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ASSOCIATES**  
INTERNATIONAL

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# **INDEPENDENT EVALUATION**

## **USDOL'S TECHNICAL COOPERATION PORTFOLIO PROMOTING WORKERS' RIGHTS IN VIETNAM**

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This report describes in detail the evaluation of the portfolio of USDOL-funded projects in Vietnam. The multi-project evaluation was conducted from September 14 to 30, 2015. Michele González Arroyo, independent evaluator, conducted the evaluation in collaboration with the project staff and stakeholders, and prepared the evaluation report according to the terms in the contract with the United States Department of Labor. Ms. González Arroyo would like to express sincere thanks to all parties involved in this evaluation for their support and valuable contributions.



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## LIST OF ACRONYMS

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ACT/EMP	Bureau for Employers' Activities of the ILO
ACTRAV	Bureau for Workers' Activities of the ILO
APHEDA	Australian People for Health, Education and Development Abroad
BWG	Better Work Global
BWV	Better Work Vietnam
BWV-UCD	BWV-Union Capacity Building/Development component
CBA	Collective Bargaining Agreement
CIRD	Center for Industrial Relations Development
CTA	Chief Technical Advisor
DAI	Development Alternatives Incorporated
DOLISA	(Provincial) Department of Labor, Invalids and Social Affairs
EA	BWV Enterprise Advisors
FDI	Foreign Direct Investment
FOL	(Provincial) Federations of Labor
FMCS	United States Federal Mediation and Conciliation Service
FOA	Freedom of Association
GoV	Government of Vietnam
GTU	Grassroots Trade Union (enterprise or factory-level union)
HCMC	Ho Chi Minh City
IBN	Interest Based Negotiation
ICD	International Cooperation Development (MOLISA)
ILAB	Bureau of International Labor Affairs
ILO	International Labor Organization
ILS	International Labor Standards
IR	Industrial Relations
IRPP	Industrial Relations Promotion Project
IZTU	Industrial Zone Trade Union (district-level union)
M&E	Monitoring and Evaluation
MOLISA	Ministry of Labor, Invalids and Social Affairs
MPG	Management Procedures and Guidelines
NIRC	National Industrial Relations Committee
OTLA	Office of Trade and Labor Affairs

PMC	Project Monitoring Committee
PSC	Project Steering Committee
PICC	Performance Improvement Consultative Committees
PMP	Performance Monitoring Plan
RBM	Results-Based Management
RF	Results Framework
ToR	Terms of Reference
TPP	Trans-Pacific Partnership
TPR	Technical Progress Report
TUSSO	Trade Union Solidarity Support Organizations
ULTU	Upper-level Trade Unions
USAID	United States Agency for International Development
USG	United States Government
USDOL	United States Department of Labor
USDOS	United States Department of State
USTR	United States Trade Representative
VCCI	Vietnam Chamber of Commerce and Industry
VGCL	Vietnamese General Confederation of Labor

## EXECUTIVE SUMMARY

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On October 5, 2015, Vietnam became one of twelve countries from the Americas and Asia-Pacific region to sign one of the most significant free trade agreements in history, the Trans-Pacific Partnership (TPP). TPP is being hailed by the United States Trade Representative (USTR) as containing the strongest labor provisions of any trade agreement in history by “putting fundamental labor rights at the core of the agreement and making those rights fully enforceable.”<sup>1</sup>

As part of the TPP agreement, signatory countries must commit to adopting and enforcing core international labor standards (ILS), including freedom of association and the right to collective bargaining. Currently, Vietnamese labor law does not allow workers to organize or join independent unions of their choice. Collective bargaining is permitted; however, there is wide agreement among industrial relations experts that the distinct roles between workers (unions) and management are often blurred, thus compromising workers’ best interest at the negotiating table.

Labor experts concur that changing Vietnam’s industrial relations practices and policies is a slow, complex process. At the same time, in light of the imminent possibility of TPP approval by all signatories, Vietnam is now under pressure to come into full compliance with TPP labor obligations. This kind of pressure, according to Vietnamese industrial relations experts, is exactly what is needed to speed up the process of change and advance workers’ rights in Vietnam.

From 2011 to 2016, the United States Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), Office of Trade and Labor Affairs (OTLA) provided \$5.8 million to fund a range of labor-related technical cooperation projects. These projects aimed at addressing legal and policy issues concerning workers’ rights, ILS and workplace safety in Vietnam. Additional funding from USDOS brought the five-year technical cooperation portfolio to over \$6 million. This portfolio includes the following four projects or activities:

- 1) Vietnam Labor Law Implementation Project, better known as the International Labor Organization’s Industrial Relations project in Vietnam (ILO-IR)
- 2) Better Work Vietnam Union Capacity Development Component (BWV-UCD)
- 3) Vietnam Industrial Relations Promotion Project (IRPP or “SIIR,” its acronym from a previous phase)
- 4) Mediation and other training activities funded by USDOS and implemented by the Federal Mediation and Conciliation Service (FMCS)

The purpose of this evaluation was to assess the overall systemic impact and effectiveness of USDOL’s international technical cooperation portfolio to promote workers’ rights in Vietnam. This included an assessment of stakeholders’ support and ownership of the projects and activities; the value and utility of tools and interventions produced by the projects; and prospects for embedding or transferring knowledge and skills to local partners. Within this context, the

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<sup>1</sup> Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam



evaluation addressed key issues related to the projects' (1) relevance, (2) design, (3) performance monitoring, (4) progress and effectiveness, (5) efficiency, (6) management structures, and (7) sustainability.

## **RELEVANCE AND STRATEGIC FIT**

In the area of relevance, project strategies addressed the industrial relations priorities identified by tripartite stakeholders, which included issues that will increase Vietnam's compliance with ILS. Nevertheless, some project designs were perceived to be imposed on the recipient country rather than mutually conceived between donor and recipient. The FMCS activities, however, had sought input from Vietnamese stakeholders on the proposed mediation training activities, but still, the training sessions implemented had little, if any, practical use for Vietnamese labor mediators.

## **PROJECT DESIGN AND PERFORMANCE MONITORING**

With regard to project design, none of the projects in the technical cooperation portfolio fully met the project design criteria provided in USDOL's 2010 and 2013 Management Procedures and Guidelines (MPGs). The BWV-UCD and ILO-IR projects had the strongest project designs in terms of meeting the criteria for the various design components, and laying out clear cause-and-effect linkages within a results/logical framework. The IRPP project also met criteria for project design components, and it developed a logical framework. Unfortunately, the IRPP project failed to develop performance indicators.

The projects' Monitoring and Evaluation (M&E) systems, which should include a performance monitoring plan (PMP), also did not fully meet the project design criteria provided in the 2010 and 2013 MPGs. The BWV-UCD project had the most complete M&E system, with the development of both a PMP and Data Tracking Tables. The ILO-IR project did not complete its PMP, although it did identify performance indicators for its objectives and provided periodic updates of progress in the biannual Technical Progress Reports. Nevertheless, with the absence of an organized PMP, the data were somewhat disjointed. The IRPP project had neither a PMP nor the identification of any performance indicators. This can be partially attributed to the delays in project startup; however, the complete absence of performance monitoring impeded any efforts to objectively determine project progress.

## **PROJECT PROGRESS AND EFFECTIVENESS**

Both a quantitative and qualitative assessment was conducted to determine the projects' effectiveness. A thorough **quantitative assessment** was possible only with complete data tracking tables. The BWV-UCD project was the only project that had a well-organized and periodically updated data tracking table with indicator target values. The results showed steady progress toward achieving project targets. The ILO-IR project did not develop a data tracking table at the start of the project; however, with the provision of a data tracking table during the current evaluation, it was determined that the ILO-IR project was on track and will likely achieve its targets. The IRPP project did not have performance indicators or corresponding target values; therefore, a quantitative assessment of effectiveness was not possible.

The **qualitative assessment**, which was primarily based on the evaluation interviews, showed the BWV-UCD project to have a high level of stakeholder buy-in and participation. Stakeholders unanimously considered the project strategies, with their built-in mechanisms for sustainability, as highly effective. The ILO-IR project's effectiveness also revealed a high regard by stakeholders for the quantity and quality of project outputs and achievements to date. Chief among these were the project pilots, which have provided Vietnam with its own industrial relations experiences, lessons learned and good practices. On the other hand, stakeholders showed very little buy-in and support for the IRPP project activities, and therefore their perception was that effectiveness was minimal. The extensive delay in project startup contributed to the decreased project buy-in and support, and most likely reduced stakeholder perception of any positive outcomes the project may have had.

The effectiveness of the FMCS activities was quite different. The process leading up to the development of the FMCS activities was almost ideal—tripartite stakeholders were consulted, agreements were reached, and then technical assistance and training content were based on the outcome of this process. Nevertheless, based on perceptions of workshop participants, the activities were considered ineffective since the actual training content had little to no application to the current Vietnamese labor mediation context. This points to an apparent disconnect between the collaborative planning and the actual training content implemented.

Finally, it is important to highlight the **synergies** that existed between the USDOL-funded projects and the larger Better Work Vietnam (BWV) program. The cooperation and combined efforts among the BWV-UCD project, ILO-IR project and the BWV program led to enhanced outcomes with respect to improved industrial relations practices in Vietnam.

## **PROJECT EFFICIENCY AND USE OF RESOURCES**

Both the ILO-IR and BWV-UCD projects lacked sufficient funding to carry out all project-related activities. The ILO-IR project secured additional resources from two other funding sources to carry out pressing technical assistance requests related to project objectives. APHEDA provided a significant quantity of in-kind contributions in order to support its project work. The IRPP project, on the other hand, was compelled to spend the majority of its project funds in a very short amount of time. MOLISA's requests for support for activities that were only marginally related to achieving project objectives raises serious concerns regarding the appropriate use of IRPP project funds. It was not possible to provide a precise analysis of cost-efficiency for FMCS activities without the necessary output-based budget details. However, the expenses associated with the FMCS training appear to be excessive.

## **PROJECT MANAGEMENT ARRANGEMENTS**

An assessment of the projects' management arrangements revealed an innovative management structure for the BWV-UCD project, which also coordinated with the ILO-IR project and BWV program. This contributed to the synergies that existed between USDOL-funded projects and other programs working on industrial relations issues. The formation of project advisory/steering committees for the ILO-IR and BWV-UCD projects was a distinguishing factor that led to significantly more buy-in, support and participation from stakeholders. The two projects shared a

number of the same stakeholders on their advisory committees allowing for increased coordination.

The project approval process involving MOLISA's International Cooperation Department (ICD) proved to be challenging. There was an unusually long approval process for the IRPP project. This may be partially attributed to a mistrust of the implementing organization, although the project had successfully completed a first phase. Still, approval processes with new, or relatively new, implementing organizations are less likely to gain approval from MOLISA in a timely fashion. Trade unions also are reluctant to work with international Trade Union Solidarity Support Organizations (TUSSOs) with whom they have not had a long-standing and beneficial relationship. APHEDA is one such organization that has the respect and trust of trade union stakeholders.

## **IMPACT ORIENTATION AND SUSTAINABILITY**

The projects' **sustainability strategies** varied, in terms of the degree to which they were integrated into the larger project designs. The BWV-UCD project showed the most integrated sustainability strategies, which included elements such as training a permanent cadre of provincial Federation of Labor (FOL) trainers who could then provide ongoing training to members of grassroots trade unions (GTUs); piloting "bottom-up" approaches to union organization that could then be scaled up to other provinces; and raising the awareness of BWV Enterprise Advisors on industrial relations issues that could then contribute to more effective assessment and advisory services. These strategies showed great promise for achieving sustainability and a long-term impact of enhanced industrial relations and compliance with ILS. The ILO-IR project also has sustainability at the core of many of its project strategies; however, the weak description of sustainability in the ILO-IR Project Document and the absence of a Sustainability Plan made it difficult to assess progress in this area. The IRPP project did not include any specific sustainability strategies in its incomplete Project Document. The project completed a series of activities as stated in its work plan, but there were no updates on strategies that promoted sustainability.

None of the projects developed sustainability plans, as required under USDOL's MPG. Nevertheless this did not have a great effect on the BWV-UCD project's ability to integrate sustainability strategies within its project design. The ILO-IR project, however, would have benefitted from creating a sustainability plan since the sustainability strategies mentioned in the Project Document were not well integrated into the larger project design.

The project's ability to cultivate **local ownership** of project strategies was one key factor that contributed to the sustainability of activities and outcomes. The BWV-UCD project offers an example of successfully fostering local ownership that should be considered a good practice for future comparable projects. Another factor that may contribute to sustainability in Vietnam is the international pressure to comply with ILS and more specifically with the labor obligations of TPP. This presents an opportune moment for sustaining and building on project achievements that are aligned with TPP labor obligations; however, these efforts will require further support from multiple donors. An industrial relations center based in the ILO, as suggested by numerous stakeholders, seems the most viable option for leading efforts to comply with TPP labor

obligations. The idea is bolstered by the fact that the ILO has the trust and respect of tripartite stakeholders.

## RECOMMENDATIONS

The following **recommendations** are based upon the findings and conclusions of the evaluation. The first two recommendations address issues related to the two current USDOL-funded projects in Vietnam—ILO-IR and BWV-UCD projects. The last nine recommendations are based on lessons learned from completed projects and activities, and are intended to improve the effectiveness of future U.S. Government (USG) technical cooperation programs and activities in Vietnam.

- (1) **Support projects' future performance monitoring efforts:** USDOL should consider providing technical assistance to the ILO-IR project staff as they embark on the task of completing their performance monitoring plan. Project staff should be encouraged to reference the 2015 MPG to better understand the components of an effective PMP. Developing a comprehensive M&E system, including a PMP and data tracking tables, for the ILO-IR project can provide a good practice for future projects that may come under an expanded ILO-IR program. USDOL also should consider providing technical and/or financial support to APHEDA so that it can go forward with plans to build the M&E capacity of FOL trainers who, in turn, can provide ongoing performance monitoring at the provincial level.
- (2) **Support projects' development of sustainability plans and exit strategies:** USDOL should provide technical assistance to the ILO-IR project's efforts to create sustainability plans. The plans should describe how national institutions intend to carry forward project results. Even though the ILO-IR project will likely expand into a larger program in the near future, the project should develop exit strategies for the pilot initiatives that have had sufficient time to demonstrate results and develop clear steps the project will take to facilitate their sustainability. Although the BWV-UCD project included specific sustainability strategies within its Project Document, it should develop a plan that outlines the steps that should be taken throughout the implementation period to ensure sustainability. This type of sustainability plan can then serve as a good practice for future similar projects.
- (3) **Create relevant and effective project designs:** USDOL should conduct more extensive discussions with recipient countries regarding appropriate project designs *before* issuing the solicitation for cooperative agreement applications. USDOL should ensure that project designs are aligned with strategies that were mutually conceived between the donor and recipient country. The annual or biannual U.S. – Vietnam Labor Dialogue is a good starting point to identify the respective Governments' current industrial relations concerns, but this has not been successful in obtaining specific input on project designs or criteria for selecting appropriate implementing organizations.
- (4) **Expand USDOL M&E technical assistance:** USDOL should consider expanding the current half-time OTLA M&E coordinator position to one full-time or two half-time positions. This will enable the USDOL M&E coordinator(s) to have increased

responsibilities that go beyond involvement during project mid-term and final evaluations. The expanded M&E role should include the following:

- a) Technical assistance directly to *grantees* during the development of M&E tools such as the PMP, data tracking tables and sustainability plan as outlined in USDOL's MPG.
- b) Technical assistance to *USDOL project managers* throughout the project management cycle—from the assessment phase (inclusive of baseline/endline surveys), to the design (and re-design), implementation and monitoring phases.

- (5) **Require grantees to assign a dedicated M&E specialist:** USDOL should require grantees to assign a dedicated M&E specialist who will be responsible for establishing and maintaining project M&E systems, and act as liaison and point of contact between USDOL's M&E specialist(s) and the project. At a minimum, the M&E specialist should have experience in performance measurement, including indicator selection, target setting, reporting, database management, and developing performance monitoring plans.
- (6) **Oblige grantees to develop outputs-based budget:** USDOL should require grantees to develop an outputs-based budget, as suggested in the MPG 2015, which will link project expenditures to the specific activities, outputs and objectives. This will facilitate the oversight role of USDOL project managers in ensuring appropriate allocation and expenditures of project funds. An outputs-based budget also will provide transparent information to stakeholders regarding budget allocations and cost efficiency.
- (7) **Promote the establishment and coordination of project advisory committees:** USDOL should encourage grantees to establish a project advisory committee (PAC) to increase buy-in and support of project strategies. In cases where a PAC already exists for a similar project, grantees should be encouraged to piggyback on to the existing advisory committee comprised of similar stakeholders. Unifying multiple related projects under one advisory/steering committee should enhance coordination and collaboration, and promote synergies wherever possible.
- (8) **Increase projects' focus on sustainability:** USDOL should ensure that grantees, or potential grantees, include detailed descriptions of their sustainability strategies within the Project Documents. This should be followed up with the development of a sustainability plan as required in the MPG 2015 (see Annex H for template). The sustainability plan should serve as a guide throughout the project implementation period to monitor progress on the sustainability elements.
- (9) **Support an expanded ILO Industrial Relations Program:** USDOL should consider backing an expanded ILO industrial relations program that is supported by multiple donors. Vietnam's participation in TPP has created an urgent need for technical support to come into full compliance with TPP labor obligations. Various projects under a larger IR program could work in a coordinated manner to address issues specific to enhancing the labor inspectorate and labor mediation practices.

- (10) **Enhance the monitoring and evaluation of FMCS technical assistance activities:** USDOS should ensure that any future FMCS mediation training activities specifically include contents that are applicable to the Vietnamese context. To the extent possible, FMCS-supported training should include the participation of regional and/or Vietnamese mediation experts to enhance the relevance of training content. Follow-up activities are needed to monitor the application of knowledge and skills acquired in training sessions. This can help to improve future training activities and address any existing training needs.
- (11) **Establish a mechanism to enforce adherence to MPG:** USDOL should consider developing an enforcement mechanism that would require grantees to adhere to the MPG requirements and address USDOL technical questions and recommendations aimed at improving project design, performance monitoring, interventions and strategies, project management and sustainability. USDOL should consider establishing a procedure or recourse to take when there are persistent issues of grantee non-compliance with guidelines established in the MPG. This recourse should include the possibility of suspending further allocations of funds to the grantee until the recommendations or requirements are adequately addressed.

# I. PROJECT DESCRIPTION AND CONTEXT

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## 1.1. A Historic Time for Workers' Rights in Vietnam

On October 5, 2015, almost coinciding with the current evaluation, Vietnam became one of twelve countries<sup>2</sup> from the Americas and Asia-Pacific region to sign one of the most significant free trade agreements in history, the Trans-Pacific Partnership (TPP). TPP is being hailed by the United States Trade Representative (USTR) as containing the strongest labor provisions of any trade agreement in history by “putting fundamental labor rights at the core of the agreement and making those rights fully enforceable.”<sup>3</sup>

As part of the TPP agreement, signatory countries must commit to adopting and enforcing core international labor standards (ILS), including freedom of association and the right to collective bargaining. Currently, Vietnamese labor law does not allow workers to organize or join independent unions of their choice. Collective bargaining is permitted; however, there is wide agreement among industrial relations experts that the distinct roles between workers (unions) and management are often blurred, thus compromising workers' best interest at the negotiating table.

Vietnam's centrally planned economy has been in slow transition toward a “socialist-oriented market economy” for nearly 30 years, beginning in 1986 with the *Doi Moi* economic reforms which opened the doors to private investment. Following the lifting of the U.S. economic embargo in 1994, Vietnam showed itself to be an attractive foreign direct investment (FDI) country. According to the U.S. Department of State's (USDOS) 2014 Investment Climate report, “Vietnam has successfully attracted large volumes of foreign direct investment (FDI), sustaining levels of around \$10-12 billion per year over the last six years.”<sup>4</sup>

However, with the increase in FDI and Vietnamese private investment enterprises, there also was an increase in worker dissatisfaction, as evidenced by the surge in “wildcat” strikes, which are organized by workers outside of union structures. These strikes are technically illegal; there has not yet been a legal strike in Vietnam. Statistics from the Vietnamese General Confederation of Labor's (VGCL)—Vietnam's sole national trade union—reported some 762 wildcat strikes in 2008, and after a small decline, experienced some 981 wildcat strikes in 2011. Over 80% of these strikes occurred in FDI enterprises.<sup>5</sup> While the number of wildcat strikes has steadily decreased since 2012, their persistent occurrences are evidence that labor relations fall significantly short of reflecting the needs and interests of workers.

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<sup>2</sup> USTR, “The Trans-Pacific Partnership, Protecting Workers Factsheet,” 5 October 2015, <https://ustr.gov/sites/default/files/TPP-Protecting-Workers-Fact-Sheet.pdf>

<sup>3</sup> Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam

<sup>4</sup> U.S. Department of State, “2014 Investment Climate Statement,” Hanoi, 2014, <http://www.state.gov/documents/organization/229305.pdf>

<sup>5</sup> Schweisshelm, Erwin, “Trade Unions in Transition: Changing Industrial Relations in Vietnam,” *Global Labour Column*, 17 September 2014, <http://column.global-labour-university.org/2014/09/trade-unions-in-transition-changing.html>



Labor experts concur that changing Vietnam's industrial relations practices and policies is a slow, complex process. At the same time, in light of the imminent possibility of TPP approval by all signatories, Vietnam is now under pressure to come into full compliance with TPP labor obligations. During the current evaluation, one Vietnamese industrial relations expert commented, "That kind of pressure is exactly what we need."

## **1.2. USDOL's Technical Cooperation in Vietnam (2011-2016)**

From 2011 to 2016, the United States Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), Office of Trade and Labor Affairs (OTLA) has funded a range of technical cooperation projects and activities aimed at addressing legal and policy issues concerning workers' rights, ILS and workplace safety in Vietnam. The U.S. – Vietnam Labor Dialogue was established through a Memorandum of Understanding in 2000 between USDOL and Vietnam's Ministry of Labor, Invalids and Social Affairs (MOLISA). It was extended through Letters of Understanding signed in August 2006, August 2008 and April 2012. The Labor Dialogue provides an annual forum for the two sides to discuss labor issues, given the absence of labor provisions in the U.S. – Vietnam Bilateral Trade Agreement.<sup>6</sup>

USDOL's unifying framework for technical assistance efforts in Vietnam has been focused on the long-term outcome of improving compliance with ILS by improving systems for tripartite and bipartite cooperation; improving systems for collective bargaining; and improving systems for dispute resolution. These objectives are likely to shift, however, to align more closely with the labor objectives outlined in TPP which are as follows:

- 1) Protect the rights of freedom of association and collective bargaining;
- 2) Discourage trade in goods produced by forced labor, including forced child labor; and
- 3) Establish mechanisms to monitor and address labor concerns.

From 2011 to 2016, USDOL/ILAB's funding for workers' rights program in Vietnam totals over \$5.8 million, making USDOL one of the largest external funders in Vietnam for labor-related programming. Additional funding from USDOS brings the five-year technical cooperation portfolio to over \$6 million. This portfolio includes the following four projects or activities:

- 1) Vietnam Labor Law Implementation Project, better known as the International Labor Organization's Industrial Relations project in Vietnam (ILO-IR)
- 2) Better Work Vietnam Union Capacity Development Component (BWV-UCD)
- 3) Vietnam Industrial Relations Promotion Project (IRPP or "SIIR," its acronym from a previous phase)
- 4) Mediation and other training activities funded by USDOS and implemented by the Federal Mediation and Conciliation Service (FMCS)

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<sup>6</sup> USDOL/ILAB, "U.S. – Vietnam Labor Dialogue," <http://www.dol.gov/ilab/diplomacy/vietnam.htm>



Table 1 lists the project names, implementing organizations, focal points, funding amounts, and timeframes. This is followed by a more in-depth description of each project or activity.

