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UNITED STATES DEPARTMENT OF LABOR

INTERIM EVALUATION

STRENGTHENING GOVERNMENT LABOR LAW ENFORCEMENT: MEXICO

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FEDERAL MEDIATION AND CONCILIATION SERVICES IN MEXICO

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This report describes the interim evaluation of two USDOL-funded projects in Mexico: Strengthening Government Labor Law Enforcement (SGLLE), implemented by the American Institutes for Research (AIR), and the US Federal Mediation and Conciliation Services (FMCS) in Mexico. Fieldwork for this evaluation was conducted in April 2022. Sistemas, Familia y Sociedad (SFS) conducted this independent evaluation in collaboration with the project team and stakeholders, and prepared the evaluation report according to the terms specified in its contract with the United States Department of Labor. The evaluation team would like to express sincere thanks to all the parties involved for their support and valuable contributions.

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
AIR	American Institutes for Research
CBA	Collective Bargaining Agreement
CCL	Centro de Conciliación Laboral (Labor Conciliation Centers)
CFCRL	Centro Federal de Conciliación y Registro Laboral (Federal Center for Conciliation and Labor Reform)
CIDE	Centro de Investigación y Docencia Económicas (Economic Research and Teaching Center)
CJF	El Consejo de la Judicatura Federa (Federal Judicial Counsel)
ENLACE	Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico
FMCS	Federal Mediation and Conciliation Service
FOA	Funding Opportunity Announcement
FSF	Friedrich-Ebert-Stiftung Foundation
GOR	Grant Officer Representative
IAA	Interagency Agreement
ILAB	USDOL Bureau for International Labor Affairs
ILO	International Labour Organization
IMSS	Instituto Mexicano del Seguro Social (Mexican Social Security Institute)
IT	Information Technology
ITAM	Instituto Tecnológico Autónomo de México (Autonomous Technical Institute of Mexico)
JCA	Junta de Conciliación y Arbitraje (Conciliation and Arbitration Board)
LTO	Long-Term Outcome
M&E	Monitoring and Evaluation
MOU	Memorandum of Understanding
MPG	Management Procedures and Guidelines
MTO	Medium-Term Outcome
OTLA	USDOL Office of Trade and Labor Affairs
PADF	Pan American Development Foundation
PEMEX	Petróleos Mexicanos (Mexican Petroleum Company)
PMP	Performance Monitoring Plan
POA	Partners of the Americas
PROFEDET	Procuraduría Federal de la Defensa del Trabajo (Federal Office for the Defense of Labor)

RENAPO	Registro Nacional de Población (National Population Registry)
RF	Results Framework
SAT	Servicio de Administración Tributaria (Tax Administration Service)
SFS	Sistemas, Familia y Sociedad
SGLLE	Strengthening Government Labor Law Enforcement
SOW	Scope of Work
STO	Short-Term Outcome
STPS	Secretaría del Trabajo y Previsión Social (Secretariat of Labor and Social Welfare)
ToC	Theory of Change
TOR	Terms of Reference
TOT	Training of Trainers
TPR	Technical Progress Report
UNDP	United Nations Development Program
USAID	United States Agency for International Development
USDOL	United States Department of Labor
USMCA	United States-Mexico-Canada Agreement

EXECUTIVE SUMMARY

BACKGROUND AND CONTEXT

In February 2017, Mexico reformed Articles 107 and 123 of its Political Constitution to provide the constitutional right for workers to be represented by the union of their free choice for the purpose of collectively bargaining their salaries and working conditions. On May 1, 2019, Mexico signed into law a labor reform bill that regulated the modifications to Articles 107 and 123. The reform mandated the creation of the Federal Center for Conciliation and Labor Reform (CFCRL) and conciliation and labor registration centers, which are responsible for carrying out conciliation services in labor conflicts and registering collective bargaining agreements (CBAs).¹ The reform also ensured that workers can vote for union representatives by secret ballot, established the right to join unions of choice, and created an independent labor court to resolve disputes between union workers and employers. The labor reform law also established a process whereby, prior to bringing a labor dispute to the labor courts, workers and employers are required to take part in conciliation proceedings, which should not exceed 45 calendar days.

To assist the Government of Mexico in the implementation of the labor justice reforms, the Office of Trade and Labor Affairs (OTLA) within the Bureau for International Affairs (ILAB) of the United States Department of Labor (USDOL) provided a cooperative agreement to the American Institutes for Research (AIR) to implement the Strengthening Government Labor Law Enforcement: Mexico (SGLLE) project. It also signed an Inter-Agency Agreement (IAA) with the Federal Mediation and Conciliation Services (FMCS) to provide mediation and conciliation capacity building support.

SGLLE KEY EVALUATION FINDINGS AND CONCLUSIONS

On January 1, 2019, OTLA awarded AIR a cooperative agreement to implement SGLLE in Honduras, Georgia, and a third country to be decided later. In August 2019, OTLA added Mexico as the third. However, the SGLLE outcomes were developed before Mexico was selected as the third country. Long-Term Outcome (LTO) 1, ‘adopting or implementing effective labor laws,’ and LTO 3, ‘improving prosecution of labor law violations,’ are not particularly relevant to Mexico’s needs and the priorities for SGLLE. On the other hand, the projects’ strategy, outputs, and lower-level outcomes are highly appropriate for achieving LTO 2, ‘improved identification and remediation of labor law disputes.’

A limitation of developing outcomes and outputs before countries are known is that they do not consider the needs and priorities of the country, as was the case with Mexico. Another limitation is that predefined outcomes and outputs limit flexibility for the implementation organization to adjust or change strategies. However, a benefit of developing well-defined outcomes and outputs ahead of time is that it allows OTLA to articulate its priorities to address U.S. foreign policy objectives such as the support of free trade agreements with partner governments. It also communicates OTLA project expectations to grantees and provides a well-defined framework within which to develop proposals and eventually implement the project.

OTLA decided to use a cooperative agreement as the procurement vehicle for SGLLE, which was the appropriate mechanism because it allowed the kind of flexibility AIR required to make

¹ <https://crsreports.congress.gov/product/pdf/IF/IF11308>

adjustments to respond to the Mexican government's needs and priorities, which changed during the course of implementation.

The SGLLE project in Mexico has effectively coordinated its activities with international organizations as well as with other OTLA projects assisting Mexico with its labor law reform mandates.

LONG-TERM OUTCOME 1. As planned, the project supported the signing of interinstitutional agreements between the CFCRL and the Mexican Social Security Institute (IMSS), Tax Administration Service (SAT), and National Population Registry (RENAPO). The agreements with IMSS and RENAPO should help with accessing data to verify the identities and employment relationships of workers on union voting lists. The agreement with SAT should facilitate using existing electronic signatures to share relevant case information. However, at the time of the evaluation, the project had not yet conducted the survey to determine the percentage of officials from the Secretariat of Labor and Social Welfare (STPS) and CFCRL who actually use interinstitutional data to facilitate the application of labor reforms, which is key to determining the achievement of this outcome.² In addition, it is not clear to what extent the interinstitutional agreements will improve the implementation of laws, regulations, and other legal instruments (LTO 1).

LONG-TERM OUTCOME 2. The project successfully developed and transferred the union and CBA registration platform to CFCRL. While CFCRL staff have experienced some difficulties when using the platform, it is functioning and, overall, appears to be effective. The verification platform, one of the interventions under the original component, has been shifted to the project's institutional strengthening component. The other interventions under the original component included the legitimation platform and union electronic voting system. After initial assessments and recommendations, the STPS and CFCRL declined assistance from the project to improve/upgrade the legitimation platform and develop the electronic voting system.

The project's efforts are currently focused on implementing the interventions and completing the deliverables under its institutional strengthening and digitization components. These include the organizational architecture, CFCRL procedural manuals, institutional planning and performance, career civil service plan, professional competences, the verification platform, the digitization of union democracy files, and the creation of a public accessible database. All deliverables are scheduled to be completed by December 2022.

LONG-TERM OUTCOME 3. The Government of Mexico requested the SGLLE project to assist in the development of a variety of technologies and other products required either explicitly or implicitly by the new labor reform law. These are described above under Long-Term Outcome 2. Since the Government of Mexico did not request assistance from the project to improve the prosecution of labor law violations, the project did not implement activities under LTO 3.

The project budget and timeframe are adequate to achieve the outcomes. The project has achieved key deliverables and is on track to achieving the others. The success to date can be largely explained by three key factors: (1) the labor reform law created an obligation to create the

² During the review of the final evaluation report, AIR reported that the survey was conducted and documented in the most recent TPR. It was too late to include the survey findings in the interim evaluation report, but they should be addressed in the final evaluation report.

CFCRL, develop an electronic platform to register unions and CBAs, and digitize historical union democracy files; (2) the leadership of the Mexican Secretary of Labor created urgency and expectations to complete key deliverables such as the digitization of the union democracy files; and (3) AIR was able to recruit a highly competent and respected implementation team.

There are certain events that OTLA, during project design, and grantees, during implementation, can anticipate that might affect project implementation in positive and negative ways. These include, but are not limited to, general elections that can cause changes in policies and key personnel such as ministers and directors; high turnover of government staff due to low salaries, lack of job satisfaction, or other reasons; and disasters such as earthquakes, flooding, and pandemics. All these events affect project performance. To the extent they can be anticipated, mitigation strategies can be developed to minimize any negative effects on project performance. If the effects are positive, projects might leverage them to help increase project performance.

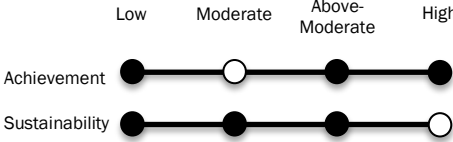
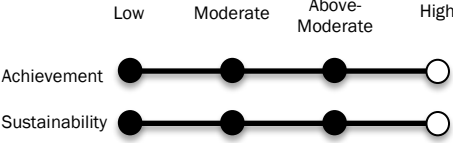
Resources, capacity, motivation, and linkages are four key factors to sustaining outcomes. CFCRL possesses sufficient resources, capacity, and motivation to sustain the key deliverables (outputs) and corresponding outcomes. Creating linkages was not a major focus of the project to date. Linking CFCRL officials and technical staff to networks that could have reinforced the technical capacity and project outputs (i.e., data sharing and the platforms) would have been helpful to strengthen the sustainability of the outputs and outcomes. However, the lack of these linkages did not reduce the chances of sustaining the outcomes and outputs under LTO 1 and LTO 2 because CFCRL has adequate resources, capacity, and motivation. Thus, the evaluation team believes it is highly likely that these outputs and outcomes will be sustained. One concern of the evaluation team is the turnover of CFCRL technology staff. Even though SGLLE has developed training manuals and videos to help train new staff, if turnover reaches a critical mass, sustainability might be affected.

Table 1. SGLLE Performance Summary

SGLLE Performance Summary ³	Rating ⁴
Long Term Outcome 1: Government adoption and/or improved implementation of laws, regulations, and other legal instruments consistent with relevant labor standards	

³ The performance summary includes LTO 1 and LTO 2. LTO 3 is not included because the project did not implement any interventions/activities under LTO 3 due to the fact that project support to improve the prosecution of labor law violations was not requested by the Mexican government.

⁴ The rating is based on the achievement of performance indicator targets, impressions of key stakeholders, and the evaluation team’s opinion based on the triangulation of the different data sources.

SGLLE Performance Summary ³	Rating ⁴
<p>ACHIEVEMENT. As planned, the project supported the signing of interinstitutional agreements between CFCRL and IMSS, SAT, and RENAPO. However, it is not clear to what extent the interinstitutional agreements will improve implementation of laws, regulations, and other legal instruments. Thus, the outcome achievement is moderate.</p> <p>SUSTAINABILITY. The interinstitutional agreements with IMSS, RENAPO, and SAT should be highly sustainable. The agreements have been signed and the signatories are, in principle, committed to sharing data.</p>	 <p>A horizontal rating scale from Low to High. The scale has four main markers: Low, Moderate, Above-Moderate, and High. There are two rows of indicators: Achievement and Sustainability. For Achievement, there is a solid black dot at Low, an open white circle at Moderate, a solid black dot at Above-Moderate, and a solid black dot at High. For Sustainability, there is a solid black dot at Low, a solid black dot at Moderate, a solid black dot at Above-Moderate, and an open white circle at High.</p>
Long Term Outcome 2: Improved government identification and remediation of labor law violations	
<p>ACHIEVEMENT. The project has achieved or is in the process of achieving its outputs and indicator targets for LTO 2. Interviews with CFCRL officials suggest that SGLLE has helped improve the identification and remediation of labor law violations. Thus, the achievement is high.</p> <p>SUSTAINABILITY. The SGLLE outputs and outcomes are highly sustainable because CFCRL has adequate resources to maintain the different technologies and products; SGLLE worked hand in hand with CFCRL staff to build their capacity to maintain and upgrade the technologies; and the labor reform law created legal obligations to create the CFCRL and its technologies and processes.</p>	 <p>A horizontal rating scale from Low to High. The scale has four main markers: Low, Moderate, Above-Moderate, and High. There are two rows of indicators: Achievement and Sustainability. For Achievement, there is a solid black dot at Low, a solid black dot at Moderate, a solid black dot at Above-Moderate, and an open white circle at High. For Sustainability, there is a solid black dot at Low, a solid black dot at Moderate, a solid black dot at Above-Moderate, and an open white circle at High.</p>

SGLE LESSONS LEARNED

1. **IT IS NEITHER EFFECTIVE NOR EFFICIENT TO DEVELOP OUTCOMES FOR A MULTI-COUNTRY RESULTS FRAMEWORK WHEN THE COUNTRY OR COUNTRIES ARE NOT YET KNOWN.** It is critical to know the country context and its needs and priorities so they can be included in the project design.
2. **GOVERNMENT PRIORITIES DRIVEN BY LEGAL REQUIREMENTS, ALONG WITH STRONG LEADERSHIP, FACILITATE ACHIEVING AND SUSTAINING OUTCOMES.** The combination of legal obligations to implement an electronic union and CBA registration system, digitize union democracy files, and implement a career civil service system as well as leadership from STPS, which created a sense of urgency, were key success factors. The lesson for future OTLA projects is that the combination of strong political will, in this case motivated by legal requirements, and strong leadership are key factors in achieving and sustaining project outcomes.
3. **BELOW MARKET RATE GOVERNMENT SALARIES CAN CAUSE HIGH TURNOVER OF GOVERNMENT COUNTERPART STAFF, WHICH CAN THREATEN SUSTAINABILITY.** CFCRL is experiencing high turnover among its technology staff. A major reason these staff are departing is the below-market rate salaries paid by STPS/CFCRL. The lesson is that it is important to assess turnover rates and the reasons before making substantial investments in capacity building activities such as training, coaching, and mentoring. This will allow OTLA and its grantees to develop mitigation strategies or choose other less risky interventions.

4. **IT IS IMPORTANT FOR PROJECTS TO HAVE THE FLEXIBILITY TO ADJUST TO CHANGING GOVERNMENT PRIORITIES.** OTLA and SGLLE demonstrated a high degree of flexibility to make the necessary adjustments to meet the requests by the Mexican government to adjust or add new interventions. This flexibility was instrumental in allowing the project to modify its interventions to better meet the needs of the Mexican government.

SGLLE PROMISING PRACTICES

1. **RECRUITING HIGHLY COMPETENT, RECOGNIZED, AND RESPECTED PROFESSIONALS TO GAIN CREDIBILITY WITH GOVERNMENT PARTNERS.** AIR hired known and respected local staff, which allowed AIR and SGLLE to gain immediate credibility with STPS and CFCRL officials and staff that facilitated the achievement of outputs and outcomes.
2. **WORKING HAND IN HAND WITH CFCRL STAFF TO BUILD THEIR CAPACITY TO MAINTAIN AND UPDATE TECHNOLOGIES.** SGLLE's strategy of working closely with CFCRL to train, coach, and mentor CFCRL staff while developing the different platforms and other products built their capacity to maintain and upgrade the platforms and other technologies.
3. **USING FREE OPEN-SOURCE SOFTWARE THAT DOES NOT REQUIRE LICENSE RENEWALS.** SGLLE decided, in consultation with CFCRL officials, to use free and open-source software so that CFCRL could modify or upgrade its technologies without requiring additional fees to modify or upgrade licensed software.
4. **DEVELOPING AN INNOVATIVE INTERNAL QUALITY CONTROL SYSTEM TO EXPEDITE DIGITIZATION.** To meet the STPS request to accelerate the digitization of the union democracy files, SGLLE developed an innovative cloud-based platform that expedited the transfer and review of scanned files. Rather than copying the scanned files to hard disks to deliver to SGLLE, the digitization service providers uploaded the scanned files to the cloud-based platform, which decreased the file transfer time by nearly 40%.

SGLLE RECOMMENDATIONS

1. **COMMUNICATE WITH CFCRL.** Communicate the progress, status, projected termination date, and transfer date of the verification platform to the appropriate coordination unit within CFCRL. CFCRL officials responsible for the verification platform perceived that they are not aware of the current status.⁵ In addition, SGLLE should ensure all relevant CFCRL coordination unit officials receive frequent updates on the progress being made with the other technologies and products the project is helping to develop.
2. **PROVIDE ADDITIONAL TECHNICAL ASSISTANCE.** Assess whether CFCRL requires assistance to address operating difficulties with the registration platform and provide assistance if required. SGLLE completed the union and CBA registration platform and transferred it to CFCRL.

⁵ Note that the project provided copies of email communication with the CFCRL verification platform team. Nevertheless, there exists a perception that key information has not been communicated. This recommendation is intended to address this perception.

However, CFCRL users are experiencing some operational difficulties. SGLLE should consult with CFCRL regarding the operational difficulties and determine if SGLLE support is required.

3. **ENSURE LEARNING AND CONTINUOUS IMPROVEMENT.** Ensure that learning and continuous improvement processes are incorporated in the revised SGLLE monitoring and evaluation (M&E) system. At the time of the interim evaluation, SGLLE was in the process of revising its M&E system. The SGLLE Mexico team has conducted learning and continuous improvement activities. SGLLE should ensure that these kinds of learning activities are built into the revised M&E system.
4. **CREATE LINKAGES TO SUPPORT UNION COMPLIANCE WITH THE LABOR LAW.** SGLLE intends to create linkages with and between unions, organizations working with unions, and CFCRL in the new project component that aims to increase worker organization compliance with the labor law (Component 2), including the new union democracy procedures and requirements. SGLLE should specify what horizontal and vertical linkages will be created and how these linkages will specifically support the sustainability of Component 2 outcomes and outputs. These linkages should be articulated in the Component 2 project document and sustainability strategy.

FMCS KEY EVALUATION FINDINGS AND CONCLUSIONS

The FMCS mediation and conciliation training activities in Mexico responded well to the request made by STPS to help modernize and strengthen Mexico's mediation and conciliation services by building the capacity of CFCRL and state-level Labor Conciliation Center (CCL) conciliators and mediators to provide effective alternative dispute resolution (ADR) services to employers and workers involved in collective bargaining disputes. The FMCS training activities also met the needs and expectations of the training participants.

FMCS is providing a unique style of highly practical and applicable mediation and conciliation training that apparently no other institution or organization in Mexico is offering. Thus, the FMCS training does not run the risk of duplicating efforts with other organizations with which it should be coordinating efforts. FMCS has, however, coordinated closely with AIR in the rollout of the new 'Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico' project that has a major focus on mediation and conciliation processes.

To assess the institutional capacity building of conciliation bodies, including the CFCRL and Conciliation Centers, to resolve collective labor disputes (Outcome 1), the evaluation team reviewed the achievement of key activities under Outcome 1 including mediation and conciliation training, dissemination of training materials, and assessing training effectiveness.

Due to high demand for its training services, FMCS is on track to over-achieve its initial training target. At the beginning of FMCS activities, it set a goal of training 300 conciliators, mediators, and judges. At the time of the interim evaluation, FMCS had trained 222 persons and was on track to train a total of 450 before the end of its performance period in Mexico. While FMCS intended to train employers and worker organizations in interest-based bargaining techniques, the demand to train conciliators, mediators, and judges has been so high that STPS requested FMCS to focus on these audiences.

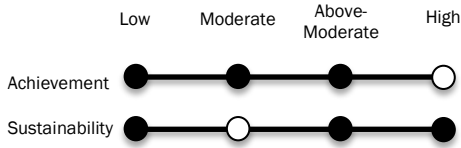
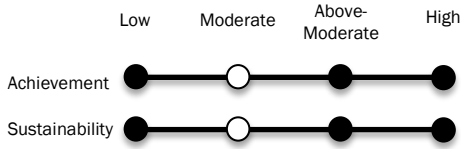
FMCS has also disseminated training materials as planned. It typically provides the PowerPoint slides of training sessions and training exercises to the participants. Furthermore, as part of its sustainability strategy, it is in the process of developing a comprehensive training guide for CFCRL.

FMCS has conducted assessments of training effectiveness using pre- and post-tests, training satisfaction evaluations, and a post-training online survey to assess the use and application of new skills and knowledge.

Outcome 2 aims to achieve and sustain high-quality conciliations among conciliation bodies (CFCRL and Local Conciliation Centers). In the original statement of work, Outcome 2 included six activities related to management, administration, and sustainability. In consultation with OTLA, all these activities except for the sustainability training plans were transferred to the new ‘Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico’ project.

While FMCS does not have a written sustainability plan in place for Mexico, it does have a sustainability strategy that consists of a comprehensive training manual, a set of six instructional videos, and embedding mediation and conciliation training into CFCRL’s professional development processes which includes a training of trainer (TOT) approach. FMCS is on track to complete the training manual and instructional video by the end of July 2022. However, the strategy to embed mediation and conciliation training in CFCRL’s professional development processes, including the TOT approach, has not yet been developed.

Table 2. FMCS Performance Summary

FMCS Performance Summary	Rating ⁶
<p>Outcome 1: Strengthened institutional capacity of conciliation bodies, including the CFCRL and Conciliation Centers, to resolve collective labor disputes.</p>	
<p>ACHIEVEMENT. FMCS is on track to over-achieve its training targets. Also, FMCS has disseminated training materials and conducted assessments of training effectiveness as planned. Thus, achievement for Outcome 1 is high.</p> <p>SUSTAINABILITY. FMCS has articulated a sustainability strategy and has taken steps to implement it, such as the production of a training manual and instructional videos. However, it does not have a concrete plan in place to implement and evaluate a training of trainers approach nor a written sustainability plan.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', a white circle is at the 'High' position. For 'Sustainability', a black circle is at the 'Above-Moderate' position.</p>
<p>Outcome 2: Conciliation bodies, including the CFCRL and Local Conciliation Centers, achieve and sustain high quality conciliations.</p>	
<p>ACHIEVEMENT. FMCS has taken steps to help the conciliation bodies achieve high-quality conciliations, such as the training and dissemination of training materials described under Outcome 1. However, FMCS lacks methodology to assess the achievement of high-quality conciliations.</p> <p>SUSTAINABILITY. As discussed under Outcome 1, FMCS has taken steps to sustain mediation and conciliation gains such as the training manual and instructional videos. However, it lacks a plan to implement a TOT approach as well as a written sustainability plan.</p>	 <p>A horizontal rating scale with four points: Low, Moderate, Above-Moderate, and High. Two rows are shown: 'Achievement' and 'Sustainability'. For 'Achievement', a white circle is at the 'Moderate' position. For 'Sustainability', a black circle is at the 'Above-Moderate' position.</p>

⁶ The rating is based on the achievement of activities, impressions of key stakeholders, and the evaluation team’s opinion based on the triangulation of the different data sources.

FMCS LESSONS LEARNED

1. **IT WOULD BE HIGHLY BENEFICIAL TO INCLUDE A NATIONAL ADVISOR ON THE FMCS INTERNATIONAL TRAINING TEAM TO PROVIDE ADVICE AND INFORMATION ABOUT NATIONAL CONTEXTUAL ISSUES.** The FMCS training team consists of U.S. citizens who are experts in ADR techniques and training, but not well versed in Mexican contextual issues such as the labor law reform and the politics around it, as well as the mediation and conciliation processes in Mexico. Adding a Mexican advisor to the team to provide advice on these kinds of issues could improve training effectiveness.
2. **SUSTAINABILITY MEASURES ARE MOST EFFECTIVE WHEN INITIATED EARLY IN THE PROJECT TO ALLOW AMPLE TIME TO BE INTEGRATED INTO THE COUNTERPART'S PROCESSES.** The FMCS sustainability strategy consists of providing STPS and CFCRL with a comprehensive training manual and instructional training videos and assisting CFCRL to embed mediation and conciliation training in its professional development processes including a TOT approach. FMCS mediation and conciliation training activities are scheduled to end on June 30, 2022, leaving only a few months to implement the sustainability strategy.
3. **ADHERING TO THE STANDARDS REQUIRED TO COMPLETE THE TRAINING COURSE AND RECEIVE THE TRAINING CERTIFICATE CREATES VALUE FOR PARTICIPANTS.** Before training activities started, FMCS decided to establish standards that training participants had to meet before they completed the course and received their certificate. Adhering to the high standards resulted in a situation where participants valued the training more than if high standards were not set, or set and not enforced.

FMCS PROMISING PRACTICES

1. **ASSEMBLING A TALENTED AND MOTIVATED TRAINING TEAM CONSISTING OF EXPERIENCED CONCILIATORS AND MEDIATORS WHO ARE ALSO EXPERIENCED TRAINERS.** One of the primary factors of FMCS' success in Mexico has been its training team. They are experienced conciliators and mediators and, thus, have a wealth of experience to draw upon during training sessions. They are also experienced and effective trainers.
2. **USING A VARIETY OF METHODS DURING DIFFERENT PHASES OF THE TRAINING PROCESS TO ASSESS TRAINING EFFECTIVENESS.** FMCS uses a variety of methods to assess training effectiveness including pre- and post-tests, ongoing assessments of training by trainers, end-of-training evaluations, and online surveys to assess how participants are using newly acquired training, knowledge and skills. These methods provide FMCS critical information to make adjustments in the training course designs to increase effectiveness and facilitate learning and continuous improvement.

FMCS RECOMMENDATIONS

1. **DEVELOP A SUSTAINABILITY PLAN.** Develop a detailed, written sustainability plan. FMCS does not have a written sustainability plan that describes how it intends for its conciliation and mediation training achievements to be sustained by local stakeholders. It would be beneficial for FMCS to work with CFCRL to develop a written plan that describes how conciliation and mediation training should be embedded within CFCRL's professional development processes.

2. **APPLY NEW SKILLS AND KNOWLEDGE.** Develop methodology to assess on-the-job application of new knowledge and skills during mediation and conciliation negotiations, including client satisfaction. To strengthen its overall training assessment process, FMCS should consider developing a methodology to assess how effectively participants apply knowledge and skills during actual mediations or conciliations and working with CFCRL to develop a methodology to assess client satisfaction with the conciliation process.
3. **INCLUDE A NATIONAL ADVISOR.** Include a host country national advisor on the FMCS training team who could provide valuable advice regarding cultural, social, political, and legal issues. FMCS should consider adding a Mexican advisor to its training team to provide critical information and advice to help the team adjust training content and methodologies, aimed at increasing training effectiveness and ensuring political and cultural appropriateness.
4. **COMPLETE THE QUARTERLY TRACKING FORM.** Complete the quarterly tracking form by setting activity targets for the quarter and, after the quarter ends, enter the achievement along with an explanation of the status.
5. **APPLY BEST PRACTICES AND LESSONS TO TOT DESIGN.** Conduct a comprehensive literature review to identify international best practices and lessons and use the findings to design and implement an effective and sustainable TOT approach that is evidence-based.

