RESULTS FRAMEWORK FOR CAMBODIA LABOR SECTOR PROGRAM

JUNE 2010

DISCLAIMER

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

ELABORATION OF A RESULTS FRAMEWORK FOR A CAMBODIA LABOR SECTOR PROGRAM: SPECIAL OBJECTIVE FOR WORKER'S ORGANIZATION

Purpose

The purpose of this document is to provide assistance to USAID, D&G Office and the Cambodia Mission in the development of a Results Framework based on the COLSA submitted in April, 2009.

Results Framework – Overall Considerations

During the course of the Task Order a generalized Development Hypothesis and Results Framework were developed as part of the Programming Handbook, presented in June, 2009. This handbook subsumed lessons learned following a series of country-level labor assessments (called COLSAs) conducted by USAID personnel, contractor specialists and leading academics in the field. Following the Labor Forum in June, 2009, and subsequent analysis by USAID, this RF was modified (see Figure 1). The RF is based on the four components of a "well-functioning labor sector": legal framework, institutions, organizations and markets. This model serves as the conceptual framework for the suite of technical products developed under this Task Order.

Process for Development of the USAID/Cambodia Results Framework

The process of developing a Cambodia-specific Labor Results Framework followed a step-wise approach starting with an analysis of the COLSA. Using the Labor Sector Strategic Objective and Intermediate Results (from the Programming Handbook, in blue), customized Sub-Intermediate Results were developed based on the identified constraints, overall conclusions and recommendations of the COLSA. This is provided as *Figure 1*. It also indicates where this broad cross-cutting Cambodia Labor Sector Results Framework complements the existing Mission strategy (in green).

From that Results Framework combining global objectives (SO and IR) with localized context (at the sub-IR level, in other words the lower level results necessary to achieve the IRs), analysis of the COLSA indicated a Results Framework that would be based on a specific Special Objective (Mission level), Special Intermediate Results and Sub-Intermediate Results that focuses on Labor Sector Organizations (in red). The transition from a cross-cutting Labor Sector RF for Cambodia (hence the Strategic Objective) to one concentrating on labor Sector Organizations (hence a Special Objective) is provided in *Figure 2*, citing specific issues arising from the COLSA.

Figure 3 provides a Results Framework for a Worker Organization focused program in Cambodia under the Special Objective, with customized IRs and sub-IRs. Included in this figure are illustrative custom performance indicators relevant to both the Cambodia and global RF. FACTS indicators, not included, would be based on the FAF Assistance Objective elements and/or the Missions SO Results Framework.

Note: Labor Sector Organizations refer to the wider organizational matrix of unions, human rights and labor policy CSOs, and employer associations (and in some cases may include political entities). Worker Organizations refer to democratic membership union organizations and their federations.

FIGURE 1. OVERALL RESULTS FRAMEWORK FOR THE LABOR SECTOR IN CAMBODIA

STRATEGIC OBJECTIVE: A functioning and balanced labor sector which protects workers' rights, promotes participation, transparency and accountability as well as broad-based economic growth, incomes and increased opportunities, is in place and sustainable over time.

Illustrative Indicators: For this we suggest the CIRI Empowerment (new version) Index that measure *inter alia* worker rights and protections, freedom of domestic and foreign movement, freedoms of assembly and association.

LEGAL FRAMEWORK

IR1: Equitable Legal Framework and Core Labor Standards Adopted (and are known, respected and regulated)

INSTITUTIONS

IR 2: Legal Institutions with Capacity to Enforce CLS and Adjudicate Disputes Strengthened (and are respected as the legitimate vehicle for resolution)

ORGANIZATIONS

IR 3:. Effective Organizations that represent Labor and Employers strengthened (to be able to engage each other and government institutions)

MARKETS

IR 4: Labor Markets are more transparent, open and provide equitable opportunities to both labor and employers

Sub-IR 1.1: Public Sector Worker Associations gain equivalent status as unions concerning registration, protections and CBA

Sub-IR 1.2: Mechanisms in place for effective negotiation and enforcement of CBAs

