

FINAL REPORT

USAID Citizens' Access to Labor Justice Program (CALJ)



Table of Contents

List of Acronyms

Background

Public Defenders and legal assistance providers provide increased access to labor justice (Objective 1)

Civil society contributes to transparency and accountability in the labor justice system and facilitates the achievement of the region's goals for the administration of labor justice (Objective 2)

Human rights ombudsman offices and civil society contribute to eliminating gender and other forms of discrimination through better administration of labor justice (Objective 3)

Interest-Based Bargaining (IBB) is utilized to resolve collective labor disputes more effectively (Objective 4)

Program's Added Value

- Pact's Organizational Capacity Assessment
- Regional Alliance for Workers' Rights
- Virtual Library
- Administrative and Case Management System (SIADELCA)
- Capacity Building of the Salvadoran Ministry of Labor
- Occupational Safety & Health (OSH)

Lessons Learned

Annexes

List of Acronyms

ANITEC Nicaragua Association of Textile and Apparel Industries
ASI Asociación Salvadoreña de Industriales
ASTRADOMES Association of Domestic Workers
ATRAHDOM Asociación de Trabajadoras del Hogar a Domicilio y de Maquila
CAFTA-DR Dominican Republic-Central America Free Trade Agreement
CALJ Citizens' Access to Labor Justice
CEADEL Center for Studies and Support for Local Development
CEAJURI Center for Education and Legal Assistance
CEDAIL Center for Legal Assistance and Investigations
CENDEROS Center for the Social Rights of Migrants
CGT Central General de Trabajadores
CJG Consultorio Jurídico Gratuito
CMTC Central Movement of Costa Rican Workers
CONADEH Comisionado Nacional de los Derechos Humanos
CPDH Nicaraguan Human Rights Permanent Commission
CTA-YAVE Colegio Técnico Académico-Yave
CTH Confederación de Trabajadores de Honduras
CTRN Confederation of Workers Rerum Novarum
CSO Civil Society Organization
CUTH Confederación Unitaria de Trabajadores
DS Defensoría Social of the Costa Rican Bar Association
DR Dominican Republic
ENJ Escuela Nacional de Judicatura
ESEN Superior School for Economics and Business
FLD Dominican Labor Foundation
FUNPADEM Fundación para la Paz y la Democracia
GNTP Grupo Nacional de Trabajo para la Participación
HIV Human Immunodeficiency Virus
IBB Interest-Based Bargaining
IDHUCA Institute for Human Rights of the Central American University José Simeón Cañas
IIDH Inter-American Institute of Human Rights
INEH Nicaragua Institute for Humanistic Studies
JACR Junior Achievement Costa Rica
LLW Lessons Learned Workshop

MINTRAB Ministry of Labor
M&E Monitoring and Evaluation
MOL Ministry of Labor
NGO Non-Governmental Organization
OCA Organizational capacity assessments
OSH Occupational Safety & Health
OSHA Occupational Safety & Health Administration
PDH Ombudsman Office of Guatemala
PDDH Ombudsman Office of El Salvador
PGR Attorney General's Office
PNC Policia Nacional Civil
PLHIV People Living with HIV/AIDS
PPT Asociacion Poder Para Todos
SIADELCA Electronic Case Management System
STSS Secretaria de Trabajo y Seguridad Social
TOT Training of Trainers
UCA Central American University José Simeon Cañas
UCCAEP Costa Rica Union of Chambers of Commerce and Private Sector Businesses
UCR University of Costa Rica
UES University of El Salvador
UGB University of Gerardo Barrios
UMA Universidad Modular Abierta
UMG Universidad Mariano Galvez
UNAH Universidad Nacional Autónoma de Honduras
UNICAH Catholic University of Honduras
UNOL Labor Observatory Unit
UPES Universidad Politécnica
UPF Universidad Paulo Freire
UPOLI Polytechnic University of Nicaragua
URL University of Rafael Landivar
USAID United States Agency for International Development
USC University of San Carlos

Background

The Central America-Dominican Republic Free Trade Agreement (CAFTA-DR) creates a free trade area that encompasses Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic. Signed by the United States of America in 2004, this agreement seeks to create economic opportunities by eliminating tariffs, reducing barriers to services, promoting transparency, and facilitating investment. CAFTA-DR is considered to be an important step toward improved intra-regional trade, as well as long-term social, political, and economic development in the region.

Efforts to Improve Labor Law Administration and Enforcement

Given the region's deficient labor laws and lax enforcement of labor standards, CAFTA-DR required signatory countries to implement significant reforms. These reforms are intended to encourage business development and investment, as well as to consolidate transparency, rule of law, and improved enforcement of labor standards in each of the signatory countries.

Regarding reforms that are necessary to improve access to labor justice, CAFTA-DR signatory countries jointly published a report commonly known as the CAFTA-DR White Paper. This paper identifies specific areas in need of improvement in terms of labor law administration and enforcement. It calls upon signatory countries to modernize labor justice systems; strengthen the capacity of labor ministries to enforce labor laws, conduct inspections, and resolve conflicts; reduce gender discrimination; and promote a culture of compliance with labor laws.

Efforts are required to increase the technical capacity and compliance of institutions entrusted to support labor justice in each of the CAFTA-DR signatory countries. Specifically, strategic measures are needed to consolidate effective management of resources, reduce labor court backlogs, and consistently apply labor laws. To achieve this, the CAFTA-DR White Paper calls for additional training of judges, lawyers, and clerks on national labor laws, fundamental labor rights, and international jurisprudence.

USAID and Pact Provide Support for Access to Labor Justice

Given the region's performance challenges regarding the creation and enforcement of labor laws, USAID partnered with Pact to conduct activities aimed at strengthening the capacity and compliance of institutions entrusted to support labor justice.

The USAID Citizens' Access to Labor Justice for CAFTA-DR Program provided much needed support for the needs outlined in the CAFTA-DR White Paper. The Program is an Associate Award given to Pact under the Civil Society Leader with Associates. This \$4.58 million award began in September 2008 and ended at the end of December 2011.

This is the first time that Pact implemented a project of this type, which has as its primary objective to increase access to labor justice, particularly for vulnerable populations. It is

financed by USAID using CAFTA funds, which are invested to enhance local compliance with CAFTA-DR and create a fertile political environment for free trade. Given that governments increasingly promote development by promoting free trade, what Pact learned with this experience in Central America and the Dominican Republic may well be relevant to other parts of the world.

Program Goals and Objectives

As part of its support for the reforms outlined in the CAFTA-DR White Paper, USAID initially selected Pact, Inc. and the Inter-American Institute for Human Rights (IIDH) to achieve its goal to strengthen the capacity and compliance of CAFTA-DR institutions that have a mandate to support labor justice.

Through the USAID Citizens' Access to Labor Justice for CAFTA-DR Program, Pact supported public defenders, free legal assistance providers, Human Rights Ombudsman Offices, as well as civil society organizations (CSOs) advocating on behalf of the rights of workers. This support included specialized trainings in domestic and international labor laws, donations of computer equipment, software, and legal reference materials, among others.

The Citizens' Access to Labor Justice Program seeks to accomplish its goal through the following four objectives: (1) improving access to labor justice through strengthening the administrative and technical capacity of public defenders and free legal assistance providers; (2) encouraging the achievement of regional development goals, specifically those related to the administration of labor justice, through building the capacity of civil society organizations promoting transparency and accountability within the labor justice system; (3) empowering human rights ombudsman offices and civil society groups to eliminate gender and other forms of discrimination through better administration of justice; and (4) promoting the use of the interest-based bargaining (IBB) model for resolving collective labor disputes more effectively.

Public Defenders and legal assistance providers provide increased access to labor justice (Objective 1)

This component sought to increase the availability of free legal assistance services to vulnerable populations. Under this objective, Pact strengthened pro bono providers of legal services by creating labor assistance. In many cases these services are provided through universities and, as in the case of Costa Rica, by the National Bar Association. Pact's contribution included training for lawyers around labor law, provision of equipment for these legal aid units, and donation of an electronic case management system.

Pact has made \$126,155.87 worth of grants for this component.

Civil society contributes to transparency and accountability in the labor justice system and facilitates the achievement of the region’s goals for the administration of labor justice (Objective 2)

This component was designed to educate low-income people, particularly those with other vulnerabilities such as disabilities, HIV/AIDS, ethnic minorities, migrant workers, and women, about their labor rights and how to get access to free legal assistance. By working directly with vulnerable populations on the issue of labor rights, Pact and its partners built and empowered constituencies with knowledge about their rights and a constructive voice for reform of the labor justice sector.

Pact began (through IIDH) by mapping organizations in the region engaged in labor rights or serving one or more of the targeted vulnerable groups. A group of 80 organizations was filtered down to 48, eliminating any groups that were not legally registered as NGOs. These groups were then invited to apply for grants, and 24 of the 48 organizations submitted proposals. Of these, 20 proposals were approved and granted during the life of the project. Pact has made \$905,118.75 worth of grants for component two.

Human rights ombudsman offices and civil society contribute to eliminating gender and other forms of discrimination through better administration of labor justice (Objective 3)

This component was designed to strengthen the ombudsman function in each country as it relates to labor law. IIDH was originally responsible for a much broader role within this project in its original design, based on the instructions of USAID, however, their poor performance in the first year of the project led Pact, with concurrence from USAID, to roll back their involvement to this component alone.

An ombudsman office is an autonomous body designed to mediate between citizen and state. If a citizen finds that government institutions are not working as they should, they can make a complaint to the ombudsman’s office, which can then investigate the matter and make recommendations for ways to address the problem.

An ombudsman office can also play the role of mediator between different stakeholders involved in a complaint. Ombudsman offices work to communicate to the public about human rights irregularities. They prepare annual reports to the government, which identify problem areas. A high functioning ombudsman office should, among other things, have staff specialized in labor law issues, produce an annual report that has a section specific to labor issues, have staff with a high degree of credibility and moral authority as well as relevant technical expertise, know how to use the media to denounce violations of the public trust, have the skills to serve as a mediator between the government and other parties in a dispute.

In an assessment of four ombudsman offices, the Program found that most countries do not have staff specialized in labor issues, and few include any information about labor rights violations in their annual report.

Based upon the results of the assessment, Pact offered technical assistance tailored to each of the Ombudsman offices in each of the countries served by this component. In addition, it developed self-study training modules for Ombudsmen staff on their role in addressing labor issues and to train NGOs serving women, migrants, disabled people and minority ethnic groups, as well as judicial staff on relevant labor issues and the role of the Ombudsmen office.

As demonstrated in this report, Pact was successful in instituting labor rights analysis as a fundamental element of the role ombudsman offices play, which made a significant change to improve the institutional environment for labor justice.

Interest-Based Bargaining (IBB) is utilized to resolve collective labor disputes more effectively (Objective 4)

This component was designed to train employees, employers, academics, lawyers and members of civil society in interest-based negotiation techniques to help resolve cases before they reach the legal system.

Interest-based bargaining is a methodology and negotiation philosophy developed and well documented by Harvard Law School and the book *Getting to Yes* is studied throughout the world in disciplines ranging from public policy to business.

Partnership with Foundation for Peace and Democracy (FUNPADEM)

This organization was created 20 years ago by Rodrigo Madrigal Nieto, the former Minister of Foreign Affairs and a key actor during the Central American peace accords for which the President of Costa Rica, Oscar Arias Sanchez, later won the Nobel Peace Prize. FUNPADEM played a number of key roles during the early years, all designed to put into action the theories and practice of international negotiations and conflict resolution.

Under Objective 4, Pact and FUNPADEM developed a certification program on mediation for universities, labor unions, NGOs and the private sector. Additionally, Pact identified nine partners to give \$181,798.58 in grants, to replicate the curricula on IBB. The partners are universities, labor unions, and business associations. Pact made sure activities would be scaled-up in a way that expands interests-based bargaining into circles that can utilize the skills they learn.

Program Leadership and Implementation

The Inter-American Institute for Human Rights (IIDH) was previously responsible for providing technical assistance to Civil Society Organizations (CSOs) working to achieve Objectives 1, 2, and 3. Meanwhile, the role of Pact was to implement Objective 4 and provide financial and contractual supervision to CSOs under the Grants Program. IIDH assumed the lead role in providing technical assistance to CSO sub-grantees, including selecting, monitoring, and advising grantees. However, this arrangement was restructured by USAID in 2010.

After months of strained relations between Pact and IIDH, as Pact encouraged IIDH to speed up implementation, USAID reviewed IIDH's role in the project.

Due to organizational restructuring within IIDH, which saw many highly qualified and experienced employees leave IIDH, and despite a renegotiation of the work plan timeline in early 2009, IIDH continued to demonstrate difficulties meeting its deadlines. In September 2009, USAID, Pact, and IIDH met at the USAID mission in El Salvador to discuss a significant reduction in IIDH's role. With USAID's support, Pact assumed the lead role in working towards Objectives 1, 2 and 4, and IIDH maintained its leadership role for achieving Objective 3.

As IIDH was originally intended to play the lead technical role, Pact's El Salvador office was designed to provide limited technical input to the project. In order to fill this gap, Pact added additional personnel to assist with achieving these objectives and indicators. The process of review and negotiation between USAID, Pact, and IIDH was a complex and sensitive one, taking months to finalize. As a result, after facing severe delays, Pact recruited staff and ramped up activities at high speed.

In March 2010, given late implementation and overdue deadlines, USAID concluded that IIDH appeared unable to meet deliverables under the Objective 3. A letter was sent to Pact requesting a budget realignment, with the understanding that IIDH would be excluded from future project activities. As a result, Pact officially became the only implementer of the Citizen's Access to Labor Justice Program.

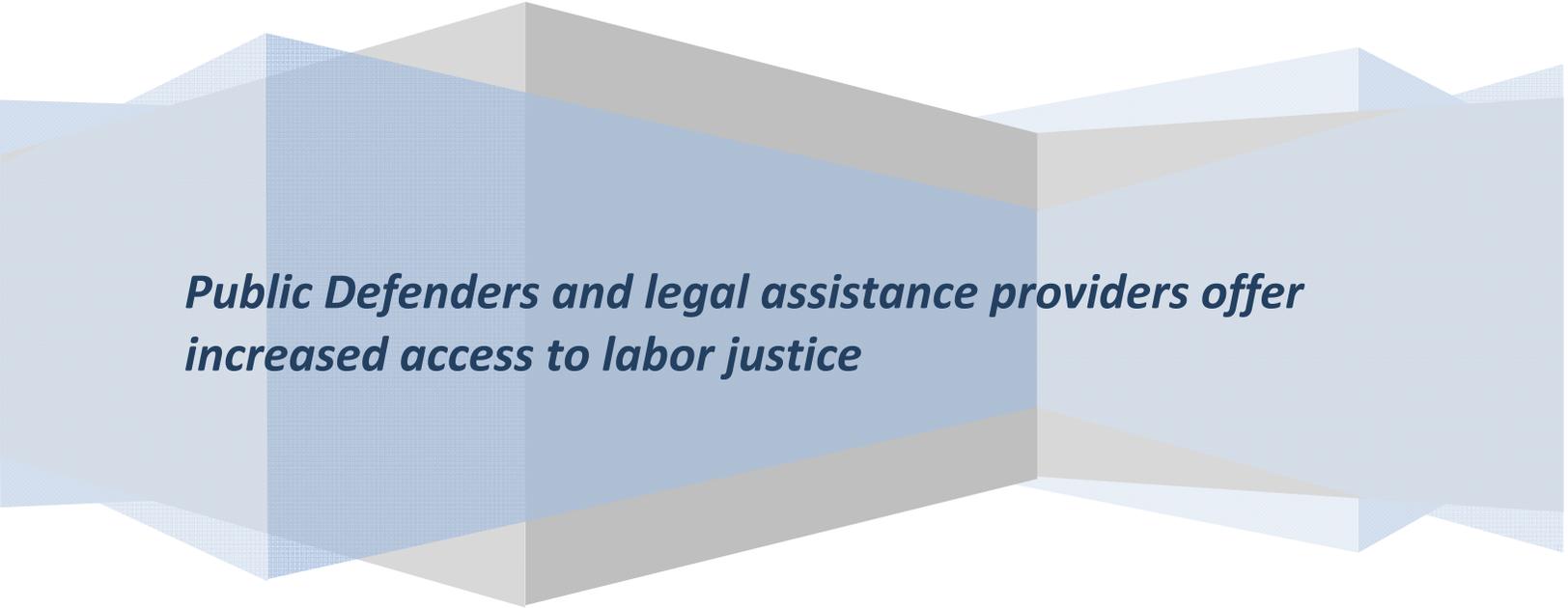
Revision of Program Approach

During the transition out of IIDH, Pact made a number of small changes in overall project approach and management in order to assure maximum impact over the life of the project. With the transfer of all project objectives and areas to Pact, a necessary revision of IIDH activities and objectives was conducted and it was determined to allot level of effort to better assure that advances under each objective of the project are better aligned. Pact applied its capacity building methodology to ensure taking better advantage of training, technical assistance activities and travel, but also to guarantee better coordination and planning. Pact's strategy focused on a "post-implementation sustainability" and pre-determined indicators that track sustainability-related problems early and provide necessary feedback for adjustments and enhance the prospects of sustainability.

Pact better used sub-grantees efforts in a coordinated fashion across the different objectives and countries by guiding them through the different steps of their projects and strengthening their capacities to assure future sustainability.

For example, during the second phase of grants, Pact strategically selected a number of new grantees that could best take on the remaining work and issues that had yet to be fully addressed.

By strengthening the capacity of public defenders, free legal service providers, Ombudsman institutions and civil society organizations, Pact allowed a greater number of workers to obtain justice for unfair or unlawful labor practices. For example, for many low-income and historically marginalized groups, including women and indigenous workers, improved access to justice means that they are able to receive their earned salaries and employment benefits without them being unlawfully withheld by employers. It also means that more workers are aware of their rights and are able to exercise these, for example, in the form of gaining access to medical insurance to cover the costs of work-related injuries, receiving severance pay, and obtaining employment without being subjected to discriminatory practices such as HIV/AIDS and pregnancy tests.



Public Defenders and legal assistance providers offer increased access to labor justice

Through the first objective of the Program, Pact worked with public defenders and free legal assistance providers to increase access to justice and the quality of free legal assistance for workers with limited means. Through provision of trainings in labor law, legal manuals and reference materials, provision of an electronic case management system (SIADELCA), and in-kind donations of equipment and technology, Pact strengthened the quality of the free services these legal clinics provide, as well as their administrative capacity to maximize efficiency and serve a greater number of workers seeking labor justice.

In-kind grants for selected beneficiaries in relation to objective I were given to Pro-bono providers of legal services in order to support the management of information associated to the labor cases they process. These grants included the provision of computer related inputs and in some instances, workstation furniture. The primary purpose for providing these inputs was for these organizations to be able to install and operate the Electronic Case Management System (SIADELCA).

The approved grants covered all six countries of the CAFTA-DR and included Universities, Civil Sector Organizations as well as Labor Ministries. The total amount awarded for Objective I, during the life of the project, through in-kind grants is \$126,155.87.

In Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, Pact provided trainings and equipment aimed at strengthening the administrative capacity and technical competency of public defenders and providers of free legal assistance. These trainings focused on increasing the technical capacity of attorneys regarding domestic and international labor laws.

Objective One Grant Design and Grant-Making

Under Objective One, Pact's grant making focused on building the capacity of legal service providers in each of the CAFTA-DR countries. Specifically, this meant supporting the capacity development of free legal clinics in universities, as well as the Ministry of Labor (MOL) in DR. Initially through the technical expertise of IIDH, Pact conducted a scoping study of such providers in each of the countries, so that they may apply for capacity development grant following Pact's assessment of their needs. These grants were designed specifically with the aim of increasing the administrative capacity of the free legal clinics. This was accomplished through provision of Pact's Electronic Case Management System (SIADELCA), immediate and as-needed trainings in use of the case management system as well, as programmatic areas such as labor rights, etc., and provision of computer equipment that would enable the use of SIADELCA.

Objective One Grant Implementation

Final funding amount to grantees under Objective One came to approximately 10% of total budget amount to all subgranting activities under Objectives one, two, and four. While this appears to be a low percentage of overall grant budgets, it is more a result of efficient use of funds, rather than lack of allocation of funding to accomplish the activities of the Objective.

Specifically, Pact was able to leverage existing resources within each of the universities (and MOL in DR) – so that there was little to no personnel or other direct costs that needed to be covered to implement this project. Pact simply provided technical capacity development assistance to each of the grantees, so long as each partner was willing to integrate the additional resources into their processes, systems, budgets, and strategies.

Objective I Grants Program

Country	Organization	Award Amount
Total		\$163,194.99
Costa Rica	Colegio de Abogados	\$26,050.76
	Universidad de Costa Rica (UCR)	\$12,379.75
Dominican Republic	Ministry of Labor (MOL)	\$33,827.81
El Salvador	Universidad Gerardo Barrios (UGB)	\$3,667.91
Guatemala	Universidad San Carlos (USC)	\$11,008.74
	Universidad Rafael Landivar (URL)	\$7,362.39
Nicaragua	Universidad Politécnica de Nicaragua (Upoli)	\$31,858.51
Honduras	Universidad Nacional Autónoma de Honduras (UNAH)	\$37,039.12

Pact’s partners often didn’t use technology to improve access to labor justice. For example, most of Pact’s partners that provide free legal service did not previously use computers in their work. Instead, they filed labor rights charges using typewriters or hand-written charge forms. Many also did not have organizational websites, nor were they familiar with the available social networking tools that could be used to raise the profiles of their organizations and to network with other organizations working on similar issues. To address this challenge, Pact took steps to train its partners on the use of these tools.

Pact’s Electronic Case Management System (SIADELCA)

First, Pact developed an electronic case management software that allows legal service providers and civil society organizations to automate the collection, monitoring, and management of information related to labor cases. This specialized software monitors from the administrative stage all labor case complaints, isolate patterns, manage statistics and create accurate data on the access to labor justice. It provides legal clinics with a database that includes clients’ personal information, details of their case, details on their (former) employer, court documents, an appointment notification system, and an opinion survey for clients to rate their experience at the clinic. It was created with the goal of increasing the administrative capacity of free legal assistance providers to allow them to take on more labor cases, and thus increase access to labor justice.

SIADELCA can also raise the quality of assistance by streamlining the processes of monitoring labor justice proceedings and delivering accurate and timely information to workers involved in labor disputes. The system enables CALJ program partners to collect and analyze information about labor rights enforcement using disaggregated data, which can be used for the creation of

accurate baseline studies, improved monitoring and evaluation, and more effective research-supported advocacy campaigns.

As a result, SIADELCA helps its users to provide a higher quality service to a larger number of beneficiaries. And with its capacity to collect and analyze large quantities of data, the software also empowers institutions to develop more precise case studies, identify recurring forms or patterns regarding barriers to labor justice.

Additionally, SIADELCA was adapted to the labor code and laws of each country, which makes it a very powerful system. During training on SIADELCA, IT personnel from all the organizations gain practice and experience, as well as valuable tips, on managing the system. At the end of the Program, SIADELCA source codes were donated to all participating counterparts in order for them to make their own adjustments of the software, and eventually share it with other legal clinics.

Pact installed the SIADELCA software in 20 institutions, including Universities and civil society organizations that offer free legal assistance. Not all organizations received in-kind grants but all were supported with installation and training.

Country	Organization
Total	20
Costa Rica	Colegio de Abogados
	Universidad de Costa Rica (UCR)
	Astradomes (CSO)
	CENDEROS (CSO)
Dominican Republic	Ministry of Labor (MOL)
	FLD (CSO)
	CEAJURI (CSO)
El Salvador	Universidad Gerardo Barrios (UGB)
	Universidad Politécnica (UPES)
	Universidad Nacional (UES)
	Universidad Modular Abierta (UMA)
Guatemala	IDHUCA
	Universidad San Carlos (USC)
	Universidad Rafael Landivar (URL)
	Universidad Mariano Galvez (UMG)
	CEADEL (CSO)
Nicaragua	Universidad Politécnica de Nicaragua (Upoli)
	CPDH (CSO)
Honduras	Universidad Nacional Autónoma de Honduras (UNAH)
	Secretaria de Trabajo y Seguridad Social (STSS)

During the course of the Program, Pact also upgraded the system based on counterparts' feedback, adding nine modules that included statistical tables and graphs; calculation of benefits; capability for document scanning. Pact also conducted a pilot project with Frontline SMS and designed a mobile messaging module that was included in the SIADELCA system. The new module based on SMS technology is able to send alerts, hearing scheduling notifications, reminders, referrals, etc. to both the worker and the lawyer or legal assistant responsible for the case.

By strengthening their capacity to provide legal assistance to workers affected by labor rights violations through donations of electronic monitoring systems and computer-equipped offices, Pact increased their administrative capacity to assist and manage a higher number of labor related cases. As a direct result, free legal assistance cases had an impressive increase from 113 in 2009 to 17,236 labor cases attended in 2011 (of which 9,469 were entered into the SIADELCA case management software)¹.

University San Carlos

The People's Legal Clinic at the San Carlos University of Guatemala offers legal assistance to low-income workers and has been working with Pact since SIADELCA was installed in their offices in September 2009.

As observed by Otto Arenas, the Director of the clinic "Thanks to the program, the institution is now able to manage a higher number of labor related cases and offer a personalized attention to workers. Compared to statistics of previous years, the SIADELCA software has allowed the clinic to have a more precise control of the cases that are being addressed, providing the staff all the legal background in order to fasten up the management and administration of record's information.

Technical Assistance and Training

Under the Objective I, Pact provided technical, organizational and administrative assistance to the free legal assistance providers. Technical assistance was provided on matters such as administrative and procedural norms.

Initially, Pact worked with free legal assistance providers to determine what types of capacity building exercises were beneficial for improving the quality of their legal assistance. The assistance came primarily in the form of trainings designed and delivered by consultants hired by Pact. These were aimed at the staff and students working in the clinics, as well as other interested parties.

Pact also provided labor litigation training to legal assistance providers and training sessions were held in Costa Rica, Guatemala, Honduras, Dominican Republic and Nicaragua. These sessions trained free legal service providers on national labor legislation. Legal experts gave the workshops and provided tailored training to individual organizations.

¹ Data collected from the SIADELCA software database. This is the amount of cases attended, not solved. Most cases are still in process.

Similarly, Pact completed the creation of an online labor law and human rights course, plus six specialized courses, one for legal assistance providers in each of the six CAFTA-DR countries. To develop these courses, Pact worked with six experts in labor law, litigation, and human rights, as well as the laws and legal procedures of each country.

In addition, Pact developed a self-teaching training manual on labor law and litigation for each country of the CAFTA-DR. It was distributed to partner organizations as well as lawyers, labor officials, union representatives and civil society organizations that provide legal assistance in labor cases.

It is a step-by-step guide on how to work through a labor case. It was also meant to provide financial assistance: the clinic can sell the manual in order to make a small profit. The income (sale price – cost) is used to support the administrative expenses of the free legal assistance clinics thereby contributing to their operational sustainability. The recuperated cost of the manuals is used to print additional copies of the manual for sale. This process is executed every so often in order to support the sustainability of the clinics providing free legal assistance.

Pact also provided financial support to providers of free legal assistance for them to hire attorney consultants, which in turn provide legal assistance to workers, as well as training and supervision to the staff attorneys and law school student interns. These consultants allow legal assistance providers to serve a greater number of beneficiaries through receiving complaints regarding labor rights violations, helping workers to file charges through the Ministry of Labor, and providing continuous case management services throughout the entire legal process. This support contributes to the project's long-term impact, especially since the consultants are promoting the technical competency and overall professional development of future attorneys.

The following section discusses the performance of Pact in terms of its efforts to strengthen public defenders and free legal assistance providers in each country.

Each of Pact's CALJ partners has had a unique experience in participating in the Program. This report is structured to respond to this reality by discussing efforts separately for each country and counterpart. In addition to outlining the impact of activities implemented by Pact, specific successes are shared.

Costa Rica

In Costa Rica, Pact strengthened the capacity of the Costa Rican Bar Association and the University of Costa Rica through the hiring of consultants, labor law trainings, and donations of equipment.

Before signing an agreement to work with Pact under the CALJ program, the Defensoría Social of the Bar Association (DS) was working primarily with penal cases. Pact paid five legal labor consultants at the clinic to provide valuable training and guidance to the staff and law school student interns to maximize sustainability once the Program would conclude by leaving an installed capacity. The staff and students are gaining hands-on practice on preparing charge documents and legal briefs, as well as frequently visit to courts to follow up on the status of cases. The students also produce monitoring reports for the legal staff regarding progress of cases, which enhance the ability of the attorneys to give high quality and timely assistance to workers.

During the project, the DS saw on average 15 new cases a day and as a result of Pact, the Costa Rican Bar Association provided 1,490 legal consultations, of which 189 cases were settled by sentence or mediation, a major accomplishment given that cases often endure long delays and generate significant costs for the parties involved in the court system.

Because of this program, the Costa Rica Bar Association is able to continue providing free legal assistance to 15 to 20 individuals each day.

In addition to its legal assistance program, it is important to mention that the Bar Association trained 59 attorneys on matters related to domestic and international labor laws. The attorneys participated in an eight-module course. This course covered the following topics: (1) the vision of the Ministry of Labor; (2) jurisdiction; (3) litigation; (4) the reality of labor proceedings; (5) oral arguments in labor proceedings; (6) labor assistance and the filing of charges; (7) access to justice as a fundamental right; and (8) conciliation during labor disputes.

As with other clinics participating in the CALJ program, the DS also received SIADELCA as well as training on its use. According to the clinic's director, the DS welcomed SIADELCA as a useful tool for managing cases, and it is used by the clinic's staff, students and lawyers. With such a high volume of clients, SIADELCA allows the clinic to handle the abundant paperwork on these cases. However, the clinic's staff indicated their desire for SIADELCA to be more accessible. Because SIADELCA is not available online, the independent, pro bono lawyers who work off site must bring their paper files to the clinic to be processed and entered into SIADELCA.

The DS staff interviewed during an evaluation of the Objective I realized in March 2011 felt that Pact's support has been key in allowing the clinic to expand and improve its services. The DS has gained respect from important actors in the Costa Rican legal community as a result of

its work with Pact and is now playing an increasingly important part in promoting workers' rights, and is a leader in free legal assistance in this area in Costa Rica.

During the Program, Pact also provided Universidad de Costa Rica (UCR) with an in-kind grant to scale up free legal assistance services to workers in Costa Rica. Pact donated desktops so the University could expand its free legal services to more workers and also better monitor labor cases through the SIADELCA software.

Additionally, Pact conducted a strategy mapping exercise with UCR's Faculty of Law, in order to 1) provide uninterrupted pro-bono legal services at their legal clinic; and 2) integrate provision of pro-bono legal services at the legal clinic into law students' curriculum.

El Salvador

In El Salvador, Pact started supporting the legal clinic at the University of Gerardo Barrios (UGB) mid-2010. SIADELCA was installed in August 2010, and six staff members received two trainings on the use of the system. Pact provided the clinic with desktops, a printer, and desks to run the software. As one adviser of the clinic mentions: "the equipment has been welcome and it is for us a very valuable part of cooperating with Pact".

