
**AN INDEPENDENT MULTI-PROJECT EVALUATION
OF
*PROTECTING THE RIGHTS OF MIGRANT WORKERS
THROUGH EMPOWERMENT AND ADVOCACY IN MALAYSIA*
AND
*SUPPORT FOR LABOR LAW AND INDUSTRIAL RELATIONS
REFORM IN MALAYSIA***

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FINAL REPORT

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This report describes in detail the independent multi-project evaluation conducted in July-August, 2018 of the *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* and *Support for Labor Law and Industrial Relations Reform in Malaysia* projects. Dan O'Brien, independent evaluator, conducted the evaluation in conjunction with projects' team members and stakeholders. The evaluator prepared the evaluation report according to the contract terms specified by O'Brien and Associates International, Inc. The evaluators would like to thank those who offered their time and expertise throughout the evaluation. Special thanks go to the projects' staff for their highly effective coordination of the field work in Malaysia.



**O'BRIEN &
ASSOCIATES**
INTERNATIONAL

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LIST OF ACRONYMS

| | |
|--------|---|
| CPTPP | Comprehensive and Progressive Agreement for Trans-Pacific Partnership |
| CSO | Civil Society Organization |
| DWCP | Decent Work Country Programme |
| GOR | Grant Officer's Representative |
| IA | Implementation Agreement |
| ILAB | Bureau of International Labor Affairs |
| ILC | International Labour Conference |
| ILO | International Labour Organization |
| ILS | International Labor Standards |
| LL-IRR | Support for Labor Law and Industrial Relations Reform in Malaysia |
| LTO | Long Term Outcome/Objective |
| M&E | Monitoring & Evaluation |
| MEF | Malaysia Employers Federation |
| MOHR | Ministry of Human Resources |
| MTO | Medium Term Outcome/Objective |
| MTUC | Malaysia Trade Union Congress |
| MWEA | Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia |
| NGO | Non-Governmental Organization |
| NSI | North South Initiative |
| OGM | Office of Grants Management |
| PAC | Project Advisory Committee |
| P&B | Program and Budget |
| PMP | Performance Monitoring Plan |
| PO | Project Objective |
| PSWS | Persatuan Sahabat Wanita Selangor |
| SAP | Special Assistance Program |
| STO | Short Term Outcome/Objective |

| | |
|-------|--|
| TIP | Trafficking in Persons Report |
| TOR | Terms of Reference |
| TPP | Trans-Pacific Partnership |
| TPR | Technical Progress Report |
| TPSEP | Trans-Pacific Strategic Economic Partnership Agreement |
| US | United States |
| USAID | United States Agency for International Development |
| USD | United States Dollars |
| USDOL | United States Department of Labor |

EXECUTIVE SUMMARY

Introduction

Since 2013, the United States Department of Labor (USDOL) provided more than United States Dollars (USD) 2.55 million for two projects implemented by the International Labour Organization (ILO) in Malaysia. The first is the *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* (MWEA) project, which focuses on the rights of migrant workers. The second is the *Support for Labor Law and Industrial Relations Reform in Malaysia* (LL-IRR) project that has a focus on labor legislation and the national labor inspection system.

The MWEA Project

On November 25, 2015 USDOL awarded the ILO 1,000,000 United States Dollars (USD) to implement the MWEA project. MWEA started the inception phase of the project on February 24, 2016 with a project end date of December 31, 2017. On December 7, 2017, USDOL provided a project modification, which extended the end date of the project to February 24, 2019, and added USD 70,457 bringing the total budget to USD 1,070,457.

The MWEA project's goal is to build the capacity of workers' organizations and other civil society organizations to assist migrant workers in Malaysia. To achieve the goal, the project consists of the following three objectives:

1. Malaysia civil society is empowered to better support migrant workers in realization of their rights.
2. Migrant workers are empowered to realize their rights.
3. Malaysian youth demonstrate increased support for the rights and welfare of migrant workers.

MWEA's interventions are organized according to three main components that correspond to the three objectives and include building the capacity of implementing partners to provide high quality services to migrant workers, improving the quality of services to migrant workers, and increasing the awareness and level of support among youth for the rights and welfare of migrant workers.

The LL-IRR Project

USDOL awarded the ILO USD 1,500,000 on September 19, 2016 to implement the LL-IRR project that had an original end date of March 30, 2019. USDOL provided a project modification on December 12, 2016 that increased the budget to USD 1,550,000.

To support the government's efforts to reform labor legislation and strengthen the role of the labor inspectorate, the project has the following three objectives:

1. The Malaysian legal framework is more consistent with international labor standards.
2. The Malaysian labor inspection system is more effective at enforcing labor laws, decrees or regulations, and other enforceable instruments.

3. Labor disputes are resolved more effectively and efficiently.

The project's key interventions, which are organized according to the three objectives above, focus on reforming Malaysian labor laws, strengthening the labor inspection system, and increasing the effectiveness and efficiency of dispute resolution mechanisms. LL-IRR intends to provide technical assistance to amend or reform the Employment Act, the Industrial Relations Act, and the Trade Union Act.

Findings and Conclusions

Relevance and Strategic Fit

The **MWEA** project is relevant to migrant workers but the Ministry of Human Resources (MOHR) has not been able to note improvements in resolving cases, which might be explained by the fact that the MOHR database does not distinguish the agency or organization responsible for resolving the case. In this way, the MWEA implementing partners are not credited for resolving cases.

While MWEA is relevant to Malaysia Trade Union Congress (MTUC), it believes it should be given a more prominent role in the project since trade unions are one of the ILO's tripartite constituents. The ILO, on the other hand, encourages close collaboration with civil society organizations (CSOs) in migrant worker projects because they possess highly relevant experience working with migrant workers. Furthermore, the ILO believes MTUC has been given a prominent role in the project. It should be noted that even though MTUC would like to have a more prominent role in the project, including increased funding, it has not been able to spend funds allocated by MWEA due to an internal conflict.

MWEA is highly relevant to the Malaysia Employers Federation (MEF) because migrant workers are being exploited in Malaysia, especially in small to medium companies. To increase its relevance, MEF believes that the ILO should help the government simplify the process of hiring foreign workers so it is less bureaucratic and educate potential migrant workers in neighboring countries about how to acquire the proper documents so they can come to Malaysia to work legally.

While the CSO partners believe that the MWEA project is highly relevant and is addressing important needs of migrant workers, they are not certain that the new government is committed to addressing migrant workers' rights because it is conducting "raids" in workplaces, residential areas, and shopping areas where foreigners without proper documents are apprehended and incarcerated pending an investigation.

MOHR believes that **LL-IRR**'s focus on labor law reform, improving the labor inspection system, and dispute resolution is highly relevant and welcomes technical and financial support from the ILO. MOHR would like the LL-IRR project to focus on its priorities such as establishing a training of trainers (TOT) capability to train new inspectors and conciliators that it intends to hire.

While MTUC believes that reforming labor laws and improving the labor inspection system and dispute resolution mechanisms are highly relevant areas to address, MTUC believes the project is not currently meeting its needs because there has been very little consultation. MTUC would like for LL-IRR to be more transparent about activities and resources.

MEF also believes that labor law reform is important because current labor laws are outdated and should be reformed so they are relevant for the new economy. However, MEF believes labor laws should support new forms of employment such as flex time and conciliation processes that would help Malaysia develop competitive advantages over its regional competitors.

Validity of Project Design

The **MWEA** project design, including the theory of change, is valid and follows a strong cause and effect logic. The outcomes and outputs are also written so they meet the guidance provided in the 2015-Management Procedures Guidelines (MPG). The MWEA results framework includes two levels of outcomes that could be simplified by either eliminating or combining outcomes, which would simplify the design and reduce the data collection burden on the CSOs implementing the project.

The **LL-IRR** project design and theory of change is also valid and follows a strong cause and effect logic. In general, the long and medium-term outcomes are written so they meet the guidance provided in the USDOL 2017-MPG. However, the results framework does not include outputs, which is required by the MPG. It appears that the project is using short-term outcomes as outputs in the results framework.

The **MWEA** indicators listed in the performance monitoring plan (PMP) are appropriate and provide realistic achievements of the long-term outcomes. However, the MWEA project document and PMP use different terminology. The project document classifies objectives as long-term and medium-term and lists the outputs associated with each medium-term objective. The PMP refers to the goal as the long-term objective, to long-term objectives as medium-term objectives, and to medium-term objectives as short-term objectives.

While the majority of the indicators in **LL-IRR** project's PMP appropriately measure achievements, several require adjustments and the outputs require indicator targets. Furthermore, the PMP does not list the indicator unit of measure and definition, frequency of data collection, person responsible, and a description of data analysis and use.

Project Effectiveness and Efficiency

The **MWEA** strategies include organizational strengthening, migrant worker services, union organizing, and awareness raising for youth. To build the *organizational capacity* of the partners, the project intends to provide a variety of training. While the training that the project has or intends to deliver increases organizational capacity, the major challenge MWEA's implementation partners face is generating enough funds to remain viable.

MWEA partners reported 977 *cases* with a resolution rate of 21 percent. However, they face challenges in trying to resolve cases such as employers resisting labor department decisions or constructing obstacles that create delays. While project partners have reached nearly 6,000 migrant workers with *outreach services*, the raids conducted by immigration officials and police to capture and repatriate undocumented workers have hampered outreach efforts because migrant workers are afraid to go to public places such as shopping centers and bus stations because they might be captured in one of the raids.

Project partners have provided formal *training* to over 800 migrant workers on labor rights issues. Training could be more effective by incorporating different training methodologies such as games, role playing, and cases as well as providing team building and leadership training. While MTUC has been able to *organize* 569 Indonesian migrant workers in an association related to the newly formed trade union at the Panasonic plant in Penang, many migrant workers are reluctant to join trade unions because employers threaten to terminate their contracts and send them home.

Since Project Liber8 is only beginning to implement its *youth awareness* strategies, it is too early to determine the effectiveness of these strategies.

The **LL-IRR** project has only recently started to implement its strategies due to delays in recruiting and hiring key personnel; the US decision to withdraw from the transpacific partnership trade agreement and the uncertainties it caused; a long and protracted project document approval process; and other distractions. Therefore, the evaluator was not able to comment on the effectiveness of the LL-IRR strategies.

A range of delays have affected the performance of both projects. While **MWEA**'s PMP consists of 16 indicators, the project has only made progress on nine due to delays consisting of difficulty recruiting and hiring key personnel, development and approval of the project document package, and approval of the implementation agreements. MWEA is in the process of requesting a no-cost extension that would allow it additional time to achieve its indicator targets and spend its grant funds.

The **LL-IRR** project has only managed to make progress on six of the 20 indicators listed in the PMP due to delays described previously. To achieve its indicator targets and spend its funds, LL-IRR requested a 12-month no-cost extension that USDOL is in the process of approving.

Due to the late start and other delays, the **MWEA** project is underspent by approximately 19 percent. Based on its average monthly expenditure rate of USD 30,523, the project would need 15 more months to spend the remaining funds. Since the MWEA project is scheduled to end on February 24, 2019, the project will need to either increase its monthly expenditures from USD 30,523 to USD 51,388 or request a no-cost extension to spend the remaining funds.

The LL-IRR project is underspent by about 31 percent. Assuming that USDOL approves the 12 month no-cost extension described above, the project would have 21 months to spend USD 1,222,936 or USD 58,235 per month. Spending USD 58,235 per month would be extremely difficult, the project might have to request another no-cost extension.

Management Effectiveness

The management structures for the **MWEA and LL-IRR** projects are similar. Each project has a project manager, national project coordinator, and an administrative assistant. The deputy regional director based in Bangkok, Thailand, provides management support and supervision to the project managers. The regional finance office provides support to the projects, specifically to the administrative assistants, on the ILO's financial system and software. Project staff believe the management structures are appropriate and are satisfied with the level of supervision.

Given the rapid growth of ILO projects in Malaysia from one in 2015 to five in 2018 with two more projects scheduled to begin as soon as key personnel are hired, the ILO office in Malaysia would benefit from having a dedicated program coordinator to represent the ILO to key constituents and partners and help coordinate the various projects to achieve greater integration and synergy.

Technical experts based in ILO regional office in Bangkok provide technical support and backstopping to both projects. While MWEA project staff are satisfied with the level of technical support they receive, they would like to have more frequent visits and more consistent follow-up from the regional office. However, the project understands that technical staff are serving the entire Asia and Pacific region.

The MWEA project implements activities primarily through a small group of CSOs including the MTUC, using implementation agreements (IAs). With some training and on-going technical assistance from MWEA, the implementing partners prepare technical and financial reports each quarter that include the achievement of their deliverables. Once approved, the project issues payment to the partners. In turn, MWEA uses these reports as input to prepare the technical progress reports for USDOL. The partners find it difficult to prepare and submit reports that meet ILO standards every three months due largely to limited staff.

The IAs are an effective and efficient mechanism for the ILO to channel funds to CSOs who have the required technical capability and experience to implement field-based activities. However, ILO implementing partners require training and on-going technical assistance to help them prepare and submit technical and financial reports. Given the level of support many CSOs require, the IAs would only be a model for OTLA funded projects with a primary grantee who could provide the necessary oversight and support to the CSO implementing partners.

The PAC is an effective coordination mechanism that helps the projects communicate with its partners. The MWEA and TRIANGLE projects support the same activities and share costs under the MTUC and Tenaganita IAs. While they share costs, both projects report the same number of beneficiaries that represents double counting. MWEA and TRIANGLE should report only those beneficiaries that their resources benefit.

Sustainability

The major challenge MWEA's implementation partners face is generating enough funds to remain viable once the project ends. The **MWEA** outcomes and outputs most likely to be sustained include the following:

- Increases in the short-term in knowledge of labor rights by those migrant workers who participate in training.
- Increases in understanding of the contribution of migrant workers by youth who become engaged in the migrant worker campaign.
- Outreach services and organizing conducted by MTUC.
- Migrant worker services provided by those partners who had previous capabilities and experience such as case management services provided by Tenaganita.

- The migrant worker campaign social media tools such as Facebook and Twitter implemented by Project Liber8.

The **LL-IRR** outcomes and outputs most likely to be sustained include the following:

- Amending labor laws including the Employment Act, the Industrial Relations Act, and the Trade Unions Act to bring them in line with international labor standards (ILS).
- Knowledge on ILS and how to incorporate it in labor law reform in the short to medium term.
- MOHR training of trainer capacity to train current and future inspectors and conciliators.
- Improvements in MOHR's existing electronic labor inspection information system.

While the project documents for MWEA and LL-IRR include a section where sustainability is discussed, the discussion falls short of a strategy that describes what outcomes the project intends to sustain and how these outcomes will be sustained once the project ends. The projects should develop sustainability strategies that will help ensure the sustainability of key outcomes and outputs described above.

Lessons and Good Practices

The evaluator was unable to identify good practices and lessons learned for the LL-IRR project because it has only recently started to implement activities. The lessons learned and emerging good practices for the **MWEA** project are summarized below.

Lessons Learned

- The process of documenting and addressing violations of migrant worker rights can take years while migrant worker contracts typically run from six months to two years.
- Local workers and migrant workers tend not to collaborate on reporting labor rights violations and organizing trade unions because local workers often think migrant workers take their jobs.
- Migrant workers are typically under the threat of employers to have their contracts ended and sent home if they attempt to form or join trade unions.
- Implementing partners are having trouble administering written pre and post-tests to measure improvements in knowledge for some indicators due to language, literacy, and trust issues.

Emerging Good Practices

- The MWEA national project coordinator provides on-going mentoring to implementing partners designed to assist them to meet the IA reporting requirements, which is effective and contributes to increasing their organizational capacity.
- MTUC and Tenaganita collaborate with the Malaysia Bar Council's Legal Aid Centres to place young lawyers in their migrant resource centers to use their legal knowledge and skills to assist migrant workers. This assistance creates awareness among the volunteers

about the plight of migrant workers and, at the same time, benefits migrant workers who require legal assistance to resolve their cases.

Recommendations

Recommendations for MWEA

1. MWEA should request a no-cost extension to ensure that the project is able to achieve its indicator targets and spend the remaining grant funds.
2. MWEA should coordinate with the TRIANGLE project to determine which beneficiaries they report to donors to avoid double counting.
3. MWEA should consider eliminating or combining outcomes to form one level of outcome hierarchy in its results framework, which would simplify the design and reduce the data collection burden on implementing partners.
4. MWEA should modify its PMP to ensure the terminology is consistent with the project design guidance in the 2015-MPG.
5. MWEA should encourage the implementing partners to work as a team to leverage each other's strengths in order to create synergies.
6. MWEA should contract a fundraising specialist to provide additional training and technical assistance to the implementing partners to help build their capacity to generate both restricted and unrestricted resources.
7. MWEA should investigate training evaluation methodologies that are appropriate for adult learners in a cross-cultural context.
8. MWEA should assess the methodologies its implementing partners are using to train migrant workers to ensure they are using participatory and dynamic methods based on adult learning principles.

Recommendations for LL-IRR

1. LL-IRR should work with MOHR to develop a "roadmap" consisting of a short list of high priority objectives for MOHR that fall within the LL-IRR's mandate.
2. LL-IRR should re-evaluate its activities, outputs, and resources it has planned under each component to determine whether it can realistically achieve its indicator targets and spend its funds by March 31, 2020.
3. LL-IRR should modify its results framework and PMP to convert short-term objectives to outputs so they are consistent with guidance provided in the MPG.

Recommendations for MWEA and LL-IRR

1. MWEA and LL-IRR should increase the frequency of communication with its partners including meetings when appropriate.
2. MWEA and LL-IRR should develop comprehensive sustainability strategies before the end of 2018 that provide clear roadmaps to sustainability.

Recommendations for ILO and USDOL

1. ILO Geneva should approve the ILO regional office's request to place a national program coordinator in Malaysia who would serve as the point of contact for ILO's constituents and partners and help coordinate the portfolio of ILO projects in Malaysia.
2. USDOL and the ILO should work together to determine how to ensure a more efficient project document package submission and approval process.

I. CONTEXT AND PROJECT DESCRIPTION

1.1. Context

Malaysia's Economy

Malaysia's economy is the fourth largest in Southeast Asia and the 38th largest in the world. According to the Global Competitiveness Report 2017, the Malaysian economy is the 23rd most competitive economy in the world in the period of 2017–18.¹ Malaysia's economy has evolved from a focus on the production of raw natural resource materials to a more diversified economy. Malaysia is a leading exporter of electrical appliances, electronic components, palm oil, and natural gas. Furthermore, Malaysia's labor productivity is significantly higher than neighboring Thailand, Indonesia, Philippines and Vietnam due to a high density of knowledge-based industries and adoption of cutting-edge technology for manufacturing and digital economy.²

Malaysia's economic growth helped the country make significant strides in eradicating poverty. The number of household living below the national poverty line decreased from more than 50 percent in the 1960s to less than one percent in 2018.³ According to government statistics, 27 percent of the labor force has attained tertiary levels of education. In spite of the above achievements, however, Malaysia still faces a number of challenges including income inequality, low compensation to employees, dependence on and management of foreign workers, and an industrial relations system that has not managed to keep pace with the overall transformation process of the country.⁴

Industrial Relations and Labor Legislation

Although Malaysia has ratified 18 International Labour Organization (ILO) conventions including five fundamental conventions, it has not ratified Convention 87 on freedom of association or Convention 111 on discrimination in employment and occupation.⁵ Malaysia's labor legislation governing freedom of association, trade unions, collective bargaining and various other aspects of industrial relations were formulated in the 1950s and 60s, at a time when the government was concerned about communist infiltration of the trade union movement. The Trade Union Act of 1959 (Act 262) provides broad restrictions, as well as broad discretion by the Ministry of Human Resources (MOHR) in exercising its authority related to trade union registration, the suspension or cancellation of union registration, determinations of the legality of a strike, and other restrictions on the formation of trade unions.

Restrictions on collective bargaining rights, strikes, and dispute settlement matters can also be found in the Industrial Relations Act of 1967 (Act 177), which restricts the scope of bargaining over matters defined as management prerogative. The law allows for the MOHR to intervene in strikes and to impose sanctions for peaceful strikes. The list of essential services, where strike

¹ <https://www.weforum.org/reports/the-global-competitiveness-report-2017-2018>

² <http://www.theedgemarkets.com/article/labour-productivity-38-2017-beats-11mp-target>

³ https://en.wikipedia.org/wiki/Poverty_in_Malaysia

⁴ <https://www.oecd.org/eco/Malaysia-s-economic-success-story-and-challenges.pdf>

⁵ Malaysia denounced Convention 105 on abolition of forced labor on January 10, 1990.

activity is prohibited, appears to exceed the definitions provided for by the ILO supervisory bodies. Such restrictions have resulted in a situation where virtually no strikes have been recorded in the past five years.

Migrant Workers

A lack of decent work opportunities in countries in South and Southeast Asia have driven millions of men and women to Malaysia to seek jobs in sectors that Malaysians are not willing to work in such as agriculture, construction, and domestic work. While there are 2.1 million registered migrants in Malaysia, the number of unregistered migrants are estimated to be between two and four million constituting approximately 20 to 30 per cent of the country's workforce.⁶ Unsubstantiated estimates of the number of migrant workers help to foster a fear that they are draining the nation's resources and putting pressure on the physical and social infrastructure.⁷

The 11th Malaysia Plan 2016-2020 places productivity and innovation at its heart and contains a strategy on labor migration that intends to cap the amount of low-skilled foreign workers at 15 per cent of the total workforce by 2020. At the same time, the plan places greater emphasis on the recruitment of high-skilled labor and greater automation and knowledge-intensive activities in all sectors. The government intends to maintain a levy system to better regulate the entry of low-skilled foreign workers with employers bearing the cost of the levy based on the ratio of foreign workers to total workers in a firm and the duration of their employment.

According to the Central Bank of Malaysia's 2017 annual report, the country's transition to a high-income country is at risk if businesses are unwilling to pay higher wages.⁸ Relying on cheaper foreign workers allows businesses to keep wages low, which distorts the natural wage clearing mechanisms that would have otherwise driven wages upwards. The report notes that there must be a clear stance on the role of low-skilled foreign workers in Malaysia's economy that includes the sectors where foreign workers are most needed to support economic growth and industrial upgrading. The report also acknowledges that there is room to ensure better treatment of foreign workers such as improvements in working conditions or ensuring that foreign workers are paid as stipulated in their employment contracts.

Transpacific Trade Partnership

The Trans-Pacific Partnership (TPP), originally signed in February 2016, was a proposed trade agreement between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, Vietnam, and United States that intended to expand the Trans-Pacific Strategic Economic Partnership Agreement (TPSEP or P4). The United States and Malaysia also negotiated the Malaysia-United States Labour Consistently Plan (LCP) that was a bilateral agreement intended to ensure compliance with Chapter 19 (Labor Chapter) of the TPP.

⁶ Review of Labor Migration Policy in Malaysia, ILO, 2015.

