



Evaluation Summaries

Evaluation: Ukraine - promoting fundamental principles and rights at work

Quick Facts

Country: Ukraine

Final Evaluation: December 2005

Mode of Evaluation: independent

Technical Area: Social Dialogue

Evaluation Management: Europe

Evaluation Team: Steve Gibbons, Wael Issa

Project Start: August 2001

Project End: May 2006

Project Code: UKR/01/51/USA

Donor: United States (US\$ 2,300,140)

Keywords: fundamental principles, declaration, labor law, tripartism, social dialogue, labor inspection, labor administration, workers, employers

Background & Context

Project Background: Conceived and developed in the first half of 2001 by the United States Department of Labor (USDOL) and the International Labor Organization (ILO), this project is designed to promote respect for the fundamental principles and rights at work in Ukraine. By the end of the project:

- the labor law reform effort will have been assisted by providing technical assistance to a tripartite group drafting a new labor code and industrial relations laws. The project will assist in introducing and shepherding the laws through the parliamentary process.
- the labor inspection system will be functioning more efficiently and

effectively through the training of inspectors, the implementation of a new computer system to store analytical and statistical data and the creation of consultation desks for the public.

- the practice of freedom of association and collective bargaining will have been improved by providing a better understanding and addressing issues regarding representatively, and providing assistance to improve collective bargaining practices of both labor and employer organizations.

Evaluation Context: the purpose of the final evaluation was to: determine if the project has achieved its stated objectives and explain why/why not; assess and document the effects of project activities and outputs on target groups; assess the likelihood of sustaining project outputs; report on lessons learned and best practices. In addition, the project evaluation team has sought to identify circumstances where the project has had a wider impact than assumed in the beginning and to identify circumstances where the conception of aspects of the project could have been focused differently.

Main Findings & Conclusions

Validity of the project strategy, objectives and assumptions: According to many stakeholders the project was firmly grounded in the requirements of the country and the difficulties that were likely to be encountered. All of the indicators from stakeholders and outcomes of the project suggest that the

strategy adopted, particularly the placing of tripartism and dialogue at its heart, was both appropriate and well executed. There were some assumptions about the project, which have proven to be misplaced, however. This is particularly so in relation to assumptions about the timescale for the implementation of a new labor code and the planned number of events which the project should be organizing throughout any given year. The one major change that took place in the project was that the original gender component was modified after the mid-term evaluation and this appears to have been considered the appropriate course of action.

Impact on key actors / target groups: An essential part of a project of this kind is to work with all of the major stakeholders, including government, trade unions, employers, the Labor Inspectorate, national bodies responsible for labor relations, parliamentarians and the academic community. There is evidence of substantial impact of the project on all of these target groups, in particular the tripartite group of government, trade unions and employers. All have participated in numerous training events and conferences, both as participants and organizers. All have received – and often participated in the development of – publications, research materials and other documents. The tripartite group has been profoundly involved in the process of drafting the labor code. The Labor Inspectorate has been the recipient of training, materials and material support in the form of the implementation of a new computerized system for tracking labor rights violations. Further, organizations such as the National Conciliation and Mediation Service have received important training and support from the project.

Final implementation status: The key objective of assisting labor law reform has yet to come to fruition, in the sense of the adoption of a final version of a new law. Further, the project has delivered on most of

the key objectives set in relation to law reform. Similarly, while there is room for a great degree of future development in the sphere of social partnership, the project has contributed substantially to both the development and capacity of the social partners themselves and, importantly, the relationship between them. Finally, with regard to both the reform and the increased efficiencies within the Labor Inspectorate, there are clear indications that this institution has benefited enormously from the support and professionalism of the project through training, materials and consultation, as well as the material support in the form of a new computerized system.

Sustainability of project results: Key to the project's sustainability plan are: working with other stakeholders; the production of high-quality guidelines and publications; training of trainers to pass on learning gained in the project to a wider group of stakeholders; obtaining of further funding to continue work. The project has worked with a wide range of stakeholders – particularly trade unions and employers' organizations. As a result, several of these stakeholder organizations have either used project materials and training courses in their own context or developed new materials or courses based on those created by the project. As a result, key outputs from the project will be replicated in the medium to long term. The work with the unions and employers has also been based on the building of their capacity to participate in the expected activities of such organizations. A number of trainers have also been directly trained by the project to disseminate learning from the project.

The Labor Information Center may also be a future resource which is sustainable, but some of the difficulties that have beset the Center in the past need to be overcome first. If the issues around access and ownership of the center can be resolved, then the collection of materials and information that has been established in the Center provides a sustainable resource for the study and development of labor rights.

Finally, the project has obtained further funding to continue aspects of its work, with other aspects of the work being taken up by the Swedish-funded project, Labor Market Dialogue.

Effectiveness of project performance monitoring: The use of a strict performance management plan obviously has advantages to the control and analysis of progress of ongoing work, however the usefulness of some of the indicators in this project's management plan must be open to question, this has partly been a result of the somewhat fluid nature of the outcomes due to external factors affecting the project's performance. It must also be said, however, that the perceived lack of usefulness of the performance management statistics – or the inability to collect some of the statistics – has led to very little evidence of the project's day-to-day activities being affected by the performance management framework.

Recommendations & Lessons Learned

Lessons Learned: There are a number of lessons that can be taken from the project. In relation to the reform of labor law, it may be that the project should have constituted this as a discrete separate project. However, in any event the manner of working adopted by the project, namely working at all times with a full range of social partners, is one which has clearly led to real results and trust in the project. It may well be that this should have been continued during the parliamentary process, to the extent that is possible in such circumstances.

The responsibilities and control of the Labor Information Center should definitely have been much more clearly established at the beginning of the project. Its exact role during the latter part of the project is open to question. There are serious questions about whether the Center would be best located somewhere other than the Labor Ministry.

In relation to the Labor Inspectorate, there were clear gains made in the work of this organization, following the trip made to

consider the way in which the Polish inspectorate works. This seems to have had a greater impact on the inspectorate than a number of conferences and other interventions. It may be that there would have been real benefits from sending the inspectors on an international trip earlier in the project.

Much of the activities of the project in relation to collective bargaining and freedom of association have been concentrated at national and regional level, while it is important to gain respect of the social partners at a high level, and this has been achieved to a substantial degree. The collective bargaining element of the project could perhaps have been extended to cover enterprises and regional unions to a greater degree than it has. This could have involved more training of trainers.

One very positive lesson from the project relates to the clearly defined strategic partners in terms of the various trade unions, government bodies, employers and quasi-state bodies such as the National Conciliation and Mediation Service. The project has been able to utilize seminars and other resources provided by the partners to benefit the project's outcomes.