The UGB clinic handles a relatively limited number of labor cases, only having begun to focus on labor law since cooperation with Pact began. Participating in the CALJ program has refocused the clinic's attention on working with labor justice

cases and generated enthusiasm about working to address labor rights in El Salvador. The clinic is enjoying benefits from the installation of SIADELCA and equipment donations as they contribute to improved efficiency and better interactions with clients.

UGB

Putting Pact Trainings to Use

One legal adviser at the UGB clinic has attended Pact-sponsored interest-based bargaining (IBB) trainings as part of the CALJ program's Objective 4. The adviser saw an opportunity to put the knowledge he gained into practice in his work with students in the law school. He designed a classroom exercise in the form of a case study, and assigned his students the task of analyzing the interests and relative power of the different actors. The students showed great enthusiasm for the exercise, and stated that they could imagine many opportunities when IBB skills could be useful in working with clients, especially on labor cases.

Guatemala

For 45 years the legal clinic at the University of Rafael Landívar (URL) in Guatemala City has been providing free legal assistance to individuals with limited resources and offering opportunities for the URL's law students to gain practical skills.

Pact noted that despite being well established, the URL clinic handled few labor cases relative to other legal areas, particularly since the establishment of the Public Defender's Office at the Ministry of Labor. Most of the labor cases seen at the clinic involved claims against the Guatemalan Social Security Institute. They constituted a large number of labor cases because Guatemala City's other free legal clinic, at the University of San Carlos (USC), receives government grants and therefore is unable to handle these politically sensitive cases.

To improve the URL's case management system, Pact provided URL SIADELCA and technical assistance starting in 2010. Pact delivered training to administrative and legal staff of the clinic on using the system. In addition, as requested by the University, Pact provided hands-on training for lawyers and students, as well as materials.

A series of labor workshops were held in Guatemala City aimed at students of the Faculty of Legal and Social Sciences of the University, consultants and directors of various legal assistance clinics from different campuses of the University (Huehuetenango, Quetzaltenango and Alta Verapaz) and the Ministry of Labor. The trainings were conducted by experts in labor law and focused on topics such as "Interest-based Bargaining" and "Labor Jurisprudence of the Constitutional Court".

Additionally, Pact and the URL elaborated the Labor Litigation Manual entitled "Handbook for resolution of labor disputes" so labor attorneys and law students can have a powerful domestic and international legal instrument at their disposal.

Finally, as a result of Pact's cooperation, the URL entered 839 labor cases into the SIADELCA software during the course of the project, which demonstrates a significant increase in the provision of free legal assistance for workers.

During the Program, Pact also provided an in-kind grant to Universidad San Carlos (USC) to assist in their objective to scale up free legal assistance services to workers in Guatemala. The legal clinic at the USC has a dual role providing free legal services for people with few resources, and providing practical learning experience for law students at the university. The clinic provides free legal services in the areas of labor, penal, family and civil law. The clinic started working with Pact since SIADELCA was installed in their offices in September 2009. Pact donated equipment through an in-kind grant, including office desks and chairs, three computers and software, a printer, a modem and a new server.

Trainings were created with Pact's support and were met with great enthusiasm. They were successful in increasing practical knowledge of the people who work in the clinics, and reached their goal of increasing quality of labor justice.

USC's clinic shared with evaluators of the Objective One (see Evaluation at the end of this section), that their experience with SIADELCA was positive. Every interviewee said that SIADELCA is useful for managing cases and that it has increased the speed and fluidity with which they can assist clients. This results from ease of access to electronic documents contributing to better time management and to the increased ability for advisers to manage interns more efficiently. The advisers mentioned that they now are able to see what stage of the legal process each case is in and ensure that students are following up on the cases correctly and in a timely fashion. The legal advisers stated that the SIADELCA reports are useful both in assisting with data required for reporting to donors and to the university; and also for analyzing the number and type of cases that come to the clinic, and creating information which can be used to create a plan of action and also strategies to attract more clients to the clinic.

During the course of the project, Pact and the USC determined the clinic's labor justice work needed more publicity. The university's relationship with the MINTRAB helped to bring new labor cases into the office, but the clinic's use of the USC radio station to advertise its services didn't have a significant effect on the number of people coming in. The clinic did not have the resources available to scale up publicity.

Although Pact supported the clinic's determination to increase the publicity at the clinic, there hadn't been financial help forthcoming for this matter. Ideas coming from the university and the clinic were too expensive. In September 2011, after refining some of these approaches to ensure that efforts meet with success, Pact provided an in-kind grant to Universidad San Carlos (USC) to fund their strategy to attract more workers. Included in this in-kind grant, was equipment for broadcasting, so that they can disseminate information on labor rights and inform workers of their services.

During the project, Pact also promoted an Inter-Clinic Alliance with the MINTRAB to create an arrangement for sending more labor cases. In February 24th 2011, the Inter-Clinic Alliance was signed between the University Rafael Landivar, the Bufete Popular of the University San Carlos, the University Mariano Galvez and MINTRAB.

The alliance represents a strong opportunity to create a support system between the clinics and to bolster the reputation of free labor law assistance in the country. One clinic on its own may be unable to have an impact on perception of labor justice and clients may not trust that the clinic will be able to take on large employers. However, an alliance of institutions working together and sharing knowledge can increase the public's trust in the institution as well as improve the quality of services given by each clinic. This Alliance is a good opportunity for progress in the field of labor justice in Guatemala.

Honduras

In Honduras, Pact supported the Free Legal Advice Clinic, Consultorio Juridico Gratuito (CJG) of the UNAH, but also benefited the Ministry of Labor and the Catholic University of Honduras (UNICAH) through trainings and the donations of materials.

Pact provided computer related inputs to UNAH's CJG and workstation furniture. The primary purpose for providing these inputs was for CJG to be able to install and operate the Electronic Case Management System (SIADLCA).

Based on discussions between Pact, its facilitator in Honduras and the representatives of the Free Legal Clinic at UNAH, it was determined that the organization required support in the following areas: support in maintaining sustainable assistance, increase technical capacity for its staff in Labor Law to provide a high quality service, and promotion of its services to reach a higher number of workers. These areas of support were consistent with the activities established for the Program's Objective I, and included the following three initiatives:

Provide 1000 copies of Pact's Honduras Labor Litigation Manual

Pact produced, edited and printed 1000 copies of the Honduran Labor Litigation Manual and donated it to different institutions, including the Ministry of Labor and the National Autonomous University of Honduras (UNAH). Half of the manuals (500) were delivered to the Legal Clinic of the UNAH and distributed among lawyers, teachers and advisors in order to unify the labor procedures, create support or assistance to the legal advocates, reduce time in the administrative and legal proceedings, and increase the capacities of the Legal Clinic lawyers.

This initiative also allowed the Free Legal Clinic at UNAH to sell copies of this manual and generate income. The income is being used to support the administrative expenses of the clinic thereby contributing to its operational sustainability. The selling of the Labor Litigation Manual by the Free Legal Clinic at UNAH also allowed this important document to be disseminated in Honduras. In addition, UNAH included the manual as part of the curriculum that law students studying labor law use in their courses.

Specialized Training to technical staff in Labor Law Aspects

In February 2011, Pact inaugurated the 6-module (3 days per module) training program for strengthening the capacities of professionals working in free legal clinics. Thirty individuals from the UNAH, UNICAH and Ministry of Labor and Social Security took part in this 156-hour training program. Additionally, three Workers Centrals attended the training: Central General de Trabajadores (CGT), Confederación de Trabajadores de Honduras (CTH) and Confederación Unitaria de Trabajadores (CUTH).

Module I Substantive Labor Rights – National and International Legislation, February 18-19-25 and 26
Module II Procedural Labor Rights - Resources for the Investigation Stage, March 4-5-11-12 and 18
Module III Investigation and Oral Litigation Techniques, March 19-25-26 and April 1-2
Module IV Module V Barriers to Access to Labor Justice, August 18-19-20
Module V Decision Making – Interest Based Bargaining, August 11-12-13
Module VI “Training of Trainers” in Labor Law August 25-26-27

Also, in March, Pact conducted a joint training for the legal assistance clinic of the UNAH and the Ministry of Labor of Honduras to install the final version of the SIADELCA software (including the 9 additional modules).

Promote the Provision of Free Labor Legal Advice

Even if the demand for legal advice in labor cases of the UNAH’s Legal Clinic was significant; Pact and the institution were committed to scale up free legal services to workers. Pact supported this objective by providing resources to promote this service through the grant for items such as: radio spots, brochures, posters and banners.

In 2010, prior to support from Pact, UNAH’s Free Legal Advice Clinic received and handled 110 cases for workers’ rights; from January 2011 to June 2011, the number of workers’ cases UNAH has handled rose to 468. As such, with Pact support, the Free Legal Advice Clinic has scaled up their services to workers by 40%; in the second half of 2011, the same impact was expected and then a further 50% increase legal cases in 2012. Adding this amount of case load required further support from Pact, in human resource training and equipment support.

UNAH submitted an application for further Pact funding and support to their Free Legal Advice Clinic. In 2011, the University constructed a new building on its main university campus in Tegucigalpa, Honduras, to better serve the objectives of the Free Legal Advice Clinic. The building is a spacious and modern facility, which is easier to maintain a full staff of lawyers and law students to provide free legal services.

Pact provided a cost extension to the in-kind grant provided to UNAH to support and equip the Free Legal Advice Clinic, with the objective of scaling up their legal service assistance to workers, as well as providing better quality services. Items included are computers, printer, furniture for pro-bono lawyer staff, and furniture for clients accessing legal services at the clinic.

The new Clinic now has better equipment, drawing in more clients as the Clinic provides better services to more workers. The Clinic is also able to implement their procedure for admitting and assigning workers to the pro-bono lawyers. From workers’ first point of entry through the Social Work Office (where they are assigned / matched with a pro-bono lawyer), to receiving legal advice in the Advisory room, to seeing their case adjudicated in the Legal Settlement Area, workers are ensured quality legal service.

SUCCESS STORY

Pact El Salvador ensuring better quality services to workers in Honduras



Workers receiving free legal assistance in the Free Legal Advice Clinic of the UNAH

Pact increased UNAH's administrative capacity to assist and manage a higher number of labor related cases.

www.consultoriojuridico GRATUITO.unah.org/

Prior to support from Pact, the Universidad Nacional Autónoma de Honduras (UNAH)'s Free Legal Advice Clinic received and handled approximately 110 labor cases a year. From January to September 2011, the number of workers' cases UNAH has handled rose to 468. Also with Pact support, the Free Legal Advice Clinic has scaled up their services to workers by **40%**; in the second half of 2011, they project the same impact, followed by a further **50%** projected increase in legal cases in 2012.

Also in 2011, UNAH constructed a new building on its main university campus in Tegucigalpa, Honduras, to better serve the objectives of its Free Legal Advice Clinic. The building is a spacious and modern facility, which maintains a full staff of trained professionals and students to provide free legal services.

Pact provided support and funding to equip the new Free Legal Advice Clinic to scale up their legal service assistance to workers, as well as provide better quality services.

As mentioned by Waleska Paz de Pineda, director of the Clinic, "from workers' first point of entry through the office (where they are assigned / matched with a pro-bono lawyer), to receiving legal advice in the advisory room, to seeing their case adjudicated in the Legal Settlement Area, workers are now ensured high quality legal service."

By, supporting the UNAH in human resource training and equipment, Pact El Salvador furthered increase access to labor justice in Honduras.

Nicaragua

Founded in 1997, the free legal clinic at the Polytechnic University of Nicaragua (UPOLI) is a formal part of the university and provides free legal services in all areas of law. Pact has been working with UPOLI since 2010 with different grants covering different objectives of the Program. UPOLI started using SIADELCA in June 2010 and has received two in-kind grants, under the Objective I, the first in April 2010 and again in February 2011.

UPOLI has been highly successful in improving access to labor justice, and founded the Nicaraguan Multi-Sector Labor Justice Network – a working group of ten civil society organizations working to support labor justice. UPOLI has utilized Pact trainings, funds, support and guidance to make access to and delivery of their services more efficient and effective. Pact provided UPOLI with computer-related technologies through in-kind grants, and supported the construction of the clinic’s new office on the university’s campus. Several lawyers and interns working on-site described the clinic as making a significant impact on labor justice in Nicaragua. They explained that businesses are now aware that free labor legal services are available, and therefore are taking preemptive measures to improve conditions in the workplace. The general population also knows that they have access to free legal services.

Pact awarded UPOLI with two in-kind grants for computer-related technologies: a modem and desks and chairs for the creation of workstations in order to run the SIADELCA. SIADELCA has received very positive results and has improved the efficiency of the organization. The ability to adapt and increase functionality of SIADELCA, coupled with the ability to communicate with beneficiaries from a computer via SMS Messaging Module, has created a dramatic improvement in the clinic’s work.

During the course of the project, UPOLI entered 1,939 cases to the SIADELCA software, which represents an impressive increase since UPOLI wasn’t handling labor cases before cooperating with the Program. The clinic is now handling around eighty labor cases per month and confessed that it has seen a substantial increase in labor cases since signing an agreement with the MINTRAB, which sends the clinic cases involving poor workers when the ministry is overwhelmed. The clinic also receives cases in which employees and employers fail to reach an out-of-court agreement.

UPOLI
Increasing Access to Legal Assistance
In addition to advertising its services on the university’s website, every Thursday morning UPOLI has 20 minutes of air time on the public television station Canal 10 to discuss legal topics. Legal consultants discuss changes in laws, how to access the justice system and file a complaint, and outline what citizens’ rights are in certain situations. The show is often used to educate the public on their rights and the structure of the laws. Viewers have the opportunity to call and ask the legal experts questions, and also can email the experts directly. Canal 10 is a national station and does not require access to cable television. As tracked using SIADELCA, the majority of clients coming to UPOLI have heard about the clinic through the show or from someone who has viewed it. Legal consultants also discuss similar issues on the radio for an hour each week.

In order to make legal assistance providers more technically competent in labor justice cases, Pact hired a consultant to write and publish a Labor Litigation Manual specific to the Nicaraguan legal system. The manual provides an outline of the legal system and the appropriate steps to take in particular situations, as well as explaining the administrative procedures.

Pact also edited, printed and published 500 copies of this Manual on Procedural Labor Law. Its distribution permitted public defenders, labor attorneys and law students to have a powerful domestic and international legal instrument at their disposal. This book includes an important chapter on the new Labor Code of Nicaragua, which was presented to the National Commission, in which three teachers of the UPOLI Law School were the principal advisers.

The manuals are being sold to students and the funds are going to the Legal Clinic of the University. This initiative was proposed by Pact to cover the clinic's operating expenses in order to focus on self-sustainability. During the course of the project, 275 copies were sold, raising over \$2000 for the clinic.

Additionally, the manual was introduced at the XVIII Latin American Congress of Labor and Social Security, which took place between November 17 and 19, 2010. Dr. Oscar Castillo, director of the Free Legal Clinic of the University, listed the following points of impact because of the cooperation with Pact:

- The Legal clinic has a leader team and highly trained interns in the field of Labor Law and Social Security, which provide a free and high quality legal service.
- The clinic, with support from Pact, has unquestionably expanded.
- The program has allowed disseminating labor rights information in the media: Radio Corporation and Channel 10, both of national coverage, among others.
- Labor litigation support, as well as legal advice and consultations have increased more than expected.
- Legal assistance and consultations have also increase more than expected; the impact can be measured quantitatively and qualitatively.
- There is now a new national bibliographic work regarding labor law, which allows access to updated material in the matter, in order to facilitate understanding and contribute to student awareness regarding its future professional performance in the field of labor law.

In Nicaragua, Pact has conducted trainings every few months covering a range of topics from SIADELCA to interest-based bargaining. Interns and lawyers who missed Pact trainings received instruction or information from those who were able to attend. The trainings served to increase the capacity of staff to provide professional, high-quality legal assistance.

For the first phase of trainings, Pact hired consultants to teach seven specialized labor law courses through the university, each with a total duration of 24 classroom hours.

UPOLI Labor Law Trainings

Module I Constitutional and International Principles of Labor Law, January 14th to 16th, 2010

Module II Laboral Procedural Law, Evidentiary Proceedings, and Legal Remedies, January 21st to 23rd, 2010

Module III Investigative Techniques and Oral Litigation as a Tool for Judicial Efficacy, January 28th to 30th, 2010

Module IV Laboral Administrative Proceedings, February 10th to 12th, 2010

Module V Decision-making and Interest-Based Bargaining, February 17th to 19th, 2010

Module VI Labor Law “Training of Trainers”, February 24th to 26th, 2010

Module VII Barriers to Access to Labor Justice, March 3rd to 5th, 2010

The second phase of workshops for the staff of the Free Legal Assistance Clinic was conducted in October and November of 2010. Four additional modules were taught by highly experienced professionals in the field. The novelty of this new phase of workshops was in the focal point of Social Security Law (award of benefits), a subject of much relevance to the clinic's labor demands.

Module VIII Interpretation and application of Labor Judicial Doctrine, October 11th to 14th

Module IX Collective Labor Disputes, October 18th to 21st

Module X Oral Labor Trial, October 25th to 28th

Module XI Social Security Laws, November 1st to 5th

Training focused on Labor Law and 30 people attended (22 interns/students and 8 teachers of Law School) both phases.

In February 2011, Pact approved the second in-kind grant to create and equip the new trial chamber of the Upoli in which real labor trials take place, facilitating access to labor justice for workers, in the same center where they receive counseling and legal advice. The chamber also provides students of law school the opportunity to complete their internships, so they can participate in labor trials and eventually pursue careers in that field of law. The experience they gain working on labor issues greatly benefits the labor sectors and workers' and employers' access to labor justice in Nicaragua.

Dominican Republic

In the Dominican Republic, Pact partnered with the Ministry of Labor in order to increase access to legal assistance on a national level.

The Ministry of Labor of the Dominican Republic provides legal representation to employers and workers that do not have the financial resources to hire a personal lawyer to represent them. The free legal assistance department works with a group of legal professionals, scattered in different provinces of the country.

Given that labor law is very dynamic and changing, Pact and the Ministry of Labor opted to update the knowledge on relevant issues in this area of law, therefore their lawyers could be ready to respond to requests of assistance received by the Legal department.

The National Judicial College (*Escuela Nacional de Judicatura* – ENJ), directly related to the Supreme Court of the Dominican Republic, was chosen to conduct the trainings. This institution is also responsible for the supervision and evaluation of judges in the Dominican Republic. The School implements a set of programs designed to meet training needs of lawyers and, to the possible extent, enrich the legal system and the relationships between various actors in the national and international legal communities.

Pact conducted a three-month training program in collaboration with ENJ that aimed at strengthening the skills and legal knowledge of the lawyers of the Judicial Assistance Units of the Ministry of Labor to provide an adequate defense for the workers.

The following modules were conducted:

Module I: Constitutional Principles applicable to the Labor Process

Module II: Organization of the Labor Courts

Module III: The Instance in Labor Law

Module IV: Special Procedures

Module V: Judgment, Referral and Implementation

Module VI: Resources

Module VII: Criminal Labor Law

Module VIII: Social Security Litigation

From January to April 2011, 38 lawyers of the Ministry of Labor of the Dominican Republic optimized their knowledge on labor rights and competency in handling labor justice cases.

Additionally, Pact elaborated two publications to strengthen the capacities of the staff of the Judicial Assistance Unit of the Ministry of Labor. Pact selected an attorney to research, write, and publish these documents, tailored to the Dominican context. Administrative Guidelines for the Provision of Legal Assistance Service and Labor Procedure Guide contribute to the ability of public defenders, labor attorneys, and law students to provide effective counsel to workers affected by labor violations.

Pact also provided 15 computers and eight printers to four regional Ministry of Labor offices. To further increase the IT capabilities of the Ministry of Labor, Pact installed the SIADELCA software on computers in these Ministry offices located in Santo Domingo, Santiago, San Pedro de Macoris, and San Cristobal. Pact conducted a three-day training during which Ministry of Labor attorneys gained hands-on practice using the SIADELCA software to collect, monitor, and manage information related to labor case files.

Regional Offices	Computers	Printers
Total	Fifteen (15) desktops	8 multifunctional printers
Headquarters	Four (4) desktops	1 multifunctional printer
Santo Domingo province	Two (2) desktops	1 multifunctional printer
Santo Domingo West	Two (2) desktops	1 multifunctional printer
Santiago	Three (3) desktops	1 multifunctional printer
San Cristóbal	One (1) desktop	1 multifunctional printer
San Pedro de Macorís	One (1) desktop	1 multifunctional printer
San Francisco de Macorís	One (1) desktop	1 multifunctional printer
La Vega	One (1) desktop	1 multifunctional printer

In August 2011, the Ministry of Labor placed on its website an Electronic Case Management System for Legal Assistance (<http://sictet.set.gov.do>) that allows lawyers to access the system from all regional offices.

Pact also installed the SIADELCA software in three civil society organizations in the Dominican Republic: FLD, CEAJURI and CEDAIL.

Finally, the regional offices of the Ministry of Labor entered 130 cases to the Electronic Case Management System, SIADELCA, distributed between Headquarters, Santo Domingo, San Cristóbal, Santiago and San Pedro de Macoris.

Dominican Republic Free Legal Assistance Cases

Baseline (December 31, 2009)	5,950 cases
Amount of cases up to October 31, 2011	8,282 cases
Entered cases in the SIADELCA software between January 1, 2011 and October 31, 2011	2,332 cases
Percentage increase of free legal assistance during the course of the project (%)	39 %

As shown in the previous table, free legal assistance provided to workers in the Dominican Republic was marked by a notable 39% increase during the course of the project. The Ministry of Labor, through its regional offices, entered 2,332 of the 8,282 cases they attended, and is confident that by 2012 all cases will be digitalized in the system.

SUCCESS STORY

Pact El Salvador forming an important alliance to further increase access to labor justice



The Organization of American States; under its project to promote access to justice and legal assistance to vulnerable groups through free consultations at universities share Pact's vision and ambition to spread access to labor justice for the most vulnerable groups of society, particularly among the justice system actors and future law students.

As part of the first objective of the USAID Citizens' Access to Labor Justice Program, Pact El Salvador designed and implemented a Legal labor case management system, SIADELCA, which enables organizations to record and follow up on legal processes by tracking workers' rights cases as they progress through the legal system.

In February 2011, Pact and the Organization of American States (OAS) signed an important agreement to form an alliance to share such legal labor case management and monitoring system to help the most vulnerable groups by strengthening the work of free legal aid offices throughout OAS Member States.

In the words of the Director of the USAID Mission in El Salvador, Mr. Carl Derrick, "this agreement will highly improve access to labor justice in the Central American region and promote free legal assistance to vulnerable groups. SIADELCA is a technological tool that will enhance the ability to handle a large number of labor cases, strengthening the services provided by the legal assistance clinics to the community and will benefit the most vulnerable workers."

During the following months, the case management and monitoring software was successfully created and designed, derived from the Pact and USAID software platform, and installed throughout OAS Member States.

This derived software was a huge success among the different free legal aid offices where it was tested (Universities in Uruguay, El Salvador and Guatemala), generating a lot of excitement in the field.

According to the Letter of Agreement and License Agreement signed by Pact, USAID and the General Secretariat of the OAS, the OAS communicated its intention to grant a license for the use of this derived software to the University Center of Brasilia, UniCEUB.

In a communication sent to Pact in November 2011, Evelyn Jacir de Lovo, Director of the Department of Social Development and Employment of the OAS, “we deeply thank the help of your organization in making this collaborative effort a huge success and an example to follow for future challenges to address.”

Evaluation assessment of the Objective I

In March 2011, Pact received the visit of an evaluation team of the George Washington University (GWU) that conducted an impact evaluation of the Program’s Objective I, focusing on the following countries: Guatemala, El Salvador, Nicaragua and Costa Rica.

The main purpose of the evaluation was to evaluate the impact of acquisition of the SIADELCA case management database system on Pact’s legal assistance provider partners and the impact of Pact’s training and technical assistance activities in improving the capacity of legal assistance partners to provide quality services.

The institutional partners involved in this evaluation included the following: the University Gerardo Barrios in San Miguel, El Salvador; the University of El Salvador in San Salvador, El Salvador; the University San Carlos and University Rafael Landivar in Guatemala City, Guatemala; the Polytechnic University of Nicaragua and the Colegio de Abogados (Bar Association) in Costa Rica.

Field research in support of the evaluation was carried out in Central America and the evaluation team conducted interviews with Pact staff and program participants at five legal clinics in four countries (Costa Rica, El Salvador, Guatemala and Nicaragua). Interviews were conducted with over 40 individuals, including Pact staff; directors, lawyers, student interns and other employees of Pact’s program partners; and clients receiving services from the legal clinics.

Pact requested that the evaluation team compile and analyze data collected through document review and key stakeholder interviews to outline the impact of the CALJ program and to develop a set of recommendations to refine Pact’s approach and implementation of Objective I. Pact requested that the evaluation team examine the key components of its activities, including the electronic case management database system (SIADELCA), technical assistance and training, in-kind grants, and support in building alliances and relationships for cooperation. Additionally the evaluation focused on the relationship between Pact, its legal assistance partners and partner institutions, including universities and government agencies. An underlying theme throughout the interviews was the prospect for the sustainability of Pact’s efforts.

Following a review of relevant program documents, the team conducted interviews with over forty individuals including Pact staff and employees and clients of legal clinics participating in the CALJ Program.

The evaluation notes that Pact's CALJ partners and other program stakeholders expressed satisfaction and appreciation for the technical and material assistance provided and also noted improvements in technical capacity to handle various types of labor cases as a result of trainings and self-learning manuals received. Material assistance and provision of SIADELCA has helped improve clinics' administrative capacity and general efficiency.

In response to the aforementioned findings and discussion, the evaluation team formulated a set of recommendations that could help increase for any future activity that may be undertaken in the field of labor law in this region:

- Carefully consider the inherent tension between increasing access and increasing quality of free legal assistance while ensuring sustainability of CALJ interventions.
- Work with clinics in upcoming organizational capacity assessments (OCA) to develop strategic plans with focused priorities, establishing realistic targets that balance quality and quantity in improving labor justice.
- Consider options for assisting legal clinics at universities to play their dual role in offering free legal services while educating the next generation of lawyers. Improvements in managing this balance might also help to improve efficiency.
- Assume a proactive, comprehensive role in creating, nurturing and motivating alliances and partnerships among clinics and between clinics and public- or private-sector partners, including establishing goals, vision and action plans where appropriate.
- Address the lack of labor cases seen in certain partner institutions, identifying opportunities for CALJ program interventions or advising clinics on education and outreach strategies to address this phenomenon.



Civil society contributes to transparency and accountability in the labor justice system and facilitates the achievement of the region's goals for the administration of labor justice

Under the Objective Two, Pact bolstered the capacity of civil society organizations working to promote transparency and accountability within the labor justice system through its Grants Program. By providing grants to CSOs, the Grants Program strengthened the capacity of these organizations to be good service providers, represent their stakeholders, network with others for learning and knowledge sharing, and advocate for social, economic, and environmental justice. The purpose of the Grants Program was to support organizations working to achieve transparency and accountability (Objective 2), but also to eliminate gender and other forms of discrimination (Objective 3).

Pact awarded a total of \$905,672.70 to 18 counterparts under the Objective 2's Grants Program. These grantees carried out a wide range of activities aimed at improving access to labor justice. Activities targeted employers and workers considered especially vulnerable to labor rights violations.

Objective II Grants Program

Country	Organization	Award Amount
Total		\$905,672.70
Costa Rica	ASTRADOMES	\$60,728.32
	CENDEROS	\$78,288.17
	CMTC	\$18,964.50
	JUNIOR ACHIEVEMENT	\$48,717.48
Dominican Republic	CEAJURI	\$73,369.37
	CEDAIL	\$22,271
	FLD	\$89,341.60
El Salvador	ATLACATL	\$79,145.83
	CTA-YAVE	\$10,412.73
	IDHUCA	\$83,399.05
	MUJERES	\$40,044.20
	TRANSFORMANDO	
Guatemala	ASI	\$20,758.94
	CEADEL	\$70,466.39
	PPT	\$49,161.36
Nicaragua	ATRAHDOM	\$16,739.40
	CPDH	\$94,805.16
	UPOLI	\$17,380.00
	PAULO FREIRE	\$22,654.83

Objective Two: Grant Design and Grant Making

Under Objective Two, Pact's grantmaking focused on supporting a network of civil society organizations that provide labor services. Specifically, Pact supported worker organizations that undertook innovative and relevant research on issues faced by workers, monitored labor justice cases, raise public awareness of labor rights and access to labor justice, and conducted advocacy campaigns vis-à-vis their respective governments and private sector on issues pertaining to workers' rights. Initially with the technical assistance of IIDH, and then after funding to IIDH ended, with the input of other expert organizations and multi-lateral organizations in the region, Pact undertook scoping studies in order to locate civil society organizations implementing worker activities described above in each of the countries, so that they may apply for grant funds following Pact's assessment of their technical and organizational capacity and needs.

Objective Two: Grant Implementation

Final funding amount to grantees under Objective Two comprised approximately 75% of total budget amount to all subgranting activities under Objectives one, two, and four. Such large proportion of grant funds being allocated to this Objective is due largely to the scale and scope of the Objective. Another influential factor is that civil society organizations need resource support in Other Direct Costs and Personnel Costs. Pact, however, limited all such costs to 10 to 20 percent of grantee budgets, making about 80 to 90% of Pact subgranting funds towards support of activities.

Through these CSOs, Pact was able to not only reach workers with activities as outlined above, but also reach special target populations such as migrant workers, workers who had hearing and speech impairment, female workers, and indigenous workers.

Two common challenges were identified in almost all Objective Two grantees. First, civil society organizations had few staff to take on the increased workload. Since Pact, and other donors, are increasingly unwilling to fund personnel costs and other direct costs – this meant that their staff were taking on additional work, often with little pay and no additional human resource assistance. This reduced subgrantee responsiveness to Pact, and the organizations' ability to meet reporting deadlines. Secondly, the short grant cycle meant Pact and our subgrant partners had difficulty observing project impact. From subgranting perspective, short grant cycle also means this affected overall project burn rates, as frequent subgrant project solicitation, startup and closeout affected the rate in which subgrant money was spent. In spite of these challenges, through grant making, Pact was able to support organizations implementing Objective Two activities, while also building their overall organizational capacity to meet future financial sustainability challenges.

Organized by country, the following section discusses the organizations and the activities they implemented under Pact's Grants Program. Many of these organizations conducted activities that fall under both Objectives 2 and 3.

Costa Rica

Association of Domestic Workers (ASTRADOMES)

Under Pact's Grants Program, in 2009, the Association of Domestic Workers (ASTRADOMES) conducted a successful advocacy campaign that contributed to the reform of the Costa Rican Labor Code regarding the rights of domestic workers. This landmark reform expanded the rights of domestic workers in Costa Rica and served as a model for other countries in the region regarding extending legal protections to specific groups of vulnerable workers.

ASTRADOMES strived to enhance the leadership capacity of migrant women working within the domestic service industry. The project entitled "Advocacy for defending Labor Rights of remunerated Household Workers" aimed to improve the capacity of domestic workers to organize and carry out effective political advocacy campaigns to achieve labor rights equality for local and migrant women. ASTRADOMES was originally granted an award for \$38,350, but after a cost-extension modification, the award amount was increased to \$60,728.32, to be executed from July 2009 to July 2011.