⁷ Stem Influx of Foreign Labour into Malaysia," March 11, 2015, available at <http://www.mohr.gov.my/index.php/en/archives/214-archive-news-2014/1158-stem-influx-of-foreign-labour-into-malaysia>

⁸ http://www.bnm.gov.my/files/publication/ar/en/2017/cp01_001_box.pdf

However, the TPP was not ratified because the United States withdrew from the agreement in January 2017. The remaining nations negotiated a new trade agreement called Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which incorporates the majority of the provisions of the TPP that was ratified in March 2018.⁹ In signing the CPTPP, Malaysia indicated that it intends to pursue the provisions under Chapter 19 of the TPP.¹⁰

Trafficking in Persons Report

The Trafficking in Persons Report (TIP) is an annual report issued by the U.S. State Department's Office to Monitor and Combat Trafficking in Persons that ranks governments based on their perceived efforts to acknowledge and combat human trafficking. The TIP classifies each country into one of three tiers based on the extent of their governments' efforts to comply with the minimum standards for the elimination of trafficking. In the 2018 TIP, Malaysia was downgraded from Tier 2 (does not fully meet the minimum standards to address human trafficking but is making progress) to Tier 2 Watch List (failure to provide evidence of progress in addressing human trafficking).¹¹

According to the 2018 TIP, the government's victim protection efforts remained largely inadequate and the government identified fewer victims than the previous year. More specifically, the TIP noted that draft legislation to improve and expand labor protection for domestic workers under employment laws has not been approved, procedures to extend freedom of movement and the right to work were impeded by bureaucratic delays, law enforcement officials found culpable of impeding anti-trafficking efforts have not been punished, and no Malaysians have been prosecuted for human trafficking crimes.¹²

Newly Elected Government

The 2018 Malaysian general election was held on May 9, 2018 to elect members to the Parliament of Malaysia. The Pakatan Harapan coalition, made up of several opposition parties from the Peninsular, and its coalition partner, the Sabah Heritage Party, won 121 seats, which allowed them to form a majority government. Mahathir Mohamad, leader of the Pakatan Harapan coalition, became the Prime Minister. The election results marked a historic defeat for the Barisan Nasional coalition, which had served as the government party since the country's independence in 1957. The new government is committed to the CPTPP including addressing labor issues listed under Chapter 19 (Labor Chapter) of the TPP. According to the United States (US) Embassy, the new Minister of Human Resources appears committed to enforcing labor laws as well as making progress in meeting minimal standards to address human trafficking.

1.2. Description of Projects

Since 2013, the United States Department of Labor (USDOL) provided more than United States Dollars (USD) 2.55 million for two projects implemented by the ILO. The first is the *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* (MWEA)

⁹ https://en.wikipedia.org/wiki/Trans-Pacific_Partnership

¹⁰ LL-IRR Technical Progress Report, October 2017-March 2018.

¹¹ <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282701.htm>

¹² Ibid.

project, which focuses on the rights of migrant workers. The second is the *Support for Labor Law and Industrial Relations Reform in Malaysia* (LL-IRR) project that has a focus on labor legislation and the national inspection system. Table 1 shows the project, focus area, funding level, and timeframes for the USDOL technical cooperation program, which is followed by a summary for each project.

Table 1: USDOL’s Malaysia Technical Cooperation Program

| Project | Focus | Funding USD | Timeframe |
|--------------|---|------------------|--------------------------|
| MWEA | Migrant worker rights including capacity building and service delivery. | 1,070,457 | 02-24-2016 to 02-24-2019 |
| LL-IRR | Labor legislation, inspection system, and dispute resolution. | 1,550,000 | 10-01-2016 to 03-30-2019 |
| Total | | 2,620,457 | |

Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia (MWEA)

On November 25, 2015 USDOL awarded the ILO USD 1,000,000 to implement the MWEA project. MWEA started the inception phase of the project on February 24, 2016 with a project end date of December 31, 2017.¹³ On October 18, 2017 the project submitted the required project document package and a request to revise the cooperative agreement in order to change the project’s logical framework, add two subawardees, extend the project end date to February 24, 2019, and add USD 70,457 for an external audit (USD 62,351) and ILO overhead (USD 8,106).¹⁴ On December 7, 2017, USDOL issued Project Modification #1 that added the North South Initiative and Project Liber8 as the subawardees extended the end date to February 24, 2019, and added USD 70,457 bringing the total budget to USD 1,070,457.¹⁵

The MWEA project’s goal is to build the capacity of workers’ organizations and other civil society organizations to assist migrant workers in Malaysia. To achieve the goal, the project has the following three objectives:

1. Malaysia civil society is empowered to better support migrant workers in realization of their rights.
2. Women and men migrant workers are empowered to realize their rights.
3. Malaysian youth demonstrate increased support for the rights and welfare of migrant workers.

¹³ The inception phase consisted of consultation with government officials and recruitment of key personnel.

¹⁴ Note that the USDOL 2015 and 2017 Management Procedures & Guidelines describe the hierarchy of outputs, outcomes, and overall objective as the results framework instead of logical framework. The results framework is described in more detail in Section 3.2.1.

¹⁵ MWEA refers to the organizations responsible for implementing project activities as implementing partners while USDOL project modifications refer to these organizations as subawardees. When referring to USDOL project modifications and other USDOL contracting issues, these organizations will be referred to as subawardees so the term is consistent with USDOL documents.

MWEA's interventions are organized according to three main components that correspond to the three objectives noted above. These include building the capacity of implementing partners to provide high quality services to migrant workers, improving the quality of services to migrant workers, and increasing the awareness and level of support among youth for the rights and welfare of migrant workers. The services that the implementing partners provide to migrant workers include case management, training and disseminating information about migrant worker rights, and organizing workers into trade unions and associations.

Support for Labor Law and Industrial Relations Reform in Malaysia (LL-IRR)

The LL-IRR project was initially conceived of as a two-and-a-half-year project (30 months) that was supposed to begin on October 1, 2016 after the cooperative agreement was signed on September 19, 2016 and end on March 30, 2019. USDOL placed spending restrictions on the grant until the ILO revised the budget and named key personnel. On December 12, 2016, USDOL modified the cooperative agreement by removing spending restrictions except for key personnel, adding USD 50,000 to bolster inspector training (USD 44,248) and ILO overhead (USD 5,752), and adding the revised concept note and budget. Once key personnel were identified and approved by USDOL, it modified the cooperative agreement again on August 31, 2017 to remove spending restrictions on key personnel. On August 10, 2018, the ILO submitted a project revision request for a 12-month no-cost extension and realignment of the budget based on changes in the LL-IRR project design. At the time of the evaluation, USDOL was in the process of approving the project revision request.

To support the government's efforts to reform labor legislation and strengthen the role of the labor inspectorate, the project has the following three objectives:

1. The Malaysian legal framework is more consistent with international labor standards.
2. The Malaysian labor inspection system is more effective at enforcing labor laws, decrees or regulations, and other enforceable instruments.
3. Labor disputes are resolved more effectively and efficiently.

The project's key interventions, which are organized according to the three objectives above, focus on reforming Malaysian labor laws, strengthening the labor inspection system, and increasing the effectiveness and efficiency of dispute resolution mechanisms. LL-IRR intends to provide technical assistance to amend or reform the Employment Act, the Industrial Relations Act, and the Trade Union Act. To help strengthen the labor inspection system, the project will invest in strategic planning of inspections, training labor inspectors, and improvements in the labor information system. Improvements in the labor dispute resolution process will be achieved by capacity building for conciliators, judges, court officials, and social partners on international labor standards (ILS) and changes in labor laws as well as collective bargaining training.

II. EVALUATION PURPOSE AND METHODOLOGY

2.1. Evaluation Purpose

The overall purpose of the multi-project evaluation is to provide USDOL and the ILO with an independent assessment of the projects' performance and experience. Specifically, the evaluation is intended to achieve the following objectives.

1. Identify key challenges to project implementation and draft recommendations on how to overcome those challenges.
2. Assess effectiveness of the interventions, performance and achievements, and the potential impact of the projects.
3. Identify implementation strategies that will lead to maximum impact and ensure the achievement of the projects' desired results.
4. Identify emerging good practices and lessons learned.

USDOL and the ILO developed a set of questions to guide the evaluation. The questions address key issues in (1) relevance and strategic fit; (2) project design and validity; (3) project effectiveness and efficiency; (4) effectiveness of project management; (5) sustainability; and (6) good practices and lessons learned. The evaluation questions appear in the terms of reference (TOR) in Annex A.

This multi-project evaluation should also provide USDOL, the ILO and its partners, and the Government of Malaysia an assessment of the project's experience in implementation and its impact on project beneficiaries.

2.2. Methodology

Lead Evaluator. *Dan O'Brien*, founder and president of O'Brien and Associates International, served as the lead evaluator. Dan is a seasoned labor evaluation expert that has conducted more than 25 evaluations for USDOL and the ILO. Dan evaluated labor administration strengthening, worker organization strengthening, and migrant worker rights projects in Indonesia, Philippines, Bangladesh, Jordan, Lesotho, Haiti, El Salvador, Costa Rica, Dominican Republic, and Peru.

Evaluation Schedule. The evaluation was conducted between June 16 and August 31, 2018. The evaluator contributed to the development of the TOR, reviewed project documents, and developed interview tools prior to carrying out fieldwork in Malaysia. The fieldwork in Malaysia was conducted from July 23 to August 10, 2018. The stakeholder meetings to present the preliminary findings was conducted on August 10, 2018. The majority of the data analysis and writing of the report occurred from August 13-31, 2018.

Data Collection. As noted previously, USDOL and the ILO developed a list of evaluation questions that served as the basis for the evaluation. The questions were used to develop guides and protocols for the key informant interviews, focus group discussions, 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 numerous project documents and other reference publications. These documents included the cooperative agreements, project modifications, concept notes, project documents, performance monitoring plans, technical progress reports, budgets, and other supporting project materials. Annex C shows a complete list of documents that were reviewed.

Key Informant Interviews: The evaluator conducted 20 key informant interviews (individual and group) with USDOL and ILO representatives, project staff, partners, government officials, migrant workers, and other stakeholders. The interviews with USDOL and ILO regional staff were conducted by telephone.

Focus Group Discussions: The evaluator also conducted five focus group discussions with migrant workers receiving services from MWEA project partners in Kuala Lumpur and Penang. The size of the focus group discussions generally ranged from three to 10 persons.

In total, 85 stakeholders were interviewed including 45 females and 40 males. Table 2 provides a summary of the stakeholder groups interviewed, sample size, gender, and their characteristics. A complete list of individuals interviewed appears in Annex D.

Table 2: Stakeholders, Sample Size and Sample Characteristics

| Stakeholder Group | Sample Size | | Sample Characteristics |
|--------------------------------------|-------------|-----------|---|
| | Female | Male | |
| USDOL, ILO, US Embassy | 4 | 4 | OTLA director, project manager, and monitoring and evaluation (M&E) officer; ILO regional management and technical staff; and US Embassy political officer. |
| Project staff | 4 | 1 | MWEA and LL-IRR project managers, senior national program officers, and former MWEA project manager. |
| Ministry of Human Resources (MOHR) | 5 | 5 | MOHR representatives including international division, labor policy, department of labor, industrial relations, and trade union affairs. |
| Malaysia Trade Union Congress (MTUC) | 1 | 6 | MTUC Secretary general, vice president, migrant resource center (MRC) coordinator and officers. |
| Malaysia Employers Federation (MEF) | 0 | 1 | MEF representative. |
| Civil Society Organizations (CSO) | 8 | 4 | MWEA CSO partners including MTUC, Tenaganita, North South Initiative/Serantau, and Project Liber8. |
| Migrant workers | 19 | 17 | Migrant workers assisted by the project. |
| Consultants | 2 | 0 | MWEA technical consultants. |
| Volunteers | 2 | 2 | Young lawyer volunteers assisting Tenaganita. |
| Female-Male Totals | 45 | 40 | |
| Grand Total | 85 | | |

Data Analysis. The evaluator used both quantitative and qualitative methods to analyze data. Quantitative data were obtained from the projects' performance monitoring plans and incorporated into the analysis. The document reviews, key informant interviews, and focus group discussions

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. The data analysis was driven by the evaluation questions in the TOR.

Limitations. Several important limitations that could have affected the evaluation findings deserve mention. The most significant limitation was the time allotted to conduct fieldwork. The evaluator had three weeks to conduct interviews with project staff, government officials, partners, and migrant workers. There was not enough time to visit all of the project sites to undertake data collection activities. As a result, the evaluator was not able to consider all sites when formulating findings.

Another limitation is the sampling methodology. Due to time constraints, availability of a sufficient number of migrant workers, and other logistical challenges, the evaluation methodology included purposive sampling to select project sites and stakeholders to interview.¹⁶ The sample included project sites that have performed well and some that have experienced challenges.

It should also be noted that this evaluation is not a formal impact assessment. The findings for the evaluation were based on information collected from background documents, the projects' performance monitoring and evaluation systems, key informant interviews, and focus group discussions. The accuracy of the evaluation findings are predicated on the integrity of information provided to the evaluator from these sources and the ability of the evaluator to triangulate this information. Furthermore, the sample of migrant workers was purposive based on selection criteria as well as their availability. Since the sample was non-random and not statistically significant, the results of the interviews cannot be generalized to the entire target population of migrant worker beneficiaries.

¹⁶ The selection of migrant workers for interviews was a limitation in the sense that the evaluator could only interview migrant workers who were available and willing to be interviewed.

III. FINDINGS

The following findings are based on fieldwork interviews with project staff, partners, beneficiaries, and government and non-government stakeholders as well as reviews of project documents, reports, and other publications. The findings address the questions in the TOR and are organized according to the following evaluation areas: relevance, project design and validity, project performance, effectiveness of strategies, effectiveness of project management, sustainability, and lessons and good practices. The findings for MWEA and LL-IRR are presented under each evaluation category.

3.1. Relevance

Relevance refers to the extent to which the project is suited to the priorities and policies of the key stakeholders.¹⁷ This section will attempt to determine whether the MWEA and LL-IRR project objectives and interventions are relevant to the needs and priorities of government, project beneficiaries, and other local stakeholders (Evaluation Question #1) as well as the ILO's special assistance programs (SAP) and program and budget (P&B).

3.1.1. Key Stakeholders

The primary stakeholders and partners for the MWEA and LL-IRR projects include the ILO's traditional tripartite constituents: The Ministry of Human Resources, the Malaysian Trade Union Congress, and the Malaysian Employers Federation. In addition to its tripartite constituents, the MWEA project stakeholders include four civil society organizations (CSOs): Tenaganita, the North South Institute, Project Liber8, and Persatuan Sahabat Wanita Selangor. Table 3 shows the stakeholders along with a short description of the organization.

MOHR is the ministry responsible for skills development, labor administration, occupational safety and health, trade unions, industrial relations, industrial court, labor market information and analysis, social security. MOHR is one of the ILO's tripartite constituents and the government counterpart for the MWEA and LL-IRR project.

Table 3: MWEA and LL-IRR Stakeholder Organizations

| Stakeholder | Description |
|--------------------------------------|--|
| Ministry of Human Resources (MOHR) | MOHR is the ministry responsible for skills development, labor administration, occupational safety and health, trade unions, industrial relations, industrial court, labor market information and analysis, and social security. MOHR is one of the ILO's tripartite constituents and the government counterpart for the MWEA and LL-IRR projects. |
| Malaysia Trade Union Congress (MTUC) | The MTUC is a federation of trade unions and registered under the Societies Act, 1955. It is the oldest national center representing the Malaysian workers. The unions affiliated with MTUC represent all major industries and sectors with approximately 500,000 members. MTUC is one of the ILO's tripartite constituents and the union counterpart for the MWEA and LL-IRR project. |

¹⁷ <http://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

| Stakeholder | Description |
|--|---|
| Malaysia Employers Federation (MEF) | Established in 1959, MEF promotes and safeguards the rights and interests of employers. MEF provides a forum for consultation and discussion among members on matters of common interest, and seeks the adoption of sound principles and practices of human resource and industrial relations. MEF is one of the ILO's tripartite constituents and the employer counterpart for the MWEA and LL-IRR project. |
| Tenaganita | Tenaganita is a CSO that protects and promotes the rights of women, migrants, and refugees. The organization, which was founded in 1991, was born out of the struggles of women workers in the plantations and industrial sectors to gain their rights as workers for decent wages, decent living and to stop discrimination and gender-based violence. Tenaganita focuses on human trafficking issues, migrants and refugee issues, business responsibility, and human rights. Tenaganita is one of MWEA's implementing partners specializing in case management, shelters, and migrant worker outreach. |
| North South Initiative (NSI) | NSI is a youth-adult partnership initiative based in Malaysia that aims to build synergy between the <i>North</i> and <i>South</i> in addressing human rights, social justice and development issues. NSI strives to empower marginalized groups such as indigenous peoples, minority students, migrant workers, refugees, small farmers networks, and other disenfranchised minorities. NSI is another MWEA implementing partner focusing on strengthening an Indonesian migrant worker association called Serantau. |
| Project Liber8 | Project Liber8 is an anti-human trafficking campaign organized by Onyx Charity Association of Selangor (Purple Cow). Project Liber8, which is implemented by youth, aims to inspire the public, primarily youth, to take a firm stand in the fight against human trafficking. Project Liber8 is responsible for implementing communication and social media activities under MWEA's Outcome 3, which aims to create awareness among Malaysian youth regarding the plight of migrant workers. |
| Persatuan Sahabat Wanita Selangor (PSWS) | PSWS is a Malaysian CSO dedicated to supporting women workers in the informal economy including organizing domestic workers and increasing women's participation in trade unions. PSWS, which possesses strong capacities in networking and organizing, intends to provide services to Cambodian migrant workers under one of the MWEA implementation agreements. |

3.1.2. Relevance of the MWEA Project

MWEA's key stakeholders include MOHR, MTUC, MEF, CSO implementing partners, and migrant worker beneficiaries. The evaluator interviewed representatives from each stakeholder group to determine whether MWEA's objectives and interventions are still relevant. The results of the interviews are presented below by each stakeholder group.

Ministry of Human Resources

MOHR representatives told the evaluator that, although they were aware of the project, MOHR was not asked to provide input into the project's design. These representatives also noted that MOHR is not involved in the implementation of MWEA. Instead, it acts as a resource to help link MWEA to other relevant ministries such as the Ministry of Home Affairs and the Ministry of Youth and Sports.

When discussing the plight of migrant workers in Malaysia, MOHR representatives explained that government agencies can only assist documented migrant workers because undocumented migrant workers are considered by the government to be in the country illegally. The MOHR

representatives told the evaluator that MWEA should help CSOs understand the restrictions that legislation places on the government's ability to assist undocumented migrant workers.

The evaluator also asked MOHR representatives whether they believe MWEA is having the intended impact on resolving migrant cases. Based on MOHR data, the representatives have not been able to note improvements in resolving cases linked to MWEA. One possible explanation that surfaced during the stakeholder meeting is that while the MOHR database is capturing case resolutions, it does not distinguish the agency or organization responsible for resolving the case. In this way, the MWEA implementing partners are not credited for resolving cases.

Malaysian Trade Union Congress

The MTUC Secretary General believes that the ILO violated the resolution adopted by International Labour Conference (ILC) in June 2002. MTUC's interpretation of the resolution is that it calls on the ILC Governing Body to inform the Director General that the ILO should only work for and with the tripartite constituents—the government, unions and employers. While the ILO could work with other CSOs, it should consult its tripartite constituents. According to the MTUC Secretary General, the ILO should have consulted MTUC on its intention to provide funds to CSOs to implement project activities. While MTUC is not opposed to MWEA collaborating with CSOs, since trade unions are one of the ILO's principal constituents, MTUC should be given a more prominent role in the project.

The ILO's regional labor migration specialist acknowledged the need for improvement in communication and coordination with MTUC. He also acknowledged the need for orientation of CSO partners so that they are aware of ILO's tripartite structure. He told the evaluator that the resolution (ILC90-PR21-279, resolutions adopted by the ILC at its 90th Session, June 2002) recognizes the potential of the ILO to collaborate with civil society following appropriate consultations with the tripartite constituents, which took place in the first tripartite project advisory committee (PAC) meeting in March, 2017. The PAC, which is the primary mechanism for the ILO migrant projects to consult its tripartite constituents, is discussed in more detail in Section 3.5.2. The specialist also emphasized that MTUC is an important partner and plays a prominent role in ILO migration projects such as TRIANGLE and MWEA.

The former MWEA project manager told the evaluator that while worker organizations, along with governments and employer organizations, are the principle ILO constituents, the ILO's Multilateral Framework on Labour Migration encourages close collaboration with CSOs because they possess highly relevant experience and are strategically placed to address migrant worker issues. Thus the MWEA project design, which is based on the Multilateral Framework on Labour Migration, intends to work with both the MTUC and key CSOs with capabilities and experience assisting migrant workers.

It should be noted that MWEA provided a grant to MTUC through an implementation agreement (IA) to support the migrant resource centers. However, due to internal issues, MTUC has not been able to spend those funds. The Secretary General explained that MTUC intends to convene a general assembly meeting on August 12, 2018 to resolve the issues so MTUC would be able to spend the funds as originally envisioned. However, at the time this evaluation report was being finalized, the issues preventing MTUC from spending the funds in the IA had not been resolved.

Malaysian Employers Federation

MEF acknowledges that migrant workers are being exploited in Malaysia and that, in this context, MWEA is relevant. However, MEF believes that the exploitation of migrant workers occurs in small to medium companies because they do not have the resources to recruit foreign workers legally. To address the plight of migrant workers, MEF opines that the government should simplify the process of hiring foreign workers so it is less bureaucratic and expensive. MEF also believes that the ILO offices in the sending countries should educate potential migrant workers about how to acquire the proper documents so they can come to Malaysia to work legally. MEF supports the government's efforts to identify and repatriate undocumented workers because, according to MEF, they are in Malaysia illegally.

Civil Society Organizations

MWEA's partner CSOs believe that the project is highly relevant and is addressing important needs of migrant workers. However, the CSO partners are not certain that the new government is committed to addressing migrant workers' rights. The CSOs note that the policy of the new government aims to reduce the number of migrant workers in Malaysia and repatriate undocumented workers. For example, the Immigration Department is conducting "raids" in workplaces, residential areas, and shopping areas where undocumented workers are suspected to frequent.¹⁸ Migrant workers without proper documents are apprehended and incarcerated pending an investigation.

The CSOs are concerned because migrant workers can become "undocumented" due to labor exploitation such as trafficking or deceitful practices by employment agencies. For most migrant workers there is little access to justice to redress mechanisms in proving the fraud and deception by employment agencies. The CSOs also point out that refugees, asylum seekers, and stateless people run the risk of being detained under the new enforcement operations.

Migrant Worker Beneficiaries

Migrant workers who have benefited from MWEA services are one of the most important stakeholder groups. During interviews, migrant workers expressed appreciation for the assistance they received from the project. A more detailed discussion of opinions of migrant workers about the project, including suggestions to improve services, is presented under the effectiveness of project interventions in Section 3.3.

3.1.2. LL-IRR Stakeholders

Ministry of Human Resources

MOHR representatives told the evaluator that the LL-IRR's focus on reforming labor laws and improving the labor inspection system and dispute resolution processes is highly relevant and MOHR welcomes technical and financial support from the ILO. Although the project only became fully operational in January, 2018, it did conduct a variety of activities between November 2017 and June 2018. These included a series of technical meetings and expert advice, an assessment of

¹⁸ The government refers to the raids as Ops Mega 3.0.

MOHR's inspection system in March 2017, development of a Technical Note on Amendments to the Malaysian Employment Act in December 2017, and training on ILO Conventions 87 and 98 in April 2018.¹⁹

While MOHR representatives believe that the LL-IRR objectives and interventions are relevant, they told the evaluator that MOHR does not fully agree with the findings of the labor inspection system assessment conducted by ILO specialists in March, 2017. For example, the assessment noted that labor inspectors should not enforce non-labor law regulations such as immigration law. According to MOHR representatives, labor inspectors do not enforce immigration law but rather inform the relevant authorities of non-compliance. MOHR developed detailed responses to the assessment's findings and recommendations and sent them to the ILO on June 25, 2018.

