



Flexibility, Consistency and Results in the Management of Bureaucratic Performance

IN SEARCH FOR A
NEW SYSTEM OF
PERFORMANCE
MONITORING AND
EVALUATION IN THE
BRAZILIAN LABOUR
INSPECTORATE

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(Translation: Felipe Mourão)

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Foreword

Labour market regulation is a controversial issue all around the world. The enforcement of workers rights and protections is a key task in the redistribution of the benefits of economic development. In the Brazilian case, as in other countries characterized by significant heterogeneities and inequalities in its labour markets, this task is particularly delicate due to the coexistence of divergent interests and asymmetries of power among the social actors involved.

In such contexts, the role of labour inspection in the promotion of labour regulation is a necessary condition for the proper functioning of a more regulated, balanced, and homogeneous labour market. Through the consolidation of formal / legal labour relations a country can establish a more civilised mode of mediation between capital and labour, through which labour relations, normally confined to the private business sphere, take on a public character, conforming to the minimal parameters of civility and sociability among parties.

For these reasons, it is essential to deepen the debate about institutional strengthening and capacity development in labour inspection systems and policies. In order to achieve these goals, the analysis of the planning, management, and monitoring of actions performed by labour inspectors is essential. The current partnership between the International Labour Organization and the Institute of Applied Economic Research seeks to bring to the debate a proposal-oriented and critical perspective, applicable to the management and organization of labour inspection in Brazil. However, the proposals and discussions generated by the report go beyond the issue and contribute in a unique way to the construction of innovative and effective labour inspection; capable of fostering a more just and inclusive labour market.

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Introduction: context and objectives

Labour inspection is one of the most important functions of the state, as it deals directly with balancing the social and economic objectives of development². The performance of such function takes different forms around the world. In many cases, it is the responsibility of state organizations to supervise and monitor compliance with labour regulations, including both wages and hours and health and safety norms. The performance of these organizations is therefore vital to the wellbeing of workers, guaranteeing their rights, and creating more inclusive and socially sustainable paths for economic growth.

In Brazil, labour inspection is conducted by the Department of Labour Inspection (*Secretaria de Inspeção do Trabalho - SIT*) of the Ministry of Labour and Employment (*Ministério do Trabalho e Emprego - MTE*), which in recent years has achieved significant progress, including: increases in the number of labour inspectors; modernization of management databases; introduction of planning and monitoring tools; and the creation of teams and special units for addressing specific issues that require differentiated attention. For these and other reasons, labour inspection in Brazil is often regarded, among middle- and high-income countries, as a source of “best practices” in the area.

Recently, changes in the way labour inspectors are remunerated for their work and the implementation of a new planning method³ have posed major challenges to the Department of Labour Inspection when it comes to developing a system of evaluation and monitoring of inspectors’ performance and of the impact of their actions. For over a decade, Brazilian labour inspectors’ (*Auditor-Fiscal do Trabalho - AFT*) payment consisted of a fixed wage plus a bonus, introduced to stimulate performance and increase productivity. However, the passing of Law No. 11,890 of December 24, 2008, turned the payment of labour inspectors into a “subsidy” (an indivisible monthly instalment), eliminating any chance for administering performance-related bonuses, whether for individual or collective performance. Due to this legal change, the Department formed a working group⁴ with the aim of establishing a new methodology for the planning and monitoring of inspection work in Brazil. This group established that labour inspection should give priority to the quality of actions, teamwork and performance-oriented projects, so as to increase the impact and effectiveness of the work undertaken by

² The international labour standards established by the ILO, as Convention No. 81 on Labour Inspection (1947) and Convention No. 129 on Rural Labour Inspection (1969) emphasize the role of inspection as a key component of the labour administration system and a pre-requisite for the promotion of decent work. Other important conventions include Convention No. 144 on Tripartite Consultation (International Labour Standards), Convention No. 122 on Employment Policy; Conventions No. 87 and 98 on freedom of association and collective bargaining; Convention No. 29 and 105 on elimination of all forms of forced or compulsory labour; Conventions No. 138 and 182 on the abolition of child labour; and, finally, Conventions No. 100 and 111 on the elimination of discrimination in employment.

³ Ordinance No. 546, of March 11th 2010, which regulates the performance of labour inspection, the planning, monitoring and evaluation of Labour Inspectors performance, marked the beginning of the implementation of a new methodology.

⁴ The group was composed by seven members, two nominated by the National Association of Labour Inspectors (*Sindicato Nacional do Auditores-Fiscais do Trabalho - SINAIT*), two heads of inspection units, two from the Department (central administration), and one member indicated by internal corrections unit to study and propose new procedures for establishing a new method of Labour Inspection in Brazil. The group produced a reference document which was submitted to extensive internal discussion and consultation in order to craft the final proposal.

labour inspectors. In order to achieve these goals, it become necessary to establish a system of performance evaluation that:

- a. overcomes the limitations of current models, based on quantitative and narrow target for labour inspection, expressed by simple indicators, such as the “amount of workers registered as a result of inspection”;
- b. is capable of measuring actions in a more complete, qualitative way, sensitive to changes of contexts, leading to greater impacts expressed in transformations in working and production conditions, as well as in social and economic realities, combining productivity and performance with learning and constant innovation.

In this context, the objective of this paper is to improve our understanding about these issues and offer analytical and empirical subsidies to the debate and to the development and implementation of new forms of performance monitoring systems for labour inspection in Brazil. Despite the fact that this paper is based on the demands and challenges of the Brazilian experience, this document contains important reflections for labour inspection in other countries, in the sense that it examines concepts, models and experiments that can be adapted and applied to other contexts, in regional or national dimensions. Furthermore, the current situation of the Brazilian Labour Inspection Department resembles a common challenge for bureaucracies in the public sector, that is, the challenge of finding the right balance between the need for control and performance and the need for flexibility and adaptability to produce significant and sustainable impacts in different contexts. Thus, beyond its most immediate potential utility, the discussions presented here also contribute to broader debates about public sector management.

This paper is organized as follows. The first section presents a conceptual discussion about the meaning of “performance” and seeks to define more specifically which (and what type of) performance we seek today, in the reform of labour inspection services. Next, two general approaches to performance management in public bureaucracies will be discussed: “optimization” and “reflexivity.” The principles and assumptions that guide these approaches will be outlined, as well as the ways in which they have been operationalised and implemented around the world. We will also compare the advantages and disadvantages of each approach, present examples of performance monitoring systems in labour inspection, as well as in different areas of public policy. The third section aims at applying the concepts and experiences discussed in the previous section to the Brazilian case, offering support for the reflection and for the development of a performance monitoring system applicable to the reality of the Department of Labour Inspection (SIT). Finally, the concluding remarks explore the prospects of spreading the discussion and implementation of these strategies to other contexts. Moreover, the last section indicates some of the issues which remain unanswered and unexplored, in the hope of stimulating the discussion and of deepening the agenda for research and public administration reform.

1. Perspectives on the meaning of performance

The idea of performance has long been part of the debate about public sector organizations and it all seems it will remain as a central part of reflection on governments. For this reason, “performance” has been the subject of intense and polarized debates⁵, particularly in the last two decades (Bouckaert and Balk, 1991; Dunleavy and Hood, 1994; Hood, 2007; Dooren, Bouckaert and Halligan, 2010). Thus, throughout this period, the concept has been defined quite differently, and has been attributed to a multitude of often ambiguous meanings.

We begin here with a general definition in which performance is related to the conduction of deliberate and intentional actions, whether by individuals or organizations. In this sense, Dooren, Bouckaert and Halligan (2010) suggest that it is possible to distinguish four different perspectives on performance, when we think about the phenomenon from two dimensions related to its quality: (a) the quality of actions undertaken; and (b) the quality of what has been achieved through these actions (results).

In the first cell (**Table 1**), we have the perspective in which the quality of the accomplishments does not matter, that is, activities are developed independently of assessments of their success or failure (D1). In the second cell, we have the perspective that focuses on the quality of processes and not the quality of results and achievements (D2). From this perspective, performance is conceived as competence or ability, as emphasized by traditional models of procedural-bureaucratic control. In the third cell, the emphasis is on the quality of results without equal attention to the quality of actions undertaken or the processes mobilized (D3). In this case, performance is defined as achieving results rather than the capacity of organizations and their agents, as emphasized, for example, by managerialist models (New Public Management - NPM). Finally, when performance is observed with attention to both the quality of actions and the quality of results (D4), we have the possibility of “performance as sustainability” (or “sustainable results”), i.e. seeking the betterment of an organization’s ability to perform and its ability to convert such capability into results (products and impacts) that are sustainable over time.

Table 1

		<i>Quality of Results</i>	
		No	Yes
<i>Quality of actions / processes</i>	No	There is no assessment of performance (D1)	Performance as the evaluation of results (D3)
	Yes	Performance as competence / capacity (D2)	Performance as sustainable results (D4)

Source: Dooren, Bouckaert & Halligan (2010)

⁵ The debate has been polarized between those who advocate for the need to focus on the idea of performance and the opponents who question the fundamental assumptions of the models for performance evaluation, drawing attention to its possible dysfunctional results.

This notion of performance, summarized by the idea of “sustainable results”, allows us to break through the limitations of the two previous perspectives. Increasingly, organizations have been faced with the need to think about performance not only as capacity - that is, the mobilization of the inputs required and the construction and design of work processes – and not only as productivity and efficiency – understood as fixed relations between the available inputs and products produced in a standardized manner. Organizations in diverse sectors have been forced to reflect about their performance in broader terms, prioritizing the production of solutions (products) appropriate for generating impacts (changes in social and productive environments) in different contexts, with the capacity of enduring over time (sustainability).