**Table 1: Implementing Organizations, Focal points, Funding amounts, and Timeframes or USDOL-Funded Projects and Activities in Vietnam**

Name	Implementer	Focus	Funding	Timeframe	Notes
ILO-IR	ILO	<ul style="list-style-type: none"> <li>Technical assistance – labor laws &amp; ILS</li> <li>Industrial relations</li> </ul>	\$1,000,000 \$500,000 \$1,000,000 \$500,000	09/12-09/13 10/13-09/14 10/14-09/15 10/15-09/16	Total project funds of \$3 million disbursed over a four-year period
BWV-UCD	Better Work program and ILO Bureau for Workers' Activities (ACTRAV)	<ul style="list-style-type: none"> <li>Union capacity building</li> <li>Social dialogue</li> </ul>	\$640,000 \$674,000	09/11-03/14 07/14-06/16	The project has three implementing partners: BWV, ACTRAV and the ILO. APHEDA serves as the external implementing partner for ACTRAV.
IRPP	DAI (Development Alternatives Inc.)	<ul style="list-style-type: none"> <li>Labor inspection</li> <li>ILS</li> </ul>	\$1,500,000	09/11-09/14	Official start date delayed until September 2013
FMCS	N/A	<ul style="list-style-type: none"> <li>Mediation</li> <li>Dispute resolution</li> </ul>	\$228,900 (funding from USDOS)	2013-2014	Interagency Agreement between USDOS and FMCS to implement as series of training activities and other related technical assistance

### **ILO-Industrial Relations Project**

In September 2012, USDOL signed a four-year cooperative agreement with the International Labor Organization (ILO) to implement the Vietnam Labor Law Implementation Project, better known as the ILO Industrial Relations (ILO-IR) project. The Center for Industrial Relations Development (CIRD), a specialized technical unit within MOLISA, was identified as the project's governmental counterpart or "project holder." The project had five objectives that ranged from developing regulations and guidelines for the new Labor Code and Trade Union Law to educating tripartite partners on the provisions of the laws and regulations, and building their capacity to promote good industrial relations. One of the five objectives and corresponding activities interfaced with one objective and corresponding activities from another USDOL-funded project—the Better Work Vietnam: Union Capacity Development project (see full description below)—in order to create synergies in project efforts that would improve trade unions' capacity to effectively represent workers. The project received the first funding disbursement from USDOL of \$1 million in 2012, and additional disbursements of \$500,000 in 2013, \$1 million in 2014, and \$500,000 in 2015, for a total of \$3 million.

### **Better Work Vietnam: Union Capacity Development Project**

In September 2011 USDOL signed a two-year cooperative agreement with the ILO/IFC Better Work program and the ILO Bureau for Workers' Activities (ACTRAV) for \$640,000 to support the Better Work Vietnam: Union Capacity Development (BWV-UCD) project, which aimed to improve industrial relations and strengthen union capacity. This project had a multi-faceted approach involving three implementing partners—Union Aid Abroad APHEDA (ACTRAV's implementing partner), the ILO-IR project, and BWV. APHEDA implemented activities directly related to capacity building of the union representatives in the Performance Improvement Consultative Committees (PICC) of BWV, as well as trade union executive committee members at the enterprise level and the provincial Federations of Labor. As mentioned, this project interfaced with the ILO-IR project and the BWV project in its initiatives to pilot innovative approaches to union organization in participating BWV factories. The fourth and final objective of the BWV-UCD project aimed to increase the capacity of BWV's Enterprise Advisors (EA) on industrial relations issues and ILS. This also interfaced with other union capacity building activities implemented by APHEDA since the EAs are directly responsible for establishing PICC committees in BWV factories.

In July 2014, USDOL extended its support for the BWV-UCD project for another two years with an additional \$674,000. This second phase retained the first two objectives from the previous phase, but activities and objectives involving the pilot initiative and EA capacity building evolved to the next logical set of activities and outcomes: (1) documenting lessons learned and promoting good practices in order to scale up innovative union organizing efforts, and (2) integrating industrial relations issues within the assessment and advisory services conducted by the Enterprise Advisors.

### **Vietnam Industrial Relations Promotion Project**

In September 2011, USDOL awarded \$1.5 million to DAI, Inc. for the three-year Vietnam Industrial Relations Promotion Project (IRPP) to strengthen compliance with ILS in Vietnam. The project's counterpart/holder was identified as the Labor Inspectorate within MOLISA. The project design intended to (1) improve compliance with the existing labor laws and regulations; and (2) promote sound industrial relations by enhancing the capacities of the labor inspectorate and raising awareness of workers and employers. This was considered a second phase of an earlier project funded by USAID (known as the SIIR project, or the Supporting Implementation of Labor Laws and Promotion of Sound Industrial Relations in Vietnam).

### **Federal Mediation and Conciliation Services: Dispute Resolution and Mediation Training**

In March 2012, USDOS signed an Inter-Agency Agreement (IAA) with Federal Mediation and Conciliation Services (FMCS) for \$228,900 to provide training to Vietnamese constituents in mediation and conciliation. FMCS trainers or consultants provided two one-week training sessions in May 2013 on conflict management in both Hanoi and Ho Chi Minh City (HCMC). The target audience was primarily MOLISA staff from the Labor Inspectorate and Labor and Wages departments. Training topics included negotiations, interest-based bargaining, and

mediation. The activities also included technical assistance/consultation for the development of a manual on labor dispute mediation.

## II. EVALUATION PURPOSE AND METHODOLOGY

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### 2.1. Evaluation Purpose

The purpose of this evaluation is to assess the overall systemic impact and effectiveness of USDOL's international technical assistance and cooperation portfolio to promote workers' rights in Vietnam. Unlike most project implementation-focused evaluations, the purpose is not to evaluate any one particular project funded by USDOL, but to accomplish the following:

- Assess the overall impact and effectiveness of USDOL's overlapping and continuous support of workers' rights projects in Vietnam.
- Examine the response, support and ownership, throughout all of these projects, of the Government of Vietnam and other country stakeholders.
- Analyze the value and utility of the key tools and interventions produced by the projects and the extent to which the systems and tools enhanced or built by the projects are functioning with the current level of external support.
- Assess the prospects for embedding or transferring these capabilities to local partners, systems and processes, and make recommendations on how to enhance sustainability beyond donor support.
- Highlight key findings and lessons learned that could be of importance to USDOL or other donors who may fund future labor-related projects in Vietnam or elsewhere.
- Make recommendations on the design of future ILS promotion projects and on how to enhance USDOL's grant-making effectiveness to promote ILS in Vietnam's export apparel and footwear sector in particular, and in the country as a whole.
- Assess the interaction amongst the projects and with other projects.

This evaluation examines the extent to which USDOL-funded technical assistance and cooperation efforts have worked together to promote USDOL's mission and broader U.S. Government policy and priorities, particularly as they relate to the Vietnamese export apparel and footwear sector, as well as to compare/contrast the programs with similar efforts by the U.S. Government and other donors. In addition, the evaluation assesses program effectiveness, efficiency, impact, and sustainability. Based on its findings, this evaluation makes recommendations for improving program effectiveness and efficiency, strengthening collaboration and partnerships, reducing duplication, enhancing synergies across complementary programs, and positioning program efforts for maximum impact and sustainability.

It should be noted that this is a special evaluative study commissioned at the request of USDOL to answer decision-makers' questions regarding implementation, impacts, and sustainability to improve programming and maximize results. As such, the primary audience is the U.S. Government, particularly USDOL. To a lesser extent, the implementing organizations and partners, the Vietnamese government, trade unions and other parties involved in the execution of the projects will use, as appropriate, the evaluation findings and lessons. The evaluation's

findings, conclusions and recommendations also will serve to inform stakeholders in the design and implementation of future labor cooperation efforts.

USDOL developed a set of questions to guide the evaluation methodology, which is described in the following section. The questions address key issues in (1) project design; (2) relevance and strategic fit; (2) effectiveness in achieving objectives and outputs; (3) efficiency and use of resources; and (4) effectiveness of project management; (5) impact orientation; and (6) sustainability of the projects' interventions. The evaluation questions appear in the Terms of Reference (ToR) in Annex A.

## **2.2. Methodology**

The methodology utilized for data collection was primarily qualitative in nature. Quantitative data were drawn from project documents and reports, to the extent available, and incorporated into the analysis. Data collection methods and stakeholder perspectives were triangulated for many of the evaluation questions in order to bolster the credibility and validity of the results. A set protocol was followed for each person interviewed, with adjustments made for each person's level of involvement or specific role in project activities.

**Evaluation Schedule:** The evaluation was conducted in September 2015. The evaluator reviewed project documents and developed interview guides prior to carrying out the fieldwork in Vietnam. The fieldwork was conducted in Vietnam from September 14-29, followed by a stakeholder meeting on September 30 with key project actors to present and discuss preliminary findings. The majority of the data analysis and writing of the report occurred from October 5-23. The complete schedule of evaluation activities appears in the ToR Annex A.

**Data Collection and Analysis:** A master list of key evaluation questions contained within the ToR (Annex A) served as the basis for the evaluation. The questions were used to develop guides and protocols for the key informant interviews and document reviews. The master key informant interview guide is listed in Annex B. The following methods were employed to gather primary and secondary data.

- *Document Reviews:* The evaluator read a variety of project documents, technical progress reports, work plans, performance monitoring plans, trip reports and project outputs, i.e., training manuals, decrees, etc. Annex C shows the complete list of documents that were reviewed.
- *Key Informant Interviews:* Stakeholders were interviewed individually or in small groups. Interviews were held with representatives from the Government of Vietnam (GoV), USDOL, US Embassy, ILO, employer associations, upper-level trade unions (ULTU), grassroots trade unions (GTU), BWV PICC committees, academia, and current or former project staff. A total of 96 persons were interviewed, representing 12 key stakeholder groups from all four projects or activities in the USDOL technical cooperation portfolio. A complete list of persons interviewed can be found in Annex D.

The document reviews and key informant interviews generated a substantial volume of raw qualitative data. The evaluator used qualitative data analysis methods, including matrix analysis, to categorize, triangulate, synthesize, and summarize the raw data captured from the interview notes. The results of the data analysis provided tangible blocks of information, which the evaluator used to write the evaluation report.

**Sampling Methodology:** The evaluator used a purposeful, non-random sampling methodology to select the interviewees. Individual or small group interviews were conducted with representatives of ILO, BWV, MOLISA, trade unions and employer organizations. In addition, two focus groups were held with PICC committee members at BWV-participating factories near Hanoi and HCMC. Table 2 summarizes the populations interviewed, the interviewing methodology, the sample size, and characteristics of the sample.

**Table 2: Population, Methodology, Sample size, and Sample Characteristics**

Population	Method	Sample Size	Sample Characteristics
ILO (Hanoi, Bangkok)	Individual and small group interviews	7	Country Director; staff from ILO-IR and Labor Inspectorate projects; ACTRAV representative
Better Work Vietnam (BWV)	Individual and small group interview	4	Program Manager and Enterprise Advisors who are part of the Industrial Relations Advisory Team
APHEDA	Individual and small group interviews	4	Regional Manager and BWV-UCD project staff
Former Project Staff	Individual interviews	3	Former staff of IRPP project and FMCS activities
US Government	Individual and small group interviews	6	USDOL/ILAB International Relations Officers, US Embassy and US Consulate representatives in Hanoi and HCMC
MOLISA	Individual and small group interviews	13	Representatives from International Cooperation, National Wage Council, Wage & Labor, Labor Inspectorate, Legal Affairs, CIRD
Vietnamese General Confederation of Labor (VGCL)	Individual and small group interviews	8	VGCL is the national trade union. Interviews were conducted with representatives from international cooperation, industrial relations, and organizing departments
Federations of Labor (FOL) & Industrial Zone Trade Unions (IZTU)	Individual and small group interviews	16	FOLs and IZTUs are upper-level trade unions at the provincial and district levels, respectively
Grassroots Trade Unions (GTU)	Small group interviews	5	GTUs are local or enterprise-level trade unions. Interviews were conducted with Executive Committee members of the GTUs.
Employer Organizations (VCCI, Business Associations)	Individual and small group interviews	10	VCCI representatives in Hanoi and HCMC; business association representatives in Hung Yen province
PICC Committee Representatives at BWV factories (n=2)	Focus groups	16	Focus groups at two apparel factories—one near Hanoi and another near HCMC
University Faculty (Ton Duc Thang)	Small group interviews	4	Interviews with Labor Relations and Trade Union faculty at Ton Duc Thang University in HCMC
<b>Total Interviewed</b>		<b>96</b>	

**Stakeholder Meeting:** The evaluator conducted a debriefing meeting in Hanoi on September 30 with 28 key project stakeholders to present preliminary findings, solicit clarification, and gather further input regarding future labor projects and priorities. A complete list of stakeholder meeting participants can be found in Annex E.

**Limitations:** The scope of the evaluation specified three weeks of fieldwork, which was not enough time to interview all of the key stakeholders involved with the four projects and activities. While the evaluator believes that the sample described in the table above is representative of the projects' stakeholders, a relatively small number of people were interviewed for both the IRPP project and FMCS activities that were completed by mid- 2014. Most notably, the evaluator interviewed a relatively small sample of MOLISA labor inspectorate staff, the primary target group of the IRPP project, despite the multiple requests to conduct focus groups in both Hanoi and Ho Chi Minh City. In addition, time limited the number of factories visited in the provincial areas that participated in either the BWV-UCD project or ILO-IR pilot project.

Another limitation is the fact that the findings for this evaluation are based on information collected from background documents and key informant interviews. The accuracy and usefulness of these findings relies on the integrity and relevance of the information provided to the evaluator from these sources and the ability of the evaluator to triangulate this information.

## III. FINDINGS

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The following findings are based on fieldwork interviews with project stakeholders and the review of project documents and reports. The findings address the questions listed in the ToR and are organized according to the following evaluation areas: relevance, project design and performance monitoring, effectiveness, efficiency, project management, and impact orientation and sustainability.

### 3.1. Relevance and Strategic Fit

The following discussion on the project portfolio's relevance and strategic fit examines 1) the priorities and needs of tripartite stakeholders; 2) the extent to which the projects/activities were relevant to priorities identified; and 3) the extent to which the projects/activities were designed to complement or enhance existing initiatives focused on promoting workers' rights and compliance with ILS.

#### 3.1.1. Stakeholders Needs and Expectations

The needs/priorities identified by Vietnamese tripartite stakeholders were identified from a variety of primary and secondary sources, including interviews with tripartite stakeholders and project documents (see Annex C for a complete list of project documents reviewed). These priorities have been folded into seven general categories (order is not based on level of importance).

**Preparatory work for the ratification process of ILO Conventions 87 and 98:** Vietnam's participation in TPP has created the urgent need for technical support in preparations for the ratification of ILO Convention 87 (on Freedom of Association) and Convention 98 (on Collective Bargaining). Priorities include gap analyses and a road map to compliance with C87 and C98. Needs related to TPP were not identified during the design phase of any of the projects in the portfolio, although some of the efforts of the ILO-IR project have turned out to be relevant to TPP compliance issues. The ILO-IR project is planning to make TPP-related compliance issues a large focus of project activities in the upcoming months.

**Creating effective Vietnamese social dialogue mechanisms:** At least half of the tripartite stakeholders interviewed mentioned the importance of developing effective *Vietnamese* social dialogue models/mechanisms between workers and management. MOLISA industrial relations experts commented that social dialogue or social dialogue mechanisms are relatively new concepts in Vietnam. An industrial relations expert stated, "Before, workers just spontaneously walked off the job to voice their concern." With the recent implementation of regulations associated with Decree 60 (June 2013)<sup>7</sup>, employers are now required to hold a regular dialogue

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<sup>7</sup> Decree No. 60/2013/ND-CP of June 19, 2013 detailing clause 3, Article 63 of the Labour Code regarding the implementation of regulations requiring a social dialogue mechanism at the workplace



with their employees at least once every three months to discuss production, working conditions and other issues. This adds even more importance to creating models that can demonstrate effective social dialogue in the Vietnamese context.

Representatives of provincial business associations who were interviewed observed that many employers were accustomed to viewing social dialogue as the one-on-one responsibility of the human resource managers. Representatives of grassroots trade unions (GTU) stated that until the implementation of the social dialogue pilots, they never imagined sitting face-to-face with management to negotiate or discuss workplace concerns.

**Increasing worker participation in trade unions:** Key to building effective social dialogue models in Vietnam is increasing worker participation in trade unions. Greater and more democratic worker participation would result in more effective representation of workers' concerns. An important step to achieving this is improving linkages between upper-level trade unions (ULTU) and GTUs.

**Building the capacity of trade union members:** Another need identified by trade unions was to build the capacity of GTU members to effectively participate in social dialogue. There is also a need to train workers and management on labor rights and industrial relations issues to effectively engage in worker-management discussions.

**Strengthening the capacity of labor inspectors:** Several MOLISA officials stated that increasing the capacity of its labor inspectorate is a high priority. Tripartite stakeholders also identified this as a priority during the Evaluation Stakeholder Meeting on 30 September 2015. The labor inspectorate currently is experiencing a critical shortage of labor inspectors (there are 492 inspectors when the need is for over 1000). This, according to an inspectorate official, has created the need for “multi-functional” inspectors who can address a wide range of issues— from general labor to more specialized occupational health and safety inspections. In addition, inspectors also must be prepared to serve as labor mediators.

**Developing a management information system:** Aside from building the capacity of labor inspectors, several MOLISA officials stated that there is a great need to strengthen or create information and communications technology used within the labor inspectorate. A USDOL official interviewed also stated that an effective management information system (MIS) should be a high priority for any well-functioning labor inspection system. He explained, however, that until now, there has been some resistance on the part of the GoV to increase the accessibility of data, which would be the result of developing an MIS.

**Building the capacity of labor mediators:** MOLISA's Department of Labor and Wage, whose responsibilities include labor dispute resolution, identified mediation and conciliation as one of their highest priorities. Officials from MOLISA's Legal Affairs and CIRD confirmed the need for mediation training. However, some Vietnamese officials seemed to feel that, for a number of reasons, Vietnam might not be ready for mediation in its purest form. One official gave an example by explaining, “In the case of a strike, who are the disputing parties? Right now, 100% of strikes are illegal. There has never been a strike led by a union. With whom do you negotiate?”

**Building the capacity of employer organizations:** Employer organization representatives stated that past projects addressing labor relations have not paid enough attention to building the capacity of employer organizations. This is especially important in light of the TPP labor obligations. One representative stated, “We need access to the right information. We need to know how to guide our constituents. We need to have employers’ roles clearly defined in establishing sound labor relations. We need to be more involved in projects to support a tripartite mechanism.”

### 3.1.2. Assessment of Project Strategies vs. Priorities Identified

The industrial relations priorities identified were analyzed against the objectives and activities of the projects within the portfolio to verify if projects included strategies to address the priorities identified. Table 3 provides a comparison between the priorities identified in Section 3.1.1 with the principal strategies/activities of the projects in the technical cooperation portfolio.

**Table 3: Tripartite IR Priorities, Project, and Project Strategies Addressing Priorities**

IR Priorities Identified	Project Strategies/Activities Addressing Priorities
1. Preparatory work for the ratification process of ILO Conventions 87 and 98	ILO-IR: Gap analysis of Labor Code and Trade Union Law against ILO recommendations; Road map toward ratification of ILO C87 and C98.
2. Creating effective <i>Vietnamese</i> social dialogue mechanisms	ILO-IR: Pilot project in BW factories on implementing Decree 60 (social dialogue mechanism at workplace); Pilot projects on social dialogue models in factories outside of BWV BWV-UCD: Strengthen the ability of union members of the PICCs to represent workers’ voices; Build the capacity of BW Enterprise Advisors to effectively promote social dialogue in factories; Develop guidelines on social dialogue for garment factories
3. Increasing worker participation in trade unions	BWV-UCD: Create stronger linkages between ULTUs and GTUs through capacity building efforts ILO-IR: Pilot “bottom-up” initiatives to strengthen coordination and support between ULTUs and GTUs
4. Building the capacity of trade union members	BWV-UCD: Strengthen the ability of GTU leadership to represent workers ILO-IR: Pilot sector-wide collective bargaining and wage negotiations in BWV factories
5. Strengthening the capacity of labor inspectors	IRPP: Promotion of effective labor inspection system, its management, regulations, data collection and training
6. Developing a management information system within the labor inspectorate	IRPP: Promotion of a management information system as part of a well-functioning labor inspection system
7. Building the capacity of labor mediators	FMCS: Delivery of two weeks of mediator training in HCMC and Hanoi; Drafting of a Mediator Manual to improve the delivery of services by MOLISA labor mediators
8. Building the capacity of employer organizations	ILO-IR: Technical support for employers on complying with Decree 60 (social dialogue mechanism at workplace); Technical support on minimum wage fixing.

### **3.1.3. Process of Establishing Cooperative Relationships with Project Stakeholders**

As shown in Table 3, as a whole, the project strategies addressed the priorities identified by tripartite stakeholders. Ideally, technical cooperation should be mutually conceived between donor and recipient countries' stakeholders. The annual U.S. – Vietnam Labor Dialogue between USDOL and MOLISA plays an important role in identifying the respective Governments' current industrial relations priorities. However, several high-level MOLISA officials, as well as other tripartite stakeholders, expressed opinions that differ from the conclusions that can be reached from the analysis shown in Table 3.

One MOLISA official who is involved in setting up cooperative agreements between GoV and donors emphasized the need to go beyond formal dialogues, commenting, “The recipient country should be involved in developing the project design and even providing input into the selection of the project implementer... Sometimes the project designs are very far from the needs we express.” A USDOL representative observed that the bidding and procurement process might not allow for such participation from the recipient country's government; however, it would be helpful to reach agreement on the criteria regarding the project implementer in advance.

Representatives from VGCL stated that they have had numerous cooperative relationships with Trade Union Solidarity Support Organizations (TUSSOs), but these are TUSSOs with whom they share “mutual trust and respect for one's political structure and legal system, and non-interference in one's internal affairs.” The greatest trust and respect is with TUSSOs with whom they have had long-standing relationships such as APHEDA.

### **3.1.4. Process of Establishing Cooperative Relationships between FMCS and Vietnamese Tripartite Stakeholders**

The FMCS had a different process for reaching an agreement with tripartite stakeholders in Vietnam leading to the provision of training on labor mediation and other technical assistance activities. The events leading up to an agreement on services were as follows:

- December 2011: FMCS representatives met with Vietnamese tripartite stakeholders to conduct an assessment of their labor mediation training needs and capacity. The results of the meeting confirmed the need for training and technical assistance, as well as the interest and willingness to collaborate with FMCS.
- January 2012: FMCS representatives exchanged official Letters of Intent with MOLISA memorializing their commitment to undertake a multi-stage program of collaboration and technical assistance focused on mediation.
- June 2012: MOLISA ICD requested a face-to-face meeting with FMCS to discuss “best mode of delivery for cooperation projects.” The FMCS accepted the invitation as the best means of building trust and advancing the cooperative relationship.
- August 23, 24, & 27, 2012: The FMCS delegation held meetings with a wide representation of MOLISA officials to discuss the design and content of the future training program. The two parties also agreed to establish a ToR as the most efficient way to ensure delivery of a pilot training program prior to the end of 2012. Separate meetings

were held with VCCI and VGCL to keep tripartite partners informed of FMCS's potential work in Vietnam.