After fieldwork in Malaysia, the evaluator interviewed the ILO regional specialist who participated in the assessment of the labor inspection system and helped write the report. He told the evaluator that he worked with other ILO labor inspection specialists to modify the report based on MOHR comments and met with 25 MOHR representatives on August 20 to validate the changes made to the report.²⁰ Based on this meeting, the specialist produced a final version of the report, which was sent to the LL-IRR project manager on August 24, 2018. The project manager finalized the report and sent it to MOHR on August 28, 2018. The next step, according to the specialist, is for MOHR to share the report with MTUC and MEF to solicit their comments.

MOHR representatives also commented on the training they received on Conventions 87 and 98. While the training was appreciated, it was very basic. One MOHR representative explained that many MOHR officials had been trained previously by the ILO on the conventions and would have benefited from more advanced training. Other representatives suggested that the LL-IRR project first conduct a training needs assessment to determine MOHR needs and priorities and design trainings accordingly. For example, MOHR would like to establish a training of trainers (TOT) capability to train new inspectors and conciliators that it intends to hire. Assisting MOHR develop this capability should be a priority for the LL-IRR project.

Malaysia Trade Union Congress

MTUC believes that reforming labor laws and improving the labor inspection system and dispute resolution processes are highly relevant areas to address. On the other hand, however, MTUC does not believe LL-IRR is currently meeting its needs. The MTUC Secretary General told the evaluator that MTUC has had very little contact with the project. The first meeting MTUC had with LL-IRR was in October 2017. The General Secretary would like for LL-IRR to be more transparent and communicate more frequently. For example, MTUC requires more information about the project budget including the amount of resources available to trade unions for capacity building activities.

¹⁹ LL-IRR also conducted training for MTUC on international labor standards and collective bargaining that is described in this section under MTUC.

²⁰ MOHR participants included representatives from the Departments of Labour of Peninsular Malaysia, Sabah and Sarawak, Department of Occupational Safety and Health, Social Security Organization, and the Ministry's International and Policy Divisions.

MTUC representatives told the evaluator that trade unions should figure more prominently in the project. They explained that trade unions can help with labor law reform including lobbying members of the Parliament to pass legislation. However, MTUC requires resources to train unions and hire a coordinator. The coordinator would be responsible for educating trade union leaders and leading lobbying initiatives with government, employers, and members of parliament. The coordinator would also facilitate training on legal frameworks, ILS, labor inspection system, labor dispute resolution, and collective bargaining. At the request of the LL-IRR project, MTUC submitted a training proposal and budget for consideration.

Malaysian Employers Federation

Labor law reform is a top priority for MEF because, according to a MEF senior representative, current labor laws are outdated. MEF believes labor laws should be reformed so they are relevant for the new economy. According to MEF, labor laws should support new forms of employment such as flex time and conciliation processes that would help Malaysia develop competitive advantages over its regional competitors. The MEF representative told the evaluator that 90 percent of the cases in labor courts concern dismissals. He believes that MOHR should adopt conciliation approaches used in Singapore to resolve dismissal cases before they reach labor courts, which would increase efficiency. He also told the evaluator that the ILO and USDOL favor labor protection measures instead of measures to increase competitiveness.

When asked about MEF's involvement in the LL-IRR project, the MEF representative explained that MEF does not consider itself a true tripartite partner in the project because MEF has not been involved in meaningful dialogue. He noted that while the ILO and MOHR have asked MEF for its opinion and ideas, MEF is unaware of how its input is used. He opined that both the ILO and MOHR lack transparency.

U.S. Embassy

During an interview, a political officer at the US Embassy in Malaysia explained that the LL-IRR project was designed within the context of the TPP and the Malaysia–US Labor Consistency Plan, which included strong ILS requirements. Once the US withdrew from the TPP, much of the leverage to influence labor law reform was lost. Nevertheless, the political officer believes that the new government is committed to reforming labor laws and improving the labor inspection system but the window of opportunity will not remain open long.

The US Embassy believes that the government is interested in demonstrating quick achievements in areas such as labor law enforcement and addressing discrimination. While the LL-IRR project is positioned to assist the government, the new labor minister is unaware of the project. The political officer suggested that project staff meet the labor minister as soon as possible to explain the project and how it might collaborate with MOHR priorities. He said that the US Embassy would be willing to help arrange the meeting if the ILO deemed it appropriate.

3.2. Validity of Project Design

This section assesses the validity of the MWEA and LL-IRR project designs and attempts to determine whether the projects have realistic, logical, and coherent designs with clearly defined

and realistic outcomes, outputs and indicators and whether the designs are still valid or whether they need to be modified (Evaluation Question #2 and #3). The discussion of the validity of the project designs is discussed below by project.

3.2.1. MWEA Project Design

Project Design Analysis

MWEA used the 2015-Management & Procedures Guidelines (MPG), which requests grantees to develop a results framework that shows the logical sequence of cause-and-effect events that include the project’s long-term outcome, objectives, outputs, and activities.²¹ The long-term outcome is the higher aspiration that the project contributes to but is not expected to attain during the life of the project. The objective level consists of changes in policies, knowledge, skills, behaviors, or practices that managers are expected to accomplish. The outputs, on the other hand, are the specific products, services, or systems that achieve the objectives. Outputs are produced by implementing a series of activities. The results framework is usually presented in the form of a flow chart or diagram.

MWEA developed a results framework that is included in the revised project document that was approved in December, 2017. Table 4 provides an analysis of the project’s results framework by assessing the goal, objectives, and outputs against the criteria in the 2015-MPG. The criteria include the definitions and examples of long-term outcomes (LTO), short and medium-term objectives (STO-MTO), outputs, and indicators. The complete results framework criteria and guidance used to conduct the analysis is shown in Annex E. While conducting the analysis, the evaluator noted that the project document uses “goal” instead of “long-term outcome” and refers to the objectives as medium-term and long-term instead of short-term and medium-term. To be consistent with the language used in the 2015-MPG, the project should change goal to long-term outcome, long-term objective to medium-term objective, and medium-term objective to short-term objective.

Table 4: An Analysis of MWEA’ Results Framework

| Goal | Analysis |
|---|---|
| Ensure that the rights of migrant workers are protected in Malaysia. | According to the MPG criteria, the project’s long-term outcome addresses a fundamental condition in the target population that the project is expected to contribute to but achieve alone. The protection of migrant worker rights meets this criterion. |
| Objectives | Analysis |
| LTO 1. Malaysian civil society is empowered to better support migrant workers in realization of their rights. MTO 1.1: Increased capacity of civil society to deliver services to migrant workers. | LTO 1 aims to empower CSOs so they can better serve migrant workers while MTO 1.1 aims to increase the capacity of civil society to deliver services. Both objectives aim to increase the organizational capacity of the partners CSOs to more effectively deliver services to migrant workers. Therefore, in the opinion of the evaluator, LTO 1 is unnecessary. MTO 1.1 that focuses on increases capacity of CSOs is sufficient as long as the indicators demonstrate use or application of increased capacity, which is discussed in more detail under the performance monitoring plan. |

²¹ Management Procedures & Guidelines FY 2015 for Cooperative Agreements with the Office of Trade and Labor Affairs. https://www.dol.gov/ilab/grants/OTLA_2015_09_10_FY2015_MPG.pdf

| <p>LTO 2. Women and men migrant workers are empowered to realise their rights.</p> <p>MTO 2.1. Increased knowledge of migrant workers regarding their rights and how to claim them.</p> | <p>LTO 2 aims to empower migrant workers to realize their rights while MTO 2.1 aims to increase knowledge of migrant workers about their rights. Similar to LTO 1 and MTO 1.1, the evaluator does not believe both LTO 2 and MTO 2.1 are necessary. MTO 2.1 that intends to increase knowledge is sufficient. However, the objective should be reworded to show use of the knowledge and include an indicator to measure the use or application of new knowledge about migrant worker rights.</p> |
|--|---|
| <p>LTO 3. Malaysian youth demonstrate increased support for the rights and welfare of migrant workers.</p> <p>MTO 3.1. Malaysian youth have increased empathy for and understanding of contribution of migrant workers.</p> | <p>LTO 3 aims to increase the support for migrant workers' rights and welfare among youth while MTO 3.1 aims to increase empathy for and understanding of migrant workers contributions to the Malaysia economy. Again, the evaluator does not believe that both objectives are necessary. LTO 3 and MTO 3.1 can be combined to read: "Malaysian youth demonstrate increased understanding and support for migrant worker rights and their welfare". The indicators for this objective should measure increases in understanding (and empathy) and how youth support (actions they take) the rights and welfare of migrant workers.</p> |
| MTO 1.1 Outputs | Analysis |
| <p>1.1.1. Mapping study of NGOs, trade unions and migrant associations providing services to migrant workers in Peninsular Malaysia.²²</p> <p>1.1.2. Training program for NGOs, trade unions, and migrant associations on providing services to migrant workers and advocating for their rights.</p> <p>1.1.3. Training program for NGOs, trade unions and migrant associations to build their organizational capacity.</p> | <p>The outputs consist of the mapping study and training programs for the CSOs on service provision to migrant workers and organizational capacity. These are adequate and appropriate outputs linked to MTO 1. The project should have output indicators that measure the numbers of CSO representatives trained in each training program event.</p> |
| MTO 2.1 Outputs | Analysis |
| <p>Output 2.1.1. Information, education and communication (IEC) materials for migrant workers, including a mobile app.</p> <p>Output 2.1.2. Outreach visits to migrant communities to educate migrant workers on their rights and support community organizing.</p> <p>Output 2.1.3. Services to migrant workers including legal counselling, advise, case management, legal representation and shelter.</p> | <p>The outputs include the production of IEC materials, outreach visits to migrant workers, and a variety of key services. These are adequate and appropriate outputs to achieve MTO 2.1. The project should have output indicators to measure the kind and amount of IEC materials to be distributed, number of outreach visits by migrant community, and kinds and amounts of services provided to migrant workers.</p> |
| MTO 3.1 Outputs | Analysis |
| <p>3.1.1. Study on public attitudes towards migrant workers in Malaysia.</p> <p>3.1.2. Mini web documentaries to illustrate migrant workers' contribution to Malaysian society.</p> <p>3.1.3. Awareness raising campaign to create understanding and empathy between Malaysians and migrant workers.</p> | <p>The outputs include the public attitude study, mini web documentaries on migrant workers' contribution to society, and an awareness raising campaign to increase understanding and empathy, which is linked to MTO 3.1. These are adequate and appropriate outputs to achieve MTO 3.1. The project should have output indicators to measure the kind and number of mini web documentaries as well as output indicators to measure the implementation of the campaign.</p> |

²² Note that the MWEA project uses both CSO and NGO to describe its partners.

In summary, the MWEA project design is valid and follows a strong cause and effect logic. For example, if MWEA achieve its three long-term objectives, the project’s overall goal of protecting migrant worker rights should be improved. The outcomes and outputs are also written so they meet the guidance provided in the MPG. However, the evaluator believes that the results framework, which contains two levels of outcomes could be simplified by either eliminating or combining some outcomes as suggested in the previous analysis. Simplifying the design will reduce the data collection burden on the CSOs implementing the project.

Performance Monitoring Plan

The MWEA project submitted a revised performance monitoring plan (PMP) to USDOL in January 2018. As stipulated in the 2015-MPG, the PMP consists of the indicators, indicator definitions and unit of measurement, data source, reporting frequency, person responsible, and data analysis. The evaluator conducted an analysis of the PMP’s indicators to determine their appropriateness as well as how the PMP might be improved or simplified to facilitate more efficient reporting. Table 5 shows the indicator analysis, which is organized by objective.

Table 5: MWEA Indicator Analysis

| Objective Indicators | Analysis |
|--|---|
| LTO 1. Malaysian civil society is empowered to better support migrant workers in realization of their rights | |
| Percentage of relevant organizations that apply lessons from the capacity-building activities in their operations. | The recommendation is to omit LTO 1 while keeping MTO 1.2 and the objective. Thus, this indicator is not necessary. |
| MTO 1.2. Increased capacity of civil society to deliver services to migrant workers | |
| A mapping study on NGOs, trade unions, and migrant associations providing services to migrant workers in Malaysia is developed and disseminated. | This indicator is not necessary since the achievement of the mapping study is captured as an output. |
| Number of outreach, advocacy, and training activities conducted by the project’s implementing partners. | This indicator is more appropriate as the output indicator for Output 1.1.2. |
| Number of women and men migrant workers provided with case management services. | This is an appropriate indicator that measures increased capacity of CSOs to provide services to migrant workers. |
| Percentage of migrant worker complaints resolved within six months of the complaint being filed. | This is another appropriate indicator that measures the capacity of CSOs to convert cases into resolutions benefiting migrant workers. |
| LTO 2. Women and men migrant workers are empowered to realise their rights | |
| Number of migrant workers who have joined workers’ organizations and migrants’ associations. | This is an appropriate indicator that measures migrant workers who have joined trade unions and associations, which demonstrates the use of knowledge (MTO 2.1). However, if LTO 2 is omitted as recommended by the evaluator, this indicator should be moved to MTO 2.1. |
| Number of migrant workers who are trained to be community leaders. | This is an output indicator (number of persons trained) and should be used to measure training output. While the project design includes an outreach output under MTO 2.1, it does not have a |

| Objective Indicators | Analysis |
|--|---|
| | training output for community leaders. The evaluator recommends adding a training output under MTO 2.1 along with this indicator. |
| MTO 2.1. Increased knowledge of migrant workers regarding their rights and how to claim them | |
| Number of women and men migrant workers who participated in outreach and advocacy activities organized by NGOs, trade unions and migrant associations. | This is another output indicator that should be used to measure outreach to migrant workers under Output 2.1.2. However, an indicator to measure the use or application of the knowledge should be added, such as claiming rights. |
| Number of women and men migrant workers who received trainings from NGOs, trade unions and migrant associations on (1) migrant workers and labor rights and (2) case management. | This is another output indicator that should be used to measure the training output. |
| Percent of women and men migrant workers with sufficient knowledge of (1) migrant workers and labor rights and (2) case management. | This is an appropriate indicator intended to measure an increase in new knowledge. However, written pre and post-tests is not appropriate for many migrant workers due to language and literacy challenges as well as mistrust. The project should use appropriate methods to assess improvements in knowledge. These methods are discussed in more detail as a recommendation in Section V. |
| LTO 3. Malaysian youth demonstrate increased support for the rights and welfare of migrant workers | |
| Number of Malaysian youth who have pledged online to support the rights of migrant workers in Malaysia. | This is an appropriate indicator that measures concrete actions (pledges) that youth take to support the rights of migrant workers. |
| Number of Malaysian youth who have participated in online discussions about migrant workers issues in Malaysia. | In the opinion of the evaluator, this indicator is not necessary because online discussions are intended to raise awareness and understanding about migrant workers that should lead to the pledge. Tracking the number of pledges should be adequate. |
| MTO 3.1. Malaysian youth have increased empathy for and understanding of contribution of migrant workers | |
| A study on the public attitudes towards migrant workers in Malaysia is developed and disseminated. | This is an output indicator that should be moved to Output 3.1.1. |
| Number of people reached by the migration works campaign contents on its website, Facebook, Twitter and other social media platforms. | This is an output indicator to track the number of youth reached through visits to Facebook and Twitter followers. While this indicator can give an indication of the scope and reach of the campaign, it is not a sensitive indicator to measure empathy or support (especially if the project decides to combine LTO 3 with MTO 3.1). The project should develop and use an indicator that measures increases in empathy and understanding that could be administered to a sample of youth. |
| Number of views of the mini web documentaries disseminated through various online platforms | This is an output indicator that should be used to measure the number views of mini web documentaries under Output 3.1.2. |
| Number of Malaysian youth who have participated in awareness raising events organized by the migration works campaign. | This is an output indicator that should be used to measure the number of youth participating in the education campaign under Output 3.1.3. |

While conducting the indicator analysis, the evaluator noted that the project document and PMP use different terminology. The project document, which was approved by USDOL in December 2017, classifies objectives as long-term and medium-term. It also lists the outputs associated with each medium-term objective. However, the PMP refers to the goal as the long-term outcome, to

long-term objectives as medium-term objectives, and to medium-term objectives as short-term objectives. The project should ensure that both the project document and PMP use the same terminology.

The evaluator also noted that the PMP does not include output indicators. The 2015-MPG states that “The Awardee is not required to develop an indicator for each proposed output, but the Awardee should propose indicators for any major milestones related to successfully completing outputs.” The project should consider including output indicators in the PMP for the primary deliverables that the implementing partners are required to track and report on according in their IAs. These would essentially consist of output targets required to achieve the MTOs such as the number of migrant workers trained, number of people reached by the migrant worker campaign, and number of views of mini web documentaries.²³

Finally, the project has not yet set end-of-project indicator targets and prepared the data tracking table required in the 2015-MPG. These issues are addressed in more detail as a recommendation in Section V.

3.2.2. LL-IRR Project Design

Project Design Logic

The LL-IRR project used the 2017-MPG to develop its project document package.²⁴ The 2017-MPG requests grantees to develop a results framework that shows the logical sequence of cause-and-effect events that include the project objective (PO), long-term outcome (LTO), medium-term outcomes (MTO), and short-term outcomes (STO), and activities. LL-IRR developed a results framework that is included in the revised project document that was submitted to USDOL in June, 2018. Table 6 provides an analysis of the project’s results framework by assessing the development objective and outcomes against the criteria in the MPG. The complete results framework criteria and guidance used to conduct the analysis is shown in Annex F.

Table 6: An Analysis of LL-IRR’s Results Framework

| Develop Objective and Outcomes | Analysis |
|---|---|
| PO: Increased compliance with labor law and ILO fundamental principles and rights at work. | According to the MPG criteria, the project objective (PO) addresses a fundamental condition in the target population that the project is expected to contribute to but not achieve alone. Increased compliance with labor law and ILO fundamental principles and rights at work meets this criterion. |
| Long-Term Outcome 1 | |
| LTO 1. The Malaysian legal framework is more consistent with international labor standards. | LTO 1 meets the criteria of LTOs in the MPG and contributes to the development objective. The term “more consistent” lacks precision. The project might rephrase this LTO to say the legal |

²³ According to the project design’s causal logic, the project is required to produce certain outputs as steps to achieve the MTOs. In this way, outputs, such as the number of migrant workers trained, are outputs or steps to achieve the corresponding MTO but not an indicator of MTO achievement.

²⁴ Management Procedures & Guidelines FY 2017 for Cooperative Agreements with the Office of Trade and Labor Affairs. https://www.dol.gov/sites/default/files/documents/ilab/2017_12_22_OTLA_MPG_F_0.pdf

| Develop Objective and Outcomes | Analysis |
|---|--|
| | framework meets ILS and include an indicator of how to measure “meets ILS”. |
| MTO 1.1 Increased knowledge of legal drafters on ILO fundamental labor rights. | MTO 1.1 describes change in knowledge and use of knowledge that meets the criteria of MTOs in the MPG and contributes to achieving LTO 1. |
| STO 1.1.1: Resource materials on ILS, good practices in comparative industrial relations systems, and how to bring laws into compliance with ILS made available to relevant government officials. | Production of resource materials is actually an output rather than an outcome. STO 1.1.1 should be converted to an output. |
| STO 1.1.2: Comments on proposed amendments to laws, decrees, and other instruments, and sample text provided to government officials. | Comments on proposed amendments is also an output and should be converted to one of the outputs designed to achieve MTO 1.1. |
| STO 1.1.3. Government officials are more knowledgeable of ILO. | Increase in knowledge is an outcome. However, it is not clear to the evaluator whether it is necessary to achieve MTO 1.1. If the project believes increasing the knowledge of government officials about the ILO is an important step in the causal logic, it should be converted to an MTO like MTO 1.1. |
| MTO 1.2. Increased knowledge and ability of workers’ and employers’ organizations to provide inputs into draft revisions. | Like MTO 1.1, MTO 1.2 describes change in knowledge and use of knowledge that meets the criteria of MTOs in the MPG and contributes to achieving LTO 1. |
| STO 1.2.1: Workers’ and employers’ organizations have resources and opportunities to improve their knowledge of ILS and to engage effectively in LL reform. | It is not clear to the evaluator what <i>having resources and opportunities to improve ILS knowledge</i> means. If the opportunities are training events, these should be covered in STO 1.2.2 (stated as an output). If it means educational and technical documents, the production of these materials would be an output. The use of the materials to increase knowledge is covered in MTO 1.2. |
| STO 1.2.2: Workers’ and employers’ organizations trained on ILS and their relevance and implications for labor law revisions and changes to the industrial relations systems and institutions. | STO 1.2.2 is another output. It might be restated as worker and employer organizations trained on ILS. It would require an indicator to measure the kinds and numbers of organizations and persons to be trained. |
| Long Term Outcome 2 | |
| LTO 2. The Malaysian labor inspection system is more effective at enforcing labor laws, decrees, regulations, and other enforceable instruments. | According to MPG criteria for LTO, this is an appropriate outcome that contributes to achieving the development objective. |
| MTO 2.1. The labor inspection system demonstrates increased conformity in law and practice with ILO Convention 81. | MTO 2.1 meets MPG criteria for MTOs and contributes to achieving to LTO 2. |
| STO 2.1.1. Written ILO assessment recommendations for improvements understood and acted upon by MOHR. | Written ILO recommendations for improvements is an output, which is an important output that the project should track. Acting on the recommendations is an effect or outcome level change. Rather than creating another MTO, actions taken by MOHR might be captured as an indicator for MTO 2.1. |
| MTO 2.2. Improved strategic planning of inspection activities, including more effective allocation and deployment of inspection staff. | Improved strategic planning and effective allocation of inspection staff reflects a change in practice and, thus, is an appropriate MTO according to MPG criteria for outcomes. It also contributes to achieving the LTO. |

| Develop Objective and Outcomes | Analysis |
|---|---|
| STO 2.2.1: Improved strategic plans of the labor inspectorate are implemented. | The implementation of improve strategic plans is very similar to MTO 2.2 since MTO, in the opinion of the evaluator, assumes implementation of improved strategic planning. The project might consider eliminating STO 2.2.1. |
| STO 2.2.2: Staffing plan for the labor inspectorate implemented. | The implementation of the staffing plan should be covered in MTO 2.2 as part of the allocation and deployment of inspection staff. The development of the staffing plan, however, is an output that the project should consider adding. |
| MTO 2.3. Improved knowledge, skills and tools of the labor inspectors to enforce the labor law. | Improvement in knowledge and skills and availability of tools to enforce labor law is an appropriate MTO. If the application or use is not captured in the LTO, the project should rephrase this MTO to include “use” and ensure there is an indicator to measure how inspectors use the knowledge, skills, and tools. |
| STO 2.3.1.a: Training plan drawing on the revised curricula and training materials is implemented. STO 2.3.1.b: Cadre of trainers trained. STO 2.3.1.c: Labor inspectors and other relevant government officials trained. | Training plans produced and persons trained are outputs. The three versions of STO 2.3.1 should be converted to outputs linked to MTO 2.3. |
| STO 2.3.2: New tools (e.g., forms, checklists, guidelines) for conducting effective labor inspections are created and used. | The production of labor inspection tools is an output. While the use of the tools is an effect level change, rather than creating a new MTO, the project might include an indicator for MTO 2.3 to capture the use of the tools. |
| STO 2.3.3: Curricula/training materials for labor inspectorate managers and leadership are used in training on how to conduct efficient and effective labor inspections. | The production of training materials is another output that is linked to the training output, which is, in turn, linked to improved inspector knowledge and skills and the application of the knowledge and skills (MTO 2.3). |
| STO 2.3.4: An improved electronic information system for labor inspection is used to efficiently track cases from inspection through to final disposition, while also gathering data on compliance and inspection activities in line with international guidelines on labor inspection statistics for improved data-based planning and monitoring of the labor inspection system's performance. | Improving the electronic information system and using it to efficiently track cases is an MTO that is linked to LTO 2. The project should consider converting STO 2.3.4 to MTO 2.3.4. |
| Long-Term Outcome 3 | |
| LTO 3. Labor disputes are resolved more effectively and efficiently. | While LTO 3 is stated as an appropriate outcome linked to the development objective, the project might consider rephrasing it so it is more consistent with a high-level outcome. For example, The Malaysian labor dispute system is more effective and efficient at resolving disputes. The indicators for this LTO would focus on measuring labor disputes that are settled more effectively and efficiently. |
| MTO 3.1. Improved timeliness, case clearance rates and user satisfaction of the labor dispute resolution and adjudication system. | Improvement in timeliness, case clearance rates, and user satisfaction could be used as indicators to measure the effectiveness and efficiency of the labor dispute system (LTO 3), which would make this MTO unnecessary. |

| Develop Objective and Outcomes | Analysis |
|---|--|
| STO 3.1.1: Written assessment of labor dispute resolution system is presented to and acted upon by MOHR. | While the written assessment is an important output (resulting from the labor dispute system assessment), acting on the assessment findings is an effect level change. The project might consider converting STO 3.1.1 to an output (assessment report) and including an indicator in LTO 3 that measures the use of the report. The other option would be to convert the assessment report to an output and create a new MTO that aims to improve the labor dispute systems, which would include an indicator to measure how MOHR acts on the report's recommendations. |
| MTO 3.2. Increased understanding by dispute resolution / law enforcement officials and social partners on ILS and new laws, decrees or regulations and other instruments. | MTO 3.2 is an appropriate outcome according to the MPG criteria. However, the application of the new knowledge and understanding is missing. The project might consider rephrasing the MTO to include use or application (i.e. if law enforcement officials and social partners understand decrees and laws, what will they do differently). |
| STO 3.2.1: Curricula/training materials available and used. | The training materials is an output that links to training (STO 3.2.2 and STO 3.2.2). |
| STO 3.2.2: Conciliators, judges, court officials and other relevant government officials trained. | Training conciliators, judges, and court officials is an output that links to MTO 3.2. |
| STO 3.2.3: Social partners trained on collective bargaining, and the new and amended laws, decrees or regulations, and other instruments. | Training social partners is another output that links to MTO 3.2. |

The LL-IRR results framework uses terminology consistent with the guidelines in the MPG. The project design is valid and follows a strong cause and effect logic. For example, if key labor laws are reformed; AND the labor inspection system is more effective and efficient, AND labor disputes are resolved efficiently; THEN compliance with labor law and ILO fundamental principles and rights at work will increase. In general, the long and medium-term outcomes are also written so they meet the guidance provided in the MPG. However, the results framework does not include outputs, which is required by the MPG. It appears that the project is using STOs as outputs. The project should convert the STOs to outputs, which is addressed as a recommendation in Section V.