Conceiving performance along these lines requires, in turn, more creative thinking about the relationships between work processes (resources, procedures, etc.) and products (results). Instead of focusing attention at either the control of processes or the control of results, it requires explorations of how variations in processes (i.e. adaptations to the circumstances) are linked to the achievement of the best products and solutions for each situation. Beyond the establishment of metrics based on fixed relationships between inputs and products - which allow us to classify organizations in terms of their efficiency and productivity -, the concept of performance that emphasizes sustainable results suggests that producing impacts, and in special sustainable impacts, requires more flexibility and adaptability in the relationship between inputs, processes and their outcomes. This is fundamentally a process of continuous learning in which relationships between various work processes and their results in each specific context are always in focus.

As a consequence of this perspective, the fundamental question that arises is how to reconcile, on the one hand, increased flexibility, adaptability and customization of processes - which are essential for promoting learning and innovation - with the need of control by supervisors and of accountability to the external public, on the other hand, in the production of actions with greater (and sustainable) impacts on the social and economic reality.

This, in turn, is a central and continuous challenge for the management of bureaucracies: addressing the dilemma between controlling the actions of its employees and allowing them flexibility, creativity and expanding their capabilities to solve problems. If on the one hand, greater flexibility, adaptability and creativity in the front-lines of public service generate inconsistencies in the performance of the organization, undermine the possibilities of implementing coherent institutional policies, and create opportunities for slacking and even, in some cases, corruption; on the other hand, the intensification of control mechanisms often undermine the construction and mobilization of skills and of the creativity necessary to develop solutions that impact and change practices and behaviours in specific contexts.

It is possible to combine control and consistency with flexibility and creativity in the management of public sector bureaucracies? By what processes and management practices, can managers of labour inspection services balance these dimensions? This paper is dedicated to review some of the recent approaches to this challenge with the aim of understanding some of the conditions and structures that allow the reconciling of control with flexibility.

2. Approaches to performance management in public bureaucracies

It is possible to say that there are two general approaches to the problem of performance management in public bureaucracies, which establish different forms of combination between elements of control and flexibility/adaptability (Pires, 2009; Pacheco, 2009; Jann and Reichard, 2002 ; Kettl, 1997).

The first approach is guided by the “principle of optimization” and is based on the assumption of the separation between the moments and instances of decision-making, implementation and evaluation of actions taken by bureaucrats (i.e. separation between means and ends). In this sense, the task of performance management involves the establishment of mechanisms and evaluation systems that are independent, external from the substantive contexts of task execution (decisions, behaviours and practices in each situation or specific case). These systems generally consist of formal procedures, such as indicators and quantitative targets, which serve as external, and supposedly objective, parameters to judge the success or failure of the actions executed. The main objective of these systems is to promote greater efficiency, by minimizing costs and increasing productivity in the implementation of a restricted set of objectives and results.

This general approach has been established mainly through the dissemination of “managerialist” models for public sector organizations, inspired by the new public management movement. New Public Management became one of the mantras of public sector reform throughout the world in the 1980’s and 1990’s. In the context of state failure, of poor performance of its bureaucracies, and of the widespread discontent with the actions of governments, the new public management approach brought to the centre of the debate the concern for performance in the public sector. With its focus on results and on optimizing the public budget, the managerial approach promised improvements in bureaucratic efficiency and accountability through the creation of incentive systems that would direct bureaucrats (the agents) to meet the targets set by policy makers, political representatives and citizens (principals) in the provision of public goods and services⁶. Trying to overcome the mistakes of the past, such as the emphasis on procedural controls, the managerialist proposal is inspired by a movement in the private sector that basically involves the imposition of goals and indicators to measure the performance of organizations and their workers, with a strong emphasis on incentives based on payments, such as performance-related pay systems. Under this model, public sector organizations should focus on a set of performance goals that can be defined in a specific form, quantifiable and measurable. Each bureaucrat in the organization should achieve part of the overall goal. Supervisors constantly monitor the performance of their bureaucrats in terms of achieving those goals, taking as references indicators of quantitative results. In order to correctly manage incentives, managers distribute bonuses to those employees who periodically meet the established goals.

⁶ The vast literature on the subject shows three key characteristics of public sector’s reforms guided by managerial principles: a) decentralization, with the disaggregation of the State in sub-national actors, divisions of large hierarchical structures, and separation of essential government functions (*core*) from those considered to be auxiliary or complementary; b) privatization and competition, with the deregulation of markets, creation of *quasi-markets* for most public services, and public-private partnerships (PPPs); and c) performance management, with the establishment of goals and indicators to measure the performance of organizations and their bureaucrats, as well as a strong emphasis on specific incentives based on performance-related payment systems (Osborne and Gaebler, 1992; Dunleavy and Hood, 1994; Pollit, 1995; Bresser-Pereira and Spink, 1999; Barzelay 2001).

The adoption of these evaluation mechanisms, based on productivity measurement and performance-related bonuses, has been widely adopted in labour inspection around the world. This can be verified in **Table 2** (Appendix I), which describes the systematic evaluation of performance in some selected countries, where data was available. The experiences range from monitoring basic goals relative to the more immediate products of these organizations (for example: number of inspections) to the implementation of sophisticated information systems that associate these indicators to various databases about the situation of workers and companies in the different regions of the country, such as is the case in Spain (Project Lince).

Assessments of the implementation of managerial reforms around the world have pointed out to paradoxical results. On the one hand, there is evidence of increased productivity. Studies have shown increased productivity in health services in Britain as a result of the introduction of performance related payments. For example, the productivity of dentists, as measured by the number of patients treated increased 26% compared to the management of the same service through fixed contract remuneration (Chalkley et al, 2010). Even in the case of labour inspection in Brazil, the introduction, in 1998, of a bonus system based on performance, and its intensification since 2004, has led to higher productivity of labour inspectors in the formalization of workers, even though there was no significant variations in the number of inspectors or companies inspected, as indicated in **Graph 1** (Appendix I).

On the other hand, increases in productivity in relation to some specific indicators have also been accompanied by the perception of problems related to the maintenance of satisfactory levels of motivation and commitment by government employees. For example, the same studies of health professionals and dentists in the British public sector (Houston, 2000; Chalkley et al, 2010) showed that performance-based systems involving pecuniary incentives may even contribute to increasing productivity, but, in general, lead to significant losses of intrinsic motivation from professionals - that is, the motivation derived from values, commitment and sense of mission in relation to work, as opposed to extrinsic motivation based on rewards not substantially related to work, like money.

In addition, another line of problems identified with managerialist reforms refers to the distortions provoked by the incentive systems implemented. A considerable volume of scholarly work have pointed out to the dysfunctional effects of quantitative and pre-defined performance measurements (Bouckaert and Balk, 1991; Dunleavy and Hood, 1994). First, the specification of quantifiable performance goals necessarily results in an excessive reductionism of what is expected to be the state's, and its bureaucracies', role. Goal-setting tends to limit and focus the actions taken by organizations around very specific and narrow points, reducing employees' abilities to understand and address problems in a broader fashion. For example, the promotion of mental health involves more than reducing the number of psychiatric hospitalizations; or the quality of an education system involves more than preparing students to score and pass exams; and the satisfaction of an employee involves more than the satisfaction with their level of remuneration.

Besides the question of reductionism provoked by the predetermination and pre-specification of results, the measurement and quantitative standardization of these results frequently lead bureaucrats to find ways to convert the activities that they are used to doing into the very products and goals pursued by their supervisors. An

example of this, is the American immigration service program which, although designed and authorized by Congress specifically to focus only on immigrants with outstanding deportation orders and suspects of crime and terrorists, in practice, ended up arresting a vast majority of illegal immigrants, with no criminal records, who otherwise would not be deported. Under pressure to “beat” targets of arrests, and to demonstrate their performance, immigration officials began to “hit” the easier targets (Bernstein, 2009). In another example, research on doctors in England and in the United States revealed that health professionals develop practices to “cover up” numbers when filling out forms and reports that measure productivity⁷. Other examples are indicative of the “creative accounting” that takes place in the recordings of activities performed by employees. Supposedly undesirable results can be easily codified in terms of desired outcomes, for example, in order to reduce waiting lists employees can create a waiting list *for* the waiting list; or in the case of altering train or bus timetables, which would otherwise record a late arrival, to indicate a failure of the vehicle or a route that is in maintenance; or, finally, as often happens in police organizations, serious law violations can be misclassified as minor records, or killings can be recorded in different locations than where the crime actually occurred, with the objective of improving the numbers of a particular police precinct. These situations show that performance management systems of this type are not immune to manipulation of the measurement process and to the manipulation of organizational products, in both cases promoting dysfunctional behaviours from the viewpoint of the effectiveness of the actions taken by public bureaucracies.

In other words, a wide and diverse body of evidence has pointed out to the side-effects of performance evaluation systems based on the managerialist approach. After more than two decades, even analysts who sympathize with the model have recognized that reforms inspired by the managerialist approach have failed to deliver the expectations of a more effective and efficient public administration (Hood and Peters, 2004; Dunleavy et al., 2006).

A second approach to the issue of performance management, oriented by the “principle of reflexivity,” differs from the previous approach by rejecting the distinction between decisions, implementation and evaluation, and emphasizing the need for performance to be assessed in a contextualized manner, as an activity embedded in the actual context of implementation of activities (substantive judgement). Moreover, the reflective approach also rejects the simplifying assumptions of human behaviour in which incentive systems for performance are based on the perception that individuals (or groups and organizations) are motivated by the desire to obtain rewards (such as money or status) and avoid sanctions. Thus, in this second approach, the task of managing performance involves the establishment of routines that enable agents to reflect and review ongoing activities and bureaucratic actions, so that monitoring performance is itself part of a wider process of institutional innovation and learning.