OTLA RECOMMENDATIONS

In addition to recommendations for SGLLE and FMCS, the evaluation team made the following recommendation for OTLA/ILAB:

1. **DEVELOP OUTCOMES FOR GLOBAL PROJECTS AFTER ALL COUNTRIES ARE IDENTIFIED.** Avoid developing outcomes for global projects when the target countries are not yet known. When feasible, OTLA should design its projects including development of outcomes once the target countries are known and their specific needs and priorities are understood.
2. **PROVIDE AN IAA EXTENSION.** Modify or extend the IAA with FMCS to include a specific focus on embedding mediation and conciliation training and a training effectiveness methodology its professional development processes.⁷ To ensure mediation and conciliation training are embedded in CFCRL professional development processes, FMCS will require dedicated and adequate time and resources. FMCS should focus the second extension (July 1, 2022, to June 30, 2023) on sustaining the mediation and conciliation training including implementing the TOT approach.
3. **INCORPORATE CONTRACT-LIKE REQUIREMENTS IN COOPERATIVE AGREEMENTS.** Work with the ILAB contracts office to determine how to build more contract-like requirements in its cooperative agreements, when appropriate. These might include pay-for-performance, where OTLA pays for specific deliverables, and/or an incremental approach where interventions or geographical expansions are phased in over time. The criteria OTLA could use to provide funding to move

⁷ The training effectiveness methodology should include learning and continuous improvement processes.

from one phase to the next might include progress milestones or achievements of key performance indicators.

4. **USE DATA FOR LEARNING AND ADAPTATION.** OTLA M&E team and project managers work more closely on the review of monitoring plans and progress to promote learning and adaptation. The OTLA M&E team typically reviews and provides input to M&E plans during the project design process. To the extent feasible, the OTLA M&E team should also work with project managers to review and provide comments on project monitoring plans and progress reports. The collaboration could be done in a way that the M&E staff coach and mentor those project managers who lack M&E experience.
5. **ASSESS TRADE UNION PLATFORM USERS.** Ensure that the SGLLE final evaluation includes an evaluation question that addresses the trade unions' use of the registration platform and documents any issues or problems they are having in using the platform. This interim evaluation did not assess trade union users and their experiences, including any issues or problems they face when registering. Instead, the interim evaluation focused on CFCRL users, which was appropriate since the platform has only been operational for a short time. However, it would be important to conduct a proper assessment of the trade union users to document experiences including any issues or problems that should be addressed by CFCRL.

1. PROJECT CONTEXT

In February 2017, Mexico reformed Articles 107 and 123 of its Political Constitution to provide the constitutional right for workers to be represented by the union of their free choice, for the purpose of collectively bargaining their salaries and working conditions. The labor reform also brings Mexico's legal framework into more compliance with the International Labour Organization's (ILO) fundamental Conventions 87 and 98 on freedom of association and the right to collectively bargain.

After several years of domestic debate, Mexican President López Obrador signed into law a labor reform bill on May 1, 2019, which regulates the modifications to Articles 107 and 123 made in 2017. The bill aims to ensure that workers can vote for union representatives by secret ballot, establishes the right to join unions of choice, and creates an independent labor court to resolve disputes between union workers and employers. The reform also mandates the creation of conciliation and labor registration centers, which are responsible for carrying out conciliation services in labor conflicts and the registration of collective bargaining agreements (CBA).⁸

This labor law reform also fulfilled Mexico's commitment to enact specific legislation to effectively recognize the right to collective bargaining under the U.S.-Mexico-Canada Agreement (USMCA) Labor Chapter 23 that entered into force in July 2020. The Labor Chapter Annex 23-A, 'Worker Representation in Collective Bargaining in Mexico,' requires Mexico to adopt and maintain enumerated, concrete measures necessary for the effective recognition of the right to collective bargaining, including successful implementation of the February 2017 constitutional labor justice reforms and the accompanying implementing legislation of May 2019.⁹

Over the course of four years, the labor reform will transfer the authority to adjudicate labor disputes from Conciliation and Administrative Boards (JCA) to new labor courts in Mexico's judicial branch. The labor reform will also transfer the JCA's responsibility for registering unions and CBAs to a new, independent, impartial, and specialized Federal Conciliation and Labor Registration Center (CFCRL) under Mexico's Secretariat of Labor and Social Welfare (STPS).

The new law requires all CBAs be scanned and transmitted to the Registry, and unions must make physical or electronic copies available to their members.

The labor reform law also established a process whereby, prior to bringing a labor dispute to the labor courts, in certain situations workers and employers are required to take part in conciliation proceedings, which should not exceed 45 calendar days. At the federal level, the conciliation functions are mainly to be carried out by CFCRL, and at the state level by specialized Conciliation and Labor Centers (CCL).

Mexico faces significant challenges, however, fulfilling the obligation to establish a new labor justice system with new labor justice institutions that are more protective of workers' right to organize and bargain collectively, as required under the USMCA. The CFCRL requires technical support to build its institutional capacity to implement administrative labor functions related to union registration and collective bargaining. STPS also requires technical support to modernize and strengthen governmental mediation and conciliation services.

⁸ <https://crsreports.congress.gov/product/pdf/IF/IF11308>

⁹ <https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/23-Labor.pdf>

To provide assistance to the Government of Mexico to implement the labor justice reforms, the United States Department of Labor (USDOL)/Bureau for International Affairs (ILAB)/Office of Trade and Labor Affairs (OTLA) provided a cooperative agreement to the American Institutes for Research (AIR) to implement the Strengthening Government Labor Law Enforcement (SGLLE) project in November 2018 and signed an Inter-Agency Agreement (IAA) with the Federal Mediation and Conciliation Services (FMCS) in April 2020 to provide mediation and conciliation capacity building support to STPS and CFCRL.

The SGLLE project and FMCS mediation and conciliation training activities are the subjects of this evaluation. It should be noted that while there is not a formal relationship between the SGLLE project and FMCS activities in Mexico, OTLA decided to include them under one evaluation contract since they are intended to assist the Government of Mexico implement the labor justice reforms. The evaluation findings, lessons and promising practices, conclusions, and recommendations for each project are presented separately in the following report.

2. EVALUATION PURPOSE AND METHODOLOGY

2.1. PURPOSE

This interim evaluation assesses the performance and achievements of the SGLLE project and FMCS mediation and conciliation training activities in Mexico to date. Specifically, this evaluation assesses the following:

- Relevance to the cultural, economic, and political context and the extent to which they are suited to the priorities and policies of the host government and other national stakeholders,
- Achievement of performance targets, as well as challenges and opportunities encountered,
- Effectiveness of interventions, including strengths and weaknesses, in project implementation and areas in need of improvement,
- Conclusions, lessons learned, and recommendations, and
- Prospects for sustaining key outcomes and outputs.

A more detailed description of the evaluation and its purpose and objectives is described in the Terms of Reference (TOR) for the SGLLE project and FMCS training activities in Annex C.

2.2. METHODOLOGY

The evaluation team used a mixed-methods evaluation design consisting of document reviews and key informant interviews. The evaluation team also administered an online perception survey to assess FMCS training participants' perceptions of effectiveness and utilization of mediation and conciliation techniques. The full results of the perception survey appear in Annex H.

To protect the evaluation team, project staff, and other key stakeholders from COVID-19 infection, fieldwork consisted of conducting all interviews remotely using video conference platforms such as Zoom and Microsoft Teams.

A detailed description of the evaluation methodology, including the evaluation questions, the evaluation team, evaluation approach, schedule, data collection and analysis methods, and limitations for both SGLLE and FMCS appear in Annex D, while the documents and references appear in Annex A.

3. SGLLE PROJECT: MEXICO

On January 1, 2019, OTLA awarded AIR a cooperative agreement for US\$7 million to implement the SGLLE project in Honduras, Georgia, and a third country to be decided later.¹⁰ The cooperative agreement allocated US\$2 million to Honduras, US\$1 million to Georgia, and US\$4 million to the third country. The original period of performance was January 1, 2019, through December 31, 2022.

PROJECT MODIFICATIONS

The SGLLE project was modified in August 2019 to add Mexico as the third country, along with an additional US\$1 million for Mexico, bringing the SGLLE Mexico budget to US\$5 million. In April 2020, OTLA added another US\$750,000 for Mexico. In September 2020, SGLLE was modified again to add US\$20 million to implement four new project components: (1) CFCRL institutional strengthening; (2) worker organization compliance with new labor reform procedures and requirements; (3) expanded digitization of union democracy files and creation of a database; and (4) unlawful election practices undermining union democracy. These project modifications increased the total amount of the cooperative agreement to US\$28,750,000 and the Mexico allocation to US\$25,750,000. The September 2020 modification also extended the project's end date to December 31, 2026. However, it should be noted that this evaluation only takes into consideration Components 1 and 3, because Components 2 and 4 were not fully developed and implemented at the time of this interim evaluation.

OBJECTIVES, OUTCOMES, AND OUTPUTS

The goal of the SGLLE project is 'improved compliance with relevant labor laws and standards,' while the project-level objective is 'effective government enforcement of laws that are consistent with relevant labor standards.' The Mexico-specific objective is 'improved compliance with union democracy-related laws and standards through successful implementation of Mexico's constitutional labor justice reforms.' To support this objective, the project in Mexico consists of a series of long-term outcomes (LTO), medium-term outcomes (MTO), and short-term outcomes (STO) and corresponding outputs. These are summarized below in Table 3.¹¹ The outcomes and outputs and their hypothetical causal relationships are shown in the project's results framework in Annex H.

¹⁰ At the time of the grant award (2019) and early years of implementation (2019-2021), the implementation organization was Impaq International. In 2020, the American Institutes of Research (AIR) acquired Impaq. AIR and Impaq co-branded from the acquisition in 2020 through 2021. In January 2022, Impaq officially started to operate as AIR. Henceforth, the implementing organization will be called AIR.

¹¹ Note that the electronic union democracy tool (Component 2) and the strategy to combat unlawful voting practices (Component 4) have not been developed and thus do not appear in Table 3 nor in the results framework in Annex F.

Table 3. SGLLE Objective, Outcomes, and Outputs

<p>Mexico Objective: Improved compliance with union democracy related laws and standards through successful implementation of Mexico's constitutional labor justice reforms.</p>
<p>Long-Term Outcome 1: Government adoption and/or improved implementation of laws, regulations, and other legal instruments consistent with relevant labor standards.</p> <p>Short-Term Outcome: Improved CFCRL interinstitutional agreements to ensure electronic data systems interoperability.</p> <p>Output: CFCRL interinstitutional agreements and protocols for agency electronic data systems interoperability.</p>
<p>Long-Term Outcome 2: Improved government identification and remediation of labor law violations.</p> <p>Medium-Term Outcome 2: Application of labor law reforms that promote increased oversight and transparency of union-related democratic processes.</p> <p>Short-Term Outcome 2.1: Increased capacity of STPS and CFCRL to legitimize CBAs, register unions and CBAs, and verify other union democratic processes.</p> <p>Output 2.1.1: Assessment of STPS electronic CBA legitimation system.</p> <p>Output 2.1.2: Electronic CBA legitimation system upgraded.</p> <p>Output 2.1.3: Electronic union and CBA registration system developed and launched.</p> <p>Output 2.1.4: Verification platform developed.</p> <p>Short-Term Outcome 2.2: Expanded technical capacity of STPS and CFCRL to validate electronic voting processes.</p> <p>Output 2.2.1: Electronic worker voting systems and worker voting needs analyzed and solutions proposed.</p> <p>Short-Term Outcome 2.3: Strengthened CFCRL institutional capacity to comply with its mandate as outlined in the labor reforms.</p> <p>Outcome 2.3.1: CFCRL institutional architecture updated.</p> <p>Outcome 2.3.2: CFCRL processes and procedural manuals.</p> <p>Outcome 2.3.3: CFCRL career civil service structure.</p> <p>Outcome 2.3.4: Institutional performance management system.</p> <p>Outcome 2.3.5: New and improved functionalities for CFCRL web-based portal.</p> <p>Short-Term Outcome 2.4: Increased capacity of CFCRL authorities and staff to use historical data to inform registration, verification, and legitimation decisions.</p> <p>Output 2.4.1: Support provided to Mexican government in the pilot digitization of union democracy files.</p> <p>Output 2.4.2: Support provided to Mexican government in digitation of union democracy files.</p> <p>Output 2.4.3: Database for union democracy files.</p>
<p>Long-Term Outcome 3: Improved prosecution of labor law violations.</p> <p>Medium-Term Outcome: Increased judicial efficiency and accuracy in adjudicating labor law violations.</p> <p>Short-Term Outcome: Improved sharing of data and other relevant information between STPS/CFCRL and the federal judiciary.</p>

It should be noted that under Short-Term Outcome 2.1, the project intended to upgrade STPS's electronic CBA legitimation platform. While the project conducted the assessment of the STPS CBA legitimation platform, STPS/CFCRL declined assistance from the project to upgrade it. Likewise, under Short-Term Outcome 2.2, the project planned to develop an electronic worker

voting system, but STPS declined the offer of assistance. Thus, the project stopped reporting on the CBA legitimization platform and electronic worker voting system in the Technical Progress Reports (TPR). The reasons why the assistance was declined are explained in Section 3.3.1.

BENEFICIARIES AND INSTITUTIONAL PARTNERS

STPS and CFCRL are the primary beneficiaries of the project’s interventions. These institutions benefit from the project’s assistance to help ensure interinstitutional data sharing, development of the union and CBA electronic registration and verification platforms, and digitization of union democracy files. CFCRL is also the direct beneficiary of the project’s institution strengthening efforts under Short-Term Outcome 2.3. STPS and CFCRL are also the project’s main partners since the project works with authorities from these institutions to implement interventions.

PROJECT MANAGEMENT AND IMPLEMENTATION

The project personnel are organized by staff based in the US and Mexico. In the US, AIR staff consist of the project director, technical director, M&E officers, and deputy country director. In Mexico, staffing consists of a country director, technical directors, project managers and coordinators, information technology (IT) staff, and technical staff.

3.1. SGLLE EVALUATION FINDINGS

3.1.1. SGLLE RELEVANCE

SGLLE Relevance Questions
Are the strategy, outcomes and assumptions of the theory of change (ToC) generally appropriate for achieving the planned results and long-term outcomes (LTOs)?
What were the benefits and limitations of the funding opportunity announcement (FOA)-prescribed ToC and LTOs?
Was a cooperative agreement an appropriate procurement vehicle to use for this project?

RELEVANCE OF THE PROJECT RESULTS FRAMEWORK/THEORY OF CHANGE

In July 2018, ILAB published a funding opportunity announcement (FOA) for one cooperative agreement to fund a US\$7 million technical assistance project in three U.S. trade partner countries to support governments in implementing comprehensive labor law enforcement systems. The FOA named Honduras and Georgia as the initial recipient countries, with a third country to be determined after the award of the cooperative agreement.

The FOA included a results framework (RF) that listed the project objective as ‘effective government enforcement of labor laws that are consistent with relevant labor standards.’ The RF also listed three long-term outcomes:

1. Governments adopt laws, regulations and other legal instruments consistent with relevant labor standards.
2. Improved government identification and remediation of labor law violations.
3. Improved prosecution of labor law violations.

The complete RF that was included in the FOA, including the medium and short-term outcomes, appears in Annex E.

On January 1, 2019, ILAB awarded the cooperative agreement to AIR to implement the ‘Strengthening Government Labor Law Enforcement’ project. In August 2019, ILAB determined that Mexico would be the third recipient country and that SGLLE would support Mexico’s constitutional labor justice reforms as well as Mexico’s obligation under the USMCA to ensure worker representation in collective bargaining.

Since the project’s focus in Mexico is on implementing rather than adopting labor reform measures, Outcome 1 was modified to read: Government adoption **and/or implementation** of laws, regulations, and other legal instruments consistent with relevant labor standards. Nevertheless, Outcome 1 and Outcome 3, ‘improved prosecution of labor law violations,’ are not well aligned with the Government of Mexico’s labor justice reform needs and priorities for the SGLLE project. On the other hand, Mexico’s labor justice reform priorities are well aligned with Outcome 2, ‘improved government identification and remediation of labor law violations,’ and explains why nearly all of the project’s activities and outputs are organized under Outcome 2 in the project’s results framework.

In summary, while the project should have a substantial impact on Outcome 2, it will likely have a minimal impact on Outcomes 1 and 3 because these outcomes are not the government’s priorities for SGLLE in Mexico. STPS specifically requested the project to support its legal obligations to develop an electronic union and CBA registration platform, digitize union democracy files and support CFCRL institutional strengthening.

The misalignment of Outcomes 1 and 3 with Mexico’s needs and priorities for SGLLE can be largely attributed to the fact that SGLLE was designed before Mexico was determined to be one of the three target countries, and thus the project designers were unaware of Mexico’s unique needs and priorities under its constitutional labor justice reforms.

BENEFITS AND LIMITATIONS OF FOA-PREScribed RESULTS FRAMEWORK

As noted previously, the FOA included a detailed results framework/theory of change. The RF included a goal, project objective, three long-term outcomes, five medium-term outcomes, and 10 short-term outcomes, which are shown in the RF in Annex E. The intended causal relationship of the outcomes is described in detail in the FOA project strategy section, along with a list of potential interventions.¹²

SGLLE’s detailed RF is consistent with the trend at the time within OTLA to provide a relatively structured project design framework in the FOAs so applicants understand OTLA’s expectations.¹³ The benefits of providing detail in the FOA is that it provides a clear roadmap to applicants regarding OTLA expectations of how the project would contribute to United States Government policy objectives. AIR representatives noted that providing detail in the FOA was useful because it helps ensure the project results support government policies and makes it easier for applicants to develop proposals that meet OTLA expectations. They also noted that the FOA included

¹² USDOL-ILAB Notice of Availability of Funds and Funding Opportunity Announcement for Strengthening Government Labor Law Enforcement, FOA-ILAB-18-12.

¹³ It should be noted that OTLA is in the process of replacing the RF with a more simplified outcome framework that would fulfill OTLA reporting requirements while allowing grantees more flexibility to tailor and adjust interventions.

instruction that applicants can use their technical expertise to propose how best to address the FOA requirements as long as they provide adequate justification.

“Some amount of detail is required, and structure is necessary. We need to know OTLA priorities. Without guidance it might be challenging to develop a strong proposal. OTLA is extremely open to changing outcomes if needed after our scoping mission. So, I don’t think the RF is overly prescriptive.”

- AIR Representative

However, other AIR staff commented that a detailed RF with heavily prescribed objectives and outcomes can make it difficult for a project to adjust its strategy to a country’s context after the implementation phase begins and more is learned about the operating environment. These staff preferred a less prescriptive and more flexible RF.

“I find a detailed RF limiting because it does not incorporate learning and the changes that need to take place from the learning. For example, while SGLLE has been learning and adapting, the changes have not been reflected in the RF because it is inflexible. OTLA might consider providing general objectives or outcomes and have the implementers design strategies and interventions to achieve those broad outcomes.”

- AIR Representative

It should be noted that OTLA recently incorporated a clause in its Management Procedures and Guidelines (MPG) for its grantees that allows them to propose modifications to the project design within the first six months of the project, based on information obtained from scoping missions and assessments. However, as one OTLA representative explained, there are inherent rules for government procurement that need to be followed which can hamper flexibility.

APPROPRIATENESS OF THE COOPERATIVE AGREEMENT

There are two broad procurement vehicles available to ILAB: contracts and grants. A contract is where funds are provided to a contractor to deliver products or services that are legally binding. A grant is where funds are provided to a grantee to implement a project in reasonable hopes that the project objectives can be accomplished. If the objectives are not accomplished, there are usually no legal ramifications.¹⁴ A cooperative agreement, on the other hand, is a kind of grant where ILAB has substantial involvement, working in a “cooperative” way with grantees.¹⁵ The cooperative agreement is ILAB’s most common procurement vehicle for technical assistance.

OTLA initially considered using a contract as the procurement vehicle due to the well-defined and structured deliverables, such as the union and CBA registration platform, legitimation platform, electronic voting system, and digitalization of the union democracy files. After discussing the advantages and disadvantages, OTLA eventually decided that a cooperative agreement would be the most effective procurement instrument given some of the contextual complexity in Mexico.

¹⁴ <https://captureplanning.com/articles/85710.cfm>

¹⁵ <https://grantsgovprod.wordpress.com/2016/07/19/what-is-a-cooperative-agreement/>

“There was some thought when the project was being designed that given the technologies to be developed, a contract would have been appropriate. Now that I see what has happened with all of the changes that the Mexican government wanted to make, the cooperative agreement was definitely the right choice because it provided more flexibility to make the necessary changes.”

- OTLA Representative

Both OTLA and AIR representatives confirmed during interviews that the cooperative agreement was the most appropriate procurement vehicle due to the shifting priorities and interests of the government. These included the government’s decisions not to accept SGLLE’s assistance to improve its legitimation platform and develop electronic union voting solutions, and to fast track the digitalization of the union democracy files. The cooperative agreement provided the project the flexibility it needed to adapt to these changes and the complexity of the operating environment in Mexico.

OTLA might consider including language in the cooperative agreement to accommodate an incremental and continuous improvement approach where project components, interventions, or expansions and their funding are phased in over periods of time based on progress, achievements, and learning. This might include a pay-for-performance clause.

3.1.2. SGLLE COHERENCE

SGLLE Coherence Question
To what extent has the project coordinated efforts with existing interventions in the country and with USDOL priorities, in order to avoid duplication of activities/ investments?

COORDINATION WITH OTHER ACTORS AND INTERVENTIONS

According to AIR representatives, SGLLE coordinated with a variety of actors involved with supporting the labor reforms in Mexico. These actors and SGLLE efforts to coordinate activities are summarized in the following table.

Table 4. Labor Reform Actors and Coordination Efforts

Actor	Coordination Efforts
Friedrich-Ebert-Stiftung Foundation (FSF)	Meetings to discuss the FSF’s strategic planning support to CFCRL, and how the tools and experience support SGLLE institutional strengthening (Component 1).
United Nations Development Program (UNDP)	Meetings to review and discuss labor reform education materials that UNDP was developing, to make sure they reflected SGLLE work as appropriate. For example, UNDP produced an instructional brochure on how unions can get a proof of representativeness (Constancia de representatividad). SGLLE made sure the brochure made reference to the electronic registration platform.
Economic Research and Teaching Center (CIDE)	Meetings to review CIDE training syllabus to ensure there was no duplication of training content. As a result of the coordination meetings, CIDE and SGLLE agreed that SGLLE would focus on the electronic systems while CIDE would focus on the nature of the reforms and the new laws that those systems would represent. SGLLE also made sure that CIDE training made reference to the SGLLE registration and verification platforms.

Actor	Coordination Efforts
Autonomous Technological Institute of Mexico (ITAM) and Federal Judiciary Council (CJF)	Meetings with ITAM and the Judiciary Council as part of an interinstitutional committee to ensure the conciliation platform that ITAM was developing for CFCRL, the judiciary platform for labor cases being developed by the Judiciary Council, and the SGLLE registration and verification platforms would share common standards to enable better data sharing in the future.
Solidarity Center	Meetings every 3-4 months to share information. SGLLE specifically coordinated with the Solidarity Center when designing Component 2, given its focus on labor unions. However, other than Component 2, there is not much overlap between the Solidarity projects and SGLLE.
Pan American Development Foundation (PADF)	SGLLE and PADF meet occasionally to share information and update each other on advances, changes, and new initiatives. Like the Solidarity Center, there is not much overlap between SGLLE and the PADF project that is focusing on the automotive industry.
Partners of Americas (POA)	Quarterly meetings with POA to share information and coordinate, especially around SGLLE Component 2 to avoid duplicity of activities that focus on trade unions.
International Labour Organization (ILO)	Meetings with ILO to coordinate activities with its DATOS project that aims to develop a platform that compiles relevant data and statistics related to the implementation of the labor reform. The meetings have been useful because they identified potential areas of overlap as well as the kinds of data the registration and verification platforms have that the ILO DATOS project could mine and use in the platform it is developing.

In addition to the specific efforts to coordinate with key actors mentioned above, SGLLE has participated in information sharing and coordination meetings with the other projects funded by OTLA in Mexico. These meetings have been generally organized by OTLA with the support of the US Embassy labor attachés in Mexico. Table 5 shows all the OTLA labor reform projects along with the implementing organization and the period of performance.

“There really aren’t other players doing what SGLLE is doing. Nevertheless, SGLLE has been very good about coordination with actors like IADB, UNDP, Solidarity Center, and FMCS. Although SGLLE is not really involved in judicial reform, it has taken the initiative to meet and discuss coordination with other OTLA grantees.”

- OTLA Representative

Table 5. OTLA Projects in Mexico, Implementing Organization, and Timeframe

Project	Implementer	Timeframe
Strengthening Government Labor Law Enforcement: Mexico	American Institutes of Research	2019-2026
Compliance in Auto Parts through Labor Law Enforcement	American Institutes of Research	2020-2023
Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico	American Institutes of Research	2021-2026
Strengthening Workers’ Ability to Exercise their Labor Rights in Mexico	Solidarity Center	2020-2025

Project	Implementer	Timeframe
Supporting the Democratic Transformation of Mexico's Labor Relations to Give Voice to Mexican Workers	Solidarity Center	2022-2024
Engaging Workers and Civil Society to Strengthen Labor Law Enforcement	Solidarity Center	2018-2023
Engaging Mexico's Auto Sector Employers in Labor Law Reform Implementation	Pan American Development Foundation	2020-2024
Improving Gender Equity in the Mexican Workplace	Partners of the Americas	2021-2026
Mexico Awareness Raising Project	Partners of the Americas	2021-2025

It should be noted that the interim evaluation of the 'Strengthening Workers' Ability to Exercise their Labor Rights in Mexico' project, implemented by the Solidarity Center, found that OTLA did not have an explicit coordination mandate, mechanism, or guidance in place for the grantees and recommended that OTLA develop an overarching strategic plan for Mexico to facilitate coordination.¹⁶

Based on interviews with representatives from AIR, OTLA, STPS, and CFCRL, the project coordinated effectively with key actors involved with assisting Mexico meet its labor law reform obligations. These representatives opined that SGLLE took specific steps to ensure coordination and avoid duplication of efforts, as discussed previously in Table 4. AIR representatives also commented that OTLA, in addition to organizing coordination meetings with its grantees, took the lead to identify potential areas of collaboration and helped to facilitate dialogue.

[“In general, more systematic coordination is good and useful. OTLA has made an effort to coordinate its projects but could be more systematic. Nevertheless, the onus should not be on each project but rather on ILAB to help coordinate.”](#)

[- SGLLE Project Staff](#)

Regarding the recommendation for OTLA to develop a strategic plan for Mexico to facilitate better coordination, the reactions from interviewees varied. Some opined that a strategic plan was not necessary and that grantees know best when to coordinate to increase effectiveness and efficiency. On the other hand, other interviewees commented that having an overarching strategy could be helpful, but it is something that OTLA needs to develop and provide guidance to grantees on how to operate within the strategy.¹⁷

¹⁶ Interim Evaluation of 'Engaging Workers and Civil Society to Strengthen Labor Law Enforcement in Mexico,' February 2022, Contract Number 47QRAA20D0045, Task Order Number 1605C1-21-F-00030.

