



Department of Performance Monitoring and Evaluation

Report on the Assessment of Government Evaluations

Labour Reform in South Africa: Measuring Regulation and Synthesis of Policy Suggestions

Date Evaluation was completed: 01 June 2007

Name of assessor: Nana Gadegaard Davies

Evaluation Number: 30

Date Assessment Completed: 21 February 2013

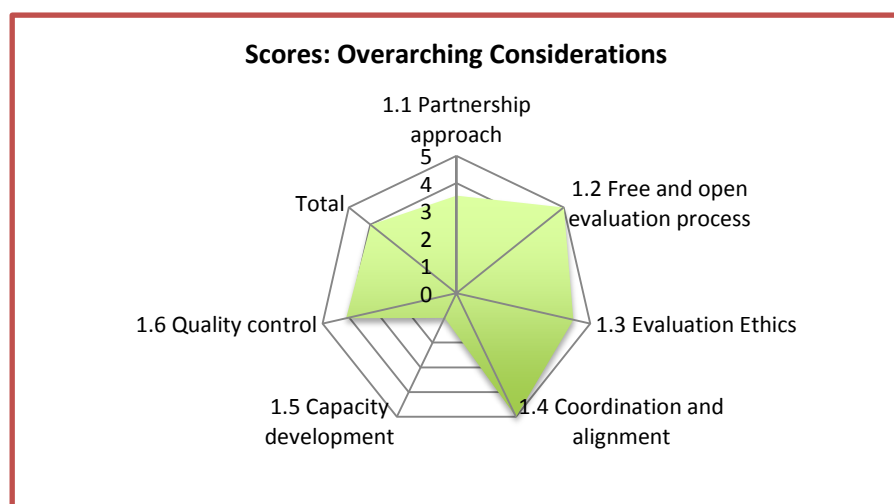
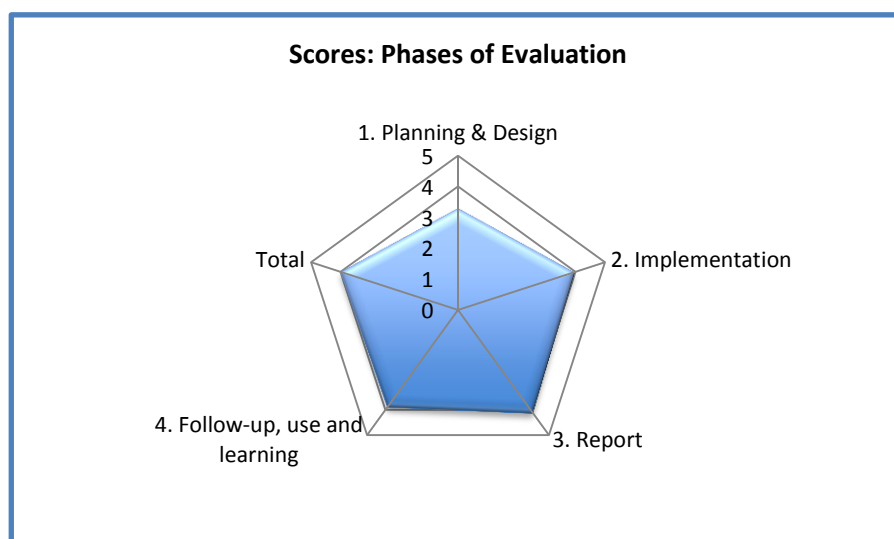
Evaluation Assessment Details

Title of evaluation report	Labour Reform in South Africa: Measuring Regulation and Synthesis of Policy Suggestions
Completion Date of Evaluation	01 June 2007
Name of Assessor	Nana Gadegaard Davies
Evaluation Number	30
Completion Date of Assessment	21 February 2013
Initiated by	Department of Labour
Evaluation undertaken by	Haroon Borat and Halton Cheadle
Evaluation area / sector	Labour issues & employment
	Additional
National Outcome	Outcome 5
	Outcome 4 Additional
Type of Evaluation	Diagnostic
	Additional
What is being evaluated	Sector
	Policy Additional
Geographic Scope	National
Period of Evaluation	2007
Known Cost of Evaluation	Unknown

