



BUREAU OF INTERNATIONAL LABOR AFFAIRS
UNITED STATES DEPARTMENT OF LABOR



Vessel arriving to the port of Buenaventura.

INTERIM EVALUATION

ADVANCING LABOR COMPLIANCE IN COLOMBIA'S PORT SECTOR

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LIST OF ACRONYMS

ACW	Acceptable Conditions of Work
ANDI	National Business Association of Colombia
FC	Carvajal Foundation
CSOs	Civil Society Organizations
CPP	Colombia Ports Project
CA	Comprehensive Assessment
ECMS	Electronic Case Management System
ENS	Escuela Nacional Sindical
FOA	Funding Opportunity Announcement
GOC	Government of Colombia
IVC	Inspection, Surveillance and Control
ILO	International Labor Organization
LTO	Long-Term Outcome
MTOs	Medium-Term Outcomes
MOL	Ministry of Labor
OECD-DAC	Organization for Economic Co-operation and Development – Development Assistance Committee
OTLA	Office of Trade and Labor Affairs
PAL	Labor Action Plan
POA	Partners of the Americas
PUJ	Pontificia University Javeriana
PND	National Development Plan
LM	Logic Model
RUTRAPORT	Unified Register for Ports' Workers

SAI	Social Accountability International
SNTT	Sindicato Nacional de Trabajadores de Rama, Servicios de la Industria del Transporte y Logística de Colombia (Union Organization)
ST	Superintendency of Ports and Transport (also Super Transporte)
STOs	Short-Term Outcomes
STP	Sindicato de Trabajadores Portuarios. (Union Organization)
SINAPORTLC	Sindicato de la Industria de la Actividad de los Trabajadores de la Rama Portuaria – Transporte y Logística Colombiana (Union Organization)
ToC	Theory of Change
TPRs	Technical Progress Reports
UNAL	National University of Colombia
UGPP	Pension and Parafiscal Management Unit
USDOL	United States Department of Labor
WOs	Workers Organizations

EXECUTIVE SUMMARY

BACKGROUND AND CONTEXT

In 1991, the Colombian Congress passed Law 01 which terminated the state-owned company Colpuertos and defined the operation of the port sector through ‘Regional Port Companies and Port Operators’. The entry of the private sector through concession contracts transformed industrial relations, introducing a business model based on outsourcing services.

In 2006, The United States and Colombia signed a Free Trade Agreement (FTA), from which emerged the 2011 Labor Action Plan (PAL), where the Government of Colombia committed to a number of measures to protect labor rights and address violence against trade union leaders. The 2011 PAL identified the port sector as one of the five priority sectors to improve the enforcement of labor legislation regarding abusive subcontracting mechanisms. The FTA entered into force in 2012.

Since then, Colombia has made progress across several areas, including the creation of the Ministry of Labor (MOL), also in 2011, doubling the number of labor inspector positions in the ministry, and achieving a significant decrease in the use of false worker cooperatives for subcontracting, in ways that undermine workers’ rights.

However, the situation of the workers at Colombian ports continued to deteriorate with a massive expansion of subcontracting practices and significant pockets of informality, especially within the transport services around the ports. An expression of the social discontent was the civic strike that broke out in May to June 2017 with more than 150,000 people demonstrating in the streets of Buenaventura. A series of agreements were adopted aimed at overcoming the climate of violence, discrimination, and social injustice.

In August 2020, the organization Partners of the Americas (POA) was awarded a US\$5 Million cooperative agreement by the U.S. Department of Labor (DOL) to implement the project “Advancing Labor Compliance in Colombia’s Port Sector” (Also known as the Colombia Port Project or CPP). The cooperative agreement was signed in December 2020.

In August 2022, President Gustavo Petro took office, who submitted a Labor Reform proposal to Congress in March 2023. Due to a lack of quorum, the initiative did not pass out of committee before the end of the Congressional session in June 2023. In August 2023, the Petro administration submitted a revised Labor Reform proposal to Congress.

KEY EVALUATION RESULTS

Relevance

The **CPP clearly responds to the needs of key stakeholders** in the ports (ports societies, ports operators, workers, and institutions responsible for the regulation and surveillance of the ports activities), but the **developmental approach** adopted during the inception phase resulted in a state of impasse and inaction that elapsed for two years.

The **Comprehensive Assessment (CA)** that was commissioned to two leading universities resulted in a very lengthy and convoluted process. Accumulated delays in the delivery of the CA (Outcome 1), in addition to the technical gaps in the POA team and the inability of the parties to find alternatives, **eventually resulted in a halt in implementation.**

The way out of this impasse arose in February 2023 when the DOL and POA agreed to a **revision of the Logic Model (LM)**. The new LM outlined three clear areas of intervention (1.- Understanding of the regulatory framework, 2.- social dialogue, and 3.- unions' capabilities) and this has been instrumental in setting a new path and giving more clarity and direction to the project.

The final version of the CA has not been delivered and circulated yet and this has created some feelings of frustration among the project stakeholders. Although, the CA has provided some inputs for the revision of the results framework conducted in February 2023 it has not fully served the purpose of informing the design of the other three outcomes set in the originally results framework as it was initially expected. Despite this, the evaluation team considers that the **CA can contribute towards** increasing the knowledge of the barriers in various ways (see performance summary further).

Effectiveness

No outputs were delivered, and no outcomes achieved during the first two years. **Upon the revision of the LM, however, the CPP has been able to gather momentum and increase the pace of implementation** The analysis of the indicators selected in the new framework still offers a limited image of the achievements, considering that only four to five months have elapsed since the revision, but the review of the workplan drafted to achieve the three Short-term Outcomes (the three Interventions) conveys a much more positive image of the CPP's performance.

The **delivery of the different products and services is progressing well**, and the stakeholders consulted, more specifically those at the regional level including the Directors of the territorial offices of the Ministry of Labor, representatives of the Departmental Sub commissions for Concertation of Wage and Labor Policies, the Inter-guild and Inter-enterprise Committee the two Port Societies of Buenaventura and the workers organizations, expressed very positive views about the project's approach and proposals. There are clear **signs of ownership and interest on the part of the target groups**. More details about the progress made in relation to each STO are presented in the performance summary tables below.

The CPP faced some **initial reluctance from representatives of the private sector** to participate in the project's activities, especially in Barranquilla, but there are signs indicating that this situation may have been overcome. The project has succeeded in opening spaces for dialogue and mobilizing the actors in the territory.

At the **managerial level, the CPP** experienced some difficulties at the outset of the implementation period, due to some gaps in the technical expertise of the POA team, both at the field and Headquarter level. Now, a strengthened CPP team has been put in place, by combining new appointments and consultancies at both levels. However, Gender equality and inclusion has not been addressed in a systematic and consistent manner. Moreover, no formal Steering Committee was set up for the governance of the project as indicated in the project proposal. Nevertheless, the communication dynamic between the different stakeholders flows well and POA is perceived as a neutral and credible actor by all parties.

Impact

The three areas of intervention currently being implemented **represent a sound and realistic approach where the CPP can indeed leave its mark**. It has been able to set the foundations for an auspicious alliance between the Ministry of Labor (MoL), the Port's Delegate or Superintendency

of Ports and Transport (ST- Super Transporte) and the Management Unit of Pensions and Parafiscal (UGPP), which may increase the effectiveness of the state in carrying out its enforcement role. Through support to the Unions (Intervention 3), workers can have better access to services to advocate for their rights. Although, **there may need to be an expansion of the project’s results framework**, to have a more noticeable impact.

To enhance the prospects of attaining a bigger impact, **several ideas have been put forward** to complete and refine the current logic model. These can be grouped into the following four categories:

- Mechanisms to enhance the enforceability and compliance with current regulations, where the CPP can work on two areas: Institutional Coordination and Workers’ Litigation Capacities.
- Promotion of self-regulation and due diligence mechanisms by companies in the ports’ supply chain, including, the adoption of codes of conduct, compliance norms, business collaboration, amongst other ideas.
- Formulas and mechanisms for the formalization of informal workers who work outside the port.
- A more comprehensive communication strategy.

In order to implement new lines of action and enhance the chances of fulfilling the long-term outcome, **the CPP is likely to require a longer period of intervention.**

Sustainability

The sustainability strategy relies mainly on **embedding the different products and services delivered into the routines and institutional practices of the targeted groups and institutions.** The commitment and interest shown by the different stakeholders represents an important asset in this regard and there are signs that this could be the case for several areas. The capacity building efforts and the inclusion of port labor issues into the institutional agendas may have a self-replicating effect.

There are **different prospects**, however, depending on the stakeholders. Employers are considered to have enough capacity to absorb and integrate the deliverables of the CPP into their pool of resources, but they might have some misgivings regarding certain proposals. The unions, on the other hand, usually struggle to find continuity in advancing different processes. Public institutions have permanent dynamics but, they similarly struggle, especially to maintain their staff, expand their services and have a consistent presence across the different regions.

The **management of the sustainability aspects** is mainly made through the sustainability planning tool which is considered to be a comprehensive and sound tool, although the last version is slightly outdated. It must be noted, though, that most of the indicators place significant emphasis in verifying the use of resources and the adoption of new practices, and the Project Monitoring Plan (PMP) includes sufficient criteria and details to follow up on these areas.

Table 1. Performance Summary of the original Outcomes (FOA)

Performance Summary of the original outcomes (FOA)	Rating
OUTCOME 1: Increased understanding of barriers to compliance with national laws related to internationally recognized labor rights in Colombia’s port sector	

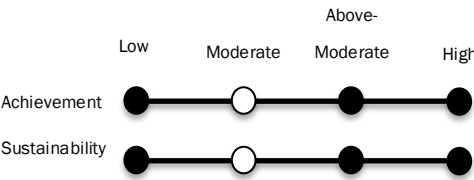
<p>The main product conceived to achieve this outcome was the CA, but its completion has experienced several obstacles and accumulated significant delays. It has not fully served the intended purpose of informing the design of the other three outcomes set in the original results framework. Despite this, and based on the analysis of the successive versions delivered and the comments conveyed by the stakeholders involved in its elaboration, the evaluation team considers that the CA can contribute towards: (i) improving and enlarging the knowledge of the business model of each port, (ii) clarifying how legal concepts such as the business practice of outsourcing and labor mediation apply in each case, (iii) having a better understanding of the applicable regulatory framework, (iv) having a better understanding of the financial structure of the ports, (v) providing a more detailed mapping of the key actors, and, (vi) engaging academia in the analysis and debates around port issues. This last point represents an important asset to trigger a durable academic interest in this topic.</p>	
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OUTCOME 2: Development of approaches to support compliance with national laws related to internationally recognized labor rights in Colombia’s port sector

<p>After a hesitant start, the CPP has made good progress in three different lines of action (the so called three interventions): (i) clarifying the limits and possibilities of the existing legal framework, (ii) enhancing social dialogue in the port sector, and (iii) strengthening the workers unions. The three lines are deemed adequate approaches to support compliance, but given the magnitude and complexity of the problem, the many challenges and uncertainties to be tackled, there may be a need to further develop other approaches including mechanisms of enforceability and the promotion of due diligence in value chains.</p>	
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OUTCOME 3: Demonstrated effectiveness of approaches that support compliance with national laws related to internationally recognized labor rights in Colombia’s port sector

<p>The CPP has not reached the point of demonstrating the effectiveness of different approaches. The indicators reflecting the accomplishment of medium and long-term outcomes have not been collected yet.</p> <p>There are, however, some positive signs indicating the effectiveness of approaches already in progress. Intervention 1 has shed light on some controversial concepts about outsourcing which are likely to inform the decisions of the social actors in the future. Likewise, the other two interventions have shown their potential to mobilize the key actors in the port sector and engage them to assess of alternatives. There are also signs indicating that social dialogue in the ports could be boosted thanks to the inclusion of the ports as a theme on the agenda of existing spaces (Sub-commissions and the tripartite table in Buenaventura). Intervention 3 could reasonably increase the capacity of the</p>	
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<p>union’s workers for the purpose of litigation. However, the CPP still in an early stage of implementation and there is not enough data and information available to establish the extent that it has managed to consolidate and mainstream these approaches in the ports’ dynamics.</p>	
<p>OUTCOME 4: Increased awareness and adoption of approaches to support compliance with national laws</p>	
<p>The stakeholders generally understand that achieving a significant impact is likely to require a longer sequence of interventions since there are many external factors that exceed the reach and scope of the CPP.</p> <p>Nevertheless, the CPP can realistically raise the profile of the ports labor issues in the agenda of the Colombian Government, the private sector and workers’ organizations. It also has the potential to strengthen the capacities of the Colombian state to enforce the regulatory framework. Although, there is no specific intervention focusing on enforcement. The CPP has explored different options and established potential collaborations between the Ministry of Labor, the Superintendency of Transport and the Pension and Parafiscal Management Unit. This alliance formed by the three institutions to build their capacities and strengthen their presence in the ports, can help towards labor compliance.</p> <p>The fulfilment of this outcome will depend on the commitment and involvement of key stakeholders, in particular, the Colombian Government and the private sector. In this sense, the weaknesses of public structures, particularly in terms of human resources, could become a critical factor that the CPP should consider carefully. The Government in office has expressed its desire to strengthen the coverage and the capacities of labor enforcement structures, but there are many uncertainties lingering over the stability of the administration and its capacity to build the necessary consensus for this process.</p>	 <p>The diagram shows two horizontal progress bars. The top bar is labeled 'Achievement' and the bottom bar is labeled 'Sustainability'. Both bars have four circular markers along a horizontal line, representing a scale from 'Low' to 'High'. The markers are labeled 'Low', 'Moderate', 'Above-Moderate', and 'High'. For 'Achievement', the first marker (Low) is filled black, the second (Moderate) is white with a black outline, the third (Above-Moderate) is filled black, and the fourth (High) is filled black. For 'Sustainability', the first marker (Low) is filled black, the second (Moderate) is white with a black outline, the third (Above-Moderate) is filled black, and the fourth (High) is filled black.</p>

LESSONS LEARNED

1. The Results Framework should **anticipate and avoid bottlenecks** where one of the Outcomes/Outputs is placed in such a critical position that its fulfilment virtually becomes a necessary condition to continue the sequence of intervention.
2. **Research activities** linked to the implementation of projects could benefit by somehow **integrating its methods and processes into the implementation process**.
3. The effort made to **clarify the scope of the national legislation** in a balanced and rigorous manner provides contextual relevance, enhances the fulfillment of rights and supports stakeholder ownership.

PROMISING PRACTICES

1. **Investing time and effort in setting the foundations for a constructive dialogue** between the key stakeholders is an investment that will eventually pay off. Despite the presence of

controversial issues and disagreements around responsibilities and solutions, the CPP has been able to develop a common understanding of the project's concepts and approaches and in this way dissipating misunderstandings and suspicion of political biases.

2. The **engagement of different public institutions to enforce the compliance** of different administrative and labor rules, is an auspicious way to tackle informality and more generally combat the breaches of domestic legislation from different angles.

CONCLUSION AND KEY RECOMMENDATIONS

The overall conclusion, after a complex and convoluted beginning, associated mainly with the difficulties confronted in completing the CA, is that **the CPP has been able to turn the situation around and develop a new dynamic around three focused and interrelated Interventions, approved in February 2023**. From this moment onwards, the implementation has gathered pace and the POA team has been able to engage a wide range of stakeholders in the project's activities, representing the key institutions in the port's labor market. The delivery of the different products and services is progressing well, and new ideas and proposals have emerged to increase the potential of the project in achieving compliance with national labor laws in the Colombian port sector.

RECOMMENDATIONS

To POA regarding the Comprehensive Assessment.

Recommendation 1:

Accelerate the revision and circulation of the final version of the Comprehensive Assessment amongst stakeholders.

This process should include a proper clarification that non-probability sampling was used. It is important to include this point in the body of the document and avoid inaccurate messages about its statistical significance.

Recommendation 2:

Define some specific measures to optimize the use and applications of the Comprehensive Assessment.

Some ideas to consider are:

- Refine the CPP's Theory of Change (ToC) and use this to validate and further update the results framework adopted in February 2023.
- Extract ideas for communication materials.
- Promote debate and build consensus among social actors. The CA can be an opportunity to gather different views of the stakeholders on controversial issues. New contributions from the stakeholders could serve to validate or expand the CA findings and be added as an addendum to the CA if it is deemed appropriate.
- Recover ideas from different versions and update the work plan.

TO POA. Regarding the three ongoing interventions.

Recommendation 3:

Disseminate the “Compilation of Pronouncements” and the “Guide on nature, characterizations and limits of labor mediation and outsourcing in the port sector in Colombia” in broader circles beyond the ports environment.

Institutions such as labor observatories, universities, legal institutes, publishers of legal materials, lawyers’ associations, amongst others, can be targeted as part of the dissemination activities.

Recommendation 4:

Consider the greater involvement and participation of the Escuela Nacional Sindical in the design and implementation of the capacity building program, foreseen for the unions under Intervention 3.

Recommendation 5

Consider the increase in membership and the union unity action as priority themes for the strengthening of the union organizations under intervention 3.

These two themes should be to the front of the capacity building program. The PMP should considered some specific indicators (or at least criteria to measure existing indicators) that follow these aspects.

Regarding new options and possibilities to expand the scope and enhance the impact of the CPP.

TO POA AND THE GOVERNMENT OF COLOMBIA

Recommendation 6

Consider increasing the CPP’s support to the development of mechanisms of enforceability and compliance with current regulations.

The evaluation envisions two options to strengthen those mechanisms:

Rec. 6.1: Promote an institutional alliance under the leadership of the MoL involving the UGPP and the SITP. The evaluation team has come across several pre-identified tools and other possibilities which are being studied: Digital control of social security payroll (UGPP), Control operators (SITP), training and instructions for inspectors in the port sector, and exemplary inspections, RUTRAPORT. These have been described in more detailed in EQ10.

TO POA

Rec. 6.2: Strengthening the workers' litigation capacity. Support for the formalization of claims by workers and explore collaborations with Escuela Nacional Sindical (CAL), Solidarity Centre and other pro bono legal services.

Recommendation 7

Promote models of self-regulation and due diligence mechanisms by companies in the supply chain.

The models might include a variety of actions, such as the adoption of a code of conduct for the port sector, an international certification standard such as ‘Norm 8000’ or any other step leading towards a compliance system model adapted to the conditions and circumstances of each port. Without going into a fully-fledge compliance system, the Port Societies and the Port Operators could agree to introduce social and labor clauses in their sub-contacting processes. There are previous experiences of collaboration between Port Societies and Port Operators undertaken with

the purpose of improving efficiency and performance along the chain. The CPP could retrieve those good practices to promote a culture of business collaboration and joint action in the interest of the whole sector.

Recommendation 8

Further explore formulas and mechanisms to reach out to the informal workers that are usually appointed in the informal market outside the port facilities and search for options to facilitate their formalization.

This can be advanced through the: (i) Support from Civil Society Organizations and/or local governments to protect/accompany groups of workers in processes of empowerment and formalization (there is previous experience from the Carvajal Foundation); (ii) Support the existing unions to reach out to this group; (iii) Explore means for training and certification of competencies as a channel towards formalization; and, (iv) Actively involve and invite operators acting outside port terminals.

Recommendation 9

Develop a more comprehensive and all-encompassing communication strategy.

Recommendation 10

Reinforce work on gender equality, non-discrimination and inclusion.

TO POA AND THE OTLA - USDOL

Recommendation 11.

Jointly (POA and OTLA) explore the different options to incorporate international actors in the due diligence process.

Ports operate within the frame and limits imposed by powerful operators: investors, multinationals, shipping companies, etc. The CPP might find it difficult at this stage to open a new line of action to target this group, but both POA and the USDOL could start a preliminary search for candidates who could eventually participate in a pilot exercise. Even if the experience is not taken to fruition under the CPP, it could serve as the starting point for future endeavors.

TO THE OTLA - USDOL

Recommendation 12

Consider a non-cost extension to allow the adequate completion of key processes such as the proposed strengthening of the enforceability mechanisms.