Within the Program, ASTRADOMES' work included activities such as: developing a campaign to increase public awareness on the rights of women working as maids, strengthening at a local level leadership within this group of workers, and advocating within the legal system authorities for the enforcement of the rights of Costa Rican and migrant women.

Awareness campaign to increase advocacy at the local level

ASTRADOMES participated in various radio shows to talk about law reforms that benefit domestic workers. The organization also elaborated a radio spot titled "Justice starts at home" that was broadcasted 166 times and was supported by the Jesuit Service and the University of Costa Rica:

- Radio La Mejor (FM): 12 spots, 4 days
- Radio Managua (AM): 16 spots, 4 days
- Radio Cucú (AM): 105 spots, 15 days
- Radio La Gigante (AM): 30 spots, 5 days
- Program "Hablando claro" of Radio Columbia (FM): 3 spots, 3 days

Two brochures were designed containing information on the Domestic Worker Law (Law 8726), one directed to domestic workers and the other directed to employers. An awareness campaign was also organized in the Merced Park and Central Park of San Jose, on two Sunday afternoons, during which thousands of brochures were distributed by ASTRADOMES' workers.

Strengthen leadership at the local level

ASTRADOMES established three working groups, each with the purpose of organizing and implementing workshops, finding locations to host future workshops, and facilitating contact with local institutions or public policy entities entrusted to support the rights of workers. Located in Pérez Zeledón, Turrialba, and Heredia, these working groups held monthly meetings with inspectors from the Ministry of Labor with the purpose of promoting increased coordination and awareness of the problems faced by this segment of the workforce.

The organization also implemented workshops on the rights and responsibilities of domestic workers; four workshops were conducted and attended by 89 individuals. For its training held in Turrialba, it is important to highlight that ASTRADOMES received the support of several key institutions, including the Municipal Office of the Woman in Turrialba (Oficina Municipal de la Mujer), Radio Cultural, National Institute for Women (Instituto Nacional de las Mujeres, INAMU), and the Alliance for Women of Costa Rica (Alianza de Mujeres Costaricenses)

Additionally, ASTRADOMES conducted trainings in Liberia and Cañas, located in Guanacaste province for women leaders regarding the new protections offered by the law. A total of 46 domestic workers participated in these trainings.

Advocacy with authorities for the rights of migrant and local remunerated household workers

The organization also conducted advocacy campaigns aimed at improving access to labor justice for domestic workers. First, staff members coordinated meetings with the National Institute for Women (Instituto Nacional de la Mujeres, INAMU). The objective of these meetings was to develop an advocacy campaign aimed at the creation of a minimum wage for domestic workers, just as there is a minimum wage for other unskilled workers. Second, the organization forged an alliance with the Women's Commission (Comisión de la Mujer) of the National Legislative Assembly. The staff held discussions with the Commission in an effort to gain their support for the establishment of a National Domestic Workers Day in Costa Rica. Furthermore, the organization advocated for the government to regulate which institutions will be entrusted to enforce the Domestic Worker Law (Law 8726, Chapter 8, Section 2, Article 2). Finally, the organization met with representatives from the Women's Defense Office (Defensoría de la Mujer).

As a result of these advocacy efforts, the Office agreed to produce educational posters aimed at informing employers regarding the labor rights of domestic workers under the Domestic Worker Law. Under this agreement, the posters were posted in banking institutions throughout the country.

Free legal assistance to domestic workers

ASTRADOMES also provided legal advice to 260 women, representing 87% of their goal to reach a total of 300 workers. This assistance focused on providing information regarding the

total number of hours that domestic workers may be required to work, the salary they should receive for hours worked, and calculating vacation pay owed by employers, among other related topics. It is also worth noting that a total of 120 employers requested information to ASTRADOMES. These requests tended to come from employers seeking information about the Domestic Worker Law and the implications of this law for their employees.

ASTRADOMES on the international scene



During the course of the project, ASTRADOMES took part in various important international meetings. First, the organization was invited to an International Forum on Decent Work for Domestic Workers on April 1st, 2nd, 3rd, 2011 in Mexico. ASTRADOMES' representative gave a presentation on the situation of workers in Costa Rica and made important contacts in the field. Thanks to this appearance, ASTRADOMES was later

approached by an ILO representative to assist the 100th annual Conference of the International Labor Organization (ILO).

In June 2011, Carmen Cruz traveled to Geneva, Switzerland to participate in the Conference during which a historic set of international standards aimed at improving the working conditions of millions of domestic workers worldwide was adopted.

The Convention on Domestic Workers (2011) was adopted, as well as its Recommendation. The new ILO standards set out that domestic workers around the world who care for families and households, must have the same basic labor rights as those available to other workers:

ILO CONVENTION

Advocacy for Domestic Workers

During June took place in Geneva, Switzerland, the International Labor Conference, which was attended by Maria del Carmen Cruz, representative of ASTRADOMES. She shared her experience with Pact and thanked the Program for its continuing support:

“The experience was very positive and enriching, I feel I have learned so much, and I am very grateful for having had the chance to participate in such a notorious win for all domestic workers around the world.

It was a tripartite agreement, for the first time in my life, I realized that it was possible to have a binding agreement between government, employers and workers. We worked really hard, on each article. It had to be written in 3 languages: English, French and Spanish, so if words had different meanings, subamendments had to be made.

However, the experience was very satisfying when the Convention and Recommendation were adopted. It is such a victory! Now domestic workers around the world have the same basic labor rights as those available to other workers.

I cannot thank enough Pact for supporting and believing in my organization, and giving me the opportunity to grow as an advocate for domestic workers!”

reasonable hours of work, weekly rest of at least 24 consecutive hours, a limit on in-kind payment, clear information on terms and conditions of employment, as well as respect for fundamental principles and rights at work including freedom of association and the right to collective bargaining.

Carmen Cruz also participated in the OCA meetings and shared with Pact that even if the Program came to an end, ASTRADOMES would continue advocating for the rights of domestic workers and migrant women.

Additionally, the organization is part of the Regional Alliance for Worker's Rights that was created among Pact's grantees and took part in the regional meeting that took place in Managua, Nicaragua in November 2011.

Fundacion Centro de Derechos Social del Inmigrante (CENDEROS)

With Pact funding, CENDEROS developed activities conducting labor rights awareness campaigns and providing legal assistance to migrants working in the pineapple, sugarcane and citrus growing industries along the Nicaraguan/Costa Rican border. From July 2009 to November 2011, Pact provided CENDEROS with a grant to support their project covering the northern region of Costa Rica, in Upala, Los Chiles and La Cruz (all border towns).

CENDEROS' project included activities such as awareness raising and education targeting both migrant workers and employers on labor rights and employer responsibilities; setting up a monitoring system to track labor violation and establishing communication strategy and monitoring system with the Ministry of Labor in order to provide them with information on migrants working in their region.

Free legal assistance and work permits information to migrant workers

CENDEROS provided information on work permits and provided free legal assistance to migrant workers through CENDEROS' Houses of Access to Justice for Cross-Border Migrants (CAJUL) in Upala, Los Chiles, and La Cruz. CENDEROS also provided a meeting open space to workers in order to provide group consultations on the work permit application process.

Finally, over the course of the project, CENDEROS provided 594 migrant workers in the border regions of Chiles and Upala with free legal services from its legal clinics and with information on work permits, workers' rights, and access to labor justice.

Trainings and workshops about migrant workers' labor rights

CENDEROS conducted meetings, trainings and workshops targeting government officials in Ministry of Labor and mayor's office, Department of Immigration, municipal staff in the local government offices of Upala, Los Chiles, and La Cruz, and labor unions. Results obtained from these encounters are that an agreement was reached to standardize and formalize the process

of obtaining work permits and also on the process of work permit approvals among government officials processing work permits.

CENDEROS also trained municipal staff on regulatory immigration law, process of obtaining work permits for migrant workers, and workers' rights and workers' access to labor justice. By sensitizing immigration officials on migrant workers' rights, they are now able to provide workers with information on process of obtaining work permit.

In coordination with Ministry of Labor and Department of Immigration, meetings were conducted with employers, mostly of agribusinesses, operating in northern region that employ migrant workers. Discussions focused on Immigration Act and Regulations affecting migrant workers, and the process of work permits. 20 employers were sensitized in immigration laws and regulations affecting migrant workers.

In addition to its advocacy efforts with the Ministry of Labor, CENDEROS also held coordination meetings with the Cross-Border Workers Network (Red de Trabajadores Transfronterizos). The purpose of these meetings was to forge an alliance with this network in order to conduct joint advocacy campaigns in the future. Given their shared mission to promote the rights of migrant workers, this alliance may enable both organizations to expand the impact of their activities. In the future, this alliance may serve as a building block for network strengthening and coalition building activities targeting organizations promoting the labor rights of migrant workers.

CENDEROS held seven (7) meetings and eight (8) information fairs about labor rights of workers and the efforts being made to obtain work permits for the border population. Through these events, CENDEROS reached 922 individuals in the communities of Upala, Los Chiles and La Cruz.

CENDEROS meetings and information fairs, by date and number of participants

Location	Date	Participants
Total		922
El Amparo, Pavonlos, Los Chiles	January 16 th , 2010	12
Cristo Rey, Los Chiles	February 10 th , 2010	6
Berlin, Los Chiles	February 13 th , 2010	14
Bo Chino, Los Chiles	February 16 th , 2010	10
San Antonio, Los Chiles	February 18 th , 2010	9
Los Chiles	March 3 rd , 2010	15
Upala	April 10 th , 2010	15
La Cruz de Upala	June 6 th , 2010	56
Villanueva	July 16 th , 2010	150
Papaturro	July 25 th , 2010	69
Santa Marta de Santa Cecilia de Upala	July 27 th and 28 th , 2010	113
Cuatro Esquinas, Los Chiles	August 22 nd , 2010	216
La Cruz de Upala	August 6 th , 2011	42

Awareness raising and education targeting both migrant workers and employers

The communication strategy focused on three areas: delivery of printed material, among which are the booklets containing images related to the labor experiences and information relating to each of them. Other materials used were the posters and paper pockets, containing articles of the Labor Code relating to the basics of Labor Law.

The second part of the strategy was the photo exhibit on cross-border migration, which included four exhibitions, and was attended by 279 workers, employers, and officials from the Ministry of Labor. In this case, photographers exposed the limitations confronting cross-border workers, through the panels of the photos.

Finally, radio spots were broadcasted with the objective of informing on the minimum wage rights, harassment, sick days, holidays, bonuses and an employer sensitivity spot aimed at employers. These spots were transmitted by three stations Radio La Mejor, Upala Cultural Radio Station and Ciudad Quesada (Los Chiles), for a total of 864 broadcasted spots.

Reports which provided information on migrants' status of labor rights and access to labor justice

During its project, CENDEROS completed and published three reports on the situation of migrants along the Costa Rica-Nicaragua border. The first report, entitled "Cross-Border Population Dynamics," offers a research-based analysis of the cross-border movements of migrant workers. The second report, "Assessment of Labor Rights of Cross-Border Migrant Workers," provides an analysis of the businesses, the population size of migrant workers employed along border region, and the labor conditions within local workplaces. The third report "Problematic knots preventing access to labor justice in the border area and in relation to cross-border workers" covering barriers to labor justice access along the Nicaraguan/Costa Rican border.

CENDEROS' Impact

Broadcasted 864 radio spots with information on migrants labor rights;

Provided 594 migrant workers in the border regions of Chiles and Upala with free legal services.

Developed 3 reports which provided information on migrants' status of labor rights and access to labor justice, with proposals for action;

Reached 922 individuals to discuss labor rights of workers and work permits for the border population.

Central Movement of Costa Rican Workers (CMTC)

Under the Objective 2, CMTC trained physically and mentally disabled persons on their labor rights and responsibilities in order to empower them to have access to labor justice. In addition

CMTC trained 18 of its staff members working in the defense and promotion of labor rights, in the use of LESCO sign language in order to have a better communication with mute & deaf persons, and better support them in their labor justice issues.

In addition, CMTC has ongoing courses on computer science and web design for people with disabilities. Young people, who previously had been discriminated and unable to get jobs, are learning to design databases and some of them are now assistant teachers while others have secured jobs elsewhere.

From October 2010 to March 2011, CMTC conducting trainings of Levels I to VI of LESCO course, which was attended by 18 participants that are directly working with deaf people.

The training program for people with disabilities in labor law was carried out with five (5) workshops of 3 sessions each, using a participative and reflective methodology to provide information on labor laws to 54 disabled persons. Topics focused mainly on the Labor Code, Law on Equal Opportunities for Persons with Disabilities (Law 7600), Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention.

CMTC’s trainings

Training	Participants	Men	Women
Total	72	31	38
Workshop sessions on labor law	54	25	26
LESCO sign language course	18	6	12

JUNIOR ACHIEVEMENT

Under Pact’s Grant Program, JACR implemented a project entitled “Promoting Youth Entrepreneurship and Awareness of Labor Justice” that aimed at increasing the number of young Costa Ricans that understand and have the means to access labor justice, specifically by utilizing tools that foster and promote this type knowledge among youth.

Through informing, educating, and training youth, via JACR events and a promotional campaign based on non-traditional media such as the Internet and social networks, the organization not only educated youth participants about labor rights issues, but had the added-value effect of



preparing future workers to spread values of social and labor justice in their workplaces and businesses.

Junior Achievement managed to exceed the targets set at the beginning and leveraging resources, thereby increasing the expected impact. It is important to note that the most important events took place on the following dates:

- Thursday July 14th, 2011 - putting online the Fan page campaign on Facebook
- Wednesday August 11th, 2011 - Youth Meeting at the Hotel San José Palacio

During its project, Junior Achievement has been characterized by the creativity shown in its activities. The organization used innovative teaching techniques: videos, dynamic and educational games, using technology and social media to attract the attention of young people.

Educational modules

JACR elaborated educational modules on labor justice to promote the topic among the next generation of entrepreneurs, as well as encouraging a new culture of compliance in the area of labor rights from an early age. Fifty youth validated the content of the labor modules and 2000 copies were printed. Then, 10 workshops were given during which the content of the modules on labor justice was applied.

Awareness campaign

JACR launched an awareness campaign for young people on issues related to labor justice. The dissemination mainly focused on reaching youth through blogs and social media, such as facebook and twitter.

On July 14th, JACR created the Fanpage “Ey... ¡Sí, es con vos!” on Facebook (<http://www.facebook.com/derechoslaborales>) which consists in a blog on the theme of labor justice which aims at increasing the interest and dialogue among youth and young adults regarding labor rights.

36,408 young people accessed the virtual blog. This large number was achieved by an attractive design that piqued thousands of young Costa Ricans’ curiosity.

Youth for Labor Justice National Meeting

In August 2011, 207 youth assisted the day-long Youth for Labor Justice Meeting held at the Hotel San José Palacio in San José, Costa Rica. The event, which consisted in open seminars, educational and recreational activities, focused on promoting workforce readiness, financial literacy and entrepreneurship among Costa Rican youth.

According to a test administered by Junior Achievement, before and after the event, knowledge improved by 34% between program participants, who ranged in age from 13 to 20 years. A substantial increase (from 50% to 84%) was observed in the accuracy of the answers regarding labor law. Most students had a fairly widespread basic knowledge on the subject, however, the comments and testimonials revealed that the course helped them better understand the labor and market issues.

The current situation with respect to labor rights among young people is one of precarious economic situation and a lack of knowledge on the subject because it is not given a high priority in school. The event had the goal of raising awareness among youth and providing the proper tools to understand and access labor justice.

“Before this gathering I was a bit ignorant on the subject but after today I feel more prepared. The event was well organized and helped me understand better the labor market and what awaits me.”

Comment of a student

Meeting with municipal governments for labor justice and application of labor laws



On August 24th, 2011 JACR held a day-long event in which representatives from 20 municipalities (a total of 60 participants) attended. This event is considered by the organization as one of the greatest successes of this project because it established partnerships with various entities such as the OAS, the City of San Jose, Cuple y Gana Project, FUNPADEM, among others. Principles of labor justice were presented and the meeting also shared work plans for city offices to promote labor justice in their

communities.

Through this project, JACR achieved to introduce labor rights to young people’s education in Costa Rica. Through its various activities and publications, the organization managed to bring the attention of young Costa Ricans on a subject that had received little attention so far.

After the completion of its project, Junior Achievement intends to continue promoting its educational modules to other schools, in order to reach and sensitize more young people. The potential for replication of the project is very high and the organization has already received a request from the mayor of Tibás, to run the training program in one of the schools in the province.

SUCCESS STORY

Innovative strategy to reach youth and increase interest and dialogue on Labor Justice



Young Costa Ricans that understand and have the means to access labor justice, by utilizing tools that foster and promote this type knowledge among youth.

According to the Costa Rican Ministry of Labor and Social Security, 57% of the recorded instances of labor rights violations in Costa Rica (including low pay, not being granted social security benefits, exposure to safety hazards on the job, lack of compensation for overtime hours, and others) occur against workers under 35 years of age. In addition, nearly one out of every three people (32.2%) not receiving the legal minimum wage is under age 25.

To address these issues as well as to promote workforce readiness, financial literacy, and entrepreneurship among Costa Rican youth, Pact teamed up with Junior Achievement to raise youth awareness about labor justice.

To reach its target audience, JACR decided to bet on new social media (such as the internet, social networks, and electronic communications) and develop a virtual campaign that included a blog on the theme of labor justice.

The response was well exceeded (initial target was around 1,000) and during a quarter, **36,408 youth** consulted the blog and the fan page to learn and ask questions about labor justice issues. This large number was achieved by an attractive design that piqued thousands of young Costa Ricans' curiosity. The creativity demonstrated and the innovative techniques conveyed a general and serious topic into an available and interesting one for youth. Through videos, dynamic games and technology the attention of young people was captured and young adults were interested and sensitized on labor justice issues.

Through this project, Pact and JACR did not only directly educate youth about labor rights issues, but also had the added-value effect of preparing future workers to spread values of social and labor justice in their workplaces and businesses.

Dominican Republic

Centro de Investigación y Asistencia Jurídica (CEAJURI)

With Pact funding, CAJURI has developed impactful activities targeting workers from the sugarcane and construction industries in Dominican Republic, as well as law professions and officers from public and private sectors. These activities include conducting forums, workshops, roundtable discussions, seminars, and awareness campaigns. Free legal service was also provided to workers through CAJURI's legal clinic and Pact equipped the clinic with computers and software, SIADLCA, to improve their administrative capacity for attending legal cases.

Since July 2009, Pact has been providing CAJURI with a grant to support their project covering the provinces of Barahona, Pedernales, Bahoruco and Independencia.

Additionally, through radio programs, CAJURI disseminated information on labor laws and labor rights, and sought to reduce employment discrimination.

Pact first granted the organization with a grant of \$55,832.39 to be executed from July 1st, 2009 to June 30th, 2010. Then, during its second round of grant, CAJURI was selected to receive a cost extension and its grant was increased to \$73,369.37, as well as the execution time through October 31st, 2011.

Under Phase I, CAJURI obtained the following results:

- 404 workers trained on national and international labor standards;
- 416 workers trained on Social Security Law 87-01;
- 157 workers and union leaders attended roundtable on labor issues;
- Broadcasted 780 radio spots on labor laws.

During Phase 2, CAJURI conducted the following activities:

- Provided free legal assistance to workers through CAJURI's legal assistance clinic. 50 workers were attended during this program period.

- Conducted two (2) seminars on labor justice issues. One seminar reached union leaders with information on role of mediators in labor disputes; and the other seminar reached government and civil society organization on migrant workers' access to labor justice. 66 individuals were reached with this activity.

- Supported a regional coordination network of representatives from government institutions, NGOs, labor unions, employers' unions and civil society organizations. The Network developed and implemented an action workplan focusing on eliminating barriers to workers' access to labor justice, and eliminating employment discrimination.

- Raised awareness on laws that form the legal framework regulating labor justice and labor rights, among citizens of Barahona, Bahoruco, Pedernales and Independencia provinces. CEAJURI continued its information campaign through weekly radio broadcasts as well as posting posters in public places and distributing information cards.

CEAJURI's impact

A strong network with active participation from members in different sectors of society working towards lowering barriers to workers' access to labor justice.

Wider public awareness and involvement on current labor rights concerns by reaching government, civil society organizations and unions.

More individuals reached with information on labor rights and labor justice, as well as free legal assistance provided through CEAJURI's legal assistance clinic.

CEAJURI Activities Chart

Activity	Topic	Date	Participants	Women	Men
Workshop	History of labor law in the DR	August 30 th , 2009	24	7	17
Workshop	International Treaties	September 10 th , 2009	20	8	12
Workshop	Workers' Rights	September 27 th , 2009	19	8	11
Workshops	National Labor Laws	November 12 th , 2009 to August 6 th , 2010	404	210	194
Workshops	Dominican System of Social Security	November 19 th , 2009 to August 12 th , 2010	416	226	190
Roundtable	Problemática Laboral	March 30 th , 2010	42	20	22
Roundtable	Problemática Laboral	June 9 th , 2010	29	15	14
Roundtable	Función y Perfil del Vocal Laboral	June 30 th , 2010	35	12	23
Roundtable	Employment Deficit	August 7 th , 2010	51	18	33
Elaboration of 500 flyers	Labor Law	July 2010	General public		

Workshop	Labor Law	September to October 2010	27	11	16
Seminar	Role of mediators in labor disputes	September 30 th , 2011	35	11	24
Seminar	Migrants and labor justice access	October 7 th , 2011	31	10	21
Five (5) meetings	Labor Law Network				
Elaboration of 500 flyers	Conciliation	October 2011	General Public		

Centro Dominicano de Asesoría e Investigaciones Legales (CEDAIL)

CEDAIL's program aimed at preserving the figure of conciliation contained in the Labor Code of the Dominican Republic to ensure access to labor justice for workers. The program also aimed at strengthening the figure of the Settlement embodied in the Labor Code of the DR, promoting the effective enforcement of all elements established in the Dominican Labor law and recognized by CAFTA-DR.

First, CEDAIL would conduct a study about the figure of conciliation in labor jurisdiction in order to identify barriers that have been limiting its performance and make the results public. Based on the organization's workplan, after carrying out this study, its program would carry out lobbying actions to preserve and strengthen the figure of labor conciliator; provide trainings on conciliation in labor jurisdiction to persons performing this role in the tribunals in order to improve their performance.

After many months of trying to get updates on the study, Pact and the DR's facilitator concluded that there was an important delay in the development of the study that was affecting the entire timeline of the project and basically was delaying all the activities and workshops that the organization had planned.

Pact decided that appropriate action to solve this problem was to send different letters to the organization in order to enforce the compliance of the activities in the expected time. As time went by, the delay in the program proposed by CEDAIL became more obvious and significant, so Pact decided to give a deadline to the organization to see if advancements were going to take place or not.

After two deadlines proposed by the program without any results, Pact's technical and financial staff decided to write an official letter with the purpose to let CEDAIL know about the decision to conclude its grants due to the inefficiency and ineptitude of the organization to comply with the results expected.

Therefore, advances were returned to Pact and the rest of the unspent funds were deobligated from their award; the obligated amount was \$52,768.99.

Nevertheless, the activities that were developed by CEDAIL are the following:

- Concluded the investigation "Performance of the Settlement Figure in the Dominican Work environment", which offers an analysis of the challenges facing the conciliation process and provides recommendations on ways to improve its performance.
- Conducted two "Conciliation Forums", in which more than 70 persons participated.

CEDAIL Conciliation Forums, by participants and gender

Location	Participants	Women	Men
Total	74	37	37
Altagracia	25	9	16
Santo Domingo	49	28	21

CEDAIL did not conduct training on the conciliation in labor jurisdiction to persons performing this role in the tribunals and did not comply with their program's indicators.

The lesson learned here was that when irregularities occur, Pact must start immediately with a greater control and verify all the information provided by the organization. This experience also showed Pact the importance of providing trainings on project design, investigations, monitoring and evaluation.

FLD

With Pact funding, FLD developed activities targeting workers from the northern region of the Dominican Republic, where export processing zones and industrial parks are located. These activities included public-private sector initiatives and awareness campaigns. Free legal service was also provided to workers through FLD's legal clinic.

Additionally, FLD formalized public private partnerships through the formation of a Network comprised of public and private institutions, as well as workers, union leaders, universities.

From July 2009 to October 2011, Pact provided FLD with a grant to support their project covering the Cibao region of Dominican Republic.

Lobbying with public and private institutions to eliminate barriers in workers' access to labor justice

FLD organized regional meetings that included representatives from public and private sectors. 130 representatives attended these meetings at the provincial level, which resulted in a better coordination within and across three (3) provinces in Cibao region.

FLD also conducted meetings aimed at sensitizing business associations towards contributing to a culture of transparency and accountability. 23 business leaders provided inputs to FLD's ongoing efforts in removing barriers to workers' access to labor justice within the private sector.

Additionally, the organization held panel discussions with representatives of the judicial system, Ministry of Labor, trade unions, private sector employers, universities, unions and NGOs, to discuss ways of eliminating barriers to workers' access to labor justice. 46 representatives from public and private sectors attended the discussions.

FLD's Citizen for Access to Labor Justice Network

FLD's Labor Justice Network was created during Phase I of the project and formalized during its second phase. Participation include individuals from public and private institutions, Ministry of Labor, workers, union leaders and members, judiciary, universities, student organizations, and NGOs. 70 representatives from 25 institutions attended different events and press conferences in San Francisco de Macoris and Montecristi.

During FLD's project, the organization continuously concentrated efforts to raise awareness and inform a wider public on the activities of the project, workers' rights, and access to labor justice. This included a weekly TV broadcast production and launching a website www.laborando.com.do in December 2010, that received over 7,500 site visits thus far. FLD created discussion forums on the web to allow participants to share experiences related to transparency and incidents of obstruction while accessing labor justice.

FLD's impact

Greater stakeholder participation in removing barriers to access of labor justice.

More workers receive free legal assistance.

Increased knowledge of labor rights and labor justice issues among wider public in Dominican Republic.

Among FLD's results are:

- 34 representatives from public and private institutions completed a training program on public-private partnership for eliminating barriers to workers' access to labor justice;
- 60 TV programs were broadcasted on labor laws, with Q&A segment for viewers to call in with questions.
- 70 workers received free legal assistance.
- 23 business leaders participated in meetings to remove barriers to labor justice access.
- 7,500 visited FLD's website.
- 70 representatives from 25 institutions participated in the Citizen for Access to Labor Justice Network.

- 130 representatives attended meetings to coordinate between public and private sectors across the Cibao region.

SUCCESS STORY

Pact and Fundación Laboral Dominicana lobby with public and private institutions to eliminate barriers to workers' access to labor justice



Greater stakeholder participation in identifying and removing barriers to labor justice access in the Dominican Republic

Labor relations in the Dominican Republic are governed by the Labor Code, which is characterized by strong but inflexible protection of individual employee rights. Unfortunately, labor rights and good working conditions are not enforced for many workers, especially migrants and refugees working on sugar plantations.

To counter this problem, Pact and the Fundación Laboral Dominicana (FLD) targeted their activities in the northern region of the Dominican Republic, where many export processing zones and industrial parks are located.

With Pact funding, FLD formalized a Citizen for Access to Labor Justice Network, comprised of public and private institutions, as well as workers, union leaders and universities. Eighty representatives from 25 institutions now meet on a monthly basis to discuss and analyze the existing barriers in the Dominican Republic for the access to labor justice.

Through this Network, 10 proposals for eliminating barriers to workers' access to labor justice were presented to stakeholders during public forums and a letter of intent was signed by public and private institutions, pledging to make accessing labor justice more transparent and accountable.

As expressed by Lourdes Pantaleon, Director of FLD, “these tangible results encouraged and persuaded Pact and FLD to determine indicators to better monitor the result and impact of this initiative and the participation of the Ministry of Labor, union leaders, judiciary, universities, student organizations, community leaders, local personalities and NGOs.”

By strengthening effective communication among key actors, Pact and FLD have maintained labor rights and citizens' access to labor justice on the national agenda of the Dominican Republic. Through transparent dialogue that allowed identifying and dismantling labor justice barriers, the Program had positive impact for both public and private entities.

El Salvador

Asociación Salvadoreña de Industriales (ASI)

Modern businesses must implement new norms of labor justice that have the benefit of improving worker health and safety. This is not only a requirement of international treaties and standards, but is also good business practice. In order to create and implement a comprehensive set of labor justice policies and practices for the industrial sector, particularly focusing on occupational health and safety measures, Pact partnered with the Salvadoran Industrial Association (ASI) to implement a project entitled “Program for Labor Well-being in Industry.”

Labor well-being leads to mitigating company risk, enhancing productivity, improving quality, increasing competitiveness, encouraging innovation, and ensuring sustainability of industries, having an aggregated impact of improving economic and social development at a national level. ASI’s project focused on giving businesses the tools, methods, and techniques to generate a new business culture based on improving industrial processes through making health and safety standards and labor justice a priority.

While Pact El Salvador’s program objectives and annual workplan doesn’t specifically discuss public-private partnership activities, Pact decided to partner with a business organization as a strategic interest for Pact as well as for USAID/El Salvador. ASI’s experience collaborating with companies in the industrial sector allows communicating the benefits of labor well-being and justice to its 331 affiliated businesses.

Diagnostic assessment with six (6) ASI member companies

ASI’s project first included documenting current business conditions in areas of occupational safety and health administration (OSHA) through a diagnostic study with 6 ASI member companies (3 large, 2 medium and 1 small). ASI held separated workshops to introduce OSHA concepts to its member companies and conducted a preliminary survey among attendees on occupational health policies and practices in their companies. Then, ASI conducted on-site assessments in order to identify deficiencies in organization policy and practices, occupational risks, and opportunities for improvement. The final result permitted to have a preliminary diagnostic assessment of occupational health conditions of ASI member companies.

Training on OSH for ASI member companies

ASI conducted trainings for production managers and human resources managers of the six pilot ASI member companies on occupation health and safety and ways to comply with new labor law on OSHA. The training consisted of 8 modules, for a total of 60 training hours, and aimed at sensitizing and training the companies in OSHA as well as implementation of policies. This phase of the project helped El Salvador’s industries comply with international labor norms and improve the well-being of workers.

Labor Observatory and Business Model Case (see success story)

During its project, ASI also created an observatory that documents challenges faced by companies in an effort to conform to the new law. Information on the new law, as well as general information on occupational health and safety is being made available for all ASI companies.

A Business Model Case was also created to document best practices, setup protocols and policy recommendations for ASI member companies to adopt; these include gender equality, employment opportunities for persons with disabilities, creating opportunities for professional development, among others. ASI maintains an email list of all member companies, and the information maintained by observatory and Business Model Case are disseminated via this listserv.

The creation of a set of resources made available to other private companies seeking to become compliant with new legislation surrounding OSHA and other policies that help to have a better workplace is going to have a major impact in El Salvador in the next few years.

SUCCESS STORY

Labor Well-Being in Industry

Pact El Salvador collaborates with the industrial sector to promote the benefits of labor well-being and justice



Pact supports creation of a Labor Observatory to investigate socio-economic and labor matters and to guide public policy

Pact documents Model Business Case to demonstrate excellence and to promote best practices and their replication

Occupational accidents and health problems pose a major challenge to industrial efficiency, productivity, and ultimately to economic and social development. In many businesses in El Salvador, job-related accidents and ailments go undocumented. In addition, there are numerous unmitigated occupational risks that leave laborers inadequately protected and thus vulnerable to injuries or illness.

