussed in the Relevance section and also with the fact that the vast majority of LEC staff and interns are women.

**Table 15. Trainings by LEC (2020-2021)**

Trainings by LEC (2020 2021)				
CAL	# of Trainings	# of Participants	Women	Men
Cali	24	442	75	272
Cartagena	21	91	11	80
Facatativá	9	122	91	31
Puerto Wilches	38	334	N/A	N/A
Valledupar	9	35	3	32
Villavicencio*	9	75	14	58
<b>Total</b>	<b>110</b>	<b>1,099</b>	<b>194**</b>	<b>473**</b>

Source: ENS Project based on LegisOffice data

\*3 participants preferred not to disclose their sex

\*\*Project staff explained that the Puerto Wilches data was not disaggregated by sex

The training courses that were developed and implemented by the LECs covered a significant number of relevant topics (for example, labor rights, occupational health, freedom of association, constitutional rights, among others). In general, these courses are designed by the project's pedagogical team and the LEC, according to the needs and requests of workers and unions across sectors/territories (but also of LEC staff, partner universities and CSOs).

Additionally, the project has developed a reporting and monitoring tool, which is referred to as “the checklist” that is intended to allow workers to identify, report, and monitor labor law violations (in an easily understandable way). However, according to the data reflected in the PMP there is still ample room for improving application of such “checklist” by workers/unions.

According to multiple testimonies from a wide range of stakeholders which were gathered by the ET, the abovementioned project actions have resulted in a strengthened capacity of workers to accurately identify potential labor law violations in workplaces.

"Before [the project] you worked for a plate of food; we didn't even know we had rights."

- Worker

As reflected in the tables below, in 2020-21 workers across the identified sectors were able to identify and initiate more than four thousand legal actions related to alleged violations of their rights as workers.

**Table 16. Legal Actions by LEC and by Sector (2020-2021)**

Legal Actions by LEC (2020-2021)		Legal Actions by Sector (2020-2021)	
LEC	#	Sector	
Cali	2025	Sugar Cane	1567
Cartagena	294	Ports	537
Facatativa	323	Flowers	252
Puerto Wilches	468	Palm Oil	999
Valledupar	276	Mining/Energy	298
Villavicencio	710	Other	443
<b>Total</b>	<b>4,096</b>		<b>4,096</b>

Source: ENS Project based on LegisOffice data

In regard to LTO 3, the project facilitated the training of ENS staff and unions/workers with the objective to provide them with an improved understanding of the procedural and documentation requirements of legal action, as well as the necessary skills to document labor law violations. This resulted, along with the legal assistance provided by the LEC, in unions/workers submitting 4,096 legal claims to pursue legal remedies for alleged violations of applicable labor law.

Numerous testimonies (including from MOL representatives, the judiciary, CSOs, etc.) confirmed that these legal claims from workers have been well-supported, well-articulated and that these can indeed be brought before the courts, in other words that they are justiciable. Moreover, as reflected in the table below, the results achieved by the project in this regard are a clear indication of the high quality and effectiveness of such workers' claims: 45% of the filed claims were granted to workers whereas 25% were not granted. The remaining 30% are still in process, or yet to be filed.

**Table 17. Legal Actions Status (2020-2021)**

Legal Claims Status (2020-2021)						
LEC	# of Claims	Granted	Not Granted	In Process	Not Filed	Information N/A
Cali	2025	988	559	264	104	108
Cartagena	294	197	25	63	2	7
Facatativa	323	174	84	27	12	21
Puerto Wilches	468	125	94	139	11	99
Valledupar	276	124	105	26	4	16
Villavicencio	710	232	161	221	56	50
<b>Total</b>	<b>4,096</b>	<b>1840</b>	<b>1028</b>	<b>740</b>	<b>189</b>	<b>280</b>

Source: ENS Project based on LegisOffice data

However, at the time this interim evaluation was conducted, it was yet unknown whether and how workers were benefiting from the claim submissions, or whether or how this had tangibly improved the situations of these workers.

As indicated in the relevance section, the hypothesis that labor law violations would be addressed by the MOL/labor inspection was only partially verified by the ET. In most cases, workers had managed to successfully address labor violations through different administrative channels (including before public and private agencies with responsibilities in the labor market and social security) and a range of different judicial procedures, and on occasion, through direct negotiations with the employers.

Additionally, the project initiated a considerable number of “casos emblemáticos” (landmark cases or emblematic cases in English). Such cases introduce collective litigation processes regarding alleged recurring violations of labor rights in the five sectors. The rationale behind the project’s engagement in such emblematic cases is that research undertaken by the project, identifying the most systematic and recurring labor law violations, could provide compelling evidence to authorities that would justify an allocation of additional resources by the authorities for labor law enforcement.

See emblematic cases that follow:

In the **energy-mining sector**, the **LEC Valledupar** along with Sintracarbon<sup>27</sup> initiated legal actions in defense of workers in the Departments of Cesar, Magdalena and La Guajira. These workers were affected by terminations of their contracts and requests for collective dismissals, without a just cause, as issued by several companies.

In the **flower sector**, the **LEC Facatativá** along with the unions ONOF<sup>28</sup> and CTC<sup>29</sup> initiated legal actions before the Ministry of Labor, following a company’s illegal termination of the contracts of 50 outsourced workers.

In the **sugarcane sector**, a company intended to illegally dismiss 58 workers. The **LEC Cali** supported these workers in filing a complaint before the Ministry of Labor for wrongful dismissal.

In the **palm oil sector**, the **LEC Puerto Wilches** and Sintraproaceites provided support and legal assistance in the unionization process which had been initiated in a company based in the Department of Cesar.

Project staff and representatives of the Panel of Experts informed the ET that based on the emblematic cases/collective litigation processes the Panel had developed litigation and defense strategies. This was also reported in the PMP. In addition, these interviewees informed the ET that based on the Panel of Experts’ recommendations, were undertaken by the project, to protect workers’ rights and labor standards in cases where previous administrative or judicial processes had failed to provide such protection.

However, based on evidence from interviews and document review, the extent to which such emblematic cases are having a positive impact in terms of a more proactive attitude from the

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<sup>27</sup> Sindicato Nacional de trabajadores de la Industria del Carbón - National Workers’ Union for the Coal Industry

<sup>28</sup> Organización Nacional de Obreros Trabajadores de la Floricultura - National Workers’ Union for the Flowers sector

<sup>29</sup> Confederación de Trabajadores de Colombia - Confederation of Colombian Workers

authorities towards the enforcement of labor laws and in addressing labor law violations complaints in a more effective and efficient way, remains yet unclear. In this regard, the project/ENS should find ways to systematize, communicate, as well as report to the USDOL in a user-friendly manner regarding how these emblematic cases have contributed to the better enforcement of labor laws, to addressing labor law violations, and to improving workers' lives (working conditions, wages, etc.).

In regard to LTO 4, based on interviews and document review the ET could confirm that the LECs managed to effectively track the progress of claims. To this end, the project implemented a computer software (LegisOffice) that allows for collecting relevant information about the LECs users (disaggregated by sex, sector and location of work, union affiliation, etc.) but also allows for keeping track of all services provided to such users by the different LECs. LegisOffice includes tools to monitor the follow up to the complaints, which in turn helps LEC/ENS staff and workers/unions with increasing their ability to track the progress of such claims. Nevertheless, the ET was yet unable to identify evidence on any direct link between the increased ability to track progress of workers' claims and an improved labor law compliance/enforcement system.

The project elaborated a dashboard (available for consultation at: <https://calcolombia.co/quienes-somos/las-cifras-del-cal/>) that allows for data visualization and sharing/communication. Please see the examples below.

Figure 1. LegisOffice Dashboard (example of users' basic data)

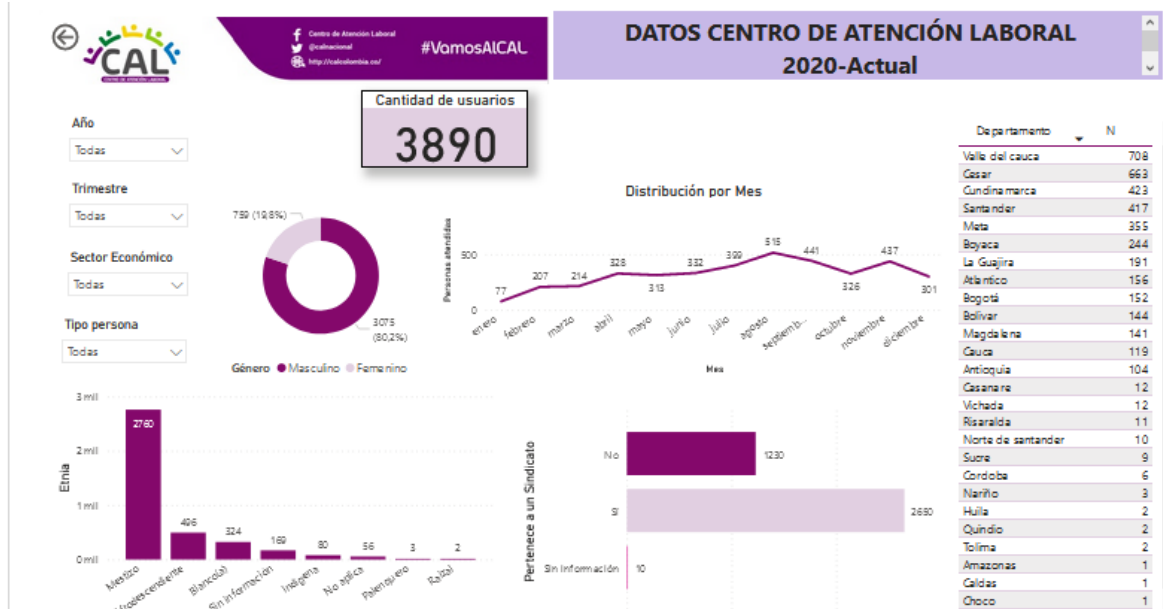
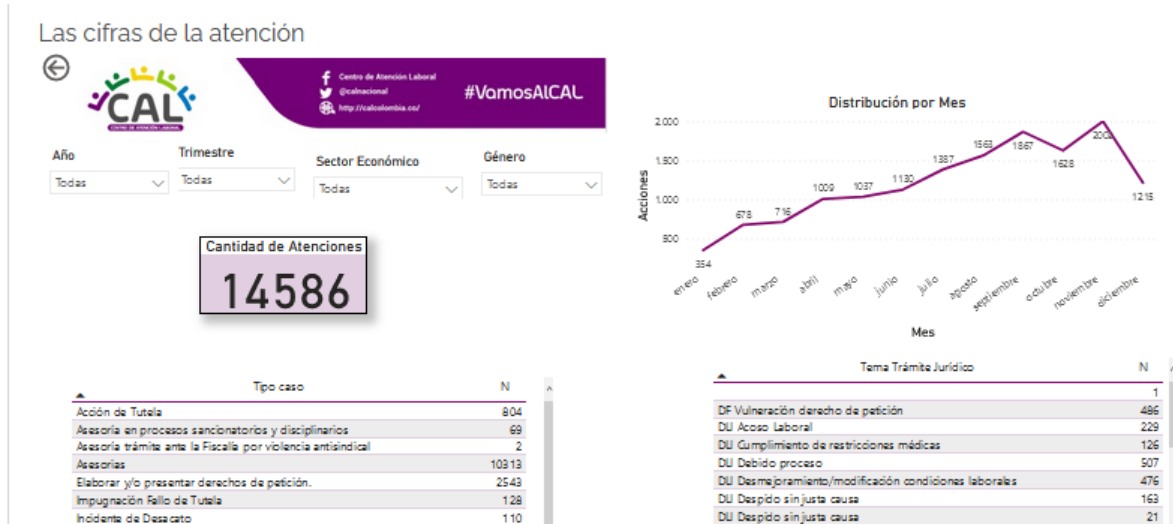


Figure 2. LegisOffice Dashboard (example of actions with LEC users)



In a transversal manner, throughout the four LTOs, the project is developing a research component to generate relevant studies, assessments and investigations, which support and guide the training, legal advice and strategic litigation processes, thereby contributing to the defense of labor rights of the workers in the target sectors.