1. PROJECT CONTEXT AND DESCRIPTION

1.1. PROJECT CONTEXT

Colombia had previously made progress in advancing labor rights and standards across several areas, including the creation of the Ministry of Labor (MOL) in 2011, doubling the number of labor inspector positions in the ministry, and achieving a significant decrease in the use of false worker cooperatives for subcontracting in ways that undermine workers' rights.

In June 2022, Colombia elected a new, progressive government, which was sworn into power in August 2022. As part of its agenda, President-elect Gustavo Petro committed to labor reform. In November 2022, the MOL established a tripartite Labor Reform Subcommittee, technically including with private sector associations, trade union confederations, and government to discuss and develop the Labor Reform Bill, although the representatives of the private sector argue that their involvement in the discussions is in fact very limited. Discussions addressed the development of Article 53 of the Constitution, which dictates the need for a Labor Statute. In January, 2023, the Labor Reform Subcommittee defined 18 key topics for discussion: i) labor and constitutional principles, ii) labor stability and contract modalities, iii) outsourcing, iv) subcontracting and the establishment of company units, v) control of use of service contracts, vi) apprenticeship contracts, vii) Sundays and holidays, viii) night work, ix) automation, x) decarbonization, xi) work on digital platforms, xii) rural, xiii) sexual and xiv) migrant work, xv) equity gap reduction, xvi) unionization and association, xvii) collective bargaining, and xviii) strikes. The Labor Reform Bill was presented to the Colombian Congress on March 16, 2023.

In December 2022, the tripartite Permanent Commission for the Coordination of Salary and Labor Policies issued Decree 2613 for a 16% increase to the minimum wage, which came into effect on January 2023. The Government of Colombia (GOC) expects that, through this increase, workers will recover the purchasing power lost due to high levels of inflation.

However, despite the adoption of new and revised laws, regulations, and other legal instruments, significant labor challenges remain for workers in Colombia, including in the port sector. For example, while the use of worker cooperatives that do not truly represent workers has decreased in ports, other forms of illegal subcontracting have increased, often keeping workers in informality. Consequently, labor-related conflict in Colombia's port sector remains high, sometimes resulting in work stoppages and strikes that affect key sectors of the economy and livelihoods across the country. Mechanisms for mediation and conflict resolution, as well as platforms for tripartite social dialogue, remain under-resourced and underdeveloped in the port sector, hindering peaceful labor relations and consensus around needed reforms. In addition, the MOL's capacity to enforce labor laws across the sector is limited, where a range of resource, structural, and other law enforcement challenges exist.

Fundamental changes occurred after the privatization of the ports under the 1991 Political Constitution of Colombia. After decades of state-run ports and strong, active union participation, the entry of the private sector through concession contracts transformed industrial relations, introducing a business model based on subcontracting services and work. These reforms led to changing employment relationships that affected regular wages and guarantees on social security benefits (health, pensions, and worker's compensation). It also led to a proliferation of abusive subcontractors that were often insufficiently regulated by the state. While the few white-collar

positions among port operators are typically filled through permanent, direct contracts, jobs for labor-intensive, dock-based positions (e.g., crane operators, stevedores, and container packers) are often outsourced through chains of subcontractors using short-term, renewable contracts.

Many of these subcontractors and labor intermediaries operate unscrupulously and without adequate government oversight, which has led to a failure to meet fundamental labor rights, enrollments in social security, and acceptable conditions of work. The majority of these subcontracted, short-term, dock-based positions are filled by Afro-Colombians, who historically have higher rates of labor informality and unemployment, and who face challenges with discrimination and political representation. Informal workers operate within a “social protection gap,” between the end of the port chain and the beginning of the transportation chain. These workers, which include those who manually load and unload ships and trucks, are the most vulnerable across the port sector.

“We feel powerless at the time of standing for our rights, we don't have neither knowledge nor resources to advocate for them”

Worker hired on subcontracting and temporary basis

Therefore, the sector’s business model, based on subcontracting, has a very high potential for deteriorating working conditions when sufficient control mechanisms are not in place. Public entities in charge of inspection, surveillance, and control in Colombia’s port sector, have not protected labor rights or treated complaints, and lack sufficient personnel and training. Overall, there is a lack of coordination between government agencies mandated with the monitoring and upholding of labor rights in the sector. When it comes to worker organizations, they generally lack capacities to represent and advocate for workers, particularly those who are not formally employed.

Although labor challenges are present for workers in many of Colombia’s ports, these issues are more acute in Colombia’s largest port, Buenaventura, which accounts for 60 percent of the country’s maritime trade. The port is also responsible for 70 percent of economic activity in the city and is the city’s largest employer. The city’s Afro-Colombian population comprises 89 percent of Buenaventura’s 432,000 inhabitants and the city has a multi-dimensional poverty index of 66 percent. The precise rates of labor informality in Buenaventura are unknown. Labor informality in Buenaventura stemming from abusive subcontracting in port operations has contributed to economic insecurity and social tension in the city.

The Port of Barranquilla relies heavily on manual labor. In the first semester of 2022, of the 6 million tons of cargo moved by Barranquilla, only 3.5% was moved by container and 25.8% was moved by bulk carrier. There is a higher risk of labor rights violations when manual labor is used for cargo handling. Nevertheless, Barranquilla offers favorable conditions for engaging with the MOL and union organizations.

On February 28, 2023, President Gustavo Petro submitted the 2022-2026 National Development Plan (PND), Colombia Potencia Mundial de la Vida to Congress. Chapter 2 Section C of the PND focuses on ‘Dignified and Decent Work’ including:

- Construction and adoption of a new public policy to promote decent work and living wages, the extension of social security, guaranteed fundamental labor rights and the exercise of social dialogue and tripartism.

- Incentives for the creation of formal jobs.
- Formalization of public employment.
- Modernization of labor Inspection, Surveillance and Control (IVC) systems and the implementation of oral hearings.
- Elimination of labor discrimination and gender wage-gap reduction.
- Elimination of child labor and sexual exploitation of children and adolescents.

The United States Department of Labor's (DOL) Bureau of International Labor Affairs (ILAB) additionally funds two technical cooperation projects in Colombia's port sector, including one that assists port workers directly. The Worker Rights Centers for the Greater Protection of Labor Rights project works to improve the ability of workers in the Action Plan priority sectors, including ports, to understand and exercise their labor rights. Through these Worker Rights Centers, workers are trained on their rights and on how to identify potential labor law violations in the workplace, and are assisted in submitting and tracking well-supported, well-articulated, justiciable claims to initiate labor inspections and pursue legal remedies. The Measurement, Awareness-Raising, and Policy Engagement Project to Accelerate Action to Address Child Labor and Forced Labor is a global Project implemented by the International Labor Organization (ILO) that supports the Government of Colombia to strengthen labor law enforcement. It aims to support the use of the labor inspection Electronic Case Management System (ECMS) throughout the Ministry of Labor, build a virtual training campus for labor inspector training, develop labor inspection strategic compliance planning, and strengthen the connection between the ECMS and Colombia's fine collection systems for improved fine collection. The project includes a sub-component focused on the port sector, which includes support for implementation of the ECMS, increased labor inspector training, development of a port registry and collaborative inspections with other government agencies in the sector.

1.2. PROJECT SPECIFIC INFORMATION¹

In September 2020, the organization Partners of America (POA) was awarded a US\$ 5,000.000 cooperative agreement from ILAB's Office of Trade and Labor Affairs (OTLA) to implement the 'Advancing Labor Compliance in Colombia's Port Sector' project. The project began implementation on December 9, 2020, and the expected end date is December 8, 2024.

Initially, after some significant stumbling blocks, the project's objectives underwent a review and new outcomes were developed to provide a more specific and effective direction to the interventions. The formulation of the overall objective of the project remained the same: **To improve compliance with national laws related to internationally recognized labor rights in the port sector.** A new structure of Long-term (LTO), Medium-term (MTO) and Short-term (STO) outcomes has been articulated in support of the overall objective:

One Long-Term Outcome (LTO):

¹ Adapted from the project's Comprehensive Monitoring and Evaluation Plan (CMEP), Project Summary

- **LTO 1:** Increased utilization by port stakeholders of processes to improve labor law compliance in the port sector.

In support of the LTO two Medium-Term Objectives (MTOs) have been articulated with accompanying Short-Term Outcomes (STOs), they are:

- **MTO 1:** Improved delivery of services associated with the improvement of labor law compliance
 - o **STO 1:** Increased tools and resources for key stakeholders to use while implementing the regulatory framework on intermediation and outsourcing in the port sector
 - o **STO 2:** Increased capacity of key stakeholders to address existing barriers to labor law compliance in the port sector
- **MTO 2:** Increased demand by port workers for services associated with the improvement of labor law compliance
 - o **STO 3:** Increased capacity of Workers Organizations (WOs) to represent port sector workers and advocate for their rights

The project selected the target ports of Buenaventura and Barranquilla to focus its intervention.

LTO 1: Increased utilization by port stakeholders of processes to improve labor law compliance in the port sector.		
MTO 1-Improved delivery of services associated with the improvement of labor law compliance		MTO 2- Increased demand by port workers for services associated with the improvement of labor law compliance
STO 1- Increased tools and resources for key stakeholders to use while implementing the regulatory framework on intermediation and outsourcing in the port sector	STO 2- Increased capacity of key stakeholders to address existing barriers to labor law compliance in the port sector	STO 3- Increased capacity of WOs to represent port sector workers and advocate for their rights

Project participants include representatives of the tripartite actors: (i) Government of Colombia (GoC): MoL staff, labor inspectorate staff, Pension and Parafiscal Management Unit (UGPP) and the Superintendency of Ports and Transport (ST). (ii) Unions: Sindicato Nacional de Trabajadores de Rama, Servicios de la Industria del Transporte y Logística de Colombia (SNTT), Sindicato de la Industria de la Actividad de los Trabajadores de la Rama Portuaria – Transporte y su Logística Colombiana (SINAPORTLC), and Sindicato de Trabajadores Portuarios (STP). (iii) Employers: National Business Association of Colombia (ANDI) and Regional Societies Ports. And, Universities, such as the Pontificia University Javeriana (PUJ) and the National University of Colombia (UNAL) as well as Civil Society Organizations (CSOs), such as the Carvajal Foundation (FC) and Social Accountability International (SAI) have taken over some responsibilities in the implementation of the project’s activities.

2. EVALUATION PURPOSE AND SCOPE

2.1. EVALUATION PURPOSE

This interim performance evaluation assesses the performance and achievements of the ‘Advancing Labor Compliance in Colombia’s Port Sector’ project, using the criteria of relevance, effectiveness, efficiency, impact and sustainability. The criterion of equity and gender will be assessed across all criteria. As a formative evaluation, the following objectives are addressed:

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

2.2. EVALUATION SCOPE

This exercise represents an interim evaluation covering the first part of the implementation period, starting in December 2020 until July 2022. The end of the implementation period is currently scheduled for December 2024. As such, the evaluation covers the project design, redesign phase (major changes to the implementation plan were agreed and made at the beginning of 2023, affecting the scope, theory of change, activities, outputs, outcomes, and methods of implementation) and implementation period until June 2023. Additionally, the evaluation strives to address a balanced geographic coverage of the project, focusing on engaging stakeholders in the capital, Bogota, and in the two target ports of Buenaventura and Barranquilla.

2.3 EVALUATION QUESTIONS

The evaluation will address the following questions using the Organization for Economic Co-operation and Development Assistance Committee (OECD-DAC) criteria.² ILAB’s Theory of Sustained Change for Worker’s Rights Programs and US DOL’s criteria domains (relevance, design, alignment, replicability, experience, effectiveness, unintended effects, consequence, equity, resource use and sustainability) have provided further guidance to the selection of evaluation domains and questions.³

The criteria of relevance, effectiveness, efficiency, impact and sustainability, informed by the criteria of “Alignment/Coherence”, “Resources”, “Consequence” and “Replicability”. An

² Note that the OECD/DAC criteria have been revised as of January 2020: <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>.

³ <https://www.dol.gov/sites/dolgov/files/ILAB/TOSc-Guidebook-March-Updates-032723-Clean-508.pdf>

evaluation matrix outlining data sources and means for data collection for each of the questions can be found in Annex E. The questions used to guide the evaluation are:

Relevance

1. To what extent has the Comprehensive Assessment served to enhance the appropriateness of the design and its relevance to the needs, interests, and capacities of the main stakeholders: Government, workers, employers, and other intended targeted stakeholders?
2. How effectively has the project adapted to changes to the wider context in Colombia and to what extent have the program modifications implemented at the beginning of 2023 served to overcome significant challenges and bottlenecks that occurred during the project's first two years?
3. Has the project's proposed methodologies, strategies and choice of implementing partners proven appropriate and relevant?
4. To what extent are all key stakeholders demonstrating their commitment towards the achievement of the project's objectives?

Effectiveness

5. To what extent has the project made progress towards achieving its overall objective, long-term outcome and associated medium and short-term outcomes, particularly in light of the USDOL approved interventions?
6. Has the project's implementation strategy proven to be effective?
7. How effective was the Comprehensive Assessment's process and to what extent are its findings contributing towards the fulfilment of the project's objectives?
8. How effectively has the project mainstreamed gender, equity and social inclusion into its strategies and activities?

Impact

9. From the perspective of stakeholders, what is the most significant impact or consequence that they anticipate from the project?
10. What specific actions are necessary to ensure the project achieves all outcomes during the remaining period and maximizes its impact?

Sustainability

11. To what extent does the project identify and pro-actively address sustainability risks and opportunities for sustained change, including the readiness of national institutions, and other stakeholders, to sustain and/or replicate project outcomes?

3. EVALUATION RESULTS

3.1. RELEVANCE

Question 1: To what extent has the Comprehensive Assessment served to enhance the appropriateness of the design and its relevance to the needs, interests and capacities of the main stakeholders: Government, workers, employers, and other intended targeted stakeholders?

It is important to note that the Colombia Ports Project (CPP) was conceived from its inception (FOA-ILAB-20-09) in an unconventional way, in the sense that one of its outcomes, in particular Outcome 1 “Increased understanding of the barriers to compliance with National Laws Related to Internationally Recognized Labor Rights in Colombia’s Port Sector” was meant to provide - via the implementation of a Comprehensive Assessment (CA) - the analytical foundations to develop the specifics of the remaining three outcomes. Exhibit 1 below shows graphically this idea of using Outcome 1 as the building block to further develop and adjust the project’s design.

Exhibit 1: original results framework (December 2021)



This developmental approach can be justified from different points of views. First, as the way to create the empirical basis for the logic of intervention, and thus, give legitimacy to the project’s narrative and proposals. On the other hand, it seems clear that there were and are important gaps in terms of data, information, and analysis on the port sector. Although, there are various theoretical reasons to invest some time and effort in understanding the problems and their intricacies in the Colombia’s ports, in practice, this approach turned out to be a big constraint for the roll out of the CPP and eventually developed into a major impediment, where the completion of the CA became a problematic assignment and subsequently blocked the design of the

remaining components. It can be asserted that giving the CA such a pivotal and essential role in the implementation strategy, has been a questionable decision.

There are some discrepancies about the relevance of such a robust and ambitious assessment. Representatives of the academic sector - in particular the researchers involved in the implementation of the CA - understand that there were indeed important information and knowledge gaps in relation to the ports sector and it was important to fill these gaps. Other interlocutors understand that, although it is always necessary to expand the knowledge basis on this or any other topic, there was enough information and data to intervene without ruling out the possibility of using the CPP to simultaneously advance the gathering of more knowledge about the problem, generating new data and more elaborate and precise analysis. According to the views of this group, the CPP should have taken a more pragmatic approach.

The assessment of the evaluation team leans towards the second opinion. The CPP could have opened a period of consultations to complete existing analysis such as the ILO “Methodological Guide for the Formalization of the Ports Sector in Colombia (2014)” and other synthetic but specialized analysis⁴. This, together with some general knowledge about the effects of outsourcing and labor mediation in working conditions, could have served to outline an intervention plan within a six-month period. The CA could be another key output of the CPP to improve the understanding of the barriers to compliance with labor rights, but not the *sine qua non* to intervene and move forward.

In giving one outcome in the result framework such a pivotal role of the implementation strategy, different scenarios can occur. One is that the outcome is fulfilled on time and meets expectations. Another scenario is the opposite case, when the outcome is not achieved on time and/or is not in accordance with expectations in terms of quality. Even if the first scenario is fulfilled, the appropriateness of this approach would depend on the relation between the time and resources invested and the value added by the research, assessment, etc. The differential factor in the CPP is that the second scenario was the one that occurred and two years into the implementation period there was not a clear added value from the CA and the whole intervention was blocked.

Overall, the experience has represented a big challenge for the CPP, and everything indicates that the very idea of using the CA as the essential building block of the project was a risky and

⁴ Pereira T. (August 2018) Trabajadores portuarios en Colombia: trabajo, sindicalismo y retos. Revista Pegada - vol. 19 n.2 309



Participant in a project workshop

questionable decision that hampered the whole implementation strategy. On top of that, there have been some managerial issues that turned the process into a very complex endeavor.

Despite all these critical aspects, the fact is that a lot of time and resources have been devoted to this research effort and it's worth asking what the value of the exercise is.

Some events have been organized to share some preliminary conclusions, but no document has been circulated among the CPP stakeholders yet. It is not possible, therefore, to assess the perceptions that the stakeholders have about the contributions that the CA has made towards having a better understanding of the barriers that operate in Colombia's ports that prevent the fulfilment of labor rights.

Based on the analysis of the different documents available and the testimonies of those that have been involved in the process, the evaluation team has put together a list of points that can reasonably be considered improvements or steps forward brought about by the CA.

- More knowledge about "what happens in the ports": According to some key respondents: "We know the business model of each port better and the differences between them". There are more elaborate findings about the structural problems that hamper the fulfilment of rights in each port. A clear snapshot of the situation in each port is now available.
- Advances in legal conceptualization: Analysis of how subcontracting and labor mediation is carried out in each of the ports was advanced with greater knowledge about the mechanisms that favor subcontracting and labor mediation. The last version of the CA analyzed by the evaluation team outlined ten findings in this regard.
- A more robust and detailed analysis of the applicable legal framework, including a comparative analysis with international standards.
- A mapping of key actors: A more comprehensive list of actors in each port and how they relate to each other.
- The financial structure of ports: The CA has been able to outline the cost structure of the port, the remuneration scheme of the chain of actors, including the margins of profit at each level of the chain.
- Bringing academia into the analysis and debates around port issues in Colombia: On another level a line of academic research has been opened that the respective universities will be able continue. Having two leading universities onboard is a milestone that should not be underestimated. They have expressed notable interest to continue researching into the sector and based on their findings, making regulatory proposals.

Question 2: How effectively has the project adapted to changes to the wider context in Colombia and to what extent have the program modifications implemented at the beginning of 2023 served to overcome significant challenges and bottlenecks that occurred during the project's first two years?

The context surrounding the CPP is complex and challenging at different levels.

First, it must be noted that the project is inserted in the agenda of bilateral relations between the Governments of the U.S. and Colombia and these relations experience ups and downs. Along the project's life there has been a change of government in both countries and in each case, there has been a period of impasse until both governments review the terms of their diplomatic relations and the different programs are given guidance to proceed. The last change of Government in Colombia (August 2022) was followed by a period of uncertainty in the bilateral relations between the two countries and this affected the CPP in different ways, more specifically in the communication with the Ministry of Labor (MoL), which was put on standby for a few months. Eventually, the communication with the MoL was resumed and the CPP was generally able to catch up its collaboration with this key institution.

Political volatility is another factor that lingers in the political environment. The new government in office has pledged its intention to promote a new labor reform which, in principle, is aligned with the goals of the CPP. The overall philosophy of the reform is to expand and increase the protection of labor rights, but the government in office is supported by a coalition of parties which have not been able to build the necessary consensus to pass the reform through Congress. This represents another factor of uncertainty for the CPP.