By partnering up with the Asociación Salvadoreña de Industriales (ASI), Pact implemented an ambitious project entitled “Labor Well-being in Industry” to create and roll out a comprehensive set of labor justice policies and practices for the industrial sector, particularly focusing on Occupational Safety and Health (OSH) measures.

ASI first conducted on-site assessments of companies in order to identify deficiencies in organizational policy and practices, occupational risks, and opportunities for improvement.

As expressed by Dr. Edward Wollants, ASI project coordinator, “In El Salvador, the lack of accurate and reliable information and statistics on the labor force prevents the government, but also the private sector, from carrying out decisive and timely actions to improve working conditions with regards to occupational safety and health. This project is giving ASI’s **331 affiliated businesses** the tools, methods, and techniques to generate a new business culture based on improving industrial processes by making health and safety standards and labor justice a priority.”

By creating a Labor Observatory and a Model Business Case, Pact and ASI are paving the way for the private sector to implement new legislation surrounding OHS to create better workplaces thereby improving economic and social development at a national level.

Asociacion Atlacatl Vivo Positivo (ATLACATL)

Atlacatl is an NGO established in 1998, in El Salvador, that promotes human rights of people with HIV / AIDS and aims to improve life quality of people living with HIV in El Salvador. It was the first organization in the region to advocate for human rights and HIV in the political agenda.

One of the main problems facing the population in El Salvador is related to the availability and quality of employment. The analysis of discrimination in the labor market is particularly relevant, since the inequality of opportunity and treatment is a form of exclusion that exacerbates unemployment and underemployment of members of certain groups, such as people living with HIV.

In order to reduce labor discrimination against individuals with HIV/AIDS in El Salvador, Pact decided to partner with ATLACATL. During Pact's first grant to Atlacatl, from July 2009 to July 2010, their program comprised of the following four activities:

- Develop a baseline study of the current national context in the framework of labor rights for persons with HIV in El Salvador and present its results in order to raise awareness on the situation.
- Awareness raising trainings for judges, officials, staff from Ministry of Labor and private sector employers on the discrimination faced by workers living with HIV.
- Contribute to labor equality for persons with HIV through trainings for the private sector by promoting activities that generate changes in behavior.
- Promote labor rights and duties of workers and employers in relation to HIV, through the media, for access to labor justice.

Baseline study of labor rights of workers with HIV



During phase I, this grantee conducted a baseline study to identify the key barriers to labor justice for persons with HIV/AIDS in the country. This study combined quantitative and qualitative data obtained through surveys administered to HIV-positive individuals, as well as focus groups with public sector employees from the Ministry of Labor, Attorney General Office, Human Rights Ombudsman Office, business people, and NGO staff.

Labor Rights Situation of People with HIV in El Salvador showed a low degree of knowledge on the issue of People Living with HIV/AIDS (PLHIV) and their labor rights among the government and employment sector. Stigma and discrimination against workers living with HIV is also an identified problem. Data from the study supports the following key findings:

- It is essential to raise the issue to the national level and lobby with the legislative assembly;
- There is a need for manuals or guidebooks directed to public and private sector officials;
- The topic has to be included in government policies;
- Educational levels of persons with HIV are very low, so there is a need to target this population and offer trainings and specific guidance.

Therefore, the purpose of the second award was to take some of the recommendations of the findings into practice, by 1) work with private companies in developing HIV policy in the workplace within their personnel manuals, 2) work with legislative assembly members and others in key ministries to develop plan for changing legislation affecting workers with HIV; and 3) continue training of civil society and government sectors in labor rights of PLHIV.

Developed HIV workplace policy with private sector

A commonly accepted indicator of success in HIV/AIDS programming is the development of HIV workplace policy for the protection of workers living with HIV. During the first award, Atlacatl worked with 10 companies, training workers and employers on labor rights of PLHIV. For the second award, Atlacatl continued working with five of the ten companies that expressed an interest in integrating HIV workplace policy for protecting workers living with HIV. Atlacatl provided resources for companies to develop action plan for integrating HIV workplace policies, and develop draft HIV workplace policy.

Training of civil society and government sectors

Findings from Atlacatl's baseline study, Labor Rights Situation of People with HIV in El Salvador, demonstrated that much of the union leaders representing workers to employers, have low level of knowledge and high level of misconception about PLHIV and in particular, rights and legal protections of workers with HIV.

Since one of the key findings from the study showed that lawmakers in key government ministries also required training in rights and legal protections of workers with HIV, Pact supported Atlacatl's trainings of personnel in civil society and government sectors in areas of transmission and epidemiology of HIV in El Salvador, labor rights of PLHIV, general labor principals for protecting workers including workers living with HIV, and international standards of labor laws for protection of PLHIV. Trainings were conducted for trade union members, leaders and representatives, and staff of District Attorney's Office, General Attorney's Office, and Ombudsman's Office.

Training for judges, officials, staff from Ministry of Labor and private sector employers on the discrimination faced by workers living with HIV

Pact also sponsored a series of trainings for union members and government representatives to prevent human rights abuses against workers living with HIV. In El Salvador, at least 100 individuals have been fired because of their HIV-positive status since 2002. The importance of

these trainings is that it will subsequently serve as a support for employers and an evidence of good practice, in order to eliminate stigmatization and discrimination towards people with HIV/AIDS. It also aims at generating interest for new government policy guaranteeing equal rights to people living with HIV/AIDS, resulting in future changes to the national health code.

Atlatcatl conducted over 50 trainings focused on promoting equal rights for persons with HIV/AIDS. Of these trainings, eight targeted private sector workers (51 participants), 21 workshops targeted Ministry of Labor employees (518 participants), 18 workshops for the judicial sector, six (6) for workers and five (5) for governmental entities. In total, the program exceeded its goal (1000) in terms of the number of persons trained in the labor rights of persons with HIV/AIDS.

Atlatcatl Trainings, by economic sector and number of participants

Economic Sector	Number of Participants	% of Total
Total	1277	100.0
Private sector	51	3.99
Ministry of Labor	518	40.56
Judicial sector	110	8.61
Workers	396	31.01
Government (PPDH, PGR, PNC)	202	15.81

HIV/AIDS Resource Center Specializing in Human Rights and Labor Rights



In May 2010, Atlatcatl inaugurated the first resource center in Central America specializing in HIV/AIDS, Human Rights, and Labor Rights. The event was attended by Mr. Oscar Humberto Luna, Human Rights Ombudsman; Dr. María Dolores Pérez, Pan American Health Organization Sub-Regional Advisor on HIV; and Mr. Ivan Seassal of the United States Agency for International Development (USAID); as well as members of civil society organizations.

The Resource Center is free and open to the public, offering access over 200 bibliographic resources, including scientific studies, academic reports, and educational materials related to HIV/AIDS. Materials include books, videos, newspaper articles, pamphlets, and magazines. The public can also use the center to conduct research on HIV/AIDS and locate resources through an international library database, as well as receive assistance from the staff on obtaining additional items that are not part of the Center's collection.

Colegio Técnico Académico–Yave (CTA-YAVE)

In El Salvador, Colegio Técnico Académico–YAVE focuses on improving access to labor justice among workers within the sugar cane industry. Through its project entitled “Human Resources Training on Legislation and Labor Justice, Access to Technology Tools, and Assistance to Victims of Labor Rights Violations within the Sugar Processing Industry in El Salvador,” CTA-YAVE aimed at contributing to the construction of a culture of labor law compliance and respect for standards of decent work. The project was going to achieve results through trainings, information campaigns, technology tools, and assistance to victims of labor rights violations.

YAVE’s activities were suspended during the project since irregularities were detected during monitoring evaluations. Through its control policy, Pact noticed that some of the trainings for workers on labor rights didn’t have the number of attendants the institution claimed in its reports. The organization went under investigation and false financial documentation was detected. Pact is currently suing the organization in a criminal trial for fraud.

Pact initially granted CTA-YAVE an award for \$58,201.18 to be executed from July 1, 2009 to June 30, 2010, but \$ 47,788.45 were de obligated due to fraud in the execution of the grantees activities. Pact entirely assumed the loss and the money was reintegrated to the Subgrant Matrix and reinvested in other grantee’s activities

Institute for Human Rights of the Central American University José Simeon Cañas (IDHUCA)

To improve access to labor justice in El Salvador, Pact partnered with the IDHUCA to implement labor rights awareness trainings for workers, judges, and employee associations. The IDHUCA project has managed to train 720 people so far (275 women and 445 men).

IDHUCA successfully conducted a total of 11 trainings for workers, during which a total of 298 participants attended, representing nine different employee associations.

IDHUCA also delivered labor rights trainings to judges through the specialized course entitled "Resize-Redimensioned labor law by international law: labor justice on the national scope". This training taught judges about applying international human rights and labor rights instruments to domestic cases. This training included information on administrative transparency and the application of Article 16 of the CAFTA, which relates to the rights of workers. This training was conducted in collaboration with the Independent Monitoring Group of El Salvador (GMIES), the International Labor Organization (ILO), and the Supreme Court of Justice. The course lasted four days: three assisting days and a follow-up day. 45 people assisted, including judges (8), legal assistants (36) and secretaries (4). Of that total, 27 were men (60%) and 18 women (40%).

IDHUCA conducted a Certificate on Labor Justice Access aimed at public officials and union leaders aiming at providing knowledge on key labor rights and administrative and legal

procedures. The course began in February 2011 and concluded in April 2011. Of the 50 participants enrolled, 46 received their corresponding certificates.

The topics of the course were chosen based on the most common violations of labor rights of workers whether in the area of government or the private sector, but also covered occupational safety and health, rights of women, project management and strategic planning, etc.

The certificate, which was divided into six modules for a total of 162 hours concluded on Wednesday, April 14th, with 46 participants (33 men, 13 women) receiving their corresponding certificates.

Training materials

In addition to these trainings, training materials were also developed during both phases of the project. To address feedback from participants from their previous trainings, Atlacatl developed and printed materials for distribution.

The organization developed materials for workers and human resource specialists regarding the rights and responsibilities of employers when hiring persons with HIV/AIDS. Additionally, Pact approved the printing of the “Manual of Good Practices for public officials regarding labor rights of people with HIV” and the “Guide for employees and workers on labor rights of people with HIV”, which were distributed during workshops. The manuals provide basic information about HIV/AIDS and the rights and duties of workers and employers; and also contain information on the national and international legal frameworks.

IDHUCA also published two documents called the “Labor Rights Guide” and the “Labor Procedures Guide” which serves as the principle reference material during trainings.

Labor Rights Manual and Labor Procedural Guide

IDHUCA published 1000 copies of the *Labor Rights Manual* and the *Labor Procedures Guide* providing knowledge on key labor rights and administrative and legal procedures. In collaboration with Pact, IDHUCA promoted and distributed the books to key contacts and also participating organizations of the diploma “Citizens’ Access to Labor Justice”.

Emblematic case

IDHUCA published an emblematic case regarding the Sindicato de Maestros de EDUCO (SIMEDUCO). Different meetings were coordinated with union and various teachers from the La Libertad School, victims of labor rights violations, were contacted so their testimonies could be included in the book.

Compilation of Labor Laws and International Agreements

IDHUCA redesigned and republished the *Compilation of Labor Laws and International Agreements*. 900 copies were distributed to Pact's contacts, trade unions and key contacts working in the labor law field.

Free legal assistance to workers

IDHUCA provided free legal assistance to a total of 5,543 workers involved in labor disputes. These include individuals involved in collective disputes, as well as those that received individual assistance from the free legal providers at IDHUCA. Of these workers, 3,128 were female (56.4%) and 2,415 were male (43.6%). It is important to mention that 98% of these individuals benefited from the free legal assistance provided by IDHUCA as members of collective disputes. Members of collective disputes include all the employees working under the same employer that request legal assistance on a case involving labor conflicts or the violation of labor rights. IDHUCA provided legal assistance on three collective cases.

FREE LEGAL ASSISTANCE TO 5,500 WORKERS

Under the project, in El Salvador, the Institute for Human Rights of the Central American University José Simeon Cañas provided free legal assistance to over 5,500 workers involved in collective cases. In the past years, the Institution noted an important raise of workers looking for support and information on their labor rights. The project is part of an important step to educate workers and union leaders about legal rights; the steps they may take to enforce these rights; the availability of legal service and representation. By assisting the country's workforce, the IDHUCA, with the support of Pact and USAID, is filling an important blank in the country's labor justice access system.

Table 9: IDHUCA Legal Assistance Beneficiaries, by gender and nature of request

Type of Petition	Total Beneficiaries	Male	Female
Total	5543	2415	3128
Individual	106	70	36
Collective	5437	2345	3092

MUJERES TRANSFORMANDO (MT)

The Association Mujeres Transformando is increasing access to labor justice for women employed within the garment manufacturing industry around San Marcos, El Salvador. It aims at raising public awareness of gender-based discrimination within the workplace. Mujeres Transformando also works to strengthen the capacity of women in El Salvador employed within the apparel industry, in order to improve their quality of life by reducing their vulnerability to labor rights violations, both collectively and as individuals.

Labor Justice Observatory for Women

During the implementation of its project, the organization established a Labor Justice Observatory for Women that collects, monitors and disseminates information regarding labor rights violations in the garment industry. The Observatory also provides women's rights

advocates with research-based information, which can be used to promote transparency and accountability within the labor justice system, as well as to conduct effective advocacy campaigns for improved legal protections for women workers. Similarly, the organization launched a quarterly reporting mechanism to identify corporations that regularly violate the rights of their employees.

At the official launch of the Observatory; 75 people attended, including the Executive Director of the Institute for the Advancement of Women ISDEMU, the Attorney General of the Republic, the Gender Coordinator of UNDP, and representatives of the Ministry of Labor and civil society organizations.

Increased awareness regarding labor rights protections for women

Mujeres Transformando executed several important activities aimed at increasing awareness of the labor rights of women working in the garment manufacturing industry.

First, the Association conducted a specialized training for attorneys regarding labor rights protections for women. A total of 10 attorneys participated in the ongoing training program, which included modules on gender and labor associations.

Second, the organization conducted a three-day workshop on women's rights that targeted public sector decision-makers. 25 participants (17 women and 8 men), among judges and legal assistants of the Supreme Court (7), inspectors of the Ministry of Labor and Social Welfare (10) and NGO representatives (8) attended.

A coordination meeting was also held with the organization called Women's Movement, which facilitated the exchange of experiences and best practices.

As part of the awareness campaign with decision makers, Mujeres Transformando presented the play entitled "Sweatshops" three times: Two of them in the Central Zone of the country, aimed at staff of the Supreme Court (50) and the Ministry of Labor (250). The third presentation was directed to the Supreme Court staff (70) of the West Zone.

Additionally, in June 2011, the organization published the Manual on Labor Rights of El Salvador, which aims at promoting the access to labor justice for women workers, as well as advocating the rights of this targeted group.

Finally, MT elaborated an institutional webpage with information regarding the enforcement and respect of labor rights of women. The webpage can be accessed at this address: <http://mujerestransformando.org>

Guatemala

Asociacion de Trabajadoras del Hogar a Domicilio y de Maquila (ATRAHDOM)

ATRAHDOM is a women's led organization with the mission of addressing issues confronted predominately by women workers. The organization promotes labor and human rights of domestic workers, textile workers, and agricultural workers in Guatemala, with emphasis on women, youth and indigenous women.

Pact and ATRAHDOM developed a proposed program with the dual aim of providing ongoing education and awareness of labor rights and access to labor justice for workers, as well as supporting the organization's ongoing advocacy efforts. Through trainings, advocacy, research, and meetings with key stakeholders of unions, civil society organizations, public and private sector, ATRAHDOM sought to bring labor issues confronted by domestic workers, textile workers, and agricultural workers to the national forum.

With Pact's funding, ATRAHDOM conducted four (4) training workshops aimed at building the capacity, leadership and technical capacity of union leaders and other organizations that support domestic workers, textile workers, and agricultural workers. Trainings and workshops covered topics such as workers' access to labor justice, minimum wage, occupational health, workplace violence, employer compliance with national and international labor standards, and specific issues affecting women, youth, and indigenous workers.

ATRAHDOM also held four (4) advocacy meetings with key stakeholders in government, unions, and civil society organizations to continue dialog on minimum wage for domestic workers and textile workers, share results of advocacy work at the International Labour Conference in Geneva, share stories and information on labor abuses experienced by workers, promote mechanisms for implementation of labor laws, and promote Convention 189 for domestic workers.

¿Porque lanzamos esta campaña de sensibilización?

Como trabajadoras del hogar «trabajadoras domésticas» y representantes de este sector laboral en Guatemala, unimos nuestros esfuerzos a nivel Latinoamericano para apoyar esta causa justa, desde nuestras necesidades, compromisos, retos, y desafíos, para luchar por alcanzar cambios significativos en la legislación laboral, nacional e internacional, para mejorar las condiciones laborales de NUESTRO SECTOR.

La legislación actual contenida en el Código de Trabajo, es INCONSTITUCIONAL, y NO hemos encontrado apoyo y respuestas positivas a nuestros planteamientos de más de 14 años en reformar dicho Código o crear una ley que regule nuestra labor.

“GUATEMALA, como parte de los Estados miembros, de OIT, debe Ratificar el Convenio 189 complementado con la Recomendación 201, aprobado en la 106a. Conferencia Internacional del Trabajo, sobre el trabajo decente para el Trabajo Doméstico”.

Para quienes va dirigida esta campaña?

1. Gobierno, Ministerio de Trabajo y Previsión Social.
2. Congreso de la República.
3. Sector Empleador.
4. Organizaciones sindicales, sociales, de derechos humanos, movimientos populares, mujeres, indígenas, campesinos y partidos políticos.
5. Entidades Internacionales acreditadas en Guatemala.
6. Para las propias trabajadoras del hogar o domésticas y Población en General.

Perfil de las Trabajadoras del Hogar o Trabajadoras Domésticas en Guatemala.

Sobre pasan las 182 mil trabajadoras a nivel nacional, el 65% se encuentra en la capital, prestando su fuerza laboral. El 82% son mujeres indígenas, migrantes internas, jóvenes, desplazadas por la pobreza y la violencia, con niveles educativos precarios hasta 3o. primaria.

Percebido menos del 60% del salario mínimo actual, Jornadas laborales de 16 a 18 hrs. Días, sin Seguro Social, con 6 horas de descanso semanal, sin pago de prestaciones, víctimas de acoso y hostigamiento sexual, violencia laboral.

Con el apoyo y solidaridad de:

USAID Pact

Más información, ATRAHDOM
10a. Av. 4-18 zona 1, Ciudad Guatemala C.A.
Teléfono (502) 22 20 44 10
atrahdomcoordinacion@hotmail.com
Web: atrahdom.org.

Capítulo Guatemala
A favor de la Ratificación del Convenio 189 -OIT-

Awareness campaign for the ratification of Convention 189 for Domestic Workers Rights

Additionally, the organization designed an awareness campaign to support the ratification of Convention 189 for Domestic Workers and its recommendation 201 in Guatemala. ATRAHDOM produced and distributed over 500 copies of information booklet and 1000 flyers on Convention 189. Also, the NGO produced and aired radio spots on

Convention 189, and held two (2) forums to present Convention 189 and recommendation 201.

Finally, but not least, ATRAHDOM conducted a field research on labor conditions of domestic workers and agricultural workers that was published in September 2011. ATRAHDOM did a formal baseline research, including doing a survey, conduct focus group meetings, conduct a validation meeting and a results presentation meeting, and summarizing findings in a publication. The document is now used as an advocacy tool and reference material for collective bargaining by domestic workers and agricultural workers and unions that represent them, as well as for ATRAHDOM's advocacy meetings and national joint commission meetings to fix minimum wage.

ATRAHDOM

This project "has made an important change in the lives of women. The materials edited and published are powerful tools to keep active, in addition of the alliances and partnerships we have made with the support of this project."

- Testimony, Maritza Velasquez Estrada (September 2011)

ATRAHDOM's Activity Chart

Activity	Date	Participants	Women	Men
Total				
Advocacy Meeting	August 12 th , 2011	7	72%	28%
Advocacy Meeting	August 22 nd , 2011	29	31%	29%
Advocacy Meeting	August 24 th , 2011	14	86%	14%
Forum	August 25 th , 2011	27	67%	33%
Forum	August 26 th , 2011	16	31%	29%
Focus Group	September 14 th , 2011	16	100%	
Workshop on labor rights	September 16 th , 2011	36	100%	
Workshop on labor rights	September 20 th , 2011	20	60%	40%
Advocacy Meeting	September 21 st , 2011	12	100%	
Validation workshop	September 22 nd , 2011	35	100%	
Workshop on labor rights	September 23 rd , 2011	36	75%	25%
Workshop on labor rights	October 7 th , 2011	17	90%	10%
Presentation of the Study	October 14 th , 2011	40	75%	25%

In an informal meeting with Pact in November 2011, ATRAHDOM shared that because of this project the organization has been strengthened not only to bring proposals to panel discussions, but also in the writing of project proposals to present to other donors. Its team now feels ready and confident to work with another USAID-funded program or any other international donor.

In addition to capacity building of its organization, ATRAHDOM felt that with Pact's support, they managed to strengthen the skills and knowledge of labor rights and access to labor justice of domestic workers and worker organizations that support domestic workers and agricultural workers in Guatemala.

ATRAHDOM program's impact

Union leaders, and civil society organizations applying and replicating their newly acquired knowledge and skills on labor rights and workers' access to labor justice through their work, thereby providing better assistance to workers.

Continued dialog and engagement between public sector, civil society organizations, and unions regarding labor rights issues and legislation affecting domestic workers, textile workers, and agricultural workers.

An informed public on Convention 189 and recommendation 201 for domestic workers.

An advocacy tool for supporting workers rights, addressing labor issues affecting domestic workers and agricultural workers.

Centro de Estudios y Apoyo al Desarrollo Local (CEADEL)

From August 2009 to October 2011, Pact provided CEADEL with a grant to support their project implemented in Chimaltenango, Zacatepequez, and Mixco areas of Guatemala. Activities included training on labor rights for female workers; provision of free legal services to workers; advocacy campaigns through meetings with government, CSO, and employers; education campaigns to public through radio and TV; production and distribution of printed manuals on occupational health and security.

Labor Rights training for women leaders

In order to improve access to labor justice for women and workers within the garment manufacturing and agricultural export industries, CEADEL developed a training program that targeted women leaders, developing their leadership abilities, and disseminating information about labor rights. The training included different modules such as: Gender, Self Esteem, Labor Law I, Labor Law II (benefits, minimum wages, calculation of benefits), Labor Law III (Trade Unions, Rights and Obligations), Labor Law IV (Social Security) and Occupational Safety & Health.

CEADEL Trainings for Women Leaders

Workshop Topic	Participants	Men	Women	Garment workers	Other industry
Community organizing, participation, and leadership	31	3	28	24	7
Labor Law I	39	3	36	27	12
Labor Law II	25	3	22	18	7
Labor Law III	31	2	29	23	8
Labor Rights I and II Make-up Session	20	2	18	12	8
Labor Rights IV	37	5	32	26	11
Occupational Safety & Health I	45	4	41	37	8
Occupational Safety & Health II	47	4	43	34	13
Leadership and conflict resolution	22	2	20	18	4
Community organizing, participation, and leadership Make-up Session	23	2	21	18	5
Labor Law III Make-up Session	27	2	25	22	5
Labor Law IV Make-up Session	20	2	18	19	1

In addition to the previously mentioned trainings, CEADEL took a lead role in organizing local and national-level working groups focused on improving access to labor justice. These groups met monthly with the intention of identifying barriers to labor justice and implementing measures to eliminate these barriers. During one of these meetings, the local-level working group reached an agreement with the Department of Education to implement a pilot project offering labor rights classes to high school students.

Additionally, CEADEL worked on two important projects. The first project focused on conducting an advocacy campaign in favor of the creation of a “Guatemalan Multi-Institutional Labor Relations Commission,” a body that now operates under the authority of the Ministry of Labor. The second project focused on studying and raising awareness of the labor reforms proposed under Congressional Bill 4075.

Labor rights classes for high school students

Labor rights workshops for students were conducted for 44 students and six teachers from the village of Palama de Tecpan in Chimaltenango. CEADEL additionally shared the content of the trainings with the Institute of Basic Education in the village Caquixajay, Tecpán, and the School of Physical Education in Chimaltenango, which both implemented their own labor law classes.

CEADEL Trainings for High School Students

Institution	Theme	Participants
Physical Education School, Chimaltenango	Occupational Safety & Health and Labor Rights	40 students
INEB Caquixajay Tecpán	Gender and Self-esteem focused on labor rights	71 students, 8 teachers
INEB Xecoxol Tecpán	Gender and Self-esteem focused on labor rights	77 students, 6 teachers

CEADEL awareness campaign

During the project, CEADEL broadcasted radio public service announcements (PSAs) intended to raise awareness on labor rights issues that are particularly relevant to the local population. The project broadcasted various PSAs related to social security benefits, maternity leave, and the process for filing charges of unfair labor practices.

PSAs were broadcast 7,692 times on five commercial radio stations and nine community stations within the departments of Chimaltenango and Sacatepequez. In addition, the grantee distributed 2,000 calendars with information on social security benefits and the filing of charges of labor rights violations. These calendars, which provide labor rights information that has been tailored to the needs of women workers employed in the Guatemalan garment manufacturing industry, have been distributed to schools, public institutions, and civil society organizations.

CEADEL also systematized an emblematic case regarding the Guatemalan Government and its failed commitment to protect the legal rights of Guatemala's workers of the garment factories. The document was made public in October 2011 and shared with key stakeholders.

Finally, CEADEL provided legal advice to workers affected by labor rights violations and Pact shared its electronic case management system, SIADELCA, with the organization. Assistance was provided to 115 workers that were fired from their jobs and that were unlawfully denied severance benefits.

CEADEL program's impact

Reached workers with information on their labor rights through radio and TV broadcasts;

Trained 40 female workers in labor rights and legal framework for protection of labor rights;

Conducted 4 local and national meetings on labor conflict resolution, attended by 40 female workers of textile and agricultural sectors;

Filed 50 labor complaints on behalf of female workers;

Printed and distributed 1,000 volumes of occupational health and security manual.

Implemented Pact's labor case management system, SIADELCA to systematize labor support to workers.

Elaborated and printed emblematic labor case.

SUCCESS STORY

Women Leaders inspiring others in Guatemala



Since August 2009, Pact has been supporting the Centro de Estudios y Apoyo al Desarrollo Local (CEADEL) to improve access to labor justice for female workers of the apparel and agro export industries in Chimaltenango, Zacatepequez, and Mixco areas of Guatemala.

To achieve this objective, CEADEL implemented a program to train 40 female workers from the garment manufacturing industry on their labor rights. The program aimed to develop the women's leadership skills and to prepare them to disseminate information about labor justice to their coworkers. Some women leaders who completed the program were invited by government entities (e.g. Office of Women Workers of the Ministry of Labor) and also civil society organizations to participate in roundtable discussions and analysis workshops.



Two of these women leaders, Ingrid Marleny Carranza and Mayra Adriana Aguilar Díaz attended an International Conference on Labor Rights held in Marrakech, Morocco from February 9th to 18th, 2011.

During the event, the discussions focused on working conditions, organizational expressions of women workers and community organizing methods that could be implemented. In addition, the possibility of holding the event next year in Guatemala was discussed.

By surpassing themselves, these women leaders are now assuming an important role in their communities, giving substantial support and inspiring their fellow coworkers.

Female workers trained in labor law and legal framework of labor rights now replicating and sharing their knowledge to fellow coworkers

Asociación Poder Para Todos (PPT)

Pact partnered with the Asociación Poder Para Todos (PPT) in Guatemala to promote labor justice by minimizing the ethnic-based inequalities and discrimination that occur in the application of labor laws to indigenous workers.

PPT concluded important awareness activities such as two regional conferences, two training courses and dissemination through radio spots, television and brochures.

PPT's activities for this program included:

Local study on access to labor justice in indigenous communities

PPT conducted an in-depth situation analysis to measure ethnic discrimination among indigenous workers in Quetzaltenango and surrounding villages. PPT gathered demographic and qualitative data through community surveys and focus group meetings with indigenous communities, documented ethnic discrimination in the workplace and while accessing labor justice. The result of this important research is a baseline of the situation pertaining to indigenous workers' rights and access to labor justice.

The findings of the study entitled "Characterization of the Western Highlands of Guatemala" were presented in a one-day presentation meeting held in Quetzaltenango on July 19th, 2011. 78 people attended the presentation: 36 women and 38 men. The highest participation was recorded from public organizations (38%), followed by civil society organizations (23%), Universities (23%), and finally municipalities and the media.

PPT also published and printed findings of the study and distributed it to community leaders where the study was conducted, as well as other NGOs, and workplaces where the indigenous workers are employed.

Public awareness campaign by information dissemination

PPT planned an extensive public awareness campaign to inform indigenous workers, employers, judges, lawyers and law enforcement officers of labor rights through two (2) conferences held in Quetzaltenango and Totonicapán.

PPT also raised public awareness of indigenous workers' rights through radio spots and television broadcasts. Some of the radio spots and television broadcasts targeted indigenous workers themselves, while others targeted employers.

PPT's TV and Radio Spots

Media	Name	Date	Total
Total			1170
Radio	Stereo 100	September 1 st to October 31 st , 2011	210
Radio	Stereo Alegre	September 1 st to October 31 st , 2011	120
Radio	Radio S.L Salcajá	September 1 st to October 31 st , 2011	600
Radio	Radio Esperanza	September 1 st to October 31 st , 2011	240
Total			270
TV	Cable DX Quetzaltenango	September 1 st to October 31 st , 2011	240
TV	Cable RED 25	September 1 st to October 31 st , 2011	30

PPT also publicized on social media networks, such as Facebook and Youtube:

Facebook

Labor Justice Network Email: redapoyojusticialaboral@gmail.com (is attended by members of the Network for Labor Justice created during the development of the project).

Youtube

www.youtube.com/redjusticialaboral

Discrimination against women

<http://www.youtube.com/watch?v=4buxlimQkM4>

Defense of rights of indigenous women

<http://www.youtube.com/watch?v=Isd54sWUaUE>

Respect the minimum wage

<http://www.youtube.com/watch?v=lhtL-S6mvKU>

Legal support for workers

<http://www.youtube.com/watch?v=UWhFIoJy5HQ>

Rights of working mothers

<http://www.youtube.com/watch?v=yBPcP5LSEU4>

PPT designed and printed information brochures with information on workers' rights, contact information on where they can access labor justice and other helpful information. The brochures targeted indigenous workers and were disseminated at events, during community

visits, and sometimes in the workplace. The brochures were printed in K'iche' and Mam languages. The expected result is an informed and aware public of their workers' rights.

Trainings/workshops on labor justice and workers' rights



PPT conducted two trainings/workshops based on the constitutional mandates, the Labor Code and the conventions of the International Labor Organization signed by the Guatemala. PPT developed a new curriculum for this training.