- December 2012: FMCS and MOLISA officials signed a final ToR for cooperative activities.
- May 2013: FMCS delivered the first activity under the ToR: two weeks of training and technical consultation on labor dispute mediation in Hanoi and Ho Chi Minh City (one week in each city).
- May 2013: MOLISA requested technical assistance in developing a manual for labor mediators in Vietnam.
- January 2014: FMCS and MOLISA officials met for two days of discussions and drafting of a Mediator Manual to improve the delivery of services by MOLISA labor mediators.
- June 2014: Manual on Labor Dispute Mediation, a joint effort between FMCS and MOLISA, was completed.

Despite what appeared to be an adequate process leading up to the cooperative relationship between FMCS and MOLISA, tripartite stakeholders interviewed repeatedly mentioned that the FMCS training was “not applicable to the Vietnamese context.” MOLISA representatives also stated that the labor mediation manual that was jointly developed between MOLISA and FMCS has not been used to train labor mediators. The only explanation given for its lack of use was that the final product did not meet their expectations. See Section 3.3, Effectiveness, for further elaboration.

## **3.2. Project Design and Performance Monitoring**

The following section reviews the USDOL requirements for project design and performance monitoring as stipulated in the Management Procedures and Guidelines (MPGs) for USDOL Cooperative Agreements and compares them to the designs and performance monitoring plans (PMPs) of the three projects in the technical cooperation portfolio. Based on the comparisons, observations are made regarding the effectiveness of the project designs and performance monitoring systems for each project.

### **3.2.1. USDOL's Results-based Design Approach**

Project design guidelines have evolved with each update of USDOL's MPG. These updates occur each two to three years. What remained unchanged in the 2010 and 2013 project design guidelines updates was that the planning process emphasized cause-and-effect linkages and provided guidelines for project monitoring that tracks progress towards results. However, a change in the most recent MPG (2015) is that it outlines a results-based management (RBM) design approach for its technical assistance projects. This approach is moving project designs to focus more on results (or outcomes), and less on the activities and outputs.

The MPGs of 2010, 2013 and 2015 required projects to use a Results Framework (RF) approach to graphically depict the project hypotheses as a sequence of cause-and-effect events that include activities, outputs, outcomes and the overall goal. The most recent MPG (2015) used slightly different terms for the components of the RF than is found in previous versions, but the process

and purpose remained the same. The projects in the technical cooperation portfolio each included a design framework, also called a **logical framework** or **logframe**, but there was some variation with regard to the terminology and components that are included. This may be a result of the different terminology and definitions used in the larger international community. The important commonality for all frameworks is that they use a cause-and-effect logic to organize the goal, outcomes, outputs, and activities.

Table 4 offers a comparison of logical framework terminology along with their definitions or criteria. Included in Table 4 are the critical assumptions and performance indicators, which also are essential components of a logical framework.

**Table 4: Logical Framework Terminology and Definitions/Criteria<sup>8</sup>**

<b>USDOL Framework Terminology</b>	<b>ILO Framework Terminology</b>	<b>Definitions/Criteria</b>
Long-term Outcome	Development Objective	Long-term Outcome is the change that the project seeks to achieve—its impact. The project alone probably cannot achieve the identified long-term outcome, but it should contribute significantly to its attainment. Example: To improve the lives and working conditions of garment workers through enhanced capacities of the labor inspection system.
Medium-term Objectives	Intermediate Objectives	Medium-term or Intermediate Objectives are outcomes or results that represent changes/improvements in policies, knowledge, skills, behaviors or practices that a project expects to accomplish and that would lead to the long-term outcome. Example: Improved technical skill of labor inspectors to conduct worksite inspections.
Short-term Objectives	Sub-Intermediate or Immediate Objectives	Short-term objectives are smaller milestones that should be achieved when moving toward a medium-term objective or long-term outcome. Example: Increased knowledge of national labor laws among labor inspectors, which is needed in order to improve technical skills of labor inspectors to conduct worksite inspections.
Outputs	Outputs	Outputs are the tangible results, or the specific products, services or systems that lead to achieving the intermediate objectives. The project is responsible for producing outputs, which must support both short-term and medium-term objectives. Example: Inspection checklists or protocols.
Activities	Activities	Activities are the specific actions that the project executes to produce outputs. Example: Provide training to labor inspectors on the new Labor Code and Trade Union Law.
Performance Indicators	Indicators	Indicators are the measures or benchmarks that determine whether or not the project has successfully achieved its objectives or produced its outputs. Indicators should be factual, verifiable, and clearly linked to an objective or output. Example: At least 50% of labor inspectors are applying the new checklist protocols in their labor inspections.

<sup>8</sup> Sources: (1) USDOL ILAB, Management Procedures and Guidelines: Cooperative Agreements, 2015; (2) ILO, *Applying Results-based Management in the ILO: A Guidebook, Version 2*, 2011.

USDOL Framework Terminology	ILO Framework Terminology	Definitions/Criteria
Critical Assumptions	Critical Assumptions	Critical assumptions are the general conditions under which the hypothesis or strategy for achieving the project's outcome will hold true. They are events or decisions that are beyond the control of the project, but are important and necessary to the success of the project. Example: Government commitment to improve labor inspection system will remain consistent.

### 3.2.2. Integrity of Project Designs within the USDOL Portfolio

A comparison was made between each of the projects' logframes against the logframe criteria outlined in Table 4. There were several limitations in conducting this analysis, which included the following:

- The logframe components (objectives, outputs, activities, indicators) differed, in some cases between the logframe within the Project Documents (ProDoc) and Data Tracking Tables (attached to Technical Progress Reports), for reasons that are not clear.
- The project designs did not necessarily differentiate between short-term/immediate and medium-term/intermediate objectives and/or mixed up their correct classifications.
- The project design described in the original IRPP project document varied greatly from the adjusted logframe dated April 2013 due to the almost two-year delay in project startup. (Further details regarding the IRPP project delays are found in Section 3.3 on project progress and effectiveness.)

The following analysis (Table 5) reviews the USDOL requirements for project design and compares them to the designs of the three projects in the technical cooperation portfolio to assess the effectiveness of the project designs for each project. Table 5 only includes a sample of each project's activities, outputs and objectives. The complete project logframes are found in Annex F.

**Table 5: Integrity of Project Design within USDOL's Project Portfolio<sup>9</sup>**

Long-term Outcome/Development Objective Identified	Analysis of Whether Projects' Long-term Outcomes Meet USDOL Requirements
<b>ILO-IR:</b> By 2016, Vietnam's minimum wage system is reformed and industrial relations institutions and mechanisms for social dialogue have been perfected and capacity of all stakeholders strengthened through social dialogue.	<b>ILO-IR:</b> This long-term outcome does <i>not</i> meet the MPG criteria of addressing the <i>long-term impact</i> the project is expected to have. It is structured as three intermediate objectives rather than addressing the change for which the project seeks to contribute.
<b>BWV-UCD:</b> To improve the lives and working	<b>BWV-UCD:</b> Long-term outcome meets MPG criteria of

<sup>9</sup> Sources: (1) USDOL ILAB, Management Procedures and Guidelines: Cooperative Agreements, 2013 and 2015; (2) Project Documents (ProDoc) and/or logframes for each project in the USDOL technical cooperation portfolio.

conditions of garment workers in Vietnam through the development of a strong, representative and responsive labor movement and improved adherence to national labor laws and international labor standards.	addressing the change the project seeks to achieve: Improved lives and working conditions of garment workers in Vietnam.
<b>IRPP:</b> Improving compliance with the labor laws and regulations and promoting sound industrial relations through enhancing capacities of the labor inspection system and the parties in labor relations.	<b>IRPP:</b> Long-term outcome meets MPG criteria of addressing the change the project seeks to achieve: Improved compliance with laws and regulations that promote sound industrial relations.
<b>Examples of Key Medium-term/Intermediate Objectives Identified</b>	<b>Analysis of Whether Projects' Medium-term Objectives Meet USDOL Requirements</b>
<b>ILO-IR:</b> (1) Implementation decrees, guidance documents, regulatory instruments and institutions for new Labor Code and Trade Union Law are adopted for effective enforcement, and tripartite constituents and the public are informed of new changes; (2) Employers' and workers' organizations are more influential, more representative and provide improved and new services to their members; (3) Institutions and mechanisms for industrial relations are strengthened and regulations related to industrial relations are improved and implemented.	<b>ILO-IR:</b> The intermediate objectives listed <i>do</i> meet the MPG criteria of changes in policies, knowledge, skills, behavior or practices that the project expects to accomplish.
<b>BWV-UCD:</b> None listed	<b>BWV-UCD:</b> <i>None listed</i> , although the short-term objectives identified below do meet the criteria for medium-term objectives.
<b>IRPP:</b> (1) To enhance the labor inspectorate's capacity to enforce the law and the workers' and employers' awareness on labor laws and regulations; (2) To enhance partnership for promotion of sound industrial relations.	<b>IRPP:</b> The first intermediate objective listed meets the MPG criteria of specifically addressing the change in skills the project expects to accomplish. The second one <i>lacks</i> specificity in identifying which institutions are targeted for the partnership.
<b>Examples of Key Short-term/Immediate Objectives Identified</b>	<b>Analysis of Whether Projects' Short-term Objectives Meet USDOL Requirements</b>
<b>ILO-IR:</b> (1) Support development of implementation decrees for the new Labor Code and Trade Union Law; (2) Promote education and awareness of the new Labor Code and Trade Union Law and their regulations and guidelines; (3) Improve trade union capacity to effectively and democratically represent workers, particularly at the enterprise level and in coordination with national union organizations, per the new Trade Union Law and Labor Code	<b>ILO-IR:</b> The first objective does <i>not</i> meet the MPG criteria for short-term objectives since it is stated as an activity (support) that contributes to an output (decrees). The second and third objectives <i>do</i> meet the MPG criteria for short-term objectives since they can be interpreted as smaller milestones contributing to the larger objectives.
<b>BWV-UCD:</b> (1) Union members of PICCs in BWV will have strengthened their capacity to contribute to the factory's compliance improvement process; (2) GTUs, garment workers' union and FOLs in BWV-targeted provinces will have increased their capacity to effectively represent workers in export-oriented workplaces within the garment sector; (3) The TUs	<b>BWV-UCD:</b> These do <i>not</i> meet the MPG criteria for short-term objectives. These <i>do</i> qualify as medium-term objectives since they identify the changes in policies, knowledge, skills, behavior or practices that the project expects to accomplish.

will have strengthened their capacity to represent workers/union members' interests in collective dialogue and bargaining, and in applying innovative pilots for union organization in an expanded number of BWV factories.	
<b>IRPP:</b> (1) Enhanced capacity for effective strategic planning and management of resources; (2) Enhanced capacity to develop labor laws and regulations enforcement tools; (3) Enhanced capacity of labor inspector training system	<b>IRPP:</b> These <i>do</i> meet the criteria for short-term objectives since they identify smaller milestones to achieving the larger objective.
<b>Examples of Key Outputs Linked to Key Objectives</b>	<b>Analysis of Whether Projects' Outputs Meet USDOL Requirements</b>
<b>ILO-IR:</b> (1) Regulatory instruments and institutions for effective implementation of the laws and regulations are improved in view of the Labor Code and Trade Union Law 2012; (2) Tripartite partners at different levels are informed of changes and are able to operate effectively under the new regulations; (3) Representation capacity of trade unions is strengthened by improving workers' empowerment and the role of upper level trade unions	The first output <i>does</i> meet the MPG criteria since it identifies a product and has a direct causal link to one or more of the key outcomes listed above. The second and third outputs <i>do not</i> meet the criteria since they <u>do not identify tangible results</u> .
<b>BWV-UCD:</b> (1) Improvement in ability of the union members of the PICCs to represent workers voices in regard PICC issues are demonstrated; (2) District and Provincial unions in targeted provinces are better able to support factory level unions; (3) Good practices and lessons learned from earlier pilot initiatives on bottom-up union organization are consolidated for wider dissemination, application and institutionalization	These outputs <i>do not</i> meet the MPG criteria since they <u>do not identify tangible results</u> (i.e., products, services, or systems).
<b>IRPP:</b> A series of recommendation reports submitted to MOLISA including the following topics: (1) master plan for enhanced capacity of labor inspection systems submitted to MOLISA for consideration; (2) improved capacity of development of labor laws and regulations enforcement tools; (3) integrated strategy for promotion of sound industrial relations toward 2020 submitted to MOLISA.	These outputs <i>do</i> meet the MPG criteria since they identify tangible results (reports) that are causally linked to project short-term objectives.
<b>Performance Indicators</b>	<b>Analysis of Projects' Performance Indicators</b>
A sample of the projects' performance indicators is found in Table 7.	An analysis of the projects' performance indicators is found in Table 7.
<b>Examples of Key Critical Assumptions Identified</b>	<b>Analysis of Whether Projects' Assumptions Meet USDOL Requirements</b>
<b>ILO-IR:</b> (1) The Government and social partners will continue in their commitments to industrial relations reform; (2) Each partner is committed to the full cycle-process of identifying the need to undertake	The critical assumptions identified specific circumstances that are beyond the control of the project but are critical for its success.



substantial reform efforts, conducting pilot initiatives to experiment or roll-out specific reform measures, and adopting the lessons of pilot activities	
<b>BWV-UCD:</b> (1) There will not be regular turnover for PICC members; (2) Provincial FoL trainers will see incentives for active participation in the program; (3) Factories will be willing to participate in the PICC training.	The critical assumptions identified specific circumstances that are beyond the control of the project but are critical for its success.
<b>IRPP:</b> (1) The GoV's strong commitment to enhance enforceability for improved labor compliance will be maintained; (2) Tripartite stakeholders' will remain committed to promotion of sound industrial relations in the workplace	These critical assumptions are general, but they do identify circumstances beyond the control of the project and critical for its success.

The findings in Table 5 indicate that the BWV-UCD project had the strongest project design in terms of the accuracy with which it met the definitions of the various design components, followed by the ILO-IR project. None of the projects, however, accurately identified all of the project design components as outlined in USDOL’s MPG.

**3.2.3. Performance Monitoring**

A performance monitoring plan (PMP) is required of all USDOL ILAB/OTLA projects. The PMP is a tool to assist in setting up and managing the process of monitoring, analyzing, evaluating, and reporting progress toward achieving the stated project objectives. A well-designed PMP enables projects to compare data over time by clearly defining indicators and specifying the method and frequency of data collection and the responsible parties for data collection and analysis.

The 2010 and 2013 MPGs offered general guidelines with respect to developing a Performance Monitoring Plan (PMP), but they did not include specific PMP templates. A PMP template was not included in the MPG until 2015. Prior to 2015, grantees were expected to develop and submit a PMP within three to six months of the time of award, and were required later to finalize the PMP with technical input from the USDOL Project Manager. Starting with the 2015 MPG, grantees were expected to include the PMP as part of the initial draft Project Document Package, to develop indicator targets (see Section 3.3) and to report on the progress in achieving these indicator targets in semi-annual Technical Progress Reports (TPRs).

Table 6 shows the PMP template that is now included in the 2015 MPG. The PMP components are the same as those found in earlier MPGs: performance indicator, indicator definition and unit of measurement, data source, frequency of data collection, and person or office responsible for data collection. The template enables the grantees to more clearly understand how to provide information to USDOL. The 2015 PMP template also includes a placeholder for grantees to describe how they are applying the results in project management.

**Table 6: Performance Monitoring Plan Template from USDOL’s MPG (2015)<sup>10</sup>**

Performance Indicator	Indicator Definition/ Unit of Measurement	Data Source	Reporting Frequency	Responsibility	Data Analysis/Use
Project’s Long-term Outcome:					
Indicator:					
Medium-term Objective 1:					
Indicator:					
Indicator:					
Short-term Objective 1.1:					
Indicator:					
Indicator:					

### 3.2.4. Projects’ Performance Monitoring Plans

**ILO-IR:** No PMP has been developed yet for the ILO-IR project, but performance indicators were identified in the logical framework. The USDOL Project Manager provided technical input regarding the project’s logical framework and performance indicators, but this never resulted in the completion of a PMP. The ILO-IR project director, who began in early 2014, stated that efforts to develop a PMP in late 2014 with the help of an M&E consultant did not succeed; however, the project has recently engaged another consultant to facilitate the completion of the PMP. The absence of a PMP has not precluded the ILO-IR project from collecting data, as demonstrated by the Data Tracking Tables included in semi-annual TPRs, but the TPRs themselves are missing important components, such as defined indicator targets for each performance indicator identified. The absence of a well-developed PMP at the start of the project has made it difficult to objectively determine project progress or how the available data could be used toward informed project management decisions.

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<sup>10</sup> Source: USDOL ILAB/OTLA, Management Procedures and Guidelines: Cooperative Agreements, 2015.

**BWV-UCD:** Of the three projects in the portfolio, the BWV-UCD project had the most complete PMP, and project staff submitted performance data in a data-tracking table. The data reported, however, were mostly measurements of outputs, based on the majority of their performance indicators being output-oriented (Section 3.2.5 provides further discussion on performance indicators). One of the implementing partners, APHEDA, has taken a keen interest in measuring achievement of project objectives. They have developed various tools to measure effectiveness of training delivery and how this information is applied in the workplace. APHEDA staff mentioned an interest in building the M&E capacity of FOL trainers to provide ongoing monitoring of outputs and outcomes.

**IRPP:** The IRPP project, which ended in 2014, had neither a PMP nor the identification of any performance indicators. The IRPP TPRs provided only qualitative information on project progress, and these were mostly related to the achievement of activities and outputs. Project staff and representatives from USDOL attributed the absence of a PMP primarily to the almost two-year delay in the project approval process by the GoV. Project staff stated, “We had planned on developing a PMP once the project started; we had planned on doing this with MOLISA. But after such a long waiting period for project approval, developing the PMP wasn’t a priority for either MOLISA or the project. We had defined the project objectives, and we just wanted to start implementing the activities.” Unfortunately, because of the absence of a project PMP and performance indicators, there was no process for objectively determining the project’s progress toward achieving the stated objectives.

### 3.2.5. Projects’ Performance Indicators

A project’s performance monitoring is based on identifying appropriate *performance indicators*. As defined in Table 4, performance indicators are the measures or benchmarks that determine whether, or the degree to which the project has successfully achieved its objectives or produced its outputs. A good performance indicator must be factual, verifiable, and clearly linked to an objective or output. It is recommended that each short- or medium-term objective have at least one indicator.

Table 7 provides a sample of the performance indicators for each project in the portfolio. These are compared to the performance indicator criteria outlined in Table 4. A complete list of the projects’ performance indicators is found within the projects’ logical frameworks in Annex F.

**Table 7: Projects’ Performance Indicators<sup>11</sup>**

Examples of Key Performance Indicators Identified	Analysis of Whether Projects’ Performance Indicators Meet USDOL Requirements
<b>ILO-IR: Outcome-oriented indicators:</b> (1) GoV adopts relevant implementation decrees and guidance	<b>ILO-IR:</b> These indicators are <i>good</i> examples of both outcome- and output-oriented indicators. Overall, the

<sup>11</sup> Sources: (1) USDOL ILAB, Management Procedures and Guidelines: Cooperative Agreements, 2013 and 2015; (2) Project Documents (ProDoc) and/or logframes for each project in the USDOL technical cooperation portfolio.

documents for the new Labor Code and Trade Union Law; (2) Tripartite constituents develop various information and education/training materials on the new Labor Code and Trade Union Law  <b>Output indicators:</b> (1) Existing regulatory instruments are replaced with new texts; (2) 3-5 FOL and IZ unions chosen to carry out four pilots	project had a good balance between both of these types of indicators.
<b>BWV-UCD: Outcome-oriented indicators:</b> (1) Number of factories that are applying good practices, as identified through pilots; (2) Number of grass root unions that demonstrate characteristics for “bottom-up” trade union activities.  <b>Output indicators:</b> (1) Number of grassroots unions that participate in trainings; (2) Number of trainers from IZTUs and FOLs that are trained in delivering union training in key factory level union areas.	<b>BWV-UCD:</b> These indicators are <i>good</i> examples of both outcome- and output-oriented indicators. However, the vast majority of the indicators identified were output-oriented.
<b>IRPP:</b> None	<b>IRPP:</b> No indicators were identified in either the original project document (ProDoc) or the adjusted project logframe, nor were they included in the TPRs submitted to USDOL.

Both the ILO-IR and BWV-UCD projects met the USDOL requirement of identifying appropriate performance indicators. The ILO-IR project had a good balance of both outcome- and output-oriented indicators, while the BWV-UCD project had mostly output-oriented indicators. Outcome indicators are stronger because they describe how well the project is achieving the intended change. The IRPP project did not identify any performance indicators, for reasons discussed in Section 3.2.3.

### 3.2.6. Projects’ Adherence to USDOL’s Management Procedures and Guidelines

USDOL’s MPG provides guidance on project design and performance monitoring that meet international best practice. However, as the findings indicate, only the BWV-UCD project met the MPG criteria established for project design and performance monitoring. It is possible that grantees may have been unclear regarding specific project design and performance monitoring requirements. The most recent MPG (FY 2015)<sup>12</sup> contains the clearest guidelines for developing a comprehensive project design and M&E system, but earlier versions were significantly less detailed. This may partially explain the deficiencies found among the projects in Vietnam.

Adding to the weaknesses of the earlier MPGs, USDOL’s Office of Trade and Labor Affairs (OTLA) did not have technical staff dedicated to support monitoring and evaluation efforts. In early 2014, a part-time OTLA M&E coordinator position was added to provide technical assistance to USDOL program managers and grantees. Even with this additional M&E technical assistance, however, USDOL officials stated that the onus is on the grantees to adhere to the guidelines established in the MPG. USDOL project officers stated that they often discuss

<sup>12</sup> USDOL ILAB, Management Procedures and Guidelines: Cooperative Agreements, FY 2015.

deficiency issues with grantees, but this does not necessarily result in grantees completing all of the elements as stipulated in the MPG. Currently there is no recourse to take when grantees do not comply.

### 3.3. Progress and Effectiveness

This section provides a quantitative and qualitative assessment of the projects’ effectiveness by examining the performance indicator targets and presenting stakeholders’ assessment of effectiveness. This section also identifies the synergies between the projects and with programs outside of the technical cooperation portfolio.

#### 3.3.1. Indicator Targets

Examining a project’s *indicator targets* provides an objective way to determine a project’s progress toward achieving the stated outputs and outcomes. Target setting is a critical part of the PMP finalization process, as targets are listed by time period in the PMP’s Data Tracking Table. These Data Tracking Tables should be attached to the TPRs every six months. The performance indicators define the units of measurement, while the targets define the value and timeframe, e.g., how many or how often within what period of time. These periodic indicator targets also are referred to as “indicator milestones.”

Ideally, all projects should conduct a baseline survey to establish the target values at the start of the project and then continually update progress toward their achievement throughout the life of the project. USDOL’s MPG has included a Data Tracking Table template since 2010 with very few changes in the last five years. Table 8 shows the most recent Data Tracking Table template found in the 2015 MPG.

**Table 8: Data Tracking Table Template from USDOL’s 2015 MPG<sup>13</sup>**

Performance Indicator	Baseline	Target/ Actual	Period 1 Sept.-Nov.	Period 2 Dec.-Feb.	Period 3 Mar.-May	Period 4 June-Aug.	Total (where applicable)
		Target					
		Actual					
		Target					
		Actual					
		Target					
		Actual					

<sup>13</sup> Source: USDOL ILAB/OTLA, Management Procedures and Guidelines: Cooperative Agreements, 2015.

### 3.3.2. Assessment of ILO Project Progress and Achievements

The ILO-IR project developed two data tracking tables to provide quantitative results of project progress and achievements. One provided a list of outputs and the rates of completion against the work plan, but the target values were not listed (some of these were found in the Project Document). The other table listed output and outcome performance indicators and some, but not all, of the corresponding baseline values, intermediate target values (milestones) and/or end-of-project targets. Without complete information in either one of the data tracking tables, it was difficult to determine the exact progress or achievement of indicator targets. The evaluator requested that the data be organized and completed in one table to better assess project performance. Table 9 shows the indicators, organized by the corresponding immediate objective (IO), along with the end-of-project indicator targets and the actual achievement as of June 30, 2015 (at approximately 69% of the life of the project).

