



USAID STRENGTHENING LABOR JUSTICE PROGRAM FOR CAFTA-DR

FINAL REPORT

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List of Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
CAFTA-DR	Dominican Republic-Central America Free Trade Agreement
CEJA	Justice Studies Center of the Americas (<i>Centro de Estudios Jurídicos de las Américas</i>)
CJIDPS	Integrated Judicial Center for Private and Social Law (<i>Centro Judicial Integrado en Derecho Privado y Social</i>)
CNJ	National Judicial Council (<i>Consejo Nacional de la Judicatura</i>)
CONADER	National Academic Commission of Law Schools (<i>Comisión Nacional Académica de Facultades de Derecho</i>)
CSAL	Support Services Center
ECMS	Electronic Case Management Systems
ESEN	<i>Escuela Superior de Economía y Negocios</i>
FINJUS	<i>Fundación Institucionalidad y Justicia</i>
GICA-Justicia	<i>Gestión Integral de la Calidad y Acreditación-Judicial</i>) (Integrated Judicial Quality Management Standard)
ILO	International Labor Organization
ISO 9001	International Standard for Quality Management
JMP	Judicial Modernization Project (World Bank-funded)
OCAS	Organization of Central American States
OECD	Organization for Economic Cooperation and Development
OTLA	US Department of Labor Office of Trade and Labor Affairs
PMI	Initial Training Program for Judges (<i>Programa de Formación Inicial de Jueces</i>)
PGR	Public Defense Office
SGT	Courts Management System (<i>Sistema de Gestión de Tribunales</i>)

SGTL	Labor Court Management System (<i>Sistema de Gestión de Tribunales Laborales</i>)
SGTL2	Labor Court Management System Version 2 (<i>Sistema de Gestión de Tribunales Laborales Versión 2</i>)
SGTL3	Labor Court Management System Version 3 (<i>Sistema de Gestión de Tribunales Laborales Versión 3</i>)
SIJGECA	Judicial Case Management System (<i>Sistema Judicial de Gestión de Casos</i>)
SIJU	Court Management Information System (<i>Sistema de Información para Gestión de Tribunales</i>)
SOP	Standard Operating Procedure
UACH	<i>Universidad Autónoma de Chinandega</i>
UCC	<i>Universidad de Ciencias Comerciales [Nicaragua]</i>
UCN	<i>Universidad Central de Nicaragua</i>
UdeM	<i>Universidad de Managua</i>
UENIC	<i>Universidad Evangélica Nicaragüense Martin Luther King, Jr.</i>
ULAM	<i>Universidad de las Américas [Nicaragua]</i>
UML	<i>Universidad Martin Lutero [Nicaragua]</i>
UNAN-Managua	<i>Universidad Nacional Autónoma de Nicaragua – Managua</i>
UNEH	<i>Universidad Nicaragüense de Estudios Humanísticos</i>
UNICA	<i>Universidad Católica de Nicaragua Redemptoris Mater</i>
UNICIT	<i>Universidad Iberoamericana de Ciencia y Tecnología</i>
UNIJAR	<i>Universidad Jean Jacques Rousseau [Nicaragua]</i>
UNIVAL	<i>Universidad Internacional de la Integración de América Latina [Nicaragua]</i>
UNIVALLE	<i>Universidad del Valle [Nicaragua]</i>
UNN	<i>Universidad del Norte de Nicaragua</i>
UPF	<i>Universidad Paulo Freire [Nicaragua]</i>
UPOLI	<i>Universidad Politécnica de Nicaragua</i>

UPONIC

Universidad Popular de Nicaragua

USTOM

Universidad Santo Tomas de Oriente y Medio Día [Nicaragua]

WTO

World Trade Organization

I. Executive Summary

The USAID Strengthening Labor Justice Program for CAFTA-DR (the Program or CAFTA DR) has contributed to the achievement of USAID's Regional Strategy for Central America and Mexico, FY 2003-2008, particularly Strategic Objective 2 – Economic Freedom: Open, diversified and expanding economies. Under this Strategic Objective, it has helped to achieve Intermediate Result 1: Adoption of laws, policies and regulations that promote trade and investment, by focusing its efforts on Sub-IR 1.5: Strengthened capacity and compliance of labor justice institutions. The Program also contributed to USAID's revised Strategic Objective 2 which includes Intermediate Result 1: Adoption of laws, policies and regulations that promote commerce and development, specifically through strengthening the capacity and fulfillment of the labor justice institutions; Intermediate Result 2: Increased number and capacity of judicial officials directing labor cases; and Intermediate Result 3: Decongested courts and improved access to labor justice; Regional Result: Strengthening of networks and regional activities.

The Program contributed to achieving the objective of strengthening labor justice institutions in the CAFTA-DR countries.

Management Sciences for Development Inc. (MSD) implemented the Program as an International Rule of Law Technical Services IQC task order from 2007-2012 through the following components:

1. Electronic case tracking, case management, and jurisprudence systems implemented, enabling the judiciary to resolve labor cases faster and more effectively, and providing information needed for other reforms.
2. Judicial institutions in each CAFTA-DR country assisted to raise professional standards in the labor judiciary, including support for personnel systems and capacity building to generate and maintain the required cadre of professionals.
3. Key judiciary procedures streamlined and related judiciary functions strengthened, including for conciliation and oral proceedings.

Component 1: Electronic Judiciary Management Systems

CAFTA-DR program technical assistance supported implementation of the electronic case management system in El Salvador, Costa Rica, Guatemala, Honduras and the Dominican Republic. The Program also provided technical assistance to improve judicial and administrative processes. CAFTA DR designed screens and workflow charts to index cases.

The Program strengthened more than 69 first instance and appeals labor courts, in collaboration with labor chambers in 5 supreme courts (El Salvador, Guatemala, Honduras, Costa Rica and Dominican Republic). In Nicaragua, CAFTA DR strengthened the teaching of labor law in law schools across the country.

The results of the technical assistance to the labor judicial system have enabled the design, support and implementation of court backlog clearing plans in each court where the program has intervened. This plan has facilitated access to justice for workers who have been waiting for years for a solution to their demands. In addition, electronic systems have increased the transparency of court operations and judicial decisions by updating information daily and sharing it with judicial organizations and individuals.

In El Salvador, the Program reduced the time required for secretaries, judicial assistants, and other judicial operators to undertake tasks such as locating records, reviewing performance, reporting and reducing inventory. It also improved the capacity to initiate cases, review evidence and undertake oral proceedings, including through conciliation hearings. The Program also promoted the use of oral trial techniques by providing audio and video recording systems and PC's for 16 hearing rooms in the San Salvador Integrated Center for Private and Social Law and four regional labor courts. In addition the Program helped reduce the time required for preparation and delivery of notifications.

The Program installed furniture in new courtrooms in the Salvadoran labor courts of Santa Ana, Santa Tecla, Sonsonate and San Miguel, as well as in the Civil Chamber of the Supreme Court and two mixed courts (civil and labor) in San Juan Opico and Ahuachapan. The labor courts, which had no equipped and furnished labor courtrooms prior to the Program, now have 16 courtrooms that are furnished and supplied with audio, video and computer equipment.

Through a groundbreaking cooperative agreement with the Guatemala Supreme Court that allowed the Honduras Supreme Court to adapt Guatemala's SMG electronic case management system, the Program designed, developed and delivered the truly digital Honduran Judicial Case Management System. The system is able to operate without paper and can send claims and electronic communications to the parties. The system will facilitate the work of the Honduran labor courts through video documentation of hearings, productivity control (controlling the length of cases and personnel performance), file location and custody, notification management, and public information. The implementation of a paperless system will require cultural changes and legal amendments, however.

The Program financed the provision of five courtrooms with state-of-the-art audio, video and computer equipment for holding oral hearings under the jurisdiction of Tegucigalpa's labor judges. CAFTA DR also purchased servers and PCs and developed software for a jurisprudence system installed in the Supreme Court.

In Guatemala, the Program provided technical support to adapt the criminal courts case management system to labor courts. The main achievements in Guatemala were: a reduction in the time required for case admission from three months to 45 minutes; increased number of demands submitted orally by workers; a 50% reduction in time required to process a hearing, substituting a detailed report with a succinct one along with a video; and establishment of an electronic notification system with the Ministry of Labor in order to reduce notification time and simplify the process. The labor courts, which had no equipped and furnished labor courtrooms prior to the Program, now have 23 courtrooms that are furnished and supplied with audio, video and computer equipment.

In Costa Rica, the Program provided technical assistance to adapt the Electronic Case File System implemented for other courts to management of labor court cases. The main achievement was the establishment of a new administrative process based on electronic case files, including: quantification and control of records; measurement of output and productivity of judicial processes; and reduced numbers of circulating records. The Program developed a plan for clearing judicial backlog for the Costa Rican courts. Consequently, Costa Rican judges cleared 90% of backlogged cases.

In the Dominican Republic, the Program provided assistance to adapt the *Supremo Plus* System used for criminal courts case management to labor courts. The Program also designed, developed and tested software and computer systems for a web-based Jurisprudence Indexing System for use in the

Document Center of the Dominican Supreme Court. The system increases the transparency of case jurisprudence. The Program supported the design and implementation of a clearance plan for the labor courts of Santiago de los Caballeros, clearing 3,092 cases files. The labor courts now maintain an average case closure rate that balances case admissions in the three first instance labor chambers. The Program also sponsored an exercise that allowed 37,000 expired case-files to be classified, identified, and evacuated to the final archive. A total of 1,900 case-file records of the three first instance labor courts and Labor Court of Appeals were digitized. The Program assisted judges and judicial personnel with the mapping and validation of judicial and administrative proceedings of the first instance labor courts in Santiago de los Caballeros. Based on these activities, the Program facilitated the implementation of an approach that allows both first instance and appellate courts to share common support services. CAFTA DR provided furniture and equipment to the Judicial Secretariat to improve caseflow and attention to users. The labor courts, which had no equipped and furnished labor courtrooms prior to the Program, now have three courtrooms that are furnished and supplied with audio, video and computer equipment.

In this component, the Program improved the capacity of legal documentation offices in each country's Supreme Court. The aim was to establish a classification methodology and jurisprudential analysis. The Program found that the legal documentation offices in each country were not employing effective methodologies or equipment for automatic classification. In the Dominican Republic and Honduras, the Program purchased servers and PCs and developed software for jurisprudence systems to be installed in the Supreme Courts, accompanied by training on the new systems. In El Salvador, the Court chose to use a system that was funded by the Judicial Modernization Project of the World Bank. In Guatemala, Rafael Landivar University led system implementation. In each country, the Program's IT staff supported the jurisprudence systems.

Automation of jurisprudence classification improved the quality and transparency of judicial decisions. The Jurisprudence Systems established processes to collect, organize, categorize, structure, store, archive, and share large amounts of information related to labor law in databases. The systems made information available to authorized users and were accessed easily by judges, judicial staff, and even the public, according to authorized access privileges.

The jurisprudence systems also improved the public's access to labor law information. Court users can access judicial decisions and other case-related documents on the Web and compact disks. Judges and their staff can search easily for case materials and labor law.

In the future, the Supreme Court legal documentation offices could integrate these databases with the labor courts Electronic Case Management Systems (ECMS) to enhance the timely publication and availability of court decisions and related case documents.

Component 2: Raising Professional Standards in the Labor Judiciary

The Program worked closely with courts and law schools to provide legal training for labor judges and legal professionals. The Program designed, developed and implemented plans and professional training programs with judicial and law schools in El Salvador, Dominican Republic, Honduras, Guatemala, Nicaragua and Costa Rica. In addition, the Program helped install judicial labs and training courtrooms in Honduras, Guatemala, Costa Rica and Nicaragua.

In El Salvador, the Program funded technical assistance for two judicial Master's Programs. One Master's Program was designed in coordination with the National Judicial Council and National University of El Salvador. This Program was implemented by the Judicial School with technical support from the National University. The first class, expected to graduate in 2013, consists of 48 judges, including 18 women. The Judicial School Master's Program replaced the Initial Training Program for Judges (Spanish - PFI) and is focused on the development of the judiciary career.

Subsequently, CAFTA DR helped three private universities design, develop and implement a Master's of Judicial Studies program that consists of 70% classroom education and 30% virtual education. The purpose of this program is to develop researchers in the judiciary and justice system. The Master's of Judicial Studies program trains judges and operators in the theory and practice of justice, including integrating advanced and innovative judicial process management techniques in their courts and offices; improving office management; addressing the needs of court users; increasing access to justice; paying special attention to the needs of vulnerable groups; and applying other modern judicial management techniques. The first class, expected to graduate in 2013, consists of 50 persons, including 24 women. At the beginning of the Masters program, the universities undertook a prefeasibility study to analyze the sustainability of the program. They decided to continue with the program using their own funds as well as those from other donors.

In Honduras, the Program worked with the judiciary to identify priority training. It supported nationwide training coordinated by the Judicial School on oral trials litigation, judicial precedent and rules of evidence. CAFTA DR helped install a judicial lab at the Judicial School, where the Program supported additional training.

Additionally, in Guatemala the Program assisted the Judicial School in establishing a hearing courtroom for training on judicial management. The fully equipped courtroom is expected to contribute to the sustainability of the management model developed at the Labor Justice Center, reinforce the oral trial techniques and conciliation skills of current operators, and help prepare university law graduates that hope to become judges.

In Nicaragua, the Program developed and implemented a teachers' specialization course on labor law. The course prepared teachers to work on a curricular reform that focused on labor law and the labor judicial process. To strengthen practical methodology for teaching labor law, the Program provided five universities with simulated courtrooms and conciliation hearing rooms equipped with computers and audio and video systems. Program support enabled the universities to provide free legal services and ADR to the poor.

Component 3: Procedural Streamlining

The Program helped establish the Labor Justice Observatory, a comparative law research project conducted by six universities from CAFTA-DR countries. The Observatory examined issues such as the content of sentences, the appeals process, the impact of constitutional interpretations of labor law on labor justice, and the impact of fundamental rights on labor law. The results of this research were presented to labor magistrates at regional labor court meetings financed by the Program. The meetings enabled labor magistrates to share progress in judicial management and labor jurisprudence, the protection of fundamental rights and implementation of oral trial techniques in labor court hearings.

In Honduras, the Program provided technical assistance on conciliation techniques to judges and trained and equipped the new Conciliatory Judge.

In Guatemala, the Program organized workshops for judges, public defenders, practicing attorney and law professors on ADR and labor conciliation.

In Costa Rica, the Program supported management process changes, including training on oral hearings, conciliation methods, developing a technical defense and improving the administrative processes of Public Defense.

In El Salvador, the Program trained judges and lawyers on labor conciliation and mediation techniques, helped integrate conciliation into court proceedings, and facilitated an inter-institutional agreement to harmonize access to ADR and avoid duplication of procedures and improve the implementation of ADR policy. The Program supported the Labor Public Defense Unit in designing and implementing Single-stop Stations, including defining workloads, new job profiles and a performance evaluation system for public defenders. CAFTA DR included Single-stop Station and job profile standards in the ISO Standards for Public Defense Office accreditation. The Program also refurbished physical facilities and trained public defenders throughout the country on labor rights, litigation strategies and administrative procedures.

II. Introduction

Background

White Paper

Central American governments had high expectations that a free trade agreement with the United States (their main commercial partner) would stimulate their economies, increase and diversify exports, and generate employment. At the same time, they were concerned about potential negative impacts on vulnerable populations, mainly due to market asymmetry and low economic capacity. The CAFTA-DR Free Trade Agreement therefore includes both an implementation agenda (obligatory regulations and organizational changes on customs, plant-health standards, competency standards, consumer rights and patent laws); and a voluntary, complementary agenda (measures to ensure competitiveness and compensation promotion activities benefit vulnerable populations).

Including a labor chapter in a free trade agreement responds to the concern that poor working conditions in Central American countries create an incentive for North American industries to transfer jobs to these countries. During negotiations, American civil society organizations and labor unions voiced their concern that these countries did not comply with the International Labor Organization (ILO)'s basic agreements, including the right to independent trade unions and the right to strike.¹ Consequently, Chapter 16 of CAFTA-DR requires compliance with ILO's Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) as well as certain procedural principles, such as oral trial techniques, equity, and transparency.

¹http://www.wola.org/sites/default/files/downloadable/Rights%20and%20Development/past/cafta_briefing_packet_fi nal_dec03.pdf

The implementation agenda for the Free Trade Agreement includes modifications to regulations and institutional changes that facilitate the Agreement's implementation. One example of these changes is support for judicial labor institutions in accordance with the 2005 plan approved by Central American and Dominican Republic trade and labor ministers, "Labor Dimension in Central America and Dominican Republic: Building on Progress: Reinforcing Compliance and Enhancing Capacity," which is known as the White Paper. The White Paper identified the status of and recommended improvements to improve workers rights, enhance capacity and promote a broader culture of compliance with labor standards in each CAFTA DR country. These areas included labor law and implementation; budget and personnel of labor ministries; the judicial system for labor law implementation; protections against discrimination in the workplace; the worst forms of child labor; and a culture of compliance. Governments and donors pledged to implement the recommendations. The USAID Strengthening Labor Justice Program for CAFTA-DR addresses the White Paper's recommendations for the judicial system.

The Program's Regional Dimension

In March 2007, USAID launched the Strengthening Labor Justice Program for CAFTA-DR (herein after "The Program" or "CAFTA DR") to provide technical assistance and training to strengthen the capacity and compliance of labor institutions for the CAFTA-DR signatory countries. The Program is a regional effort that includes reform within judicial and academic institutions in Guatemala, El Salvador, Honduras, Costa Rica, Nicaragua and the Dominican Republic.

The Program was extended in June 2009 to facilitate regional harmonization of labor court management systems, further the strengthening of judicial institutions, and bring technical assistance to non-state institutions such as bar associations and universities that support the effective functioning of the labor justice system. The Program was extended again, in September 2010, to complete work on electronic management systems, sustain training, expand judicial labs, strengthen bar associations, further strengthen the Labor Justice Observatory, expand ADR, build links between Ministries of Labor and labor courts, modernize court communications and streamline procedures. USAID directed MSD not to work with any public institution (including courts) in Nicaragua. Following the illegal ouster of the President of Honduras in June 2009, USAID required MSD to suspend work in that country. Activities in Honduras resumed in September 2010.

Program Components

The Program provided technical assistance to the CAFTA-DR countries in three key areas:

Component 1: Electronic Case Management Systems

CAFTA DR designed and implemented electronic case management and jurisprudence systems for labor courts so that judiciaries could quickly and effectively apply labor law to resolve cases and foreign investors could depend on clear laws and enforcement systems. Each of the countries had different requirements for automation. The Program took advantage of established automated systems and provided assistance to adapt existing case management systems for the penal code to the labor code.

The Program helped the courts and the Supreme Courts establish electronic case tracking or case management systems with the capacity to:

- Transparently assign cases to courts;
- Track case events and activities from case reception to final decision through the different system levels;
- Generate and manage case documents;
- Provide statistical and management information;
- Manage forms, notices and other documents;
- Provide restricted access to case status and performance indicators.

For El Salvador, Dominican Republic, and Honduras, the Program funded programmers to adapt software for a labor court case management system. In Guatemala and Costa Rica, the Program assisted Court IT departments in adapting software for a labor court case management system. In all countries, the Program built and furnished hearing rooms, expanded server capacity to handle increased automation of labor courts, equipped courtrooms with audio-visual and recording equipment and provided computers in courtrooms and in offices for administrative processes.

Since the El Salvador judiciary was in the initial steps of implementing a major modernizing program for judicial facilities and automating manual court management processes, no existing system could be utilized. The Program developed a labor case management system through the design and testing of software along with the integration of information technology and communications equipment. Labor court administration personnel received extensive training from the Program, to compensate for significant computer illiteracy. The labor court electronic case management system was a vital step toward automating court management for the judiciary as a whole.

CAFTA DR provided technical assistance to develop analytical models of labor jurisprudence that:

- Provide secure, easy and useful access to judicial decisions and other jurisprudence documents;
- Automate document workflow (gathering, grouping, categorizing, adding content, and publishing);
- Are based on legal frameworks that define the requirements for sharing information, limiting access and ensuring privacy for judicial decisions;
- Are adapted to the specific needs of the justice system and court users in each country.

Component 2: Raising Professional Standards in Labor Judiciary

The Program trained judges, lawyers, public defenders and judicial support staff on electronic case management, oral trial techniques and labor law. In El Salvador, these activities were sustained by the development and implementation of a Master's in Judicial Studies program. This component tasks have included:

- Increase awareness of best judicial practices in labor law
- Bolster the capacity of existing legal training institutions to establish and uphold professional training in labor standards
- Increase awareness and capacity of civil society institutions and social partners to access legal options to assert workplace rights
- Improve capacity to generate and maintain the required cadre of labor judiciary professionals

Component 3: Procedural Streamlining

The Program strengthened and streamlined judicial procedures through the use of oral trials and alternative dispute resolution (ADR), and the introduction of the Labor Justice Observatory. The

objective of this component was to streamline key judiciary procedures and strengthen related judiciary functions through conciliation and oral procedures. These activities implemented oral proceedings and ADR mechanisms in phases. These training activities and procedures promoted the culture of transparency and accountability of justice activities, reduced case backlog and delay and promoted resolution of cases through consensus.

III. Final Report

CAFTA DR Field Management

Each country is unique in many ways, including how judges practice law and management systems are organized. A key element for the Program's success was individual country program offices in El Salvador, Guatemala, Costa Rica and Honduras operated by local staff managing relationships with authorities and carrying out operations. CAFTA DR helped staff and consultants from each country exchange knowledge and experiences.

The Program also encouraged cooperation among them, enabling easier replication of activities, such as audio and video recording systems in the courtrooms of Guatemala and Honduras. In Nicaragua and Dominican Republic, the Program worked through other organizations: the Nicaraguan Institute of Humanistic Studies and the Institutionalism and Justice Foundation. In each country in 2007 the program was initiated with a capacity assessment survey on the state of court modernization.