¹⁷ In the opinion of the evaluation team, it would be most effective if OTLA consulted with grantees in the development and implementation of any overarching Mexican strategy.

“I don’t think an over-arching strategy for Mexico is necessary. Coordination happens best when projects can attain natural synergy that will avoid overlap and duplication. SGLLE has been able to identify when it needs to coordinate and why, which has worked well so far.”

- AIR Representative

3.1.3. SGLLE EFFECTIVENESS

SGLLE Effectiveness Questions
What project interventions were the most and least effective at strengthening the capacity of CFCRL?
What are the main successes, challenges, and lessons learned encountered for each project component (initial components and subsequent institution building and digitization components)?
How have external factors (COVID-19 pandemic, the labor justice reform implementation timeline, earthquake) affected project implementation and how effectively did the project assess, adapt and mitigate these factors?
Does the project have an effective planning, monitoring and evaluation (M&E) framework or system in place that has been used to plan, monitor, and adjust project activities?

EFFECTIVENESS OF CFCRL STRENGTHENING INTERVENTIONS

According to project staff, the SGLLE strategy involved working closely with CFCRL staff to develop the various products, so they have the knowledge and skills to maintain and make the necessary adjustments. The project also developed instructional manuals and videos for CFCRL staff.

“I believe SGLLE achieved its objective of working closely with CFCRL staff to develop the registration and verification platforms and, at the same time, build staff capacity to maintain and update the platforms. I would say CFCRL technology do not have the capacity to develop new platforms, but they do have the capacity to maintain the ones SGLLE helped develop.”

- CFCRL IT Staff

This approach, and its effectiveness, was confirmed during interviews with CFCRL representatives who opined that SGLLE staff transferred important knowledge and skills to CFCRL staff during the development of the union and CBA registration platform, the verification platform, and the various institutional strengthening products. CFCRL representatives explained that SGLLE staff are highly competent and respected, which was an important factor in developing and transferring the different technologies and other products.

While some AIR headquarters staff believe the digitization process (Outputs 2.4.1 and 2.4.2) built the capacity of the conciliation and arbitration boards (JCA) in the various states, the SGLLE staff person overseeing digitization explained that the intention was not to build capacity. Rather, the project responded to an urgent request made by the Secretary of Labor to digitize the JCA files so they would be available to CFCRL when it started operations.

The project contracted three firms specializing in digitization to travel to the JCA centers to scan the files.¹⁸ The role of the JCA representatives was to review, prepare, and organize the files so the contractors could perform the scanning. This view was supported by JCA representatives who were interviewed. They explained that they were instructed on how to prepare the files for scanning but that they did not learn how to digitize files during the process.¹⁹

SGLLE project staff noted that the strategy to work hand-in-hand with CFCRL staff to develop and transfer the products and, at the same time, build their capacity was successful because the products like the union and CBA registration and verification platforms were required by the labor reform law. STPS and CFCRL officials were highly motivated to ensure these legal requirements were satisfied.

ACHIEVEMENTS AND CHALLENGES OF SGLLE COMPONENTS

Table 6 shows the achievements and challenges for each SGLLE component. The lessons learned are discussed under Section 3.1.1.

Table 6. Achievements and Challenges by Project Component and Intervention

Interventions	Achievements and Challenges
Interinstitutional Data Sharing Agreement Component	
Interinstitutional interoperability and data sharing	As planned, the project signed interinstitutional data sharing agreements with the Mexican Social Security Institute (IMSS), Tax Administration Service (SAT), and National Population Registry (RENAPO). The agreements with IMSS and RENAPO should help access data to verify the identities and employment relationships of workers on union voting lists. The agreement with SAT should facilitate using existing electronic signatures to share relevant case information. However, the project has not yet conducted the survey to determine the percentage of STPS and CFCRL officials who actually use interinstitutional data to facilitate the application of labor reforms. ²⁰
Legitimization, Registration, and Verification of Union Democratic Processes Component	
Electronic CBA legitimation platform	The project planned to conduct an assessment of the STPS legitimation platform, and based on the assessment, to provide assistance to improve it. The project conducted the assessment, but CFCRL declined assistance to improve its legitimation platform. According to CFCRL IT staff, the STPS legitimation platform had recently been upgraded and CFCRL preferred that the project focus on the registration platform.

¹⁸ The digitization service providers include Grupo SIAYEC, Microformas, and SOLUSOFT.

¹⁹ According to the project, it shared technical expertise in digitization, scanning, tagging, and quality control with JCA representatives who digitized their own files (i.e., Chihuahua and Ciudad de México) and with STPS staff, who used resources from the Mexican federal government to scan the files from Jalisco, Puebla, León, Irapuato, Celaya, Guanajuato and Querétaro. The project also provided seven trainings covering eight hours of material.

²⁰ During the review of the final evaluation report, AIR reported that the survey was conducted and documented in the most recent TPR. It was too late to include the survey findings in this interim evaluation report, but they should be addressed in the final evaluation report.

Interventions	Achievements and Challenges
Electronic union and CBA registration platform	As planned, the project worked closely with CFCRL staff to develop, test, and finalize the registration platform. ²¹ The registration platform is currently in use. According to CFCRL users, the platform overall works well and facilitates the registration processes. Nevertheless, the users identified various problems (i.e., problems with registered names, searches, and assigning cases) that they confront when using the platform, which CFCRL technology staff are working to resolve. The other issue with the registration platform includes problems that unions might experience when registering. According to CFCRL staff and union experts, many union officers are not comfortable using the electronic platform. They are used to registering using paper and pencil and keeping hard copies of all transactions. As one person noted, “it is a leap of faith for union officers to register online without a paper record of the registration. It will take time.” ²² The project might consider using tools in its revised monitoring and evaluation (M&E) system (complexity-aware monitoring) to assess trade union experience using the registration platform and work with CFCRL to make any adjustments to increase effectiveness of the platform. ²³
Validation of Electronic Voting Component	
Electronic worker voting system	The project planned to conduct an assessment on possible electronic voting system options, make recommendations, and help CFCRL develop the system. The project conducted the assessment and produced a set of potential solutions. However, CFCRL declined the project’s assistance to develop an electronic voting system. Instead, STPS decided to develop its electronic voting system called Sirvolab, which was used in the recent union elections at Petróleos Mexicanos (PEMEX). ^{24, 25}
Institutional Strengthening Component	
Organizational architecture	The organizational architecture consists of four basic dimensions: institutions, data, software applications, and technology. The project estimates that approximately 30% is complete. Work on the architecture has been delayed because the AIR analyst resigned. The analyst has been replaced and work will begin again, and it is expected to be completed by December 2022.
Procedural manuals	The project intends to develop procedural manuals for each of the nine coordination units in CFCRL. As of October 2021, five of the manuals were completed and another draft manual nearly completed. The project intends to finish the remaining three manuals by December 2022.

²¹ The evaluation team received a demonstration on how the union and CBA registration platform functions. The team also interviewed two groups of users to discuss their experience with the registration and any issues they are experiencing.

²² According to SGLLE project staff, Component 2 (worker organization compliance with new labor reform procedures and requirements) should help address the issue of unions using the technologies, but since Component 2 had not been implemented, the evaluation could not comment on its effectiveness.

²³ The project is in the process of revising its M&E system to promote learning and continuous improvement. The M&E system is described later in this section.

²⁴ <https://idconline.mx/laboral/2021/11/11/stps-lanza-sirvolab-nuevo-sistema-electronico-para-elecciones-sindicales>

²⁵ Some interviewees opined that elections are a sensitive political issue in Mexico given the conflict between the Obrador administration and the National Election Institution. <https://cnnspanol.cnn.com/video/denuncia-penal-diputado-morena-consejeros-ine-revocacion-mandato-amlo-fgr-live-mario-gonzalez-redaccion-mexico/>

Interventions	Achievements and Challenges
Institutional planning and performance	Institutional planning and performance consist of nine processes and an electronic dashboard. The nine processes include annual work plans (2021-2022), midterm implementation program, performance management board, risk matrix, risk management programs (2021-2022), performance indicators matrix, and performance management methodology. As of February 2022, the annual work plans, implementation program, and risk matrix and programs were complete. The remaining three processes (performance management board, indicators matrix, and performance management methodology) are expected to be complete by December 2022. The electronic dashboard has been delayed and reprogrammed from Quarter 2 to Quarter 3, 2022. The project expects it to be completed and operational by December 2022.
Career civil service	Career civil service consists of the career civil service statute, procedures manual, and a training platform. The Moodle-based training platform was added in August 2021 at the request of CFCRL to support professionalization and continuous learning. The civil service statute was completed and approved by the CFCRL governing board in November 2021. The procedures manual is currently being developed and is approximately 50% completed. The Moodle-based training platform was completed in December 2022 and is operational. ²⁶
Verification platform	The verification user's manual was developed and approved by the CFCRL governing board in October 2021. As of February 2022, the actual platform, which is at the alpha testing phase, was about 50% complete. The project intends to complete the verification platform in May 2022 and transfer it to CFCRL. One CFCRL manager told the evaluation team that he heard that the platform will be finished in May, but he has not received any updates nor an explanation of how the platform will be transferred. He commented that the development of the platform has been very slow and is concerned that SGLLE staff are working on other projects at the same time and are over-extended. ²⁷
Public web-based portal	The project conducted a needs assessment of the existing web-based portal and produced a report on the preliminary requirements in March 2021. However, according to both SGLLE and CFCRL technical staff, CFCRL have declined assistance from the project to move forward to improve the public portal because CFCRL believes it has the capacity to make the necessary changes. According to SGLLE project staff, some aspects of the web-based portal could be shifted to Component 3 (expanded digitization of union democracy files and creation of database).
Judicial requests tool	The project has decided to drop the judicial tracking tool because CFCRL is in the process of developing an electronic management system tool that will include tracking judicial request information, making this activity unnecessary. The project has requested OTLA to drop the judicial requests tools.
Professional competencies	This is a new activity related to the career civil service. CFCRL requested support from the project to develop professional competencies for CFCRL civil service personnel grades and positions. The project has developed a workplan and submitted a request to receive approval from OTLA to add the professional competencies activity under Component 1.

²⁶ The evaluation team received a demonstration of the Moodle-based training platform and interviewed CFCRL users who spoke positively of the platform and how it can be used to promote professionalization and career development.

²⁷ There is a strong possibility that the CFCRL manager comment is an issue of perception since the project provided the evaluation team with several email communications describing advances with the verification platform and timeframes.

Interventions	Achievements and Challenges
	Digitization Component
Pilot digitization of union democracy files	The pilot digitization of union democracy files was originally under Outcome 2 as Output 2.1.4. The project worked with JCA centers in six states to digitize files. ²⁸ The project completed the digitization process in March 2021. The major challenge mentioned by SGLLE was that files were disorganized, making digitization more time-consuming than anticipated. The other issue that delayed the transfer to CFCRL by about 3-4 months was that CFCRL had to upgrade its information technology infrastructure before the files could be transferred.
Expanded digitization of union democracy files	The project used its experience and lessons from the pilot phase to digitize union files in 32 JCA centers. The project faced several key challenges that deserve mention. First, the Ministry of Labor requested the project to accelerate the original timeline so the digitization of files in the 32 JCA centers would be completed and transferred to CFCRL by October 2021, when the registration mandate for CFCRL would become national. To meet the accelerated timeline, the project developed an innovative internal quality control system that is explained in Section 3.1.2 as a promising practice. Another key challenge was the poor conditions of many of the files. Some were torn, some damaged by water, and other damaged by rats. These files had to be repaired before they could be scanned, which caused delays. Other challenges included the need to suspend digitization processes in seven JCAs due to high COVID-19 infection rates and an earthquake in Acapulco in September 2021 that caused further delays. ²⁹
Union democracy database	The project plans to work with CFCRL to develop a database to store a range of documents that the public can access as required by the labor reform law, including union registrations, CBAs, and other historical union democracy documents. SGLLE has recently started to discuss and plan the development of the database that it intends to finish by December 2022. ³⁰ Meanwhile, to meet the legal requirement, CFCRL has uploaded some key documents to its website until the database is complete. ³¹

EFFECTS OF EXTERNAL FACTORS ON IMPLEMENTATION

The evaluation team was able to identify several external factors that affected implementation. Note that several of these factors were identified and discussed previously as challenges in implementing specific interventions.

COVID-19. Once the pandemic started to spread to Mexico in March 2020, AIR and OTLA decided to continue to implement activities remotely, including virtual meetings and trainings, to protect project staff and other key project stakeholders. In general, the project made the transition to remote and virtual formats without major complications. While some project stakeholders opined that conducting meetings and training sessions remotely was less effective, the majority agreed that the change was necessary to protect everyone’s health.

²⁸ The six pilot states include Campeche, Chiapas, Durango [Gómez Palacio], San Luis Potosí, Tlaxcala, and Zacatecas.

²⁹ The government, which uses a traffic light system to minimize contact during high COVID-19 infection cycles, declared a red light in areas where seven JCA centers are located, meaning the contractors had to suspend scanning operations for several days. The earthquake in Acapulco caused minor damage to the building hosting the JCA which suspended scanning activities for several days.

³⁰ While the database is scheduled to be completed by December 2022, it will likely not become operational until March 2023 when final adjustments are made.

³¹ To access these documents, click on the following link: <https://centrolaboral.gob.mx/#publicaciones>

COVID-19 also affected digitization in seven JCA centers. The government operates a traffic light system to control the movement of people in an effort to reduce infections. Due to rapidly increasing infection rates, the government declared a red traffic light in areas where seven JCA centers are located. The red-light classification meant that people should remain in their homes and not report to work or engage in activities unless absolutely necessary.³² According to project staff, this restriction on movement delayed digitization for approximately 15 days. The contractors were able to reengage and finish digitization as planned.

ACCELERATED DIGITIZATION TIMELINE. In January 2021, the Ministry of Labor requested the project to accelerate the timeline to finish the digitization of union democracy files in the JCA centers. They wanted to ensure that CFCRL officials would have access to the files as soon as possible.

Initially, the project planned to roll out the digitization process of all JCA centers over a two-year period from 2021 to 2022. The Ministry of Labor requested the project to complete digitization by October 1, 2021. After negotiating some conditions, the project finally agreed to complete the digitization in 32 JCA centers by October 1, 2021, which expedited the original timeframe by more than 14 months. To meet the October 2021 digitization deadline, the project added new staff and developed an innovative quality control system that significantly reduced time. The quality control system is described in more detail as a promising practice in Section 3.1.2.

EARTHQUAKE. On September 7, 2021, a 7.1 magnitude earthquake struck seven miles northeast of Acapulco. According to SGLLE staff, the earthquake caused damage to the building that housed the JCA office. The digitization process had to be suspended for over a month until the building was repaired. Nevertheless, the contractor responsible for digitization was able to recover lost time and finished on-time.

SHIFTING PRIORITIES. STPS and CFCRL officials changed their minds regarding several key products, which affected implementation to a certain degree. For example, after conducting an assessment on the STPS legitimation platform, the project developed a report with recommendations to improve the platform. However, CFCRL declined assistance to improve the legitimation platform because STPS had made some improvements that CFCRL considered adequate. One CFCRL director explained that he preferred that the project focus on the union and CBA registration and verification platforms.

The project also conducted an assessment on union electronic voting in Mexico and proposed recommendations to develop and implement an electronic voting system for union officers. STPS declined assistance and, instead, opted to develop an electronic voting system that is currently operational. Some stakeholders explained that since voting is a sensitive political issue in Mexico, STPS preferred to develop the system.

Under Component 1, the project conducted an assessment on the CFCRL web-based portal and made recommendations to upgrade it. Rather than accept assistance from the project, CFCRL decided to upgrade the portal itself. One official explained that CFCRL possessed the technical capacity to make changes and preferred that the project focus on other more complicated interventions.

³² <https://coronavirus.gob.mx/semaforo/>

EFFECTIVENESS OF THE SGLLE MONITORING AND EVALUATION SYSTEM

It should be noted that the project is in the process of revising its monitoring and evaluation (M&E) system to align with OTLA's recent transition to complexity-aware monitoring. OTLA's complexity-aware approach is based on the US Agency for International Development (USAID)'s complexity-aware monitoring, which uses approaches that take into account the unpredictable, uncertain, and changing nature of complex situations.³³ The USAID complexity-monitoring approach aims to complement traditional performance monitoring by using a variety of unique tools such as social network analysis, causal link monitoring, outcome harvesting, and most significant change.³⁴

According to OTLA officials, the complexity-aware monitoring approach is intended to complement its performance monitoring system and support its new simplified logic model which includes a reduced number of OTLA standard performance indicators. OTLA anticipates that the complexity-aware monitoring approach will increase learning and continuous improvement.

The AIR team working on the revised M&E system intends to incorporate complexity-aware monitoring approaches and tools to facilitate learning. One team member commented that the current SGLLE results framework is highly rigid and has not been able to capture some of the significant adjustments the project has made. They expect that the revised SGLLE M&E system will be better able to capture and translate learning into more effective implementation and eventually a higher degree of impact.

“I did an assessment of the SGLLE M&E system. What I found was that a lot of information is not for learning. The results framework focuses on quantitative indicators that don't always give you a lot to work with. So, we need a system to assess qualitative feedback mechanisms that lead to learning and continuous improvement.”

- AIR Representative

While project staff who were interviewed say they welcome improvements to the SGLLE M&E system to facilitate learning and adaption, they also opined that the M&E system is effective and has facilitated decision making and necessary adjustments. One staff member noted that the project modified LTO 1 and removed three lower-level outcomes and their corresponding outputs (legitimation platform, electronic voting system, and public web-based portal) in the RF and adjusted the performance monitoring plan to reflect these changes.

“I think the M&E system is good. We were told to include indicators for LTO 3 but that did not make sense since we are doing little to contribute to the outcome. The rest of M&E framework is fine and has been useful. One thing that we have been trying to do is look at how we can improve it to promote learning and adaptation.”

- SGLLE Project Staff

³³ https://usaidmomentum.org/wp-content/uploads/2020/12/CAM-Guide-Final-2020_12_16_508.pdf

³⁴ Ibid.

3.1.4. SGLLE EFFICIENCY

SGLLE Efficiency Question

What can be learned from the project's progress (or lack thereof) about the level of change (outcomes) that can realistically be achieved within a given project timeframe and budget, and with the time and resources remaining available for this project?

RELATIONSHIP BETWEEN OUTCOME ACHIEVEMENT, TIMEFRAME AND BUDGET

AIR representatives believe that the initial budget allocation of US\$5.75 million and a performance period of four years were adequate to achieve the outcomes in the original RF, while the additional allocation of US\$20 million and four-year extension are sufficient to achieve the outcomes of the four new components. The evaluation team did not find any evidence to suggest that the amount of grant funds or timeframe were inadequate to achieve outcomes in a timely manner.

“The budget and timeframe were adequate. I don’t have any complaints. Also, OTLA showed a lot of flexibility in how we implemented the project, so that helped.”

- AIR Representative

The evaluation team identified several key factors that facilitated SGLLE’s success in achieving outcomes within its budget and period of performance. The first is the legal obligation that the labor reform law placed on STPS to create the CFCRL and ensure its core operations would be conducted electronically, with strict deadlines defined by the law. In addition to the legal obligation and timeframe, the Ministry of Labor, according to interviewees, provided strong leadership and created a sense of urgency to comply with the law.

The combination of the legal obligation to create some electronic systems within a specified timeframe, along with strong leadership, paved the path for SGLLE to provide technical support to STPS and CFCRL to develop the union and CBA registration platform and digitize union democracy files in 38 JCA centers.

In fact, several CFCRL officials expressed concern that SGLLE needed to increase the pace at which it was working to complete and transfer the platforms and other products. This is an important lesson that is discussed in more detail under lessons learned in Section 3.1.1.

“The rate at which AIR works is very cautious, but slow. AIR needs to work faster. For example, a diagnostic of four months is too long. AIR needs to respond sooner to our requests.”

- CFCRL Official

Another factor that facilitated the achievement of outcomes within the project’s budget and period of performance is the SGLLE project team. During interviews, CFCRL officials praised the skills and abilities of the SGLLE staff for their professionalism and competencies. The SGLLE team that AIR was able to recruit is highly respected by STPS and CFCRL officials and staff, which translated into trust and respect for both SGLLE and AIR in general. The SGLLE project team is discussed in more detail as a promising practice in Section 3.1.2.

“The SGLLE team is very good. They are knowledgeable and really helped us a lot. The major success so far is the registration platform and the digitization of the FCA center files. But they are also helping develop the verification platform that is very important.”

- CFCRL Official

3.1.5. IMPACT

Impact Question
How can ILAB and its grantees effectively capture, analyze, and act on information about implementation challenges to mitigate and address obstacles limiting progress towards the project's outcomes?

MITIGATION OF IMPLEMENTATION OBSTACLES

The evaluation team had discussions with representatives from AIR, FMCS, and OTLA regarding the specific ways that ILAB and its grantees could capture and act on information to address obstacles that might hinder the achievement of outcomes. Several representatives suggested that managers pay close attention to the achievement of performance indicator targets, and if they are not being achieved as planned, an investigation should be launched. Likewise, over- or under-spending on projected budget targets could be used as an indicator of obstacles that could trigger an investigation.

SGLLE staff noted that they found informal conversations with people in Mexico who were very familiar with the labor law reforms and Mexican politics to be productive in helping to identify challenges that could hinder project performance. The AIR M&E team explained that they hoped the revised M&E system would be able to use complexity-aware data collection tools to capture data, identify challenges and develop mitigation measures. For example, a tool like ‘most significant change’ could be used to identify key stakeholders and ascertain valuable information regarding changes in the project context.

The evaluation team is not entirely clear what the final version of the OTLA complexity-aware monitoring approach will look like since it is still in the process of being developed. However, the team believes that it would be beneficial to include processes that allow project implementers the flexibility to develop indicators that are not necessarily attached to outcomes, which can be used to collect data to facilitate decision-making and make necessary adjustments to increase effectiveness and efficiency.

There are somewhat predictable contextual events that can hinder project performance. If OTLA and grantees understand the likelihood of the contextual event and its effect on project performance, concrete steps can be taken to gather information and develop mitigation and contingency plans to minimize its effect on project performance and progress.

The lead evaluator has evaluated more than 40 ILAB projects. Table 7 lists some of the more common contextual events he identified that generally hindered project performance. Also included in the table are the events’ risk to project performance, information that could be collected to mitigate the risk, and data collection and analysis methods that might be used. Note that Table 7 is meant to serve as an illustrative example and not an exhaustive list of potential contextual events that could hinder project performance.

Table 7. Defining Events, Effects on Performance, Information Requirements, and Data Collection Methodologies

Contextual Event	Risk to Performance	Information Requirements	Methods to Collect and Analyze Information
Presidential Elections	Elections often result in changes in governments and key personnel such as ministers and directors. These changes often mean changes in policies and priorities. OTLA project objectives that were a priority for one administration are not necessarily the same for the next administration.	When designing projects and establishing performance periods, OTLA should be able to identify when elections occur in target countries. OTLA might ask the grantee to develop contingency plans based on the most likely election scenarios and the effect the elections will have on the project objectives.	Grantees might consult political analysts to determine candidate election platforms and possible changes in policies and priorities. Polling results can provide some degree of predictability of election results.
Personnel Change	Key decisionmakers may change as the result of elections, as described previously, or they may change between election cycles for political reasons. Again, these changes could affect policies and priorities and agreements the projects have with the government.	Grantees might assess the trends of incumbent administrations to change key personnel or whether key personnel serving as project counterparts might be changed due to performance or other political reasons. The potential consequences of the changes might also be assessed so mitigation actions can be developed.	Grantees might consult with political analysts and other key informants abreast of political situations and administration trends.
Staff Turnover	Frequent staff turnover affects project performance because investments in training and orienting staff is lost once staff leave. New staff have to be trained and oriented, which often creates delays and other inefficiencies.	Determine historical trends in staff turnover for counterpart institutions (labor ministries, education ministries, etc.) and reasons (low salaries, poor working conditions, etc.).	Collect data on staff turnover rate for counterpart institutions and conduct predictive analysis on project staff turnover rates so mitigation actions can be taken.
Political Alignment	The degree to which governments and legislative bodies are aligned with OTLA projects that aim to change or develop new laws and policies will likely determine success. Laws and some policies require a sufficient number of votes to pass. ³⁵	During the design of projects with strong advocacy components, including introducing laws and policies, OTLA might assess the political climate to determine whether certain laws and policies have sufficient political support to justify the investment of project resources.	OTLA might consult US Embassy political officers to help assess political support (both executive and legislative) for the kinds of laws and policies the OTLA project would attempt to address.

³⁵ OTLA often provides grants to the ILO to implement projects with advocacy objectives that aim to pass laws and policies that affect labor rights.

Contextual Event	Risk to Performance	Information Requirements	Methods to Collect and Analyze Information
Natural Disasters	Disasters such as flooding, landslides, earthquakes, and pandemics affect project performance because they cause delays and divert resources. ³⁶	Based on specific target countries and areas within target countries, OTLA might assess historical trends in disasters during project design to determine risk. Grantees might also conduct similar analyses and where risk is high, develop mitigation and contingency plans.	OTLA and grantees might research geographical, climatic, and epidemiological data to determine the level of risk of disaster events in order to develop mitigation and contingency actions.

3.1.6. SGLLE SUSTAINABILITY

SGLLE Sustainability Questions
To what extent has the project built institutional capacity, fostered motivation and ownership, and started to link stakeholders to replacement resources?
What outcomes are likely to be sustained and what adjustments are needed to increase the likelihood of sustainability?

SUSTAINABILITY SUCCESS FACTORS

USAID’s Food for Peace Office, through the Food and Nutrition Technical Assistance III project, commissioned a post-project impact study to evaluate the sustainability of 12 USAID-funded projects in four countries.³⁷ The USAID study concluded with a set of factors that facilitate long-term sustainability, which include identifying cash or in-kind resources to replace resources provided by the project; building the management and technical capacity of partners to continue to implement activities; maintaining high levels of motivation and ownership; and creating linkages to governmental organizations and/or other entities that might support sustainability.

- **RESOURCES.** According to STPS and CFCRL officials who were interviewed, CFCRL has sufficient resources to maintain the union and CBA registration platform, the verification platform, and the various technologies and platforms developed under the institutional strengthening and digitization components (Components 1 and 3). CFCRL IT staff explained that the institution may not have sufficient resources to develop new platforms but does have the resources in its budget to maintain and adjust the existing platforms and technologies that SGLLE helped develop. However, this might change given the new administration’s policy on austerity that could translate into budget cuts for many government agencies.
- **CAPACITY.** As described in Section 3.4.1, SGLLE worked hand in hand with CFCRL staff to develop the registration and verification platforms and the various technologies and other products under the institutional strengthen component, such as the organizational

³⁶ The COVID-19 pandemic and earthquake in Acapulco affected SGLLE project performance.

³⁷ 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>

architecture, procedural manuals, and the Moodle training platform. One of the objectives of working closely with CFCRL staff was to build their capacity to maintain and update the technologies and other products. Based on interviews with both CFCRL managers and staff, SGLLE achieved this objective.