The reforms associated with the “experimentalist” model have embodied these principles and provided inspiration for novel experiences in the management of public sector bureaucracies, overcoming some of the limitations of the managerialist model. The experimentalist model (or *Experimentalist Governance* - EG) has emerged as a criticism of its proponents (C. Sabel, J. Zeitlin, M. Dorf, and W. Simon, among others)

⁷ Oral communication of E. McDonald and L. Miller, entitled “Tensions between Managerialism and Autonomy” at the annual meeting of SASE - Society for the Advancement of Socio-Economics - San Jose, Costa Rica, 23 July 2008.

to the empirical untenability of the rational-economic framework that is at the heart of the managerial proposal, more precisely the assumptions about principal-agents relationships. Inspired on the economic institutionalism tradition, managerialist models often separate the moment of decision from its implementation, assuming the existence of *principals* (whether civil society actors, political parties or elected representatives) who know everything that needs to be done to solve collective problems. Supposedly, these *principals* are able to translate collective objectives into detailed performance goals - for example, a 50% increase in the formalization of work, a 20% reduction in school dropouts, etc. In contrast, proponents of the experimentalist approach argue that *principals* with such robust and widespread knowledge do not exist in political communities, and even less so is there an unquestionable consensus on who should play such a directive role. Therefore, according to these authors, the problem of public sector reform does not simply resume itself to the definition of performance goals and, accordingly, to the incentives system, but rather involves the construction of processes through which actors involved interact, discover, and learn together what needs to be done and the best possible way to do it (Sabel, 2004, 2005).

Thus, in accordance with this management model, the solution requires experimentalists institutions *“that assumes the provisionality of their goals and institutionalize social learning by routinely questioning the suitability of their current ends and means, and by periodically revising their structures in light of the answers”* (Sabel, 2004: 4). Experimentalist institutions demonstrate the attitude of continuous error detection and correction at the operational levels of the organization, adjusting the higher structures in order to generalize success and improve its learning system as they detect mistakes. Through constant reflective adjustments, proponents of the experimentalist approach argue that public bureaucracies can simultaneously: a) expand its capabilities for solving complex problems by adapting rapidly to changing external conditions and the possibility of customization to attend to various clienteles; and b) increase accountability on the part of bureaucrats to their supervisors and the public, through explanations of their decisions and conduct on each case and justifying possible deviations from established protocols. In reviewing these explanations, direct superiors (and even control agencies) can detect misconduct and consider how to correct them in regard to specific cases, as well as more general procedures which regulate and organize the program. Through these processes, “experimentalists” organizations learn how to improve their performance while monitoring the actions of their employees and, thus, the same process that allows the adaptation of activities and services to various circumstances also makes it susceptible to control by management (Noonan, Sabel and Simon, 2009).

Recent advances by experimentalist institutions have been reported in different countries and in different areas of public service⁸. The experiments reported in **Box 2.1** and **2.2**, provide very concrete examples of systems of performance evaluation based on the principle of reflexivity, aimed at overcoming the problems and distortions caused by reforms based on the principle of optimization. In general, evaluations of experiments that sought to implement systems based on the principle of reflexivity have pointed to three potential advantages over the traditional managerial approach.

⁸ These experiences include: the reform of public schools and meta-regulation schemes in the area of health surveillance in the United States (Sabel, 2004), the reform of assistance to children and adolescents in the states of Alabama and Utah (Noon, Sabel, and Simon, 2007), providing assistance and social benefits in the Netherlands, Denmark and Ireland (Sabel, 2005), systems of social protection, occupational health and safety, health surveillance, telecommunications, electricity, maritime safety and financial services in the European Union (Sabel and Zeitlin, 2008).

- The first advantage concerns the possibility of measuring and monitoring results of great policy relevance but that are not often susceptible to quantitative measurement (numerical indicators), and are thus frequently neglected by the standard model; they become visible through the establishment of mechanisms for constant error detection and correction, based on explanations and justifications by bureaucrats (internal evaluation committees, peer review, etc.).
- The second advantage, arising directly from the mechanisms described above, concerns the inclusion of performance monitoring in the substantive context of execution of the tasks and activities. In contrast to the pre-specification of the results to be produced, as does the managerialist model, the experimentalist model creates conditions for a contextual and systemic understanding of the characteristics of each problem/situation to be faced. That is, favouring the identification, for example, of problems that prevent compliance with labour laws and standards by companies that allows the customization of inspection activities to produce the greatest impact in every situation. In other words, this change of perspective allows inspection agents to think less about how to get more and more offenders and focus more on the causes of the violations (*root-causes*) and to find possible legal, managerial and technological solutions.
- The third advantage concerns the replacement of a logic of control of bureaucrats' performance based on generalized suspicion for an emphasis on the sense of mission and commitment of employees, and confidence in professionalism as an element of both institutionalization of behaviours and ability to learn. Mechanisms of qualitative review of performance, as opposed to systems for measuring quantitative results, create different relationships between front-line supervisors and administrative centres. Instead of being the object of evaluations based on predetermined numerical goals, the professionals become active participants in re-crafting goals, procedures and enforcement strategies, based on the results of their operations.

Box 2.1 – Assisted Freedom Program (Programa Liberdade Assistida - PLA)

The Assisted Freedom Program was implemented in 1998, by the Municipality of Belo Horizonte and its Municipal Social Welfare Department (*Secretaria Municipal Adjunta de Assistência Social - SMAAS*) in partnership with the Juvenile Court (*Juizado da Infância e da Juventude*) and with the Catholic Church's Ministry of the Minor (*Pastoral do Menor*).

Currently, the PLA is part of CREAS (Reference Center for Specialized Social Assistance, *Centro de Referência Especializado de Assistência Social*), in shared management with SMAAS, and is one of the modalities of the Monitoring and Guidance Service of Adolescents under open social-educational measure (*Serviço de Orientação e Acompanhamento de Adolescentes em Cumprimento de Medida Socioeducativa em meio aberto*). The Service is directed, since its beginning, by the guidelines set by the Children and Adolescents' Act (*Estatuto da Criança e do Adolescente* (ECA)). Until the promulgation of ECA (July 1990), the adolescents were being tried under the guidance of the Doctrine of Irregular Situations (*Doutrina da Situação Irregular*) established in the Juvenile Code (*Código de Menores*).

PLA seeks to break with the standard treatment of the Juvenile Code, recognizing the special contexts in which adolescents who have committed crime live, and seeks to treat each case respecting the individuality and uniqueness of the youngster in order to build effective solutions for their lives.

The ambition to address and monitor individually each of the adolescents in conflict with the law may seem impossible. However, PLA is a program of indisputable success. For over ten years, it has been permanently (re)constructed to deal with the "complex and multifaceted universe" of youngsters lives. The team consists of psychologists, social workers, psychoanalysts and lawyers seeking to defend the rights and responsibilities of adolescents in order to empower them and facilitate social reintegration. The methodology is based on the stories of adolescents and actors directly involved with them (family, education, health, etc.). Every teen is serviced by a program official, weekly, to ensure that the measures are being constructed and implemented correctly. In these meetings the officials aim to listen, guide, intervene and refer to network services according to the uniqueness of each case.

If on the one hand, the methodology guides the individualized and customized assistance for each case, on the other hand, the service is equipped with mechanisms that ensure consistency and quality in the execution of the measures, induce performance and enable the institutional coherence of the Service/Policy. Among these mechanisms, we find the Reference Technician (*Técnicos de Referência*), the Legal Unit (*Núcleo Jurídico*) and Supervision (*Supervisão*). It is up to the "supervision" to monitor the officials in the construction of each case. In this process supervisors take into consideration the position of the official in dealing with the case, the story of the adolescents with subjective aspects and legal and institutional issues. The supervision occurs collectively, in group, or individually. The collective supervision takes place monthly with the introduction of a case with the purpose of presenting and discussing obstacles, failures and successes, clarify diagnostic doubts, mobilizing the team to the clinical, political and institutional challenges; the group supervision takes place weekly with the presentation of cases and discussion of the resources and possibilities for action; finally, the individual supervision may occur weekly or it may depend on the officials demand. Through supervision activities and the engagement of the officials in the process, the management of PLA has been able to successfully articulate the need for adaptation and customization of services with performance monitoring mechanisms that induce simultaneously reflection, learning from practice, and institutional consistency for the program's success.

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Box 2.2 – The Quality Service Review in Child Protection in Alabama and Utah (USA)

The Departments of Child Protection in the states of Alabama and Utah have been developing, since the mid 1990s, a new model for social assistance that seeks to give more autonomy to state employees who work directly with children in need and, at the same time, allow them to be constantly questioned and held accountable for their actions. The experience of these two states points in the direction of alternative mechanisms for assessing performance that establish forms of accountability and monitoring of actions and decisions of social workers, without compromising their ability to act and the quality of their service. That is, these experiences have faced head-on the conflict of how to institutionalize a public service such as social assistance without losing its “personal” and qualitative value as a tool for dealing with the lives of individuals.

The monitoring and evaluation of services by such public organizations takes place through a process known as Quality Service Review (QSR). The QSR involves the random selection of cases handled by social workers, so that each local unit has at least one, and that no social worker has more than one case under evaluation. There is also a concern for ensuring a diversity in the types of cases, i.e., that there isn't an excessive number of cases with more male recipients than female, or of younger children rather than teenagers, etc. The evaluation of cases through the QSR, annually involves about 5% of all cases from around the state system of child protection.

The selected cases are assigned to two reviewers each, in order to balance freshmen and senior officials to train beginners and create continuity and consistency in the evaluation system over time. The revision of a case lasts about two days in which the two evaluators interview key individuals involved in each case - in general, children, parents, the social worker responsible for the case; other members of the assistance team, among others. The interviews are part of the “Service Testing”, which involves the evaluation tool, about 95 pages, with suggestive questions to guide the evaluation in two instances: the assessment of the child and its family (the beneficiary and his integration cycle; child safety; safety of the guardian; stability; appropriate framework in the program; health and physical well-being; emotional well-being; child's behaviour; guardian's behaviour; permanence; learning and development; advancement of family independence; child's functional progress; and a general assessment of child and family); and assessment of the system (the social worker; the team working the case; the local unit; functioning team; effective evaluation; the availability of resources; long-term vision; service plan; plan implementation; network of family support; service coordination; successful transitions; adaptation; effective results; and a general assessment of the performance of the system). Once interviews are completed, reviewers calculate a score for each category of the two instances, and with these scores, they calculate a score that evaluates the success of the assistance, both for the child and family as well as for the performance of the system. These notes can then be discussed between the reviewer and the social worker on the case. There are ways for the social workers to question their scores. However, this rarely happens.

