



Evaluation Summaries

Support to Promote and Apply ILO Convention No. 111

Quick Facts

Countries: The Peoples Republic of China

Final Evaluation: 9-23 May 2010

Mode of Evaluation: Independent

Technical Area: NORMES

Evaluation Management: *Regional Programming Unit, RO-Bangkok (Pamornrat Pringsulaka)*

Evaluation Team: Ms. Hariette Mingoen, Teamleader; Ms. Youli Ge, National evaluator

Project Start: 1 May 2008

Project End: 31 May 2010

Project Code: CPR/07/04M/NOR

Donor: Norway, US\$ 646,711

Key Words: *Discrimination, ILO Convention, Equal rights, China, ILO Convention 111*

Background & Context

Summary of the project purpose, logic and structure

The ILO project 'Support to promote and apply Convention No.111' came into being at the request of the Chinese government, to work with the ILO in developing strategies to effectively implement Convention No. 111, that China ratified in January 2006.

The project seeks to support the government of China in implementing and monitoring the application of ILO Convention No.111 by (i) creating nation-wide awareness and understanding of the Convention among those involved in labor policy formulation and implementation, and (ii) assisting provincial and municipal level labor chapters with more practical sector specific and target group sensitive technical support.

Through interventions at both levels it is aimed to achieve the following outcomes:

- (1) Strengthened capacity to promote equal employment opportunity and treatment throughout the country within the Ministry of Human Resources and Social Security (MOHRSS) and other organizations with a mandate for labour market policy formulation and implementation; and
- (2) Working women and men, particularly those facing multiple forms of discrimination such as migrants and ethnic minorities, are able to enjoy equal employment opportunity and treatment, without discrimination based on gender, ethnicity, age, health, social status, or any unrelated variables.

The **first** dimension of interventions is to provide training on the concepts and issues around employment discrimination to labour officials at the national and sub-national levels. The idea is to strengthen the capacity of the MOHRSS and other organizations to: 1.Promote equal employment opportunity and treatment throughout the country; and 2. Encourage, and where applicable, amend and monitor the implementation of the respective rules and regulations.

The **second** and complementary dimension is to strengthen the technical capacity of provincial and local labour departments in the practical application. This would allow more ground level implementation, monitoring and evaluation of the legislation around Convention No.111.

Project structure

Key partners are the ILO, the Ministry of Human Resources and Social Security (MOHRSS), the Embassy of Norway, the Norwegian Human Rights Center, All China Federation of Trade

Unions (ACFTU) and China Enterprise Confederation (CEC).

The **Project Office**, a joint responsibility of the ILO Beijing Office and MOHRSS, is responsible for project implementation, with a Project Manager who is responsible for the day to day operations of the project.

A **Project Steering Committee** composed of representatives of the key partners as the decision making body of the project. The Project Office reports to the PSC.

A **Project Expert Group** supports project implementation. Experts come from research and education institutes and Federations and State Commissions representing women, ethnic minorities, disabled, religious beliefs etc.

These institutional arrangements appear to be very effective. The participation of key partners in the PSC is perceived as active and stimulating. Stakeholders have contributed to the project by mobilizing their own network and resources for the activities under the project and are committed to continue raising awareness at their level.

Present situation of project

The project started 1 May 2008 and is to end on 31 May 2010. Within the life span of two years the project:

1. Conducted nine trainings including 3 regional trainings, 1 national level training, 2 trainings of employers, 1 training of trade unions, 1 training of trainers, 1 training for hotlines, among these 288 participants from the tripartite partners and other social partners from 21 provinces;
2. Developed the training manual/handbook on Convention No.111;
3. Established a knowledge base comprised of an on-line resource platform and project newsletter;
4. Conducted a research review on non-discrimination and equality in employment;
5. Conducted national seminars related to improvement of national laws on gender equality, i.e. equal retirement age of men and women, revision of regulations on labour protection for women workers and work and family responsibility.
6. Conducted media review on role played by media and strategies to improve the

effectiveness of media's role in equality promotion

7. Conducted activities on the prevention of sexual harassment in the workplace including a sample survey, development of company policy and manual for workers and management.

A request for a no cost extension to the end of September 2010 has been up submitted to the donor. The extension will allow the project to conduct two more training; to finalise material resources developed under the project such as a research review, a study and manual on sexual harassment and a training package on Convention No.111 and to continue the resources website.

Purpose, scope and objectives of the evaluation

The purpose of the independent final evaluation is to assess to what extent (i) progress has been made in achieving the project's outcomes and (ii) how the project outcomes have contributed to implementing the Decent Work Country Program in China with a focus on (i).

The evaluation **scope** is to track project implementation and to identify the project achievements and challenges, and assess the need for continued support to further the application of Convention No.111 in China through technical cooperation with the ILO.