Besides, the CPP operates in a very adverse social environment, particularly in the city of Buenaventura. The city has been trapped in a systemic crisis for many years since other key economic sectors such mining and fisheries collapsed, and the port is virtually the only economic structure with a certain capacity to generate employment. Everyday hundreds of unemployed citizens approach the docks looking for an opportunity to make their livelihoods, either formally or informally. Between May-June of 2017 a civil strike took place, and a series of agreements were reached that aimed at overcoming the climate of violence, discrimination, and social injustice. The situation has deteriorated to the point that the city is experiencing major security issues. The CPP has not been specifically targeted by the criminal gangs, but the climate of insecurity imposes many restrictions to the project team in terms of mobility and communication.

Finally, another factor that adds another layer of complexity is the difficulties that the social actors, mainly workers and employers, are experiencing to establish the basis for a constructive social dialogue. After decades of open conflict in the country, the peace agreement represented an opportunity to rebuild this process. However, despite some sign of progress, there are still numerous examples of mutual stigmatization and mistrust between the social actors. The port sector is no exception in this regard, where multiple stakeholders converge with different visions and interests concerning labor issues and potential solutions.

Overall, the CPP has managed the above factors satisfactorily. The political dynamics have affected at certain moments the pace of implementation, but they never represented a critical point disturbing the viability of the project. Security issues are taken into consideration into the daily management of the project and despite the evident risks, it is believed that the project team is acting with caution and following professional guidance to operate. Finally, it has been found that the project has adopted a very pro-active attitude to engage a wide range of stakeholders and this approach seems to be bearing fruit. After some initial reluctance from certain

representatives of the private sector, particularly in the city of Barranquilla, everything indicates that all the key actors are now participating in the different events organized by the CPP and despite the disagreements they are all willing to sit at the same table and discuss the different issues.



Night view of Buenaventura port.

The overriding issue that has affected the project's performance and its ability to tackle the poor working conditions of the ports' workers has been, as already stated in EQ1, the decision to predicate implementation with the CA and determine the design of the remaining three outcomes on the conclusions and recommendations of the assessment. The difficulties encountered by the POA team to complete this exercise on time and in accordance with the expected quality, together with other factors such as the absence of a labor specialized position in the POA team, both in the field and at the headquarter level, able to guide other alternatives, and the political uncertainties related to the change of governments, resulted in a standstill situation that lasted two years. The first year (2021) was initially programmed to be devoted to the CA and other preparatory tasks, such as hiring the team and building relations with key stakeholders. However, the inactivity of the second year was due to the lack of a clear vision (which was supposed to emerge from the CA) and limited capacity to roll out some meaningful and concrete interventions in parallel to the CA.

According to the assessment of the evaluation team, this situation seems to have been turned around in February 2023, when the USDOL and POA agreed a new logic model and a decision was taken to go ahead with some concrete and specific actions. This can be described as a turning point in the implementation course of the CPP and clearly mark two differentiated moments in its performance. The first moment, between January 2021 and December 2022, characterized by the absence of any results, and the period between February 2023 and June 2023, where the delivery of products and services has improved significantly and there are clear signs that the CPP is taking off and gathering momentum. Some of the reasons that justify and support this statement will be expanded in the next question EQ3.

Question 3: Has the project’s proposed methodologies, strategies and choice of implementing partners proven appropriate and relevant?

As previously explained under EQ1, the implementation strategy to roll out the CPP on the basis of the CA has been called into question. EQ1 has analyzed this situation in detail. The CA became a bottleneck that paralyzed the implementation and both POA and the USDOL were not able to find the breakthrough to unblock this standstill. There was no clarity about what to do and the decision-making process became a bit blurry with POA and the USDOL mutually attributing each other the final responsibility.

The course of action changed in February 2023 when the USDOL and POA, after a compliance letter sent by the former in December 2022, agreed to redesign the logic model and start implementing the so called three Interventions. The initial POA proposal contemplated six interventions, but eventually only three of them were given the green light to go ahead by the USDOL. The revised result framework adopted the following structure:

Exhibit 2: Revised Logic Model (from February 2023)

OBJECTIVE: To improve compliance with national laws related to internationally recognized labor rights in the port sector		
LONG TERM OUTCOME: LTO 1: Increased utilization by port stakeholders of processes to improve labor law compliance in the port sector		
MID-TERM OUTCOME - MTO 1: Improved delivery of services associated with the improvement of labor law compliance		MID-TERM OUTCOME - MTO 2: Increased demand by port workers for services associated with the improvement of labor law compliance
SHORT TERM OUTCOME- STO 1: Increased tools and resources for key stakeholders to use while implementing the regulatory framework on intermediation and outsourcing in the port sector.	SHORT TERM OUTCOME- STO 2: Increased use of formal and informal spaces for social dialogue to address barriers to labor law compliance in the port sector.	SHORT TERM OUTCOME- STO 3: Increased capacity of WOs to represent port sector workers and advocate for their rights.

It is observed that the new framework disaggregates the outcome level into three sub-levels: Long-term, Mid-term and Short-term, and everything indicates that this disaggregation has been instrumental in setting the path and giving direction to the CPP. The three STOs establish clear lines of action where the project can intervene without further delay: i) better understanding of the regulatory framework, ii) promotion of social dialogue and iii) capacity building of the Workers Organizations (WOs). In each case, the activities to be implemented were discussed and agreed upon with the USDOL officers and put into practice without delay. The evaluation team understands that this simple decision of going for a specific and workable plan of action, together

with the reinforcement of the POA team and the appetite of its members to start achieving some results, have been instrumental in getting the CPP out of its deadlock.

As for the selection of the implementing partners and collaborators for the implementation process, the evaluation team believes that the current composition of the partners and stakeholders in terms of number, variety and capacities, deserves a positive assessment.

POA showed some technical weaknesses at the beginning due to the absence of a labor specialist in the team, but it seems that this situation has been overcome via the appointment of external technical assistance (E. Borda and Associates) and the designation of specific and dedicated technical backstopping support from its headquarters. At the institutional level there has been some delay in incorporating the MoL, due to the uncertainties that emerged around the change of government, but it has been established that several units of the Ministry at the national level (Inspection, Fundamental Rights and even the Vice-Ministry) know and are now involved in the project activities, although no formal agreement has yet been signed. The territorial directorates of the MoL in Buenaventura, Barranquilla, Cartagena and Santa Marta are actively involved in the implementation of the three interventions. Lines of collaboration have also been explored with the Superintendency of Ports and Transport (ST) and the Pensions and Parafiscal Management Unit (UGPP). The CPP has signed Memoranda of Understanding (MoUs) with these two institutions. The involvement of these three institutions represents an opportunity to promote the enforcement of domestic regulations from three different angles: labor regulations, port services regulations and social security regulations.

The social actors: workers and employers have also engaged with the project via their respective organizations or even directly, as is the case with the Port Societies. In EQ4 more detail will be provided about the commitment and ownership displayed by these actors towards the CPP's work and proposals. The project has also been able to gather support from Civil Society Organizations such as the Carvajal Foundation (FC) which has a stable presence on the city of Buenaventura, knows the context very well and has strong experience in mobilizing stakeholders.

The CPP has therefore made clear progress in establishing meaningful alliances and partnerships with relevant stakeholders. In the view of the evaluation team there is still room to explore further ways of collaboration with local governments as well as with the Escuela Nacional Sindical a think-tank highly specialized in trade-unions issues which has already developed a set of tools to strengthen the unions sector. The Escuela Nacional Sindical has a history of supporting and working with the Unions involved in the CPP and this asset should not be overlooked.

Question 4: To what extent are all key stakeholders demonstrating their commitment towards the achievement of the project's objectives?

The CPP has eventually made significant strides in incorporating the key stakeholders into the process, which in this case has resulted in a visible presence of representatives of the tripartite group: government, workers and employers.

After some initial hesitation from representatives of the private sector, particularly in Barranquilla, the evaluation team has learned that the Port Societies of this location have eventually agreed to participate in the project's activities. This means that, in principle, the CPP has been able to create a multi-stakeholder space for the discussion of labor issues taking place in the ports of Colombia. The National Business Association of Colombia (ANDI) which has a specific chamber in its structure to follow issues in the port sector, has been active in the different activities organized

by the CPP, although at times it has expressed some critical views about the analysis and proposals shared by the CPP team. Likewise, the Inter-guild and Inter-enterprise Committee (Comité Intergremial e Interempresarial) and two Port Societies of Buenaventura⁵, have shown an unquestionable interest and commitment to participate in the discussions.

The willingness of the private sector to be part of the process, does not mean a full endorsement of the CPP's diagnosis or proposals, which for them continue to be controversial. The message that this group conveyed to the evaluation team is that there are structural problems, such as contractual conditions imposed by big international players (shipping companies and big multinationals) as well as the socio-economic conditions around the ports, that make it very difficult to tackle and overcome the root causes of the problem, even for a joint action that counts on the full commitment of all parties. A fully fledged value chain approach to include international players will be required. In any case, it's acknowledged that the project is taking an impartial and constructive stand, and it is crucial that the private sector is part of this effort.

The union leaders interviewed during the data collection process have also shown great adherence and commitment towards the project goals. Three of the most important union organizations⁶ have been actively participating in the projects' activities and have signed Memoranda of Understanding with POA. They, nevertheless, insist that they expect to achieve concrete results and benefits for their organizations and not just "discussions and training processes". All of them stressed that the CPP should be an opportunity for their organizations to grow and increase their membership numbers. The union movement is also a controversial space and there are different narratives and points of views being argued. Generally, the unions have expressed satisfaction towards the process, but there have been some disagreements with one of the organizations, due to discrepancies over the type of support offered. In any case, as it has been said, three trade union organizations with an important presence in the sector remain committed to the CPP.

The institutional partners represented in this case by the Ministry of Labor (MoL), the Superintendency of Ports and Transport (ST) and Pensions and Parafiscal Management Unit (UGPP), have also shown great interest towards the project's activities and commitment towards the fulfilment of its goals. The ability of the CPP to put them together in a joint endeavor can be described as a good result, in the sense that it can reasonably increase the effectiveness of the enforcement effort by the Colombian state. In each case, the CPP has been able to identify some possible lines of collaboration that the three institutions would like to take forward within the lifespan of the CPP.

3.2. EFFECTIVENESS

This section presents findings related to four effectiveness questions.

⁵ The Sociedad Portuaria Regional de Buenaventura and the Sociedad Portuaria Industrial de Agua Dulce.

⁶ Sindicato Nacional de Trabajadores de Rama, Servicios de la Industria del Transporte y Logística de Colombia (SNTT), Sindicato de la Industria de la Actividad de los Trabajadores de la Rama Portuaria – Transporte y su Logística Colombiana (SINAPORTLC), and Sindicato de Trabajadores Portuarios (STP).

Question 5: To what extent has the project made progress towards achieving its overall objective, long-term outcome and associated medium and short-term outcomes, particularly in light of the DOL approved interventions?

Taking into consideration the fact that the result framework was revised in February 2023 and only five months have elapsed since the revision, it is very difficult for the evaluation team to assess the progress made towards the achievement of the long-term and medium-term outcomes. As a matter of fact, the values (baseline, targets and actual) of the indicators corresponding to the LTO and the MTOs still have to be generated or collected yet. No actual values are available regarding the indicators at these two levels.

During these six months, the CPP has made some progress in relation to the three STOs which in fact correspond to the three Interventions approved in February 2023. This progress is already reflected under some of the indicators selected for this level (3b, 4b, 2b, 1a, and 2a). However, the evaluation of indicators is still very limited and therefore, the evaluation team uses qualitative information obtained during the data collection process instead.

The evaluation finds that once the new logic model was approved and the CPP team developed a more precise idea of the outcomes to be achieved and the activities to be implemented, the implementation gathered momentum and the three interventions progressed satisfactorily in terms of delivery and budget execution.

Both, the activities and the delivery of the products and services corresponding to STO 1 - *Increased tools and resources for key stakeholders to use while implementing the regulatory framework on intermediation and outsourcing in the port sector* - have progressed at a very good pace. The “Compilation of pronouncements and rulings of the Supreme and Constitutional Courts on outsourcing and labor mediation in Colombia” was completed in March 2023 and based on this compilation a guide on “Nature, characterizations and limits of labor mediation and outsourcing in the port sector in Colombia” was elaborated soon after (the printed version was released in July 2023). The dissemination of these materials among stakeholders has also begun, and approximately 200 people have been informed and/or sensitized using these materials.

Users describe the materials as high quality, with workers, employers, and the MoT officials alike all recognizing that they help resolve doubts and clarifies concepts. They also highlighted that the authors have made a significant effort to ponder the different interpretations to overcome interpretive subjectivity and present conclusions with a high degree of consensus.

The evaluation has gathered very positive views and a high degree of satisfaction among the stakeholders about the quality of the materials, including, importantly, representatives from the private sector. The main challenge ahead is how to optimize their use and reach out to those groups who can benefit the most from this type of information, particularly the non-affiliated and informal workers. The activities carried out under this intervention have also served to identified new possibilities and potential options to enforce the effective application of the current legal framework via the joint action of institutions such as the MoL, the SITP and the UGPP.

Some key aspects related to sustainability and scale-up of the process are likely to require further analysis and action, such as the identification of key actors and institutions that could explore and optimize the potential of the materials that have been delivered.

Indicators chosen for STO 1 (3b and 4b) prove the following interim performance:

Indicator 3b: “Number of collective structures or institutions within the port sector with tools and resources that enable them to better address labor law compliance issues”. The baseline value for this indicator was “zero” since the count starts with the project. The Final Target is 12 and the Target set for September 2023 was three and the actual value in June 2023 is four. The data tracking tool used by the Performance Monitoring Plan shows that the CPP has handed out two tools and resources to 15 organizations, the compilation, and the guide, but so far only four (SITP, UGPP, SNTP and the territorial office of the MoL in Atlántico) have conducted some sort of dissemination and awareness raising upon the reception of the tools.

Indicator 4b: “Number of collective structures or institutions within the port sector with increased motivation to address labor compliance issues. The baseline value for this indicator was also “zero”. The Final Target is 12 and the Target set for September 2023 was six but none of these have been fulfilled yet in June 2023. The sequence of intervention has not reached the point of influencing the motivation of the targeted stakeholders.

Turning to STO 2 - *Increased use of formal and informal spaces for social dialogue to address barriers to labor law compliance in the port sector* - it is important to note that social dialogue in the port sector is already taking place (especially at the level of the main concessionaires) but attitudes of mutual distrust and stigmatization between actors (workers and employers) persist and there are illegal restrictions on trade union activity.

The CPP has made good progress to include the port sector in the existing mechanism of social dialogue in the four geographic departments covered by the CPP. There have been contacts and advocacy work carried out to include the ports sector in the social dialogue plan of the Departmental Subcommissions for Concertation of Wage and Labor Policies of Bolívar, Magdalena and Atlántico. The response has been very positive, and this milestone was eventually achieved. This means that the annual plan of this space will have to consider the status of social dialogue in the ports and its promotion.

The evaluation has gathered very positive reports from the Territorial Directorates of the MoL, which performs as the secretariat of the sub-commissions. According to some testimonies, the CPP has helped the MoL to identify the needs of the port sector and its limited capacity to tackle those needs. This awareness is expected to be followed by some institutional decisions aimed at overcoming these limitations, and this is one to the lines of action that the CPP is meant to pursue in the upcoming months.

In the case of Buenaventura, the CPP has established close collaboration ties with the MoL to constitute the Tripartite Table of the ports sector. The Regional Sub commission is based in Cali. The evaluation has observed very good interaction with the MoL to set up this space. Several steps are being taken, but the MoL itself is leading the process very cautiously ensuring that solid bases of mutual trust between the parties are present.

The Project has also initiated an awareness and sensitization line of work with local leaders. So far 11 leaders (Champions) have been involved in this process. The evaluation team understands that raising awareness and gathering support from the public is an important factor to promote social dialogue, but in this case, it is not clear how these champions could transcend the individual level and trigger a more systemic effect.

The indicators chosen for STO 2 (2b and 1a) demonstrate the following interim performance:

Indicator 2b: “Number of collective structures or institutions within the port sector with increased capacity that enables them to better address labor law compliance issues”. The baseline value for this indicator was “zero” since the count starts with the project. The Final Target is 12 including two different steps: 1) participate in the development of the social dialogue plan and 2) Carry out any action as a result of its participation in formal or informal social dialogue spaces with other collective structures or institutions. The Target set for September 2023 was “Zero” but the tracking tool reads that 12 organizations have already completed step 1 which is participating in the sessions for the development of the Regional Social Dialogue Plan.

Indicator 1a: “Number port key stakeholders with increased linkages that enables them to better address labor law compliance issues, claim their rights or fulfill their duties”. Equally the baseline value is “zero” and the Target set for the whole period was six people (selected champions) participating in at least three meetings. For September 2023 the target set was three people participating in three meetings. In June 2023 the achievement was three people participating in two meetings.

And finally, in assessing STO 3 – *Increased capacity of WOs to represent port sector workers and advocate for their rights* – some progress has been made. The workers organizations have been involved in the CPP in various ways. They have collaborated as key informants for the CA and participated in the discussions and dissemination around the compilation and guide referred to under STO 1. This involvement has already served to increase their knowledge and capacities in key areas such as the understanding of the current regulatory framework. Union leaders have conveyed to the evaluation team that the Guide on “Nature, characterizations and limits of labor mediation and outsourcing in the port sector in Colombia” is being disseminated internally among the union managers, technicians, and affiliated workers.

The CPP is devoting a specific line of action to strengthening the capabilities of the unions. At the time of conducting this evaluation the CPP team was conducting an Organizational Capacity Assessment (OCA) with the workers organizations and the preliminary reports are satisfactory. The unions’ leaders are confident about the positive outcome of this process, although they insist that they want to see concrete results, more specifically an expansion of their presence in the ports.

Upon the results of the assessment, a capacity building program is planned as the next step. In this regard, the evaluation team has come across a history of previous collaboration between the unions and the Escuela Nacional Sindical, as already mentioned earlier. The Escuela Nacional Sindical is also a partner of the DOL in another project (The Worker Rights Centers for the Greater Protection of Labor Rights) and has relevant experience in supporting the union movement in the country. In this sense, the evaluation team understands that the CPP should not undertake the capacity building process from scratch and should assess ways to collaborate with other actors, such as the Escuela Nacional Sindical, which have been active in this domain for a long time.

As it has been said, the evaluation team has learned that the unions' expectations of strengthening are strongly linked to the increase in membership. This expectation must be considered and possibly reflected in the logic model as an indicator. Likewise, another theme that has emerged as a potential priority for this intervention is the unity of the unions action. The fragmentation of the unions’ action is high in the port sector, and it eventually becomes a weakness of the movement. The CPP could explore options to overcome this situation.