Sub-IR 1.3: Legal protections expanded to cover informal sector associations and unrepresented labor (such as domestic help) Sub-IR 2.1: New models for ensuring best practices in Rule of Law principles developed and implemented to promote good governance in all state and non-state institutions of labor relations

Sub-IR 2.2: Binding mechanisms for resolving individual and collective disputes improved

Sub-IR 2.3: Capacity and credibility of State institutions overseeing labor relations improved

Sub-IR 2.4: MoLVT management information systems improved (both inspection/compliance and labor statistics)

Sub-IR 3.1: Labor sector organizations more independent from political party influence (and union ability to influence party positions enhanced)

Sub-IR 3.2: Informal sector organizations strengthened to represent member interests better

Sub-IR 3.3: Labor sector organizations (trade unions, federations, CSOs, informal sector associations) operating under more democratic principles

Sub-IR 4.1: Common understanding on issues of productivity, quality and competitiveness of both labor and employers

Sub-IR 4.2: Improved vocational education and pre-employment training

Sub-IR 4.3: Migratory worker monitoring and protection through embassies improved

Sub-IR 4.4: Worker protections expanded to cover new industries (mining, agro-industry, tourism, manufacturing)

IR 2: Improve justice sector/legal framework

IR 1: Promote and support anticorruption reforms

IR 3: Protect hurnan rights and equal access to justice

IR 6: Improve Private Sector Growth

Complementing and building upon the USAID/Cambodia Mission Strategy for SO 3: Improved Political and Economic Governance

FIGURE 2. TRANSITIONING FROM THE GLOBAL RESULTS FRAMEWORK TO A CAMBODIA LABOR SECTOR RESULTS FRAMEWORK

STRATEGIC OBJECTIVE: A functioning and balanced labor sector which protects workers' rights, promotes participation, transparency and accountability as well as broad-based economic growth, incomes and increased opportunities, is in place and sustainable over time.

Illustrative Indicators: For this we suggest the CIRI Empowerment (new version) Index that measure *inter alia* worker rights and protections, freedom of domestic and foreign movement, freedoms of assembly and association.

LEGAL FRAMEWORK

IR1: Equitable Legal Framework and Core Labor Standards Adopted (and are known, respected and regulated)

While all CLS conventions have been ratified, they do not apply to public sector or informal sector organizations, nor many unorganized workers in the informal sector, e.g., domestic help.

In a single (garment) factory there may be several unions. When some workers are displeased with their union they form another. This has raised issue of which union has "most representative status."

CAMBODIA LABOR SECTOR LEGAL FRAMEWORK

SPECIAL IR1: Mechanisms to ensure legal protections are equitably administered and enforced for the entire Cambodian workforce

INSTITUTIONS

IR 2: Legal Institutions with Capacity to Enforce CLS and Adjudicate Disputes Strengthened (and are respected as the legitimate vehicle for resolution)

Labor sector organizations may not operate on best democratic principles, but could still serve as an example. Public sector organizations could be a force for fighting corruption.

While some of the labor institutions have good track records (such as the non-state Better Factories Cambodia and the Arbitration Council), procedural issues can create opportunities for corrupt practices, by both employers (putting workers on short-term contract) and inspectors (bribes).

CAMBODIA LABOR SECTOR INSTITUTIONS

SPECIAL IR 2: Use of Rule of Law principles and equitable treatment of labor sector organizations and workers improved to fight corruption

ORGANIZATIONS

IR 3:. Effective Organizations that represent Labor and Employers strengthened (to be able to engage each other and government institutions)

Trade union confederations are split between two major political parties and, with sheer number of unions and federations, are often seen as non-representative of workers. Civil society dependence on donors means they also may appear non-representative of their constituents.

Internal union capacity needs strengthening. For example, the number of women in garment union leadership positions is not proportional to their membership.

CAMBODIA LABOR SECTOR ORGANIZATIONS

SPECIAL IR 3: Capacity of labor sector organizations improved to better represent their constituents' interests

MARKETS

IR 4: Labor Markets are more transparent, open and provide equitable opportunities to both labor and employers

Much of the Cambodian workforce is considered low-skilled, many coming from rural backgrounds. Because employers are footloose, they do not take a long-term view and most under-invest in employee training.