Quality Assessment Scores

Phase of Evaluation	Score
Planning & Design	3.29
Implementation	3.95
Report	4.10
Follow-up, use and learning	3.86
Total	3.95

Overarching Consideration	Score
Partnership approach	3.55
Free and open evaluation process	5.00
Evaluation Ethics	4.36
Coordination and alignment	5.00
Capacity Development	1.00
Quality control	4.12



1. Planning & Design

1.1. Clarity of Purpose and Scope in TOR

STANDARD: *The evaluation was guided by a TOR with at least the following sections explicit: purpose, scope and objectives; expectations regarding design and methodology; resources and time allocated; reporting requirements; expectations regarding evaluation process and products.*

Comment and Analysis

It was not possible to ascertain whether a terms of reference had been produced for this study.

Rating N/A

STANDARD: *The purpose of the evaluation was clear and explicit in the TOR*

Comment and Analysis

It was not possible to ascertain whether a terms of reference had been produced for this study.

Rating N/A

STANDARD: *The evaluation questions were clearly stated in the TOR and appropriate to addressing the evaluation purpose*

Comment and Analysis

It was not possible to ascertain whether a terms of reference had been produced for this study.

Rating N/A

STANDARD: The approach and type of evaluation was suited to the purpose and scope of the evaluation TOR**Comment and Analysis**

It was not possible to ascertain whether a terms of reference had been produced for this study.

Rating N/A

STANDARD: Intended users and their information needs were identified in the TOR**Comment and Analysis**

It was not possible to ascertain whether a terms of reference had been produced for this study.

Rating N/A

STANDARD: Key stakeholders were involved in the scoping of the TOR and determining the purpose of the evaluation**Comment and Analysis**

It was not possible to ascertain whether a terms of reference had been produced for this study.

Rating N/A

1.2. Evaluation was adequately resourced

STANDARD: The evaluation was adequately resourced in terms of time allocated

Comment and Analysis

One of the interviewees indicated that the study was adequately resourced in terms of time allocated. A short extension in timeframe for completion of the report was granted.

Rating 4

STANDARD: The evaluation was adequately resourced in terms of original budget

Comment and Analysis

The evaluation was adequately resourced in terms of the original budget. This was a set amount.

Rating 4

STANDARD: The evaluation was adequately resourced in terms of staffing and skills sets

Comment and Analysis

The evaluation was adequately resourced in terms of staffing. The researchers had complimentary skills sets, namely expertise in labour and economics and expertise in labour laws. This combination was well suited for the study.

Rating 5

STANDARD: *Where appropriate, the evaluation planned to incorporate an element of capacity building of partners/staff responsible for the evaluand*

Comment and Analysis

The study did not appear to have planned to incorporate an element of capacity building of partners/staff responsible for the evaluation.

Rating 1

1.3. Alignment to Policy Context and Background Literature

STANDARD: *There was evidence that a review of the relevant policy and programme environments had been conducted and used in the planning of the evaluation by the evaluators*

Comment and Analysis

Chapter 2 and 3 carried evidence that a review of the labour market environments and legislation had been conducted. However, it was uncertain whether the review of policy and programme environments had been used in the planning of the study by the researchers.

Rating N/A

STANDARD: *There was evidence of a review of appropriate literature having been conducted and used in the planning of the evaluation by the evaluators*

Comment and Analysis

An appropriate review of literature was evident throughout the report. Previously conducted international analyses of a similar nature were frequently referenced and used to complete the report. However, it was uncertain whether the review of literature had been used in the planning of the study by the researchers.

Rating N/A

1.4. The evaluation methods planned were appropriate to the project

STANDARD: There was explicit reference to the intervention logic or the theory of change of the evaluand in the planning of the evaluation

Comment and Analysis

There was no explicit mention of the intervention logic or theory of change of the study.