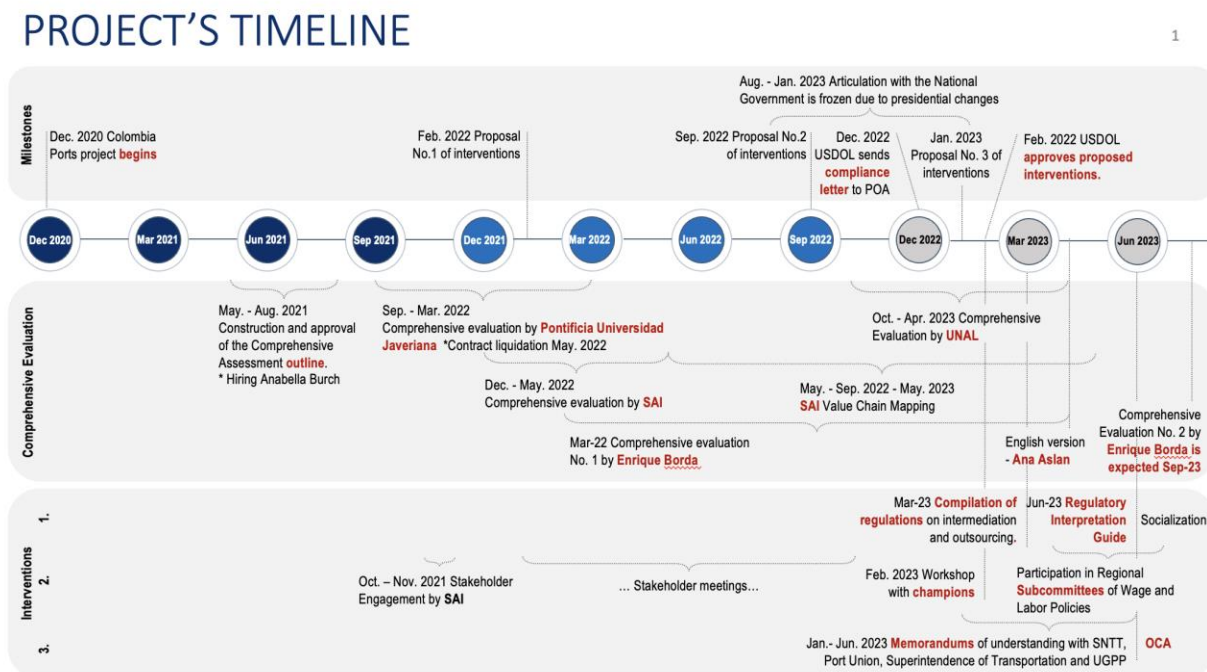
Indicator 2a set for this STO (Intervention 3) reads: “Number of port key stakeholders with increased capacity that enables them to better address labor law compliance issues, claim their rights or fulfill their duties”. The baseline is “zero” and the target set for the whole period was 40 people participating in at least three courses” No target was set for September 2023 and currently it is not possible to report yet any case of stakeholders with increased capacity. The tracking tool reads, though, that nine people have already taken part in two courses.

The analysis of the indicators is not very indicative at this stage since many of the processes are at an initial stage. Overall, however, taking into consideration the testimonies and statements of the respondents, the balance of the second moment that begins in February 2023 is overall favorable:

- All three interventions have progressed at a good pace, with both the physical progress of activities and the delivery of outputs and services as well as budget execution.
- There are clear signs of ownership and interest on the part of the target groups. The CPP has succeeded in opening spaces for dialogue and mobilizing the actors in the territory.
- The labor issues of the ports have gained positions in the agenda of these organizations.
- Self-replicating dynamics are being supported, with favorable prospects of continuing to produce effects.
- New possibilities and options have been identified to expand the reach of the CPP.

Exhibit 3 below shows a timeline with some key milestones of the different processes: one of them refers to the CPP as a whole, the second to the CA and the third to the three interventions. It is not an exhaustive compilation of the different moments and deliverables, but it shows that during the five months of 2023, from February to June, after the revision was approved, there is some clear continuity in the delivery of the different products and services.

Exhibit 3: Timeline



Question 6: Has the project's implementation strategy proven to be effective?

Some of the analysis referring to this question has been already presented when analyzing the relevance and management of the Comprehensive Assessment (CA). Indeed, the decision of using the CA as a crucial building block in the implementation strategy has been the main shortcoming. The risks and other constraining factors that could have critically hampered the implementation process as a result of this decision were not duly considered, the so called “critical way” in project management terminology. The situation changed for the best when the logic model was revised in February 2023 and DOL and POA agreed to start implementing the three interventions. The arguments that support this statement have been presented earlier. Two years dedicated to the CA resulted in a state of impasse and paralysis, but the CPP has managed to change that dynamic once the strategy was shifted to a more practical and operational approach, prioritizing action over analysis.

In the opinion of the evaluation team, while a CA was a reasonable and well-justified way to start any intervention, in this particular case it might have inadvertently set unrealistic expectations for a project of this nature, which was in fact a first inroad for the DOL and POA into the complex port environment. The revision that took place in February 2023 has given more focus to the CPP strategy, and the partners shifted into action mode and the project became actionable. This approach seems to be bearing good results as explained previously in EQ 5.

Some other aspects that can explain this improvement are related to the management and coordination of the CPP.

- It is important to note that the initial stages revealed the need to strengthen certain technical aspects of the POA team (on specific labor topics). Today, the process of strengthening the CPP team has been successfully completed by combining new appointments and consultancies.
- Formally, a governing body (Steering Committee) with representation of the key stakeholders (MoL, Unions and Employers) has not been formed. This is a structure that in certain situations can help in the deliberation of controversial issues and the search for basic consensus. Nevertheless, working groups have been organized according to the needs of implementation and the testimonies collected by the evaluation team suggest that the communication dynamic between the different stakeholders flows well and POA is perceived as a neutral and credible actor by all parties.
- Despite the objections and reservations that some stakeholders might have regarding the analysis or proposals put forward by the CPP, the key actors are deemed to be present and are engaged in the different processes. The interest and commitment shown by all the partners enabled the project to foster a climate of dialogue and collaboration. Important partnerships have been established via MOUs with public institutions (SITP and UGPP) and Unions. There is still a need to formalize a MOU with the MOL and ensure its leadership over the institutional aspects of the project. The CPP team has initiated a move in this direction, but this effort has not materialized yet by way of a formal MOU.
- Political shifts in Colombia and the United States have affected the pace of implementation but not in a critical manner. The CPP has managed to find ways to adapt to those changes.

In general, the decision to start implementing the three interventions and the collaborative and participative approach used to engage the different stakeholders seem to have coalesced in a much more favorable scenario for the CPP.

Question 7: How effective was the Comprehensive Assessment's process and to what extent are its findings contributing towards the fulfilment of the project's objectives?



Participants in a socialization activity. Credit: POA

The evaluation has established that the elaboration of the CA has been a very inefficient process, plagued by unforeseen events and needing constant revisions of the various deliverables. The management of the process has been very challenging and confusing. Successive phases were needed to complete the assessment and visible situations of discontent and frustration among the participants have emerged along the process. As of today, the process has still not been finalized. There are several versions of reports prepared by PUJ, SAI, UNAL and subsequent revisions conducted by POA.

All the above, begs to enquire what were the contributing factors that led to such an inefficient outcome. The findings of the evaluation team point to a combination of reasons:

- First, everything suggests that the project designers set high expectations for the CA, aiming at finding the quantitative and legal evidence to legitimize the upcoming interventions. This seems to be a logical and reasonable aim for an endeavor of this nature, but in practice, breaking through the entangled situation of the Colombian ports proved to be an elusive undertaking and bringing evidence to light was not an easy task. As a result, successive attempts were needed, each of them adding a new tier of knowledge, but none of them providing the conclusive empirical evidence that was initially expected. Allowing more time will enable the research team to add even more layers, but everything indicates that there is a tipping point where more research does not necessarily add a substantial value to a potential intervention in the future.
- The methodological basis was not sufficiently agreed, particularly during the first phase with the Pontificia Universidad Javeriana (PUJ). There is evidence of discussions between POA, the PUJ, and the USDOL/US Embassy, but it seems that some crucial aspects were not clearly agreed upon. For example, the variety and scope of the sources of information

to be used. Once the PUJ submitted the first draft after a year of research, it was found that there was need to expand the sources of information, thereby a second phase was required.

- Disagreements on the outline. A very detailed and ambitious outline was elaborated with support from an external consultant. This outline was followed by the PUJ during the first phase, but it was later questioned by POA's and its advisers and subject to further adjustments. This represented a shift in the format that was not fully understood by all of the stakeholders and triggered some questions.
- Lack of clarity about the intended end users. The research was awarded to two prestigious universities in the country, the PUJ and UNAL. Both institutions conducted their research in an academic style and delivered extensive reports with plenty of references and contextual data. Once the reports were analyzed it was found that they were not user friendly for the end users, the project stakeholders, namely the social actors: workers, employers, and the Colombian Government, and it was necessary to introduce with some adaptations. This process took time and eventually led to the production of several versions, each of them meant to address the specific information needs of a different group.
- Communication between the parties involved in the CA did not flow well. The PUJ and SAI were supposed to work jointly in the elaboration of the first assessment, but their approaches and styles differed substantially, and they eventually delivered separate products. The findings and conclusions at the end of the first phase were controversial and this eventually led to a difficult communication dynamic between POA, the Universities, SAI, the USDOL and the US Embassy in Bogota. The decisions about the approval of the different products were contested and the whole process went into a conflict mode.
- Absence of a labor profile specialist in the POA team, both at the field and Headquarter level, weakened the technical supervision and quality assurance function. The initial configuration of the POA team under the project did not include a specialist in labor issues, a position that according to POA was not required as key personnel in the FOA. In any case, it seems evident that the absence of a labor specialist limited the capacity of POA to conduct the intermediate quality assurance of the CA. This technical gap was partially covered by the US Embassy attaché on Labor Issues, a situation that is somehow atypical and denotes an unbalance in the roles and responsibilities played by the different parties. Eventually this situation was overcome via the appointment of external Technical Assistance support, Enrique Borda and Associates, who is currently providing support to the CPP on permanent basis. POA at the headquarter level has also reinforced its team with the appointment of a more specialized officer in labor issues
- Tight schedule to complete the research. This was particularly the case during the second phase, once the implementation was running late and completing the CA was a matter of urgency. Representatives from UNAL argue that "research against the clock" is not the ideal setting to conduct research. They argue that allocating some more time, would have enabled them to process more information and fine tune some analysis. The UNAL research team has conveyed to the evaluation team that the contract with POA has been temporarily suspended and sometime has been reserved to make the final adjustments to the final version of the CA after POA's comments. This will represent the closure of their contract with POA. Regardless of these contractual aspects, the UNAL team reports that

the data already collected allows for more refined analysis and they are already considering ways to complete this analysis on their own.

At the time of conducting the fieldwork (July 2023) seven different documents have been delivered as part of the CA exercise:

1. Pontificia Universidad Javeriana (2022). *Evaluación integral: Barreras para el cumplimiento de la legislación nacional relacionada con los derechos laborales internacionalmente reconocidos en el sector portuario de Colombia*. March, 2022.
2. SAI (2022) Product 1: Final Version of SAI's Comprehensive Assessment Sections USDOL Project "Advancing Labor Compliance in Colombia's Ports Sector". March 2022
3. Borda Asociados (2022) *Evaluación integral: Barreras para el cumplimiento de las leyes nacionales relacionadas con derechos laborales reconocidos internacionalmente en el sector portuario de Colombia*. March 2022
4. SAI (2023) Versión final de SAI a la evaluación integral Proyecto USDOL Mejorando el cumplimiento laboral en el sector portuario de Colombia. May 2023.
5. UNAL (2023) Phase 2 of the Comprehensive Assessment on Barriers to Compliance with National Laws Related to Internationally Recognized Labor Rights in Colombia's Port Sector.
6. Borda Asociados (2023). *Evaluación Integral sobre las barreras para el cumplimiento de las leyes nacionales relacionadas con derechos laborales reconocidos internacionalmente en el sector portuario de Colombia*. April 2023
7. POA (2023). Comprehensive Assessment on Barriers to Compliance with Labor Rights in Colombia's Ports (Phase 2). April 2023.

The Evaluation Team has learned that POA and the UNAL are working on the update of a final version that will be the version eventually distributed to the CPP stakeholders, tentatively within the next few weeks (September 2023). The process, as already shown, has been lengthy and convoluted and although it has provided some inputs for the revision of the results framework conducted in February 2023 it has not fully served the purpose of informing the design of the other three outcomes set in the original results framework, as it was initially expected. It started in May 2021 and more than two years later, is not yet complete. The evaluation team has also detected a degree of fatigue and bewilderment among some of the stakeholders who wonder about the outcome of this effort. There has been some intermediate sharing of preliminary findings, but there is a sense of expectation to see how the CA has addressed some controversial issues and what kind of evidence and proposals are presented.

Despite all the obstacles and difficulties that hampered the completion of the CA, it is possible to identify some areas where the project could incorporate inputs emerging from the CA.

Refine the CPP's Theory of Change (ToC). The CPP team is currently working on the revision of the ToC and the reformulation of the Project Document after the readjustment of the result framework, introduced in February 2023. The CA can surely provide very valuable inputs to carry out this exercise. The CPP has already initiated a transition from its initial approach which in the view of the evaluation team was perhaps slightly overambitious. Reading between the lines of the FOA and the POA proposals, the CPP seems to reflect the long-term expectation of a shift in public policy rather than the more modest and immediate goal of just triggering some positive dynamics in the complex ports' environment, which is more in line with the scope and possibilities of a single intervention. The decision to start the intervention with the CA can be interpreted as the conscious

or unconscious intention of acting in a comprehensive manner as well and achieving compliance in the short-term, something that probably exceeded the scope of the CPP. The evaluation team understands that the CA has shed some light on the magnitude and intensity of the problem and there are new data and information that can help to draft a more accurate and realistic ToC.

Extract ideas for communication materials. The CA allows the CPP team to build more robust and nuanced narratives. One of the objections raised by some of the stakeholders during the early stages, particularly by those in the sphere of the private sector, was that the CPP could arrive at broad generalizations, using a “one size fits all” formula to blame the employers without properly analyzing the structural causes and jumping to quick conclusions. The CA has made a notable effort to overcome this potential predilection of prejudgment and thanks to this endeavor, the CPP team is in a much better position to communicate in a more precise manner to larger audiences, without ignoring or renaming the problem but also avoiding broad generalizations.

“Each port is different and CPP should avoid generalizations when communicating its diagnosis and proposals”

Representative of the Private Sector

Promote broad consensus among social actors. A notable effort of engagement and balance has been made, but controversial issues remain as to the magnitude of the problem, the attribution of responsibilities and the solutions to be implemented.

Recover ideas from different versions and update the work plan. There are many intervention ideas spread around the different documents that can be harvested and discussed with key actors in social dialogue spaces.

Question 8: How effectively has the project mainstreamed gender, equity and social inclusion into its strategies and activities?

Gender equality and inclusion of vulnerable groups appear across the different documents but are not clearly addressed in the logic model, either as a direct result or as a cross-cutting theme. The Funding Opportunity Announcement (FOA) refers several times to the importance of considering how the activities impact gender relations and the situation of the Afro-descendant groups. A specific reference is made to a gender analysis and an assessment of the unique needs of vulnerable groups that should be part of the CA, and indeed the different versions usually include a section with an analysis about gender and ethnic discrimination in the ports’ environment.⁷

The conclusions are not very telling since the presence of women is very limited in the workforce of the ports, the sample used by the CA in Buenaventura refers to 20% of women in the Port Societies and supposedly much less among the port operators. As for ethnic discrimination the findings are also very general, but the researchers equally collected reports of ethnic discrimination as well as other cases apparently related to age, disability and/or disease. The CA

⁷ For example, the UNAL version adapted by POA (E. Borda) in May 2023 includes section 1.20 devoted to cases of discrimination by gender or ethnic reasons.

suggest that those situations exist, although, it is not possible to establish the size and dimension of these issues.

It is believed that the CPP could have a positive impact in addressing these situations, since it is working to enlarge the protection of labor rights in a broader sense. It is also evident, that most of the final beneficiaries of the CPP would be members of the Afro-descendant community since this is the ethnic group with the largest presence in the ports, particularly in Buenaventura (based on the CA sample, 68% of the informal workers and 72% of the sub-contracted workers recognize themselves as “Afro-Colombians”). Nevertheless, it is believed that the CPP so far, has not been addressing these issues in a systematic and strategic manner. The team shows good understanding of the problem and the willingness to put in place more specific and purposeful actions, but so far, this positive attitude has not materialized into anything with a specific focus on gender and inclusion: an explicit component to address these issues, a set of guidelines to mainstream it into the existing interventions, a specific product, indicators, etc. Moreover, there is not a clear role within the POA team designated to lead on gender and inclusion.

Although, the circumstances of the project must be borne in mind. The CPP has been struggling so far to bring the workplan forward and the delay accumulated by the CA has had a domino effect into many other areas. After two years of inaction the CPP has concentrated on three priority interventions and some other important lines of action have been sacrificed to set the whole operation in motion. Gender equality and inclusion might be included on the list of these actions.

3.3. IMPACT

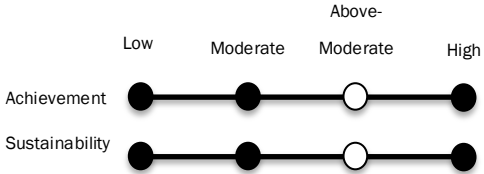
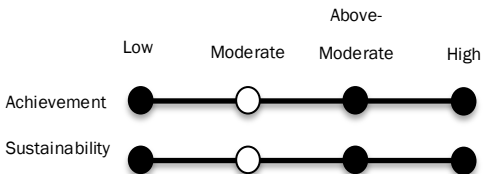
Question 9 From the perspective of stakeholders, what is the most significant impact or consequence that they anticipate from the project?

The stakeholders generally understand that achieving a significant impact is likely to require a longer sequence of intervention. The CPP in this sense is seen as a pioneering experience that could increase the knowledge about the problems, test some models, enhance dialogue, strengthen the partners, and establish the basis of a collaborative action in the future.

For those stakeholders more directly involved in the port activity, the poor working conditions for informal and sub-contracted workers in the ports respond to multiple factors, some of them fall under the reach and control of the government and / or the ports actors, and therefore can be targeted by the CPP, but others are external factors that exceed the reach and scope of these actors. Among those factors, the stakeholders usually refer to the integration of the ports into the global economy and the widespread poverty that turns informality into a way of survival. Those structural factors will be difficult to tackle by a project like the CPP, but within these limits and conditions, it is believed that the project could bring about some improvements to the ports’ labor market. Such improvements are in line with the interventions that have already been designed and /or some others that could be incorporated along the course of the upcoming months.

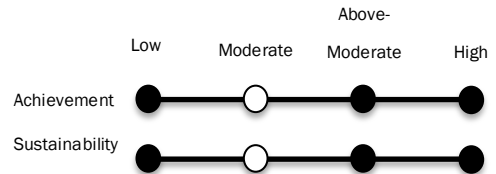
In general, there are favorable expectations about the possibilities of the CPP to fulfil the three STOs. EQ5 has been devoted to show the progress made so far in relation to each of these outcomes. It is still a bit early to assess the achievements of the CPP against the MTOs and the LTO since the time elapsed is very short, barely four-five months. However, in order to complete the previous analysis, an assessment of performance against the original four outcomes of the Funding Opportunity Announcement (FOA) is presented here.

Table 2. Performance Summary of the original Outcomes (FOA)

Performance Summary of the original outcomes (FOA)	Rating
OUTCOME 1: Increased understanding of barriers to compliance with national laws related to internationally recognized labor rights in Colombia's port sector	
<p>The main product conceived to achieve this outcome was the CA, but its completion has experienced several obstacles and accumulated significant delays. It has not fully served the intended purpose of informing the design of the other three outcomes set in the original results framework. Despite this, and based on the analysis of the successive versions delivered and the comments conveyed by the stakeholders involved in its elaboration, the evaluation team considers that the CA can contribute towards: (i) improving and enlarging the knowledge of the business model of each port, (ii) clarifying how legal concepts such as the business practice of outsourcing and labor mediation apply in each case, (iii) having a better understanding of the applicable regulatory framework, (iv) having a better understanding of the financial structure of the ports, (v) providing a more detailed mapping of the key actors, and, (vi) engaging academia in the analysis and debates around port issues. This last point represents an important asset to trigger a durable academic interest in this topic.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. Each row has a solid black dot at Low, a solid black dot at Moderate, an open white circle at Above-Moderate, and a solid black dot at High.</p>
OUTCOME 2: Development of approaches to support compliance with national laws related to internationally recognized labor rights in Colombia's port sector	
<p>After a hesitant start, the CPP has made good progress in three different lines of action (the so called three interventions): (i) clarifying the limits and possibilities of the existing legal framework, (ii) enhancing social dialogue in the port sector, and (iii) strengthening the workers unions. The three lines are deemed adequate approaches to support compliance, but given the magnitude and complexity of the problem, the many challenges and uncertainties to be tackled, there may be a need to further develop other approaches including mechanisms of enforceability and the promotion of due diligence in value chains.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. Each row has a solid black dot at Low, an open white circle at Moderate, a solid black dot at Above-Moderate, and a solid black dot at High.</p>
OUTCOME 3: Demonstrated effectiveness of approaches that support compliance with national laws related to internationally recognized labor rights in Colombia's port sector	

The CPP has not reached the point of demonstrating the effectiveness of different approaches. The indicators reflecting the accomplishment of medium and long-term outcomes have not been collected yet.

