



THIRD ITEM ON THE AGENDA

Evaluation

Independent evaluation of the ILO's strategy to support member States to improve the impact of international labour standards

Introduction

1. The setting and supervision of international labour standards (ILS) date back to the origins of the ILO and remain an essential component of the international framework for promoting social justice and economic development through improving rights at work, livelihoods, security and decent work opportunities for men and women.
2. The ILS are intended to guide national laws, policies and practice at the international, national, local and enterprise levels. They engage the ILO and member States in policy dialogue and technical cooperation to resolve the issues related to the application and effective implementation of standards.

Methodology

3. The purpose of the evaluation was to analyse the ILO's strategy to support member States to improve the impact of ILS from 2000–06. The evaluation was conducted in line with the ILO's evaluation framework, endorsed by the Governing Body in November 2005 (GB.294/8/1(Rev.)).
4. In accordance with ILO guidelines for independence, credibility and transparency, the responsibility for the evaluation was based in the Evaluation Unit. The evaluation was supported by evaluation officers and independent consultants who had no prior links to the strategy.
5. In mid-2007, information used in the evaluation was collected from three main sources: a desk-based review on selected country case studies, programme documentation, previous reviews, and evaluation studies; interviews in the ILO and telephone interviews; and field missions to South-East Asia and eastern Africa.

6. The predominant limitation relates to the fact that ILS are widely spread in terms of the involvement across the Office and the many forms in which they are manifested. These could not be studied comprehensively and there was heavy reliance on official documentation, which is a form of self-reporting.

Key findings and recommendations ¹

Strategy design

7. The strategy is set out in the Director-General's Programme and Budget proposals for the biennium 2006–07 (GB.292/PFA/8(Rev.) paras 188–191). The document makes mention of improving the dialogue between the supervisory bodies and governments, an effective programme of advice and information, providing better information and training, and further development of standards-related databases and data-processing capacity.
8. Operational objective 1b has been linked to the strategy: International labour standards and the standards supervisory process influence legislation and policies of member States for achieving decent work and international development goals.
9. Progress toward the objective is measured by Outcome 1b.1: Constituents in member States have better knowledge of ILO standards and have improved capacities to support implementation of standards in accordance with national priorities, benefiting from the ILO supervisory mechanisms and assistance provided by the Office.
10. Despite a review by the Quality Assurance Mechanism, the evaluation found a number of design shortcomings that may have limited the Office's ability to implement the strategy. For example, the strategy, as contained in the programme and budget, is somewhat poorly stated. The lack of explicitness precluded the objective and outcome from being well operationalized. As a result, the indicators are less useful than they might have been for assessing the impact of the strategy. Effective policy strategies are clearly stated and well operationalized – including SMART indicators. ²

Strategy implementation

11. Implementation of the strategy has been shared across many parts of the ILO. However, the International Labour Standards Department (NORMES) has anchored the strategy administratively and technically. Additional support has come through the ILO standards specialists posted in field offices and specialists from other technical units working to support specific Conventions. The strategy is anchored by the following five components:
 - Keeping the body of standards relevant and up to date.
 - Supporting improved supervisory processes.
 - Improving national capacities for ratification and implementation.
 - Extending the visibility and support for ILS.

¹ More details on the assessment and evaluation findings and conclusions can be found in the annual evaluation report 2007–08 (GB/303/PFA/3/1). Hard copies are also available on request.

² Specific, Measureable, Appropriate, Reliable, Timely.

- Influencing national and international policies.
12. In the following sections, each component of the strategy will be examined in light of relevance, effectiveness, efficiency and sustainability.

Keeping the body of standards relevant and up to date

13. As of 2008, there are 188 Conventions, 198 Recommendations and five Protocols dealing with every aspect of work life. The body of ILS requires periodic review and revision. When they become out of date for member States that have ratified them, they are denounced. The Office reports that over the last ten years there have been 125 new ratifications of revised Conventions and 224 denunciations of corresponding older Conventions. The large number of Conventions has created a situation in which the Organization's capacity to keep standards fully relevant and up to date is being stressed. The situation has been exacerbated by resource constraints within the Office.
14. The Office has made progress in terms of analysis, providing support, innovative Convention development and streamlining of standards. Of the 22 Conventions identified for revision, most of them have already been revised with the adoption of new instruments. Only three Conventions concerning night work for young persons remain and have been presented to the Governing Body for consideration in a possible instrument concerning child labour.
15. A report by the Committee on Legal Issues and Labour Standards (LILS) of November 2005 laid out a further series of steps to prioritize countries and Conventions for targeted promotion campaigns. The Office reported progress being made in the March 2007 LILS report. For example, the innovative Maritime Labour Convention, 2006, consolidates and modernizes 70 instruments (37 Conventions). However, more needs to be done in order to bring the workload under control.
16. **Recommendation 1: The strategy for implementing ILS can be enhanced through the International Labour Conference and the Governing Body paying special attention to updating existing Conventions, developing innovative forms (such as the structure of the Maritime Labour Convention, 2006), and adopting new relevant Conventions.**