Rating 1

STANDARD: Key stakeholders were consulted on the design and methodology of the evaluation

Comment and Analysis

The Department of Labour was identified as a key stakeholder that was consulted in the design of the study.

Rating 4

STANDARD: The planned methodology was appropriate to the questions being asked

Comment and Analysis

The study used already existing datasets coupled with legal desktop review for the analysis. The planned methodology was appropriate to the research questions being asked, namely to measure the rigidity of South African labour regulations and synthesising policy suggestions.

Rating 5

STANDARD: Planned sampling was appropriate and adequate given the focus and purpose of evaluation***Comment and Analysis***

The study did not apply primary data gathering and therefore no sampling took place.

Rating N/A

STANDARD: There was a planned process for using the findings of the evaluation prior to undertaking the evaluation***Comment and Analysis***

It is uncertain whether there was a planned process in place for using the findings prior to undertaking the study. There was no evidence as such in the report.

Rating 1

1.5. Inception phase***STANDARD: The inception phase was used to develop a common agreement on how the evaluation would be implemented******Comment and Analysis***

As no interview was secured with the main author of the report, it was not possible to ascertain what happened in the inception phase.

Rating N/A

2. Implementation

2.1. Ethical Review and Considerations

STANDARD: *Where data was gathered in contexts where ethical sensitivity is high, appropriate clearance was obtained through an ethics review board; e.g. in evaluation involving minors, institutions where access usually requires ethical or bureaucratic clearance, and situations where assurances of confidentiality was offered to participants*

Comment and Analysis

As all data came from available historic data sources or from literature review there was no need for ethical clearance.

Rating N/A

2.2. Evaluator independence

STANDARD: *Where external, evaluation team was able to work freely without significant interference*

Comment and Analysis

The researchers were able to work freely without interference from stakeholders.

Rating 5

STANDARD: The evaluation team was impartial and there was no evidence of conflict of interest***Comment and Analysis***

The research team was impartial and there was no evidence of conflict of interest.

Rating 5

2.3. Key stakeholder involvement***STANDARD: Key stakeholders were consulted through a formalised mechanism or institutional arrangement during the evaluation******Comment and Analysis***

The Department of Labour was consulted during research.

Rating 4

STANDARD: Where appropriate, an element of capacity building of partners responsible for the evaluand was incorporated into the evaluation***Comment and Analysis***

No formal capacity building process of partners took place during the study.

Rating 1

2.4. Methodology

STANDARD: The methods employed in the process of the evaluation were consistent with those planned

Comment and Analysis

The researcher interviewed stated that the methods employed in the process of the evaluation were consistent with those planned. The study used already existing datasets coupled with legal desktop review for the analysis.

Rating 4

STANDARD: Data collection was not compromised by fieldwork-level problems or unplanned diversions from original intentions

Comment and Analysis

No fieldwork was carried out as the research used a mixture between a desk top review and the utilisation of datasets.

Rating N/A

STANDARD: Forms of data gathering were appropriate given the scope of evaluation

Comment and Analysis

The use of existing data sets and desktop review proved appropriate forms of data gathering given the scope of the study, namely to measure the rigidity of South African labour regulations and synthesise policy suggestions.

Rating 4

STANDARD: The data analysis approach and methods were appropriate and sufficient given the purposes of the evaluation

Comment and Analysis

The data analysis approach followed was to analyse both existing datasets and to complete the analysis with a comparison of how South Africa's labour regulatory regime has altered since the mid-1990s. Furthermore, a legal analysis was conducted on relevant labour legislation and institutions. These data analysis methods and approaches were appropriate and sufficient given the purpose of the study.

Rating 5

STANDARD: Key stakeholders were significantly engaged as part of the methodology

Comment and Analysis

One of the interviewees confirmed that key stakeholders were consulted as part of the methodology. These stakeholders included the Department of Labour, policy makers, business people and organised labour.

Rating 4

STANDARD: The methodology included engaging beneficiaries appropriately as a key source of data and information

Comment and Analysis

The researcher stated that the methodology applied concentrated on the desktop review and existing datasets and thus there was no engagement with beneficiaries as a source of data and information.