Component One: Electronic Case Management Systems

EL SALVADOR

Institutional Context

Of all the countries, El Salvador was the least developed in IT infrastructure in the judicial system and automation of judicial processes. In 2007, the Supreme Court had just initiated a major World Bank-funded Judicial Modernization Project (JMP) which included automation of judicial and administrative processes and building of new facilities.

The survey identified problems with the development and implementation of an information system such as the court's use of manual procedures, the lack of appropriate data infrastructure in the new JMP-supported Integrated Judicial Center of Soyapango, as well as administration and hardware failures at the server level, data transmission configuration and lack of Internet Protocol (IP) generation at the Civil Court, a court within the Supreme Court for labor appeals.

CAFTA DR designed and developed the Labor Court Management System (in Spanish SGTL) during 2007-2010. During this period the Program developed three types of systems: one for a pilot single labor court, another for integrated labor courts, and an improved version for other single labor courts.

The first version was implemented as a pilot program beginning in 2008 in the Santa Ana Labor Court. The Supreme Court approved its replication in the remaining labor courts in March 2010. CAFTA DR began work in San Salvador Labor Courts three months after these formerly autonomous courts were

transferred to the Integrated Judicial Center for Private and Social Law (CJIDPS). The Supreme Court delayed Program assistance until the courts were transferred and the management model was modified. Modifications to the management model at CJIDPS required the Supreme Court to reexamine the entire information system and work with the Program in developing and implementing the second version of SGTL. Subsequently, the Program adapted SGTL to single courts by developing and implementing a new version that incorporated the advantages of SGTL version 2.

Under JMP, the Judicial Management Information System (in Spanish SIJU), was to be implemented first at the Integrated Judicial Center of Soyapango, where there were no labor courts, and then in the CJIDPS. However, JMP implementation of SIJU fell well behind schedule. By the date CAFTA DR was completed, the Court was experiencing technical difficulties in implementing SIJU at the Soyapango Judicial Center and had not begun installing it in CJIDPS.

Assessment of Judicial Capacity

In 2007, the Program analyzed the capacity of the labor and appellate courts, and the Supreme Court, as well as the current operational environment. The assessment's main findings were:

- **Jurisprudence System:** Both the Ministry of Labor and the Supreme Court utilized the same system, which operated in a client/server environment and was based on the commercial, proprietary MasterLex, FileServer software package. The proprietary nature of the system meant that there was an initial system cost, plus costs incurred for yearly maintenance and modifications or enhancements.
- **Case Tracking/Case Management Systems:** In the appellate courts and trial courts, the process was manual and based on a legal requirement to create paper records that are carefully recorded, tracked and maintained. The Civil (Labor) Chamber of the Supreme Court has a case tracking system. This basic system that used only public domain tools, had significant potential for expansion and application for broader uses.

Civil Chamber of Supreme Court

In 2007, the Program helped the Civil Court organize and operate a very basic information system for case tracking, data transmission configuration and IP generation (*Sistema Automatizado de los Expedientes Jurídicos de la Sala de lo Civil or E-file-Jurídico*). The Program provided equipment such as new servers, PCs and associated software and trained technical and administrative staff on court administration. CAFTA DR also provided the Court with a dynamic server system for future case management and other software for court management. This system generates statistics warning of case delays and congestion and facilitates the management of labor and civil cases. The electronic system is currently operating. The Program also explored the feasibility of complementing the Supreme Court's efforts in implementing the Judicial Management Information System by developing SGTL in coordination with the Civil Court.

Santa Ana Pilot Program

The SGTL electronic case management system required a complete modernization of labor court processes and administration, including case management and labor court automation and introduction of new methods for oral hearings and conciliation in chambers equipped with audio, visual and recording systems. The Program took advantage of established automated systems and provided assistance to adapt already implemented penal code case management programs to the labor code. In supporting a

complete system, the Program designed and tested software and integrated information technology and communications equipment into court administration. Program assistance included equipping hearing chambers and district and mixed courts with audio, visual, recording, local area networks and PC servers for SGTL and labor court administration. To deal with the computer illiteracy of labor court administrative personnel, CAFTA DR provided them with extensive training.

In 2008, the pilot program for SGTL was established in the regional court of Santa Ana, the country's main city in the western zone. The Supreme Court chose Santa Ana's court, where the sitting Judge, Ángela de Alberto, had the capacity to lead the implementation of a new management system. The Program initially procured equipment to create and maintain inventories of case files, initiated the design and the implementation of the initial components of a first operating SGTL prototype, and procured goods to support the development team. The pilot program comprised testing and implementation of SGTL software, using IT equipment, operating hearing chambers equipped with audiovisual and recording equipment, and refurbishing hearing chambers, including two conciliation rooms.

In 2008, the Program purchased basic office computer equipment and furniture, and local technicians helped the court address case backlog. In the second quarter of FY 2009, CAFTA refurbished the court building and delivered equipment to establish the network. In the same year, the Program established a standard of network infrastructure and equipment for recording hearings at a reasonable cost, so the Judiciary could afford to replicate them in other courts and maintain them. From 2009 through the spring of 2010, the Program conducted, developed, and implemented SGTL. Santa Ana's Labor Court was inaugurated on February 22nd, 2010 with the participation of the USAID Director, Larry Brady, and Salvadorian Supreme Court Justice Magistrate, Mirna Perla.

The SGTL included case information such as case type, related cases, judge or judicial officer, claim information, court, and trial dates and a process to manage and monitor cases from initial filing (inception), conciliatory and trial stages, final disposition, workload management and reports generation. Implementation of SGTL required the introduction of oral practices for presentation and management of cases. These processes had not been in practice for labor law cases. During 2009, the Program provided technical assistance for trainings on oral trial techniques, conciliation, and operation of the new labor court management system. Technical assistance in oral trial techniques required the involvement of other actors such as the public labor defense (which represents 80-90% of workers' cases nationwide) and private attorneys. Training of public labor defense is described in Component 3. Private attorneys represented the main challenge, since El Salvador has a very low level of participation of private attorneys practicing labor law. These attorneys lack professionalism.

The international negotiation model for reconciliation techniques, as conceived by the Harvard Law School (where conciliation is separate from the hearing) required adaptation by the Program to the cultural idiosyncrasies of El Salvador in cities and towns. In Santa Ana, as in all locations outside major cities, the percentage of cases including conciliation hearings lasting up to 15 minutes was very high (15.04% in 2008).

Likewise, workers' unions and social groups monitored closely the court's proceedings and performance. The Program organized seminars with unions that viewed the new initiatives with suspicion. These seminars educated union leaders on the need for new practices and proceedings to be

introduced in the labor court system. This approach counteracted distrust and misperceptions related to visual and audio recording system equipment installed in hearing courtrooms.

In the Santa Ana pilot project, the duration of labor cases averaged 196 days or approximately 6.55 months in 2009. The number of cases doubled due to the economic crisis and closing of factories. Only the labor court of Santa Tecla reported longer average case duration. The pilot project also demonstrated the need for the Supreme Court to implement workload analysis models in the labor courts for better planning of manpower. All of the labor courts employed the same number of personnel, despite the fact that the number of cases filed in San Salvador was twice the number filed in Santa Ana.

The Integrated Judicial Center for Private and Social Law in San Salvador (CJIDPS)

USAID's Strengthening Labor Justice Program was implemented simultaneously with the Judicial Modernization Program, executed by the Supreme Court through a World Bank loan.² Under the Modernization Program, the Supreme Court built integrated judicial centers. In January 2010, labor, civil, commercial, small claims, and family courts moved to the new center in San Salvador and started operations.

The Supreme Court structured the integrated judicial centers to address two major needs: a) the need to separate the judge from administrative activities; b) the need to provide common services for receipt of claims and written appeals, communication of judicial actions, coordination of hearing schedules, judicial seizures, and archival of labor case files.

However, when labor courts were integrated in the judicial center, they faced new management and organizational problems. They encountered difficulties in case filings and appeals notices. Lawyers frequently responded to court notices beyond the 24 hour period mandated by law. They therefore presented appeals or additional evidence to the court secretariat beyond the filing period. As a result, the court generated many citations for contempt and judgments in absentia. These delays caused discontent among judicial actors and labor judges and led the labor courts to have the worst record of all courts in case delays. The source of this problem was an inefficient court notice system. Notices were neither prepared well nor delivered quickly. The courts lacked personnel experienced in labor proceedings to draft the notices. The initial SGTL was designed and developed for separate courts, such as the one in Santa Ana. The consolidation of courts into Integrated Judicial Centers required modifications to the pilot SGTL. The unique requirements of Integrated Judicial Centers made it impossible to replicate the model implemented in Santa Ana. The Program redesigned and adapted the SGTL by creating the Labor Court Management System Version 2 (Spanish - SGTL2), which took into account the benefits provided by the shared administrative support offices of the integrated judicial centers. SGTL2 is a management information system designed to support the administrative as well as the case management requirements of judges and judicial operators in labor cases. It addresses court staff performance; time management; proactive judicial decision-making; and court transparency (See Annex I).

²<http://web.worldbank.org/WBSITE/EXTERNAL/BANCOMUNDIAL/EXTSPPAISES/LACINSPANISHEXT/ELSALVADORINSPANISHEXTN/0,,contentMDK:20059717~pagePK:1497618~piPK:217854~theSitePK:454643,00.html>

The Program supported the implementation of SGTL2 in the following offices of the CJIPDS:

- First Labor Court (office of substantiation, assistant to the judge, and judge)
- Second Labor Court (office of substantiation, assistant to the judge, and judge)
- Third Labor Court (office of substantiation, assistant to the judge, and judge)
- Fourth Labor Court (office of substantiation, assistant to the judge, and judge)
- Fifth Labor Court (office of substantiation, assistant to the judge, and judge)
- Judicial Documents Reception and Distribution Office
- Judicial Acts Communication Office
- Public Inquiry and Assistance Office
- Courtroom Hearings Coordination Office
- Judicial Seizures Office

The Program complemented the procurement of computers by the Judicial Modernization Program with the procurement of screens for communicating judicial decisions (See Annex 2 and 3).

Process improvements with SGTL2 System implementation in CJIDPS offices

SGTL2 is an IT tool designed to assist the judge in directing cases and controlling the following:

- Actions of judicial operators, secretaries and assistants
- Court Performance
- Scheduling
- Proactive decision-making
- Court transparency

The time required for the work of each of these staff members reduced significantly, following implementation of the SGTL2 System.

Estimate of court personnel workload

Personnel workload estimation is an administrative tool that is useful for planning the human resources needed to process an identified quantity of work within a specified time period. Such an estimate involves basic variables that are required to resolve a labor case, such as the likelihood of resolution of certain procedural steps, the occurrence of procedural actions, the days available, and the duration of judicial and administrative activities. In addition to planning for human resources, the tool gives a global view of administrative and judicial activities, guiding work assignments and improving court productivity. The Program helped the San Salvador labor courts use the tool to determine the human resources needed for completing the work of secretaries, administrative assistants, judicial operators, assistants to the judge, and office clerks.

Estimate of Judge's workload for managing the Labor Court

An estimate of the Judges' workload was made under a scenario in which one judge conducts all hearings. The workload of the judge is impacted by common everyday practices. For instance, it has become a common practice of judges to delegate the taking of evidence testimony to judicial operators, although such a practice is prohibited. In addition, many hearings are scheduled but not conducted due to the absence of the parties. This problem generates a situation in which schedules are established with the unrealistic assumption that all or most of the hearings will be held and that the judge will be

present. Since only one judge is assigned per court, a reasonable time period for performance of hearings is another factor that must be established. These practices and scheduling problems cause cases to take more time. The hearing schedule is frequently unrealistic. If all hearings took place as scheduled every 15 minutes, no judge would be able to keep up with the schedule. This situation directly affects the length of the working day and forces judges to set aside some hearings while prioritizing others. Judges do not delay cases, since many scheduled hearings do not take place due to the absence of parties, and oral testimony is frequently delegated to judicial operators.

Considering the above practices, an analysis of their impact on the timing of the hearing was performed. The analysis of the above practices confirmed a lack of personnel resources and weaknesses in court notices. These issues caused backlogs in processing of cases and impacted the judge's workload. The activities requiring more time from the judge are those related to requests from either of the parties for new hearings and the execution of the hearing.

Process Simplification

Through process simplification, the Program helped the labor courts make major steps forward in applying the law effectively and increasing access to justice for employees filing suits. With assistance from the Program, normal court processes were reduced from 16 days to a startling 13 minutes. This result was accomplished by improving the initial phases of the hearing process, which focus on the response to the suit and the presentation of evidence. Under the Labor Code, the defendant may respond up to a full day after the hearing, and the evidence phase must remain open for eight days. Defendants often did not respond, requiring notifications to the parties and separate hearings on presentation of evidence. The Program gained agreement from labor judges to call for an immediate oral response and order the opening of the evidence phase, once the hearing was accepted by the defendant.

Labor Court Management System (SGTL2) Implementation in the Judicial Acts Communications Office

To implement SGTL2 in the Judicial Acts Communication Office, the Program helped design the Judicial Acts Communications module. The Program helped adapt working procedures to the module, trained staff on operations, provided technical assistance, and guided office operation monitoring and evaluation. This module reduced the time required to assign, download and remit notifications to private attorneys from 3.25 days to 2.13 days and to public defenders from 2.62 days to 1.03 days, important steps to increasing effective application of the law.

Sequence Model Implementation in Second Labor Court

In the Second Labor Court, the Program implemented a sequence model, which set the optimum time for each Court task. The model enabled the court to reduce the average time required to validate actions taken by the court clerk and signed by the judge and courts secretary from 1.47 days to 1.21 days. Average case files awaiting resolution by the assistant to the judge dropped from 30 to 15. Those awaiting resolution by the assistant to the secretary dropped from 36 to 17. By expediting case processing, the Program helped the Court to improve the effective application of the law.

Labor Courts of San Miguel, Sonsonate and Santa Tecla

After SGTL2 was developed and implemented in the Integrated Judicial Center for Private and Social Law in San Salvador, the Program developed the Labor Court Management System Version 3 (Spanish – SGTL3), consisting of an adaptation for single courts that incorporates the advantages of the second

version of the information system. In the interest of meeting project schedules, the Program undertook development and implementation concurrently. SGTL3 embraces the following functions:

- Documents reception
- Functions of the court secretary
- Judicial operator (resolution of briefs)
- Communications (communication of notification acts)

System training included the following SGTL3 modules and functions

- Reception of suits/claims and briefs
- Briefs traceability control
- Printing of file jackets
- Printing of forms for court briefs
- Case details
- Expectations estimate
- Actions' tracking
- Scheduling of hearings
- Attorney case history
- Input and control of conciliatory agreements
- Control of processes already completed
- Reception of court notice actions
- Control of sentences
- Tracking of notification records
- Official books
- Management reports
- Reception of requests for notification actions
- Assignment of routes
- Download and remittance of notice records

In addition to installing and implementing SGTL3, the Program installed audio, video recording and PC systems in three hearings courtrooms (one each for Sonsonate, Santa Tecla and San Miguel). CAFTA DR developed recording protocols as well as their corresponding manuals. The Program also provided system trainings to courtroom assistants on audio and video recording system operations.

HONDURAS

Institutional Context

The Program in Honduras had two major phases. The first phase covered the period before the 2009 crisis triggered by the coup d'état, while the second one covered the period until Program closure. Before 2009, the Program provided technical support in labor courts through an Alternative Dispute Resolution Specialist. The Program developed a schedule for improving the court's ADR processes simultaneously in El Salvador, Honduras and Guatemala. In Honduras, the Program conducted over 30 training courses in oral litigation and employment law foundations nationwide for judicial and labor

judges and civil judges. The Judicial School in Honduras, which had implemented oral skills courses in support of the Civil Procedure Code, now introduced oral skills courses for civil and labor procedures.

After the suspension was lifted, the Program redirected resources to Honduras to achieve the maximum results by the end of the contract. The CAFTA DR management structure was changed to undertake the planned activities. With this new structure, the Program carried out a new needs diagnosis. In doing so, it took into account CAFTA DR experiences in Costa Rica, El Salvador and Guatemala, countries that had made more progress than Honduras, given their relative political and management stability.

Based on the needs assessment, the Program established the following priority components:

- Court administrative management
- Training
- IT hardware
- Strengthening and improving justice

To strengthen each component, the Program identified a specific approach. For administrative management, the focus was on using an industrial engineering perspective for a process diagnosis, an approach that was successful in other Central American countries. The training component was based on the model established by CAFTA DR in other Central American countries. It was implemented in coordination with Honduras' Judicial School, as well as by contracting Latin American trainers. Providing IT equipment was also crucial. The Program assured that it complemented the planned process improvements. Finally, the Program improved justice management by strengthening the Labor Observatory; the archival system; other relevant courts; and the Judicial Lab; as well as by facilitating the integration of the Integrated Judicial Quality Management Standard (*GICA-Justicia*) into Honduras' labor justice processes based on Costa Rica's experience.

Program leaders gave importance to applying practices and lessons learned from other countries on modernization of processes and justice. MSD ensured that the Program not only provided first-rate technological resources, but also helped put in place mechanisms to sustain the improvement of processes that benefited from the improved technology.

Nationwide archives organization

Prior to modernization efforts, it was necessary to purge and organize the labor system files. A previous USAID project supporting the Supreme Court of Justice helped create a unit to clean and sort files and archives and place them in a single location. CAFTA DR supported the Supreme Court's efforts in organizing files in labor courts nationwide.

In June 2008, the Program supported a nationwide workshop attended by twelve judges to standardize the organization and classification of labor processes at the national level. Subsequently, four field teams traveled throughout the country, organizing files and giving each a unique number. By the end of October 2008, this process had been completed for first instance courts and courts of appeals in Tegucigalpa, San Pedro Sula, Santa Rosa de Copán and Nueva Arcadia. The teams organized a total of 2,000 out of 10,000 files.

Calculator of labor benefits

In early 2009, CAFTA DR developed and installed software to calculate labor benefits in the Information Technology Department. The IT department installed it in the unified courts of Francisco Morazán, San Pedro Sula, and Ceiba, as well as in the Documentation Center and Attorney's Office at the law school in the Supreme Court.

Modernization of Labor Courts in Tegucigalpa

Modernization of Honduran labor courts was based mainly on analysis of management improvements in other Central American courts. The methodology for court modernization was based on proven methods for process improvement, specifically industrial engineering established in Costa Rica. The process improvement cycle, based on the "Lean Six Sigma" philosophy was used, with the following phases: 1) Define; 2) Measure; 3) Analyze; 4) Improve; 5) Control; 6) Replicate.

Process Diagnosis

The Program undertook the Diagnosis during the second half of 2010, and oversaw process mapping during the first half of 2011. For these activities, CAFTA DR interviewed court personnel (judges and administrative staff) to construct a task map of steps for generating and executing a decision. Likewise, the Program conducted at least three interactive workshops with court officers of all levels to validate the mapping of labor courts processes. The Program analyzed and reviewed mappings in coordination with industrial engineering consultants and officers. The analysis included defining priority management areas for the court, taking into consideration the interests and concerns of those receiving court services.

By reviewing the most relevant statistics, the Program helped the labor courts to identify significant obstacles in their processes and establish the real causes of resultant problems. The Diagnosis also included a technical report to establish priority management improvements for 2011. The Program discussed, endorsed, and presented the report to Labor Court authorities through the counterpart, Magistrate Rosa Paz. Figure I below illustrates the causes and effects of modernization of Honduran labor courts during 2011.

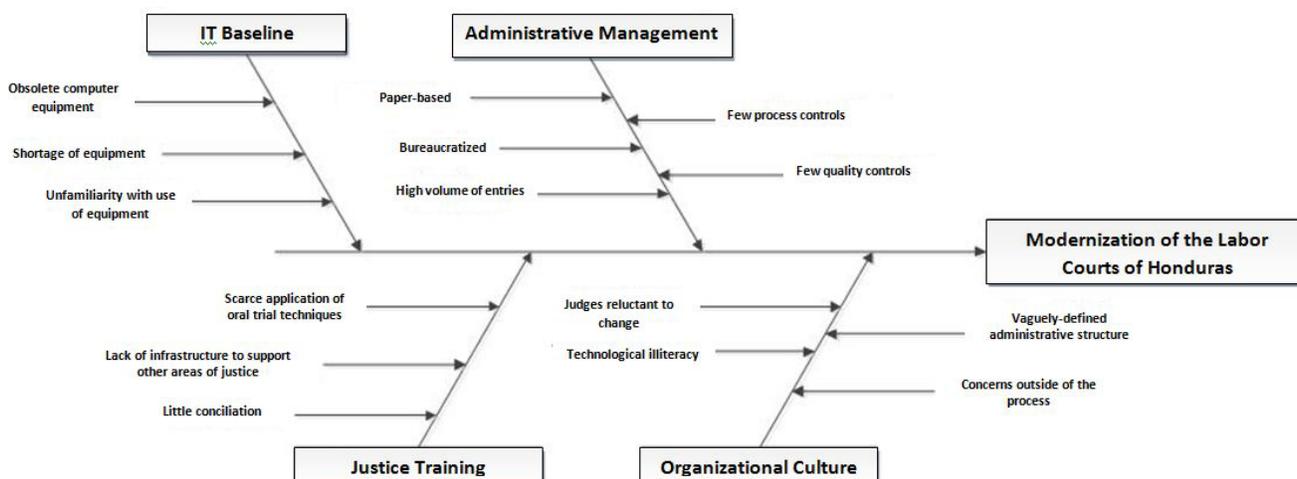


Figure I. Cause and effect analysis for modernization of labor courts in Honduras

Honduran processes for handling labor claim cases compare well with other Central American countries, when measured by duration. However, the mapping exercise showed there was much room for improvement. The Diagnosis identified improvements needed in the following areas:

- Administrative and system management
- Technological resources
- Substantive understanding of labor justice
- Culture transformation and strategic planning
- Complementing the management of substantive processes

The quality of Honduras' labor courts administrative and information systems required significant improvements. The courts were highly dependent on physical paper records, held in productivity units managed by work stations. This system:

- Hindered control of operational tasks
- Made it easier to delay or avoid responsibilities and not achieve quality standards
- Generated constant movements of physical files among work stations and inefficient use of resources
- Established obstacles to citizens seeking their case status or expected resolution date
- Hindered resource planning, since information on workloads was inaccurate

With assistance from CAFTA DR, Costa Rica, El Salvador and Guatemala preceded Honduras in strengthening information systems for administrative process management. The best features of these systems were incorporated into the Honduran implementation process. Given the importance of labor court administrative processes serving as models for other systems in Honduras, the courts needed to avoid importing any bad practices from other Central American courts.