Supporting improved supervisory processes

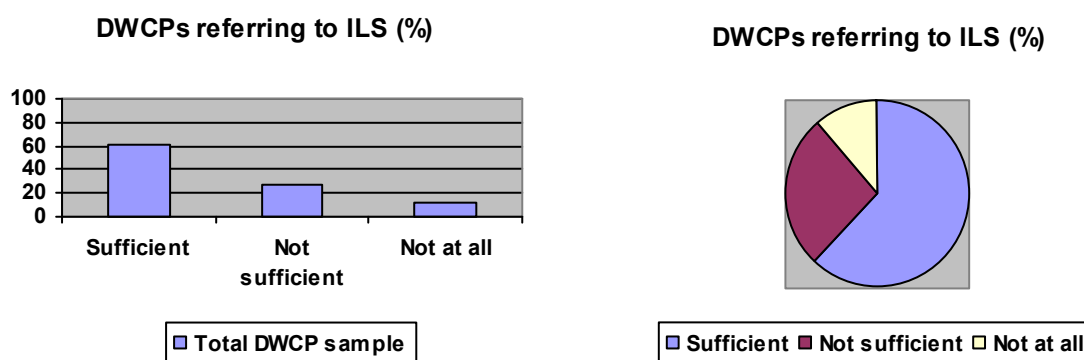
17. The regular ILS supervisory system consists of the independent Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards. These Committees regularly examine the application of ILS in ILO member States.
18. In 2004, the Office facilitated a constructive review of the standard-setting and supervisory system over the previous six years. The review found that the monitoring system used for supervision faces significant challenges in handling the significant workload and still maintain the flexibility to provide information on the barriers to compliance in complex and varied circumstances. It also found that the reporting requirements are considered by some countries to be onerous. For instance, during one period, less than 30 per cent of the reports were received before the set deadline. The situation has since improved.
19. Based on the results of the review, the Office has taken steps to progressively widen the reporting cycle. It has also decreased the requests for detailed reports by identifying a group of Conventions for which reports are required less frequently than others. However,

data collected during the evaluation suggest that the workload remains a constraining factor.

- 20. Recommendation 2: The continuing discussions in the Committee on Legal Issues and International Labour Standards should address the issue of capacity and be directly linked to improvements in the system. In addition, the Office should prepare time series data and detailed analysis of workload trends. These data should be linked to benchmark thresholds of resource capacity that can be adjusted to match projections for the future.**
- 21. The current workload of the Office is primarily directed to supporting the supervisory system at the expense of other priority work within this strategy, the absence of which is felt at country level. The Office should review the share of resources that it commits to each strategy component and identify means of integrating Office-wide support efforts at country level.**

Improving national capacities for ratification and implementation

- 22.** At the national level, the Office works through four mechanisms to build capacity and advocate for ILS. First, standards specialists play a hands-on role in building capacity in the field. Second, technical cooperation, in its many forms, influences the ratification and implementation of standards. Third, headquarters and field specialists give support to national partners as part of the follow-up to comments from the supervisory process. Fourth, Decent Work Country Programmes (DWCPs), the poverty reduction strategies (PRSs), and the UN Development Assistance Framework (UNDAF) all integrate standards to a greater or lesser degree.
- 23.** The evaluation found that standards specialists in the field take on high priority issues but often have to cover as many as ten countries. They are inundated with requests and, in the absence of sufficient funding, provide advice as best they can to individual member States and work with their programming colleagues in a variety of ways to put ILS centre stage.
- 24.** In addition, the evaluation found that ILO staff who work on technical cooperation projects are good advocates for integrating standards. As would be expected, this is strongest in the projects related to the Declaration on Fundamental Principles and Rights at Work. IPEC's work in promoting the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Minimum Age Convention, 1973 (No. 138), is an example of how technical cooperation can effectively promote the Conventions and build national capacities for implementation.
- 25.** The evaluators reviewed the materials submitted by NORMES and these show that, in addition to promotional activities, the Office does follow up priority issues as identified in the supervisory process. Unfortunately, resource and workload constraints on NORMES staff mean that they cannot visit the field as much as they would like. However, when NORMES staff do visit the field, their assistance is considered to be valuable. High-level missions were found to be particularly effective.
- 26.** Lastly, the evaluation found that ILS are not frequently mentioned in the PRS and UNDAF. It appears that the DWCPs offer the best opportunity to ensure that ILS are fully expressed in national development frameworks. However, in order for this to happen, the Office must come to terms with the need to promote a wider understanding of the role of ILS in the work of all departments and seek ways to ensure that ILS can be more visibly and substantively integrated into DWCPs (see charts below). Opportunities might include targeted training, capacity building, or monitoring progress.