Rating N/A

2.5. Project management

STANDARD: The evaluation was conducted without shifts to scheduled project milestones and timeframes

Comment and Analysis

The researcher stated there had been some shifts to scheduled project milestones as the research team had asked for an extension.

Rating 2

3. Report

3.1. Report was well-structured and presentation was clear and complete in each of these areas

STANDARD: Executive summary captured key components of the report appropriately

Comment and Analysis

The report had no formal executive summary. An introduction section provided brief background on the issue, the main objective of the study, and a brief description of subsequent sections in the report.

Rating 1

STANDARD: The context of the development intervention was explicit and presented as relevant to the evaluation

Comment and Analysis

The context of labour regulation was presented in Chapter 2 and 3 in the report as relevant to the study.

Rating 5

STANDARD: There was a clear rationale for the evaluation questions**Comment and Analysis**

The need for reform of the labour market regulation formed the basis of the clear rationale for the evaluation questions. The rationale of the study was to mature the debate on labour regulation and worker protection.

Rating 4

STANDARD: The scope or focus of the evaluation was apparent in the report**Comment and Analysis**

The scope of the report sought to cover the labour regulatory environment within South Africa which was apparent in the report. This was coupled with empirical research where existing datasets were applied to provide for an objective assessment of the labour regulatory environment in South Africa, within an international comparative context.

Rating 5

STANDARD: A detailed methodology was outlined in the relevant section of a report (full report or 1/3/25) to the point that a reader could understand the data collection, analysis and interpretation**Comment and Analysis**

A detailed methodology was outlined in Chapter 2 of the report describing the two datasets applied. Chapter 3 provided an overview of the legislation pertaining to the labour market and workers protection and did not list a methodology. However, as it was clear that this section was based on literature review, the reader still could understand the collection and analysis applied.

Rating 3

STANDARD: Key findings were presented in a clear way; they were made distinct from uncertain or speculative findings; and unused data was not presented in the body of the report

Comment and Analysis

Key findings were outlined in Chapter 2 that dealt with the economic aspect of the research as well as in Chapter 3 where the legal aspects of labour regulations were outlined.

Rating 4

STANDARD: Conclusions and recommendations were clear and succinctly articulated

Comment and Analysis

Both Chapter 2 and 3 provided conclusions and recommendations after presenting the findings. Furthermore, Chapter 4 provided an extract of the main conclusions. Conclusion and recommendations were clearly articulated. It could have been useful to have a joint recommendation chapter where recommendations from both sections of the research were extracted. This would assisted the report in becoming more integrated.

Rating 3

STANDARD: Acknowledgement of limitations of all aspects of the methodology and findings were clearly and succinctly articulated

Comment and Analysis

In Chapter 2, the study acknowledged that by applying the existing datasets there were two main concerns. These concerns were that the range of different sub-indices utilised for hiring and firing may exclude certain important measures of regulation and the second was that some legislative provisions which were implicitly viewed as regulatory in nature were not generally regarded as such by legal practitioners. These were the two flaws that were identified within the methodology.

Rating 4

3.2. Writing and presentation

STANDARD: *Quality of writing and presentation was adequate for publication including: adequate layout and consistent formatting; complete sentences and no widespread grammatical or typographical errors; consistency of style and writing conventions (e.g. tense, perspective (first person, third person); levels of formality; references complete and consistent with cited references in reference list and vice versa; etc)*

Comment and Analysis

The quality of writing and presentation was adequate for publication and the paper was published by the Development Policy Research Unit. It should be noted that the report posted on the Department of Labour's website is not the final version and lacks some references in Chapter 3.

Rating **5**

STANDARD: *Appropriate conventions were used in presentation of data (e.g. use of appropriate statistical language; reporting of p-values where appropriate; not reporting statistically insignificant findings as significant; clarifying disaggregation categories in constructing percentages; not using quantitative language in reporting qualitative data, etc.)*

Comment and Analysis

Appropriate conventions were utilised in the presentation of data.