Both trainings focused on components of ethnic and gender-based inequalities and discrimination and were attended by an average of 65 participants, including officials from government agencies, NGOs, indigenous labor leaders, local governments and associations of municipalities trained in labor law. The participating institutions were: Labor Inspection, Labor Courts, the Office of Human Rights, Government Institutions, Municipal Women's Offices, Municipalities and Associations, Universities, NGOs and the Media.

PPT Conferences and Trainings, by location, date and participants

Event	Location	Date	Participants	Men	Women
Total			254	144	110
Conference “Application of labor laws for indigenous populations”	Xela, Quetzaltenango	May 12th, 2011	54	30	24
Conference “Application of labor laws for indigenous populations”	Totonicapán	May 19th, 2011	65	34	31
Training “Application of labor laws for indigenous populations”	Xela, Quetzaltenango	June 1st, 2nd and 3rd, 2011	66	35	31
Training “Application of labor laws for indigenous populations”	Totonicapán	June 15th, 16th and 17th , 2011	69	45	24

Creation of the Network for Labor Justice

PPT created an indigenous labor rights network of local indigenous leaders, workers, NGOs, and government. The network is now meeting monthly and collaborates on resolving problems encountered by indigenous workers while accessing labor justice.

PPT managed to maintain contact with key stakeholders, identify potential members and confirm their involvement in the Network. On July 1st, at the closing activity of the two training courses, PPT officially presented the Network for Labor Justice, a forum for advocacy and monitoring the compliance of ethnic and gender non-discrimination in labor courts.

The assembly of the establishment of the network was assisted by social and institutional actors that converge on the goal of ensuring the implementation of labor justice to discriminated groups. Additionally, the network conducted three workshops on July 12th, 19th and 29th, 2011, with the same participants.

Results of PPT and Pact partnership in Guatemala:

- Sensitized public, to the labor conditions experienced by indigenous workers.
- Interested and aware public to the issues surrounding barriers to labor justice for indigenous workers.
 - Informed and aware public of their workers' rights, as well as informed and aware employers of their responsibilities towards their employees.
 - Sensitized group of administrators of labor justice, as well as an empowered group of indigenous workers, who have the information and tools on accessing labor justice.
 - Network of organizations working towards defending the rights of indigenous workers.

PPT program's impact

- A conscientious public to the social injustices and discrimination in the workplace and while accessing labor justice experienced by indigenous populations.
- Government entities, NGOs, indigenous labor groups, local municipalities, and community organizations trained on labor justice and indigenous workers' rights and apply their newly acquired knowledge.
- A network of practitioners and stakeholders for the defense of indigenous labor rights that work towards achieving appropriate application of labor laws vis-a-vis indigenous populations, and in so doing, reduce the ethnic discrimination towards indigenous populations.

Nicaragua

Comisión Permanente de Derechos Humanos de Nicaragua (CPDH)

The Nicaraguan Human Rights Permanent Commission (CPDH) seeks to create worker confidence in the existing mechanisms entrusted to guarantee labor rights and reduce the arbitrary measures that discriminate Nicaraguan workers. Pact partnered with the organization in June 2010 to strengthen the leadership of participating labor unions in order for them to better guide and improve worker access to labor justice, but also to implement activities that educate both workers and employers on labor rights and employer responsibilities.

CPDH's project was implemented in nine departments in Nicaragua. Activities included trainings on labor rights to union leaders and workers; provision of free legal services to workers; awareness raising on labor rights and two surveys to measure impact.

Results of their project are:

- Trained 1118 union leaders and workers in labor rights and legal framework for protection of labor rights through 23 trainings and 18 model replicate workshops in 9 departments;
- Provided 857 workers with free legal services from CPDH legal clinics;
- Reached workers with information on their labor rights through radio broadcasts;
- Conducted a baseline survey on knowledge of labor rights among workers in 9 departments, as well as information on union membership, and labor rights violations.
- Conducted an end-of-project survey and evaluation to measure impact of its activities.

Workshops for union leaders of nine (9) departments of the country regarding the Legal Framework of Labor Rights and legal and administrative proceedings

During its project, CPDH conducted 23 workshops with leaders of labor unions related to the Central de Trabajadores de Nicaragua (CTN). Additionally, 18 multiplication workshops were given, in areas such as Social Security Law, labor crimes in the Criminal Code, among others. Training reached 1118 union leaders (representing 162% of the established target), of which 519 are men and 599 women. In addition, CPDH trained 400 college students on labor rights as an added value to the project.

CPDH Training participants, by departments and gender

Departments	Participants	Women	Men
Total	1118	599	519
Chinandega	229	115	114
Carazo	91	61	30
Granada	134	62	72
Chontales	92	50	42
León	118	74	44

Managua	210	104	106
Masaya	114	67	47
Matagalpa	23	9	14
Rivas	107	57	50

In the multiplication workshops conducted between July 2010 and April 2011, a total of 454 men and women from the departments of Chinandega, Chontales, Managua, Granada, Masaya, Carazo, León and Rivas were trained. As it is possible to observe, the expectations of the multiplication trainings were highly exceeded under the project.

CPDH Free Legal Assistance to workers

During its project period, CPDH processed 857 cases of labor rights violations on behalf of workers (700 are men and 157 women). Of those, 154 cases (20%) have been resolved in the courts. CPDH shared with Pact that with the SIADELCA software, the organization will continue to follow-up on those pending cases and aims to seek resolution to 200 cases in the first half of 2012.

Baseline study and end-of-project survey and evaluation

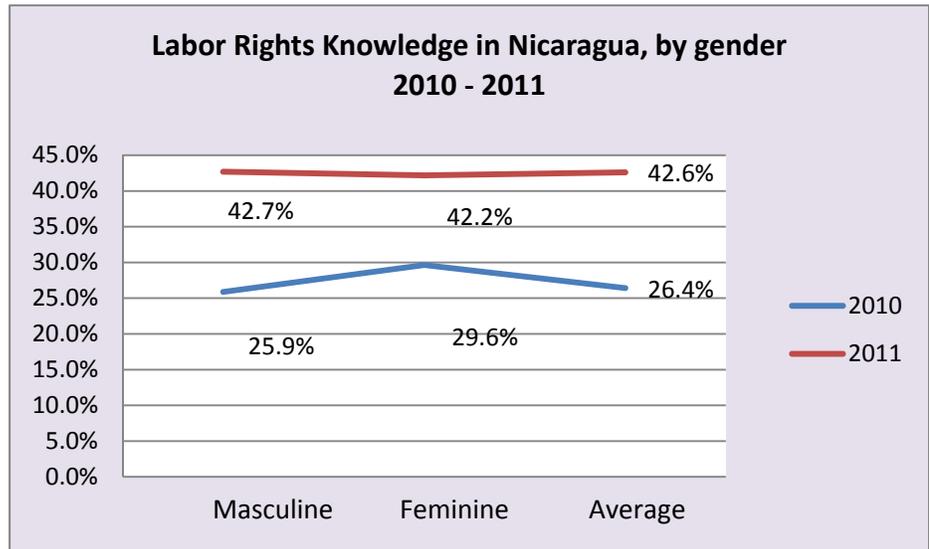
This activity was conducted in two phases. First, the survey on public awareness of labor rights involved 800 workers from public and private companies and the following aspects were highlighted:

- There is a high degree of ignorance on the part of workers in relation to the law that protects their rights. 3 out of 4 mentioned not having knowledge of that law.
- Only 6 out of 10 respondents said they are adequately informed of their labor rights. Same data is observed when disaggregating the data by gender.
- 7 out of 10 people feel that being part of a union allows you to be better informed on labor rights.
- 16.1% of 10 workers said that during the past year their labor rights were violated, a similar proportion is observed when disaggregating data by gender.
- In the group of union workers, 22.9% reported to that their rights have been violated in the past. Situation that could be associated to a greater knowledge of the law and to be adequately informed of their rights.
- The most common violation of rights is linked to violation of wage conditions (31.9%), abuse by a person of higher rank (22.6%) and unfair dismissal (20.2%).

These results were presented to international agencies such as the European Union, Denmark and Norway cooperation agencies, to raise awareness about how labor rights are vulnerable in Nicaragua. Likewise, these results are the basis of the elaboration of proposals for the monitoring, promotion and advocacy of workers' rights under the management of companies.

The second phase of this activity aimed at measuring impact of the project funded by USAID. CPDH conducted 800 surveys in the same target group in nine (9) departments of Nicaragua.

Survey questions were identical to those of the baseline survey, so that results could be compared. Based on the results of this end-of-project survey, CPDH was able to evaluate the impact of its project on the workers' knowledge about labor rights, as well as which of their activities had more



impact and are more sustainable, in order to inform future programming.

Awareness Campaign on labor rights, through radio programs and spots

The dissemination and information to the public was constant during the entire project, with continuous broadcasting on radio channels and through the distribution of educational materials, as well as diffusion through the media. A total of 3,932 spots on 60 different radio shows by 20 different radio stations were broadcasted.

In the same vein, the organization also designed and published a brochure in order to promote labor rights awareness. Over 5,000 brochures were distributed during the activities of the CPDH, as well as during trainings and lobbying.

UPOLI

UPOLI's previous work with Pact on Interest-Based Bargaining made significant strides in strengthening Nicaraguans' access to labor justice, therefore Pact decided to continue increasing and strengthening labor justice in Nicaragua by partnering up with the University to contribute to Objective 2 of the Program.

At present in Nicaragua, private businesses do not trust in the judicial system of the nation. In fact, the Survey of Business owner Confidence reported that 97.6% of businesspeople consider the Nicaraguan judicial system to be "not trustworthy." Given this context, it is vital to find alternative ways for businesses, unions, and workers to resolve conflicts.

Another principal factor that negatively affects access to labor justice is the lack of public knowledge regarding the judicial regulations contained in Nicaraguan labor code, especially in

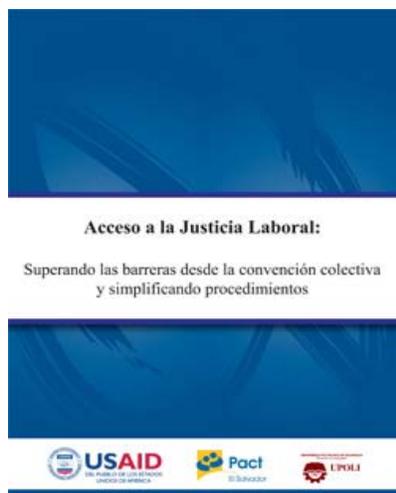
relation to collective agreements. Even so, there is little dialogue between policy and judicial public officials to deal with the practical difficulties of how to ensure public access to labor justice. Furthermore, users of the labor judicial system are offered little or no information on the complex steps of the judicial process, making it a difficult pathway for resolving labor conflicts. An additional problem facing Nicaraguans is the lack of space for carrying out negotiations or interest-based bargaining where workers, employers, and unions can come together to resolve conflict.

To address these issues, Pact developed a plan to implement with the UPOLI concrete actions both within and outside of the university, to put into practice innovative, simplified procedures and mechanisms for resolving labor conflicts.

From March to October 2011, Upoli implemented a program entitled “Citizen Access to Labor Justice in Nicaragua”, which achieved the following results:

- Conducted a study and published a conceptual tool on collective agreements in Nicaraguan labor code, so as to amplify the public’s understanding on the subject.
- Strengthened Upoli’s Multisectoral Network for Labor Justice through forming strategic plan, establishing alliances with more organizations, communicating the network’s successes, and continuing to spread mechanisms for accessing labor justice.

Study on collective agreements in Nicaraguan labor code



To amplify public understanding on the subject of collective agreements in Nicaraguan labor code, UPOLI carried out a study on the topic of collective agreements as a conceptual tool. 500 hardcopies of the study were printed and distributed to the diverse stakeholders of the labor justice system, including public functionaries, judges and magistrates, journalists specialized in the field, academics, unions, professionals, and workers. Using simplified language, the publication lays out the concept of collective agreements in a clear and approachable manner, serving as essentially as a guide both for operators of and users of the labor judicial system. In addition to explaining labor-focused legislation, the publication addresses the concept of labor justice.

On October 18th, 2011 UPOLI held a conference entitled “Reflection on Access to Labor Justice” to reflect on, promote, document experiences of, and take recommendations for accessing labor justice. Over 80 labor leaders, businesspeople, workers, academics, students, attended the event. Recommendations were taken from the public regarding how to improve access to labor justice, and the University intends to create and publish a written record of the recommendations and ideas taken at the conference to provide it to judicial institutions and the press in order to inform and move the nation to taking up the theme of labor justice.

Upoli's Multisectoral Network for Labor Justice

During the implementation of its project, UPOLI strengthened its Multisectoral Network for Labor Justice. The network, which currently comprised of over 10 organizations, formed and approved a strategic operating plan for eliminating barriers to labor justice. Additionally, the University established strategic alliances with more organizations and also partnered with the Ministry of Labor and labor tribunals to establish permanent methods of increasing citizen access to these institutions. The network also printed informative bulletins and flyers about labor justice to spread its reach and mission.

Universidad Paulo Freire (UPF)

The shortage of specialized legal and technical assistance in Nicaragua make difficult the defense of labor rights for workers and unions. Also, the dispersed labor courts throughout the country make rulings on labor cases inconsistent.

To address this issue, Pact partnered with the UPF's Center on Labor Studies to develop a proposed program with the dual aim of documenting case law decisions and trends, and providing labor leaders with the skills to interpret and apply the nuances of these areas of labor legislation through a specialized certificate program.

From July to October 2011, UPF implemented a project entitled: "Certificate Program of Advanced Training in Oral Process for Labor Attorneys, and Research on Tendencies in Nicaraguan Case Law regarding Labor Rights at the Termination of Labor Contracts." This project strengthened the skills of attorneys specialized in labor issues, but also built Nicaraguan labor law jurisprudence.

UPF interviewed judges and lawyers and also analyzed resolutions of the Commission of Appeals and judgments issued by courts of different districts of the country. Researchers visited local courts and court of appeals in Managua, Leon, Matagalpa, and Juigalpa to review all case proceedings and judgments litigated between 2007 and 2009. Additionally, UPF conducted focus group meetings with judges and court clerks, labor law professors, students of the School of Law and academic specialists, labor union leaders and attorneys. The focus groups discussed the legal cases and its outcomes: what judgments and decisions were made, whether or not the "best" decision was reached based on Nicaraguan law, whether or not the cases and decisions have reached jurisprudence.

The result of this investigation is a published study that now provides judges, attorneys, paralegals and union leaders with updated information and recommendations aligned with the most common court decisions by judges in the area of labor contract termination. This study leads to better decision and judgments made in cases involving labor contract termination in local courts (see success story).

On another hand, UPF implemented a technical certificate program for union leaders who represent workers in labor courts. The curriculum was strongly based on the published study.

The result of this certificate is that Nicaragua now counts with a trained group of union leaders with updated information of jurisprudence going into oral proceedings, providing workers, who they represent, with better legal services.

UPF Activities Participants

Activities	Participants	Men	Women
Four (4) Validation Workshops and Focus Groups	43	17	26
Presentation of the Study on Tendencies in Nicaraguan Case Law	113	59	54
Two (2) Trainings for labor attorneys	65	33	32

SUCCESS STORY

Pact El Salvador building Nicaraguan jurisprudence in labor law



National Labor Court Magistrate of Nicaragua , Olga Elvira Brenes

Dual aim of documenting case law decisions and trends, while providing lawyers with tools to interpret and apply labor legislation

Jurisprudence will also be used for advocacy in order to obtain legal reforms that will provide Nicaragua more specialized labor laws

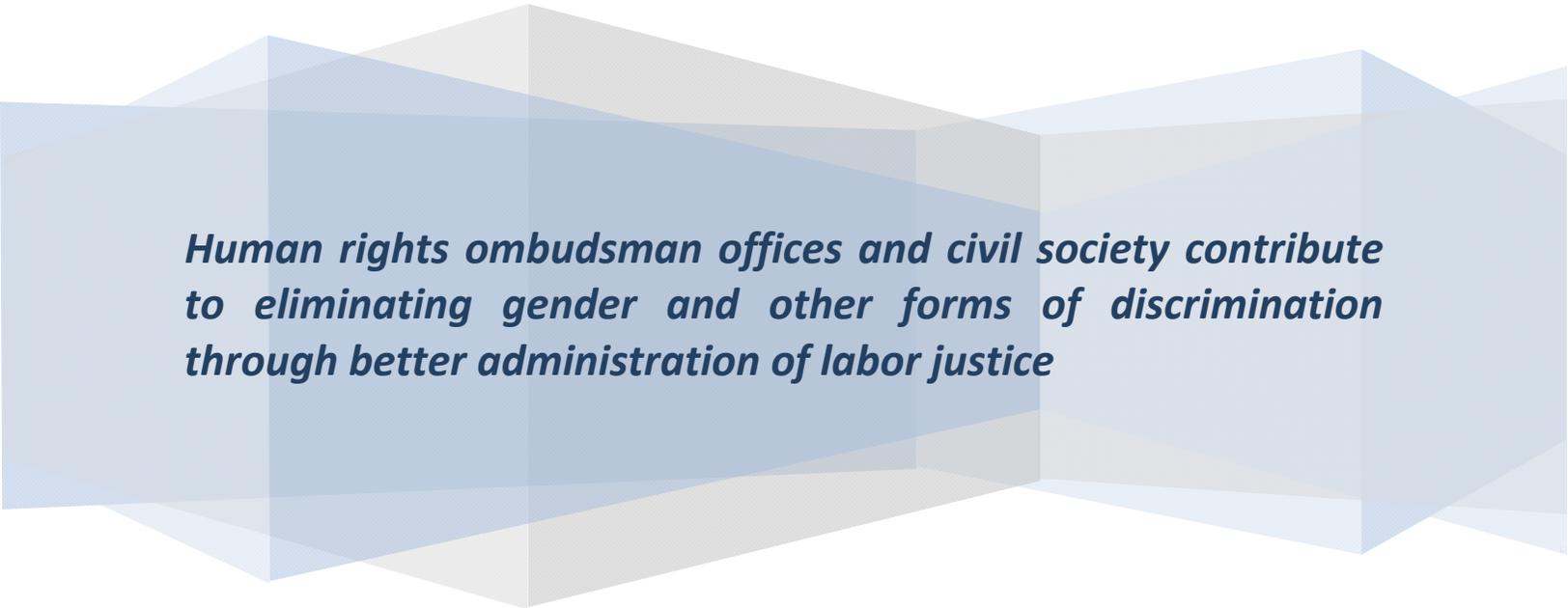
Two of the enduring problems that have plagued the labor movement in Nicaragua include the shortage of specialized legal and technical assistance available for workers, and the lack of information on judicial processes. These issues present serious obstacles for workers and labor unions seeking to defend their rights and the rights of their members.

Additionally, all Nicaraguans depend on nine labor courts throughout the country, whose rulings on labor cases have been inconsistent. The passage of a new Labor Code in 1996, coupled with recent legislation regarding procedures and institutions for dealing with labor conflicts, further complicated the interpretation and application of labor laws.

To help address Nicaraguan workers' need for consistent, reliable interpretation and application of labor laws, Pact partnered with the Universidad Paulo Freire (UPF) to collect jurisprudence on court rulings issued by labor courts on one particular labor justice issues - labor contract termination. Labor contract termination is the most common lawsuit issued in Nicaragua and the most common of interventions by union leaders.

By visiting local courts and court of appeals in Managua, Leon, Matagalpa, and Juigalpa and reviewing all case proceedings and judgments litigated in these locations, researchers managed to build a strong base of legal cases ruling in favor of workers' rights within existing Nicaraguan labor law which can be used as a precedent for Nicaraguan jurisprudence.

The published study is now providing judges, attorneys, paralegals and union leaders with updated information and recommendations aligned with the most common court decisions by judges in the area of labor contract termination. The availability of this study will lead to better decision and judgments made in cases involving labor contract termination in local courts.



Human rights ombudsman offices and civil society contribute to eliminating gender and other forms of discrimination through better administration of labor justice

The goal of Objective 3 is to have Human Rights Ombudsman Offices and Civil Society contributing to eliminate gender and other forms of discrimination through better administration of Labor Justice, through the following results:

- 3.1** Contribute to influence in removing selected barriers to labor justice for targeted discriminated groups
- 3.2** Strengthen technical capacity of Ombudsman Office staff to advocate for the enforcement of labor rights of targeted discriminated groups, especially women, handicapped persons, migrants and indigenous groups.
- 3.3** Increase in the knowledge of Ombudsman Office staff and discriminated groups regarding access to labor rights.

Through this objective, Pact provided support to Ombudsman Offices and civil society organizations (CSOs) in order that they might become better equipped to contribute to the elimination of gender and other forms of discrimination within the workplace. This included grants to 15 CSOs in Costa Rica, El Salvador, Guatemala, and the Dominican Republic for the execution of activities targeting marginalized groups considered particularly vulnerable to labor rights violations. These include groups such as domestic workers in Costa Rica, Haitian migrants in the Dominican Republic, sugarcane workers and persons with HIV/AIDS in El Salvador, and indigenous women employed within the Guatemalan garment manufacturing industry.

All technical assistance, documentation and training were given to Ombudsman Offices in order for them to reach civil society, state institutions and workers to contribute to eliminate gender and other forms of labor discrimination in women, migrants, disabled persons and indigenous people.

At the beginning of the program, the Inter-American Institute for Human Rights (IIDH) was in charge of implementing this component that aimed at strengthening the ombudsman function in CAFTA-DR countries as it relates to labor law. In March 2010, because of a slow implementation and lack of partnership development, USAID informed the IIDH that its involvement with the program would expire at the end of April 2010. Therefore, Pact became responsible to implement all activities and offer technical assistance to Ombudsman offices.

IIDH Achievements

IIDH conducted a review of existing analyses of the legal context of labor justice in CAFTA-DR countries, which aimed to serve as an analytical basis for the activities carried out. These studies included the “Regional study on the labor rights and access to labor justice context in Central America and Dominican Republic”, “Identification of valid initiatives in the region related to labor rights, particularly those efforts focused on monitoring tasks and discriminated groups”, “Regional study on labor law legal framework and the current status of labor rights” and “The Ombudsman Institutions and the elimination of barriers in the access to labor justice

in the signatory countries to the free trade agreement between the United States, Central America and Dominican Republic (CAFTA-DR)”.

Pact’s Achievements

Pact’s work upon Objective 3 officially began in the month of May 2010 and concluded on December 15th, 2011. The execution of this objective focused on three specific activities: Strengthen technical capacity of Ombudsman Office staff, develop specialized material regarding access to labor justice and specialized trainings on labor justice. The Program covered the Ombudsman offices of Guatemala, El Salvador, Honduras and Costa Rica.

In order to achieve the expected results of the Objective 3, a four phase strategy was elaborated: *Phase 1*: Project repositioning within Ombudsman Offices. *Phase 2*: Documentation validation, translation and distribution process. *Phase 3*: Training Sessions for trainers within the Ombudsman Office, in first instance; and for Ombudsman employees, Court Officials and civil society staffs, in second instance. *Phase 4*: Technical Assistance upon labor rights and labor discrimination with national Experts.

During Phase I, meetings and coordination with Ombudsman Offices in Guatemala, El Salvador, Honduras and Costa Rica had excellent results; all Ombudsmen reassured their commitment to work with Pact. During the first few months, valuable information regarding Ombudsman Offices insights was gathered and procedures in reference to labor rights and justice access by discriminated groups were documented. Special requirements for training needs and specialized material were analyzed and all this information was processed in order to determine the work plan for the next months.

Objective 3’s Main Activities

Activities	Detailed tasks
<i>Provide technical assistance in labor rights to Ombudsman staff</i>	Developed Labor Rights Legal Framework
	Created Labor Observatory
	Drafted of the Law Initiative Bibliographic Index on Labor Rights
<i>Production of specialized labor rights material for Ombudsman Offices (TOT) and for civil society</i>	Designed Self-directed learning Manuals
	Designed and published Brochures on Access to Labor Justice
	Developed, published and disseminated Educational Modules of Labor Rights

	Designed and translated the Indigenous people Labor Rights Module into K'iche.
<i>TOT on labor rights and labor discrimination for Ombudsman Offices</i>	Trained Ombudsmen office staff members in mediation and conflict resolution upon the Interest-based Bargaining Model.
	Trained of Ombudsman Offices technical Staff in Guatemala, Honduras, El Salvador and Costa Rica on labor rights using the Labor Rights Manual.

Provide technical assistance to Ombudsman Offices on the subject of labor rights

Taking into consideration the findings of the assessment conducted within the Ombudsman offices of Guatemala, El Salvador, Honduras and Costa Rica, to identify barriers to labor justice for discriminated groups, technical assistance was provided to Ombudsman Offices to help them fight labor discrimination given the specific contexts and constraints of each country.

Written requests were sent to Pact for assistance by the Ombudsman offices where they outlined their background and justified their personal needs for technical assistance as well as the type of support requested. Based on these requests, Pact formulated a specific technical assistance plan and tailored the activities according to the specificities of each Ombudsman office. The plan included specific documentation, trainings, hiring of expert consultants, etc.

The technical assistance given to Ombudsman Office staff in Guatemala, Honduras, El Salvador and Costa Rica was:

Typology of Labor Rights for Ombudsman Offices

Pact made a compilation entitled Labor Rights Typology that comprises Ombudsman Offices' typologies, ILO ratified Conventions, documents made within the program and several laws. The document was presented to the Ombudsman Offices and was validated. The final version was presented as a digital resource, and the enthusiast of the Ombudsman was shown by the fact that all four Offices uploaded the document to its web pages:

El Salvador <http://www.pddh.gob.sv/menudocs/libros/>

Costa Rica http://www.dhr.go.cr/menu_inicio/tipologiaderechoslaborales.pdf



Guatemala

http://www.pdh.org.gt/index.php?option=com_phocadownload&view=category&id=6:publicaciones

Honduras <http://www.conadeh.hn/joomla/index.php/documentos/336-tipologia-de-derecho-laboral>

Additionally, the Guatemalan Ombudsman decided to print 300 copies of the document and distribute it to labor union members, NGOs, diplomatic staff and media in Guatemala during an official presentation. This document has been a valuable tool to the Ombudsman Offices in the region.

Technological Support and Design of a Labor Observatory in Guatemala

Pact designed and supported a Labor Observatory specifically for the Ombudsman Office of Guatemala under the following objectives and strategy:

Objectives of the Labor Observatory:

- To design and implement a system that strengthens the faculties of observation, monitoring and supervision of the PDH, regarding the commitments of Guatemala in labor rights.
- To design and develop a technological platform for the institutional monitoring.

Implemented strategy:

- Identify and systematize the labor commitments.
- Establish the commitments priorities of the PDH.
- Develop labor justice access indicators.
- Design the Critical Route.
- Develop a technological platform.

Drafting of a Law Initiative to be presented in Guatemala Congress by the Ombudsman

This activity was a specific request of Guatemalan Ombudsman Sergio Morales. The Law Initiative is a project to create the Worker Public Defense Institute in Guatemala. The Draft includes a Statement of motives to explain the reasons that justify the need of this Law Initiative, from a Human Rights approach.

The PDH organized a forum with labor unions in order to discuss the content of this law initiative; the participants were from the Central Confederation of Workers and Labor Union of Workers from Guatemala.

Due to the electoral process held in September 2011, the Ombudsman will present the law initiative to the Human Rights Commission within the Congress in 2012.

Bibliographic Index on Labor Rights



A labor rights thesaurus was created in August 2009, under the supervision of the IIDH. In 2011, Pact evaluated necessary to review the content and editing of this tool. After a complete revision, it was suggested that the document is entitled “Bibliographic Index” instead of a Thesaurus.

With the final product, Pact elaborated an Interactive Index on the Flash Platform to be distributed on a CD to key stakeholders such as Ombudsman Offices, labor unions and civil society organizations. Over 500 copies were distributed in the last two quarters of the Program.

Production of specialized labor rights material for Ombudsman Offices (TOT) and for civil society

Specialized materials on the subject of labor rights, emphasizing labor discrimination, were produced within the framework of the CALJ Program. Special attention was given to vulnerable groups such as women, indigenous people, migrants and disabled persons.

During the entire process, Ombudsman Offices’ staff and civil society were included to evaluate and validate the content and format of the materials that best suited their needs.

The following materials were developed, published and distributed to the Ombudsman Offices of Guatemala, Honduras, El Salvador and Costa Rica, to labor unions, NGOs, members of Labor Courts, and Universities. Additionally, all materials were used during training activities of the Program.

Labor Justice and Human Rights - Self-Directed Learning Manuals

Self-Directed Learning manuals were made for each of the six countries of the CAFTA-DR according to their internal labor laws. Each one contains basic concepts and principles of labor law, development of individual and collective labor rights, and a guide to administrative and legal means of enforcing those rights. There are self-assessment exercises at the end of each module.

This material, produced in digital version was



delivered to each Ombudsman Office, although the target audience is composed largely of governmental organizations, NGOs, labor unions, employers, law professionals and students.

The manuals were prepared and vetted by national experts, and are having a significant impact in strengthening the capacity of public defenders, lawyers, students, and providers of free legal assistance.

Labor Rights Modules

During the program, the following five **Labor Rights Modules** were printed and officially distributed to the Ombudsman Offices of Guatemala, El Salvador, Costa Rica and Honduras:

- *Access to Labor Justice and Human Rights (General Module), including Labor rights dispute procedures within the context of CAFTA-DR Trade Agreement and Public Communications regarding violations of 16th Chapter regulations within CAFTA-DR procedures*
- *Indigenous people labor rights and access to labor justice Module*
- *Disabled people labor rights and access to labor justice Module*
- *Migrants labor rights and access to labor justice Module*
- *Women labor rights and access to labor justice Module*

Pact also took the initiative to comprise all modules in a box and include an interactive CD with national and international labor rights law.

Labor Justice and Human Rights Brochures

Pact evaluated essential to summarize the Labor Rights modules in order to disseminate them to the public and promote these rights. Therefore, through a consultancy, six Labor Justice and Human Rights Brochures were elaborated and distributed among the Ombudsman offices and key partners working directly with vulnerable groups.

- *Access to Labor Justice Brochure*
- *Migrants labor rights and access to labor justice Brochure*
- *Disabled people labor rights and access to justice Brochure*
- *Women labor rights and access to labor justice Brochure*
- *Indigenous people labor rights and access to labor justice Brochure*
- *Practical guide for labor rights calculations (for Costa Rican Ombudsman only)*

Educational Modules

The Educational Modules of Labor Rights were designed specifically for Guatemala, entitled “Introductory approach to labor rights”. These Modules are being used for training purposes (by teachers of the Guatemalan Educational System) under an agreement within the Ombudsman Office and Guatemalan Ministry of Education. Additionally, the modules will be part of a series of Educational Modules on Human Rights that are being made by the PDH in Guatemala.

“Legal Framework for the Protection of Labor Rights”

A document made especially for El Salvador’s Ombudsman Office entitled “Legal Framework for the Protection of Labor Rights” was elaborated and 1600 were donated to the Salvadoran Ombudsman Office. This document includes the National Constitution of El Salvador, the Labor



Code and all ILO ratified Conventions by El Salvador.

A formal presentation was held, in which USAID Official, Ivan Seassal, made a formal presentation and granting of the books to Ombudsman Oscar Humberto Luna in a special activity set for the press. During his speech, the Ombudsman outlined the tremendous support his office has been receiving from the Program.