New sectors are expanding in Cambodia: manufacturing, agroindustry, coastal tourism and mining. These are targets of opportunity for workforce training and forming representative organizations.

CAMBODIA LABOR MARKETS

SPECIAL IR 4: Opportunities for workers and their organizations to have new, decent work opportunities in the labor market increased

CAMBODIA SPECIAL OBJECTIVE: Workers' Rights Protected and International Core Labor Standards more effectively and equitably applied through: (1) support for more independent and representative labor unions, public sector and informal sector associations to improve representation of workers' interests and their participation in local and national arenas,(2) promotion of the rule of law in the labor sector and access to justice for workers, in both formal and informal labor sectors, and, (3) better capacity of existing and potential workers to have the requisite skills to be engaged in the formal labor sector

FIGURE 3. PROPOSED RESULTS FRAMEWORK FOR STRENGTHENING THE CAMBODIA LABOR SECTOR (THROUGH WORKER ORGANIZATIONS)

CAMBODIA SPECIAL OBJECTIVE: Workers' Rights Protected and International Core Labor Standards more effectively and equitably applied through: (1) support for more independent and representative labor unions, public sector and informal sector associations to improve representation of workers' interests and their participation in local and national arenas, (2) promotion of the rule of law in the labor sector and access to justice for workers, in both formal and informal labor sectors, and, (3) better capacity of existing and potential workers to have the requisite skills to be engaged in the formal labor sector

CAMBODIA LABOR SECTOR LEGAL FRAMEWORK

SPECIAL IR1: Mechanisms to ensure legal protections are equitably administered and enforced for the entire Cambodian workforce

Special Sub-IR 1.1: Advocacy to improve labor protections of public servants and unrepresented informal sector implemented

CAMBODIA LABOR SECTOR INSTITUTIONS

SPECIAL IR 2: Use of Rule of Law principles and equitable treatment of labor sector organizations and workers improved to fight corruption

Special Sub-IR 2.1: Rule of Law principles and best practices utilized by unions, federations, informal sector associations and CSOs

Special Sub-IR 2.2: Pubic sector worker association strategies to fight corruption supported

Special Sub-IR 2.3: Mechanisms for resolving individual disputes in the workplace identified and implemented

CAMBODIA LABOR SECTOR **ORGANIZATIONS**

SPECIAL IR 3: Capacity of labor sector organizations improved to better represent their constituents' interests

Special Sub-IR 3.1: Labor sector organizations better prepared for G-PSF and other meetings with state institutions

Special -Sub-IR 3.2: Informal sector organizations strengthened to represent member interests better

Special Sub-IR 3.2: Increased number of women in labor sector organization leadership to better reflect their proportion in the workforce

CAMBODIA LABOR MARKETS

SPECIAL IR 4: Opportunities for workers and their organizations to have new, decent work opportunities in the labor market increased

Sub-IR 4.4: Labor sector organizations (unions, CSOs) more active in preorganization, organization and protection of workers in expanding industries (mining, agro-industry, coastal tourism, non-garment manufacturing)

Special Sub-IR 4.2: Labor sector organizations active in advocating for provision of training to new entrants into the formal sector by government and the private sector (rural-to-urban, preemployment, skills, productivity/quality

Illustrative Indicators:

Number of advocacy activities conducted to RGC towards equal representation and protection of public and informal sectors

Number of labor sector organization personnel (M/F) trained in effective advocacy

Illustrative Indicators:

Number of labor sector organizations that restructured to improve compliance with Rule of Law principles

Number of public sector association activities supported to advocate against corruption in their institution

Number of factories that adopt mechanisms for binding resolution of individual disputes

Illustrative Indicators:

Number of position papers with recommended actions researched and presented by labor sector organizations to the G-PSF

Number of women in leadership positions (trade unions, federations, CSOs)

Number of informal sector organizations with on-going systems to solicit priorities and needs of constituents/members

Illustrative Indicators:

Number of unions formed in expanding industries

Number of persons (M/F by industry) enrolled in new unions

Number of persons (M/F, by type of training and by sector) trained in preemployment, employment and vocational skills