- **MOTIVATION.** In Section 3.4.1, the high degree of motivation and political will demonstrated by STPS and CFCRL officials, along with strong leadership from the Ministry of Labor, were noted as important factors contributing to the success of SGLLE. These motivational, political willingness and leadership factors should also translate into key factors to sustain the various electronic platforms and other products that SGLLE helped STPS and CFCRL develop.
- **LINKAGES.** For the implementation of the original project components (interinstitutional data sharing and the registration and verification platforms) as well as the additional institutional strengthening and digitization components, the creation of linkages was not a major focus of the project. However, as discussed below, the outputs and outcomes under LTO 1 and LTO 2 are highly sustainable. In the next phase, the project intends to implement a component focused on worker organization (unions) compliance with new labor reform procedures and requirements (Component 2). It will be important for SGLLE to create linkages with and between CFCRL, unions, and organizations working with unions.

The evaluation team identified an important factor that could threaten SGLLE's efforts to sustain key outputs and outcomes. Turnover among CFCRL technology staff is relatively high.³⁸ According to one CFCRL technology expert, the pay scale for CFCRL technology staff is below the market rate and that is the primary reason why the turnover rate is high. While SGLLE, as part of its sustainability strategy, developed instructional manuals and videos that CFCRL can use to train new technology staff, a technology expert expressed concern that once all the staff that SGLLE helped train and develop leave, the overall capacity will be weakened and that might hinder sustainability.

LIKELIHOOD OF SUSTAINING OUTCOMES

LONG-TERM OUTCOME 1. LTO 1 aims to have the 'government adopt and/or implement improved laws, regulations, and other legal instruments.' To achieve LTO 1, SGLLE has tried to 'facilitate interinstitutional data sharing between the CFCRL registration and verification platforms with those of key institutions,' namely the Mexican Social Security Institute (IMSS), Tax Administration Service (SAT), and National Population Registry (RENAPO). While interinstitutional agreements have been signed with these institutions and the platforms are sharing data, the actual degree of data sharing and its usefulness has not yet been assessed. **The evaluation team is of the opinion that the interinstitutional agreements and operability are sustainable, but the impact on LTO 1 is modest since most of the project's effort and resources are invested in LTO 2.**

LONG-TERM OUTCOME 2. LTO 2 aims to 'improve government identification and remediation of labor law violations.' LTO2 represents the primary focus of SGLLE. The original outcomes included the

³⁸ The evaluation team was able to confirm that three staff have left but according to CFCRL IT staff, the number is higher. However, the evaluation did not have access to the exact number of technology staff that have left CFCRL.

‘application of labor law reforms to be achieved through increased capacity of STPS and CFCRL to legitimize CBAs, register unions and CBAs, and verify other union democratic processes’ via a vie the ‘registration, legitimation and verification platforms and electronic voting.’ As discussed in Section 3.3.1, the legitimation platform and electronic voting initiative were dropped. **However, the registration platform (completed and transferred to CFCRL) and the verification platform (in the process of being developed) should have a significant impact on LTO 2 and, in the opinion of the evaluation team, are highly sustainable.**³⁹

The project modification added four new outcomes, of which two were being implemented at the time of this evaluation. The ‘strengthened CFCRL institutional capacity to comply with its mandate as outlined in the labor reforms’ outcome (Component 1) includes lower-level outcomes: ‘institutional architecture updated; processes and procedural manuals; career civil service structure; institutional performance management system; and new and improved functionalities for web-based portal.’ The majority of these outcomes and their related outputs are in the process of being developed. The web-based portal may be moved to Component 3 while the development of professional competencies was added. Since these products have not been finished and transferred to CFCRL, it is difficult to assess their effectiveness and sustainability. **However, based on the likely sustainability of the registration platform, the evaluation team believes the institutional strengthening outcomes are likely sustainable.**

In addition to institutional strengthening (Component 1), the project is implementing activities under the digitization outcome (Component 3): ‘Increased capacity of CFCRL authorities and staff to use historical data to inform registration, verification, and legitimation decisions.’ The project completed the digitization of union democracy files in 38 JCA centers, which have been transferred to CFCRL. The project is currently supporting CFCRL with the database that would facilitate public access to historic union democracy files and other key information. **Since the labor reform law requires union democracy files to be digitized and CFCRL needs to use the files in the union and CBA registration and verification processes, the evaluation team believes the digitization outcome is highly sustainable.**

LONG-TERM OUTCOME 3. The project RF includes LTO 3, which aims to ‘improve the prosecution of labor law violations by increasing judicial efficiency and accuracy in adjudicating labor law violations’ and ‘improve sharing of data and other relevant information between STPS/CFCRL and the federal judiciary.’ However, since improving judicial performance regarding labor law violations was not a government priority for SGLLE, the project did not develop lower-level outcomes, outputs, and activities. The exception is a judiciary tool described in Section 3.3.1 that was dropped because it was redundant with a monitoring tool being developed by STPS. **Thus, there are not any relevant outcomes or outputs to sustain under LTO 3.**

3.2. SGLLE LESSONS LEARNED AND PROMISING PRACTICES

3.2.1. SGLLE LESSONS LEARNED

IT IS NEITHER EFFECTIVE NOR EFFICIENT TO DEVELOP OUTCOMES FOR A MULTI-COUNTRY RF WHEN THE COUNTRY OR COUNTRIES ARE NOT KNOWN. OTLA developed a detailed RF for SGLLE, consisting of

³⁹ The electronic verification platform, which was one of the outcomes under the original component, has been moved under the institutional strengthening outcome (Component 1).

three LTOs and a range of medium- and short-term outcomes focused on the adoption of labor laws, the remediation of labor laws, and the prosecution of labor law violations. The FOA listed Georgia and Honduras as the target countries, with a third country to be identified later. OTLA identified Mexico as the third country nearly one year after the FOA was published.

Once Mexico was named as the third country, AIR began discussions to solicit the kind of support the country required to implement the labor justice reforms. The government requested support to develop a union and CBA registration platform and digitize union democracy files, which are both required by the labor justice law and organized under LTO 2. However, the government did not request support to develop or implement the labor law or prosecute labor law violations (LTO 1 and 3 in the SGLLE RF).

It is important for OTLA to understand the needs and priorities of its partner country governments so it can incorporate these into the project design process. When projects are designed and outcomes developed without fully knowing the needs and priorities of the countries, misalignment can occur. The evaluation team understands that OTLA often confronts challenges with funding cycles and tight timeframes for designing projects and issuing FOAs. However, the evaluation team also believes that effective and responsive projects can only be designed once the partner country's needs and priorities have been identified and understood.

GOVERNMENT PRIORITIES DRIVEN BY LEGAL REQUIREMENTS, ALONG WITH STRONG LEADERSHIP, FACILITATE ACHIEVING AND SUSTAINING OUTCOMES. STPS was highly motivated to establish the CFCRL and implement the union and CBA registration platform, and to digitize the union democracy files and transfer them to CFCRL, because they were required under the labor reform law. These interventions were high on STPS' list of priorities.

In addition, the Ministry of Labor created a sense of urgency and provided strong leadership to establish and operationalize the CFCRL, which included the various technologies and other products that SGLLE supported. The lesson for future OTLA projects is that the combination of strong political will, in this case motivated by legal requirements, and strong leadership are key factors in achieving and sustaining project outcomes.

BELOW-MARKET RATE GOVERNMENT SALARIES CAN CAUSE HIGH STAFF TURNOVER AND THREATEN SUSTAINABILITY. There is a relatively high turnover rate among CFCRL technology staff. The primary reason that technology staff are leaving CFCRL is because the institution's salary scale for technology personnel is below the market rate paid by some other government agencies and the private sector. While SGLLE has developed training manuals and videos that can be used to train new technology staff, the concern is that continued turnover will eliminate the institutional memory of platform development that will, in turn, threaten sustainability.

OTLA and AIR design and either fund or implement projects in countries where key counterpart government agencies, such as labor ministries, often pay below-market salaries. The below-market rates can cause or contribute to high staff turnover that directly affects effectiveness, efficiency, and sustainability. The lesson is that it is important to assess turnover rates and the underlying reasons before making substantial investments in capacity building activities such as training, coaching, and mentoring. This will allow OTLA and its grantees to develop mitigation strategies or choose other less risky interventions.

IT IS IMPORTANT FOR PROJECTS TO HAVE THE FLEXIBILITY TO CHANGE PLANNED INTERVENTIONS IF GOVERNMENT PRIORITIES CHANGE. Based on initial discussions with STPS and CFCRL officials, SGLLE

planned to improve the legitimation platform, develop an electronic union voting system solution, develop a judicial requests tool, and upgrade the CFCRL web-based portal. The project conducted assessments and developed recommendations for each of these interventions. In the process, CFCRL priorities changed and, thus, it decided to decline assistance from the project to develop and implement these interventions. On the other hand, CFCRL requested assistance to develop a civil service training platform and professional competencies for career civil service, which were not previously envisioned. Both OTLA and SGLLE demonstrated a high degree of flexibility to make the necessary adjustments to meet the requests for these new interventions.

3.2.2. SGLLE PROMISING PRACTICES

RECRUITING HIGHLY COMPETENT, RECOGNIZED, AND RESPECTED PROFESSIONALS TO GAIN CREDIBILITY WITH GOVERNMENT PARTNERS. Before Mexico was named as the third SGLLE country, AIR (Impaq International at that time) did not have a substantial presence in Mexico and was not known as an important player in labor rights issues. Once Mexico was named as the third country, AIR recruited the most competent and respected staff it could find. Many of these staff were already known and respected by STPS, which allowed AIR to gain immediate credibility with STPS and eventually CFCRL officials and staff.

WORKING HAND IN HAND WITH CFCRL STAFF TO BUILD THEIR CAPACITY TO MAINTAIN AND UPDATE TECHNOLOGIES. SGLLE's strategy of working closely with CFCRL staff to train, coach, and mentor them while developing the different platforms and other products appears to have been successful. CFCRL staff benefited from the close relationship and gained the knowledge and skills they need to maintain and upgrade the different technologies as required.

USING FREE OPEN-SOURCE SOFTWARE. To the extent possible and feasible, SGLLE used free and open-source software. Even though the project had funds to pay for licensed software, it decided, in consultation with CFCRL officials, to use free and open-source software so that CFCRL could modify or upgrade its technologies without the need to pay additional fees to modify or upgrade licensed software.

DEVELOPING AN INNOVATIVE INTERNAL QUALITY CONTROL SYSTEM TO EXPEDITE DIGITIZATION. The Ministry of Labor requested SGLLE to accelerate the digitization of JCA union democracy files by nearly 14 months. To meet the new deadline, SGLLE developed an innovative cloud-based platform that expedited the transfer and review of scanned files to check for completeness and accuracy. Rather than copying the scanned files to hard disks to deliver to SGLLE, the digitization service providers uploaded the scanned files to the cloud-based platform, which decreased the file transfer time by nearly 40%. It also increased security by avoiding physical deliveries of hard disks to the SGLLE team.

3.3. SGLLE CONCLUSIONS

RELEVANCE

The SGLLE project's RF/ToC was developed before Mexico was selected as the third country. LTO 1, 'adopting or implementing effective labor laws,' and LTO 3, 'improving prosecution of labor law violations' are not particularly relevant to the assistance Mexico requires of SGLLE. Thus, the vast majority of SGLLE efforts are concentrated on LTO 2, which is 'improved identification and remediation of labor law disputes.' **Therefore, while the project's strategy, outputs, and lower-level outcomes are highly appropriate for achieving LTO 2, they are not entirely appropriate for achieving LTO 1 and LTO 3.**

The FOA provided a detailed RF, including a range of LTOs, MTOs, and STOs for the three SGLLE target countries of Georgia, Honduras, and a third country to be named at a later date. One limitation of such a detailed RF is that it allows limited flexibility for the implementing organization to adjust or change strategies and corresponding outputs and outcomes. On the other hand, a detailed RF allows OTLA to articulate its priorities to address US foreign policy objectives, communicates OTLA project expectations to grantees, and provides a well-defined framework within which to develop proposals.

OTLA decided to use a cooperative agreement as the procurement vehicle for SGLLE. **The cooperative agreement was the appropriate procurement vehicle because it allowed the kind of flexibility AIR required to make adjustments to respond to the Mexican government's needs and priorities that changed during the course of implementation.**

COHERENCE

The SGLLE project in Mexico has **effectively coordinated its activities with international organizations as well as other OTLA projects** assisting Mexico with its labor law reform mandates.

EFFECTIVENESS

The SGLLE project implemented a strategy where its staff worked hand in hand with CFCRL staff to develop the union and CBA registration platform while building their capacity. SGLLE is using the same strategy to develop technologies and other products under Component 1. This strategy appears to be effective at building CFCRL capacity.

The SGLLE project has experienced successes and some challenges while implementing its interventions. Under LTO 1, while the project signed three agreements with key government institutions to share data, the project has not yet conducted the survey to determine the percentage of STPS and CFCRL officials who actually use interinstitutional data to facilitate the application of labor reforms. Under LTO 2, the project successfully developed and transferred the union and CBA registration platform to CFCRL. While CFCRL staff have experienced some difficulties when using the platform, it is functioning and overall effective.

The other interventions under the original component included the legitimation platform and union electronic voting system. After conducting the initial assessment and providing recommendations, the STPS and CFCRL declined assistance from the project to improve/upgrade the legitimation platform and develop the electronic voting system.

The project's efforts are currently focused on implementing the interventions and completing the deliverables under Component 1. These include the organizational architecture, CFCRL

procedural manuals, institutional planning and performance, career civil service plan, professional competences, and the verification platform that was shifted from the original component to Component 1. While work on the organizational architecture and dashboard for institutional planning and performance has been slightly delayed, all deliverables under Component 1 are scheduled to be completed by December 2022.

The interventions under Component 3 include the digitization of union democracy files in 32 additional JCA centers and the development of a database accessible to the public. The digitization of the files was completed and transferred to CFCRL. The project is in the process of completing the database, which is scheduled for December 2022.

In implementing these interventions, the project encountered several factors that are worth mentioning. During the digitization of union democracy files, sharp increases in COVID-19 infection rates caused the project to pause digitization work in seven JCA centers. In addition, the earthquake in Acapulco damaged the JCA center, which caused the project to suspend activities until the building was repaired. However, while these events caused delays, the project was able to recover and complete the digitization work on time.

The STPS and CFCRL decisions to decline project assistance to improve the legitimation platform, develop an electronic union voting system, upgrade the CFCRL web-based portal, and develop the judicial case referral tool, caused inefficiencies.

While the M&E system has generally been an effective management tool, it has not been able to capture lessons learned and other critical information that the project might use to make improvements. At the time of the evaluation, the project was in the process of revising the M&E system to increase its ability to capture lessons and information that can be used to make changes and improve performance. The project was also revising the M&E system to align it with OTLA's efforts to develop a complexity-aware monitoring approach.

EFFICIENCY

The project budget and timeframe are adequate to achieve the outcomes. The project has achieved key deliverables and is on track to achieving the others. The success to date can be largely explained by three key factors. The first is that the labor law reform created an obligation to create the CFCRL, to develop an electronic platform to register unions and CBAs, and to digitize historical union democracy files. It also created expectations for the creation of the other technologies and products that the project is working on. The second is the leadership of the Ministry of Labor of Mexico in creating urgency and expectations to complete key deliverables, such as the digitization of union democracy files. The third factor is the highly competent and respected implementation team that AIR was able to recruit.

IMPACT

The SGLLE project is in the process of revising its M&E system so that it can more effectively capture learning and other information to make changes that eventually improve project performance. OTLA is in the process of replacing its RF with a more flexible logic model and complexity-aware monitoring approaches that promote learning, adaptation and continuous improvement. These are positive trends that the evaluation team encourages.

SUSTAINABILITY

Resources, capacity, motivation, and linkages are three key factors to sustaining outcomes.

- **RESOURCES.** The CFCRL budget is adequate to maintain the different technologies and products the project has or intends to develop and operationalize.
- **CAPACITY.** The SGLLE project's strategy of working hand in hand with CFCRL staff to develop various technologies and products has built their capacity to maintain and upgrade the technologies.
- **MOTIVATION.** The labor reform law created legal obligations to create the CFCRL and certain technologies and processes. The legal obligations have served as a strong motivator.
- **LINKAGES.** Creating linkages was not a focus for the original project components nor for the additional institutional strengthening and digitalization components. Creating linkages will be a focus of the new component that aims to increase worker organization compliance with the labor law.

CFCRL possesses sufficient resources, capacity, and motivation to sustain the key deliverables (outputs) and corresponding outcomes. Thus, the evaluation team believes it is highly likely that these outputs and outcomes will be sustained. However, one concern of the evaluation team is the turnover of CFCRL technology staff. Even though SGLLE has developed training manuals and videos to help train new staff, if turnover reaches a critical mass, sustainability might be affected.

3.4. SGLLE RECOMMENDATIONS

1. **COMMUNICATE WITH CFCRL.** Communicate the progress, status, projected termination date, and transfer date of the verification platform to the appropriate coordination unit within CFCRL.

There is a perception that at least one CFCRL official responsible for the verification platform is not aware of the current status of the platform, and of when SGLLE intends to finish and transfer the platform to CFCRL. In addition, SGLLE should ensure CFCRL officials receive frequent updates on the progress being made with the other technologies and products the project is helping to develop under Components 1 and 3, as well as future technologies and products under Components 2 and 4.

2. **PROVIDE ADDITIONAL TECHNICAL ASSISTANCE.** Assess whether CFCRL requires assistance to address operating difficulties with the registration platform and provide assistance if required.

SGLLE completed the union and CBA registration platform and transferred it to CFCRL. It is currently operational. However, CFCRL users are experiencing some operational difficulties.⁴⁰ While there do not appear to be any major problems with the platform, SGLLE technology staff might be able to assist the CFCRL technology staff in addressing these difficulties in a timely manner. SGLLE should consult with CFCRL regarding the operational difficulties and determine if SGLLE support is required.

3. **ENSURE LEARNING AND CONTINUOUS IMPROVEMENT.** Ensure that learning and continuous improvement processes are incorporated in the revised SGLLE M&E system.

⁴⁰ As discussed previously, the CFCRL registration platform users identified various problems (i.e., problems with registered names, searches, and assigning cases) they confront when using the platform.

At the time of the interim evaluation, SGLLE was in the process of revising its M&E system to align it with OTLA’s emerging focus on a complexity-aware monitoring approach. The SGLLE Mexico team organized an event to assess and identify lessons learned from developing the registration platform that can be applied to other platforms and technologies the project plans to develop. It has also conducted informal meetings to gather key information to assess potential contextual issues in the labor law reform process in Mexico. SGLLE should ensure that these kinds of learning activities are built into the revised M&E system.

4. **CREATE LINKAGES TO SUPPORT UNION COMPLIANCE WITH THE LABOR LAW.** Create horizontal and vertical linkages with and between key stakeholders to support union compliance with the labor law (Component 2), including the new union democracy procedures and requirements, and to sustain Component 2 outputs and outcomes.

SSGLE intends to create linkages with and between unions, organizations working with unions, and CFCRL in the new project component that aims to increase worker organization compliance with the labor law (Component 2). These linkages are intended to help sustain key outputs under Component 2. SGLLE should specify what horizontal and vertical linkages will be created and how these linkages will specifically support the sustainability of Component 2 outcomes and outputs. These linkages should be articulated in the Component 2 project document.

Table 8. Recommendations and Supporting Evidence

Recommendation	Evidence	Page Numbers
1. COMMUNICATE WITH CFCRL. Communicate the progress, status, projected termination date, and transfer date of the verification platform to the appropriate coordination unit within CFCRL.	CFCRL officials responsible for the verification platform are not aware of the current status of the platform and its transfer plans.	23
2. PROVIDE ADDITIONAL TECHNICAL ASSISTANCE. Assess whether CFCRL requires support to address operating difficulties with the registration platform and provide assistance if required.	CFCRL registration platform users are experiencing some operational difficulties, such as searches.	30
3. ENSURE LEARNING AND CONTINUOUS IMPROVEMENT. Ensure that learning and continuous improvement processes are incorporated into the revised SGLLE M&E system.	SGLLE is revising its M&E system. SGLLE has conducted successful learning and continuous learning activities, such as the lessons learned workshop and key informant meetings to assess labor law reform.	34

Recommendation	Evidence	Page Numbers
<p>4. CREATE LINKAGES TO SUPPORT UNION COMPLIANCE WITH THE LABOR LAW. Create horizontal and vertical linkages with and between key stakeholders to support union compliance with the labor law (Component 2), including the new democracy procedures and requirements, and to sustain Component 2 outputs and outcomes.</p>	<p>Linkages were not a major focus for SGLLE under the original and additional components. The new component on union compliance with labor law (Component 2) is an opportunity to create linkages to sustain outcomes and outputs.</p>	<p>38-39</p>

4. FMCS ACTIVITY: MEXICO

On April 6, 2020, OTLA signed an Interinstitutional Agency Agreement (IAA) with FMCS to strengthen the institutional capacity of conciliation bodies, including the CFCRL and the CCLs, to resolve collective labor disputes. FMCS’ primary intervention is training in mediation and conciliation techniques. The period of performance of the IAA was June 1, 2019, to December 31, 2021. OTLA and FMCS signed a modification that extended the IAA to June 30, 2022. At the time of the evaluation, OTLA and FMCS were in the process of signing a second modification to extend the IAA to June 30, 2023.

FMCS OUTCOMES AND ACTIVITIES

The FMCS Statement of Work (SOW), which appears in Annex I, includes two outcomes. Outcome 1 has eight activities focused primarily on mediation and conciliation training, while Outcome 2 has five activities focused on sustainability and strengthening management systems. However, the budget and budget narrative, approved in August 2020, reduced the SOW to focus primarily on training activities and sustainability, as shown the following table.⁴¹

Table 9. FMCS in Mexico - Outcomes and Activities

Outcome 1: Strengthened institutional capacity of conciliation bodies, including the CFCRL and Conciliation Centers, to resolve collective labor disputes.
<ul style="list-style-type: none"> • Conduct practical and hands-on trainings on effective conciliation techniques to resolve collective labor disputes.⁴² • Develop and disseminate training manuals, curriculums, and toolkits (in Spanish) to conciliation bodies to serve as resources for effective conciliation services to resolve collective labor disputes. • Conduct practical and hands-on trainings on interest-based bargaining techniques for employer associations and worker representatives that may participate in conciliation processes. • Structure the format of the trainings to ensure long-term sustainability of its intervention. • Conduct periodic assessments of the trainings, evaluate progress, and make recommendations for improvements.
Outcome 2: Conciliation bodies, including the CFCRL and Local Conciliation Centers, achieve and sustain high quality conciliations.
<ul style="list-style-type: none"> • Develop long-term and sustainable training plans to professionalize staff that engage in conciliation of collective labor disputes.

BENEFICIARIES AND INSTITUTIONAL STAKEHOLDERS

The primary beneficiary and institutional stakeholders include CFCRL, CCL, Federal Prosecutor for the Defense of Workers (PROFEDET), and federal and state judicial labor courts. These institutions provide the conciliators, judges, and administrative officers involved in mediation and conciliation efforts that FMCS trains.

⁴¹ Many of the mediation and conciliation management support activities will be covered by the new Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico project funded by OTLA and implemented by AIR that began activities in January 2022.

⁴² Examples of collective labor disputes that would go through the mandatory conciliation phase include, but are not limited to, disputes related to the negotiation, implementation, and revision of CBAs, as well as conciliations after a strike notice is provided (art.921).

PROJECT MANAGEMENT AND IMPLEMENTATION

FMCS staffing for its work in Mexico includes a project manager, assistant project manager, and seven Spanish-speaking mediation and conciliation trainers and co-trainers who are experienced mediators, conciliators, and trainers. The project manager is located in New Jersey while the assistant project manager is based in Washington D.C. The trainers are located in various cities across the United States including Chicago, Las Vegas, Seattle, Oakland, and Minneapolis.

4.1. FMCS EVALUATION FINDINGS

4.1.1. FMCS RELEVANCE

FMCS Relevance Questions
To what extent did the project’s expected outcomes and interventions respond to the specific needs, plans and priorities of the project’s direct target groups (labor mediators at federal and state levels)?

RELEVANCE OF FMCS TRAINING ACTIVITIES

The Mexican labor justice reform requires labor disputes to seek resolution through conciliation before bringing the dispute before labor courts. The conciliation process is to be carried out by the CFCRL at the federal level and by CCL at the state level. The FMCS conciliation training activities specifically respond to the request made by STPS to modernize and strengthen Mexico’s conciliation services and, more specifically, to build the capacity of CFCRL and CCL conciliators to provide effective conciliation services to employers and workers aimed at resolving collective bargaining disputes.

“The FMCS training responded well to the needs of our conciliators. The training was designed to provide the skills that the conciliators will need to help resolve labor disputes. The only problem that we had, that I can think of, is that some participants who participated remotely from their offices were distracted by telephone calls or people knocking on the door because they wanted to talk.”

- STPS Representative

The evaluation team interviewed key STPS representatives responsible for overseeing conciliation services as well as 22 conciliators and judges trained by FMCS. The evaluators also administered an online perception survey and analyzed the participant course evaluations.⁴³

The STPS representatives and conciliators overwhelmingly agreed that FMCS conciliation training met their needs. They described the training as highly effective and valuable. The training participants especially appreciated the practical nature of the training, and the use of role plays and other methods where participants had the chance to practice negotiation techniques.

“The training definitely met my needs because I learned various techniques, such as taking the emotional thermometer, the caucus, active listening,

⁴³ FMCS administered an evaluation after the trainings to assess participant satisfaction with trainer knowledge and facilitation skills, usefulness of course content, allocation of time to the training, methodologies, and achievement of training objectives.

speaking in clear language that conveys confidence, making the opening speech, understanding body language, and applying the ideas of reframing and reflecting. I have been able to apply many of these techniques to my work.”

- Training Participant

STPS representatives and training participants also identified several areas that could be improved. The first is that some training participants encountered distractions when they participated in the training remotely from their offices. The distractions included telephone calls and requests for meetings. Another is the amount of time allocated to the training, especially the role plays. Both STPS representatives and participants expressed that more time would have been beneficial to participate in more practical exercises like role plays. Participants opined that FMCS might distribute training hours over more training days during non-working hours, such as afternoons or weekends. Finally, several participants noted that it would be useful if FMCS would adapt the training more to the cultural, social, and regulatory context of Mexico and use more realistic exercises with a high degree of confrontation and complexity.⁴⁴

“I think FMCS should focus training more on individual cases, because we are involved more in individual cases than collective cases. Also, include complex situations like sexual harassment, child labor, and domestic workers. Also, FMCS should focus training more on conciliation. I know mediation is more common in the United States, but conciliation is more common in Mexico.”

- Training Participant

These comments are consistent with the results of the participant course evaluations and online perception survey. In the course evaluations, 93% of the training participants gave the highest rating possible for the degree of trainer knowledge, usefulness of training content, and achievement of the training objectives. However, 65% gave the highest rating for the amount of time allocated to training, which is relatively high but less than the other evaluation areas.

The online perception survey showed similar results. Nearly 70% of the training participants who completed the survey said that the trainers, training content, and training methodologies surpassed their expectations, while about 30% noted that it met their expectations. Only one out of 56 total respondents said that the training did not meet his or her expectations.