For the creator of the model, Paul Vincent, the operation of the interviews that make up the QSR can be compared to a medical protocol. Based on the principle that each patient has a body and a specific illness to be treated, the medical protocol, as well as the QSR, discusses each case in a particular way. Both seek “the patient's health” and not intermediate products or results (such as running certain tests or procedures). As a medical protocol, the QSR provides a specific approach for each case, seen as it does not control the performance of employees through standardized activities, set goals and immediate measurement. The standardization occurs in the systematization of the information needed for evaluation and control, focusing on the justifications of the decisions made by professionals in each situation. A doctor may prescribe a medication or test for a patient and not to another due to the peculiarity of each case, provided that he justifies his decisions in the medical records of all patients. Likewise, through the QSR, the social worker is able to justify the actions taken in each case, considering its circumstances and needs. The result is a social welfare service that maximizes quality, providing necessary

adaptations in local units (individualization of cases), without harming the consistency and performance of the child protection system as a whole (standardizing reports and evaluation tools).

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In this sense, experiments in progress suggest that the induction of better performance may be more associated with bureaucrats' autonomy to innovate and learn from reflecting on their own practices (reason-giving), than with the creation of formal incentives and pressures for greater productivity in a restricted set of desired results. Furthermore, the comparison (Table 3) suggests that evaluating performance does not necessarily require the adoption of variable payment systems or the link between financial rewards and the achievement of quantifiable individual goals.

Table 3 - Summary of the two general approaches to performance assessment in public sector bureaucracies

Approaches	"Optimizing Bureaucracy"	"Reflexive Bureaucracy"
Emphasis	Static efficiency, focus on minimizing costs and increasing productivity.	Continuous learning and reviewing; focus on quality, impact and sustainability of actions to solve problems.
Characteristics of the goals and objectives.	Predetermined; Singular; Focus on specific goals (prioritizing), generating reductionism and myopia.	Temporary and under constant review; Attention to interrelationships between multiple objectives (the complex nature of the problems).
Relationship between performance evaluation and execution of tasks.	External evaluation, formal-objective.	Embedded-evaluation, contextual-substantive.
Relationship between "front line" and administrative centres.	Individual (solitary) and evaluative, based on specific criteria and indicators; two possible outcomes: compliance or deviation.	Deliberative (group), involving justification processes (explaining behaviours and results produced from the actual experience of implementation).
Relationship with uncertainties / dealing with "the unexpected".	Tendency to treat the new and unexpected as if they were variations of pre-established routines (categorical framework) or exceptions.	Unexpected occurrences are constantly problematised for detecting problems and correcting errors; diffusion of innovations.

3. Subsidies for the design and implementation of new systems for performance monitoring and evaluation in the Brazilian Department of Labour Inspection (SIT)

This section aims to apply the concepts and experiences discussed in the previous section to the context of labour inspection in Brazil. We do not intend to offer a model to be applied, as this is beyond our capabilities and would require knowledge about the complexities and specificities of labour inspection administration that only the managers and employees of SIT and its regional offices may have. Our goal here is merely to provide inputs for reflection on potential mechanisms and instruments for monitoring performance that can be adapted to the Brazilian case.

Since the second half of 2008, labour inspection in Brazil has been going through some important reforms with regard to its system for performance evaluation. Law No. 11890, passed on December 24th, 2008, changed the form in which Labour Inspectors are remunerated. This change implied the extinction of the performance management model in place until then and created new, and desired, possibilities. By 2009, labour inspectors' performance was evaluated by means of set targets associated with a monthly bonus based on productivity⁹. In 2010, a new process for planning and monitoring inspection began. The new methodology resulted from discussions within a multidisciplinary working group and consultations with regional managers, labour inspectors' professional association, and other members of the Ministry of Labour. Unlike the previous model, which was based on measurements of individual scores on production goals (for example: number of inspections, volume of revenue collection, etc.), the new methodology focuses on planning and implementing inspection actions through projects focused on issues, problems or economic activities, guided by the following basic principles: a) emphasis on the quality of actions, b) prevalence of teamwork, c) inter-institutional articulation and social dialogue, and d) dissemination of good practices and exchange of experience among auditors.

Thus, it is fair to say that the consolidation of the new methodology¹⁰ of labour inspection in Brazil, in 2010, points towards a transition from a previous model, anchored in the principle of optimization, to a new form of performance management, which incorporates elements of reflexivity, typical of the experimentalist approach. In line with this movement, we present below some suggestions that go in the direction of deepening and consolidating this process, with respect to planning, monitoring and evaluation, and dissemination of innovations. These suggestions are based on concepts and cases presented and discussed above, as well as in scholarly work on planning and project evaluation (Ferreira, Cassiolato and Gonzalez, 2007; 2009; Ascher and Guimarães, 2004).

⁹ Until December of 2002, the GEFA (*Gratificação de Estimula à Fiscalização e Arrecadação*); from December 2002 to June 2004, the GDAT (*Gratificação de Desempenho da Atividade Tributária*); and from June 2004 to December 2009, the GIFA (*Gratificação de Incremento da Fiscalização e da Arrecadação*).

¹⁰ Portaria N° 546, March de 11th 2010 and Instrução Normativa SIT N° 86 of August 11th 2010.

a) Planning

SIT's new methodology is project-based. One of its main features is the idea that labour inspection should be carried out through projects formulated by groups of inspectors and focused on specific issues, problems or economic activities. Planning for these projects takes place every four years, in alignment with the federal government's multiyear plan (Plano Plurianual - PPA). Inspection projects are defined in three different instances: "mandatory or essential projects", which meet goals established by the PPA; "national and regional projects", which are defined by SIT; and, finally, "elective or local projects", which are proposed by labour inspectors in the regional offices (SRTEs)¹¹. Each project will have a specific goal and it is up to SIT to consolidate all projects in the annual plan of labour inspection activities. Thus, unlike the previous model, the new methodology is not oriented to the maximization of traditional outputs (for example, the number of inspections, etc.), but rather focuses the discussion of how inspection should be organized to solve problems. In other words, in the context of scarce human and budgetary resources, how can inspectors control a growing number of firms? How can inspectors guarantee access to rights and service to a growing number of people formally employed? How to regularize informal work? How to reduce occupational accidents and illness? As well as other relevant questions for labour inspection in Brazil.

One potential recommendation for the improvement of the current model for the planning inspection activities concerns the strengthening of such planning activity as a step in laying out the foundations for evaluation (pre-assessment) through the construction of logic models for inspection projects¹². One of the fundamental elements in the process of planning and designing projects is the formulation of initiatives that are susceptible to being evaluated – that is, they must contain in themselves the references for their own evaluation – and consequently providing useful information for learning and improvement. Accordingly, inducing the construction of logic models (Cassiolato and Guerresi, 2010, Ferreira et al., 2007, 2009, Wholey et al. 2004)¹³ for labour inspection projects could play a role in improving the planning and outcomes of actions developed by SIT. The construction of logic models involves making explicit the assumptions and ideas that give meaning to the intervention (i.e. the "project theory"), how the team defines the problem (type of infraction) and understand its causes (conditions that lead to non-compliance with the law), the actions to be undertaken (interventions) and how these will transform the causes and problems previously identified (by promoting law abidance and ensuring workers' rights). In this sense, the construction of logic models requires proponent teams to dedicate themselves to following the steps below in the formulation of a project:

¹¹In 2010, a total of 392 projects were submitted to be analyzed by SRTEs.

¹²Although originally designed for the formulation and design of government programs, we argue for the utility and feasibility of constructing logic models for projects, providing a better design and creation of the bases for its monitoring and evaluation. The design of logic models referred to here (Logic Model/IPEA) is based on the proposal prepared by the *Instituto de Pesquisa Econômica Aplicada* (IPEA) and the *Ministério de Planejamento, Orçamento e Gestão* (MPOG), drawing from the international literature and initially focused on organizing the Plano Plurianual (PPA), but also implemented in service training courses for civil servants at the *Escola Nacional de Administração Pública* (ENAP) (Cassiolato and Guerresi, 2010).

¹³It is important to distinguish between "logic model" and "logical mark" (or "logframe"). While the first offers a methodology to explain the project structure by creating the necessary references to an assessment of its quality and performance; the second refers to a technique for planning and project management oriented for results that follow steps referenced by project goals and objectives; it is useful for funders and individuals in charge of allocating project resources (and Cassiolato Guerresi, 2010).

- a. Defining and enunciating the “problem-situation” which the project is designed to face. In addition to a diagnosis of the situation, this step also requires a description and qualitative assessment by proponents about the major causes and consequences of the problem. The construction of “tree of problems” is the usual way to prepare an explanation of the problem (its causes, manifestations and consequences) [see example in **Figure 1**, in the appendix]. Often, the questions addressed by projects are associated with “macroproblems” (e.g. extreme poverty, culture of informality, etc.). However, it is crucial to define the “problem situation” in specific and contextualized way, in order to characterize the how it manifests itself in a particular region/location, economic sector, group of firms, etc.
- b. Identifying the products to be generated by the project. This step involves the description of the changes needed to confront the causes and manifestations of the problem-situation identified above (e.g. legal, technological, and management solutions; capacity building; systems for monitoring and surveillance, etc.).
- c. Specifying the actions and activities to be undertaken. After identifying the causes of problems and products (necessary changes) to be developed, it is key to specify the actions and activities that will lead to these products (e.g. documentation review, investigation and research, partnerships, enforcement strategies, types of assessment, etc.).
- d. Defining how the development and use of such products may contribute to the solution of the original problem (which involves making explicit the expected or presumed causal relations; the relations between what the project intends to change in reality, what and the project will produce, and how it will affect the reality previously identified)¹⁴.
- e. Describing the contextual factors that may favour or hinder the progress of the project.