The project has developed an important amount of research on numerous thematic issues, which include, for instance, studies about the five target sectors, studies about risks in the workplace, analysis of impacts of the COVID-19 pandemic, and an analysis of the implementation of the Labor Action Plan in the five target sectors in the decade since its signature.

Whereas the consulted key actors are in agreement about the relevance of this research component and about the importance of the studies that have been undertaken, some of them expressed the view that there is still room for improved conceptualization and for the development of a research agenda to better connect it to national/sectoral/territorial needs and challenges, so it can be more effectively used by the project and/or other actors for achieving the desired impact on the protection of labor rights.

**LIKELIHOOD OF ACHIEVING THE EXPECTED OUTCOMES WITHIN LIFE OF THE PROJECT**

Based on the project’s progress and achievements so far (as measured through the results framework indicators) it can be assumed the project is likely on track to reach the expected results during the current lifespan of the project. However, some key stakeholders opined that the extent to which the project can be expected to achieve the overall project objective (if it indeed achieves all 4 LTOs) may be limited, considering that this also largely depends (as already mentioned earlier in this report) on improved government enforcement of labor laws as well as on the adoption by employers’ best practices that protect workers’ rights. These factors were however not considered in the project design.

The following table summarizes the results achieved during the life of the project (LOP), as reported by the project to date (April 2020 to September 2021).

**Table 18. Results during LOP, as per the PMP**

Outcome	Indicator	Targets (end of project)	Actuals (Jan. 31, 2022)	Target/Actuals (%)
<b>Project Objective (PO):</b> Improved ability of workers in the five priority sectors to understand and exercise their labor rights.	1. Number and percent of workers and worker organizations that undertake actions to redress labor violations and exercise their labor rights (baseline December 2020)	13,000	15,081	121%
	2. Number and percent increase of workers referred to the LECs for legal advice	2,000	3,222	161%
<b>Long-Term Outcome (LTO) 1:</b> Increased referrals of workers in priority sectors to labor law enforcement centers (LECs) for information and legal services.	3. Number and percent increase of referred workers receiving follow-up legal advice	1,000	2,492	249%
	4. Number of agreements concluded with workers' organizations, the offices of the Ministry of Labor or the Ombudsman's Office, and other entities, for the referral of workers to the LECs	30	39	130%
	5. Number of workers referred to the LECs for legal advice by the entities with which the LECs have referral agreements.	400	2,192	548%
	6. Number of LECs newly established or modified.	6	6	100%
	7. Number of workers reached through awareness-raising initiatives of LEC services.	250,000	715,965	286%
	8. Number of formal claims made by workers and worker organizations that used the LECs concerning potential labor law violations in workplaces.	13,000	15,079	115%
	9. Number of worker participants in LEC workshops that sought legal advice from the LECs concerning potential labor law violations at their workplaces	1,500	40	2.6%
<b>Long-Term Outcome (LTO) 2:</b> Workers accurately identify potential labor law violations in workplaces.	10. The number of workers who put together research and documentation at firm and sectoral levels showing potential labor law violations across the five priority sectors.	25	6	24%
	11. Percentage of workers that report using the checklists to effectively monitor and help prevent labor law violations	500	20	4%

Outcome	Indicator	Targets (end of project)	Actuals (Jan. 31, 2022)	Target/Actuals (%)
	12. Number of workers who demonstrate improved understanding of the scope and applicability of relevant labor laws and standards.	250	721	288%
	13. Number of documents designed by workers, worker organizations and LEC staff that offer workers checklists and tips on how to monitor and prevent labor law violations.	15	27	180%
	14. Number and percentage of workers that are aware of checklists to monitor and help prevent labor law violations, including occupational health and safety issues, across the five priority sectors	500	151	30%
<b>Long-Term Outcome (LTO) 3:</b> Labor law enforcement centers and/or workers and activists from the LECs, & grass-roots labor organizations submit well-supported, well-articulated, justiciable claims to initiate inspections and pursue legal remedies.	15. Number of administrative and judicial claims presented by LEC personnel, workers and labor organizations of the five priority sectors that are rated as satisfactory by the legal expert and university professor delegated by the Panel of Experts. The quality of legal actions is measured through the qualification (based on objective criteria - legal) that the delegate of the panel of experts gives to the legal actions that are in the random sample.	150	104	69%
	16. Percentage of workers and workers' organizations that file administrative and judicial claims after receiving legal attention from the LEC.	2,600	1,373	53%
	17. Percentage of administrative and judicial claims for violations of labor legislation made for the LEC Staff and supported by workers and workers' organizations that follow the protocols designed by LEC staff on procedural and documentary requirements.	100%	86.1%	86.1%

Outcome	Indicator	Targets (end of project)	Actuals (Jan. 31, 2022)	Target/Actuals (%)
	18. The number of workers from the five priority sectors who are made aware of the most favorable methods to initiate inspections and pursue legal remedies	100	198	198%
	19. National and international litigation and defense strategies are developed by the Panel of Experts	10	6	60%
	20. Number of national and international actions undertaken based on the Panel of Experts' recommendations to protect workers' rights and labor standards in cases where previous administrative or judicial processes failed to provide such protection.	6	3	50%
	21. Percentage of workers that demonstrate improved understanding of the procedural and documentation requirements to initiate inspections and pursue legal remedies.	50	44	88%
	22. Percentage of workers that demonstrate improved understanding and skills to initiate inspections and pursue legal remedies.	50	24	48%
<b>Long-Term Outcome (LTO) 4:</b> Labor law enforcement centers and/or workers effectively track the progress of claims to initiate inspections and pursue legal remedies.	23. Percentage of claims, made to initiate inspections and seek legal remedies, that are effectively tracked by LEC attorneys	2,500	3,401	136%
	24. Number and percentage of correct follow-up claims taken by the LEC legal team as a result of system notifications on the progress of claims and actions needed to continue the claims.	10,400	14,555	140%
	25. Number of claims supported by workers and worker organizations that implement protocols to protect workers from retaliation and violence.	10	6	60%
	26. Number of workers aware of the protocol to protect workers from anti-union violence.	500	123	25%



Outcome	Indicator	Targets (end of project)	Actuals (Jan. 31, 2022)	Target/Actuals (%)
	27. Purchase and adapt software to track claims progress and initiate inspections and seek legal remedies.	1	1	100%
	28. Number and percentage of workers and LEC staff that demonstrate improved understanding and gain increased skill to track progress of claims to initiate inspections and pursue legal remedies	80	28	35%
	29. Development of the protocol of institutional measures to be taken in the event of a complaint of anti-union violence against a worker	1	1	100%
	30. Development of the protocol for the protection of personal data of the workers that are served in the CALs.	1	1	100%

As per the table above, it can be said that the project met or exceeded the targets set for most of its PMP indicators, in several aspects, including a considerable number of end-of-project targets.

However, the ET noted some discrepancies between a few targets’ values as reflected in the PMP, and data that was extracted from LegisOffice. For example, Indicator #1 (similar to indicator #8) reflects 15,081 ‘workers and worker organizations that undertake actions to redress labor violations.’ As discussed with the project team, this figure corresponds to the total number of actions (services) provided by the LECs to unions/workers (including, counseling, legal assistance, etc.)

The abovementioned differences may be explained because the data from the PMP and the LegisOffice was collected on different dates, but also because some definitions used in the indicators may not be well known/shared among different project staff members.

**ADJUSTMENTS OR COURSE CORRECTIONS**

The project is currently well on track to achieve its expected outcomes; however, as mentioned earlier, the extent to which the project can be expected to achieve the overall project objective (if it achieves all four LTOs) may be limited.

In this regard, during the course of the interviews conducted with key stakeholders some suggestions for improvement have emerged, as detailed below. Some of these suggestions are addressed to the project (within the scope of the current cooperative agreement), while others are addressed to ENS (outside the scope of the current cooperative agreement).

Suggestions for improvements addressed to the project (within the scope of the current cooperative agreement):

- **Capacity building** and training of workers/unions are key pillars of the project. Still, so far, this component has served mainly as a support to awareness rising and advocacy processes. However, the project/ENS should reflect on how to enhance its capacity building potential in order to effectively generate a greater social impact. Therefore, the project's current training approach should be reviewed from a strategic point of view, this is, analyzing how it could better contribute to the project's strategies and also better adapt to the varying needs and contexts (target groups, sectors and territories) also with a view to reinforce the project's sustainability.
- Further strengthen the project's **research component** to better capture data, information, trends, etc. for making labor rights violations even more visible, while at the same time, catalyzing and improving social dialogue, particularly with a greater involvement of the Ministry of Labor.
- Many stakeholders informed the ET that women workers in the targeted sector are even more vulnerable to violations of their labor rights than men. The ENS project should further mainstream a **gender equity approach** by enhancing (and expanding) current interventions that address violations of women worker's rights or/and that may contribute to discrimination and inequality for women at work.

Suggestions for improvements addressed to ENS (outside the scope of the current cooperative agreement):

- Promote a greater respect of national labor laws among **employers** (for example through information/training campaigns) and, at the same time, improve workers/unions' skills to improve negotiations with their employers. Combined, both interventions would contribute to promoting bilateral mediation processes (workers-employers) that could help prevent and solve labor rights violations (in a consensual way).
- The project should also reinforce advocacy and collaboration with the **MOL**, in order to promote more effective and preventive actions from the Ministry (labor inspection, mediation) and to actively promote social dialogue processes in the project's targeted regions.
- The LECs can also have an active role in the creation of spaces for **social dialogue** in the territories/sectors. A social dialogue approach would allow for the development of preventive/mediation practices, complementary to the "punitive" approach that currently guides the project's theory of change.

**7. What project interventions were most and least effective at empowering workers? Under what circumstances, including **specific sectors or supply chains**, and for whom were they effective or not effective?**

As described in the previous sections related to specific evaluation questions and other sections in this report, overall, the project's strategy has worked well across sectors and targeted regions. The multi-dimensional/multi-pronged strategy consisted of creating LECs that are accessible to and serve workers in all five target sectors; training workers on their rights; creating institutional capacities to recognize labor law violations in workplaces; providing legal services; and assisting workers to submit and track well-supported, well-articulated, justiciable claims for pursuing legal remedies.

However, the ET was able to identify that ENS/project has collected a considerable amount of data and information, although much of this information is scattered amidst project staff, LECs, researchers, panel of experts, research papers and studies, etc. If properly systematized and analyzed, such data and information would contribute to the project/ENS assessing what project interventions were most and least effective in terms of empowering workers, and under what circumstances these interventions work best, including in specific sectors or supply chains, as well as for better identifying for whom these interventions were they effective or not.

**8. Which institutional actors, leverage points or structures associated with the respective **target sectors or supply chains** were the most effective (in achieving and sustaining desired project outcomes) and what were the factors facilitating or limiting their effectiveness?**

Among the factors facilitating the project's effectiveness (please refer to the Good Practices section for more detailed information) were the numerous partnerships established by the project/LECs with trade unions and CSOs. Also, the partnerships between the project and some Universities –related to the placement of interns at the LECs- have proven to be of key importance. Legal caravans were also very effective (Valledupar and Puerto Wilches LECs) in reaching out to workers living and/or working in remote areas. Other LECs (Cartagena, Cali, Facatativá or Villavicencio) have successfully used virtual/remote communication tools. The training processes were very important for outreach- to workers/unions and, at the same time, to gain their trust. The use of virtual/remote tools by LECs, has proven to be key to provide services to workers/unions, as well as to expand the project coverage both in terms of workers reached and territories covered. Additionally, as an unintended positive project effect, in some cases (for example Puerto Wilches) the LECs counseling services have resulted in the successful engagement of workers/unions in mediation processes with employers.