The Ombudsman Office distributed the books among its personnel but also to governmental Offices who work in Labor Rights areas, such as the *Procuraduría General de la República*, Ministry of Labor, Supreme Court of Justice and other entities. At the Ombudsman request, in order to continue promoting and working within other regions and populations, an additional 1000 copies were printed.

Indigenous people Labor Rights Module

To reach a greater number of indigenous people in Guatemala, Pact evaluated and considered a valuable product to translate and adapt the content of the Indigenous People Module to the K’iche’ Mayan language. This material is being used by the Defender of Indigenous People, Martin Sacalxot, and the Ombudsman Office of Guatemala.

All specialized labor rights material Pact shared with Ombudsman offices in El Salvador, Guatemala, Honduras and Costa Rica had a great response from the Ombudsman’s community, governmental institutions and organizations. All four Ombudsman Offices uploaded the Self-Directed Learning Manuals on Labor Justice and Human Rights, the Typology of Labor Rights, the Modules, etc.; to their webpages.

Additionally, the Ombudsman Office of Guatemala printed some of the specialized material in order to distribute it to civil society organizations and institutions working in labor and human rights.

Training of Ombudsman Offices technical staff upon labor rights and labor discrimination

Training of Trainers (TOT) process

A Training of Trainers (TOT) was designed for each Ombudsman Office of the following countries: Guatemala, El Salvador, Costa Rica and Honduras. It was aimed at strengthening the staff of the Ombudsman Office, state institutions, and civil society organizations, to improve their knowledge and the performance of their important work in the defense and promotion of labor rights of all citizens, especially disadvantaged groups.

The name given to the TOT's is **Towards the Defense of Labor Rights without Discrimination**. These trainings were based on the Labor Justice and Human Rights Modules, previously elaborated within the Program's framework. The objective of the TOT sessions in the four countries was to train the participants on labor rights and strategies for the elimination of different forms of discrimination that impose barriers on access to labor justice of groups that historically have been discriminated, particularly women, indigenous people, disabled people and migrants.

Towards the Defense of Labor Rights without Discrimination Course El Salvador

The first TOT was held in El Salvador from June 15th to 17th, 2011. The specialized course was attended by forty individuals (21 women and 19 men) including officials of the Ombudsman Office, representatives of civil society organizations and personnel of state institutions that are working in the defense of labor rights.

The inauguration was presided by Oscar Humberto Luna, Ombudsman of El Salvador, Mr. Ivan Seassal, from USAID, Mrs. Sandra Dueñas from Pact and Mr. Ramon Cadena from the International Commission of Jurists. The Course was also attended by Deputy Ombudsman: Antonio Aguilar Martínez, Deputy Ombudsman for the Defense of Economic, Social and Cultural Rights, Walter Gerardo Alegría, Deputy Ombudsman for the Defense of Civil and Individual Rights Guevara and Rachel Caballero, Deputy Ombudsman for the Defense of the Rights of women.

The course was conducted by international experts, who described and taught the contents and methodologies proposed in the educational modules on Access to Labor Justice. In the closing ceremony, Pact handed to the Ombudsman of El Salvador 200 copies of the five modules.

Towards the Defense of Labor Rights without Discrimination Course Costa Rica

In Costa Rica, the second TOT was held on August 17th, 18th, and 19th, 2011, organized by Pact in alliance with La Salle University, the Human Rights Department and the Ombudsman Office from Costa Rica.

The Course entitled was attended by forty-four individuals (36 women and 18 men) including officials of the Ombudsman Office, representatives of civil society organizations, personnel of state institutions, such as the Labor Department of Costa Rica.

The inauguration was presided by Ombudsman Ofelia Taitelbaum; La Salle University Rector, Oscar Azmitia; Costa Rican Labor Minister, Sandra Pizsk; Supreme Court Judge, Rolando Vega; and Pact consultant Lorena Gonzalez.

Additionally, in this country, an Indigenous Peoples Labor Rights Panel, composed of eight Costa Rican Indigenous persons, was added. Also, the “Ombudsman Office and their work for Labor Rights of Discriminated Groups” panel was composed by the Director of Labor Rights Department, Roxana Chacón; the Director of the Women Office, Alejandra Mora; Director of Special Protection, Alvaro Paniagua; and Office Adviser, Janet Carrillo.

On August 19th, the Ombudsman Office of Costa Rica sent Pact an evaluation of the experience in the Training of Trainers. Ombudsman Ofelia Taitelbaum emphasized on the importance of technical groups trained on labor rights and that they must have a continuous preparation in order to detect different forms of discrimination by gender, race, age, and others, and know the correct way to answer the problem.

Towards the Defense of Labor Rights without Discrimination Course Honduras

In Honduras, the Training of Trainers (TOT) was held from August 31st to September 2nd, in alliance with the Judicial School of Honduras and the Ombudsman' Office of Honduras.

Fifty-five people attended, with an equitable participation (28 women and 27 men) including officials of the *Comisionado Nacional de los Derechos Humanos* (CONADEH) and personnel of state institutions such as: Secretary of Labor Department, Public Defense, Supreme Court, as well as professors of Honduran Universities: José Cecilio del Valle, Universidad Nacional Autónoma de Honduras (UNAH) and Technological University.

The inauguration was presided by Ombudsman Ramón Custodio López, Magistrate of Civil Department of the Supreme Court, Edith María López Rivera and the Sub secretary of the Ministry of Labor, Carlos Montes, who gave the inaugural speech and presented a general framework of Labor Rights and how in the Honduran jurisprudence and doctrine considered them as a basic right.

The course was conducted by Honduran professors and international experts, German Leitzelar, Member of the National Congress; Olvin Rodríguez, UNAH Professor; Estela Cardona, Director of the Interior Population Secretary; Pamela Maureen Zamora Martínez, Lawyer and Ricardo Puerta, Sociologist; shared the contents and methodologies proposed in the educational modules developed under the program, but also the jurisprudence of the Labor Rights at the Interamerican System of Human Rights.

As a requirement, the participants previously had to complete the workshop: “Curso Autoformativo Justicia Laboral y Derechos Humanos” in Honduras, which was also elaborated in the framework of the project, and is on the CONADEH web page. At the end of the course, participants were evaluated in order to obtain the diploma of the Judicial School of Honduras.

Towards the Defense of Labor Rights without Discrimination Course Guatemala

In Guatemala, the Ombudsman Office decided to carry on three training sessions on labor rights emphasizing on the eradication of the discrimination of vulnerable groups in different regions of the country: Quetzaltenango, Zacapa and Guatemala City. TOTs took place from September 29th to October 5th, 2011. A total of 102 officials were trained (49 men and 53 women) coming from all departments within the Ombudsman Offices.

The course was conducted by experts of the Specialized Departments of the Ombudsman Office of Guatemala: Labor Defender, Vinicio Hernández; Migrants Defender, Flora Reynosa; Women Defender, Ana Gladys Ollas; Persons with Disabilities Defenders, Silvia Quan and Corina Enríquez; and Indigenous Peoples Defender, Martin Sacalxot; who have given valuable support to the development of this course since its beginning.

The first training was held on September 29th and 30th in Quetzaltenango, and 35 people (16 women and 19 men) attended the workshop, including departmental assistants, and officials of the Ombudsman Office of Quiché, Totonicapán, Huehuetenango, Escuintla, Quetzaltenango, Sololá, Retalhuleu, Coatepeque, Suchitepequez and San Marcos.

On October 3rd and 4th was held the second training in Zacapa with the participation of 26 people (15 female and 11 male) from Alta Verapaz, Baja Verapaz, Chiquimula, Peten, Izabal, Zacapa and Ixcán.

The last training was held on October 5th in Guatemala City. The inauguration was presided by Dunia Tobar de Leal, Human Rights Deputy. The attendance to this course was 41 people (22 women and 19 men), including PDH officials from Chimaltenango, El Progreso, Escuintla, Jalapa, Jutiapa, Santa Rosa, Sacatepéquez, Chiquimulila, Milpas Altas and Central Office.

“Training of Trainers” TOT for Ombudsman, by country, date and number of participants

Country	Date	Participants	Men	Women
Total		348	166	182
San Salvador, El Salvador	June 15 th to June 17 th	40	19	21
	November 24 th and 25 th	50	28	22
San José, Costa Rica	August 17 th to August 19 th	56	20	36
Tegucigalpa, Honduras	August 31 st to September 2 nd	55	27	28
	November 14 th to 16 th	41	20	21
Quetzaltenango, Guatemala	September 29 th and 30 th	35	19	16
Zacapa, Guatemala	October 3 rd and 4 th	26	11	15
Guatemala City, Guatemala	October 5 th	45	22	23

Mediation and conflict resolution for Ombudsman Offices

The main objectives of the Ombudsman trainings in mediation and conflict resolution upon the Interest based Bargaining Model (NBI for its Spanish acronym) were:

- Systematize the way Ombudsman Offices deal with conflicts, trying to identify good practices and learned lessons.
- Train Ombudsman Office’s strategic staff members in Interest based Bargaining Model.
- Prepare an Interest based Bargaining Model specific for Ombudsman Offices with the preliminary training process feedback.

The component was developed in several phases:

Phase 1: Present to Ombudsman Offices the objectives of the Component along with the methodological guide of the training sessions.

Phase 2: Develop an introductory course based on IBB Model for Ombudsman Offices’ strategic staff members.

Phase 3: Prepare an Interest based Bargaining Model tailored for Ombudsman Offices.

Phase 4: Systematization of the experience gained along the process in a Manual.

In November 2010, Pact, with the support of FUNPADEM, successfully developed the first IBB workshop for ombudsman offices in Costa Rica, El Salvador and Guatemala. A total of 103 representatives participated in this workshop (28 in Costa Rica, 41 in El Salvador and 34 in Guatemala).

Through this workshop, Pact was able to clearly identify the needs of each of the offices of the three countries. Also, this training gave the ombudsman representatives, new tools on conflict resolution and Interest Based Bargaining. The experience developed in each of the country showed that the ombudsman offices work on conflict resolution but do not have an intervention protocol to do their work. Pact and FUNPADEM were able to identify areas that

need to be fortified in each of the offices; especially the IBB knowledge of the representatives and the planning and design of conflict resolution processes.

The two-day training sessions began in November. The seminar in Costa Rica took place on November 15th and 16th, 2010. The one in El Salvador on November 17th and 18th, 2010 and finally, the training in Guatemala was conducted on November 22nd and 23rd, 2010. Pact also included training on CAFTA-DR's Chapter 16 litigation or settlement mechanism, to ensure fulfillment of the obligations contained therein.

In February 2011, Pact and FUNPADEM successfully developed the Second IBB workshop for Ombudsman Offices in Guatemala and El Salvador. A total of 58 representatives participated in these workshops (31 in El Salvador and 27 in Guatemala). The second part of the IBB training was carried on in El Salvador on February 3rd and 4th and in Guatemala on February 17th and 18th. Due to previous commitments of the Ombudsman Office of Costa Rica, the second training was conducted on April 28th and 29th, 2011 with an attendance of 23 representatives.

The Program was able to develop an IBB course tailored for each of the Ombudsman Offices. Through the data recovered in the first workshop, this second workshop included tools and concepts that help the conflict resolution processes that both offices execute in Guatemala, El Salvador and Costa Rica.

IBB for Ombudsman, by country, date and number of participants

Country	Men	Women	Total
Total	57	46	103
Costa Rica	7	21	28
El Salvador	26	15	41
Guatemala	24	10	34

Program's Achievements under Objective 3

Pact strengthened the technical capacity of Ombudsman Office staff to advocate for the enforcement of labor rights of targeted discriminated groups. With this institutionalization of the specialized technical staff, there has been an incidence in removing barriers to labor justice. The Ombudsman of Guatemala has received and processed 112 complaints of violations of labor rights, especially on employment discrimination, violation of freedom of association, barriers to access to justice in the administrative and judicial field, violation of the right of immovability for pregnancy and lactation reasons. In Costa Rica ombudsman's office has conducted training courses for trade unions.

Within the TOT course held in Honduras, Pact found that the Additional Protocol to the American Convention on Human Rights (Protocol of San Salvador), which regulates labor rights, was ratified by the Congress of Honduras in 2007 and published in the Official Gazette in 2009, but the government hadn't yet deposited the ratification at the OAS. Pact's consultant, Lorena Gonzalez, lobbied with the Ombudsman of Honduras to request that the Honduran

government submit the ratification to the Secretariat of the OAS, so Hondurans could be guaranteed better legal protection. In November 2011, Ambassador Leonidas Rosa Bautista, presented Honduras’ instrument of accession to three continental conventions including the Protocol of San Salvador (see Success Story below).

In addition, Pact conducted training for more than 400 persons from Ombudsman offices, civil society, judiciary, union members and academics.

It is important to mention that all scheduled activities and their results were achieved in the development of the project and many exceeded the established targets by the indicators.

Publications / Products

Ten special publications were produced during the development of the project and one was translated to a Mayan language. The specific publications produced within the Objective 3 include:

Documents	Publication
Typology of Labor Rights	Printed and digital version
Drafting of the Law Initiative	Digital version
Bibliographic Index on Labor Rights	Digital version
Access to Labor Justice and Human Rights including a unit regarding conflicts resolution within CAFTA-DR	Printed
Training manual on indigenous groups and their labor rights for Ombudsman offices.	Printed
Training manual on women labor rights.	Printed
Training manual on disable people’s labor rights.	Printed
Training manual on migrants’ labor rights.	Printed
Brochures on Access to Labor Justice: Access to Labor Justice. Migrants labor rights and access to labor justice. Handicapped persons labor rights and access to justice. Women labor rights and access to labor justice. Indigenous people labor rights and access to labor justice.	Printed
Practical guide for labor rights calculations. Costa Rica	
Educational Modules of Labor Rights	Printed
Legal Instruments in Labor Rights	Printed and digital version
The Indigenous people Labor Rights Module (k’iche’ language)	Printed
Training in mediation and conflict resolution upon the Interest based Bargaining Model to Ombudsman Offices staff members	Digital version

SUCCESS STORY

Pact El Salvador advocating and supporting Honduras' ratification of OAS Human Rights Agreements

Conclusion/Recommendation/Good Practice

The institution of the Ombudsman has played a significant role in this consolidation of democracy in Central America. As state institutions in charge of the promotion and protection of human rights, they have presence in all the country and have access to the media.

For these reasons working with the Ombudsman assures to have a political and social impact. But it is important to involve the Ombudsman from the beginning of a project to assure complete buy-in and ongoing support.

*Leonidas Rosa Bautista, Ambassador,
Permanent Representative of Honduras
to the OAS.*



Credit: Juan Manuel Herrera/OAS

Pact's work in Honduras began in 2010 with the Comisionado Nacional de los Derechos Humanos (CONADEH) and its Ombudsman Dr. Ramón Custodio López. During its initial work with CONADEH, Pact found that the Additional Protocol to the American Convention on Human Rights (Protocol of San Salvador), which regulates

labor rights, was ratified by the Congress of Honduras in 2007 and published in the Official Gazette in 2009, but the government had not yet officially announced the ratification at the Organization of American States (OAS).

Immediately Pact teamed up with the CONADEH to advocate for the ratification of Human Rights Agreements, in order to ensure that better legal protection for Honduran citizens. In November 2011, after several exchanges, the new permanent representative of Honduras to the OAS, Ambassador Leonidas Rosa Bautista, presented Honduras' instrument of accession to three continental conventions: the Convention to prevent and eliminate all forms of discrimination against persons with disabilities; the Protocol to the American Convention on Human Rights to Abolish the Death Penalty; and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights or "Protocol of San Salvador".



Pact El Salvador team with Honduran Ombudsman, Ramon Custodio Lopez.



Credit: Juan Manuel Herrera/OAS

Pact's advocacy efforts in Honduras paid off with the country's deposit at OAS Accession to Conventions on Human Rights, Elimination of the Death Penalty, and Discrimination against Persons with Disabilities.

On November 10th, 2011 Honduras Ambassador to the OAS, Leonidas Rosa Bautista, presents adherence to Agreements on Human Rights to the OAS Secretary General, José Miguel Insulza.

This major achievement was rewarded by Honduras Ombudsman who noted that "Pact's advice and guidance were key elements in the deposit of the instruments and the decision by

the government of Honduras to adhere to the inter-American agreements, which combines national and institutional interests”.



Credit: Pact El Salvador

Honduran Government created a Ministry of Justice and Human Rights to ensure compliance by the state in this field; and a Ministry of Ethnic Affairs to secure the rights of traditionally marginalized minority populations.

Nery Velasquez, Ombudsman's attache, Lorena Gonzalez, Pact's coordinator of Objective 3, Honduras Ombudsman, Doctor Ramón Custodio López, Sandra Dueñas-Paschall, Program Director and Mirta Maradiaga, Pact's facilitator in Honduras.

The international conventions and protocols ratified by Honduras constitute an important step in the region, not only towards restoring civil rights in Honduras, but also to encourage adherence on behalf of neighboring countries.

OBJECTIVE'S 3 IMPACT AND INCIDENCE

Based on the project's indicators of the project, all targets were achieved and in some cases, exceeded.

Staff in Ombudsman offices was trained on the materials developed especially for them. During the process of elaboration of these materials, Ombudsman offices' staff was always included to determine the content and format of the materials that best suited the training needs. Also, to assure that their needs were covered and that they know the contents - as a strategy so they use the materials. Additionally, this process included the validation of the materials by the staff of the Ombudsman offices and members of civil society.

There will be a direct advocacy to promote access to labor justice, when the Ombudsman of Guatemala presents, next year, to the parliament the Law Initiative for the creation of the Worker Public Defense Institute in Guatemala. The draft law has been discussed with the Central Confederation of Workers and Labor Union of Workers from Guatemala.

As a result of the TOT course held in Honduras, the government of Honduras submitted the ratification of the Additional Protocol to the American Convention on Human Rights (Protocol of San Salvador), which regulates labor rights, to the Secretariat of the OAS.

The Ombudsman institutions of Guatemala and Costa Rica create a body of specialized technical staff on labor rights advocacy. In the case of El Salvador and Honduras the laboral rights advocacy has been delegated to the Deputy Ombudsman.

In the four Ombudsman offices they have received and processed complaints regarding violations of labor rights.

The coordination of efforts between the four Ombudsman Institutions was important and essential task. The materials reflect the needs of the four countries but most importantly, they supported each other in different moments. For example, the Ombudsman of Costa Rica participated in an activity in Guatemala; the Indigenous Defender of the Guatemalan Ombudsman participated in activities in Honduras and Costa Rica, etc.

The inclusion of the Program's materials in the web pages of the Ombudsman Offices helped disseminate its contents.

Successes and Good Practices

Under Objective 3, in the Ombudsman Office Guatemala, a Human Rights Unit for the Labor Observatory (UNOL) was created and is an instance in the institution in charge of implementing the Education Centre. The Unit already has financial and human resources.

The Ombudsman Office of Guatemala and Costa Rica established a Department of Labor as a department within their institutions to handle cases related to labor rights. In the case of El Salvador and Honduras the labor rights advocacy has been delegated to the Deputy Ombudsman.

Within Objective 3, a module on Labor Justice for Women was elaborated, which will be used to mainstream gender in the analysis of different cases that occur in each Ombudsman Office.

***Interest-Based Bargaining (IBB) to resolve collective
Labor disputes efficiently and effectively***

The IBB Objective (Objective 4) was designed to train employees, employers, academics, lawyers, and members of civil society in Interest-Based Bargaining techniques to help resolve collective labor disputes before they reach the court system, where they are likely to take up years before finally being resolved.

Interest-Based Bargaining (IBB), a methodology developed by faculty at Harvard Law School, aims to facilitate negotiation processes among stakeholders by identifying areas of common interest as well as by emphasizing high quality analysis and intentional communication. In labor issues, IBB contributes towards successful and efficient resolution to conflicts by providing a framework for the negotiating parties to arrive at an agreement without resorting to a court settlement. IBB also emphasizes that negotiations are not zero-sum games but that opportunities exist to jointly create value, i.e. to jointly create solutions that are ultimately better for all parties involved. Labor cases that do end up in court can take years before adjudication and this has negative impacts on all the stakeholders involved.

To carry out this objective, Pact teamed up with the Costa Rican NGO FUNPADEM (Foundation for Peace and Democracy). FUNPADEM has recognized expertise in alternate dispute resolution and issues related to negotiation within the labor sector, as well as in-depth knowledge of the local context and a strong presence in Central America.

From May 2009 to June 2011, Pact and FUNPADEM developed targeted trainings on the use of the IBB model that and conducted them in Costa Rica, El Salvador, and Nicaragua, targeting representatives from universities and academic institutions, chambers of commerce and private sector business associations, and worker associations.

Through the IBB Program, Pact and FUNPADEM established an IBB Certification Program to improve negotiation procedures and in several cases contributed towards improved labor relations and labor rights compliance. With the implementation of the IBB Certification Program, PACT and FUNPADEM created a series of tools and initiatives to help several organizations (from the worker, employer and academic sectors of Nicaragua, El Salvador and Costa Rica, as well as the Ombudsman offices of Guatemala, El Salvador and Costa Rica) strengthen the conflict resolution processes existing within their organizations and within the work of their members.

The Program and sub-grantees trained more than 1,400 representatives: FUNPADEM trained a total of 150 representatives with the IBB Certification and Training of Trainers Module; and the sub-grantees trained more than 1,250 representatives.

IBB achievements in numbers

- 1** *Training of trainers TOT course designed*
- 1** *Specialized Manual produced*
- 3** *National Studies on the situation of labor relations conducted*
- 4** *Countries with beneficiaries trained in IBB methods (Costa Rica, El Salvador, Guatemala, Nicaragua)*
- 6** *Courses delivered on conflict resolution for ombudsman offices*
- 9** *Organizations currently replicating the IBB model*
- 9** *IBB Certification Courses offered*
- 17** *Study Cases collected for IBB training completed*
- 57** *Organizations from worker, employer and academic sectors trained in IBB*
- 62** *Trainers trained in IBB*
- 73** *individuals certified in IBB*
- 103** *Ombudsman office staff members trained in conflict resolution*
- 1,251** *People trained in IBB through the replica of the training model*

Implementation phases of the IBB Program

Phases	Date
Analysis of conflict resolution for collective issues in the CAFTA-DR countries	July, 2009
Design of the curriculum for the Certification Program on IBB	August, 2009
Implementation of the Interest Based Bargaining Certification Program	September, 2009 – March, 2010
Institutionalization of IBB methodology	January, 2010 – August, 2010
TOT, Lessons Learned Workshop and Case Studies Catalog	April, 2010 – August, 2010
Conflict resolution for ombudsman offices and IBB online	September, 2010 – May, 2011

National Studies

Phase I of the IBB Program included analyzing collective labor disputes in Nicaragua, El Salvador and Costa Rica from a political, economic social and institutional perspective. The results of these National Studies were the first product of the IBB Program and provided information on the social, economic and political situation of each of the three countries that permitted FUNPADEM to elaborate accurate goals and objectives for the IBB Certification Program. These studies served as the bases for the design of the curricular design for the certification process.

Main findings of the National Studies

	Nicaragua	El Salvador	Costa Rica
Institutional and legal frame for collective conflict resolution	<p>Wide legal and institutional support to deal with labor disputes (both collective or individual)</p> <p>Constitution establishes general framework to regulate labor relations and outlines resolution processes for disputes</p> <p>Labor code determines the conditions under which work must be developed, as well as specific provisions regarding labor negotiations and conciliations</p> <p>Labor code gives unionized workers the exclusive right to negotiate a collective agreement (which have to be ratified by the Ministries of Labor in order to become a “law” among signing parties)</p> <p>Ministry of Labor is the primary facilitator as an impartial third party</p> <p>Nicaragua’s legislation includes items such as conciliation and mediation for labor disputes, collective or individual</p>	<p>Wide legal and institutional support to deal with labor disputes (both collective or individual)</p> <p>Constitution establishes general framework to regulate labor relations and outlines resolution processes for disputes</p> <p>Labor code determines the conditions under which work must be developed, as well as specific provisions regarding labor negotiations and conciliations</p> <p>Labor code gives unionized workers the exclusive right to negotiate a collective agreement (which have to be ratified by the Ministries of Labor in order to become a “law” among signing parties)</p> <p>Ministry of Labor is the primary facilitator as an impartial third party</p>	<p>Wide legal and institutional support to deal with labor disputes (both collective or individual)</p> <p>Constitution establishes general framework to regulate labor relations and outlines resolution processes for disputes</p> <p>Labor code determines the conditions under which work must be developed, as well as specific provisions regarding labor negotiations and conciliations</p> <p>Labor code gives unionized workers the exclusive right to negotiate a collective agreement (which have to be ratified by the Ministries of Labor in order to become a “law” among signing parties)</p> <p>Ministry of Labor is the primary facilitator as an impartial third party</p> <p>Costa Rica’s legislation is primarily focused in negotiations and laws</p>

Mapping of stakeholders	WORKERS: CNTD; CGT; CUS; CNT; CAUS; CST-JBE; CGST; CONGETRAS; COTRAENIC; COTSALUD; COFENITEC; FESINMA; FEPDES; UNE; CPT; CTN; CUT EMPLOYERS: COSEP	WORKERS: CUTS; CGT; CNTS; CGS; CSTS; FEASIES; FUSS; FESINTRABS; FESITRISEVA; FESINCONSTRANS; FESTES; FENASTRAS; CTD; CTS EMPLOYERS: ANEP	WORKERS: CTRN; CCTD; CUT; UNDECA; CUSIMA; CMTC; CGT; CSJMP; ANEP; COSIBA EMPLOYERS: UCCAEP
Analysis of collective labor conflicts	<p>There are three institutional ways in which labor conflict resolution is resolved:</p> <ul style="list-style-type: none"> Tripartite councils on national issues: a formal and tripartite negotiation forum for labor issues that use to become public policies (councils) Administrative services of mediation or conciliation provided by the Ministries of Labor, which deals with typical labor conflicts through a facilitator (non mandatory intervention) for: <ul style="list-style-type: none"> Individual disputes derived from legal issues Socioeconomic collective conflicts originated in the need of creating new and better working conditions Labor tribunals in the courts, with a judge adjudicating rights on legal – individual matters <p>The main causes of mobilizations of unions in Nicaragua, mainly in the public sector, are in terms of claims about tariffs and subsidies in the transport sector. All those conflicts have created tense situations in the country and they are mostly negotiated when they reach high levels of the conflict. In Costa Rica, most of the collective general conflicts (mobilizations) in the past five years have been directly related to the approval and implementation of CAFTA-DR. In El Salvador, the main topics in terms of collective conflicts are the working conditions, unfair dismissal, nonpayment of wages and social security conditions.</p>		

National Studies Final Report

Curricular design & IBB Manual

The second phase of the IBB Program included the design of the curriculum for the Certification Program. Two IBB and collective conflicts experts were responsible for the curriculum design and the results of this process were reflected in the First Edition of the IBB Manual.

The Manual was a resource to accompany the learning process of the participants of the Certification Modules. The objective was to give to each participant a document that presents both theory and practice of the Interest Based Bargaining methodology.

The Manual was organized in three specific sections: basic theory on IBB; theory on the relationship between the IBB methodology and the collective conflicts negotiation and finally certain aspects of the IBB negotiation process which are not included in the negotiation table; for example: reaching an agreement; the ideal result of the IBB; and how to implement systematically the IBB model in the organizations.

During the Program, Pact included two new modules to the IBB Manual. The fourth section of the Manual has a new chapter on conflict resolution for ombudsman offices; in this chapter, the IBB Model is applied to analyze how the interventions of the offices work in each of the countries.

Finally, the fifth section includes the TOT and lessons learned workshop. Additionally, this section shows how to design and implement an IBB training process and includes a total of 17 case studies.

IBB Certification Program

Through its partner, the Foundation for Peace and Democracy (FUNPADEM), Pact developed an IBB Certification Program, which permitted the different organizations to understand and compare the advantage of this model for conflict resolution processes. From September 2009 to March 2010, Pact conducted training in Costa Rica, El Salvador and Nicaragua that targeted representatives from universities and academic institutions, chambers of commerce and private sector business associations, and worker associations.

From September, 2009 to August 2010, training over three courses in each of the 3 countries selected were conducted, with each course adding up to 24 hours over 3 days in each country. In between each module, a two-month break was considered to evaluate and adjust course contents, as well as tailoring the course to the needs of the participants and the organizations.

Then, from April 2010 to August, 2010, the certification included the execution of a Training of Trainers Module and Lessons Learned Workshop.

IBB Certification Program, by country and module

Country	Module 1	Module 2	Module 3
Costa Rica	Sept 29 th – Oct 1 st , 2009	Nov 10 th – Nov 12 th , 2009	Feb 16 th – Feb 18 th , 2010
Nicaragua	Oct 14 th – Oct 16 th , 2009	Nov 24 th – Nov 26 th , 2009	Feb 24 th – Feb 26 th , 2010
El Salvador	Oct 20 th – Oct 22 nd , 2009	Dec 1 st – Dec 4 th , 2009	March 2 nd – March 4 th , 2010

A total of 73 representatives of the worker, employer and academic sectors were certified in this process completing a total of 72 working hours by each participant.

IBB Certification Organizations, by country and sector

Country	Worker	Employer	Academic	Total
Total	32	18	7	57
Nicaragua	4	10	3	17
El Salvador	15	3	2	20
Costa Rica	13	5	2	20

Institutionalization of IBB methodology

Under Pact’s program Objective Four, Pact’s grant making focused on introducing Interest Based Bargaining through selected partners in Costa Rica, El Salvador, and Nicaragua. Additionally, grantees would adopt IBB training modules developed by Pact, in partnership with FUNPADEM. Pact undertook scoping studies in order to locate civil society organizations, including universities and unions, that can provide training and can benefit from interest based bargaining skills in collective bargaining, and other forms of worker bargaining, so that they may apply for grant funds following Pact’s assessment of their technical and organizational capacity and needs.

Pact and FUNPADEM selected nine organizations to receive grants to promote the use of IBB. Under the Grants Program for Objective Four Pact awarded nine (9) grantees for a total amount of \$181,077.90. In Costa Rica, these organizations are the Confederation of Workers Rerum Novarum (CTRN), Central Movement of Costa Rican Workers (CMTC), University of Costa Rica (UCR), and the Costa Rica Union of Chambers of Commerce and Private Sector Businesses (UCCAEP). In El Salvador, Pact selected two participant organizations to receive grants to expand the use of the IBB methodology. These were the Superior School for Economics and Business (ESEN) and the Central American University José Simeon Cañas (UCA). And in Nicaragua, Pact selected three organizations to receive grants. These organizations are the Polytechnic University of Nicaragua (UPOLI), the Nicaragua Association of Textile and Apparel Industries (ANITEC), and the Nicaragua Institute for Humanistic Studies (INEH).

Pact and FUNPADEM identified nine partners to receive \$180,000 in grants to replicate the curriculum on Interest-Based Bargaining. The partners are universities, labor unions, and business associations. FUNPADEM identified nine partners to receive \$180,000 in grants to replicate the curriculum on Interest-Based Bargaining. The partners are universities, labor unions, and business associations.