Performance Monitoring Plan

The LL-IRR project submitted a revised PMP to USDOL in June, 2018. Like the MWEA PMP, the LL-IRR PMP consists of the indicators, indicator definitions and unit of measurement, data source, reporting frequency, person responsible, and data analysis. It appears that the indicators are listed as a statement without a measure in the indicator column and again with a measure in the indicator definition and unit of measurement column. Typically, the indicator with the proposed measure (e.g. percent of labor laws amended and promulgated) should be listed in the indicator column while the unit of measure (e.g. number of labor laws amended divided by the total number of labor laws requiring amendment reform) is listed in the indicator definition and unit of measurement column along with definitions for term to facilitate the calculation. In this case, *labor law* and *amend* would require definitions.

The evaluator conducted an analysis of the PMP’s indicators to determine their appropriateness as well as how the PMP might be improved or simplified to facilitate more efficient reporting. Table 7 shows the indicator analysis, which is organized by outcome.

Table 7: Indicator Analysis

| Indicators | Analysis |
|---|---|
| Development Objective: Increased compliance with labor law and ILO fundamental principles and rights at work. | |
| Number of inspections carried out in targeted sectors and/or issues. | While the number of inspections is a legitimate indicator, it is not clear how it measures increased compliance with labor law and ILO fundamental principles and rights at work. Since this indicator is used to measure LTO 2 (effectiveness of labor inspection system), it should be omitted here. |
| Percentage of cases disposed by the Industrial Court within the improved timeframe. | It is not clear how measuring cases disposed by the Industrial Court measures the project objective. Like the indicator above, it would seem like this one would be a more appropriate to measure labor inspection system effectiveness. The project might consider developing an indicator to measure increased compliance with labor law and ILO fundamental principles and rights at work. |
| LTO 1. The Malaysian legal framework is more consistent with international labor standards. | |
| Percentage of relevant laws [issues], etc. amended and promulgated. | The project might consider adding more detail to this indicator such as the relevant laws (e.g. Employment Act, Industrial Relations Act, Trade Union Act, and others) to be amended to bring them in line with ILS. |
| Number of provisions [issues] in laws, etc. contrary to ILS. | The project might also consider adding more detail to this indicator that would help facilitate how the provisions that are contrary to ILS will be identified and counted. |
| MTO 1.1. Increased knowledge of legal drafters on ILO fundamental labor rights. | |
| Number of government officials that participate in relevant training and/or expert consultation meetings. | The number of government officials participating in training is more appropriate at an output indicator (target) for the training output linked to MTO 1.1. |
| Percentage of government officials participating in relevant training and/or expert consultation meetings that report increased understanding of ILS. | This is an appropriate indicator to measure increased knowledge. |
| Number of provisions [issues] in laws, etc. contrary to ILS. | This indicator is not necessary since it is being used to indicate achievement of LTO 1 and does not specifically measure increases in knowledge. The indicator that measures the percent of government officials that report increased understanding is sufficient. |
| MTO 1.2. Increased knowledge and ability of workers’ and employers’ representatives to provide inputs into draft revisions. | |
| Number of workers’ and employers’ reps that participate in relevant capacity building exercises. | The number of persons participating in capacity building exercises is an output indicator. This indicator should be used to measure the training output linked to MTO 1.2. |
| Percentage of workers’ and employers’ reps participating in relevant training that report increased understanding of ILS and new laws, etc. | This is an appropriate indicator to measure increases in knowledge of worker and employer representatives to provide input into draft revisions of the laws. |

| Indicators | Analysis |
|---|---|
| Number of tripartite and other workshops/meetings for purposes of providing input on draft laws, etc. | This is another output indicator that should be used to measure trainings or meetings linked to MTO 1.2. |
| Percentage of union and employer reps that report confidence that inputs are considered seriously. | This is an appropriate indicator to measure the satisfaction of how input to draft laws are being used. |
| LTO 2. The Malaysian labor inspection system is more effective at enforcing labor laws, decrees, regulations, and other enforceable instruments. | |
| Number of inspections carried out in targeted sectors and/or issues. | The number of inspections conducted is an appropriate indicator to help assess the increased effectiveness of the labor inspection system. |
| Number of sanctions issued by the labor inspectorate in targeted sectors and/or issues. | The number of sanctions issued is an appropriate indicator to measure increased effectiveness of the labor inspection system. |
| MTO 2.1. The labor inspection system demonstrates increased conformity in law and practice with ILO Convention 81 | |
| No indicator listed in the PMP. | The STO associated with MTO 2.1 calls for written assessment (and recommendations) to improve the labor inspection system to help bring it in line with ILS. To measure this MTO, the project might consider developing an indicator to measure the application of the recommendations in the labor inspection assessment report. |
| MTO 2.2. Improved strategic planning of inspection activities, including more effective allocation and deployment of inspection staff | |
| No indicator listed in the PMP. | The project might consider adding one or two indicators to measure effective allocation and deployment of inspection staff. The proposed outputs contributing MTO 2.2 is a staffing plan and a strategic plan. The indicators for this MTO might address the implementation of these plans. |
| MTO 2.3. Improved knowledge, skills and tools of the labor inspectors to enforce the labor law. | |
| Number of labor inspectors that participate in relevant trainings. | The number of labor inspectors that participate in training is an output indicator that can be used to measure labor inspector training. |
| Percentage of labor inspectors participating in relevant trainings that demonstrate increased knowledge and/or skills. | The percent of labor inspectors who demonstrate increased knowledge and skills is an appropriate indicator to measure the MTO. |
| LTO 3. Labor disputes are resolved more effectively and efficiently. | |
| Percentage of cases disposed by the Industrial Court within the improved timeframe. | The percent of cases disposed of within the improved timeframe is an appropriate indicator to measure the LTO. However, “improved timeframe” should be defined in the PMP matrix. |
| Percentage of awards handed down by the Industrial Court within the improved timeframe. | This is another appropriate indicator to assess the effectiveness and efficiency of the labor dispute process. |
| MTO 3.1. Improved timeliness, case clearance rates and user satisfaction of the labor dispute resolution and adjudication system. | |
| Number of recommendations acted upon by MOHR. | The number of recommendations in the dispute assessment report acted upon is an appropriate indicator to measure improvements in the labor dispute system. However, <i>acted upon</i> should be defined in the PMP matrix. |

| Indicators | Analysis |
|--|--|
| MTO 3.2. Increased understanding by dispute resolution / law enforcement officials and social partners on ILS and new laws, decrees or regulations and other instruments. | |
| Number of dispute resolution officials and social partners that participate in relevant trainings. | The number of persons who participate in training is an output indicator and would be more appropriate to measure the training output. |
| Percentage of dispute resolution officials and social partners participating in relevant trainings that demonstrate increased knowledge and/or skills. | Percent of dispute resolution officials who demonstrate increased knowledge is an appropriate indicator to measure MTO 3.2. |

3.3. Project Performance and Effectiveness

This section examines the performance and effectiveness of the projects' strategies in achieving their end-of-project outcome indicator targets (Evaluation Question #4). It also examines the likelihood that planned activities, outputs, and outcomes will be achieved by the end of the project (Evaluation Question #5) as well as those internal and external factors that have affected their achievement.

3.3.1. Project Performance

The MWEA and LL-IRR projects experienced a variety of delays that have affected the achievement of their indicator targets. The delays as well as achievement of indicator targets are discussed below by project.

MWEA Project Performance

The MWEA project experienced initial problems recruiting and hiring its key personnel. The MWEA project manager who was proposed in the project proposal decided not to accept the job due to personal reasons. A new project manager was recruited in February 2016 but did not arrive in Malaysia until the end of August 2016 due to administrative delays in the ILO recruiting process. Although the national project coordinator candidate was identified and interviewed in February 2016, she was not hired until early September 2016. The MWEA project started to implement activities in September 2016 nearly eight months after the official project start date of February 15 2016.

The replacement of the project manager also affected project performance. The project manager left the project to take another ILO regional position in July 2017 with the understanding that she would continue to manage MWEA until a new project manager was hired. The new project manager did not arrive in country until November 2017. In hindsight, USDOL believes expecting the former MWEA to perform two jobs was unrealistic. In fact, on September 5, 2017, USDOL sent a letter to the ILO expressing concerns over the MWEA management arrangement, which led to gaps in communication and delays in submitting the request for a project modification to provide a cost extension and budget modification.

Although the development of the project document package did not directly cause delays, it took seven different submissions over a 15-month period before USDOL approved the package in December 2017. According to the project manager, the development of the project document

package, including the results framework and PMP, took a substantial amount of time and effort that detracted from other project activities.

The IAs for the North South Initiative (NSI) and Project Liber8 took seven months to approve and sign, which delayed NSI’s work with the Indonesian migrant workers and Project Liber8’s work to increase support for migrant workers particularly among Malaysia youth. There was an initial disagreement between USDOL and the ILO as to whether the IAs should be considered grants or contracts. After several communications and clarifications, USDOL agreed to allow the ILO to consider the IAs to be contracts provided they pass through USDOL’s grant approval process. The USDOL grant approval process requires paperwork and approvals that contributed to the delay in issuing the IAs.²⁵

Although the project’s PMP consists of 16 indicators, the project has only made progress on nine indicators due to the delays. Table 8 shows the progress to date for the nine indicators.

Table 8: MWEA Indicator Progress

| Indicator | Progress |
|---|--|
| Objective 1: Civil society is empowered to better support migrant workers’ rights | |
| Mapping study on NGOs, trade unions, and migrant associations providing services to migrant workers in Malaysia developed and disseminated. | The mapping study was conducted and completed in November 2016. A workshop was conducted in January 2017 to validate the study findings. |
| Number of outreach, advocacy, and training activities conducted by the project’s implementing partners. | Project partners conducted 11 training events in which 793 migrant workers have been trained. MTUC trained 716 migrant workers (259 men and 457 women); Tenaganita trained 61 migrant workers (25 men and 36 women); and NSI trained 16 Indonesian migrant workers (six men and 10 women). In addition, Tenaganita trained 112 youth lawyers doing practicums with Tenaganita to support migrant workers. In addition to the trainings, MTUC and Tenaganita conducted outreach activities that reached 5,947 migrant workers with information on worker rights. MTUC reported reaching 4,842 migrant workers while Tenaganita reported reaching 1,105 migrant workers. |
| Number of women and men migrant workers provided with case management services. | Project partners provided case management services to 977 migrant workers. MTUC reported 473 cases, Tenaganita reported 348 cases, and NSI reported 156. |
| Percentage of migrant worker complaints resolved within 6 months of the complaint being filed. | The case management resolution rate is 21 percent as of March 2018. |
| Objective 2: Women and men migrant workers are empowered to realize their rights | |
| Number of migrant workers who have joined workers’ organizations and migrant associations. | The only partner to report information on migrant workers joining organizations and associations is MTUC. In Penang, MTUC reported in the previous period that 569 Indonesian migrant workers joined a newly formed trade union at the Panasonic Automotive Systems plant. However, the number |

²⁵ Towards the end of the evaluation, the evaluator learned that USDOL no longer requires MWEA implementing partners to pass through the grant approval process, which is discussed in detail in Section 3.6.3.

| Indicator | Progress |
|---|---|
| | decreased to 293 in the most recent reporting period because 176 workers returned to Indonesia because their contracts ended. Nearly all of these workers are female. |
| Number of women and men migrant workers who participated in outreach and advocacy activities organized by NGOs, trade unions and migrant associations. | The project implementing partners reported that they reached 5,982 migrant workers with information on labor laws and migrant worker rights. |
| Number of women and men migrant workers who received trainings from NGOs, trade unions and migrant associations on (1) migrant workers and labour rights training and (2) case management training. | The implementing partners reported that 824 migrant workers received training on migrant worker rights and case management. |
| Objective 3: Malaysian youth demonstrate increased support for the rights and welfare of migrant workers | |
| Number of Malaysian youth who have participated in online discussions about migrant workers issues in Malaysia, | Project Liber8 reported that 14,811 Facebook user engagements that includes 43 percent women aged 18-35 years of age. |
| Number of people reached by the migration works campaign contents on its website, Facebook, Twitter and other social media platforms. | Project Liber8 has started to gain some momentum with its social media strategy. It reported 134 visitors to the migrant works campaign website, 25,438 (43 percent female) Facebook visitors with 4,566 likes (39 percent female). In addition, Project Liber8 reported 132 Twitter followers. |

LL-IRR Project Performance

Although the LL-IRR grant was awarded to the ILO in October 2016, the project manager did not arrive in country until late September 2017, nearly one year after the ILO and USDOL signed the cooperative agreement. The original project manager who the ILO recruited decided not to accept the job, which contributed to the late arrival of the project manager. The recruitment and hiring of the LL-IRR national project coordinator was also delayed due to administrative issues. Although she applied for the position in June 2017 and was interviewed in October 2017, she was not hired until January 2018.

The LL-IRR project manager told the evaluator that the decision of the US to withdraw from the TPP created uncertainty about how to proceed that contributed to delays. The project manager also noted that the development and submission of the project document package, which took nearly nine months (November 2017 to June 2018), was a time consuming exercise that also contributed to the overall delay.

While the LL-IRR project’s PMP consists of 20 indicators, the project has only managed to make progress on six indicators due to the delays. Table 9 shows the progress made to date for the six indicators.

Table 9: LL-IRR Indicator Progress

| Outcome and Indicator | Progress |
|---|----------|
| Outcome 1: The Malaysian legal framework is more consistent with ILS | |

| Outcome and Indicator | Progress |
|--|--|
| Number of government officials that participate in relevant training and/or expert consultation meetings. | In April 2018, the project conducted a training for 35 MOHR officials (66 percent female) on ILO Conventions 87 and 98 as well as other issues relating to reform of the Trade Unions Act and Industrial Relations Act. |
| Percentage of government officials participating in relevant training and/or expert consultation meetings that report increased understanding of ILS. | The project administered a post training survey to assess perceived changes in understanding and ability to apply new knowledge to their jobs. One hundred percent of the participants who returned the survey reported an increased understanding and their ability to apply new knowledge. |
| Number of workers' and employers' representatives who participate in relevant capacity building exercises. | In August 2017, the project conducted a training for 28 MTUC representatives on ILS and labor law reform. |
| Number of tripartite and other workshops/meetings for purposes of providing input on draft laws, etc. | In March 2018, MOHR conducted a one-day tripartite stakeholder meeting on amendments to the Employment Act where the MOHR requested input from MTUC and MEF. |
| Outcome 2: The Malaysian labor inspection system is more effective at enforcing labor laws, decrees, regulations, and other enforceable instruments | |
| Labor inspection assessment conducted. | The ILO conducted an assessment of the MOHR labor inspection system from March 27-31, 2017. The official report was sent to MOHR for review and comments in January 2018. The project received MOHR comments and feedback in June 2018. The report was validated and finalized in August 2018. |
| Outcome 3: Labor disputes are resolved more effectively and efficiently | |
| Number of dispute resolution officials and social partners that participate in relevant trainings. | The project provided dispute resolution training to 39 representatives from MTUC affiliates in Penang in October 2017. |

In addition to the progress in achieving indicator targets reported in Table 9, the project has provided a range of technical consultations with MOHR officials on labor law reform and produced technical notes and written advice on legal reform (e.g., expanded maternity protection, non-discrimination, mandatory wage payment through bank accounts, penal sanctions regarding strikes, sexual harassment, expanded coverage of the Employment Act, and outsourcing and sub-contracting practices). The project has managed to publish two technical notes on the amendments to the Employment Act (December 2017) and on sexual harassment, expanded coverage of the Employment Act, and outsourcing and sub-contracting practices (August 2018).

3.3.2. Effectiveness of Project Strategies

To assess effectiveness of project strategies, the evaluator interviewed the project's partners responsible for implementing the strategies to identify successes as well as challenges. The results of the assessment are summarized below by project.

Effectiveness of MWEA Strategies

The following discussion of the effectiveness of the MWEA strategies is organized by the project's three primary components or long-term objectives. These include organizational strengthening, provision of services to migrant workers, and youth awareness raising. The discussion on the

provision of services includes the views and opinions of migrant worker beneficiaries regarding the effectiveness of these services.

Organizational Strengthening – During interviews with the implementing partners, the evaluator noted how fragile they are in terms of sustainability. The partners are thinly staffed while finding funding to keep programs operating is an on-going challenge. For example, while MTUC owns its offices and training centers and has dedicated staff responsible for organizing and assisting workers, it does not have funds to produce outreach and training materials or to conduct trainings. Tenaganita is able to raise some funds and has served as a sub-contractor to larger organizations implementing donor funded projects. However, according to its executive director, finding funds to operate its shelters and pay staff salaries is difficult and challenging. On the other hand, the only funding that NSI has is a small grant of USD 11,000 from Migrant Forum in Asia and the grant it received from MWEA. Both sources of funding end next year.

To build the capacity of the implementing partners, the project intends to provide a variety of training. The project conducted a training on technical and financial reporting in November 2017 and on case management in February 2018 that were well received by the implementing partners. In fact, the partners told the evaluator that they would like to receive more training on reporting. In addition, NSI would like to receive training on organizational development. While the training that the project has provided or intends to provide increases organizational capacity, the major challenge MWEA's implementation partners face is generating enough funds to remain viable.

In addition to the training conducted by the MWEA project, one of the key project interventions is regular mentoring provided to project implementing partners, especially on accounting and financial reporting, the preparation of technical reports, and the use of a beneficiary monitoring system. Project staff told the evaluator that regular mentoring, performed primarily through phone conversations and informal meetings, while more time consuming, has helped address the particular concerns of implementing partners more effectively than the finance and M&E workshop conducted for multiple organizations.

Migrant Worker Services – The provision of services to migrant workers include case management, outreach, training, and organizing. MWEA partners reported 977 cases with a resolution rate of 21 percent. Nearly 85 percent of these cases were or are being managed by MTUC and Tenaganita.

The implementing partners noted a range of challenges in trying to resolve migrant worker cases. MTUC staff working in the migrant resource center (MRC) in Penang explained that when the labor department rules in favor of a migrant worker, the employers often resist implementing the decision by constructing obstacles that create delays. NSI's executive director noted that sometimes case management work creates risk. For example, NSI might identify an undocumented migrant worker who has not been paid for her work. However, bringing this case to the attention of the labor department for resolution would potentially result in the repatriation of all of the undocumented migrant workers employed by the company.

Project partners have reached nearly 6,000 migrant workers with outreach services consisting of handing out pamphlets and brochures containing information about migrant worker rights, benefits of joining trade unions, and other relevant information as well as short talks communicating the

same information. Partners' staff typically set up booths or kiosks in places frequented by migrant workers such as shopping centers and bus terminals that serve as the base to provide informational materials and talks. These staff credit the outreach services with providing important worker rights information and helping to identify cases where migrant workers have had their rights violated.

A major challenge mentioned by the implementing partners is the raids conducted by immigration officials and police to capture and repatriate undocumented workers. Apparently, the raids have resulted in documented migrant workers who are not carrying the required documents to be apprehended and incarcerated, sometimes for days. According to the partners, many migrant workers, with and without the required documents, are afraid to go to public places such as shopping centers and bus terminals because they might be captured in one of the raids, which complicates the outreach services. Domestic workers and plantation workers are also extremely difficult to reach, according to partner staff, because the employers often do not permit workers to leave the workplace (i.e. homes or plantations).

In addition to outreach services, project partners have provided formal training to more than 800 migrant workers on labor rights issues. During an interview with a group of 12 young Indonesian migrant workers employed by the Panasonic Automotive Systems plant in Penang, the evaluator discussed the training provided by the MTUC MRC staff. Those who participated in the training confirmed that the information about migrant worker rights, Malaysian labor laws, and the advantages of forming trade unions was highly relevant and useful. In fact, according to one of the leaders of the group, the training helped convince the workers to vote for the trade union and later join. However, they commented that the training could be improved by making it more dynamic and participatory. They suggested using different training methodologies such as games, role playing, and case studies. The group also suggested that MTUC should provide team building and leadership training.

As described in Table 8, MTUC has been able to organize 569 Indonesian migrant workers in an association related to the newly formed trade union at the Panasonic plant in Penang. According to the MTUC representatives, the willingness of Panasonic to respect workers' freedom of association rights paved the way to establish the trade union. However, MTUC representatives also noted that many companies that employ migrant workers are hostile to trade unions. Consequently, migrant workers are reluctant to join trade unions because employers threaten to terminate their contracts and send them home.