On the other hand, there is consensus among the stakeholders who were interviewed that the principal factor that has negatively affected the overall effectiveness of the project so far has been the challenges regarding the capacity of the Ministry of Labor, as well as the Justice system to resolve in accordance with the legal timeframes the actions that are brought forward by workers/trade unions. Some key stakeholders opined that this may call into question the validity of the project design, which is centered on the assumption that following the provision of justiciable cases, the Government would take timely enforcement action.

**9. How have external factors such as the COVID-19 pandemic, violence against social leaders, political crises, strikes, etc. affected project implementation to date? How effectively did the project assess, adapt, and mitigate the institutional and environmental risk factors that could hamper project implementation? How could the project more effectively address these external factors to achieve project targets?**

During much of the implementation time, the COVID-19 pandemic has negatively affected the mobility of the general public as well as project staff, which has affected meetings, field visits, etc. However, despite such exceptional and challenging circumstances, the project has adapted very well to its changing context and has been able to continue with the provision of services, mostly by increasingly taking advantage of virtual tools, as illustrated in the table below.

**Table 19. LEC Actions (2020-2021)**

LEC Actions (2020 2021)				
CAL	Total # of Actions	Face to Face	Remote/Virtual	Legal Caravans
Cali	3576	8	3538	30
Cartagena	1946	206	1740	0
Facatativa	1367	101	1230	36
Puerto Wilches	2485	11	1485	989
Valledupar	2811	3	1370	1438
Villavicencio	2600	27	2565	8
<b>Total</b>	<b>14,785</b>	<b>356</b>	<b>11,928</b>	<b>2,501</b>

Source: ENS Project based on LegisOffice data

On the other hand, the project's support for the response to allegations of labor violations in the context of the pandemic has also been used by the project as an opportunity to contribute to the establishment of relationships of trust with unions and workers, while positioning the LECs in the territories/sectors.

As explained by project staff, while violence continues to affect certain project areas, this has implied risks for the project staff. Such risks were mitigated by security protocols established by the project. Also, they explained that the project is currently developing a “risk mapping” and a response plan (for project staff). However, the project has yet to develop a protocol for addressing the risk of retaliation to workers/project beneficiaries/LEC users, as was planned in the project design.

In regard to political/social crisis, different “paros nacionales” (national social mobilizations/strikes) occurred, especially in 2021, when trade unions and social organizations convened a series of nationwide social mobilizations, in response to a tax reform proposal. These have also had some negative effect on overall mobility. However, according to several interviewees they also represent an opportunity for the project to engage with government and employers since a context of social unrest (along with the current the electoral period in Colombia) usually creates more sympathy in the general public for social demands. In this regard, staff of the ENS and project who were interviewed, believe that this situation opens new windows of opportunity for greater and better interaction with the Ministry of Labor and Employers.

The ET concludes that, overall, the project has operated in a challenging context, and that it has effectively evaluated and adapted/mitigated relevant risk factors that could potentially have significantly hindered the project implementation. However, many stakeholders concur that, moving forward, the implementation of a sound monitoring process/system would contribute to better address potential external negative factors that may affect the project's implementation, and to mitigate obstacles that limit the achievement of project objectives during the remainder of the project life cycle.

### 3.4. EFFICIENCY

**10. What can be learned from the project's progress (or lack thereof) about the level of change (outcomes) that can realistically be achieved within a given project timeframe and budget, and with the time and resources remaining available for this project (with acknowledgement that some aspects of this learning are context-specific or resultant from the COVID-19 pandemic, and some aspects may be more generalizable)?\***

Although, as mentioned, Colombia was affected by some degree of socio-political instability throughout the project's implementation period, and especially by the emergence, recurrence and long-lasting effects of the COVID-19 pandemic, the project has managed to advance well in the delivery of most results, as expected (as measured through the results framework indicators as described in the previous section). Moreover, there are some areas of potential improvement (that go beyond the project's current commitments, as reflected in the cooperative agreement) which could be considered for future implementation by the ENS as institution (as detailed in the effectiveness section) in order for its interventions to have the potential of generating a greater social impact (see also the recommendations section).

Regarding the level of change that can realistically be achieved, there is consensus among project staff, workers, unions, CSOs, etc. who were interviewed in that the project's assistance for workers/unions in acquiring knowledge as well as the engagement of workers/the project in actions to protect the workers' labor rights, has been essential in the five prioritized sectors in Colombia. Most interviewees agreed that these steps are necessary for increased accountability of employers vis-à-vis respecting their workers' rights, to encourage the authorities' willingness to engage more proactively, and to increase their ability to address labor rights violations more effectively. Nevertheless, there is also widespread agreement among informants, that by itself (at least in the short-term) this strategy is not sufficient (as already mentioned in this report).

In this regard, stakeholders consulted agreed that the achievement of the project's long-term objective will largely depend on an effective enforcement by the government of its labor laws and other legal instruments, and, on the other hand, on the adoption of, and adherence to, best employers' practices that will protect workers' rights, as discussed earlier in the project design/theory of change section.

However, according to key labor stakeholders in Colombia, the Colombian labor law system is plagued by congestion, delays, excessive bureaucracy, the expiration of terms and systemic corruption as described in various external reviews of both Colombian labor law enforcement and of the functioning of the Colombian justice system. Moreover, OTLA also found that multiple challenges exist for ensuring that workers' rights are fully upheld in Colombia, including the stability and adequacy of the labor inspectorate's budget, the number of field-based, administrative labor inspections, timely adjudication of labor cases, fine collection, and efforts to prevent and sanction abusive subcontracting and other practices that undermine rights to freedom of association and collective bargaining. OTLA also found the Colombian government needs to strengthen its efforts to address crimes of violence against unionists, including homicides and threats, as well as efforts to address criminal violations regarding freedom of association and collective bargaining (Penal Code Article 200).<sup>30</sup>

In sum, the achievement of the project's long-term objective will require multi-faceted strategies and interventions. These would entail systemic changes that demand long-term processes and implementation schedules. Thus, improved compliance with Colombia's labor laws and relevant standards should be understood as a strategic longer-term goal that involves a substantial dedication of time and resources (both technical and financial), and more importantly, stronger

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<sup>30</sup> USDOL's Second Periodic Review of Progress as the basis for these OTLA findings, published on October 7, 2021. <https://www.dol.gov/agencies/ilab/our-work/trade/fta-submissions#Colombia>

engagement towards creating an enabling environment that is conducive to labor law enforcement (by the GOC) and compliance (by employers).

#### **AUDIT REPORT: ESCUELA NACIONAL SINDICAL IN COLOMBIA**

An audit report prepared was prepared<sup>31</sup> for the period December 26, 2016, through September 30, 2020. The examination objectives were to determine whether the Grantee, ENS, complied, in all material respects, with the terms of its OTLA Cooperative Agreements, IL-30105-16-75-K-1 and IL-33979-19-75-K, and USDOL regulations promulgated under Title 29, Code of Federal Regulations (CFR), Part 95; that internal controls over financial management and reporting systems were adequate and functioning as intended; and that financial reports and performance results were supported by ENS' books and records during the period December 26, 2016 to September 30, 2020.

The audit report noted six findings that management should address to improve project success:

#### Finding 1 – Lack of Policies and Procedures (Deficiency)

The auditor reviewed ENS' policies and procedures and noted that ENS does not have any policies and procedures related to the management and monitoring of federal grants, such as procedures for the capitalization of assets, cash advance requests, federal financial report preparation, and currency exchange conversion methodology.

#### Finding 2 – Actual Expenses Exceeded the Approved Budget Line Items (Deficiency)

The auditor compared the line item amounts in the approved budget SF-424 A to the actual expenditures per line item. The auditor noted that in Phase II, expenditures for Personnel, Fringe Benefits and Travel exceeded the approved budget. ENS did not request a revision to adjust line items or discuss this with USDOL.

#### Finding 3 – Unsupported Non-Labor Costs (Significant Deficiency and Questioned Cost)

The auditor selected and tested 104 non-payroll transactions with a value of 260,540,180 Colombian Pesos (approximately US\$71,522) for testing. ENS did not provide sufficient supporting documentation for 20 of these samples. This resulted in questioned costs of US\$5,692.

#### Finding 4 – Insufficient Controls Over Payroll (Material Weakness, Questioned Cost and Noncompliance)

ENS does not have sufficient internal controls to determine the cost allocation of salary expenses across projects and to track the level of effort for each employee.

#### Finding 5 – Accuracy and Timeliness of SF-425 Quarterly Reports (Material Weakness and Noncompliance)

The auditor obtained and reviewed all quarterly SF-425, Federal Financial Reports for the period under examination and noted that twelve of nineteen SF-425 reports were submitted late (more than 30 days after the end of the reporting period). Also, when recalculating the total

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<sup>31</sup> Williams, Adley and Company-DC, LLP (Williams Adley)

disbursements per quarter on the SF-425 reports, the auditor observed that the disbursements reported did not agree with the expenses recorded in the general ledger during the same period.

Additionally, the auditor obtained and reviewed the general ledger, approved budget, financial reports, and NICRA letter for the period under review. The auditor noted instances where ENS reported the incorrect rate or incorrect base for indirect costs. The auditor also noted indirect costs were reported on the SF-425 as part of cash disbursements and not as indirect expenses, resulting in indirect costs being duplicated on the report.

In addition, the indirect costs reflected on the SF-425 was incorrectly calculated on all 19 SF-425s reviewed. This was due to ENS using the wrong base to calculate their indirect cost amount.

#### Finding 6 – Lack of USDOL Acknowledgment (Noncompliance)

In the auditor’s review of ENS’ social media and website, the auditor noted that ENS did not have the full acknowledgement disclosure, omitting the Cooperative Agreement number and funding amount as required by the MPG. No evidence of prior USDOL approval was provided.

In connection to efficiency (time, resources, and budget) the shortcomings that were highlighted by the audit report (for example those related to procedures or internal controls for tracking finances) generate some doubts to the ET over the project operation’s efficiency level, in other words, whether the project has been making the best use of the funds and whether it can be reasonably expected to achieve the outcomes with the remaining budget.

#### **11. Does the project have a solid planning, monitoring and evaluation (M&E) framework or system in place? To what extent has this framework/system been effectively used to plan and monitor the project? How often have activities deviated from the project’s plans and timelines, and how timely has the project foreseen these deviations? How can ILAB and its Grantees better capture impact on long-term outcomes for workers and workers’ organizations in specific sectors or supply chains, and results for underserved or specific marginalized groups?**

From the document review and interviews held with project staff, the ET concludes that the project collects information on the project indicators on a regular basis, and, on the other hand, that LegisOffice gathers detailed information on the LEC users as well as of the services provided to such users.

However, at the start of this evaluation, the project had not put in place its own solid M&E “framework,” specifically dedicated to the monitoring of this project, as this would imply a separate, project-based matrix, containing the project’s indicators, targets and actuals that are used to measure the level of achievement. This would be, in sum, in USDOL terminology the Data Tracking Table.

Moreover, the ET learned from project staff that the project Results Framework (called by the project staff “Indicative Plan”) has not yet been formally approved by USDOL. While the project produces the required semi-annual Technical Progress Reports (TPRs) in a timely manner, due to the above-mentioned factors, it has not yet been able to deliver the Data tracking Table along with the respective TPRs. While the project collects information on project indicators, prepares and delivers the TPRs in a timely manner, the extent to which data/tools have been effectively used to plan and effectively monitor the project has been limited so far. Up to the moment of this evaluation, it appears that the monitoring products (TPRs and data from LegisOffice have been used in more of an administrative function, providing accountability for the donor. However, these

have been utilized less as management tools for the project. In consequence, these monitoring tools have not yet been used as a tool to systematically identify and guide the overall planning and monitoring of the project.

Additionally, so far, the project has had three different project coordinators. These changes, according to several informants, have negatively impacted the project coordination, including proactive management, based on the monitoring data.