Grants Program Objective IV

Country	Organization	Award Amount
Total		\$181,077.90
Costa Rica	CMTC	\$28,418.45
	RERUM NOVARUM	\$7,600.00
	UCR	\$15,634.64
	UCCAEP	\$35,269.58
El Salvador	ESEN	\$15,866.32
	UCA	\$23,328.48
Nicaragua	ANITEC	\$17,231.99
	INEH	\$20,000
	UPOLI	\$17,728.44

Final funding amount to grantees under Objective Four came to approximately 15% of total budget amount to all subgranting activities under Objectives one, two, and four. The funds focused solely on training activities, with less than 5% of funds going to personnel or other direct costs. As in the case of grants spending of Objective One - Pact was able to leverage existing resources within each of the universities, business associations, and unions. Pact simply provided sufficient resources for IBB training to each of the grantees, so long as each partner was willing to integrate the additional activities into their processes, systems, budgets, and strategies.

Costa Rica

CMTC

The Central Movement of Costa Rican Workers was created in 1994 and includes various organizations such as labor unions and worker associations that were not part of the official legal structure for labor unions of Costa Rica.

In its first phase, from January 1, 2010 to June 30, 2010, CMTC was given a Simplified Grant Award for the amount of \$19,939. During this phase, CTMC trained three different groups on labor law and IBB knowledge. CMTC also strengthened labor relationships between participants and consolidated a strategy for employability.

First, CMTC trained 15 of its staff members as trainers (TOT) of Interest Based Bargaining, with the purpose of spreading this knowledge among the **30,000 members** of the organization and other outside affiliated groups. These 15 trainees included representatives from the executive committee, the secretaries of the 8 different sectors of the organization as well as organizational negotiators. Second, CMTC trained a group of 18 law students (out of a group of university students being sponsored by the CMTC with their university studies) and third, the organization trained 34 selected members of the young leaders group of CMTC.

For the first group, the organization conducted a total of eight training sessions, each with a total duration of five hours. During the training sessions, CMTC drew upon real-life examples of the participants, weaving these into the discussions and practical exercises. This proved to be a highly effective approach as it allowed the participants to apply the IBB methodology to their own professional experiences as workers and members of worker associations.

For the second and third group the consultants hired for implementing the training program were supported by the CMTC members coming out of the first group trained. This strengthened their capacity and skills as trainers.

Additionally, CMTC included IBB Training Modules in the activities developed by its Training Department which allowed the organization to replicate the IBB model in different regions of the country.

Phase I CMTC Training Participants, by group and gender

Training Module	Group	Participants	Men	Women
Total		215		
IBB Training of Trainers Process	CMTC staff members	15	9	6
IBB Training Module	Law students	18	8	10
IBB Training Module	Young Leaders	32	16	16
IBB Training modules (4 sessions each with 35 participants)	Young leaders from rural areas of Costa Rica	140		

In August 2011, Pact disbursed a new grant to the Central Movement of Costa Rican Workers (CMTC) to provide IBB training to domestic workers in Costa Rica. This training course was initiated by CMTC leaders after they observed a high demand for conflict resolution skills and collective bargaining skills among domestic workers who are not unionized in Costa Rica.

CMTC conducted two training workshops, the first from August 30th to September 27th and the second one from September 1st to October 13th, on labor law and also IBB techniques. Thirty-three domestic workers attended the workshops.

Phase 2 CMTC Training Participants

Group	Date	Participants
Total		33
Domestic workers Group 1	August, 30th to September 27 th , 2011	15
Domestic workers Group 2	September 1st to October 13 th , 2011	18

SUCCESS STORY

Pact El Salvador promoting IBB “Training of Trainers” in Costa Rica



Young community leaders prepare a skit to illustrate how to resolve conflict based on IBB

CMTC leaders observed a high demand for conflict resolution skills in Costa Rica

Pact El Salvador supporting workers to access labor justice through collective bargaining

The Costa Rican Central Movement (CMTC) participated in Pact’s Interest-Based Bargaining training and, in the process, developed an effective “Training of Trainers” approach to integrate IBB organically into CMTC’s operations. The CMTC trained a total of 15 facilitators in IBB, using a tailored IBB approach they adapted from the initial Pact training. These 15 facilitators in turn trained 50 students from the Law and Administration School of the University San Juan de la Cruz.

Months after closing of CMTC’s subgrant, this organization continued working on IBB approaches and curricula, including IBB in the CMTC’s national process for training young leaders as well as incorporating IBB courses into community-based organizing work which reached approximately 160 people.

According to Jhonatan Monge, project coordinator of the CMTC, “*what was done was to seize the opportunity and [utilize] the knowledge acquired during the induction with Pact and FUNPADEM, so we could include the IBB method in the training process for young leaders. The young people trained during the execution of the grant can now analyze together with the participants in the regional workshops, [can address] technical issues regarding negotiation, [and have learned] to deal better with situations of conflict, always putting dialogue and communication first.*”

The Program clearly achieved sustainability, as a part now of the ongoing training process of the CMTC, and created the venue of a good practice easily replicated.

RERUM NOVARUM WORKERS' CONFEDERATION (CTRN)

The “Confederación de Trabajadores Rerum Novarum”, is one of the largest labor union confederations in Costa Rica, with more than 50 labor unions affiliated which represents more than 60,000 workers. The objective of the Rerum Novarum Workers' Confederation training program was to train labor association members on the use of the IBB methodology for resolving labor disputes more effectively and efficiently.

From January 1, 2010 to August 15, 2010, with an award of \$ 7,600, Rerum Novarum held training sessions in 5 different regions of Costa Rica, in order to have a country wide scope and include leaders from all the labor unions affiliated to the Rerum Novarum Confederation. The regions selected for the training sessions were chosen based on the following criteria: where there is a greater incidence of labor violations in which there is a need to know about tools such as IBB to help remedy the situation.

According to Rerum Novarum, the IBB workshops were very successful and were defined as an opportunity to expand the knowledge on IBB techniques. Participants considered that the materials and instruments were very useful and will have a very positive impact on how they resolve conflicts in their labor unions in the future.

The confederation later adapted the training materials to the needs of its target audience and launched its own tailored training course.

Rerum Novarum IBB Trainings, by location and number of participants

Location	Indicator	Participants	Men	Women
Total	100	101	59	42
San José	20	20	12	8
Limón	20	18	14	4
Puntarenas	20	13	2	11
Sitrapequia (San José)	20	25	15	10
Sitrapequia (San José)	20	25	16	9

UCCAEP

The Costa Rica Union of Chambers of Commerce and Private Sector Businesses (UCCAEP) is Costa Rica's most important private sector association. These members come from over 42 distinct chambers of commerce and represent nearly every industry and commercial sector in the country.

With Pact funding, UCCAEP provided Interest-Based Bargaining training (IBB) to its members and affiliates, including directors of private sector, legal advisors from different private enterprise chambers, members of UCCAEP commission on sustainable social development, and representatives of UCCAEP's Foro-Tripartito.

From January 2010 to October 2011, Pact provided UCCAEP with a grant to support their IBB training program "Training program in Interest-Based Negotiation for collective labor disputes."

In 2010, during Phase I, UCCAEP promoted the use of IBB techniques among member organizations from chambers and private sector by training 70 participants, of whom 27% are business leaders, 30% legal counsel of the chambers associated with UCCAEP, and 53% are UCCAEP representatives of Foro-Tripartito.

After concluding Phase I, an important number of participants noted that the knowledge gained from IBB training needed reinforcement through practice, in order for them to apply the skills at work. Therefore, UCCAEP implemented a second phase that emphasized on the examination of actual cases during which participants simulated dispute resolution procedures and techniques.

UCCAEP Phase I IBB Training, by group, indicator and participants

Group	Expected Target	Achieved Target
Total	70	70
Business leaders, legal counsel of the cameras associated with UCCAEP and representatives of tripartite forums	70	70

In 2011, a second phase was contemplated to expand and strengthen results obtained to date and to deepen the theory and practice of Neuro-Linguistic Programming (NLP). Therefore, UCCAEP added four training days to work on dispute resolution case studies, as well NLP.

UCCAEP Phase 2 IBB Training, by indicator and participants

Indicator	Expected Target	Achieved Target
Number of people trained in IBB and NLP	70	66
Number of business leaders trained in IBB and NLP	10	10
Number of Executive Directors trained in IBB and NLP	10	15
Number of legal advisors from different private enterprise chambers trained in IBB and NLP	20	13
Number of members of committees of UCCAEP in IBB	20	23

and NLP

Number of representatives of UCCAEP's Foro-Tripartito trained in IBB and NLP 20 5

UCR

Universidad de Costa Rica (UCR) is the biggest, most prestigious and oldest University in Costa Rica. It counts with six campuses in different cities in all the regions of Costa Rica, and has over 30,000 students, 4,000 professors and 2,800 administrative personnel. Given the importance of the university in this country, Pact considered it would have an important influence with respect to spreading the knowledge and use of the Interest Based Bargaining Model.

From January 1, 2010 to June 30, 2011, with an award of \$16,170, UCR implemented "Training in the Interest Based Bargaining (IBB) applied to Collective Conflicts for different actors of the University environment" which prepared better the actors of the university life to manage negotiating mechanisms to enable different parties to have a more active participation based on their interests.

Through this grant, Pact contributed to improving UCR law students' negotiation skills, so they can adequately cope with labor conflicts and collective conflicts. Also, by changing the university's pensum IBB became a subject that all law students must study, providing them adequate instruments and knowledge for negotiation.

Through a specialized 12 session training program, 47 individuals gained experience on resolving collective conflict based on IBB.

UCR IBB Trainings, by target group and participants

Course	Indicator	Participants	Men	Women
Total	30	47	17	30
Campus Rodrigo Facio	16	27	9	18
UCR Regional Offices and Related Institutions	14	20	8	12

Additionally, an important outcome of this grant is the inclusion of the IBB model within the "Pensum" of the Law Faculty of the University since the second semester of 2010. The curriculum of labor law courses was reviewed and two courses on individual labor law and a third one on collective labor law were included. It was established that it would fit better in the program during the first two classes of labor law.

A multi-day session was held to present, introduce, discuss and approve the academic proposal with the Law School faculty for the introduction of IBB in this program and consequently in the Law Career.

El Salvador

ESEN

The School of Economics and Business (ESEN) is one of El Salvador's premier academic institutions. It was created by the "Fundacion para la Educación Superior", a private organization managed by leading businessmen of the private sector of El Salvador who believe that education is the key ingredient to successfully solve the economical, social and political problems in the country.

Pact, granted ESEN a simplified grant in the amount of \$ 15,867, for the period January 1, 2010 to June 30, 2010. ESEN successfully conducted an IBB training program which included two modules: the first one consisted in a 30-hour training, which was attended by 95 participants. 74 graduated, 36 men and 38 women, and 22 did not complete the require work to obtain certification.

The second module consisted in two IBB collective labor disputes workshops, with a total of 12 training sessions; during which each of the participants acquired specific knowledge on Introduction to Alternative Dispute Conflict, Negotiation and Mediation. The methodology was primarily focused on the case method that consists in presenting the students with a case, putting them in a role of a decision maker facing a problem.

The participants of the IBB training program provided from different backgrounds: University professors and students close to graduation from careers related to business administration, law and economics; representatives and human resource staff of small, medium and large firms.

ESEN IBB Workshop Participants, by Sector

Sector	Number of Participants	% of Total
Total	74	100.0
Private Sector	24	32.4
Public sector	18	24.3
Employers	17	23.0
Academia	12	16.2
NGOs	3	4.1

UCA

The Universidad Centroamericana "José Simeón Cañas" (UCA) is a private university considered among the best Universities in Central America. This University is not only known for its academic excellence but for being an opinionated and respected entity working on aspects related to human rights and democracy.

Pact, gave UCA a Simplified Grant award for the amount of \$ 20,000 to be executed in 6 months, from January 1, 2010 to June 30, 2010. In 2011, the amount was increased to \$23,328.00 to implement the second phase and the execution period extended to May 31, 2011.

Under the Citizens' Access to Labor Justice for CAFTA-DR Program, UCA implemented an IBB training program to train negotiators on collective labor conflict resolution, which was divided into two phases. During phase I, the following five modules were developed: Work, Society and Humanity; Conflict; Collective Labor Relations; Applying Alternative Dispute Resolution Techniques to Resolve Conflicts; and Collective Negotiation Workshop.

Two groups of 28 persons attended phase I, for a total a 56, coming from the following backgrounds: 4 private enterprise human resources department heads, 4 labor union leaders, 3 university law school professors, 3 lawyers, 4 officers from the judicial system, 3 officers from the Labor Ministry, 3 employees of the "Procuraduria General de la Republica" and 4 employees of the "Procuraduria de Derechos Humanos".

UCA IBB Training by institution, group and number of participants

Institution/Sector	Group 1	Group 2
Total	28	28
Ministry of Labor	7	
Business sector	7	
Supreme Court of Justice	5	
Ombudsman	3	3
Attorney General Office	1	3
Academic sector	5	8
Idhuca		4
Technical secretary of the presidency		4
Workers organizations		3
Independent lawyers		2

UCA IBB Training by group, participants and gender

Gender	Group 1	Group 2
Total	28	28
Men	17	13
Women	11	15

Of the 56 participants, six (11%) did not complete the training and therefore didn't receive their diploma.

The second phase, implemented in 2011, consisted in certifying the 50 participants who previously completed the training program (phase I) by submitting them to psychometric tests conducted by a group of expert psychologists to evaluate the knowledge acquired at the time of putting into practice the skills that any good negotiator should have. It was intended that participants develop the negotiation skills that they have shown in the psychometric tests.

During this phase, the psychologist determined the strengths and deficiencies that each of the participants may have in a negotiation and 42 individuals successfully completed the tests and received their corresponding certification.

UCA considered the IBB training program a success because of different aspects such as the attendance and response of the invited institutions; the high percentage of participation, the participants were very involved and actively participated in class discussions and the final qualifications were highly satisfying.

Nicaragua

ANITEC

The Nicaraguan Association of Textile and Apparel Industry (ANITEC) was founded 10 years ago with the purpose of strengthening and developing the textile and apparel industry under free trade zones in Nicaragua. Pact granted a Simplified Grant Award to be executed from January 1, 2010 to October 25, 2010. The award was originally for the amount of \$ 19,897, but \$ 2,755.01 was deobligated, leaving the award amount for \$ 17,231.99.

Under its grant, ANITEC, in alliance with the AHM (Honduran Textile Association), designed and launched an Alternative Dispute Resolution System (SRACOI) based on Interest-Based Bargaining – see success story below.

Additionally, ANITEC developed a training program for 14 representatives from the textile sector on conflict resolution and IBB. This

IMPACT OF THE ANITEC PROJECT

Diagnosed the conflicts that occur in the textile - apparel industry.

Provided seminars and trainings for 5,000 workers in the textile - apparel industry.

Designed and implemented IBB dispute resolution system, benefiting 35 textile-apparel companies and 55,000 workers.

Disseminated IBB campaign during a Regional Forum (FOROTEX 2010).

program trained personnel that are now providing counseling and advice on IBB resolution for labor conflicts in the textile-apparel industry. Therefore, the system counts with the assistance of 14 certified facilitators trained by ANITEC in Organizational Conflict Resolution.

ANITEC presented its Resolution System to other Central American countries during a Forum with the employer sector representatives of the textile-apparel industry.

SUCCESS STORY

Pact El Salvador implementing a dispute resolution system to solve labor conflicts in the apparel industry in Nicaragua



Support the Nicaraguan textile and apparel industry in implementing an Alternative Dispute Resolution System to resolve labor conflicts

The textile-apparel industry in Nicaragua has a long history of conflictive labor relations which contributes to a general climate of tension between workers and employers in Nicaragua. This situation not only affects employers and workers, but also impacts the national economy, given the importance of the sector and the high number of jobs it provides.

There are over 65 textile and apparel companies operating under the Free Zone regime in Nicaragua, primarily segmented into apparel manufacturing and textile production. In 2010, Free Zone exports represented 41 percent of the country's total exports, reaching US\$1,575.3 million.

In order to increase employment and protect vulnerable workers in the garment manufacturing sector, Pact in alliance with the Nicaraguan Association of Textile and Apparel Industry (ANITEC) designed an ***Alternative Dispute Resolution System (SRACOI) based on Interest-Based Bargaining.***

This system sensitizes employers and workers on alternate methods of mediation, dialogue and bargaining such as IBB; improves the climate of labor relations; and promotes and extends the use of IBB as a negotiation tool. One of the benefits of the system is to detect problems early, preventing them from escalating into conflicts that can be harmful for both businesses and workers.



In Nicaragua, the SRACOI is now benefitting 35 companies of the textile and apparel industry that employ over **55,000 workers**. Using this methodology, the negotiators have been able to resolve a larger number of labor disputes without resorting to the courts, thereby reducing burdensome costs for both parties.

The SRACOI system does not prevent the workers from accessing the legal system and legal resolution remains an option if no out-of-court settlement can be reached.

In October 2010, a forum with representatives of the textile and apparel

industry sector was held in El Salvador (“FOROTEX 2010”) during which Dean Garcia, the Executive Director of ANITEC presented the SRACOI to other Central American countries. Dean Garcia highlighted that this system was a great tool to help confront future challenges and opportunities of the textile and apparel industry, particularly in the context of expanding regional trade.

By improving the working environment in order to properly manage and resolve labor conflicts through mediation to suggest options and resolve differences, Pact and ANITEC also contribute to improve the competitiveness and productivity of the Nicaragua textile and apparel industry.

Advantages of the Alternative Dispute Resolution System (SRACOI):

- 1. Promotes dialogue and participation of parties on a volunteer basis to look for solutions, which results on improvement of the labor environment.*
- 2. Economic and Social Cost – Allows free access to all parties. Reduces the cost entailed by impaired relationships and distrust, and their effect on business productivity and people’s health and quality of life.*
- 3. Contributes to develop respect within the labor environment.*
- 4. There is transparency along the process. Workers and employers are fully informed of their rights and obligations*
- 5. Allows the reinstatement of peaceful working environment.*

INEH

The Instituto Nicaragüense de Estudios Humanísticos (INEH) was constituted in 1997, with a vision for the sustainable development of Nicaragua through the promotion of democratic values in the society to empower individuals to assume their personal responsibility as agents for change.

To promote the IBB methodology, Pact granted INEH a Simplified Grant Award for \$ 20,000.00, to be executed from January 1, 2010 to July 31, 2010. INEH strengthened the internal capacity of four labor union confederations in the resolution of labor conflicts by using the Interest Based Bargaining model:

Central Sandinista de Trabajadores (CST)
 Confederación de Trabajadores “ Jose Benito Escobar” (CST-JBE)
 Confederación de Unificación Sindical (CUS)
 Confederación Unitaria de Trabajadores (CUT)

Labor Union	Indicator	Total	Ist	2nd	Ist	2nd	Ist	2nd
			Training	Training	Training	Training	Training	Training
			PARTICIPANTS		WOMEN		MEN	
CUT	60	60	29	31	24	9	5	22
CST	60	66	36	30	22	14	14	16
CST-JBE	60	60	30	30	20	9	10	21
CUS	60	62	30	32	9	15	21	17
Total	240	248	125	123			166	

Nicaragua has many labor conflicts that are usually settled using traditional procedures, which only make the negotiation procedures longer and in some occasions provoke strikes and street manifestations. By training representatives of worker organizations to use IBB as a settlement procedure is an opportunity to change the culture of negotiation and help to solve conflict more effectively and efficiently.

Representatives from each of the four labor unions found the information to be so valuable that they requested an opportunity to replicate the training for their own members in future activities, at no additional cost for the Program.

By training 60 members per labor union confederations (240 in total), the Program managed to install within these organizations a culture of seeking negotiated agreements to labor conflicts, in situations where this is applicable.

In addition, union leaders participating in the training sessions worked on the elaboration of a practical application document for IBB, analyzing past situations and projecting into the future when this type of alternative conflict solution mechanism can be applied. With the development of this document they developed a tool that can be used in practical situations.

POLYTECHNIC UNIVERSITY OF NICARAGUA (UPOLI)

Universidad Politécnica de Nicaragua (UPOLI) was founded in 1967 and has a population of over 12,000 students and 415 professors. Its School of Law has a population of 1,325 students in undergraduate law studies as well as 313 students in post graduate studies. Because of these important numbers, Pact and FUNPADEM considered the university to be in a great position to have a multiplier effect with respect to the knowledge and use of the Interest Based Bargaining Model.

To do so, a project was designed to modernize and strengthen the capacity of the University's labor unions, middle management and other groups in how to solve collective labor conflicts through an alternative methodology.

Under this grant, UPOLI achieved the following activities:

- Elaboration of a guide and a booklet on the use of preventive mechanisms and negotiated solutions to labor conflicts. The presentation of these instruments was made in a public during a regional forum, which was covered by the media; therefore a greater number of Nicaraguans are now aware of the existence of Interest Based Bargaining in relation to labor conflicts.
- Implementation of a new academic program within the university's Law Career that includes Interest Based Bargaining.
- Implementation of an IBB training program for the following groups: University labor union members, university middle management personnel, and external persons with strategic position to expand the knowledge of this technique for negotiation.
- Design and equip a room inside its installations to study Interest-Based bargaining techniques.

UPOLI

Modernization of the curricular design of the Labor Rights Department and Business Administration Department of the University

Publication and distribution of 2,000 copies of the IBB Manual and IBB Guide (synthesized version of the IBB Manual, prepared by UPOLI)

Training of 26 union leaders and managers from both public and private sectors.

Creation of the Multi-sector network for Labor Justice. This network has representatives of 11 organizations which go from worker unions, university representatives and professors from law and business schools.

UPOLI Multi-sectoral Network for Labor Justice

UPOLI created the *Multi-sectoral Network for Labor Justice* which monitors and disseminates information about labor rights activities in the country. On February 19, 2010 network was conformed, with the participation of 11 members from workers organizations, Civil Society, Universities and Superior Schools. The network currently meets on a monthly basis and serves as a highly legitimate entity by which to promote labor justice. It also establishes strategic alliances with civil society organizations and tries to connect with greater communication and coordination with the media to promote institutional changes for labor justice. Future plans are to partner up with the Ministry of Labor and labor tribunals to establish permanent methods of increasing citizens' access to these institutions.

New academic program

It is noteworthy to mention that on the basis of the new profile of the legal profession, the University is now forming law students in the field of IBB. As part of Program, Pact played a prominent role in the curriculum change of Law School and the School of Administration of the UPOLI. Pact helped design and validate a new program focused on labor law for students who will soon become lawyers and will be facing conflicts and disputes to be resolved effectively.

The new program, now officially part of the curriculum of the University, incorporates new matters such as Individual Labor Law, Labor Procedural Law, Collective Labor Law and Social Security, Applied Labor Law, but also the introduction to the Interest-Based Bargaining (IBB) method.

The direct beneficiaries of this initiative are primarily the entire student population but will eventually spread to the Nicaraguan labor force. The modernization of labor law programs has a major impact on how Nicaraguan society will resolve collective labor disputes in the coming generations.

IBB training program

Under its grant, UPOLI also trained workers organization representatives in order to improve negotiation in collective conflict solutions. By strengthening labor unions on IBB techniques, it is expected that in the next few years in Nicaragua better negotiation procedures will help decrease strikes and public manifestations.

Trainings were attended by 78 people, of which 42 were men (53.8%) and 36 women (46.2%).

Sector	Participants	Date
Total	78	
Worker organizations	25	4/30/2010
Upoli officials	17	5/29/2010
Civil Society	36	6/17/2010

UPOLI Indicators and Results

Activity	Indicator	Result
Investigation and basic guides	1650	3250
Labor Law program	1658	4250
Strengthen workers organization knowledge on IBB techniques	90	221
Multi sectoral network for labor Justice that will give sustainability to the program	20000	20000

SUCCESS STORY

Pact El Salvador supports UPOLI in implementing labor law and IBB within Law School Curricula



Direct beneficiaries of this initiative currently include entire student population but will eventually spread to the Nicaraguan labor force

Modernization of labor law programs has a major impact on how Nicaraguan society will resolve collective labor disputes in the coming generations.

As part of the Citizens' Access to Labor Justice Program, Pact played a prominent role in the curriculum change of Law School and the School of Administration of the Polytechnic University in Nicaragua. Pact helped design and validate a new program focused on labor law for law students who will eventually need skills to resolve conflicts and disputes that arise in their work as lawyers

The new academic program, now officially part of the curriculum of the University, incorporates subjects such as Individual Labor Law, Labor Procedural Law, Collective Labor Law and Social Security, Applied Labor Law, but also the introduction to the Interest-Based Bargaining (IBB) method.

In contrast to the traditional positional bargaining style, in which each side makes proposals and counter-proposals, often trying to conceal their real interests; in IBB, both sides try to educate the other side about their goals and interests, identify areas of convergent interests, and jointly develop solutions. This technique of bargaining is well suited to a university environment students are open to learning about how to constructively address conflicts.

This curricula change has contributed towards improving the reputation of the legal profession in Nicaragua. The change is part of a concerted effort to rescue the ethical values that should guide the legal profession and providing Nicaragua's future lawyers with the tools they need to resolve better legal disputes and ultimately improve the efficiency of the justice system.

UPOLI's Law School has a population of **1,325** undergraduate students and **313** students in post graduate studies. The university is in a favorable position to have a multiplier effect with respect to the knowledge and use of the Interest Based Bargaining Model.

Training of Trainers Module (TOT) and Lessons Learned Workshop (LLW)



Once completed the IBB Certification Program, Pact and FUNPADEM noticed the need to develop new actions to fortify the IBB methodology in these three countries in order to:

- a) Fortify the sub-grantees activities developed by the nine organizations
- b) Increase the IBB Program scope in the region

These objectives were appointed through two specific activities and one product: The **training of trainer's module**, the

lessons learned workshop and the Study Cases **Catalog**.

The Training of Trainers Modules and Lessons Learned Workshops were implemented from May 31st to June 2nd, 2010 in Nicaragua; June 8th to June 10th in El Salvador; and July 14th to 16th in Costa Rica. This training process was aimed to fortify the nine sub-grantees that previously developed IBB projects.

The trainers' module strengthened the IBB model with sub-grants and the workshop allowed representatives of these organizations to share experiences on the implementation of the IBB methodology. A total of 62 participants, surpassing the goal of 45 representatives (37% more participants than the initial goal), took part in this process.

IBB TOT and LLW Participants, by country and organization

Country	Organizations	Participants
Total	26	62
Nicaragua	8	24
El Salvador	10	17
Costa Rica	8	21

Case Studies Catalog

As part of the Extension of the IBB Program, a Catalog of Case Studies was elaborated to complete the First Edition of the IBB Manual. These 15 case studies give practical tools adapted from the negotiation experiences of the nine sub-grantees to the stakeholders from the three countries, and to the Central American region.

The cases were systematized from a total of 76 negotiation experiences that the nine organizations presented to Pact and FUNPADEM. Out of the 76 cases, the IBB specialists focused their analysis on 68 of them, because 8 cases didn't contain enough information to include them in the comparative analysis.

The 15 case studies present a diversity of situations for labor negotiations at collective and individual levels, which range from negotiation on salaries to the resolution of leadership issues at a specific organization. The Catalog is included in the Second Edition of the IBB Manual and is available in Pact's virtual library.

The following table presents the number of negotiation experiences presented:

Negotiation Cases submitted, by country, organization and sector

Country	Organization	Sector	Amount
Total			76
Costa Rica	CMTC	Worker	11
	RERUM NOVARUM	Worker	14
	UCR	Academic	0
El Salvador	UCCAEP	Employer	6
	ESEN	Academic	0
Nicaragua	UCA	Academic	18
	ANITEC	Employer	0
	INEH	Academic	22
	UPOLI	Academic	5

Conflict resolution for ombudsmen offices

As part of the second extension of the IBB Program, Pact and FUNPADEM developed a training program for the Ombudsman offices of Guatemala, El Salvador and Costa Rica. The workshops were conducted from August to October 2010 and their objective was to develop the methodology, define the contents and also to design a study case for the first workshop, emphasizing the process on how to resolve public-collective-complex conflicts, which are the core of the Ombudsmen intervention.

Through this new approach, Pact developed a training process in which the representatives of the Ombudsman office learned and took into account the tools and concepts of the IBB model.

The methodology implemented by the facilitators was based on analyzing how the Ombudsman office works and their expectations and then

The methodology implemented by the facilitators was based on analyzing how the Ombudsman office works and their expectations and then

planning the workshops to develop a specialized course in each country.

The courses included two sessions or modules for each country. The first module was implemented in November 2010, while the second modules were implemented in February 2011 for El Salvador and Guatemala, and in April 2011 for Costa Rica.

Modules for Ombudsmen Offices

Country	First Workshop	Second Workshop
Guatemala	November the 22 nd and 23 rd , 2010	February 17 th and 18 th , 2011
El Salvador	November the 18 th and 19 th , 2010	February 3 rd and 4 th , 2011
Costa Rica	November 15 th and 16 th , 2010	April 28 th and 29 th , 2011

Ombudsmen Offices IBB Training by country and participants

Country	Participants Session 1	Participants Session 2
Total	96	81
Guatemala	34	27
El Salvador	34	31
Costa Rica	28	23

IBB online course for CAFTA-DR

As a final step of the IBB program, an online IBB module for the CAFTA-DR countries was designed and targeted the organizations involved in the Citizens' Access to Labor Justice for CAFTA-DR Program. The course aims at strengthening the knowledge of the participants so they can replicate the bargaining model in the organizations they represent, and therefore create sustainability in terms of continued training and expansion of this methodology to resolve labor conflicts.

The IBB Online course was executed from January 31st to April 10th, 2011. Pact decided to develop a basic training process through an innovative online course executed on a Blackboard platform, which was provided by the Universidad Latinoamericana de Ciencia y Tecnología (ULACIT) of Costa Rica. The course was attended by a total of 24 representatives from the Program's counterparts. During the 10 weeks of the course, each participant studied one of the 7 modules of the Manual and executed different exercises planned by the academic facilitator and the liaison facilitator. In these exercises, the participants applied the techniques, concepts and tools included in the Manual. Finally, during the last two weeks of the course, each representative participated in a negotiation exercise guided by the academic facilitator.

In order to promote the use of Interest-Based Bargaining in the CAFTA-DR region, Pact contributed to the decision of three universities to update their law school curriculums to incorporate labor law and the use of IBB.

As a result, future law students are now able to take courses on IBB and learn about other alternative dispute resolution mechanisms to resolve conflicts more effectively and efficiently. The universities that incorporated IBB into their curricula are the University of Costa Rica (UCR), Central American University José Simeon Cañas in El Salvador (UCA), and Polytechnic University of Nicaragua (Upoli).

In contrast to the traditional positional bargaining style, in which each side makes proposals and counter-proposals, often trying to conceal their real interests. In IBB, both sides try to educate the other side about their goals and interests, identify areas of convergent interests, and jointly develop solutions. This technique of bargaining is well suited to a university environment where it teaches students how to address constructively conflicts that arise among and within different situations.

This significant accomplishment that can easily be replicated has a major impact on the profile of the legal profession. Rescuing the ethical values that are guiding the exercise of the legal profession, but adding to the formation the IBB method, which gives the students, future professionals, the tools to resolve better legal disputes and therefore improve the efficiency of the justice system.

The direct beneficiaries of this initiative are primarily the entire student population but will eventually spread to the region labor force. The modernization of labor law programs has a major impact on how society will resolve collective labor disputes in the coming generations.