Once a set of projects is designed taking into consideration the aspects above, SIT should consolidate all projects into a single coherent plan for inspection of work. In order to accomplish that, central managers have to verify each proposed project and the aspects related to their design and implementation in terms of their prospects for success (or failure), validating their logic model through tests of consistency of their assumptions and through the analysis of vulnerabilities¹⁵.

In this scheme, the stage of characterization of problem situations is so important that it is suggested that it must be extended beyond the stage of formulation and consolidation of projects (completion and review of Project Opening Forms - TAP, Appendix). This extension can be accomplished through a review of the problem situation during the execution of the project. Inspectors should be required to generate or revise, as an initial or intermediate product of a project, the “tree of problems” (such as the example in **Figure 1**, appendix). The “tree of problems” organizes around

¹⁴As in literature rescued by Ferreira et al. (2009), the logical model and explanation of the project’s theory would involve a series of “what if” statement: “Considering the perceptions of the key factors of context, if I use these resources, then implement such activities, if I realize that such activities, then I get these products, if such products are generated, then reach such intermediate results, intermediate results are occurring, then I get a final result that will lead to the solution of the problem.”

¹⁵ Cassiolato and Gueresi (2010) sets out in detail the techniques and procedures involved in such testing and analysis aimed at validating the logical model.

a central problem its main causes, consequences and other associated issues. This is an important step toward the visualization of the courses of action required and the most appropriate strategies to promote positive change in each case. Given that the beginning of the auditor's intervention in the workplace is an important part of the process of learning about the problems to be faced, as well as its particular characteristics, we suggest the validation and revision of the initial definition of the problem-situation should take place as the intervention moves along, as an initial or intermediate product of projects. We believe that through this process, the teams of labour inspectors will have the best conditions to develop inspection actions that are effective in producing sustainable and lasting impacts.

In short, the construction of logic models of inspection projects makes explicit the explanatory models that are on the minds of project proponents, and through this process allows the agents of evaluation (and its processes) to step into the context of execution of the project, obtaining substantive elements to allow them to examine the feasibility of each project and provide consistent guidance during the projects' implementation. In sum, the introduction of logic models in inspection projects carries the promise of stimulating not only effective monitoring and control, but also learning and continuous improvement of organizational activities.

b) Monitoring and Evaluation

Differently than the previous model, in which the evaluation of each inspector was based on their individual performance according to a scoring system, SIT's new methodology is now focused on evaluating projects, and the accomplishment of their goals, in which inspectors take part. The new planning model requires constant monitoring, which involves: monthly assessment of physical targets; annual assessment of indicators; and the annual review, which verifies the results obtained and whether the projects have been effective in solving problems, providing feedback, change, inclusion or exclusion of projects. Monitoring is done through monthly, quarterly, annual and quadrennial reports. These reports contain the progress of goal-achievement and allow for corrective actions. The annual and quadrennial reports also contain a qualitative analysis (templates for these reports are in the Appendix). Within SIT, the monitoring of SRTEs, projects and teams is done by the Group for Project Planning and Monitoring (GMAPP), which can propose amendments and corrections in the planning and project design, as well as conduct special audits. The new model also institutes the evaluation of projects on national meetings with the regional coordinators who are working on the same issue, or economic sector, to collectively assess the work and the challenges of implementation in order to disseminate and standardize local initiatives. The same meetings are used to establish the indicators that will be used to evaluate the work performed. In addition to these meetings, it is an assumption of the new methodology that the teamwork on each of the projects will involve routine meetings between members of the team, its coordinator, and local managers.

The ongoing dynamic of meetings and reports established under the new methodology of labour inspection in Brazil could be further strengthened and institutionalized by way of two measures (propositions):

- a). Adoption of mechanisms for local level monitoring through meetings and discussions, in similar ways to the Assisted Freedom Program (PLA), **Box 2.1**. In each SRTE and/or Regional Offices, units of "supervision" could be instituted to

provide support to local managers. These units would be in charge of facilitating and providing the conditions for discussions about the actions and decisions taken by groups of Auditors involved in each project. As in the PLA, the activities of “supervision” could involve a weekly (or monthly) meeting in which a team of inspectors could voluntarily present and discuss an ongoing project, to stimulate collective reflection and to receive suggestions and recommendations from peers and superiors; also “supervisors” could convene discussions around a project which needs to consider technical assistance, collective reflection, or simply needs more “pressure” for its development. These meetings have the double function of providing collective reflection on ongoing projects aiming for its improvement, overcoming dead-ends and obstacles to its success, and creating an atmosphere of continuous monitoring and supervision to encourage the teams involved in each project to maintain high levels of performance, as they may be called at any time to give presentations about their projects. Given the delicacy and complexity of the task of “supervision”, it is also suggested that the various local level “supervisors” be integrated into a national network of inspectors acting on this role, in order to provide an exchange of experiences and techniques for the best performance of their tasks, as well as to enable the systematic and uniform orientation of these professionals by the central administration (SIT).

- b). Implementation of a random selection of projects for evaluation by peer review and also by superiors, in a manner similar to the system of Quality Service Review (QSR), **Box 2.2**. We believed that such a function could be coordinated and facilitated by the Group on Project Planning and Monitoring (GMAPP), who could lead the random selection of projects, compose a national sample of cases¹⁶, designate assessment teams to each project (or project type), and establish the guidelines and general procedures for evaluation. These teams could be made up entirely by members of the Labour Inspection (mixing veterans and novices) or could also include external guests, such as members of partner agencies, researchers or consultants. Once the evaluating teams are assembled, they would proceed to the scrutiny of projects, taking into account the documentation they produced (monitoring reports and other relevant documents), interviews with team members, with superiors and possibly direct beneficiaries (e.g. workers) and targets (e.g. firms) of inspection actions. The results of the evaluations could then be presented and discussed within the GMAPP, which would be in charge of recommending corrections and technical advice to project teams, as well as recognizing and disseminating innovations.

Finally, a third proposition regards tools that might be used as a parameter for evaluating the effectiveness and impacts of projects. The incorporation of impact evaluation tools on the routine of organizations and their projects is not a simple task. The identification of impacts and its attribution to a specific intervention are tasks of high methodological complexity, given the challenges to “isolate” numerous interfering contextual elements and other aspects that may influence the results. These difficulties tend to create a large gap between project actions and the actual modification of conditions for which they were designed. The model proposed by GTZ (Ascher e Guimarães, 2004) offers an analytical possibility for overcoming this gap.

¹⁶ This process of sampling could be done in one of two ways: a) seeking to build a representative sample of the totality of projects underway at specific time, or b) focused on specific themes in each round of evaluation (for example, an economic sector or so issues of special attention such as people with disabilities, child labour, etc.).

It emphasizes the observation of two elements that are situated precisely between the products created by a project and the impacts observed: a) use of the product by the target-audience – e.g. are the solutions/products being used? If so, by whom?; b) benefits and changes resulting from the use of the product (indirect impacts) – e.g. has the use of the solutions produced the expected effects? If not, why? Or, what other effects have been produced by the intervention (areas, groups, etc.)? Through observation of these elements, it becomes possible to identify the influences that a project may be causing in terms of changing/maintaining a given situation.

Along the same lines, another alternative for assessing the impact of projects emerge from the experience of the Danish Work Environment Agency (WEA) with what they call the “impact ladder”, **Box 3.1**. Instead of focusing exclusively on indicators and statistics, WEA has developed this tool that evaluates the performance of projects from a set of variables and the definition of a system of levels for measuring the impacts in the workplace (and also in the country as a whole) of the inspection actions in occupational safety and health. There are a total of seven steps in the Impact Ladder: step 7 - improvements in health indicators; step 6 - reduction of industrial accidents and occupational diseases; step 5 - lower risks of accidents; level 4 - improvements in production technology and safety in the work process; step 3 - improvements in the management of safety and health conditions and labour relations in each employer; step 2 - changing attitudes in the workplace; step 1 - changes in knowledge in the workplace. There is an explicit relationship between different levels of the “ladder” that establishes a correlation between the desired results and the actions taken by the Agency, mapping in this way the specific effect that each activity of the Agency has on the work environment. That is to say, from the Impact Ladder, one can measure the effect that an activity aimed at “*changing attitudes in the workplace*” (step 2) might have on “*lowering the risks of accidents*” (step 5).

We believe that both the questions on “use of products” and on the “provoked benefits”, as well as the logic of the “Impact ladder”, may serve as useful parameter for evaluating the impacts of labour inspection projects in Brazil, as part of the consolidation of the new methodology for planning and evaluation. Moreover, we propose here that both models of monitoring, whether through randomized audits or local or regional meetings and “supervision”, complement each other and combine both horizontal and vertical mechanisms to assess project performance. In addition to monitoring and promoting immediate reflection on projects, we expect that the monitoring activities proposed could also contribute to two other important goals for the improvement of labour inspection: a) formulation and adjustments in the planning of future activities starting from information obtained by project assessment; and b) identifying training needs and, then, organizing training activities for labour inspectors. The identification of weaknesses in project performance could offer important subsidies for the formulation of training plans aimed to develop inspectors’ skills and competence, which may overcome the identified limitations.

Box 3.1: Impact Ladder – Danish Working Environment Agency (WEA)

The Danish Work Environment Agency (WEA) performs approximately 59,000 inspections per year. To ensure that its actions are paying off, and benefiting the Danish worker, the Agency has developed a tool that measures the impact of their main activities, in order to maximize its services.

There is consensus that the impact of WEA cannot be measured merely by statistical indicators that report advances in the areas of health, safety, working conditions, and work relations. Although these are the areas in which the Agency acts upon, other actors also collaborate to improvement in these indicators.

Thus, WEA has developed the “Impact Ladder”, a tool that assesses the Agency’s performance, according to a base of variables, establishing a system of “levels” to set goals and, finally, measure the impact of its actions.