A 2007 assessment verified not only the obsolescence of much computer equipment, but also the immediate need for modern courtrooms that allow hearings using different and more efficient processes, such as oral hearings. Obsolete computer equipment was an obstacle to the success of all processes. Staff used computers mainly as word processors to prepare and print texts. Once automation was instituted, they needed modern terminals with direct and shared access to the information systems. Before the Program's intervention, many court officials lacked access to even obsolete equipment. Only judges had proper equipment. CAFTA DR's Diagnosis identified the need to improve information and communications technology, since working through a modern and speedy IT network is essential in modern administrative processes.

The Diagnosis recommended that the Program help improve judges' performance during hearings and provide administrative officers with better computer skills. Also, it suggested the establishment of complementary tools to support decision-making, such as the jurisprudence system designed and developed by the Program's IT team in El Salvador.

The Diagnosis also noted the complexity of the legal organizational culture, which, combined with personnel not trained in processes management, could delay the implementation of new systems. Despite this complexity, Honduran justice sector leaders always were ready to consider Program proposals focused on modernizing processes. Their openness helped expedite Program implementation.

Design and development process of proposals resulting from the Diagnostic

To improve administrative processes, the Diagnostic recommended providing IT systems that take into account lessons learned from other Central American countries. Costa Rica and Guatemala, five to seven years earlier, implemented two ambitious projects, known as the “electronic file.” These projects broke new ground by replacing paper-based case management with paperless electronic case management. Migration of traditional paper systems to electronic systems generates quantifiable benefits, including:

- Personnel performance control
- Control over length of processes
- Speed in revision and approval of files
- Documents custody safety
- Resource savings and rational use
- Eco-friendly policies

These benefits, together with proper file tracking, were compelling reasons for Costa Rica and Guatemala to initiate their file digitalization and management projects. However, the Program concluded that several problems undermined the credibility of electronic file systems in these countries: the systems’ poor conceptualization, the lack of the necessary legal framework (for example, the legal use of electronic signatures not yet implemented), and limited resources for equipment purchases. In addition, the systems were not well received by unions and social groups and created mistrust among judges and administrative staff, who were already challenged by the complex legal organizational structure.

In Honduras, therefore, the Program gave priority to providing administrative management software, but without repeating the problems other countries faced in design, development and implementation. In November 2010, the Program began to implement an administrative management information system in Honduras, taking advantage of the expertise gained in other countries.

In designing this system, the Program took into account the following factors:

- A short design period (one year of funding)
- A unique administrative process that precluded the use of generic administrative systems such as ERP (Enterprise Resourcing Planning)
- Availability of an accurate diagnosis process and a proposed redesign of processes, which would save time in designing a possible system
- Limited budget

During the last quarter of 2010, the Program funded travel and logistics expenses of a technical delegation to help Hondurans learn about the automation processes of El Salvador and Guatemala. The delegation recommended automating the system and designing it specifically for the Honduran labor process. This recommendation aimed to help Hondurans learn from the mistakes of other countries that designed these systems, to save resources in purchasing expensive computer systems, and to put in place complete software that meets the needs of the management process at all levels of the Honduran justice system (first, second and third instances).

Judicial Case Management System Design and Development

The Honduran Judicial Case Management System (Spanish - SIJGECA) was informed by CAFTA DR's process diagnosis, design and development activities, as well as lessons learned from the Program's participation in other Central American countries. It was designed to provide the labor process in Honduras with a low-cost, easily adaptable system that would meet administrative needs, provide a truly digital process, and allow Court technical staff to refine and adapt as their needs change. During initial discussions, the design team attempted to balance the need for multiple uses with the limited time available for system development. The design team identified major difficulties:

- Not enough Honduran IT professionals with the required preparation and experience
- Limited budget to hire a private development firm to develop the system
- Unattractive project for IT professionals due to its small size and limitations

However, the Program was able to form a team of four programmers who, together with a team of two consultant industrial engineers, developed the system within a six-month period, based on the Diagnosis and proposals made during 2010 and 2011.

The design of an information system usually goes through the following stages:

1. Process mapping
2. Determination of automation needs
3. Workflow and database design
4. Design of system uses or applications
5. System tests and refinement
6. Application put into production

In these stages, stages 1 and 4 are the ones considered time-intensive. Given the short time available for this process, they were potential obstacles to completion. However, the Program, through its consultant team of industrial engineers in 2010, had anticipated stages 1 and 2. This work enabled quick start-up of system development. Due to the 15 month suspension of activities in Honduras, the automation could not be completed by the contract end date of July 15, 2012. To accelerate development and complete the Honduran SIJGECA, the Program promoted a cooperation agreement between the Supreme Court of Guatemala and the Supreme Court of Honduras. The Guatemala Supreme Court agreed to assist its Honduran counterpart with its development efforts. In December 2011, the IT development team was organized. The Program led efforts in software design, testing and implementation to adapt the Guatemala software to the Honduran labor court requirements. CAFTA DR also trained Honduran labor court staff. The Program supported an analysis of judicial functions to improve workflow and automation of judicial management. Together with the Honduran process engineering team, Program consultants conceptualized SIJGECA, based on the Central American experience, process needs, and resource availability.

This analysis allowed SIJGECA to be divided into six major management modules, which were discussed and approved by future users represented in technical committees. These modules are:

- System maintenance and administration
- Case initiation management
- Hearing management

- Resolution management
- Statistics and process development management
- Notification management

These modules embrace the major tasks of a typical judicial labor case, eliminate the need for paper, and generate a real electronic work flow. In addition, the Program designed another Hearing Management module to support oral trial techniques in hearings using video and audio recordings that can become an integral part of the case process. The design of this module saved Honduras \$20,000, since it was no longer necessary to buy the software.

The SIJGECA is a multi-subject and a multi-instance system that is easily customizable for use in other instances as well as in other subjects if required. It is developed in state-of-the-art programming languages and accessible to Court technicians. It is also an open code system allowing the Court IT department to keep improving and complementing it with other functions supporting continuous improvement. The system is also designed to grow with the court, which means that eventually it could be adapted to the decentralization of case admissibility and notification of processes. The SIJGECA allows process control, helps users identify the case-file record's location, monitors staff performance, and generates statistics to guide decision-making. It also saves time on tasks that were previously manual and slow, allowing users to focus on value-added activities.

On June 6, 2012, the Program organized a formal release ceremony delivering SIJGECA to the Honduran Supreme Court in the presence of its Chief Justice and representatives of USAID Honduras. This release represents the contribution of the Program to process modernization in Honduras' labor courts. The results of SIJGECA will occur after Program closure, as the Honduran Judicial Branch implements it. The Judicial Branch has been provided with the user and implementation manuals developed by the Program.



New hearing courtroom in Honduras for oral trial techniques

Documentation and Judicial Information Center

The Program organized a seminar for court magistrates and trial judges, “Jurisprudential Law and its Role in Honduran Justice,” in April 2009. This seminar provided technical foundations for judicial precedent. Magistrates and judges needed to understand this technique in order to design and use a jurisprudence indexation system.

Beginning in December 2010, the Program helped develop a jurisprudence indexation system for the Electronic Documentation and Judicial Information Center (Spanish - CEDIJ). In June 2011, the Program trained nine officials (three attorneys from the Contentious Cassation Chamber on Labor Issues and six CEDIJ officials) on the criteria for installing the System.

With CAFTA DR support, the Jurisprudence Indexation System was installed at the CEDIJ Information and Documentation Center in November 2011. It began with uploading sentences files, including all corresponding index cards. Administrative Labor Court lawyers and CEDIJ officials validated the thesaurus’ structure.

Official inauguration of the System was celebrated on December 12. By the date of inauguration, the Indexation System had registered 1,300 labor cassation sentences, representing 10 years of labor jurisprudence. This tool will facilitate jurisprudential analysis by the Documentation Center and increase knowledge of judicial precedents on labor issues.

Program achievements

USAID's Strengthening Labor Justice Program focused resources on the most needed aspects of the labor court process, based on the Diagnosis and the needs of process participants and court users. The Program in Honduras achieved the following:

- Design, development and delivery of SIJGECA, the first truly Electronic Information System in Central America. With a simple but efficient design, this system facilitates management of most administrative operations of a paperless labor process³.
- Provided the process with a hearing recording system that supports oral trial techniques. With SIJGECA, it is possible to obtain optimum recording systems to support labor hearings in Tegucigalpa and in any other location at one fourth the average price of systems in the market.
- Scalable system: SIJGECA is an open code system that allows the Honduran Judicial Branch to be free from copyright license payments and to make further improvements to the system.
- A system with the potential to be implemented in other courts: the SIJGECA is applicable not only in the first instance court of Tegucigalpa, but in any other court.
- The SIJGECA allows digitization of workflows from any type of court without depending on any technology manufacturer or software developer in the market.
- Through the SIJGECA System, the Judicial Branch will avoid spending substantial sums annually for paper and software licenses.
- First instance labor cases currently taking from six to eight months could reduce their length to two months under SIJGECA.
- It will eventually be possible to provide electronic processes to Tegucigalpa's second and third instance courts, as well as to other courts outside the capital city, especially in San Pedro Sula.
- The system easily allows citizens to monitor and ensure the progress of their case independent of officials handling the case, by easily and personally looking for their case in SIJGECA's "information kiosk" system.
- The Program financed the provision of five courtrooms with state-of-the-art technology for holding oral hearings under the jurisdiction of Tegucigalpa's labor judges.
- The Program provided ultimate technology servers, allowing the Judicial Branch to have fast and efficient information system networks for administrative management of processes.
- The Program provided full hardware equipment to the first instance court of Tegucigalpa, positioning this court at the forefront of the judicial system in technological resources for case management.
- The Program trained technical staff of the Honduran Judicial Branch Information Technology Department in proper implementation, updating and maintenance of SIJGECA.
- During 2010 and 2011, the Program supported training activities to improve oral trial techniques and conciliation among labor judges in Tegucigalpa.
- Through its regional coordination, the Program classified and characterized a judgment database, which will provide input for a jurisprudence indexation system that provides judges clear information on past judgments.

³ The Honduran Labor Code requires signing resolutions on paper, which implies printing and re-digitizing at the location where the resolution is generated. In the future, with a new code approving electronic signature, this process could easily be eliminated, stopping the use of paper altogether.

- The Program supported the training of technicians of the Quality Management Unit on the Judicial Quality Management Standard (*GICA-Justicia*) in Costa Rica. This support will allow Honduras' Judicial Branch to incorporate process quality improvement using the *GICA-Justicia* Standard in accrediting courts.

GUATEMALA

Institutional Context

In 2008, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and six Guatemalan unions issued a complaint against Guatemala under the Labor Chapter of the CAFTA-DR Free Trade Agreement. The complaint cited violations of the Basic Statements of the ILO, alleged noncompliance with labor law, and denounced lack of access to justice during the privatization of Puerto Quetzal, in the banana plantations, and in textile firms operating in free trade zones. In 2009, the US Department of Labor Office of Trade and Labor Affairs (OTLA) issued a report with findings on the allegations and recommendations for the Guatemalan government to address the resulting issues.

These circumstances undoubtedly influenced the Supreme Court's interest in receiving technical assistance from the Program. However, the recommendations of the OTLA report did not fall directly within the scope of the project, even regarding non-compliance with reinstatement orders; the complaint focused more on administrative penalties that could be used in cases of noncompliance. Also beyond the scope of the Program was the Supreme Court's decision that it was unconstitutional for the Ministry of Labor to impose labor sanctions; this is an area that does not depend on the efficient functioning of first instance courts. The rest of the OTLA recommendations refer more to the work of the Ministry of Labor and to compliance with Social Security contributions.

Despite these circumstances, the number of labor courts and social welfare courts in Guatemala City doubled in early 2009. The creation of eight more courts responded to the objective of reducing response times.

Due to security considerations for criminal courts, some labor courts were relocated to rented facilities outside the Palace of Justice. This situation caused delays in their work, since many of the new judges with experience in criminal matters were previously using the Court Management System, but could not do so in the rented facilities, which lacked the required network infrastructure. Program staff found it difficult to provide technical assistance to 16 autonomous courts in different physical locations

Moreover, in mid-August 2009, the Program's liaison, Judge Jorge Cabrera, was accused of corruption.⁴ This situation delayed the Program's work with the Supreme Court until a change in the Court occurred at the end of 2010. In 2011, under the coordination of Judge Mynor Franco, the Court leased a building to house the 16 labor courts and the three Guatemala City-based appeal courtrooms in an integrated center with shared support offices. The new building allowed the Program and the Court to implement improvements designed in workshops with the judges in 2010.

⁴ From the website of Judge Cabrera's law firm, which specializes in employment litigation, it was inferred that he won cases thanks to the position he held.
<http://digital.nuestrodiario.com/Olive/ODE/NuestroDiario/LandingPage/LandingPage.aspx?entity=QXlwMDgwMA..&href=R05ELzlwMDkvMDgyMTM.&pageno=OA..&view=ZW50aXR5>

Guatemala's Pilot Court Project

The Program identified the Fourth Labor and Social Welfare Court in Guatemala City for a pilot program to serve as a model for replication. The first activities began in 2007. From 2007-2008, CAFTA DR helped the Court make progress in reducing workload and judicial delay. The Program also organized judicial management workshops and improved mediation to address problems of access to justice and efficiency. Work concluded on this pilot on March 15, 2009, with 7,000 original file records and 21,000 file duplicates entered and indexed.

In March 2009, then-Liaison Judge Jorge Cabrera requested support for the organization of the files of Seventh Labor and Social Welfare Court before it was relocated. The Program helped the Court establish control mechanisms for court productivity centered on a single file. The single file:

- Improved customer service at reception and front office service desks.
- Allowed functions to be divided into administrative and judicial processes, with service officials focusing on processes to support the hearing and other court employees focusing on file management, file-record lending, providing information, etc.
- Allowed production to be controlled by both the judicial clerk and the notifier.
- Allowed the purging of cases with unresolved observations that had not been amended. This practice is common in Guatemala since inadmissibility does not exist in the hearing process. Consequently, many of the cases in inventory are active only in appearance.
- Improved the use of physical space.
- Centralized case files to improve the protection of judicial records.
- Minimized overuse of books through the route control sheet contained in each individual case file, which collects signatures of temporary file-users.



Guatemalan labor judges in a workshop at the Judicial School (December 2009)

To improve the pilot court's appearance and working conditions, CAFTA DR refurbished furniture and equipment and equipped the court with audio and visual recording equipment and PC servers. This furniture and equipment facilitates the use of oral trial techniques. The recording system is a valuable documentation tool for hearings and is expected to aid in the phase-out of written court proceedings, which are time-consuming and lack the precision of video.

Antigua and Cuilapa Labor Courts

Under Judge Cabrera's initiative during the pilot development phase, eight new labor and social welfare courts were created in Guatemala City in 2009, bringing the total number of labor courts to 16.

A change in the make-up of the Supreme Court in late 2009 coincided with an extension of the Program's scope to 16 labor and social welfare courts operating in the capital city. During this change, Judge Cabrera ended his term and Mynor Franco, a law professional specializing in labor matters, was appointed Liaison in early 2010. The Program was also asked to extend its scope to include the labor courts of Antigua Guatemala, Sacatepequez and Santa Rosa Cuilapa.

The Program provided training in conciliation and oral skills to all labor judges in the capital city. In addition to training, the Program equipped the courts of Antigua Guatemala and Santa Rosa with staff working stations (furniture and computers) and a courtroom with audio and video recording systems and a single case-file records archive.

Guatemala's Labor Judicial Center

In September 2011, the Supreme Court leased a building to house the 16 labor and social welfare courts and the 3 labor appeals courtrooms based in the capital city, as well as the Center for Labor Support Services. The Program facilitated the establishment of a model for sharing several common services among the courts housed in the building. The primary objective of the new Labor Management Model was to reduce judicial backlog by streamlining administrative procedures. This objective was accomplished through restructuring the Labor Justice Center and Labor Courts, with CAFTA DR support. In implementing the new Labor Management Model, the Supreme Court:

- Acquired a building to centralize labor and social welfare courts and the Support Services Center (CSAL) and provide better service to all users.
- Restructured and expanded the CSAL's customer service responsibilities, including responsibilities previously assigned to first instance courts. These new responsibilities were implemented with significant improvements, such as:
 - Provision of trial status information to parties
 - Reception of case history and writings
 - Notification of first resolution procedures to the filing party in less than an hour
- Issued a requirement on the use of the Court Management System (Spanish - SGT) to ensure agility and transparency in the trial process.
- Created new claims admissibility courts to review all trials presented in first instance courts to ensure they were free of errors that could negatively affect or hinder proceedings. The creation of admissibility courts opened the possibility of implementing the electronic agenda, which allows for scheduling the first hearing in first instance courts.
- Set up a child care area that provides nursery and day care services by specialized staff.
- Facilitated Alternative Dispute Resolution to resolve labor-related conflicts as quickly as possible. Specifically, the Court established a designated physical space where workers and employers could hold mediations and reach settlements without having to initiate judicial action.
- Promoted oral techniques over time-consuming written ones. The Program equipped 23 hearing rooms with audio and video recording equipment and furniture in order to reduce the length and number of hearings held for each trial handled in labor courts.
- Promoted the use of SGT in second instance labor courts to clear bottlenecks involving appeals, since the use of technology minimizes working time of justice administrators.
- Created a database for producing control systems for all administrative and legal processes of the Labor Justice Center.

The above steps helped to eliminate major bottlenecks hindering the natural flow of trial processes and achieve the primary objective of judicial backlog reduction. Substantial improvements that occurred with this new model include:

- Average time for notifications of first resolution processes decreased to 45 minutes from nearly three months under the previous model.

- Oral complaints are fully supported by this model and received more frequently than under the former model.
- Hearing lengths have been reduced up to 50% as a result of emphasis on oral methods, videotaping of hearings, and the use of summary minutes. The summary minutes are provided to the parties along with a DVD recording of the hearing, which increases transparency of the trial.
- Offices of the Workers' Public Defense Office and the Labor Inspector General were installed in the Labor Court building, through joint efforts of the Ministry of Labor and the Public Defense Office.

Jurisprudence System

The Monitoring and Special Verifications Unit was established to track all decisions dealing with workers' rights issued by a competent judge. In the third quarter of 2011, the Program helped the *Universidad Rafael Landívar de Guatemala* (URL) identify the need for a jurisprudence system of labor law. Between January and April 2012, the Program provided training in analyzing jurisprudence and establishing an electronic jurisprudence system. The URL decided to install the electronic jurisprudence system with only a few months left in the CAFTA DR Program. The Program supported the URL in the installation of the system until the end of June 2012.

COSTA RICA

Institutional Context

MSD's assistance to Costa Rica began in 2008, with the signing of an assistance and coordination agreement⁵ making Magistrate Orlando Aguirre Gómez the technical link between the Program and the Costa Rican Judiciary. The Judiciary sought assistance for the San Jose Second Judicial Circuit Labor Court (Goicoechea Labor Court), which had a high level of active cases and a large case backlog. Goicoechea Labor Court handles 60% of the country's litigation and has a high number of court personnel (judges and staff).

The Program agreed to assist with diagnostics, analysis, improvement proposals, general equipment, trainings and automation. The Program also agreed to assist in other relevant areas, such as the labor observatory; oral trials; and the Judicial School.

Goicoechea Labor Court

During the court administration assessment work carried out in October 2007 an informal request was made to the Project by the President of the Supreme Court for an analysis of the Goicoechea courts problems related to case backlog and perceived administrative inefficiencies. Goicoechea handles nearly seventy percent of the country's labor cases. After authorization from the Costa Rica Supreme Court President the MSD team completed a diagnostic during the second quarter of FY 2008. The diagnostic focused on the areas of court administration, information technology, statistics, oral procedures and alternative dispute resolution.

⁵ http://www.poder-judicial.go.cr/observatoriojudicial/vol71/noticias_judiciales/nj09.htm

In June the team presented the results to the Supreme Court including the President, three Supreme Court Justices from different chambers plus information technology and court administrative personnel. Initial comments were favorable but the official reply referring to Project intervention in Goicoichea would be submitted by the full body of the Court and its Labor Commission in July.

During 2008, project implementation was affected by the country's political environment. Costa Rica's commitment to the CAFTA-DR accord was uncertain. It was the last country to approve the treaty. The Program helped draft a work plan, which was presented to the Supreme Court and the National Judiciary Council and approved in March 2009. One of the first activities was the design of a backlog clearance plan.

Clearance Plan

At the beginning of 2009, the courts had 1,348 cases pending resolution. Nevertheless, their trial phase was already concluded. The Program designed a clearance plan for these cases to be carried out in three months. This judiciary implemented this plan from October 2009 to January 2010. When the plan was completed, the courts were left with only 153 cases pending resolution and 46 cases pending execution. The plan was 90% effective at clearing backlog.