The evaluator interviewed migrant workers from Indonesia, Nepal, Philippines, India, and Myanmar. All of the migrant workers who were interviewed expressed appreciation for the support they received by the project's implementing partners but also expressed frustration because their

cases have not been resolved.²⁶ For example, a migrant worker from Nepal lost his finger in an industrial accident in Penang. MTUC staff determined that the company committed a range of labor violations related to the case and filed a complaint with the labor department that is investigating the claim.²⁷ However, according to MTUC staff, the company has been very slow to provide the required information such as overtime calculations and deductions. The worker told the evaluator that while he appreciates the help, he has not seen any progress in resolving his case.

Two male migrant workers were recruited by an agent in India to work in a recycling plant in Malaysia. After two weeks of working in the plant, the workers requested the agent to relocate them because the company required them to handle needles and glass without gloves or other personal protective equipment and because the company had not paid the workers. The agent agreed to find different employment for the workers but held their passports and locked them in an unfurnished house. The landlord eventually unlocked the house and set the workers free who found their way to Tenaganita, which provided shelter, food, and assistance. The migrant workers told the evaluator that they greatly appreciate the support provided by Tenaganita but they still have not been able to recover their passports and unpaid wages. They also noted the agent who held them against their will has not been caught and punished. A Tenaganita representative explained that he is in the process of raising funds to send the workers back to India.

The evaluator also interviewed a small group of Indonesian domestic workers staying in a Tenaganita shelter. One of the domestic workers was rescued from an abusive employer while the others were either forced to leave or fled abusive employers. Based on recommendations from friends, they eventually found their way to Tenaganita. These domestic workers are grateful for the shelter, food, and assistance Tenaganita is providing to help recover their passports and unpaid wages and find new employers. Nevertheless, they noted that progress has not been made in recovering unpaid wages or finding new jobs. They explained that they need money or jobs to be able to leave the shelter or return to Indonesia. They also told the evaluator that they become bored in the shelter and recommended that Tenaganita help them start small businesses so they can earn money.

Youth Awareness Raising – Since Project Liber8 is only beginning to implement its youth awareness raising activities, it is too early to determine the effectiveness of the strategies. As noted in Table 8, Project Liber8 has started to gain some traction with its social media strategy. It reported more than 25,000 Facebook visits with more than 4,500 likes as well as 132 Twitter followers. However, Project Liber8 has not yet implemented activities in target universities such as the amazing race concept and human libraries.

Effectiveness of LL-IRR Strategies

As discussed above in Section 3.3.1, the LL-IRR project has only recently started to implement its strategies due to delays caused by recruiting and hiring key personnel, the US decision to withdraw from the TPP and uncertainties it caused, a long and protracted project document approval process, and other distractions. Therefore, the evaluator is not be able to comment on the effectiveness of the strategies.

²⁶ The frustration expressed by migrant workers can be explained, in part, by the fact that all migrant workers interviewed had pending cases. The evaluator was not able to meet with migrant workers who had their cases resolved because once cases are resolved, most of them are repatriated.

²⁷ The labor violations include withholding salary during time of medical leave, requiring the worker to pay his medical bill, not filing a proper insurance claim, not filing an accident report with the labor department, and requiring the worker to pay the agent's fee if he decided to return to Nepal. In addition, the company deducted nearly 50 percent of the medical claims paid by the insurance company to the employee to cover the expenses related to the accident.

During a group interview with MOHR representatives, the evaluator asked their opinion and impression of the LL-IRR objectives and strategies. The group agreed that the ILO should help MOHR amend the Employment Act, Industrial Relations Act, and the Trade Unions Act so they are consistent with ILS and economic trends. They also emphasized that assisting MOHR develop a capacity to train labor inspectors and conciliators is both an important need and priority. Several representatives said that the ILO should listen to and understand MOHR priorities and support them such as developing the MOHR's capacity to train labor inspectors and conciliators. Another representative explained that there is an opportunity with the new government to collaborate in unprecedented ways but that the ILO must act more assertively. She noted that the ILO often acts very cautiously and conservatively such as wanting to conduct a study before it acts. She said that the ILO should work with MOHR to develop a plan based on its priorities that can be implemented quickly to take advantage of opportunities with the new government.

3.4. Efficiency

This section addresses how efficiently the MWEA and LL-IRR projects are using resources to achieve their outcomes (Evaluation Question # 6). More specifically, the expenditure rates are compared to the remaining life of the projects to determine under or over spending and whether the budgets will be expended by the end of the project. The results of the analysis is presented below by project.

3.4.1. The MWEA Project

Table 10 shows total project expenditures as of June 31, 2018.²⁸ Although the MWEA project cooperative agreement was signed on November 15, 2015, the actual start date of the project was February 24, 2016. The project is scheduled to end on February 24, 2019. Based on these dates, the MWEA project has effectively “spent” 28 months of its total life of 36 months or about 77 percent. As shown in Table 10, 57 percent of the project's total budget was spent as of June 31, 2018 that represents an underspending rate of 20 percent.

The project budgeted USD 463,987 or 43 percent of the total budget to achieve the three long-term objectives. LTO 2 includes the grant funds provided to the project partners to provide services to migrant workers while LTO 3 includes grant funds to Project Liber8 to implement the youth awareness strategies. As of June 31, 2018, the project only managed to spend 52 percent of the total amount budgeted for project implementation. The delays described in Section 3.3.1 affected both project performance (i.e. achievement of indicator targets) as well as the project's expenditure rate. In addition, MTUC has not been able to spend the USD 90,853 it was allocated under the IA due to internal issues as discussed in the previous section.

²⁸ Note that expenditures listed in Table 10 includes actual expenditures and committed funds that the ILO refers to encumbrances.

Table 10: MWEA Project Expenditures as of June 31, 2018²⁹

| Item | Amount Budgeted (USD) | Amount Expensed (USD) | Difference (USD) | Percent Spent |
|--|-----------------------|-----------------------|------------------|---------------|
| Project Implementation Expenses | | | | |
| Objective 1 | 46,800 | 28,029 | 18,771 | 60% |
| Objective 2 | 310,513 | 164,960 | 145,553 | 53% |
| Objective 3 | 106,674 | 49,369 | 57,305 | 46% |
| Sub-total | 463,987 | 242,358 | 221,629 | 52% |
| Project Management Expenses | | | | |
| International Personnel | 215,827 | 195,495 | 20,333 | 91% |
| National Personnel | 103,308 | 74,974 | 28,334 | 73% |
| Equipment | 7,548 | 11,497 | -3,949 | 152% |
| Travel | 16,400 | 3,090 | 13,310 | 19% |
| Office Operations | 35,486 | 31,565 | 3,921 | 89% |
| M&E | 104,751 | 683 | 104,068 | 1% |
| Sub-total | 483,320 | 317,304 | 166,016 | 66% |
| Program Support Expenses | | | | |
| Indirect Costs | 123,150 | 48,752 | 74,398 | 40% |
| Sub-total | 123,150 | 48,752 | 74,398 | 40% |
| Total | 1,070,457 | 608,414 | 462,043 | 57% |

The project also budgeted USD 483,320 or about 45 percent of the total budget for project management expenses. International and national personnel account for 66 percent of project management expenses while equipment, travel, office operations including supplies, and monitoring and evaluation (M&E) account for the other 44 percent. While the project has managed to spend 66 percent of its allocated budget for project management, it overspent the equipment line item by USD 3,949 and is overspending the office operations line items by about 15 percent.³⁰ Although the project has only spent one percent of the amount budgeted for M&E, it intends to charge expenses for the final evaluation and audit, which should come very close to expending the USD 104,751 budgeted for M&E.

The expenditure rates for international and national personnel are close to the corresponding timeframes. The international personnel line item represents the project manager who is scheduled to turn project management responsibilities over to the national project coordinator in November 2018. The amount remaining in the budget that includes committed funds (i.e. encumbrances) of

²⁹ Source: Project Outcome-based Budget provided to the evaluator during fieldwork.

³⁰ The overspent amount for equipment and operations budget lines are due to the office relocation from the old UN Building to a dedicated ILO office. The ILO has regularly communicated updates regarding the office transfer and cost implications to USDOL, and have reflected these costs in the no-cost project extension submitted on 16 August 2018.

USD 24,448 and the remaining balance of USD 20,333, which are sufficient for the project manager's salary and benefits for her remaining time with the project (July-November, 2018). The expenditure rate for the national project coordinator line item is 73 percent, which is very close to the project's life expenditure rate of 76 percent.

Controlling for the international project manager line item, the MWEA project spends approximately USD 30,523 per month.³¹ At its current expenditure rate, the project would need 15 more months to spend the remaining USD 462,043. Since the MWEA project is scheduled to end on February 24, 2019, the project will need to either increase its monthly expenditures from USD 30,523 to USD 51,388 or request a no-cost extension to spend the remaining funds.

3.4.2. The LL-IRR Project

The LL-IRR project was originally designed as a two-and-a-half-year project that was supposed to begin in late September after the cooperative agreement was signed on September 19, 2016 and end on March 30, 2019.³² The project submitted a project revision request to extend the end-date of the project from March 30, 2019 to March 30, 2020 and realign the budget. At the time of the evaluation, the project revision request was pending final USDOL approval and signatures.

Based on the original dates in the cooperative agreement, the LL-IRR project has effectively "spent" 22 months of its total life of 30 months or about 73 percent. As shown in Table 11, only 21 percent of the project's total budget was spent as of July 23, 2018 that represents an underspending rate of nearly 52 percent. If USDOL approves the 12 month no-cost extension, the project will have spent 52 percent of its extended life of 42 months, which would represent an underspending rate of about 31 percent.

Table 11 shows the revised budget and expenditures as of July 23, 2018.^{33, 34} The project budgeted USD 570,955 or 37 percent of the total budget to achieve the three outcomes. Outcome 2, which accounts for 59 percent of the project implementation expenses, includes USD 80,000 to improve the MOHR's electronic information system. Due to delays described in Section 3.3.1, the project has only managed to spend three percent of the total amount budgeted for project implementation as of July 23, 2018.

³¹ The evaluator controlled for the international project manager line item by eliminating the line item amounts from the calculations.

³² As discussed in Section 1.2, USDOL placed initial spending restrictions on the grant pending a revised budget, which were removed on December 12, 2016 allowing the ILO to begin to implement activities such as the labor system assessment that was conducted in March of 2017.

³³ The original budget included four outcomes that were reduced to three outcomes in the project revision request. To conduct the budget analysis, the evaluator calculated the "amount budgeted" from the revised budget submitted to USDOL with three outcomes. To calculate the amount expended, he used the amount reported in the original budget by outcome. There was an amount of USD 938 charged to the original Outcome 2, which no longer exists. Since the expense supported labor law reform (Outcome 1), the evaluator transferred that charge to Outcome 1 in Table 11. For purposes of the budget analysis, the evaluator believes the amounts in Table 11 are accurate.

³⁴ Note that expenditures listed in Table 11 includes actual expenditures and committed funds that the ILO refers to as encumbrances

Table 11: LL-IRR Project Expenditures as of July 23, 2018³⁵

| Item | Amount Budgeted (USD) | Amount Expensed (USD) | Difference (USD) | Percent Spent |
|--|-----------------------|-----------------------|------------------|---------------|
| Project Implementation Expenses | | | | |
| Outcome 1 | 114,455 | 7,408 | 107,985 | 6% |
| Outcome 2 | 334,500 | 7,500 | 327,000 | 2% |
| Outcome 3 | 122,000 | 0 | 122,000 | 0% |
| Sub-total | 570,955 | 14,908 | 556,047 | 3% |
| Project Management Expenses | | | | |
| International Personnel | 482,569 | 178,520 | 304,049 | 37% |
| National Personnel | 136,252 | 40,949 | 95,303 | 30% |
| Travel | 37,095 | 11,308 | 25,787 | 30% |
| Office Operations | 113,810 | 53,283 | 60,527 | 47% |
| M&E | 31,000 | 0 | 31,000 | 0% |
| Sub-total | 800,726 | 284,060 | 516,666 | 35% |
| Program Support Expenses | | | | |
| Indirect Costs | 178,319 | 28,096 | 150,223 | 16% |
| Sub-total | 178,319 | 28,096 | 150,223 | 16% |
| Total | 1,550,000 | 327,064 | 1,222,936 | 21% |

The project budgeted USD 800,726 or about 52 percent of the total budget for project management expenses. International and national personnel account for 77 percent of project management expenses while equipment, travel, office operations including supplies, and M&E account for the other 23 percent. The project has spent 35 percent of the amount budgeted for project management expenses and only 16 percent of the amount budgeted for the ILO's indirect costs. Assuming that USDOL approves the 12 month no-cost extension, the project would have 21 months to spend USD 1,222,936 or USD 58,235 per month. In the opinion of the evaluator, responsibly spending USD 58,235 per month would be extremely difficult.

3.5. Effectiveness of Project Management

In this section, the effectiveness of the MWEA and LL-IRR project management structures and capacities are examined including ILO decentralization to the regional offices and the effectiveness of support provided by the ILO (Evaluation Question #7 and #8). This section also assesses the degree to which MWEA and LL-IRR are collaborating with the other ILO projects to avoid duplication (Evaluation Question #10). Finally, the effectiveness of the implementation agreements that MWEA with its social partners are reviewed including the roles of MWEA and the implementing partners (Evaluation Question #9).

³⁵ Source: Project Outcome-based budget provided to the evaluator during fieldwork.

3.5.1. Project Management Structures and Capacities

The management structures for the MWEA and LL-IRR projects are similar. Each project has a project manager, national project coordinator, and an administrative assistant.³⁶ The deputy regional director, based in Bangkok, Thailand, provides management support and supervision to the project managers while regional technical experts, also based in Bangkok, provide technical backstopping to the projects. The regional finance office provides support to the projects, specifically to the administrative assistants, on the ILO's financial system and software.

The MWEA and LL-IRR project managers told the evaluator that they believe the management structure is adequate and that they are satisfied with the supervision and technical support they receive from the ILO's regional office. While MWEA project managers would like to have more frequent visits and more consistent follow-up from the regional office, they also understand that regional managers and technical staff are serving the entire Asia and Pacific region.

A specific support issue surfaced during an interview with the former MWEA project manager. She explained that she does not have a strong background in project design and is not familiar with USDOL's project design and PMP requirements. She requested support from the ILO's Partnering for Development (PARDEV) unit in Geneva in developing the USDOL project document package, especially the results framework.³⁷ PARDEV, according to the former project manager, was unable to provide specific guidance other than referring her to the USDOL MPG. She opined that given the high level of collaboration between the ILO and USDOL, PARDEV should be able to provide more guidance on USDOL project design and PMP requirements.

The evaluator observed an issue regarding overall ILO program coordination and representation in Malaysia that deserves discussion. During interviews with MOHR, MUTC, and MEF, the evaluator noted that representatives of these organizations often confused the different ILO projects and project managers. On several occasions, these representatives asked the evaluator to explain the different projects, project personnel, and who was the ILO country representative.

During interviews with the different ILO project managers, the evaluator understood that while the projects try to coordinate and share information, it has become increasingly difficult due to the rapid increase in projects from one, the TRIANGLE project, in 2015 to five in 2018 with two more projects scheduled to begin as soon as key personnel are hired.³⁸ These managers believe an overall ILO national program coordinator to help coordinate the projects and represent the ILO to key constituents and partners would be useful.³⁹ According to the regional deputy director, the regional

³⁶ The ILO typically refers to project managers as chief technical advisors or CTAs.

³⁷ The ILO PARDEV office is responsible for supporting development cooperation with ILO partners including donors.

³⁸ The current portfolio of ILO projects in Malaysia include MWEA, LL-IRR, TRIANGLE in ASEAN, Improved Migration Governance (IMG), and A Bridge to Global Action of Forced Labor (Bridge). The Safe and Fair and REFRAME projects are scheduled to begin implementation as soon as key personnel are recruited.

³⁹ Note that the ILO has a program coordinator for Malaysia based at the regional office who is responsible for coordinating the country program and supporting projects, under the supervision of the deputy regional director. The specific roles of the program coordinator includes introducing the projects to the social partners, updating the concerned specialists on the needs of constituents, briefing new staffs about ILO in Malaysia, and facilitating their project implementation as required. These responsibilities would need to be reviewed and modified if the ILO decides to hire and place a national program coordinator in Malaysia.

office requested approval from the ILO Geneva to recruit and hire a national program coordinator to help coordinate projects and represent the ILO to constituents. The issue of program coordination and representation is discussed in more detail as a recommendation in Section V.

3.5.2. Project Collaboration, Coordination, and Communication

One of the primary mechanisms to help coordinate the labor migration projects and improve communication with partners is the project advisory committee (PAC). The PAC, which is chaired by MOHR and includes MTUC and MEF, was established in 2017 to provide guidance on the implementation of the ILO's migrant projects as well as review and endorse annual work plans. The PAC has met twice, once in March 2017 and again in March 2018. The ILO and MOHR consider the PAC to be a useful mechanism to coordinate the implementation of the projects and to share information.

LL-IRR also envisions some form of a project advisory committee. The LL-IRR project document lists three options including an advisory committee specifically for LL-IRR, joining the existing PAC for migrant workers, or including the LL-IRR project within a broader tripartite country program advisory committee under the ILO Decent Work Country Program (DWCP), which is LL-IRR's preferred option. However, due to delays in establishing the DWCP, the ILO is now considering broadening the migrant worker PAC to include all of the ILO projects operating in Malaysia. According to the LL-IRR project manager, MOHR believes working with an advisory committee for each ILO project is inefficient and strongly prefers one committee for all the projects.

Despite not having an overall ILO program coordinator to help facilitate coordination and collaboration, the evaluator noted on-going collaboration between the ILO projects. For example, the MWEA project is closely modelled on the TRIANGLE in ASEAN project. These projects support the same activities and share costs under the MTUC and Tenaganita implementation agreements. In fact, the MWEA, TRIANGLE, and Improved Migration Governance (IMG) projects have developed joint work plans to facilitate coordination and avoid duplicating activities.⁴⁰

One issue that surfaced in discussing the collaboration between the TRIANGLE and MWEA projects is how beneficiaries are counted. Since the projects share the costs of implementing activities, they should count only the beneficiaries that their funds support. For example, if an implementing partner, who received an IA with the same amount of grant funds from each project, conducts training for 500 migrant workers on their rights, TRIANGLE and MWEA should each report 250 beneficiaries trained. The evaluator understands that the current practice is for each project to report 500 beneficiaries, which, in the opinion of the evaluator, is double counting.

The Bridge project, which is funded by USDOL's Office of Child Labor, Forced Labor, and Human Trafficking, aims to eliminate traditional and state-imposed forced labor and reduce contemporary forms of forced labor often linked to human trafficking. In addition to Malaysia, Bridge is being implemented in Nepal, Mauritania, Niger, and Peru.⁴¹ The Bridge and MWEA projects plan to jointly provide training to MWEA implementing partners on forced labor and anti-

⁴⁰ IMG is funded by the US State Department.

⁴¹ <https://www.dol.gov/agencies/ilab/protocol-practice-bridge-global-action-forced-labor-bridge-project>

trafficking issues. Furthermore, both MWEA and LL-IRR provide input to the Bridge policy paper on forced labor.

Interestingly, although LL-IRR's focus on labor law reform, improved labor inspection system, and efficient dispute mechanisms would benefit migrant workers served by MWEA, the two projects are not directly collaborating. According to its project manager, the LL-IRR project's focus is different than the other ILO projects in Malaysia that focus on migrant worker rights and forced labor. The issue of potential collaboration between the current portfolio of ILO projects is addressed in Section V as a recommendation.

During interviews, the evaluator asked the stakeholders of both projects whether they were satisfied with the level of communication. The ILO's primary constituents, MOHR, MTUC, and MEF told the evaluator that they would like to have more frequent communication including up-to-date information about the projects as well as meetings. One MOHR representative noted that she preferred not to have many formal meetings because they would need to meet formal MOHR protocols but would welcome more informal exchanges of information and meetings.⁴² The MTUC and MEF representatives emphasized that they hoped to receive more communications and information from both projects in the future in the spirit of tripartism.

MWEA's implementing partners as well as the U.S. Embassy also recommended more frequent communication. MWEA's implementing partners would like to meet more frequently to share lessons learned and potential solutions to problems they face. Increased coordination and collaboration among MWEA's partners is discussed in more detail below in Section 3.6.3. The U.S. Embassy political officer told the evaluator he would like for both projects to be more proactive in providing updated information. He explained that the US Embassy considers compliance with ILS to be critical to any future bi-lateral trade agreement between the United States and Malaysia and, thus, views LL-IRR and MWEA to be key in helping achieve compliance.⁴³

The evaluator interviewed the ILO's deputy regional director and program officer for the Asia and the Pacific region to ascertain their views of collaboration, coordination, and communication. They believe that the PAC is an effective mechanism to facilitate coordination and communication with ILO partners and, while the ILO Malaysia office does not have a program coordinator, the various projects work hard to coordinate activities. The deputy regional director explained that while regional office staff responsible for backstopping the projects in Malaysia make frequent trips and schedule Skype calls, communication remains a challenge since the ILO does not have a permanent office structure in Malaysia. She also noted that although the projects have complementary components, they have not reached the level of integration necessary to create synergies and increase their impact on policy. She hopes the ILO's DWCP for Malaysia will eventually help increase the integration of the projects.

⁴² According to project staff, LL-IRR maintains open lines of communication with MOHR and frequently contacts MOHR staff to schedule meetings. However, MOHR officials have been reluctant to commit to concrete project activities without specific instructions and direction from senior level management, including the Minister. This is despite high-level missions from the ILO regional director and deputy regional director and USDOL.

⁴³ The U.S. Embassy political officer considers compliance with ILS to include treatment of migrant workers in terms of labor rights and forced labor issues.

3.5.3. MWEA Implementation Agreements

The MWEA project implements activities primarily through MTUC and a small group of CSOs. To engage its partners, the ILO uses IAs, which describe the scope of work that MTUC and the CSOs are expected to undertake including deliverables, reporting requirements, budget, and timeframes. Typically, the implementing partners prepare technical and financial reports each quarter that include the achievement of their deliverables and expenditures against their budgets. Once approved, the project issues payment to the partners. In turn, MWEA uses these reports as input to prepare the technical progress reports (TPRs) for USDOL.

Table 12 shows the implementing partner, the partner's area of expertise, and the amount of funding it received to implement activities. MTUC received USD 90,853 to implement activities in its migrant resource centers. However, due to internal problems and the inability to sign checks, these funds have not been spent. To ensure the MRCs have resources to implement activities, the project provided USD 31,420 in what the ILO refers to as external collaboration contracts.

Table 12: Implementation Agreements by Partner, Area of Expertise, and Funding

| Implementing Partner | Area of Expertise | Funding Amount USD | Funding Period |
|--|--|--------------------|--------------------------|
| Malaysia Trade Union Congress (MTUC) | Trade union organizing, collective bargaining agreements, case management | 90,853 31,420 | 15-06-2016 to 14-06-2018 |
| Tenaganita | Outreach services, rescues, shelters, case management | 75,843 | 20-06-2017 to 19-06-2018 |
| North South Initiative (NSI) | Outreach services, community organizing, linkages to Indonesia and Nepal migrant workers | 43,263 | 05-02-2018 to 01-31-2019 |
| Project Liber8 | Communications, social media | 46,569 | 01-02-2018 to 01-31-2019 |
| Persatuan Sahabat Wanita Selangor (PSWS) | Outreach services, community organizing, linkages to Cambodia migrant workers | 35,162 | 31-07-2018 to 28-02-2019 |

During interviews with the implementing partners, the evaluator discussed the effectiveness of the IAs. The primary frustration that the partners are having with the IAs is the reporting. They find it difficult to prepare and submit reports every three months due largely to limited staff. Implementing partner representatives told the evaluator that the IA funding amounts are small and short-term yet require a substantial level of effort of reporting, which represents another level of challenge for the implementing partners.