Developed from a common assessment method in Nordic countries, the Impact Ladder shows that improvements in the areas of safety and health can be defined at various levels. These levels, or steps, measure the effect that WEA is having on the work environment of each company, and on the country as a whole.

There are seven steps on the Impact Ladder: step 7 - improvements in health indicators; step 6 - reduction of industrial accidents and occupational diseases; step 5 – lowering of risks of accidents; level 4 – improvements in production technology and safety in the work process; step 3 - improvements in the management of safety and health conditions and labour relations in each employer; step 2 - changing attitudes in the workplace; step 1 - changing knowledge in the workplace.

Steps six and seven work with indicators and rates, for this reason, the activities developed by the Agency focus specifically on steps 1 through 5, which are, therefore, the steps that actually measure the impact of the WEA in the workplace. For the same reason, steps 6 and 7 are usually used to establish policy goals to be evaluated in steps 1 through 5.

Therefore, there is an explicit relationship between attitudes assessed in steps 1 through 5 and the numbers of the indicators in the last two steps, for example, a reduction in “risk situations” (step 5) has a direct impact on the “reduction of the industrial accidents rate” (step 6). Thus, Impact Ladder also serves to establish a “chain” that explains and helps in the planning of the Agency’s activities.

This “chain” establishes a correlation between the desired end and the measures taken by the Agency, mapping out the specific effect that each activity of the Agency has on the totality of the work environment. In other words, from the Impact Ladder, one can measure the effect that an activity aimed at “changing attitudes in the workplace” (step 2) might have on the “reduction of situations of risk” (step 5).

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c) Dissemination of innovations

Finally, a crucial dimension of the process of performance evaluation concerns the processes of organizational learning and diffusion of new knowledge and best practices of labour inspection. This is a point that still has received little attention in the SIT's current planning methodology. So far the methodology prescribes only the publication of project assessment reports in SIT's intranet, in the hope that identification of best practices would create an exchange of experiences between the regional units. However, it is advocated here that this movement must be strengthened and deepened by some measures that follow naturally from the propositions of project evaluation mechanisms described above.

A first mechanism for incorporating and disseminating innovations refers to the continuous revision of inspection protocols (basic routines and inspection procedures; inspection checklists, strategies and approaches) as a result of project assessments and performance evaluation. With the results of the evaluation, GMAPP could consult with the regional coordinators or experts on themes and introduce innovations and lessons learned from the projects in the revision of the protocols. The continuous review of protocols can produce a process of transmission and diffusion of innovations almost immediately from one innovative project to other cases and similar situations.

Another mechanism with great potential for dissemination of innovations is the production of case studies or "best practices" (i.e. systematized reports that contextualize a particular practice or intervention and spell out their conception, forms of use or implementation and their potential benefits for other projects). Such reports could be systematized and written by members of SIT staff, researchers from the field, or consultants, based on the material produced by the evaluation and monitoring of projects. Such reports could be disseminated through printed and electronic formats and would have three key roles: a) disseminate knowledge about labour inspection practices in Brazil; b) stimulate dialogue and reflection on means and strategies for inspection; and c) strengthen the institutional memory of the organization by recording its experiences and analysis.

Finally, it is important to note the role of training, and of continuous training, as part of diffusing learning and innovations through reflection on practice and the development of new skills and abilities.

4. Concluding Remarks

Labour inspection administration today faces the challenge of having to be more than just productive and efficient. To deal effectively with the ever-changing world of labour and production, organizations devoted to inspecting labour laws and regulations have to possess the capabilities of learning, innovating, and being flexible to develop appropriate solutions to the various contexts in which violations of workers' rights take place. In this scenario, this paper addressed a central aspect for the management of labour inspection, which is the monitoring and evaluation of labour inspection performance. Taking as reference the recent changes that have occurred in the planning and management of labour inspection in Brazil, this paper addressed different conceptions about the meaning of "performance", compared the two main approaches of performance management in public sector bureaucracies ("*optimization*" versus "*reflexivity*"), and presented some concrete examples of their application. Based on this reflection, we offered suggestions and preliminary proposals for the reform and consolidation of a monitoring and performance evaluation system in the Brazilian Labour Inspection Department (SIT).

We believe that the ideas and suggestions outlined here, while taking as references the Brazilian experience, may offer relevant insights to discussion and reform of the labour inspection services in other countries. Obviously, the historical, social and economic contexts of labour inspection services in each country create, for each of these organizations, distinct challenges and heterogeneous conditions for handling similar issues. However, since performance management is a problem common to public sector bureaucracies, the conceptual and practical discussions here developed may provide the basis for a wider reflection on alternatives to the model that became hegemonic in the past decades. If, on the one hand, managerialist approaches to public sector management represented a historical shift towards greater attention to bureaucratic performance, launching the foundations for its perception from an optimization perspective; on the other hand, the challenges faced today by public bureaucracies call our attention to the need to think bureaucratic performance in new terms, emphasizing the need for greater flexibility and reflexivity in promoting innovations and sustainable solutions to regulatory problems.

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APPENDIX I

**Graph 1:
The Impacts of Planning on Inspection Results**

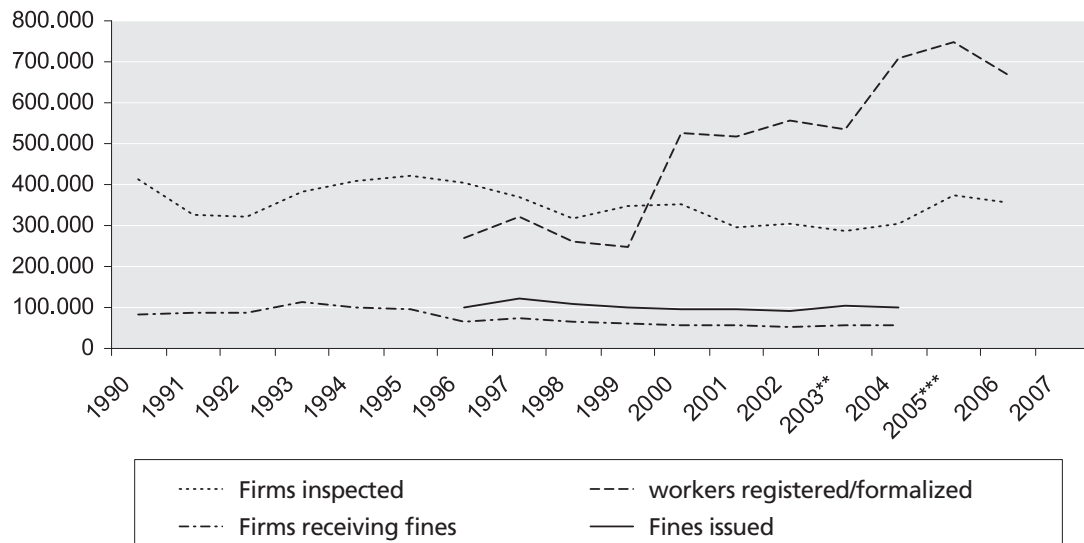
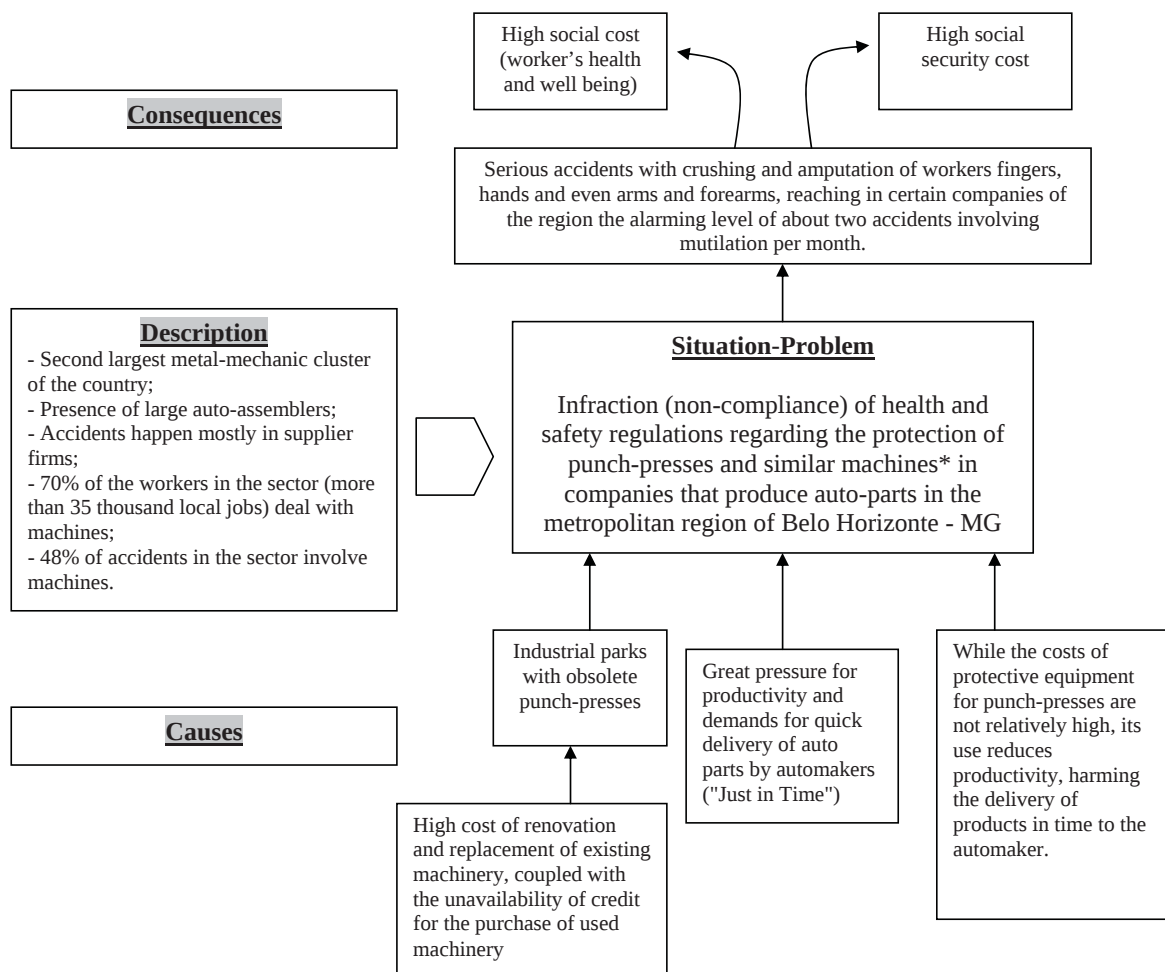


Figure 1 – Example of a “Tree of Problems” applied to labour inspection



* Note: there are four basic types of punch-presses: mechanical eccentric keyed coupling, a friction-drive spindle, eccentric mechanical clutch brake, hydraulic and pneumatic. Among similar machines the shears and press brakes are the most commonly found, used for cutting and bending sheet metal.