4.1.2. FMCS COHERENCE

FMCS Coherence Questions
How effectively did the project coordinate efforts with existing interventions in the country, in order to avoid duplication of activities/ investments?

⁴⁴ According to FMCS, it intends to adjust its trainings to include individual mediation and conciliation in addition to collective disputes.

COORDINATION WITH OTHER ACTORS AND INTERVENTIONS

The evaluation team was unable to identify other national or international organizations or institutions that are providing similar mediation and conciliation training. During the initial scoping missions, FMCS staff did not come across nor hear of other organizations that provide similar mediation and conciliation training. According to FMCS trainers, during the training courses they conversed with participants about their backgrounds and experience. During these discussions, the participants commented that the kind of mediation and conciliation training FMCS provides is unique.

CFCRL and CCL representatives told the evaluation team that some universities offer courses in alternative dispute resolution techniques, including mediation and conciliation. However, these courses are more theoretical and are not designed to build concrete negotiation skills. These representatives also noted that there are businesses in many states that offer conciliation training for a fee so that conciliators are able to meet basic job requirements, but again, these are very basic and theoretical and do not provide negotiation skills-building like the FMCS training courses.

FMCS and AIR have coordinated closely in the roll out of the new 'Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico' (ENLACE) project, funded by OTLA and implemented by AIR. The project intends to increase the effectiveness of the conciliation mechanisms established to prevent and resolve labor disputes. As discussed in Section 1.2.1, five of the original sustainability and management strengthening activities under Outcome 2 have been shifted to the ENLACE project.

4.1.3. FMCS EFFECTIVENESS

FMCS Effectiveness Questions
To what extent are the expected outcomes likely to be achieved or not achieved within the life of the project? If not, why (including external factors such as COVID-19 and government priorities)?
Does the project have an effective planning, monitoring and evaluation (M&E) framework or system in place that is used to plan and monitor activities?

ACHIEVEMENT OF OUTCOMES

The evaluation team used information from project reports and key informant interviews to assess the achievement of outcomes as well as any challenges. Table 10 shows outcome achievements and challenges.

Table 10. FMCS in Mexico Outcome Achievements, and Challenges

Outcome 1: Strengthened institutional capacity of conciliation bodies, including the CFCRL and Conciliation Centers, to resolve collective labor disputes.
Achievements and Challenges and Challenges
<p>FMCS aimed to strengthen the institutional capacity of CFCRL and the Conciliation Centers to resolve collective labor disputes through mediation and conciliation training and the dissemination of training materials.</p> <p>MEDIATION AND CONCILIATION TRAINING. The FMCS planned to train a total 300 conciliators, mediators, and judges. At the time of the evaluation, FMCS reported training 222 conciliators, mediators, and judges who participated in 15 training courses. According to FMCS, it is on track to train approximately 450 persons, which is 150 more than originally planned. The reason for the overachievement is that STPS has</p>

requested to include more conciliators and mediators than initially planned. FMCS trainers believe that since the training has been successful and popular, STPS wants to train as many of its conciliators as possible so that they are prepared.

As FMCS trainers noted, the FMCS training model is based on basic andragogical principles, including: (1) adults need to know why they need to learn something; (2) adults need to learn experientially, (3) adults approach learning as problem-solving; and (4) adults learn best when the topic is of immediate value. Adhering to these principles helps ensure that FMCS training is hands-on and practical for the training participants so they can apply learning to their negotiations.

In addition, FMCS set relatively high standards for participants to receive their training course certificate which, according to FMCS trainers, increased the value of the training in the eyes of the participants. For example, to receive the training certificate, participants have to complete 90% of the total of 39 hours of training distributed over six days. They also have to actively participate in training activities and complete training tasks and evaluations.

To ensure training effectiveness, FMCS conducts periodic assessments of the trainings. FMCS evaluates training effectiveness at four key points. It conducts pre- and post-tests to determine the learning gains from the training. FMCS trainers also conduct ongoing informal assessments of daily training activities to determine if adjustments must be made, and FMCS conducts a post-training evaluation to assess participants' satisfaction and perception of the training course. Finally, FMCS sends training participants an online survey designed to assess how they are applying their new mediation and conciliation skills to their work.

The FMCS training effectiveness approach is comprehensive and allows it to ascertain critical information to make adjustments during training courses as well as improve the overall training design to increase effectiveness. The one area that FMCS, CFCRL, and CCLs have not yet started to assess is the effectiveness of the conciliations and mediations including client satisfaction. In other words, has the investment in training made the conciliators and mediators more effective at conducting conciliations and mediations that resolved labor disputes?

DISTRIBUTION OF TRAINING MATERIALS. FMCS develops and disseminates training manuals, curriculums, and toolkits (in Spanish) to conciliation bodies to serve as resources for effective conciliation services to resolve collective labor disputes. FMCS reported that it disseminated all training materials, including PowerPoint presentations and training exercises, such as role plays, to training participants. In addition, FMCS intends to develop a comprehensive training manual and instructional video for STPS and CFCRL to use in future mediation and conciliation training. The manual is scheduled to be finished by the end of July 2022.

It should be noted that FMCS has not provided interest-based bargaining training to employer associations and worker representatives, as originally planned. FMCS staff explained that the demand to train conciliators, mediators, and judges has been so great that STPS requested FMCS to focus on these groups rather than employers and worker organizations. According to FMCS and AIR representatives, mediation and conciliation training for employers and worker organizations will occur under the new ENLACE project.

Outcome 2: Conciliation bodies, including the CFCRL and Local Conciliation Centers, achieve and sustain high quality conciliations.

Achievements and Challenges

FMCS intends to sustain its mediation and conciliation gains by developing and implementing training plans to professionalize mediation and conciliation staff.

DEVELOPMENT OF LONG-TERM SUSTAINABILITY TRAINING PLANS. FMCS does not have a written sustainability plan for its training activities in Mexico. According to FMCS representatives, the sustainability strategy consists of three components. The first is the comprehensive training manual described previously, while the second is the production of an instructional video. The third is providing advice to STPS and CFCRL to effectively embed mediation and conciliation training into its professional development processes. Ideally, FMCS would like to identify a cadre of CFCRL and CCL conciliators and mediators and train them to continue to provide future training to both existing and new conciliators, mediators, and judges. The FMCS sustainability strategy is discussed in more detail in the sustainability section (Section 3.6.2).

EFFECTIVENESS OF THE FMCS MONITORING AND EVALUATION SYSTEM

It is important to understand that FMCS is a US government agency that provides mediation and conciliation training services to OTLA from time to time through an IAA. The FMCS training services are normally meant to complement larger OTLA projects where alternative dispute resolution (ADR) approaches can be beneficial to address labor conflict. FMCS is not a typical ILAB grantee and thus does not have fully developed M&E systems like ILAB grantees.

As FMCS started its training activities, the OTLA grant officer representative (GOR) developed a simple Excel-based monitoring form where FMCS could set targets and report progress toward achieving the activity targets along with space to provide explanations. The monitoring form is called the quarterly tracker. In addition, FMCS provides monthly reports to OTLA that include major achievements, expenditures, issues to resolve, decisions needed from OTLA, and activities planned for the following month.

FMCS has provided the monthly reports and quarterly tracking information to OTLA as planned. However, instead of entering the activity target and achieved information in the monthly tracking form, FMCS enters dates for planned and actual activities, followed by a discussion. To assist OTLA with management and oversight, it would be more effective to enter the activity target and report on the achievement of the target along with any explanation of under- or over-achievement of targets.

As noted previously in Table 10, FMCS has a comprehensive and effective system in place to assess training effectiveness, which consists of pre- and post-tests, ongoing training course adjustments, training satisfaction evaluations, and online surveys that assess the application of participant learning and skills. In the opinion of the evaluation team, the FMCS training effectiveness assessment process would be further strengthened by finding ways to assess any changes in the effectiveness of the conciliations and mediations after receiving training, including client satisfaction. FMCS might work with CFCRL to develop a methodology to assess client satisfaction with the conciliation process.

4.1.4. FMCS SUSTAINABILITY

FMCS Sustainability Question
Does the project have a sustainability plan in place that considers the institutional capacity, resources and motivation of stakeholders involved to continue mediation and conciliation training once FMCS activities end?

FMCS SUSTAINABILITY PLAN AND EFFORTS

As discussed in Section 3.2.2, FMCS does not have a written sustainability plan. Its sustainability strategy consists of a comprehensive training manual, an instructional video, and assistance to STPS and CFCRL to embed mediation and conciliation training into its professional development processes, which would include identifying and training a cadre of CFCRL and CCL conciliators and mediators who would continue to provide future training to both existing and new conciliators, mediators, and judges. This would be modeled after the Training of Trainers (TOT) approach used by many ILAB projects.

It should be noted that the training video was not originally envisioned by FMCS, and therefore was not included in the statement of work. According to FMCS trainers, STPS requested FMCS to

video record the mediation and conciliation trainings so they could be used in the future by CFCRL as a resource to train conciliators and mediators. FMCS decided not to record the training sessions because, according to the training team, FMCS is trying to create a safe environment where participants feel free to express themselves and do not have to worry about making mistakes. Video recording the sessions might interfere with the idea of a safe environment.

To respond to the CFCRL request for an instructional training video, FMCS decided to hire a video production company to produce six short videos in a panel discussion format that covers the following topics: (1) pre-mediation activities; (2) mediator's opening statement; (3) parties' opening statements/presentation of demands; (4) separate caucuses; (5) reaching agreement; and (6) memorializing the agreement. FMCS is working with the video production company to produce the instructional videos that should be completed by July 2022.

“FMCS conducted two extensive procurement processes and finally hired a video production company in March 2022. We drafted the instructional points for both a simulation and a panel discussion and had to go through the procurement process for both ideas. We now are working with the video production company to get prices to finance one or the other, or a combination of the two, which we plan to finish by July 2022.”

- FMCS Representative

An issue that surfaced during interviews with OTLA and FMCS representatives was an apparent misunderstanding of the timeline for producing the training manual and instructional video. OTLA representatives believed that the manual and video should have been produced and available earlier, to increase the chances of sustaining the training activities. FMCS representatives, on the other hand, explained that FMCS typically makes training materials, such as the manual, available towards the end of an activity. While the manual is listed in the statement of work and budget, the date to complete it is not specified. As discussed previously, the instructional video was not listed in the statement of work as one of the deliverables. Nevertheless, FMCS told the evaluation team that it is on track to complete both the manual and video by the end of July 2022.

The third component of the FMCS sustainability strategy is to provide assistance to STPS and CFCRL to embed mediation and conciliation training in its professional development activities, including a TOT approach as noted above. While FMCS staff have been discussing the idea of developing the TOT approach, it is not entirely clear how exactly it would be rolled out and embedded in CFCRL professional development processes.

The evaluation team understands that FMCS is very busy planning and conducting the remaining mediation and conciliation training courses and completing the training manual and instructional video. However, any activities intended to assist CFCRL to embed effective mediation and conciliation training, including the TOT approach, will require adequate time and technical assistance to be successful. It is not clear to the evaluation team that FMCS has enough time and resources in its current IAA to implement an effective strategy to assist CFCRL to embed mediation and conciliation training in its professional development processes.

4.2. FMCS LESSONS LEARNED AND PROMISING PRACTICES

4.2.1. FMCS LESSONS LEARNED

IT WOULD BE HIGHLY BENEFICIAL TO INCLUDE A NATIONAL ADVISOR ON THE FMCS INTERNATIONAL TRAINING TEAM TO PROVIDE ADVICE AND INFORMATION ABOUT NATIONAL CONTEXTUAL ISSUES. The FMCS training team consists of U.S. citizens who are experts in ADR techniques and training. While they are fluent in Spanish, they are not well versed in Mexican contextual issues, such as the labor law reform and the politics around it, mediation and conciliation processes in Mexico, and other social or cultural factors that might affect training. It would be beneficial to have a Mexican advisor to provide advice on these kinds of issues during the design and delivery of training sessions (i.e., what language to use, what activities might be most effective in role play situations, how to provide effective feedback to Mexican professionals, etc.).

SUSTAINABILITY MEASURES ARE MOST EFFECTIVE WHEN INITIATED EARLY IN THE PROJECT TO ALLOW AMPLE TIME TO BE INTEGRATED INTO THE COUNTERPART'S PROCESSES. The FMCS sustainability strategy consists of providing STPS and CFCRL with a comprehensive training manual and instructional training videos and assisting CFCRL to embed mediation and conciliation training in its professional development processes including a TOT approach. The training manual and instructional videos are scheduled to be completed by the end of July 2022. Steps to embed mediation and conciliation training within CFCRL had not started at the time of this evaluation. FMCS mediation and conciliation training activities are scheduled to end on June 30, 2022, leaving few months to implement the sustainability strategy.⁴⁵

ADHERING TO STANDARDS REQUIRED TO COMPLETE THE TRAINING COURSE AND RECEIVE THE CERTIFICATE CREATES VALUE. Before training activities started, FMCS decided to establish standards that training participants had to meet before they completed the course and received their certificate. The standards included the number of sessions and hours that participants had to complete. While some participants were not able to meet these standards and had to drop out of the course, many were able to meet the standards and received their certificate.⁴⁶ Thus, adhering to the high standards resulted in a situation where participants valued the training more than if high standards were not set, or set and not enforced.

4.2.2. FMCS PROMISING PRACTICES

ASSEMBLING A TALENTED AND MOTIVATED TRAINING TEAM, CONSISTING OF EXPERIENCED CONCILIATORS AND MEDIATORS WHO ARE ALSO EXPERIENCED TRAINERS. The FMCS mediation and conciliation training was effective and well received by STPS and CFCRL officials, conciliators, mediators, and judges. One of the primary factors of the success was the FMCS training team. They are experienced conciliators and mediators and, thus, have a wealth of experience to draw upon during training sessions. They are also experienced and effective trainers. In surveys conducted by FMCS and the evaluation team, training participants consistently rated the quality of the FMCS training team as very high.

⁴⁵ At the time of the evaluation, FMCS noted that it was in the process of signing an IAA extension that would end FMCS activities on June 30, 2023.

⁴⁶ According to FMCS staff, only approximately five participants were not able to meet these standards and had to drop out of the course.

USING A VARIETY OF METHODS DURING DIFFERENT PHASES OF THE TRAINING PROCESS TO ASSESS TRAINING EFFECTIVENESS. The methods that FMCS used to assess training effectiveness include: (1) pre- and post-tests to measure improvements in knowledge and skills; (2) ongoing assessments of training by trainers to make adjustments; (3) end-of-training evaluations to assess participant levels of satisfaction with training content, trainers, and schedules; and (4) a post-training online survey (approximately six months after the training course) to assess how participants are using newly acquired training knowledge and skills. These methods provide FMCS with critical information to make adjustments in the training course designs to increase effectiveness and facilitate learning and continuous improvement.

4.3. FMCS CONCLUSIONS

RELEVANCE

The FMCS mediation and conciliation training activities in Mexico responded well to the request made by STPS to help modernize and strengthen Mexico's mediation and conciliation services by building the capacity of CFCRL and CCL conciliators and mediators to provide effective ADR services to employers and workers involved in collective bargaining disputes.

COHERENCE

FMCS is providing a unique style of highly practical and applicable mediation and conciliation training that apparently no other institution or organization in Mexico is offering. Thus, the FMCS training does not run the risk of duplicating efforts with other organizations with which it should be coordinating efforts.

EFFECTIVENESS

Due to high demand for its training services, FMCS is on track to over-achieve its initial training target. At the beginning of FMCS activities, it set a goal of training 300 conciliators, mediators, and judges. At the time of the interim evaluation, FMCS had trained 222 persons and was on track to train a total of 450 before the end of its performance period. While FMCS intended to train employers and worker organizations in interest-based bargaining techniques, the demand to train conciliators, mediators, and judges has been so high that STPS requested FMCS to focus on these audiences instead of employers and worker organizations.

FMCS has also disseminated training materials as planned. It typically provides PowerPoint slides of training sessions and training exercises to training participants. FMCS has also conducted assessments of training effectiveness using pre- and post-tests, training satisfaction evaluations, and a post-training online survey to assess the use and application of new skills and knowledge.

SUSTAINABILITY

FMCS does not have a written sustainability plan in place. Its sustainability strategy consists of a comprehensive training manual, instructional videos, and embedding mediation and conciliation training into CFCRL's professional development processes, including a TOT approach that adheres to international best practices to help ensure effectiveness and sustainability. FMCS is on track to complete the training manual and instructional videos by the end of July 2022. FMCS initiated dialogue with CFCRL in February 2022 and is scheduled to work with these entities throughout the remainder of the project to develop programs for (1) the training of onboarding mediators,

and (2) career-long learning for incumbent mediators. However, the details of that strategy have yet to be developed.

The strategy to embed mediation and conciliation training in CFCRL's professional development processes has not yet been developed.

4.4. FMCS RECOMMENDATIONS

1. DEVELOP A SUSTAINABILITY PLAN. Develop a detailed, written sustainability plan.

FMCS does not have a written sustainability plan that describes how it intends to sustain its conciliation and mediation training achievements in Mexico. The FMCS sustainability strategy consists of developing a comprehensive training manual, a set of six short instructional videos, and embedding conciliation and mediation training in CFCRF professional development processes. It would be beneficial for FMCS to develop a written plan that describes the training manual and instructional videos, how they will be transferred to CFCRL and eventually used to conduct future trainings, and any assistance that FMCS needs to provide to make sure the manual and videos are institutionalized. The sustainability plan should also describe how FMCS plans to embed conciliation and mediation training within FMCS professional development processes, including how it intends to ramp-up engagement with CFCRL and the Reform Linkage Unit in the STPS. The TOT approach that FMCS envisions should be well-defined and explained in the plan. The sustainability plan should also include a timeline for all sustainability activities and products.

2. APPLY NEW SKILLS AND KNOWLEDGE. Develop methodology to assess on-the-job application of new knowledge and skills during mediation and conciliation negotiations, including client satisfaction.

FMCS currently assesses training effectiveness at several key points including pre- and post-tests, informal assessments of participants learning during training, a training satisfaction evaluation administered after the training, and an online survey designed to query participants on how they are using newly acquired mediation and conciliation skills. To strengthen its overall training assessment process, FMCS should consider developing a methodology to assess how effectively participants apply knowledge and skills during actual mediations or conciliations and how satisfied clients are with the results.

One option would be to record a sample of mediations or conciliations so FMCS trainers can assess effectiveness (application of new knowledge and skills), much like client support sessions (i.e., banks, telecom companies, etc.) are recorded for training purposes. The methodology might also include a rapid survey to assess client satisfaction with the mediation or conciliation service. This methodology could eventually be integrated into CFCRL's professional development program.

3. INCLUDE A NATIONAL ADVISOR. Include a host country national advisor on the FMCS training team who could provide valuable advice regarding cultural, social, political, and legal issues.

The FMCS training team members are experts in ADR techniques and training. However, they are not experts in Mexican contextual issues such as the labor law reform and the politics around it, mediation and conciliation processes in Mexico, and other social or cultural factors that might affect training. FMCS should consider adding a Mexican advisor to its training team to provide critical information and advice to help the team to design and adjust training content and methodologies aimed at increasing training effectiveness.

4. **USE THE QUARTERLY TRACKING FORM.** Complete the quarterly tracking form by setting activity targets for the quarter and, after the quarter ends, entering the achievement along with an explanation of the status.

OTLA developed an Excel-based quarterly tracking form that consists of the activity, planned (target), actual (achieved), and status. FMCS has completed the form by entering dates for planned and actual activities. To assist OTLA with management and oversight, it would be more effective to enter the activity target and report on the achievement of the target, along with any explanation of under- or over-achievement of targets. For example, if the activity is to conduct mediation and conciliation training, FMCS should enter the number of people it intends to train for the quarter. After the quarter ends, FMCS should enter the actual number trained and provide an explanation on target variation under the status cell of the form. It would also be useful to add a cumulative cell to the form (adding all quarters to date) so both FMCS and OTLA have current information of the total planned and achieved to date.

5. **APPLY BEST PRACTICES AND LESSONS TO TOT DESIGN.** Conduct a comprehensive literature review to identify evidence-based international best practices and lessons that can be used to design an effective and sustainable TOT approach.

FMCS intends to design and implement a TOT approach to sustain its mediation and conciliation training gains. To help ensure that the TOT design is effective and sustainable, FMCS should conduct a comprehensive literature review of international experiences to identify best practices and lessons that can be applied to the TOT design. The literature review might identify international experience particularly with the motivation and capacity of the chosen conciliators to conduct training as well as the internal resources and linkages to external resources they will require to be successful.

Table 4. Recommendations and Supporting Evidence

Recommendation	Evidence	Page Numbers
1. DEVELOP A SUSTAINABILITY PLAN. Develop a detailed, written sustainability plan.	FMCS does not have a written sustainability plan.	53-54
2. APPLY NEW SKILLS AND KNOWLEDGE. Develop methodology to assess on-the-job application of the new knowledge and skills during mediation and conciliation negotiations, including client satisfaction.	While FMCS assesses training effectiveness at several key points, it does not assess how skills are applied to mediations and conciliations.	53
3. INCLUDE A NATIONAL ADVISOR. Include a host country national advisor on the FMCS training team who could provide valuable advice regarding cultural, social, political, and legal issues.	FMCS training team is highly experienced and effective but does not include an advisor on local context (cultural, social, political, and legal issues).	55
4. USE THE QUARTERLY TRACKING FORM. Complete the quarterly tracking form by setting activity targets for the quarter and, after the quarter ends, entering the achievement along with an explanation of the status.	Quarterly tracking form is completed and submitted but does not report targets and achievements.	53

Recommendation	Evidence	Page Numbers
<p>5. APPLY BEST PRACTICES AND LESSONS TO TOT DESIGN. Conduct a comprehensive literature review to identify evidence-based international best practices and lessons that can be used to design an effective and sustainable TOT approach.</p>	<p>FMCS plans to develop a TOT approach to sustain its mediation and conciliation training gains.</p>	<p>54</p>

5. OTLA RECOMMENDATIONS

In addition to recommendations for SGLLE and FMCS, the evaluation team made the following recommendation for OTLA/ILAB:

- 1. DEVELOP OUTCOMES FOR GLOBAL PROJECTS AFTER ALL COUNTRIES ARE IDENTIFIED.** Avoid developing outcomes for global projects when the target countries are not yet known.

SGLLE was designed as a global project to be implemented in Georgia, Honduras, and a third country that had not been identified when the project was designed and published as a FOA. The SGLLE outcomes included adoption of labor laws, the remediation of labor laws, and the prosecution of labor law violations. After Mexico was named as the third country, it requested support from SGLLE to meet its obligations under its labor law reform that fit well under the remediation of labor law outcome. It did not request assistance related to adoption of labor law or prosecution of labor violations. When feasible, OTLA should design its projects, including the development of outcomes, once the target countries are known and their specific needs and priorities are understood.

- 2. PROVIDE AN IAA EXTENSION.** Modify or extend the IAA with FMCS to include a specific focus on embedding mediation and conciliation training, as well as a system for evaluating training effectiveness and continuous learning, in CFCRL's professional development processes.

OTLA signed an IAA with FMCS to provide mediation and conciliation training to mediators, conciliators, and judges from June 1, 2019, to December 31, 2021. The IAA was extended from January 1, 2022, to June 30, 2022. A second extension was in the process of being signed to extend training services from July 1, 2022, to June 30, 2023. To ensure mediation and conciliation training are embedded in CFCRL professional development processes, FMCS will require dedicated and adequate time and resources. FMCS should focus the second extension (July 1, 2022, to June 30, 2023) on sustaining the mediation and conciliation training, including implementing and evaluating the TOT approach. FMCS should avoid training more mediators and conciliators if the training is not part of its sustainability strategy.

- 3. INCORPORATE CONTRACT-LIKE REQUIREMENTS IN COOPERATIVE AGREEMENTS.** Work with the ILAB contracts office to determine how to build more contract-like requirements into its cooperative agreements, when appropriate, such as pay-for-performance.

The cooperative agreement is OTLA's most common procurement mechanism. It provides a relatively high degree of flexibility for grantees to make necessary adjustments while providing OTLA involvement and oversight to ensure project objectives and other conditions are being met. While a contract is not the most appropriate procurement mechanism for the majority of OTLA projects, OTLA might consider working with the ILAB contracts office to see how contract-like

requirements might be used in the cooperative agreement. These might include pay-for-performance, where OTLA pays for specific deliverables, or an incremental approach where interventions or geographical expansions are phased in over time. The criteria OTLA could use to provide funding to move from one phase to the next might include progress milestones or achievements of key performance indicators.

- 4. **USE DATA FOR LEARNING AND ADAPTATION.** The OTLA M&E team and project managers should work more closely on the review of monitoring plans and progress (TPRs) to promote learning and adaptation.

The OTLA M&E team typically reviews and provides input to M&E plans during the project design process. However, as was the case with SGLLE and FMCS, the M&E team typically does not review and comment on the M&E sections of the TPRs. This can be explained by the fact that the OTLA M&E unit has not had sufficient staff to provide M&E support. The evaluation team understands that OTLA is in the process of hiring more M&E staff, and the M&E unit will provide training to OTLA project managers on M&E issues to help them review and comment on monitoring reports. The evaluation team believes this is a positive development. To the extent feasible, the OTLA M&E team should work with project managers to review and provide comments on project monitoring plans and progress reports in ways that promote learning and adaptation. The collaboration could be done in a way that the M&E staff coach and mentor the project managers who lack M&E experience.

- 5. **ASSESS TRADE UNION PLATFORM USERS.** Ensure that the SGLLE final evaluation addresses the trade unions’ use of the registration platform and documents any issues or problems they are having in using the platform.

This interim evaluation focused on the CFCRL users of the registration platform and documented their experiences. It did not assess trade union users and their experiences, including any issues or problems they face when registering. The focus on the CFCRL users was appropriate since the platform had only been operational for several months. However, it would be important to conduct a proper assessment of the trade union users to document experiences, including any issues or problems that should be addressed by CFCRL. The final evaluation is an appropriate time to make this assessment.