**Table 9: Assessment of ILO-IR Project Performance, through June 2015<sup>14</sup>**

Indicators		End-of-Project Targets	Total Actual June 2015	Percent of Target Achieved	Status
<b>IO 1:</b> Support development of implementation decrees for new Labor Code and Trade Union Law	<b>IO Indicator:</b>			93%	
Decrees developed to interpret new Labor Code and Trade Union Law.		5 decrees circulars	13 Decrees + 1 Circular	280%	Completed
Roadmap for future ratification of ILO C87 & C98		1	0	0%	On schedule
A medium term roadmap on policy challenges and recommendations for future legislative agenda adopted by the National Assembly		1	0	0%	On schedule
<b>IO 2:</b> Promote awareness of the new Labor Code and Trade Union Law	<b>IO Indicator:</b>			68%	
Labor Code Guidebook for workers		1	2 <sup>nd</sup> Draft + 5 leaflets	75%	Q4 2015
Gap Analysis on laws and statues against ILS		1	2 reports + 2 high level workshops	200%	Completed
Hand book on Trade union rights and unfair labor practices produced and distributed among labor agencies		1	0	0%	On track Q4 2015

<sup>14</sup> Prepared by ILO-IR project staff, November 2, 2015.

Evaluation of Revised Labor Code by NA (and MOLISA)	1	0	0%	2016	
<b>IO 3:</b> Improve trade union capacity across all four levels to represent members (promote bottom-up process)	<b>IO Indicator:</b>	15		226%	
No. of new unions formed or restructured as a result of pilots on new approaches to union organization	8	19 new unions bottom up method,	237%	Completed	
No. of tools developed to support organizing, bargaining or dispute resolution in new bottom up way	3	5	166%	Completed	
No. of incidences where tools have been used	3	8	266%	Completed	
No. of workers organized through bottom up campaigning of 8 GTU's	5000	3006	60%	Ongoing	
CBA's with above law provisions through substantive negotiation and are registered with relevant authorities	6	26	433%	Completed	
Non performing GTU's are re-organized through new approaches	10	50	500%	Completed	
No. of provincial pilots on coordinated multi-enterprise collective bargaining	2	5 (7 sector groups)	250%	Completed	
No. of wage agreements as a result of coordinated wage negotiations achieved in 25 enterprises	25	0	0	Q4 2015	
No. of IZ Trade Unions Provincial FOL's participate in pilot activities	4	5	125%	Completed	
<b>IO 4:</b> Facilitate effective and sustainable minimum wage fixing and determination, National Wage Council (NWC)	<b>IO Indicator:</b>			92%	
One National Wage Council established and is in practice	1	1	100%	Completed	
No. of trainings for VGCL and VCCI on evidence based approaches to minimum wage consideration	2	2	100%	Completed	
Four Social partners produce and submit evidenced based min wage proposals annually to NWC	4	4	100%	Completed	
No. of Wage related studies produced and used for deliberations of the NWC	3	5	160%	Completed	
One New law on Min Wage drafted with support of ILO	1	0	0	Law delayed to 2016-2020	
<b>IO 5:</b> Promote collective bargaining	<b>IO Indicator:</b>			103%	Completed

No. of provincial IR Master Plans developed and adopted	5	6	120%	Binh Phuc Province also adopted IR MP	
No. of provincial wildcat strike mediation procedure interventions	2	3	150%	Completed	
No. of Enterprises piloting improved social dialogue mechanisms	25	32	128%	Completed	
Three Employer organizations active in IR Pilot	3	3	100%	Completed	
One Employer Guideline on either SD, CBA developed and approved by VCCI	1	2nd Draft SD	75%	On track	
IR Bulletins published	4	10	250%	Completed	
No. of expert seminars on IR	8	10	125%	Completed	
One Study Paper on overall structure of government administration in IR in context of market economy	1	0	0	Expected date of completion: Dec. 15, 2015	
No. of IR Profiles completed in enterprises	20	18	90%	On track	
One review report on the status of CB	1	0	0	2016	

The preparation of an organized data tracking table (Table 9) greatly facilitated the evaluator's objective assessment of project progress and effectiveness. As shown in Table 9, the ILO-IR project has made significant advancements under each of its immediate objectives and is expecting to reach all of its end-of-project targets by June 2016. The qualitative data collected supported the quantitative findings on project effectiveness. Tripartite stakeholders showed a high regard for the quantity and quality of project achievements to date. Most notable among these achievements was the project's central role in the establishment of the National Wage Council, the policy papers and legal interpretations of the New Labor Code and Trade Union Law, and the contributions of the pilots to demonstrate effective and innovative approaches to union organization and industrial relations.

### 3.3.3. Assessment of BWV-UCD Project Progress and Achievements

**BWV-UCD:** The BWV-UCD project provided well-organized data tracking tables that were submitted with the TPRs every six months. This greatly facilitated an objective analysis of project progress. The performance indicators contained both baseline and target values corresponding to the project's immediate objectives and outputs. Annex G includes the BWV-UCD project data tracking table, which should be considered a "good practice" with regard to format and inclusion of all necessary components to analyze progress toward achievement of indicator targets. However, as mentioned in Section 3.2.4, the project's performance indicators are primarily output-oriented.

The BWV-UCD project had a total of 24 output and outcome indicators. Table 10 shows the indicators, organized by the corresponding immediate objective (IO), along with the end-of-project indicator targets and the actual achievement to date. The most current performance



results reported in Table 10 are as of June 30, 2015 (at approximately 69% of the life of the project).

**Table 10: Assessment of BWV-UCD Project Performance, through June 2015<sup>15</sup>**

Indicators		End-of-Project Targets	Total Actual June 2015	Percent of Target Achieved
<b>IO 1:</b> Union members of PICCs in BWV will have strengthened their capacity to contribute to the factory's compliance improvement process	<b>IO Indicator:</b> % of PICC union representatives improved capacity to actively contribute to factory compliance improvement process	75		
No. of trainers from district and federation unions trained on delivering PICC training		12	15	125%
No. of union PICC reps training places (spots) provided		1408	343	24%
No. of union PICC reps surveyed and % that increase their problem-solving capacity		75	30	40%
No. of grassroots trade unions participating in trainings		230	112	49%
No. of PICC members that increased their understanding of their responsibilities on training		120	44	37%
<b>IO 2:</b> Factory level unions, garment workers' union and FOLs in BWV-targeted provinces will have increased their capacity to effectively represent workers in export-oriented workplaces within garment sector.	<b>IO Indicator:</b> % of participating unions demonstrate increased capacity in effective representation	80		
No. of trainers from district and federation unions trained in delivering union training in key factory level union areas of need including collective bargaining and dispute resolution.		16	2	13%
No. surveyed and % of union leaders that increased their capacity through training in negotiation, communication, dispute settlement, OSH etc.		>75	30	40%
% of workers affiliated with the grassroots trade union in participating factories		>85	80	94%
% of UCD participating factories signed up to BWV		>76	72	95%
No. of grassroots trade unions who have trained representatives		42	6	14%
No. of training places (spots)		900	16	2%
<b>IO 3:</b> Trade unions will have strengthened their capacity to represent workers/union members' interests in collective dialogue and bargaining, and in applying innovative pilots for union organization in an expanded number of BWV factories.	<b>IO Indicator:</b> No. of BWV participating factory unions that demonstrate increased capacity and awareness in effective representation of members' interests in collective bargaining, PICC and social dialogue more	15		

<sup>15</sup> Source: Technical Progress Report for BWV-UCD Project, 30 June 2015.

	generally			
No. of GTUs participating in pilots from apparel/footwear sector		10	10	100%
No. of FOL/VGCL to which good practice is disseminated		15	0	0%
No. of factories applying good practice identified through pilots		200	25	8%
No. of GTUs that introduced shop-steward system		5	0	0%
No. of GTUs that demonstrate characteristics for “bottom-up” trade union activities		8	4	50%
<b>IO 4:</b> BWV EAs will be able to effectively promote social dialogue and freedom of association in participating factories.	<b>IO Indicator:</b> No. of BWV EAs effectively promoting social dialogue and freedom of association in participating factories	15	14	93%
No. of days EAs are trained/coached or exchange information on IR		65	84	133%
No. of in-factory shadow visits		21	15	71%
No. of joint events/activities with the FOLs		5	6	120%
No. of discussions with national stakeholders on promotion of industrial relations and social dialogue		21	7	33%

A qualitative assessment of the BWV-UCD project based on the evaluator’s desk review and interviews with project stakeholders showed a high level of stakeholder buy-in and participation in the development and execution of project activities. Stakeholders unanimously considered the project strategies, with its built-in mechanisms for sustainability, as highly effective. Stakeholders agreed on the most effective strategies of the project as follows:

- Training of trainers from ULTUs who then trained PICC union members and GTU Executive Committee members. This was noted as a highly sustainable strategy.
- Building the capacity of PICC union members to strengthen their participation in the PICC meetings.
- Building the capacity of GTU Executive Committee to strengthen their participation in labor-management negotiations.
- Increasing the capacity of the BWV EAs so that they could apply newly acquired IR knowledge and skills to their assessment and advisory work.

### 3.3.4. Assessment of IRPP Project Progress and Achievements

**IRPP:** As noted in Section 3.2, the IRPP did not meet the criteria for performance monitoring included in the USDOL MPGs. The only source of regular and periodic documentation of project progress was the TPRs, although these were essentially qualitative findings. Two internal final evaluation reports were produced—one commissioned by the project implementer, DAI, and the other commissioned by MOLISA. Both reports focused on the achievement of activities and outputs as stated in the adjusted logical framework (Annex F) and made conclusions on the achievement of project objectives.

By comparing and cross-checking the IRPP final reports and TPRs, it could be observed that the majority of activities were completed, but it is not clear how these contributed to project objectives. Without an M&E system to track progress, it is not possible to determine the degree to which outputs and objectives were achieved. The only data available were a list of project activities, which included a total of 20 workshops, 11 trainings, and 39 seminars (roundtables, presentations, and meetings).

Interviews with tripartite stakeholders, former IRPP project staff and USDOL officials offered differing viewpoints regarding the project's effectiveness. MOLISA officials from the labor inspectorate, labor and wage division, ICD and CIRDC stated that the IRPP project was highly ineffective. Their opinion was based on the lack of GoV buy-in and ownership of IRPP outputs, as well as the sustainability of any results. One MOLISA official stated, "The IRPP project was not planned with the best interest of Vietnam in mind. The project was a complete waste of money." Former project staff and USDOL officials countered this by stating that the project was redesigned to fulfill MOLISA's "wish list" of activities, some of which had little to do with project objectives. The extensive delay in project startup most certainly affected project buy-in and support, and perhaps influenced stakeholder perception regarding any positive outcomes the project may have had.

### **3.3.5. Assessment of Effectiveness of FMCS Activities**

The FMCS carried out two main activities: 1) two one-week training sessions for Vietnamese constituents on labor mediation and conciliation topics and techniques; and 2) technical assistance for the development of a manual on mediation titled, "Manual on Labor Dispute Mediation." As described in Section 3.2, the process leading up to the development of these activities was almost ideal—tripartite stakeholders were consulted, agreements were reached, and then technical assistance and training content were based on the outcome of this process.

The activities were not accompanied with any kind of monitoring to objectively assess the effectiveness of the activities; therefore, the evaluator had to rely on the feedback provided in stakeholder interviews. There was unanimity among tripartite participants that the training contents had little to no application to the current Vietnamese labor mediation context. One participant from MOLISA went as far as to insinuate that participants were ultimately insulted by the "insensitive approach" and "imposition" of the FMCS system. Only stakeholders representing university academia found the content "interesting" as it pertained to a foreign system.

The evaluator asked several departments within MOLISA for a copy of the mediation manual produced in June 2014 with the technical assistance of FMCS. Only one department could produce a copy, but remarked that it had not been used in any meaningful way as it related to the day-to-day work of labor mediators.

As a point of comparison, the ILO-IR project included a small pilot project on new approaches to mediation. This is currently being implemented at the provincial level with the support of industrial relations experts from MOLISA's CIRDC. The important comparison is that a project has the potential to go beyond training activities that often end when the training session is completed. A project can integrate *within its design* the opportunity for training participants to

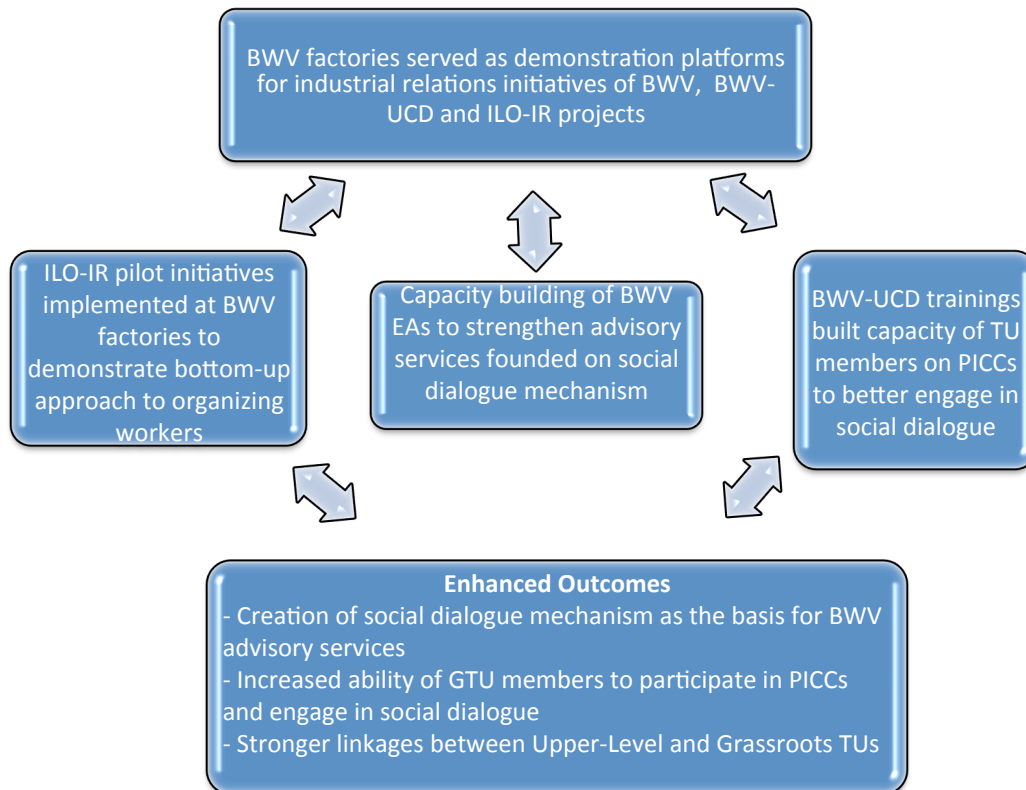
apply the knowledge and skills gained through training, and provide the necessary follow-up. This is particularly important when promoting innovative approaches that may lack sufficient evidence regarding their effectiveness. Without evidence of effectiveness, it is unlikely that efforts to scale up will be successful.

### **3.3.6. Synergies between Projects or Other Programs**

A principal finding of this evaluation was the synergies that exist between the USDOL-funded projects and the larger BWV Program. The design of the BWV-UCD project complemented and enhanced existing projects and programs focused on improving workers' rights and compliance with ILS. The BWV-UCD project document (ProDoc) carefully outlined how the project would collaborate with the ILO-IR project, as well the larger BWV program to enhance project outcomes. These synergies and resulting outcomes are described below and depicted in Figure 1.

- The BWV-participating factories provided direct access to workers and management and served as the demonstration platform for industrial relations initiatives of two other projects within the portfolio.
- BWV Enterprise Advisors established Performance Improvement Consultative Committees (PICCs) in each enterprise. These committees established a social dialogue mechanism that became the foundation of BWV advisory services.
- The BWV-UCD project provided training to build the capacity of trade union members on PCCC committees and GTU executive committees to enhance their ability to engage in social dialogue and negotiations.
- The BWV-UCD project implemented a training of trainers to FOLs and IZTUs so that they, in turn, could provide the training to GTU members within BWV factories as well as to outside enterprises
- A small number of BWV-participating factories were selected to participate in the ILO-IR project pilot initiative focusing on bottom-up approaches to union organizing, structures and functions. This work helped create stronger linkages between ULTUs and GTUs, particularly in the area of collective bargaining.
- The BWV Enterprise Advisors were direct beneficiaries of the BW Global capacity building efforts on industrial relations issues. This, in turn, enabled EAs to carry out advisory services founded on effective social dialogue mechanisms.
- The cooperation and combined efforts among the projects/program led to enhanced outcomes with respect to improved industrial relations practices in Vietnam.

**Figure 1: Synergies between the BWV-UCD and ILO-IR Projects, and BWV Program**



### 3.4. Efficiency and Resource Use

This section provides a qualitative assessment of the projects’ efficiency, based on the adequacy of projects’ financial and human resources with relation to the scope and breadth of project outputs, as well as stakeholder perception of project efficiency.

#### 3.4.1. Adequacy of ILO-IR Project Resources

In September 2011, USDOL provided a total of \$3 million in funding for the ILO-IR project. The Cooperative Agreement, however, specified an initial obligation amount of \$1 million with the remaining \$2 million “subject to availability.” This resulted in some uncertainties, and the ILO had no choice but to prepare for a funding gap. Measures taken by the ILO included a reduction in the planned activities and the deliberate delay in replacing the project’s Chief Technical Advisor (CTA) who left in July 2013 but whose position was not filled until January 2014. While this funding gap may have been unavoidable, project staff as well as tripartite stakeholders commented that the uncertainties had a negative impact on project progress. USDOL officials understood the project’s predicament; however, clarified that this is due to the unpredictable and limited funds OTLA has been appropriated for workers’ rights grants each

year—no more than \$6 million in recent years—which is expected to cover OTLA’s technical cooperation projects worldwide.

The ILO-IR project’s financial records indicated that as of July 2015, which was approximately 75% of the life of the project, 63% of the total USDOL funding amount had been spent and a substantial part of the remainder had been committed to complete the remaining activities in the work plan. Because of numerous requests for technical assistance from tripartite stakeholders related to the ratification process of C87 and C98, the ILO project offices in Geneva and Bangkok appropriated supplemental funds in the amount of \$461,645. The ILO-IR project also was given \$101,600 under the BWV-UCD project to support the shared strategies under both projects’ Objective 3. Table 11 summarizes the ILO-IR project’s current funding sources.

Although the ILO has managed to expand funding for the increasing scope of project activities, project staff and tripartite stakeholders anticipate an even greater demand for technical assistance in light of the labor compliance issues related to TPP. The ILO Country Office in Hanoi is currently seeking additional funding to further support the anticipated surge in industrial relations technical support and is considering the feasibility of expanding the IR project into a multi-donor funded industrial relations department.

**Table 11: ILO-IR Project Funding Sources**

Funding Source	Amount (USD)
USDOL	3,000,000
ILO Offices in Geneva and Bangkok	461,645
USDOL (as part of the BWV-UCD project budget)	101,600
<b>TOTAL</b>	<b>3,563,245</b>

### 3.4.2. Adequacy of BWV-UCD Project Resources

The ILO/IFC Better Work program and the ILO Bureau for Workers’ Activities (ACTRAV) received two rounds of funding from USDOL to implement the BWV-UCD project. The first award totaled \$640,000 and covered the period from September 2011 to March 2014. The second award of \$673,000 covers the period from July 2014 to June 2016.

The three implementing organizations or programs—ILO ACTRAV and its local partner APHEDA, ILO Hanoi/IR project, and BW Global/BWV—are responsible for carrying out all of the activities that are linked with the four objectives. Table 12 shows the division of financial resources among the three implementing organizations/programs as follows:

- ACTRAV/APHEDA implement activities under Objectives 1 & 2, with a budget of \$314,700, or nearly 47% of the total budget. These activities are resource intensive, as they involve a large number of trainings for PICC trade union members, members of the GTU executive committees, and provincial FOLs.
- ILO-IR implements the activities under Objective 3, with a budget of \$101,600, or approximately 15% of the total budget. The objective focuses on piloting/applying the bottom-up approaches in trade union organization in the BWV participating factories.

- BW Global/BWV implements Objective 4, with a budget of \$103,700, or just over 15% of the total budget. This objective focuses on building the capacity of the BWV EAs to effectively promote industrial relations issues.

**Table 12: BWV-UCD Project (2014-2016) –  
Division of Responsibilities and Financial Resources**

<b>Implementing Partner</b>	<b>Responsibilities</b>	<b>Amount (USD)</b>	<b>% Total Budget</b>
ILO ACTRAV/APHEDA	Objectives 1&2 Training activities and curriculum development	314,700	47%
ILO-IR	Objective 3 Pilot programs on bottom-up approaches in BWV factories	101,600	15%
BW Global/BWV	Objective 4 Capacity building of BWV EAs	103,700	15%
<i>Indirect Costs</i>		153,000	23%
<b>Total</b>		<b>673,000</b>	<b>100%</b>

Project staff from APHEDA commented that APHEDA makes a significant in-kind contribution by covering the wages of staff supporting project management, implementation and monitoring. Although the principal trainer from Australia is a volunteer, APHEDA pays for his accommodation, living costs and medical insurance. The country manager's input of around 30 days and regional manager's input of 20 days is paid for by APHEDA. These in-kind contributions total \$52,870 per year. APHEDA is currently seeking additional funding to further build the capacity of FOL trainers so that they can carry out sustainable monitoring and evaluation of training activities.

### **3.4.3. Adequacy of IRPP Project Resources**

In September 2011, USDOL awarded DAI \$1.5 million over a two-year period to implement the Industrial Relations Promotion Project (IRPP), with an understanding that project implementation would not begin until 2012. The project, however, did not get formal approval from the GoV until September 2013. Because of this delay, USDOL granted the project a six-month no-cost extension until March 2014 to implement project strategies. Project funds were allocated between five main line items, as shown in Table 13.

**Table 13: Allocation of Resources for IRPP (2012-2014)**

<b>Content</b>	<b>Budget (USD)</b>	<b>% Total Budget</b>
Technical assistance	523,972	35%
Administration expenditure	364,394	24%
Travel expenditure and per diem	197,369	13%
Support for implementation of activities conducted by local stakeholders	300,000	20%
DAI Home Office support	114,265	8%
<b>Total</b>	<b>1,500,000</b>	<b>100%</b>

The fourth and largest line item, expenditures for supporting implementation of activities conducted by local stakeholders, is an unusual expense, unless it is directly linked to achieving project objectives. Details regarding the types of local activities that were supported and the costs associated were available in the final evaluation report conducted by DAI. Of the \$300,000 allocated, a total of \$224,811 was disbursed to project partners to support stakeholder activities, such as national conferences and meetings, which may have touched on topics related to the project but were not fully dedicated to these issues. MOLISA’s Labor Inspectorate received \$106,159, or 47% of the total amount spent for this allocation. Some of these expenditures appear to be scarcely justified in terms of their contributions to project outcomes. For example, \$30,000 was spent on two meetings or “launches” of the “Master Plan.” This is just one example of local stakeholder activities with questionable justification that were carried out during the short six-month implementation period.<sup>16</sup>

In spite of the questionable use of the funds, MOLISA officials interviewed seemed to believe that they received an inadequate funding allocation. MOLISA officials commented that they were “highly disappointed” in the small percentage of project funds that directly supported MOLISA capacity building activities. One official commented, “We need to improve the transparency of project finances. That’s all we know is that the project was worth \$1.5 million and we only directly benefitted from about \$200,000, or 15%. So our question is, ‘where did all of the rest of the money go?’”