Process management model and electronic file

In the Diagnosis of the Goicoechea Court that was conducted in 2010, court users expressed their hope that administrative procedures would be improved. The following are some of the most important issues identified by the Diagnosis:

1. Judges and judicial assistants did not appreciate the contribution of inefficient labor case process activities and procedures to case backlog. Process control was unreliable. For example, the inventory of pending cases was inaccurate. In addition, judges and judicial assistants were unaware of the status of cases and unable to track processes and proceedings accurately.
2. Process production and productivity (defined respectively as the number of cases adjudicated or closed by each judge and the number of draft resolutions produced by each judicial assistant) were not controlled. Consequently, judges managed cases at their own pace. As a result, judges were unable to keep up with the large number of incoming cases.
3. Administrative management of labor processes was negatively affected by the lack of control over results and decision-making. Court production remained static. Problem solving was focused exclusively on the need for more human resources. Management was strongly affected by two factors:
 - A complex organizational culture that created resistance to or lack of support for change.
 - A "paper-based" management process generating such a large number of active files that judicial actors believed it would be impossible to resolve the case backlog.

These issues generated the need to propose solutions that improved response times and procedures and promoted better management, but that also responded to the complex reality of the Goicoechea court. In 2010, the Program proposed a Comprehensive Management Model with several components addressing inefficient processes.

The Comprehensive Management Model consisted of the following components:

- A new administrative management methodology based on an electronic case file.

- Comprehensive process indicators that provide real-time control of processes.
- A quality standard to sustain changes implemented as a result of the Diagnosis.
- Changes to the administrative management model of the judge and judicial assistants to increase productivity.
- Changes that would support these improvements.
- A consensus on adapting the electronic case file.

The backlog at the Goicoechea Labor Court in 2008 was between 6,000 and 7,000 active cases. In response, the Costa Rican Judiciary discussed the possibility of implementing an electronic case file management system. The electronic file is a case management system designed to replace paper-based procedures with those supported by a paperless digital image information technology system. Under this system, both judges and administrative officials no longer need physical case files. Moreover, each action has an equivalent in digital media.

Case backlog caused:

- A tense working atmosphere due to the heavy workload.
- Few real alternatives for solving the backlog.
- Dissatisfaction by court users.
- Confusion over the future of the court.

CAFTA-DR recommended implementing an electronic file system in the Goicoechea Court to:

- Standardize management of case resolution, allowing for faster response procedures for each case.
- Facilitate work of the judges and staff, recognizing that Goicoechea's processes take place in offices located in different floors of a large building.
- Facilitate process control through indicators provided by the information system.
- Raise the quality and productivity of administrative management.
- Generate workload balance among judicial officers.

Costa Rica's Judiciary Information System had already been tested successfully in other courts. In December 2010, the Program assessed this System and proposed migrating all active cases of the Labor Court to electronic support as a pre-implementation activity of the electronic system. However, the Judiciary agreed, with support from the Program, to only implement the electronic case file for cases admitted to the Goicoechea Labor Court since April 2011. Under this option, labor courts have to handle paper record and electronic record cases. The new cases are resolved by a team of three judges and three technical judicial officials, while the remaining judges and judicial officials handle and process active cases using the "physical file system." The Court would transition to the new system upon finalizing the older case files. In December 2010, Program technicians assisted the staff of the labor office and the Department of Communication Technologies to adapt the electronic case file system already implemented in the other courts for use on labor matters in Goicoechea's Judicial Center. The Court planned to implement the system by April 2011.

Transitioning to the Electronic File

From July to October 2011, the Program carried out an evaluation to verify if the judges who were using paper records were meeting their goals of finalizing older cases and transitioning to the electronic system. The evaluation demonstrated that the expected results were not being obtained due to the following causes:

1. Some personnel previously in charge of managing physical files did not adequately assimilate the change and were reluctant to use electronic case management.
2. 2011 was not a typical year for admission of new cases. Cases reported in 2010 averaged 163.1 per month. A spike in new cases from May through September 2011 increased the average to 375.2 per month in 2011. The increased caseload required more personnel for electronic case management than were assigned.
3. Court personnel assigned to physical file management did not increase their productivity. While they received no new cases, they had the same level of productivity as in 2010.

The Goicoechea labor case management process has a continuing case backlog and bottleneck problem. It has never been able to balance its case admission rate with closed case output (exit) rate. Nevertheless, during 2011 the situation deteriorated due to a significant increase in case admissions, reaching a peak of 820 monthly public cases.

The Program sponsored a workshop with judges and magistrates in August 2011 to review results of the first six months of 2011. The main conclusion was the importance of dealing with the personnel's low productivity levels and building a commitment to court objectives. As a consequence, the Judiciary divided the Labor Court into two independent courts, one electronically managing all new cases, a task for which half of the staff would be assigned in order to be able to manage the increasing number of case admissions. Eight judges and twelve judicial auxiliaries were assigned in September 2011, compared to three judges and three judicial technical officials assigned previously. The Court is operating under processes redesigned in 2010, with assistance from CAFTA-DR. In 2012, the Court committed to gaining accreditation for the labor courts based on the Costa Rica Integrated Judicial Quality Management Standard (*GICA-Justicia*), establishing a new milestone in Goicoechea's labor process management system.

Results of case management system and technology for case management

Improvements associated with implementation of the Electronic File included:

1. Users submit case applications more easily.
2. Electronic procedures reduced the timing of claims receipts by up to one working day.
3. Judicial auxiliaries and judges use significantly improved procedures for generating and reviewing decisions, since they no longer need to move documents inside the building between floors.
4. Notifications between the Court and the Notification Center are now sent almost immediately as a result of electronic case management. Before electronic file system implementation, internal procedures to send notifications took up to three days.

Some components had not yet been implemented by the end of the Program. One of them is the automatic monitoring application for indicators. Nevertheless, the Court expects to complete the application, which will increase the impact of the Electronic File on labor processes.

Implementation of management by processes

Since its establishment in the 1990's, the integrated Goicoechea Labor Court "mega-judicial office" operated under the original courts' organizational structure. This structure used assistants or administrative technical staff to work in a one-to-one relationship with judges, which provided each judge with a judicial assistant to manage the judicial process.

At the beginning of 2011, the Program identified a serious shortcoming with the management process. Each judge and assistant team not only had its own working methodology and style, but also its unique productivity and quality. Some judicial teams were achieving three or four times the production rate of their colleagues. The same situation applied to judges. Judges also varied significantly in the number of decisions they made. In the one-on-one relationship between judges and assistants, judges commonly relied on the assistant for administrative processes when they were absent due to sickness or other reasons. In addition, the Program identified a significant difference in the time required to resolve similar cases. Goicoechea Labor Court had an organizational structure that included more than 20 judges, each with his or her own way of managing cases and processes, often making quick and simple procedures slow and complex.

Modern management techniques have migrated from management by task to "management by processes." This involves analyzing the tasks associated with a product in a sequential manner and grouping each task by phases in the process. Employees specialize in specific phases. Therefore, in the 2010 Management Process Redesign, the Program proposed and helped implement the migration of the administrative structure to a process management model, as it would provide the following benefits:

1. Specialization of administrative tasks, which means greater speed in processing tasks.
2. Reduction of errors in preparing resolutions, since practice in specific procedures is generated and acquired.
3. A dynamic system where personnel can react to the requirements of each phase of the process, strategically directing human resources to those phases with greater work.
4. Task management standardization and a single lead, allowing personnel to be managed for the success of the process rather than the requirements of the judge.
5. Facilitation of personnel performance measurement for those officials performing similar operations.

By April 2011, with Electronic File in operation, judicial assistants no longer reported to the judges; instead, they were distributed in four different process phases:

1. Initial Phase
2. Demonstration Phase
3. Conclusion Phase
4. Execution Phase

The number of personnel assigned for each phase is dependent upon the amount of work. Whenever a judge needs assistance, he or she enters the request for an assistant into the system. The judicial coordinator, supervised by a judge, allocates resources based on this request. These significant changes were only possible through a gradual assimilation process. It has not been easy for judges to understand the importance of this new management model, despite the evident improvement in human resources.

In addition, there is less need for transferring personnel to general administrative processes than in the previous model, where judicial assistants were occasionally transferred for less urgent work.

The process management model has been implemented. Court leaders believe it will improve, gain strength and efficiency, and show its usefulness as the number of admitted cases increase. It is a dynamic management model, totally different from the previous inefficient and rigid “judge-judicial assistant” model.

The Program recommended to the Judiciary that it continue developing the Electronic File (electronic case management system), since the current version does not generate statistical reports. The original design did not include that application. In August 2011, the Program introduced the Court to a scoreboard for controlling court management and making decisions on personnel performance. By the end of the Costa Rica Program, the Court had adopted this useful tool.

Social Security Courts in San José

Based on the Diagnosis, the Program recommended that the Judiciary handle social security cases differently from other public and private labor processes at Goicoechea’s Labor Court. Social security cases require a specific process and expedited procedures. Assigning these cases to judges handling other labor processes prevented them from being handled expeditiously. To address this issue, the Judiciary created the Special Court for Social Security Matters with main jurisdiction in San José’s circuit. The Special Court facilitates presentation of expert reports. It is operated by judges who served previously in the Goicoechea Labor Court⁶.

The Judiciary requested that the Program provide IT equipment for the new court. The Program prepared the list of equipment and procured it. The equipment included: 20 desktop computers, 2 traditional scanners, 1 industrial scanner, servers, signatures capturing devices, fax machines, telephone station, printers, bar-code readers and scanners, hard disks, Microsoft Office 2010 licenses, network interconnection interrupters, and other equipment. Both equipment and furniture were delivered during the period December 2010-February 2011. CAFTA-DR investment in the Social Security Court was valued at \$90,899.

GICA program and the Labor Courts of Alajuela and Heredia and the Court of Appeals of Goicoechea

CAFTA DR also supported the efforts of Costa Rica’s Judiciary to improve customer service in labor courts. In response to a request from Magistrate Roberto Vega, the Program undertook a diagnosis of customer service that recommended steps to certify judicial offices using the Integrated Judicial Quality Management Standard (*GICA-Justicia*).

Using the *GICA-Justicia* standard, the Quality Management System is expected to be able to establish management standards in all justice sector areas and guide the continuous improvements needed to satisfy users (workers and employers). Objectives are established for quality, management deadlines, workloads and performance evaluations.

The Quality Management System has a continuous cycle of three phases: redesign, accreditation, and replication. Redesign includes identifying opportunities for improvement and preparing a proposal for

⁶ http://www.poder-judicial.go.cr/observatoriojudicial/vol94/noticias_judiciales/nj06.htm

implementation of these improvements. In the accreditation phase, the court coordinates with the quality department to implement quality standards. Subsequently, an external entity carries out an audit. A control and monitoring process is put in place to ensure sustainability. In the replication phase, accredited courts share best practices with similar courts seeking accreditation. The Program has prepared the Labor Courts of Heredia, Alajuela, San Jose's Labor Tribunal of Appeals, and Goicoechea's Labor Court for accreditation.

Implementation of a quality standard in the justice sector requires changes in the legal culture. While some justice officials supported it, others resisted. Nevertheless, the Program supported its successful implementation, resulting in increases in efficiency and effectiveness and better customer service.

The Program provided the following assistance:

1. Three industrial engineer consultants to close the *GICA-Justicia* standard accreditation gap of Heredia and Alajuela Labor Courts and the Labor Superior Tribunal.
2. Financial assistance for activities and workshops in hotels and training centers.
3. Logistics assistance for developing the gap-closing process, including computers, transportation and materials.

Heredia Labor Court

The Program provided support from a consultant in the months leading up to September 2011. Among the proposals resulting from the redesign phase analysis was a plan to address all pending cases, increase the number of resolved cases, seek temporary support of a Supreme Court unit to resolve some cases, and increase the number of evidentiary hearings to facilitate final judgment. During the accreditation phase, the Program helped the Court identify opportunities for improvement and undertake internal and external audits. The Program encouraged the Supreme Court to provide appropriate human resources and supplies to ensure that progress made through the *GICA-Justicia* standard is sustained. The Heredia Labor Court was accredited in December 2011.⁷

The main results achieved through implementation of the *GICA-Justicia* standard in Heredia Court were:

- An increase in productivity, as decision proceedings increased from 1,239 to 1,840 per month.
- A reduction in the number of cases admitted up to 2008 that are still active from 53 to 5 in September.
- The achievement of goals for holding hearings in regular trials since August 2011, helping to equalize the number of admitted and closed cases. This was accomplished through an increase of 46% in the number of hearings.
- A reduction of 2.7 months for the conciliation phase – evidence reception in regular trials.
- A reduction of four days to document remittances of oral claims to the reception.
- The achievement of goals in holding hearings for social security trials since May 2011, helping to equalize the number of admitted and closed cases.
- A reduction of seven days in delivery of medical reports for social security cases. Medical reports are now sent via electronic mail.

⁷ http://www.poder-judicial.go.cr/gica/003_DESPACHOS_OFICINAS/001_ACREDITADOS/01_JUZGADO_TRABAJO_HEREDIA/ACREDITADO_Juzgado_Trabajo_Heredia.htm

- Management by process in the Court's main office: two of the judges do weekly shifts to address summons and judgments, while a third judge receives evidence and carries out conciliations.

Alajuela Labor Court

The Program provided consultant support from February to December 2011. The redesign phase was 100% completed, while the accreditation phase was 72% complete. Internal and external audits are needed for accreditation.

Analyses indicated that resolution delays were the main problems affecting length of processes in the Alajuela Labor Court. Internal and external processing created problems. To overcome these problems, the Court negotiated agreements with the National Registry to streamline and speed up proceedings for legal personality. Implementation of this agreement, with help from the Program, reduced delivery time from 3.3 months to 3.5 days. This accomplishment was very important, since the case file starts its process after receiving the notification of legal personality.

The Labor Court was able to reduce circulating case files (processing and under execution) from 1,953 in January 2011 to 1,795 in October 2011. In response to frequent absence of personnel due to sickness and disabilities, the coordinator judge developed contingency plans, limiting the impact of high staff turnover.

Another achievement was case tracking system simplification. Before the system was improved, judicial servers did not update all information. By December 2011, information was constantly updated by judicial area servers. This information helped the Court to better visualize case file procedural stages. In addition, it facilitated both planning and measuring the length of processes. These achievements showed the Labor Court the importance of becoming a modern, effective and efficient court with digital files.

To sustain improvements, CAFTA DR recommended the following personnel structure for the Labor Court: seven persons for operations, four persons to prepare sentences, one Judicial Coordinator, one system user support staff, one general service technician, and three permanent resolving judges. Moreover, the consultant noted the need for improvement in: personnel training, labor process, time management, overall organization, skill-based occupational planning, and other administrative skills, especially for coordinator judges.

In addition, the Program recommended the continuation of efforts to promote oral trial techniques in labor hearings; monitoring and evaluating the progress of improvement plans: conciliations in security processes; monitoring indicators: continuing with resolution of case files that began before 2008; and redefining a new goal for processes that need be resolved urgently.

San Jose Labor Tribunal of Appeals

The Program provided support from a consultant from February to December 2011. In this tribunal, the redesign phase reached 87% of its planned progress while the accreditation phase reached only 2% of its objectives. In order to finish the redesign phase, the Council of Judges must approve the proposals for subsequent implementation and control.

Although the *GICA-Justicia* standard is voluntary, resistance to change was evident in Labor Court personnel, hindering the project's progress, a situation making it difficult for the project to make

significant progress. The Judiciary continued executing the project until February 2012, when the Tribunal announced its decision to stop the certification process.⁸

Despite this situation, during the redesign phase, the following results were achieved:

- Reduction of active cases from previous years. By December 2011, there were only seven active cases remaining from 2002 to 2008, which represents 1% of active cases.
- From June to November 2011, active cases reduced from 905 to 407.

Reduction of active cases resulted from implementation of a contingency plan, rather than systemic changes. Judges returned to their former practices after implementation of the plan. The Program recommended standardizing practices and tracking productivity of the process through performance measurement indicators. CAFTA DR also recommended increasing the staff responsible for digitizing to overcome a new bottleneck. The Court needs to focus on decreasing resistance to change by providing training on topics such as teamwork, leadership, assertive communication and time management, as well as increasing commitment to achieve individual and common goals.

Goicoechea Labor Court

The Program made great progress in improving administrative management in the Labor Court of Goicoechea, as described above. However, these initiatives did not include supporting the Court's accreditation using the *GICA-Justicia* standard. The progress made in administrative management will make it easier for the Court to gain accreditation. The Program sponsored a workshop in November 2011 to examine changes required for implementation of the *GICA-Justicia* standard. The workshop was attended by judges, assistants, administrators, auxiliaries and other personnel of the electronic court within the Goicoechea Labor Court. Due to the Program's work in the Court, the gap to achieve accreditation in the standard is smaller than in other courts. Judges studied this gap during the workshop. The workshop was designed to build awareness of the benefits of implementing the *GICA-Justicia* standard, which can be implemented only in those courts where it is accepted voluntarily. In 2012, the Court indicated its commitment to gaining accreditation based on the *GICA-Justicia* standard, establishing a new milestone in Goicoechea's labor process management system.

DOMINICAN REPUBLIC

Institutional Context

In the Dominican Republic, the Program was represented by subcontractor *Fundación Institucionalidad y Justicia* (FINJUS), which provided administrative coordination of Program resources. Based on consultations among the judiciary, administrative staff and the Secretariat of Labor, the Program focused activities in Santiago de los Caballeros, the second largest city in the country. The Program designed and facilitated the development of an Integrated Labor General Secretariat, along with its procedures and an information system, to manage the first and second instances labor courts. USAID had undertaken a similar program that focused on criminal matters for the Supreme Court.

For the 2007 Diagnosis, the Program analyzed the judicial process enshrined in the Labor Code. The labor justice system in the Dominican Republic consists of the Supreme Court, the Labor Court and the courts of first instance. The Diagnosis identified an absence of constitutional doctrine and judicial

⁸ http://www.elpais.cr/frontend/noticia_detalle/3/63227

precedents concerning the rights of workers, making it difficult to provide high quality standards of justice.

The Diagnosis also identified inadequacies in court infrastructure, technology, hearing records, and alternative mechanisms for conflict resolution. The Santiago courtrooms have adequate space for magistrates, judges, and the public. However, they have problems with air conditioning. Furniture needed to be replaced, and courtrooms needed recording equipment and computers.

The Court had developed the criminal justice case management system, *Supremo Plus*, by itself. It agreed with the Program's plan to develop a system of electronic case management. The agreed strategy for mapping processes, improving case flow and reducing process duration focused on;

- Discovering bottlenecks in judicial management.
- Preparing management manuals
- Designing the judicial management system.
- Clearing the judicial backlog

During 2009-2010, all Program-supported workshops and technical assistance were devoted to mapping the case flows and preparing the judicial management system. In 2010, CAFTA DR submitted the design of the judicial management system for approval by judges and Supreme Court justices in a national consultation. From 2011 through June 2012, Program-hired IT engineers coded and modified the *Supremo Plus* labor management system. The system is currently operating in Santiago.

Santiago de los Caballeros Labor Court and Labor Tribunals

The Labor Jurisdiction of Santiago's Judicial District is composed of three labor courtrooms, a courtroom presidency and a Court of Appeals with nine judges. Case backlog was 22% in the first court and 56% in the Labor Court, not including the presidency. The Program initiated diagnostic and analytical work in a context of an increased workload for the courts due to the closure of many industrial companies during 2009 and 2010. After developing flowcharts of judicial proceedings under the Labor Code, the Program organized a national workshop of labor judges to validate them. CAFTA DR then analyzed administrative support procedures and facilitated the required changes for creating an Integrated Labor General Secretariat. The documentation of processes is now included in the Administrative Procedures Manual.

Clearance plan

The analysis identified the need to take several steps prior to creating the General Secretariat and its information system. The first activity was the clearance plan for over 3,000 cases with entrance dates between 2006 and 2010 that were pending sentences, distributed among the first, second and third courts.

Three clearance courts were created, with CAFTA DR assistance. Each court was staffed by a judge, a female lawyer acting as a judicial collaborator, and a secretary. The judges began to produce sentences in May 2010. The clearance process ended in late 2011 with the resolution of 3,092 cases. The labor courts now maintain an average case closure rate that balances case admissions. The impact has been so significant that defendants have reported in surveys that that they believe judges close cases quickly, so

they must expand their written defense, make notifications and carry out the formalities related to the process immediately upon receipt of the complaint.

Evacuation of cases through the clearance plan brought admissions and closures in balance at the First Instance Court, as indicated in Table 2 below.