There are, however, some positive signs indicating the effectiveness of approaches already in progress. Intervention 1 has shed light on some controversial concepts about outsourcing which are likely to inform the decisions of the social actors in the future. Likewise, the other two interventions have shown their potential to mobilize the key actors in the port sector and engage them to assess of alternatives. There are also signs indicating that social dialogue in the ports could be boosted thanks to the inclusion of the ports as a theme on the agenda of existing spaces (Sub-commissions and the tripartite table in Buenaventura). Intervention 3 could reasonably increase the capacity of the union's workers for the purpose of litigation. However, the CPP still in an early stage of implementation and there is not enough data and information available to establish the extent that it has managed to consolidate and mainstream these approaches in the ports' dynamics.

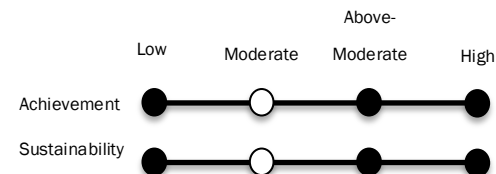


OUTCOME 4: Increased awareness and adoption of approaches to support compliance with national laws related to internationally recognized labor rights in Colombia's port sector

The stakeholders generally understand that achieving a significant impact is likely to require a longer sequence of interventions since there are many external factors that exceed the reach and scope of the CPP.

Nevertheless, the CPP can realistically raise the profile of the ports labor issues in the agenda of the Colombian Government, the private sector and workers' organizations. It also has the potential to strengthen the capacities of the Colombian state to enforce the regulatory framework. Although, there is no specific intervention focusing on enforcement. The CPP has explored different options and established potential collaborations between the Ministry of Labor, the Superintendency of Transport and the Pension and Parafiscal Management Unit. This alliance formed by the three institutions to build their capacities and strengthen their presence in the ports, can help towards labor compliance.

The fulfilment of this outcome will depend on the commitment and involvement of key stakeholders, in particular, the Colombian Government and the private sector. In this sense, the weaknesses of public structures, particularly in terms of human resources, could become a critical factor that the CPP should consider carefully. The Government in office has expressed its desire to strengthen the coverage and the capacities of labor enforcement structures, but there are many uncertainties lingering over the stability of the administration and its capacity to build the necessary consensus for this process.



Question 10 What specific actions are necessary to ensure the project achieves all outcomes during the remaining period and maximizes its impact?

A positive dynamic that has emerged during the implementation of the three interventions is that the different stakeholders have been able to identify new ideas to take the process forward. Thanks to the dialogue and interaction established among them, new possibilities have been discussed and/or put forward to expand the scope of the CPP. The evaluation team has collected and processed some of these ideas which are presented ahead, that are grouped below into four categories.

Mechanisms to enhance the enforceability and compliance with current regulations

This category comes as a natural evolution of Intervention 1. Once that the CPP has made a significant contribution towards the understanding and clarification of the current regulatory framework, it seems logical to move onto the next stage, which is enforcing its application. Several options and ideas have been identified that can be in turn classified into two groups:

1. - Coordination and joint institutional action. It seems evident that the public institutions have a crucial role to play in this regard, but they are usually constrained by the lack of capacities and poor management. The MoL is obviously the leading institution in this department and the CPP has already established collaborative contacts and relations with various units within the Ministry: The Vice-Ministry of Labor Relations and Inspection, the Unit for Inspection, Surveillance and Territorial Management (IVC) which is directly in charge of the inspection, The Directorate of Fundamental Rights, which promotes and follows social dialogue processes, and the Territorial Directorates in the four regions which act as Secretariats of the Sub commissions for Concertation of Wage and Labor Policies. There are already various lines of collaboration in progress with the MoL, but it has been found that the CPP could take a more prominent role in supporting the IVC to be more effective when conducting inspections in a port setting. The evaluation team has collected several accounts from both workers and the IVC itself, suggesting that most of the interventions of the labor inspection in the ports end in no charges because, the inspectors don't have the tools to identify the infringements and produce the evidence.

As part of the Labor Action Plan (PAL) agreed between the US and Colombia, the IVC has been the recipient of a comprehensive package of support funded by the DOL and implemented with the support of the International Labor Organization (ILO). As a result, the IVC has experienced some improvements, including the increase in the number of inspectors as the most visible, the number of inspectors has grown from approximately 500 to 1,100 officials. Nevertheless, the IVC is still facing serious problems to stabilize the staff and maintain the desired level of skills and competencies across the unit. Unfortunately, the IVC is still in a very limited position to conduct efficient and effective inspections in different scenarios. The port's environment is perhaps one of the most challenging contexts in this sense.

The evaluation team has learned that the CPP could lend some continuity to this effort. Based on the products delivered under Intervention 1 (STO1), such as the Compilation and the Guide, the CPP could develop in partnership with the IVC some instruments, procedures, guides, etc. to support the work of the inspectors in the enforcement of the regulatory framework in the ports. A specific manual including analysis of the most common infringements and the way to tackle them completed with some training and the commitment of the MoL Territorial Directorate to designate

staff and conduct exemplary inspections, could serve the purpose of showing that there are some mechanisms in place to enforce compliance with labor rules.

Another possible collaboration with the MoL that has been brought to the table is the development of the Unified Register for Ports' Workers also known as the RUTRAPORT. This register was a commitment of the agreement signed in 2017 within the context of the National Civic Strike. It falls under the responsibility of the MoL, and it's also being supported by the ILO. The purpose of this instrument is to have an interactive information system that allows the different institutions to cross-check information and verify compliance with different regulations. It's not clear yet how the CPP could support this initiative, but both the MoL and ILO suggest that there will be room to incorporate the CPP in this effort.

Moreover, the CPP has also established collaborative relations with two other institutions with designated responsibilities in ensuring compliance with other norms and regulations that eventually contribute to the fulfilment of the workers' rights. These are the SITP and the UGPP and have been referred to earlier. The CPP has signed MOUs with both institutions aimed at enforcing the capacities of these institutions to exert more control over the ports. Some preliminary possibilities are to support the UGPP in setting a digital control tool of the social security payroll, this is expected to reduce or even eliminate the practice of using forged payrolls to enter and work into the ports' facilities. The SITP is also a key institution with a mandate to ensure that the operators that operate in the port comply with some minimum technical standards and are able to provide quality and reliable services. This control is supposed to avoid the presence of ghost companies, whose only purpose is to provide legal coverage for subcontracting.

As it has been said earlier, the CPP could foster an alliance and promote coordination between the three institutions. Ensuring that the MoL maintains the leadership of this effort, it seems clear that approaching compliance from different angles, could substantially increase the chances of having a bigger impact. The CPP has opened an interesting line of action in this regard that could be further explored and taken forward during the second part of the implementation

2.- Strengthening the workers' litigation capacity. Another area that the CPP could explore to enforce compliance with the current regulatory framework is by supporting the formalization of claims by workers. One of the recurrent testimonies received from this group was that there are very limited options available for the workers to pursue a path to litigation. According to their statements, it is virtually impossible for most of them to obtain advice and put together a robust and strong case before the administrative or judicial authorities. This eventually acts as a big barrier to access the justice system and subsequently prevents the restoration of rights and the overall compliance with labor rules. The evaluation team has collected some ideas that the CPP could explore to incorporate a more specific component with a focus on the litigation capacity of the workers. These ideas point to a stronger collaboration with the Labor Attention Centers (CAL) run by the Escuela Nacional Sindical, and / or the Solidarity Centre, another DOL partner in the country running programs in this area. Collaboration with other *pro bono* legal services can be also explored, such as those available in the Law Faculties of most Universities.

The above is perhaps a line of action that comes more naturally from the knowledge and experience gathered so far upon the implementation of the three interventions, but there are possibilities to expand the CPP's scope that are presented below.

Promote self-regulation and due diligence mechanisms by companies in the ports' supply chain

In line with the arguments presented earlier suggesting that the violations of labor rights in the ports, result from a highly complex and multicausal chain of relations, it seems reasonable and justified to use, or at least attempt to, introduce a supply chain vision. Obviously, the supply chain is a vast ecosystem and the CPP might not be able to cover its whole span, but it seems worth exploring the different options to act within at least one or two sections of the chain.

In a more general level, it is advisable to promote within the spaces of the project a narrative of business collaboration. Various project documents refer to a lack of sectoral vision among the port's stakeholders. It's argued that there is no sense of being part of the same business and every single actor is looking after its most immediate interest. As a result of this, nobody is looking for a comprehensive strategy for the port(s) as a whole, and which is something that would be in the interest and benefit to all parties. Since the CPP has a different prospective, it seems advisable to use the project as a vehicle to convey this message: collaboration between the port's stakeholders, self-regulation and due diligence are concepts that are thriving across different productive sectors and the CPP might be an opportunity to catch up with this global dynamic.

In this very line, the evaluation team has learned that there have been already some experiences of collaboration between companies within the supply chain. The Regional Port Society of Buenaventura (SPRBUN) has, for example, implemented a program previously piloted in the port of Cartagena, to strengthen the capacities of its main providers / suppliers. The program included several components to empower the suppliers and make them more productive and efficient, including a module about compliance with the regulatory framework. This represented a good practice whose replication can be studied. The respondents contacted by the evaluation team suggested that the Port Societies have made some progress in the regard, but exclusively with the most direct suppliers (the first level of port operators). It is worth exploring up to what extent the experience can be trickled down the chain and including other levels of port operators. This is likely to be a complex and challenging endeavor, since, according to qualified informants, this process, although is desirable, is likely to put many operators out business.

In any case, whether the experience of the SPRBUN is replicable or not, there are other options on the table to promote a process of self-regulation towards compliance. In the port of Buenaventura, the evaluation team has identified a very positive attitude from the stakeholders representing the private sector, towards the proposals of the CPP: the two Port Societies, the Inter-guild and Inter-enterprise Committee and one of the main operators Muromar, have shown genuine interest and willingness to participate in the project's initiatives. This is a good foundation to discuss different options such as the adoption of a code of conduct for the sector, for example, the implementation of 'Norm 8000', which was on SAI's proposed methodologies, and, in a more modest fashion, to introduce social and labor clauses in sub-contracting processes. This is a very simple measure that could bring about a significant impact if the sector agrees to use not only price as the main criterion to award contracts.

Finally, the CPP can explore the different options to reach out and incorporate due diligence into the discussion with actors which are not necessarily participating in the spaces created or supported by the project. These include mainly international actors who are not necessarily involved in the daily operations of the ports but, however, take important decisions that affect the business model of the ports. This group includes international investors who own some of the companies, multinational cargo owners, shipping companies and other big players that are not likely to participate in the project initiatives. Reaching out to these actors could be elusive and

beyond the CPP's scope for the remaining time left. However, looking for a strategy to involve them in the due diligence effort, would be certainly an asset for the future.

Formulas and mechanisms for the formalization of informal workers who work outside the port

Informal workers located outside the port who occasionally are hired to provide short-term or temporary services, even for a day, are the most vulnerable of all in the supply chain, the group which enjoy less protection and are the most elusive to reach. Since they are usually appointed by transport companies that operate outside the port, no port society or port operator assume direct responsibility for the fulfilment of their rights.

The CPP has already attempted to reach this group by designing training and awareness raising materials that are uploaded to social networks, more specifically to the YouTube platform. The materials include a link to access a self-assessment exercise that the users are invited to take. So far, 37 people have completed 190 visualizations and 13 of them have successfully passed the self-assessment.

Various stakeholders have suggested that the CPP could expand this line of action implementing some of the following ideas.

1.- Design and test intervention models to reach informal workers.

- Support from Civil Society Organizations and/or local governments to protect and accompany groups of workers in processes of empowerment and formalization. There is previous experience carried out by the Carvajal Foundation that can be revisited and considered for replication.
- Links to trade unions: Consider the different options that the existing unions could put into practice to increase their outreach and cover this group.
- Itineraries for training and certification of competencies as a channel towards formalization. In this line, the CPP could explore the existing options and possibilities available through the technical and vocational training institution SENA, which has been named by several stakeholders.

2.- Explicitly call and invite operators acting outside port terminals. The CPP should make an effort to target and involve this specific group of operators since they are the ones closer to informal workers and tentatively those who are more likely to utilize informal practices.

Communication.

It has been found that the CPP has not reached the level of visibility which is required to communicate its objectives and contribute to its fulfilment. Again, the circumstances that the project went through during the first two years can explain the low attention given the communication component. The evaluation team has learned that a Communication Officer has been recently appointed to take forward a more ambitious communication strategy.



Containers terminal in Buenaventura

3.4. SUSTAINABILITY

Question 11 To what extent does the project identify and pro-actively address sustainability risks and opportunities for sustained change, including the readiness of national institutions, and other stakeholders, to sustain and/or replicate project outcomes?

A sustainability planning tool is being used in accordance with the DOL project monitoring procedures. This tool includes various steps starting with the identification of the risks, an analysis of the probability and impact of each risk, and the tentative mitigation or corrective measures to manage them and ensure the continuation of the project's effects. The tool is included as an attachment in each of the Technical Progress Reports (TPRs). It is considered a sound and comprehensive tool that serves to identify the key factors affecting the prospects of sustainability, but the last version (TRP of April 2023) is deemed to be slightly outdated.

The key element of the CPP strategy for sustainability revolves around embedding the different products and services delivered by the project into the routines and institutional practices of the targeted groups and institutions. This is assessed positively by the evaluation team. The CPP is placing a great effort in the empowerment and capacity-building of the different stakeholders, in particular the public institutions and the workers' organizations. They are expected to acquire new human and technical capacities that will be added to their pool of resources. This, in principle, could continue as a self-replicating process, once the capacities are appropriated, and become part of the institutional routines. It is still a work in progress but looking at what is realistic within the interventions scope, there are signs indicating that, at the end of implementation, these groups will have increased their technical autonomy and control over the different processes.

Most of the indicators in the current logic model, are precisely an attempt to measure this process of appropriation: the delivery of tools and knowledge to the stakeholders by the project and their subsequent use and application.

The prospects vary depending on the institution or group being analyzed. Public institutions such as the MoL, the SITP and the UGPP are institutions with stable dynamics, technical staff, and financial autonomy, but they usually struggle to keep a strong presence in the regions and cover the needs of their territorial offices. The main challenges for these institutions regarding sustainability relate to keeping the momentum and scaling the process up to reach a critical mass. The political will of the current government is to pass the labor reform which is expected to allocate more resources for surveillance and enforcement, but the political climate is not stable at the moment and the availability of financial resources will remain a challenge. In other cases, the stakeholders referred to the difficulties of changing institutional dynamics, something that requires time, continuity and sometimes even a cultural shift. Other aspects, such as the high turnover of staff and corruption have been referred to as another hindrance that could affect the consolidation of these processes.

The private sector is also another group with good prospects of integrating and lending continuity to the products and services delivered by the CPP. Representatives of this sector have shown themselves receptive to the project and it is believed that this could trigger a self-sustainable dynamic leading to more commitment and openness towards social dialogue and interest in due diligence models. Moreover, the sector has the means and resources to keep using the project deliverables and take the different processes forward.

The unions are perhaps the group that faces more challenges in this department. They have expressed their full commitment and ownership towards the CPP, but they are aware of their limits in taking some processes to fruition. Their financial capacities are very limited, and their main expectation is to grow in membership. In any case, there are favorable expectations regarding the increase of legal knowledge and negotiating capacities that the project could leave as a legacy to them. These aspects could remain as an institutional asset for the future. Staff rotation, political discrepancies and union fragmentation are some of the risks that could hamper the consolidation of some changes among the unions' movement

“The Unions should look into alternatives to stop the continuous fragmentation of the movement and search for unity of action”

High official at the MoL

A positive sign that has been noted regarding the three tripartite actors is the increased awareness of these organizations regarding the benefits of working together in a coordinated manner. This could be an important breakthrough for concerted action in the future.

As part of the sustainability assessment the evaluation team has elaborated a SWAT⁸ analysis which is presented in Annex F.

⁸ Strengths, Weaknesses. Opportunities and Threads

4. LESSONS LEARNED AND PROMISING PRACTICES

The evaluation identified a few lessons learned and promising practices although the implementation process is still at an early stage.

4.1. LESSONS LEARNED

1. The Results Framework should anticipate and avoid bottleneck situations where one of the Outcomes/Outputs is placed in such a critical position that its fulfilment virtually becomes a necessary condition to continue the sequence of intervention. Although the complementarity between outcomes represents a key feature of logical systems, it seems advisable to maintain some degree of autonomy between components or some pre-identified alternatives to operate in case the key outcome is not fulfilled. This seems to be the case that occurred regarding Outcome 1 in the original RF. The completion of the CA represents a milestone that conditioned the subsequent delivery of other outputs under Outcomes 2, 3 and 4.
2. Research activities linked to the implementation of projects could benefit by somehow integrating its methods and processes into the implementation process. The effort put into researching has to be proportional to the value it can realistically add to the design of the future intervention. The research exercise could have its own differentiated methods but one possible way to optimize its use and application is by looking into ways to integrate it into the intervention phase. Engaging with the stakeholders who are implementing the workplan and collect and information through them, could be a sensible way to expand its sources of information and more generally enhance the accuracy of the findings. The classical model of action-reflection-action could be a more appropriate way to integrate and synchronize both processes.
3. The effort made to clarify the scope of the national legislation in a balanced and rigorous manner provides contextual relevance, enhances the fulfillment of rights and supports stakeholder ownership. Developing the compilation of pronouncements and the guide on limits to the outsourcing and labor mediations as resources that helps to comply with the national legislation and including references to the law and the fulfillment of rights, play an important role in legitimizing the projects narratives, justifying its proposals and reinforcing the adherence of stakeholders.

4.2. PROMISING PRACTICES

3. Investing time and effort in setting the foundations for a constructive dialogue between the key stakeholders is an investment in quality that will eventually pay off. Despite the presence of controversial issues and disagreements around responsibilities and solutions, the CPP has been able to develop a common understanding of the project's concepts and approaches and in this way dissipating misunderstandings and suspicions of political biases. A project that involves so many stakeholders with different mandates and points of views requires time to thoroughly engage with stakeholders and discuss the scope and meaning of the different components, set the standards and gain a common understanding of the strategy to be applied. The strong commitment of the CPP team to foster dialogue and reach a basic level of consensus during the last 4-5 months has been

instrumental in attracting the interest of the different stakeholders and bringing them onboard.

4. The articulation of different public institutions to enforce the compliance of different administrative and labor rules, is an auspicious way to tackle informality and more generally combat the breaches of domestic legislation from different angles. Institutions like the MoL, the UGPP and ST have different mandates, however, if acting in a coordinated and synchronized manner they can generate synergies and enhance the chances of obtaining a bigger impact.

5. CONCLUSION

Many of the conclusions of this evaluation have already been alluded to at other points throughout the document. As such, this section represents more of an ordering and synthesis exercise.

The overall conclusion is that, after a complex and convoluted beginning, associated mainly with the difficulties around completing the Comprehensive Assessment, the CPP has been able to turn around the situation and revamp its dynamic around the three Interventions, approved in February 2023. From this moment, the implementation has gathered pace and the POA team has been able to engage a wide range of stakeholders representing the key institutions in the port's labor market, in the project's activities. The delivery of the different products and services is progressing well, and new ideas and proposals have emerged to increase the potential of the project in achieving compliance with national labor laws in the Colombian ports.