Former IRPP project staff and USDOL officials stated that the project provided MOLISA with far more information regarding budget allocations and expenditures than what would normally be provided. They attributed any negative comments related to project allocations and expenditures to “strained relationships” and a rush to implement project activities rather than to any lack of transparency.

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<sup>16</sup> For a detailed account of costs associated with project activities, refer to DAI’s May 2014 report entitled “Final Evaluation Report on Supporting Implementation of Labor Laws and Promotion of Sound Labor Inspection in Vietnam.”



#### **3.4.4. Adequacy of Resources for FMCS Activities**

In March 2012, USDOS allocated \$228,900 to support FMCS activities in Vietnam through an Interagency Agreement. The funds were used between 2013 and 2014 to conduct a needs assessment of Vietnamese tripartite stakeholders, discuss contents of training workshops and a manual on mediation, carry out two four-day training sessions on conflict management in both Hanoi and Ho Chi Minh City, and provide further technical assistance to complete the Manual on Labor Dispute Mediation in Vietnam. The training workshop in Hanoi had a total of 24 participants and the one in HCMC had 29 participants. If training were the only activity, this would amount to \$4,318 per training participant. Even if 50% of those funds went to the development of the Mediation Manual and technical consultations, the 4-day training would have been allocated an amount equivalent to \$2,159 per participant.

The evaluator did not have access to an outputs-based budget that linked costs to deliverables; therefore, an objective assessment of FMCS's efficient use of resources was not possible. However, representatives of MOLISA who attended the trainings remarked that the costs associated with having international consultants provide the training and technical assistance could have been much better used to hire regional mediation experts who could provide and advise on more appropriate mediation models, and offer important follow-up consultations. Although FMCS is a U.S. government entity, GoV stakeholders' perception was that it was a for-profit organization. One GoV stakeholder commented, "FMCS is a business. They got the grant; they needed to spend the money; they benefitted."

### **3.5. Project Management Arrangements**

This section gives an overview of the management arrangements—staffing and responsibilities—used by the USDOL-funded projects in Vietnam. It is followed by a qualitative assessment of the adequacy and effectiveness of the management structures and coordination with Vietnamese counterparts.

#### **3.5.1. Overview of Project Management Arrangements**

Both the **ILO-IR** project and the **IRPP** project used similar management arrangements. They both appointed an international Chief Technical Advisor (CTA) who was supported by Vietnamese technical staff. The ILO-IR project, which had a much wider scope of work than the IRPP project, also depended on two technical program coordinators to implement activities under specific objectives and to provide technical assistance to tripartite stakeholders. The CTAs of each of these projects were expected to manage the project and to serve as expert advisors on a broad range of industrial relations issues in Vietnam. Both the ILO-IR project and the IRPP projects relied on outside consultants to carry out specific research or training. In the case of the ILO-IR project, the majority of the consultants were Vietnamese legal experts who provided analyses or interpretations for the implementation of the 2012 Labor Code and Trade Union Law. The IRPP project mostly used international consultants to provide training and technical input on issues related to improving MOLISA's labor inspectorate. On several occasions, USDOL provided in-kind staffing contributions to these trainings and technical consultations.

One distinguishing factor between the IRPP and ILO-IR projects was that the ILO-IR project established a *Project Steering Committee* (PSC) while the IRPP project did not. The PSC was comprised of Vietnamese tripartite stakeholders representing GoV, employer organizations and trade unions. PSC members were responsible for representing their constituents' interests, providing direct input into the project work plan and monitoring project progress.

The **BWV-UCD** project had a management arrangement very different from the ILO-IR and IRPP projects. Chief among these differences was the fact that three different implementing organizations were responsible for the activities and deliverables under the project's four objectives: ILO ACTRAV and its local coordinating partner APHEDA were responsible for Objectives 1 and 2; ILO-IR project in Hanoi was responsible for Objective 3; and Better Work Global/BWV carried out the responsibilities under Objective 4. Better Work Global in Geneva served as the overall project coordinator, whose tasks included the collection and analysis of performance monitoring data.

The BWV-UCD project had two committees to coordinate and/or advise. One was the *Project Monitoring Committee* (PMC), which served as the coordinating umbrella for the three implementing organizations and their local partners. The PMC helped monitor the overall delivery of project outputs and coordination between all four objectives and implementing partners. The PMC also had two committee members from the VGCL, the project's primary national stakeholder. A second advisory committee, also known as the *Project Steering Committee* (PSC), was made up of 21 members from the VGCL, FOLs, ILO-IR project and APHEDA. The PMC only met once a year, while the PSC met quarterly (by video conference as well as one face-to-face meeting per year), which enabled better monitoring of monthly activities.

The Australian Trade Union Solidarity Support Organization, APHEDA, was directly responsible for implementing the majority of the total project activities, which fell under Objectives 1 & 2. APHEDA's local office in Hanoi had three Vietnamese staff members who were responsible for coordinating all of the day-to-day project activities. APHEDA shows commitment to the project by providing largely in-kind management support from APHEDA's regional coordinator as well as training expertise from their regional trade union trainer.

### **3.5.2. Effectiveness of Management Structures and Coordination with Vietnamese Counterparts**

The **ILO-IR** and **BWV-UCD** projects have been largely successful in completing their activities and achieving their target outputs and outcomes. One common factor between these two projects was that they both had *project advisory committees*, which were key to developing stakeholder buy-in and participation. Both projects demonstrated respect for the importance of stakeholder participation, and actively sought stakeholder input through structured periodic meetings and consultations. The evaluator was able to observe trade union ownership and participation by local stakeholders in both projects at an all-day "lessons learned" event on September 27, 2015 when both projects presented progress and results of project components that directly involved trade unions.

The **IRPP** project did not have a project advisory committee, nor was there any mention of plans or attempts to establish one. From the very start of the project, it was apparent that there was insufficient buy-in and support from stakeholders, namely MOLISA, which resulted in the unusually long project approval process. There are vast differences of opinion regarding the root causes that led to the lack of support for the IRPP project. Following are the perspectives presented from former project staff, USDOL and MOLISA.

IRPP former project staff and USDOL officials had reason to believe that there may have been a deliberate delay in the project approval, perhaps to discourage DAI from going forward and to clear the way for the ILO to step in as the project implementer. The evaluator was able to confirm that at about the same time the IRPP project was scheduled to begin, MOLISA officials had requested a needs assessment of Vietnam's Labor Inspection System from the ILO, even though strengthening the capacity of the labor inspectorate was the very focus of the IRPP project. The ILO completed this needs assessment and solicited funding from the Government of the Netherlands to implement the two-year "Increasing Workplace Compliance through Labor Inspection" project from 2013 to 2015. This adds some validation to former project staff's suspicion that MOLISA was deliberately trying to delay the IRPP project in hopes of a USDOL decision to award the project to ILO. That way there would be only one larger project rather than two smaller projects focused on strengthening the labor inspectorate. There was no coordination between the two projects during their overlap period (2014).

MOLISA officials confirmed that they would have preferred to work with the ILO as the IRPP project implementer. MOLISA referred to the ILO as a "trusted implementer with whom they have a good working relationship." MOLISA officials commented that the steps leading up to the funding of the IRPP project were weak from the beginning. According to MOLISA officials, DAI had failed to take the steps needed to create the stakeholder buy-in and project ownership. The relatively small percentage of funds allocated to activities directly benefitting MOLISA stakeholders resulted in officials requesting greater transparency of budget expenditures. Furthermore, a MOLISA ICD official stated that they wanted to fully participate in the project design and in selecting the project implementer. USDOL officials rejected the contention that the project implementer was new to MOLISA, since they had already worked with them during the project's first phase, funded by USAID. In addition, USDOL officials stated that they had provided an exceptional amount of financial information to MOLISA in order to address MOLISA's concern regarding lack of transparency.

### **3.6. Impact Orientation and Sustainability**

The following section assesses (1) the projects' sustainability strategies and their potential to advance workers' rights and promote ILS compliance in Vietnam; (2) factors contributing to sustainability; and (3) additional actions that can be taken by USDOL or other donors to sustain project results.

#### **3.6.1. Sustainability Strategies within the Project Designs**

Sustainability strategies are a fundamental component to a comprehensive project design. All USDOL technical cooperation projects are required to describe their sustainability strategies in the Project Document, as stated in the 2010, 2013 and 2015 MPG. The evaluator reviewed the

sustainability and exit strategies found in each of the three Project Documents (ProDocs). The following provides a summary of these findings.

**ILO-IR:** The ILO-IR project provided a general description of its sustainability strategies within its project document. These strategies assumed that national project stakeholders—MOLISA, VGCL and VCCI—would have every incentive to sustain the institutional results of the project. The national stakeholders were expected to continue to mobilize additional resources for maintaining the established activities and systems.

**BWV-UCD:** The BWV-UCD project integrated sustainability strategies throughout its project design. These strategies focused on building the capacity of trade unions and BWV Enterprise Advisors (EAs), transferring capacity building programs to provincial- and district-level trade unions (IZTUs and FOLs), and embedding industrial relations good practices within BWV factories and the wider garment sector. More specifically, the BWV-UCD project promoted sustainability by integrating the following strategies within its design:

**Capacity building of factory-level union representatives:** The project implemented training to build the capacity of the PICC union representatives as well as members of the GTU Executive Committee. This will help facilitate the integration of good social dialogue practices demonstrated by the PICC into ongoing negotiations between the GTUs and factory management.

**Training of Trainers:** The project trained union trainers at the district and provincial levels (IZTUs and FOLs) to deliver training programs to the GTUs. This training-of-trainers model increased the likelihood of sustaining training activities beyond the life of the project.

**Pilot Initiatives:** The pilot initiatives focused on bottom-up approaches to union organization. The results of the pilot demonstrated meaningful changes, which, in turn, provided a platform for the VGCL to prepare and undertake a more comprehensive program for innovation and reform.

**Capacity building of BWV Enterprise Advisors:** The BWV EAs are nationally engaged staff that can continue to apply their knowledge of industrial relations issues in their assessment and advisory work in BWV factories, and potentially in Vietnam’s larger garment sector.

**IRPP Project:** The IRPP project did not include any specific sustainability strategies in its draft Project Document. Furthermore, there were no periodic updates of developing sustainability strategies during the short implementation period. The project completed a series of activities as stated in its work plan, with no apparent focus on strategies that promote sustainability.

### **3.6.2. Factors Contributing to Sustainability**

During the 30 September stakeholder meeting, tripartite stakeholders identified two principal factors as instrumental in achieving sustainability of project efforts. These sustainability factors include: (1) local ownership of project activities; and (2) pressure to comply with ILS in order to participate as a member country of TPP. The first strategy is well documented in the literature that assesses elements that promote sustainability of development projects. The second factor, however, is one that is very specific to the current implementing environment in Vietnam and

one that should be considered as an opportune moment for sustaining and building on project achievements.

**Local ownership:** A key factor leading to sustainability is creating local ownership of project strategies, activities and outcomes. One MOLISA official defined local ownership by stating, “We build the project strategies together; we are consulted throughout the implementation period; we make adjustments; and then the services, knowledge and tools are transferred to the local counterparts.”

The majority of ILO-IR project stakeholders identified the pilot initiatives as one area where there was significant local ownership and that many of these initiatives, i.e., those focusing on innovative bottom-up approaches to union organization, could be scaled up without further project support. However, other project staff members remained cautious about any decisions to withdraw project support at this time. Some of the pilots, such as those focusing on multi-enterprise collective bargaining, need more time to demonstrate results.

The BWV-UCD project’s integration of sustainability strategies throughout the implementation period greatly contributed to local ownership of project activities and strategies. These strategies included training ULTU members so that they could provide ongoing trainings to PICC union members and GTU Executive Committee members. FOL representatives from five different provinces referred to “their” training program and discussed next steps in scaling up activities to other provinces.

**Pressure to comply with ILS:** Tripartite stakeholders who were interviewed emphasized the importance of building on project achievements to further improve industrial relations and fully comply with ILS. The subject of TPP was mentioned by nearly all stakeholders in the September 2015 evaluation interviews. One MOLISA official commented, “Vietnam won’t make changes without pressure...the condition to comply with ILS is creating an unprecedented interest in industrial relations issues.” While pressure to comply might not be considered a mainstream sustainability strategy, the same MOLISA official commented, “We must seize the moment.”

U.S. Government representatives remarked that the potential economic benefits for Vietnam as a result of its inclusion in TPP are so overwhelming that even conservatives have no choice but to support it. The communist leadership may still attempt to minimize any reforms, but the pressure on Vietnam to comply with ILS will only intensify. An ILO representative added that employers also would begin to make changes when there is more pressure from TPP and global brands.

### **3.6.3. Planning for Sustainability**

USDOL also requires grantees to submit a more detailed sustainability plan within seven months of the project start date. The plan should describe the key activities that the project hopes to make sustainable, the steps that will be taken to facilitate sustainability of project results, and a clear exit strategy that describes how stakeholders intend to build on the achievements of the project. The sustainability plan is meant to be a living document, with periodic updates attached to the biannual TPRs. To facilitate the sustainability planning process, USDOL’s 2015 MPG includes a sustainability plan template, which is found in Annex H.

The ILO-IR project has not developed an exit strategy at this time, but there are plans for developing one in the coming months. At the same time, in light of the recent TPP agreement and the urgent need to provide technical assistance on issues related to ILS compliance, a complete ‘exit’ may not be desirable. There was wide agreement among stakeholders and outside experts that Vietnam’s need for IR technical assistance would only increase in the coming years.<sup>17</sup> Several ILO officials mentioned an interest in expanding the ILO-IR project into a larger program that would include various projects focused on specific industrial relations issues, i.e., freedom of association, collective bargaining, labor inspection, social dialogue, etc. The ILO would seek funds from multiple donors to support this expanded effort.

The BWV-UCD project also did not develop a sustainability plan, but it has strong sustainability elements within its project design. A sustainability plan might have helped focus at least part of the periodic Project Steering Committee meetings to assess progress or barriers in achieving sustainability strategies outlined in the plan.

#### **3.6.4. Additional Actions from Donors to Sustain Project Results**

Vietnam’s participation in the 12-nation TPP trade agreement (Fig. 3) will require further support from multiple donors. Stakeholders mentioned the need for increased support from the wealthier nations in the TPP, such as the United States and Japan, in order to come into full compliance with TPP labor obligations. Following is a summary of additional actions suggested by stakeholders during evaluation interviews and the evaluation stakeholder meeting held on 30 September 2015. Further recommendations are provided in Section 5.

- Support a multi-donor funded industrial relations center based in the ILO that can provide the necessary technical assistance for compliance with ILS.
- Develop new pilots that can provide models for implementation of strategies to comply with TPP labor obligations.
- Support the actions outlined in the Labor Inspectorate Master Plan, including training for labor inspectors and the implementation of a management information system.
- Support relevant training for mediators and conciliators, taking into consideration Vietnam’s current context, as well as the changes that may be necessary in light of TPP.

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<sup>17</sup> Bradsher, Keith, “Labor Reform in Vietnam, Tied to Pacific Trade Deal, Depends on Hanoi’s Followup,” *The New York Times*, 5 Nov 2015, <http://www.nytimes.com/2015/11/06/business/international/vietnam-tpp-trade-agreement-labor-reaction.html?action=click&contentCollection=International%20Business&module=RelatedCoverage&region=Marginalia&pgtype=article>

**Figure 2: The 12 nations in the Trans-Pacific Partnership—Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam<sup>18</sup>**



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<sup>18</sup> **Source:** *The Globe and Mail*, 16 Oct. 2015. <http://www.theglobeandmail.com/report-on-business/international-business/what-is-tpp-understanding-the-new-pacific-tradedeal/article26648948/>

## IV. CONCLUSIONS

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The following conclusions represent what the evaluator has determined from the analysis of the findings. They are organized according to the six evaluation sections: project design; relevance and strategic fit; progress and effectiveness; efficiency; project management and performance monitoring; and impact orientation and sustainability.

### 4.1. Relevance and Strategic Fit

**Stakeholder Priorities:** Project strategies addressed the industrial relations priorities identified by tripartite stakeholders, which included issues that will increase Vietnam's compliance with ILS. Nevertheless, stakeholders perceived some project designs were imposed on the recipient country rather than mutually conceived between donor and recipient country. The annual or biannual U.S. – Vietnam Labor Dialogue helps to identify Vietnam's current industrial relations concerns, but it is a high-level policy dialogue and is not the best venue for obtaining direct input on project designs or appropriate implementing organizations.

**FMCS Activities:** Although there is documentation that the FMCS sought input from Vietnamese stakeholders on the proposed mediation training activities, the training sessions implemented were not relevant to the Vietnamese context and very little, if any, of the information and materials from these trainings can be used in a practical manner by Vietnamese labor mediators.

### 4.2. Project Design and Performance Monitoring

**Project Design:** The three projects in the technical cooperation portfolio did not fully meet the project design criteria provided in the 2010 and 2013 MPGs. The BWV-UCD and ILO-IR projects had the strongest project designs in terms of meeting the criteria for the various design components, and laying out clear cause-and-effect linkages within a results/logical framework. The IRPP project also met criteria for project design components, and it developed a logical framework. Unfortunately, the IRPP project failed to develop performance indicators.

**Performance Monitoring:** The projects' M&E systems did not fully meet the performance monitoring criteria provided in the 2010 and 2013 MPGs. More specific conclusions regarding the M&E systems for each of the projects follow:

- The BWV-UCD project had the most complete M&E system, with the development of both a PMP and Data Tracking Tables. This greatly facilitated the reporting and monitoring of project progress. Its biggest weakness was the fact that its indicators were mostly output-oriented; otherwise, the BWV-UCD M&E system should be considered a good practice for future projects to reference.
- The ILO-IR project did not complete its PMP, although it did identify performance indicators for its objectives and provided periodic updates of progress in the biannual Technical Progress Reports. Nevertheless, with the absence of an organized PMP, the data were somewhat disjointed.



- The IRPP project had neither a PMP nor the identification of any performance indicators. This can be partially attributed to the delays in project startup; however, the complete absence of performance monitoring impeded any efforts to objectively determine project progress.

**USDOL’s Role & Responsibility:** The inconsistency and errors found in the project designs and M&E systems of projects in the Vietnam portfolio can be partially attributed to the weaker guidelines found in earlier versions of USDOL’s MPG (2010 and 2013). Nonetheless, the absence of an M&E system, such as in the case of the IRPP project, is unjustifiable. The improvements found in the 2015 MPG, along with the addition of an M&E coordinator for USDOL/ILAB OTLA in 2014, should help avoid this kind of oversight in future projects. Still, post award, the onus remains on the grantees to ensure adherence with USDOL’s MPG.

### 4.3. Progress and Effectiveness

**Quantitative Assessment:** The BWV-UCD project was the only project that had a well-organized and periodically updated data tracking table with indicator target values. The results showed steady progress toward achieving project targets. The ILO-IR project did not develop a data tracking table at the start of the project or periodic updates making it difficult to objectively assess progress and effectiveness. However, with the provision of a data tracking table during the current evaluation, the quantitative analysis determined that the ILO-IR project was on track and will likely achieve its targets. This highlights the importance of developing a complete M&E system at the start of the project that lays out a clear plan for collecting and reporting quantitative data. The IRPP project did not have performance indicators or corresponding target values; therefore, a quantitative assessment of effectiveness was not possible.

**Qualitative Assessment:** A qualitative assessment of the BWV-UCD project’s effectiveness showed a high level of stakeholder buy-in and participation in the development and execution of project activities. Stakeholders unanimously considered the project strategies, with their built-in mechanisms for sustainability, as highly effective. A qualitative assessment of the ILO-IR project’s effectiveness also revealed a high regard by stakeholders for the quantity and quality of project outputs and achievements to date. Chief among these were the project pilots, which have provided Vietnam with its own industrial relations experiences, lessons learned and good practices. On the other hand, stakeholders showed very little buy-in and support for the IRPP project activities, and therefore their perception was that effectiveness was minimal. The extensive delay in project startup contributed to the decreased project buy-in and support, and most likely reduced stakeholder perception of any positive outcomes the project may have had.

**Effectiveness of FMCS activities:** The process leading up to the development of the FMCS activities was almost ideal—tripartite stakeholders were consulted, agreements were reached, and then technical assistance and training content were based on the outcome of this process. Nevertheless, based on perceptions of workshop participants, the activities were considered ineffective since the actual training content had little to no application to the current Vietnamese labor mediation context. This points to an apparent disconnect between the collaborative planning and the actual training content implemented.

**Synergies:** Synergies existed between the USDOL-funded projects and the larger BWV program. The cooperation and combined efforts among the projects/program led to enhanced outcomes with respect to improved industrial relations practices in Vietnam.

#### **4.4. Efficiency and Use of Resources**

**Adequacy of Project Resources:** Both the ILO-IR and BWV-UCD projects lacked sufficient funding to carry out all project-related activities. The ILO-IR project secured additional resources from two other funding sources to carry out pressing technical assistance requests related to project objectives. APHEDA provided a significant quantity of in-kind contributions in order to support its project work. The IRPP project, on the other hand, was compelled to spend the majority of its project funds in a very short amount of time. MOLISA's requests for support for activities that were only marginally related to achieving project objectives raises serious concerns regarding the appropriate use of IRPP project funds.

**FMCS Activities:** It was not possible to provide a precise analysis of cost-efficiency for FMCS activities without the necessary output-based budget details. However, the expenses associated with the FMCS training appear to be excessive.

#### **4.5. Project Management Arrangements**

**Management Structures:** Innovative management structures that involved several implementing organizations, such as that of the BWV-UCD project, contributed to the synergies that existed between USDOL-funded projects and other projects/programs working on industrial relations issues.

**Project Advisory Committees:** The formation of project advisory/steering committees for the ILO-IR and BWV-UCD projects was a distinguishing factor that led to significantly more buy-in, support and participation from stakeholders. The two projects shared a number of the same stakeholders on their advisory committees allowing for increased coordination.

**Project approval process:** The unusually long approval process for the IRPP project may be partially attributed to a mistrust of the implementing organization, although the project had successfully completed a first phase. Still, approval processes with new, or relatively new, implementing organizations are less likely to gain approval from MOLISA in a timely fashion. Trade unions also are reluctant to work with international Trade Union Solidarity Support Organizations with whom they have not had a long-standing and beneficial relationship. APHEDA is one such organization that has the respect and trust of trade union stakeholders.

#### **4.6. Impact Orientation and Sustainability**

**Sustainability Strategies:** The projects' sustainability strategies varied, in terms of the degree to which they were integrated into the larger project designs. The BWV-UCD project showed the most integrated sustainability strategies, which included elements such as training a permanent cadre of provincial Federation of Labor (FOL) trainers who could then provide ongoing training to members of grassroots trade unions (GTUs); piloting "bottom-up" approaches to union organization that could then be scaled up to other provinces; and raising the awareness of BWV Enterprise Advisors on industrial relations issues that could then contribute to more effective

assessment and advisory services. These strategies showed great promise for achieving sustainability and a long-term impact of enhanced industrial relations and compliance with ILS. The ILO-IR project also has sustainability at the core of many of its project strategies; however, the weak description of sustainability in the ILO-IR Project Document and the absence of a Sustainability Plan made it difficult to assess progress in this area. The IRPP project did not include any specific sustainability strategies in its incomplete Project Document. The project completed a series of activities as stated in its work plan, but there were no updates on strategies that promoted sustainability.

**Sustainability Plans:** None of the projects developed sustainability plans, as required under USDOL's MPG. Nevertheless this did not have a great effect on the BWV-UCD project's ability to integrate sustainability strategies within its project design. The ILO-IR project, however, would have benefitted from creating a sustainability plan since the sustainability strategies mentioned in the Project Document were not well integrated into the larger project design.