The partners also are experiencing difficulty meeting ILO quality requirements for the reports. The project provided a M&E training that covered the preparation of technical and financial reports and the national project coordinator provides on-going technical assistance to partners when requested. Nevertheless, the partners told the evaluator that they would like to have more training to help ensure that they are able to submit high quality reports.

Another factor that decreased the effectiveness of the IAs was the long approval process for the NSI and Project Liber8 agreements, which took nearly seven months. The NSI executive director

expressed frustration with the long approval process. He explained that NSI submitted a proposal to the ILO in May 2017 but did not receive funds until March 2018.

As discussed previously, USDOL agreed to allow sub-awards to MWEA implementing partners to be considered contracts instead of grants as long as they passed through the USDOL grant approval process. The approval process requires a project revision request from the grantee, review and approval by USDOL's Office of Grants Management (OGM), and eventually a project modification to the cooperative agreement issued by OGM. The USDOL approval process is lengthy and contributed to the delays in awarding the IAs to the implementing partners.

Towards the end of the evaluation, the evaluator learned that delays in the IA approval process had been resolved. According to the USDOL Grant Officer Representative (GOR), the OGM decided that the IAs do not meet the requirements for a sub-award or sub-contract and thus a project modification is not necessary, which means MWEA will be able to utilize the funds that are already budgeted for IAs without passing through USDOL's grant approval process.

Under the terms of the IAs, the implementing partners are required to provide a similar range of services to migrant workers under Outcome 2 that includes outreach information and education, case management, training, and trade union or association organizing. The exception is Project Liber8, which is responsible for youth awareness raising and support under Outcome 3. However, during interviews with the partners, the evaluator realized that each partner possesses different but complementary skill sets and experiences.

Given the relatively small and short-term nature of the funding provided through the IAs, the evaluator believes it would be more efficient and effective if the project encouraged the partners to leverage each other's strengths to create synergies. For example, NSI does not have the experience nor interest to manage cases but does have a strong relationship with Indonesian migrant workers through Serantau. The project would be better served if NSI focused on building the capacity of Serantau and, in the process, refers cases to Tenaganita and requests for trade union organizing support from MTUC. The idea of leveraging partner strengths and experience is addressed in more detail as a recommendation in Section V.

3.6. Sustainability

The following section begins with an overview of the project's current sustainability plan, which is followed by an assessment of those outcomes and outputs that appear to be most sustainable and transferable to partners (Evaluation Question #12). In the process, the degree to which the project has built the capacity of its partners and stakeholders to provide services and meet needs of the beneficiaries is discussed (Evaluation Question #11). This section also discusses the actions the projects should take to ensure sustainability (Evaluation Question #13).

3.6.1. Overview of Sustainability Strategies

The 2017 MPG requires that grant recipients develop and submit a project document package that consists of the project document, results framework, work plan, PMP, outcomes-based budget, and sustainability strategy.⁴⁴ Section 4.2.1.6 of the MPG states the following:

*Recipients must submit a sustainability strategy, including a strategy for building local capacity as a means to promote project results beyond the life of the project, to the GOR as part of the initial draft Project Document Package. Recipients' strategies should explain how the project's specific outcomes will be sustained after the project ends. Recipients must report on the progress of the sustainability plan in each of their TPRs.*⁴⁵

The ILO submitted project documents, results frameworks, work plans, PMPs, outcomes-based budgets for both projects but did not submit sustainability strategies. While the project documents include a section where sustainability is discussed, the discussion falls short of a strategy that describes what outcomes the project intends to sustain and how these outcomes will be sustained once the project ends.

Although the discussions on sustainability in the project documents do not meet the standards of strategies, they possess key sustainability success factors that could be used to develop strategies. For example, both projects discuss the importance of strengthening local ownership and capacity as well as building resilient networks and identifying alternative sources of funding. These are the same factors that international investigators contribute to sustaining the impact of projects once funding ends. World Bank researchers identified the importance of creating ownership, building local capacity and strengthening local institutions as key factors contributing to and sustaining transformational change⁴⁶

The United States Agency for International Development's (USAID) Food for Peace Office, through the Food and Nutrition Technical Assistance project, commissioned a post project impact study to evaluate the sustainability of 12 USAID funded projects in four countries.⁴⁷ The study, which was conducted by Tufts University, identified a set of key factors that contributed to sustainability similar to those listed in the MWEA and LL-IRR project documents. These included identifying replacement resources, building institutional capacity of project partners, ensuring a gradual transition from project supported activities to independent operation well before the project ends, and creating horizontal and vertical linkages (i.e. networking) with organizations and other structures that can assist the partners when project resources are no longer available.

⁴⁴ Management Procedures & Guidelines for Cooperative Agreements, U.S. Department of Labor-Bureau of International Labor Affairs, Office of Trade and Labor Affairs, December 22, 2017.

⁴⁵ Ibid.

⁴⁶ Supporting Transformational Change for Poverty Reduction and Shared Prosperity: Lessons from World Bank Group Experience, 2016,

<http://ieg.worldbankgroup.org/sites/default/files/Data/reports/WBGSupportTransformationalEngagements.pdf>

⁴⁷ Sustaining Development: A Synthesis of Results from a Four-Country Study of Sustainability and Exit Strategies among Development Food Assistance Projects, Gerald J. and Dorothy R. Friedman School of Nutrition Science and Policy at Tufts University, October 2016 <https://www.fantaproject.org/research/exit-strategies-ffp>

The evaluator opines that the discussions on sustainability in both project documents contain the “building blocks” of viable sustainability strategies. The MWEA and LL-IRR projects should use these as well as other sustainability success factors identified in World Bank and USAID studies to develop a sustainability strategy. This is discussed in more detail as a recommendation in Section V.

3.6.2. Likelihood of Sustaining Outputs and Outcomes

This section assesses the extent to which project outcomes and outputs are likely to be sustained once the MWEA and LL-IRR projects end. The assessments are based on interviews with a variety of project stakeholders as well as the opinion of the evaluator and are presented below by project. The MWEA outcomes and outputs most likely to be sustained are discussed below in Table 13.

Table 13: MWEA Outcomes and Outputs Most Likely to be Sustained

| Outcomes and Outputs | Analysis |
|--|---|
| Outcomes | |
| Increased capacity of civil society to deliver services to migrant workers. | The CSOs implementing project activities were chosen because they already possess capacity to deliver services to migrant workers. For example, Tenaganita has strong competencies in case management, rescues, and shelter while MTUC has strong competencies in outreach services and organizing workers. Nevertheless, the experience gained by implementing the IAs and providing services to migrant workers should add to their capacity to deliver these kinds of services. The primary threat to sustaining increased capacity, however, is the lack of resources to continue to provide services to migrant workers once the project ends. The project’s implementing partners have limited funding and do not possess strong fundraising capabilities. This is discussed in more detail in Section V as a recommendation. |
| Increased knowledge of migrant workers regarding their rights and how to claim them. | Those migrant workers who participated in training provided by the implementing partners should increase their knowledge about their rights that should be sustained in the short-term. As research suggests, new knowledge that is not continuously reinforced tends to not to be sustained in the medium to long term. ⁴⁸ However, to claim rights, the migrant workers depend on the implementing partners to file complaints with the labor department, work with police to rescue workers, and so forth. It is not clear whether migrant workers and migrant worker associations will be able to claim labor rights without the support of Malaysian CSOs. The project’s sustainability strategy should ensure that migrant worker associations are vertically linked to resources that can help ensure that rights can be claimed. |
| Malaysian youth have increased empathy for and understanding of contribution of migrant workers. | Those youth who become engaged in the migrant worker campaign through social media and other activities should increase their understanding of the contribution of migrant workers that should be sustained once the project ends. Project Liber8’s social media strategies and tools are powerful and show potential to sustain impact. The key to sustaining the increased understanding of the contribution of migrant workers is sustaining some of the social media tools such as Facebook and Twitter, which is discussed below under outputs. |
| Outputs | |
| Outreach visits to migrant communities to educate | Since outreach services and organizing workers is one of MTUC’s mandates and since MTUC views organizing migrant workers as key to future growth in certain sectors |

⁴⁸ *Sales Training: Deploying Knowledge, Process and Technology to Consistently Hit Quota*, Peter Ostrow, 2010, <https://www.carew.com/pdf/aberdeen-sales-training-research-report.pdf>

| Outcomes and Outputs | Analysis |
|---|---|
| migrant workers on their rights and support community organizing. | such as construction, agriculture, and manufacturing, it will likely continue to conduct outreach to migrant communities and organize migrant workers where feasible. It is unlikely that other partners who do not have the same mandate and resources, such as NSI and PSWS, will continue these activities once the project ends and resources are no longer available. |
| Services to migrant workers including legal counselling, advise, case management, legal representation and shelter. | Those implementing partners who have the capabilities and experience providing services to migrant workers will likely continue to do so once the project ends. For example, it is likely that Tenaganita will continue to provide some level of counseling, case management, legal representation, and shelter as long as it has the resources. On the other hand, it is unlikely that NSI will be able to continue to provide services unless it can find new sources of funding. |
| Mini web documentaries to illustrate migrant workers' contribution to Malaysian society. | The web documentaries to illustrate migrant workers' contribution to the Malaysian economy is sustainable as long as Project Liber8 is able to maintain the website, Facebook page, and Twitter account. Based on discussions with the executive director, the evaluator believes the organization has the commitment and resources to sustain the social media tools. |

Table 14 summarizes the LL-IRR outcomes and outputs the evaluator believes are most likely to be sustained once the project ends.

Table 14: LL-IRR Outcomes and Outputs Most Likely to be Sustained

| Outcomes and Outputs | Analysis |
|--|---|
| Outcomes | |
| The Malaysian legal framework is more consistent with international labor standards. | The government appears committed to amending labor laws including the Employment Act, the Industrial Relations Act, and the Trade Union Act to bring them in line with ILS. However, labor law reform is only sustainable if the government is committed to their implementation including providing the required resources. |
| Increased knowledge of legal drafters on ILS and increased knowledge and ability of workers' and employers' organizations to provide inputs into draft revisions. | This outcome is actually the combination of two outcomes in the project's result framework. Based on the training and technical consultations that project intends to provide to MOHR, MTUC, and MEF, knowledge on ILS and how to incorporate it in labor law reform is sustainable in the short to medium term. However, as discussed in Table 13, new knowledge that is not continuously reinforced often dissipates. |
| Improved knowledge, skills and tools of the labor inspectors to enforce the labor law. | Based on discussions with MOHR representatives, the evaluator believes it is highly committed to establishing and sustaining a strong capability to train current and future inspectors and conciliators. The evaluator believes that once established, MOHR has the commitment and resources to sustain the training capacity. |
| Outputs | |
| Training plan, cadre of trainers trained, labor inspectors and other relevant government officials trained. New tools for conducting effective labor inspections are created and used. | The project's results framework contains three outputs linked to increasing the knowledge, skills, and tools of labor inspectors. If the project is able to work with the MOHR to establish a strong labor inspector and conciliator training capacity, the training program, training materials, and inspection tools should be sustained once the project ends. |

| Outcomes and Outputs | Analysis |
|---|--|
| Training materials on how to conduct efficient and effective labor inspections. | |
| An improved electronic information system for labor inspection. | Since the MOHR currently has and uses an electronic labor inspection information system, improvements to increase its effectiveness and efficiency should be sustained once the project ends. The key to sustaining the improvements is ensuring the system is meeting the needs of the labor inspectors and resources to support the improvements. The project is in the process of deciding what it might strategically invest in to improve the system. |

The evaluator did not include the dispute resolution component (Outcome 3) in the sustainability discussion because he did not have sufficient information to assess sustainability potential. Since the project has not started to implement activities related to Outcome 3, the evaluator did not interview stakeholders associated with dispute resolution such as conciliators, judges, and court officials.

3.7. Lessons Learned and Best Practices

The TOR includes an evaluation question asking what are the emerging good practices and lessons learned for both projects. The evaluator was unable to identify good practices and lessons learned for the LL-IRR project because it has only recently started to implement activities as discussed previously. The evaluator was able, however, to document several lessons learned and emerging good practices for the MWEA project based on MTUC and Tenaganita experience implementing activities over the past year.

3.7.1. MWEA Lessons Learned and Emerging Good Practices

Lessons Learned

Migrant cases can take several years to resolve. The process of documenting violation of migrant worker rights, filing a claim with the labor department, the labor department’s investigation and requests for information, preliminary judgements, appeals, and final decisions can take years while migrant worker contracts typically run from six months to a year or, in some cases, two years. Therefore, there will always be a relatively larger number of cases that are in the process of resolution or that are not resolved during the migrant worker’s contract.

While difficult to achieve, convincing local workers and migrants workers to collaborate is critical to establishing trade unions and negotiating collective bargaining agreements. Typically, local workers and migrant workers do not collaborate on reporting labor rights violations and organizing trade unions because local workers often think migrant workers take their jobs. Differences in

languages and cultures also complicate the relationship. Nevertheless, when local workers and migrant workers learn to collaborate, experience shows that they are more likely to be successful at organizing trade unions and negotiating collective bargaining agreements.

Convincing migrant workers to report cases of labor rights violations is difficult because they fear being repatriated. Migrant workers are typically under the threat of employers to have their contracts terminated and sent home if they attempt to form or join trade unions. Employers also threaten to send migrant workers home if they file complaints with the labor department. These threats create fear and uncertainty in many migrant workers who often decide not to file complaints against employers.

Written pre and post testing is not appropriate for some migrant workers. Implementing partners are having trouble administering written pre and post-tests, which are required to test improvements in knowledge for some indicators. Migrant workers typically do not speak Malay and many are illiterate, which complicates taking written tests. In addition, some migrant workers, especially undocumented workers, are reluctant to provide written information because they believe it could be used to repatriate them. The challenge for the implementing partners is to find acceptable and appropriate testing methods that can be used to measure the effectiveness of training.

Emerging Good Practices

Mentoring Implementation Partners. The MWEA national project coordinator provides on-going mentoring to implementing partners designed to assist them to meet the IA reporting requirements. The coaching and mentoring is catered to the specific needs of each partner and, according to the partners, is highly effective and contributes to increasing their organizational capacity.

Involving Young Lawyers. The Malaysia Bar Council Legal Aid Scheme requires “pupils -in-chambers” to participate for a minimum of 14 days in a legal aid program. MTUC and Tenaganita collaborate with the Bar Council’s Legal Aid Centres to place young lawyers in their migrant resource centers to use their legal knowledge and skills assist migrant workers. The experience creates awareness among the volunteer about the plight of migrant workers and, at the same time, benefits migrant workers who require legal assistance to resolve their cases.

IV. CONCLUSIONS

Following are the evaluator's conclusions based on the findings. The conclusions specifically answer the evaluation questions and are organized according to relevance and strategic fit, validity of project design, project effectiveness and efficiency, effectiveness of project management, sustainability, and lessons and good practices.

4.1. Relevance and Strategic Fit

Evaluation Question #1: To what extent are project objectives and interventions relevant to the needs and priorities of government, project beneficiaries, and other local stakeholders? Are the interventions addressing the needs of beneficiaries?

Relevance of the MWEA Project

The evaluator believes MWEA is relevant to the needs and priorities of the key stakeholders and that the interventions are addressing the needs of beneficiaries as explained below.

The MWEA project is relevant to migrant workers but MOHR has not been able to note improvements in resolving cases, which might be explained by the fact that the MOHR database does not distinguish the agency of organization responsible for resolving the case. In this way, the MWEA implementing partners are not credited for resolving cases.

While MWEA is relevant to MTUC, the project has not consulted sufficiently with its tripartite constituents including the decision to provide funding to CSOs. MTUC, while not opposed to MWEA collaborating with CSOs, believes it should be given a more prominent role in the project since trade unions is one of the ILO's tripartite constituents. On the other hand, the ILO's Multilateral Framework on Labour Migration encourages close collaboration with CSOs because they possess highly relevant experience working with migrant workers. It should be noted that even though MTUC would like to have a more prominent role in the project, including funding, it has not been able to spend funds allocated by MWEA due to an internal conflict.

MWEA is highly relevant to MEF because migrant workers are being exploited in Malaysia, especially in small to medium companies. To increase its relevance, MEF believes that the ILO should help the government simplify the process of hiring foreign workers so it is less bureaucratic and educate potential migrant workers in neighboring countries about how to acquire the proper documents so they can come to Malaysia to work legally.

While the CSO partners believe that the MWEA project is highly relevant and is addressing important needs of migrant workers, they are not certain that the new government is committed to addressing migrant workers' rights because it is conducting "raids" in workplaces, residential areas, and shopping areas where foreigners without proper documents are apprehended and incarcerated pending an investigation. Those incarcerated include migrant workers who become "undocumented" because of labor exploitation such as trafficking or deceitful practices by employment agencies.

Relevance of the LL-IRR Project

LL-IRR's focus on labor law reform, improving the labor inspection system, and dispute resolution is highly relevant. While MOHR welcomes technical and financial support from the ILO to reform labor laws, it would like the LL-IRR project to focus on its priorities such as establishing a training of trainers (TOT) capability to train new inspectors and conciliators that it intends to hire.

While MTUC believes that reforming labor laws and improving the labor inspection system and dispute resolution are highly relevant areas to address, MTUC believes the project is not currently meeting its needs because there has been very little consultation. MTUC would like for LL-IRR to be more transparent about activities and resources. MTUC believes it could be an important ally in reforming labor laws but needs funding for training and to hire a coordinator.

MEF also believes that labor law reform is important because current labor laws are outdated and should be reformed so they are relevant for the new economy. MEF believes labor laws should support new forms of employment such as flex time and conciliation processes that would help Malaysia develop competitive advantages over its regional competitors. To increase the project's relevancy to MEF priorities, MEF believes that the ILO should be more transparent and include MEF as a true tripartite partner.

4.2. Validity of Project Design

Evaluation Question #2: Do the projects have realistic, logical, and coherent designs with clearly defined outcomes, outputs and indicators? Are the theories of change still valid? Are the targets realistic? Are project design modifications necessary in the second half of the project?

The MWEA project design, including the theory of change, is valid and follows a strong cause and effect logic. The outcomes and outputs are also written so they meet the guidance provided in the 2015-MPG. The MWEA results framework includes two levels of objectives that could be simplified by either eliminating or combining objectives, which would simplify the design and reduce the data collection burden on the CSOs implementing the project.

The LL-IRR project design and theory of change is also valid and follows a strong cause and effect logic. In general, the long and medium-term outcomes are written so they meet the guidance provided in the MPG. However, the results framework does not include outputs, which is required by the MPG. It appears that the project is using short-term outcomes as outputs in the results framework.

Evaluation Question #3. Are the indicators measurable given operational realities on the ground? Are the indicators and means for verifying them appropriate?

The MWEA indicators listed in the PMP are appropriate and provide realistic achievements of the LTOs. However, the MWEA project document and PMP use different terminology. The PMP follows the MPG guidance, which refers to the goal as the long-term outcome and to objectives as short-term and medium term. The project document, on the other hand, refers to the long-term outcome as the goal and to the objectives as medium-term and long-term.

While the majority of the indicators in **LL-IRR** project's PMP appropriately measure achievements, several require adjustments and the outputs require indicator targets. Furthermore, the PMP does not list the indicator unit of measure and definition, frequency of data collection, person responsible, and a description of data analysis and use.

4.3. Project Effectiveness and Efficiency

Evaluation Question #4: How effective are the projects' implementation strategies and interventions at achieving the corresponding outcomes?

The **MWEA** strategies include organizational strengthening, migrant worker services, union organizing, and awareness raising for youth. To build the *organizational capacity* of the partners, the project intends to provide a variety of training. While the training that the project has or intends to deliver increases organizational capacity, the major challenge MWEA's implementation partners face is generating enough funds to remain viable.

MWEA partners reported 977 *cases* with a resolution rate of 21 percent. However, they face challenges in trying to resolve cases such as employers resisting labor department decisions or constructing obstacles that create delays. While project partners have reached nearly 6,000 migrant workers with *outreach services*, the raids conducted by immigration officials and police to capture and repatriate undocumented workers have hampered outreach efforts because migrant workers are afraid to go to public places such as shopping centers and bus stations because they might be captured in one of the raids.

Project partners have provided formal *training* to over 800 migrant workers on labor rights issues. Training could be more effective by incorporating different training methodologies such as games, role playing, and cases as well as providing team building and leadership training. While MTUC has been able to *organize* 569 Indonesian migrant workers in an association related to the newly formed trade union at the Panasonic plant in Penang, many migrant workers are reluctant to join trade unions because employers threaten to terminate their contracts and send them home.

Since Project Liber8 is only beginning to implement its *youth awareness* strategies, it is too early to determine the effectiveness of these strategies.

The **LL-IRR** project has only recently started to implement its strategies due to delays caused by recruiting and hiring key personnel; the US decision to withdraw from the TPP and the uncertainties it caused; a long and protracted project document approval process; and other distractions. Therefore, the evaluator was not able to comment on the effectiveness of the LL-IRR strategies.

Evaluation Question #5: What is the likelihood that planned activities, outputs and outcomes will be achieved within the proposed timeframe? What internal and external factors have hindered or facilitated achievement of the projects' outcomes?

A range of delays have affected the performance of both projects. While **MWEA**'s PMP consists of 16 indicators, the project has only made progress on nine due to delays consisting of difficulty recruiting and hiring key personnel, development and approval of the project document package,

and approval of the IAs. MWEA is in the process of requesting a no-cost extension that would allow it additional time to achieve its indicator targets and spend its grant funds.

The **LL-IRR** project has only managed to make progress on six of the 20 indicators listed in the PMP due to delays. The most significant delay was in the recruitment and hiring of key personnel which took nearly one year after the ILO and USDOL signed the cooperative agreement. In addition, the decision of the US to withdraw from the TPP created uncertainty about how to proceed that resulted in delays as well as the development and approval of the project document package, which took nearly nine months. To achieve its indicator targets and spend its funds, LL-IRR requested a 12-month no-cost extension that USDOL is in the process of approving.

Evaluation Question #6: How efficiently are the projects using resources to achieve the outcomes?

Due to the late start and other delays, the **MWEA** project is underspent by approximately 19 percent. Based on its average monthly expenditure rate of USD 30,523, the project would need 15 more months to spend the remaining funds. Since the MWEA project is scheduled to end on February 24, 2019, the project will need to either increase its monthly expenditures from USD 30,523 to USD 51,388 or request a no-cost extension to spend the remaining funds. As noted above, the project is in the process of requesting a no-cost extension.

The LL-IRR project is underspent by about 31 percent. Assuming that USDOL approves the 12 month no-cost extension described above, the project would have 21 months to spend USD 1,222,936 or USD 58, 235 per month. In the opinion of the evaluator, since responsibly spending USD 58,235 per month would be extremely difficult, the project might have to request another no-cost extension.

4.4. Management Effectiveness

Evaluation Question #7: How effective is the project management structure including ILO decentralization to the regional offices? To what extent do project management capacities and staffing arrangements support or limit the achievement of the outcomes?