Year	Total Entries	Total Completed	% Completed per Year
2008	2,467	1,020	41 %
2009	2,275	1,097	48 %
2010	2,067	3,470	67 %
2011	1,042	1,090	104 %
January-March 2012	7,616	8,070	105 %

Table 2. Incoming Cases (entered) and Cleared (completed) at the First Instance Labor Court in Santiago de Los Caballeros

Cleaning out the physical case-file archive

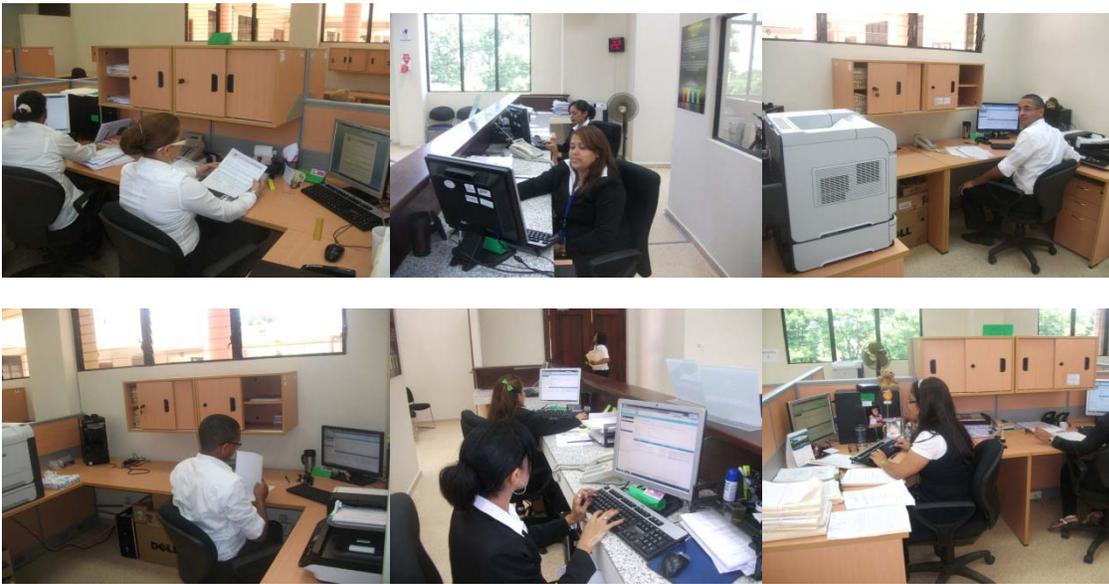
The next activity in preparing for the implementation process was cleaning out the physical case-file archives kept in the courts and in the Court of Appeals. The Program helped locate inactive case-file records that had been transferred from the former historic Palace of Justice to the Federico C. Álvarez Palace of Justice. Some of the cases were so old that they dealt with matters under the previous Labor Code. After the Program completed the information mapping, the courts determined that 37,000 case-files needed to be transferred to the final archive. These case-files were classified, identified, and evacuated. Today, archive areas are kept organized and clean, facilitating the location of case-files pending resolution.

Case-File Digitalization Process and Uploading to Supremo Plus Information System

The Program facilitated digitalization of active case-files for the *Supremo Plus* Information System beginning in January 2011. Documents were classified as: demand, written defense, and annexes. The task, mainly taking file records apart and reassembling them, was performed by the courts' administrative staff. A total of 1,900 case-file records of the three first instance labor courts and Labor Court of Appeals were digitized.

Creation of the Integrated Labor General Secretariat

To help create the Integrated Labor General Secretariat, the Program assisted judges and judicial personnel with the mapping and validation of judicial and administrative proceedings of the first instance labor courts (which also have appeal functions). Based on these exercises, the Program proposed a design where both first instance and appellate courts share common support services.



Common support services areas at the Integrated Labor General Secretariat

The General Secretariat is composed of 37 positions. The organizational chart is presented in Figure 2 below:

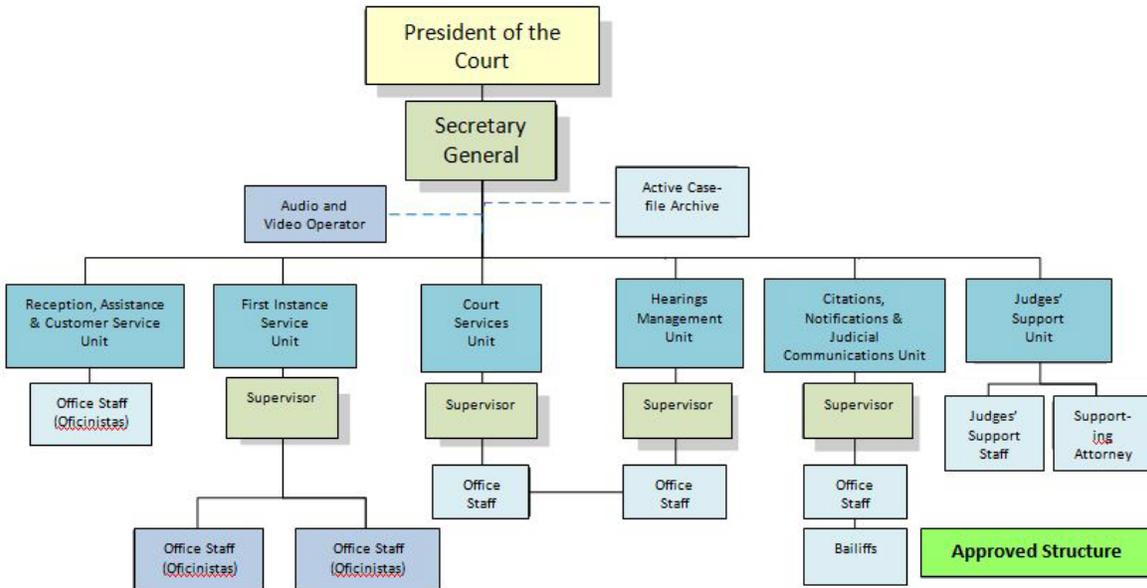


Figure 2. Organizational Chart of the Integrated Labor General Secretariat

The General Secretariat implemented the new structure following Program-supported training that simulated the entire administrative process supporting labor courts. The National Judicial School, which had supported training for a similar project focusing on the criminal court, conducted the training in two week-long sessions in February and March 2012. It trained staff of the General Secretariat operating units by simulating the entire process, from the presentation of the claim or demand to the delivery of the sentence or resolution by the judge.

Audio and video recording equipment

The Program supported the procurement and installation of appropriate multimedia equipment in the courtroom of the Labor Court of Appeals. Likewise, three courtrooms of the labor courts were equipped.



Audio and video equipment installed in Labor Court of Appeals and other labor courts

Audio and video recordings provide transparency and give the parties actual records of the case as it evolves, facilitating comprehensive analysis for preparing arguments and defense.

Jurisprudence System

The Program designed, developed and tested a web-based Jurisprudence Indexing and Consultation software for the Supreme Court Documentation Center, which the general public can access using the Internet. The Jurisprudence System software and hardware (servers and PC stations) were also improved, adapted and implemented in the Honduras Supreme Court. The system stores and publishes existing jurisprudence and facilitates storing and publishing future jurisprudence. The Jurisprudence System has the following features:

Indexing and Publication

- Access control for registered users of the system
- Entering data regarding jurisprudence for the creation of a virtual file
- Entering data which is linked to other jurisprudence
- Generation and administration of the Thesaurus engine
- Uploading files .DOC and .PDF
- Administration of datasheets catalogue
- Quality control checklists regarding uploaded files
- Publication of content in the web

Public Consultation

- Search engine for jurisprudence using a sole code
- Free search engine using keywords or text included in documents
- Advanced search using multiple data sets
- Search engine using segments of the document (Headline, main text of the document, judgment, file)
- Integration of files to jurisprudence PDF
- Downloading of files

Supremo Plus

The Program designed and developed through IT consultants the *Supremo Plus* information system for labor matters. The system's development started once processes, including those of the Integrated Labor General Secretariat, were redesigned by Program consultants. The application facilitates several functions:

- Reception, registration and administration of applications and case-file records.
- Planning of hearings, including their stages: establishment, scheduling, notification, decision, and citation.
- Administration of secretariat, hearing courtrooms, and tribunals.
- Different user profiles and access levels.
- Modeling of all roles involved in a judicial proceeding: parties of a case, office clerks, judge, supervisors, etc.
- Registration and administration of legal regulations.
- Numerous historical reports (qualitative and quantitative) of processes.

The Program purchased video and audio equipment for each of the courtrooms. The program also acquired specialized software that records hearings ("Liberty software") to facilitate the work of the judges.

Perhaps the team's most important recommendation is for the Supreme Court to support the system's application once it becomes operational and to establish a dedicated department to receive sentence reports generated by the application. The Program's former IT consultants could support and train engineers of the Supreme Court to implement the new system in the labor courts.

Furniture and Equipment

The Program provided \$357,323.33 in furniture and equipment for the Judicial Center of Santiago de Los Caballeros (General Secretariat, three first instance labor courts and Labor Court of Appeals).

Component Two: Raising Professional Standards in the Labor Judiciary

EL SALVADOR

Master's Degree in Judicial Studies

Establishing a Master's Degree in Judicial Studies was the main activity of Component 2, which aims to "assist judicial institutions in each CAFTA-DR nation to raise professional standards in the labor judiciary, including support for managing personnel systems and capacity building to generate and maintain the required cadre of professionals."

In October 2007, the Program conducted an assessment of training needs and institutional capacity for the labor justice system. The Assessment recommended creating a Master's Degree in Judicial Studies.



University Officials and USAID sign an agreement

The National Judicial Council – El Salvador National University Master's Degree Program

In April 2008, the Program sponsored two workshops for law school personnel and Judicial Council members to prepare for the establishment of the Master's program, including identifying both the sequential steps necessary for its authorization and administration and the course content and teacher skills required for an effective program.

The first workshop was inaugurated with the official signing of an alliance of nine law school universities committed to working with the program. The National Judicial Council (CNJ) proposed that the program be coordinated through the El Salvador National University.

By the end of 2008, CAFTA DR proposed a design for the Master's program. It would focus on labor issues, best practices from other countries in the region, and juridical research skills to strengthen the professionalism of judges and develop the judicial career. The Master's program would replace the Initial Training Program for Judges (*Programa de Formación Inicial de Jueces*).

The CNJ proposed an exclusive agreement with the National University beginning in November 2008 and received formal approval by the Academic Council to initiate work on the Program in March 2009. The first class, expected to graduate in 2013, consists of 48 judges, including 18 women. The CNJ has agreed to use its own funds to implement the Master's Program for a second group of students.

The University-led Master's of Judicial Studies Program

The Program also supported the design and development of another Master's of Judicial Studies Degree, which was implemented by: *Escuela Superior de Economía y Negocios (ESEN)*; *Universidad Dr. José Matías Delgado (UJMD)*; and *Universidad Católica de El Salvador (UNICAES)*. It consists of 70% classroom education and 30% virtual education. Classroom activities were conducted at the universities' main

campuses (one in Santa Ana, and two in La Libertad). The first class expected to receive the Master's of Judicial Studies Degree consists of 50 students (24 women and 26 men).

The Master's Degree program seeks to: a) build an academic community and a space for research in judicial studies; b) train law educators and researchers in advanced competencies so they may train and build the capacity of others; c) train judges and operators in the theory and practice of justice, including integrating advanced and innovative judicial process management techniques in their courts and offices; improving office management; addressing the needs of court users; increasing access to justice; paying special attention to the needs of vulnerable groups; and applying other modern judicial management techniques.

CAFTA DR had difficulty obtaining approval from the Ministry of Education for the Master's Degree, which delayed its start-up. To increase the sustainability of the Master's program, CAFTA DR surveyed lawyers to determine their degree of interest and willingness to pay for the degree, trained local teachers and provided financial support for the first class of the Master's Degree. The Universities have agreed to continue the program through fees, their own resources and support from donors.

Specialized Courses

Diploma Course for strengthening public labor defense in integral protection of fundamental labor rights

The Program developed in 2009 three specialized courses on labor law, constitutional law, sociology and administrative law for 69 labor public defenders from different parts of the country. The courses were delivered in the western, central and eastern sections of El Salvador.



Salvadoran labor public defenders participate in training

The Program also held a video-conference to explain the concepts of legal precedence to labor public defenders. As part of the training, the participants received the document, "Legal Precedence in Latin America: Case studies, Application and Techniques." Participants used this text to develop guidelines for conducting legal analysis as part of the degree program. The Program held additional training sessions in oral litigation skills.

After delivering these courses, the Program organized a specialized course for the Workers' Rights Defense Unit, a Diploma Course that was approved by the *Universidad Politécnica de El Salvador* (see Annex 9). The course was conducted between March and September 2010, reaching 77 labor public defenders distributed in two groups and 28 university professors. The University agreed to replicate the course.

The diploma course was designed to help labor public defenders understand that labor rights are fundamental rights and to build their capacity to develop litigation strategies using judicial procedures (oral trial techniques, conciliation, argumentation, and law of evidence) and administrative procedures

(through commissions or civil service courts and through special administrative careers and protection measures⁹).

Diploma Course for applicants to labor judges and defender positions

In 2011, CAFTA DR supported a specialized course developed with the National Judicial Council to build the skills of applicants for labor judge and defender positions. The graduates will be included in a list of potential defenders and labor judges. In the first class, forty-five of fifty-one professionals graduated from the course.

Creation of the Salvadoran Judicial Lab

The Program helped create a simulated court for judicial management at the National Judicial Council to complement the training given to justice system operators. The network infrastructure for the judicial laboratory was installed in October 2011. In November, the Program financed the purchase of equipment and furniture. The Judicial Lab was inaugurated in December.

HONDURAS

Creation of the Honduran Judicial Lab

During the last quarter of FY 2007, the Program organized three workshops to identify priority training in labor courts: the first with first instance judges, the second with Supreme Court magistrates, and the third with university deans. These groups identified these priorities: oral trials litigation, judicial precedent, and rules of evidence. In the first quarter of FY 2008, the Program supported nationwide trainings coordinated by the Judicial School through its Director, Magistrate Edith Urtrecho.

The labor courts needed a dedicated space to facilitate training through practice. This need inspired the idea of creating the judicial lab. The Program began design of the lab in December 2008 and completed it in January 2009. The training area was transformed to a space that simulated the structure of a real court, including not only hearing and conciliation rooms, but also a front office.

Trainings at the Judicial Lab

CAFTA DR supported trainings at the lab in April and May 2009 on oral trial techniques. Between April and June 2009, it supported training on conciliation techniques. To reinforce training on conciliation techniques, the Program facilitated observation of court conciliation hearings and discussions with court personnel. In late June, all activities were suspended due to the coup d'état. In 2010, the Judicial School headquarters moved to a new building where the lab was installed next to the Virtual School.

In May 2011, the Program supported a training, "Fundamental Labor Rights and Civil Procedure Code Interpretation in Labor Law," delivered by Dr. Manuel Bellido, a Spanish labor judge, for 40 labor Judges, 9 attorneys and 2 Law Teachers .

From the second half of 2011 to the first half of 2012, the Program supported workshops in judicial management and the GICA standard approval process. CAFTA DR also supported workshops to analyze implementation of the electronic case and GICA standard. Consequently, the Judicial Lab can

⁹ In El Salvador, the protection measure (*amparo*) is used for protection of due process in cases of public employment.

now implement the management system in its training plan. Other training activities carried out in Honduras after the resumption of activities in 2010 were reported under Component One.

GUATEMALA

Diagnostic

In 2007, the Program carried out a Diagnostic of Guatemalan labor justice. The Diagnostic provided the basis for development of activities under Components 2 and 3. In Guatemala, there are two structures of labor courts. Some courts specialize in labor law, while other mixed courts address labor, civil, commercial and family law. Guatemala City has seven specialized labor courts. On average, they have a load of 500 to 600 cases a year. The courts are made up of the judge, the clerk, three officers and three reporters. Court personnel are trained on the job. There are no nationwide standards or specialized training. The mixed courts have the same organizational and functional structure as the labor courts. Their tasks are made more complex by the use of various laws and procedures.

In Guatemala there is no defined policy on labor training. Donors have supported a few labor law courses. Consequently, there is no standardization in the approaches of the judiciary. Judicial mediation centers in Guatemala were consolidated nationwide. The mediation centers had trained personnel. The mediators, who provide free services, are not lawyers. Only 1% of mediation cases deal with labor issues.

Specialized courses

Between 2009 and 2012, the program helped the Law School and the Supreme Court deliver courses and workshops in labor arbitration, oral techniques for labor judges, and management of labor cases and hearings.

To strengthen the skills of labor judges, the Program helped organize a workshop on legal argumentation in August 2010. The Program also held a workshop for labor judges on fundamental rights and constitutional guarantees in September 2010.

Guatemalan Judicial Lab

In June 2011, the Program inaugurated the hearings courtroom for training on judicial management at the School of Judicial Studies. The courtroom was designed and properly equipped to provide work experience for labor judges and judge candidates, strengthen their knowledge of judicial office management, and help them get acquainted with the SGT Court Management System at the new Labor Justice Center in Guatemala City. The courtroom also allowed a variety of judicial actors to be represented. A video camera and audio equipment were installed to record proceedings for teaching and evaluation purposes.

The hearings recording system was the first to be developed at the judicial level. Implementation of the system contributed to the sustainability of the management model developed at the Labor Justice Center, reinforced the oral trial techniques and conciliation skills of current operators, and helped prepare university law graduates to become judges.

NICARAGUA

Advancing Program Objectives within USG Funding Restrictions

Since 2008, the Program implemented activities in Nicaragua that achieved CAFTA DR objectives while staying within USG funding restrictions. These restrictions prevented the Program from working directly with the Nicaraguan Courts. Consequently, key institutions did not participate in the project. CAFTA DR implemented the Program through civil society and youth groups, universities and unions.

In May 2009, the Program partnered with the *Universidad Politécnica de Nicaragua* to organize the International Seminar on Labor Oral Trial Techniques in Nicaragua. Its objective was to reflect on the advantages that oral litigation techniques produced in labor courts and their contribution to justice and rule of law. It also advocated for the inclusion of oral trials in national legislation and analyzed lessons learned from oral trials in the region and in the rest of Latin America.

Prior to September 2009, the Program conducted several training activities. In September, CAFTA DR and several universities organized a training planning workshop that led to a more structured approach to training.

University professors training on Central American contemporary labor law

The Program developed a post-graduate course on labor law to demonstrate to teachers the importance of updating the teaching of labor law and provide them with tools to improve legal education. In March 2010, CAFTA DR signed a cooperation agreement with the *Comisión Nacional Académica de Facultades de Derecho* (CONADER), which brings together 27 universities in the country, of which 23 were actively involved in the Program. The purpose was to expand the outreach of Program beneficiaries, since trainees were teachers who could share what they had learned. The eight-month course, entitled: "Specialization in Labor Law with an Emphasis on Process and Oral Techniques" (see Annex 11) was given to two groups in 2010 and 2011 (65 trainees).

Curricular reform in the teaching of labor law

The labor law curriculum reform was a project undertaken by teachers from CONADER universities and other universities. The objective of the reform was to share the knowledge these teachers gained through the post-graduate labor law course developed by CAFTA DR. Most of the teachers and university authorities involved in the curricular reform graduated from the course, but other university labor law teachers also contributed. The curriculum reform project was coordinated by the Program, together with the *Instituto Nicaragüense de Estudios Humanísticos*.

The reform began in February 2011. It consisted of four phases: planning, diagnosis, construction, validation and application. Labor law programs and support materials from the universities were collected in the diagnostic phase. The Program also organized diagnostic workshops with two groups of teachers. These workshops produced the first draft of the labor law programs, which incorporated new subjects and updated the existing ones based on national labor law. In the construction phase, a second version of the program was developed for later validation. It was agreed that the program would have between 40 and 60 classroom hours.

The new programs include several improvements: a) emphasizing the fundamental rights of the worker, integrating much of the content of the postgraduate course; b) expanding course content to include new

methodological skills for future trial lawyers (precedent, oral trial techniques, processing of claims, preparation of the case's theory); c) updating the teaching of labor procedure law based on the Code of Labor Process, preparing students for oral proceedings; and d), creating a course on "Hygiene, Occupational Safety and Labor Hazards" (not covered by the reform).

These activities have facilitated the decisions that must be made by universities to revise existing programs in these areas. The diagnostic phase found that most programs do not develop current topics in labor law, but limit themselves to the normative study of the Labor Code and related regulations. They lack a vision of fundamental rights, international law, the impact of globalization and its effects on the various forms of recruitment, labor flexibility, its virtues and problems, development of skills and abilities to intervene in labor hearings, among others.

Hearing and conciliation courtrooms for university training

To strengthen practical methodology for teaching labor law, the Program provided five universities with simulated courtrooms and conciliation hearing rooms. The application and selection process took place during August and September 2011.

The specific objectives of the activity were to:

- Provide simulated hearing courtrooms with audiovisual recording equipment, using the room to teach labor law and develop abilities and skills in oral trial techniques.
- Furnish physical space for conciliation courtrooms to be used in courses on ADR (alternative dispute resolution) methods, specifically in labor conciliation.

Six universities were selected:

- UNN (*Universidad del Norte de Nicaragua*)
- UENIC (*Universidad Evangélica de Nicaragua Martin Luther King Jr*)
- UNAN-Managua (*Universidad Nacional Autónoma de Nicaragua-Managua*)
- UACH (*Universidad Autónoma de Chinandega*)
- UNEH-Sede Jinotepe (*Universidad Nicaragüense de Estudios Humanísticos-Jinotepe*)

In October 2011, a Program architect consultant visited the universities, prepared design plans and made recommendations for physical rehabilitation. The Program requested quotes for equipment with local and international suppliers based on the physical spaces available in each university.

The Program purchased furniture for the universities in December 2011. After receiving the plans for space distribution, universities began the improvements (painting, installation of doors, windows, electrical systems, among others). Delivery and installation of furniture, computer equipment and audio and video systems took place in January and February 2012.

In June 2012, the Program organized workshops on clinical education and oral litigation in Managua for teachers. CAFTA DR re-edited and distributed training modules nationwide among CONADER member universities.

COSTA RICA

The Training Plan

In the first quarter of FY 2009, CAFTA-DR funded a Diagnostic of the training needs of labor judges. This Diagnosis applied the standards of the Judicial School using a Professional Skills approach. The Diagnosis recommended that training strategies be aimed at improving not only the knowledge of labor judges, but also their abilities, skills and attitudes. The priority areas of knowledge include public employment and public law. Priority for skills development include: management and direction of hearings, conciliation, oral trial techniques, legal reasoning, evaluating evidence, leading the process and managing technology and tools. Priorities for attitude strengthening include rapidity, creativity, thoroughness, flexibility, sensitivity, leadership, analytical approach, awareness of their role in society, willingness to provide good public service, and assertiveness.