Moreover, the project's monitoring processes, or rather, the lack of a systematic and detailed analysis of the vast information that is produced by the project (through research, LegisOffice, and the LECs) have until now not allowed for a clear identification and sharing/dissemination of the many outcomes/impacts that have been reached/generated by the project.

However, through the current evaluation process the ET concludes that the project has the information, technical and human capacities and tools in place that are needed to achieve a more strategic management based on data and results.

Regarding the question of how ILAB and its Grantees can better capture impact on long-term outcomes, grantees should develop monitoring, evaluation and learning management systems, in order to allow for better capturing of impact on the long-term outcomes for workers and workers' organizations in specific sectors or supply chains, as well as on results for underserved or specific marginalized groups.

In the case of the current project, as described previously, there is an immense wealth of data, experiences, learning, etc. that is underused. Systematically collecting, storing, organizing, analyzing and systematizing such information could potentially indeed allow the project/ENS to better identify long-term outcomes/impacts for workers and workers' organizations. In addition, it would contribute to obtaining relevant, disaggregated or differentiated information by sector and specific population groups and to better advocate on behalf of workers.

In addition, it can help with better identifying the purpose of information collection, and thus better focus on utilization-focused data collection, keeping in mind the use of such data as well as who is going to use them, rather than collecting data without a clear purpose for their use in mind. This may in turn reduce the amount of data to more manageable amounts and create more accessible information systems.

In these regards, while the project did not identify impact indicators and baselines on the outset, during the remaining implementation time, the USDOL and the project/ENS should be able to agree on the specific relevant elements related to learning about the project's impact, as well as on the best approach to analyze and disaggregate existing or easily generated data/information.



### 3.5. IMPACT

#### 12. How can ILAB and its grantees better (and more timely) capture, analyze and use data about implementation challenges in order to mitigate and address obstacles limiting the project's outcomes for workers and workers' organizations?\*

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Technical assistance/development cooperation projects are often implemented in complicated and challenging contexts, and usually they intend to address complex and multi-dimensional problems. In this regard, realistic objectives and timelines need to be established in the design stage, as well as adequate strategies and relevant indicators to measure the achievement of the planned results. Also, it is important to recognize that the majority of projects are faced with challenges during their implementation. Some of these are foreseeable, while others are not.

Thus, in addition to a sound problem identification and project formulation, project implementation and monitoring processes have to be guided by the principles of Complexity Aware Monitoring & Evaluation (CAM-E). Therefore, it is necessary to remove management models away from input, activities and processes, towards the development and use of management models that focus on outputs and outcomes that are a direct effect of the intervention: the results.

Additionally, it is necessary that information about results is used to improve decision-making. Monitoring must follow the progress of the project and call the attention of management (both grantee and ILAB) as to whether the real results are effectively being achieved or not. This requires that the management (grantee and ILAB) reflect continuously on the extent to which the implementation of the activities and their outputs lead to the intended results or not, make adjustments and find compromises, if necessary, in other words, to adopt an adaptive management approach.

Thus, it should not be limited to only writing mandatory reports required by the ILAB, but instead monitoring must be designed and applied to meet the information needs of the project and the project's stakeholders. A good monitoring system assists with the identification of problems, as they occur, to allow for taking of quick corrective actions when required. And also monitoring outcomes and changes for (early) identification of what is working, for whom and why so it can be capitalized on/reinforced.

Finally, mid-term evaluation exercises are processes where evaluators who are external to, and independent from, the project and donor, verify the progress of the project (accountability), and, in the case of any deviations, will act as a mediator to propose measures (with the agreement of the grantee and the ILAB) that may help to re-direct the project. This requires flexibility and agility on behalf of both ILAB and the grantee, to adopt and implement the recommended measures (when relevant and possible).

#### 13. To what extent has the engagement of workers in the prioritized sectors and/or their organizations, with the LEC, increased their ability to effectively advocate for their rights with

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<sup>32</sup> The current evaluation question was very recently addressed by the lead evaluator in an evaluation report of a similar USDOL-Funded project (Interim evaluation of the Engaging Workers and Civil Society to Strengthen Labor Law Enforcement in Mexico. Sistemas, Familia y Sociedad Ltd. (SFS). February 2022). Due to the analogies and timing of the two projects, the ET opted to quote some passages of the before-mentioned evaluation report as they are considered by the ET a complete fit to the project being currently evaluated.

**employers and the government, including through productive social dialogue, and to identify and assess possible violations of labor rights?\***

The project has so far contributed to the engagement of workers in the prioritized sectors and/or their organizations, with the increased ability of the LECs to identify and assess possible violations of labor rights as well as to advocate for workers' rights.

However, the project is being implemented in a context marked by complexity, especially considering the recurring waves of the COVID-19 pandemic and subsequent recovery processes. Moreover, the challenges which the project intends to address are complex and multi-dimensional, especially when there are systemic power imbalances at play, government (and employers') capacities are limited, and there appears to be a lack of political commitment to change/transformation.

Creating change in the project's five prioritized sectors (and targeted territories) will require long-term transformative processes that involve many actors (workers and unions, as well as Government Agencies, including the MOL, and employers).

Therefore, the contribution of a single project (of a limited duration and limited resources) and basically focused on one side of the equation, namely the workers/unions, to address such systemic problems can only reasonably be expected to be limited in scope.

### **3.6. SUSTAINABILITY**

**14. Is there a clear exit strategy in place, aimed to ensure the sustainability of project outcomes and key outputs? To what extent does it take in account the institutional capacity and motivation of stakeholders involved?**

As explained to the ET by project staff, the project management has started to make some efforts to conceptualize the project's sustainability. However, as interviewees confirmed, there currently is no concrete exit strategy in place, aiming to ensure the sustainability of the project's results and key project outputs.

As described in previous sections, multiple factors can explain this to some extent: The lack of a final and timely Project Document and updated logic model/indicators, as well as the high turnover amidst project coordinators and the project having to pivot to an "emergency mode" due to the COVID-19 pandemic, all conspired against the development of an exit strategy by the project team/ENS.

However, now that the project is starting to "go back to normal" to the extent possible, this may be an opportunity to consider such a strategy. The project has tested its internal logic and had an opportunity to learn about the conduciveness (or lack thereof) of the context and identified the risks and opportunities. It has established important partnerships to support the implementation of different aspects of the project, and, as described, it has produced some important results. It seems therefore to be the right moment to initiate the development of an exit strategy.

Such a strategy should highlight the specific strategic choices that will need to be made, both by the project management as well as by the project partners, in at a relatively short timeframe, as to how to contribute towards the overall sustainability of outcomes and results during the remainder of the implementation time. The strategy will need to consider how to gradually and effectively hand over ownership, maintenance, and sustainability of the results/outcomes to the project partners and, eventually, to other relevant actors.

The ET has examined the main sustainability prospects of the key project interventions implemented so far.

With regard to LTO 1, the operation of the LECs will largely depend on ENS' fundraising capacity, to secure a replacement of the resources required for their sustained operation.

It is also important for ENS/the project to continue its partnerships with universities for the provision of interns to the LECs ensuring that these are sufficiently staffed.

On the service demand side, there is wide-spread agreement among stakeholders who were consulted that, as long as the LECs continue to function, there will be sustained referrals of workers to such centers (LECs) for information and legal services.

Regarding LTO 2, workers and union representatives who were interviewed expressed confidence that, thanks to the services provided by the LECs, they will have sustained capacity to identify potential labor law violations in workplaces. However, they also agreed that without further training such capacity would not be reinforced.

Regarding LTO 3, most stakeholders agreed on the fact that continued support from the LECs, is required in order to ensure that workers, and grass-roots labor organizations will continue to be able to submit well-supported, well-articulated, justiciable claims, as this needs a high degree of expertise and knowledge of the law. Currently, in the project's targeted areas, such expertise and knowledge can only be obtained with the support of the LECs.

In regard to LTO 4, Many stakeholders who were interviewed by the ET opined that in the mid-term it is not likely for workers/unions to effectively track the progress of claims without the LEC support, as this is time-consuming and demands a certain degree of knowledge/expertise related to the administrative/judicial process involved in the claims' progress and resolution. Therefore, the need for continuation of the LEC is also very important from that perspective.

## 4. LESSONS LEARNED AND PROMISING PRACTICES

### 4.1. LESSONS LEARNED

**Lesson Learned 1 - Improving compliance with labor legislation in Colombia requires long-term transformative processes and the participation of many actors.** Short-term projects that intend to improve compliance with labor laws and relevant standards by focusing only on strengthening workers' capacities are not likely to generate a significant systemic impact, since an improved compliance requires long-term processes as well as the joint participation of workers, employers, and the Ministry of Labor. Ensuring full compliance in the five priority sectors would reasonably require more time than the limited project lifespan. It would also require systemic transformations at all levels in/related to each of the prioritized sectors, and, crucially, further engagement by, and increased capacity of, the Ministry of Labor and relevant institutions to create an enabling environment that is conducive to the labor law, regulations and their respective enforcement. In addition, it would require promoting and strengthening constructive tripartite social dialogue and eventually collective bargaining processes at the local, regional, and national levels. This, in turn, requires the participation of strong unions and employers' organizations that are open to such dialogue, where serious challenges exist. Increased success in government-led dialogue would also be required. These factors should have been given greater weight in the project's design phase.

**Lesson Learned 2 - Untapped potential for social dialogue/dispute resolution at the local levels.**

Although the project's theory of change largely focuses on the demand side for more/better labor law enforcement, at the local level there may be significant untapped potential for bipartite/tripartite social dialogue and eventually, collective labor agreements (at enterprise level). This may be achieved by the project through reinforcing collaboration with the MOL as well as by engaging with employers who may be potentially interested in improving labor law compliance. Future projects could/should be designed to better address/encourage social dialogue as it is essential to achieving the systemic change in enforcement and compliance. Further, sector- or company-specific social dialogue processes could include specific regulations for dispute resolution processes in the event that a work-related conflict or disagreement would occur.

**Lesson Learned 3 - Identifying, understanding, and socializing patterns of labor law violations.**

From the review and interviews with stakeholders it is clear that labor rights violations are part of patterns that extend beyond individual cases. Identifying, understanding, socializing, and discussing such patterns (e.g., through the systematization of emblematic cases carried out by the project) would help highlight the vast body of knowledge that has been constructed and further expanded throughout the project implementation. In turn, such improved knowledge could be used to inform and further improve USDOL-ENS/project collaboration and used for better advocacy and improve results for workers in the priority sectors, using the data and evidence which the project will continue to generate during the remainder of implementation.

**Lesson Learned 4 - Data collection and monitoring processes should be more utilization-focused,**

in order to provide strategic information to improve decision-making in project implementation. Moreover, ideally, it could be used by the social partners to inform dialogue, help develop solutions/remedies and increase transparency about working conditions/compliance. Additionally, more accurate and synthesized reporting should be encouraged as the current narratives in the TPRs are too long, ill-structured and often lack precise descriptions, thereby diluting the analysis of progress that is achieved at the different levels (LTOs, MTOs, STOs). This makes it difficult for the reader to quickly identify and comprehend the project achievements, challenges, risks and opportunities for improvement.

**4.2. PROMISING PRACTICES**

**Promising Practice 1 – Partnerships with unions and CSOs were very effective in positioning the LECs in the territories and attracting workers.** The partnerships established by the project with unions and CSOs (taking advantage of ENS' reputation and contacts in the labor and social movement), combined with extensive communication campaigns (through local radio stations, social media, “perifoneo” which are loop recordings broadcasted by a moving vehicle, flyers, etc.) were found to be very effective in positioning the LECs in the territories and attracting workers (both unionized and non-unionized).

**Promising Practice 2 – Partnerships with universities for improved LEC services.** As the LECs are generally understaffed (they are usually managed by one or two staff plus one or two mobile lawyers), the support provided by law school interns has been essential for the LECs' ability to provide the requested services to workers and unions. In return, the interns repeatedly expressed to the ET that they had gained invaluable hands-on experience with labor law through their participation in the LECs.