5.1. RELEVANCE

The project clearly responds to the needs of key stakeholders in the ports value chain (ports societies, ports operators, workers, and institutions responsible for the regulation and surveillance of the ports activities). The identification of barriers that prevent the fulfilment of labor rights, as well as the clarification of the limits of outsourcing and labor mediation, the promotion of social dialogue and the strengthening of the workers organizations are deemed to be important steps towards the gradual improvement of working conditions and the fulfillment of labor rights in the ports of Colombia.

However, the developmental approach adopted during the inception phase, which basically put Outcome 1 (understanding the barriers to compliance) as the key and necessary input to further develop the design of three remaining outcomes, became a stumbling block for the whole operation. Expanding the knowledge base of the problem is, generally, a solid base for any project, but holding the intervention back until such an extensive assessment was completed has been a questionable decision. The evaluation team understands that at the time of launching the CPP there was some basic knowledge available that, completed with some rapid consultations, could have served to put together a sound and accurate design.

The CA that was commissioned to two leading universities in the country resulted in a very lengthy and convoluted process. The delay accumulated by the CA, together with some technical gaps in the POA team and the inability of the parties to find solutions, eventually resulted in a standstill for over a period of two years. The way out of this impasse arose in February 2023 when the DOL and POA agreed a revision of the logic model. This new framework has been instrumental in setting a new path and has given a more practical and specific direction to the CPP.

At the time of writing this report the final version of the CA has not yet been delivered and circulated and this has created some feelings of fatigue and bewilderment among some project stakeholders. Based on the analysis of the draft versions and the testimonies on the stakeholders involved in its elaboration, the evaluation team considers that the CA can contribute towards: (i) increasing the knowledge of what happens in each port (the business model of each port), (ii) clarify how legal concepts such as outsourcing and labor mediation apply in each case, (iii) a better understanding of the regulatory framework applicable, (iv) a better understanding of the financial structure of the ports, (v) a more detailed mapping of the key actors, and (vi) the engagement of academia into the analysis and debates around port issues in Colombia.

It is believed that the CA will also serve the CPP to adjust its ToC. It is the view of the evaluation team that the initial CPP approach seems to reflect the aspirations of a public policy direction rather than those of a single intervention, which is the case here, and the first intervention for POA and the DOL, in this setting. The CA has shed some light on the magnitude and intensity of the problem and there are new data and information now available that can help to draft a more accurate ToC.

5.2. EFFECTIVENESS

Upon the revision of the logic model the CPP has been able to gather momentum and catch up with the pace of implementation. The analysis of the indicators selected in the new framework still offers a limited image of the achievements since only five months have elapsed since the revision and no values have been collected yet for the Medium-term and Long-term outcomes.

As for the three STOs, the indicators are equally not very telling, but the revision of the workplan shows that the delivery of the different products and services is progressing well and the stakeholders consulted, more specifically those at the territorial level (stakeholders in Barranquilla and Buenaventura), convey a very positive image of the project's approach and proposals. The CPP faced some initial reluctance from representatives of the private sector to participate in the project's activities, especially in Barranquilla, but there are signs indicating that this situation might have been overcome. All the stakeholders consulted by the evaluation team have shown interest and commitment towards the project's activities.

The CPP has completed under STO 1 (understanding the regulatory framework) the Compilation of the Courts' Pronouncements and the Guide on "nature, characterizations and limits of labor mediation and outsourcing in the port sector in Colombia". The dissemination of these resources among the stakeholders has already started and the feedback about their quality and potential applications is very positive.

"The guide has been very helpful to clarify doubts about the limits of outsourcing, are disseminating it through our networks".

Union leader

Under STO 2 (Social Dialogue), the CPP has been able to include labor relations in the ports as a theme in the Social Dialogue Plan of three Regional Sub Commissions for Concertation of Wages and Labor Policies. Likewise, there is close cooperation with the MoL to activate the Tripartite Table of the port sector in Buenaventura. The Regional Directorates of the MoL in the

Buenaventura and Barranquilla have also conveyed very positive views about the support that they receive from the project. The CPP has used a persuasive approach to promote social dialogue around the labor issues in the ports having managed to gather the interest and commitment of actors representing the whole tripartite spectrum: public institutions (MoL, SITP, UGGP), unions (SNTT, STP, SINAPORTLC) and employers (ANDI, the Inter-Guild-Committee and the Port Societies) is a remarkable achievement.

STO 3 aims to strengthen the Unions capabilities, and this is being done in different ways. They have collaborated as key informants for the CA and participated in the discussions and dissemination around the compilation and guide referred under STO 1. Besides, an Organizational Capacity Assessment is being conducted with three organizations which is due to be followed by a capacity building program. In the view of the evaluation team, this program should also consider previous experiences of capacitation conducted by the Escuela Nacional Sindical in this same domain.

Overall, all three interventions have progressed at a good pace, with both the physical progress of activities and the delivery of outputs and services as well as budget execution. There are clear signs of ownership and interest on the part of the target groups. The CPP has succeeded in opening spaces for dialogue and mobilizing the actors in the territory.

At the managerial level, the CPP experienced some difficulties at the outset of implementation, due to some gaps in the technical expertise of the POA team, more specifically the absence of an officer with a labor specialist profile. Now, however, the process of strengthening the CPP team has been successfully completed by combining new appointments and consultancies.

Gender equality and inclusion has not been addressed in a systematic and consistent manner and is a shortcoming.

No formal Steering Committee was set up for the management and governance of the project. Nevertheless, working groups have been organized according to the needs of implementation and the testimonies collected by the evaluation team suggest that the communication dynamic between the different stakeholders flows well and POA is perceived as a neutral and credible actor by all parties.

5.4. IMPACT

The violation of labor rights in the Colombia port sector responds to a multi-casual chain of factors and the CPP won't be able to address it in its integrity. The stakeholders see the CPP as a pioneering experience that could increase the knowledge about the problem, test some models, enhance dialogue, strengthen the partners, and establish the basis of a collaborative action for the future.

The three interventions currently being implemented represent a sound and realistic approach where the CPP can indeed leave its mark. However, to enhance the prospects of attaining a bigger impact, the different stakeholders have suggested several ideas that might come to complete and refine the current logic model. These can be grouped into the following categories:

- Mechanisms to enhance the enforceability and compliance with current regulations, where the CPP can work in two lines: Institutional Coordination and Workers' Litigation Capacities.

- Promotion of self-regulation and due diligence mechanisms by companies in the ports' supply chain: the adoption of codes of conduct, compliance norms, business collaboration, among other ideas.
- Formulas and mechanisms for the formalization of informal workers who work outside the port.
- A more comprehensive communication strategy.

Regarding the capacities of the Colombian State to enforce the regulatory framework, the CPP has been able to set the foundations for an auspicious alliance between the MoL, the SITP and the UGPP which could certainly increase the effectiveness of the state in this domain. Through the support to the Unions (Intervention 3), workers can also have better access to services to advocate for their rights, although, there might be a need to expand and increase the CPP's scope in this regard to have a measurable impact.

The current trend and dynamic of the project suggest that the CPP could eventually contribute to the realization of its LTO: "increase the utilization by port stakeholders of processes to improve labor law compliance in the port sector". However, the fulfilment of this outcome will depend on the commitment and involvement of some key stakeholders, in particular the institutions. The current government in office, however, has expressed the desire to strengthen the coverage and the capacities of the enforcement structures and the CPP could explore the opportunities that arise from this stated political will. Maintaining the interest of the private sector in the process is another crucial factor to move in the desired direction. Qualified respondents have also stressed the importance of reaching out to international actors such as the multinationals and shipping companies that operate in the ports.

The assessment of the evaluation team is that, in order to implement new lines of action and enhance the chances of fulfilling the long-term outcome, the CPP will require a longer period of intervention. The current implementation period ends in December 2024 which might be enough to complete the three ongoing interventions, but likely to be too short if new lines of action are initiated.

5.3. SUSTAINABILITY

The key element of the CPP strategy for sustainability revolves around embedding the different products and services delivered into the routines and institutional practices of the targeted groups and institutions. The commitment and interest shown by the different stakeholders represent an important asset in this regard. However, there are differences depending on the stakeholders. Employers are deemed to have enough capacity to absorb and integrate the deliverables of the CPP into their pool of resources, but they might have some misgivings regarding certain proposals. The unions, on their side, usually struggle to lend continuity to the different processes. Public institutions have stable dynamics and permanent staff, and they equally struggle to expand their services and have consistent presence across the different regions.

The management of the sustainability aspects is mainly made through the sustainably planning tool which is deemed to be a comprehensive and sound tool, although the last version is slightly outdated. It must be noted, though, that most of the indicators place significant emphasis in verifying the use of resources and the adoption of new practices, and Project Monitoring Plan (PMP) includes sufficient criteria and details to follow up those aspects. Overall, it is believed that the sustainability aspects are being well managed, but there are powerful external factors such

as political and institutional decisions that greatly influence the continuation of some processes and are beyond the project's control.

6. RECOMMENDATIONS

Before introducing the recommendations, it is important to note the timing of this evaluation. As has been explained in the introductory section, this evaluation exercise has been conceived as an interim evaluation, which usually serves to validate the strategy and methods applied as well as to make a preliminary assessment of the project's performance in terms of results. In the case of the CPP, the effective implementation of the interventions has only recently started, and the project has not reached the point yet of achieving Medium and Long-term objectives/outcomes.

Besides, the new logic model was only approved with the idea of testing at least three lines of action. Some other options and resources were left on standby until the CPP could show some effective progress. The three interventions were somehow a partial pilot solution to disentangle the situation but not necessarily the comprehensive response to the problem that was initially intended. This circumstance must be borne in mind at the time of putting forward the recommendations. The recommendations, therefore, will mainly focus on suggesting possible adjustments to the already approved interventions, and exploring new ideas that, upon the experience of implementation of the last five months, may be deemed to be feasible and realistic.

TO POA. Regarding the Comprehensive Assessment.

Recommendation 1:

Accelerate the revision and circulation of the final version of the Comprehensive Assessment among stakeholders.

The delay limits the potential to generate a substantial and meaningful contribution to the fulfilment of the project's outcomes.

This process should include a proper clarification that non-probability sampling was used. It is important to include this point in the body of the document and avoid inaccurate messages about its statistical significance.

Recommendation 2:

Define some specific measures to optimize the use and applications of the Comprehensive Assessment.

Some ideas to consider are:

- Refine the CPP's Theory of Change (ToC) and use this to validate and re-update the results framework adopted in February 2023.
- Extract ideas for communication materials. Build robust and nuanced narratives, without ignoring the problem but avoiding broad generalizations.
- Promote debate and build consensus among social actors. A notable effort of engagement and balance has been made, but controversial issues remain as to the magnitude of the problem, the attribution of responsibilities and the solutions to be implemented. The CA can be an opportunity to gather different views from stakeholders on controversial issues. New contributions from stakeholders could serve to validate or expand the CA findings and be added to the CA as an addendum if it is deemed appropriate.

- Recover ideas from different versions and update the work plan. There are many intervention ideas that can be discussed with key actors in social dialogue spaces.

TO POA. Regarding the three ongoing interventions.

Recommendation 3:

Disseminate the “Compilation of Pronouncements” and the “Guide on nature, characterizations and limits of labor mediation and outsourcing in the port sector in Colombia” in broader circles beyond the ports environment.

The content of these two resources could be very valuable to enlighten similar situations in other sectors where outsourcing and labor mediation being also being used. Institutions such as labor observatories, universities, legal institutes, publishers of legal materials, lawyers’ association among others can be also targeted as part of the dissemination activities.

Recommendation 4:

Consider a greater involvement and participation of the Escuela Nacional Sindical in the design and implementation of the capacity building program foreseen for the unions under Intervention 3.

The Escuela Nacional Sindical has already developed and implement tailored training programs for specific union needs in the Colombian context and there is a history of collaboration between the three unions involved in the CPP and the Escuela Nacional Sindical.

Recommendation 5

Consider the increase in membership and the unity of union action as priority themes for the strengthening of the union organizations under intervention 3.

These two themes have emerged as key themes for the effective strengthening of the union movement and should be placed at the front of any capacity building program. The PMP should consider some specific indicators (or at least criteria to measure existing indicators) that follow on those aspects.

Regarding new options and possibilities to expand the scope and enhance the impact of the CPP.

It must be noted that this report in response to EQ10, which enquires into specific actions that are necessary to ensure the project achieves all outcomes during the remaining period, has already included a detailed recount of ideas and possibilities to expand the scope of the CPP and enhance its impact. These have been grouped into four categories (see EQ10). The following four recommendations summarize the ideas elaborated by the Evaluation team for each of these categories:

TO POA AND THE GOVERNMENT OF COLOMBIA

Recommendation 6

Consider increasing the CPP’s support to the development of mechanisms of enforceability and compliance with current regulations.

As it has been said, this comes as a logical evolution and complementary action to Intervention 1, which has made some valuable contributions towards a better understanding of the current regulatory framework. The evaluation envisions two options to strengthen those mechanisms:

Rec. 6.1: Promote an institutional alliance under the leadership of the MoL involving both the UGPP and the SITP as well. The involvement and joint action of these three institutions could have a noticeable impact in the application of the regulatory framework in the ports' environment. The evaluation team has come across several pre-identified tools and other possibilities which are being studied: Digital control of social security payroll (UGPP), Control operators (SITP), training and instructions for inspectors in the port sector, and exemplary inspections, RUTRAPORT. These have been described in more detailed in EQ10.

TO POA

Rec. 6.2: Strengthening the workers' litigation capacity. Support for the formalization of claims by workers and explore collaborations with Escuela Nacional Sindical (CAL), Solidarity Centre and other pro bono legal services.

Recommendation 7

Promote models of self-regulation and due diligence mechanisms by companies in the supply chain.

The models might include a variety of actions, such as the adoption of a code of conduct for the port sector, an international certification standard such as the 'Norm 8000' or any other step leading towards a compliance system model adapted to the conditions and circumstances of each port. Without going into a fully-fledged compliance system, the Port Societies and the Port Operators could agree to introduce social and labor clauses in the sub-contacting processes, in an attempt to surpass price as the only criterion used to award contracts. The evaluation team has learned of previous experiences of collaboration between Port Societies and Port Operators undertaken with the purpose of improving efficiency and performance along the chain. The CPP could retrieve those good practices to promote a culture of business collaboration and joint action in the interest of the sector as a whole.

Recommendation 8

Further explore formulas and mechanisms to reach out to informal workers that are usually appointed in the informal market outside the port facilities and search for options to facilitate their formalization.

The CPP has been already facilitating information and training materials to some members of this group through social media networks, but some other options have emerged to reinforce this line of action, such as: (i) Support from Civil Society Organizations and/or local governments to protect/accompany groups of workers in processes of empowerment and formalization (see previous experience of the Carvajal Foundation), (ii) Support the existing unions to reach out to this group, (iii) Explore itineraries for training and certification of competencies as a channel towards formalization, and (iv) Actively involve and invite operators acting outside port terminals

Recommendation 9

To develop a more comprehensive and all-encompassing communication strategy.

In line with some of the arguments presented earlier, it is believed that the scale-up process will require a more elaborate communications strategy, including the classical components: branding, target audiences, channels, and mechanisms of communication. It seems clear that disseminating the proposal of the CPP across the value chain, including the international buyers,

and elevating its political profile are likely to require a more intense communication effort. The strategy should place its focus on positive messages, opportunities and good practices towards compliance.

Recommendation 10

Reinforce work on gender equality, non-discrimination and inclusion.

This element has not been sufficiently developed so far. The CA has uncovered some situations of discrimination related to gender, ethnicity, and disability, but it has not been very conclusive on how the CPP could proceed from this point. POA could consider the designation of a focal point within the team to identify and develop more purposeful actions such as a more specific analysis on gender or ethnic barriers and stereotypes operating in the ports, promote gender strategies at union level, develop some indicators and in general being more proactive to place these issues into the agenda of the different stakeholders.

TO POA AND THE OTLA - USDOL

Recommendation 11.

Jointly (POA and OTLA) explore the different options to incorporate international actors into due diligence process.

This is according to qualified respondents, an important segment that should be added, since the ports operate within the frame and limits imposed by these powerful operators: investors, multinationals, shipping companies, etc. The CPP might find it challenging at this stage to open a new line of action with this group, since it is an endeavor that usually requires long negotiations and time to build consensus. However, both POA and the DOL could start a preliminary search for candidates who could eventually participate in a pilot exercise. Even if the experience is not taken to fruition under the CPP, it could serve as the starting point for subsequent projects.

TO THE OTLA - USDOL

Recommendation 12

Consider a non-cost extension to allow the adequate completion of key processes such as the proposed strengthening of the enforceability mechanisms.

Based on the progress made during the last five months and in order to optimize the efforts already made, it seems justified to allow the CPP some extra time to initiate and complete new lines of action. Upon the revision of the logic model, the CPP has shown its capacity to put into action meaningful actions and gain some space in the elusive and complex environment of the Colombian ports. This represents a good foundation to expand its scope and go further in its aspirations.

