

Interim Evaluation of the Project Workers' Rights Centers for the Greater Protection of Labor Rights in Colombia

Evaluation Contractor: Sistemas, Familia y Sociedad Ltd. (SFS)



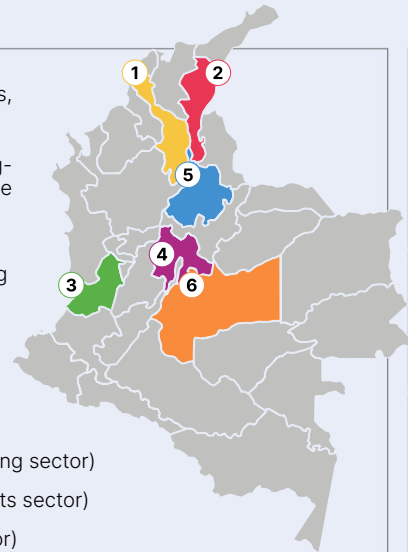
Project Objective

The project aims to improve compliance with Colombia's labor laws and standards, by improving the ability of workers to understand and exercise their labor rights.

Following the ratification of the *Colombian Action Plan Related to Labor Rights*, signed between the US and Colombia in 2011 ([Link](#)), the project operates in five priority sectors: palm oil, sugar, mining, ports, and cut flowers.

The project's strategy is to establish worker-driven Labor Law Enforcement Centers (LECs) that support workers by conducting research for cases; educating workers on their labor rights; training workers to identify potential labor law violations

in workplaces; offering psycho-social services to workers who suffered workplace discrimination and/or work related injuries/ illnesses; providing legal services; and assisting workers with submitting and tracking well-articulated, justiciable claims for initiating labor inspections and pursuing legal remedies.



Project areas of intervention:

- 1 **Cartagena** (port sector)
- 2 **Valledupar** (energy mining sector)
- 3 **Cali** (sugarcane and ports sector)
- 4 **Facatativá** (flower sector)
- 5 **Puerto Wilches**, 6 **Villavicencio** (palm oil sector)



Period of Performance:

October 2019 – September 2023



Phase 3 Funding:

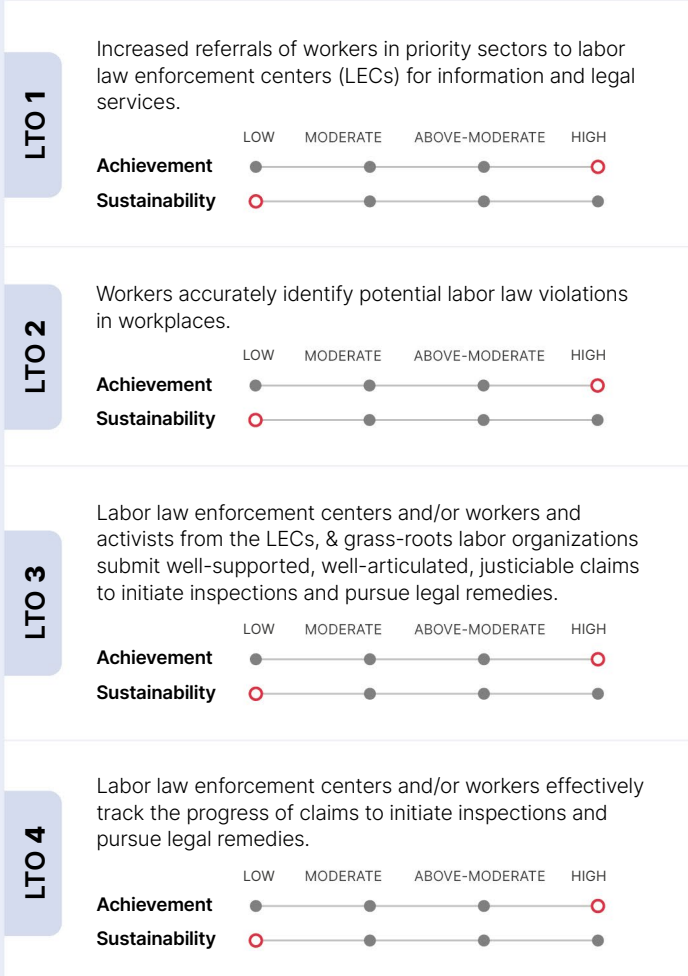
\$3,997,766



Implementer:

Escuela Nacional Sindical (ENS)

Achievements and Sustainability



Key Conclusions

Relevance & Validity

- The project supports commitments made under the *Colombian Action Plan Related to Labor Rights*. The project also responds to workers' and worker organizations' needs for information, counseling, and legal advice in the target territories and sectors.
- The theory of change (TOC) was too narrowly defined, and did not address important results that would be necessary to achieve the project objective, such as the improved enforcement of labor laws, Government use of other legal instruments, and employers adoption of best practices that protect workers' rights.