Methodology of evaluation

The evaluation visit to China was scheduled for 5 days. Methodologies comprised a combination of interviews with key informants from the implementing partner organizations; focus group discussions; telephone interviews with provincial officials; review of material resources and papers produced and review of project documents. The ET held 2 focus group discussions with (i) participants who attended the national level training in Beijing and who were trained as trainers and (ii) a group of experts.

Main findings and conclusions

Strength

1. The project seems to be the first of its kind in China, by which the government is taking a series of actions on the application of a Convention

shortly after ratification. No other Convention has received this prompt attention before.

2. The project is widely welcomed, as it is relevant in the context of China that is characterized by most respondents as a highly stratified society where unequal behavior and attitudes are deeply rooted and accepted as part of culture. Development has benefitted many people economically, but has not changed their social status.
3. The project is in line with the priorities set out in the Descent Work Country Program, particularly the priorities related to (1) promoting employment, employability and reducing inequalities with focus on unemployed and internal rural migrants and (2) promoting workers rights and fundamental labor principles and rights. Together with other ILO interventions, the project contributes to achieving the outcomes of the DWCP.
4. The Convention is a state's responsibility and since ILO is working together with the government, the project is perceived as strong in potential to ensure that the government will act as enforcing agent.
5. The project is supported strongly by all stakeholders. Stakeholders contributed to project activities by mobilizing their own network and resources are committed to continue raising awareness at their level.
6. The project reached multiple levels, national and provincial and a wide geographic coverage, 21 provinces and regions where certain grounds of discrimination are more rampant, e.g. minority, disabled, rural and urban origin of birth etc.
7. The project has brought various society groups, policymakers, professionals and academia of different backgrounds together. It has facilitated working together, exchange and networking.
8. The use of national experts and their contribution to the project is regarded

as exemplary and a great achievement of the project. This pool of experts can further serve as a resource for future project activities and for those seeking advice on discrimination issues.

9. Training is highly valued by all informants, as it contributes to a deeper understanding of discrimination and the wider implications of the Convention.
10. The training manual and handbook have been applauded by all informants for its methodology perceived as innovative for China; the wealth of information; adequate attention to all disadvantaged groups: women, ethnic minorities, disabled and migrant workers and opens eyes about existing labor laws affecting them; cases reflect the real issues; manual can be used and adapted for own training.
11. There is great interest and demand for training. Training targets have been surpassed. A larger number of provinces of persons (308) from government, trade union, employers federation, employers and other partners, the majority (288) coming from 21 provinces, have been sensitized and provided with tools, some for the second time during a course for trainers.
12. Important resources have been produced, which if properly managed, could have a long lasting impact.

Areas needing improvement

1. The primary objective of the project is to assist the PRC in putting the newly ratified Convention No. 111 into practice and reporting on the implementation. The evaluation found that the project has addressed the immediate needs to raise awareness, increase knowledge and advocacy, but the envisaged more practical interventions, with sector specific and target group sensitive institutional capacity building and technical support, are yet to take place.

2. Indicators of achievement have been found to be unrealistic and overambitious in view of the short duration (two years) of the project and baselines that were not available. Output 2.1 and related interventions contain discrepancies related to the administrative level of interventions.
3. Monitoring and evaluation have not been conducted as stipulated in the project document. M&E is limited to progress reports, activity reports and pre- and post evaluation of training. No M&E system has been put in place to monitor outcome and impact of the project interventions at the level of stakeholders as well as the impact of the various project activities on the situation of migrant and women workers, and workers from ethnic minority backgrounds as envisioned in activity 2.2.4 of the log frame. This is found to be a major shortcoming in view of the objective of the project.
4. Participants who have been trained to become trainers will not be in the position to conduct training as training is not in their mandate. Most of them do not feel confident or resourced enough to conduct training. The training served as a venue for personal awareness on equality and non-discrimination. This is a lesson for future training activities. Attention should be given to criteria and selection of participants.
5. There is a need to secure the sustainability of the valuable material resources developed under the project, such as the training manual and the resources website.

Conclusion: The project has invested much in raising awareness and in developing knowledge resources, to support a much wider dissemination of knowledge, awareness and advocacy on Convention No.111. It can be said to have largely complied with the first dimension

of interventions. It has largely achieved the outputs under outcome 1, though it fell short of accomplishing activities targeting persons involved in employment dispute settlement. The project has not complied with the second dimension of interventions and has not achieved the outputs under outcome 2. The envisioned technical support to local government labor chapters has not been delivered. A few interventions targeting local level constituents have just been started.

The investments laid a good foundation to build on and therefore justify continuation. Continuation will enable the ILO to support MOHRSS to carry on with policy reforms and the most needed outreach to the local labor chapters with technical support for the benefit of the ultimate beneficiaries of the project. Discontinuation at this point in time would limit the impact severely and would imply that the investments in knowledge resources will be wasted. All knowledge resources are in the stage of finalization and reproduction and issues related to sustaining these resources still need to be resolved.