References:

Árvores de Problemas – Cassiolato e Guerres (2010)

Table 1: Experiments for performance evaluation based on the principle of optimization (Sources: Wedege, 2010, Lince Project)

LOCATION:	INSPECTION AGENCY:	AREAS OF ACTION:	OVERALL ASSESSMENT OF LABOR INSPECTION (LI):
Spain	Labour and Social Security Inspection (LSSI)	Labour laws of safety and health and social security (accesses and benefits)	Project Lince: information system that centralizes various databases (different providers) for planning, managing and monitoring the activities of auditors' assessment and control of the inspection. With regard specifically to the control, the system generates report data broken down by inspectors (number of inspections, notifications, etc.), regions or economic sectors.
Hamburg / Germany	Department of Health and Consumer Protection - Occupational Health and Safety (DHCP)	Safety and health (physical as well as mental); work hours; child labour; and maternity leave.	The overall evaluation of work inspection is done from goals that seek to reduce: the number of work accidents in of high-risk sectors; work-related diseases in high risk sectors; and specific risk factors. The specificity of the model adopted by the city of Hamburg is a system that divides into three the categories of potential levels of risk: A (High), B (Middle) and C (low).
Poland	National Labour Inspectorate (NLI)	Worker's safety and health; work relations; work conditions; child labour; wages; work hours; and annual dispenses.	The general evaluation of NLI's work has been for many years, based on: the number of inspections in place, the number and types of legal measures enforced by inspectors, and the effects that inspection activities have on the numbers of legal action. Today, the number of inspections is less prioritized less than the continuous improvement of workers' safety and health. Another priority is the achievement of measures based on work relations. One factor to be highlighted in the overview on the work of NLI is the efficient cooperation between the parties involved.
Singapore	Occupational Safety and Health Division / Labour Inspection System (LIS) (Ministry of manpower, MOM)	Worker's safety and health; work relations; work conditions; (specifically in the areas of civil construction, metallurgy, factories, oil refineries, semiconductor plants, and shipyards.)	Assessing the performance of the LIS is done according to the goals achieved. The sum of the results at individual firms, national, and specific programs and campaigns of the System, is used to evaluate the performance of LIS. Recognizing that other factors also influence the achievement of goals, and for being considered less ambiguous, the workers fatality rate is used to make an overall assessment of the success of LIS's activities.
Slovenia	Labour Inspectorate of the Republic of Slovenia (LIS)	Worker's safety and health; harassment; hiring illegal workers and of protected categories, work hours, wages, welfare, child labour, slave labour, and discrimination.	The LIS evaluates its performance in the three instances in which it works: companies; national; and specific to each campaign underway. Since 2004, the LIS has been monitoring safety and health in the workplace with a method called "representative samples". A questionnaire is applied randomly to labour inspectors, who with a scale of 1 to 4, evaluate the working conditions of a sample relative to 1% of employers.

APPENDIX II

Planning and Performance Monitoring Instruments

Department of Labour Inspection (SIT) / Ministry of Labour and Employment (MTE)

SIT edited Normative Instruction no. 86 in order to provide tools for managing performance of individual Labour Inspectors (AFTs) and of labour inspection projects. These tools are based on the best practices from other federal civil service organizations and observe specifically the performance of labour inspection.

In order to provide transparency to the monitoring and control of inspection work, the templates of monitoring reports provided by the normative instruction contribute positively to the flow of information and to increasing accountability on the actions of labour inspection and their agents.

The templates for progress reports and planning tools include both (a) the Project Opening Form (*Termo de Abertura de Projeto* - TAP), which aims at formally authorizing the initiation of the project and to declare all its activities and scope allowing any person, connected to the supervision or not, to read and understand what is intended by the project, and (b) the monthly, quarterly, and annual reports for monitoring the projects in each Regional Office (SRTE).

Normative Instruction No .86, and its annexes, are available for consultation at the following internet address:

http://www.mte.gov.br/legislacao/instrucoes_normativas/2010/in_20100811_86.pdf

Project Opening Form

Superintendency ____ STATE ____

Project Name:			
Project Coordinator:		CIF:	With verification digit.

PROJECT SCOPE

Objectives, General Description, and Justifications
Objectives:
General Description:
Justifications:

Specific objectives	
1º	
2º	
3º	
4º	
5º	
6º	

Numerical Targets			
Specific objective	Target Description	2011 Target	Verification Source
1º			SFIT / SITI / CPMR
2º			SFIT / SITI / CPMR
3º			SFIT / SITI / CPMR
4º			SFIT / SITI / CPMR
5º			SFIT / SITI / CPMR
6º			SFIT / SITI / CPMR

* Alteration: Do not add 2010 value to 2011. Use only the total value for 2011.

Indicators							
Indicator	Reference Index	Index expected for 2010	Index expected for 2011	Measuring Unit	Formula	Verification Source	Verification Periodicity

 Secretariat of Labour Inspection	Project Opening Form Superintendency _____ STATE _____
---	--

Strategies

CNAE	
Code	CNAE Description
With 7 Digits.	Text.

INSERT THE CNAE, copying and pasting the code and description, according to the file APOIO CNAE Subclasses.xls.

Restrictions
Restrictions – are factors that the team can not control and can not be modified during the execution of the project, such as budgetary, administrative, environmental, among others. Ex.: number of inspectors; badly-preserved roads.

Risks
Risks – are conditions that, in case they happen, can compromise or impede the realization of the project. The risks can be dealt with, mitigated, transferred, avoided, or accepted. Throughout the project, the risks must be monitored, and in case they occur, contingency measures should be adopted. Ex.: vehicle damage; budget cuts.

Project Team	
Labour Inspectors	CIF
Project Coordinator:	
Full Name of Labour Inspector.	With verification digit.

INSERT THE FULL NAME OF THE INSPECTOR AND THE CIF, copying and pasting according to the file APOIO AFT do Brasil.xls.

Other participating organizations / agencies
Lists the organizations and people directly interested and affected by the project in order to anticipate their demands and the need to establishing communication channels, example: MPT, MPE, Unions, Judiciary branch, other public servants (drivers, hygiene agents), etc.

Comments
Open field.



Secretariat of Labour Inspection

Project Opening Form

Superintendency ____ STATE ____

Monthly Project Targets

Target Description		DESCRIBE THE TARGET											
Year	2011												
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	

Target Description		DESCRIBE THE TARGET											
Year	2011												
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	

Target Description		DESCRIBE THE TARGET											
Year	2011												
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	

Target Description		DESCRIBE THE TARGET											
Year	2011												
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	



Secretariat of Labour Inspection

APPENDIX II – PROJECT MONTHLY MANAGEMENT REPORT

Superintendency _____ STATE _____

Project Name:			
Project Coordinator:		CIF:	

Numerical Targets	
Description of target in SFIT	2010 Target
-	-
-	-
-	-
-	-
-	-
-	-

Target Description		DESCRIBE THE TARGET	
Month:	Month		
Predicted	Achieved	% ¹	Target Classification ²
-	-	-	-
PROPOSALS FOR CORRECTIVE OR PREVENTIVE ACTIONS ³			
-			

Target Description		DESCRIBE THE TARGET	
Month:	Month		
Predicted	Achieved	% ¹	Target Classification ²
-	-	-	-
PROPOSALS FOR CORRECTIVE OR PREVENTIVE ACTIONS ³			
-			



Secretariat of Labour Inspection

APPENDIX II – PROJECT MONTHLY MANAGEMENT REPORT

Superintendency _____ STATE _____

LEGEND:

1 – Formula for calculation:

Formula for calculating each target:

$$(\text{Achieved} \div \text{Predicted}) \times 100$$

2 – Classification of the execution of the project's targets:

RANGE (%)	Execution Classification of Each Target
Above 100 %	Surpassed
Between 90 and 99.99 %	Achieved
Between 70 and 89.99 %	In Execution
Between 00 and 69.99 %	Not Achieved

3 – Corrective or preventive actions:

- propose corrective actions for each target classified as “not achieved,” in order to correct and adjust the project's execution for the following months.

- propose preventive actions for each target classified as “in execution”, in order to achieve the predicted target.

Project Team	
Labour Inspector	CIF
Full name of Labour Inspector.	With verification digit.

**APPENDIX II – PROJECT MONTHLY
MANAGEMENT REPORT**

Superintendency _____ **STATE** _____

Comments about Project Team

Open field.

General Comments about the Project

Open field.