Coherence

- Escuela Nacional Sindical (ENS) holds a dual role as project implementer and labor think tank, which provides credibility to the project's stakeholders.

Efficiency

- The project has collected a wealth of data, experiences, learning, that is currently underused.
- Systematically collecting, storing, organizing, analyzing, and systematizing information gathered in the project would allow stakeholders to better identify long-term impacts for workers and workers' organizations. In addition, it would contribute to obtaining relevant, disaggregated, or differentiated information by sector and specific population groups.
- An independent auditor identified some shortcomings regarding procedures and internal controls for tracking expenses and staff time which may impact the project's efficiency.

“The working class was orphaned. The ENS and the LECs are the only ones that support us”

- Union Representative



Effectiveness

The project achieved its expected long-term outcomes (LTOs), meeting or exceeding the targets set for most of its PMP indicators.

- Priority sector worker referrals to the ENS' LECs increased. The referees received information, counseling, training, legal services, and psychosocial assistance (LTO1).
- Through training and legal assistance, the LECs improved workers' and unions' understanding of the scope and applicability of relevant labor laws and standards. In turn, the workers and unions could better identify potential labor law violations in the workplace (LTO2).
- After receiving support from the project, unions and workers submitted 4,096 claims to pursue legal remedies for alleged violations of applicable labor law (LTO3).
- The LECs effectively tracked the progress of claims, through a computer software (LegisOffice). LegisOffice collects relevant information about the LECs users, tracking services provided, and monitoring the follow up to complaints (LTO4).



Photo Credit: AIL-ENS

Overall Impact

- Notwithstanding its effectiveness, the project is yet unable to offer conclusive evidence that its action is resulting in significant tangible benefits for workers (e.g., increasing or improving government enforcement of labor law, improving workers' ability to better exercise their rights, better wages, better working conditions). Generating these kind of results would require relevant action from other stakeholders, such as labor authorities and employers.

Sustainability

- Currently, there is no concrete exit strategy to ensure the sustainability of the project's results and continuation of key project outputs.
- The continuation of the LECs after the end of the life of the project will largely depend on ENS' capacity to secure a replacement of the resources required for sustained operation.
- While workers and unions have capacity to identify potential labor law violations in workplaces, further training would be needed to reinforce such capacity.
- Workers require continued support from the LECs after the end of the project to ensure that workers and grass-roots labor organizations continue to submit well-articulated, justiciable claims. To do so requires a high degree of expertise and knowledge of the law.
- Likewise, workers and unions require continued LEC support to effectively track the progress of claims, as this is time-consuming and demands expertise in administrative and judicial processes.



RESPONSE TO COVID-19

The COVID-19 pandemic negatively affected the project by reducing the mobility of workers and project staff, which limited meetings, field visits, and other activities. Despite such challenging circumstances, the project adapted and continued providing services, mostly by replacing face-to-face interaction with virtual tools (e.g., Internet communication platforms, such as Zoom and MS Teams).

Photo Credit: AIL-ENS

✔ Promising Practices

- **Partnerships with unions and CSOs were very effective in positioning the LECs in the targeted territories** and in attracting workers to them.
- **Partnerships with universities** provided interns from law schools who **increased LECs capacity to provide legal services**. This in turn helped build the capacity of legal interns, contributing to train a next generation of labor law specialists.
- **Mobile lawyers or “legal caravans” are effective at reaching workers** and providing counselling and legal assistance to workers and unions.
- **Training processes that respond to workers’ needs increase the project’s credibility and help gain workers’ trust**. Workers that trusted the LECs would request additional support.
- **The use of virtual tools is an effective way to provide services for workers and unions** and expand the project coverage.
- **Providing counseling services leads to the engagement of workers and unions in mediation processes with employers**, which in turn have a high level of success among parties. According to LEC staff, mediation has resulted in agreements between both parties in 70% of the cases.