Table 5. Recommendations and Supporting Evidence

Recommendation	Evidence	Page Numbers
<p>1. DEVELOP OUTCOMES FOR GLOBAL PROJECTS AFTER ALL COUNTRIES ARE IDENTIFIED. Avoid developing outcomes for global projects when the target countries are not yet known.</p>	<p>The SGLLE global project was designed, including outcomes, before Mexico was named as the third country.</p> <p>Two of three SGLLE outcomes were not appropriate for Mexico’s needs and priorities.</p>	<p>22-23, 41</p>
<p>2. PROVIDE IAA EXTENSION. Modify or extend the IAA with FMCS to include a specific focus on embedding mediation and conciliation training in its professional development processes.</p>	<p>FMCS will require dedicated and adequate time and resources to embed mediation and conciliation training in CFCRL professional development processes.</p>	<p>53-54</p>

Recommendation	Evidence	Page Numbers
<p>3. INCORPORATE CONTRACT-LIKE REQUIREMENTS IN COOPERATIVE AGREEMENTS. Work with the ILAB contracts office to determine how to build more contract-like requirements in its cooperative agreements, such as pay-for-performance.</p>	<p>Appropriateness of the cooperative agreement as procurement vehicle for OTLA projects.</p>	<p>25</p>
<p>4. USE DATA FOR LEARNING AND ADAPTATION. The OTLA M&E team and GORs should work more closely on the review of monitoring plans and progress to promote learning and adaptation.</p>	<p>Advantages of incorporating contract-like mechanisms into cooperative agreement.</p>	<p>53</p>
<p>5. ASSESS TRADE UNION PLATFORM USERS. Ensure that the SGLLE final evaluation includes an evaluation question that addresses the trade unions' use of the registration platform and documents any issues or problems they are having in using the platform.</p>	<p>Union officers might be reluctant to use and trust the electronic registration platform since they are used to registering using paper and pencil and saving hard copies for their records.</p>	<p>30</p>

ANNEX A. LIST OF DOCUMENTS REVIEWED

SGLLE PROJECT

- Award Notice: IL-32801-75-K, November 21, 2018
- Award Modification #2, August 29, 2019
- Award Modification #3, April 21, 2020
- Award Modification #6, September 15, 2021
- ILAB/OTLA Funding Opportunity Announcement, Notice of Availability of Funds and Funding Opportunity Announcement for Strengthening Government Labor Law Enforcement, July 2018
- Project Federal Award Terms and Conditions
- Project Document: Strengthening Government Labor Law Enforcement: Mexico, September 2020
- Project Document: Strengthening Government Labor Law Enforcement: Mexico; FCCLR Institution Building Component, March 2021
- Project Document: Strengthening Government Labor Law Enforcement: Mexico; Digitization Component, July 2021
- Technical Progress Report, April 1, 2019 to September 30, 2019
- Technical Progress Report, October 1, 2019 to December 31, 2019
- Technical Progress Report, October 1, 2019 to March 31, 2020
- Technical Progress Report, April 1, 2020 to June 30, 2020
- Technical Progress Report, April 1, 2020 to September 30, 2020
- Technical Progress Report, October 1, 2020 to March 31, 2021
- Technical Progress Report, April 1, 2021 to September 30, 2021

FMCS ACTIVITY

- Budget Narrative 7600 B Attachment: U.S. Department of Labor, Bureau of International Labor Affairs (ILAB) and Federal Mediation and Conciliation Service (FMCS) Activities to Support Labor Dispute Resolution in Mexico for Fiscal Year 2020
- FMCS Mediation and Conciliation Training Course Evaluations (Sessions 1-11)
- Interagency Agreement: FMCS Agreement for Reimbursable Services, April 6, 2020
- Interagency Agreement: FMCS Agreement for Reimbursable Services: USMCA extension of Period of Performance to continue training services with funds (\$664,660) obligated in FY 20, under 20-MOU-230, until June 30, 2022.
- Monthly Progress Updates (Memos): October, 2020 to December, 2021
- Quarterly Tracking Reports
- Statement of Work for U.S. Federal Mediation and Conciliation Service Mexico Activities

ANNEX B. EVALUATION ITINERARY

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ANNEX C. TERMS OF REFERENCE

**INTERIM EVALUATIONS:
STRENGTHENING GOVERNMENT LABOR LAW
ENFORCEMENT (SGLLE)
AND
U.S. FEDERAL MEDIATION AND CONCILIATION
SERVICES (FMCS)
IN MEXICO**

SUBMITTED TO

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1. Background and Justification

The United States Department of Labor (USDOL), through its Bureau for International Labor Affairs (ILAB), has contracted with Sistemas, Familia y Sociedad (SFS) under order number 1605C2-21-F-00051 to conduct this interim performance evaluation of the Strengthening Government Labor Law Enforcement (SGLLE) project and the activities implemented by the U.S Federal Mediation and Conciliation Service (FMCS) in Mexico.

This document serves as the framework and guidelines for the evaluation. It is organized into the following sections:

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

Project Context⁴⁷

In February 2017, Mexico adopted constitutional labor justice reforms to establish a new labor justice system and fulfill Mexico's commitment to enact specific legislation to effectively recognize the right to collective bargaining under the U.S.-Mexico-Canada Agreement (USMCA) Labor Chapter Annex ("Worker Representation in Collective Bargaining in Mexico"). On May 1, 2019, implementing legislation for these reforms was enacted, and an opportunity exists for targeted technical assistance and capacity building to support implementation by Mexican labor institutions.

Over the course of four years, the labor reform is transferring the authority to adjudicate labor disputes from Conciliation and Administrative Boards (CABs) to new federal and state labor courts in Mexico's judicial branch, and created local conciliation bodies to hear judicial matters before their consideration by state labor courts. It also established an independent, impartial, and specialized Centro Federal de Conciliación y Registro Laboral (FCCLR, or "Federal Center") to absorb the CABs' administrative functions such as registering unions, union statutes, and collective bargaining agreements, and conciliate federal judicial matters before their consideration by federal labor courts. The Federal Center will be located in Mexico City and will have representational offices across all 32 Mexican states.⁴⁸

⁴⁷ Adapted from the Mexico SGLLE project documents and FMCS statement of work: "01a SGLLE Mexico Project Document_Final," "1b. SGLLE Component 1 (FCCLR Institution Building) Project Document – May 25 FINAL," "1c. SGLLE Digitization ProDoc October 2021 Final," and "5. 20-MOU-230 ILAB and FMCS – Statement of Work"

⁴⁸ On January 6, 2020, the Mexican government published the Organic Law for the Federal Conciliation and Labor Registration Center. See: http://www.diputados.gob.mx/LeyesBiblio/pdf/LOCFCLR_060120.pdf.

The labor reform established a process whereby prior to bringing a labor dispute to the labor courts, workers and employers are required to take part in conciliation proceedings, which should not exceed 45 calendar days. At the federal level, the conciliation functions are mainly to be carried out by the Federal Center, and at the state-level by specialized Local Conciliation Centers.⁴⁹ The new law mandates that the Federal Center and local centers begin conciliation functions in all 32 States by May 2022 and May 2023, respectively. However, the Government of Mexico (GOM) will carry out implementation of the labor reform in three stages, with the first Federal Center and local centers set to begin conciliations in nine states by October 2020, the next group of 12 states by October 2021, and the remaining 11 states by October 2022.⁵⁰

The labor justice reforms include provisions that, if successfully applied, will produce historic labor advances. The reforms, for example, federalize all administrative labor functions previously assigned to federal- and state-level CABs and transfer them to the new FCCLR, including:

- Registering internal workplace regulations and their modification;
- Registering unions, including union leadership;
- Registering union statutes and their modification;
- Registering confederations and federations;
- Registering collective bargaining agreements (CBAs), including their modification and cancellation;
- Overseeing, facilitating, and validating procedures related to CBA registration, including union certificates of representativeness (constancias de representatividad);
- Making the following items publicly available:
 1. CBAs;
 2. internal workplace regulations;
 3. union statutes.

Further supporting union democracy and worker representation in collective bargaining, transitional Article 11 of the labor justice reform implementing legislation provides that within four years, all existing collective bargaining agreements must be legitimized at least once, establishing general procedures for legitimation that are expanded and further concretized in the July 2019 STPS “Protocol for the Legitimation of Existing Collective Contracts.” Such legitimation responsibilities initially reside with STPS, until the FCCLR is operational and able to assume them.

Additionally, as part of the comprehensive transition of the administrative labor justice functions from the CABs to the new FCCLR, the May 2019 labor reforms require all 58 local CABs, as well as the federal CAB and STPS, to electronically transfer all collective bargaining agreements (CBAs), union registrations, union statutes, internal workplace regulations, and related union-democracy

⁴⁹ The Mexican Constitution divides authority for enforcement of labor laws between the federal and state governments. For instance, the federal government is authorized to enforce all labor laws related to 22 industrial sectors and services, three types of enterprises, and matters affecting two or more states. All other labor law enforcement is reserved for the states.

⁵⁰ States in the first group are: Durango, Estado de México, Chiapas, Guanajuato, Tabasco, Hidalgo, Campeche, San Luis Potosí and Zacatecas. Second group: Aguascalientes, Baja California, Colima, Guerrero, Michoacán, Morelos, Nayarit, Oaxaca, Quintana Roo, Sinaloa, Tlaxcala, and Yucatán. Third group: Baja California Sur, Chihuahua, Ciudad de México, Coahuila, Jalisco, Nuevo León, Puebla, Querétaro, Sonora, Tamaulipas, and Veracruz.

files to the FCCLR. Most existing files in the local CABs, including CBAs and union registrations, were not available electronically or well-organized, -stored, and -secured prior to AIR's intervention. Most are also not readily publicly accessible. This has impeded efforts of labor stakeholders, including labor law enforcement officials, independent union leaders, and workers, to identify protection contracts, anti-democratic labor practices, and undemocratic union behavior, among other impediments to worker freedom of association and legitimate collective bargaining.

Given the critical role of the nascent FCCLR in implementation of the labor reforms, Mexico's National Strategy for the Implementation of the Labor Justice System includes the FCCLR's creation and operationalization as a priority action area. The goal is to ensure the FCCLR has the foundational elements and tools necessary to function successfully. The National Strategy also identifies specific activities required to meet this goal, including developing the FCCLR organizational design and mapping the FCCLR's processes.

Project Specific Information: SGLLE

SGLLE is implemented by the American Institutes for Research (AIR) – previously IMPAQ International, LLC, which was acquired by AIR during the implementation of the project – through a cooperative agreement awarded by ILAB in November 2018 to implement technical assistance projects in Georgia, Honduras, and Mexico⁵¹. The purpose of the grant was to identify and address gaps that prevent the respective governments from realizing a comprehensive labor law enforcement system, focusing specifically on each country's legal framework, labor inspection system, and labor violation adjudication system. The global project began in January 2019 and is scheduled to end in December 2026. Because of the global nature of this cooperative agreement, this evaluation will be conducted with consideration of the results from the other project evaluations under this evaluation order, as available and relevant at the time of the evaluation.

In September 2020, ILAB approved the SGLLE Mexico Project Document, with the following long-term outcomes (LTOs): 1) government adoption and/or improved implementation of laws, regulations, and other legal instruments consistent with relevant labor standards; 2) improved government identification and remediation of labor law violations; and 3) improved prosecution of labor law violations.

The project-level objective is effective government enforcement of laws that are consistent with relevant labor standards. The Mexico country-level objective is improved compliance with union democracy-related laws and standards through successful implementation of Mexico's constitutional labor justice reforms. The overarching strategy for advancing these objectives is to identify and address gaps that prevent the government from implementing relevant labor law enforcement measures. The initial funding amount for Mexico was US\$ 4 million and the Mexico portion of the project was originally scheduled to end in December 2022. Subsequently, AIR received two modifications from DOL with total funding of US \$1.75 million, bringing the total grant award to \$5.75 million.

In Mexico, SGLLE supports the implementation of the 2017 constitutional labor justice reforms and their 2019 implementing legislation in order to address Mexico's most pressing and immediate needs as the country transitions to the new labor justice system, with a focus on

⁵¹ At the time of signing the Cooperative Agreement, the third country (Mexico) had not yet been named.

supporting the work of Mexico's Secretaría del Trabajo y Previsión Social (STPS) and the newly established FCCLR. The Mexico SGLLE project has three groups of direct beneficiaries: FCCLR authorities and staff, relevant STPS senior officials, and labor inspectors and labor inspectorate authorities.⁵² Indirect beneficiaries include the workers, particularly workers and democratic workers' organizations across Mexico.

Initially, the project proposed to focus on strengthening Mexican institutional capacity to implement the labor justice reforms related to:

- Legitimation of existing CBAs;
- Registration of unions and collective bargaining agreements, including verification and validation of new union democracy procedures; and
- Researching, analyzing, and supporting implementation of any selected electronic voting solutions to facilitate worker participation in union democracy-related processes.
- Additionally in 2019, AIR received additional DOL funding to undertake an initial pilot to digitize key union-democracy files in six Local Conciliation and Arbitration boards (CABs).

The AIR team collaborated with the STPS and FCCLR and consulted with labor stakeholders to design and develop the FCCLR's union registration platform which allows the FCCLR to meet its registration mandate and provides seven functionalities for users to classify, register, and update key union democracy materials. AIR also facilitated and mentored the FCCLR in the inclusion of key data from other government institutions (IMSS, RENAPO, SAT), which can facilitate the internal review and approvals of registration processes.

Furthermore, AIR implemented an initial pilot to digitize key union-democracy files in six Local Conciliation and Arbitration boards (CABs). These efforts ensured the full operationalization of the registration platform by supporting the digitization of all existing historical paper-based CBAs; union registrations; internal union statutes and bylaws, and other materials from related administrative processes from the participating local CABs.

Although the initial project included activities related to the legitimation of CBAs and electronic voting solutions, after initial assessments and information provided by the AIR team, the project's Mexican government counterparts decided to take a different route in these areas and these activities were removed from the project workplan in coordination with USDOL.

In October 2020, AIR received additional funding from USDOL to add four new components to SGLLE, which increased the grant value for the Mexico portion of the project from US\$ 5.75 million to US \$25.75 million (and, accordingly, the total global cooperative agreement award from US\$ 8.75 million to US \$28.75 million). A further project modification, received in March 2021, extended the SGLLE's global cooperative agreement end date from March 2025 to December 2026.

The four added components include: 1) supporting ongoing FCCLR institution building; 2) supporting worker organization compliance with new labor reform procedures and requirements; 3) digitizing historical union democracy-related files and transferring them to the FCCLR as mandated by law and creating a public, updated, analytical union democracy database (digitization); and 4) combatting unlawful pre- and post-election and election-day practices

⁵² Unions will also be a direct beneficiary of component two work, though this work has not yet started.

undermining union democracy. Below is a description of these four components. To date, implementation has begun for Components 1 and 3, and the project plans to submit the draft Project Document for Component 2 in March 2022. Component 4 has not yet started.

COMPONENT 1 (SUPPORTING FCCLR INSTITUTION BUILDING): Under this component, AIR provides further support to the FCCLR in the application of Mexico’s 2017 constitutional labor justice reforms and the May 2019 implementing legislation. This project component aligns with Mexico’s National Strategy for the Implementation of the Labor Justice System, which defines strategic lines of action for labor justice reform implementation and includes the FCCLR’s creation and operationalization as a priority action area. The goal is to ensure the FCCLR has the foundational elements and tools necessary to function successfully, and the project focuses on the following priority tasks to implement in close collaboration with the FCCLR:

1. Support creation of the FCCLR’s organizational architecture in four key areas: governance, including institutional rules, procedures, structures, and macro processes;⁵³ data, including logistics and management; software applications;⁵⁴ and technology, including hardware, software, and networks.
2. Support mapping and development of the FCCLR’s Operational and Procedural Manuals (MOP) to help staff fulfill their responsibilities under the labor justice reforms;
3. Support development of a career civil service structure specific to the FCCLR that offers legal, procedural, and operational guidelines for personnel selection, professional development, upskilling and certification, training, personnel performance management, and termination;
4. Assist in the development of an institutional performance management system, including processes and accompanying electronic systems;
5. Develop the FCCLR’s worker election verification technology tool; and.
6. Develop new and improved functionalities for the FCCLR’s web-based portal and support the FCCLR in responding to official requests from federal and local labor courts for case materials and information, with specific activities to be further defined together with the FCCLR.

COMPONENT 3 (DIGITIZATION): This component builds on SGLLE’s Phase 1 (“pilot”) digitization effort involving six local CABs and seeks to provide high-quality digitization of the remaining union democracy-related files from 32 CABs.⁵⁵ The digitization process includes scanning the files; applying a list of metadata tags with file information and descriptions, generated by the AIR team in coordination with the STPS and FCCLR;⁵⁶ and transferring the scanned files and affiliated metadata to the FCCLR. The scanning, tagging, and electronic transfer of the union democracy-

⁵³ Macro processes are large-scale business processes that generally focus on determining how each underlying process relates to target external stakeholders.

⁵⁴ Applications refers to software developed specifically to streamline processes and support institutional operations.

⁵⁵ The six CABs that participated in the pilot include Campeche, Chiapas, San Luis Potosí, Durango (Gómez Palacio), Zacatecas, and Tlaxcala. Five of these are also in states included in the first phase of labor reform implementation.

⁵⁶ The metadata includes basic tags such as union and employer names and addresses and case file numbers, as well as higher-level tags such as number and date of CBA revisions, salary ranges, and industry.

related files lays the groundwork for the ultimate creation of a public, searchable electronic FCCLR data management system and warehouse for union democracy-related files. The metadata generated and tagged in each record is meant to increase the transparency and accountability of the historical union democracy-related files by facilitating more complex searches and data cross-referencing among such files, both by the STPS and FCCLR and external labor stakeholders. Ultimately, such digitization should promote greater union democracy, providing workers and workers' organizations access to historical information about union representation and the terms of collective bargaining agreements (CBAs) governing their employment.

Project Specific Information: FMCS

In order to complement the technical assistance provided through the SGLLE project, and further contribute to ILAB's congressional mandate under the USMCA Implementation Act to support the implementation of the labor law reform, during Fiscal Year 2020, ILAB and the U.S. Federal Mediation and Conciliation Service (FMCS) signed an Interagency Agreement (IAA) in accordance with the general cooperative authority provided under the Economy Act of 1932, 31 U.S.C. 1525. Under this agreement, USDOL is providing FMCS with up to US \$646,660 to implement a series of activities to build capacity of the conciliators of the Federal Center, which involves training mediators and judges at the state and federal level from all 31 states.

The objective of these activities is to address the request made by Mexico's Secretariat of Labor and Social Welfare (STPS) for assistance in modernizing and strengthening governmental conciliation services. Specifically, FMCS efforts in Mexico aim to accomplish the following outcomes:

- **OUTCOME 1:** Strengthened institutional capacity of conciliation bodies, including the Federal Center and the Local Conciliation Centers, to resolve collective labor disputes; and
- **OUTCOME 2:** Conciliation bodies, including the Federal Center and Local Conciliation Centers, achieve and sustain high-quality conciliations.

In support of achieving these outcomes, FMCS activities are being implemented within a four-year timeframe. The first three years of FMCS activities (2020-2023) are implemented in parallel with the three stages of the Mexican labor reform and include conducting assessments every six months to promote sustainability of FMCS technical assistance. In the fourth year (2024), FMCS will carry out a final assessment of their overall intervention, which will include a list of recommendations to the GOM on advancing the project objectives.

All FMCS activities are carried out in collaboration with the appropriate key actors within the Government of Mexico (GOM) to ensure sustainability.

2. Purpose and Scope of Evaluation

Evaluation Purpose

This interim performance evaluation will assess the performance and achievements of the SGLLE project and FMCS activities in Mexico to date (May 2019 – February 2022 for SGLLE, and October 2020 – February 2022 for FMCS). The evaluation team will glean information from a diverse range of project stakeholders and institutions who participated in and were intended to benefit from interventions in Mexico. The findings, conclusions, lessons learned, good practices, and recommendations from the evaluation will be written in one report.

Because the AIR SGLLE projects in Honduras and Mexico were designed together and share the same project objective and long-term outcomes, the results and conclusions of this evaluation will also consider any information and analysis from the other evaluations, as available at the time of fieldwork.

The purpose of interim performance evaluations covered under this contract includes, but may not be limited to, the following:

- Assessing the relevance of the project in the cultural, economic, and political context in the country, as well as the validity of the project design and the extent to which it is suited to the priorities and policies of the host government and other national stakeholders;
- Determining whether the project is on track toward meeting its objectives and outcomes, identifying the challenges and opportunities encountered in doing so, and analyzing the driving factors for these challenges and opportunities;
- Assessing the effectiveness of the project's strategies and the project's strengths and weaknesses in project implementation and identifying areas in need of improvement;
- Providing conclusions, lessons learned, and recommendations; and
- Assessing the project's plans for sustainability at local and national levels and among implementing organizations, and identifying steps to enhance its sustainability.

Intended Users

The primary audience of the evaluation includes ILAB, AIR and its implementing partners (including implementers and stakeholders of the SGLLE Honduras project), FMCS, and the tripartite stakeholders or constituents in Mexico, especially civil society. The evaluation results, conclusions, and recommendations will serve to inform future project design and inform stakeholders in the design and implementation of subsequent projects in the country and elsewhere as appropriate.

3. Evaluation Questions

Following discussions with ILAB, AIR and FMCS, the following key questions for this evaluation have been developed in accordance with the Organization for Economic Co-operation and Development Assistance Committee criteria: Relevance, Coherence, Effectiveness, Efficiency, Impact, and Sustainability.⁵⁷

SGLLE Evaluation Questions

Relevance

1. Are the strategy, outcomes and assumptions of the theory of change (ToC) generally appropriate for achieving the planned results and long-term outcomes (LTOs)?

⁵⁷ Note that the OECD/DAC criteria have been revised as of January 2020: <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>.

2. What were the benefits and limitations of the FOA-prescribed ToC and LTOs?
3. Was a Cooperative Agreement an appropriate procurement vehicle to use for this project?

Coherence

4. To what extent has the project coordinated efforts with existing interventions in the country and with USDOL priorities, in order to avoid duplication of activities/investments?

Effectiveness

5. What project interventions were the most and least effective at strengthening the capacity of FCCLR?
6. What are the main successes, challenges, and lessons learned encountered for each project component (initial components and subsequent institution building and digitization components)?
7. How have external factors (COVID-19 pandemic, the labor justice reform implementation timeline, earthquake) affected project implementation and how effectively did the project assess, adapt and mitigate these factors?
8. Does the project have an effective planning, monitoring and evaluation (M&E) framework or system in place that has been used to plan, monitor, and adjust project activities?

Efficiency

9. What can be learned from the project's progress (or lack thereof) about the level of change (outcomes) that can realistically be achieved within a given project timeframe and budget, and with the time and resources remaining available for this project?

Impact

10. How can ILAB and its grantees effectively capture, analyze, and act on information about implementation challenges to mitigate and address obstacles limiting progress towards the project's outcomes?

Sustainability

11. To what extent has the project built institutional capacity, fostered motivation and ownership, and started to link stakeholders to replacement resources?
12. What outcomes are likely to be sustained and what adjustments are needed to increase the likelihood of sustainability?

FMCS Evaluation Questions

Relevance

13. To what extent did the FMCS interventions respond to the specific needs, plans and priorities of the direct target groups (labor mediators at federal and state levels)?

Coherence

14. How effectively did FMCS and DOL coordinate efforts with existing interventions in the country, in order to avoid duplication of activities/investments?

Effectiveness

15. To what extent are the expected outcomes likely to be achieved or not achieved within the remaining period of performance? If not, why (including external factors such as COVID-19 and government priorities)?
16. Do FMCS and DOL have an effective planning, monitoring and evaluation (M&E) framework or system in place that is used by both to plan and monitor activities?

Sustainability

17. Do FMCS and DOL have a sustainability plan in place that considers the institutional capacity, resources and motivation of stakeholders involved to continue mediation and conciliation training once FMCS activities end?

These evaluation questions will provide the structure for the evaluation and be tailored to the specific objectives, expected results, activities, and stakeholders of the project. The evaluation team identifies the data sources it intends to use to answer these questions in Appendix A.

4. Evaluation Design and Methodology

An evaluation team composed by a Lead Evaluator (LE) and a National Consultant/Monitoring and Evaluation Expert will be responsible for this evaluation. The evaluation team will address the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. It will obtain data for this evaluation by conducting:

- A document review,
- Remote fieldwork including key informant interviews (KIIs), focus group discussions (FGDs), which will be conducted remotely during the COVID-19 pandemic,
- An online survey of FMCS training participants, and
- Quantitative analysis of secondary data

The evaluation team will use the sources described below to evaluate the project.

Document Review

The evaluation team will review the following documents, if available, before conducting field visits. The team will use the documents to assess the six evaluation criteria.

- Project documents and/or Scope of Work, including Results Framework and Performance Monitoring Plan
- Technical Progress Reports (TPRs), including performance Data Tracking Tables
- Reports on needs assessments, stakeholder analysis, and specific project activities
- Sustainability Plans and Risk Management Plans
- Work plans and activity logical sequencing
- Federal Financial Reports (FFR), Budgets and Records of Expenditures
- Any other relevant documents or deliverables

Fieldwork

Prior to beginning fieldwork, the evaluation team will host a logistics call with the project's staff to plan the field visit and data collection. AIR and FMCS will assist the evaluation team in scheduling KIIs and FGDs. The evaluation team reserves the right to add to or modify this list in the process of fieldwork or desk review, as appropriate.

The fieldwork itinerary will be determined based on scheduling and the availability of KII and FGD participants. Meetings will be scheduled in advance of the field visit and coordinated by AIR and FMCS project staff, in accordance with the evaluation team's requests. The evaluation team will conduct KIIs and FGDs with stakeholders without the participation of any project staff. The lead evaluator will conduct KIIs remotely, and the local consultant will conduct remote KIIs and FGDs. Whenever possible and with the permission of the informants, audio recordings will be made for the purpose of the study only; the recordings will be destroyed once the analysis is completed. These recordings will be for the evaluation team only and will not be shared with ILAB, AIR, FMCS, or anyone else.

This is a remote evaluation, and as such the evaluation methodology will address the relevant considerations and limitations of virtual data collection.

As mentioned above, the fieldwork for this evaluation will be combined with the concurrent evaluation of the FMCS project in Mexico.

Key Informant Interviews

The evaluation team will conduct approximately 73 interviews over 11 days with project stakeholders in Mexico remotely by internet conference calls or phone calls, as appropriate.

Exhibit 1: KII Data Collection Strategy – SGLLE

Stakeholder Type	Method	Sample Size*	Potential Respondents
ILAB	Group Interview	6	SGLLE project managers, Mexico labor attaché, USMCA, OTLA TAG Chief, OTLA M&E staff
AIR Staff HQ	Key Informant Interviews	3	Managers, technical directors
AIR Staff Mexico	Key Informant Interviews	8	Country director, strategy and innovation director, IT director, SGLLE director
STPS	Key Informant Interviews	4	Director generals and managers,
CFCRL	Key informant interviews	6	Managers, technical directors, technology directors, legal counsel
Others	Key Informant Interviews	2	Labor lawyer, NGO representative

* The sample size represents all stakeholders that have been involved with the project and provided by ILAB and AIR.

Exhibit 2: KII Data Collection Strategy – FMCS

Stakeholder Type	Method	Sample Size*	Potential Respondents
ILAB	Group Interview	8	FMCS project managers, Mexico labor attaché, USMCA, FMCS IAA coordinator, OTLA M&E staff
FMCS Staff/Trainers	Key Informant Interviews	7	FMCS project lead, assistant project lead, trainers, co-trainers
Points of Contact/Decisionmakers	Key Informant Interviews	10	STPS managers involved with the project.
Conciliation and Mediation Training Participants	Online Perception Survey	206	Federal judges, state judges, conciliators, STPS staff, PROFEDET managers
Conciliation and Mediation Training Participants	Key Informant Interviews	30	Federal judges, state judges, conciliators, STPS staff, PROFEDET managers
ILAB	Group Interview	8	FMCS project managers, Mexico labor attaché, USMCA, FMCS IAA coordinator, OTLA M&E staff

* The sample size for ILAB, FMCS, and points of contact, and conciliation and mediation training participants represent all of persons involved with the project or that participated in the conciliation and mediation training and provided by ILAB or FMCS. The 30 training participants targeted for key informant interview represent 15%, which is a nonrandom, purposive sample. The sample criteria include geographic, organizations, professional, and gender factors.