**Promising Practice 3 – Contextualization of legal and other services through legal caravans and virtual/remote communication.** In some cases, for example the LECs in Valledupar and Puerto Wilches (which are located in rural and remote areas), mobile lawyers, or “legal caravans,” have been very effective not only in reaching out to workers, but also in providing counselling and legal assistance to workers/unions. Other LECs (Cartagena, Cali, and Villavicencio) have relied more on the use of virtual services and on advertising about their presence and services through alliances with trade unions.

**Promising Practice 4 – The training process responds to actual needs and builds trust with workers.** Different groups of stakeholders found that the training processes were very important for outreach to workers/unions and, at the same time, served to gain their trust. For example, the courses in occupational health developed by the LECs during the COVID-19 pandemic not only responded to an emerging need for LEC services, but they were also found to have been essential in generating credibility for the LECs among workers and unions, which in turn has prompted them to seek additional services from the LECs, as confirmed in interviews.

**Promising Practice 5 – The use of virtual/remote tools by LECs to provide services to workers/unions and to expand the project coverage.** The project has also been very effective in increasing the use of virtual/remote tools by LECs, to provide services to workers/unions. Moreover, increasing the use of such virtual tools has allowed the project to widen its coverage, both in terms of the number of workers reached/served and the territories covered (municipalities and departments).

**Promising Practice 6 – Counseling services resulted in the engagement of workers/unions in mediation processes with employers.** In some cases (Puerto Wilches, for example), counseling services provided by LECs to workers/unions have resulted in the engagement of workers/unions in mediation processes with employers in an effort to solve conflicts related to alleged labor laws violations in the workplace. As explained by the LEC staff, mediation has resulted in an agreement by both parties in 70% of the cases.

## 5. CONCLUSIONS

The main assumption underlying the project’s theory of change, strategy and long-term outcomes was that achieving improved ability of workers in priority sectors of Colombia to understand and exercise their labor rights by submitting complaints, would, in the long term, promote improved compliance with Colombia’s labor laws and relevant labor standards (project objective). However, the ToC/project design was too narrowly formulated and did not include important results that are necessary to achieve the project objective. Successful achievement of the project objective is dependent on additional changes that need to occur in the implementing environment, such as improved government enforcement of labor laws and other legal instruments, and the adoption of employers’ best practices that protect workers’ rights. Nevertheless, as underlined in the FOA, these are outside the scope of this project. Moreover, USDOL did not expect the project to implement activities designed to effect such changes as part of the current cooperative agreement. Yet, many interviewees opined that ENS should make additional efforts to engage with both the Ministry of Labor and employers in the prioritized sectors, and to encourage alternative dispute resolution to mitigate labor-related conflicts between employers and workers through the promotion/creation of social dialogue spaces. In this regard, several key stakeholders

opined that the project's ToC could be strengthened by incorporating these additional results/outcomes as a part of what is required to achieve the project objective.

Despite a challenging and changing context, including some social unrest, recurring waves of the COVID-19 pandemic and the high level of management staff turnover, the project was found to have been sufficiently effective and demonstrated an ability to adjust to these circumstances in an effective manner by pivoting to provide more emergency-based services. In addition, the project's approach of using legal caravans and mobile lawyers, and the increasing use of technology for virtual trainings, has allowed the project to effectively reach out to a considerable number of workers and unions in the five target sectors and areas. As a result, a large number of workers/unions have strengthened their capacity to identify labor law violations which has resulted in the preparation of a considerable number of well-prepared legal complaints on such violations in the sectors, with the assistance of the LECs. This has in turn led to success in bringing such claims before the authorities, while generating in some cases other opportunities for workers/employers to engage in alternative dispute resolution and to solve these issues without lengthy administrative/judicial processes.

So far, project implementation has been largely conditioned by the COVID-19 pandemic. As the pandemic seems to be abating in Colombia, ENS may be in a better position to incorporate a more strategic (post-pandemic) focus by promoting a greater respect for national labor laws among employers; improving workers/unions' skills to improve negotiations with their employers; reinforcing advocacy and collaboration with the MOL; increasing the LECs' active role in the creation of spaces for social dialogue in the territories/sectors; enhancing the project's capacity building potential for workers and unions; further strengthening the research component to better connect existing and new knowledge to practical challenges and applications when protecting labor rights; and further mainstreaming a gender equity approach by enhancing (and expanding) current interventions that address violations of women workers' rights and/or that may contribute to discrimination and inequality for women at work.

The absence of a finalized and solid Project Document has affected to some extent the project's ability to develop a Logic Model, and this has proven to be one reason that prevented the project's ability to provide up-to-date performance data. In addition, there were identified challenges with the systematization and analysis of the large amounts of collected data. To some extent the effective monitoring ability of the project has been negatively affected by this: better data and knowledge management may potentially provide useful feedback that will benefit the project and lead to an improved and more adaptive project management approach. However, the ET has found that overall, based on the vast amount of data, documentation and information collected, the project has demonstrated effective project implementation. There is, however, room for improvement of the data collection, analysis and feedback into the project to further inform the project's strategic vision and orientation and better target vulnerable populations, and thus improve its overall effectiveness.

The ET has identified some important lessons learned, and several good practices. The report also includes a series of recommendations to improve the project's strategic vision in order to further improve social impacts, project implementation and the measurement of results, and to contribute to improved sustainability for the project for the remainder of the project life.

## 6. RECOMMENDATIONS

### 6.1. GENERAL RECOMMENDATIONS – FOR USDOL ILAB

Table 20. General Recommendations - For USDOL ILAB

Recommendations to USDOL/ILAB	Evidence	Page Numbers
<p><b>No.1. Avoid limiting the scope of projects in ways that constrain the project’s effectiveness/impact.</b> In the future USDOL-ILAB should avoid issuing FOAs that limit the scope of projects in ways that constrain projects’ effectiveness/impact.</p>	<p>The ToC/project design was too narrow and did not include important results necessary to achieve the project objective. Successful achievement of the Project Objective is dependent on additional changes that need to occur in the implementing environment, such as improved government enforcement of labor laws and other legal instruments, and adoption by employers of best practices that protect workers’ rights. Nevertheless, these are, as underlined in the FOA outside the scope of this project. Moreover, USDOL did not expect the project to implement activities designed to effect such changes as part of the current cooperative agreement.</p>	<p>Section 3.1. Relevance and Validity. EQ 1, Page 23</p>
<p><b>No. 2. Promote the development of integrated projects addressed to tripartite stakeholders.</b> USDOL-ILAB should encourage the implementation of integrated projects addressed to tripartite stakeholders (e.g., government, employers, workers), or separate (but complementary) projects that strengthen tripartite linkages and capacities. Additionally, USDOL-ILAB should promote sustained linkages and ideally social dialogue and joint problem solving among workers and employers to influence government action, as well as employer-government and union-government linkages.</p>	<p>Projects that intend to improve compliance with labor laws and relevant standards by focusing only in strengthening workers’ capacities are not likely to generate a significant impact since improved compliance requires the participation of worker organizations, employers and labor administration authorities.</p> <p>Future projects could/should be designed to better address/encourage social dialogue as it is essential to achieving the systemic change in enforcement and compliance</p>	<p>Lesson Learned 1. Page 50</p> <p>Lesson Learned 2. Page 51</p>

**6.2. GENERAL RECOMMENDATIONS – FOR USDOL/ILAB AND THE IMPLEMENTING PARTNER**

**Table 21. General Recommendations for USDOL ILAB and the Implementer**

Recommendations to USDOL/ILAB and to the Implementer	Evidence	Page Numbers
<p><b>No.3. Improve institutional data collection and knowledge management processes.</b> The project/ENS should prioritize the systematic collection, organization, and analysis of information and systematize the knowledge that has been generated so far. In addition, USDOL and the project/ENS should agree on the specific relevant elements associated with project-related learning as well as on the best approaches to improve analysis and disaggregation of existing or easily generated data, including information about project’s impacts (outputs, outcomes) for workers and workers’ organizations. These should be disaggregated by specific sector or supply chain and reflect the project’s results for underserved or specific marginalized groups.</p> <p><b>Priority: High (before the end of the project)</b></p>	<p>Overall, the project is proving to be very effective in achieving the four expected LTOs. However, the ET couldn’t find conclusive evidence, at this point in the life of the project, of this resulting in significant tangible benefits for workers (i.e., increasing or improving government enforcement of labor law, workers’ ability to better exercise their rights, better wages, better working conditions).</p> <p>The project is generating an immense wealth of data, experiences, learning, etc., but it is underused, and its processing and analysis need to be improved.</p>	<p>Section 3.3. Effectiveness. EQ 6. Page 30</p> <p>Section 3.4. Efficiency, EQ 11, page 46</p>

**6.3. SPECIFIC RECOMMENDATIONS – FOR ENS AS THE IMPLEMENTING PARTNER**

**Table 22. Specific Recommendations for ENS as Project Implementer**

Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.4. Preparation of updated performance reporting and improved TPRs.</b> The project should improve its use of TPRs to make them better-structured, methodical and analytical (clearly synthesizing the outcomes/results/impacts that have been achieved). In addition, the project should be submitting actual performance data vis-à-vis the plan and established indicators/targets, in a spreadsheet/Data Tracking Table format. Moreover, the TPRs should follow a proper editorial review process to improve the quality of the English grammar.</p> <p><b>Priority: High (essential before the end of the project)</b></p>	<p>The project’s TPRs are too long, ill-structured and they often lack precise descriptions, thereby diluting the analysis of progress that is achieved at the different levels (LTOs, MTOs, STOs). This makes it difficult for the reader to quickly identify and understand the project achievements, challenges, and risks and the opportunities for improvement.</p> <p>While the project produces the required semi-annual TPRs in a timely manner, it has not yet been able to deliver the Data Tracking Tables (along with the respective TPRs).</p>	<p>Lesson Learned 4, page 51</p> <p>Section 3.4. Efficiency, EQ 11, page 46</p>



Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.5. A more effective use of the project’s research agenda.</b> The project should develop a research agenda that can be effectively used in connecting existing and new knowledge to practical challenges and applications when protecting labor rights in each sector/territory, but also at the national level.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>There is still room for improved conceptualization and for the development of a research agenda to better connect it to national/sectoral/territorial needs and challenges, so it can be more effectively used.</p>	<p>Section 3.3. Effectiveness, EQ 6, page 30</p>
<p><b>No.6. Reinforce the project’s training component.</b> The project management, along with ENS should further reinforce the project’s training component for workers and unions. Therefore, the project’s current training approach should be reviewed analyzing how it could better contribute to the project’s strategies and also better adapt to the different needs and contexts (target groups, sectors and territories), with a view to reinforce the project’s sustainability.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>Capacity building and training of workers/unions are key pillars of the project. Still, this component has mainly served so far as a support to awareness rising and advocacy processes.</p>	<p>Section 3.3. Effectiveness, EQ 6, page 30</p>
<p><b>No.7. Include specific and targeted actions for protecting the rights of women workers.</b> The project should further mainstream a gender equity approach by enhancing (and expanding) current interventions that promote gender equality and the empowerment of women, and equity in order to strengthen respect for the rights of <i>all workers</i> including men and women.</p> <p><b>Priority: Medium (not essential)</b></p>	<p>Many stakeholders informed the ET that women workers in the targeted sector are even more vulnerable to violations of their labor rights than men.</p> <p>There is also room for improvement in terms of gender mainstreaming and equity. So far, on average, only 19% of the LEC users are women.</p>	<p>Section 3.3. Effectiveness. EQ 6. Page 30</p> <p>Section 3.1. Relevance. EQ 4. Page 26</p>
<p><b>No. 8. Develop a protocol for addressing the risk of retaliation to workers.</b> During the remaining time of implementation, the project should develop a protocol for addressing the risk of retaliation to workers/project beneficiaries/LEC users, as originally planned in the project design.</p> <p><b>Priority: High (essential before the end of the project)</b></p>	<p>As explained by project staff, while violence continues to affect certain project areas, this has implied risks for the project staff. Such risks were mitigated by security protocols established by the project. Also, they explained that the project is currently developing a “risk mapping” and a response plan (for project staff). However, the project has yet to develop a protocol for addressing the risk of retaliation to workers/project beneficiaries/LEC users, as was planned in the project design</p>	<p>Section 3.3. Effectiveness. EQ 9, page 42</p>

Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.9. Develop a sustainability strategy and exit plan.</b> The project must develop a systematic and detailed Sustainability Plan. Such plan should take in account the results achieved thus far, as well as the expected challenges and the updated status of the “enabling environment” in Colombia. This includes the institutional capacities, available resources, and political commitment of key stakeholders, as well as an analysis of those results that are not highly valued by local stakeholders or that have a low likelihood of being sustained and that should not be prioritized for sustainability efforts. The sustainability plan should also clearly identify any changes that may have occurred in the project’s underlying assumptions, risks, and mitigation strategies. The plan should describe what is expected to be sustained beyond the project and by whom, with a well-defined timeline of activities toward this end. Also important in this regard is the development of a clear exit strategy, which identifies the gradual transfer of responsibilities from the project to national and local institutions or networks.</p> <p><b>Priority: High (essential before the end of the project)</b></p>	<p>As explained to the ET by project staff, the project management has started to make some efforts to conceptualize the project’s sustainability. However, as interviewees confirmed, there currently is no concrete exit strategy in place, aimed to ensure the sustainability of the project’s results and key project outputs.</p>	<p>Section 3.6. Sustainability. EQ 14. Page 49</p>

**6.4. SPECIFIC RECOMMENDATIONS – FOR ENS’ ORGANIZATIONAL CAPACITY BUILDING IN LABOR RELATIONS (OUTSIDE OF THE SCOPE OF THE CURRENT COOPERATIVE AGREEMENT)**

**Table 23. Specific Recommendations for ENS’ Development as an Institution**

Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.10. Strengthen its partnerships with the MOL.</b> The ENS should continue deepening and expanding partnerships with the Ministry of Labor, especially at the departmental and local levels in order to promote labor rights for workers in the five prioritized sectors.</p> <p><b>Priority: Medium (independent of the project)</b></p>	<p>Successful achievement of the project objective is dependent on additional changes that need to occur in the implementing environment: government enforcement of labor laws and other legal instruments, and adoption by employers of best practices that protect workers’ rights</p> <p>Projects that intend to improve compliance with labor laws and relevant standards by focusing only in strengthening workers’ capacities are not likely to generate a significant impact since improved compliance requires long-term processes as well as the participation of workers, employers and the Ministry of Labor.</p>	<p>Section 3.1. Relevance, EQ 1, page 23</p> <p>Lesson Learned 1. Page 50</p>

Recommendations to the Implementer	Evidence	Page Numbers
<p><b>No.11. Initiate a dialogue with employers and explore possibilities for their inclusion in the joint activities/exchanges.</b> ENS should initiate a dialogue (<u>where and when appropriate</u>) with relevant/selected employers/companies in order to explore potential options for them to adopt best practices that protect workers’ rights. ENS may consider reaching employers by promoting awareness about the labor law and relevant regulations; by training employers in occupational safety and health-related aspects and guidelines; or by sponsoring local-level, bi-partite (unions and employers) initiatives and processes that can encourage the initiation and/or reinforcement of social dialogue and collective labor agreements (where appropriate).</p> <p><b>Priority: Medium (independent of the project)</b></p>	<p>Successful achievement of the project objective is dependent on additional changes that need to occur in the implementing environment: government enforcement of labor laws and other legal instruments, and adoption by employers of best practices that protect workers’ rights.</p> <p>Projects that intend to improve compliance with labor laws and relevant standards by focusing only in strengthening workers’ capacities are not likely to generate a significant impact since improved compliance requires long-term processes as well as the participation of workers, employers and the Ministry of Labor.</p>	<p>Section 3.1. Relevance, EQ 1, page 23</p> <p>Lesson Learned 1. Page 50</p>
<p><b>No.12. Encourage alternative dispute resolution to mitigate labor-related conflicts between employers and workers.</b> It is recommended that ENS considers taking more decisive steps towards strengthened measures that are geared towards the prevention of labor law violations and alternative dispute resolution. For example, this may be done by supporting social dialogue spaces and promoting the usage of mediation/arbitration process (at the local/company/level) among workers and employers.</p> <p><b>Priority: Medium (independent of the project)</b></p>	<p>There is consensus among the stakeholders who were interviewed that the principal factor that has negatively affected the overall effectiveness of the project so far has been the weak institutional capacity, of the Ministry of Labor, as well as the Justice system, and their respective inability to effectively and timely resolve the legal actions that are brought forward by workers/trade unions.</p> <p>Although the project’s theory of change largely focuses on the demand side for more/better labor law enforcement, at local levels there may be significant untapped potential for bipartite/tripartite social dialogue.</p>	<p>Section 3.3. Effectiveness. EQ 8. Page 42</p> <p>Lesson Learned 2. Page 51</p>

## **ANNEX A. LIST OF DOCUMENTS /AUDIOVISUAL PRODUCTS REVIEWED**

### **1. Basic Project Documents**

- Project Document (Undated)
- Annex 1 – Results Framework (11.23.20)
- Colombia Annex 4 – PMP-Indicative Plan (07.21.21)

### **2. Technical Progress Reports (TPR) and their annexes**

- Attachment 3\_Full TPR Colombia Oct-Dec 2019
- Attachment 3\_Full TPR Colombia - Jan-March 2020
- Attachment 3\_Full TPR Colombia Apr-Jun 2020
- Attachment 3\_Full TPR Colombia Jul - Sep 2020
- Attachment 3\_Full TPR Colombia Oct - Mar 2021
- Attachment 3\_Full TPR Colombia Apr-Sept 2021

### **3. Other**

- 2019 Funding Opportunity Announcement
- OTLA Project Summary - Colombia
- ENS Final Examination Report (2021)
- Interim evaluation report of the Workers' Rights Centers for the Greater Protection of Labor Rights in Colombia project. IMPAQ International, 2019
- Independent Impact Evaluation for the Strengthening Protections of Internationally Recognized Labor Rights in Colombia Project. IMPAQ International, 2016
- ENS disaggregated data matrices
- Carta de Entendimiento entre el Ministerio de Trabajo de la República de Colombia y la Escuela Nacional Sindical
- <https://calcolombia.co/>

## **ANNEX B. STAKEHOLDERS' LIST (KII & FGD)**

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## **ANNEX C. STAKEHOLDER WORKSHOP AGENDA**

### **USDOL Interim Evaluation**

#### **WORKER'S RIGHTS CENTERS FOR THE GREATER PROTECTION OF LABOR RIGHTS IN COLOMBIA**

#### **VIRTUAL (REMOTE) PRESENTATION & VALIDATION SESSION ON PRELIMINARY RESULTS**

Objective: To clarify and validate the final evaluation preliminary findings

#### **AGENDA**

- Welcome and introduction of participants
- Evaluation team presentation of preliminary findings and conclusions
- Questions for clarification and discussion
- Check and validation of current Project results
- Next steps
- End of meeting

## **ANNEX D. TERMS OF REFERENCE**

# **INTERIM EVALUATION WORKER'S RIGHTS CENTERS FOR THE GREATER PROTECTION OF LABOR RIGHTS IN COLOMBIA**

Funding for this evaluation was provided by the United States Department of Labor under contract number 47QRAA20D0045 and Task Order 1605C2-21-F-00051. 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.

## BACKGROUND AND JUSTIFICATION

The United States Department of Labor (USDOL), through its Bureau for International Labor Affairs (ILAB), has contracted with Sistemas, Familia y Sociedad (SFS) under order number 1605C2-21-F-00051 to conduct this performance evaluation of the Workers' Rights Centers for the Greater Protection of Labor Rights project in Colombia. This project is implemented by the Escuela Nacional Sindical (ENS) in five priority sectors and five areas of Colombia (Cali, Cartagena, Facatativá, Puerto Wilches, Valledupar and Villacencio).

This document serves as the framework and guidelines for the evaluation. It is organized into the following sections:

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

## PROJECT CONTEXT<sup>33</sup>

Workers in the five priority sectors of palm oil, sugar, mining, ports, and cut-flowers in Colombia have consistently been denied their core labor rights and, in some cases, basic civil rights associated with democracy and societal participation. The government of Colombia and private companies do not adequately protect labor rights and standards and do not adequately enforce labor law and policy, leading to poor worker livelihoods, illegal labor outsourcing, and workplace accidents and illnesses.

Over two-thirds of the working population, approximately 13 million people, work informally, without access to basic social protections including health, retirement pensions, and workplace accident and sickness insurance policies. In Colombia's rural sector, labor informality was 87% of the total workforce in 2018. The high number of unemployed (more than 2.5 million workers for 2018) and informal workers in Colombia exacerbate worker insecurity and precariousness, in terms of the additional risks to their social income<sup>34</sup> and general life opportunities such as access to, and possession and control of resources<sup>35</sup>. In export-dependent industries, such as in the five priority sectors, these relations, often grounded in labor violations, act as a form of social dumping, affecting competing industries in trading partner countries.

Workers in the five priority sectors suffer high levels of informality, labor outsourcing, union discrimination, and occupational accidents and illnesses despite efforts of the US-Colombia Labor

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<sup>33</sup> Adapted from the ENS LECs Draft Project Document, Problem Analysis.

<sup>34</sup> Standing, Guy, Jeemol Unni, Renana Jhabvala & Uma Rani. 2010. Social Income and Insecurity: A Study in Gujarat. New Delhi/ UK: Routledge.

<sup>35</sup> Antón, Antonio (2016). Una desigualdad intolerable. Jornadas de Pensamiento Crítico, 5 & 6 December 2015. Madrid: Pensamiento Crítico: March.



Action Plan (LAP)<sup>36</sup> to prioritize special attention on these issues. For organized workers and trade union leaders from these sectors, exercising their most basic rights to unionize and negotiate collective bargaining agreements has often led to violent persecution. Unionists in Colombia have suffered more violence than unionists in any other country<sup>37</sup>, and only surpassed by teachers, Colombian agricultural and mining workers have faced the most violent anti-union actions<sup>38</sup>.

Recent studies show the individual and collective trauma that palm oil workers in the Magdalena Medio region, for example, have suffered for decades<sup>39</sup>. Cut-flower workers, especially in the plains of Bogotá, have faced systematic gender and racial discrimination even as they toil to ensure the continuous growth of Colombia's cut-flower industry,<sup>40</sup> and in the province of Valle del Cauca and cities such as Cali and Buenaventura, labor rights violations have been historically linked to processes of racial discrimination and social-spatial segmentation and inequality<sup>41</sup>.

Finally, many of the labor laws lack a normative coherence, and a notorious gap exists between the legal protections for workers and the institutional capacity to regulate labor relations and enforce labor law and policy. These gaps contribute to structural impediments to decent working conditions in the five priority sectors. Despite Colombia ratifying the ILO Convention on labor inspection (N°81), in 2017 the ILO's Commission of Norms cited its non-compliance with the convention. In response to a complaint against Colombia for violating Chapter 17 of the USA-Colombia Trade Promotion Agreement, the Office of Trade and Labor Affairs (OTLA) of the US Department of Labor found that Colombia's labor inspection system was inefficient and excessively bureaucratic and failed to address illegal labor outsourcing and union discrimination practices, despite efforts of expansion and operational restructuring. Legal Enforcement Centers (LEC) have been very effective in reorienting state attention to the most serious forms of labor violations and fomenting worker awareness of their rights at work in the five priority sectors and beyond.

## PROJECT SPECIFIC INFORMATION<sup>42</sup>

After two successful phases of the Workers' Rights Centers for the Greater Protection of Labor Rights in Colombia project, Escuela Nacional Sindical (ENS) received funding from the United States Department of Labor (USDOL) Office of Trade and Labor Affairs (OTLA) to implement Phase 3, which began in October 2019 and is scheduled to run through September 2023. An expansion of the scope, addition of mobile units/legal caravans, establishment of new centers and expansion of services to non-priority sectors have been part of the second and third phases.