✔ Lessons Learned

- **Improving compliance with labor legislation in Colombia requires long-term transformative processes and strengthening linkages with other key stakeholders**, such as labor authorities, workers’, and employers’ organizations.
- **There is untapped potential for social dialogue and dispute resolution**. That potential may be activated through increased collaboration at the local level with the Ministry of Labor and engaging employers interested in improving labor relationships.
- **It is important to identify, understand, socialize, and discuss patterns of labor law violations that go beyond individual cases**. This would inform advocacy and lead to improved results for workers in the priority sectors.
- **Data collection and monitoring processes should be more user-focused, so to better inform decision-making in project implementation**. Ideally, project data could also be used by the government, workers’, and employers’ organizations to inform social dialogue, help develop solutions, increase transparency in working conditions, and labor law compliance.



“Before (the project) we worked for a plate of food, we didn’t even know we had rights”

- A worker visiting a WRC

RECOMMENDATIONS		USDOL	WRC Project	ENS
1	Avoid funding opportunity announcements (FOAs) that limit the scope of projects in ways that constrain project’s effectiveness/impact. Priority for USDOL: High	✔ USDOL		
2	Promote the development of integrated projects addressed to tripartite stakeholders. Priority for USDOL: High	✔ USDOL		
3	Improve institutional data collection and knowledge management processes by strengthening data collection, organization, analysis of project information, and systematizing the gathered knowledge. Priority for USDOL and the implementer: High	✔ USDOL	✔ WRC Project	
4	Improve project’s use of Technical Progress Reports (TPRs) , to make them better-structured, methodical, and analytical. Project reporting ought to synthesize the achieved outcomes, results, and impacts. Submit actual performance vs. targets, in a data tracking table. TPRs should follow an editorial review to improve the quality of English grammar. Priority for the implementer: High (essential before the end of the project)		✔ WRC Project	
5	Use the project’s research agenda more effectively by connecting existing and new knowledge to practical challenges and applications when protecting labor rights in sectors, territories, and the national level. Priority for the implementer: Medium		✔ WRC Project	

<p>6 Reinforce the project’s training component for workers and unions, to adapt it to the different target groups, sectors, and territories. This approach will better support project strategies and sustainability. Priority for the implementer: Medium</p>		<p>✓ WRC Project</p>	
<p>7 Include targeted actions for the protection of the rights of women workers, further mainstreaming a gender equity approach by enhancing interventions that promote gender equality and the empowerment of women. Priority for the implementer: Medium</p>		<p>✓ WRC Project</p>	
<p>8 Develop a protocol for addressing the risk of retaliation to workers, project beneficiaries, and other LEC users, as originally planned in the project design. Priority for the implementer: High (essential before the end of the project)</p>		<p>✓ WRC Project</p>	
<p>9 Develop a sustainability strategy and exit plan, by evaluating the results achieved thus far, as well as the expected challenges and the updated status of the “enabling environment” in Colombia. Identify changes from the project’s underlying assumptions, risks, and mitigation strategies. Then, describe what is to be sustained beyond the project’s lifetime and by whom, with a well-defined timeline of activities toward this end. Finally, develop a clear exit strategy, identifying the gradual transfer of responsibilities from the project to national and local institutions or networks. Priority for the implementer: High (essential before the end of the project)</p>		<p>✓ WRC Project</p>	
<p>10 Strengthen ENS partnerships with the Ministry of Labor, especially at the Departmental and local levels, to promote labor rights for workers in the five prioritized sectors. Priority for the implementer: Medium and independent from project implementation</p>			<p>✓ ENS</p>
<p>11 Initiate a dialogue with employers and explore possibilities for their inclusion in the joint activities and exchanges, including the adoption of best practices that protect workers’ rights. Priority for the implementer: Medium and independent from project implementation</p>			<p>✓ ENS</p>
<p>12 Encourage the use of alternative dispute resolution to mitigate labor-related conflicts between employers and workers. Priority for the implementer: Medium and independent from project implementation</p>	<p>✓ USDOL</p>		<p>✓ ENS</p>



Funding for this evaluation was provided by the United States Department of Labor under contract number 47QRAA20D0045 | Task Order: 1605C2-21-F-00051 with SFS. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