Rating **5**

3.3. Presentation of findings

STANDARD: *The use of figures and tables was such that it supported communication and comprehension of results; and data reported in figures and tables was readily discernible and useful to a reader familiar with data presentation conventions*

Comment and Analysis

The report applied tables and figures that provided appropriate information needed for further comprehension of the findings within the report. These tables and figures were readily discernible and useful for the reader.

Rating 5

STANDARD: Data analysis appeared to have been well executed

Comment and Analysis

The datasets applied in Chapter 2 converted legislative provisions and stipulations into a consistent, comparable and measurable index of labour market protections. Descriptive data analysis took place in this chapter while a legislative analysis took place in Chapter 3. The data analysis seems to have been well executed.

Rating 4

STANDARD: Findings were supported by available evidence

Comment and Analysis

The study was supported by available evidence in the form of extracts of sections of relevant legislation, while for the economic section the findings were supported by the presence of the two data sets.

Rating 4

STANDARD: The evidence gathered was sufficiently and appropriately analysed to support the argument

Comment and Analysis

The evidence provided was sufficiently and appropriately analysed to support the argument pertaining to the rigidity of labour regulation and workers protection in South Africa.

Rating 4

STANDARD: There was appropriate recognition of the possibility of alternative interpretations

Comment and Analysis

There was some recognition of the possibility of alternative interpretations in the economic overview in Chapter 2.

Rating 3

STANDARD: The report appeared free of significant methodological and analytic flaws

Comment and Analysis

The report appeared free of significant methodological and analytical flaws.

Rating 5

3.4. Conclusions

STANDARD: Conclusions were derived from evidence

Comment and Analysis

Conclusions were derived directly from the evidence presented by analysing the labour regulation environment.

Rating 4

STANDARD: Conclusions took into account relevant empirical and/or analytic work from related research studies and evaluations

Comment and Analysis

The conclusions took into account the literature reviewed and relevant empirical work done.

Rating 4

STANDARD: Conclusions addressed the original evaluation purpose and questions

Comment and Analysis

The conclusion addressed the original evaluation purpose, namely to measure and provide a legislative overview of labour regulation and worker protection in South Africa.

Rating 4

STANDARD: Conclusions were drawn with explicit reference to the intervention logic or theory of change**Comment and Analysis**

No intervention logic or theory of change was mentioned in the report and hence the conclusions were not drawn from there.

Rating 1

3.5. Recommendations***STANDARD: Recommendations were made in consultation with appropriate sectoral partners or experts*****Comment and Analysis**

Recommendations deriving from the study were all found in the end of the legislative analysis in Chapter 3. One of the interviewees indicated that a workshop took place in 2007 in which the findings were presented and recommendations were made in consultation with sectoral partners, namely business partners, organised labour and policy makers.

Rating 4

STANDARD: Recommendations were shaped following input or review by relevant government officials and other relevant stakeholders**Comment and Analysis**

One of the interviewees indicated that recommendations were shaped following input by the Department of Labour and other stakeholders, namely business partners, organised labour and policy makers.

Rating 4

STANDARD: Recommendations were relevant to the policy context**Comment and Analysis**

The recommendations were highly relevant to the policy and legislative context. They were specific recommendations pertaining to drafting of code of conduct, guidelines and change of legislation.

Rating 5

STANDARD: Recommendations were targetted to a specific audience sufficiently - were specific, feasible, affordable and acceptable**Comment and Analysis**

The recommendations were targetted at policy makers as well as officials at the CCMA who are responsible for drafting guidelines and the Code of Good Practice. The recommendations were specific, feasible, affordable and acceptable.

Rating 5

3.6. Relevant limitations of the evaluation have been noted**STANDARD: Relevant limitations of the evaluation were noted****Comment and Analysis**

Relevant limitations in the use of the existing datasets were noted in the report in Chapter 2.