<sup>36</sup> The Labor Action Plan signed by then presidents, Obama and Santos, on 11 April 2011.

<sup>37</sup> Escuela Nacional Sindical (ENS). Sistema de Información e n Derechos Humanos (Sinderh).

<sup>38</sup> Comisión Colombiana de Juristas (CCJ) & Escuela Nacional Sindical (ENS), 2012. Imperceptiblemente nos encerraron. Exclusión del sindicalismo y lógicas de la violencia antisindical en Colombia, 1979-2010. CCJ/ENS.

<sup>39</sup> Centro Nacional de Memoria Histórica. 2019. Y La Vida Por Fin Daremos Todo: Memorias de las y los trabajadores y extrabajadores de la agroindustria de la palma de aceite en el Cesar, 1950-2018. Informe del Centro Nacional de Memoria Histórica. ISBN: 978-958-5500-42-6.

<sup>40</sup> Sanmiguel-Valderrama, Olga. 2007. The feminization and racialization of labour in the Colombia fresh-cut flower industry. *Journal of Developing Studies* 23 (1-2): 71-88.

<sup>41</sup> Arroyo-Mina, José Santiago, et al., 2016. Afrocolombianos, discriminación y segregación espacial de la calidad del empleo para Cali. *Cuadernos de Economía*, Vol.35 (69), Bogotá: July/December.

<sup>42</sup> Adapted from the ENS LECs Draft Project Document, Project Design.

ENS' project-level objective is: Improved ability of workers in priority sectors of Colombia (palm oil, sugar, mining, ports, and cut-flowers) to understand and exercise their labor rights, which contributes to the goal of improved compliance with Colombia's labor laws and relevant standards. The strategy for achieving the project objective is creating worker-driven LECs that attract and serve workers in all five target sectors: palm oil, sugar, mining, ports, and cut-flowers. The LECs will effectively reach workers with little or no access to labor authorities, to support them in conducting research for cases; educating them on their rights; training them to identify potential labor law violations in workplaces; providing legal services; and assisting them to submit and track well-supported, well-articulated, justiciable claims for initiating labor inspections and pursuing legal remedies. Furthermore, the LECs and LEC professionals will offer psycho-social attention to workers who have suffered workplace discrimination based on race, ethnicity, gender, or status as migrants, amongst others; or workers who have suffered work-related accidents or illnesses. Empowering workers through LECs will improve their capacity to organize collectively and protect their labor rights and relevant standards.

The theory of change for the LEC project, Worker-Driven Labor Law Enforcement Centers in Colombia, is: **If** workers from the five priority sectors attain legal and psycho-social counsel at the LECs, and acquire knowledge and engage in action to protect their labor rights, **then** they will (i) have a better understanding of the requirements, procedures and documentation needed to initiate inspections or investigations, or to seek administrative solutions; and (ii) submit complaints or requests for inspections that are well-supported and well-prepared to the pertinent authorities. If workers, via the labor law enforcement centers, are able to submit well-supported and well-articulated claims, then the labor ministry and other relevant government agencies will be able to address labor rights violations more effectively and improve compliance with Colombia's labor laws and relevant standards, which will lead to improved working conditions, health, and livelihood of Colombian workers in the five priority sectors.

To this end, the project has established the following Long-Term Outcomes (LTOs):

**LTO 1:** Increased referrals of workers in priority sectors to labor law enforcement centers (LECs) for information and legal services.

**LTO 2:** Workers accurately identify potential labor law violations in workplaces.

**LTO 3:** Labor law enforcement centers and/or workers and activists from the LECs, & grass-roots labor organizations submit well-supported, well-articulated, justiciable claims to initiate inspections and pursue legal remedies.

**LTO 4:** Labor law enforcement centers and/or workers effectively track the progress of claims to initiate inspections and pursue legal remedies.

## PURPOSE AND SCOPE OF EVALUATION

### EVALUATION PURPOSE

This interim performance evaluation will assess the performance and achievements of the LEC project in Colombia since the time of the last interim evaluation, which covers the end of Phase 2 as well as the Phase 3 progress to date (specifically June 2019 – March 2022). The evaluation team will glean information from a diverse range of project stakeholders and institutions who participated in and were intended to benefit from interventions in Colombia.

The purpose of interim performance evaluations covered under this contract include, but may not be limited to, the following:

- Assessing the relevance of the project in the cultural, economic, and political context in the country, as well as the validity of the project design and the extent to which it is suited to the priorities and policies of the host government and other national stakeholders
- Assessing if the project has achieved its objectives and outcomes, identifying the challenges encountered in doing so, and analyzing the driving factors for these challenges
- Assessing the intended and unintended effects of the project
- Assessing lessons learned and emerging practices from the project (e.g., strategies and models of intervention) and experiences in implementation that can be applied in current or future projects in the focus country(ies) and in projects designed under similar conditions or target sectors; and
- Assessing which outcomes or outputs can be deemed sustainable.

#### INTENDED USERS

The primary audience of the evaluation includes ILAB, ENS, and other relevant stakeholders in Colombia, including unions and civil society. The evaluation results, conclusions, and recommendations will serve to inform future project design and inform stakeholders in the design and implementation of subsequent projects in the country and elsewhere as appropriate.

#### EVALUATION QUESTIONS

Following discussions with ILAB and ENS, the following key questions for this evaluation have been developed in accordance with the Organization for Economic Co-operation and Development Assistance Committee criteria: Relevance/Validity, Coherence, Effectiveness, Efficiency, Impact, and Sustainability.<sup>43</sup>

##### RELEVANCE/VALIDITY OF PROJECT DESIGN

1. Are the strategy, intermediate outcomes, and assumptions of the theory of change (ToC) generally appropriate for achieving the planned results and long-term outcomes? **To what extent have the project's theory of change (ToC) and set Long Term Outcomes (LTO) held true in Colombia?**
2. To what extent have the project's expected outcomes and interventions responded to relevant stakeholders' needs and the evolving country context, especially since the onset of the COVID-19 pandemic? Has the grantee addressed all relevant stakeholders, in all of the project's target geographical areas, to enlist their support for the project outcomes?
3. What drives workers' perceptions and behavior in the respective **targets sectors or supply chains** vis-à-vis the LECs and their demand for and utilization of services delivered by the LECs to advance and defend workers' rights?

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<sup>43</sup> Note that the OECD/DAC criteria have been revised as of January 2020: <https://www.oecd.org/dac/evaluation/reviced-evaluation-criteria-dec-2019.pdf>.

4. To what extent do marginalized or underserved populations experience equitable access to (and outcomes resulting from) project-supported services or interventions? What are the steps that ILAB and its Grantees are taking (or should be taking) to ensure technical assistance reaches and benefits these populations?

#### COHERENCE

5. To what extent has ENS' dual role as project implementer and labor think tank facilitated or limited coherence in project implementation and credibility with stakeholders.

#### EFFECTIVENESS

6. To what extent are the expected outcomes likely to be achieved or not achieved within the life of the project? What adjustments or course corrections, if any, should be made to the project's PMP, strategies, resource allocations or activities to increase the likelihood of achieving project outcomes? **Which project outcomes show the greatest and lowest levels of achievement during the project's period of performance?**
7. What project interventions were most and least effective at empowering workers? Under what circumstances, including **specific sectors or supply chains**, and for whom were they effective or not effective?
8. Which institutional actors, leverage points or structures associated with the respective **target sectors or supply chains** were the most effective (in achieving and sustaining desired project outcomes) and what were the factors facilitating or limiting their effectiveness?
9. How have external factors such as the COVID-19 pandemic, violence against social leaders, political crises, strikes, etc. affected project implementation to date? How effectively did the project assess, adapt, and mitigate the institutional and environmental risk factors that could hamper project implementation? How could the project more effectively address these external factors to achieve project targets?

#### EFFICIENCY

10. **What can be learned from the project's progress (or lack thereof) about the level of change (outcomes) that can realistically be achieved within a given project timeframe and budget, and with the time and resources remaining available for this project (with acknowledgement that some aspects of this learning are context-specific or resultant from the COVID-19 pandemic, and some aspects may be more generalizable)?**
11. Does the project have a solid planning, monitoring and evaluation (M&E) framework or system in place? To what extent has this framework/system been effectively used to plan and monitor the project? How often have activities deviated from the project's plans and timelines, and how timely has the project foreseen these deviations? How can ILAB and its Grantees better capture impact on long-term outcomes for workers and workers' organizations **in specific sectors or supply chains, and results for underserved or specific marginalized groups?**

## IMPACT

12. How can ILAB and its grantees better (and more timely) capture, analyze and use data about implementation challenges in order to mitigate and address obstacles limiting the project's outcomes for workers and workers' organizations?
13. To what extent has the engagement of workers in the prioritized sectors and/or their organizations, with the LEC, increased their ability to effectively advocate for their rights with employers and the government, including through productive social dialogue, and to identify and assess possible violations of labor rights?

## SUSTAINABILITY

14. Is there a clear exit strategy in place, aimed to ensure the sustainability of project outcomes and key outputs? To what extent does it take in account the institutional capacity and motivation of stakeholders involved?

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

## EVALUATION DESIGN AND METHODOLOGY

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

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

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

### A. DOCUMENT REVIEW

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

- Project documents, including Results Framework and Performance Monitoring Plan
- Technical Progress Reports (TPRs), including performance Data Tracking Tables
- Reports on needs assessments, stakeholder analysis, and specific project activities
- Sustainability Plans and Risk Management Plans
- Work plans and activity logical sequencing
- Federal Financial Reports (FFR), Budgets and Records of Expenditures
- Any other relevant documents or deliverables

**B. FIELDWORK**

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

The fieldwork itinerary will be determined based on scheduling and the availability of KII and FGD participants. Meetings will be scheduled in advance of fieldwork and coordinated by ENS project staff, in accordance with the evaluation team’s requests. The evaluation team will conduct KIIs and FGDs with stakeholders without the participation of any project staff. Whenever possible and with the permission of the informants, audio recordings will be made for the purpose of the study only; the recordings will be destroyed once the analysis is completed. These recordings will be for the evaluation team only and will not be shared with ILAB, ENS, or anyone else.

This is a mixed remote and face-to-face evaluation, and as such the evaluation methodology will address the relevant considerations and limitations of virtual data collection.

**1. KEY INFORMANT INTERVIEWS**

The evaluation team will conduct approximately 44 interviews over 10 days with project stakeholders in Colombia either in person or remotely by internet conference calls or phone calls, as appropriate. If the security and/or COVID-19 situation allows for the national consultant to conduct in-person site visits, he will travel to Facativá and Cali.