The management structures for the MWEA and LL-IRR projects are similar. Each project has a project manager, national project coordinator, and an administrative assistant. The deputy regional director based in Bangkok, Thailand, provides management support and supervision to the project managers. The regional finance office provides support to the projects, specifically to the administrative assistants, on the ILO's financial system and software. Projects staff believe the management structures are appropriate and are satisfied with the level of supervision.

Given the rapid growth of ILO projects in Malaysia from one in 2015 to five in 2018 with two more projects scheduled to begin as soon as key personnel are hired, the ILO office in Malaysia would benefit from having a dedicated program coordinator to represent the ILO to key constituents and partners and help coordinate the various projects to achieve greater integration and synergy.

Evaluation Question #8: How effective is the backstopping support provided by the ILO to the project?

Technical experts based in ILO regional office in Bangkok provide technical support and backstopping to both projects. While MWEA project managers are satisfied with the level of technical support they receive, they would like to have more frequent visits and more consistent follow-up from the regional office. However, the projects understand that technical staff are serving the entire Asia and Pacific region. The former MWEA project manager would have liked to have had more support from the ILO PARDEV unit in Geneva in developing the USDOL project document package, especially the results framework and PMP.

Evaluation Question #9: How effective are the implementation agreements that MWEA has with its social partners and can they be used as a model for similar OTLA funded projects? What are the roles of MWEA staff and what are the roles of the implementing organizations?

The MWEA project implements activities primarily through a small group of CSOs including the MTUC using IAs. With some training and on-going technical assistance from MWEA, the implementing partners prepare technical and financial reports each quarter that include the achievement of their deliverables. Once approved, the project issues payment to the partners. In turn, MWEA use these reports as inputs to prepare the TPRs for USDOL. The partners find it difficult to prepare and submit reports that meet ILO standards every three months due largely to limited staff. In addition, the long approval process for the NSI and Project Liber8 agreements, delayed implementation.

The IAs are an effective and efficient mechanism for the ILO to channel funds to organizations who have the required technical capability and experience to implement field-based activities. However, ILO implementing partners require training and on-going technical assistance to help them prepare and submit technical and financial reports. Given the level of support many CSOs require, the IAs would only be a model for OTLA funded projects with a primary grantee who could provide the necessary oversight and support to the implementing partners.

Evaluation Question #10: Are the projects working effectively with other ILO projects in Malaysia in order to maximize resources and avoid duplication of efforts?

The PAC is an effective coordination mechanism that helps the projects communicate with its partners. The MWEA and TRIANGLE projects support the same activities and share costs under the MTUC and Tenaganita IAs. They, along with the IMG project, develop joint workplans to help avoid duplication of activities. While they share costs, both projects report the same number of beneficiaries that represents double counting. MWEA and TRIANGLE should report only those beneficiaries that their resources benefit.

Both MWEA and LL-IRR provided input to the Bridge project's policy paper on forced labor and the MWEA and Bridge projects are collaborating to jointly provide training to MWEA implementing partners on forced labor. Given overlapping interests between MWEA and LL-IRR, the projects could collaborate more to create synergies on labor law reform and labor inspections that protect the rights of migrant workers.

4.6. Sustainability

Evaluation Question #11: To what extent has the project strengthened the capacity of implementing partners to provide services and meet the needs of the beneficiaries?

One of MWEA's three outcomes intends to build the capacity of the implementing partners to provide services to migrant workers. The project provided one training on developing and submitting technical and financial reports, which is a requirement of the IAs. The project also provides on-going coaching and mentoring to implementing partners on these technical and financial reporting requirements. While additional trainings are envisioned on forced labor and psycho-social interventions, the major challenge MWEA's implementation partners face is generating enough funds to remain viable once the project ends.

Evaluation Question #12: To what extent are projects' outcomes and interventions sustainable? What is the likelihood that interventions by implementing partners could be replicated or scaled up after the projects closes?

The **MWEA** outcomes and outputs most likely to be sustained include the following:

- Increases in the short-term in knowledge of labor rights by those migrant workers who participate in training.
- Increases in understanding of the contribution of migrant workers by youth who become engaged in the migrant worker campaign.
- Outreach services and organizing conducted by MTUC.
- Migrant worker services provided by those partners who had previous capabilities and experience such as case management services provided by Tenaganita.
- The migrant worker campaign social media tools such as Facebook and Twitter by Project Liber8.

The **LL-IRR** outcomes and outputs most likely to be sustained include the following:

- Amending labor laws including the Employment Act, the Industrial Relations Act, and the Trade Unions Act to bring them in line with ILS.
- Knowledge on ILS and how to incorporate it in labor law reform in the short to medium term.
- MOHR training of trainer capacity to train current and future inspectors and conciliators.
- Improvements in MOHR's existing electronic labor inspection information system.

Evaluation Question #13: What actions should be taken now to ensure project sustainability for both projects?

While the project documents for MWEA and LL-IRR include a section where sustainability is discussed, the discussion falls short of a strategy that describes what outcomes the project intends to sustain and how these outcomes will be sustained once the project ends. Although the

discussions on sustainability in the project documents do not meet the standards of strategies, they possess key sustainability success factors that could be used to develop strategies. They include discussions on strengthening local ownership and capacity as well as building resilient networks and identifying alternative sources of funding. These are the same factors that international investigators contribute to sustaining the impact of projects once funding ends. The projects should use these key sustainability success factors to develop their sustainability strategies that will help ensure the sustainability of key outcomes and outputs.

4.7. Lessons and Good Practices

Evaluation Question #14: What are the emerging good practices and lessons learned for both projects?

The evaluator was unable to identify good practices and lessons learned for the LL-IRR project because it has only recently started to implement activities. The lessons learned and emerging good practices for the MWEA project are summarized below.

Lessons Learned

- The process of documenting violations of migrant worker rights, filing a claim with the labor department, the labor department's investigation and requests for information, preliminary judgements, appeals, and final decisions can take years while migrant worker contracts typically run from six months to two years.
- Local workers and migrant workers tend not to collaborate on reporting labor rights violations and organizing trade unions because local workers often think migrant workers take their jobs. Differences in languages and cultures also complicate the relationship.
- Migrant workers are typically under the threat of employers to have their contracts ended and sent home if they attempt to form trade unions or join existing trade unions. These threats create fear and uncertainty in many migrant workers who often decide not to file complaints against employers.
- Implementing partners are having trouble administering written pre and post-tests, which are required to test improvements in knowledge for some indicators. Migrant workers typically do not speak Malay, many are illiterate, and some are reluctant to provide written information because they believe it could be used to repatriate them. The challenge for the implementing partners is to find acceptable and appropriate testing methods that can be used to measure the effectiveness of training.

Emerging Good Practices

- The MWEA national project coordinator provides on-going mentoring to implementing partners designed to assist them to meet the IA reporting requirements, which is effective and contributes to increasing their organizational capacity.

MTUC and Tenaganita collaborate with the Malaysia Bar Council's Legal Aid Centres to place young lawyers in their migrant resource centers to use their legal knowledge and skills assist

migrant workers that creates awareness among the volunteers about the plight of migrant workers and benefits migrant workers who require legal assistance to resolve their cases.

V. RECOMMENDATIONS

The following recommendations, which are based on the findings and conclusions, are intended to provide the MWEA and LL-IRR project staff, ILO, and USDOL with specific actions that can further strengthen project outputs and outcomes and increase the potential for sustainable impact. The recommendations are organized by those for MWEA, LL-IRR, both MWEA and LL-IRR, and USDOL and the ILO.

5.1. Recommendations for MWEA

5.1.1. MWEA should request a no-cost extension to ensure that the project is able to achieve its indicator targets and spend the remaining funds of its grant. Due to a series of delays, MWEA is significantly behind its original implementation schedule. Three of its five implementing partners have only recently started to implement activities due to the long IA approval process. Assuming no further delays, the project will likely need an additional nine months to achieve its targets and expend its resources, which would extend the project's end date through December, 2019.

5.1.2. MWEA should coordinate with the TRIANGLE project to determine which beneficiaries they report to donors to avoid double counting. The MWEA and TRIANGLE support the same activities and share costs under the MTUC and Tenaganita IAs. However, both projects report the same beneficiaries to donors, which represents double counting. The projects should only report those beneficiaries that their funds support such as the number of migrant workers trained or the number of migrant workers receiving labor rights information from implementing partners.

5.1.3. MWEA should consider eliminating or combining objectives to form one level of objective hierarchy in its results framework, which would simplify the design and reduce the data collection burden on implementing partners. For example, the project could eliminate MTO 1 and 2 since the STOs measure changes in knowledge and behavior linked to the overall development objective. MTO 3 and STO 3.1 could be combined and restated as youth who demonstrate increased understanding and support for migrant worker rights and their welfare.

5.1.4. MWEA should modify its project document to ensure the terminology is consistent with the PMP and the project design guidance in the 2015-MPG. The project should also consider including those output indicators in the PMP that implementing partners are required to report as a requirement of the IAs. As specified in the 2015-MPG, MWEA should develop end-of-project indicator targets and report achievement against targets in the full TPRs using the data tracking table.

5.1.5. MWEA should encourage the implementing partners to work as a team to leverage each other's strengths in order to create synergies. Currently, partners are responsible for similar activities and deliverables that are stated in the IAs. Given the relatively small and short-term nature of the funding provided through the IAs, it would be more efficient and effective if the project encouraged the partners to leverage each other's strengths to create synergies. For example, those partners with more experience managing cases would take the lead on case management while those with more experience organizing workers and developing collective bargaining

agreements would take the lead on trade union organizing. Each partner possesses special competencies and experiences that could benefit the other partners.

5.1.6. MWEA should contract a fundraising specialist to provide additional training and technical assistance to the implementing partners to help build their capacity to generate both restricted and unrestricted resources.⁴⁹ The project intends to train partners on developing proposals, which is an important step towards building fundraising capacity. However, to help ensure sustainability, the partners require additional training and technical assistance on strategies to generate restricted and unrestricted resources and create linkages to potential funding sources including donors.

5.1.7. MWEA should investigate training evaluation methodologies that are appropriate for adult learners in a cross-cultural context. While traditional written pre and post tests are not appropriate for many migrant workers, a range of training evaluation methods are available that can be used to assess the effectiveness of training conducted by the implementing partners.⁵⁰ The project might contract an adult learning specialist with experience working in cross-cultural settings to help develop appropriate training tools and methods that implementing partners can use to measure changes in knowledge, attitudes, practices resulting from their training activities.

5.1.8. MWEA should assess the methodologies its implementing partners are using to train migrant workers to ensure they are using participatory and dynamic methods based on adult learning principles.⁵¹ Based on the findings of the assessment, the project should provide additional training and technical assistance to its partners on state-of-the-art adult learning methodologies in order to increase training effectiveness. These might include case studies, games, role playing, and practicums.

5.2. Recommendations for LL-IRR

5.2.1. LL-IRR should work with MOHR to develop a “roadmap” consisting of a short list of high priority objectives for MOHR that fall within the LL-IRR’s mandate. The high priority objectives should be those that MOHR and the project can achieve in a relatively short period of time to take advantage of the new government’s interest and willingness to address labor issues such as labor law enforcement. These high priority objectives would most likely include amending existing labor laws so they are more consistent with ILS and building the capacity of MOHR to train its inspectors and conciliators. MOHR and the ILO should develop a specific action steps required to achieve each priority objective along with a specific timeframe.

5.2.2. LL-IRR should re-evaluate its activities, outputs, and resources it has planned under each component to determine whether it can realistically achieve its indicator targets and spend its funds by March 31, 2020.⁵² Due to a series of delays, LL-IRR has only recently become fully operational.

⁴⁹ Restricted funds refer to monies that organizations can only be used for a specific purpose such as funds from the ILO to implement migrant worker projects. Unrestricted funds refer to monies that organizations can use toward any purpose within the organizations purpose and mandate.

⁵⁰ The project might consider reviewing community-based data collection methods such as participatory rural appraisals or rapid rural appraisals that use a variety of data collection methods and tools that are appropriate for local communities.

⁵¹ <https://www.simplypsychology.org/learning-kolb.html>

⁵² The March 31, 2020 end-of-project date assumes that USDOL approves the request for a 12-month no-cost extension.

The project has approximately 21 months to implement 42 activities planned under the three components and spend USD 1,222,936 or USD 58,235 per month. Spending USD 58,235 per month in a responsible manner would be extremely difficult. One option would be to strategically focus on those activities and outputs that are priorities and that can be achieved by March, 2020. Then request another no-cost extension to implement the remaining activities and outputs. The activities and outputs planned under the dispute resolution component might be those that could be postponed.

5.2.3. LL-IRR should modify its results framework and PMP to convert STOs to outputs so they are consistent with guidance provided in the MPG. Indicator targets that specify the kind and amount of each output should be developed and incorporated into the PMP. The project should also develop units of measurement and definitions for those terms used in the indicators and complete the missing information in the PMP matrix for reporting frequency, person responsible, and data analysis and use.

5.3. Recommendations for MWEA and LL-IRR

5.3.1. MWEA and LL-IRR should increase the frequency of communication with its partners including meetings when appropriate. Key stakeholders of both projects believe more frequent and consistent sharing of information including providing stakeholders with updates would help increase the effectiveness of projects. Each project might consider preparing and sending monthly updates to partners highlighting “news” or “happenings” about the projects. MWEA should consider conducting regular meetings with its implementing partners to facilitate communication and collaboration, share lessons learned, and leverage each partner’s strengths as noted in Recommendation 5.1.5.

5.3.2. MWEA and LL-IRR should develop comprehensive sustainability strategies before the end of 2018 that provide clear roadmaps to sustainability. The sustainability strategies should define the output or outcome to be sustained, the strategy to sustain the output or outcome, the government agency or partner organization responsible for the different strategies, the timeframe for implementing the strategies, and the required resources to implement the strategies. The sustainability plan should include a set of indicators or benchmarks to measure progress in implementing the plan.⁵³ The sustainability plan should also include the sustainability success factors identified in the World Bank and USAID studies. The projects should not wait until the final months to develop and begin implementing the sustainability strategies.

5.4. Recommendations for ILO and USDOL

5.4.1. ILO Geneva should approve the ILO regional office’s request to place a national program coordinator in Malaysia who would serve as the point of contact for ILO’s constituents and partners and help coordinate the portfolio of ILO projects in Malaysia. Given the rapid growth of ILO projects in Malaysia from one in 2015 to five in 2018 with two more projects scheduled to begin implementation soon, the ILO office in Malaysia would benefit from having a dedicated

⁵³ Note that the indicators or benchmarks are intended to measure progress in implementing the plan but are not meant to measure sustainability. Sustainability is best measured once the project ends during a post-impact evaluation, which is beyond the scope of the MWEA and LL-IRR projects.

program coordinator to help coordinate the various projects and represent the ILO to key constituents and partners. Another important role of the national program coordinator would be to help integrate the projects so they create synergies where potential exists. For example, how can labor law reform and the labor inspection system better protect the rights of migrant workers? The ILO Malaysia Decent Work Country Program could serve as an effective unifying framework for migrant worker rights, forced labor, labor law reform, labor inspection, and dispute resolution.

5.4.2. USDOL and the ILO should work together to determine how to ensure a more efficient project document package submission and approval process. Ideally, USDOL should have clear quality standards that project document package submissions are expected to meet, which are communicated to the ILO through the MPG and other means. In turn, the ILO should designate the appropriate global unit in Geneva to “host” the project document package requirements and ensure it has staff who understand the standards and who are able to provide guidance and technical assistance to the ILO project managers and technical advisors who are responsible for developing the project document packages.⁵⁴ With clear standards, guidance, and technical support, the ILO project managers and the corresponding ILO technical advisors should be able to develop and submit project document packages that require minimal revisions thus shortening approval times, decreasing delays, and increasing efficiency.

⁵⁴ Partnering for Development, which is responsible for the ILO’s development cooperation strategies, would be a logical “host” for the USDOL project document package requirements and standards.

ANNEXES

Annex A: Terms of Reference

An Independent Multi-Project Evaluation of *Protecting Rights of Migrant Workers through Empowerment and Advocacy* and *Support for Labor Law and Industrial Relations Reform*

The U.S. Department of Labor (USDOL) has contracted O'Brien and Associates, International (OAI) to undertake an external evaluation of the *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* and *Support for Labor Law and Industrial Relations Reform in Malaysia* projects. Both projects are funded by USDOL and implemented by the International Labour Organization (ILO). The evaluation is intended to assess and document the achievements of the project, assess the likelihood of sustaining key project outputs and results, and document good practices and lessons learned that could be applied to other USDOL-funded projects.

The following Terms of Reference (TOR) serves as the framework and guidelines for the evaluation. It is organized according to the following sections.

1. Background of the Projects
2. Purpose, Scope, and Audience
3. Evaluation Questions
4. Evaluation Management and Support
5. Roles and Responsibilities
6. Evaluation Methodology
7. Evaluation Milestones and Timeline
8. Deliverables and Deliverable Schedule
9. Evaluation Report

1. Background of the Projects

Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia (MWEA) October 1, 2016 – February 24, 2019

Malaysia is a major destination country for migrant labor in Asia. The number of migrant workers in Malaysia with regular status is nearly 2 million, and there are a significant number of workers with irregular status. As with most destination countries in the region, labor migration in Malaysia is managed through temporary programs, and primarily for "low-skilled" work, sometimes characterized as '3D' - dirty, dangerous and degrading. There have been many abuses faced by migrant workers in Malaysia, committed by recruitment agencies and employers, ranging from excessive recruitment fees, to serious violations of the terms and conditions of employment, among others. These highlight the gaps between existing labor laws and policies and their implementation, and, likewise, differential treatment of nationals and migrant workers.

The project's goal is to build the capacity of workers' organizations or other civil society organizations to assist migrant workers in Malaysia. To achieve the goal, the project has the following three principle objectives:

1. Malaysia civil society is empowered to better support migrant workers in realization of their rights.
2. Migrant workers are empowered to realize their rights.
3. Malaysian youth demonstrate increased support for the rights and welfare of migrant workers.

Although the government has made efforts, and representations of additional steps in the future, to address the problems faced by migrant workers, the gaps in the law and its application noted above continue to make it difficult for workers to claim their legal rights. It is important for workers' organizations and other civil society organizations to further build their capacity to educate migrant workers about their individual and collective labor rights and to advocate on their behalf to help them secure those rights. The project's target groups include trade unions, civil society organizations and migrants' associations in Malaysia, including the Malaysian Trades Union Congress, Tenaganita, and North South Initiative.

Support for Labor Law and Industrial Relations Reform in Malaysia (LL-IRR) October 1, 2016 – March 30, 2019⁵⁵

While the Government of Malaysia (GOM) has taken important steps to improve protection of worker rights, concerns remain regarding a number of Malaysia's labor laws and practices related to freedom of association and collective bargaining, forced labor, child labor, and employment discrimination. While Malaysia's labor legislation has been amended a number of times, the core of the legislation has remained largely unchanged. The GOM has indicated its intention to reform the Industrial Relations Act, the Trade Union Act, the Employment Act, as well as other pieces of legislation related to migrant workers and private employment agencies. The government has also undertaken to strengthen its labor inspection system and improve industrial relations institutions and practices.

For the inspectorate to fully leverage its role in protecting all workers and ensuring that national laws are respected, it must collaborate with workers', employers' and their organizations to better understand the compliance gaps and to leverage their voice in community outreach and awareness raising, particularly with respect to the new laws and regulations that are expected to be adopted. Improved industrial relations skills, focused on collective bargaining for workers and employers, as well as dispute resolution for relevant government agencies, will also be required under the new regulatory framework.

⁵⁵ The Project has applied for a no-cost extension until March 2020.

To support the GOM's efforts to reform labor legislation and strengthen the role of the labor inspectorate, the project has the following three objectives:

1. The Malaysian legal framework is more consistent with international labor standards.
2. The Malaysian labor inspection system is more effective at enforcing labor laws, decrees or regulations, and other enforceable instruments.
3. Labor disputes are resolved more effectively and efficiently.

The project's strategies consist of three distinct and mutually reinforcing components that include (1) legal and regulatory reform; (2) labor inspection assessment and strategic planning; and (3) reform of the dispute resolution system, and training of relevant government officials, workers' and employers' organizations, and adjudicators.

2. Purpose, Scope, and Audience of Evaluation

The **purpose** of the multi-project evaluation is to:

1. Identify key challenges to project implementation and draft recommendations on how to overcome those challenges.
2. Assess effectiveness of the interventions, performance and achievements, and the potential impact of the projects.
3. Identify implementation strategies that will lead to maximum impact and ensure the achievement of the project's desired results.
4. Identify emerging good practices and consider lessons learned.

The **scope** of the evaluation will include interviews with key project personnel, partners, and target groups in Malaysia for the MWEA and LL-IRR projects. MWEA target groups include trade unions, civil society organizations and migrants' associations (Malaysian Trades Union Congress, Tenaganita, and North South Initiative). LL-IRR target groups include labor inspectorate, workers' and employers' organizations, and adjudicators.

The primary **audiences** of the evaluation are USDOL and ILO. Both organizations intend to use the evaluation report to determine the strengths and weaknesses of the project design and implementation.

3. Evaluation Questions

The following evaluation questions apply to both projects unless otherwise indicated in the question. These questions will be used to provide the overall framework for the evaluation and to develop the variety of data collection instruments. The evaluation questions are organized according to six categories: relevance and strategic fit, validity of project design, effectiveness and efficiency of the projects' strategies and interventions, effectiveness of management structures and arrangements, sustainability, and emerging good practices and lesson learned. The evaluation will also examine the ILO cross cutting issues including gender equality and non-discrimination, promotion of international labor standards, and social dialogue.

Relevance and Strategic Fit

1. To what extent are project objectives and interventions relevant to the needs and priorities of government, project beneficiaries, and other local stakeholders? Are the interventions addressing the needs of beneficiaries?

Validity of the Project Design:

2. Do the projects have realistic, logical, and coherent designs with clearly defined outcomes, outputs and indicators? Are the theories of change still valid? Are the targets realistic? Are project design modifications necessary in the second half of the project?
3. Are the indicators measurable given operational realities on the ground? Are the indicators and means for verifying them appropriate?

Effectiveness and Efficiency

4. How effective are the projects' implementation strategies/interventions at achieving the corresponding outcomes?
5. What is the likelihood that planned activities, outputs and outcomes will be achieved within the proposed timeframe? What internal and external factors have hindered or facilitated achievement of the projects' outcomes?
6. How efficiently are the projects using resources to achieve the outcomes?

Management Effectiveness

7. How effective is the project management structure including ILO decentralization to the regional offices? To what extent do project management capacities and staffing arrangements support or limit the achievement of the outcomes?
8. How effective is the backstopping support provided by the ILO to the project?
9. How effective are the implementation agreements that MWEA has with its social partners and can they be used as a model for similar OTLA funded projects? What are the roles of MWEA staff and what are the roles of the implementing organizations?
10. Are the projects working effectively with other ILO projects in Malaysia in order to maximize resources and avoid duplication of efforts?

Sustainability

11. To what extent has the project strengthened the capacity of implementing partners to provide services and meet the needs of the beneficiaries?
12. To what extent are projects' outcomes and interventions sustainable? What is the likelihood that interventions by implementing partners could be replicated or scaled up after the projects closes?
13. What actions should be taken now to ensure project sustainability for both projects?