**Promising Sustainability Elements:** The project's ability to cultivate **local ownership** of project strategies was one key factor that contributed to the sustainability of activities and outcomes. The BWV-UCD project offers an example of successfully fostering local ownership that should be considered a good practice for future comparable projects. Another factor that may contribute to sustainability in Vietnam is the international pressure to comply with ILS and more specifically with the labor obligations of TPP. This presents an opportune moment for sustaining and building on project achievements that are aligned with TPP labor obligations; however, these efforts will require further support from multiple donors. An industrial relations center based in the ILO, as suggested by numerous stakeholders, seems the most viable option for leading efforts to comply with TPP labor obligations. The idea is bolstered by the fact that the ILO has the trust and respect of tripartite stakeholders.

## V. RECOMMENDATIONS

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The following recommendations are based upon the findings and conclusions of the evaluation. The first two recommendations address issues related to the two current USDOL-funded projects in Vietnam—ILO-IR and BWV-UCD projects. The last nine recommendations are based on lessons learned from completed projects and activities, and are intended to improve the effectiveness of future U.S. Government (USG) technical cooperation programs and activities in Vietnam.

1. **Support projects' future performance monitoring efforts:** USDOL should consider providing technical assistance to the ILO-IR project staff as they embark on the task of completing their performance monitoring plan. Project staff should be encouraged to reference the 2015 MPG to better understand the components of an effective PMP. Developing a comprehensive M&E system, including a PMP and data tracking tables, for the ILO-IR project can provide a good practice for future projects that may come under an expanded ILO-IR program. USDOL also should consider providing technical and/or financial support to APHEDA so that it can go forward with plans to build the M&E capacity of FOL trainers who, in turn, can provide ongoing performance monitoring at the provincial level.
2. **Support projects' development of sustainability plans and exit strategies:** USDOL should provide technical assistance to the ILO-IR project's efforts to create sustainability plans. The plans should describe how national institutions intend to carry forward project results. Even though the ILO-IR project will likely expand into a larger program in the near future, the project should develop exit strategies for the pilot initiatives that have had sufficient time to demonstrate results and develop clear steps the project will take to facilitate their sustainability. Although the BWV-UCD project included specific sustainability strategies within its Project Document, it should develop a plan that outlines the steps that should be taken throughout the implementation period to ensure sustainability. This type of sustainability plan can then serve as a good practice for future similar projects.
3. **Create relevant and effective project designs:** USDOL should conduct more extensive discussions with recipient countries regarding appropriate project designs *before* issuing the solicitation for cooperative agreement applications. USDOL should ensure that project designs are aligned with strategies that were mutually conceived between the donor and recipient country. The annual or biannual U.S. – Vietnam Labor Dialogue is a good starting point to identify the respective Governments' current industrial relations concerns, but this has not been successful in obtaining specific input on project designs or criteria for selecting appropriate implementing organizations.
4. **Expand USDOL M&E technical assistance:** USDOL should consider expanding the current half-time OTLA M&E coordinator position to one full-time or two half-time positions. This will enable the USDOL M&E coordinator(s) to have increased responsibilities that go beyond involvement during project mid-term and final evaluations. The expanded M&E role should include the following:

- Technical assistance directly to *grantees* during the development of M&E tools such as the PMP, data tracking tables and sustainability plan as outlined in USDOL's MPG.
  - Technical assistance to *USDOL project managers* throughout the project management cycle—from the assessment phase (inclusive of baseline/endline surveys), to the design (and re-design), implementation and monitoring phases.
5. **Require grantees to assign a dedicated M&E specialist:** USDOL should require grantees to assign a dedicated M&E specialist who will be responsible for establishing and maintaining project M&E systems, and act as liaison and point of contact between USDOL's M&E specialist(s) and the project. At a minimum, the M&E specialist should have experience in performance measurement, including indicator selection, target setting, reporting, database management, and developing performance monitoring plans.
  6. **Oblige grantees to develop outputs-based budget:** USDOL should require grantees to develop an outputs-based budget, as suggested in the MPG 2015, which will link project expenditures to the specific activities, outputs and objectives. This will facilitate the oversight role of USDOL project managers in ensuring appropriate allocation and expenditures of project funds. An outputs-based budget also will provide transparent information to stakeholders regarding budget allocations and cost efficiency.
  7. **Promote the establishment and coordination of project advisory committees:** USDOL should encourage grantees to establish a project advisory committee (PAC) to increase buy-in and support of project strategies. In cases where a PAC already exists for a similar project, grantees should be encouraged to piggyback on to the existing advisory committee comprised of similar stakeholders. Unifying multiple related projects under one advisory/steering committee should enhance coordination and collaboration, and promote synergies wherever possible.
  8. **Increase projects' focus on sustainability:** USDOL should ensure that grantees, or potential grantees, include detailed descriptions of their sustainability strategies within the Project Documents. This should be followed up with the development of a sustainability plan as required in the MPG 2015 (see Annex H for template). The sustainability plan should serve as a guide throughout the project implementation period to monitor progress on the sustainability elements.
  9. **Support an expanded ILO Industrial Relations Program:** USDOL should consider backing an expanded ILO industrial relations program that is supported by multiple donors. Vietnam's participation in TPP has created an urgent need for technical support to come into full compliance with TPP labor obligations. Various projects under a larger IR program could work in a coordinated manner to address issues specific to enhancing the labor inspectorate and labor mediation practices.
  10. **Enhance the monitoring and evaluation of FMCS technical assistance activities:** USDOS should ensure that any future FMCS mediation training activities specifically include contents that are applicable to the Vietnamese context. To the extent possible, FMCS-supported training should include the participation of regional and/or Vietnamese

mediation experts to enhance the relevance of training content. Follow-up activities are needed to monitor the application of knowledge and skills acquired in training sessions. This can help to improve future training activities and address any existing training needs.

11. **Establish a mechanism to enforce adherence to MPG:** USDOL should consider developing an enforcement mechanism that would require grantees to adhere to the MPG requirements and address USDOL technical questions and recommendations aimed at improving project design, performance monitoring, interventions and strategies, project management and sustainability. USDOL should consider establishing a procedure or recourse to take when there are persistent issues of grantee non-compliance with guidelines established in the MPG. This recourse should include the possibility of suspending further allocations of funds to the grantee until the recommendations or requirements are adequately addressed.

## ANNEXES

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## **Annex A: Terms of Reference**

### **Terms of Reference**

#### ***Vietnam Multi-Project Evaluation***

##### **I. Introduction and rationale for the evaluation**

The mission of the U.S. Department of Labor's (USDOL) Bureau of International Labor Affairs (ILAB) is to improve global working conditions, raise living standards, protect workers' ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. ILAB's efforts help to ensure a fair playing field for American workers and contribute to stronger export markets for goods made in the United States.

As described in ILAB's FY 2015 Operations Plan, ILAB is increasingly taking a "deep dive" approach to its mission at the country level, which involves identifying and addressing certain very specific concerns in high priority countries. This strategy is intended to ensure that limited resources are directed in a comprehensive, coordinated way to address concrete concerns in countries that are seen as having the greatest potential to effect positive change. Robust technical assistance in the form of multi-year projects as well as ad-hoc direct technical collaboration and exchanges also characterize this strategy. In some cases, technical assistance is focused primarily on 1-3 export-oriented sectors that are significant in light of the US Government's bilateral trade relationship and obligations with a particular country. One sector in which ILAB has invested heavily with key trading partners is the apparel sector. Particularly through USDOL's support of the ILO/IFC Better Work program, this strategy has proven to lead to successful labor engagement in several high priority countries, including Vietnam.

Over the last ten years, ILAB has been actively engaged with the Government of Vietnam (GoV), workers' and other civil society organizations in Vietnam, U.S. and other international buyers and retailers, and other stakeholders in efforts to address legal and policy issues concerning workers' rights, international labor standards (ILS) and workplace safety. Recent USDOL technical cooperation efforts have focused largely on the export apparel and footwear sector, but also in the agricultural sector, and broader concerns relating to Vietnam's labor law regime. Much of this work has come under the framework of USDOL's annual high-level bilateral meetings with Vietnam's Ministry of Labor, Invalids and Social Affairs (MOLISA), usually referred to as The U.S. - Vietnam Labor Dialogue, which was established through a Memorandum of Understanding (MoU) between the two governments in 2000. The MoU was extended through Letters of Understanding signed in August 2006, August 2008 and April 2012. The Dialogue was established to provide a forum for the two sides to discuss labor issues, given the absence of labor provisions in the U.S. - Vietnam Bilateral Trade Agreement. In recent years, these ministerial engagements have focused on the specific reforms necessary to make Vietnam's labor laws compliant with international standards and on the technical assistance and institutional changes needed to support and implement those reforms.

Additionally, in the context of Vietnam's participation in Trans-Pacific Partnership (TPP) negotiations, USDOL has been reviewing and analyzing Vietnam's labor laws and practices to assess their consistency with ILS and enforcement in practice. ILAB has been working closely



with the Office of the U.S. Trade Representative (USTR) and the U.S. Department of State (USDOS) to engage with Vietnam on areas of concern, underscoring the need to amend Vietnamese labor laws and practices to comply with TPP labor chapter obligations. As Vietnam transitions from a centrally planned economy to an ‘open socialist market economy,’ there is a greater need to focus on industrial relations issues. The apparel (and footwear) industry is the biggest export industry in Vietnam, employing more than two million mostly young workers. The enormous growth of this sector has coincided with increased numbers of labor disputes and wildcat strikes. At the same time, workers often are not aware of any kind of social dialogue mechanism to voice their concerns. In 2013, USDOL added garments from Vietnam to its List of Goods Produced by Child Labor or Forced Labor, based on evidence that garments are produced by child labor and forced labor in violation of international standards.

Since the latest Letter of Agreement was signed in 2012 and in light of Vietnam’s efforts to enter the TPP, ILAB has intensified its technical assistance with the Vietnamese Government, industry, workers’ and other civil society groups, and other stakeholders to ensure that economic growth and the gains from trade go hand in hand with greater respect for workers’ rights and improved workplace safety. ILAB’s technical cooperation with Vietnam has been deep, resource-intensive and focused on a targeted set of government and social partners. The Better Work project in particular has been an entry point for considerable technical engagement, including the funding of complementary projects to build worker organization capacity and to improve labor laws and industrial relations systems. To supplement this work, USDOS also funded training for tripartite entities in mediation, conciliation and alternative dispute resolution through the services of the U.S. Federal Mediation and Conciliation Service (FMCS). ILAB’s technical assistance has been guided by a unifying framework focused on the goal of improved compliance with International Labor Standards (ILS) by pursuing three complementary objectives:

1. Improve systems for tripartite & bipartite cooperation
2. Improve systems for collective bargaining
3. Improve systems for dispute resolution, including adjudication & alternative dispute resolution (ADR)

ILAB’s funding for workers’ rights program in Vietnam over the past four years totals over \$5.5 million. Considering that ILAB’s annual appropriation is only about \$6 million per year, the investment in improving worker rights in Vietnam is significant. Since 2011, USDOL’s technical cooperation portfolio in Vietnam has expanded each year. Notably, in September 2011 USDOL provided \$640,000 to support the Better Work Vietnam (BWV) program, which is implemented by the International Labor Organization (ILO), for a period of two years, in order to support decent work in the apparel sector by increasing the capacity of trade unions to effectively represent workers in export textile workplaces. In July 2014, USDOL extended its support for the trade union capacity component of this project for another two years with an additional \$674,000. In September of 2011, USDOL awarded \$1.5 million to DAI, Inc. for the three-year Vietnam Industrial Relations Promotion Project (IRPP) to strengthen compliance with ILS in Vietnam, focusing specifically on improving labor administration, building union/worker organization capacity, and promoting collective bargaining and dispute resolution. This was considered a second phase of an earlier project funded by USAID and supported by ILAB’s direct technical assistance. In September 2012, USDOL awarded another \$1 million to the ILO

for the four-year Vietnam Labor Law Implementation Project, which aims to develop regulations for the new labor legislation consistent with ILS, educate the tripartite partners on the provisions of the laws and regulations, and build their capacity to promote good industrial relations. The project received additional tranches of funding from USDOL of \$500,000 in 2013, \$1 million in 2014, and another \$500,000 in 2015, for a total of \$3 million. Lastly, in 2013-2014, USDOS provided funding to FMCS to provide training to Vietnamese constituents in mediation and conciliation. The combined portfolio of these projects makes USDOL (and the US Government) one of the largest external funders in Vietnam for labor-related programming.

In July 2015, USDOL contracted O'Brien & Associates International, Inc. (OAI), to carry out an independent multi-project evaluation to assess the effectiveness of its technical cooperation portfolio in Vietnam, with a particular focus on the export apparel and footwear sector. This portfolio includes the following four projects and activities funded within the past four years:

1. Better Work Vietnam (BWV) - Union Capacity Development (UCD) Component (implemented by ILO/IFC)
2. Vietnam Labor Law Implementation Project, a.k.a. the Vietnam Industrial Relations (IR) Project (implemented by the ILO)
3. Vietnam Industrial Relations Promotion Project (IRPP), which ended in 2014 (implemented by DAI, Inc.)
4. Mediation & other training funded by USDOS (implemented by FMCS)

## **II. Background of the Projects**

### **1. Better Work Vietnam (BWV) - Union Capacity Development (UCD) Component (2011-2016)**

The BWV-UCD project is funded by USDOL and jointly implemented by three implementing partners: the Bureau for Workers' Activities (ACTRAV), the ILO's Industrial Relations project (ILO IR) in Hanoi, and the Better Work Vietnam program. The international solidarity agency of the Australian Council of Trade Unions, Union Aid Abroad APHEDA, serves as ACTRAV's implementing partner in Vietnam.

The goal of this project is to support decent work in the apparel sector by increasing the capacity of unions to effectively represent workers in export textile factories. The immediate objectives of the UCD component are the following:

1. Strengthened capacity of the union members of the Performance Improvement Consultative Committees (PICCs) in BWV to contribute to the improvement process.
2. Increased capacity of enterprise level unions, the textile and garment workers union and the Federations of Labor in BWV-targeted provinces to effectively represent workers in export-oriented workplaces within the garment sector.
3. Strengthened capacity of the Vietnamese trade unions by piloting initiatives for innovation of union organization in an expanded number of BWV participating factories.
4. Increased capacity of the team of Enterprise Advisors on industrial relations issues and international labor standards.

## **2. Vietnam Labor Law Implementation Project, AKA “Vietnam Industrial Relations (IR) Project” (2012-2016)**

The Vietnam Industrial Relations (IR) project, implemented by ILO, aims to support the development of regulations for the new labor legislation consistent with ILS, educate the tripartite partners on the provisions of the laws and regulations, and build their capacity to promote good industrial relations with application of the new provisions in practice.

The immediate objectives of the IR project are the following:

1. Facilitate the drafting and adoption of guiding regulations—including Decrees, Circulars and other mechanism and instruments—for the new Labor Code and Trade Union Law
2. Increase the awareness of the Labor Code and Trade Union Law 2012 and their detailed regulations and guidelines.
3. Improve trade union capacity of effectively and democratically representing workers, particularly at the enterprise level and coordinative role of national and upper level union organizations, per the implementation of the Trade Union law and Labor Code.
4. Facilitate development of minimum wage fixing and determination system.
5. Promote the use of collective bargaining resulting in signed collective bargaining agreements per the provisions of the Labor Code 2012.

## **3. Vietnam Industrial Relations Promotion Project, Phase II (2011-2014)**

DAI implemented the Industrial Relations Promotion Project (IRPP) in two phases. The first phase (2009-2010) was funded by USAID, and the second phase (2011-2014) was funded by USDOL.

The overarching objective of the project was to strengthen compliance with ILS in Vietnam, focusing specifically on improving labor administration, building union/worker organization capacity, and promoting collective bargaining and dispute resolution. The Project’s immediate objectives were as follows:

1. Promotion of effective labor law enforcement, with a focus on the labor inspection system, its management, regulations, data collection, training, research and related areas.
2. The development of dispute resolution systems in new legislation for interest-based and rights-based disputes.
3. Promotion of collective bargaining and sound industrial relations and prevention and resolution of collective disputes by developing approaches, in cooperation with trade unions/worker organizations, employers, and MOLISA.
4. Building capacity in worker organizations to organize and effectively represent workers in the private sector.

## **4. Dispute Resolution and Mediation Training by U.S. Federal Mediation & Conciliation Service (FMCS)**

The technical assistance of FMCS was intended to build local capacity for effective industrial relations systems, including labor inspection, collective bargaining, mediation, and dispute resolution. The FMCS was to conduct the following activities in 2013-2014:

1. Assess labor relations and conflict resolution needs in Vietnam by consulting with the Ministry of Labor, Invalids and Social Affairs (MOLISA) at the national and provincial levels, trade union and business leaders, human resource professionals, labor academics, NGOs, and rank and file workers to determine the systems and skills needed to reduce and/or eliminate wildcat strikes.
2. Meet and collaborate with government officials and other relevant stakeholders to ensure “buy-in” in the design of appropriate training modules.
3. Develop training materials, including short lectures, simulations, role plays, written materials, videos, analyses and debriefing documents.
4. Develop a “code of conduct” for mediators that will help create trust and confidence in the dispute resolution process.
5. Deliver training seminars to government, employer, employee, trade union, and other relevant stakeholders.
6. Build institutional capacity within government and other relevant stakeholder organizations for ongoing training in negotiations, mediation, and conflict resolution through a train the trainers (ToT) program.
7. Customize a “leave behind” document for all stakeholders covering key elements of negotiation, mediation, and conflict resolution processes in the context of a modern industrial relations system.

### **III. Purpose, scope and audience of Evaluation**

#### **Purpose**

The purpose of the evaluation is to assess the overall systemic impact and effectiveness of the above-mentioned technical cooperation portfolio to promote workers’ rights in Vietnam. Unlike most project implementation-focused evaluations, the purpose is not to evaluate any one particular project funded by USDOL, but rather to assess the effectiveness and contributions of the portfolio as a whole. The projects in this portfolio have generated a wealth of information in terms of research and data, regular progress reports, midterm and final evaluation reports, case studies of good practice, publications and training materials, guiding regulations, tools, and other products. As a result, they provide an excellent opportunity to:

1. Assess the overall impact and effectiveness of USDOL’s overlapping and continuous support of workers’ rights projects in Vietnam.
2. Examine the response, support and ownership, throughout all of these projects, of the Government of Vietnam and other country stakeholders.
3. Analyze the value and utility of the key tools and interventions produced by the projects and the extent to which the systems and tools enhanced or built by the projects are functioning (with the current level of external support).
4. Assess the prospects for embedding or transferring these capabilities to local partners, systems and processes, and make recommendations on how to enhance sustainability (beyond donor support).
5. Highlight key findings and lessons learned that could be of importance to USDOL or other donors who may fund future labor-related projects in Vietnam or elsewhere.

6. Make recommendations on the design of future ILS promotion projects and on how to enhance USDOL's grant-making effectiveness to promote ILS in Vietnam's export apparel and footwear sector in particular, and in the country as a whole.
7. Assess the interaction amongst the projects and with other projects.

In sum, the evaluation will examine the extent to which this portfolio of programs has worked together to promote ILAB and USDOL's mission, and broader USG policy and priorities, particularly as they relate to the Vietnamese export apparel and footwear sector; as well as to compare/contrast the programs with similar efforts by the US Government and other donors; and assess program cost-effectiveness and sustainability. Recommendations will be made for improving program effectiveness or efficiency, strengthening collaboration and partnerships, reducing duplication, enhancing synergies across complementary programs, and positioning program efforts for maximum impact and sustainability.

### **Audience**

This is a special evaluative study commissioned at the request of the donor organization to answer decision-makers' questions regarding implementation, impacts and sustainability in order to improve technical cooperation and maximize results. As such, the primary audience of the current evaluation is the US Government, particularly the Department of Labor and Department of State. To a lesser extent, the implementing organizations and partners, the Vietnamese government, the ILO, the tripartite constituents and other parties involved in the execution of the projects would use, as appropriate, the evaluation findings and lessons learned. The evaluations findings, conclusions and recommendations will also serve to inform stakeholders in the design and implementation of future labor cooperation efforts.

### **IV. Evaluation criteria and questions**

The analytical emphasis of this evaluation will be on learning and identifying what elements have worked, which have under-performed and why, and where future USDOL technical cooperation efforts can make the most impact. To serve these purposes, this multi-project evaluation will review issues around validity, relevance, effectiveness, efficiency, sustainability and impact of the country portfolio overall. These criteria are explained in detail below by addressing their associated questions:

#### **Validity of the project design**

1. To what extent is the portfolio of technical cooperation programs relevant to the current priorities and needs of target groups and local stakeholders ?
2. Has the portfolio of programs been designed to complement, enhance, and build upon existing activities focused on improving workers' rights and compliance with international labor standards implemented by the government or other donors/organizations?

#### **Relevance and strategic fit**

3. To what extent has this portfolio of projects supported the Government of Vietnam's strategies to promote workers' rights and compliance with international labor standards?

4. Has the design of programs clearly defined outcomes, outputs and performance indicators with baselines and targets?
5. Have the programs been designed with realistic objectives and outcomes?
6. Did the project designs include an integrated and appropriate strategy for sustainability?

### **Efficiency and effectiveness**

7. To what extent has USDOL's overlapping and ongoing portfolio of projects in Vietnam worked to advance workers' rights and compliance with ILS in the apparel and footwear sector, and in general throughout the country?
8. Have efforts been duplicated when multiple USDOL projects have been funded in Vietnam concurrently?
9. Were USDOL projects allocated sufficient resources (i.e., time and financial) to achieve the objectives as designed?
10. Are there ways in which USDOL and partners can improve efficiencies? What factors contributed to the achievement or non-achievement of objectives?
11. What overlap and synergies do USDOL's technical assistance programs have with similar programs funded by other USG, the private sector, and/or other donors, if any, and what are USDOL's unique contributions?

### **Effectiveness of management arrangements**

12. Do the programs' performance measures and monitoring systems provide an objective assessment of program performance?
13. How could USDOL improve program effectiveness?
14. How cost-effective are these programs in achieving their objectives?
15. Is the current management structure of these programs the most cost-effective approach?

### **Impact orientation and sustainability**

16. What impact do USDOL's technical assistance programs make in the Vietnamese labor environment and the export apparel and footwear sector in particular? Have there been any changes to the enabling environment (i.e., policy and legislation) as a result of USDOL interventions?
17. Has capacity been strengthened to advance workers' rights and promote ILS compliance within the government (national and local), at the policy level, at the organization level, and at the community level?
18. What additional actions can be taken by USDOL (or other partners) to ensure that the impact of the technical cooperation efforts is sustained? What amount and type of resources may be needed to more adequately fulfill USDOL's technical assistance responsibilities or to ensure local ownership?
19. What can be said about the commitment of project stakeholders to continue offering the services offered or using the knowledge/tools acquired during the projects? To what extent will they continue carrying out activities started by the projects without USDOL funding? What will it take for them to continue applying the skills gained or undertaking the activities in the future?

## **V. Evaluation Management and Support**

Michele Gonzalez Arroyo will serve as the evaluator for this evaluation. Over the past 13 years, Michele has conducted 22 mid-term, final and thematic evaluations of labor capacity-building projects in Latin America and Southeast Asia, funded by U.S. government agencies and other international cooperation entities. In addition to her work as an evaluator, Michele has extensive experience as a trainer and facilitator, having planned and implemented more than 75 workshops on occupational health, education, and labor issues. Participants represented community-based organizations, universities, labor, government and business sectors.