**APPENDIX III – PROJECT TRIMONTHLY
EXECUTION FOLLOW-UP REPORT**

Superintendency ____ STATE

SRTE PROJECTS

PROJECT CODE	PROJECT NAME

TRIMESTER: _____

LAST TIME PERIOD ANALYZED: _____

APPENDIX III – PROJECT TRIMONTHLY EXECUTION FOLLOW-UP REPORT

Superintendency _____ STATE _____

FILL OUT FOR EACH SRTE PROJECT:

PROJECT CODE: _____

Project Name:	
----------------------	--

Numerical Targets	
Target Description in SFIT	2010 Target
-	-
-	-
-	-
-	-
-	-
-	-

Target Description		DESCRIBE THE TARGET	
ACCUMULATED			
Predicted	Achieved	% ²	Target Classification ³
-	-	-	-
JUSTIFICATION ⁴			
-			
ACTION PLAN ⁴			
-			

**APPENDIX III – PROJECT TRIMONTHLY
EXECUTION FOLLOW-UP REPORT**
Superintendency _____ STATE _____

LEGEND:

1 – Presents the result of the accumulated values of the first to the last time period analyzed by the SFIT within the respective year.

2 – Formula for calculation:

Formula for calculating each target:
 $(\text{Achieved} \div \text{Predicted}) \times 100$

3 – Classification of the execution of each project target:

RANGE (%)	Execution Classification of Each Target
Above 100 %	Surpassed
Between 90 and 99.99 %	Achieved
Between 70 and 89.99 %	In Execution
Between 00 and 69.99 %	Not Achieved

4 – Presents the justifications for each target that is still classified as “not achieved,” – and develops an action plan to improve execution levels.

Project Team	
Labour Inspector	CIF
Full name of Labour Inspector.	With verification digit.



Secretariat of Labour Inspection

APPENDIX III – PROJECT TRIMONTHLY EXECUTION FOLLOW-UP REPORT

Superintendency _____ STATE _____

Comments about Project Team

Open field.

General Comments about Project

Open field.

APPENDIX IV – PROJECT ANNUAL EVALUATION REPORT

Superintendency ____ STATE ____

SRTE PROJECTS

PROJECT CODE	PROJECT NAME

YEAR: _____

GLOBAL EVALUATION OF THE SRTE

o Financial Resources

Considering,

The financial resources accumulated during the year, in the internal plans related to labour inspection, regarding:

- Total financial resources requested by the SRTE;
- Total financial resources decentralized by the SIT and allocated to the SRTE;
- Total financial resources effectively executed by the SRTE;
- Relationship between disbursements and decentralized resources (the percentage spent in relation to the total decentralized resources by the SIT)

Analyse the financial disbursement taking into account the following issues:

- a. The financial resources provided by the SIT were sufficient to execute the planned fiscal actions? If not, explain.
- b. The level of financial disbursement (the effective expenditures of the SRT) was compatible with the physical execution and the achievement of targets?
- c. The financial resources were allocated on schedule to the inspections areas (rural inspection, child labour, occupational health and safety, etc.)?

o Human Resources

Considering,

The year regarding: Number of inspectors in inspection activities;

- oNumber of inspectors in management activities;
- Number of inspectors in process analysis;
- Number of inspectors in specific inspection groups;
- Number of inactive inspectors or inspectors ceded to other agencies for more than 30 days;
- Number of inspectors in other activities.

Analysis of physical execution, considering the following issues:

- a. The number of inspectors assigned to external activities was sufficient to execute the planned actions and reach the specified targets? Justify.
- b. The inspectors are able to work in project teams? Justify.
- c. The project coordinators or sub-coordinators were able to develop their project activities? Justify.

o Material Resources

Considering,

The year regarding:

- Total number of SRTE vehicles and the number of vehicles in usable condition for inspection, for rural (4x4) and urban environments;
- Quantity of available equipment for fiscal actions (digital cameras, video cameras, communication radios, notebooks, portable printers, among others);
- Other material resources necessary for inspection (computer equipment, supplies, etc.).

Analysis of physical execution, considering the following issues:

- a. The SRTE has enough available vehicles to carry out the planned actions?
- b. The vehicles were made available on schedule and in good conditions?
- c. The SRTE has sufficient equipment and materials for supporting the execution of planned inspection activities? Write down what materials were insufficient and how this affected the execution of these activities.

o Predicted X Executed

Considering,

The year regarding:

- oProjects;
- oPPA Targets;

Analysis of the physical execution, considering the following issues:

- a. Was the planning an adequate instrument for fulfilling the general objective of labour inspection, namely assisting in the enforcement of labour legislation and reaching the PPA's targets? Explain.

b. Fill out the table below:

Target Description	Numerical Target		
	YEAR TOTAL	Values Reached by the Projects	Values Reached Outside the Projects
Registered Worker			
Handicapped worker included			
Apprentice included			
Rural Worker Registered			
OHS inspection executed			
Registration of Child and Teenager			
FGTS collected			
Finished Processes			

- c. The quantity of projects planned by the SRTE is adequate? Justify.
- d. What are the main obstacles faced by inspectors during the project execution phase?
- e. What are the main positive aspects identified during the project execution phase?



Secretariat of Labour Inspection

APPENDIX IV – PROJECT ANNUAL EVALUATION REPORT

Superintendency _____ STATE _____

EVALUATION OF EACH PROJECT

FILL OUT FOR EACH SRTE PROJECT:

PROJECT CODE: _____

Project Name:	
----------------------	--

Numerical Targets		
Target Description in the SFIT	YEAR: _____	
	Predicted	Achieved
-	-	-
-	-	-
-	-	-

Indicators for the YEAR: _____						
Indicator	Measuring Unit	Formula	Verification Source	Reference Index	Index expected for the YEAR	Index Verified for the YEAR

a. Was this project continued the following year?

- ☐ YES
☐ NO

JUSTIFY:

b. Regarding the Scope of the Project:

Is it clear why this project was executed?

- ☐ YES ☐ NO

JUSTIFY:

APPENDIX IV – PROJECT ANNUAL EVALUATION REPORT

Superintendency _____ STATE _____

Was this project's goal clear? ☐ YES ☐ NO

JUSTIFY:

Is there any recommendation for the scope?

C. Regarding Specific Objectives

Are this project's specific objectives clear? ☐ YES ☐ NO

Are the specific objectives measurable? ☐ YES ☐ NO

If not, what specific objective is not measurable?

All objectives have a corresponding target/indicator? ☐ YES ☐ NO

If not, what specific objective does not have a corresponding target? JUSTIFY

If not, what specific objective does not have a corresponding indicator? JUSTIFY

d. Regarding Strategies

Were the strategies conducive to reaching the project's objectives?

☐ YES ☐ NO

Is there any recommendation for the strategies?

APPENDIX IV – PROJECT ANNUAL EVALUATION REPORT

Superintendency _____ **STATE** _____

--

e. Regarding the CNAE

Was any CNAE relevant to the project not listed?

☐ YES ☐ NO

Is there any CNAE which should be included or removed?

f. Regarding Restrictions

Did the listed restrictions hamper the project's execution?

☐ YES ☐ NO

Is there any recommendation for the restrictions?

g. Regarding Risks

Did the listed risks hamper the project's execution?

☐ YES ☐ NO

Is there any recommendation for the risks?

h. Regarding the Project Team

Were there many alterations in the project team?

☐ YES ☐ NO

Was the Project Coordinator or Sub-coordinator frequently substituted?

☐ YES ☐ NO

Is there any recommendation for the project team or coordinator?

i. Regarding the other participating agencies/organizations

Have the other participating agencies/organizations contributed to the project?

☐ YES ☐ NO

Is there any recommendation for the other participating agencies/organizations?



Secretariat of Labour Inspection

APPENDIX V – FINAL PROJECT REPORT

Superintendency _____ STATE _____

SRTE PROJECTS

PROJECT CODE	PROJECT NAME

Period: _____

GLOBAL EVALUATION OF THE SRTE

1 Executed Projects.

The analysis of the projects executed by the SRTE is used to verify the demands already met by the SRTE in a specific time period.

1.1 Obligatory Projects History

	Obligatory Projects	Check (x) – if executed			
		YEAR	YEAR	YEAR	YEAR
1					
2					
3					
4					
5					

Table 1 – Obligatory Projects.

1.2 Local projects History

	Local Projects	Check (x) – if executed			
		YEAR	YEAR	YEAR	YEAR
1					
2					
3					
4					
5					

Table 2 – Local Projects.

2 Main results of the projects.

Fill out the table below with the main results of each project and what contributions they made to labour inspection and society, describe each project.

This evaluation can be characterized as: BEFORE, done before the implementation of the project, and describes the previous state of the economic sector or theme; and AFTER, what were the main achievements of each project after it was executed.

It normally measures results and impact, and requires researching primary information about the target audience, in case the programmes do not include a developed monitoring system.

FILL OUT FOR EACH SRTE PROJECT:

SRTE PROJECT	
PROJECT CODE	PROJECT NAME
MAIN RESULTS	
BEFORE	
AFTER	

3 Good practices acquired during the projects' execution.

Fill out the table below with good practices carried out by the SRTE while executing each project.

FILL OUT FOR EACH SRTE PROJECT:

SRTE PROJECT	
PROJECT CODE	PROJECT NAME
GOOD PRACTICE	

4 Questionnaire:

Evaluate the work process by project in the specific time period, giving a rating from 0 to 10 in each following item, and then rate its ongoing evolution:

A) DEVELOPMENT OF THE PROJECT TEAM		Rating:	
DEGREE OF EVOLUTION			
☐	Better every year		
☐	Slightly better every year		
☐	The same every year		
☐	Worse every year		
☐	Much worse every year		

B) QUANTITY OF PROJECTS PLANNED BY THE SRTE		Rating:	
DEGREE OF EVOLUTION			
☐	Better every year		
☐	Slightly better every year		
☐	The same every year		
☐	Worse every year		
☐	Much worse every year		

C) CLARITY AND CONTENT OF PROJECTS		Rating:	
DEGREE OF EVOLUTION			
☐	Better every year		
☐	Slightly better every year		
☐	The same every year		
☐	Worse every year		
☐	Much worse every year		

5 Final Comments

Fill out the table below with final comments about this time period.

FINAL COMMENTS



International
Labour
Organization



Secretaria
de Inspeção do Trabalho

Ministério
do Trabalho e Emprego