Good Practices and Lessons Learned

14. What are the emerging good practices and lessons learned for both projects?

4. Evaluation Management and Support

Senior Lead Evaluator

Dan O'Brien is the senior lead evaluator. Dan, founder and president of OAI, is a seasoned labor evaluation expert that has conducted more than 20 evaluations for USDOL and the ILO. Dan has extensive experience conducting evaluations of labor administration strengthening, worker organization strengthening, and migrant worker rights projects. Dan has evaluated labor administration strengthening (including compliance with international labor standards) in the Philippines, Bangladesh, Haiti, and Peru. He managed a project focused on international labor standards in Georgia.

Dan has evaluated worker organization strengthening projects in Bangladesh, Peru, El Salvador, Guatemala, Nicaragua, Costa Rica, Honduras, and the Dominican Republic. OAI. He managed evaluations of a worker organization strengthening project in Vietnam and Cambodia. He also has evaluated projects addressing the rights of migrant workers in Indonesia, Jordan, El Salvador, Costa Rica, and the Dominican Republic. Dan has also evaluated ILO Better Work projects that addressed a combination of issues including compliance with labor laws and international labor standards, effectiveness of labor inspections, and the rights of migrant workers. The evaluations of Better Work projects include Bangladesh, Jordan, Lesotho, Nicaragua, and Haiti. He managed the evaluations of Better Work projects in Cambodia and Vietnam.

In addition to his qualifications and competencies to conduct evaluations of worker organization and labor administration strengthening projects and migrant worker rights projects, Dan conducted the evaluations of two multi-project evaluations for OTLA in Bangladesh and Haiti and managed the two multi-project evaluations in Vietnam.

Roles and Responsibilities

The evaluator is responsible for conducting the independent final evaluation according to the terms of reference (TOR). He will:

- Receive, respond to or incorporate input from ILO and USDOL on the initial TOR draft
- Finalize and submit the TOR and share (concurrently) with ILO and USDOL
- 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
- Conduct planning meetings/calls, as necessary, with USDOL and ILO
- 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 ILO
- Prepare an initial draft (48-hour and 2-week reviews) of the evaluation report and share with USDOL and ILO
- Prepare and submit final report

USDOL is responsible for:

- Providing input to the TOR
- Reviewing proposed evaluator
- Providing project background documents to the evaluator (responsibility is shared with ILO)
- Obtaining country clearance
- Briefing ILO 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 pre- and post-trip debriefing and interviews
- Including USDOL-evaluation contract COR on all communication with evaluator

ILO is responsible for:

- Reviewing the TOR; providing input, as necessary, directly to the evaluator and agreeing on final draft
- Providing project background materials to the evaluator as requested
- Preparing a list of recommended interviewees
- Scheduling meetings for field visit and coordinating all logistical arrangements
- Assisting the evaluator identify and arrange interpreters (Malay and native languages of migrant workers as required for interviewing)
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the stakeholder debrief⁵⁶
- Providing local transportation to meetings and interviews
- Including USDOL program office on all written communication with evaluator

5. Evaluation Methodology

⁵⁶ Under the USDOL “Management of Evaluations of Sole Source-Funded ILO Projects” “(p. 88) ILO has “the right to attend as observers or participate virtually but should take into account how their presence or participation may affect the candidness of other stakeholders”.

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 meeting to present and discuss preliminary findings, and 6) a post-trip debrief call with USDOL and ILO.

The evaluation will comply with evaluation norm, standards and follow ethical safeguards, as the United Nations system of evaluation norm and standards as well as to the OECD/DAC Evaluation Quality Standards. The gender dimension will be considered as a cross-cutting concern throughout the evaluation methodology. The project will be evaluated through the lens of a diverse range of stakeholders that participate in and are intended to benefit from the project's interventions including men and women and boys and girls.

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

- The Project Document (ProDoc)
- Concept Note
- Previous evaluation reports
- Cooperative Agreement
- Grant Modifications
- Technical Progress Reports (TPRs), financial reports, and donor comments
- Reports on specific project activities
- Training materials
- Trip reports, field visits, meetings, needs assessments and other reports
- Results Framework/Logic Model, PMP, Data Tracking Tables and performance indicators
- Work plans and budgets
- Implementation Agreements (MWEA)
- Any other relevant documents

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

- USDOL project management team
- Relevant ILO officials in Geneva and ILO regional team in Bangkok
- ILO Malaysia officials and project key personnel and staff
- Government counterparts and related agencies
- Other collaborating projects and partners, as appropriate

Fieldwork in Malaysia: The evaluator will meet the project directors and project teams to discuss the purpose and logistics of the evaluation. In addition, the project team will assist the evaluator to schedule interviews with the key informants listed above and any others deemed appropriate.

The evaluator will interview some key informants separately and others in small focus groups, as appropriate. The evaluator will work with project staff to develop a list of criteria that will be used to select a non-random sample of site visits / key informants to interview. Interviews with all relevant ILO representatives outside Malaysia will be conducted by telephone (or Skype) once the fieldwork is completed.

The exact itinerary will be determined based on scheduling and availability of interviewees. Meetings will be scheduled in advance of the field visit by the project staff, coordinated by the designated project staff, in accordance with the evaluator's requests and consistent with these terms of reference. All interviews and meetings will be conducted in English or translated into Malay or other language (e.g. native language of migrant workers) with the assistance of a professional interpreter. *The evaluator must conduct interviews with beneficiaries and stakeholders without the participation of any project staff.*

USDOL is interested to learn from and apply good practices to its projects as well as communicate them to USDOL audiences through its communication strategy. To contribute to this compilation of good practices, the evaluator will identify and document good practices and successes during interviews with project beneficiaries and stakeholders along with pictures (when feasible) and compelling quotes that evoke the person's hopes for the future. The goal is to show how ILAB-funded interventions help USDOL meet its mission by telling the story of a particular person whose life has either been transformed as a result of the project or who is better able to positively impact the lives of others thanks to the project. The purpose of these vignettes is to raise awareness of international worker rights and the work ILAB is doing to advance them. Any pictures or quotes gathered by the evaluator from interviewees should be accompanied by a signed waiver (see Attachment A) granting USDOL the right to use and publish their name, words, and photo through any medium in USDOL publications.

Stakeholder debriefings: Before departure from Malaysia, the evaluator will conduct debriefing meetings with project staff and key stakeholders to present and discuss preliminary findings of the evaluation and solicit input from stakeholders. The evaluator will work with both projects to design the most appropriate debriefing meetings.

Post Trip Debriefings: Upon return from Malaysia, the evaluator will provide a post-trip debrief by phone to relevant USDOL and ILO 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 and ILO staff on the evaluation findings 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 evaluations.

Ethical Considerations: The evaluator will observe utmost confidentiality related to sensitive information and feedback elicited during the individual and group interviews. To mitigate bias during the data collection process and ensure a maximum freedom of expression of the implementing partners, stakeholders, communities, and beneficiaries, implementing partner staff will generally not be present during interviews. However, implementing partner staff may accompany the evaluator to make introductions whenever necessary, to facilitate the evaluation

process, make respondents feel comfortable, and to allow the evaluator to observe the interaction between the implementing partner staff and the interviewees.

Limitations: The scope of the evaluation specifies up to three weeks of fieldwork, which is not enough time to visit all of the project sites to undertake data collection activities. As a result, the evaluator will not be able to consider all sites when formulating her findings. All efforts will be made to ensure that the evaluator is visiting a representative sample of sites, including some that have performed well and some that have experienced challenges.

This is not a formal impact assessment. Findings for the evaluation will be based on information collected from background documents and in interviews with stakeholders, project staff, and beneficiaries. The accuracy of the evaluation findings will be determined by the integrity of information provided to the evaluator from these sources and the ability of the latter to triangulate this information.

6. Evaluation Milestones and Timeline

| Activity | Date | Products/Comments |
|---|-------------------|--|
| Prepare and submit draft TOR | June 7 | Draft TOR |
| Revise and submit final TOR | July 4 | Final TOR |
| Evaluator logistics and briefing call with USDOL | TBD | Logistics arranged |
| Doc reviews, methodology, data collection instruments | July 16-20 | Final evaluation questions Methodology section Instruments |
| Fieldwork in Malaysia | July 23-August 10 | Preliminary findings presentation |
| Stakeholder Meeting | August 10 | Power Point presentation slides |
| USDOL and ILO debrief calls (separately) | TBD | Debrief notes |
| Analysis and report writing | August 13-31 | NA |
| Send first draft report for 48-hour review | September 3 | Draft Report 48-hour review |
| Revise and send second draft report for 2-week review | September 5 | Draft Report 2-week review |
| Revise and send final draft report for review | September 24 | Final Draft Report |
| Finalize and send final report | September 26 | Final Report |

7. Deliverables and Deliverable Schedule

- Finalized TOR with USDOL and ILO consensus, June 20, 2018
- Method to be used during field visit, including itinerary, July 20, 2018
- Stakeholder debriefing meeting/presentations, August 10, 2018
- USDOL and ILO debrief calls, TBD
- Draft Report 48-hour review to USDOL and ILO, September 3, 2018
- Draft Report 2-week review to USDOL and ILO by September 5, 2018

- Final Draft Report to USDOL and ILO by September 24, 2018
- Final Report to USDOL and ILO by September 26, 2018

8. Evaluation Report

The evaluator will complete a draft report of the evaluation following the outline below and will share it with USDOL and ILO for an initial 48-hour review. Once the evaluator receives comments, they will make the necessary changes and submit a revised report. USDOL and ILO 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 USDOL and ILO 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 50 pages in length, excluding the annexes:

Report

Title page (1)

Table of Contents and Lists (tables, graphs, etc.) (1)

Acronyms (1)

Executive Summary (4-5)

I. Background and Project Description (1)

II. Evaluation Methodology (1)

III. Findings - This section should be organized around the six key issues outlined in the TOR (20)

3.1. Relevance and Strategic Fit

3.2. Validity of the Project Design

3.3. Project Progress and Effectiveness

3.4. Effectiveness of Management Arrangements

3.5. Efficiency of Resource Use

3.6. Sustainability

3.7. Lessons Learned and Good Practices (2)

IV. Conclusions (2)

V. Recommendations (2)

Annexes

- Terms of reference
- Strategic framework
- Project PMP and data tables
- List of meetings and interviews
- Any other relevant documents

United States Department of Labor

Right to Use

I, _____, grant to the United States Department of Labor (including any of its officers, employees, and contractors), the right to use and publish photographic likenesses or pictures of me (or my child), as well as any attached document and any information contained within the document. I (or my child) may be included in the photographic likenesses or pictures in whole or in part, in conjunction with my own name (or my child's name), or reproductions thereof, made through any medium, including Internet, for the purpose of use, dissemination of, and related to DOL publications.

I waive any right that I may have to inspect or approve the finished product or the advertising or other copy, or the above-referenced use of the portraits or photographic likenesses of pictures of me (or my child) and attached document and any information contained within the document.

Dated _____, 20____

Signature or Parent/guardian if under 18

Name Printed

Address and phone number

Identifier (color of shirt, etc.) : _____

Annex B: Interview Guides

Master List of Questions

1. To what extent are project objectives and interventions relevant to the needs and priorities of government, project beneficiaries, and other local stakeholders? Are the interventions addressing the needs of beneficiaries?
2. Do the projects have realistic, logical, and coherent designs with clearly defined outcomes, outputs and indicators? Are the theories of change still valid? Are the targets realistic? Are project design modifications necessary in the second half of the project?
3. Are the indicators measurable given operational realities on the ground? Are the indicators and means for verifying them appropriate?
4. How effective are the projects' implementation strategies/interventions at achieving the corresponding outcomes?
5. What is the likelihood that planned activities, outputs and outcomes will be achieved within the proposed timeframe? What internal and external factors have hindered or facilitated achievement of the projects' outcomes?
6. How efficiently are the projects using resources to achieve the outcomes?
7. How effective is the project management structure including ILO decentralization to the regional offices? To what extent do project management capacities and staffing arrangements support or limit the achievement of the outcomes?
8. How effective is the backstopping support provided by the ILO to the project?
9. How effective are the implementation agreements that MWEA has with its social partners and can they be used as a model for similar OTLA funded projects? What are the roles of MWEA staff and what are the roles of the implementing organizations?
10. Are the projects working effectively with other ILO projects in Malaysia in order to maximize resources and avoid duplication of efforts?
11. To what extent has the project strengthened the capacity of implementing partners to provide services and meet the needs of the beneficiaries?
12. To what extent are projects' outcomes and interventions sustainable? What is the likelihood that interventions by implementing partners could be replicated or scaled up after the projects closes?
13. What actions should be taken now to ensure project sustainability for both projects?
14. What are the emerging good practices and lessons learned for both projects?

Annex C: List of Documents Reviewed

- MWEA project document including results framework, performance monitoring plan, and work plan, December 2017
- LL-IRR project document including results framework, performance monitoring plan, and work plan
- LL-IRR Provisional Data Tracking Table, July 2018
- MWEA Grant Modifications (0 and 1)
- LL-IRR Grant Modifications (0 and 1)
- MWEA budget including expenses June 31, 2018
- LL-IRR budget including expenses, July 23, 2018
- MWEA technical progress reports (May 2016 to June 2018)
- LL-IRR technical progress reports (April 2017 to June 2018)
- LL-IRR MOHR FOA/CB Workshop Agenda, April 25-26, 2017
- LL-IRR MOHR FOA/CB Workshop Pre and Post Test, April 25-26, 2018
- LL-IRR Timeline of events and achievements, 2018
- MWEA Implementation Agreements (MTUC, Tenaganita, NSI, Project Liber9, PSWS)
- Mapping of Migrant Rights Civil Society Organizations in Peninsular Malaysia, 2016
- LL-IRR Labour Inspection Needs Assessment, January 2018
- MOHR Official Response to ILO Labour Inspection Needs Assessment, June 2017
- LL-IRR ILO Technical Note on Malaysia Employment Act
- OTLA 2017 Management Procedures & Guidelines
- Malaysia - United States Labor Consistency Plan

Annex D: List of Persons Interviewed

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Annex E: 2015 MPG Results Framework Criteria and Guidance

The following criteria and guidance on results framework was taken from Section 4.2.1.2 of the 2015 Management Procedures & Guidelines.⁵⁷

4.2.1.2 Results Framework

OTLA uses a results-based design approach for its technical assistance projects. Results-based design looks beyond activities and outputs and focuses on results. The planning process emphasizes cause and effect linkages and provides for monitoring that tracks progress towards results. Working with USDOL's GOR, OTLA's Monitoring & Evaluation Coordinator, and project stakeholders, the Awardee analyzes the problem to be addressed by examining available evidence and carrying out additional research as needed; arranges the problem's components in terms of cause-and-effect relationships; defines the results that will be both necessary and sufficient to address the problem; clarifies all of the "if...then" relationships among those results; lays out a well-conceived "development hypothesis" that outlines the project's overall goal and the central long-term outcome the project will achieve and the short and medium-term outcomes that are necessary and sufficient to achieve the long-term outcome; identifies inputs, activities, outputs, and objectives that support the stated outcomes; establishes specific deadlines and responsibilities for carrying out the activities of the project; and determines a timeframe for measuring the progress and achievements of the project.

Projects should have an underlying logical structure, and the logic of a good project or program should follow a chain of "cause and effect" statements or hypotheses. This set of hypotheses or cause-and-effect relationships should be expressed in the form of a **Results Framework**. The Results Framework is a tool that demonstrates and lays out the project strategy (hypotheses) and communicates the project's intent and content. It is usually presented in the form of a flow chart or diagram that shows the basic project strategy – what interventions will help us solve (or contribute to solving) a specific problem (see Annex C for template). The Results Framework should serve as the nucleus of the overall project design and the framework of the Project Document Package. The components of a Results Framework are:

Long-term Outcome

The long-term outcome is the change that the project seeks to achieve, its impact. It describes the situation that is expected to exist at the end of the project or the impact the project is expected to have. The project alone probably cannot achieve the identified outcome, but it should contribute significantly to its attainment. The outcome should be the driving force behind the design of the project. Strategies, implementation activities, indicators of success, evaluation activities, organizational structure, budget, etc. – these project components should all be defined in terms of the expected outcome.

Examples of outcomes:

- Improved government enforcement of laws in X sector.

⁵⁷ https://www.dol.gov/ilab/grants/OTLA_2015_09_10_FY2015_MPG.pdf

- Workers' organizations increase public awareness of international labor standards.
- Increased industry adoption of codes of conduct.

Objectives

Based on the problems identified by USDOL, the outcome should describe the impact that USDOL hopes to achieve through the project. The outcome identified by the project will come about as a result of a chain of short-term and medium-term objectives that are considered both necessary and sufficient to bring about the outcome (impact).

Short and medium-term objectives contribute to progress in reaching the outcome, but the results are more concrete, precise, and measurable. A set of medium-term objectives provides an agenda for action and provides the outline for the short-term objectives and strategies. Success in meeting the short and medium-term objectives can serve as a proxy measurement for success in meeting the outcome (impact).

Example: If the expected outcome is “Improved government enforcement of laws in X sector,” medium-term objectives may include:

- Improved technical skill of labor inspectors to conduct worksite inspections.
- Improved use of data from previous inspections to create targeted inspection plans.
- Increased number of labor inspectors hired.

Example: If the medium-term objective is “Improved technical skills of labor inspectors to conduct worksite inspections,” short-term objectives may include:

- Increased knowledge of national labor laws among labor inspectors. 9
- Improved soft skills of labor inspectors.
- Increased application of designated inspection checklists and tools.

Outputs

Outputs are the tangible results produced by the Awardee or that come out of implementing a project activity. Outputs can range from manuals or reports to workshops to posters for public awareness campaigns. Outputs must support both a short-term objective and a medium-term objective.

Example: If the short-term objective is “Increased application of designated inspection checklists and tools,” outputs may include:

- Training curriculum for labor inspectors.
- Manual for conducting labor inspections.
- Labor inspection field guide.
- Labor inspection checklists.

Indicators

Indicators are the 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. They should be specific in magnitude and in time. When taken together, the indicators should describe all the important aspects of the objectives to be achieved.

The Awardee will have proposed a set of indicators as part of its application in response to the FOA. Those indicators will be further refined as part of the development of the Results Framework and the Project Document development process and finalized when the PMP is finalized. For accountability and reporting purposes, the Awardee will be responsible only for achieving the targets for indicators set at the medium-term and short-term objective levels. Because the project will likely contribute to, but not fully achieve, the expected outcome, the Awardee will not be responsible for achieving it; Awardees may, however, track data related to changes at the outcome level and report that data to USDOL if available. Each short or medium-term objective must have at least one corresponding performance indicator. The Awardee is not required to develop an indicator for each proposed output, but the Awardee should propose indicators for any major milestones related to successfully completing outputs.

Example: If the short-term objective is “Increased knowledge of national labor laws among labor inspectors,” indicators may include:

- #/% of inspectors who demonstrate increased test scores after completing training module (compared to pre-module test scores).
- #/% of training modules successfully completed by each inspector, with success defined as achieving a score of X on post-module test.

Annex F: 2017 MPG Results Framework Criteria and Guidance

The following criteria and guidance on results framework was taken from Section 4.2.1.2 of the 2017 Management Procedures & Guidelines.⁵⁸

Results Framework

OTLA uses a results-based design approach for its technical assistance projects. Results-based design looks beyond activities and outputs and focuses on results. The planning process emphasizes cause and effect linkages and provides for monitoring that tracks progress towards results. Working with USDOL's GOR, OTLA's Monitoring & Evaluation Coordinator, and project stakeholders, the recipient analyzes the problem to be addressed by examining available evidence and carrying out additional research as needed; arranges the problem's components in terms of cause-and-effect relationships; defines the results that will be both necessary and sufficient to address the problem; clarifies all of the "if...then" relationships among those results; lays out a well-conceived "development hypothesis" that outlines the project's overall goal and the core objective the project will achieve and the short-,medium-, and long-term outcomes that are necessary and sufficient to achieve the project objective; identifies inputs, activities, and outputs that support the stated outcomes; establishes specific deadlines and responsibilities for carrying out the activities of the project; and determines a timeframe for measuring the progress and achievements of the project.

Projects should have an underlying logical structure, and the logic of a good project should follow a chain of "cause and effect" statements or hypotheses. This set of hypotheses or cause- and-effect relationships should be expressed in the form of a **Results Framework**. The Results Framework is a tool that demonstrates and lays out the project strategy (hypotheses) and communicates the project's intent and content. It is usually presented in the form of a flow chart or diagram that shows the project strategy – what interventions will help us solve (or contribute to solving) a specific problem. The Results Framework should serve as the nucleus of the overall project design and the framework of the Project Document Package. The components of a Results Framework are:

Project Objective

The project objective is the change that the project seeks to achieve. It describes the situation that is expected to exist at the end of the project or the impact the project is expected to have. The project alone may not fully achieve the identified objective, but it should contribute significantly to its attainment. This objective should be the driving force behind the design of the project.

Example of an objective:

- Improved government enforcement of laws in X sector.

Outcomes

⁵⁸ https://www.dol.gov/ilab/grants/OTLA_2015_09_10_FY2015_MPG.pdf

Short, medium-term, and long-term outcomes contribute to progress in reaching the project objective, but the results are more concrete, precise, and measurable. A set of long-term and medium-term outcomes provides an agenda for action and provides the outline for the short-term outcomes and strategies. Success in meeting the short, medium-term, and long-term outcomes can serve as a proxy measurement for success in meeting the project objective.

Example: If the expected project objective is “Improved government enforcement of laws in X sector,” medium-term outcomes may include:

- Improved technical skill of labor inspectors to conduct worksite inspections.
- Improved use of data from previous inspections in order to create targeted inspection plans.

Example: If the medium-term outcome is “Improved technical skills of labor inspectors to conduct worksite inspections,” short-term outcomes may include:

- Increased knowledge of national labor laws among labor inspectors.
- Improved soft skills of labor inspectors.
- Increased application of designated inspection checklists and tools.

Outputs

Outputs are the tangible results produced by the recipient or that come out of implementing a project activity. Outputs can range from manuals or reports to workshops to posters for public awareness campaigns. Outputs must support outcomes.

Example: If the short-term outcome is “Increased application of designated inspection checklists and tools,” outputs may include:

- Training curriculum for labor inspectors.
- Manual for conducting labor inspections.
- Labor inspection field guide.
- Labor inspection checklists.

Indicators

Indicators are the benchmarks that determine whether or not the project has successfully achieved its outcomes or produced its outputs. Indicators should be factual, verifiable, and clearly linked to an outcome or output. They should be specific in magnitude and in time. When taken together, the indicators should describe all the important aspects of the outcomes to be achieved.

The recipient will have proposed a set of indicators as part of its application in response to the FOA. Those indicators will be further refined as part of the development of the Results Framework and the Project Document development process and finalized when the PMP is finalized. For accountability and reporting purposes, the recipient will be responsible only for achieving the targets for indicators set at the short-, medium-, and long-term outcome levels.

Because the project will likely contribute to, but not fully achieve, the expected project objective, the recipient will not be responsible for achieving it; recipients may, however, track data related to changes at the objective level and report that data to USDOL if available. Each short-, medium- or long-term outcome must have at least one corresponding performance indicator.

The recipient is not required to develop an indicator for each proposed output, but the recipient should propose indicators for any major milestones related to successfully completing outputs.

Example: If the short-term outcome is “Increased knowledge of national labor laws among labor inspectors,” indicators may include:

- #/ % of inspectors who demonstrate increased test scores after completing training module (compared to pre-module test scores).
- #/ % of training modules successfully completed by each inspector, with success defined as achieving a score of X on post-module test.