O'Brien and Associates will provide logistical, and administrative support to the evaluator, including travel arrangements and all materials needed to provide the deliverables specified in the Terms of Reference. O'Brien and Associates International will also be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards.

## **VI. Roles and Responsibilities**

The Evaluator is responsible for conducting the evaluation according to the terms of reference (TOR). S/he will:

- Review the TOR and provide input, as necessary
- Review project background documents
- Review the evaluation questions and refine the questions, as necessary
- Develop and implement an evaluation methodology (i.e., surveys, conduct interviews, review documents) to answer the evaluation questions, including a detailed discussion of constraints generated by the retrospective nature of this evaluation methodology and data collection and how those constraints could be avoided in future projects.
- Conduct Planning Meetings, as necessary, with USDOL and implementing organization
- Decide composition of field visit interviews to ensure objectivity of the evaluation
- Present verbally preliminary findings to project field staff and other stakeholders as determined in consultation with USDOL and the project
- Prepare an initial draft of the evaluation report and share with USDOL and Projects, as appropriate
- Prepare final report

The USDOL Project Manager is responsible for:

- Drafting the initial TOR
- Finalizing the TOR with input from the implementer and the evaluator, as needed
- Reviewing proposed evaluator's credentials
- Providing project background documents to the Evaluator (responsibility is shared with project staff)
- Obtaining country clearance
- Briefing project field staff on upcoming visit and work with them to ensure coordination and preparation for evaluator

- Reviewing and providing comments of the draft evaluation report
- Approving the final draft of the evaluation report
- Participating in the Post-Trip Debriefing
- Including USDOL Evaluation contract COR on all communication with evaluator(s)

Implementing Organization is responsible for:

- Reviewing the TOR and providing input, as necessary
- Providing project background materials to the evaluator as requested
- Participating in any team planning meetings
- Preparing a list of recommended interviewees
- Scheduling meetings for field visit and coordinating logistical arrangements as requested
- Reviewing and providing comments on the draft evaluation report
- Organizing and Participating in the stakeholder debrief
- Including USDOL Program Office on all communication with USDOL Project Manager and/or evaluator

## **VII. Evaluation Methods**

Performance shall be assessed in terms of six criteria: relevance and strategic fit; validity of project design; project progress and effectiveness; efficiency of resource use; impact orientation and sustainability of the project; and effectiveness of management arrangements.

The evaluation shall draw on six methods: 1) review of documents, 2) review of operating and financial data, 3) interviews with key informants, 4) field visits, 5) a stakeholder debrief in-country, and 6) a post-trip meeting.

*Document Review:* The evaluator will review the following documents before conducting any interviews or trips in the region.

- The Project Document
- Quarterly Progress Reports
- Reports on specific project activities
- Training materials
- Reports of trips, field visits, meetings, needs assessments and other reports
- Strategic Framework, PMP, & performance indicators
- Work plans
- Any other relevant documents

*Review of operating and financial data*

*Interviews with key informants:* Interviews are to be conducted with key program stakeholders (by phone or in-person) including (but not limited to):

- BW Global and BWV staff, including CTA and Enterprise Advisors (EAs)
- Relevant ILO project staff and representatives, with particular emphasis on ILO Industrial Relations Program in Hanoi, and ACTRAV representatives in Geneva and/or Bangkok. Other ILO representatives may include those from Geneva (LAB/ADMIN,



DIALOGUE) and the ILO sub-regional office in Thailand, and the ILO country office in Vietnam

- Relevant DAI project staff, representatives and implementing partners
- Union Aid Abroad Vietnam representatives
- Representatives of relevant trade union stakeholders (International Trade Union Confederation, Industrial, and other key international trade union organizations as appropriate)
- Members of the VGCL and Federations of Labor who have been involved in or are familiar with program implementation
- Officials of related employer organizations
- PICC representatives that were involved with or interacted with the projects (worker and manager representatives)
- USDOL Project Manager(s) and other USDOL or USDOS officials as requested
- US Embassy Labor Attachés
- Other donor representatives who have been involved with the projects
- Enterprise-level union representatives
- International buyer/brand representatives involved in sourcing from Vietnam

*Field work in Vietnam:* The evaluator also should plan to meet with worker and government representatives off-site, in addition to any on-site meetings that may occur at the factories. The evaluator is expected to meet with a wide range of stakeholders, including individuals from the unions operating in and around the sampled facilities, workers of those firms, government inspectors, employer associations, and civil society organizations. The evaluator will base his/her evaluation primarily on information obtained through these field visits and interviews. The evaluator should note how key informants were selected and how the selection may influence findings.

The exact itinerary will be determined later based on scheduling and availability of interviewees. Meetings will be scheduled in advance of the field visits by the project staff, coordinated by the designated project staff, in accordance with the evaluator's requests and consistent with these terms of reference. *The evaluator should conduct meetings without the participation of any project staff.*

*Stakeholder debrief in Field:* Prior to departure from Vietnam, the evaluator will conduct a debrief workshop with staff and key stakeholders from the projects to present preliminary findings, in consultation with USDOL and depending on the schedule of the evaluator.

*Post Trip Debrief & Meeting:* Upon return from Vietnam, the evaluator will provide a post-trip debrief by phone or in person to relevant USDOL staff to share initial findings and seek any clarifying guidance needed to prepare the report. Upon completion of the report, the evaluator will provide a debriefing to relevant USDOL staff on the evaluation findings, conclusions, and recommendations, as well as the evaluation process. In discussing the evaluation process, the evaluator will clearly describe the constraints generated by the retrospective nature of this evaluation methodology and data collection and how those constraints could be avoided in future projects.

## VIII. Duration and Milestones of Evaluation

Activity	Date	Products/Comments
Prepare TOR	August 24	Draft TOR
Pre-meeting (calls) with USDOL	August 31	By phone
Preparation: Doc reviews, methodology, data collection instruments	August 10-September 12	-Final eval. questions -Methodology section -Instruments
Fieldwork in Vietnam	September 14-29	NA
Stakeholder meeting with projects	September 30	Stakeholder presentation
Debrief call with USDOL	October 5	NA
Analysis and report writing	October 5-23	Draft Report
Send first draft report for 48 hour review by USDOL	October 26	Draft Report 1
48 hour review comments due	October 28	
Disseminate second draft report to donor and key stakeholders for 2-week review	October 30	Draft Report 2
2-week review comments due	November 13	
Send final report	November 20	Final Report

## IX. Deliverables

- A. Finalized TOR, September 4.
- B. Method to be used during field visit, including itinerary, September 12.
- C. Pre-trip meeting / phone call, by September 10.
- D. Stakeholder workshop (including slides of initial findings), by September 30.
- E. Debrief call, October 5.
- F. Draft Report by October 26.
- G. Submit final report to USDOL and grantees by November 20.

## X. Report

The evaluator will complete a draft report of the evaluation following the outline below and will share it with the USDOL COR, USDOL Project Manager(s), and implementing organization for an initial 48-hour review. Once the evaluator receives comments, she will make the necessary

changes and submit a revised report. USDOL and other stakeholders will have two weeks (ten business days) to provide comments on the revised draft report. The evaluator will produce a second draft incorporating the comments from stakeholders, where appropriate, and provide a final version within three days of having received final comments.

The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 40 pages in length, excluding the annexes:

#### Report

- Title page (1)
- Table of Contents (1)
- Acronyms (1)
- Executive Summary (2)
- Background and Project Description (1-2)
- Purpose of Evaluation (1)
- Evaluation Methodology (1)<sup>19</sup>
- Project Status (1)
- Findings, Conclusions, and Recommendations (no more than 30 pages)

This section should be organized around the TOR key issues and include findings, conclusions and recommendations for each.

#### Annexes

- Terms of reference
- Strategic Framework
- Project PMP and data table
- Project Workplan
- List of Meetings and Interviews
- Any other relevant documents

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<sup>19</sup> This section should include a discussion of how future projects of this nature could be implemented to allow for evaluation methods that can more confidently assert causal impacts.

## **Annex B: Interview Guide**

### **USDOL Multi-project Evaluation in Vietnam General Interview Guide**

Person interviewed:

Date:

1. Were the projects/activities relevant to tripartite stakeholders current priorities and needs? If not, what are the larger issues that were not addressed?
2. What results can be attributed directly to the projects/activities? Do you see any synergies or duplicity between the USDOL-funded projects? In what way could the synergies be strengthened and duplicity avoided?
3. What impact do you think the X project/activities have had on the Vietnamese labor environment and the export apparel and footwear sector in particular?
4. What do you consider are the most important lessons learned in implementing the X project/activities?
5. How would you describe the effectiveness of the management structure in the X project?
6. What future investments or projects should USDOL invest in/support?
7. How do you think USDOL can improve the effectiveness of its technical cooperation programs in Vietnam?
8. How do you think USDOL can improve the efficiency of its programs?
9. What additional actions can be taken by USDOL to ensure that the impact of its projects is sustained?

## **Annex C: List of Documents Reviewed**

### **General Reference Documents**

1. USTR, “The Trans-Pacific Partnership, Protecting Workers Factsheet,” 5 October 2015, <http://ustr.gov/sites/default/files/TPP-Protecting-Workers-Fact-Sheet.pdf>
2. U.S. Department of State, “2014 Investment Climate Statement,” Hanoi, 2014, <http://www.state.gov/documents/organization/229305.pdf>.
3. Schweisshelm, Erwin, “Trade Unions in Transition: Changing Industrial Relations in Vietnam,” *Global Labour Column*, 17 September 2014, <http://column.global-labour-university.org/2014/09/trade-unions-in-transition-changing.html>.
4. [\*\*Decree No. 60/2013/ND-CP of June 19, 2013 detailing clause 3, Article 63 of the Labour Code regarding the implementation of regulations requiring a social dialogue mechanism at the workplace.\*\*](#)
5. USDOL ILAB, Management Procedures and Guidelines: Cooperative Agreements, 2010, 2013 and 2015.
6. ILO, Applying Results-based Management in the ILO: A Guidebook, Version 2, 2011.
7. Bradsher, Keith, “Labor Reform in Vietnam, Tied to Pacific Trade Deal, Depends on Hanoi’s Followup,” *The New York Times*, 5 Nov 2015, <http://www.nytimes.com/2015/11/06/business/international/vietnam-tpa-trade-agreement-labor-reaction.html?action=click&contentCollection=International%20Business&module=RelatedCoverage&region=Marginalia&pgtype=article>

### **ILO-IR Project**

#### **Project Document, Workplan and TPRs**

1. Project Document (PRODOC), “Support to development in industrial relations, wage fixing, and labour law implementation institutions and capacity in Vietnam,” 2012
2. Project Work Plan 2015
3. Technical Progress Reports (seven reports from Jan. 2013 to Sept. 2015)

#### **Evaluations/Internal Monitoring**

4. Mid-term Evaluation Report, September 2015 (commissioned by ILO Eval unit)
5. Lessons Learned from Pilot Initiatives, September 2015
6. Project Steering Committee Progress Report, October 2015

#### **Studies/Tools/Communication**

7. Gap Analysis of Labour Code and Trade Union Law of Vietnam, Old and New, against the ILO recommendations
8. Checklist on ‘Bottom-up’ Trade Union Establishment, Organization and Operation, Jan. 2013.

9. IR Bulletins 6 & 8 (Aug. and Dec. 2014)

### **BWV-UCD Project**

#### **Project Document, Workplan and TPRs**

1. Project Document (PRODOC), “Better Work Vietnam: Union Capacity Development – Phase II”
2. Project Work Plan – 2014-2016
3. Performance Monitoring Plan (PMP)
4. Technical Progress Reports (six reports from Jan. 2014 to July. 2015)

#### **Evaluations/Internal Monitoring**

5. Independent Mid-term Evaluation report, April 2013 (USDOL-funded)
6. Independent Review report, March 2014 (commissioned by BWV-UCD project)

#### **Training Materials**

7. Industrial Relations Toolkit
8. Key Skills for Grassroots Union Leaders in Vietnam
9. PICC Training Courses I and II
10. Collective Bargaining Agreement Training Course
11. Negotiation Skills Training Course
12. Training Skills Course for Trade Union Trainers

#### **Other Reference Publications**

13. Better Work Vietnam, Better Work Vietnam: Garment Industry 6th Compliance Synthesis Report, May 2013
14. Better Work Vietnam, Better Work Vietnam: Garment Industry 7th Compliance Synthesis Report, July 2014
15. Better Work Vietnam, Better Work Vietnam: Garment Industry 8th Compliance Synthesis Report, July 2015

### **IRPP Project**

#### **Project Document, Workplan and TPRs**

1. Project Document, September 2011
2. Logframe (revised version), 12 Aug. 2013
3. Technical Progress Reports (nine reports from Oct. 2011 to June 2014)

#### **Evaluations/Internal Monitoring**

4. Final Evaluation Report on Supporting Implementation of Labor Laws and Promotion of Sound Labor Inspection in Vietnam, redacted version July 2014 (commissioned by DAI)

5. Final IRPP Project Report to MOLISA, June 2014

### **Presentations and Publications**

6. Wheeler, Jeff, “Overview of Vietnam’s Labor Inspection,” Power Point Presentation, March 2011
7. Wheeler Jeff, “Management Information Systems and Labor Inspections,” Power Point Presentation
8. Wheeler, Jeff “USDOL Technical Assistance in Vietnam” Power Point Presentation, November 2011
9. Wheeler, Jeff, “Assessment of Vietnam's Labor Inspection System,” October 2010

### **FMCS Activities**

1. Building Mediation and Conflict Management Skills in Transitioning Economies, Final Report to USDOS/DRL, November 2014
2. Sunoo, Jan Jung-Min, Analyzing Key Factors for Successful Labor Dispute Resolution, November 2012
3. Manual on Labor Dispute Mediation, June 2014
4. Vietnam Trip Reports, August 2012, May 2013
5. Vietnam Mediation Manual Trip Report, January 2014

## **Annex D: List of Persons Interviewed**

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## **Annex E: Stakeholder Meeting Participants**

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## **Annex F: Project Logframes**

### **ILO-IR Project Logical Framework**

**Intermediate Object 1.** The implementation decrees, guidance documents, and other regulatory instruments and institutions for the new Labour Code and Trade Union Law are adopted for effective enforcement, and tripartite constituents and the public are informed of the new changes, especially regarding rights, protection, and their procedures.

*Output 1.1.* MoLISA and stakeholders participating in the development of implementation decrees have established effective implementation programme for the new Labour Code and Trade Union based on comparative information and practice-based research, including ILO recommendations, and extensive expert and stakeholder cooperation and consultation.

Activities 1.1.1. Support in developing key implementation decrees and programmes, which ensure the principle of gender mainstreaming, by sponsoring comparative and practice-based research initiatives, expert meetings, and consultation workshops, and providing expert analysis and comment to proposed texts.

*Output 1.2.* Tripartite constituents are prepared to effectively implement the new Labour Code and Trade Union Law on the basis extensive awareness-raising efforts, education and training, and capacity building programmes.

Activities 1.2.1. Each of the tripartite constituents are supported to develop and undertake awareness-raising and education/training activities for their constituents to develop understanding of the changes in the Labour Code and Trade Union Law and prepare for effective implementation, including activities to monitor, review and evaluate the implementation of the new laws.

*Output 1.3.* Workers, employers, general public, and media are aware of the key changes in the new Labour Code and Trade Union Law.

Activities 1.3.1. Support to labour law literacy on the revised Labour Code and Trade Union Law by raising public awareness, focusing on the new concepts and changes, including on issues related to gender and discrimination, through publication and distribution of posters and documentations, and through other media.

**Intermediate Object 2.** By the end of the project, employers' and workers' organizations are more influential, more representative and provide improved and new services to their members.

*Output 2.1.* Workers' organizations have extended their representativeness to local levels, are able to provide improved and new services to the lower level organisations and members, have an improved platform for collective bargaining and bipartite consultations, and engage more with policy makers through social dialogue, attempting to ensure gender equality both in terms of participation/representation and issues in the various aspects of the work.

Activities 2.1.1. Support the further development and expansion of bottom-up trade union organizing **pilot initiatives** at the enterprise level, including focusing on the specific needs of those workplaces where women workers are predominant, including multi-workplace trade union structure, addressing the need to build appropriate structures for organizing work at trade union upper levels and capacity improvement for trade union leaders and activists at the upper and grassroots levels, and ensuring the dissemination of pilot results and lessons for wider-level practice and development of national level programme, thus promoting evidence-based policy development at national level.

Activities 2.1.2. Support the development and implementation of **pilot programme** for developing and strengthening the activities and capacity of immediate upper-level trade union in support of grassroots trade unions' social dialogue, collective bargaining, wage negotiation, and other activities, including addressing the issues of discrimination and gender equality.

Activities 2.1.3. Support development of national level trade union policy, programme and guidelines on gender sensitive organising, collective bargaining and wage negotiation, and democratic management (and/or social dialogue) activities at the enterprise level, through research and study and dissemination of relevant international comparative experience.

*Output 2.2.* Employers' organizations have extended their representativeness to provinces and are able to provide improved and new services to specific group of employers, have improved networking activities and abilities for mutual support in industrial relations activities, and public relations, have an improved platform for collective bargaining and bipartite consultations, and engage more with policy makers through social dialogue, ensuring gender equality in the various aspects of the work.

Activities 2.2.1. Support to develop national level employer organisation programme in liaising with various employer/business associations [which lie outside the current organisational structure] to consolidate representative capacity, through joint seminars, studies, and consultations on issues of common concern, such as wage negotiation, and anti-discrimination measures, and effective participation in national level social dialogue and legislative revision process.

Activities 2.2.2. Support to lower-level employer organisation activities in developing wage negotiation agenda, collective bargaining strategy, and activities in developing productivity issues, including wage policies, promotion policies, and anti-discrimination policies for building dynamic internal workforce, through studies, survey, training, and consultation.

Activities 2.2.3. Support to development of employer organization services in developing and sharing of human resources policies and practices (wage, promotion training, anti-discrimination policies and practices etc.) designed to promote workforce enhancement through expert studies and development of training activities.

Activities 2.2.4. Support the promotion of IR mechanisms and practices, including collective bargaining and social dialogue, in various forms of cooperative enterprises/entities, through research and possible **pilot initiatives**.

*Output 2.3.* Workers' organisations' and employers' organisations' participation and engagement in local level bipartite and tripartite dialogue mechanism (collective bargaining, consultation, etc.) are strengthened, including to address the issues of discrimination and gender equality, with equal participation/representation of men and women workers.

Activities 2.3.1. Support **pilot** for regional/sectoral (coordinated) collective bargaining and wage negotiation, including in areas/sectors where women workers are predominant.

Activities 2.3.2. Support bipartite **pilot activity** promoting collective bargaining between parties on the basis of a framework agreement which provide facilitating environment founded on consensus and rights-respecting commitment (with third-party support), including grievance handling mechanisms and dispute resolution procedures.

Activities 2.3.3. Consultative bodies (social dialogue mechanisms) at enterprise levels and province/local/sectoral levels are **piloted** with a view to improving social dialogue practices and reducing labour disputes toward improvement in industrial relations, and promoting equal representation of women and men at the workplace.

**Intermediate Object 3.** By the end of the project, institutions and mechanisms for industrial relations are strengthened and regulations related to industrial relations are improved and implemented.

*Output 3.1.* Centre for Industrial Relations Development's capacity in industrial relations policy and facilitation services are improved.

Activities 3.1.1. Support to improve data collection (broken down by gender) and develop case studies in monitoring, analysis, and evaluation of key dimensions in industrial relations, such as: developments in trade unions, developments in collective bargaining and wage negotiations, developments and innovations in dispute resolution, and strikes, with specific attention to gender-based differentiation in terms of participation, issues, and outcomes.

Activities 3.1.2. Support to improve gender sensitive data collection and case studies in monitoring and evaluation of other issues of industrial relations developments, such as the impact of evolving forms of the employment relationship, discrimination, and gender issues.

Activities 3.1.3. Study of operation of workplace level social dialogue mechanism for dissemination to support initiatives and efforts of employers and trade unions.

Activities 3.1.4. Development of programmes of capacity building for service and support to province level IR institutions.

Activities 3.1.5. Regular publication and dissemination of gender sensitive industrial relations studies and research supported.

*Output 3.2.* National Industrial Relations Committee (NIRC) is more able to extend and implement its mandate and develop local networks at provincial level.

Activities 3.2.1. Support for the revitalisation of the NIRC, including a review of its mandate, terms of reference, structure and composition with a view to regularising its meetings and activities.

Activities 3.2.2. Support to developing NIRC secretariat in producing background information on the agenda of the Commission and coordination of preparatory and implementation work of all involved parties.

Activities 3.2.3. Support to social partners' effective engagement and participation in the NIRC to develop their own inputs for dialogue, including in addressing issues of gender equality and discrimination.

*Output 3.3.* Industrial relations advisory, conciliation and arbitration services have been developed and improved.

Activities 3.3.1. Direct support to **pilot initiatives** for development of province-level IR institutions by reviewing current practices, sponsoring gap analysis and development of activities, and provision of training, in support of effective IR.

Activities 3.3.2. Support **pilot** on pro-active conciliation and collective bargaining facilitation programme and activities, including in areas/sectors where women workers are predominant, by IR administration agencies at provincial/local level.

Activities 3.3.3. Support to preliminary needs/gap analysis and feasibility study for the improvement of the overall structure of Government administration of industrial relations, including the possibility of new legislative and institutional framework for industrial relations system.

*Output 3.4.* Individual labour dispute mechanisms, including in relation to issues related to discrimination and gender equality, developed and strengthened, through improved monitoring, including the reforms of the Labour Court and development of the Law on Labour Court Proceedings.

Activities 3.4.1. Support to monitoring and analysis of individual labour disputes in respect of wages, social insurance, employment relationship, discrimination, and termination issues by the Labour Court with the support of the relevant Ministry unit.

Activities 3.4.2. Support to monitoring cases of trade union rights violations, including unfair labour practices/anti-union discrimination issues by the Labour Court with the support of the relevant Ministry units.

Activities 3.4.3. Labour Courts judges supported through seminars on selected labour code issues, including the employment relationship, employment contracts and discrimination.

Activities 3.4.4. Support to testing individual dispute resolution case handling with a view to preparing a manual on the same.

Activities 3.4.5. Support to the development of the Law on Labour Court Proceedings

*Output 3.5.* Legislative effectiveness monitoring and needs analysis capacity of law making institutions are improved.

Activities 3.5.1. Support Social Affairs Committee of the National Assembly to monitor and evaluate the implementation of some of the new provisions in the revised Labour Code, including issues related to employment relationship and discrimination and gender equality, with a view to legislative improvement.

Activities 3.5.2. Support research activities and capacity of the Social Affairs Committee/Department of the National Assembly on relevant industrial relations and labour issues.

*Output 3.6.* Research capacity and community development is supported, with an attention to the need to promote gender equality, to engage more effectively in IR development agenda.

Activities 3.6.1. Support regular research seminars and sharing/cross-cultivation of researchers and practitioners with a view to promoting IR research community.

Activities 3.6.2. Publication and dissemination of relevant IR research studies, comparative information, and Vietnamese studies, to promote better understanding of issues in industrial relations, such as, representation, collective bargaining, disputes, wages, discrimination and gender equality, and social dialogue, etc., especially among the wider policy-making circles and media.

**Intermediate Object 4.** By the end of the project, the social partners are supported and capacitated for their role in ensuring effective participation in the minimum wage fixing system and wage determination, including participation in development of minimum wage law.

*Output 4.1.* Minimum wage policy is reformed, law is developed and wages set through effective dialogue between social partners, including concepts of equal remuneration for women and men, and promoted through capacity development of wage setting agents.

Activities 4.1.1. Support to building consensus on developing new wage policy including minimum wage system policy by sponsoring research on key issues (including examination of

modalities for government intervention in wage issues in market economy environment), drawing together of comparative international expertise, and facilitating dissemination and consultations.