**Exhibit 1: KII Data Collection Strategy – to be filled in by Evaluators**

Stakeholder Type	Method	Sample Size	Potential Respondents
<b>US Government</b>	KII	4	Grants Officer Representative for the project OTLA/TAC M&E Focal Point DOL-ILAB’s Monitoring and Enforcement of Trade Agreements (META) team Labor Attache, US Embassy Bogota
<b>Grantee and Implementing Partners</b>	KII, FGD	56	Project Team (Management and M&E); Research Team; Pedagogical-training team; Communications team Academic Advisory Board Panel of Experts LEC Puerto Wilches LEC Cali LEC Facativá LEC Valledupar Universidad Cooperativa de Colombia Universidad Industrial de Santander (UIS) Universidad Libre (Cali)
<b>Trade Union Representatives</b>	KII, FGD	30	CUT CTC National Trade Union of Transport Workers (SNTT) – Port sector Unión Portuaria Buenaventura (UP)- Sector Puertos Sindicato de trabajadores portuarios - (STP)- Sector Puertos National Organization of Flower Workers (ONOF) National Union of Agricultural Workers (Sintrainagro). Sector Flores

Stakeholder Type	Method	Sample Size	Potential Respondents
			Trabajadores de flores la conchita limitada - Sintraconchita-Sector Flores Union of Coalworkers (Sintracarbón) Union of Mining and Energy Workers (Sintramienergética) Sintracarbón Seccional Ciénaga- Sector minero Sintracarbón Seccional La Jagua de Ibirico- Sector minero Sindicato Nacional de trabajadores de la industria Minera, Petroquímicas, Agrocombustibles y Energética (Sintramienergética) Seccional California - Sector minero Sindicato Nacional de la Industria y Explotación de Esmeraldas y de la Minería en General (Sintraesmeralda) Seccional Muzo- Sector minero Sintraesmeralda Seccional Coscuez- Sector minero SINTRAPALMAS- Sector Palma de Aceite SINTRAPALMAS BARRANCABERMEJA- Sector Palma de Aceite SINTRAINAGRO SAN ALBERTO- Sector Palma de Aceite SINTRAINAGRO PUERTO WILCHES- Sector Palma de Aceite SINTRAINAGRO SAN MARTIN-Sector Palma de Aceite ORGANIZACIÓN COLOMBIANA DE PENSIONADOS-Palma de Aceite ASOCIACIÓN COLOMBIANA DE TRABAJADORES ENFERMOS Y PENSIONADOS- Sector Palma de Aceite SINTRAPROACEITES NACIONAL- Sector Palma de Aceite SINTRAPROACEITES SABANA DE TORRES- Sector Palma de Aceite SINTRAPROACEITES LA GLORIA- Sector Palma de Aceite SINTRAPROACEITES EL COPEY- Sector Palma de Aceite SINTRAPALMAS- Sector Palma de Aceite SINTRAPROACEITES SAN ALBERTO- Sector Palma de Aceite National Union of Agricultural Workers (Sintrainagro) -Sugar cane section Sugarcane supply chain in the Department of Cauca (Sintrabecólicas)-Sugar cane section
<b>Workers</b>	FGD	40-60*	LEC users and trained workers: Palm oil, sugar, mining, ports, and cut-flowers (Facativá, Cali, Puerto Wilches, Valledupar)
<b>Host-Country Government</b>	KII, FGD	15*	Ministry of Labor (MOL) Ministerio del Trabajo (MOL) - Dirección Territorial Cundinamarca Labor inspectors from the MOL's regional territorial directions.
<b>Civil Society Stakeholders</b>	KII	7	Solidarity Center Asociación de abogados laboristas de trabajadores - Asolaborales CORPORACIÓN JUSTICIA Y LIBERTAD REDAL-RED DE ACTIVISTAS LABORALES Fundación Mujeres Trabajadoras, Autónomas, Transformadoras y Agueridas (Fundación TATA)
<b>Employers</b>	KII	2	Confirmation pending

\* Estimated

## 2. ETHICAL CONSIDERATIONS

The evaluation team will observe utmost confidentiality related to sensitive information and feedback elicited during the KIIs and, if applicable, FGDs. To mitigate bias during the data collection process and give informants maximum freedom of expression, only the lead evaluator and the local consultant will be present during KIIs. However, when necessary, ENS staff may initially join the call to make introductions and help respondents feel comfortable.

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

- No interview will begin without receipt of informed consent from each respondent.
- The evaluation team will conduct KIIs and FGDs in a confidential setting, so no one else can hear the respondent's answers.
- 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.

## 3. INTERACTIVE VALIDATION SESSION AND POST-TRIP DEBRIEFING

After the end of fieldwork, the lead evaluator will conduct a virtual, interactive and participatory validation session with stakeholders, including ENS staff, to review initial results, collect any clarifying information to improve evaluation accuracy, and obtain input on recommendations of the evaluation. The date and format of the meeting will be determined in consultation with ILAB and ENS.

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

### OUTCOME ACHIEVEMENT AND SUSTAINABILITY RATINGS

The evaluation team should objectively 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).

#### 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.

#### 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 takes into account 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<sup>44</sup> 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;

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<sup>44</sup> Resources can include financial resources (i.e. non-donor replacement resources), as well as organization capacity, institutional linkages, motivation and ownership, and political will, among others.

- **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.

### C. QUANTITATIVE ANALYSIS OF SECONDARY DATA

Secondary data will consist of available monitoring data. The evaluation team will work with ILAB to secure prompt access to secondary data from ENS, relevant stakeholders, and external sources. After gaining access to the data, the evaluation team will immediately assess their quality and relevance in answering the research questions and develop a list of relevant indicators. The evaluation team's analysis of these data will inform the correlation and validation of results from the qualitative data collection.

The evaluation team will analyze project monitoring data to assess the performance of activities relative to expected results. The evaluation team's analysis, which will rely on descriptive statistics such as counts, tabulated proportions, and means, will identify common trends, patterns, and any changes in stakeholders' motivation, behavior, capacity, practices, policies, programs, relationships, or resource allocation as a result of project activities.

The evaluation team will also use project monitoring data and quantitative data collected during evaluation fieldwork (please see Appendix D for rapid scorecard template), triangulated with relevant qualitative data collected during interviews and FGDs, to develop summary achievement and sustainability ratings for the project on a four-point scale: low, moderate, above-moderate, and high.

Achievement ratings on outcomes will be based on the most recent information on project's effectiveness, comparing actual information to the project's expected performance according to the PMP and workplan. Ratings on likelihood of sustainability of project's components and practices will be based on the triangulation of qualitative information obtained from interviews and focus groups.

### D. LIMITATIONS

The evaluation team will base its conclusions on information collected from background documents, KIIs, FGDs, and secondary quantitative data. The evaluation team will assess the integrity of this information to determine the accuracy of the evaluation results. The application of ratings may in no way be considered as a non-formal impact assessment. Primary data may reflect the opinions of the most dominant groups without capturing the perceptions of less vocal groups. The evaluation team will consider this possibility and make sure that all parties can freely express their views. The evaluation team will mitigate this potential limitation by conducting FGDs and KIIs in a place where informants can speak freely and where no one but the evaluation team can hear the respondents' answers.

Some stakeholders may lack access to, or capability of, the technology necessary for conducting virtual interviews. Additionally, some respondents may lack the ability to connect remotely from a location that allows for privacy and confidentiality. Wherever possible, the evaluation team will

work with the project to provide a computer connection and private room for stakeholders who do not have a reliable and/or confidential place to be interviewed.

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

## EVALUATION TEAM, MANAGEMENT AND SUPPORT

Rafael Muñoz Sevilla will serve as the Lead Evaluator, with the support of William Prieto, the National M&E Expert. The evaluation team will promote transparency and dialogue with a clear dissemination strategy. This process includes:

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

SFS' monitoring and evaluation experts and management personnel will provide logistical, administrative, and technical support to the evaluation team, and all materials needed to provide the deliverables specified in the TOR. SFS staff will also be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards. During fieldwork, the lead evaluator will be supported by the local consultant, who will provide support with scheduling, information on the country context, and, as appropriate, data analysis.

## ROLES AND RESPONSIBILITIES

**The Contractor and Evaluation Team are responsible for accomplishing the following items:**

- Receiving and responding to or incorporating input from ENS and ILAB on the TOR draft
- Finalizing and submitting the TOR and sharing concurrently with ENS and ILAB
- Reviewing project background documents
- Reviewing the evaluation questions and refining them as necessary
- Developing and implementing an evaluation methodology, including document review, remote and face-to-face KIIs and FGDs, and secondary data analysis, to answer the evaluation questions
- Conducting planning meetings or calls, as necessary, with ILAB and ENS
- Deciding the composition of field visit KII and FGD participants to ensure the objectivity of the evaluation
- Capturing photographs of and anecdotes or quotes from stakeholders interviewed during fieldwork to incorporate in the stakeholder validation session presentation, final report and infographics

- Ensuring that appropriate health and safety, informed consent, ethics and do no harm protocols are understood and followed throughout the evaluation process
- Presenting preliminary results verbally to project field staff and other stakeholders as determined in consultation with ILAB and ENS
- Preparing an initial draft of the evaluation report for 48-hour and a second draft for two-week review and sharing it with ILAB and ENS
- Preparing and submitting the final report, infographics as well as three communication products identifying relevant messages and audiences, according to a dissemination plan to be agreed by SFS with USDOL.
- Organizing a virtual learning presentation (for ILAB, ENS and other stakeholders as requested) using communication products.

**ILAB is responsible for the following items:**

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on final draft
- Providing project background documents to SFS, in collaboration with ENS
- Reviewing and providing comments on the draft evaluation report and infographics
- Approving the final draft of the evaluation report and infographics
- Participating in the pre- and post-trip debriefing and interviews
- Including the ILAB evaluation contracting officer’s representative (COR) on all communication with SFS.

**The grantee is responsible for the following items:**

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on the final draft
- Providing project background materials to SFS, in collaboration with ILAB
- Preparing a list of recommended interviewees with feedback on the draft TOR
- Scheduling meetings and coordinating all logistical arrangements
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the interactive stakeholder validation meeting
- Including the ILAB program office on all written communication with SFS.

**EVALUATION MILESTONES AND TIMELINE**

The tentative timetable is as follows. Actual dates may be adjusted as needs arise.

Activity	Date (2022)
Evaluation launch call	Tues, Jan 18
SFS to send suggested evaluation questions	Fri, Jan 21
ILAB and ENS send suggested stakeholder list	Fri, Jan 28
ILAB and ENS to send comments/edits to evaluation question list	Fri, Jan 28
SFS to submit full Draft TOR to ILAB and ENS	Fri, Feb 18

Activity	Date (2022)
Logistics call with ILAB and ENS	Tues, Feb 22
ILAB and ENS provide feedback on draft TOR due to SFS	Wed, Feb 23
Final TOR, Field itinerary and list of stakeholders submitted to ILAB and ENS	Thurs, Mar 3
Submission of evaluation question matrix and data collection instruments to ILAB	Fri, Mar 4
<b>Remote Fieldwork in Colombia</b>	<b>March 7-18</b>
Interactive stakeholder validation session (remote)	Fri, Mar 25
Post-evaluation debriefing with ILAB	Mon, Apr 4
Initial draft report for 48-hour review submitted to ILAB and ENS	Wed, Apr 20
48-hour review comments due to SFS	Fri, Apr 22
Disseminate draft report and executive summary to ILAB, ENS, and other key stakeholders for 2-week review	Fri, Apr 29
2-week review comments due to SFS	Fri, May 13
Revised report and draft 1-page infographic summary submitted to ILAB and ENS	Fri, May 20
ILAB approval to finalize and format report	Fri, May 27
Final 508-compliant report and 1-page infographic summary submitted to ILAB and ENS	Fri, Jun 17
SFS submits draft communication product	TBD
Communication products finalized	TBD
Virtual learning event	TBD

## DELIVERABLES AND DELIVERABLE SCHEDULE

1. Draft TOR: February 18
2. Final TOR, field itinerary, and draft list of stakeholders: March 3
3. Logistics call: February 22
4. Draft data collection instruments: March 2
5. Remote interactive stakeholder validation session: March 21
6. Initial draft report for 48-hour review: April 13
7. Draft report for 2-week review: April 22
8. Revised report and draft 1-page infographic summary: May 13
9. Final 508-compliant report and final 1-page infographic summary: June 10
10. Virtual learning event: To be determined

## EVALUATION REPORT

Within 3 weeks after the stakeholder meeting, the lead evaluator will complete a draft report of the evaluation following the outline below and SFS will share it with the ILAB COR, ILAB Project Managers, and ENS for an initial 48-hour review. Once the lead evaluator receives comments,

they will make the necessary changes and submit a revised report. ILAB, ENS and other stakeholders will then have 2 weeks (10 business days) to provide comments on the revised draft report. The lead evaluator will respond to comments from stakeholders, where appropriate, and provide a final version within 3 weeks of ILAB acceptance of the revised draft evaluation report. The evaluation team will also produce a one-page summary using data visualization techniques and infographics to facilitate dissemination of major results.

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

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

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