Ethical Considerations

The evaluation team will observe utmost confidentiality related to sensitive information and feedback elicited during the KIIs and, if applicable, FGDs. To mitigate bias during the data collection process and give informants maximum freedom of expression, only the lead evaluator and the local consultant will be present during KIIs. However, when necessary, AIR or FMCS staff may initially join the call to make introductions and help respondents feel comfortable.

The evaluation team will respect the rights and safety of participants in this evaluation. During this study, the evaluation team will take several precautions to ensure the protection of respondents’ rights:

- No interview will begin without receipt of informed consent from each respondent.
- The evaluation team will conduct KIIs and FGDs in a confidential setting, so no one else can hear the respondent’s answers.
- The evaluation team will be in control of its written notes at all times.
- The evaluation team will transmit data electronically using secure measures.
- The evaluation team will talk with respondents to assess their ability to make autonomous decisions and their understanding of informed consent. Participants will understand that

they have the right to skip any question with which they are not comfortable or to stop at any time.

Interactive Validation Session and Post-Trip Debriefing

After the end of fieldwork, the lead evaluator will conduct virtual, interactive and participatory validation sessions with stakeholders, including AIR and FMCS staff, to review initial results, collect any clarifying information to improve evaluation accuracy, and obtain input on recommendations of the evaluation. The dates and format of the meeting will be determined in consultation with ILAB, FMCS and AIR.

When fieldwork is complete, the evaluation team will provide a post-trip debriefing by video call to relevant ILAB staff to share initial results and PowerPoint slides from the stakeholder validation session, and to seek any clarifying guidance needed to prepare the report.

Outcome Achievement and Sustainability Ratings

The evaluation team should objectively rate the level of achievement and potential for sustainability of each of the project's outcomes on a four-point scale (low, moderate, above-moderate, and high).

Achievement

"Achievement" measures the extent to which a development intervention or project attains its objectives/outcomes, as described in its performance monitoring plan (PMP).

For assessing the achievement of program or project outcomes, the evaluation team should consider the extent to which the objectives/outcomes were achieved and identify the major factors influencing the achievement or non-achievement of the objectives/outcomes. The evaluation team should also consider the likelihood of the objectives/outcomes being achieved by the end of the project if the critical assumptions hold, as well as the extent the project requires course corrections to bring it back on track.

Project achievement ratings should be determined through triangulation of qualitative and quantitative data. The evaluation team should collect qualitative data from key informant interviews and focus group discussions through a structured data collection process, such as a survey or rapid scorecard. Interviews and focus groups can also provide context for the results reflected in the Data Reporting Form submitted with the Technical Progress Report (TPR). The evaluation team should also analyze quantitative data collected by the project on key performance indicators defined in the Performance Monitoring Plan (PMP) and reported on in the TPR Data Reporting Form. The evaluation team should consider the reliability and validity of the performance indicators and the completeness and accuracy of the data collected. The assessment of quantitative data should consider the extent to which the project achieved its targets and whether these targets were sufficiently ambitious and achievable within the period evaluated. The evaluation team should assess each of the project's objective(s) and outcome(s) according to the following scale:

- **High:** met or exceeded most targets for the period evaluated, with mostly positive feedback from key stakeholders and participants.
- **Above-moderate:** met or exceeded most targets for the period evaluated, **but** with mostly neutral or negative feedback from key stakeholders and participants.

- **Moderate:** missed most targets for the period evaluated, **but** with mostly positive feedback from key stakeholders and participants.
- **Low:** missed most targets for the period evaluated, with mostly neutral or negative feedback from key stakeholders and participants.

Sustainability

“**Sustainability**” is concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn. When evaluating the sustainability of a project, it is useful to consider the likelihood that the benefits or effects of a particular output or outcome will continue after donor funding ends. It also important to consider the extent to which the project takes into account the actors, factors, and institutions that are likely to have the strongest influence over, capacity, and willingness to sustain the desired outcomes and impacts. Indicators of sustainability could include agreements/linkages with local partners, stakeholder engagement in project sustainability planning, and successful handover of project activities or key outputs to local partners before project end, among others.

The project’s Sustainability Plan (including the associated indicators) and TPRs (including the attachments) are key (but not the only) sources for determining its rating. The evaluation team should assess each of the project’s objective(s) and outcome(s) according to the following scale:

- **High:** strong likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources⁵⁸ are in place to ensure sustainability;
- **Above-moderate:** above average likelihood that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are identified but not yet committed;
- **Moderate:** some likelihood that the benefits of project activities will continue after donor funding is withdrawn and some of the necessary resources are identified;
- **Low:** weak likelihood that that the benefits of project activities will continue after donor funding is withdrawn and the necessary resources are not identified.

In determining the rating above, the evaluation team should also consider the extent to which sustainability risks were adequately identified and mitigated through the project’s risk management and stakeholder engagement activities.

Quantitative Analysis of Secondary Data

Secondary data will consist of available monitoring data. The evaluation team will work with ILAB to secure prompt access to secondary data from AIR, FMCS, relevant government bodies, and external sources. After gaining access to the data, the evaluation team will immediately assess their quality and relevance in answering the research questions and develop a list of relevant indicators. The evaluation team’s analysis of these data will inform the correlation and validation of results from the qualitative data collection.

The evaluation team will analyze project monitoring data to assess the performance of activities relative to expected results. The evaluation team’s analysis, which will rely on descriptive statistics

⁵⁸ Resources can include financial resources (i.e. non-donor replacement resources), as well as organization capacity, institutional linkages, motivation and ownership, and political will, among others.

such as counts, tabulated proportions, and means, will identify common trends, patterns, and any changes in stakeholders' motivation, behavior, capacity, practices, policies, programs, relationships, or resource allocation as a result of project activities.

The evaluation team will also use project monitoring data and quantitative data collected during evaluation fieldwork (please see Appendix D for rapid scorecard template), triangulated with relevant qualitative data collected during interviews and FGDs, to develop summary achievement and sustainability ratings for the project on a four-point scale: low, moderate, above-moderate, and high.

Achievement ratings on outcomes will be based on the most recent information on project's effectiveness, comparing actual information to the project's expected performance according to the PMP and workplan. Ratings on likelihood of sustainability of project's components and practices will be based on the triangulation of qualitative information obtained from interviews and focus groups.

Limitations

The evaluation team will base its conclusions on information collected from background documents, KIIs, FGDs, and secondary quantitative data. The evaluation team will assess the integrity of this information to determine the accuracy of the evaluation results. The application of ratings may in no way be considered as a non-formal impact assessment. Primary data may reflect the opinions of the most dominant groups without capturing the perceptions of less vocal groups. The evaluation team will consider this possibility and make sure that all parties can freely express their views. The evaluation team will mitigate this potential limitation by conducting FGDs and KIIs in a place where informants can speak freely and where no one but the evaluation team can hear the respondents' answers.

Some stakeholders may lack access to, or capability of, the technology necessary for conducting virtual interviews. Additionally, some respondents may lack the ability to connect remotely from a location that allows for privacy and confidentiality. Wherever possible, the evaluation team will work with the project to provide a computer connection and private room for stakeholders who do not have a reliable and/or confidential place to be interviewed.

This evaluation will rely on secondary performance information in quarterly and annual reports and in available monitoring databases. The quality of the data will affect the accuracy of the statistical analysis. The evaluation team will not be able to check the validity and reliability of performance data given the limited time and resources.

5. Evaluation Team, Management and Support

Dan O'Brien will serve as the Lead Evaluator, with the support of Domingo Hernandez, the National M&E Expert. The evaluation team will promote transparency and dialogue with a clear dissemination strategy. This process includes:

- Developing and sharing with ILAB, AIR and FMCS an explicit plan that details how the data collected will be used.
- Providing a draft report in a timely fashion that gives ILAB, AIR and FMCS enough time for a thorough review.

- Producing a professional, complete report, along with a utilization-focused executive summary that support dissemination and publication.

SFS' monitoring and evaluation experts and management personnel will provide logistical, administrative, and technical support to the evaluation team, and all materials needed to provide the deliverables specified in the TOR. SFS staff will also be responsible for providing technical oversight necessary to ensure consistency of methods and technical standards. During fieldwork, the lead evaluator will be supported by the local consultant, who will provide support with scheduling, information on the country context, and, as appropriate, data analysis.

6. Roles and Responsibilities

The Contractor and Evaluation Team are responsible for accomplishing the following items:

- Receiving and responding to or incorporating input from AIR, FMCS and ILAB on the TOR draft
- Finalizing and submitting the TOR and sharing concurrently with AIR, FMCS and ILAB
- Reviewing project background documents
- Reviewing the evaluation questions and refining them as necessary
- Developing and implementing an evaluation methodology, including document review, remote and face-to-face KIIs and FGDs, and secondary data analysis, to answer the evaluation questions
- Conducting planning meetings or calls, as necessary, with ILAB, FMCS and AIR
- Deciding the composition of field visit KII and FGD participants to ensure the objectivity of the evaluation
- Capturing photographs of and anecdotes or quotes from stakeholders interviewed during fieldwork to incorporate in the stakeholder validation session presentation, final report and infographics
- Ensuring that appropriate health and safety, informed consent, ethics and do no harm protocols are understood and followed throughout the evaluation process
- Presenting preliminary results verbally to project field staff and other stakeholders as determined in consultation with ILAB, FMCS and AIR
- Preparing an initial draft of the evaluation report for 48-hour and a second draft for two-week review and sharing it with ILAB, FMCS and AIR
- Preparing and submitting the final report, infographics as well as three communication products identifying relevant messages and audiences, according to a dissemination plan to be agreed by SFS with USDOL.

- Organizing a virtual learning presentation (for ILAB, AIR, FMCS and other stakeholders as requested) using communication products, which summarizes and synthesizes the results once all evaluations have been completed.

ILAB is responsible for the following items:

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on final draft
- Providing project background documents to SFS, in collaboration with AIR and FMCS
- Reviewing and providing comments on the draft evaluation report and infographics
- Approving the final draft of the evaluation report and infographics
- Participating in the pre- and post-trip debriefing and interviews
- Including the ILAB evaluation contracting officer’s representative (COR) on all communication with SFS.

The grantee is responsible for the following items:

- Reviewing the TOR, providing input to SFS as necessary, and agreeing on the final draft
- Providing project background materials to SFS, in collaboration with ILAB
- Preparing a list of recommended interviewees with feedback on the draft TOR
- Scheduling meetings and coordinating all logistical arrangements
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the interactive stakeholder validation meeting
- Including the ILAB program office on all written communication with SFS.

7. Evaluation Milestones and Timeline

The tentative timetable is as follows. Actual dates may be adjusted as needs arise.

Activity	Date (2022)
Evaluation launch call	Tues, Jan 11
SFS to send suggested evaluation questions	Fri, Jan 21
ILAB, FMCS and AIR send suggested stakeholder list	Wed, Feb 23
ILAB, FMCS and AIR to send comments/edits to evaluation question list	Fri, Jan 28
SFS to submit full Draft TOR to ILAB, FMCS and AIR	Wed, Feb 9
ILAB, FMCS and AIR provide feedback on draft TOR due to SFS	Wed, Feb 16

Activity	Date (2022)
Logistics call with ILAB, FMCS and AIR	Wed, Feb 23
Final TOR, Field itinerary and list of stakeholders submitted to ILAB, FMCS and AIR	Thur, Mar 17
Submission of evaluation question matrix and data collection instruments to ILAB	Wed, Mar 2
Remote Fieldwork in Mexico	March 11 – April 1
SGLLE Interactive stakeholder validation session (remote)	Mon, Apr 4
FMCS Interactive stakeholder validation session (remote)	Tues, Apr 5
Post-evaluation debriefing with ILAB	Mon, Apr 11
Initial draft report for 48-hour review submitted to ILAB, FMCS and AIR	Wed, May 4
48-hour review comments due to SFS	Fri, May 6
Disseminate draft report and executive summary to ILAB, AIR, FMCS and other key stakeholders for 2-week review	Fri, May 13
2-week review comments due to SFS	Fri, May 27
Revised report and draft infographic summary submitted to ILAB, FMCS and AIR	Fri, Jun 3
ILAB approval to finalize and format report	Fri, Jun 10
Final 508-compliant report and infographic summary submitted to ILAB, FMCS and AIR	Fri, Jun 24
SFS submits draft communication products, synthesizing the results of the evaluations in Mexico, Honduras and Colombia (if relevant)	TBD
Communication products finalized	TBD
Virtual learning event	TBD

8. Deliverables and Deliverable Schedule

1. Draft TOR: February 9
2. Final TOR, field itinerary, and draft list of stakeholders: March 17
3. Logistics call: February 23
4. Draft data collection instruments: March 2
5. Remote interactive stakeholder validation session: April 4
6. ILAB debriefing: April 11
7. Initial draft report for 48-hour review: May 4
8. Draft report for 2-week review: May 13
9. Revised report and draft infographic summary: June 3
10. Final 508-compliant report and final infographic summary and complete design package files (zip files) from which the infographic PDFs were generated: June 24
11. Virtual learning event: To be determined

9. Evaluation Report

Within 4 weeks after the stakeholder validation session, the lead evaluator will complete a draft report of the evaluation following the outline below and SFS will share it with the ILAB COR, ILAB Project Managers, AIR and FMCS for an initial 48-hour review. Once the lead evaluator receives comments, they will make the necessary changes and submit a revised report. ILAB, AIR, FMCS and other stakeholders will then have 2 weeks (10 business days) to provide comments on the revised draft report. The lead evaluator will respond to comments from stakeholders, where appropriate, and provide a final version within 3 weeks of ILAB acceptance of the revised draft evaluation report. The evaluation team will also produce a one-page summary using data visualization techniques and infographics to facilitate dissemination of major results.

Due to the combined nature of this evaluation, the report will include separate sections, as relevant, on the SGLLE project and the FMCS activities in Mexico.

A quality report is an “action-oriented evaluation report” meaning that its content is focused, concise, and geared toward a particular audience, calling their attention to important results. It highlights desired changes in practice, behavior or attitudes (both at the individual and organizational level) and outlines possible next steps through the use of a variety of media, including data visualization. The final version of the report will follow the format below, be no more than 40 pages in length, excluding the annexes, and will be Section 508 compliant:

1. Table of Contents
2. List of Acronyms
3. Executive Summary (providing an overview of the evaluation, summary of main results/lessons learned/good practices and key recommendations, not to exceed five pages)
4. Evaluation Objectives and Methodology
5. Project Context and Description
6. Evaluation Results (answers to evaluation questions with supporting evidence)
7. Lessons Learned and Promising Practices
8. Conclusions (interpretation of facts including criteria for judgements)
9. Recommendations (specific actions the evaluation team proposes be taken by ILAB, FMCS and/or AIR that are based on results and conclusions and critical for successfully meeting project objectives; as well as judgements on what changes need to be made for future programs)
10. Annexes, including: TOR; List of documents reviewed; Stakeholder validation session agenda and participants; List of Meetings and Interviews; Any other relevant documents.

The electronic submission will include 2 versions: one version, complete with all appendices, including personally identifiable information (PII) and a second 508-compliant version that does not include PII such as names and/or titles of individuals interviewed.

ANNEX D. EVALUATION METHODOLOGY AND LIMITATIONS

Evaluation Questions

The evaluation team, with input from OTLA and AIR, developed 12 evaluation questions to guide the SGLLE evaluation. The evaluation questions are organized according to the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) criteria (relevance, coherence, effectiveness, efficiency, impact and sustainability).⁵⁹

Likewise, the evaluation worked with OTLA and FMCS to develop a set of 5 evaluation questions to guide the FMCS in Mexico evaluation. The OECD criteria used for the FMCS evaluation included relevance, coherence, effectiveness, and sustainability. The evaluation questions are presented below for each project by the OECD evaluation criteria.

SGLLE Project
Relevance: The extent to which the project s objectives and design respond to the needs of beneficiaries
<ol style="list-style-type: none"> 1. Are the strategy, outcomes and assumptions of the theory of change (ToC) generally appropriate for achieving the planned results and long-term outcomes (LTOs)? 2. What were the benefits and limitations of the FOA-prescribed ToC and LTOs? 3. Was a Cooperative Agreement an appropriate procurement vehicle to use for this project?
Coherence: The compatibility of the project interventions with other interventions in a country, sector, or
<ol style="list-style-type: none"> 4. To what extent has the project coordinated efforts with existing interventions in the country and with USDOL priorities, in order to avoid duplication of activities/ investments?
Effectiveness: The extent to which the intervention achieved, or is expected to achieve, its objectives, and
<ol style="list-style-type: none"> 5. What project interventions were the most and least effective at strengthening the capacity of FCCLR? 6. What are the main successes, challenges, and lessons learned encountered for each project component (initial components and subsequent institution building and digitization components)? 7. How have external factors (COVID-19 pandemic, the labor justice reform implementation timeline, earthquake) affected project implementation and how effectively did the project assess, adapt and mitigate these factors? 8. Does the project have an effective planning, monitoring and evaluation (M&E) framework or system in place that has been used to plan, monitor, and adjust project activities?
Efficiency: The extent to which the project intervention delivers, or is likely to deliver, results in an economic
<ol style="list-style-type: none"> 9. What can be learned from the project’s progress (or lack thereof) about the level of change (outcomes) that can realistically be achieved within a given project timeframe and budget, and with the time and resources remaining available for this project?

⁵⁹ <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

<p>Impact: The extent to which the intervention has generated or is expected to generate significant positive or negative, intended or unintended, higher level effects.</p>
<p>10. How can ILAB and its grantees effectively capture, analyze, and act on information about implementation challenges to mitigate and address obstacles limiting progress towards the project's outcomes?</p>
<p>Sustainability: The extent to which the net benefits of the intervention continue, or are likely to continue on project resources end.</p>
<p>11. To what extent has the project built institutional capacity, fostered motivation and ownership, and started to link stakeholders to replacement resources?</p> <p>12. What outcomes are likely to be sustained and what adjustments are needed to increase the likelihood of sustainability?</p>
<p>FMCS Activities</p>
<p>Relevance: The extent to which the project's objectives and design respond to the needs of beneficiaries and institutional needs including their policies and priorities.</p>
<p>1. To what extent did the project's expected outcomes and interventions respond to the specific needs, plans and priorities of the project's direct target groups (labor mediators at federal and state levels)?</p>
<p>Coherence: The compatibility of the project interventions with other interventions in a country, sector, or institution.</p>
<p>2. How effectively did the project coordinate efforts with existing interventions in the country, in order to avoid duplication of activities/ investments?</p>
<p>Effectiveness: The extent to which the intervention achieved, or is expected to achieve, its objectives, and its results, including any differential results across groups.</p>
<p>3. To what extent are the expected outcomes likely to be achieved or not achieved within the life of the project? If not, why (including external factors such as COVID-19 and government priorities)?</p> <p>4. Does the project have an effective planning, monitoring and evaluation (M&E) framework or system in place that is used to plan and monitor activities?</p>
<p>Sustainability: The extent to which the net benefits of the intervention continue, or are likely to continue on project resources end.</p>
<p>5. Does the project have a sustainability plan in place that considers the institutional capacity, resources and motivation of stakeholders involved to continue mediation and conciliation training once FMCS activities end?</p>

The evaluation team consisted of the evaluation manager, lead evaluator, and assistant evaluator. Dwight Ordoñez, who served as the project manager, was responsible for managing the evaluation including providing quality control oversight to deliverables, working to resolve operational issues, and acting as the point of contact between USDOL and SFS. Dan O'Brien served as the lead evaluator and was responsible for developing the data collection instruments and protocols, conducting the key informant interviews with stakeholders in each country, analyzing data, and preparing the draft and final versions of the evaluation report. The assistant evaluator, Domingo

Hernandez, was responsible for implementing the online perception survey and conducting key informant interviews with FMCS training participants.

Evaluation Approach and Schedule

The evaluation team used a mixed-methods evaluation design consisting of document reviews, key informant interviews, an online perception survey, and a quantitative data quality analysis of labor market information collected by institutional stakeholders. To protect the evaluation team, project staff, and other key stakeholders from COVID-19 infection, fieldwork consisted of conducting all interviews remotely using video conference platforms such as Zoom and Microsoft Teams.

The lead evaluator used semi-structured interview protocols, making adjustments based on interviewees' background, role in the project, and relevant knowledge. He also obtained quantitative data from the project's documents, reports, and budget. The lead evaluator triangulated quantitative and qualitative data for many of the evaluation questions to strengthen the credibility and validity of the results.

The assistant evaluator implemented the online perception survey and conducted key informant interviews with training participants from the FMCS activities. The lead evaluator used the results from the survey and interviews to further triangulate qualitative and quantitative data and incorporated key findings in the main evaluation report.

The evaluation team developed the terms of reference (TOR) including key evaluation questions, methodology, data collection matrix and tools between March 7 and March 18, 2022. The team conducted document reviews, key informant interviews, data quality analysis, and the online perception survey between March 21 and April 1, 2022. The team analyzed qualitative data from the key informant interviews and wrote the evaluation report between April 4 and April 25, 2022.

Data Collection

The evaluation team developed the evaluation questions with input from USDOL and the NTLMI project team. The evaluation questions were used to develop data collection guides and protocols, which are listed above for SGLLE and FMCS. The data collection methods used by the evaluation team include:

DOCUMENT REVIEW. The evaluation team read numerous project documents and other reference publications including the project document, monitoring and evaluation plan, technical progress reports (TPR) and their annexes, cooperative agreement, Inter-Agency Agreement, project modifications, financial reports, and other supporting project materials obtained during the fieldwork component. Overall, the document reviews provided important background information for the evaluation. [Annex A](#) shows a complete list of documents reviewed.

KEY INFORMANT INTERVIEWS. For the SGLLE project, the evaluation team interviewed 38 persons representing CFCRL, CLL, AIR, and OTLA/ILAB. These included 19 females and 19 males. For the FMCS activities, the team interviewed 39 persons representing STPS, training participants (conciliators, mediators, and judges), FMCS (trainers and managers), and OTLA/ILAB. The following table shows the number of interviews for each project stakeholder group and gender.

Stakeholder	Female	Male	Total
SGLLE Project: Mexico			
CFCRL	1	6	7
CFCRL Users ⁶⁰	2	5	7
CLL	1	1	2
AIR	12	4	16
OTLA/ILAB	3	3	6
Total	19	19	38
FMCS Activities in Mexico			
STPS	3	1	4
Training Participants	7	15	22
FMCS	5	2	7
OTLA/ILAB	4	2	6
Total	19	20	39

ONLINE PERCEPTION SURVEY. The evaluation team administered an online perception survey to FMCS training participants using Google Forms. The survey was sent to 206 people who participated in the FMCS training. Fifty-six participants responded for a response rate of 27%. The survey remained open from March 18, 2022, to April 1, 2022. The survey instrument and responses appear in Annex H.

Data Analysis

Qualitative data collected through interviews and the document reviews were analyzed using a matrix analysis to categorize, triangulate, synthesize, and summarize the raw data captured from the interview notes. Quantitative data collected from the TPRs were analyzed by comparing end-of-project indicator targets to actual achievements and calculating variances. Quantitative data were also collected from the project budget and expenditure reports and used to calculate resource allocations to outcomes and expenditure rates. The results of the data analysis provided tangible blocks of information, which the lead evaluator used to write the evaluation report. The wealth and variety of information collected allowed for high-level reinforcement and synthesis across sources to obtain a more cross-cutting and comprehensive analysis of the evaluation questions.

Limitations

The most significant limitation was conducting fieldwork remotely. In a few interviews, the signal was weak, which resulted in interference that made the conversation with stakeholders difficult to understand. To address this issue, the lead evaluator sent email messages to seek clarification on points in his notes, to ensure the notes represented what the interviewee intended to communicate.

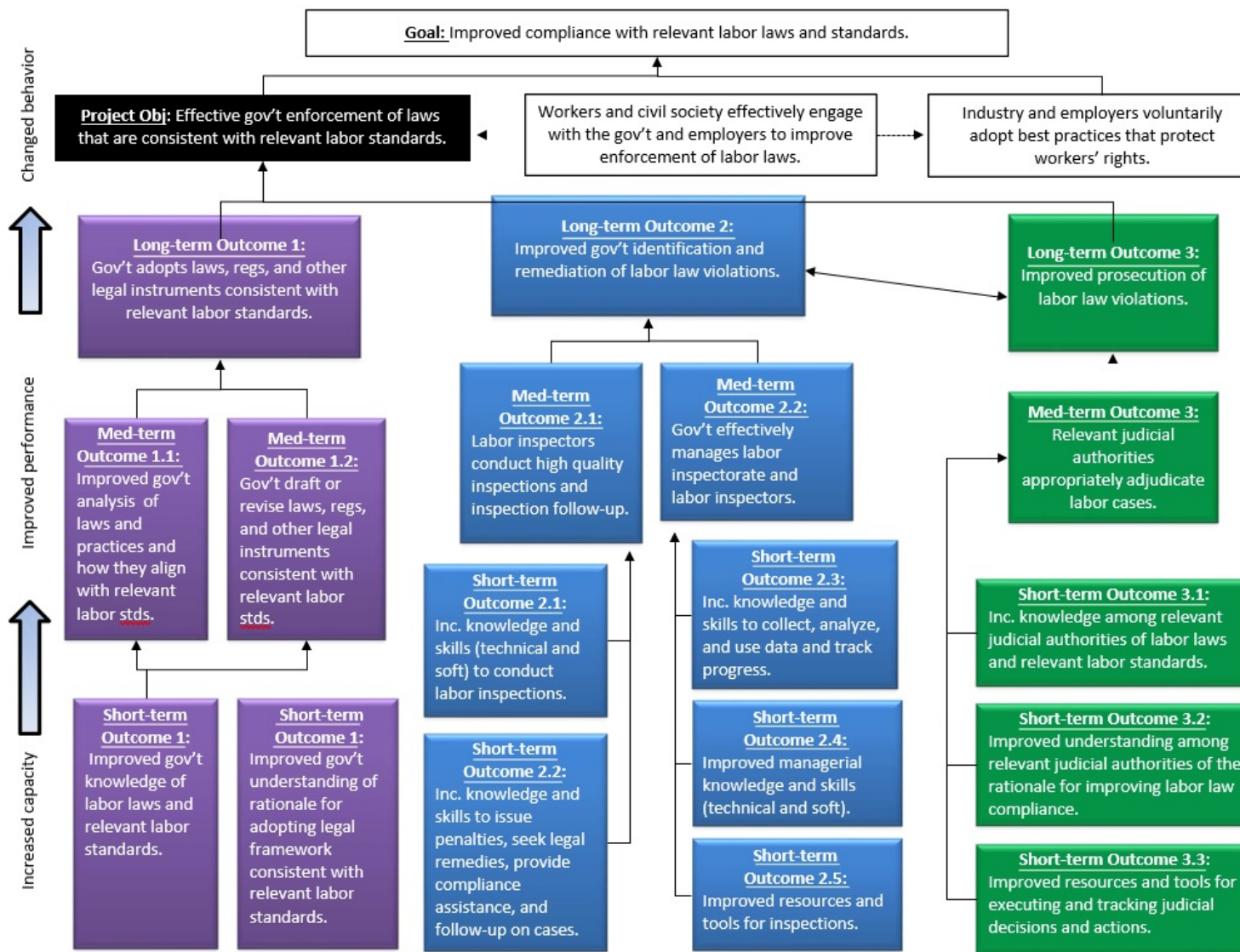
Another limitation was the relatively low response rate for the online perception survey, which was 27%. The evaluation team aimed for at least a 30% rate. Despite repeated follow-up

⁶⁰ These are the CFCRL users of the union and CBA registration platform.