The Program provided technical assistance to strengthen law schools and improve professional standards in Costa Rica. This assistance focused on defining skills, abilities and knowledge that judges need to efficiently decide cases. CAFTA DR identified knowledge gaps and identified future training needs. The Judicial School used this information to modify its training programs for judges.

The Program organized workshops in oral skills litigations: “Building a Labor Management System Model for Oral Hearings”; and case management. The workshops were held at the Judicial School, Law Association and Goicoechea courts. A total of 47 labor judges attended the workshops.

Costa Rican Judicial Lab

In order to strengthen tools to improve the technical level of judicial actors, the Judicial School and the Program agreed to establish a Judicial Lab. The Lab was designed to provide space to role play and experiment while accurately simulating the reality of the court, thereby enabling a better understanding of the role of judicial actors. The Judicial Lab provides work space properly equipped for training. It allows trainers to replicate the administrative and management models of courts, reproduce courtroom reconciliation sessions and hearings and introduce students in a practical manner to administrative responsibilities. Equipment for the Lab includes: computers, audio recording systems and video screens, multifunctional systems, air conditioners, microphones, generators and backup power units, among others, for a total investment of \$21,000.



Judicial Lab in Costa Rica

DOMINICAN REPUBLIC

International labor rights program at the Judicial School

The Program designed a module on international labor law for the Judicial School and helped teach the course virtually to students from many Spanish-speaking countries. The module focused on learning about a variety of institutions, tools and forums dedicated to international labor rights with a scope beyond the ILO and the Inter-American system. Recent fora offer other models for integrating

standards and labor rights in processes and operations. These include: the Organization of Economic Cooperation and Development; the World Trade Organization; United Nations Global Compact; and the World Bank and its International Finance Corporation; as well as codes of conduct for companies and their chain suppliers; and framework agreements between global corporations and labor unions.

The module was taught through the virtual classroom of the Judicial School to more than 48 participants in multiple countries. Four labor judges and one Supreme Court Magistrate were from Nicaragua. Three judicial employees and two trainers of the Salvadoran Judicial School were from El Salvador. One other trainer came from Chile's CEJA (*Centro de Estudios Jurídicos de las Américas* - Justice Studies Center of the Americas). Others included two Honduran court employees; five Bolivian judges; seven Spanish judges; seven Mexican judges and two employees of the Mexican Ministry of Labor. The Dominican Republic participated through five judicial employees and four labor judges.

Component Three: Procedural Streamlining

LABOR JUSTICE OBSERVATORY

The Labor Justice Observatory was a comparative law research project supported by grants and technical assistance from the Program and conducted by the following universities: *Universidad Rafael Landívar* (Guatemala), *Universidad Autónoma de Honduras*, *Universidad Doctor José Matías Delgado* (El Salvador), *Universidad Paulo Freire* (Nicaragua), *Universidad Estatal a Distancia* (Costa Rica), and *Pontificia Universidad Madre y Maestra* (Dominican Republic).

The Observatory complemented the Program's efforts to develop and strengthen labor courts in each country by undertaking research on the content of sentences issued by first and second instance courts and the process for closing cases at the final appeal stage. This research allowed the comparison of the types of cases most commonly litigated and the impact of constitutions on labor justice in the following areas: informal labor, labor flexibility, and labor rights. It identified the degree to which labor law was influenced by the discourse of fundamental rights. The research was conducted in the capital cities of each country. It examined the lines of jurisprudence for one year of decisions made by first and second instance courts and three to ten years of decisions made by courts of final appeal.

In each country, the most frequent problems addressed by labor courts relate to the firing of employees by formal businesses. Most labor disputes address the termination of the employment relationship. These courts review fewer cases dealing with informal work, such as self-employment and small family businesses, where there is no clear employer-employee relationship. Since the informal sector provides an increasing percentage of employment, the labor courts are addressing a decreasing percentage of the labor market. Moreover, the courts appeared to be inflexible in dealing with some cases, particularly public employment cases that affect contract employees. Finally there was little progress on constitutionalization of labor rights, although some countries such as Costa Rica used a less formalistic jurisprudence. One of the challenges faced by constitutional courts face is the need to create a jurisprudence that views social rights as fundamental rights. Consequently, the constitutional courts have used legal reasoning rather than constitutional rights to resolve labor cases. This approach has created obstacles to applying the law to new forms of employment.

These issues were presented by the Labor Justice Observatory Coordinator to labor court magistrates from around the region at the First Meeting of Labor Courts in June 2011, as described below.

REGIONAL LABOR COURT MEETINGS

The Program helped Magistrate Judge of the Honduras Labor Litigation Chamber, Rosa María Paz Haslam, organize in coordination with the Central American Judicial Council the First Central American and the Caribbean Meeting of Labor Courts from June 2-3, 2011 in Roatán, Honduras. The main objective was to publicize the progress made in judicial management and labor jurisprudence, two CAFTA DR components, and how they have contributed to the development of fundamental rights.

During the event, Costa Rica and Honduras Judiciaries signed an agreement to implement the *GICA-Justicia* standard. Moreover, the Summit Declaration noted the commitment of the High Courts to protect and guarantee fundamental workers' rights by increasing the efficiency of the justice system and by facilitating regular meetings of labor courts and the Central American Judicial Council. Following this Convention, Honduras implemented the *GICA-Justicia* standard.¹⁰

The Second Meeting of Central American Labor Courts was held in Antigua Guatemala, with logistics and technical support from the Program. Speakers, judges and Supreme Courts magistrates from each country exchanged their experience, knowledge and opinions. Magistrates shared their experience in implementing judicial management models. They highlighted the Program's introduction of information and management systems in more than 69 courts and their impact on court operations. The meeting highlighted the protection of fundamental rights of workers and the implementation of oral trial techniques in labor court hearings. These results require only the legislation currently in force, the application of constitutional principles and international labor law, and compliance with the White Paper.

HONDURAS

Conciliation Techniques

In 2007, the Program supported a Diagnostic of conciliation practices. It documented the impact of a previous ADR project and identified an opportunity to improve specialized judicial conciliation through the administrative organization of the Supreme Court.

In 2008, the Program sponsored two initial courses on Alternative Conflict Resolution (ACR) for operators in the labor justice sector. A total of 60 professionals participated in these activities.

In 2009, the Program provided technical assistance on conciliation techniques to judges in Tegucigalpa and San Pedro Sula. CAFTA DR provided training in theory and the opportunity to observe real conciliation hearings with all the labor judges. This training led judges to modify their conciliation method. Judges also made procedural changes to increase the participation of employers at conciliation hearings, thus reducing the frequency of hearing cancellations. Finally, the Project established tools for judges to monitor the number of hearing cancellations and the rates of conciliation. As a result, conciliation rates improved.

¹⁰ http://www.poder-judicial.go.cr/gica/001_NOTICIAS/Noticias_2012/011_GICA_Honduras.htm

The Program recommended that conciliations be undertaken exclusively by one conciliatory judge in Tegucigalpa appointed by the Judiciary. The Conciliatory Judge was appointed in 2011. The Program set up the Judge's office and provided training.

Oral Trial Techniques

In August 2008, CAFTA DR organized a workshop, "Training Needs Assessment for Oral Litigation in Labor Matters." Participants in the workshop included judicial officials with labor law responsibilities in different zones of the country, lawyers and other operators in the sector. The purpose of the workshop was to increase awareness of the country's idiosyncrasies, forensic customs and legal norms. The principal conclusion of workshop participants was that courts are not respecting the Labor Code and the procedural methodologies of public oral hearings. Instead, procedures are carried out in writing, thereby keeping them secret. Courts review written documents during several session rather than hear cases in a minimum of sessions.

As a result of the Diagnostic, the Program recommended the following training: interpretation and legal reasoning; Evidence Law; application of the Civil Proceedings Code to labor proceedings; examinations and objections; labor law (substantive); healthy criticism as a system for evaluation of evidence; appeals; and precautionary measures. Consultant's reports underscored the need to develop training activities on the new Civil Procedure Code (in effect since 2010). The reform had a great impact on institutions that apply labor procedures. As a consequence, training was provided throughout 2008 and 2009. Some of the trainings took place prior to installation of the Judicial lab (See Component 2).

GUATEMALA

Conciliation Training

The Program organized workshops for judges, public defenders, practicing attorneys and law university personnel on ADR, Legal Processing and Labor Conciliation to support the conciliation process in labor courts. The Program supported the development of an ADR committee to work in three areas: promotion and dissemination of ADR techniques at different levels of the judicial and university environments; legal issues affecting the ADR processes; and ADR support issues related to the pilot courts.



Labor conciliation workshop, Guatemala, March 2010

In late 2009, the Program presented to the Supreme Court a proposal for improving conciliation through judges. The Program also invited 16 courts to participate in meetings on labor conciliation. In December 2009, the Program held a workshop on "Alternative Dispute Resolution and Strengthening Labor Conciliation." The workshop informed participants about the technical assistance the Program provided to 16 first instance labor and social security judges.

In February 2010, the Program provided two training sessions on ADR and labor conciliation to the First and Fifth Labor and Social Security Courts.

In March 2010, the Program organized two workshops for labor judges to share experiences with technical assistance and identify best practices in labor conciliation. The Program also organized a workshop for the Ministry of Labor to standardize conciliation criteria.

Training on conciliation techniques continued throughout 2010. Based on this assistance, participants reached an agreement to prevent parties from negotiating away basic workers' rights in labor conciliation agreements. Judges also came to a consensus on the rights that must be protected. Prior to this agreement, judges had no limits in conciliating labor cases.

CAFTA DR technical assistance helped the judges determine shortfalls in the conciliation process. The following areas needed improvement:

- **Notifications:** Participants identified significant difficulties and delays caused by lack of notification. A large number of hearings did not proceed expeditiously because the parties were not notified properly.
- **Dilatory tactics from litigants:** Many litigants filed appeals to suspend cases in trial courts from three to six months. At least half of the judges allowed such appeals.
- **Absence from trials:** Conciliation was often hampered by the non-attendance of defendants at hearings.

These concerns were address through Component I. After the Program provided technical assistance on conciliation, the rate of conciliation improved.

Oral Trial Techniques

The Program facilitated the elaboration of a hearing protocol by labor judges. In 2010, CAFTA organized two workshops. From 2011- 2012, the Program provided technical assistance to labor judges. This assistance included coaching them at hearings, conducting ten workshops, and building consensus on improving oral trial techniques. In FY 2012, CAFTA DR proposed a protocol for individual procedure. This document reviews the individual procedure and shows how to do video recording of hearings, deal with bottlenecks in case flow management, handle petitions for court adjournments, and modify complaints before they are answered, among others. By the end of the Program, this document was being used by labor judges as a reference.

NICARAGUA

In 2008, CAFTA DR's ADR consulting team planned and implemented four half day workshops in Managua on ADR techniques. The four groups were represented by union leaders (19 participants), practicing attorneys (28 participants), judges and prosecutors/defense attorneys (11 participants) and university professors. The work was coordinated with the Association of Universities in Managua.

COSTA RICA

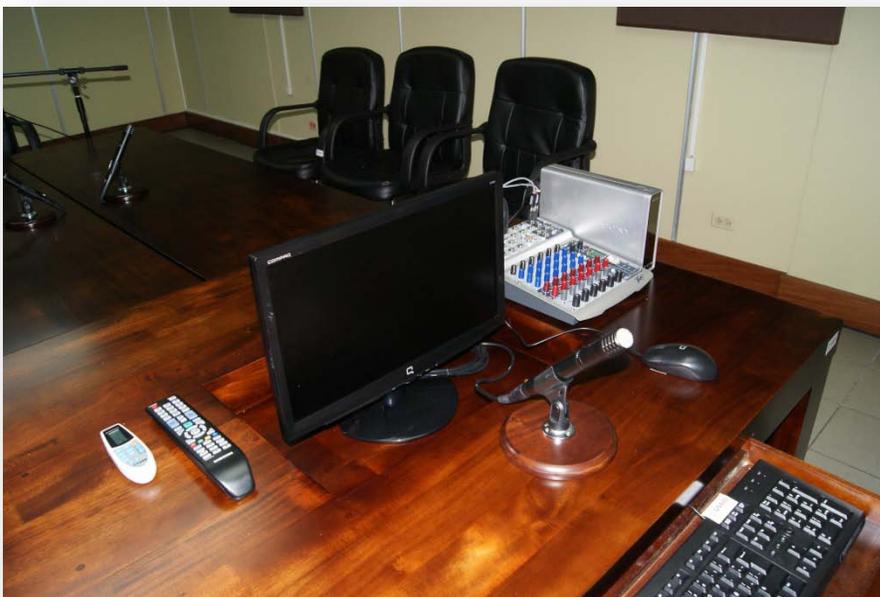
Management System Changes

The management system changes supported by the Program in Costa Rica included training in 2010 and 2011 on oral hearings, conciliation methods, developing requirements for technical defense and improving administrative processes.

Oral Trial Techniques

The Program promoted oral trial techniques among labor judges at Goicoechea Labor Court (16 judges) by proposing protocols for oral hearings and assessing evidence. These protocols were elaborated through workshops organized by the Judicial School between July and December 2010.

Goicoechea Labor Court lacked hearing rooms for labor cases. In order to promote oral trial techniques, in 2011 CAFTA-DR helped create two new hearing rooms (for both trial hearings and conciliation hearings) by providing furniture, a complete audio recording system and network connection for the electronic file system. These hearing rooms were acoustically isolated to allow quality recordings.



Hearing room at Goicoechea Labor Court, 2011

Audio recording systems were also provided for labor courts at Alajuela, Heredia and Guápiles, where the Judiciary was implementing quality certifications (*GICA-JUSTICIA*). The value of these systems was more than \$21,000.

EL SALVADOR

ADR and Conciliation

From 2008-2011, the Program carried out training for judges, attorneys and lawyers on labor conciliation and mediation techniques. Such training has transformed conciliation from an approach based on positions to an approach that focuses on interests and needs. The Program initiated the institutionalization of conciliation using two strategies:

- Integrating conciliation into court proceedings. In 2012, the Program incorporated two mediation and conciliation rooms into the Santa Ana Pilot project. One of these rooms was destined for conciliation, while the other one, incorporating the Attorney General of the Republic, was destined for mediation. The Program also developed the judicial conciliation center of the integrated court of San Salvador, which supports both labor and family courts through ADR.

- Facilitating an inter-institutional agreement among the Ministry of Labor, the Public Defense Office (PGR) and the Supreme Court, which was adopted in 2012. The purpose of the agreement was to harmonize access to ADR and avoid the duplication of alternative dispute procedures. The Program also helped prepare a labor justice map that identified locations for conciliation and led to a more effective ADR policy.

Worker's Rights Public Defense Unit of El Salvador's Public Defense Office

For those Central American countries that lack strong incentives for private litigation on labor matters, the requirement for public defense participation increases. Additionally, in Guatemala and Nicaragua the Ministry of Labor's participation is required, not to protect labor rights, but to prosecute labor infractions and assess whether any administrative remedies exist.

Lack of public defense is a major obstacle to the success of oral trial litigation, since oral labor trials require contradiction; participation; the distribution of roles among the judge, the employer's lawyer and the worker's lawyer; facilitation of an adversarial approach; and an evidentiary phase that usually extends throughout the trial (until judgment). Greater incentives for private litigation and public legal assistance on labor matters are required.

The Workers' Rights Public Defense Unit of El Salvador's Public Defense Office provides public defense services. The Program did not focus on labor public defense until learning that the Unit was a one-of-a-kind institution in Central America that handles close to 80% of the labor cases presented to courts nationwide. It is a public institution with nationwide coverage that is independent of the Judicial Power and the Ministry of Labor. Based on this lesson learned, the Program, with USAID approval, directed assistance to the Worker's Rights Public Defense Unit.

From 2010-2011, the Program supported labor public defense in several areas: 1) It helped the Public Defense Office of San Salvador design and implement Single-stop Stations. The Program helped define workloads for labor public defenders under a new assistance model, new job profiles that established required competencies and evaluation criteria, and evaluation tools. These efforts promoted sustainability, established work teams and put in place assessment systems. 2) The Program documented Single-stop Station and job profile standards and included them in the ISO Standards for Public Defense Office accreditation. 3) Other accomplishments were refurbishment of physical facilities and nationwide training of labor public defenders.

Single-stop Station and Workload Analysis

The Program prepared an analysis and took measurements to implement the Single-stop Station at the Auxiliary Public Defense Office in San Salvador. The Single-stop Station allows a user to learn which defender will assess and litigate a case.

At the beginning of 2011, the Office reorganized the process for submission of claims, with Program support. Several labor public defenders complained about receiving cases too late to develop an effective case strategy. The most important period to assess the existence of sufficient evidence and/or the need for negotiation is from the day the worker is counseled to the day of the conciliatory hearing. To address these constraints, the Program gained approval for a proposal that would unify responsibilities, so that the advisor, the on-duty demand receiver, and the on-duty defender all became case defenders. Offices attached to the courts were removed, and lawyers were organized into shifting teams that provided assistance at the Single-stop Station. This would allow the same labor defender to receive the

case, interview the worker and litigate the case. The Single-stop Station also was supported by improvement of a previously non-functional management information system. These changes led to a reduction of ten days in filing applications, except in complex cases.

To begin the transition process, the Program assessed workload, time available, the variety of tasks within different types of cases, current duration of tasks, and expected task duration under the Single-stop Station, as well as support needed from the management information system. The analysis provided a reliable estimate of the number of cases a labor public defender could handle on a yearly basis. It also guided the allocation of personnel to new cases and those not yet closed. The findings were analyzed by a Technical Committee of staff members from the Public Defense Office as well as the Program. The Committee concluded that at least three public defenders should be assigned to each of the five courts in San Salvador.

Profile designs based on competencies

In 2011, the Program provided technical assistance to design job descriptions and profiles for the Workers Rights Public Defense Unit. These descriptions and profiles were priority activities for the construction of the new model for improving labor case management. They enabled the revision of regulations and established the framework for duties and competencies of the main actors providing assistance to workers requesting Unit services. The profiles were integrated into the PGR Institutional Job Description Manual, which provides mandatory requirements for all recruitment and evaluation processes. They also are an essential part of the internal quality system required for certification under the ISO 9001 standard.

Moreover, the Program helped to revise personnel evaluation tools that provide incentives for staff to contribute to the continuous quality improvement system for Public Defense Office services. These evaluations also were integrated into the PGR's ISO 9001 quality system, in order to insure their implementation and sustain Program results.

The Program suggested changes to the personnel evaluation process that help overcome the tendency to prepare subjective and superficial performance assessments. This process would be replaced by an evaluation method that balances job profiles, duties/functions, and required competencies for the development of specific activities.

Once the new evaluation forms were prepared and approved, the Program assisted in the design of the Procedures for Performance Evaluations and Required Competencies. This activity was carried out jointly with the Quality Coordination Unit, in order to integrate it into the PGR's quality system standard. In six workshops, the Program trained more than 150 staff on evaluation procedures.

Certification of the Public Defense Office under ISO Standard

Program activities carried out in coordination with the Public Defense Office, were certified under the ISO 9001 quality standard by the Colombian firm ICONTEC in November 2011. This accomplishment, marked as the first labor process certification, was highlighted in ICONTEC's report, which stated that one the most important characteristics of the PGR management system's compliance and effectiveness is the "institution's performance in negotiating and obtaining international resources that have greatly contributed to strengthening the ability of processes to improve services and satisfy customers." Particularly, with regards to the labor process, the report noted the following:

- Improvements to labor process facilities now offer a more comfortable, secure and private environment for both staff and users.
- Improvements to the management information system generate more reliable and useful information.
- The organization of eight working teams to respond and deal with users' requests has expedited services, improved customer service and strengthened teamwork.
- Coordinators' implementation of new controls and inspection procedures for all files has enabled them to identify new opportunities to improve service quality.
- The plan for institutional strengthening of the labor process has improved the capacity of officials to serve the community.

Civil Works, Furniture and Equipment Provision for the Workers' Rights Public Defense Unit in San Salvador

The new facilities of the Workers' Rights Public Defense Unit in San Salvador were inaugurated on November 9, 2010. The event was celebrated in the presence of the new U.S. Ambassador Mari Carmen Aponte; Sonia Cortez de Madriz, El Salvador's Public Defense General Officer; and Victoria de Avilés, who was the current Minister of Labor.

With a USAID investment of \$200,000, the new unit is equipped with a Single-stop Station to assist workers; adequate conciliatory courtrooms that allow confidential and safe resolution of cases; a single-file archive system that organizes all case information; and information system improvements. These changes will systematize the work of the Workers' Rights Defense Unit in accordance with the new management model.

Prior to these improvements, the Unit was unprepared for witnesses. Advocates spoke with them in the hallways. Now there are special cubicles and even signs explaining the functioning of the labor and hearing processes. Users now feel more comfortable, with air conditioning and adequate seating.

DOMINICAN REPUBLIC

Labor conciliation "vowels"

The Program promoted the organization of forums and workshops to analyze the role of "vowels" (conciliators appointed by unions and employers) in a modern labor process. Vowels are generally ineffective at conciliation. However, neither the authorities of the Court nor the Ministry of Labor showed interest in reform of the vowel conciliation mechanism, due to the difficult political climate in the Dominican Republic during the last three years of the Program.

IV. Lessons Learned and Recommendations

Regional Lessons Learned and Recommendations

The Program focuses on three elements of justice: fairness, speed and transparency. Each component responds to one or more standards of justice including: incorporating orality into labor hearings, increasing focus on court users, promoting transparency, improving procedures, and expediting the judicial process.

The Program was designed to sustain results. Consequently, CAFTA DR worked closely with public institutions, including the Supreme Court and Labor Public Defense. The Program supported civil society by working with local bar associations and universities. Implementation mechanisms included workshops, awareness-raising events, cooperation agreements, capacity-building and the creation of a Labor Justice Observatory.