Tables based on an ACTRAV study entitled *Decent Work Country Programmes at a glance*, published 7-2-2007.

- 27. Recommendation 3: The Office needs to make an inventory to better track how DWCPs are addressing and integrating ILS into the performance aspects, including through monitoring and review. In addition, the Office should lay out a strategy for more strongly advocating the importance of ILS in United Nations reform processes and the mainstreaming of human rights approaches in United Nations programming.**

Extending the visibility and support for ILS

- 28.** The NORMES department has developed an infrastructure with various instruments and platforms for facilitating the dissemination and utilization of standards-related information. The most important are: (a) databases produced and maintained by NORMES, (b) information publications, and (c) the ILS web site. There are also four databases with a wide range of information: ILOLEX, APPLIS, LIBSYND and NATLEX. The LILS review noted that these databases are “the most visited department-specific information products of the ILO, with over 1 million external user requests per month”.
- 29.** The evaluation found that many of the documents contained in the databases are perceived as being legalistic in nature. The information contained in the documents may be of limited usefulness to users who are not legal experts. One of the keys to extending the visibility of ILS may be developing new formats and products that appeal to a wider range of users. The ILO’s technical departments would be a valuable resource for format and product development.
- 30.** Managing and constantly updating the documents in the database have proved to be a challenge for NORMES. NATLEX was recently upgraded; however, APPLIS, LIBSYND and ILOLEX are in need of major upgrading and technological investment in the coming years. Since there has been a reduction in resources available for these services, external resource mobilization may be necessary.
- 31. Recommendation 4: The Office should consider a more active role for technical sectors in promoting ILS, mainly by providing information and technical references that are usable to the wider public.**

Influencing national and international policies

- 32.** The bulk of new employment in recent years, especially in developing and transition countries, has been in the informal economy. It is estimated that informal employment comprises about 65 per cent of non-agricultural employment in developing Asia, 51 per

cent in Latin America, 48 per cent in North Africa, and 72 per cent in sub-Saharan Africa. This share would be significantly larger in some countries if informal employment in agriculture were included.³

33. The “dilemma of the informal economy” is that it is not regulated and so workers are subject to exploitation and inhuman working conditions. ILS can be an important part of a comprehensive and multi-faceted strategy for overcoming this dilemma. Driven by technical cooperation projects, the standards can serve as the basis for national policies that offer social protection to workers in the informal economy.
34. Zambia is a case in point. In response to the “informalization” of the Zambian economy, two major regional projects were implemented by the ILO. The objective of the projects was to bring labour legislation into conformity with ratified ILO Conventions by strengthening the capacities of the government and social partners to promote and apply fundamental principles and rights at work and support social dialogue.
35. According to an evaluation conducted by EVAL, both of these projects have made significant contribution to labour law reform, as well as training of trainers, and support to tripartite partners in addressing a host of labour issues.
36. **Recommendation 5: Further develop technical cooperation to promote the use of ILS by national institutions as a means to extend effective coverage of ratified Conventions to unprotected workers in the informal economy.**

Organizational arrangements and management practices

37. In addition to assessing the implementation of the five components of the strategy to improve the impact of ILS, the evaluation examined the organizational arrangements and management practices that support the implementation.
38. The ILO’s current approach to managing these functions has been to centralize much of the responsibility for standards support in NORMES. The structure of the department has shifted from having a small number of individual work units, to a horizontal system with a series of working groups. There is overlapping membership and all the coordinators report directly to the Director.
39. Several functions such as pre-ratification promotional campaigns and work on development of new instruments remain decentralized to the technical departments. Cooperation between NORMES and the technical departments is reported as being uneven. Cases were reported of very strong cooperation and others of almost no cooperation at all.
40. The reason for the unevenness may, in part, be due to capacity development issues. In the past, the ILO invested in capacity building for its entire staff by training them on standards. At present, NORMES no longer has sufficient staff to carry out this training and the number of seminars has dwindled. Some training is carried out at the ILO International Training Centre in Turin. The result is that few technical departments have staff to whom the responsibility for supporting ILS could be assigned.