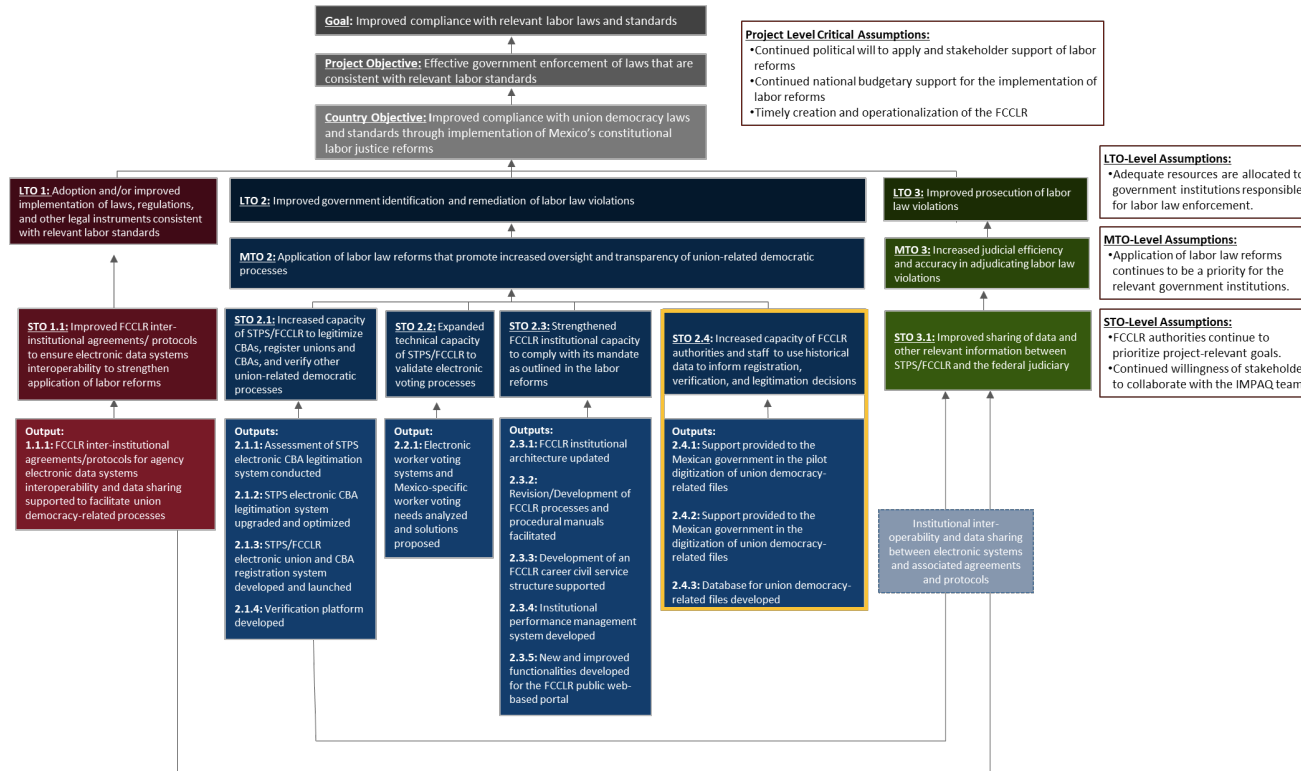
communication with the training participants, only 56 of the 206 who received the invitation participated in the survey.

Finally, this evaluation is not a formal impact assessment. The evaluation findings were based on information collected from background documents, the project's monitoring and evaluation system, and key informant interviews. The accuracy of the evaluation findings is predicated on the integrity of information provided to the evaluation team from these sources and the ability of the evaluation team to triangulate this information.

ANNEX E. FOA RESULTS FRAMEWORK



ANNEX F. SGLLE RESULTS FRAMEWORK



ANNEX G. FMCS MEXICO STATEWORK OF WORK

STATEMENT OF WORK (SOW) U.S. FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) MEXICO ACTIVITIES

Background Information

In May 2019, Mexico enacted a historic labor law reform to implement its 2017 Constitutional reform, which aims to transform the labor justice system into a more transparent and impartial system that would better protect freedom of association and collective bargaining rights. This labor law reform also fulfilled Mexico's commitment to enact specific legislation to effectively recognize the right to collective bargaining under the U.S.-Mexico-Canada Agreement (USMCA) Labor Chapter Annex ("Worker Representation in Collective Bargaining in Mexico").

Over the course of four years, the labor reform will transfer the authority to adjudicate labor disputes from Conciliation and Administrative Boards (CABs) to new labor courts in Mexico's judicial branch. The labor reform will also transfer the CABs' responsibility for registering unions and collective bargaining agreements (CBAs) to a new, independent, impartial, and specialized Federal Conciliation and Labor Registration Center. The Federal Center will be located in Mexico City and will have representational offices across all 32 Mexican states.⁶¹ The labor reform established a process whereby prior to bringing a labor dispute to the labor courts, workers and employers are required to take part in conciliation proceedings, which should not exceed 45 calendar days. At the federal level, the conciliation functions are mainly to be carried out by the Federal Center and at the state-level, by specialized Local Conciliation Centers.⁶² The new law mandates that the Federal Center and local centers begin conciliation functions in all 32 States by May 2022 and May 2023, respectively. However, the Government of Mexico (GOM) will carry out implementation of the labor reform in three stages, with the first Federal Center and local centers set to begin conciliations in nine states by October 2020, the next group of 12 states by October 2021, and the remaining 11 states by October 2022.⁶³

Technical Proposal

The proposed FMCS activities in Mexico will contribute to the Bureau of International Labor Affairs (ILAB)'s congressional mandate under the USMCA Implementation Act to support the implementation of the labor law reform. The objective of these activities is to address the request made by Mexico's Secretariat of Labor and Social Welfare (STPS) for assistance in modernizing and strengthening governmental conciliation services. Specifically, FMCS efforts in Mexico will aim to accomplish the following outcomes:

⁶¹ On January 6, 2020, the Mexican government published the Organic Law for the Federal Conciliation and Labor Registration Center. See:

http://www.diputados.gob.mx/LeyesBiblio/pdf/LOCFCRL_060120.pdf.

⁶² The Mexican Constitution divides authority for enforcement of labor laws between the federal and state governments. For instance, the federal government is authorized to enforce all labor laws related to 22 industrial sectors and services, three types of enterprises, and matters affecting two or more states. All other labor law enforcement is reserved for the states.

⁶³ States in the first group are: Durango, Estado de México, Chiapas, Guanajuato, Tabasco, Hidalgo, Campeche, San Luis Potosí and Zacatecas. Second group: Aguascalientes, Baja California, Colima, Guerrero, Michoacán, Morelos, Nayarit, Oaxaca, Quintana Roo, Sinaloa, Tlaxcala, and Yucatán. Third group: Baja California Sur, Chihuahua, Ciudad de México, Coahuila, Jalisco, Nuevo León, Puebla, Querétaro, Sonora, Tamaulipas, and Veracruz.

- **Outcome 1:** Strengthened institutional capacity of conciliation bodies, including the Federal Center and the Local Conciliation Centers, to resolve collective labor disputes; and
- **Outcome 2:** Conciliation bodies, including the Federal Center and Local Conciliation Centers, achieve and sustain high-quality conciliations.

In support of achieving these outcomes, FMCS activities will be implemented within a four-year timeframe. The first three years of FMCS activities (2020-2023) will be implemented in parallel with the three stages of the Mexican labor reform and will include conducting assessments every six months to promote sustainability of FMCS technical assistance. In the final fourth year (2024), FMCS will carry out a final assessment of their overall intervention, which will include a list of recommendations to the GOM on advancing the project objectives.⁶⁴

All FMCS activities must be carried out in collaboration with the appropriate key actors within the GOM to ensure sustainability. Proposed FMCS activities in Mexico include, but are not limited to, the following:

Outcome 1:

- To inform the design of activities, conduct of an initial assessment to understand the current level of institutional competency that conciliation bodies possess to resolve collective labor disputes. FMCS will closely coordinate with ILAB and the GOM, including STPS, as part of the development of the assessment.
- Conduct of practical and hands-on trainings on effective conciliation techniques to resolve collective labor disputes.⁶⁵ Examples of governmental actors that will engage in relevant conciliation functions and could participate in these workshops include the Federal Center and Local Conciliation Centers, the Federal Prosecutor for the Defense of Workers (PROFEDET), and judicial labor courts.⁶⁶ FMCS will ensure that all relevant actors participate in the trainings in a simultaneous manner to ensure consistency and broader impact, although some trainings and materials could be adapted to meet specific needs and mandates of actors (e.g., conciliation centers vs judicial courts).
- Develop and disseminate training manuals, curriculums, and toolkits (in Spanish) to conciliation bodies to serve as resources for effective conciliation services to resolve collective labor disputes. This includes adapting training materials in online format to allow for virtual/remote conciliation services.

⁶⁴ In addition to the FMCS final assessment of their overall interventions, the U.S. Department of Labor (USDOL) reserves the right to require independent performance evaluations, usually one at an interim point and a second one no later than three months before the end of the fourth year to assess FMCS's implementation of activities and progress in meeting the expected objective and outcomes.

⁶⁵ Examples of collective labor disputes that would go through the mandatory conciliation phase include, but are not limited to, disputes related to the negotiation, implementation, and revision of CBAs, as well as conciliations after a strike notice is provided (art.921).

⁶⁶ STPS indicated that the total universe of governmental actors that would be targeted for trainings on conciliating collective labor disputes is 300 (100 participants per implementation phase). This number includes 20 staff from the Federal Center, 30 staff from the local conciliation centers, 20 staff from federal judiciary and 30 from state judiciary.

- Develop resources and outreach materials that advocate or incentivize voluntary conciliation as the preferred process for resolving collective labor disputes that are legally exempt from mandatory conciliation.⁶⁷
- Review and provide technical input on laws, regulations, strategies, training plans, manuals, and other instruments developed by the GOM related to conciliation functions in collective labor disputes.
- Conduct practical and hands-on trainings on interest-based bargaining techniques for employer associations and worker representatives that may participate in conciliation processes. In coordination with ILAB, FMCS activities will prioritize actors that operate within the list of priority subsectors, currently listed in Section 713(2) of the USMCA implementing legislation to include: auto assembly, auto parts, aerospace, industrial bakeries, electronics, call centers, mining; and steel and aluminum.
- FMCS will structure the format of the trainings to ensure long-term sustainability of its intervention (e.g. training of trainer model), as well as explore the option of creating a training course that would lead to a certificate for participants (e.g. partnering with universities or training centers.)
- FMCS will carry out periodic assessments of the trainings, evaluate progress, and make recommendations for improvements.

Outcome 2:

- Review or develop hiring processes and position descriptions for conciliators that will work on resolving collective labor disputes. In addition, periodically assess conciliators' knowledge and skills based on capacities required by new job profiles. While a priority will be given to the Federal Center and Local Conciliation Centers, the activities listed under this objective could also include other relevant actors such as the PROFEDET and judicial labor courts.
- Promote good management and leadership practices for conciliation actors, including development of performance matrixes.
- Develop of long-term and sustainable training plans to professionalize staff that engage in conciliation of collective labor disputes.
- Advise on infrastructure planning to ensure actors have the appropriate tools to conduct conciliation services, including tools for remote/virtual sessions, as well as to provide proper governmental oversight of collective dispute conciliations.
- Develop ethics rules, disciplinary procedures, and transparency mechanisms for conciliation actors.

FMCS will travel to Mexico City and, when relevant, other states to conduct proposed activities under the SOW. In addition, when relevant and in coordination with ILAB, FMCS will engage with relevant donor organizations that that are also conducting trainings related to resolving

⁶⁷ Labor disputes involving the following issues will be exempt from the mandatory conciliation requirement: employment and job discrimination based on sex, race, religion, ethnicity, and social condition; designation of beneficiaries upon death; social security benefits; the protection of fundamental rights, such as freedom of association and collective bargaining, and prohibitions on trafficking and forced labor, and child labor; challenges to union representativeness; and challenges to union statutes or their modifications. The Mexican Judiciary has indicated that it plans to encourage conciliation in these labor disputes as an initial step once they arrive at the courts, even if the case did not go through the Federal Center or Local Conciliation Centers.

labor disputes to avoid duplication of activities and ensure streamlining of interventions.

AUTHORITY

The FMCS-USDOL Interagency Agreement (IAA) is authorized in accordance with the general cooperative authority provided under the Economy Act of 1932, 31 U.S.C. 1535. These Federal provisions provide for the relevant Federal agency to utilize other Federal agencies in providing goods or services when the requests are in the best interest of the government. In accordance with 31 U.S.C. 1535 and with section 17.503 of the Federal Acquisition Regulation, the contracting official of the USDOL makes determinations and findings as attached hereto. ILAB's use of appropriated funds for this activity is authorized by the USMCA Supplemental Appropriations Act, 2019 (Pub. L. 116-113, title IX).

FUNDING

For Fiscal Year 2020, charges for services provided under this IAA will not exceed \$646,660.00. This document does not itself obligate funds. Funds will be obligated via Form 7600B. ILAB has an existing *bona fide* need for these services. Charges for services in future fiscal years are subject to the availability of funds and will be documented separately. FMCS acknowledges that ILAB Fiscal Year 2020 USMCA supplemental funds applied to this new IAA are funds subject to being expended during the period of performance ending on December 31, 2021. In the case of any ILAB Fiscal Year 2020 funds transferred to FMCS by December 1, 2021, of the calendar year, FMCS will report to ILAB the amount of funds under this agreement that have not been obligated by FMCS and its intentions with respect to the obligation of those funds.

The transfer of funds will be accomplished using the U.S. Treasury's Intra-governmental Payment and Collection System (IPAC). FMCS and USDOL-ILAB appropriation codes are:

FMCS

BETC CODE: COLL

Appropriation Code: 93X0100 000

Agency Location Code: 93000001

Fund Code: RE2018

DUNS Number: 064863962

USDOL

BETC CODE: DISB

Appropriation Code: 1620/240165

Type of Funds/Expiration date: Appropriated Funds/2024

DUNS Number 003255627

Amount: \$664,660.00

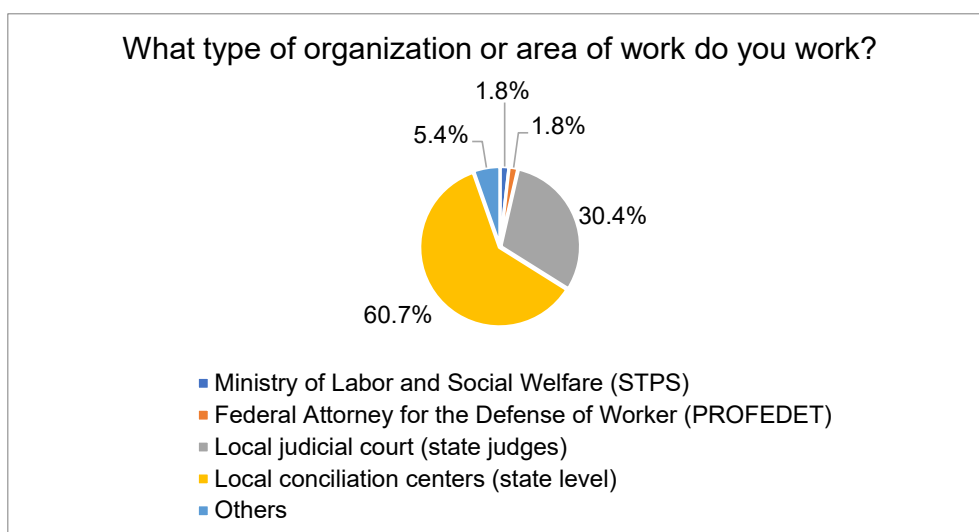
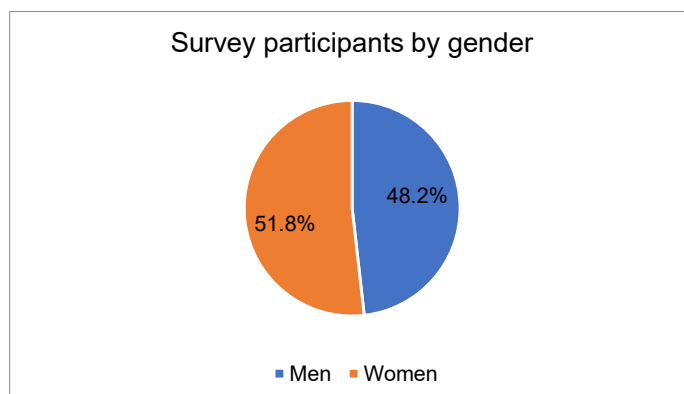
ANNEX H. FULL RESULTS OF THE ONLINE PERCEPTION SURVEY

Online survey of the mid-term evaluation of the US Federal Mediation and Conciliation Service (FMCS) technical assistance project in Mexico

RESULTS REPORT

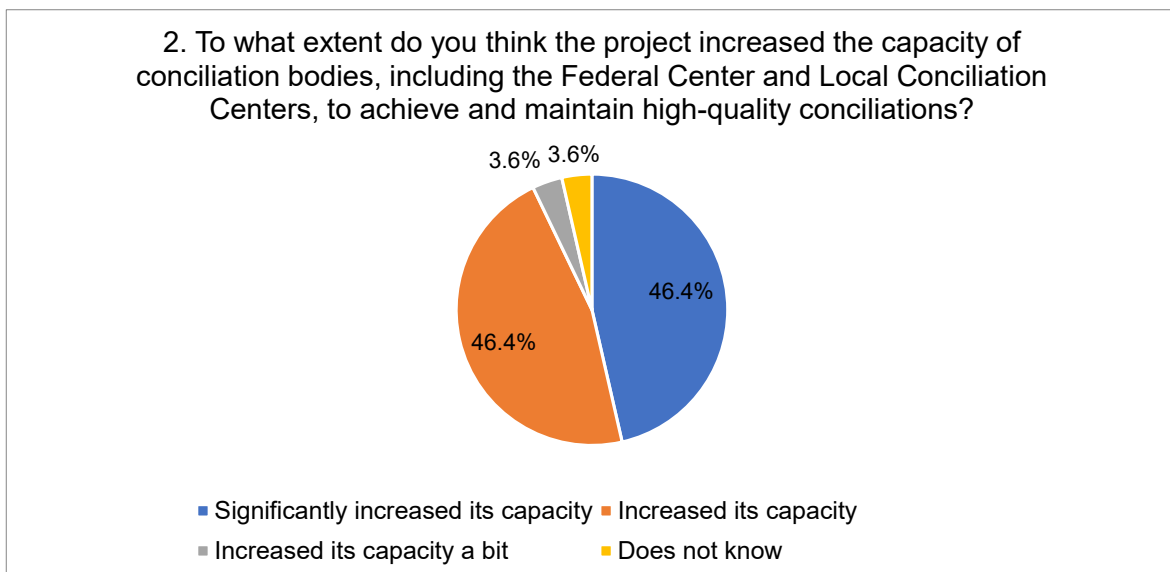
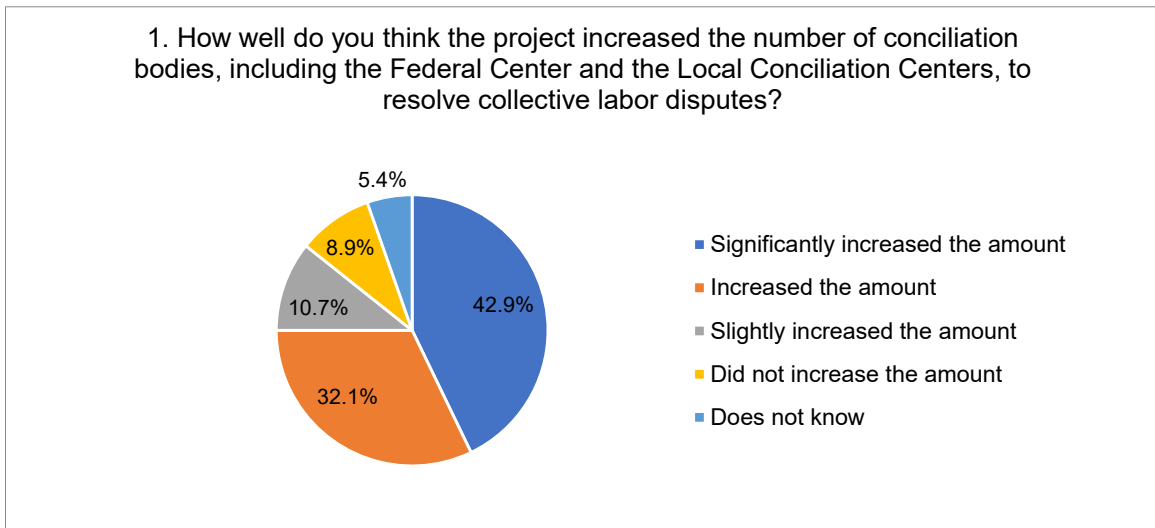
The electronic survey consisted of 13 questions and was answered by 56 people out of a total of 205 who received it by email. In addition to the 56 people, two more entered the survey but decided not to participate: one of them said that he did not want to answer because he had already participated in a previous interview and another that he simply preferred not to answer. The questionnaire was applied through the Google forms application (Annex to this report)

Below are three graphs with the general characteristics of the 56 people who answered the survey:

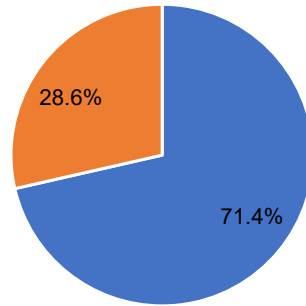




Now the following graphs correspond to the results for each of the 13 questions asked.

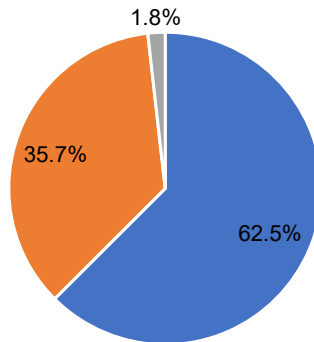


3. To what extent did the project training satisfy the needs of labor mediators or other actors involved in conciliation and mediation?



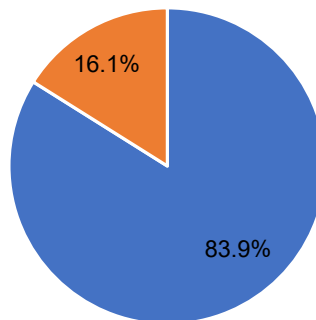
■ Fully satisfied ■ To a certain extent satisfied

4. To what extent did the project training meet the needs of the parties involved in conciliation and mediation services?



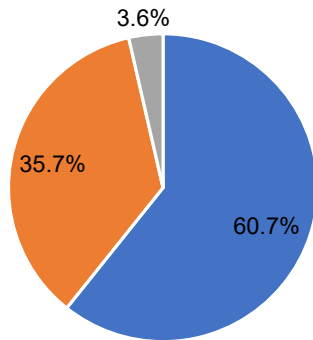
■ Fully satisfied ■ To a certain extent satisfied ■ Did not satisfy

5. Did the project provide practical training to resolve collective labor disputes?



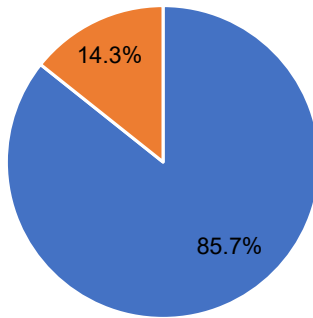
■ I completely agree ■ I somewhat agree

6. How often have you been able to use conciliation or mediation techniques in your work?



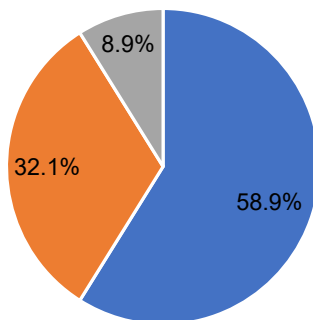
■ Very often ■ With some frequency ■ Never (no frequency)

7. To what extent do you agree with this statement? The project's training in conciliation and mediation techniques has helped me to do my job more effectively.



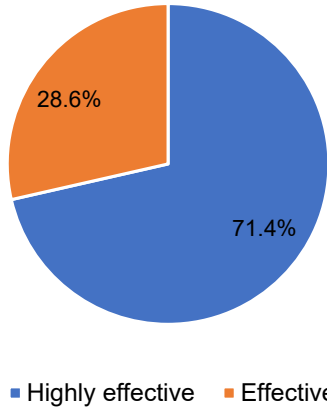
■ I totally agree ■ I somewhat agree

8. How effective were the project's conciliation techniques in resolving collective labor disputes?

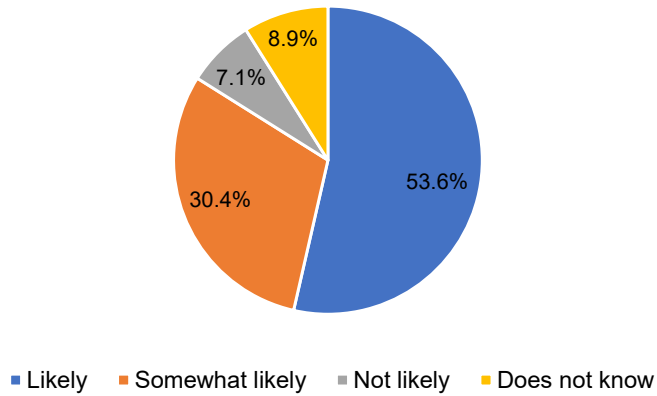


■ Very effective ■ Effective ■ Does not know

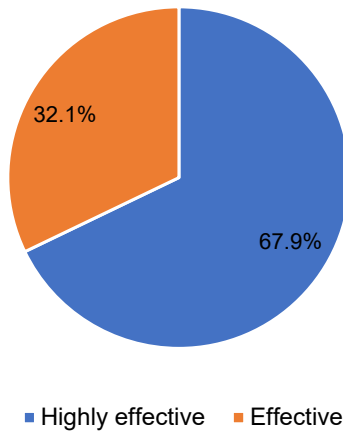
9. How effective were the virtual and remote training manuals, curriculum, and toolkits as resources for conducting conciliation services to resolve collective labor disputes?



10. How likely is it that conciliation and mediation training will continue after the project ends and funds are no longer available?



11. How effective were the trainings in virtual format?



12. To what extent did the project fulfill your expectations for each aspect of the training?

Training aspect	Surpassed		Fulfilled		Failed		Total	
	No.	%	No.	%	No.	%	No.	%
Training content	37	66.1	19	33.9			56	100
Training methodology	39	69.6	17	30.4			56	100
Training Facilitators	49	87.5	7	12.5			56	100
Training Schedule	34	60.7	21	37.5	1	1.8	56	100
Number of hours of training	25	44.6	31	55.4			56	100

13. If it were in your hands to strengthen some of the training aspects, which of the following options would you choose as a priority for improvement?