Table 3. Recommendations and Supporting Evidence

Recommendation	Evidence	Page Numbers
1. Accelerate the revision and circulation of the final version of the Comprehensive	The CA started in May 2021 and more than two years later has not yet been completed. There are several versions and the POA team	Effectiveness EQ7

<p>Assessment among the stakeholders.</p>	<p>is still working on the revision of the final version. The evaluation team has also detected a degree of fatigue and bewilderment among some of the stakeholders who wonder about the outcome of this effort.</p>	<p>p. 35 of the body of the report</p>
<p>2. Define some specific measures to optimize the use and applications of the Comprehensive Assessment.</p>	<p>The evaluation team has identified some areas where the CPP could incorporate inputs resulting from the CA. The CPP team should study and analyze those options in more detail.</p>	<p>Effectiveness EQ7 p. 35-36</p>
<p>3. Disseminate the “Compilation of Pronouncements” and the “Guide on nature, characterizations and limits of labor mediation and outsourcing in the port sector in Colombia” to broader circles beyond the ports environment.</p>	<p>Some key aspects related to sustainability and scale -up of these resources are likely to require further analysis and action, such as the identification of key actors and institutions that could explore and optimize the potential of the materials that have been delivered.</p>	<p>Effectiveness EQ5 p 27. Performance Summary</p>
<p>4. Consider a greater involvement and participation of the Escuela Nacional Sindical in the design and implementation of the capacity building program foreseen for the unions under Intervention 3.</p>	<p>The evaluation team has come across a history of previous collaboration between the unions and the Escuela Nacional Sindical. The Escuela Nacional Sindical is also a partner of the USDOL in another project (The Worker Rights Centers for the Greater Protection of Labor Rights) and has relevant experience in supporting the unions movement in the country.</p>	<p>Effectiveness EQ5 p 29. Performance Summary See also conclusions on effectiveness. p 41</p>
<p>5. Consider the increase in membership and the unity of union action as priority themes for the strengthening of the union organizations under intervention 3.</p>	<p>The evaluation team has learned that the unions' expectations of strengthening are strongly linked to the increase in membership. This expectation must be considered and possibly reflected in the logic model as an indicator. Likewise, another theme that has emerged as a potential priority for this intervention is the unity of union action. The fragmentation of union</p>	<p>Relevance EQ4 p 26 Effectiveness EQ5 p 29</p>

	action is high in the port sector and is a weakness of the movement.	
6. Consider increasing the CPP's support to the development of mechanisms of enforceability and compliance with current regulations.	This action comes as a natural evolution of Intervention 1. Once that the CPP has made a significant contribution towards the understanding and clarification of the current regulatory framework, it seems logical to move into the next stage which is enforcing its application.	Impact EQ10 p. 40 Also, conclusions on Impact P 50
7. Promote models of self-regulation and due diligence mechanisms by companies in the supply chain.	The violations of labor rights in the ports responds to a very complex and multicausal chain of relations, it seems reasonable and justified to use, or at least attempt to, introduce a supply chain vision where the private actors develop some self-regulating and due diligence models.	Impact EQ10 p. 42 Also, conclusions on Impact p. 50
8. Further explore formulas and mechanisms to reach out to informal workers that are usually appointed in the informal market outside the port facilities and search for options to facilitate their formalization.	The CPP has already attempted to reach this group by designing training and awareness raising materials that are uploaded to social networks, more specifically to YouTube. However, various stakeholders have suggested that the CPP could expand this line of action and make a more determined effort to reach out to this group.	Impact EQ10 p.42
9. To develop a more comprehensive and all-encompassing communication strategy.	It is found that the CPP has not reached the level of visibility which is required to communicate its objectives and contribute to its fulfillment.	Impact EQ10 p.42 Conclusions p.50
10. Reinforce work on gender equality, non-discrimination and inclusion.	Gender equality and inclusion of vulnerable groups appear across the different documents but are not clearly addressed in the logic	Effectiveness. EQ 8 p.36

	model, either as a direct result or as a cross-cutting theme.	Conclusions p 50
11. Jointly (POA and OTLA) explore the different options to incorporate international actors in the due diligence process.	The CPP can explore the different options to reach out and incorporate into the discussion about due diligence actors which are not necessarily participating in the spaces created or supported by the project. These mainly include international actors who are not necessarily involved in the daily operations of the ports but, notwithstanding, take important decisions that affect the business model of the ports. This group includes international investors who own some of the companies, multinational cargo owners, shipping companies and other big players that are not likely to participate in the project initiatives	Impact EQ10 p. 42 Conclusions p.50
12. Consider a non-cost extension to allow the adequate completion of key processes such as the proposed strengthening of the enforceability mechanisms.	In order to implement new lines of action and enhance the chances of fulfilling the long-term outcome, the CPP will require a longer period of intervention. The current implementation period ends in December 2024 which might be enough to complete the three ongoing interventions, but likely to be short if new lines of action are initiated.	Conclusions p. 50

ANNEX A. LIST OF DOCUMENTS REVIEWED

- FOA-ILAB-20-09. Funding Opportunity Announcement for Advancing Labor Compliance in Colombia's Port Sector.
- Project Proposal POA
- Award notice and modifications of the Project Advancing Labor Compliance in Colombia's Port Sector.
OTLA Compliance Letter December 2022
- POA Responses to OTLA Compliance letter – February 2023
- CPP review February 2023: New Logic Model, Narrative Interventions and Project Management Plan (PMP)
- Original CPP budget and revisions
- Technical Progress Reports (TPRs) with their corresponding annexes.: April 2021, September 2021, April 2022, September 2022 and April 2023.
- CPP deliverables:
 - Successive Versions of the Comprehensive Assessment: PUJ, SAI, UNAL and POA revised versions of PUJ and UNAL originals.
 - Comprehensive Assessment Outline
 - Comprehensive Assessment contracts with PUJ and UNAL
 - Compilation of Pronouncements and Rulings of the Supreme and Constitutional Courts on Outsourcing and Labor Mediation in Colombia.
 - Guide on Nature, Characterization and Limits of Labor Mediation and Outsourcing in the port sector in Colombia.
- Memoranda of Understanding (MoUs) between POA-SNTT, POA-UGPP and POA-ST.
- POA monitoring tools: data tracking table, baseline surveys and learning matrix.

ANNEX B. STAKEHOLDERS LIST AND EVALUATION ITINERARY

STAKEHOLDERS' LIST CORRESPONDING TO THE EVALUATION OF THE PROJECT "ADVANCING LABOR COMPLIANCE IN THE PORT SECTOR IN COLOMBIA"

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ANNEX C. STAKEHOLDER WORKSHOP AGENDA AND PARTICIPANTS

STAKEHOLDERS WORKSHOP

1.- AGENDA FOR THE WORKSHOP

Activities	Responsible
Introduction to the evaluation	POA and USDOL
Presentation of the preliminary findings by the evaluation team	Evaluation Team
Questions arising from the presentation of the preliminary findings	Participants
Plenary discussion on the sustainability of actions, lessons learned and next steps to be taken from the perspective of stakeholders	Participants

2.- PARTICIPANTS

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

ANNEX D. TERMS OF REFERENCE

TERMS OF REFERENCE

Final Version | July 7, 2023

INTERIM EVALUATION

Advancing Labor Compliance in Colombia's Port Sector

SUBMITTED TO

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

PREPARED BY

Sistemas, Familia y Sociedad (SFS)

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LIST OF ACRONYMS

ACW	Acceptable conditions of work
ECMS	Electronic Case Management System
FGD	Focus Group Discussion
ILAB	Bureau of International Labor Affairs
KII	Key Informant Interview
LE	Lead Evaluator
LTO	Long-term outcome
MOL	Ministry of Labor
NC	National Consultant
OTLA	Office of Trade and Trade and Labor Affairs
POA	Partners of the Americas
PND	<i>Plan Nacional de Desarrollo</i> (National Development Plan)
SFS	Sistemas, Familia y Sociedad
TAC	Technical Assistance and Cooperation
TOC	Theory of Change
TOR	Terms of Reference
USDOL	US Department of Labor

BACKGROUND AND JUSTIFICATION

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

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

This evaluation approach will be in accordance with DOL's Evaluation Policy.⁹ OTLA is committed to using the most rigorous methods applicable for this qualitative performance evaluation and to learning from the evaluation results. The evaluation will be conducted by an independent third party and in an ethical manner and safeguard the dignity, rights, safety and privacy of participants. The quality standards underlying this evaluation are: Relevance, Effectiveness, Efficiency, Impact (to the extent possible), and Sustainability.¹⁰ In conducting this evaluation, the evaluation team will strive to uphold the American Evaluation Association Guiding Principles for Evaluators.¹¹ A broader set of evaluative criteria or domains may also be considered depending on the learning objectives for this evaluation, including themes of relevance, design, alignment, replicability, experience, effectiveness, unintended effects, consequence, equity, resource use and sustainability.¹² OTLA will make the evaluation report available and accessible on its website.

The United States Department of Labor (DOL), through its Bureau for International Labor Affairs (ILAB), has contracted with Sistemas, Familia y Sociedad (SFS) under order number 1605C2-22-F-00012 to conduct performance evaluations of technical assistance projects in Armenia, Colombia, Guatemala and Vietnam.

The present terms of reference (TOR) pertain to the interim performance evaluation of project *Advancing Labor Compliance in Colombia's Port Sector* implemented by Partners of the Americas (PoA). This document serves as the framework and guidelines for the evaluation.

PROJECT CONTEXT

⁹ U.S. Department of Labor Evaluation Policy.

¹⁰ These criteria stem from [Better Criteria for Better Evaluation: Revised Evaluation Criteria Definitions and Principles for Use by the Organization for Economic Development's Development Assistance Committee \(OECD-DAC\) Network on Development Evaluation](#). DOL determined these criteria are in accordance with the OMB Guidance M-20-12.

¹¹ [American Evaluation Association's Guiding Principles](#).

¹² [Evaluative Criteria: An Integrated Model of Domains and Sources](#), *American Journal of Evaluation*, Rebecca M. Teasdale, 2021, Vol. 42(3) 354-376.

Colombia had previously made progress across a number of areas, including the creation of the Ministry of Labor (MOL) in 2011, doubling the number of labor inspector positions in the ministry, and achieving a significant decrease in the use of false worker cooperatives for subcontracting in ways that undermine workers' rights.

In June 2022, Colombia elected a new, progressive government, which was sworn to power in August 2022. As part of its agenda, President-elect Gustavo Petro has committed to labor reform. In November 2022, the MOL established a tripartite Labor Reform Subcommittee, with private sector associations, trade union confederations, and government to discuss and develop the Labor Reform Bill. Discussions addressed the development of Article 53 of the Constitution, which dictates the need for a Labor Statute. In January, 2023, the Labor Reform Subcommittee defined 18 key topics for discussion: labor and constitutional principles, labor stability and contract modalities, outsourcing, subcontracting and the establishment of company units, control of use of service contracts, apprenticeship contracts, Sundays and holidays, night work, automation, decarbonization, work on digital platforms, rural, informal, sexual and migrant work, equity gap reduction, unionization and association, collective bargaining and strikes. The Labor Reform Bill was presented to the Colombian Congress on March 16, 2023.¹³

In December 2022, the tripartite Permanent Commission for the Coordination of Salary and Labor Policies issued Decree 2613 for a 16% increase to the minimum wage, which came into effect on January 2023. The Government of Colombia (GOC) expects that, through this increase, workers will recover the purchasing power lost due to inflation.

However, despite the adoption of new and revised laws, regulations, and other legal instruments, significant labor challenges remain for workers in Colombia, including in the port sector. For example, while the use of worker cooperatives that do not truly represent workers has decreased in ports, other forms of illegal subcontracting have increased, often keeping workers in informality. As a consequence, labor-related conflict in Colombia's port sector remains high, sometimes resulting in work stoppages and strikes that affect key sectors of the economy and livelihoods across the country. Mechanisms for mediation and conflict resolution, as well as platforms for tripartite social dialogue, remain under-resourced and underdeveloped in the port sector, hindering labor peace and consensus around needed reforms. In addition, the Ministry of Labor's capacity to enforce labor laws across the sector is limited, where a range of resource, structural, and other law enforcement challenges exist.

Fundamental changes occurred after the privatization of the ports under the 1991 Political Constitution of Colombia. After decades of state-run ports and strong, active union participation, the entry of the private sector through concession contracts transformed industrial relations, introducing a business model based on subcontracting services and work. These reforms led to changing employment relationships that affected regular wages and guarantees on social security benefits (health, pension, and worker's compensation). It also led to a proliferation of abusive subcontractors that were often insufficiently regulated by the state. While the few white-collar positions among port operators are typically filled through permanent, direct contracts, jobs for

¹³ <https://www.mintrabajo.gov.co/comunicados/2023/marzo/se-radico-proyecto-de-ley-de-la-reforma-laboral-del-gobierno-del-cambio>

labor-intensive, dock-based positions (e.g., crane operators, stevedores, and container packers) are often outsourced through chains of subcontractors using short-term, renewable contracts.

Many of these subcontractors and labor intermediaries operate unscrupulously - without adequate government oversight, which has led to a failure to meet fundamental labor rights, enrollments in social security, and acceptable conditions of work. The majority of these subcontracted, short-term, dock-based positions are filled by Afro-Colombians, who historically have higher rates of labor informality and unemployment, and who face challenges with discrimination and political representation. Informal workers operate within a “social protection gap,” between the end of the port chain and the beginning of the transportation chain. These workers, which includes those who manually load and unload ships and trucks, are the most vulnerable across the port sector.

The sector’s business model, based on subcontracting, therefore, has a very high potential for deteriorating working conditions when sufficient control mechanisms are not in place. Public entities in charge of inspection, surveillance, and control in Colombia’s port sector, have not protected labor rights or treated complaints, and lack sufficient personnel and training. Overall, there is a lack of coordination between government agencies mandated with the monitoring and upholding of labor rights in the sector. When it comes to worker organizations, they generally lack capacities to represent and advocate for workers, particularly those who are not formally employed.

Although labor challenges are present for workers in many of Colombia’s ports, these issues are more acute in Colombia’s largest port, Buenaventura, which accounts for 60 percent of the country’s maritime trade. The port is also responsible for 70 percent of economic activity in the city and is the city’s largest employer. The city’s Afro-Colombian population comprises 89 percent of Buenaventura’s 432,000 inhabitants and the city has a multi-dimensional poverty index of 66 percent. The precise rates of labor informality in Buenaventura are unknown. Labor informality in Buenaventura stemming from abusive subcontracting in port operations has contributed to economic insecurity and social tension in the city.

The Port of Barranquilla relies heavily on manual labor. In the first semester of 2022, of the 6 million tons of cargo moved by Barranquilla, only 3.5% was moved by container and 25.8% was moved by bulk carrier.¹⁴ There is a higher the risk of labor rights violations when manual labor is used for cargo handling. Barranquilla offers favorable conditions for engaging with the MOL and union organizations.

¹⁴ Statistical Bulletin - Port Traffic in Colombia, First Semester 2022, presented by the Superintendency of Transport. Bogotá, November 2022. See: https://www.supertransporte.gov.co/documentos/2022/Noviembre/Puertos_30/BOLETIN-TRAFICO-PORTUARIO-ISEMESTRE-2022_.pdf

On February 28, 2023, President Gustavo Petro submitted the 2022-2026 *Plan Nacional de Desarrollo*¹⁵ (PND), *Colombia Potencia Mundial de la Vida*¹⁶ to Congress.¹⁷ Chapter 2 of the PND focuses on acceptable conditions of work (ACW) including:

- Construction and adoption of a new public policy to promote decent work and living wages, the extension of social security, guaranteed fundamental labor rights and the exercise of social dialogue and tripartism.
- Incentives for the creation of formal jobs.
- Formalization of public employment.
- Modernization of the labor Inspection, Surveillance and Control (IVC) systems and the implementation of oral hearings.
- Elimination of labor discrimination and gender wage-gap reduction.
- Elimination of child labor and sexual exploitation of children and adolescents.

ILAB funds two technical cooperation projects in Colombia's port sector, including one that assists port workers directly. The Worker Rights Centers for the Greater Protection of Labor Rights project works to improve the ability of workers in the Action Plan priority sectors, including ports, to understand and exercise their labor rights. Through these Worker Rights Centers, workers are trained on their rights and how to identify potential labor law violations in the workplace, and are assisted in submitting and tracking well-supported, well-articulated, justiciable claims to initiate labor inspections and pursue legal remedies. The Measurement, Awareness-Raising, and Policy Engagement Project to Accelerate Action to Address Child Labor and Forced Labor is a global project that supports the Government of Colombia to strengthen labor law enforcement. It aims to support use of the labor inspection Electronic Case Management System (ECMS) throughout the Ministry of Labor, build a virtual training campus for labor inspector training, develop labor inspection strategic compliance planning, and strengthen the connection between the ECMS and Colombia's fine collection systems for improved fine collection. The project includes a sub-component focused on the port sector, which includes support for implementation of the ECMS, increased labor inspector training, development of a port registry and collaborative inspections with other government agencies in the sector.

PROJECT OBJECTIVES AND TIMEFRAME

The project's objectives underwent a review and new outcomes were developed to provide a more specific and effective direction to the interventions. The new overall objective of the project is: **To improve compliance with national laws related to internationally recognized labor rights in the port sector.**

One Long-Term Outcome (LTO) has been articulated in support of the overall objective:

¹⁵ National Development Plan

¹⁶ Colombia World Power for Life

¹⁷ <https://www.elespectador.com/politica/asi-sera-el-cronograma-del-tramite-del-plan-nacional-de-desarrollo/>

- **LTO 1:** Increased utilization by port stakeholders of processes to improve labor law compliance in the port sector.

In support of the LTO two Medium-Term Objectives (MTOs) have been articulated with accompanying Short-Term Outcomes (STOs), they are:

- **MTO 1-** Improved delivery of services associated with the improvement of labor law compliance
 - **STO 1-** Increased tools and resources for key stakeholders to use while implementing the regulatory framework on intermediation and outsourcing in the port sector
 - **STO 2-** Increased capacity of key stakeholders to address existing barriers to labor law compliance in the port sector
- **MTO 2-** Increased demand by port workers for services associated with the improvement of labor law compliance
 - **STO 3-** Increased capacity of WOs to represent port sector workers and advocate for their rights

The project selected the target ports of Buenaventura and Barranquilla to focus its intervention.

The project began implementation on **December 9, 2020**, and the expected end date is **December 8, 2024**.

PURPOSE AND SCOPE OF EVALUATION

EVALUATION PURPOSE AND SCOPE

This interim performance evaluation will assess the performance and achievements of the *Advancing Labor Compliance in Colombia's Port Sector* project as its overall purpose, using the criteria of relevance, effectiveness, efficiency, impact and sustainability. The criterion of equity and gender will be assessed across all criteria. As a formative evaluation, the following objectives will be addressed:

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

The evaluation will cover the project design, redesign phase (major changes to the implementation plan were agreed and made at the beginning of 2023, affecting the scope, theory of change, activities, outputs, outcomes, and methods of implementation) and implementation period until June 2023 and will strive to address a balanced geographic coverage of the project, focusing on engaging stakeholders in the capital, Bogota, and in the two target ports of Buenaventura and Barranquilla.

INTENDED USERS

The evaluation will provide OTLA, the grantee, participants and other project stakeholders interested in labor rights in the ports sector, an assessment of the project's performance, its effects on project participants, and an understanding of the factors driving the project results. The evaluation results, conclusions and recommendations will serve to inform any project adjustments that may need to be made, and to inform stakeholders in the design and implementation of subsequent phases or future projects as appropriate.

The evaluation report will be published as a standalone document on the USDOL website and will provide the necessary background information for readers who are unfamiliar with the details of the project.

EVALUATION TEAM

The evaluation team will consist of:

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

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

The NC will support the LE's work by carrying out data collection and analysis under the LE's guidance.

The LE and the NC will carry out field work in Colombia to conduct interviews and focus groups discussion with relevant stakeholders. One member of POA's project staff may help facilitate introductions for the Evaluation Team, particularly in more formal government meetings.

EVALUATION QUESTIONS

The evaluation will address the following questions using the Organization for Economic Co-operation and Development Assistance Committee (OECD-DAC) criteria.¹⁸ ILAB's Theory of Sustained Change for Worker's Rights Programs and US DOL's criteria domains (relevance, design, alignment, replicability, experience, effectiveness, unintended effects, consequence, equity, resource use and sustainability) have provided further guidance to the selection of evaluation domains and questions.¹⁹

The criteria of relevance, effectiveness, efficiency, impact and sustainability, informed by the criteria of "Alignment/Coherence", "Resources", "Consequence" and "Replicability". An

¹⁸ Note that the OECD/DAC criteria have been revised as of January 2020: <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>.

¹⁹ <https://www.dol.gov/sites/dolgov/files/ILAB/TOS-C-Guidebook-March-Updates-032723-Clean-508.pdf>

evaluation matrix outlining data sources and means for data collection for each of the questions can be found in Annex A.

Relevance

1. To what extent has the Comprehensive Assessment served to enhance the appropriateness of the design and its relevance to the needs, interests and capacities of the main stakeholders: Government, workers, employers, and other intended targeted stakeholders?
2. How effectively has the project adapted to changes to the wider context in Colombia and to what extent have the program modifications implemented at the beginning of 2023 served to overcome significant challenges and bottlenecks that occurred during the project's first two years?
3. Has the project's proposed methodologies, strategies and choice of implementing partners proven appropriate and relevant?
4. To what extent are all key stakeholders demonstrating their commitment towards the achievement of the project's objectives?

Effectiveness

5. To what extent has the project made progress towards achieving its overall objective, long-term outcome and associated medium and short-term outcomes, particularly in light of the DOL approved interventions?
6. Has the project's implementation strategy proven to be effective?
7. How effective was the Comprehensive Assessment's process and to what extent are its findings contributing towards the fulfilment of the project's objectives?
8. How effectively has the project mainstreamed gender, equity and social inclusion into its strategies and activities?

Impact

9. From the perspective of stakeholders, what is the most significant impact or consequence that they anticipate from the project?
10. What specific actions are necessary to ensure the project achieves all outcomes during the remaining period and maximizes its impact?

Sustainability

11. To what extent does the project identify and pro-actively address sustainability risks and opportunities for sustained change, including the readiness of national institutions, and other stakeholders, to sustain and/or replicate project outcomes?

EVALUATION METHOD

APPROACH

To achieve the purpose and objectives of the evaluation, the evaluation team will adopt an approach that focuses on three areas:

1. *Assessment of contextual factors and realities:* The evaluation team will gather and assess contextual information taking into account the project's objectives, and both USDOL and the Government of Colombia's priorities, and other partner agency interests and initiatives to check assumptions and the fit of the project's inputs and expected results.
2. *Assessment of conceptual analysis and frameworks:* The extent to which gender, equity and social inclusion for marginalized populations is considered within project concepts and frameworks will be assessed.
3. *Assessment of project performance to date:* The evaluation team will undertake a broader assessment to understand the extent to which project outcomes are, have been or are likely to be achieved and prospects for their sustainability and replicability.