The Program faced several challenges. Political and institutional challenges varied from country to country. The degree of democratic stability influenced the readiness of labor justice institutions to undertake necessary changes. The Program continued in the midst of major political events, such as changes in Supreme Court judges, the coup d'état in Honduras, the suspension of international cooperation to the Nicaraguan government, Guatemala's political instability, and tensions within the Salvadoran judiciary as it entered into a constitutional crisis with the Legislature. In the Dominican Republic, the Constitution was changed, the entire Supreme Court was removed and new judicial institutions were created. Only Costa Rica maintained the stability needed to implement the project continuously.

These challenges have impacted the ability of CAFTA DR countries to protect labor standards provided for under the CAFTA-DR treaty. These standards include speed, fairness and transparency. The Program promoted changes to the legal culture of the region, from the written, inquisitorial system to the oral, adversarial system. It also addressed legislative difficulties preventing the use of electronic documents for notifications. Some authorities have opposed using public officials as consultants for the Program, or have tried to direct the technical assistance to those civil servants they favor.

The bulk of Program resources were focused on the formulation, design, preparation and implementation of a case tracking information system, a series of tasks associated with labor court management processes at both levels, judicial and administrative.

The Program's ability to achieve expected results was dependent on the capacity and interest of the Supreme Court of each country in improving court management. For example, in El Salvador court management was poorly developed. Each court imposes its own management norms, with no regulations or code, often defending its actions by misusing the concept of judicial independence. Judges feel free to decide how to manage court activities and define the roles of court staff. The Supreme Court has no official responsible for reviewing procedures, proposing improvements and establishing standards.

Reforming labor court management requires previous preparation. For example, developing an information system requires planning and standardization for personnel to upload data into the system. In addition, a court management system, even if designed appropriately, cannot substitute for the direction of a judge. It is the judge who must ensure compliance with performance standards established for the specific terms and phases of the process as prescribed by law or according to institutional regulations under effect.

In El Salvador, specialized labor courts have an acceptable caseload, but difficulties arise with regard to trial procedures, which are hampered by insufficient staff, but not poor management by judges. In Costa Rica, Dominican Republic, Guatemala and Honduras, on the other hand, the Program found a critical backlog problem. Therefore, before developing technology and quality standards in these countries, the

project team designed and implemented a clearance plan. These plans were resisted by many judicial actors.

Currently, judicial systems in Guatemala, Costa Rica, El Salvador, Honduras and the Dominican offer workers better access to judicial protection and public oral hearings. Court management is more transparent. Labor justice has improved due to CAFTA DR efforts.

In developing any new labor justice programs, USAID and other donors should take into account these lessons learned:

- Information systems and technology may not be the appropriate solution for case backlog. It is necessary to address backlog from a judicial management perspective before identifying opportunities for automation. Establishing management IT systems requires putting in place clear institutional policies and may require changes in laws. Redesign of processes and standards may require further changes in policies and laws, as well as a redefinition of judicial independence.
- IT systems contribute to management improvements in many ways. Some judges believe that the judicial management model is only the introduction of a new information system for public inquiries. It is important to build understanding among judges and court staff of the full range of benefits of IT systems.
- Since public institutions do not compete in providing services to customers, court administrators lack standards for the quality of customer service. Similarly, court users lack clear expectations for court services. Any planned management reform must take into account the opinion of court users.
- The Program designed a model that includes ADR judicial management and oral hearing for labor justice. CAFTA DR also trained judges and court officials in the judicial management model. These practices of transparency, quality of service and efficiency should be implemented in the training plans for the Judicial Schools. To improve the impact of these courses, the program funded judicial laboratories.

Individual Country Lessons Learned and Recommendations

EL SALVADOR

- Prior to modifying the management system, it is indispensable to completely understand the functioning of the current process by carrying out quantitative studies. The management system does not operate like an information system; it includes all the processes carried out by the court and supportive offices. For this reason, those benefitting from an information system must understand that it will not solve all the difficulties faced by the courts.
- It is essential to interact with judges to win their support for reforms, especially by helping them identify their needs and suggest solutions to their problems. Likewise, it is important to guide judicial operators in identifying improvements.
- Public institutions often collaborate with donors with the expectation of receiving equipment and furniture, in order to overcome budget limitations. Donors must guide court management reforms before considering the provision of equipment and furniture.

- When donating equipment to improve court management, it is important to assess its effectiveness, benefits and maintenance. Commonly, state-of-the-art equipment may be underutilized or damaged. Heavy-duty equipment requiring minimal maintenance should be given priority.
- Hardware equipment procurement should be defined by a team that includes representatives of the recipient body. Such a team will ensure that specifications satisfy the needs of users and meet standards. Procurement decisions should be made by the Program, to avoid total control by the recipient.
- Industrial engineering students assisted in the preparation of management studies and training required for implementation of the labor case management system. This approach, if well monitored, can save costs in executing similar activities.
- The program supported the design of two judicial master's degree programs. Each master's program has a different purpose. The National Judicial Council (CNJ) Master's Program aims to professionalize judges, while the universities' Judicial Studies Master's Program aims to build research skills on justice services. CNJ's Master's Program already has financing from the Government budget for a second class. The universities' Master's Program will continue after the graduation of the first class in 2013 if they can recruit paying students, supplemented by donor funding.
- El Salvador's two Master's in Judicial Studies Programs have been effective in building the capacity to raise professional standards in labor justice. Donor rule of law programs should be targeted at building research and development skills and the capacity to train new leaders in the administration of justice.

HONDURAS

- Computer systems for judicial processes should be tailor-made for them. Generic market solutions cannot be used because they do not meet all process needs.
- It is essential to improve administrative skills for judges and process managers, since they lack technical skills and specialized knowledge, which often hinders the process.
- The Honduran judiciary needs to focus on process measurement to control performance, since in many cases the inefficiency of some officials damages the process as a whole.
- Court proceedings in Honduras lack a model of optimal management. Each process is managed with few controls, under the leadership of a judge-manager who does not have the power to manage changes. Administrative structures must specify responsibilities, but they must establish performance control systems that ensure optimum use of resources.
- Oral trial procedures as well as conciliation procedures must be strengthened and promoted as a means of saving resources.
- Do not either centralize processes into mega-processes or break them up excessively, since both actions create harmful management problems, as shown by the experience of Costa Rica and Guatemala. Honduras must maintain its present management approach.
- Honduras should model for other courts the management practices that have kept the labor court as one of the most efficient of its judiciary. The judiciary should prevent the process from deteriorating by assuming that future judges know how to manage it properly.

GUATEMALA

The primary objective of the new model is to reduce judicial backlog by streamlining administrative procedures through restructuring the Labor Justice Center and Labor Courts:

- Alternative Dispute Resolution helped to resolve labor-related conflicts quickly through the development of a physical space where workers and employers can hold mediations and reach settlements without having to initiate a court case.
- Oral techniques, supported by audio and video equipment, expedited procedures and increasing the number of hearings in labor courts.
- The SMG Court Management System cleared bottlenecks involving appeals, since the use of technology minimizes the time required by justice administrators.

Management of the labor process focused on establishing court productivity control mechanisms based on a single file. The advantages of a single file are:

- Improved customer service at receptions and front offices.
- Increased division between administrative and judicial functions that allow judges and judicial operators to concentrate on cases while other court employees focus on file management, record lending and responding to information requests.
- Improved control of judicial and administrative processes.
- Removal of cases that cannot be addressed by the courts. This practice is common in Guatemala since inadmissibility is inexistent in the Guatemalan process, generating excessive inventories of files for inactive cases.
- Better use of physical space.
- Case-file record centralization, providing better protection of records.

COSTA RICA

The Program identified a serious shortcoming; each judge and auxiliary team not only had its own working methodology and style, but also its unique productivity and quality:

- Some judicial teams were achieving three or four times the achievements of their colleagues.
- Judges also varied significantly in the number of decisions they made. Moreover, when the one-on-one relationship between judges and auxiliaries was required, judges commonly relied on auxiliaries for administrative processes when they were absent due to sickness or other reasons.
- The Program identified a significant difference in the time required to resolve similar cases.

Modern management was facilitated by integration of the "management by processes" technique, which involves analyzing the tasks associated with a product in a sequential manner and grouping each task by phase in the process. Employees specialize in specific phases. The Program proposed adapting the administrative structure to a process management model, as it would provide the following benefits:

- Specialization of administrative tasks, which means greater speed in processing tasks.

- Reduction of errors in preparing resolutions since practice in specific procedures is generated and acquired.
- A dynamic system where personnel can react to the requirements of each phase of the process, strategically directing human resources to those phases with greater work.
- Task management standardization, and a single lead, allowing personnel to be managed for the success of the process, rather than the requirements of the judge.
- Facilitation of personnel performance measurement for those officials performing similar operations.

Although the *GICA-Justicia* standard is voluntary, resistance to change was evident in Labor Court personnel, hindering the project's progress, a situation making it difficult for the project to make significant progress.

Reduction of active cases resulted from implementation of a contingency plan, rather than systemic changes. Judges returned to their former practices after implementation of the plan. The Program recommended standardizing practices and tracking productivity of the process through performance measurement indicators.

These significant changes were only possible through a gradual assimilation process. It has not been easy for judges to understand the importance of this new management model, despite the evident improvement in human resources.

The Program designed a set of indicators to monitor the labor process, but the Supreme Court Technology Office had not incorporated them in the information system by Program closure. CAFTA DR recommended to the Judiciary that it continue developing the Electronic Case Management System (Electronic File), to build in the capacity to generate statistical reports..

NICARAGUA

Donors should continue to work with universities. Donors should monitor the use of classrooms for hearing practices, changes in clinical teaching methodology and the modernization of labor law. Such monitoring will provide an opening for civil society to strengthen the rule of law.

DOMINICAN REPUBLIC

- Labor conciliation through “vowels” has proved inefficient and unreliable for judges and parties. However, based on existing ADR law, the judiciary could appoint conciliator judges to oversee all conciliatory processes of the courts. The Supreme Court should organize forums and workshops to analyze the role of “vowels” in a modern labor process and determine whether the appointment of conciliator judges would be useful.
- Create an electronic database for notification routes. This would facilitate time management for those preparing the notifications and would avoid unproductive hearings due to untimely and improper notification procedures.
- Standardize forms after *Supremo Plus* is implemented fully. Although a standardization exercise was done during the preliminary process mapping, forms changed during the development of *Supremo Plus*. Once the information system becomes stable, form standardization would be very useful.

- CAFTA DR also recommended increasing the staff responsible for digitizing to overcome a new bottleneck.
- The Court needs to focus on decreasing resistance to change by providing training on topics such as teamwork, leadership, assertive communication, time management, as well as increasing commitment to achieve individual and common goals.

V. Annexes

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ANNEX I. TRAININGS ON SCTL2 SYSTEM MODULES AND MAIN APPLICATIONS FOR THE LABOR COURTS AND SHARED OFFICES IN EL SALVADOR

Trainings covered the following areas:

- Reception of complaints and documentation
- Documentation entered prior to 2010
- Document tracking control
- Printing of plea forms (*boletas de escritos*)
- Case data
- Case calculations
- Actions tracking
- Generation and printing of action plan template (*plantillas de actuación*)
- Hearings scheduling
- Entry and control of conciliatory agreements
- Control of referred trials (*procesos remitidos*)
- Control of sentences
- Control of trial termination (*salidas del proceso*)
- Tracking of minute notification (*acta de notificación*)
- Official books
 - CNJ Report
 - MINTRAB Report
 - MINHA Report
- Management reports
- Management indicators
- Reception of requests for notification acts
- Route assignation
- Release and submission of notified minutes (*actas notificadas*)

ANNEX 2. TRAINING OF PERSONNEL OF THE INTEGRATED JUDICIAL CENTER FOR PRIVATE AND SOCIAL LAW

Table A2 details trainings for personnel on the new model implementation:

Table A2

Office	Position	# of Sessions	Training hours	Training Period
First Labor Court	Judges	1	48	March – April 2011
	Assistant to the judge	1	48	
	Secretaries	1	72	
	Collaborators	7	504	
	Practitioners	8	384	
Second Labor Court	Judges	1	42	Feb. – March 2011
	Assistant to the judge	1	42	
	Secretaries	1	63	
	Collaborators	7	441	
	Admin. Assistants	1	42	
	Practitioners	4	168	
Third Labor Court	Judges	2*	88	May – June 2011
	Assistant to the judge	1	44	
	Secretaries	1	66	
	Collaborators	7	462	
	Administrative Assistants	1	44	
	Practitioners	6	264	
Fourth Labor Court	Judges	1	32	April – May 2011
	Assistant to the judge	1	32	
	Secretaries	1	48	
	Collaborators	6	288	
	Practitioners	3	96	
Fifth Labor Court	Judges	2*	92	June – July 2011
	Assistant to the judge	1	46	
	Secretaries	1	69	
	Collaborators	5	345	
	Administrative Assistants	3	138	
	Practitioners	5	230	
Judicial Documents Reception and Distribution Office		13	4758	March-July 2011

Office	Position	# of Sessions	Training hours	Training Period
Judicial Acts Communication Office		9	1026	
Public Inquiry and Assistance Office		9	198	
Hearing Room Coordination Office		2	20	
Judicial Seizure Office		5	240	

* Interim judges were trained in these courts

ANNEX 3. JUDICIAL MANAGEMENT TRAINING SEMINAR IN EL SALVADOR

Judicial Management seminars were held during June-December 2011, with the participation of:

- Labor Judges
- Secretaries
- Assistants to the Judge
- CJIDPS Offices

MSD's technical team entered 1,646 case files into the System during in the period January-July 2011. Once court personnel were properly trained, they continued uploading the incoming case-files.

Table A3.1

Court	Number of Case-files			Case-file Uploading Period
	2011	2010	Total	
First Labor Court	196	196	392	March – April 2011
Second Labor Court	271	292	563	Jan. – March 2011
Third Labor Court	395	268	663	May – June 2011
Fourth Labor Court	321	293	614	April – May 2011
Fifth Labor Court	463	654*	1117	June – July 2011
Total upload	1646	1703	3349	

*The number of case-files reported for the Fifth Labor Court for 2010 also included case-files corresponding to cases admitted in years 2009-2004 that were active at the moment uploading took place.

Table A3.2

At closure of the SGT2 project, active file-cases totaled:

Court	Number of Case-files				
	2012	2011	2010	Others	Total
First Labor Court	385	957	929	26	2297
Second Labor Court	384	957	928	23	2292
Third Labor Court	385	958	921	36	2300
Fourth Labor Court	385	959	929	58	2331
Fifth Labor Court	386	956	899	282	2523
Total uploaded	1925*	4787	4606	425	11743

*Information generated from SGT2 System; number of case-files reported through May 24th, 2012.

ANNEX 4. IMPROVEMENTS IN THE SECRETARY STATION AT THE CJIDPS IN EL SALVADOR

The following tables and figures detail the improvements at the Secretary Station, showing significant improvements (a reduction in the time required for daily activities) as a direct impact of SGTL2 implementation.

Table A4.1. General Impact Report of SGTL2 Implementation at Secretary Station

SECRETARY STATION					194.85 min
ID ACTIVITY	INVENTORY	WORK DISTRIBUTION	BEFORE (min)	SGTL (min)	IMPACT* (min)
		Process Related Activities	170.93	133.05	37.88
1	22	DOCUMENTATION	77.35	53.33	24.03 +
2	4	DEMANDS (CLAIMS)	17.55	10.73	6.82 +
3	54	CASE-FILE MANAGEMENT	68.02	66.66	1.36 +
4	4	CORRESPONDANCE	8.01	2.33	5.68 +
		Administrative Activities	218.41	61.44	156.97
5	DNA	ASSISTANCE	59.07	57.44	1.63 +
6	DNA	HEARINGS	41.14	1.00	40.14 +
7	DNA	REPORTS	105.00	3.00	102.00 +
8	DNA	BOOKS	13.19	0.00	13.19 +

***Impact:** Influence of system operation on management of activities carried out in each court; real value amount is obtained by subtracting the “before the system” amount minus the value of the amount corresponding to “after SGTL2”. Positive results (+) mean improvements.

ANNEX 5A. SECRETARY STATION WORKLOAD TABLE

WORK DISTRIBUTION	ACTIVITIES RELATED TO HEARING RESOLUTION	BEFORE		SGTL		ACTIVITY STATUS	AVG. DAILY UNITS
		AVG. TIME (days)	Without SGTL (min)	AVG. TIME (days)	With SGTL (min)		
WRITINGS	Review and signature	0.1188	52.2263	0.1188	52.2263	NO CHANGE	22
	Classify writings per resolver	0.0321	14.1321	0.0025	1.1000	REDUCTION	
	Registration in document control book	0.0250	10.9950	0.0000	0.0000	REDUCTION	
Total		0.1759	77.3533	0.1213	53.3263		
CLAIMS	Receives and reviews new claims	0.0209	9.1925	0.0209	9.1925	NO CHANGE	4
	Registration in claims book	0.0190	8.3562	0.0035	1.5393	REDUCTION	
Total		0.0399	17.5487	0.0244	10.7318		
CASE-FILE MANAGEMENT	Receives trials for judge's signature (reviews and signs)	0.1297	57.0227	0.1297	57.0227	NO CHANGE	54
	Registration in daily control	0.0250	10.9950	0.0219	9.6369	REDUCTION	
Total		0.1547	68.0177	0.1516	66.6597		
CORRESPONDENCE	Reception of mandatory-urgent requests and provisions	0.0182	8.0102	0.0053	2.3333	REDUCTION	4
Total		0.0182	8.0102	0.0053	2.3333		
WORK DISTRIBUTION	ADMINISTRATIVE ACTIVITIES	AVG. TIME (days)	Without SGTL (min)	AVG. TIME (days)	With SGTL (min)	ACTIVITY STATUS	AVG. DAILY UNITS
ASSISTANCE	Meetings with judge	0.0179	7.8679	0.0179	7.8679	NO CHANGE	2
	Assistance to personnel outside of CSJ	0.0199	8.7439	0.0199	8.7439	NO CHANGE	3
	Case-file consultation	0.0236	10.3807	0.0199	8.7480	REDUCTION	5
	General consultations with collaborators – interns	0.0729	32.0824	0.0729	32.0824	NO CHANGE	11
HEARINGS	Daily hearings report	0.0936	41.1436	0.0023	1.0000	REDUCTION	1
Total		0.0936	41.1436	0.0023	1.0000		
REPORTS	CNJ Report		40.0000	1.0000	1.0000	REDUCTION	
	Ministry of Finance Report		17.0000	1.0000	1.0000	REDUCTION	
	Ministry of Labor Report		48.0000	1.0000	1.0000	REDUCTION	
Total		0.0000	105.0000	3.0000	3.0000		
Books	Completed trials book	0.0050	2.1990	0.0000	0.0000	REDUCTION	
	Sentence control book	0.0050	2.1990	0.0000	0.0000	REDUCTION	
	Conciliated trials control book	0.0050	2.1990	0.0000	0.0000	REDUCTION	
	Trials referred to Chamber control book	0.0050	2.1990	0.0000	0.0000	REDUCTION	
	Procedural commissions control book	0.0050	2.1990	0.0000	0.0000	REDUCTION	
	Judicial acknowledgements book	0.0050	2.1990	0.0000	0.0000	REDUCTION	
Total		0.0300	13.1940	0.0000	0.0000		
Total time used (Day)		0.5122	330.2676	0.3048	137.0510		

ANNEX 5B. JUDICIAL COLLABORATOR STATION WORKLOAD TABLE

ACTIVITY	CURRENT TIME	SGTL TIME	RESULT	INVENTORY	BEFORE	SGTL	ACTIVITY STATUS
ACTIONS IN ADMISSION STAGE							
Receive writings (documents)	0.000	0.0683	0.068	1.2	27.8712	21.07714444	Decreases
Estimates	9.860	0.000	-9.860				
Enter data (estimates, party data and hearing)	0.000	10.110	10.110				
Enter (registration) action	0.000	0.390	0.390				
Prepare resolution order	6.490	1.000	-5.490				
Print	0.480	0.480	0.000				
Annex	0.720	0.720	0.000				
File ID	0.124	0.124	0.000				
Transfers (file movement)	0.161	0.161	0.000				
Photocopy	0.760	0.760	0.000				
List preparation	1.810	0.000	-1.810				
System notification	0.000	0.500	0.500				
Receive assignments (case-files for signature)	0.000	0.760	0.760				
Reception of minutes	0.000	0.000	0.000				
Write down in digital control	0.330	0.000	-0.330				
Search and paste minutes	2.490	2.490	0.000				
Total	23.226	17.564	-5.662				
PARTY REQUEST ACTIONS							
Receive writings (documents)	0.000	0.0683	0.068	5	89.74075826	72.18319184	Decreases
Archive search	1.350	0.000	-1.350				
Case-file search	3.000	0.350	-2.650				
Revision	2.450	2.450	0.000				
Enter data (of party, hearings, address)	0.000	2.540	2.540				
Enters action	0.000	0.440	0.440				
Receive assignments (files for signature)	0.000	0.760	0.760				
Prepare resolution order	8.460	5.470	-2.990				
Minute reception	0.000	0.000	0.000				
Photocopy	0.760	0.760	0.000				
Print	0.279	0.279	0.000				
Annexations	0.438	0.438	0.000				
File ID	0.720	0.720	0.000				
Transfer	0.161	0.161	0.000				
Write down in digital control	0.330	0.000	-0.330				
Total	17.948	14.437	-3.512				