Main recommendations and follow-up

The evaluation recommends an extension to enable the project to complete and consolidate the good work that has been started as well as to carry out interventions at provincial and municipal level to ensure implementation of the Convention. Recommendations at both project and policy level are:

To the ILO Beijing Office

1. Review and redefine indicators, outcomes, outputs and interventions taking into account lessons learned and the differences in mandates and responsibilities of authorities and institutions at national and provincial, municipal level. Ensure that there is a causal link between indicators, outcomes, outputs and interventions,

- achievable and measureable, within the time span of the project.
2. Make visible how Convention 111 reinforces the Employment Promotion Law (EPL) and how project interventions contribute to support the Chinese government in EPL implementation to gain wider support and impact.
 3. Include M&E in budget, capacity and interventions.
 4. Review the knowledge resources taking into account the ET findings and include interventions to complete, consolidate and sustain these resources.
 5. Ensure proper follow-up to accomplished interventions to build on momentum and enthusiasm.
 6. Effectively use the group of national experts for training and outreach at the provincial and municipal level.
 7. Reconsider targets for TOT and ensure proper selection of trainees. Strategize training, whom to train to achieve outcomes.
 8. Target awareness raising to stakeholders and other important actors 'down- stream' to reach the ultimate beneficiaries of the project.
 9. Develop tailor made hand-out materials (leaflets, folders, brochures) for use by local level MOHRSS, employers, trade unions, companies and other stakeholders to support their awareness raising activities.
 10. Include interventions to deepen the understanding of the difference and the linkages between promoting gender equality at work and protection of women workers. Ensure that this is highlighted in the forthcoming guideline for employers developed under the Gender Equality project.

To MOHRSS

11. With close involvement of provincial and municipal MOHRSS and with local chapters of CEC and ACFTU, make transparent for the ILO what is needed to make a change at the local level, for the design of appropriate interventions under the extension of the project.
12. Take policy measures that create an enabling environment to support stakeholders' interventions at the lower levels of administration as well as at workplace

To MOHRSS, ILO and other tripartite partners

13. Addressing discrimination at its root cause will contribute to efforts against discrimination in employment and occupation. It is recommended that parties beyond the present stakeholders and tripartite structure be reached, such as the State Council, National People's Congress, Ministry of Justice, State Education Commission etc. by the project's advocacy and social campaign.
14. Ensure involvement and participation in project activities by technical departments within the tripartite partners. They prepare policies and regulations and therefore are best positioned to incorporate non-discrimination into their work.
15. Efforts to support China in developing a functional national mechanism to effectively implement the Convention and the Employment Promotion Law (EPL) should be the centre of attention of this or future projects. Capacity building, training and policy discussion should be designed around this critical issue.
16. Make transparent and develop practical hand-outs for the ultimate beneficiaries of the project, giving guidance on what to do in case of

violation of their rights under the provisions of CEPL.

To ILO and CEC

17. To stimulate employers to comply with Convention No.111 and with EPL, consider an alternative approach to eliminate discriminatory practices. Rather than emphasizing discrimination, which has a negative connotation and could make employers decide not to join training, a better approach could be to emphasize corporate social responsibility and what it takes to be social responsible enterprises. This is in line with the government's agenda to bring about a balanced development between economy and society (11th Five Year Development Plan and ILO DWCP China).

To the donor, the government of Norway

18. Consider funding an extension of the project, for reasons that the project has not accomplished all ambitions, but has gained momentum and has established a good base to build on. An extension will contribute to achieving the broader agenda in the bilateral relations between Norway and the Government of China that emphasizes human rights, including worker's rights.

Lessons Learned and Good Practices

Lessons

- The validity of project design in terms of indicators and the causal link between outcomes, outputs and activities, achievable and measurable, within the lifetime of the project, is of crucial importance.
- The ownership and future of the website/resources platform should ideally have been agreed upon among the partners before its creation.

- Strategic selection of participants for training is essential to get the right persons to attain the outcomes of the project.
- Training alone without policy support is not effective in promoting change at provincial level.

Good practices

- The multi-sector collaboration model beyond the traditional tripartite structure is exemplary given the multi-faceted nature of discrimination in China.
- The involvement of national experts, including from Federations and State Commissions representing women, disabled, ethnic minorities, to work in teams has generated great interest for the issue of discrimination in employment. This can be put to serve an extended version of this and other related projects of the ILO and for anybody in China seeking advice on this issue.
- The resources website is an innovative way to reach out to a wider audience. If maintained properly, it could have a long lasting impact to function as a media that turns the project materials into public knowledge.
- The appealing training and training manual that triggered immediate action by key partners and other stakeholders, resulting among others in demands for training and other aids (guides etc.).