The following principles will guide the evaluation:

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

SAMPLING STRATEGY

The evaluation team will adopt a purposive sampling strategy in conducting interviews and focus group discussions with a range of project stakeholders. The criteria for selection include identifying those stakeholders representing a wide range of both target ports and stakeholder organizations (government, MOL, social partners, port authorities, etc.).

DATA COLLECTION

A mixed method approach to data collection will be employed to collect both primary and secondary data through a review of project documents and relevant literature, semi-structured interviews, focus group discussions, and online survey.

DOCUMENT REVIEW

Project documents will be reviewed throughout the evaluation process and will be used as a secondary source of data to triangulate with primary data collected. The evaluation will make use mostly of project documentation, but gray and scholarly literature may be identified as relevant as well. A list of documents reviewed will be annexed to the final report and can include the following:

- Funding Opportunity Announcement (FOA)

- PMP document and data reported in Annex A of the TPR
- Pre-situational analyses
- Project document and revisions
- Project budget and revisions
- Cooperative Agreement and project modifications
- Risk and Stakeholder Registers/Management Plans
- Sustainability and Exit Strategies
- Technical Progress and Status Reports
- Project Logic Models, Theories of Change and Monitoring Plans
- Work plans
- Correspondence related to Technical Progress Reports
- Management Procedures and Guidelines
- Research, reports, or materials produced
- Reports and statistics of relevant government bodies,
- Reports from international organizations such as the ILO or INGOs (Escuela Nacional Sindical) that have produced research on Colombia's Port Sector, and,
- Other project files as appropriate.

As part of the project, the study “Comprehensive Assessment on Barriers to Compliance with Labor Rights in Colombia’s Ports” was commissioned and recently completed and will inform and further guide the evaluation.

SEMI-STRUCTURED INTERVIEWS WITH STAKEHOLDERS

The evaluation team will conduct approximately 32 KII and 4/5 FGDs over 10 days with project stakeholders in Colombia, the capital Bogota and the two focus ports of Buenaventura (fully remote) and Barranquilla. Remote interviews will be held by video or phone, as appropriate.

The evaluation team will attempt to interview an equal distribution of male and female respondents among project beneficiaries. The evaluation team will conduct a KII with the ILAB Project Managers (former and current) and with representatives of all stakeholder and partner organizations. The final list of stakeholders to interview can be found in Annex C.

FOCUS GROUP DISCUSSIONS

The evaluators may conduct focus group discussions with a selection of stakeholders, such as representatives of social partners.

Exhibit 1: KII Data Collection Strategy

Stakeholder Type	Method	Potential Respondents (To be identified by evaluation team and grantee)
USDOL staff and USG stakeholders	KII, FGD	Project managers, international relations officers, M&E Division, Sr International Labor Advisor for Trade Policy, US Embassy Labor Attaché
Grantee Personnel (HQ and Colombia)	KII, FGD	Grantee Project/Country Managers, technical staff, M&E specialist

Government Counterpart Personnel	KII	Ministry of Labor staff, labor inspectorate staff. Pension and Parafiscal Management Unit, Port's Delegate - Transport Superintendency.
Other Projects Implementing Related Interventions	KII, FGD	Other USDOL-funded projects' staff: Colombia Avanza (project completed), Palma Futuro, The Worker Rights Centers for the Greater Protection of Labor Rights project, The Measurement, Awareness-Raising, and Policy Engagement Project to Accelerate Action to Address Child Labor and Forced Labor.
Employers and Workers Organizations	KII, FGD	Sindicato Nacional de Trabajadores de Rama, Servicios de la Industria del Transporte y Logística de Colombia (SNTT), Sindicato de la Industria de la Actividad de los Trabajadores de la Rama Portuaria – Transporte y su Logística Colombiana (SINAPORTLC), Union Portuaria (UP), and Sindicato de Trabajadores Portuarios (STP).
Other partner organizations involved in the implementation (sub-contractors) or collaborating with the project's activities	KII, FGD	Universities (Universidad Nacional de Colombia - UNAL and Pontificia Universidad Javeriana - PUJ), E. Borda. & Asociados, Escuela Nacional Sindical (ENS), ILO, Fundación Carvajal, Solidarity Center, Centro de Atención Laboral (Cartagena)
Private Enterprises	KII	Sociedad Portuaria Regional de Buenaventura (SPRBUN), Compas – Buenaventura, Sociedad Portuaria Industrial de Aguadulce - Buenaventura

VALIDATION WORKSHOP WITH STAKEHOLDERS

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

The meeting will be used to present the major preliminary results and emerging issues, solicit recommendations, discuss project sustainability, and obtain clarification or additional information from stakeholders, including those not interviewed earlier. The agenda of the meeting will be determined by the evaluation team in consultation with project staff. Some specific questions for stakeholders may be prepared to guide the discussion and possibly a brief written feedback form.

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

- Presentation by the evaluation team of the preliminary main results
- Feedback and questions from stakeholders on the results
- Opportunity for stakeholders to meet to present their views on progress and challenges in their locality

- Discussion of recommendations to improve the usability, potential for implementation and ensure sustainability. Consideration will be given to the value of distributing a feedback form for participants to nominate their “action priorities” for the remainder of the project.

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

APPROACH TO ANALYSIS

The evaluation team will analyze both primary and secondary data collected to assess the performance of activities relative to expected results. The evaluation team’s analysis, which will involve both quantitative and qualitative data, will rely on descriptive statistics such as counts, tabulated proportions, and means, to identify common trends, patterns, and any changes in stakeholders’ motivation, behavior, capacity, practices, policies, programs, relationships, or resource allocation as result of project activities. The evaluation team will use project monitoring data and quantitative data collected during evaluation fieldwork triangulated with relevant qualitative data collected during interviews and FGDs, to articulate the evaluation findings.

ETHICAL CONSIDERATIONS AND CONFIDENTIALITY

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

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

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

Annexes D and F feature consent and right to use forms that will be shared with stakeholders.

ROLES AND RESPONSIBILITIES

The Contractor is responsible for accomplishing the following items:

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

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

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

ILAB is responsible for the following items:

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

The grantee is responsible for the following items:

- Reviewing the TOR, providing input to the evaluation team as necessary, and agreeing on the final draft
- Providing project background materials to the evaluation team, in collaboration with ILAB
- Preparing a list of recommended interviewees with feedback on the draft TOR
- Participating in planning meetings or calls, including developing a field itinerary, as necessary, with ILAB and evaluation team
- Scheduling meetings during the field visit and coordinating all logistical arrangements
- Providing all logistical support for land travel associated with the evaluation
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the stakeholder debriefing meeting
- Providing in-country ground transportation to meetings and interviews
- Including the ILAB program office on all written communication with the evaluation team

DELIVERABLES

The evaluation deliverables include a written report detailing the findings, conclusions and recommendations; stakeholder workshop and oral briefing to USDOL; and a one-page infographic of the evaluation findings and a virtual learning event for USDOL staff and selected participants after completion of the evaluation.

BRIEFING

The LE will meet with ILAB staff to provide a post-fieldwork debrief after the fieldwork is completed, during which preliminary findings will be shared. A learning event may be held virtually with ILAB, PoA and other stakeholders to conclude the evaluation.

WRITTEN REPORT

Approximately ten working days following the evaluation team's finalization of fieldwork, a draft evaluation report will be submitted by the Contractor. The total length of the report will be approximately 30 pages, excluding annexes and will have the following structure and content.

1. Table of Contents
2. List of Acronyms
3. Executive Summary
4. Project Description
5. Purpose and scope of evaluation
6. Evaluation approach and method
7. Findings
8. Conclusions
 - a. Lessons learned
 - b. Best practices
9. Recommendations
10. Annexes
 - a. Summary of TORs
 - b. References
 - c. List of documents reviewed
 - d. List of interviewees and focus group discussion participants

- e. Stakeholder workshop agenda and participants
- f. Table of summary findings
- g. Table of summary recommendations

The executive summary will be no more than five pages, and will provide an overview of the evaluation, summary of main findings and key recommendations. The findings section will respond to each of the evaluation questions, with supporting evidence. The format will not be in a question and response format, but the findings and discussion will be responsive to each evaluation question. The evaluation team will strive to formulate no more than 10 key recommendations that are clearly linked to the findings and that are action-oriented, directed to specific stakeholders and implementable. The annexed table of summary findings will provide each evaluation question and summary response. The annexed table of summary recommendations will feature each recommendation, a summarized reference to the evidence in the body of the report, and responsible stakeholder.

The first draft of the report will be circulated to OTLA and the grantee individually for their review. The lead evaluator will incorporate comments from OTLA and the grantee/other key stakeholders into the final reports as appropriate. Along with the revised report, the lead evaluator will provide a comment matrix, listing each comment and response.

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

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

INFOGRAPHIC

A one-page infographic summarizing the evaluation findings, conclusions and recommendations will be shared with USDOL.

LEARNING EVENT

A learning event will be organized for ILAB staff and a selection of partners/stakeholder. The goals of the learning event are to disseminate lessons learned and emerging good practices, inform of insights on contextual and design issues, identify high leverage points to address root causes of problems, and engage ILAB staff and other practitioners.

TIMELINE

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

Task	Responsible Party	Date
Draft TOR submitted to ILAB and POA for comments	SFS (evaluation team)	June 7
Evaluation Team submit proposed itinerary for field work	Evaluation team	June 12
Comments on Draft TOR due to SFS	USDOL and POA	June 14
Final TOR submitted to ILAB for approval	SFS	June 19
Final approval of TOR by ILAB	USDOL	June 23

Task	Responsible Party	Date
Question matrix and data collection instruments submitted to ILAB for review	SFS (evaluation team)	June 28
Fieldwork/Data Collection	Evaluation Team	Jul 17-28
Interactive stakeholder validation session (One in-person session with POA and implementing partners and one virtual session with other stakeholders).	Evaluation Team	July 31
Post-fieldwork debrief call with USDOL	Evaluation Team	Aug 4
Initial draft report for 48-hour review submitted to ILAB and POA	SFS	Aug 14
48-hour review comments due to SFS	USDOL and POA	Aug 16
Disseminate draft report and executive summary to ILAB, POA, and other key stakeholders for 2-week review	SFS	Aug 18
2-week review comments due to SFS	USDOL and POA	Sep 1
Revised draft report submitted to ILAB and POA	SFS	Sep 8
Draft infographic (text)/brief document submitted to ILAB	SFS	Sep 8
ILAB approval to finalize report	USDOL	Sep 15
ILAB comments on draft infographic/brief	USDOL	Sep 15
Draft visual infographic submitted to ILAB	SFS	Sep 22
Final infographic/brief submitted to ILAB (508 compliant)	SFS	Sep 29
Final report submitted to ILAB (508 compliant)	SFS	Sep 29
Final edited approved report and infographic/brief shared with grantee (508 compliant)	SFS	Oct 4
Virtual Learning Event for ILAB and other stakeholders	SFS (Evaluation Team)	Oct 6

ANNEX E, EVALUATION METHODOLOGY AND LIMITATION

EVALUATION METHODOLOGY

The evaluation methodology has consisted of the following activities and approaches:

A. APPROACH

The evaluation team from SFS used a mixed-methods approach to answer the evaluation questions. Mixed-methods evaluations integrate quantitative and qualitative approaches to data collection, analysis, and interpretation.

B. EVALUATION QUESTIONS

Following discussions with ILAB, and POA, the evaluation team developed key questions for this evaluation in accordance with the Organisation for Economic Co-operation and Development's Development Assistance Committee criteria: relevance and coherence, effectiveness, efficiency, and sustainability. This evaluation assesses the project's performance and achievements in meeting its objectives, the relevance of project services to target groups and stakeholders' needs, project effectiveness, and the potential for sustainability. It captures good practices, lessons learned, and emerging trends.

The final list of the evaluation questions shows as follows:

Relevance

- 1.To what extent has the Comprehensive Assessment served to enhance the appropriateness of the design and its relevance to the needs, interests and capacities of the main stakeholders: Government, workers, employers, and other intended targeted stakeholders?
- 2.How effectively has the project adapted to changes to the wider context in Colombia and to what extent have the program modifications implemented at the beginning of 2023 served to overcome significant challenges and bottlenecks that occurred during the project's first two years?
3. Has the project's proposed methodologies, strategies and choice of implementing partners proven appropriate and relevant?
- 4.To what extent are all key stakeholders demonstrating their commitment towards the achievement of the project's objectives?

Effectiveness

- 5.To what extent has the project made progress towards achieving its overall objective, long-term outcome and associated medium and short-term outcomes, particularly in light of the DOL approved interventions?
6. Has the project's implementation strategy proven to be effective?
7. How effective was the Comprehensive Assessment's process and to what extent are its findings contributing towards the fulfilment of the project's objectives?

8. How effectively has the project mainstreamed gender, equity and social inclusion into its strategies and activities?

Impact

9. From the perspective of stakeholders, what is the most significant impact or consequence that they anticipate from the project?

10. What specific actions are necessary to ensure the project achieves all outcomes during the remaining period and maximizes its impact?

Sustainability

11. To what extent does the project identify and pro-actively address sustainability risks and opportunities for sustained change, including the readiness of national institutions, and other stakeholders, to sustain and/or replicate project outcomes?

C.-DATA COLLECTION METHODOLOGY

To address the performance evaluation objectives in the terms of reference, the SFS team conducted the following data collection activities

1. DOCUMENT REVIEW

- Pre-field preparation includes extensive review of relevant documents
- During fieldwork, additional documents has been collected (see list of documents consulted as per annex A)
- Review the Routine Data Quality Assessment (RDQA) form completed by the grantee.
- Review of key Performance Monitoring Plan (PMP) and Standard Output indicators with the grantee. This included reviewing the indicator definitions in the PMP and the reported values in the Technical Progress Report (TPR) Annex C-1 and the Data Tracking Table Annex C-2 to ensure the reporting is accurate and complete

2. QUESTION MATRIX

The question Matrix has been the main instrument used in establishing the framework of the information needs. To develop this, a double-entry table has been created where every one of the questions is connected to the sources that are expected to serve the purpose of answering the question.

In this way, an effort has been made to capture and systematize all the information that the evaluation team deems relevant within a single document. This matrix established a shared pathway analysis that facilitates the subsequent analysis and consolidation exercise. It helps the evaluator to ensure that they are exploring all possible avenues for data triangulation and to clearly note where their evaluation results are coming from. The Contractor will share the question matrix with USDOL.

3. INTERVIEWS WITH STAKEHOLDERS

Interviews with different stakeholders (see list as per annex B) have been conducted based on an interview guide that contained pre-determined set of open questions that prompt discussion; a script that includes objectives, themes and questions However, the evaluator

has allowed pertinent trajectories in the conversations to emerge and wander away from the guide when this was considered relevant. Interview and focus groups protocols were shared with USDOL prior to the onset of the field work

4. FIELD VISITS

In-country field visits have taken place in Bogotá and Barranquilla but the field visit to Buenaventura was suspended due to a security alert. The evaluation has collected the data and information from stakeholders in this place remotely. The final list of stakeholders included representatives from the three regions covered. No major issues or communication problems have occurred.

KIIs and FGDs were conducted face to face using a variety of remote platforms according to the preference of respondents—Zoom, Skype, Microsoft teams and WhatsApp. The team conducted 50 Key Informant Interviews (KIIs) and 6 FGDs, as outlined in the next table.

Participants in Key Informant Interviews and Focus Group Discussions

Stakeholder	KII (participants)	FG (participants)
POA	10	
Social Partners	7	4
Government of Colombia	8	
Development Partners /CSOs	8	
Academia /Consultants	8	8
Port Societies and Port Operators	5	
Workers		7
US Government /USDOL	4	
Total	50	19

5. STAKEHOLDER MEETING

In the online partner workshops, held on July 31, 2023, the evaluation presented the preliminary findings and received questions and comments from the project staff and external project stakeholders, including implementing partners, private sector stakeholders, and USDOL representatives. In addition to the partner workshops, the evaluation team also held a debrief with ILAB on August 4, 2023, to review the preliminary findings and recommendations across all three projects and solicit initial feedback and questions.

D DATA ANALYSIS

Quantitative data in project's performance monitoring plan was very limited since the effective performance of the three main interventions started in February 2023 and the implementation

has not reached the point yet achieving the expected results. Qualitative data, collected through document review, stakeholder KIIs, and FGDs were categorized, synthesized, and summarized for analysis driven by the evaluation questions. The evaluation team drew out findings based on their prevalence within and across different stakeholder groups. The team used qualitative data to complement and provide context to quantitative findings. In order to avoid biased interpretations, the evaluation team has pursued in every case the highest possible level of consensus.

As part of the assessment a rate with 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

- **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

- **High:** strong likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources ²⁰ are in place to ensure sustainability;
- **Above-moderate:** above average likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are identified but not yet committed;
- **Moderate:** some likelihood that the benefits of project activities will continue after donor funding is withdrawn and some of the necessary resources are identified;
- **Low:** weak likelihood that that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are not identified.

LIMITATIONS

The findings in this evaluation are based on information collected from project reports and background documents, interviews with project staff, key stakeholders, and project participants. Due to security restrictions, there were no site visits to Buenaventura; the evaluation team conducted the interviews remotely via telephone or video conferencing platforms. Project staff selected respondents based in part on the selected individuals' ability to connect with the evaluators online or by telephone. The evaluation team made every effort to include a diverse sample of project stakeholders.

This evaluation relied on secondary performance information in annual reports and in available monitoring databases. The evaluation team did not have time or resources to confirm the validity and reliability of performance data. The team correlated stakeholder responses with quantitative data to the extent possible to strengthen the accuracy and reliability of the evaluation.

ANNEX F. SWOT ANALYSIS OF THE CPP

STRENGTHS	WEAKNESSES
<ol style="list-style-type: none"> 1. Remarkable ability to gather the stakeholders around despite the different points of view between actors. POA is seen as a neutral and credible actor by all parties. 2. Presence in the territory. PCP promotes the operationalization of policies at the local level. 3. Integrated into a broader intervention framework: A Labor Action Plan (LAP) expressing political commitments. 4. Clear alignment with the priorities of the stakeholders institutional strengthening plans. PPC contributes with information, articulation, training. 5. Reinforced local POA team with good knowledge of the context 6. Participatory approach 	<ol style="list-style-type: none"> 1. Shortcomings of initial design and approach: public policy objective, very general assumptions and unrealistic expectations regarding the comprehensive study 2. Private sector reservations towards some aspects of the diagnosis and the intervention proposal. 3. Some failures in the optimization/articulation of available resources. 4. Need to strengthen support for enforcement mechanisms. 5. Poor visibility 6. Little attention to gender equity and inclusion mechanisms for vulnerable groups
OPPORTUNITIES	THREATS
<ol style="list-style-type: none"> 1. At the institutional level, there is a willingness to establish broad-spectrum institutional alliances. 2. Alignment with the labor agenda of the current government. 3. Receptive spaces for social dialogue at the regional level. 4. Committed unions although internal disagreements remain. 5. Trends in international markets encourage compliance systems. 6. Local elections can open spaces to put the issue of ports on the agenda 	<ol style="list-style-type: none"> 1. Difficulties in reaching broad-based consensus. Mechanisms of mutual stigmatization between trade unions and employers persist that hinder social dialogue and reaching agreements. 2. Fragmentation of the Unions' movement 3. Weak sectoral vision among the actors. 4. Powerful incidence of external factors. Project sensitive to political changes. Political volatility and lack of stability can affect decision-making. 5. Adverse context. Structural causes difficult to address for the project, including underlying incentives and cultural factors that favor informality. Violence, fragility at many levels. 6. Difficulties in accessing groups in informality. 7. Weakness of official structures, especially in terms of coverage. Willingness to act but limited resources to do so.