³ *Women and men in the informal economy: A statistical picture* (Geneva, ILO, Employment Sector, 2002).

41. As already mentioned, another important management issue that was identified during the evaluation was workload and capacity. The evaluation found that the workload generated by the supervisory procedure has risen in line with the steady increase in ILO membership and Conventions, but capacity adjustments to absorb the extra volume have proved inadequate.
42. The workload issues linked to managing the reporting process have been the primary and overriding bottleneck to full implementation of the ILO strategy. Without a resolution in the short-term, these issues threaten to undermine if not largely stall progress in the much-needed implementation of “law in action”.
43. **Recommendation 6: The Office should conduct a follow-up study to analyse and recommend improvements to the work organization and working methods of the current staff and non-staff resources earmarked for standards promotion and application. This should include:**
 - **A clear action plan for improving internal coordination and collaboration on promotion of standards through better designated responsibilities across the field and headquarters.**
 - **A timely assessment of workload and capacities for managing the report processing services within NORMES, along with estimates of capacities and resources available for each of the other strategy components.**

Lessons learned

44. The ILO has recently restated its strong commitment to social justice for a fair globalization. This commitment is the primary motivation behind the Decent Work Agenda. A lesson that has been learned from this evaluation is that there is no way to achieve decent work results without the impact of standards being felt on the ground.
45. ILS represent the ILO’s strongest comparative advantage among international development ideas. In order to maximize this advantage, attention must be devoted to protecting ILS and to increasing their influence. The latter would involve developing new products and services for new, non-traditional consumers.
46. An important lesson to be learned is the interrelationship between the ILO’s strategic objectives of employment, social protection, social dialogue, and international labour standards. Failure to promote any one of these objectives hinders progress towards achieving the others. Therefore, promoting and supporting ILS should be a concern of the entire Office – not just of one department or one sector.
47. Strategies must be well designed in order for them to be effective. A comprehensive statement of strategy makes it possible to develop adequate outcomes and outputs. These, in turn, facilitate the construction of indicator sets to measure progress.

Management response

48. While taking careful note of the findings of the independent evaluation, the Office restricts its response to a few general comments. A substantial number of areas in the evaluation report would need further review, including the scope of the information contained in it. The Office will take account of the many useful elements in the report as it attempts to promote a consensus on a renewed strategy for enhancing the impact of international

labour standards and their effective implementation. The June 2008 adoption of the ILO Declaration on Social Justice for a Fair Globalization and the related ILO-wide strategic initiatives will address many of the questions contained in the recommendations of the evaluation report.

49. The terms of reference of the evaluation covered the period 2000–06 but the strategy design refers to the Programme and Budget proposals for the biennium 2006–07, and to information on standards and DWCPs, which became the main tool of the ILO’s field work under the 2006–09 Strategic Policy Framework. Consequently, the ILO standards-related activities are assessed against a strategy and indicators stipulated only at the end of, and beyond, the period under review.
50. The report confirms standards as the ILO’s strongest comparative advantage, noting that decent work cannot be achieved without effective recognition of the role and impact of standards. Mainstreaming labour standards in all the ILO’s activities is critical. ILO technical departments are expected to make a significant contribution to the standards system in ways that complement and add value.
51. Some recommendations address themselves at least as much to the Organization and the constituents as to the Office. This is in particular true of recommendation No. 1 on standards policy, which is currently discussed in the LILS Committee of the Governing Body. The Office will continue to assist this discussion as well as all the initiatives to improve the functioning of the standards supervisory mechanism.
52. The report notes that the Office’s workload is primarily focused on the supervisory system, with fewer resources devoted to other priority work, especially at the country level. Its main recommendation, that the Office review the allocation of resources, cannot be understood to imply that less support should be given to the supervisory system. The supervisory workload of the Office is governed by decisions of the policy organs, due to the place given to the supervisory system by the Constitution (articles 19, 22, 23, 24, 26, 33 and 37). Resources are already deemed insufficient for the current workload of the supervisory system (the evaluation only covered article 22 functions and did not cover the Committee on Freedom of Association or article 24 representation). Clearly, information provided by the supervisory system on the application of standards is crucial to the further promotion of their application in countries.
53. ***The Committee may wish to recommend to the Governing Body that it request the Director-General to take into consideration the above findings and recommendations, together with the deliberations of the Committee, for continuing support to ILS.***

Geneva, 15 October 2008.

Point for decision: Paragraph 53.