Interest-Based Bargaining Objective's conclusions

During two years, Pact and FUNPADEM partnered with university law schools and other civil society organizations in the CAFTA-DR region to create Interest Based Bargaining (IBB) training materials and build the capacity of labor ministries, ombudsmen offices, union leaders, lawyers, and business leaders in mediation, consensus building, and negotiation techniques. As a result, Pact formulated a comprehensive and valuable IBB training methodology, curriculum, and materials.

With the implementation of the IBB Certification Program, Pact created a series of tools and initiatives that strengthen the use of the IBB Model into the conflict resolution processes developed by several organizations from the worker, employer and academic sectors of Nicaragua, El Salvador and Costa Rica, as well as the Ombudsman offices of Guatemala, El Salvador and Costa Rica. This networking capacity demonstrates the expertise that the Program has developed through the implementation of this Objective.

The products and achievements described above represent all the extensive work and coordination between Pact, FUNPADEM and a number of Central American organizations.

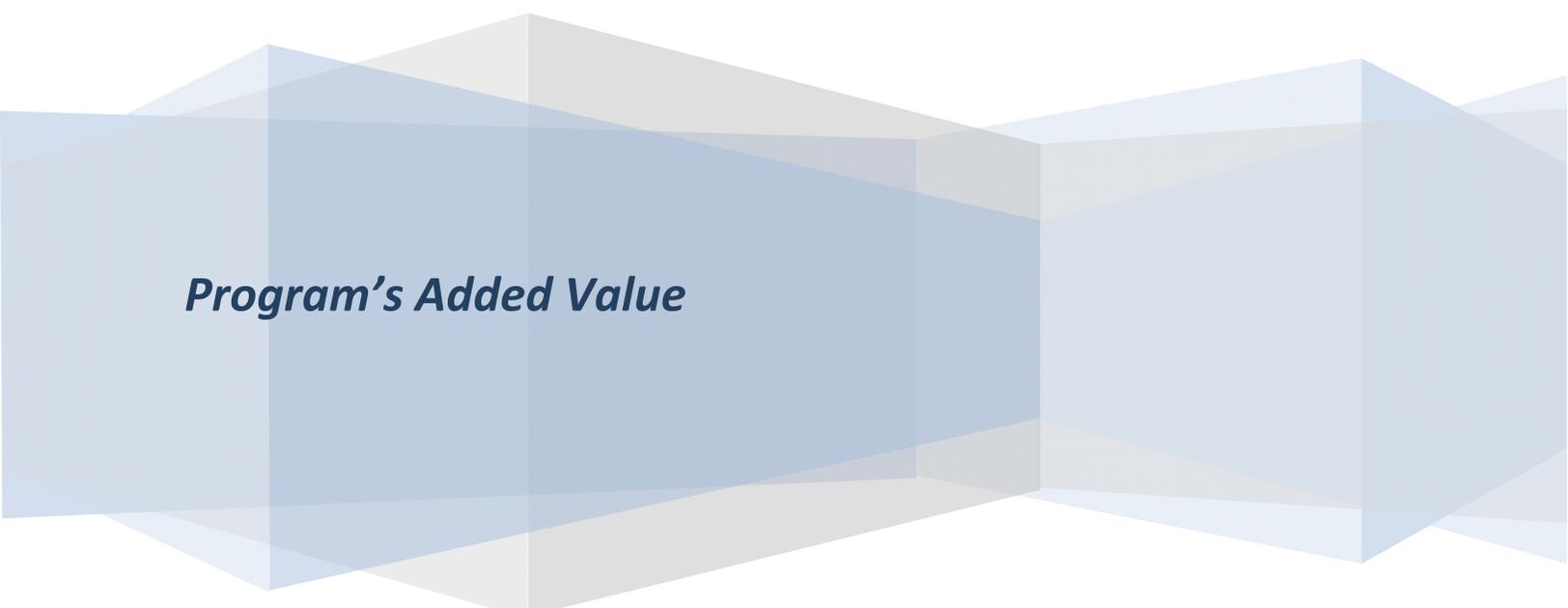
A strong plus of the IBB Program is that it involved representatives of three different sectors (worker, employer and academic), which enable them to interact with each other and recognize mutual points of view; which facilitated their interaction during the process. Additionally, this interaction created a network of labor stakeholders that promote the IBB model.

The inclusion of the academic sector was fundamental to achieve the strengthening of the IBB methodology in the three countries. The IBB Model is now being taught through the curricular designs in Law Schools and Universities in El Salvador, Nicaragua and Costa Rica; this process and the training processes validated the curricular design.

The Program created a series of tools that fortified the sustainability of the IBB methodology as a new method to solve collective conflicts. A Training Material was created for the region, which includes a Manual and Study Cases to study and replicate the IBB model.

The Program and sub-grantees trained more than 1,400 representatives from the worker, employer and academic sector in the region. FUNPADEM trained a total of 150 representatives with the IBB Certification and Training of Trainers Module; and the sub-grantees replicated the model and trained more than 1,250 representatives. With the TOT and LLW, Pact and FUNPADEM trained a total of 62 IBB trainers with the capacity of replying and systematizing the IBB model for each of the three countries.

It is important to highlight that the experiences developed by the sub-grantees were so diverse, which permitted the creation of a network between organizations and sectors. For example, the sub-grant developed by ANITEC in Nicaragua involved a Honduran organization, and the training processes developed by UPOLI, UCA and UCR included representatives from the employer, worker and academic sectors.



Program's Added Value

Pact's Organizational Capacity Assessment (OCA)

Pact's methodology for OCA guides organizations in selecting the most appropriate activities, tools and strategies for capacity building and in anticipating and overcoming the greatest barriers to change. This process brings together communities of peer organizations to reflect upon their performance and set strategies to broaden their impact and affect change. Through the assessment and planning process, organizations recognize their own potential and are able to make informed decisions about how best to address the challenges they face.

During the course of the Program, Pact held two phases of Organizational Capacity Assessment (OCA) for the following grantees: CEAJURI, FLD, Cenderos, Asociación de Trabajadoras Domesticas (Astradomes), Asociación Empresarios Juveniles de Costa Rica (JACR), Centro de Estudios y Apoyo al Desarrollo Local (CEADEL), Universidad Rafael Landivar, Universidad Nacional Autónoma de Honduras (UNAH), Universidad Politécnica de Nicaragua (UPOLI), Universidad Paulo Freire of Nicaragua (UPF), Universidad Gerardo Barrios (UGB), Asociación Atlacatl Vivo Positivo (Atlacatl), and Instituto de Derechos Humanos de la Universidad Centroamericana Jose Simeón Cañas (IDHUCA).

During Phase I, Pact held two important regional workshops on OCA from February 7th to 9th, 2011 in Costa Rica and February 14th to 16th, 2011 in El Salvador.

In Costa, 10 representatives from Pact's counterparts in Costa Rica and the Dominican Republic attended the workshops, while in El Salvador, 20 representatives attended from Honduras, El Salvador, Nicaragua and Guatemala.

To conduct the OCA, Pact joined forces with the National Working Group for Participation (GNTP) to support learning and organizational change aimed at building institutional capacity and promoting sustainable management.

OCA promotes organizational learning and capacity building. The participatory methodology used helps organizations to recognize their potential, increase their performance and make a significant and lasting impact.

In the second phase, in July 2011, the partners' organizations received a diagnostic on its capacity strengths and challenges, as well as establishing capacity building goals.

A great product of this meeting is the formation of the **Regional Alliance for Workers' Rights** in order to develop common strategies that contribute to labor justice in all CATFA-DR countries, which will make a significant and lasting impact.

In an attempt to promote sustainability of the Alliance and networking of the Citizens' Access to Labor Justice, Pact El Salvador donated its blog, which has over 150 members, to the Alliance in September 2011 (www.justicialaboral.ning.com).

OCA participants, by country, organization and representatives

Country	Organization	Representative
Guatemala	CEADEL	Oscar Oliva
	Universidad Landivar	Claudia Abril
Honduras	UNAH	Elsa Waleska Paz de Pineda
Nicaragua	UPOLI	Oscar Castillo Guido
	UPF	Mildred Meza Zapata
El Salvador	UGB	Krissia Morena Aguirre Rosa
	Atlatcatl Vivo Positivo	Dora Estela Rivera
	IDHUCA	Javier Melgar
Dominican Republic	CEAJURI	Alcibiades Moreta
	FLD	Lourdes Cecilia Pantaleón
Costa Rica	Astradomes	Maria del Carmen Cruz
	CENDEROS	Adilia Eva Solis
	Junior Achievement	Amelia Solera



Regional Alliance for Workers' Rights

In July 2011, Pact conducted the second phase of the Organizational Capacity Assessment (OCA) for partner organizations and Universities of the Citizens' Access to Labor Justice Program.

Thirteen organizations from the Central American region and the Dominican Republic participated and received a diagnostic on its capacity strengths and challenges, as well as establishing capacity building goals.



From this meeting, the Regional Alliance for Workers' Rights was formed in order to develop strategies that contribute to labor justice, maintain synergies and put to use the knowledge developed during the project.

An organizational development plan was designed based on the installed capacities and commitments for action of the Alliance. In addition, the group committed to collective decision-making and to ensure accountability and transparency.

In November 2011, the Alliance held the second regional encounter in Managua, Nicaragua to develop a work plan for future activities and also train its members on projects and grants proposals. The Network aims to strengthen the voice of workers in discussions and debates, both with civil society, regional and national authorities. Towards this goal, the Alliance will conduct research and projects to enable labor community to engage with key legislative and policy issues.

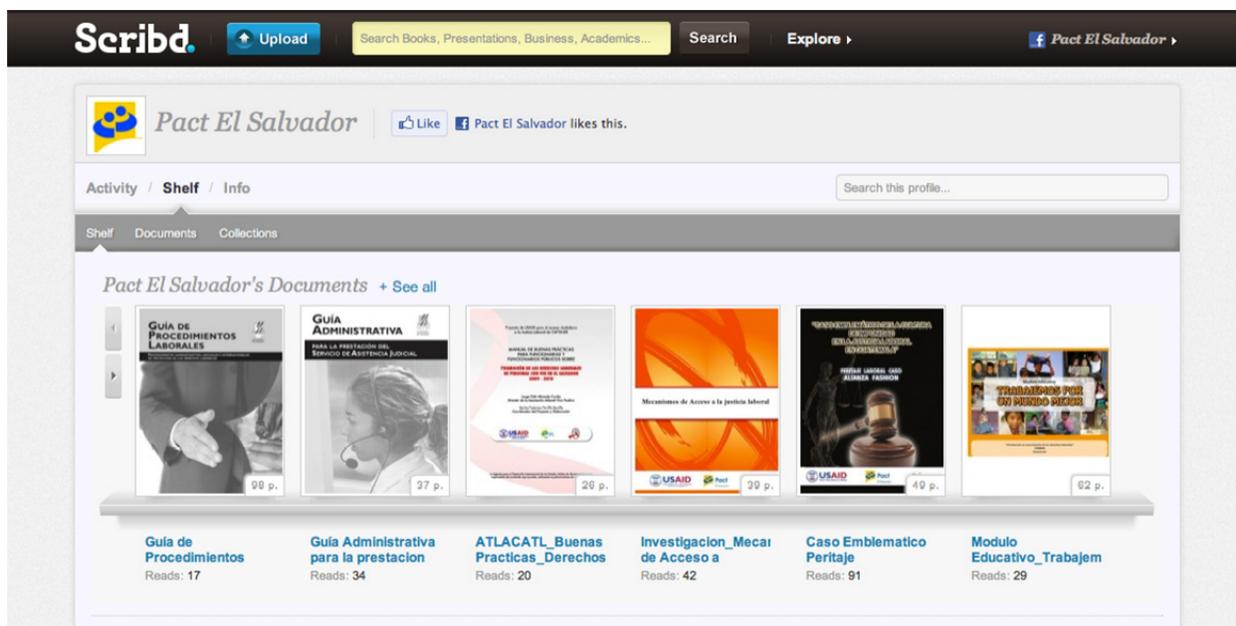
“Promote labor rights and advocacy, generating proposals for change, accompanying processes, building capacity and raising awareness among public and private actors linked to labor rights.”

Virtual Library

Pact counts with a webpage and an intranet that warehouses relevant project information, activities, documents and reports, but an important added value to the Program is the creation of the Virtual Library that made available to the public all publications and products produced during the course of the CALJ Program.

As a means of better promoting and making accessible project products to a wider public, in 2010, Pact opened a public access virtual library. By creating this virtual library (http://www.scribd.com/Pact_Salvador), Pact proceeded to a light systematization of existing products and assured that these were shared and used by project partners and others. Pact additionally stepped up overall marketing and scaling out of existing manuals, analysis and reports, so that these can be more widely utilized by a wider range of clients.

In less than a year, over 6,000 readers consulted or downloaded documents from Pact's virtual library and it is expected that in the first half of 2012, the number reaches 10,000.



Pact found many advantages to opening such a database:

No physical boundary. People from all over the world can gain access and information to Pact's documents on labor law, as long as an Internet connection is available.

Round the clock availability. People can gain access 24/7 to the information.

Multiple access. The resources and products can be used by a number of institutions and organizations.

Etc.

SIADELCA



The Electronic Case Management Software (SIADLCA) is considered one of the most successful and beneficial aspects of the CALJ.

SIADLCA 1.0 is a database that enables public defenders, free legal assistance clinics and CSOs to collect and organize information from parties involved in labor disputes. Developed in close consultation with our partners and based on each country's labor law, the database allows institutions to monitor labor justice proceedings and deliver accurate and timely information to workers involved in labor disputes.

The system also enables to collect and analyze data on labor rights enforcement using disaggregated data, which can be used for the creation of accurate baseline studies, improved monitoring and evaluation, and more effective research-supported advocacy campaigns.

Pact provided technical assistance to update and enhance the effectiveness of the system and left an installed capacity in each counterpart of the Program.

By allowing free legal assistance clinics and civil society organizations to automate labor cases, it has notably increased the quality and capacity of providers to take on more labor cases, and thus increase access to labor justice.

Pact installed the SIADLCA software in 20 institutions, including Universities and civil society organizations that offer free legal assistance. While the extent to which SIADLCA is used varied among the clinics, it has proven a useful tool for streamlining the processing of labor rights cases, tracking their progress from consultation to court hearing, and in some cases even analyzing the profile of labor cases common to a particular environment.

Capacity Building of the Salvadoran Ministry of Labor

With the objective of modernizing the legal framework on Occupational Health and Safety (OHSA), the new Law on Risk Prevention in the Workplace was adopted on April 15th, 2010 in El Salvador. The new law is mainly characterized by the fact that it will be applied, both in public and private entities, as a participatory mode between workers and employers.

In order to consolidate the legal framework on OSHA, Pact El Salvador initiated an ambitious project to provide technical assistance to the Ministry of Labor in the formulation of the Draft Regulations for the Implementation of the Law on Risk Prevention in the workplace.

Pact strengthened the capacities of the Ministry of Labor, the main governmental entity responsible for the implementation of the law by implementing training programs with officials of the General Inspectorate of Labor and Social Security.

To carry out this project, Pact helped to establish a MINTRAB technical team comprising representatives of the Departments of Inspection and of the Social Security, which is the reference for the preparation of the draft regulations.

Pact's OSHA experts drafted four regulations, according to the principal matters of the new Law on Risk Prevention in the Workplace. These are:

- Occupational Safety & Health



Members of the technical committee

Management Regulation; b) General Security Conditions in the Workplace Regulation; c) Risk Prevention in the Workplace Regulation; and d) Accreditation and monitoring of consultancy firms and experts in specialized areas Regulation.

During the elaboration of the Draft Regulations, the consultants were in continuous communication with the Ministry's technical team to get the necessary feedback to advance the process of formulating the regulations, which took approximately four months. In this time frame, different working meetings were scheduled with the team to discuss the content of the draft regulations.

In October, when the draft regulations were completed, validation workshops were held with the participation of 35 officials of the Ministry of Labor, during which a consensus was reached on the final versions. Once the final drafts of the regulations were approved, they were officially sent to the Ministry of Labor to follow the respective procedure for enacting them.

Additionally, Pact developed a training program for implementing the new legal framework that was given to a group of 40 officials of the Ministry of Labor. Also, a workshop on four specialized topics related to Occupational Safety and Health required by the Ministry of Labor was conducted for 30 participants nominated by the Ministry.

Occupational Safety & Health (OSH)

Pact El Salvador contributing to the culture of safety in the sugar industry

Pact El Salvador conducted a pilot project, that could be replicated and serve as a model for other industries, with three sugar mills of the country (Angel, Jiboa and Magdalena) in implementing a Management System on Risk Prevention in the Workplace under the parameters of the new Law.

Through trainings, site investigations, advice and support, Pact provided opportunities for representatives of trade unions and employer representatives to understand and apply the main responsibilities and rights under the Law on Risk Prevention in the Workplace and exercise a leadership role in the OSH organizational structures.

With the completion of the pilot project notable improved worked conditions and higher percentages of compliance with the law were observed in each of the sugar mills. By supporting the sugar industry, Pact's initiative directly affected over **2,000 sugar workers** and helped the sugar mills in achieving a safer and healthier workplace, as well as preparing the companies in developing an industrial OSH policy.



On-site analysis of OSH situation, Sugar Mill El Angel

Lessons Learned

In regional projects or in projects with a broad geographic spread, management and monitoring mechanisms should be well thought through and regularly evaluated

The distribution of grantees across six countries increases the cost and the complexity of monitoring and oversight. In order to ensure effective monitoring, Pact strategically hired and positioned part time country-based monitors to frequently measure the progress of program activities first-hand. While enhanced our monitoring capacity, we learned that obtaining regular feedback from monitors – not only on progress of project implementation by grantee, but also on the monitoring process itself (workload vs. consultant days, frequency and need for visits, and issues that require addressing in the monitoring process) could further enhance the effectiveness of this mechanism as well as facilitate knowledge sharing among countries and grantees.

Capacity Building: Grantees knowledge of USAID’s rules and regulations

Grantees’ lack of knowledge and experience with USAID Rules and Regulations (which require specific programmatic and financial reporting schedules and formats) meant that Pact had to provide extensive training in grants management, monitoring and communications. This should be adequately budgeted for in the project-planning phase.

For instance, Pact spent time training each of the grantees on how to produce quarterly financial and programmatic reports as well as final reports. Pact also trained grantee sin SMS technology, blogs and other means to ensure effective communication to project stakeholders.

External factors: Honduras political instability

First, political instability resulting from the 2009 coup d’état and constitutional crisis in Honduras have prohibited Pact from forming partnerships with state-sponsored institutions entrusted to support labor justice.

Project design’s focus on long-term impact and sustainability

Project design should focus on impact and sustainability from the beginning and include a baseline study to feed the monitoring strategy as well as provides a basis for setting priorities in terms of sectors and areas and the needed response.

Mapping of initiatives not to duplicate efforts

In order to have a greater impact, the project should include at the beginning of its execution a mapping of existing and previous initiatives in the field of labor justice access. This important

step will permit to *not duplicate efforts* but rather complement them throughout the longevity of the project.

Additionally, this phase could allow collaboration with other organizations working in the same field (ex. CRS, MSD, CYG, ILO, etc.) in order to concentrate efforts.

Stakeholder Engagement

Stakeholder engagement is vital to project planning, implementation, and evaluation, ensuring that activities and initiatives are appropriate, effective, and sustainable. It allows the donor as well as the implementing organization/partner to get the “full picture” and constant feedback.

In the Citizens’ Access to Labor Justice, Pact maintained regular communication and involvement of labor justice key stakeholders such as government agencies, NGOs, free legal assistance clinics, lawyers, universities, community participants and others.

Annexes

Annex I Centrals, confederations & Universities (Nicaragua, El Salvador and Costa Rica)

Nicaragua	El Salvador	Costa Rica
Confederación Sindical de Trabajadores de la Educación	Confederación Unitaria de Trabajadores(as) Salvadoreños(as) - CUTS	Confederación de Trabajadores Rerum Novarum (CTRN)
Confederación Nicaragüense de Trabajadores Democráticos - CNTD	Confederación General del Trabajo - CGT	Confederación Costarricense de Trabajadores Democráticos - CCTD
Confederación Gral. De Trabajadores de Nicaragua "Pedro Turcios Ramírez" (independientes) - CGT (i)	Confederación Nacional de Trabajadores Salvadoreños - CNTS	Confederación Unitaria de Trabajadores - CUT
Confederación Gral. Sandinista de Trabajadores "Pablo Martínez Viquez" - CGST	Confederación General de Sindicatos - CGS	Unión Nacional de Empleados de la Caja y de la Seguridad Social - UNDECA
Confederación de Unificación Sindical- CUS	Confederación Sindical de Trabajadoras y Trabajadores de El Salvador (CSTS)	Central Sindical Coordinadora Unitaria Sindical y Magisterial - CUSIMA
Confederación Nacional de Trabajadores - CNT	Federación de Asociaciones o Sindicatos Independientes de El Salvador - FEASIES	Central Movimiento de Trabajadores Costarricenses - CMTC
Confederación de Maestros de la Educación de Managua y León	Federación Unitaria de El Salvador - FUSS	Central General de Trabajadores - CGT
Confederación de Acción y Unidad Sindical- CAUS	Federación de Sindicatos de Trabajadores de Alimentos, Bebidas y Similares (FESINTRABS)	Central Social Juanito Mora Porras - CSJMP
Confederación Sindical de Trabajadores de Mga. "José Benito Escobar" - CST-JBE	Federación de Sindicatos de Trabajadores en Industrias y Servicios Varios (FESITRISEVA)	Asociación Nacional de Empleados Públicos y Privados - ANEP
Confederación General de Trabajadores de la Salud - CONGETRAS	Federación de Sindicatos de la Industria de la Construcción, Similares, Transporte y de Otras Actividades (FESINCONSTRANS)	Coordinadora de Sindicatos Bananeros - COSIBA
Confederación de Unificación Sindical Autónoma - CUS (a)	Federación de Sindicatos de Trabajadores de El Salvador (FESTES)	
Confederación de Unificación Sindical Autónoma	Federación Nacional Sindical de Trabajadores Salvadoreños (FENASTRAS)	

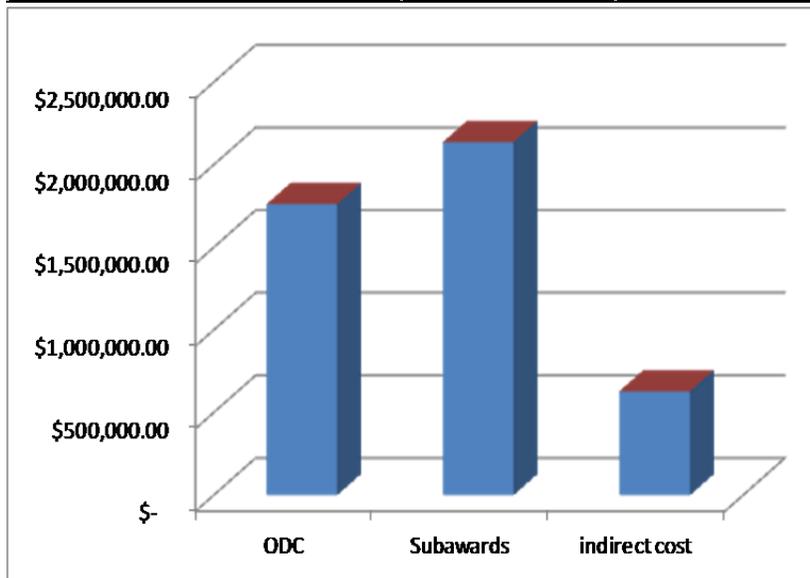
Confederación de Trabajadores de la Energía de Nicaragua – COTRAENIC	Federación de Asociaciones o Sindicatos Independientes de El Salvador (FEASIES)
Confederación de Trabajadores de la Salud Unidos por la Democracia "Dr. Leopoldo Navarro" – COTSALUD	Central de Trabajadores Democráticos – CTD
Confederación de Trabajadores de la Educación y la Cultura – COFENITEC	Central de Trabajadores Salvadoreños – CTS
Federación Sindical de Maestros – FESINMA	
Federación de Sindicatos Docentes de la Educación Superior - FEPDES	
Federación de Trabajadores de la Salud (FETSALUD)	
Unión Nacional de Empleados – UNE	
Central Congreso Permanente de los Trabajadores – CPT	
Central de Trabajadores de Nicaragua – CTN	
Central Nicaragüense de Trabajadores Autónoma -CNT(a)	
Central Única de Trabajadores – CUT	

**Annex 2
Financial Report & Tables**

Comparison between direct, subawards and indirect expenses as a % of total investment

In 2008 USAID awarded Pact \$ 4.549M to implement the “USAID Citizen’s Access to Labor Justice Program”. Pact spent \$1.762M (39%) of the project budget on direct cost expenditures, \$ 2.138M (47%) in “sub-award and subcontracts” and \$630,000 (14%) on indirect costs.

Cost	Amount	%
ODC	\$ 1,762,106.84	38.89%
Subawards	\$ 2,138,759.60	47.20%
indirect cost	\$ 630,071.64	13.91%
Total	\$ 4,530,938	100%



Comparison between planned and actual budget

In direct costs, Pact spent 98.74% (\$3.9M) of its budget, while in subgrants, subcontracts, and indirect costs Pact spent 5.18% (\$33,000) more than was originally budgeted. The total sum amounts to 99.59% of the total \$4.530M spent. The remaining funds balance (available money) in direct and indirect costs is \$18,000 (0.41%).

The major variations from the budgeted amount to expended amount are fringe benefits, supplies, and contractual where there were increases ranging from 24% to 314%. During the last six months, Pact submitted a budget realignment to account for these changes and provide technical justification; because this new budget was not approved, Pact continued activities based on the last budget approved by USAID.

The total amount expended is \$4.530M, the expenses where Pact invested the biggest amounts of money were in contracts (including subgrants) and supplies. The contractual line with \$3,199M is composed by expenditures in sub awards by \$ 2.138M and consultants by \$ 1.060M. Sub awards fund sub grantees, while the majority of consultant costs were payment to consultants located in each country as facilitators, monitors and evaluators, therefore directly contributing to the capacity building of those same sub grantees.

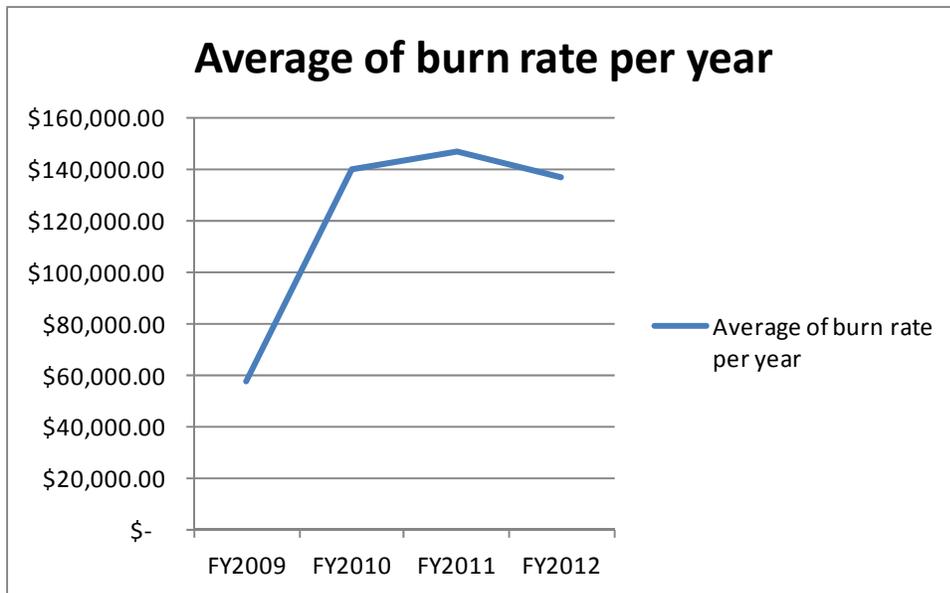
Pact El Salvador invested \$105,000 in supplies (313.90% more than anticipated) and \$ 3,199M in subgrants and contracts (24.33% more than anticipated). Within the line item “office supplies” is reproduction of publication materials that represented 38%. Other costs like furniture and equipment represents the remaining 62%, which were part of our project running cost.

The execution of the project is divided in two implementation phases: Period I – from October 2008 to April 2010 (19 months), when IIHR (Inter-American Institute of Human Rights) was overseeing implementation of 3 project objectives, and Period II, from May 2010 to December 2011 (18 months), where Pact took over responsibility for all the objectives. IIHR spent \$650,000 (14%) of the total budget while Pact spent 86%, which represents \$3.882M. From Period II, the project funds were invested more efficiently with timely and accurate reporting and high-quality on-time deliverables. The successive budget realignments that Pact submitted throughout the life of the project emerged as grantee needs and timeframes changed and enabled Pact to channel additional resources into supporting our grantees.

Burn Rate

During the first period, the project burn rate was slow; and products and deliverables were also delayed. When Pact took complete administrative and programmatic responsibility, the burn rate increased and deliverables got back on track in accordance with the project’s work plan.

As mentioned, budget realignments were occasionally necessary to match changing grantee needs and timelines. In the event that Pact needed to realign the project budget, Pact always attempted to find cost savings in order to invest it in the sub grants in a demand-driven and efficient way. Unfortunately, each time that Pact submitted a budget realignment, Pact was met with delays of 3-5 months prior to obtaining required USAID approvals of between Pact was most adversely impacted by the USAID approval delay during the last two quarters of FY2010, where activities were stalled while Pact waited for a no-cost extension, and in July 2011 were the project almost stopped completely as it awaited USAID approval for a promised extension.



If the analyzes of burn rate were done based on quarters instead of years we would see periods where the burn rate was flat, because Pact was waiting for approvals from USAID maybe for realignments or to receive more obligated funds. The burn rate's average during the whole project was \$ 117,000 per month. The burn rate started to accelerate as time passed. In FY2009 our monthly burn rate had an average of \$ 57,000 but in FY 2010 the burn rate's average was \$ 139,000 while than FY2011 reached an average monthly burn rate of \$ 146,000. During the last three months of the project, the average burn rate decreased to \$ 136,000 because Pact was winding down activities in preparation for project closeout and our subgrantees finished their activities and liquidated their subaward expenses.

During FY2009 Pact burned \$691,000 (15%) of our budgeted funds and that percentage increased proportionally to the time spent. In FY 2010 we spent 37% (\$1.672M) of our budget, while in FY2011 we spent 39% (\$ 1.759M), the last three months that are the first quarter of FY 2012 we burned the remaining \$410,000) or 9% of total project budget.

Distribution per country

The project has spent \$ 4.530M and most of the funds were distributed between El Salvador and Costa Rica because subgrantees in these countries were much more responsive to the RFP than in the other CAFTA-DR countries. Specifically, the Dominican Republic, Nicaragua, Guatemala were less responsive and due to the political crisis, Honduras didn't participate in the first round of grants.

Another explication for the difference for the funds' distribution was that El Salvador and Costa Rica were the two countries where either Pact or IIDH had their field offices. Guatemala, Dominican Republic and Nicaragua were countries where the average of expenditures is 8.90%. The only country where Pact invested a lower amount of money, at 4.91%, was Honduras due the political crisis in the second and third quarter of 2009.

Expenses per country (\$ Millions)