Rating 4

3.7 Protection of participants and risk considerations

STANDARD: *The full report documented procedures intended to ensure confidentiality and to secure informed consent where this was needed (in some cases this is not needed - e.g. evaluation synthesis - in which case N/A should be recorded)*

Comment and Analysis

The report did not document the procedures intended to secure confidentiality and to secure informed consent. However, as the study focused on literature review and historic datasets, there were no need to consider ethical consent.

Rating N/A

STANDARD: *There were no risks to participants in disseminating the original report on a public website*

Comment and Analysis

There were no risks to participants as the paper utilised desk top review and assessment of existing datasets.

Rating 4

STANDARD: *There were no unfair risks to institutions in disseminating the original report on a public website*

Comment and Analysis

There were no unfair risks to institutions in disseminating the original report on a public website.

Rating 4

4. Follow-up, use and learning

4.1. Presentation to stakeholders

STANDARD: *Results were presented to all relevant stakeholders*

Comment and Analysis

The interviewee indicated that he was unsure if the results had been presented to all relevant stakeholders. Likewise, there was no indication in the report that this took place.

Rating 2

4.2. Resource utilisation

STANDARD: *The evaluation was completed within the planned timeframes*

Comment and Analysis

The study was not completed within the planned timeframes as the researchers had sought an extension.

Rating 2

STANDARD: *The evaluation was completed within the agreed budget*

Comment and Analysis

According to the interviewee, the study was completed within the agreed budget.

Rating 4

4.3. Transparency

STANDARD: *The report was publicly available (website or otherwise published document), except where there were legitimate security concerns*

Comment and Analysis

The report was publicly available on the websites of the Department of Labour and the Development Policy Research Unit.

Rating 5

4.4. Lessons learnt

STANDARD: *After completion of the evaluation, a reflective process was undertaken by staff responsible for the evaluation to reflect on what could be done to strengthen future evaluations*

Comment and Analysis

It was uncertain from the report and the interviews if a reflective process was undertaken by staff responsible for the study after the completion of the study.

Rating N/A

4.5. Symbolic and conceptual value

STANDARD: *The evaluation study was seen by interviewed stakeholders as having added significant symbolic value to the policy or programme (eg raised its profile)*

Comment and Analysis

The evaluation was seen by the interviewees as having added significant value in the debate on labour regulation. As a result it was claimed that the study had contributed to the alteration in the Labour Relations Act, the Superior Courts Bill and various institutional reforms in the CCMA.

Rating 4

STANDARD: *The evaluation study was of conceptual value in understanding what has happened and possibly in shaping policy and practice*

Comment and Analysis

According to the interviewees the evaluation was of conceptual value in understanding what had happened within the labour regulatory environment and had been instrumental in shaping policies and practices.

Rating 4

4.6. Utilisation of findings and recommendations

STANDARD: *There was clear evidence of instrumental use - that the recommendations of the evaluation were implemented to a significant extent*

Comment and Analysis

The evaluation was seen by the interviewees as having added significant value in the debate on labour regulation. As a result it was claimed that the study had contributed to the alteration in the Labour Relations Act, the Superior Courts Bill and various institutional reforms in the CCMA as the changes reflect the recommendations in the report.

Rating 4

STANDARD: *There was clear evidence that the evaluation has had a positive influence on the evaluand, its stakeholders and beneficiaries over the medium to long term*

Comment and Analysis

The evaluation was seen by the interviewees as having added significant value in the debate on labour regulation. As a result it was claimed that the study had contributed to the alteration in the Labour Relations Act, the Superior Courts Bill and various institutional reforms in the CCMA which ultimately will benefit actors of the labour market and particularly small business employers.

Rating 4

References

Bhorat, H; Cheadle, H. (2007) "Labour Reform in South Africa: Measuring Regulation and a Synthesis of Policy Suggestions", Development Policy Research Unit, School of Economics, University of Cape Town.

List of Interviewees

Professor Halton Cheadle (Professor of Public Law), University of Cape Town. Telephonic interview 4/2/2013

Mr Ian Macun, Department of Labour. Telephonic interview 7/3/2013