Activities 4.1.2. Support to developing a new minimum wage law; giving technical comments on law drafts; sponsoring dissemination events and similar.

*Output 4.2.* Minimum wage fixing mechanism is reformed and established, implementing institutions and necessary supporting technical infrastructure strengthened.

Activities 4.2.1. Support establishment and operation of minimum wage council conforming to international standards (ILO Convention No. 131 on Minimum Wage Fixing) and best practices along with its supporting secretariat services.

Activities 4.2.2. Support to effective social partner participation in the operation of minimum wage fixing, with a specific orientation to address the challenge of equal remuneration, by offering training and other capacity building activities in the operation of minimum wage fixing mechanisms.

Activities 4.2.3. Support development of coordination capacity between MoLISA and government statistical office (GSO).

Activities 4.2.4. Conduct information infrastructure capacity needs survey and analysis, and follow-up on conclusions with capacity building activities.

*Output 4.3.* Enforcement mechanisms for minimum wages, including for workplaces where women workers are predominant, are developed and implemented effectively.

Activities 4.3.1. Support to public awareness campaign, including focusing on women worker predominant workplaces, through publications, press coverage, and other appropriate means as determined with the social partners.

Activities 4.3.2. Support to innovative measures to assure extension of effective minimum wage coverage to difficult to reach sectors, i.e. rural areas intended for coverage, “the informal sector”, etc., where women workers are predominant.

*Output 4.4.* Wage negotiation practices, including addressing the goal of achieving equal remuneration, in collective bargaining effectively developed.

Activities 4.4.1. Support for development of wage policy vision and practice by employers organisations and trade unions through research, surveys, and development of gender-sensitive wage negotiation advisory guidelines for lower-level wage negotiation.

**Intermediate Object 5.** By the end of the project, the capacity of tripartite constituents is improved in support of international integration.

*Output 5.1.* Capacity of tripartite partners improved to carry out the duties of a new Titular Member in the ILO Governing Body.

Activities 5.1.1. Assess with MoLISA its needs in supporting the Vietnamese member in the ILO Governing Body and follow up with appropriate capacity building initiatives.

*Output 5.2.* Appropriate responses developed to assess the implications of the international economic integration on employment, discrimination and gender equality, and social security. Regular review of Vietnam labour laws with regard to requirements of international labour standards supported.

Activities 5.2.1. Support given through research support and dissemination, and other capacity building activities to enable social partners to be able to assess the impact of trade and investment agreements on labour issues, domestic employment patterns and the labour market, with special focus on gender-specific and discriminatory impact.

*Output 5.3.* The Tripartite Consultation (International Labour Standards) Convention, 1973, (No. 144) has been implemented more efficiently.

Activities 5.3.1. Support to ratification and implementation of major ILO Conventions, and programmes to give effect to ratified conventions, including gap analysis, in respect of Conventions Nos. 95, 100, 111, 131, 98, and 29 and 105 and the related Recommendations.

Activities 5.3.2. Support compliance with of reporting obligations under ILO Constitution articles 19 and 22, including support to social partners for their effective engagement in the application and reporting process, with dedicated attention to gender-specific implications and developments; and assessment of impact of consultation and social dialogue on the subjects of international labour standards on industrial relations practice.



## BWV-UCD Project Logframe

*Developmental impact: To improve the lives and working conditions of garment workers in Vietnam through the development of a strong, representative and responsive labour movement and improved adherence to national labor laws and international labor standards.*

*Immediate Objective 1: Union members of PICCs in BWV will have strengthened their capacity to contribute to the factory's compliance improvement process*

**Output 1.1. Improvement in ability of the union members of the PICCs to represent workers voices in regard PICC issues is demonstrated.**

- Create training places for PICC union representatives
- Establish baseline and follow up survey of union PICC reps
- Provide Training of Trainers program for core trainers of PICC courses
- Produce PICC training manuals and PICC guidebooks
- Recruit and place Technical Advisors/Trainers
- Organise meetings of Project Steering and Monitoring Committees
- Develop coaching materials between PICC union members
- Maintain monitoring and management system
- Conduct internal evaluation and learning

*Immediate Objective 2: Factory level unions, the garment workers' union and the Federations of Labour in BWV-targeted provinces will have increased their capacity to effectively represent workers in export-oriented workplaces within the garment sector.*

**Output 2.1. District and Provincial unions in targeted provinces are better able to support factory level unions.**

- Train new trainers in teaching methods from participating PFOLs
- Support trainers to apply skills learnt previously in their workplace training, build in peer support and review and provide training on content and methods for information sessions
- Support Trainers Learning Networks (Provincial)
- Establish key trainers group to lead curriculum development and mentoring sustainably post project

- Recruit and place Technical Advisors/Trainers

**Output 2.2. Union capacity in organizing workers in export-oriented garment factories is increased and unions understand better the mechanisms and strategies to better represent workers' interests.**

- Conduct training needs assessment and baseline survey for union leaders in targeted factories (executive and group leaders) in targeted factories and pilots
- Train trade union leaders from factories (from PFOLs) through one-day courses
- Support and provide post-training follow-up advice to factory level union committees
- Conduct information sessions for 12,600 workers at factories
- Maintain management and monitoring system

*Immediate Objective 3: The trade unions will have strengthened their capacity to represent workers/union members' interests in collective dialogue and bargaining, and in applying innovative pilots for union organisation in an expanded number of BWV factories.*

**Output 3.1. Good practices and lessons learned from earlier pilot initiatives on bottom-up union organisation are consolidated for wider dissemination, application and institutionalization**

- Develop summary and consolidation of good practices and lessons learned from pilot initiative on coordinated collective bargaining, with the support of the upper level trade union.
- Organise a workshop to disseminate and discuss good practices and lessons learned from union work in national-level policymaking, strategies and actions (in collaboration with activity 1.1.9)

**Output 3.2 Trade union pilot initiatives are implemented in existing and potential Better Work factories.**

*Conduct a baseline survey in pilot factories.*

- Launch Pilot initiatives to strengthen the coordination of upper-level trade unions in supporting effective grassroots trade unions (Ho Chi Minh City)
- Launch Pilot initiative on coordinated collective bargaining and wage negotiations in Better Work factories (Binh Duong)
- Conduct evaluation of pilot initiatives by VGCL and all pilot participating units (internal review by each implementing unit)
- Conduct quarterly reviews and planning by pilot units
- Organize Focus Group Exchanges on trade union developments and industrial relations Challenges EA/Industrial Zone Pilot Activities Focus Group Exchanges – Annual meetings with

varying topics of high interest

**Output 3.3 Operational guidelines for effective implementation of key VGCL directions on union and industrial relations development under the context of the new Labour Code and Trade Union Law are developed and disseminated**

- Develop a handbook on protection of trade union rights
- Develop a trade union handbook on strengthening factory unions through the PICC mechanism
- Publish and disseminate operational handbook
- Provide related staff travel (ILO Monitoring and technical input) and staff Admin support (CO Hanoi)
- Appoint a focal point from each pilot to join the combined PSC

*Immediate Objective 4: Better Work Enterprise Advisors (EAs) will be able to effectively promote social dialogue and freedom of association in participating factories.*

**Output 4.1. Enterprise Advisors are equipped with additional tools and knowledge to promote sound industrial relations at the factory level.**

- Deliver advanced training courses on Social Dialogue and Industrial relations (using local and international consultants)
- Provide capacity building for EAs on the new Trade Union Law and decree and guidance on implementation of the law
- Conduct shared learning workshops with the ILO IR project
- Conduct shared learning workshops with VGCL and FOLs
- Deliver in-office and on-site coaching for EAs
- Deliver coaching for IR distance learners (EAs)
- Provide EA training on Freedom of Association
- Provide capacity building for the Industrial Relations focal point (BWV)
- Rollout the Industrial Relations toolkit to support BWV advisory services

**Output 4.2. Enhance the quality assurance support on industrial relations for Better Work Enterprise Advisors**

- Provide technical guidance and training to EAs (provided by ILO specialists)
- Provide technical advice to BWV EA team (provided by ILO Hanoi industrial relations specialist)
- Organise advisory service “shadow visits” for EA team leaders

- Organise PICC observation visits for FOL trainers
- Participate in Apheda training courses for feedback and continuous improvement

**Output 4.3. Increased participation of Federations of Labour (FOLs) in the delivery of BWV advisory services**

- Organise in-factory activities between Better Work Vietnam and Federations of Labour
- Engage VGCL and FOL in Better Work workshops and shared learning seminars
- Conduct joint GRTU-FOL workshops
- Organize shared learning workshops for PICC members and with GRTU and Federations of Labour

**Output 4.4. Strengthen social dialogue at the factory level, in collaboration with national stakeholders**

- Develop guidelines on Social Dialogue for garment factories
- Develop guidelines to help align PICCs with Labour Law requirements on social dialogue
- Produce communication and advocacy materials for PICC elections
- Establish a mechanism for supporting factory-level PICC elections with Provincial and Industrial Zone Federations of Labour

## IRPP PHASE II LOGICAL FRAMEWORK – Revised Version, April 2013

<b>Project Long-term Objective:</b> Improving compliance with the labor laws and regulations and promoting sound industrial relations through enhancing capacities of the labor inspection system and the parties in labor relations.				
<b>Project Immediate Objectives:</b>				
<ul style="list-style-type: none"> <li>▪ To enhance the labor inspectorate's capacity to enforce the law and the workers' and employers' awareness on labor laws and regulations;</li> <li>▪ To enhance partnership for promotion of sound industrial relations.</li> </ul>				
<b>Components</b>	<b>Budget</b>	<b>Timing</b>	<b>Resp.</b>	<b>Assumption</b>
<b>Component 1</b>				
To enhance the labor inspectorate's capacity to enforce the law and the workers and employers' awareness on labor laws and regulations.	60% 180,000	Nov 2012 - Dec 2013	LI	The GOV's strong commitment to enhanced enforceability for improved labor compliance (to pursue the rule of laws, ILO C. 81)
<b>Subcomponent 1.1</b>				
Enhanced capacity for effective strategic planning and management of resources				
<b>Output 1.1.1</b>				
A recommendation report for a master plan for enhanced capacity of labor inspection systems submitted to MOLISA leaders for consideration	25% 75,000	Nov 2012 - Dec 2013	LI	The GOV's Workplan of 2012 indicated MOLISA's commitment to submission of a strategic proposal to PM by end of June 2013
<b>Activities</b>				
Planning workshops on labor inspection and compliance strategies	10,000	Nov 2012 - Dec 2013	LI	International Consultant
Consultation workshops on development of overall and component strategies for enhanced capacity of labor inspection systems	10,000	June 2013	LI	
An overseas study tour on labor inspection systems (to US or an Asian country with appropriate experiences)	40,000	Nov 2013	LI	To be discussed with USDOL and USDOS
Planning workshop on plan of action for implementation of master plan for enhanced capacity of LISA/labor inspection systems	15,000	Sept -Oct 2013	LI	Upon approval by PM
<b>Subcomponent 1.2</b>				
Enhanced capacity to develop labor laws and regulations enforcement tools				
<b>Output 1.2.1</b>				
Enhanced capacity to develop labor laws and regulations enforcement tools	5% 15,000	Sept - Nov 2013	LI	The GOV's strong commitment to enhanced enforceability for improved labor compliance (to pursue the rule of laws, ILO C. 81)
<b>Activities</b>				
Developing and improving labor law enforcement tools (labor inspection forms, enterprise report formats, self-assessment forms, check list etc.)	5,000	Sept 2013	LI	
Planning workshops on labor law	10,000	Nov 2013	LI	International consultant

enforcement tools standardization and compliance assistance				
<b>Subcomponent 1.3</b>				
Enhanced capacity of labor inspector training systems				
<b>Output 1.3.1</b>				
A recommendation report for a strategy for enhanced capacity of standardization of labor inspection training systems submitted to MOLISA leaders for consideration	20% 60,000	May -Dec 2013	LI	The GOV's strong commitment to enhanced enforceability for improved labor compliance (to pursue the rule of laws, ILO C. 81)
<b>Activities</b>				
Planning workshops on standardization of labor inspection training systems	10,000	Sept 2013	LI	International Consultant
Round-table discussions, consultative meetings and a workshop on management and standardization of labor inspection training systems	10,000	Sept-Nov 2013	LI	
Development of and testing/piloting labor inspectors' guides to inspection of labor accidents investigation and inspections on OSH, wages and employment contracts	7,000	May - August 2013	LI	
Formulation and publishing of a handbook of FAQs on labor inspection and some cases on handling labor complaints and denunciations	3,000	July-Aug 2013	LI	
Pilot training workshops on theme-specific labor inspections	20,000	July -Aug 2013	LI	International consultant
Establishing a labor inspector training room with necessary audio-visual equipments for training of labor inspectors	10,000	Oct 2013	LI	It is planned to establish an inspectors advanced training center under MOLISA Inspectorate in the master plan of MOLISA Inspectorate
<b>Subcomponent 1.4</b>				
To enhance the workers and employers' awareness on labor laws and regulations and Enhance capacity of cooperation among social partners in order to promote r law implementation.				
<b>Output 1.4.1</b>				
A Recommendation report on enhanced partnership for promotion law implementation submitted to leaders of MOLISA and NIRC for consideration	10% 30,000		LD and LI	Tripartite stakeholders' commitment to promotion of sound industrial relations in the workplace (Decision No. 1129/QD-TTg, Labor Code, Trade Union Law)
<b>Activities</b>				
Planning workshops on labor law education	15,000	May 2013	LD	
Preparation of guide/s to Vietnam's labor laws and regulations at workplace for employers and employees	5,000	Feb-May 2013	LD	
Planning workshop on social partnership for promotion of sustainable law implementation	10,000	Oct 2013	LI	International Consultant

<b>Component 2</b>				
To enhance partnership for promotion of sound industrial relations	40% 150,000	Jan -Dec 2013	LWD, LI, ICD	Tripartite stakeholders' commitment to promotion of sound industrial relations in the workplace (Decision No. 1129/QD-TTg, Labor Code, Trade Union Law)
<b>Subcomponent 2.1</b>				
Enhanced capacity of strategic management for promotion of sound industrial relations and multi-employer collective bargaining and agreement	15% 45,000	Jan - Dec 2013	LWD, VGCL, VCCI, ICD, LI, ULSA	Tripartite stakeholders' commitment to promotion of sound industrial relations in the workplace (Decision No. 1129/QD-TTg, Labor Code, Trade Union Law)
<b>Subcomponent 2.2</b>				
Enhanced capacity of strategic management for promotion of sound industrial relations				
<b>Outputs 2.2.1</b>				
A recommendation report for an integrated strategy for promotion of sound industrial relations toward 2020 submitted to MOLISA leaders and the national industrial relations committee (NIRC)	10,000	Jan - Dec 2013	LWD, VGCL, VCCI	
<b>Activities</b>				
Planning workshop on evaluation of five-year implementation of the Directive No. 22 CT/TW regarding building stable, harmonious and progressive industrial relations at enterprises		Aug - Sept 2013	LWD, VGCL, VCCI	
Expert meeting on draft strategy for promotion of sound industrial relations		Oct 2013	LWD, VGCL, VCCI	
National tripartite planning workshop on draft strategy for promotion of sound industrial relations toward 2020		Nov 2013	LWD, VGCL, VCCI	
<b>Subcomponent 2.3</b>				
Enhanced capacity of strategic management for promotion of multi-employer CBA				
<b>Output 2.3.1</b>				
Multi-employer CBA in textile and garment industry piloted and expanded	35,000		LWD, VGCL, VCCI	
<b>Activities</b>				
Preparation of rapid assessment report of promotion of CBA models and practices	5,000	Aug - Sept 2013	LWD, VGCL, VCCI	
Provincial planning workshops on multi-employer collective bargaining in some selected localities	10,000	May - Aug 2013	VGCL, LWD, VCCI	International consultant (Jan Sunoo)
The planned sessions/rounds of collective bargaining meetings in some selected localities	13,000	Aug - Sept 2013	VGCL, LWD, VCCI	
Monitoring and facilitating participating	2,000	May-Sept	LWD,	

members in collective bargaining processes		2013	VGCL, VCCI	
National tripartite workshop on promotion of CBA models and practices	5,000	Sept 2013	LWD, VGCL, VCCI	International Consultant (Leanna, Hollis)
<b>Subcomponent 2.4</b>				
Enhanced capacity of IR and labor dispute resolutions education				
<b>Output 2.4.1</b>				
An evaluation report on technical assistance efforts for enhanced capacity of education in IR and labor dispute resolutions submitted to MOLISA and NIRC including CBA and ADR training curricula/programs, training materials and toolkits	10% 30,000	July - Dec 2013	ULSA	Tripartite stakeholders' commitment to promotion of sound industrial relations in the workplace (Decision No. 1129/QD-TTg, Labor Code, Trade Union Law)
<b>Activities</b>				
Planning workshop on enhanced capacity of CBA and ADR skills training development	2,000	July 2013	ULSA, VTU, TDTU	
Consultative meetings/workshops on development of training programs and materials on CBA and ADR	15,000	Aug - Sept 2013	ULSA, VTU, TDTU	
Training workshops on CBA and ADR skills	10,000	Oct - Nov 2013	ULSA, VTU, TDTU	International consultant (Leanna, Hollis, Dick)
Evaluation workshop on enhanced capacity of IR and ADR education	3,000	Nov -Dec 2013		TDTU, VTU, international consultant (Leanna, Hollis, Dick)
<b>Subcomponent 2.5</b>				
Enhance capacity of implementing international commitments and applying advanced experienced of labor inspection and promotion of sound industrial relations				
<b>Output 2.5.1</b>				
A Recommendation Report on implementation of the regional and international commitments and initiatives on labor inspection and promotion of sound industrial relations submitted to the leaders of the Ministry of Labor, Invalids and Social Affairs	15% 45,000		ICD	
<b>Activities</b>				
Research, review of regional and international commitments, lessons learned and good practices related to labor inspection and promotion of sound industrial relations	15,000	Dec 2013	ICD	
Workshop to share the aforementioned studies and propose recommendations on the implementation of international commitments and initiatives related to labor inspection and promotion of sound industrial relations	20,000	Jan 2014	ICD	



Printing, propagation and dissemination of commitments, initiatives, good practices and relevant recommendations	10,000	Jan 2014	ICD	
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### Annex G: BWV-UCD Project Performance Plan/Data Track Table

PERFORMANCE PLAN Vietnam	30.6.2015							
<i>Developmental impact: To improve the lives and working conditions of garment workers in Vietnam through the development of a strong, representative and responsive labour movement and improved adherence to national labor laws and international labor standards.</i>	Indicators	Baseline	Jun-Dec 2014 <sup>20</sup> Target / Actual	Jan-Jun 2015 Target / Actual	Jul-Dec 2015 Target / Actual	Jan-Jun 2016 Target / Actual	Jul-Sept 2016 Target/ Actual	End of project Target / Actual
<i>Immediate Objective 1: Union members of PICCs in BWV will have strengthened their capacity to contribute to the factory's compliance improvement process</i>	% of PICC union representatives improved capacity to actively contribute to factory compliance improvement process		75	75	75	75	75	75
Output 1.1. Improvement in ability of the union members of the PICCs to represent workers voices in regard PICC issues is demonstrated.	No of trainers from district and federation unions trained on delivering PICC training	0	12/15	12/15	12	12	0	12
	No of union PICC reps training places provided	0	16/20	496/323	352	352	192	1408
	No of union PICC reps surveyed and % that increase their problem-solving capacity	0	0	30/30	30	30	30	75
	No of grass root unions participating in trainings	0	6/6	73/106	68	57	26	230
	No of PICC members that increased their understanding of their responsibilities on training	0	20/20	30/24	30	30	10	120
<i>Immediate Objective 2: Factory level unions, the garment workers' union and the Federations of Labour in BWV-targeted provinces will have increased their capacity</i>	% of participating unions demonstrate increased capacity in effective representation		<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>

<sup>20</sup> Objective 1&2 implementation started from 1 October 2014

<i>to effectively represent workers in export-oriented workplaces within the garment sector.</i>								
Output 2.1. District and Provincial unions in targeted provinces are better able to support factory level unions.	No of trainers from district and federation unions trained in delivering union training in key factory level union areas of need including collective bargaining and dispute resolution.	24	0	40/2	40	16	16	40
	No of surveyed and % of union leaders that increase their capacity through training in negotiation, communication, dispute settlement, OSH etc.	0	0	30/30	30	30	15	>75
Output 2.2. Union capacity in organizing workers in export-oriented garment factories is increased and unions understand better the mechanisms and strategies to better represent workers' interests.	% of unionized workers in participating factories	0	75	80/80	85	85	85	>85
	% of UCB participating factories signed up to BWV	38	95	76/72	76	76	76	>76
	No of grass root unions who have representatives trained	0	0	42/06	42	42	42	42
	No of training places	0	0	225/16	225	225	225	900
<b><i>Immediate Objective 3: The trade unions will have strengthened their capacity to represent workers/union members' interests in collective dialogue and bargaining, and in applying innovative pilots for union organisation in an expanded number of BWV factories.</i></b>	<b><i># Better Work participating factory unions demonstrate increased capacity and awareness in effective representation of members interests in collective bargaining, PICC and social dialogue more generally</i></b>		15	15	15	15		15
Output 3.1. Good practices and lessons learned from earlier pilot initiatives on bottom-up union organisation are consolidated for wider dissemination, application and institutionalization	# GRU participating in pilots from apparel/footwear sector	0	10	10/10	0	0		10
	# of FOL/VGCL to which good practice is disseminated	0	0	0/0	0	15		15
	# of factories	0	0	50/25	75	75		200

	applying good practice identified through pilots							
Output 3.2 Trade union pilot initiatives are implemented in existing and potential Better Work factories.	# of grass root unions that introduced shop-steward system	5	0	2/0	2	1		10
Output 3.3 Operational guidelines for effective implementation of key VGCL directions on union and industrial relations development under the context of the new Labour Code and Trade Union Law are developed and disseminated	# of grass root unions that demonstrate characteristics for “bottom-up” trade union activities	0	0	4/0	4	0		8
<b><i>Immediate Objective 4: Better Work Enterprise Advisors (EAs) will be able to effectively promote social dialogue and freedom of association in participating factories.</i></b>	<b><i># Better Work Enterprise Advisors (EAs) effectively promote social dialogue and freedom of association in participating factories</i></b>	<b>10</b>	<b>14/14</b>	<b>18</b>	<b>21</b>	<b>25</b>		<b>25</b>
Output 4.1. Enterprise Advisors are equipped with additional tools and knowledge to promote sound industrial relations at the factory level.	# of days EAs are trained/coached or exchange information on IR	119	34/34	50/ 62	50	50		184
Output 4.2. Enhance the quality assurance support on industrial relations for Better Work Enterprise Advisors	# of in-factory shadow visits	14	5/ 5	10/ 10	10	10		35
Output 4.3. Increased participation of Federations of Labour (FOLs) in the delivery of BWV advisory services	#of joint events/activities with the federations of labour	5	3/2	3/ 4	2	2		10
Output 4.4. Strengthen social dialogue at the factory level, in collaboration with national stakeholders	# of discussions with national stakeholders on promotion of industrial relations and social dialogue	0	3/2	6/ 5	6	6		21

**Annex H: USDOL Sustainability and Exit Strategy Template**

Sustainability Matrix for:					
Project Title:					
Grant #:					
Date Initially Prepared:			Date of this version:		
<i>Project Component</i>	<i>Conditions for Sustainability</i>	<i>Further Action by Institutions and Partners Involved</i>	<i>Process for monitoring progress on the sustainability elements</i>	<i>Status on the sustainability elements</i>	<i>Exit Strategy</i>