ACTIVITY	CURRENT TIME	SGTL TIME	RESULT	INVENTORY	BEFORE	SGTL	ACTIVITY STATUS
SIMPLE ACTIONS							
Case-file search	3.000	0.350	-2.650	2	21.52670621	14.93422311	Decreases
Archive search	1.350	0.000	-1.350				
Review	2.668	2.668	0.000				
Prepare resolution order	4.892	2.9460	-1.946				
Print	0.279	0.279	0.000				
Annexation	0.255	0.255	0.000				
File ID	0.438	0.438	0.000				
Transfer	0.720	0.720	0.000				
Photocopy resolution order	0.161	0.161	0.000				
List preparation	1.810	0.000	-1.810				
System notification	0.000	0.500	0.500				
Minute reception	0.000	0.000	0.000				
Receive assignments (files for signature)	0.000	0.760	0.760				
Write down in digital control	0.330	0.000	-0.330				
Total	10.763	7.467	-3.296				

ANNEX6. DEVELOPMENT OF SGTL3 FOR UNICELLULAR COURTS

Table A6.1

The program provided the following SGTL3 trainings:

Office	Position	Number Trained
San Miguel Labor Court	Judges	1
	Secretaries	1
	Collaborators	6
	Administrative Assistants	3
Sonsonate Labor Court	Judges	
	Secretaries	1
	Collaborators	5
	Administrative Assistants	2
	Practitioners	1
Santa Tecla Labor Court	Judges	1
	Secretaries	1
	Collaborators	5
	Administrative Assistants	4

Table A6.2

In addition to trainings, the Program uploaded active case-files to the system according to the following detail:

Court	Number of Case-files Uploaded
San Miguel Labor Court	138
Sonsonate Labor Court	87
Santa Tecla Labor Court	133
Total entered/uploaded (registered)	358

ANNEX 7. HEARING COURTROOMS IMPLEMENTATION IN THE CJIDPS

Table A7

- Equipped ten hearing courtrooms
- Developed recording protocols
- Prepared recording manuals
- Trained eight courtroom assistants on operation of audio and video recording systems

Technical Description of Equipment Installed in Hearings Courtrooms – San Salvador’s Judicial Integrated Center			
No	Equipment Description	Model	Amount
1	8 channels splitter Mixer Behringer XENYS 1002B	Behringer XENYS 1002B	10
2	Video Capturer PCL Express BlackMagic DECK Link Studio 2	Link Studio 2	10
3	4 channels video console Multiviewer KRAMER PIP-200XL	KRAMER PIP-200XL	10
4	Dell computer optiplex core i7 2600 3.4 GHz, RAM 4 GB burner data HDD 1 TB		10
5	Dell 18” Monitor	WM767A	10
6	UPS MT 501	750VA	10
7	Analogous High Resolution Video Camera SONY SSC GI13A with Verifocal lense 2,8-12mm Sekura	SONY SSC GI13A	20
8	Wood furniture for computer and recording equipment	DNA	10
9	Sennheizer E835 wire microphone with table stand and XLR cable	Sennheizer E835	40
10	Sennheizer E835 wire microphone with 2 sections microphone stand and XLR cable	Sennheizer E835	10
11	Earphones (earhook type) with microphone (standard plug)	Ativa	10
12	Video card - Studio MovieBox	Pinnacle	10

ANNEX 8. ADDITIONAL EQUIPMENT FOR CASE MANAGEMENT IN EL SALVADOR

Table A8.1. Equipment installed in the Labor Courts of San Miguel, Sonsonante, and Santa Tecla, El Salvador

Technical Description of Equipment Installed in Hearings Courtrooms				Location		
No	Equipment Description	Model	Total #	San Miguel	Sonsonate	Santa Tecla
1	8 channel splitter Mixer	Behringer XENYS I002B	3	1	1	1
2	Video capture Video PCL Express BlackMagic DECK	Link Studio 2	3	1	1	1
3	4 channels video console Multiviewer	KRAMER PIP-200XL	3	1	1	1
4	Compaq Computer CQ581 I LA – Key board : PUA V I I 25006 I 8 I - Mouse: FB Y N V 0 B 5 0 0 R 2 0 3	CQ581 I LA	3	1	1	1
5	Compaq Monitor	WM767A	3	1	1	1
6	UPS ORBITEC 750V	750VA	3	1	1	1
7	Analogous High Resolution Video Camera with Verifocal 2,8-12mm Sekura lens	SONY SSC GI I 3A	6	2	2	2
8	Wood furniture for Computer and Recording Equipment	DNA	3	1	1	1
9	Wire microphone with table stand and XLR cable	Sennheizer E835	13	4	5	4
10	Wire microphone with stand for 2-section microphone and XLR cable	Sennheizer E835	2	1	0	1
11	Headphone (earhook type) with microphone – standard plug	Ativa	3	1	1	1
12	Video card- Studio MovieBox	Pinnacle	3	1	1	1

The Program also provided equipment for setting up a second Labor Court in Santa Tecla and equipped the Second Instance Labor Chamber in San Salvador. Additionally, it equipped courts handling mixed matters (civil and labor) in San Juan Opico and Ahuachapán, with possible expansion to Cojutepeque.

Details on some operational difficulties for SGTL3 implementation in each court are provided in Table A8.2 below:

Table A8.2

Court	Obstacles for Implementation
San Miguel Labor Court	<ul style="list-style-type: none"> • Lack of organization in setting a schedule for trainings. • Availability of collaborators for receiving training. • Lack of interest in learning about SGTL operation.
Sonsonate Labor Court	<ul style="list-style-type: none"> • Network installation delays. • Lack of attention by personnel during trainings. • Suspension of trainings for different reasons.
Santa Tecla Labor Court	<ul style="list-style-type: none"> • Lack of interest among collaborators and notifiers. • Recurring problems with the system's network (which remain unresolved). • Availability of collaborators for receiving training.

ANNEX 9. DIPLOMA COURSE IN LABOR PUBLIC DEFENSE

Table A9

Table A9 illustrates the course structure for the Diploma in Labor Public Defense, developed in collaboration with the Workers' Rights Public Defense Unit and accredited by the Universidad Politécnica de El Salvador:

No.	Module	Facilitator	Programmed Dates
I	Labor Justice Reasoning and Interpretation (<i>Argumentación e interpretación jurídico-laboral</i>)	Rodolfo Vigo	March 8-10 (Group I) March 11-13 (Group II) March 18-19 (Universities)
II	Fundamental Rights in Labor Relations and Labor Procedural Law (<i>Derechos fundamentales en la relación laboral y derecho procesal laboral</i>)	Manuel Bellido Aspas	April 8-9 (Group I) April 12-13 (Group II) April 14-15 (Group III) April 16 (Lecturers)
III	Fundamental Labor Rights Defense Through Legal Protection (<i>Defensa en los derechos fundamentales laborales mediante la acción de amparo</i>)	German Oliverio Rivera	May 13-14 (Teachers) May 18-21 (Group I) May 25-28 (Group II) June 21-26 (Practical Workshops)
IV	Conciliation as Tool to Solve Labor Disputes (<i>La conciliación como herramienta para la solución de conflictos laborales</i>)	Eduardo Barrientos	July 7-8 (Universities) July 14-16 (Group I) July 21-23 (Group II) July 28-30 (Group IV)
V	Particularities of Evidentiary Law in Labor Matters (<i>Particularidades del derecho probatorio en material laboral</i>)	Rodolfo Caballero Muñoz	Aug. 10-13 (group I) Aug. 17-20 (group II) Aug. 14 and 21 (Universities)
VI	Administrative Labor Law and Contentious Administrative Actions (<i>Derecho laboral administrativo y acciones contenciosas administrativas</i>)	Karla Fratti de Vega (3-4, 10-11, 17, 18) and Ricardo Mena (1-2, 8-9)	Sept. 1-4 (Group I) Sept. 8-11 (Group II) Sept. 17-18 (Universities)
VII	Oral Litigation Techniques and Strategies in Salvadoran Procedural Labor Law (<i>Técnicas y estrategias de litigación oral en el derecho procesal laboral salvadoreño</i>)	Miguel Méndez Palomo	Sept. 20-22 (Group I) Sept. 27-29 (Group II) Sept. 17-24 (Universities)

ANNEX 10. STUDY PLAN FOR THE MASTER’S DEGREE IN JUDICIAL STUDIES, EL SALVADOR

The Program supported the design and implementation of the Master’s Degree in Judicial Studies in El Salvador. The degree, which is currently offered at three universities – the *Escuela Superior de Economía y Negocios (ESEN)*, the *Universidad José Matías Delgado (UJMD)*, and the *Universidad Católica de El Salvador (UNICAES)* – covers the following subjects:

Table A10

No.	Timing of Course	Subject
1	First year	New Theories of Law and Legal Reasoning (<i>Nuevas Teorías del Derecho y de la Argumentación Jurídica</i>)
2	First year	Public Policy in the Justice Sector: a Comparative Analysis (<i>La Política Pública en el Sector Justicia: un Análisis Comparado</i>)
3	First year	International Cooperation for Development and Public Policy in Latin America (<i>Cooperación Internacional para el Desarrollo y Política Pública en América Latina</i>)
4	First year	Access to Justice and Social Equity in Latin America (<i>Acceso a la Justicia y Equidad Social en América Latina</i>)
5	First year	Contemporary Legal Research Techniques (<i>Técnicas Contemporáneas de Investigación en Derecho</i>)
6	First year	Management of the Judicial Process (<i>Dirección Judicial del Proceso</i>)
7	First year	National Justice and Market Integration (<i>La Justicia Nacional y la Integración de Mercados</i>)
8	First year	Constitutionalization of Contemporary Law (<i>Constitucionalización del Derecho Contemporáneo</i>)
9	Second year	Research Seminar I (Research Project) (<i>Tutoría de Investigación I – Proyecto de Investigación</i>)
10	Second year	Managing Law Offices and Justice Sector Personnel (<i>Dirección del Despacho y del Personal en el Sector Justicia</i>)
11	Second year	Teaching Seminar I: Andragogy (<i>Tutoría Docente I: Andragogía</i>)
12	Second year	Judicial Seminar I: Project Design (<i>Tutoría Judicial I: Diseño de Proyectos</i>)
13	Second year	Research Seminar II: Drafting and Validating Modules on Initial and Continued Reform (<i>Tutoría de Investigación II: Redacción y Validación de Módulos de Reforma Inicial y Continua</i>)
14	Second year	Teaching Seminar II: Execution and Presentation of Project Results (<i>Tutoría Docente II: Ejecución y Presentación de Resultados del Proyecto</i>)
15	Second year	Judicial Seminar II: Execution and Presentation of Project Results (<i>Tutoría Judicial II: Ejecución y Presentación de Resultados del Proyecto</i>)

ANNEX II. POST-GRADUATE SPECIALIZATION COURSE IN LABOR LAW, NICARAGUA

In Nicaragua, the Program developed a post-graduate course on labor law to demonstrate to teachers the importance of updating the teaching of labor law and provide them with tools to improve legal education. The course, entitled "Specialization in Labor Law with an Emphasis on Process and Oral Techniques," covered the following subjects:

Table AII.1

SUBJECTS	CONSULTANT
I. Constitutional Interpretation of Fundamental Rights (<i>Interpretación Constitucional de los Derechos Fundamentales</i>)	Diego López Medina (Colombia) Vicente Ramírez (Colombia)
II. Interpretation and Legal Reasoning (<i>Interpretación y Argumentación Jurídica</i>)	Rodolfo Vigo (Argentina)
III. Procedural Labor Law (<i>Derecho Procesal Laboral</i>)	Rommell Sandoval (El Salvador) Fanor Avendaño (Nicaragua)
IV. Fundamental Rights of Workers in Labor Relations (<i>Derechos Fundamentales del Trabajador en la Relación Laboral</i>)	Manuel Bellido Aspas (Spain)
V. Evidence in Labor Trials (<i>La Prueba en el Proceso Laboral</i>)	Rodolfo Caballero (Chile)
VI. Oral Techniques Applied to Labor Trials (<i>Técnicas de Oralidad Aplicadas al Proceso Laboral</i>)	María Antonieta Josa (El Salvador)
VII. International Labor Law (<i>Derecho Internacional Laboral</i>)	Lance Compa and Ángela B. Cornell (USA)
VIII. Social Rights of the Worker as Fundamental Rights (<i>Derechos Sociales del Trabajador Como Derecho Fundamental</i>)	César Solanilla (Colombia)

The course was held for two groups from June 21, 2010 to February 25, 2011 (Group I) and from Aug. 21, 2010 to April 11, 2011 (Group II). A total of 65 people graduated from both groups on October 14, 2011. The graduates were lawyers who teach law; some among them are also involved in other professional activities, as detailed in Table AII.2 below:

Table AII.2

PROFESSIONAL ACTIVITIES OF COURSE GRADUATES	#	% of total
Professors from 16 universities: Universidad de Ciencias Comerciales (UCC), Universidad Central de Nicaragua (UCN), Universidad Evangélica Nicaragüense Martin Luther King, Jr. (UENIC), Universidad de las Américas (ULAM), Universidad Nacional Autónoma de Nicaragua – Managua (UNAN-Managua), Universidad Católica de Nicaragua Redemptoris Mater (UNICA), Universidad Nicaragüense de Estudios Humanísticos (UNEH), Universidad Iberoamericana de Ciencia y Tecnología (UNICIT), Universidad Jean Jacques Rousseau (UNIJAR), Universidad del Valle (UNIVALLE), Universidad Internacional de la Integración de América Latina (UNIVAL), Universidad del Norte de Nicaragua (UNN), Universidad Paulo Freire (UPF), Universidad Politécnica de Nicaragua (UPOLI), Universidad Popular de Nicaragua (UPONIC), Universidad Santo Tomas de Oriente y Medio Día (USTOM)	33	51%

PROFESSIONAL ACTIVITIES OF COURSE GRADUATES	#	% of total
Independent Trial Litigators (from Masaya, Chinandega, León, Granada, and linked to the Catholic or Protestant Church)	8	12%
Private Sector	2	3%
Civil Society Organizations	7	11%
Unions	7	11%
State Institutions (National Assembly, Police, Judiciary, Commission on University Accreditation)	8	12%
Total	65	100%

ANNEX 12. PARTICIPANTS IN THE LABOR LAW CURRICULUM REFORM PROJECT, NICARAGUA

The labor law curriculum reform project, which began in February 2011, was undertaken by teachers at CONADER (*Comisión Nacional Académica de Facultades de Derecho*) member universities and other universities. The project was coordinated by María Antonieta Josa and Marisol Trujillo Rizo together with the *Instituto Nicaragüense de Estudios Humanísticos* (INEH). The following individuals participated in the process of developing new programs for the reformed labor law curriculum:

Table A12

PARTICIPANTS	ROLE	UNIVERSITY AFFILIATION
Angélica María Toruño García	President of CONADER	Universidad Evangélica Martin Luther King (UENIC)
Ana Yansy Guardado	Vice-President of CONADER	Universidad de Ciencias Comerciales (UCC)
Carlos José González Reyes	Professor	Universidad Autónoma de Chinandega (UACH)
Carol Ivone Cash Quiroz	Professor	Univ. Nac. Autónoma de Nicaragua - Managua (UNAN-Managua)
Vilma del Socorro Báez Valdez	Coordinator	American College (AC)
Fernando José Saavedra Areas	Professor	Bluefields Indian Caribbean University (BICU)
Hyngrid María González López	Professor	Universidad Nicaragüense de Estudios Humanísticos (UNEH)
Jairo Álvarez	Professor	UNEH
Jorge Feliciano Prado Cuaresma	Professor	UCC
Josefina Carla Gómez Téllez	Professor	Universidad Evangélica Nicaragüense Martin Luther King (UENIC)
Juan Carlos Rocha	Professor	Universidad de Managua (UdeM)
Leonel Dimitrov Escalante Blandino	Professor	Universidad Paulo Freire (UPF)
Marcelino López Aguirre	Law School Director	Universidad Tecnológica de Nicaragua (UTN)
María Argentina Rivera	Professor	Universidad Americana (UAM)
Miguel Moreno Ulloa	Professor	La American University (LAAU)
Orlando José Choza Alfaro	Dean	Universidad Jean Jacques Rousseau (UNIJJAR)
Porfirio Alberto Rodríguez Melo	Coordinator	Universidad Martin Lutero (UML)

PARTICIPANTS	ROLE	UNIVERSITY AFFILIATION
Raúl Enrique Castillo Cajina	Coordinator	Universidad Popular de Nicaragua (UPONIC)
Reynaldo Antonio Murillo Valverde	Dean	Universidad Católica de Nicaragua Redemptoris Mater (UNICA)
Richard Antonio Gómez Centeno	Law School Director	Universidad de las Américas (ULAM)
Rolando José Pavón González	Professor	Universidad del Valle (UNIVALLE)
Sergio Ramón Zamora Urbina	Professor	Universidad Politécnica de Nicaragua (UPOLI)
Tania Francelia Tardencilla	Professor	Universidad Iberoamericana de Ciencia y Tecnología (UNICIT)
Teodoro Guillermo Berrios Obregón	Dean	Universidad Nacional del Norte (UNN)
Sonia Eliana Umaña Zuniga	Academic Vice Director	Universidad Santo Thomas de Oriente y Medio Día (USTOM)
Karla María Lira González	Professor	ULAM

ANNEX 13. PMP SUMMARY

Task	Indicator	Source	Method	Countries	Baseline	FY 2008 target	FY 2008 actual	FY 2009 target	FY 2009 actual	FY 2010 target	FY 2010 actual	FY 2011 target	FY 2011 actual	FY 2012 target	FY 2012 actual
	Number of Institutions/ Organizations undertaking capacity/ competency assessments as a result of USG Assistance	Project	Report	GT SV HND NI CR DR	0	New	7	10	17	10	13	10	19	0	0
	Number of Institutions/ Organizations mature/viable in competency areas strengthened as a result of USG assistance	Project	Report	HND GT SV NI CR DR	0	New	0	10	12	20	41 ¹¹	20	25	7	7
	Number of Justice Sector Personnel that received USG Training	Project	Report	HND GT SV CR DR	0				New	186	186	260	260	106	106
Judicial Management	Number of case files managed in the region through an electronic management system	ECMS	Report	SV GT HND CR DR	SV=0 GT= 0	SV=350 GT=700 HND=	SV=0 GT=650	SV= 600 GT=900	SV= 471 GT= 1046 ¹²	SV=6,000 GT=3000 HND=	SV=350 GT=3500 HND=	SV=6,000 GT=3000 HND=	SV=4001 GT=5952	SV=4000 GT= 5900	SV=2118 (Feb.) GT=1457

¹¹ By request of the Public Defense Office in FY 2010, 15 regional offices that were not originally considered for technical assistance were included.

¹² By request of Magistrate Orlando Cabrera the Program included in the Single File Project in the 7th labor court in addition to the 4th labor court.

Task	Indicator	Source	Method	Countries	Baseline	FY 2008 target	FY 2008 actual	FY 2009 target	FY 2009 actual	FY 2010 target	FY 2010 actual	FY 2011 target	FY 2011 actual	FY 2012 target	FY 2012 actual
					HND=0 CR= 0 DR= 0	300	HND=0	HND= 400	HND=0 ¹³ CR= New DR= New	1200 CR=3500 DR=3000	HND=0 CR=0 DR=3000	1200 CR=3500 DR=3000	HND=0 CR=3789 DR=0	HND=0 CR=3000 DR=5001	(Dec.) CR=No data DR=No data
	Number of streamlined judicial processes and proceedings	Project	Report	SV GT HND CR	0	6	4	30	29	20	20	40	45	9	9
	Rate of resolved cases/Total labor cases admitted	Judicial Branch	Report	SV GT HND CR RD	SV/Santa Ana=0.73 SV/SS ¹⁴ = 0.96 GT 4T= 0.48 GT16T= 0.61			SV/Santa Ana=1 New New	SV/Santa Ana=1.16 SV/SS= 0.96 RD=0.48	SV/Santa Ana=1 SV/SS=1 New New	SV/Santa Ana=1.42 SV/SS= 1.01 GT16T= 0.61 HND= 0.61 DR=1.5	SV/SS=1 GT16T= 0.75 HND= 0.75 DR=1	SV/SS= 0.84 GT16T= 0.48 HND= 0.48 DR=1.04	SV/SS=1 GT16T=1 HND=1 DR=1	SV/SS= 1.12 (Jun.) GT16T= 0.72 HND= 0.73 DR=1.04

¹³ By June 2009, USAID ordered the Program to suspend activities in Honduras and in September 2010, the Program was ordered to resume them.

¹⁴ San Salvador

Task	Indicator	Source	Method	Countries	Baseline	FY 2008 target	FY 2008 actual	FY 2009 target	FY 2009 actual	FY 2010 target	FY 2010 actual	FY 2011 target	FY 2011 actual	FY 2012 target	FY 2012 actual
					HND/ Tegu= 0.66 DR=0.48										
Strengthened Jurisprudence System	Number of classified judicial resolutions	Judicial branch	Report	GT HND DR	0				New	GT=174 DR= 4000	GT=0 HND=0 ¹⁵ DR= 0	GT=1742 HND= 1300 DR=4000	GT=1742 HND=30 DR=3385	GT=0 HND= 1300 DR=7000	GT=0 HND= 1239 DR=7019
Raising Professional Standards	# of persons certified in labor rights, case management, and alternative dispute mechanisms	Project	Attendance lists	SV NI CR				SV=124	SV=124	200	SV=87 NI=110	SV=100	SV=101	CR=100	CR=100
Promotion of Alternative Dispute Resolution	Rate of trials settled by conciliation agreement	Judicial branch	Report	GT HND	GT= 4.79% HND= NA		New	GT= 10%	GT= 20.59%	GT= 15% HND= 10%	GT= 23.39% HND= 10.4%	GT= 25% HND= 12%	GT=29% HND=NA	GT=25% HND= 12%	GT=22% HND= 14%
Legal Research	Amount of publication on Labor Justice Observatory research distributed	Project	Report	SV GT NI CR HNCR	0						New	1,200			

¹⁵ By June 2009, USAID ordered the Program to suspend activities in Honduras and in September 2010, the Program was ordered to resume them.

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